
Water Act Authorizations

Presented to: APWA / AMSA PRIG Session

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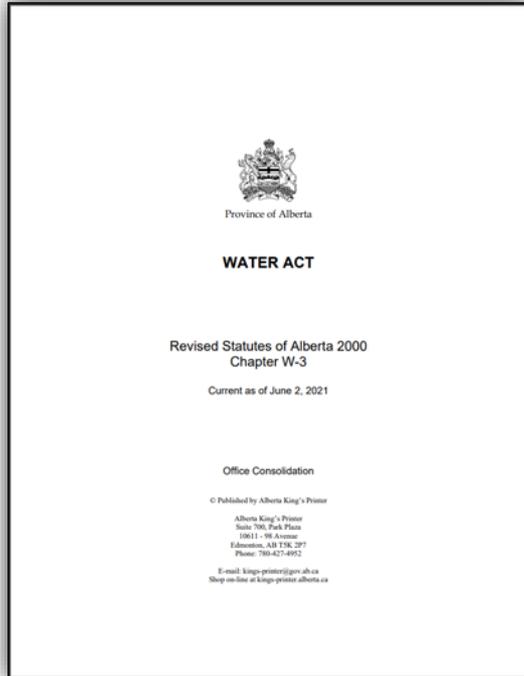
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Agenda

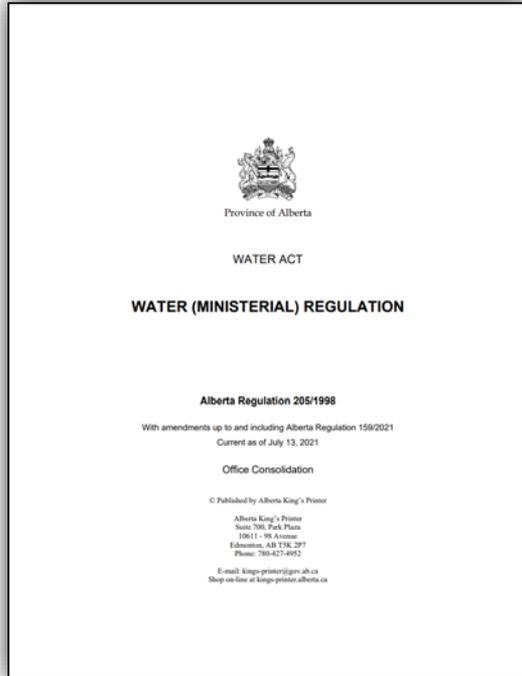
1. *Water Act* Legislation Overview & Definitions
2. *Water Act* Authorization Types
3. Digital Regulatory Assurance System (DRAS)
4. Application & Reporting Requirements
5. Common Approval & Licence Exemptions
6. Questions & Wrap Up

Water Act



- Alberta's current water management legislation
 - enacted January 1, 1999
 - Previously the *Water Resources Act*
- Purpose of the Act is to support and promote the conservation and management of water, including the wise allocation and use of water in Alberta

Water (Ministerial) Regulation



- Secondary statute that provides information pertaining to the administration of the *Water Act*
- Includes additional definitions, enacts the Codes of Practice, and lists exemptions
- Additional policies, directives, standards, and guidelines inform application requirements and processing

Water Act Authorizations

Approvals

- Required for “activities” as defined in the Act
- “Activity”: alters flow of water, changes location of water, may cause siltation or erosion of a water body, effects to the aquatic environment, etc.
- “Water body”: any location where water flows or is present, whether or not the flow or the presence of water is continuous, intermittent or occurs only during a flood, and includes but is not limited to wetlands and aquifers
 - On both public and private land

Water Act Authorizations

Licences

- Required for long term “diversion(s) of water”
- “Diversion of water”: impoundment, storage, consumption, taking or removal of water for any purpose, etc.

Temporary Diversion Licences (TDLs)

- For short term, consumptive use of water
- Issued for a maximum period of 1 year

Water Act Authorizations

Code of Practice (CoP) Notifications

- Specified activities under one of the 6 Codes of Practice
- Typically short term, low risk, routine activities
- Requirements of CoP must be satisfied
- Notice period must be elapsed before works can be commenced (typically either 14 or 7 days depending on the specific CoP)

Amendments

- Change to most recent version of active Approval, Licence, or TDL

Water Act Authorizations

Licence Renewal

- Term of Licence is renewed for an additional term
- Licence must be in good standing

Licence Amalgamation

- Combination of 2+ Licences with same Licensee, source, and purpose
- Streamlines water use reporting requirements

Traditional Agricultural Registration

- Grandfathered right to divert water for agricultural purposes from transition of *Water Resources Act* to *Water Act*
- No longer issued

Approval Types

Impacts to a water body including (but not limited to):

- **Wetland disturbance**
 - Temporary and/ or permanent impacts to wetland
 - Wetland replacement requirements (ie. fees) apply to permanent impacts
- **Flood control**
 - Erosion control, channel realignment, berms
- **Drainage**
 - Dewatering, stormwater management
- **Excavation**
 - Borrow pits, dugouts, sand and gravel pits
- **Dam**
 - Construction and maintenance of dams
- **Other**
 - Aquatic vegetation removal, boat launches, beaches, etc.

