

Environmental Law Centre

Comments on Water For Life: Alberta's Strategy for Sustainability (Draft)

The Environmental Law Centre is a charitable organization that has operated in Alberta since 1982. The Centre provides services in legal education and assistance, research and law reform to achieve its objective of making the law work to protect the environment. Accordingly, we have prepared comments on the provincial government's Draft for Discussion.

Note: Comment numbers refer to questions in the Stakeholder Questionnaire

1. Watershed Approach

We support this approach as the best way to address local needs and conditions and involve Albertans in water management decision-making. We support, in general, the actions identified in this section of the draft strategy. In particular, we support the incorporation into development planning decisions of water supply considerations.

While there is an important role for stakeholders and the public in monitoring and reporting on watershed quality and health indicators, Alberta Environment must have primary responsibility for these functions. Alberta Environment must also remain primarily responsible for ensuring ecosystem health is maintained. A sound water management strategy must avoid 'downloading' primary responsibility for these functions, and the costs of monitoring and reporting, onto stakeholders.

The draft strategy does not indicate how and on what basis Watershed Advisory Councils and other participating groups will be funded. Proper funding is essential to the fair and effective operation of watershed-level, stakeholder-based decision making.

2. Partnerships

We support the draft strategy's emphasis on developing partnerships with citizens, communities and governments. Water conservation priorities must be incorporated into decision-making at all levels to be effective.

For partnership efforts to be meaningful, it is critical that participating individuals and groups have unfettered access to all information pertaining to water management issues under consideration. As mentioned above, proper funding will be essential to ensuring a level playing field for all partners and maintaining confidence in partnerships.

3. Knowledge and Research

We support the actions proposed in this section of the draft strategy. However, it is important that uncertainty regarding any of the areas proposed for research initiatives not be used as an excuse for inaction. Where there is some evidence that drinking water sources or an aquatic ecosystem has been or will be compromised, precautionary action should be taken to protect or restore it.

4. Water Conservation

In our view, this section of the draft strategy contains the most important steps that the Province can take to preserve our water resources.

We strongly support the goal of reducing, to elimination, uses that remove water from the hydrological cycle. Subject to the recommendation set out in the following paragraph, we also support the use of pricing and polluter charges to encourage conservation. Basic amounts for residential users should not be priced.

Pricing of water is an indication that water is being regulated and traded as a good. We therefore strongly recommend that the provincial government pressure the federal government to negotiate a side agreement to NAFTA whereby water is excluded from the provisions of that agreement that relate to "goods". Preserving Canada's control over its water resources will be critical if the Province is to retain significant control over water pricing.

Improved monitoring of water use and water conservation targets are necessary to ensure water is used sensibly. Metering for all users listed on page 35 should be required by law. As stated in the draft strategy, an education program will also be essential to reducing consumption.

In general, major water diversion and storage projects significantly compromise aquatic and other ecosystems. They are not an acceptable alternative to sound conservation practices. Avoiding the need for such projects should therefore be a primary consideration in planning and conservation.

In addressing supply issues, interbasin transfers are also unacceptable as an alternative to conservation and planning. Indeed, interbasin transfers as a management tool are contrary to the draft strategy's stated goal of watershed-level management. Any need for interbasin transfers indicates a failure of water management and planning. The Province's water strategy should be directed at eliminating the need for such transfers.

During a report issued at an earlier stage of the Water for Life process, many respondents across the province were very concerned about the possibility of interbasin transfers in any form (*Polling Your Ideas: Summary*, p. 13). The government's current approach to such transfers is ad hoc and has been based on inadequate consultation. Given the strong opposition to interbasin transfers, a province-wide consultation process directed at developing a clear and detailed policy on such transfers is required.

5. Allocation and Use

In general and subject to the following comments, we agree with the actions proposed in this section of the draft strategy.

