

Proposed Amendments to the *Water Act* to Improve Availability

Water is a precious resource and must be managed to meet the province's growing needs. A resilient and efficient water management system is essential for safeguarding the health of Alberta's communities, environment and economy.

Alberta's growing population, economy, and climate variability are placing pressures on water availability, in terms of both the quantity of water available within river basins and the availability of licences for water use, limiting the potential for growth across sectors such as agriculture and industry as well as municipalities.

As part of the province's ongoing work to increase water availability, the government engaged Albertans in fall 2024 to early 2025 to hear ideas on how to strengthen the water management system to enhance availability for years to come.

This second phase of the water availability engagement is focused on addressing administrative barriers and opportunities to enhance water availability as identified from recent engagement feedback. It does not address all the opportunities put forward by Albertans to enhance water availability.

The engagement will be guided by the following objectives:

- support continued water conservation, efficiency, and productivity;
- free up and optimize use of available water; and
- improve access to existing water sources, including timely decision-making.

The Government of Alberta wants to understand your views on the proposed changes to the *Water Act* to improve water availability in the province, including:

1. Streamlining decision making for water licensing and transfers;
2. Enhancing water use information to support effective and transparent management of water by all users, including licencing and licence transfers;
3. Enabling lower risk inter-basin transfers; and,
4. Enabling the use of alternative water sources (e.g., rainwater, stormwater, wastewater).

Please use the [Discussion Document on Enhancing Water Availability – Engagement on Proposed Amendments to the Water Act to Improve Availability](#) to complete this survey. It supports the review of proposed *Water Act* amendments and provides information to support public, water-using sector, Indigenous community and others feedback to inform any change.

The survey will take 45-90 minutes to complete.

Please submit your completed survey to your local Environment and Protected Area office or submit it by email to epa.water@gov.ab.ca by June 30, 2025.

FOIP Collection Notice

The views or opinions you provide, as well as the personal information about you, are protected by the *Freedom of Information and Protection of Privacy* (FOIP) Act. We are collecting this information to help inform decisions about water availability, as authorized by Section 33(c) of the FOIP Act. We will not use or disclose your personal information for any other purpose without your written consent or unless required to do so by law.

If you have questions about how we collect or use your information, contact Executive Director of Water Availability and Partnerships at 9820 106 St, Edmonton, by calling 780-903-3705 or emailing epa.water@gov.ab.ca.

Please do not submit responses that include personal information about other people.

Section 1 - Streamlining decision making for water licensing and transfers.

Refer to section 1 of the discussion document.

Feedback from the first phase of engagement noted that current rules prevent water licensees from making relatively minor changes to where they use water and where water is diverted. Currently, changes in location require a new licence to be issued or a licence transfer, even if the change makes no discernable difference to other water users or the aquatic environment.

Rules preventing alterations of point of use or point of diversion may strictly maintain licence priorities (FITFIR) and water management on a watershed basis, but can be overly administrative and costly to licensees, especially for those seeking to increase water efficiency and productivity. Modernizing our water management system to enhance availability requires giving water users the freedom to adapt and improve how water is used without restrictive rules that lock-in old practices linked to when a licence was originally granted.

In addition, there are opportunities to streamline and define Environment and Protected Area’s (EPA’s) administrative service standards for correcting licensing errors, providing notice to appropriate parties, limiting requests for supplemental information, and the timeliness of application decisions.

1.1 Point of use

Currently, under section 54(1)(b) of the *Water Act*, a licensee applying to change or add points of use on an existing licence must be within the land specified in the licence or the plan attached to the licence. Changes or additions to the point of use outside of the licensed specifications requires a new licence, or a licensee to apply for a transfer to themselves, for the expanded scope.

A typical scenario is a user wants to add pivot at point of use outside of the licence boundary, where other factors including the point of diversion, volume of water, and timing of withdrawal remain the same. From an environmental perspective, where it is used is unlikely to be important, especially if return flow is to the same basin.

Indicate your level of support for changing section 54 of the *Water Act* to allow licence amendments of licences to be able to add points of use, areas or boundaries outside the original point of use specified in the licence.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

Requiring a new licence or licence transfer for a change or addition of points of use builds in a level of due diligence to ensure no negative impact will occur, in comparison to the proposed change, which assumes no negative impact as default and increases unnecessary risk. For example, should a diversion point be moved upstream, the aquatic ecosystem between the old point and the new point would now be receiving less flows than it is accustomed to, which could have negative impacts depending on when and where the allocations are withdrawn. To prioritize the sustainable, responsible management of water, Alberta should follow the precautionary principle where evidence is required to demonstrate no unnecessary or adverse impacts occur. This change would also further diminish regulatory and management function of the government. If amending anything with regard to point of use, the focus should be on increasing public review and transparency under the *Water Act*.

