



DOCUMENTATION OF SOME WETLAND EASEMENT VIOLATIONS
IN THE COUNTY OF BEAVER, ALBERTA*

by

S. P. Pryor

Canadian Wildlife Service

Edmonton, Alberta

September, 1969

CANADIAN WILDLIFE SERVICE
WESTERN REGIONAL LIBRARY

* This report is primarily for Canadian Wildlife Service Administrative use. The information or conclusions drawn from it are not for publication without written permission of the Director, Canadian Wildlife Service.

CANADIAN WILDLIFE SERVICE
WESTERN REGIONAL LIBRARY

Introduction

One of the objectives of the National Wildlife Policy and Program is to maintain and manage amounts of suitable wetland habitat sufficient to support desired populations of waterfowl. One method of achieving the objective is "Conclusion of agreements with landowners whereby they agree not to drain or fill the wetlands which they own, or burn the vegetation around them, in return for" (Minister of Northern Affairs and National Resources, April 6, 1966) annual payments.

This report presents the events surrounding a drainage project (Figure 1) discovered during the process of wetland agreement negotiations. It recommends courses of action to be followed in dealing with agreement violators. Program policy changes are also recommended.

Methods

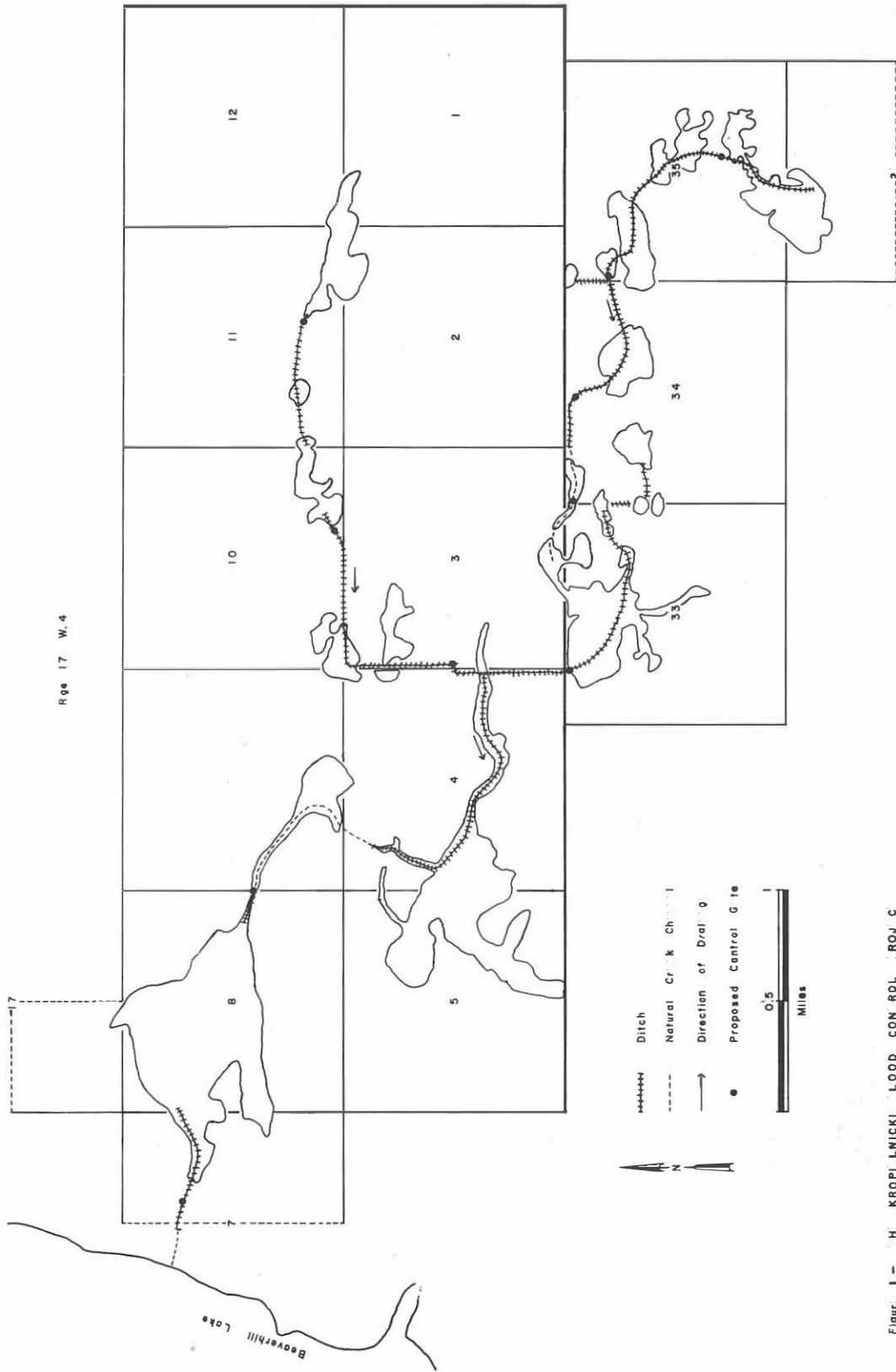
Negotiation of agreements consists of the following events:

