



Campaign Backgrounder

Got Thirst? Will Alberta's new water law leave you high and dry?

In the fall of 2008, Environment minister Rob Renner announced his government was going to review the 1894 First in Time, First in Right water allocation process within the province. Since then the Government has consulted with their experts and three appointed committees for recommendations to change the province's water allocation system as well as the Water Act. The Government of Alberta did not consult with the broader public to get input and direction for changes to water policy.

In November 2009, three reports were released from the Alberta Water Research Institute (AWRI), the Water Allocation Transfer System Upgrade Project (WATSUP) team with the Alberta Water Council, and a Minister's Advisory Group of hand-picked experts. Within these reports recommended changes to the water allocation system and the water act are outlined. In a style of top-down democracy, the Government of Alberta will not consult the public on these recommended changes until they have drawn up their final plans for new legislation that will change Alberta's water laws.

Furthermore the process of review is in violation of Alberta's First Nation's treaty rights and the UN Rights of Indigenous Peoples as there is an obligation to have free, prior and informed consent by First Nations before changes to natural resource policies are made and the Government of Alberta has failed to garner this.

The major concerns with the proposed changes are three-fold.

1. The recommended changes **do not ask** that water rights be prioritized to ensure adequate water is available for our family needs, our ecosystems, and our future generations above that of industrial and commercial needs.
2. The recommended changes **do not challenge** the 19th century First in Time, First in Right principle and rather propose the use of **water markets** as a means for water allocation, allowing water licenses to become private property to be bought, sold and traded.
3. There are suggestions for **deregulation of protections and public oversight** that already exists in our water law. Numerous recommendations call for a tiered review process where the public could only comment on certain water transfers. Another recommendation calls for the abolishment of basin-specific water management plans* before a water transfer could take place.

*Under the Alberta's current water law, basin-specific water management plans are the only mandatory set of matters and factors that a director **MUST** consider before a water transfer can take place. Presently only the South Saskatchewan River Basin has a water management plan.

It is very important that the Gov't of Alberta hear from you to ensure that changes to water policy do not leave us high and dry! Water is something essential to all of us and we need to act now to protect it!

For more background on the review, as well as links to the reports please visit www.gotthirstalberta.ca



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GOT THIRST? WILL NEW ALBERTA WATER LAW LEAVE YOU HIGH AND DRY?

Alberta is in a Water Crisis!

Water is becoming a scarce resource in Alberta. In addition to record low water flows in all seven of our river basins, Alberta has many water woes that need to be dealt with. Our water worries span the many concerns of toxic contamination and drought, to overallocation and population growth, to boiled water advisories and even tap water you can light on fire. The questions then arises: Who has rights to use water in Alberta? & How will our environment be protected in the process?

First in Time, First in Right is not an equitable way to allocate water

Our present system of water allocation functions from a first come, first serve principle that does not prioritize water needs for our families, ecosystems or future generations. This means license holders who claimed water first have priority access to water, despite what they are using it for or if their use will run a river dry. Under the FITFIR system, our rivers and lakes along with many municipalities and subsistence farmers have junior licenses and thus in a time of scarcity are the ones forced to take on the burden of having to go without water, while senior license holders can continue business as usual.

Top-Down Democracy

In the Fall of 2008, Minister Rob Renner announced the province would do a review of water rights and the allocation system. Since then there has been no public outreach or consultation on what the changes should look like. Instead the government commissioned 3 committees to provide recommendations. The recommendations do not challenge the FITFIR system, and rather focus solely on market-based solutions, with some going further to call for a deregulation of protections and public oversight we already have. The Government is using these recommendations to draft their revisions to the province's Water Act. Only when the major direction and decisions have been determined will the public be allowed to comment. Additionally treaty responsibilities that demand First Nations provide free, prior and informed consent before changes to water allocation and use be developed are also not being met by the Government of Alberta.

Violation of Treaty Responsibilities

The Supreme Court of Canada has confirmed that both the Federal and Provincial Crown have a constitutional duty to consult with and accommodate First Nations when the Crown's actions potentially impact confirmed and



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claimed Treaty and Aboriginal rights. The management and allocation of water resources off-reserve by the Government of Alberta has the potential to profoundly impact First Nations' on-reserve water resources, the right to use and benefit from reserve lands, Treaty water rights, and other Treaty and Aboriginal rights. Under the present review of water rights, the Alberta Government failed to satisfy the constitutional duty, and rights of Indigenous People as outlined by the UN to consult with and accommodate the First Nations of Treaties 6, 7 & 8 regarding important water management and allocation decisions. First Nation peoples are recognized stewards of their traditional territories, particularly with respect to all essential elements including air and water, and thus must be at the forefront of policy development with respect to these natural resources.

Water Market's and Deregulation are not the answer!

Water Markets create a profit incentive for water license holders to trade water to other uses, by making water licenses private property that can be bought, sold, and traded. Thus instead of regulating and protecting our water the government will be relegating the decisions on who gets water under an ability-to-pay principle. More concerning, water markets contradict the need for water conservation, as water that is presently not being used is given a price tag and an incentive is created to allocate unused water to a use that can draw a profit. Advocates say water markets will allocate water to 'higher-value uses' but they define higher value uses as those that increase the GDP. (An FYI – water kept in rivers, or provided for basic human needs can not compare in GDP growth with the development of a new coal bed methane well or a large scale entertainment plaza.)

Where are the protections for our families, our ecosystems, and our future generations?

We in Alberta need to make changes to our water law to ensure that we have strong protections that ensure water access for our basic human needs, our lakes and rivers and for our children and grand-children. We all need water to survive now and in the future and our lakes and rivers provide us with the natural infrastructure to replenish many elements on this planet – plus give us the natural space to engage in clean, green recreational activities! None of the official recommendations ask for these prioritizations and protections above the needs of industrial and commercial uses. We can't stay silent on this in Alberta. We need to make it known now so changes to water law do not leave us high and dry!



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Make your voice heard!

Despite the fact that the Government has not asked for public input, we have a right to make our voices heard. Water is a resource that we all need for a dignified, healthy life and we as the public need to be involved with changes to legislation around water policy. Send in the postcard attached in the Got Thirst brochure and Call or Write your MP and let them know your opinion! Then tell others and keep putting the pressure on!

But don't stop there – get organized!

Changes to water policy will affect everyone and we need your help getting the word out and making sure prioritized uses and protections are in place!

Organize a Water Rights Watch group in your community and help spread the word. Also Sierra Club Canada, through their Action H2O campaign is offering 20 communities grants of \$2500 over two years for projects that helps elevate concerns of water. **This means you could start a group, or stay in an existing group, and have \$2500 to use to help raise awareness about water quality, quantity and rights issues!** – please contact sheila@sierraclub.ca if you are interested in applying!

Visit www.gotthirstalberta.ca for more info!
or Call Sierra Club Prairie at 780.439.1160