1.2 Point of diversion

Currently, under section 54(1)(b) of the *Water Act*, a licensee applying to move or add a point of diversion for an existing licence must be within the same land specified in the licence or the plan attached to the licence. A proposed change in point of diversion must not adversely affect the water rights of others (household users, other licensees, or traditional agriculture users), nor the ability to conserve or manage a water body.

Indicate your level of support for changing section 54 of the *Water Act* to allow licence amendments to add or change a point of diversion outside the original land specified in the licence or plan attached to the licence, provided there is no adverse effect on the water rights of others nor on the ability to conserve or manage a water body.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

As discussed in 1.1, the current process builds in due diligence, whereas this change only stipulates that there must be no "provided there is no adverse effect on the water rights of others nor on the ability to conserve or manage a water body". It otherwise has no consideration for aquatic ecosystems, instream flow needs, environmental processes and function, etc. If amending anything with regard to point of diversion, the focus should be on increasing public review and transparency under the *Water Act*.

1.3 Director-initiated amendments that correct certain errors to benefit of licensee

Along the South Saskatchewan River, many licences contain instream objectives that were based on apportionment assumptions that no longer apply due to changes in water management (specifically the addition of the Oldman and Dickson dams). Correction of the outdated apportionment assumptions would enable licensees to gain access to water during lower flow conditions. Due to *Water Act* rules (section 54), Directors are unable to take initiative to correct the error to maximize water availability for licensees.

If there is a potential correction or amendment that benefits the licensee, the Director cannot easily implement the change. In this case, under the *Water Act* (section 54) the Director can only correct a clerical error, or a licensee can apply for an amendment, which is administratively inefficient (particularly if the same amendment is required across multiple licences) and means licensees will often not seek or receive the benefit they are entitled to.

Indicate your level of support for the Director being able to initiate corrections or amendments to licences where the amendment results in an ability to access water in lower flow conditions.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

No changes should be permitted that would risk further reducing instream flows in already overallocated watersheds in the South Saskatchewan River Basin, particularly during "lower flow conditions". Enabling licensees to gain access to water during lower flow conditions risks degrading aquatic and riparian ecosystems, fragmenting habitat, harming aquatic species, reducing rivers' structure and function, losing ecosystem services, and at worst, running the rivers dry. This is an incredibly worrisome proposal considering many rivers like the Oldman and Bow, are overconsumed during dry years, and already do not meet their Water Conservation Objectives. In the absence of statutory protections for the environmental needs of the rivers, this amendment cannot be adopted. Further, what constitutes a lower flow has not been defined here, which means anyone taking this survey cannot make an informed decision on this question.

1.4 Notice to appropriate parties

There are numerous provisions within the *Water Act* where there is a requirement to provide notice. Notice requirements are intended for significant stages of an application or decision. Requirements to provide notice may fall to the applicant, the holder of the authorization, delegated actors, the Director, etc. In some cases where the holder of the authorization is not the one submitting an application (e.g., a consultant is applying on their behalf), notice may only be issued to the applicant, and not the holder of the authorization.

Indicate your level of support for amending notice provisions (e.g., section 37(1)) within the *Water Act* to require notice to be issued, not only to the applicant, but also to the holder of the authorization.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

1.5 Time limits on issuance of authorizations

Currently, Part 4, Division 1 (Approvals) and Division 2 (Licences) of the *Water Act* describe the form and manner for applications and the Director's ability to render decisions about them. The Water (Ministerial) Regulation states that an application review shall not start unless and until the application is complete. Authorizations under the *Water Act* are issued following a full course of review by the decision-maker under the act, and may include potential requests for additional information. This may result in widely varying timeframes depending on the complexity of the application and the potential impacts that must be assessed and mitigated.

Indicate your level of support for introducing designated time periods in the *Water Act* or its Water (Ministerial) Regulation for specific stages of an application or decision for reviewing and issuing new or amended authorizations.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

Creating a blanket timeline that decisions must be made within degrades the ability of decision-makers to properly evaluate and assess applications - as the question notes, varying timelines are due to "the complexity of the application and the potential impacts that must be assessed and mitigated". Time limits could arbitrarily undermine the ability of government to gather evidence and assess the full implications of a project, resulting in rush decisions to push applications through. This poses unnecessary risk and unanticipated consequences, running counter to sound and effective water management.