While they are likely to promote more efficient use, transfers will also likely lead to increased overall consumption as a greater number of licensees divert a greater part of their allocations. Transfers will promote the highest economical use of water. However, on their own, transfers may well contribute to mounting pressures on aquatic ecosystems.

It is critical that transfers continue to undergo a rigorous screening process. Transfers should not be allowed where contrary to public interest, where contrary to an approved water management plan, or where likely to compromise the health of aquatic ecosystems. Clear policy should be developed regarding approval of transfers and water conservation holdbacks. Information on transfers must also be readily available to the public for review.

Lastly, we are concerned that the proposed review of existing allocations will encourage a 'use it or lose' it attitude and undermine conservation efforts. To the extent possible, the review should be designed to measure each user's water needs, rather than actual use which may reflect inefficiencies.

6. Aquatic Ecosystems

The opening words of this section of the draft strategy suggest that healthy aquatic ecosystems are valuable only insofar as they meet human needs. This promotes a narrow view of water as a resource, rather than as a building block of the natural environment. Alberta's wetlands are part of a natural web that preserves biodiversity and sustains human life. The inherent value of these ecosystems should be explicitly recognized.

We support the establishment of water conservation objectives and the related actions set out on page 43. We also support steps to increase our understanding of ecosystem requirements, monitor ecosystem health and make monitoring information available to local decision-makers.

7. Water Quality

We agree, in general, with the actions proposed in this section of the draft strategy. However, we are concerned that a watershed approach to objective setting may lead to inconsistent and inappropriate objectives. Primary responsibility for ensuring that objectives reflect ecosystem and human health requirements should remain with the provincial government. The Province must ensure that water quality objectives meet scientifically-established threshold requirements. Further objectives, beyond threshold, could be established by consensus at the watershed level.

We support steps to increase monitoring in developed areas, educate landowners and private system users regarding contamination, and reduce discharge of contaminants. We strongly support making water quality information readily available to the public.

8. Drinking Water

In general, we agree with the actions proposed in this section of the draft strategy. In particular, we support steps toward full-cost

accounting, risk assessment of smaller waterworks, enhanced monitoring, and education programs for private system users.

However, it is our view that only a three step, 'multi-barrier' strategy can adequately protect our drinking water. These steps are source protection, water treatment and system operation, and monitoring and testing. The draft strategy section on drinking water quality addresses steps two and three, but ignores step one.

The importance of source protection in ensuring the safety of drinking water should be explicitly recognized. In addition, further action is needed to ensure the safety of private water supplies, on which one in five Albertans depend. The Environmental Law Centre has noted an increase in concerns regarding contamination of water wells from oil and gas and intensive livestock activities. While monitoring and testing are essential to protect these supplies, only increased source protection can ensure that they will continue to be safe.

We recommend that the Province and its municipalities make it a priority to retain ownership and control of water delivery infrastructure and services. Public ownership is key to ensuring the accountability of service providers for promoting the public's interest in safe and sustainable water services.

Overall Evaluation

We support most of the steps proposed in the draft strategy. In our view, the strategy under-emphasizes the importance of ensuring the ongoing health of our aquatic ecosystems and maintaining public control over water infrastructure and services. However, implementation of the strategy will raise awareness of water management issues and lead to greater stakeholder involvement in decision-making, directions which we strongly support.

Further comments

We are concerned that the draft strategy, as a whole, does not address the pressing need to preserve existing wetlands in the province. In particular, a plan to involve municipalities and riparian owners in wetland conservation is lacking in the draft strategy.

In order to protect our water resources, sound management principles must be adopted by all government decision-makers,

including the Energy and Utilities Board and the Natural Resources Conservation Board. An integrated approach to water management by all departments and agencies is essential to preserving environmental and human health.

On behalf of the Environmental Law Centre, thank you for considering our comments. Should you have any questions regarding them, or would like further assistance or input from our office, please do not hesitate to contact me at (780) 424-5099, extension 310.

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