

# EPA's Water Availability Engagement Survey

**RMA's Phase 2 Responses**

# Introduction

Alberta Environment and Protected Areas (EPA) conducted Phase 1 of an engagement regarding water availability in December 2024, hosting several webinars to discuss the potential changes and amendments and putting out two surveys for stakeholders to provide their feedback. In January of 2025, RMA made a written submission to Phase 1 of the engagement, and helped EPA communicate engagement with members.

Phase 2 of the engagement was centered around much more specific amendments to the *Water Act*. The engagement, which began on April 28, 2025, consisted of a survey with room for detailed responses with an accompanying discussion guide, as well as several webinars and in-person town halls hosted by EPA. More information and resources related to this engagement, such as a PDF version of the survey questions and discussion guide, can be found on [EPA's Water Availability Engagement page](#).

This document provides an outline of EPA's survey questions and RMA's responses.

In order for RMA to provide fulsome input, RMA also submitted a written response to the Phase 2 Water Availability engagement, which can be found [on RMA's website here](#).

## Phase 2 Survey – Questions and RMA Responses

### Section 1: Streamlining decision making for water licensing and transfers

#### 1.1 Point of use

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

**Support** – RMA supports this change, especially if it means that licensees will use more streamlined processes that enhances access to water, as long as precautions are taken to ensure that industry licensees don't abuse the change and that there are no adverse effects on other water users or the water source.

#### 1.2 Point of diversion

*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.*

**Support** – RMA supports this change, especially if it means that licensees will use more streamlined processes that increases availability to water, as long as precautions are taken to ensure that industry licensees don't abuse the change and that there are no adverse effects on other water users or the water source. There may be a need to define the concept of "adverse effect" to provide a specific threshold of set of circumstances to evaluate the possible impacts of an added or changed point of diversion.

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

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

**Support** – RMA sees value in updating apportionment assumptions to modern day contexts, without the need for full license amendments. However, we also are concerned with amendments that confer more authority to the Director. 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. It should also be noted that RMA does not consider the term “error” as accurate in this situation, which is referring to updating license conditions due to changes in water management infrastructure or technology. Terming these licenses as erroneous creates an assumption that all will be updated, while RMA would only support this amendment if its changes are evaluated on a case-by-case basis with proper methodology and engagement.

#### 1.4 Notice to appropriate parties

*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.*

**Support** – RMA is generally in support of this proposed change.

#### 1.5 Time limits on issuance of authorizations

*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.*

**Conditional Support** – RMA is generally in support of implementing time periods to encourage efficient procedures in the water licensing system and provide certainty to applicants and stakeholders. However, time limits must not be used to circumvent or weaken required review processes, and language should be included in the Act to allow time limits to be exceeded in certain circumstances, or if required by the Director or decision-making authority, as long as justification is provided to the applicant.

#### 1.6 Limit supplemental information requests

*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.*

**Conditional Support** – RMA generally supports this proposed change as it enables applications to be completed faster and possibly limit the back and forth between applicant and Director. However, the discussion guide mentions that the “scope of information varies widely between simple and complex decision types” – there are likely reasons for some applications to require much more than basic information. Therefore, RMA’s support is conditional on this change not leading to adverse effects on other water users or the water source. An option may be to limit supplemental requests with the inclusion of language allowing for the Director to exceed the limit in certain situations (high risk, complex. Or large-scale applications)

#### 1.7 New and expanded exemptions (not an Act change)

*Indicate your level of support for changes to exemptions listed in the Water (Ministerial) Regulation (Schedule 3), proposed 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 fire prevention, fire training, spill response training;*
  - ◇ *bridge and sign washing;*
  - ◇ *dust control;*
  - ◇ *green area borrow pits;*
  - ◇ *rainwater collection; and*
  - ◇ *riparian vegetation restoration.*

**Support** – RMA is generally supportive of proposed changes, especially if they are the result of direct stakeholder input from the 1st phase of the ongoing water engagement. However, RMA has consistently advocated for exemptions for non-irrigated agricultural water users, which are not encompassed by these amendments.

## **Section 2: - Enhancing water use information to support effective and transparent management of water by all users, including licensing and license transfers**

### **2.1.1 Authority for introducing new, standardized measurement and reporting conditions**

*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 licenses, 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.*

**Conditional Support** – RMA believes the proposed changes would be beneficial for all stakeholders, as long as the process for amending existing measuring, reporting and inspection conditions is clearly outlined and informed by technical assessments, and that municipalities forced to adopt to the amendments by installing additional infrastructure (water meters, etc.) receive financial or grant support. It is unclear in what circumstances the Director would remove reporting requirements (as proposed in the question). RMA has concerns with this language, as the intent of this change appears to be to enhance requirements to a more stringent level.

### **2.1.2 Applying measurements and reporting conditions to deemed licenses**

*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 licenses 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.*

**Support** – RMA is generally supportive of this proposed change, despite the potential for impacts on municipalities with deemed licenses.