Digital Regulatory Assurance System (DRAS)

- EPA is transforming the environmental regulatory system through innovation and modernization
- Key driver for this regulatory transformation is to provide effective and efficient service delivery to Albertans
- Digital Regulatory Assurance System (DRAS) was designed to ensure EPA's environmental regulatory system results in credible, independent and transparent decisions and meets the outcomes intended by the guiding legislation and policy
 - DRAS will be rolled out in stages until 2024, with all regulatory applications moved online.
 - The new digital system will provide clearer expectations for applicants and more efficient decisions.

Digital Regulatory Assurance System (DRAS)

All *Water Act* applications and notifications are now submitted through DRAS (as of April 4, 2022)

- Accounts required:
 - My Alberta Digital ID (MADI) – for personal / individual accounts
 - My Allberta Digital ID for Business (MADI-B) – for companies
 - MADI (representative) must be linked to MADI-B (applicant)
- Track applications through life cycle:
 - Application submission
 - Correspondence and information requests (“ToDos”)
 - Public Notice Viewer
 - Submission of statements of concern (SOCs)
 - View and download authorization documents
 - Submit reporting requirements (ie. water use reporting)
 - Portal support

Application Requirements

Licences (surface and groundwater):

- Point of Diversion (POD) and Point of Use (POU) Locations
- Source(s) of water
- Purpose of diversion
- Annual volume required
- Rationale for volume and proposed use
- Rate of diversion
- Using Works of Another
- Access
 - Land Title if applicant owns land(s)
 - Written consent, easement, agreement for lands other than applicants'
 - Authorization under *Public Lands Act* if access is on Crown land

Application Requirements

Surface Water:

- “Surface Water Allocation Directive (Feb 2019)”
 - provides guidance to water allocations from rivers, lakes, and wetlands using a sustainable watershed approach
- Water availability
 - Watershed and waterbody analysis
- Existing licenses and allocations
- Ecosystem health
- Fish and wildlife populations
- Other reports may be required

Application Requirements

Groundwater

- For drilled wells:
 - “Guide to Groundwater Authorizations”
 - Drillers Report
 - Hydrogeological assessment required if annual volume is 3650 m³ or more
- For shallow exposed aquifers (ie. dugouts, gravel pits, etc):
 - “Guide to Water Act Authorizations Required for Excavations”

Application Requirements

Approvals

- “*Water Act*. Approvals Fact Sheet”
- Drawings showing scale, location, water and infrastructure features, construction schedule
- Construction specifications, operational plans, method of operation (depending on project complexity)
- Geotechnical information may be required for dykes and dams
- For wetland impacts, a Wetland Assessment and Impact Form or Report (WAIF or WAIR)

Application Processing

Licences

- 30 day public notice period
 - Statements of concern can be submitted
 - Valid statement of concern filer can appeal decision after Licence issuance
 - Appeal at the Environmental Appeals Board
- Water use reporting mandatory
 - Rate of diversion, volume, returns, quality (GW)

Licence Reporting

- For all new Licences issued in DRAS, reporting is required in DRAS
- Licence renewals or amendments submitted in DRAS will require reporting in DRAS
 - updated from Water Use Reporting System (WURS)
- Pre-DRAS Licences continue to report using WURS for foreseeable future

Licence Exemptions

- Statutory household use
 - 1,250 m³ of water per year maximum per household
- Traditional agriculture use (subject to registration)
- Firefighting
- Wells equipped with hand pumps
- Alternate watering systems that use surface water for grazing livestock - some types of dugouts
 - See “*Water Act*. Dugouts Fact Sheet” for more details
- Other diversions and additional details identified in Schedule 3 of Water (Ministerial) Regulation

Approval Exemptions

- Portable or seasonal piers, boat launches, and docks
- Fences in water bodies
- Portable pump installation (certain cases)
- Beaver dam removal (certain cases)
- Dugout construction and maintenance (certain cases)
 - see “Water Act: Dugouts Fact Sheet” for more details
- Groundwater exploration to support Licence application
- Watercourse crossing work (certain cases)
- Other activities and additional details identified in Schedule 1 of Water (Ministerial) Regulation

Resources and Support

Water legislation and guidelines:

- <https://www.alberta.ca/water-legislation-and-guidelines.aspx>

DRAS information and support:

- <https://www.alberta.ca/digital-regulatory-assurance-system.aspx>
- Email: regulatoryassurance.support@gov.ab.ca
- Phone: 780-427-6311

MADI / MADI-B support:

- Email: myalbertaid@gov.ab.ca
- Phone: 1-844-643-2789

Questions?

Contact:

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