

2005 Bill 214

First Session, 26th Legislature, 54 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 214

**WATER PROTECTION AND CONSERVATION
STATUTES AMENDMENT ACT, 2005**

DR. SWANN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

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2005

WATER PROTECTION AND CONSERVATION STATUTES AMENDMENT ACT, 2005

(Assented to _____, 2005)

WHEREAS an abundant supply of water is essential to sustain all ecological processes, life-support systems and food production and is integral to the environmental, economic and social well-being of Alberta now and in the future;

WHEREAS access to high-quality and affordable water is a fundamental right of the citizens of Alberta; and

WHEREAS a legislative commitment to watershed planning is an effective means to address risks to water resources and aquatic ecosystems;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Municipal Government Act

Amends RSA 2000 cM-26

1(1) The *Municipal Government Act* is amended by this section.

(2) Section 632(3) is amended in clause (a) by striking out “and” at the end of subclause (iv), by adding “and” at the end of subclause (v) and by adding the following after subclause (v):

- (vi) the terms and conditions of a watershed management plan under the *Water Act*;

Water Act

Amends RSA 2000 cW-3

2(1) The *Water Act* is amended by this section.

(2) Section 1(1) is amended by adding the following after clause (c):

- (c.1) “Alberta Water Council” means the multi-stakeholder council created by the Minister pursuant to Ministerial Order 10/2004;

(3) The following is added after section 9:

Watershed management plan

9.1(1) The Minister must establish a watershed management plan that

- (a) designates and defines the boundaries of the watershed for each of Alberta’s 7 major river basins;
- (b) contains objectives, policies and recommendations respecting
 - (i) the protection, conservation or restoration of water, aquatic ecosystems and drinking water sources,
 - (ii) the prevention, control and abatement of water pollution,
 - (iii) land drainage and flood control,

- (iv) activities in riparian areas, flood areas, flood plains and reservoir areas,
- (v) water demand management, water use practices and priorities, the conservation of water supplies, and the reduction of water use and consumption during droughts and other periods of water shortage,
- (vi) the supply, distribution, storage and retention of water,
- (vii) emergency preparedness to address spills, accidents and other emergencies that may affect water, an aquatic ecosystem or a drinking water source;
- (c) specifies linkages between water management and land use planning so as to facilitate the adoption in a development plan or other planning instrument of some or all of the provisions of the watershed management plan;
- (d) considers the measurement of the provincial water supply determined pursuant to section 9.2;
- (e) reflects water quality standards, objectives and guidelines that apply to each watershed;
- (f) identifies ways in which the plan can be implemented, monitored and evaluated.

(2) The Minister may require the watershed management plan to be developed by the Director in consultation with the public and the Alberta Water Council.

Provincial water inventory

9.2 The Minister must order a measurement of the provincial water supply and commence ongoing monitoring of water use that details user and ecosystem demand and the cumulative effects at the watershed level.

(4) Section 47 is repealed and the following is substituted:

47 A licence shall not be issued that authorizes the transfer of water between major river basins in the Province unless

- (a) the Minister has conducted a province-wide public consultation,

- (b) the transfer has been approved by the Alberta Water Council, and
- (c) the licence is specifically authorized by a special Act of the Legislature.

(5) Section 48 is amended

- (a) **by striking out** “or 47”;
- (b) **by striking out** “those sections” **and substituting** “that section”.

(6) Section 99(1)(a) is amended by striking out subclause (xv) and substituting the following:

- (xv) with respect to a problem water well
 - (A) to reclaim the well,
 - (B) to restore, seal or cap the well in a manner satisfactory to the Director, or
 - (C) to take any other remedial action with respect to the well
 - to prevent, minimize or remedy any adverse effects on the environment, human health, property or public safety;

3 This Act comes into force on June 1, 2006.

Explanatory Notes

Municipal Government Act

1(1) Amends chapter M-26 of the Revised Statutes of Alberta 2000.

(2) Section 632 presently reads in part:

(3) *A municipal development plan*

(a) *must address*

(i) *the future land use within the municipality,*

- (ii) *the manner of and the proposals for future development in the municipality,*
- (iii) *the co-ordination of land use, future growth patterns and other infrastructure with adjacent municipalities if there is no intermunicipal development plan with respect to those matters in those municipalities,*
- (iv) *the provision of the required transportation systems either generally or specifically within the municipality and in relation to adjacent municipalities, and*
- (v) *the provision of municipal services and facilities either generally or specifically,*

Water Act

2(1) Amends chapter W-3 of the Revised Statutes of Alberta 2000.

(2) Adds definition of Alberta Water Council.

(3) Introduces requirement for a watershed management plan and provincial water inventory.

(4) Section 47 presently reads:

47 A licence shall not be issued that authorizes the transfer of water between major river basins in the Province unless the licence is specifically authorized by a special Act of the Legislature.

(5) Section 48 presently reads:

48 Before a Bill to amend section 46 or 47 or to enact a special Act described in those sections is introduced into the Legislative Assembly, the Minister must consult with the public, in a form and manner satisfactory to the Minister, with respect to such a Bill.

(6) Section 99 presently reads in part:

99(1) A water management order issued by the Director may

(a) order the person to whom it is directed to take any measures that the Director considers necessary, including but not limited to any or all of the following:

(xv) with respect to a problem water well, to reclaim the water well or take any remedial action with respect to the water well and to prevent, minimize or remedy any adverse effects on the environment, human health, property or public safety;

3 Coming into force.