

**Priorities Committee Meeting\_Mar14\_2017**

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**STRATEGIC INITIATIVE AND UPDATE****Water Bodies - Definitions, Ownership and Legislation****Report Purpose**

To provide the Priorities Committee with a summary of definitions, guideline of ownership and relevant legislation affecting water bodies in Alberta.

**Strategic Plan Priority Areas**

**Economy:** Planning for and managing water on the municipal landscape supports resilient municipal infrastructure.

**Governance:** Compliance with federal and provincial legislation relies on cooperative partnerships with the regulators at all levels of government.

**Social:** Compliance with federal and provincial legislation supports a resilient natural environment and a healthy community.

**Culture:** n/a

**Environment:** Legislation summarized in this information package supports protecting the natural environment within Strathcona County.

**Other Impacts**

**Policy:** Municipal policy development and implementation is driven and supported by federal and provincial legislation to ensure Strathcona County manages the land, air, water, energy, material use, biological diversity that results in a resilient natural environment.

**Legislative/Legal:** Any changes to federal or provincial legislation will affect municipal legislation and policy.

**Interdepartmental:** Multiple Strathcona County departments are involved in wetland, water body and watercourse planning and management.

**Summary**

Administration is bringing forward information on current definitions, clarifying ownership and defining legislative requirements regarding the responsible planning and management of water bodies. See Enclosure I for detailed information and relevant resources.

A summary of definitions including "water body", "bank", "bed and shore" are provided as the foundation of the ownership discussion and legislation driving overall conservation and management of water on our landscape. Graphic representations of these definitions are provided.

The federal government has the right to legislate over some water-related matters, including:

- wetlands on federal lands (e.g. wetlands in national parks or other federal reserve lands) and all resources on these lands (e.g. timber, water, range, wildlife and mines and minerals);
- natural commercial, sport or recreational fishery habitat in wetlands, whether on federal or non-federal lands, and whether on privately-owned or public lands;
- ocean pollution, ocean mammals; and
- migratory birds, and to a limited degree, migratory bird habitat (whether on federal or non-federal lands and whether on privately owned or public lands).

The provincial government has the right to legislate over some water matters, including:

- wetlands on provincial lands (e.g. wetlands in provincial parks or other provincial public lands) and all resources on these lands;
- activities relating to the bed and shores of all naturally occurring permanent wetlands; and
- wildlife, wherever it occurs in the province, whether on public or private lands, except for on federal lands.

Municipal governments have authority under the *Municipal Government Act* to regulate impacts on wetlands, water bodies and watercourses. Municipal governments may also own and manage lands containing wetlands, water bodies and watercourses as a result of direct purchase or dedication via the subdivision process. That being said, naturally occurring, permanent wetlands, water bodies and watercourses found on municipal land are the property of the Crown.

Development on private land (including municipally-owned land) that contains surface water requires statutory approvals from the provincial and federal governments:

- ✓ Water Act – activities that could alter drainage.
- ✓ Public Lands Act – permanence assessment for Crown claim determination.
- ✓ Environmental Protection and Enhancement Act – activities that could pollute.
- ✓ Fisheries Act – diversion, drainage or activities affecting fish habitat.
- ✓ Migratory Birds Convention Act – activities that could affect migratory birds or their nests.
- ✓ Navigation Protection Act – activities that could interfere with navigable water.

## **Enclosure**

- 1 ppt Water Bodies – Definitions, Ownership & Legislation