1.6 Limit supplemental information requests

Currently, a supplemental information request is not defined in the *Water Act* or in regulation. Both approval (s.37) and licence (s.50) application sections allow the Director to require the applicant to submit any additional information within any period specified. The decision considerations (must and may) for the Director are outlined in sections 38 (approvals) and 51 (licences), and the Director can ask for as much information as needed to make, and then to defend if appealed, the decision. Scope varies widely between simple and complex decision types that are difficult to pre-specify.

Indicate your level of support for limiting the number or scope of requests for information to complete the application by amending sections 37 and 50. For example, one supplemental information request, with any follow-up limited to clarifying the content of the supplemental information provided.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

Limits on supplemental information requests risk decisions being made with insufficient information. In the application process, it is common to see deficient applications that require multiple supplementary information requests to gather all the information necessary to make an informed decision, otherwise omitted by the proponent. This change is only feasible if following a supplemental information request whereby a proponent fails to provide the requested information as directed, applications are immediately denied on the basis of being incomplete.

1.7 New and expanded exemptions (not an act change)

In addition to the proposed *Water Act* changes listed above to streamline decision making, feedback from the first phase of engagement identified opportunities for new or amended exemptions from requiring a water licence or approval.

Indicate your level of support for changes to exemptions listed in the *Water (Ministerial) Regulation (Schedule 3)*, propose to include:

- Increased allowable quantities and/or size of some existing categories, including dugouts, stormwater ponds, and wetland replacement projects; and
- New exemptions for:
 - emergency preparedness, including for fire prevention, fire training, spill response training;
 - bridge and sign washing;
 - dust control;
 - green area borrow pits;
 - rainwater collection; and
 - riparian vegetation restoration.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

All water use should be accounted for through licences. Allowing exemptions and increasing the scope of these exemptions creates a defacto priority for use, which contravenes the First In Time, First In Right or FITFIR principle (which although problematic in its own right, is the basis of our Water Act). This form of deregulation fails to consider the cumulative effects on watershed health potentially posed by small but numerous water uses outside the allocation and licencing monitoring system, which increases undue risk, particularly in times of drought or other constraints on supply.

Section 2 - Enhancing water use information to support effective and transparent management of water by all users, including licencing and licence transfers

Optimizing Alberta’s variable water supplies requires reliable water use data to support informed and timely water management decisions by all water users. Improved measuring, reporting and data will enhance coordination of reservoir operations, strengthen instream flow monitoring, and help clarify how water is being used across the province. This is particularly important given the expressed concerns about over-delivery to Saskatchewan under the apportionment agreement - concerns that can be addressed through accurate, transparent data.

These efforts will fully maintain Alberta’s first-in-time, first-in-right (FITFIR) principle, with no intent to introduce fees or pricing nor reduce allocations. Better data will also support increased water availability by identifying unused volumes, supporting water transfers, and streamlining issuance of new licences to help growth across sectors, while continue to protect aquatic ecosystem health.

Environment and Protected Areas is continuing efforts to modernize its data and reporting systems to support users in making informed water management decisions. For instance, the department is in the process of digitizing *Water Act* records, including water license records, approvals and registrations. This will provide Albertans with ability to query the records.

Water licences can also now be viewed by geographic location on a public viewer (<https://geospatial.alberta.ca/erv/>), providing better functionality and access to licensee and licence information.

Reporting also plays a critical role in supporting compliance assurance by providing both transparent information on current water use as well as adherence to licensing terms and conditions. Regular, consistent, and accurate reporting supports water managers in making timely decisions and helps identify potential risks, gaps, or non-compliance issues, ensuring that corrective actions can be taken promptly. Enhancing consistency, frequency, and transparency of reporting supports licence holders and water managers in demonstrating accountability and building public trust.

2.1 Standardizing measurement and reporting

Most medium to large licences in Alberta, which account for most of the water allocated in the province, have mandatory reporting requirements. Currently, water use reporting by licensee is varied and inconsistent, which hampers the ability to optimize water availability.

Some measurement and reporting currently occurs in different forms that licence requirements, such as irrigation districts providing daily or weekly use and demand estimates to Alberta Agriculture and Irrigation to support district and water reservoir operations, and also providing annual water diversions to inform annual provincial irrigation reports.

2.1.1 Authority for introducing new, standardized measurement and reporting conditions

Section 54 of the *Water Act* only allows the Director to amend existing measuring and reporting conditions on a licence. If no such conditions exist, the Director cannot add them unless the licensee requests it. This limits the ability to require consistent and standardized measuring and reporting across all licences and creates gaps in water use data.

Indicate your level of support for amending section 54 of the *Water Act* to give the Director the authority to add, remove and amend the measuring, reporting, and inspection conditions on all licences, regardless of whether such conditions currently exist. This change would enable consistent water use reporting across all licence types, supporting better data, planning and management.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

This change is supported with one clarification; all licences should have monitoring, reporting, and inspection requirements, and the Director should only have the ability to amend (not remove) those requirements.

