

Southern Alberta Environmental Group

Box 383, Lethbridge, AB T1J 3Y7

NEWSLETTER

September, 2004

Editor: Cheryl Bradley, phone: 403-328-1245, fax: 403-380-4969, e-mail: cebradley@shaw.ca

Announcements

SAEG September Meeting

7 p.m., Thursday, 9 September 2004

Fish & Game Hut, 9th Ave and 10 St S., Lethbridge

Updates and discussion of current environmental matters.
Everyone welcome. Refreshments provided.

Climate Variability: Planning for Floods, Droughts and Change

6-8 October 2004, Saskatoon, SK

Presented by Partners FOR the Saskatchewan River Basin
and Canadian Water Resources Association. For more
information see www.saskriverbasin.ca/conference/ or phone
1-800-567-8007

Interpretation Canada 2004 National Conference

20-24 October 2004, Lethbridge Lodge

This conference for heritage interpreters offers sessions in
creative skill development, management, marketing and
entrepreneurial skills. Keynote speakers include Sam Ham,
Ben Gadd, Betty Weiler and Kevin Van Tighem. Tours will
visit key natural and historic sites in southern Alberta. For
more information see www.interpcan.ca or call 320-3064

Notes and Updates

SAEG Vision and Mission – Over the summer interested
SAEG members met to define new vision and mission
statements. The process was facilitated by Deborah Berg of
Alberta Community Development.

The **vision** of SAEG consists of the following:

- SAEG has an active and evolving membership which
engages with others in the community to act on
environmental challenges.
- People access the information which they need to make
environmentally-sound decisions.
- Citizens of southern Alberta understand the necessity for
each one of us to be environmentally responsible.
- All citizens act to achieve a healthy and environmentally
sustainable community.

Our **mission** is as follows: The Southern Alberta
Environmental Group is a leading voice for a healthy and
environmentally sustainable community through informing
citizens, participating in public processes and supporting
sound environmental initiatives and actions.

Comments on the drafts can be provided to Sylvia
Campbell by e-mail sylvia.campbell@shaw.ca or by phone
328-6502. Sylvia will be heading a committee to revise
SAEG's by-laws. Please contact her if you wish to help.

Call for Nominations for 2004-2005 Board – If you wish
to become more involved in the work of SAEG, consider
putting your name forward to serve on the Board or a
committee. Board positions include president, vice-
president, secretary, treasurer and six directors. For more
information contact past-president Sylvia Campbell at 328-
6502 or current president Klaus Jericho at 327-4062.
Elections will be held at the annual general meeting on
October 7, 2004.

SAEG Member Receives Emerald Award – SAEG
newsletter editor, Cheryl Bradley, has received the 2004
Individual Commitment Emerald Award for her work as
“Nature's Advocate”. The award recognized thirty years of
work and volunteer activities in protecting wildlands, rivers,
native plants and endangered species and in promoting
sustainable communities, both rural and urban. Information
on Emerald Award recipients and finalists can be found at
www.emeraldawards.com.

Water Conference Covers Wide Range of Topics - The
Confronting Water Scarcity Conference, hosted in
Lethbridge on July 13-16, attracted 380 participants to
discuss challenges and choices related to water shortage and
water quality. Over 50 presenters addressed topics ranging
from global trends in water management, climate change
impacts on water supply, role of irrigation agriculture in
global food supply, restoring aquatic and riparian
ecosystems, and processes for addressing water scarcity
conflicts. Posters and displays also covered a wide range of
topics. A summary report on the state of southern Alberta's
water resources jointly prepared by Alberta Environment and
Alberta Agriculture was included in conference materials.

SAEG volunteers participated on the conference
organizing committee, provided a display and brochure on
health of rivers in the Oldman Basin, chaired a conference
session, and organized a field trip which examined water and
people in the urban environment. For those SAEG members
unable to attend, arrangements can be made to borrow a
binder of conference materials from Cheryl Bradley (phone
328-1245).

Environmental Appeals Board Dismisses SAEG Appeal –
In a letter dated May 28, 2004 the Alberta Environmental
Appeals Board (EAB) notified SAEG that it has determined
the group and its members are not directly affected by the
amendment to a water license which gives the Saint Mary

River Irrigation District (SMRID) authority to use water for purposes other than irrigation. Hence, SAEG's appeal is dismissed.

The letter goes on to state that "The Board's reasons in this matter will be provided in due course". Three months have passed and SAEG has yet to receive reasons from EAB.

This decision by the EAB points to fundamental flaws in how decisions are made on applications for water licenses under the *Water Act* in Alberta.

