

South Saskatchewan River Basin Water Management Planning – Phase #1 Bow Basin Advisory Committee Meeting Approved Meeting Notes

Location: Trans Alta Utilities, 110 - 12 Avenue SW, Calgary, AB
Time and Date: 6:00 PM –9:30 PM, Wednesday November 7, 2001

Attendees

Bob Morrison
Mark Bennett
Matt Kennedy
Howard Heffler
Sarah Hamza
Richard Phillips
Jim Webber
Rob Wolfe

Steve Meadows
Neil Hollands
Tish Kilburn
Heinz Unger
Menno Homan
Roger Drury
Norm Carlson
Andrea Czarnecki

Hugh Pepper
David Hill
Saba Gnanakumar
Mona Keffer
Gary Kindrat

1. Welcome

- Mark welcomed members to the meeting and indicated that the BRBC Board of Directors has reconfirmed their support for this project. In addition, the Board nominated Steve Meadows as Chair for both the BRBC/BAC Steering Committee (BAC members that are also on the BRBC Board of Directors) and the Bow BAC.

2. Review of Meeting Notes

- Approved with no changes.

3. Review of Agenda

- Approved with no changes.

4. General Meeting

- **General Discussion:** One member requested clarification on how the recommendations of the Bow BAC will be used. Bob clarified that the recommendations will be part of input (along with input from the other three BACs) to be used in the development of the SSRB Water Management Plan (WMP). Bob began the session by reviewing answers to the previous meeting's questions. Additional questions and answers were distributed by Steve in response to his own questions. One member suggested that the Department of Fisheries and Oceans (DFO) may take a more active role in the future and this may have impacts on the amount of water kept for instream uses. Bob introduced the concept of "reasonable prospects" with regard to the concept of "use it or lose it" and added that more details on "licences in good standing" will be available shortly. A discussion on the potential pitfalls of "use it or lose it" from a conservation perspective followed. Bob suggested that members consider these potential pitfalls under matters and factors.

- **Request for Presentation:** A request was put forward to have a presentation on administrative guidelines regarding “licences in good standing” at the next meeting. Bob indicated that he would see what he could do.
- **General Discussion:** The discussion continued with a focus on reservoirs. Bob clarified that the priority system does not apply to water stored in reservoirs. One member noted that it is important to remember that, with a transfer, you are not transferring water, you are only transferring a licensed allocation. Bob clarified that an instream licence could only be held by the government.
- **Additional Information:** Bob provided an application for transfer within the Highwood River Basin where the Lieutenant Governor in Council has authorized the Director to consider this application.
- **General Discussion:** Bob clarified that AENV monitors water quantity to see if licences are being used as intended. There are two ways to initiate the process, 1) in response to a complaint or 2) periodic inspections by AENV. Education of water users is also part of this system. The results of these monitoring activities are part of the public record. One member added that some of the licences require the licensee to monitor water use.

5. Workbook Discussion Synopsis

- **General Discussion:** Bob suggested reviewing the list in its entirety first and then working on details later. One member suggested developing a list of principles governing the matters or factors to consider, and Bob suggested using the list server to compile these principles. There was no conclusion on who would initiate this question.
- **Review of Table:** The table from the October 17, 2001 meeting notes was reviewed in its entirety. The revised table is included below with changes. (Editor’s Notes: Please refer to the footnotes for additional discussion or points related to the topic. Deleted points with rationale are included in the second table.)

Must a Matter or Factor be Considered When Making a Decision on an Application for Transfer of an Allocation Under Licence?			
<u>Matter or Factors Discussed</u>	Must	Different Views	May
Rate (including diversion, consumption, return flow, environmental effects, allocation of water historically used, evaporation and other losses from the water being diverted downstream)	•		
Timing (including diversion, consumption, return flow, environmental effects, allocation of water historically used)	•		
Location	•		
Change in water quality	•		
Existing, potential or cumulative effects on the aquatic environment (including riparian areas)	•		
Existing, potential or cumulative effects on any applicable water conservation objective	•		
Existing, potential or cumulative hydraulic, hydrological, and hydrogeological effects (including the linkages between surface and ground water; and apportionment with Saskatchewan ¹)	•		
Existing, potential or cumulative effects on household users, traditional agriculture users and other licensees	•		
Effects on public safety (including fire protection and effluent dilution)	•		
Other matters that the director considers relevant ²			
Speculation in water allocations ³			▪

¹ Bob clarified that apportionment is a contract between 4 governments. Alberta’s policy is to honor this contract.

² The Bow BAC decided to leave this blank intentionally with the view that it is not applicable.

