

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 21, 2001

Attendees

Bob Morrison
Mark Bennett
Matt Kennedy
Howard Heffler
Sarah Hamza
Richard Phillips

Steve Meadows (Chairman)
Judy Stewart
Tish Kilburn
Heinz Unger
Rob Wolfe
Roger Drury

Norm Carlson
Andrea Czarnecki
Saba Gnanakumar
Jim Webber
Gary Kindrat

1. Welcome

- Steve welcomed members to the meeting. (Ed. Note: At the previous meeting BAC members unanimously concurred with the BRBC Board recommendation that Steve Meadows be the BAC Chairman).

2. Review of Meeting Notes

- Approved with no changes.

3. Review of Agenda

- Approved with no changes.

4. General Meeting

- **General Discussion:** Bob began by providing members with copies of the most recent list server correspondence and by reviewing the series of fact sheets and the social impacts list server synopsis. A review of the decisions made on matters and factors from the previous two meetings followed. The first item discussed in detail was social impacts. One member noted how difficult it is to measure social impacts while another highlighted the need for data to clearly evaluate social impacts. The nebulous nature of social impacts was also raised. One member noted that even the most minor of transfers have social impacts to some degree. Using examples from New Mexico and California, Bob attempted to highlight some of the issues observed in other jurisdictions. One member stressed the importance of allowing an average person to participate in initiatives that involve water (without being subject to extreme costs), and suggested that the question be broken into two parts where quality of life is a “may” and socio-economic impacts is a “must”. Another member felt that social impacts were effectively covered earlier under cumulative effects. These points led into a discussion about “public interest” and the role of the government decision-maker in determining public interest.
- **Summary of Discussion:** Under the category of social impacts, the BAC’s advice is that “public interest” needs to be defined and triggers need to be determined for when social impacts should be evaluated.

5. Workbook Question #1:

- **Question 1:** What matters or factors should be included in the South Saskatchewan River Basin Water Management Plan for consideration in making a decision on a transfer of an allocation of water under a licence?

*Please note the additional information contained within the footnotes below.

Must a Matter or Factor be Considered When Making a Decision on an Application for Transfer of an Allocation Under Licence?			
Matter or Factors Discussed	Must	Different Views¹	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)	•		
Existing, potential or cumulative effects on household users, traditional agriculture users and other licensees	•		
Effects on public safety (including fire protection and effluent dilution)	•		
AENV must define “public interest” and determine triggers for when social impacts will be evaluated.	•		
Other matters that the director considers relevant ²			
Speculation in water allocations ³			▪
Cumulative social effects ⁴		▪	
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 ⁵		•	
Wildlife impacts		•	

¹ One member noted that the differing views are a result of insufficient time and/or information.

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 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 assess 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 felt that “no net environmental loss” is adequately covered by the aquatic environment bullet. Another suggested that the entire process is predicated on “no net environmental loss”.

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

<u>Matter of Factor Discussed</u>	<u>Rationale</u>
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.
Security of water supply ⁶	Covered under social impacts.
Giving something back to nature, in particular, providing money to make that happen	Covered under other issues. Funding may be one of the considerations.

6. Workbook Question #2:

- General Discussion:** One member felt that the holdbacks are a unique opportunity and the 10% should be applied in all cases (regardless of the level of stress). He also noted that the across the board value would also result in a fair operating system. Another member questioned the need for holdbacks when dealing with small transfers (i.e., under a certain volume). Timing was highlighted as being extremely significant and one member pointed out that lower flows at certain times of the year will produce environmental benefits. An example using the Bow River was provided. The same member felt the decision should be left to the Director’s discretion. Another member, felt that the 10% figure was arbitrary, questioned where the amount originally came from, and suggested that the Director should take out the 10% for non-stressed reaches, and an additional amount for stressed reaches. Cash in lieu of the 10% was suggested; Bob noted that this is presently not allowed. One member noted that during the winter months, the Bow is running at much higher than natural flows and suggested reading Golder Associate’s Instream Flow Needs Report, in particular, the section on optimum flows. One member felt the Director should be able to purchase water at the going rate if needed for a particular stretch of river; another felt it is the responsibility of the Government to protect water in times of scarcity. A discussion on timing followed. Bob reiterated that timing is one of the matters and factors the Bow BAC is recommending be considered by the Director. One member expressed concern over transferring a summer use to a winter use (i.e., how can you transfer something you do not have?). Bob clarified that a change in the timing of a transfer might be possible (upon Director’s approval).
- Task Assignment:** Bob will try to find more information on comparisons of natural flow and instream needs (and the relation to optimum flows) for the Bow River and get this information back to the Bow BAC members. Roger will post additional information on the list-server. Andrea will determine how many licences there are in the Bow Basin.
- Question 2a:** What factors should be included when considering the withholding of water to protect the aquatic environment or implement a water conservation objective?

