

# Southern Alberta Group For Environment

Box 383, Lethbridge, AB T1J 3Y7

## NEWSLETTER

September-October, 2005

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## Announcements

### Next SAGE Meeting

7:30 p.m., Thursday, 8 September 2005

Fish & Game Hut, 9<sup>th</sup> Ave and 10 St S., Lethbridge

Please note that this meeting has been rescheduled to the second Thursday of the month so as not to conflict with celebrations of the province's centennial on September 1.

The agenda includes updates on SAGE activities and discussion of potential new initiatives. Everyone welcome.

Refreshments provided.

### Lethbridge Children's Festival

11 a.m. – 5 p.m., Saturday, 10 September 2005

Galt Gardens, Lethbridge

The Environment Week Committee will have tent set up with some environmental type activities including a mowing challenge with push mowers over an obstacle course, a grass heads craft in which kids can create a home made like chea pet with rough fescue seeds, a trivia wheel, and some word searches and recycling activities. A great family event!

## Notes and Updates

**SAGE Has New Bylaws and Website in Prep** – New bylaws filed with Corporate Registry will change the way SAGE functions. The executive has voted funds for preparation of website, including new logo. Stay tuned, and if you want to be involved please attend the Sep 8. meeting

**Andy Russell's Legacy** – The passing of Andy Russell on June 1, 2005 at age 89 marks the passing of an era for conservationists in southern Alberta. A larger than life outdoorsman, Andy inspired many to care as he did for the wild places of southwestern Alberta and the wildlife reliant on those places. Committed conservationists battling intrusions into wildlands and damming of rivers were buoyed by the knowledge they had a powerful ally and eloquent spokesperson in Andy Russell. Andy's voice endures in his films, tapes and books, including "The Life of a River", a book about the Oldman River.

Conservation organizations have requested of Premier Klein that the Castle Wildland be protected and named as a fitting tribute to Andy Russell. Mr. Klein has acknowledged the legacy this "true Alberta original" has left and forwarded the request to Hon. Gary Mar, Minister of Community Development, and Hon. David Coumts, Minister of Sustainable Resource Development for their consideration.

**Tune In To Local Environmental Radio Show** - Debby Gregorash will be the host of a CKXU radio show beginning in September. It will be heard from 8:30 to 10 a.m. each Tuesday morning on 88.3 FM radio. The show, called Earth Matters, will have music, interviews, and reports on environmental issues including related social and health issues. You can also find it live on the worldwide internet at [www.ckxu.com](http://www.ckxu.com) and then click on the earphone icon. If you have some good insights on the latest issues, or can help with the research and writing, call Debby at 345-3344.

**Please Sign On to the Oldman Watershed Council** – If you care about water quality and the health of rivers and streams in the Oldman River watershed, then please sign on to the Oldman Watershed Council (OWC). It costs nothing except the time to fill out a membership form. In return you receive regular updates on planning in the watershed, notices of relevant meetings and events and the opportunity to vote for individuals who will represent your interest on the OWC Board. To join, telephone Wendy at (403) 382-4239, e-mail [wendy.devent@gov.ab.ca](mailto:wendy.devent@gov.ab.ca) or visit [www.oldmanbasin.org](http://www.oldmanbasin.org).

**Irrigation Districts as a Law unto Themselves** – In 2003-2004, SAGE invested considerable time and resources in preparing an appeal of a decision by the Director of Alberta Environment to amend a licence of the Saint Mary River Irrigation District. The amendment allows the District to use 12,000 acre feet of water annually (about 15,000,000 cubic metres) for several purposes other than irrigation. SAGE argued that the change should be considered a transfer of an allocation and 10% (1,200 acre feet) returned to the stressed St. Mary River. The Alberta Environmental Appeal Board denied SAGE standing to make the appeal.

A legal analysis of the situation by two lawyers in the law faculty of the University of Calgary is accepted for publication in the *Journal of Environmental Law and Practice*. In their paper "St. Mary's Irrigation District Licence Amendment Decision: Irrigation Districts as a Law unto Themselves", Nigel Bankes and Arlene Kwasniak argue that "the effect of the Director's decision to amend the licence is to fundamentally undermine the purposes of the provincial *Water Act* and in particular to undermine a key rationale behind the carefully structured transfer provisions of the new *Act*". They also argue that changes to the *Irrigation Districts Act* in 1999 mean special rules apply to Irrigation Districts and hamper the province's ability to manage water, a public resource, in the long term public interest. Additionally, Bankes and Kwasniak argue that by denying SAGE standing on narrow technical grounds, the Appeal Board denied Albertans an opportunity for useful discussion on a matter of considerable public interest.

**Water Contamination from June 2005 Flood** – High rainfall in June 2005 resulted in large amounts of manure from confined feeding operations (CFOs) contaminating water courses in the Oldman River Basin. Some older CFOs are located in floodplains and were directly flooded. The *Agricultural Operations Practices Act* requires new manure collection and storage facilities to be located 1 metre above the 1:25 year flood level. Newer feedlots are designed to handle runoff from a 1:30 year, 24 hour precipitation event. The 2005 flood well exceeded these parameters.