Firstly, the Director of Alberta Environment defines directly affected differently than the EAB and nowhere is this difference clearly articulated. This leads to confusing and conflicting decisions about who will have standing regarding water license applications. SAEG's statement of concern regarding the SMRID license amendment was accepted by the Director with an explicit statement that the group was directly affected. EAB's decision contradicts that of the Director.

Secondly, 'directly affected' appears to be narrowly interpreted by EAB as meaning demonstrable negative impact (primarily economic) on a private interest. Hence, the appeal process is in practice closed to groups of concerned citizens with common and legitimate environmental, social and economic interests who collectively believe their interests are affected. Even though decisions by the Director may have broad public policy implications, the EAB process fails to provide for consideration of the public interest as does the process under which the Director makes his original decision.

Thirdly, non-profit environmental groups are asked by government to give freely of their time and expertise in setting public policy and legislation whereas these same groups are required by the judicial nature of the appeal process to retain legal counsel at the outset and ultimately go to court if they wish to affect or challenge a decision by the Director which arguably contravenes policy or law. Legal processes, with little prospect of recovering costs, soon drain the resources and goodwill of non-profit environmental interests and other interveners. Government on the other hand uses lawyers employed in the public service. This situation is unreasonable and unfair especially when alternative dispute resolution is not available. SAEG's request for mediation regarding the SMRID application was denied by Alberta Environment.

SMRID Water Use Information Private – In a letter dated 17 May 2004, SAEG asked for a list of parties with whom the Saint Mary River Irrigation District (SMRID) has agreements to convey water for purposes other than irrigation, as well as the volume of water covered by the agreements. A list of any applicants who were refused agreements also was requested. SMRID responded in a 30 June letter that SAEG will not be provided the information because "disclosure of this information might be harmful to personal privacy and commercial interest, economic interest of third parties and third party personal privacy".

The position of SMRID that water allocation information is private contrasts starkly with the Director's position that information on water licenses granted under the *Water Act* is public. This situation confirms SAEG's concern that the recent amendment to the SMRID water license privatizes decisions about allocation of a public resource.

SAEG Encourages International Joint Commission to Consider Environmental Health of Shared Rivers –

Cheryl Fujikawa made a verbal submission on behalf of SAEG at the July 29 public meeting in Lethbridge convened by the International Joint Commission (IJC). The meeting was in response to a request by the Governor of Montana to review the 1921 IJC order on the sharing of water in the Milk and St. Mary Rivers by the United States and Canada. SAEG's submission informed IJC that the aquatic environments of both the lower St. Mary River in Alberta and the lower Milk River in Montana are under stress and considered to be degrading due to current water management. SAEG suggested that IJC's test of "common good" regarding the use and quality of boundary waters requires consideration of flows needed to protect and restore the health of the aquatic environment.

Alberta Ecotrust Contributes to Urban Stormwater Education Program –

Alberta Ecotrust has contributed \$13,750 towards an education program to improve practices of Lethbridge residents that impact stormwater quality. The grant was made to SAEG, a partner in the Urban Beneficial Management Practices Team of the Oldman River Basin Water Quality Initiative. The funds are being used to design and administer a survey of urban residents regarding yard practices which potentially affect stormwater.

Twenty-five hundred surveys were mailed in mid-July and over 900 have been returned, an amazing response rate. Results are currently being analyzed. Stay tuned!

Sunrise Poultry Plant: Minimal Environmental Impacts Predicted –

In a 23 June 2004 media release, Economic Development Lethbridge announced that the city's industrial park will be the site of a new poultry processing plant to be built by Sunrise Poultry of Surrey B.C. The 40,000 square-foot processing plant will be capable of slaughtering 600,000 birds per week. SAEG members have been assured that the plant will be state of the art with minimal emissions. Demand on the water and wastewater treatment facilities is predicted to replace that of Lilydale Foods which closed its aging Lethbridge poultry processing facility in 2002.

Which Air Pollutants Concern You the Most? –

The Clean Air Strategic Alliance (CASA) is seeking nominations of air pollutants which are of most concern to Albertans and which require development of ambient air quality objectives. For more information and a nomination form visit <http://casahome.org> or call (780)427-9793. The deadline for nominations is 7 September 2004.

Court Directs Alberta Environment to Reconsider Castle Mountain Resort Decision; Government Appeals –

On 2 July 2004 the Court of Queen's Bench found Alberta Environment to be "patently unreasonable" in its decision to forgo an Environmental Impact Assessment in approving the real estate and ski terrain development at Castle Mountain Resort. The Judge ordered the department to reconsider its decision in accordance with the legislation. In late August, Alberta Environment filed an appeal of the judge's decision.

Castle-Crown Wilderness Coalition who sought the judicial review, states "We wish Alberta Environment would spend its energy protecting the environment, rather than dragging things out in the courts".