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Managing Water Flows and a First Nation Water Agreement



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Managing Water Flows

- What kind of water use knowledge (records) we have to manage with
- The Piikani Settlement Agreement





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Water Management: Key Elements

- All water needs and allocations must succeed (successfully manage risk) if the community as a whole (that the allocations support) is to succeed
- Certainty with the process of decision making and predictability of administration must be present in any water shortage
- The knowledge of water needs and process for managing water shortages must be known before the shortage occurs



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Water Allocations and managing the flow of rivers: Key Elements

- The Water Allocation system (1894 to 1999) has been described by others
- The daily management of river flow especially during dry periods must rely on the water use needs identified by the (an) allocation system



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Recorded Water Needs (Specific and Numeric)

- Licences and registrations including terms and conditions regarding minimum flows (1891 to 2007 in SSRB)
- International Boundary Waters Treaty 1909
- Master Agreement on Apportionment 1969



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Water Use not on a specific record

- Exemptions under the Water Act : Household use up to 1250 cm on land where water exists
- Federal Lands, e.g. National Parks, Suffield
- First Nations reserve lands water needs



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The Gap

Alberta is held responsible for meeting the flow expectations of downstream communities (Provinces), but does not have all the information on what water is being taken out of the system

One of those knowledge gaps is water use on First Nations Reserves



First Nations Reserve lands

First Nations water use varies considerably across the Province, with the largest needs in the irrigation areas.

There are about 6 categories of water use on reserves in the Treaty 7 area



First Nations Reserve lands

- 1.Licences applied for and issued to a federal agency
- 2.Licences applied for and issued to members of the FN for use on the reserve
- 3.Licences issued to FN as a result of the government being informed of a project
- 4.Water used without a record
- 5.Water used as part of an off reserve municipal delivery
- 6.Water used under an agreement with the record (licence) held by the Provincial Government



Filling the Gap: the Piikani Settlement Agreement

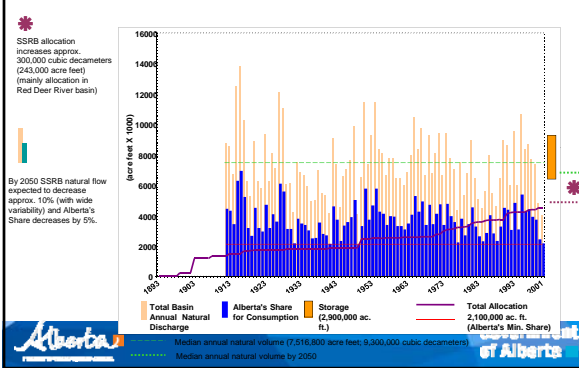
As part of a negotiation process to resolve some outstanding issues between Alberta and Canada and the Piikani First Nation, the issue of water supplies was discussed.

The Piikani wanted certainty for a quantity of water for existing and future use

Alberta wanted certainty for its responsibility to manage river flows on the Oldman River



SSRB Volume Available for Consumption in Alberta, Allocation since 1891 and Inter-annual variability



Piikani Settlement Agreement

There are 4 key elements that made the water section work:

1. An amount of water was agreed upon
2. The water could be made available with minimal risk from storage in the Oldman Dam Reservoir
3. The allocation record was to be held by Alberta
4. The agreement included a commitment for the Piikani to confirm each year by March 1, the amount of water to be diverted that year by active projects on the reserve



The Piikani Waters - details

- The Piikani Waters (PW) were in addition to the existing licenced allocations that existed at the time of the agreement
- The PW volume was set by the Piikani identifying a list of water use projects that they wanted to have in the future on the reserve lands
- The list of projects was converted to water volumes using typical similar projects in the area around the Reserve
- The agreed upon volume was 35,000 acre feet



The Piikani Waters - details

- Alberta needed a record of the volume of water to ensure it was included in the water management operational scenarios for the river
- Alberta needed an annual update of the amount of the water that was to be used for projects as they were constructed for real time river management and storage release
- It was agreed that the South Saskatchewan Basin Water Allocation Regulation would be amended to delete the reference to water reserved for the Piikani Projects
- It was agreed that Alberta would hold a licence for the agreed upon volume of water, so that the record of allocations was complete



Piikani Waters – smaller details

Both parties had constituent needs that had to be considered and legal issues that they could not resolve in the time frame of the negotiations so other conditions were attached to address those issues

The Piikani are responsible for administering the PW on the Reserve, and managing who and how the water is distributed.

Water that originates on the Reserve can be used in addition to the PW



Piikani Waters – smaller details

- Alberta must pass sufficient water through the Reserve to meet the instream flow requirements for protection of the aquatic environment as set out in the Oldman Dam operating plan
- The projects for which the PW can be used must be located on reserve lands, or be in the Oldman Basin and the lands owned by the Piikani and the projects at least partially owned by the Piikani
- The licence held by Alberta is not transferable



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Next steps

- The Siksika have negotiated a similar agreement that may be ratified soon
- The Blood already have 17 licences totaling over 41,000 acre feet of water and are working on a water needs assessment for the future funded by Alberta/Canada
- The Tsuu T'ina have completed a water needs assessment with funding provided by Alberta



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Summary

- Alberta will continue to work with First Nations to identify FN water needs
- It is in the interest of all residents of the River Basins in Alberta to share information on water needs and use to efficiently manage dry years, protect the aquatic environment, and meet commitments to our neighbours
- The Piikani Settlement Agreement has been a step towards a cooperative solution to managing water in Alberta



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Web sites:

Licence Viewer
http://ssrb.environment.alberta.ca/licence_viewer.html

SSRB website
<http://ssrb.environment.alberta.ca/index.html>

River Basin Flows web page
<http://www.environment.alberta.ca/apps/Basins/default.asp>
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