

Exemptions from Water Authorizations

Water Availability Engagement



Population growth, economic growth and water variability are challenging the water management system in Alberta. New policy and regulatory tools could be used to increase water availability for Albertans and optimize the water management system to better address these issues while continuing to protect the aquatic environment.

This document provides background information on just one type of water management opportunity identified through conversations with stakeholders. It is intended to spark ideas and generate conversation.

The Government of Alberta invites your feedback on any opportunity to increase water availability in the province.

Ownership of water

Ownership of water is vested in the Crown as a natural resource managed for the benefit and use of all Albertans. This is a founding principle of the system, established under federal legislation (the 1894 *Northwest Irrigation Act*) even before Alberta became a province. Water is managed by government for the benefit of all Albertans and all use of water must be recognized or authorized under the provisions of the act.

Current situation

Under the *Water Act*, activities and actions that impact water quantity and quality require authorization.

Approvals are used to authorize activities that alter the flow or level of a waterbody; that change the direction, location, or flow of water; cause siltation or erosion; or may be capable of causing an effect on the aquatic environment.

Licences are used to authorize diversions of water. Water diversion is the process of capturing, storing, consuming, taking, or removing water for any purpose. Sometimes this is described more generally as using water.

Unless there is a specific exemption, anyone that wants to alter or impact a water body or wants to use (divert) surface or ground water in Alberta, requires an approval and/or a licence under the *Water Act*.

Exemptions from licences and approvals

The Government of Alberta has established exemptions for certain types or categories of water activities and uses, which allows Albertans to use or impact water without having to apply for an authorization. Typically, these activities and uses are relatively small, considered low risk, and have minimal or manageable effects on other water users or the environment.

Probably the most well-known are the exemptions available for specified **household purposes** and **exempted agricultural users** of water, formalized under the *Water Act* to acknowledge the ongoing importance of those sources to those users. Other exemptions exist, such as (not a complete list):

- fire fighting
- certain agricultural dugouts
- stormwater from a defined storm drainage facility
- saline groundwater
- temporary camps
- alternative watering systems for livestock
- manual pump water wells
- landscaping
- dewatering sand and gravel or construction sites
- building ice bridges in certain defined areas
- certain wetland replacement projects.

Exemptions have been added or amended from time to time, and while some exemptions are simple, many are conditioned with criteria specifying when or how they apply. For example, a dugout can be only constructed without an approval if it is 2,500 cubic metres or less; not located in a fish-bearing watercourse, or a lake or wetland; not located in the same watercourse and parcel of land as an existing dugout; and will not affect water flow on another parcel of land.

Codes of Practice

Another tool that government can use to streamline authorizations is to create a Code of Practice (codes). Codes are typically used when an activity is lower risk, consistent and repeatable, but still needs rules and requirements to make sure activities are conducted safely and responsibly and will not cause negative impacts to others or the environment. The codes provide written standards and conditions that set out all requirements to start, undertake, and complete an activity. The proponent is required to follow the code and only notifies the department they will be undertaking the activity – they do not have to apply. Some examples of these include:

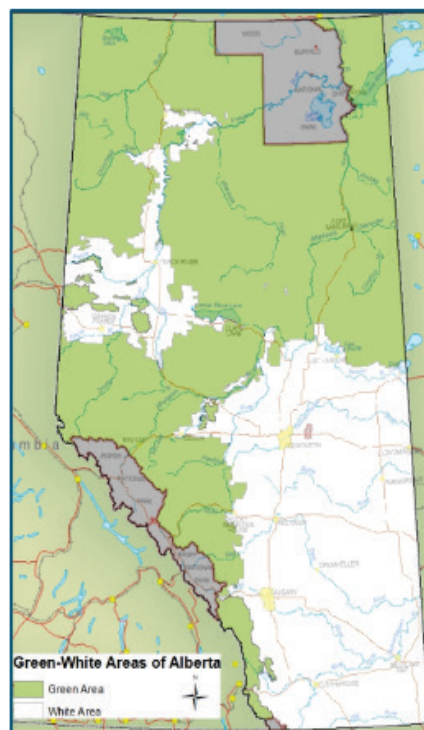
- watercourse crossings
- outfall structures
- hydrostatic testing of pipelines
- wetland replacement works.

Some ideas for new or updated water exemptions might be best addressed by considering them for a dedicated code of practice.

The opportunity

Environment and Protected Areas (EPA) could consider potential amendments that will improve water accessibility and availability to certain sources of water and remove unnecessary regulatory burden for Albertans. Many initial comments from Albertans were heard in spring 2024, as Alberta was preparing a coordinated drought response. Those ideas, plus others EPA identified based on the department's experience with certain applications, identified some possible changes. These could include, but are not limited to:

- increasing the approval exemption threshold for dugouts, to match the licence exemption threshold.
- increasing the licence exemption threshold for dugouts to include potential for household use.
- increasing the licence exemption threshold for stormwater use (to align with dugouts).
- increasing exemption thresholds for building wetland replacement projects (to align with dugouts and stormwater).
- a new exemption for certain public borrow pits in the Green Area of Alberta.



Green Areas include public lands that are managed primarily for forest production, watershed protection, fish and wildlife management, and recreation.

- new exemption criteria for a range of minor uses such as bridge and sign washing, dust control, and emergency preparedness (e.g., fire and spills prevention).
- double the exemption for small temporary camps.

The *Water Act* reinforces the importance of water as a vital resource, and that water use be justified and not be wasteful.

When something has been exempted, there is no information or data collected by EPA or the Alberta Energy Regulator about that activity or purpose.

As exempted volumes of water use increase, there is greater potential to impact existing licensed water users in the system and there is no way to directly assure compliance, and any resulting impacts can be challenging to track.

Potential exemption changes were evaluated acknowledging both these factors and the desire to remove application burden. EPA also recognizes there are challenges in sourcing potentially available water to support people, agricultural producers, growth in communities, and expanding and emerging industries particularly in southern Alberta.

We want to hear from you

Consider these questions on exemptions that are available for water approvals and licensing before providing your feedback:

- Do you have any specific feedback or advice on exploring changes to exemptions – scope, conditions, or quantities/amounts?
- Are there any other minor uses of water, or low impact or low consequence activities, that might benefit from regulatory streamlining or outright exemption?
- Are there other risks or concerns with exempting certain things, either currently or potential exemptions?

Get engaged

Learn more about the Water Availability engagement and have your say at alberta.ca/water-availability-engagement