2.1.2 Applying measurement and reporting conditions to deemed licences

Currently, under section 18, any authorizations and licences prior to 1999 are considered deemed licences under the *Water Act*. The terms and conditions of the deemed licences prevail over any conflicting provisions in the act, including those related to measuring and reporting. As such, the Director cannot introduce new measurement or reporting requirements to these licences—only amend existing ones, if present.

Indicate your level of support for amending section 18 of the *Water Act* to introduce authority for the Director to establish new, or amend existing, measuring and reporting conditions for deemed licences without affecting other existing terms and conditions. All other terms and conditions related to a deemed licence would continue to prevail, ensuring legal standing and priority rights remain unchanged.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

This change is supported with one clarification; all licences prior to 1999 should not be exempt from establishing other terms and conditions on their respective licences as well, like water conservation objectives. Grandfathering in exceptions means the *Water Act* is not being applied fairly, where older licenses don't have to adhere to the same environmental safeguards and protections of those more junior.

2.1.3 Standardizing measurement and reporting conditions

Currently, the *Water Act* does not expressly authorize regulations to define what parameters must be measured, how often reporting must occur, or to apply requirements differently based on licence type, size, or location. Most requirements are embedded within individual licence conditions, leading to inconsistent enforcement and limiting ability to implement standardized or evolving conditions.

Indicate your level of support for amending section 169 of the *Water Act* to include regulation-making authority for standardized measuring and reporting requirements. This would enable clear definitions of parameters, frequency, and reporting methods; allow flexibility to tailor requirements by region or licence type (e.g., not requiring specific metering equipment); adapt to new technologies or drought and environmental pressures; and reduce administrative burdens through streamlined, automated systems.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

2.1.4 Amalgamation of licences while preserving priority of original allocations

Some licensees have obtained multiple water licences over time (in some cases, up to 20 or more) for water that is diverted through the same infrastructure. If the licensee requests amalgamation of their licences, and other conditions are met (section 56(1)), the Director must assign the highest priority number among the water allocations that are amalgamated (section 56(2)). In practice, this rule prevents licensees from amalgamating their licences, and in turn creates barriers to measuring and reporting as licensees must go through the complicated process of reporting water use against different licences.

Indicate your level of support for repealing section 56(2) of the *Water Act* to retain the original priorities of individual water allocations within an amalgamated water licence. This would simplify and support accurate reporting as licensees could report the total water used within EPA's Digital Regulatory Assurance System without risking a false exceedance of their allocated volumes by reporting water use against the wrong licence.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

This amendment could create compliance and enforcement confusion and may result in the loss or undermine any protective conditions associated with a given licence. The current system recognizes the trade-off of seeking amalgamation. If the Director were to allow amalgamation, the licence with the most environmentally protected provisions must be adopted across all the licences being amalgamated.

2.2 Defining licences in good standing

Currently, the *Water Act* does not define what constitutes a licence being “in good standing,” but the term is referenced in regulatory processes such as licence renewals and transfers. Currently, failure to comply with measuring and reporting conditions does not formally affect the good standing of a licence, which limits the ability to use non-compliance as a basis for administrative action. Confusion on good standing criteria may also be a barrier to licence holders that may have water that could be made available to transfer to another user. While the term isn’t explicitly defined with in the act, the [Administrative Guideline for Transfer of Water Allocations \(2014\)](#) provides criteria for determining a licence not in good standing.

Indicate your level of support for defining criteria for good standing in the *Water Act* or policy could serve to both support compliance with measuring and reporting requirements, and ensure that licence holders have confidence in freeing up water for potential transfers. This would create a practical compliance tool that helps promote accountability by linking timely reporting to eligibility for renewals, transfers, or other administrative actions.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

This change is supported with one clarification; the public must have the opportunity to consult on what criteria will ultimately define what constitutes a licence in good standing.

2.3 Transparency to support water licence transfers

As outlined in the discussion document, water allocation transfers will remain enabled and no new volumetric pricing of water is being considered.

Feedback from the first phase of engagement on enhancing water availability indicated that publicly available information could support additional transfers and operators’ water management planning, including transparency on the price paid for transferred water (which can be reported in board or committee meeting records). Readily available information on water transfers could support economic development and investment in regional areas, by assisting investors such as food processors to assess water availability in areas where they are seeking to develop.