Two operators in the County of Lethbridge were given approval for an emergency controlled release of overflowing catchment ponds. There were at least nine uncontrolled releases where operators failed to notify NRCB and therefore made no attempt to mitigate harmful effects. In addition recently spread manure was washed from cropland into water courses and some landowners pumped contaminated water from flooded land into irrigation canals. The resulting contamination substantially degraded water quality throughout the lower part of the basin posing a threat to health of humans, animals and aquatic organisms.

A better understanding of drainage patterns and applying this understanding to design of manure storage facilities and irrigation infrastructure is suggested. Land use planning which phases out old CFOs and avoids new developments in areas subject to flooding also is needed. Educating landowners in flood-prone areas about appropriate response to flooding may also help decrease risk of water contamination in the basin's streams and rivers.

**Plan to Improve Air Emissions from Confined Feeding Operations a Step Closer**– Since January 2005 SAGE has been part of a working group of the Clean Air Strategic Alliance (CASA) scoping the issues and developing terms of reference for a project team which will develop a provincial air quality strategic plan for confined feeding operations (CFOs). The terms of reference, developed through consensus among the 25 members of the working group, are nearly complete and can be obtained by contacting SAGE's representative, Ann Baran, at (403)738-4657.

Initially the team will need to develop a workplan and budget and secure resources to implement the workplan. There will be an information gathering phase focused on current legislation and management mechanisms in Alberta and elsewhere. Prior to defining an air quality strategic plan, information gaps will be identified and risk analyses undertaken based on determined needs. The working group has identified components which an air quality strategic plan may include. A final report and recommendations, including a plan for implementation, will be made by the project team to the CASA board hopefully by June 2007.

**Paragon Truck Wash Remains Closed** – A livestock trailer wash operated by Paragon Livestock Exchange Inc (Paragon) northwest of Lethbridge has remained closed since an NRCB order on February 19, 2005 “to immediately cease all pumping of liquid from all cells of earthen manure storages”. On July 12, Paragon applied to NRCB for an amendment to its authorization which would reflect a new facility operations plan. Alberta Environment, Chinook Health Region and County of Lethbridge reviewed the application and raised major concerns about the facility's past and proposed future operations.

NRCB's decision on August 15 is to grant the amendment provided the operator provides the following documents: 1) an exemption or approval under the Water Act from Alberta Environment for the diversion of run-on water through the truck wash site; 2) signed land access agreements for manure application; and, 3) a written explanation by a professional engineer as to when and how a fresh water storage on the site became contaminated and how its integrity will be restored. In addition, a synthetic cover must be placed on the first of three wastewater storage lagoons by January 30, 2006.

**MD of Willow Creek Denies Little Bow Resort Approval** – The Municipal District of Willow Creek has turned down a proposed 560-acre country residential development on the Twin Valley Reservoir (formerly Little Bow Reservoir) at the confluence of Mosquito Creek and the Little Bow River. SAGE provided written presentation for a public hearing on June 8. The MD did not provide reasons for its decision.

Concerns raised by SAGE were the lack of information on water availability, water conservation, and effluent treatment and disposal. Monitoring has shown the lower Little Bow River has high bacteria and nutrient concentrations. As well there is a concern for long-term negative impact on significant native grasslands which were to be conserved according to the NRCB decision report regarding the Little Bow dam and reservoir.

**Encana's Proposal to Mine Gas in Suffield National Wildlife Area Meets Opposition** – Corporate giant Encana has applied to the Department of National Defense to drill up to 1275 shallow gas wells in the recently designated Suffield National Wildlife Area. This is referred to as mining gas. On June 27<sup>th</sup> SAGE sent a letter of objection to the Minister of National Defense and the federal Minister of Environment expressing strong concerns for potential significant negative impacts on native plant communities, plants and animals, including several designated “at risk”. SAGE and other provincial and national conservation groups have requested that, should the application be given further consideration, there be a public review panel established under the *Canadian Environmental Assessment Act*.

**Cross-border Transmission Line Needs to Address Environmental Implications** – On August 10<sup>th</sup> SAGE met with representatives of the Montana Alberta Tie Project – a proposed 300 km, 240 kV electrical transmission line between Lethbridge and Great Falls. When asked about the need for the project, company representatives stated the project is proposed by private enterprise interested in profit. Public interest issues regarding energy self-sufficiency, energy conservation and environmental sustainability would need to be addressed by the National Energy Board and the Alberta Energy Utilities Board. When asked about project scope, they replied that no energy generation project in Alberta is codependent on the line, however a proposed wind farm in Montana is. Two routing options transect significant areas of native grassland on the Milk River Ridge, in or near areas identified as priorities for protection by the South Country Protected Areas Project in 1993. When asked about a third routing option along Highway 4, which would avoid environmentally significant areas, representatives replied this was not an acceptable option for the corporation.