

**RESOLUTION 6-23
ENFORCEMENT OF WATER MANAGEMENT
ALBERTA WATER ACT**

WHEREAS some landowners are in contravention to the Alberta Environment Water Act; diverting, pumping, blocking water ways, unapproved creek crossings; and

WHEREAS the contravention is affecting adjacent landowners and municipal infrastructure; and

WHEREAS complainants are referred to the Alberta Environment 24/7 Complaint Hotline; and

WHEREAS the affected landowners/complainants do not receive a response, an investigation or a follow up, due to a lack of staff and funding.

**THEREFORE, BE IT RESOLVED
THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST**

That Alberta Environment and Protected Areas provide adequate resources to support the Alberta Water Act, to ensure these contraventions are being dealt with.

SPONSORED BY: County of Two Hills

MOVED BY: _____

SECONDED BY: _____

CARRIED: _____

DEFEATED: _____

STATUS: Provincial

DEPARTMENT: Alberta Environment and Protected Areas

BACKGROUND INFORMATION

Purpose of Act 2

The purpose of this Act is to support and promote the conservation and management of water, including the wise allocation and use of water, while recognizing (a) the need to manage and conserve water resources to sustain our environment and to ensure a healthy environment and high quality of life in the present and the future; (b) the need for Alberta's economic growth and prosperity; (c) the need for an integrated approach and comprehensive, flexible administration and management systems based on sound planning, regulatory actions and market forces; (d) the shared responsibility of all residents of Alberta for the conservation and wise use of water and their role in providing

advice with respect to water management planning and decision-making; (e) the importance of working co-operatively with the governments of other jurisdictions with respect to trans-boundary water management; (f) the important role of comprehensive and responsive action in administering this Act.

Water Act: Part 3 Right to Divert and Priority of Rights Division 1 Right to Divert Water Existing diversion rights 18(1)

Every authority or licence other than a temporary authority, agreement, permit, interim licence, updated and reissued interim licence and supplementary interim licence, granted under a predecessor Act that on January 1, 1999 authorizes the diversion of water, is a deemed licence that has a priority number that corresponds to the priority number of the original authority or licence. (2) A person who holds a deemed licence under this section may continue to exercise the right to divert water in accordance with (a) the priority number of the deemed licence, and (b) the terms and conditions of the deemed licence and this Act, and if a term or condition of the deemed licence is inconsistent with this Act, that term or condition prevails over this Act.

Water Act: Application 37(1)

A person who applies for an approval must (a) make an application to the Director in a form and manner satisfactory to the Director, (b) submit the information, including but not limited to plans and specifications, required by the Director, (c) pay the required fees, and (d) provide notice of the application in accordance with Part 8. (2) The Director may require an applicant to submit any additional information including but not limited to plans and specifications the Director considers necessary within any time period required by the Director. (3) The Director may deem an application for an approval to be an application for a licence. (4) If an applicant for an approval does not own the land in fee simple or the undertaking to which the approval is to be appurtenant, if required by the Director, the applicant must submit the written consent of the owner of the land or of the undertaking as part of the application for the approval.

Licence required 49(1) Subject to subsection (2)

no person shall (a) commence or continue a diversion of water for any purpose, or (b) operate a works, except pursuant to a licence unless it is otherwise authorized by this Act. (2) A person who commences or continues the diversion of water or operates a works (a) for household purposes in accordance with section 21, (b) pursuant to a registration, (c) pursuant to an approval, (d) that is designated or is part of a class of diversions or works that is designated in the regulations as exempt from the requirement for a licence, or (e) that is in an area of the Province that is designated in the regulations as an area where a licence is not required for that diversion or operation of works or that class of diversions or operation of works, is not required to hold a licence for that diversion of water or operation of works.

Issuance of licences, preliminary certificates 51 (2)

On application by the Government in accordance with this Act, the Director may issue a licence to the Government but to no other person, or may refuse to issue a licence, for

(a) the diversion of water, (b) the operation of a works, or (c) providing or maintaining a rate of flow of water or water level requirements.

Removal of works and obstructions 95

The Director or any person authorized in writing by the Director may, at any reasonable time, enter on any land and remove or otherwise render ineffective (a) a works constructed without an approval, (b) a works not constructed in accordance with an approval, (c) a works referred to in an approval or licence that has expired or has been cancelled, or (d) a natural or other obstruction, including but not limited to an obstruction formed by soil, debris, ice or vegetation, or beaver dam, if, in the opinion of the Director, the obstruction or dam causes the diversion of water or interferes with the flow of any water, if, in the opinion of the Director, there is an interference with the rights of a household user, licensee or traditional agriculture user, or with private or public property, as a result of the works, obstruction or dam.

Offences 142 (2)

A person who knowingly (a) provides false or misleading information, data, records, reports or documents pursuant to a requirement under this Act to provide them; (b) fails to provide information, data, records, reports or documents as required under this Act; (c) contravenes a water management order; (d) contravenes an enforcement order; (e) commences or continues a diversion of water for any purpose, or operates a works for the diversion of water except under a licence or as otherwise authorized by this Act; (f) commences or continues an activity except under an approval or as otherwise authorized by this Act; is guilty of an offence.

Penalties 143(1)

A person who is guilty of an offence under section 142(2) is liable (a) in the case of an individual, to a fine of not more than \$100 000 or to imprisonment for a period of not more than 2 years, or to both fine and imprisonment, or (b) in the case of a corporation, to a fine of not more than \$1 000 000.