2.3.1 Collecting information on details such as prices paid for water licence transfers

Currently, section 81 of the *Water Act* requires that a transfer must contain or be accompanied with any information required by the Director. Any money exchanged is not currently something that government requests as part of a water transfer application, receives as information, nor factors into its decision-making. Any private arrangements for costs associated with securing a transfer between parties involved are not typically shared with the public by those parties.

Indicate your level of support for introducing new requirements for parties involved in a transfer to disclose additional information on details of transfer (including prices paid).

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

2.3.2 Publishing information to support water licence transfers

Currently, there is no public platform for accessing key water licence information to support transfers. Private brokers currently help facilitate transfers, but users lack easy access to data such as licence details, historical use, and availability. This limits transparency, informed decision-making, and broader participation in the transfer system.

Indicate your level of support for creating a public platform to publish information on water licences, use, and transfers. This would support transparency, reduce reliance on intermediaries, and improve access to information for those seeking to understand and engage in water transfer opportunities.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

Section 3 - Enabling lower risk inter-basin transfers

Refer to section 3 of the discussion document.

Under the *Water Act*, all inter-basin transfers require approval by special act of the legislature for a water licence can be issued - even for small-scale, lower risk projects - with the exception of during a declared water emergency. Environment and Protected Areas works closely with applicants to assess whether legislative approval is likely before advancing a licence application. These applications must meet all the standard regulatory requirements, including environmental review and public notice.

Including in the *Water Act* the requirement for special act of the legislature for an inter-basin transfer was a result of concerns related to bulk water transfers. And feedback from the first phase of engagement on ideas to enhance water availability included concerns about moving significant volumes of water from northern Alberta basins to southern basins, without adequate consideration, controls and oversight. No changes are proposed for higher risk forms of inter-basin transfers.

The requirement of a special act of the legislature for lower-risk forms of inter-basin transfers can be an impediment to ensuring safe drinking water supplies, and in some cases may unnecessarily increase costs (such as for regional wastewater treatment systems) or be a barrier to reducing environmental impacts (particularly for oil and gas operations). For example, an alternative water source to freshwater may be located nearby to an oil and gas operation that crosses two major river basins. If the alternative water source is located in another major river basin from where it is used, the oil and gas operator would first need to seek approval to use the alternative source via a special act of the legislature.

Agricultural farms and other entities such as municipalities may also happen to span the border of two major river basins. In such cases, any movement of water across a major river basin divide - however small in volume - would require a special act of the legislature.

Also, groundwater management across surface water-based watersheds might also be considered lower risk, especially if hydrogeological flow does not mirror hydrological boundaries.

If the *Water Act* or its regulations were amended to allow lower risk inter-basin transfers without a special act, licences and transfer assessment processes would still be required. Full regulatory review—including environmental assessment, opportunity for public notice and appeal—would continue to ensure impacts to water users and aquatic environment are carefully managed.

3.1 Establish criteria for a lower-risk category of inter-basin transfers

Currently, any licence transfer that crosses a major river basin boundary must be authorized by a special act of the legislature. The *Water Act* does not provide for any flexibility in the size, purpose, surface or groundwater source, or details of the transfer. The only exception is during a declared water-related emergency, where section 107 gives the Lieutenant Governor in Council authority to approve an inter-basin transfer within the areas and time period of the declared emergency.

Indicate your level of support for identifying circumstances that would be defined in regulation as lower risk inter-basin transfers. These could include transfers for:

- Municipal water supply applications, for example regional water lines/systems.
 - Drinking water is high quality and poses little risk to people or the environment, particularly when piped between municipalities.
- Groundwater applications.
 - Aquifers typically yield much less water than surface water sources
 - The act could also consider hydrogeology, including aquifer properties as well as base of groundwater protection.
- Where a project or operation is located on both sides of a major river basin boundary, and the overall impacts would be lower if water is sourced from an adjacent major river basin compared to where water is used
 - If the project were located anywhere else, the licence would be relatively straightforward.
- Treated wastewater applications.
 - Reusing treated wastewater can avoid taking new water from a natural water body, reducing net environmental impact and could provide a net benefit even in an inter-basin transfer context.
- Applications that fall below a specified volume threshold, where the potential for adverse impacts is considered unlikely or is no greater than typical smaller *Water Act* licensing applications.
 - Amounts could be tailored to reflect the differences in major basin sizes and supply.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated? Share any feedback on situations or issues where special Act of the legislature would remain warranted.

