

Introduction to Water Act & Public Lands Act

Overview

Alberta Environment and Sustainable Resource Development (ESRD)

- *Water Act*
- *Public Lands Act*
 - Water bodies claimed by Crown
 - Process
- Incorporating Naturalized Storm Water Facilities

1894 – *Northwest Irrigation Act*

Section 5

Crown reserved ownership:

- lake, river, stream or other body of water
- water contained or flowing therein
- the land forming the bed or shore thereof

Water Act

- Governs how the Province manages water
- To promote the conservation and management of water, including the wise allocation and use of water.
- Promote economic growth and prosperity
- Protection of existing rights

Water Act

- Definition of Water body is very broad
- Activities in Water Body are subject to Legislation
 - Water Act Approval
 - Codes of Practise
 - Temporary Diversion Licenses

Wetland Management in the Settled Area of Alberta – Interim Policy

- Goal:
sustain the social, economic, & environmental benefits that functioning wetlands provide now and in the future
- Provincial Wetland Compensation/Restoration Guidelines
 - 2007
 - Alberta Environment & North American Waterfowl Management Partnership
- New Alberta Wetland Policy

Public Lands Act

- Manage Crown Land
- Many Water bodies are owned by Crown
- Section 3 (1) – what the Crown claims
 - Permanent and naturally bodies of water
 - Rivers, streams, watercourses and lakes

Section 3 (1) *Public Lands Act*



Public Lands Act

- Section 3 (2) – What the Crown doesn't claim
 - Title specifically includes bed and shore
 - Grants before NWIA
 - Federal Land

Section 3 (2) *Public Lands Act*



Section 3 (3) *Public Lands Act*



Definitions

Bed and Shore

- Land covered by water long enough to impact vegetation and soils
- Bed – land covered by water
- Shore – land between bank and water

- Bank

- Line where the bed and shore of the body of water ceases
- Mark left on terrain from long-continued presence or action of water
- Ordinary High Water Line
- Natural Boundary

Ownership Determination

- Water Boundaries Unit
- Section 3 *Public Lands Act*
- Resource and time intensive



Ownership Determination

- Check for previous reviews
- Aerial photography
- Satellite imagery
- Current titles
- Township plans
- Registered plans
- Original grant
- Original surveyor notes
- Survey plans
- ESRD Field staff
- Land Status Automated System
- Other sources

Prairie Pothole Wet/Dry Cycle



Incorporating a Naturalized Storm Water Management Facility

- Avoid, Mitigate, Compensate
 - Compensation last resort
 - Compensation under Water Act and Public Lands Act
- *Water Act* Approval required for activity in any water body
- *Public Lands Act* Approval required for activity impacting Crown bed and shore
 - Formal Disposition
 - Temporary Field Authorization