- a) solicitation of applications;
- b) appraisal of wetlands by airphoto interpretation;
- c) submission of offers and;
- d) termination of negotiations.

If there are doubts about the suitability of wetlands seen on the air-photos or if the landowner queries the validity of our interpretations then the area concerned is field checked.

Results

The Canadian Wildlife Service solicited applications for wetland payments from all landowners in the County of Beaver in the summer



Figur 1 - H. KROPI, LNIICKI, LOOD CON. ROL. ROJ. C.

of 1968. Three landowners, upon reviewing their offers, advised us that a recently completed drainage project may have made some of their wetlands ineligible. A field check, on April 23 and 24, 1969, of the lands owned by these landowners revealed the drainage project* (Figure 1) had markedly affected their wetlands.

Mr. A. S. Goodman and Mr. S. P. Pryor of the Canadian Wildlife Service had a meeting on April 25, 1969 with Mr. Ron Hilton, Engineer, Water Resources Division, Alberta Department of Agriculture. Mr. Hilton outlined their involvement in the project and supplied a sketch map of the drainage system. He said that approximately 7.6 miles of ditching, costing \$34,000, was required to accomplish this drainage. This does not include the costs of preliminary investigations - such as feasibility studies, design and layout for works associated with drainage. The actual preliminary costs of the project are unknown; but they are shared evenly between ARDA and the provincial government (Department of Forestry and Rural Development, 1968). Ditching began on September 16, 1968 and was completed at the end of October, 1968. The construction cost was shared as follows:

Federal Government (ARDA)	- 37.5%
Provincial Government	- 37.5%
County	- 12.5%
Landowners	- 12.5%

This is similar to the cost-sharing arrangement in another drainage project in the County of Beaver (Woynarski, 1968).

* This drainage project is classed as a flood control project by the Alberta Department of Agriculture, Water Resources Division.

Additional field checks and measurements of areas on airphotos revealed that 868.1 acres of wetlands, on 35 quarter sections, had been drained into Beaverhill Lake (Table 1). The cost per acre to the landowners for drainage was \$4.90.

Applications for wetlands payments were received from 9 landowners for 13 quarter sections involved in the drainage project. Of these, five landowners who owned 8 quarter sections accepted our offer. These five landowners were paid \$659.00 (Table 2) for 214.6 acres of wetlands of which 181.7 acres are now drained. This means that between September 27, 1968 and February 10, 1969, \$536.00 may have been accepted under false pretences. The \$659.00 was sufficient to pay the major share of their drainage costs. Our policy of paying for partially drained basins which we deem suitable, may have led them to believe that we knew about the drainage.

At the time of the field check on May 27, 1969 most of the ditched wetlands were completely dry and the remainder would probably be dry within a month. Of the remaining undrained wetlands 90 acres are temporary shallow grass sloughs and one 35-acre marsh is "permanent".

The landowners have asked PFRA to install control gates in various locations along the drainage system (Figure 1). The purpose of these gates is to hold the water on the land just long enough to ensure a hay crop. The value of this type of development for waterfowl is considered to be nil since only 1 brood pond will exist.

Other Observations

Initiation of a drainage project requires that at least two landowners approach the County council for monetary and technical

assistance. The council then meets with the Provincial Water Resources Division to request that a feasibility study be conducted by Water Resources. The County council and the landowners are informed of the results. Before ditching can begin the County council must obtain right-of-way and maintenance easements on each parcel of land involved in the project and the Provincial Minister of Agriculture must approve the project.

Although Federal ARDA funds are used, Federal approval is not necessary for an individual project because of a two-year cost-sharing agreement with the Province of Alberta. This agreement expires on December 31, 1969, and there is no indication as to whether or not it will be renewed.