Inter-basin water transfers can have physical, chemical, hydrological, and biological implications for both the donor and recipient basins. River basins have distinct characteristics, including acidity, turbidity, temperature, and chemical content of water, as well as the various species that reside within and near the aquatic environment. Inter-basin transfers result in the mixing of these distinct waters, leading to changes in chemical balance and habitat characteristics, and easing the movement of organisms that promote the introduction of invasive species and the spread of disease. More specifically, inter-basin water transfers may lead to "...the loss of biogeographical integrity, the loss of endemic biotas, the frequent introduction of alien and often invasive aquatic and terrestrial plants and animals, the genetic intermixing of once separated populations, the implications for water quality, the frequently drastic alteration of hydrological regimes, the implications for marine and estuarine processes, climatic effects, and the spread of disease vectors, amongst many others". The effect on hydrology is also important. Inter-basin water transfers can cause salinization and aridification in the donor basin, while increasing water availability in the recipient basin, affecting groundwater levels. The change in water availability may stress both the water-reliant communities in the donor basin and the drought-tolerant communities of recipient basins, with the potential to permanently alter these ecosystems. Wetlands can be vastly altered by diversions. Addition of water in the recipient basin may also cause salinization and water-logging of soils, thereby increasing erosion and channel scouring and destabilizing sediment in the receiving watershed, depending on the volume of transfer and the timing of the withdrawal. Greater sedimentation affects aquatic habitat and increases demands on water treatment. Water transfers may also be a source of increasing concentrations (reduced dilution) of salinity, metals or nutrients in donor basins due to diminished flowrates, as well as in receiving basins that may traditionally have lower agro-industrial loadings. It has been observed that changes in the nutrient concentrations due to water transfers caused "accelerated algae growth in part of the receiving reservoirs and increased algal bloom risks." Higher concentrations of dissolved solids, pollutants, or nutrient loadings will have impacts on human populations and industries that rely on sources of clean water. Even modest changes caused by inter-basin water transfers may have incremental and other cumulative impacts on water quality, habitat, and aquatic health on both a localized and system-wide basis.

We must recognize the ecological limits of a given watershed; if water can no longer be allocated without compromising the river's health and integrity, that indicates we've hit a limit and should look for ways to reduce consumption within the basin, rather than move water from other basins.

3.2 Introduce an alternative approval process for lower risk inter-basin transfers

Currently, section 47 of the *Water Act* requires that any inter-basin transfer, regardless of volume, purpose, surface water or groundwater source, or risk, must be authorized by a special act of the legislature, except during a declared water emergency under section 107, where Cabinet may authorize a temporary transfer for urgent public needs.

Indicate your level of support for amending section 47 of the *Water Act* to introduce two categories of inter-basin transfers:

1. Higher risk transfers or large-scale transfers, which would continue to require a special Act, and
2. Lower risk transfers, which could proceed through the standard licensing process without requiring a special Act.

Enabling of any review processes for inter-basin transfers described in regulations would also require added authority for the Minister to make regulations under section 169.

Authority to approve a lower-risk inter-basin transfer could be shifted from a special Act to either:

- Cabinet, by a Lieutenant Governor Order in Council, similar to how these transfers can be authorized under section 107 during a water-related emergency; or
- Minister, if the inter-basin transfer meets the lower risk criteria set out in regulation.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

This proposed change is not supported. We do not support the use of Inter-basin Transfers and certainly do not support making the existing process any less stringent, as the risk associated with them demands it. They should require the highest level of review and assessment; retention of the current legislative process ensure time and space for important dialogue. Inter-basin Transfers should require mandatory Environmental Impact Assessments.

3.3 Adjusting definitions of major river basins

Licence transfers that cross a major river basin boundary must be authorized by a special Act of the legislature, whereas transfers that move water across individual catchments within a major river basin do not. The definitions of major river basins are inconsistent in the *Water Act*, and it is questionable whether a special act of the legislature for inter-basin transfers should be required in cases where basins converge within Alberta.

Currently, the *Water Act* lists seven major river basins:

- Peace/Slave River Basin
- Athabasca River Basin
- North Saskatchewan River Basin
- South Saskatchewan River Basin
- Milk River Basin
- Beaver River Basin, and
- Hay River Basin.

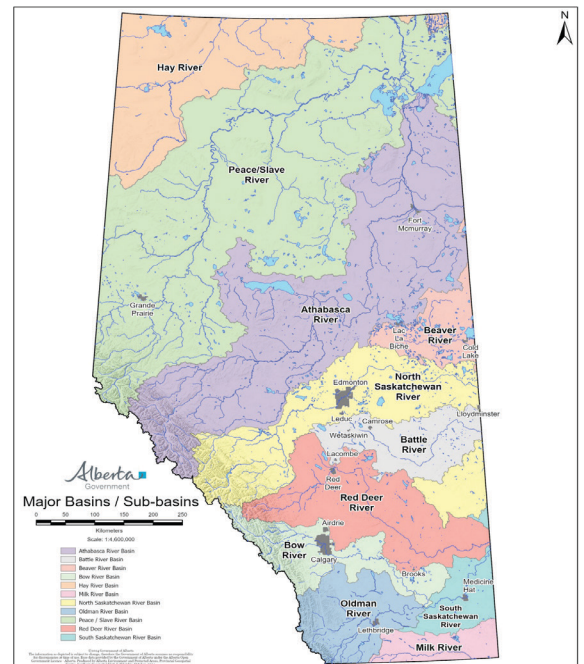
Some of the major river basins converge within Alberta, whereas others do not. Further, individual catchments within some major river basins converge outside of Alberta.