### **2.1.3 Standardizing measurement and reporting 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.*

**Support** – RMA is generally supportive of this proposed change, which could encourage efficiency and transparency of reporting expectations in the water licensing system. However, further consultation should occur on the Regulation before it comes into force. Engagement should include consideration of added costs and administrative burdens on licensees and how to best mitigate these risks.

#### 2.1.4 Amalgamation of licenses

*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.*

**Support** – RMA generally supports this change as it enables licensees’ flexibility in their allocated water use and improves the reporting process.

### 2.2 Defining licenses 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.*

**Support** – RMA is supportive of the proposed changes as they would provide certainty, encourage compliance, prevent water misuse, and promote efficiency.

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

*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).*

**Support** – RMA is generally supportive of the proposed changes, which would increase transparency and provide decision-making agency to licensees and proponents. RMA suggests that a regional economic accounting and assessment procedure be conducted prior to the implementation of significant changes relating to the public disclosure of transfer prices.

#### 2.3.2 Publishing information to support water license transfers

*Indicate your level of support for creating a public platform to publish information on water licenses, 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.*

**Support** – RMA is supportive of this proposed change and is pleased to see that EPA is taking action towards increasing transparency and promoting decision-making agency for municipalities and licensees.

## Section 3: Enabling lower risk inter-basin transfers

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

*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 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.*

**Does not Support** – RMA does not support this change to inter-basin transfer procedures or the development of a “lower risk” category of inter-basin transfers as currently proposed.

While the rationale offered by EPA highlights some hypothetical low-risk scenarios, no substantive evidence has been provided to justify why these transfers should be considered low risk in nature or exempted from the current requirements. EPA’s rationale is insufficient for RMA to support a shift away from the existing requirement for a special act of the legislature, which was instituted specifically to safeguard against poorly considered or bulk inter-basin transfers.

Without substantive evidence, and given the potential for unintended consequences, RMA remains opposed to any amendment that would make inter-basin transfers easier to authorize. However, RMA is encouraged by EPA’s efforts to define more specific criteria, as this could help balance the interests of all involved. RMA supports that any proposed changes should be implemented with adequate and comprehensive consultation with regional stakeholders.

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

*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.*

**Does not Support** – RMA does not support amending section 47 of the Water Act to create an alternative approval process for lower risk inter-basin transfers.

Similarly to 3.1, this approach poses risks to watersheds, and the rationale does not adequately demonstrate why increased inter-basin transfers are needed or why existing safeguards should be weakened. A broad “low risk” category, without at least Cabinet’s approval under the s. 107 emergency approach, could lead to unintended consequences. Until a clear need is demonstrated and stringent criteria with clear thresholds and broad stakeholder consultation are in place, RMA remains opposed to changes that would ease the approval of inter-basin transfers.

If RMA was forced to choose between the two proposed approaches, then Ministerial Orders are preferred over Cabinet approval, as they allow for quick responsiveness and easier reversibility if unintended outcomes or changing situations arise.

### 3.3 Adjusting definitions of major river basins

*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.*

**Does not Support** – RMA is opposed to this proposed change due to environmental risk.

Before making fundamental changes to river basin boundaries, significantly more evidence, analysis and engagement is required as to how this change will impact water management and what risks and benefits it will provide to water users, the broader public, and the environment.

RMA supports inter-basin transfers to be used as a last resort under the current legislative provisions of section 107 of the *Water Act* and instead urges EPA to consider alternative methods of enabling water availability rather than amendments to inter-basin transfer legislation.

## Section 4: Enabling the use of alternative water sources

### 4.1 Wastewater reuse

*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.*

**Support** – RMA supports this proposed change and is pleased to see that EPA is considering other ways of increasing water availability and is seeking to streamline these alternate methods.

### 4.2 Rainwater use

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

**Conditional Support** – RMA is generally in support of this change; however, the definitions for rainwater must be informed by data-driven methods to provide meaningful clarity and help maintain reliable, efficient and accurate licensing procedures concerning rainwater.

### 4.3 Stormwater use

*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.*

**Support** – RMA is supportive of this proposed change as streamlined process help increase water availability and support planning and preparation for drought/shortage periods. Large scale stormwater usage could impact runoff, which would have knock-on effects to river and groundwater levels. RMA understands that EPA wants to increase the exemption from 6,250 to 7,500, which is a small increase, but there must be additional criteria provided as to what "pre-development" and "post-development" mean in practice.

### 4.4 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.*

**Support** – RMA is generally supportive of this proposed change, provided that requiring return flows to be subject to license requirements does not represent a significant administrative or process burden to licensees or municipalities.

## Other Questions

**Question:** *Please comment on the proposed amendment to the Water Act to clarify whether gross diversion remains the basis for all licenses 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.*

**RMA Response:** Gross diversion should remain the basis, as once water is drawn from a water source, it may become contaminated or never returned to the environment. Allowing licensees to increase the volumes or rates of operational diversions due to a "commitment being made" is insufficient security for an essential resource such as water. In the event that a licensee fails to uphold their commitment, it could have ramifications for every downstream water user.

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

**RMA Response:** RMA expects EPA to conduct an engagement on the contents of any Regulations that are required to implement the policy changes before the Regulations are scheduled to come into force.