



Provincial Water Availability Engagement

Summary of concerns related to engagement issues and further suggestions to improve water access for crop producers across Alberta

Team Alberta Crops

Representing producers across Alberta from Alberta Beekeepers Commission, Alberta Canola, Alberta Grains, Alberta Pulse Growers, Alberta-British Columbia Seed Growers, Alberta Sugar Beet Growers, and the Potato Growers of Alberta. Collectively, Team Alberta Crops represents approximately 30% of all Canadian crop production and 40% of Canadian honey production.

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Introduction

Team Alberta Crops is pleased to provide the following feedback on opportunities to increase water availability in Alberta. This includes a reaction to several opportunities which have been proposed by the Government of Alberta (GoA) as part of the fall 2024 water availability engagement, as well as a series of additional recommendations and concerns not acknowledged by this engagement. Our most pressing concerns are related to the time frames and complexity associated with permitting effective farmland drainage practices and the construction and use of dugouts.

Several Team Alberta Crops stakeholders are also represented by the Alberta Irrigation Districts Association (AIDA). This group supports AIDA's position on the current engagement and their suggestions for water management in Alberta.

Suggestions to improve water availability

1) Engage the community to revise policies and procedures associated with drainage of all land, including non-wetlands, wetlands and ephemeral water bodies

Excess water regularly causes significant negative economic impacts on producers and consequently Alberta taxpayers. Effective drainage is critical to agricultural productivity, bolstering food security and protecting food prices for Albertans. The preservation and restoration of wetlands and the facilitation of responsible, effective drainage practices can occur simultaneously with appropriate policy.

Policy should enable experts and local knowledge holders to collaborate and make informed decisions about drainage projects on a case-by-case basis. Including the appropriate personnel in the permitting process is essential for this collaboration to succeed. Expertise will differ for surface and tile drainage projects, as they face different operational and regulatory challenges.

Tile drainage offers many environmental and economic benefits, such as preventing denitrification and leaching, as demonstrated by its prevalence in other provinces. However, in Alberta, the misconception of tile's potential impacts on downstream users often presents an obstacle to project implementation. There is an opportunity to shift public and regulatory perception on tile drainage practices in a way that balances agricultural needs with environmental stewardship.

Effective surface drainage relies on the proper maintenance of regional ditches and waterways. County and municipality responsibilities for maintaining ditches and



waterways could be solidified in provincial guidelines. Drainage districts with an expressed goal to work collaboratively and increase water movement could also assist with ensuring regional drainage partnerships are functioning effectively.

Team Alberta Crops encourages the GoA to commence a collaborative review process of all policy and laws governing drainage of land. This review may include, but is not limited to:

- Certain allowances for draining ephemeral water bodies
- Guidelines for determining impacts on downstream users
- The code of practice for wetland replacement works (2021)
- The wetland policy (2013)
- Alberta wetland identification and delineation directive (2015)
- Alberta wetland mitigation directive.

Special attention must be paid to the classification scheme for wetlands, as the current scheme is prone to over-classifying agricultural land as environmentally consequential wetland. This is the root cause of many challenges expressed within this feedback.

For drainage permits to be effective, applications need to be processed in a timely manner (i.e., a few months). The very long processing times of drainage applications for farmers has been a longstanding issue.

Team Alberta Crops sees a significant opportunity to make more water available, where it is needed, through policies enabling responsible drainage, and through encouraging landowners to work together. These priorities can be balanced to minimize environmental impacts and support agricultural needs if the right expertise and local knowledge is leveraged.

2) Encourage and enable strategic dugout placement and increase exemption capacity

Increasing authorization exemptions for the capacity and diversion of water from dugouts, which many crop producers rely on, would have many benefits. All the opportunities proposed in the issue sheet “Exemptions from Water Authorizations” would support a reduced administrative burden on producers, thereby increasing productivity.

We are supportive of these recommendations. However, additional study is warranted to ensure the exemptions are effective.



Currently, the Water Ministerial Regulation states that the construction of a dugout on land that meets the criteria for wetland requires the proponent to obtain an authorization. While Team Alberta **does not advocate** for irresponsible practices to be enabled in wetlands, the most advantageous type of dugout is one that is filled naturally from precipitation and runoff from surrounding fields, which is characteristic of a location that often tests positive for being a wetland under the current identification directive. This means that farmers can rarely invoke the authorization exemptions for this type of dugout.

Once again, special attention must be paid to the classification scheme for wetlands, as it is currently prone to over-classifying agricultural land as environmentally consequential wetland. Landowners must be able to construct naturally filled, exempted dugouts in areas where they can reasonably expect them to fill.

Productive wetland can be protected while effective on-farm water storage is enabled with appropriate policy. It is possible that allowing producers and government staff to avoid paperwork for inconsequential volumes of water could contribute to red-tape reduction.

Producers could also benefit from tailored guidelines to help them determine how on farm activities, like introducing dugouts or drainage systems, impact downstream users. Currently, claims of negative impacts can be subjective, but hold power to delay or block projects. It is critical that these guidelines are established in collaboration with producers, as the level of effort required to fulfill the guidelines must be appropriate. This could allow for a decrease in disputes, which could also contribute to red tape reduction.

Enabling farmers to drain excess water from productive land and retain water in dugouts increases their resilience and water availability in their regional watersheds. Regional drainage and dugout systems could even be leveraged alongside one another to contribute to Alberta's water storage capacity. Removing excess water from agricultural lands and storing it on-farm or regionally should be a water availability strategy that is prioritized for further study.