Indicate your level of support for consolidating the list of major river basins, including combining the Peace/Slave and Athabasca River basins (that converge within Alberta) to form the Peace-Athabasca-Slave River Basin.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

We do not support consolidating these areas, as 1) the intent behind the change seems to remove a barrier for inter-basin transfers between these two river systems, and 2) they each require tailored and specific management plans to best address their respective needs. The change would remove all oversight in the proposed basins and focusses on deregulating transfers rather than remedying the government's availability concerns. Further, convergence is not a good enough argument for consolidation; the Peace/Slave and Athabasca River Basins cover huge drainage areas respectively, and have important ecological, chemical, and physical differences before they converge.



Section 4 - Enabling the use of alternative water sources

Refer to section 4 of the discussion document.

Alternative water sources have the potential to supplement the use of freshwater sources, providing environmental and economic benefits. The *Water Act* does not clearly describe access to alternative water sources, raising uncertainty for their use to support water conservation, efficiency, and productivity outcomes. Defining and clarifying the use of alternative water sources, including wastewater, rainwater, stormwater, and return flows, will provide regulatory certainty and may support future policy development.

Defining alternative water sources in the *Water Act* is anticipated to be paired with certain exemptions from requiring a water licence, for example, clarifying that rooftop rainwater collection would not require a licence. For context, the *Water Act* defines water as “all water on or under the surface of the ground, whether in liquid or solid state”.

4.1 Wastewater reuse

Existing regulations restrict wastewater reuse, and sharing between operators is not contemplated in the *Water Act*. The Water Conservation Policy for Upstream Oil and Gas Operations drives the use of alternatives to non-saline water (i.e., fresh water) for activities such as fracking. However, there is insufficient flexibility or guidance in current policies to allow operators to reuse wastewater for various applications or to allow wastewater from different sources, such as pulp mills or municipalities, to be considered potential alternative water sources (that is, wastewater that is reused in some circumstances can be classified as a waste and not eligible for alternative uses).

Indicate your level of support for creating a mechanism to authorize reuse of wastewater by an entity other than the producer. This may include defining responsibilities of wastewater producers, users, and regulator(s) related to alternative water sources in the act, regulation or policy.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

The goal of all water use should be that it is ultimately able to be treated to a high environmental and health standard and returned to its original watershed. If the water cannot be effectively treated to return to the watershed, the government must consider if the benefits of allowing the use to continue outweigh of loss of this volume in the watershed. The cumulative impacts of failing to return flows to the watershed must be accounted for, as it must be understood as a loss of a public good.

4.2 Rainwater use

Feedback from phase one of water availability engagement included questions on rainwater use, including defining rainwater in the *Water Act*, and specifying how much rainwater can be taken. Rainwater and rainwater use refers to rainwater that is intercepted and captured before it hits the ground, whereas stormwater refers to water that is captured or managed after it hits the ground in the form of runoff.

The *Water Act* does not specify rainwater or precipitation in the definition of water and therefore whether it is subject to (or exempt from) licensing requirements. This creates uncertainty for potential rainwater projects that could benefit businesses as well as everyday Albertans. Without clarity, it could be interpreted that any volume of rainwater could be harvested, stored and used without a licence or oversight, even if there are impacts on other existing water users.

Indicate your level of support for amending the definition of water to clarify that it includes rainwater captured before it hits the ground.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

4.3 Stormwater use

Existing regulations and policies restrict the use of stormwater. As stormwater is surface runoff, a licence is required to use stormwater regardless of the volume or purpose for using it. An exemption from a water licence for up to 6,250 cubic metres per year applies to storm drainage storage facilities under the Water (Ministerial) Regulation. In southern Alberta, where most sub-basins of the South Saskatchewan River Basin are closed for the purposes of receiving applications for new water licences, a licence transfer from an existing licensee is needed to use stormwater in quantities above the exemption limit.