⁶ One member suggested leaving some items as “may” to prevent the process from becoming too onerous. Others felt that is must be considered due to its fundamental importance.

- **Response 2a:** All items as noted in Question #1 should be considered.
- **Question 2b:** Should a fixed percentage of water be withheld (10% or less) or should the percentage be left to the discretion of Alberta Environment?
- **Response 2b:** Ten percent should be withheld unless otherwise approved by the Director. The Department must clearly define the circumstances under which the Director will be permitted to withhold less than 10%. In addition, the Department must try to apply withheld water to the period(s) when water is needed in the stream for the aquatic environment or Water Conservation Objectives.

7. **Workbook Question #3:**

- **Related Recommendations:** It was suggested that transfers must be subject to review. In addition, adequate public notice when transfer applications are received was viewed as essential. Suggested methodologies for public notices include:
 - an electronic registration list where interested individuals will be contacted automatically with each new public notice (similar to the list-server);
 - inclusion of public notices of transfer applications on the website;
 - a water title registration system similar to the Land Titles system;
 - public notices advertised in papers at both ends of the transfer;
 - specific notifications for all who may be affected;
 - standard notification of municipalities.
- **Question #3:** What information should Alberta Environment be tracking concerning water transfers?
- **Response #3:** [Editor's Note: The results below are largely the result of a brainstorming session and as such, a detailed analysis of each point below was not conducted.]
 - Quantity of land to be irrigated;
 - Quality of land to be irrigated (e.g., salinization and erosion potential, land rating);
 - Impact on vegetative cover;
 - Socio-economic changes (e.g., new user fees);
 - Number of applications, volume, and number approved;
 - Price (objections were noted due to privacy concerns);
 - Timing (in critical season?);
 - Purpose (from what use to what use?);
 - Any matters and factors considered by the Director should be tracked for a period of time to verify the performance of the decision;
 - Amount withheld;
 - Quality of water;
 - Monopolies;
 - Are the transfers temporary or permanent;
 - Shifts in location;
 - Effective date of change;
 - Complaints from groundwater users;
- **Decisions:** It was suggested (with an apparent great deal of support) that an annual water transfer report be prepared summarizing the data and highlighting applicable trends (i.e., not just providing data, but making sense of it all). It was also agreed that the list in Response #3 as noted above will remain "as is", however, the BRBC may add additional items in their written submission.

8. Additional Question #4

- **Background:** Additional question provided to BAC's at the request of Peter Watson, AENV Director, Bow Region.
- **General Discussion:** A couple of members reiterated the importance of enforcement in order for the process to work effectively. Another member pointed out that the priority date of the licence will become increasingly more important.
- **Question #4:** Should Alberta Environment stop issuing new licences as part of implementing transfers (e.g., impose moratoria)?
- **Response #4:** No, it is not relevant to the transfer situation.

9. General Comments

- **General Discussion:** One member indicated that the workbook format was highly stifling for those with creative energy. Bob noted that the BAC is intending to provide additional comments in the form of a submission/cover letter. Bob clarified that meeting notes from the four BAC's will be combined and this will be part of the data presented in a series of open houses in the early part of the new year. One member suggested that it is important to clearly identify this project as Phase #1 of the Water Management Plan. Bob added that the BAC is free to suggest additional phases and clarified that water quality will be covered under the instream needs work. A couple of members suggested that a follow-up workshop with all four BACs would be useful (in addition to the open houses). One member indicated that he would like to see an outline for the SSRB Water Management Plan. Mark added that the Water Management Framework will be out shortly and added that this is a legal requirement.

10. Closing

- **General Discussion:** Bob noted that the task originally asked of the BAC has been completed and thanked the BAC members for their hard work and efforts. It was decided that an additional meeting would not be necessary and Mark suggested that members send him any additional comments. Additional workbook comments can be sent to Bob. Mark noted that the BRBC submission (in addition to the meeting notes) will largely focus on items of process. Mark reiterated that BRBC members were advised to work through their respective representatives.
- **Decision:** The meeting notes will be reviewed using e-mail. Mark will lead this review. Steve and Bob will report to the BRBC on December 12, 2001. The list-server will remain active.

11. Next Meeting

- It was agreed that no further BAC meetings would be required for Phase 1.