We urge the Government of Alberta to streamline the process for the development of dugouts. By revising current regulations to allow and encourage strategic dugout placement and increased capacity, on-farm water management will be enhanced, and pressure on regional and municipal water systems will be reduced.

3) Continue to engage stakeholders regarding use of rainwater, particularly refining the term delta water to support development of a provincial water reuse policy



Policy and legislation should be introduced to clarify the duty of a licensee to return water to the environment after it has been used. Guidelines should be established on how to interpret historical licences that refer to return flow and the expectation that water will be returned rather than consumptively used as part of an efficiency (i.e., rainwater/stormwater capture and use or water reuse) program. This policy must be developed in close collaboration with dryland farmers, who primarily rely on rainwater for production. This will be critical to establish ahead of, or alongside, a provincial Water Reuse Policy.

To support this policy, the term ‘delta-water’ should be defined. Delta water is the difference between the amount of precipitation run-off from a natural surface and one that has been altered (i.e., paved), often increasing the volume of run-off. Delta water would have previously infiltrated the ground, and there is misalignment on how it can be used under the legislation by the landowner that creates the additional water availability.

Team Alberta Crops looks forward to engaging with the Government of Alberta on the future development of a storm/rainwater use and Water Reuse Policy.

4) Maintain the current system of water measurement and reporting and invest in education to improve participation

Most water licences of consequential volume already have conditions requiring regular reporting of diverted volumes. To increase the amount and accuracy of reporting, and increase its value for water managers, it is suggested that the Government of Alberta engage with stakeholders to understand the barriers to reporting, educate them on the importance of reporting (i.e., purposes other than enforcement), and encourage them to comply with their licence requirements as written.

The Government of Alberta is also encouraged to investigate communication gaps between departments which may contribute to perceptions of incomplete water measurement and reporting. Albertans would also benefit from an online viewer containing aggregate statistics per water management area, without identifying specific licensees.

5) The water allocation and transfer system should remain the same

Enhanced reporting could substantially decrease the perceived “paper” water, which is water that appears to be allocated but goes unused. Licences that still appear underused should remain privy to the cancellation or partial cancellation process already present in The Water Act, with no additional powers introduced for the GoA.



Crop producers water use varies year to year with weather conditions, economic and market factors, crop rotations, operational outages, and many other factors. A crop producer should not have their allocation challenged based on low historical usage, as water demand cycles can be decades long, and the full allocation may be required under changing circumstances.

Crop producers in closed basins should be encouraged and enabled to adopt water conservation measures to reduce water use and participate in the water licence transfer market to allow for beneficial use of the resource. The water transfer market can benefit licence holders who independently determine that, as a result of successful innovation, their allocation exceeds their needs. Licensees have found that transfers are not onerous to navigate as the process currently stands. The licence transfer process does not need to be simplified. However, sufficient government staff to ensure a timely response to transfer applications is encouraged. This addresses the intention of this issue by effectively creating more water in the basin.

The current cancellation and water transfer application process should remain unchanged.

6) Invest in increasing public understanding of Alberta's aquifers

Many crop producers rely exclusively on water wells. Groundwater resources are nebulous and require increased monitoring and communication of monitoring to the general public. Misunderstandings of how water moves from the surface to aquifers and back again often lead to unnecessary disputes.

Alongside expanding the groundwater observation well network (GOWN), providing monitoring units and remote telemetry for existing source wells in key regional aquifers, as suggested in point one, would leverage existing infrastructure and contribute immensely to Alberta's understanding of its groundwater resources.

A well-mapped groundwater system will benefit all Albertans and our environment. It is critical that information regarding groundwater is provided for public consumption, ideally through an interactive platform. It is currently difficult for farmers to track down and interpret relevant information to a particular location.

7) Ensure the ability to appeal amendments to licences and that the Environmental Appeals Board remains intact

Alberta attracts economic development by offering regulatory certainty. In emergency situations, The Minister or Director may suspend or cancel a licence, but that remains appealable and subject to compensation. Security in The Water Act is offered through



licences with specified terms and conditions, as well as transfers and assignments, which cannot be permanently changed outside of an amendment with an appealable process.

The Minister responsible for water emergency decisions, as well as the processing of applications, transfers and assignments and compliance for licences is currently the same Minister responsible for the Environmental Appeals Board (EAB). This arrangement appears to be a conflict of interest and does not inspire confidence in the appearance of impartiality. Emergency orders and actions occur in challenging times; the question of impartial appeals should not additionally cloud those situations. The Justice Ministry may be a more suitable location for the EAB.

Conclusion

Farmers are environmentalists who possess a deep understanding of their surroundings and a strong commitment to protecting them. Alberta's extreme environmental variability necessitates locally specific management, with critical inputs required from representatives in the agricultural sector.

The current engagement process did not provide sufficient time for a fulsome review of risks and opportunities that Team Alberta Crops sees to improve Alberta's water management system. In the coming months, Team Alberta Crops will be launching a fulsome risk assessment and planning process, which will expand our understanding of water-related opportunities and risks facing producers. This roadmap will include actionable strategies to mitigate the impacts of climate change, changing markets, and regulatory items outside of *The Water Act*, which Team Alberta Crops will advocate for with the provincial government in the future.

We understand that meetings with stakeholder groups, as part of the current engagement, will be extending into 2025. Team Alberta Crops would be pleased to provide further context on the barriers and suggested remediations associated with the current regulatory framework governing water, as it impacts crop producers. Questions and further discussions of our feedback may be directed to Reg Warkentin at reg@teamalbertacrops.com or 403-598-1903.



Respectfully yours,

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