Indicate your level of support for enabling stormwater diversion without requiring a water licence, at volumes up to the net difference in runoff between pre- and post-development

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

As is, this proposed amendment creates compliance challenges and risks, and may have impacts on stormwater systems, overall hydrology, and environmental outcomes; how will pre and post development volumes be assessed, monitored, and regulated without a licence in place? The licencing system should be retained for stormwater systems, and an amendment introduced instead to create a consistent code of practice and clear regulations.

Share any feedback regarding whether stormwater supply and use by third parties should be controlled or regulated.

4.4 Return flow

Return flow is the portion of a water allocation that is returned to the water source, usually in the form of treated wastewater. Return flow obligations may be specified in licences including licences issued to municipalities. Return flows may be relied on to achieve water management objectives and transboundary obligations.

Licences are issued presuming any water not consumed or lost in fulfilling the licensed purpose is returned to the environment. Other uses or secondary users are not permitted unless expressly authorized.

Return flows are a fundamental component of the water management system in Alberta, but the term “return flow” is not defined in the *Water Act* or its regulations. When a licence is issued for an allocation, the allocation volume is the gross diversion of water, which has three components: consumption, loss, and return flow.

Indicate your level of support for amending the *Water Act* to clarify that return flows are returns to a surface water body and are subject to licensing requirements.

- I support this proposed change
- I do not support this proposed change
- No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

Re-categorizing the nature of consumptive and non-consumptive use increases risk to the aquatic environment and other users, as volumes were originally allocated based on a certain understanding of return flows. The moment water is diverted from the natural flow of the river, it must be considered altered by human activity and therefore consumed, regardless of the return flow or their quality - this measure builds greater precaution into the allocation system, as it takes a conservative approach to calculating what flows remain in the river to meet the instream flow needs requirements.

Please comment on the proposed amendment to the *Water Act* to clarify whether gross diversion remains the basis for all licences issued, and what portion should be eligible for licence transfers (e.g., consumptive versus non-consumptive considerations).

Share anything that should be considered for defining limited circumstances when the concept of return flow credit or net diversion could be used to support water availability. Net diversion could be used to allow licensees to increase the volumes or rates of their operational diversions, provided a commitment is made to return a defined volume and rate of flow to the surface water body and they do not exceed their total annual licensed allocation. This may include considerations of acceptable quality of return flows.

The portion eligible for license transfers should be maximum 90% of the gross diversion, where 10% at minimum is held back through conservation holdbacks in closed basins.

Additional feedback

Should policy changes proceed, additional consequential amendments may be required to other sections and provisions in the act, associated regulations and/or policies, to implement the desired policy intent.

Feedback on related and consequential amendments is welcome.

Share any additional feedback you have about other potential *Water Act* amendments to consider that enhance availability, please provide specific proposal and rationale.

I do not support the changes made to how water conservation holdbacks are implemented; these should remain mandatory without sufficient, compelling evidence as to why they were not taken, as was the case before. It was also in bad faith to begin the second phase of the water availability engagement without publishing the results and summary from the first phase, and demonstrates a lack of transparency. Without this publicly available, there is no way for the public to confirm that the proposed amendments being consulted on here actually reflect the outcomes of the first phase of engagement. Alberta should be less focused on changing definitions in the *Water Act* to superficially increase the availability of water, and more focused using water more efficiently where it is already allocated, re-evaluating how and where water is uses, reducing overall consumption, and better strengthening and supporting the ecological health and integrity of the province's aquatic ecosystems.

Tell us about yourself

I am completing this survey

- As an individual member of the public
- On behalf of an Indigenous community or organization representing First Nations or Metis peoples in Alberta
Provide the name of your Nation, community or organization:

- On behalf of an organization (such as a municipality, industry, non-profit organization)
Provide the name of your organization:

Alberta Wilderness Association

Provide the first three digits of your postal code (eg. T2G):

(Required)

T2N

How was your experience providing feedback today?

(Choose any one option)

- Poor
- Acceptable
- Good

Explain why.

This survey is quite long and intensive, and requires a lot of familiarity with water policy, regulations, and their implications that is likely to be a significant barrier to public engagement. Further, the experience was worsened with the knowledge that it is unlikely the public will get to see the outcomes of their participation, as has been the case with the last year of other public engagement opportunities (SSRP 10-year review, Water Availability Phase 1, Renewable Energy, etc.). It is discouraging when there is no way to see if or how public feedback has been considered, as the government has had a worrisome trend of not publishing the results of their engagement with the public without media or other interested parties forcing the release the results through FOIP legislation (Plan for Parks, Alberta Pension Plan).

Thank you for your input. Submit your completed survey to your local Environment and Protected Area office or submit it by email to epa.water@gov.ab.ca by June 30, 2025.