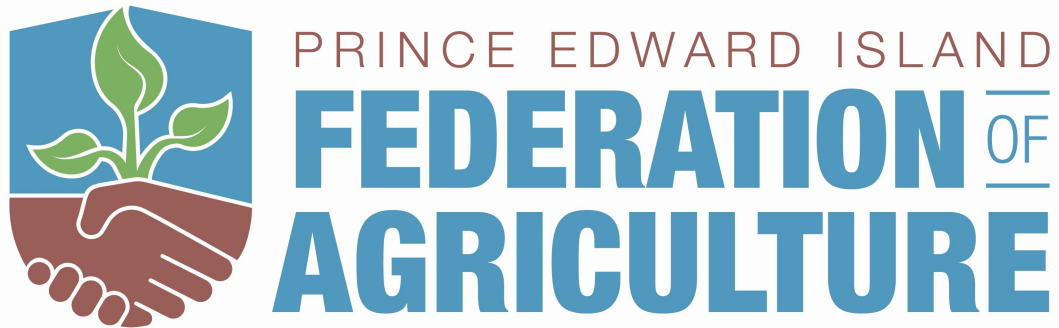


**Prince Edward Island  
Federation of Agriculture**



**Water Act Regulations  
Submission**

**April 2021**

## **Introduction:**

The Prince Edward Island Federation of Agriculture (PEIFA) is responding to the Natural Resources and Environmental Sustainability Legislative Committee's call for public input on the second draft of the Water Act Regulations. The Federation certainly welcomes the invitation to comment, and this document will serve as our written submission.

The PEIFA is the province's largest general farm organization representing the direct membership of approximately 550 farm operations, as well as 16 different commodity associations consisting of the broad spectrum of agriculture on PEI. This includes:

- Large commodity groups such as Dairy Farmers of PEI, and the PEI Potato Board;
- Medium sized organizations like the Certified Organic Growers Coop, and the PEI Young Famers;
- Small organizations like the Strawberry Growers Association and the Sheep Breeders Association.

PEIFA represents the largest industry in Prince Edward Island that provided over \$560 million in GDP in 2020 and directly employs over 4400 Islanders annually. Agriculture has been the main driver in the PEI economy throughout the COVID-19 Pandemic and it will lead our economic recovery.

As we have stated in past submissions on this subject, Island farmers are not just raising livestock and growing crops, we are raising children and grandchildren. The PEIFA and its Members believe strongly in the need to protect our water for now and for future generations. The PEIFA commends the Government for getting to this stage with legislation and regulations that will help us do just that.

## **ACT**

The PEIFA supports the creation of the Water Act. It is a piece of legislation that should serve as a foundation for water stewardship for generations to come.

Water is essential on the farm. Not only is it used for watering livestock and our plants, but there is a host of ways water is used:

- In wash lines water is used to get vegetables and fruit ready for market
- We use water to wash, sanitize and disinfect equipment, facilities and buildings; to help control the spread of disease and pests
- For Cranberry bogs, water is a key component at harvest time, as well as to protect the fruit and plants from frost and winter damage
- Water is used, to a small degree for the fertigation of a handful of crops
- We use water to apply our crop protectants

Agriculture is about growing food, both plants and animals, and growing food requires water.

## **Regulations:**

### **Moratorium on High Capacity Wells for Agriculture**

In 2014, the PEIFA Membership voted and passed a resolution that speaks directly to the moratorium:

*Whereas the Department of Environment has reviewed all available scientific data and determined that there is adequate water available for long term sustainability;*

*Be it resolved that the PEI Federation of Agriculture request the Department of Environment remove the moratorium on new wells for supplemental agricultural irrigation provided that the scientific data shows that it will not negatively impact the environment and that the PEI Water Extraction Policy provides the adequate controls for the siting and operation of any new wells.*

PEIFA stands by the resolution today.

The Province has had their respective water experts present evidence that there is sufficient water for supplemental irrigation on PEI. There is a lack of acceptance of this science in some segments of Islanders. In light of this, the PEIFA has been vocal for the last year in pushing for further science through a proposed research project that had been developed by Dr. Michael Van Den Heuvel of UPEI.