Discussion

Use of airphotos, taken in the spring of 1968 resulted in easement offers on wetlands which had been drained after the airphotos were taken. The situation of landowners accepting easements valued at \$659.00 for drained wetlands was possibly the result of our policy of paying for partially drained basins and the lack of a clause in the agreement stating that the ponds were intact at the date of signing.

Recommendations:

1. That all existing contracts with these landowners be cancelled, and no attempt be made to recover the money.
2. That future applications for wetland payments from these landowners be refused.
3. That we do not pay for any partially drained basin unless the wetland remains permanent after drainage ceases.

4. That future agreements have a clause which states that the ponds must be intact at the date of signing. (Agreement wording has since been modified to include this requirement).

A considerable amount of ARDA and PFRA money was used in this project. Wildlife did not receive any consideration during the planning stages. In fact, the Canadian Wildlife Service did not have any knowledge of the project until after its completion.

Recommendation:

That the Canadian Wildlife Service seek full cooperation with ARDA, PFRA and provincial Water Resource agencies during the planning stages of all projects that affect wildlife.

Alberta Water Resources is now concentrating on a land development program which will provide only technical assistance to landowners. This includes surveying and feasibility studies for drainage systems.

The ground work for a mutual exchange of locations of development areas has been achieved with the Water Resources Division in Alberta. This is a result of the April 25th meeting with Mr. Hilton. With this cooperation the Canadian Wildlife Service should be able to effectively channel more money into multiple land use schemes where waterfowl habitat could be improved in some cases and losses minimized in others. Money would be better spent in this way since the basin easement program is paying for many wetlands which are probably in little or no danger of being drained.

Recommendations:

1. That the Canadian Wildlife Service carefully consider shifting emphasis from the basin easement project to multiple land use schemes.
2. That the Canadian Wildlife Service should seek the cooperation of Saskatchewan and Manitoba Water Resource agencies in dealing with the proposed drainage systems.

Summary

A total of 868.1 acres of wetlands on 35 quarter sections were drained into Beaverhill Lake in the fall of 1968. Shortly after, the Canadian Wildlife Service concluded wetland easement agreements on 181.7 acres of drained wetlands. It was recommended that 1) these agreements be cancelled and that all future applications from these landowners be refused, and 2) to ensure that public money is not spent in opposing directions, the Canadian Wildlife Service should assume the initiative to establish cooperation among all federal and provincial agencies concerned with wetlands.

Literature Cited

Department of Forestry and Rural Development, 1968, ARDA Catalogue

April 1, 1967 to March 31, 1968, p. 33.

Minister of Northern Affairs and National Resources, April 1966. Canada's

National Wildlife Policy and Wildlife Policy and Program.

Wojnarski, S. C. July 1968. A report on drainage near Viking, Alberta

(Mimeo).

Table 1. Extent of Drainage

Parcels	Wetland Acreage			
	Total	Drained	Left	
Offered and Accepted In Violation	8	214.5	181.7	32.9
Offered and Revised	3	83.8	73.6	10.2
Offered and Rejected	2	63.5	60.7	2.8
Not Applied For	22	629.7	552.1	77.6
Totals	35	991.6	868.1	123.5

Table 2. Quarter Sections on which violations occurred.

Land Description	Date of Application	Date Offer Mailed	Date Offer Signed	Annual Payment per Acre	Dollars Paid		Name and Address
					Total	In Violation	
SE-33-50-17-W4	10/1/1968	12/3/1968	12/4/1968	3.33	22.00	13.00	W. J. I. Pope Ryley, Alta.
NE-2-51-17-W4	8/12/1968	9/24/1968	9/27/1968	4.10	112.00	57.00	M. Boyko Ryley, Alta.
NE-5-51-17-W4	9/19/1968	12/27/1968	1/2/1968	3.26	149.00	149.00	A. J. Kallal Box 156, Ryley, Alta.
SE-7-51-17-W4	9/19/1968	12/27/1968	1/2/1968	1.49	7.00	7.00	"
SE-8-51-17-W4	9/19/1968	12/27/1968	1/2/1968	2.97	101.00	74.00	"
SW-8-51-17-W4	9/19/1968	12/27/1968	1/2/1968	2.74	117.00	106.00	"
NE-8-51-17-W4	11/22/1968	2/3/1969	2/10/1969	2.40	113.00	113.00	F. Romaniuk Ryley, Alta.
SW-12-51-17-W4	8/27/1968	1/28/1969	1/30/1969	5.76	38.00	17.00	R. Kropielnicki Ryley, Alta.
Totals					659.00	536.00	