³ Some members felt that the market will take care of speculators. Bob reiterated the concept of “reasonable prospects” and added that individuals must be able to use the water. One member felt that this was predicated on

Cumulative social effects ⁴		▪	
Security of water supply ⁵		•	
Not allowing those with “excess” allocation (i.e., allocation acquired for future needs) to transfer their excess allocation		•	
Water conservation (including irrigation rehabilitation)		•	
Monitoring and enforcement: How do you make sure the water gets to the person who bought the allocation? Agreed that monitoring and enforcement should be sufficient to allow transfers to be done in a sustainable fashion. Differing views on whether or not that level of monitoring and enforcement must be in place before transfers are allowed.		•	
No net loss of environmental quality		•	
Wildlife impacts		•	

- **Items Deleted from Table:** The following items were deleted from the table. Rationale provided.

Purpose	Covered under speculation.
Is there enough data available?	To be covered under monitoring and enforcement discussion.
How far the allocation will be separated from the original land or undertaking	Covered under location.
Evaporation and other losses: How to account for change in losses due to change in location?	Covered under rate (note addition).
Changes in what the “public good” means	Covered under environmental, social, economic impacts and public safety.
Guidelines for the water withheld for protecting the aquatic environment or implementing a WCO	Will be covered in the next section on holdbacks.
Is it actually possible to use a licence to implement a water conservation objective?	Guidelines will be provided shortly. Bob indicated that it is possible.
Suspension of a transfer (example: where the transfer is in effect during most years, but the allocation reverts back to the original licensee during a dry year)	Covered in answers to questions.
Licences with no maximum allocation (e.g., TransAlta)	Covered in answers to questions.
Giving something back to nature, in particular, providing money to make that happen	Covered under other issues. Funding may be one of the considerations.

- **Questions for Follow-Up:**

- What if sellers make foolish decisions?
- What are the experiences in other jurisdictions concerning speculation and security of water supply?
- What happens when a buyer, who has entered into a temporary transfer agreement, does not use a portion of that water allocation for a period of 3 years and as a result has that portion of the licence cancelled? Does the seller ultimately lose that portion of the licence?
- Should instream needs have a priority? (*Bob indicated that this is a question the BAC is to provide advice on.*)

- **Action:**

satisfactory monitoring and enforcement. Various methods to potentially manipulate the system were discussed. Conclusion: “May consider” was selected because it was felt that the necessary provisions are in place.

⁴ Bob clarified that most water transferred would not invoke an Environmental Impact Assessment (EIA). If an EIA is required, social effects would be considered. A few members felt that social effects are more important than environmental or economic effects and to fail to access them would be a mistake. One member felt that the size of the transfer is what is really important; another felt that the process would become too onerous if too much is requested for consideration. An example of social impacts in Colorado of transfers from irrigation to industry was discussed.

⁵ One member suggested leaving some items as “may” to prevent the process from becoming too onerous. Others felt that it must be considered due to its fundamental importance.

- Menno to initiate list server dialogue on security of supply (or related question).
 - Heinz to initiate list server dialogue on social implications (or related question).
 - Dave will set up a voting site for the remaining points on the list server.
- **Decision:** Agreed that meetings would finish at 9:30 PM instead of 10:00 PM.

6. Water Availability Assessment

- **Highlights:** Bob reviewed the water availability materials. Four potential scenarios based on current laws and policies were examined (including a maximum scenario where every licence is used to the maximum every year). Bob provided a handout summarizing the key points. One member added that the majority of larger licences are held by public authorities (e.g., irrigation districts, municipalities) that are unlikely to use transfers. Another member disagreed. Bob noted that we have excellent records for natural flow and that past flows were assumed to be future flows for this analysis. Bob reviewed the workbook questions for the next meeting and asked members to think about these items.
- **Requests for Information:**
 - Request for field inspection information (Highwood Basin, 2001, other?).
 - Request for a map indicating the locations of monitoring stations (quantity and quality). Also to include frequency of sampling. Irrigation districts and TAU agreed to forward this information to Bob.
- **Action:**
 - Irrigation districts (Dave, Richard and Jim) and TAU (Roger) to forward data as indicated above.
 - Mark indicated that the Board would like to prepare a report (or similar) to allow the BRBC to put their stamp of approval on the outcome. Mark will try to get a sample format together for the next meeting.

7. Closing

- **Comments:** Bob thanked members for their involvement and noted the excellent discussion to this point.

8. Next Meeting

- Wednesday November 21, 2001 6:00 – 9:30, Trans Alta Utilities, 110 - 12 Avenue SW, Calgary, AB
 - Review Meeting Notes and Agenda
 - Complete Matters and Factors Question (30 minutes)
 - Complete Holdbacks Question (60 minutes)
 - Complete Evaluation of Transfers Question (60 minutes)

9. Contingency Meeting (If Required)

- Wednesday November 28, 2001 6:00 – 9:30, Trans Alta Utilities, 110 - 12 Avenue SW, Calgary, AB