The current draft regulations allow for such research to occur. Research on water is of vital importance as we move forward in the future with a changing climate and the impacts it will have on the Island. This research will be taking a holistic approach to the issue of water use, water retention, soil health and provide a greater understanding of how supplemental irrigation for food production is possible on the Island. It will provide an increased level of confidence that Islanders can trust when it comes to our water supply.

The PEIFA commends the Government for its recent announcement allowing for the UPEI project to proceed. As a Primary Partner in this project, we feel it is imperative that we open our eyes to the possibilities our water supply actually offers and a study that will only complement the existing science by taking it several steps further. It will also incorporate a closer look at our soil health within agricultural fields across the Province and how water may benefit the growth of organic matter that makes our industry more sustainable and productive.

The following sections must be revisited to allow for this work to move forward and we suggest these sections be removed at this time until the research is complete.

- Section 2, Paragraph 5
- Section 5, Paragraph 7
- Section 9, Paragraph 4

The Executive Council order that prohibits agriculture from accessing a permit to drill a high capacity well can continue and it does not need to be embedded in the regulations at this time.

### **Water Withdrawal Permit**

Section 7 is a unique requirement that ensures any water withdrawal permit holder provides the Minister with data “from any flow measuring device or water level measuring device”. The PEIFA believes this regulation’s intention is to ensure the permit holder is adhering to the law and the water extraction is sustainable. However, this regulation could be expanded.

What if the data for high capacity wells were to be put into a database that was public? It certainly would provide Islanders with a clear picture of how much water is being drawn down and by whom? It would include municipal wells, golf courses, aquaculture, car and truck washes and others who use great volumes of water throughout the year. It would also include the 35 existing high capacity wells currently in place for supplemental agricultural irrigation. To compare their draw downs over the course of two months to the rest of high capacity permit holders certainly would put the issue in context for many Islanders.

## **Strategy**

The PEIFA throughout the consultation process on the Water Act regulations has advocated that an over arching strategy is needed when it comes to supplemental irrigation for agriculture. The PEIFA believes such a strategy would inform those irrigating today and evolve as more information becomes available on the topic of water extraction. It would further eliminate the need for the embedment of the moratorium within these regulations.

The PEIFA has proposed such an approach to the current Government and shared this information with all 27 Members of the Legislature. A Committee will be struck to do this work, and when it comes forward with a Strategy, it does not need to be impeded by a set of regulations that prevent it from making progress.

## **Conclusion:**

The PEIFA supports the over arching goals of this legislation and believes it is a piece of legislation that will protect Island water resources for generations to come. However, we will continue to advocate that the moratorium on supplemental agricultural irrigation be revisited. These regulations entrench the Moratorium, which was originally an Executive Order put in place over 19 years ago as a temporary measure. It was done to allow time to gather information that would inform a path forward. Ongoing work is being conducted to expand our knowledge and to be strategic in our use of water. There is no need to entrench the moratorium within regulations.

Further, the Water Act provides a set of controls that the Province has never had on water allocation and use. The moratorium is outdated next to this piece of legislation. Government now has the ability to control water.

The PEIFA looks to the future and the agriculture community's desire to diversify and experiment with different crops. This desire is shared by many Islanders. The commercial apple industry would be a prime example of a sector within agriculture that is just starting to get a foothold on the Island. There are others. What does entrenching the moratorium within a set of regulations in multiple Sections say to those wishing to grow the Island's food community? The PEIFA contends that to single out one industry within a set of Government regulations amounts to discrimination. The farmers of Prince Edward Island are responsible stewards of the air, water and land. They are asking to be treated with fairness and given the same opportunities granted to other users of water for other than growing food.

We respectfully ask that Government reconsider the language around the moratorium and move forward.

The PEIFA has a long history of working with Government and our stakeholder partners to achieve our shared goal of a strong and vibrant agriculture community. We thank the Committee for taking the time to consider our submission and our comments. We are prepared to further discuss its contents if the Committee so desires.

Respectfully,

Ron Maynard, PEIFA President