

Water Availability Engagement – Phase 2 Survey

RMA Written Response

The Rural Municipalities of Alberta (RMA) represents Alberta's 69 municipal districts, counties, specialized municipalities, and the Special Areas Board. Together, RMA members provide local services to 85% of Alberta's land base. As a result, RMA members are home to Alberta's agricultural and energy industries and have a unique relationship with water.

RMA previously made a written submission to Phase 1 of Environment and Protected Areas' (EPA) Water Availability engagement, and in addition to the Phase 2 survey responses, RMA wanted to provide additional clarity and feedback on several of the survey questions.

Section 1 – Streamlining decision making for water licensing and transfers

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

Overall, RMA supports the Director being able to initiate amendments to licenses where the amendment results in an ability to access water in lower flow conditions. RMA sees value in being able to re-evaluate license conditions based on changes to water management infrastructure and technology without the need for the full license amendment procedure to be required.

However, we are concerned with amendments that confer more authority to the Director, especially in low-flow conditions. Based on the proposed change, it is unclear if or how municipalities and other stakeholders downstream would (or could) be consulted during low-flow or drought conditions. Further, if this issue is so prevalent that a *Water Act* amendment is required, it is likely that making corrections to numerous licenses may have cumulative effects on low-flow conditions, and these must be considered before amendments occur.

Therefore, RMA's support for 1.3 is conditional on this change requiring some level of analysis or technical study to ensure that the amendments do not have adverse effects on other water users.

1.5 – Time Periods

1.6 – Limit supplemental information requests

Generally, RMA supports the implementation of specified time periods, defining supplemental information requests, and limiting the number or scope of these requests to complete license applications. Each of these changes will help enable applications to be completed faster, cut red tape, and possibly limit the back and forth between applicant and Director.

However, regarding time periods in 1.5, RMA has concerns that by limiting the amount of time to review an application or make a decision, the time limit may have the unintended effect of circumventing or weakening the review process. Should these amendments proceed, language should be included in the *Water Act* permitting time limits to be extended or exceeded in specific circumstances or when required by the Director or other decision maker, as long as justification is provided for the extension.

Further, the discussion guide mentions for 1.6 that the "scope of information varies widely between simple and complex decision types," which means there are likely reasons for some applications to require much more than basic information. Further, the discussion guide proposes only one

supplemental information request, with any follow-up limited to clarifying the content of the information provided. In the event that more than one request is needed, or circumstances are in flux (i.e., Alberta faces a severe drought), the Director should not be forbidden from obtaining more information if they require it to make an informed, rational decision about licensing.

Therefore, RMA's support for 1.5 and 1.6 is conditional; these amendments should not lead to the Director being unable to make a fully informed decision and must have no adverse effects on other water users or the water source. The Director must have the ability to exceed request limits or time periods in certain circumstances, which should be determined through further engagement.

Section 2 - Enhancing water use information

2.1.1 – Authority for introducing new, standardized measurement and reporting conditions

RMA supports amending section 54 of the *Water Act* to give the director the ability to add or amend measuring, reporting, and inspection conditions, as this increases transparency and provides for more effective reporting of water use information.

However, RMA does not support the Director's arbitrary removal of reporting conditions, especially in the context of other amendments geared towards transparency. Furthermore, depending on the conditions the Director adds, RMA member municipalities may face new expenses for monitoring and reporting technology, while receiving less funding for water year over year through the past several budget cycles.

Therefore, RMA's support for this change is conditional on municipalities receiving financial or grant assistance should they be forced to adopt by installing additional infrastructure (water meters, etc.) and that Director-initiated condition removals are done after consultation and technical assessments are completed.

Section 3 – Enabling lower risk inter-basin transfers

3.1 – Establish new criteria for lower risk inter-basin transfers,

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

The RMA does not support the proposed changes in 3.1 and 3.2. Creating a “lower risk” category or an alternative approval process outside of a special act of the legislature is premature and unsupported by sufficient rationale or evidence.

The current requirement for a special act is a key safeguard that ensures inter-basin transfers undergo proper scrutiny. This was included in the *Water Act* due to public concern about large-scale or poorly considered transfers; with increasing pressure on Alberta's water resources, that concern remains valid today, and strong legislative oversight is more important than ever.

EPA has not shown why the existing process is inadequate or why certain transfers should be deemed “low risk.” Without science-based criteria and clear thresholds, added flexibility could lead to regulatory erosion, particularly if it enables regional or industrial users to shift water across watersheds without full oversight.

However, RMA is open to exploring mechanisms for true emergencies and supports clear definitions for “water-related emergencies. Further, should an alternative process for low risk transfers ultimately be pursued, RMA would support Ministerial Orders over Cabinet decisions because the Minister can respond quickly to changing situations and can more easily reverse a change if unintended consequences arise.

3.3 – Adjusting definitions of major river basins

RMA is opposed to consolidating the list of major river basins, including combining the Peace/Slave and Athabasca River basin.

The discussion guide states that it is “questionable” whether a special act of the legislature should be required in cases where basins converge in Alberta; if it is still “questionable,” then status quo should be maintained until it is *no longer* questionable.

By consolidating the Peace/Slave and Athabasca River basins, inter-basin transfers will no longer be required for a giant swath of Alberta, because what is currently an “inter-basin” transfer between the Peace/Slave and Athabasca River basins will become a simple transfer within a single basin. The two basins in question also contain major industrial and oil sands operations, who are heavy users of water, and this type of change could lead to far-reaching implications for rural municipalities, other stakeholders, and the environment.

Rather, RMA supports inter-basin transfers being used as a last resort under the current legislative provisions of s. 107 of the *Water Act* and instead urges EPA to consider alternative methods of enabling water availability rather than amending the entire inter-basin transfer system and consolidating the boundaries of existing basins.

Section 4 – Enabling the use of alternative water sources

4.2 – Rainwater use

RMA is generally in support of changes that promote a reduction in freshwater use, especially in industrial processes such as hydraulic fracturing. However, RMA Resolution 8-25S: Opposition to *Water Act* Amendments and Lack of Consultation essentially calls for any definitions of rainwater to be informed by data-driven methods.

Therefore, any definitions added to the *Water Act* related to rainwater (or otherwise) must be informed by data-driven methods to provide meaningful clarity and help maintain reliable, efficient, and accurate licensing procedures concerning rainwater.

4.3 – Third Party Supply and Use of Stormwater

RMA is unclear what “third parties” the survey question is referring to, as third parties are not referenced anywhere else in the survey or discussion guide. More clarity is needed; if provided, RMA may further clarify our position around third party supply and use of stormwater.

Additionally, several sections of the survey make it clear that EPA is considering amendments that will *increase* reporting and transparency; in that context, it is unclear why stormwater supply and use by third parties would *not* be controlled or regulated in some way.

With that said, RMA supports regulating and controlling third party supply and use of stormwater. RMA’s primary concern here is not related to the end user of the stormwater, or what they use the water for – only that any amendments considered to the stormwater provisions in legislation should not have any adverse effects on the watershed, ecosystem, or downstream license holders. This can only be accomplished by ensuring proper monitoring and regulation is in place.