

**Prince Edward Island
Federation of Agriculture**



**Water Act Regulations
Submission**

November 2019

Introduction:

The Prince Edward Island Federation of Agriculture (PEIFA) is responding to the Department of Environment, Water and Climate Change's call for public input on 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. The organization represents the largest industry in Prince Edward Island that provided over \$500 million in GDP in 2018 and directly employs over 4000 Islanders annually.

Our membership is diverse. It is made up of families, some of them sixth and seventh generation farmers, who are passionate about our industry and its future – and understand that environmental stewardship is at the heart of keeping farming strong for current and future generations.

It includes the Doyle family. Grant Doyle, along with his wife Alision, and their three children Molly, Jessica and Ryan are second generation farm family, farming hogs, cattle, barley, soybeans and corn.

It also includes the MacLeod family. Adam and Jennifer MacLeod along with their three children Jessie, Millage and Katie farm sheep in Breadalbane. In addition, they are also growing 500 acres of crops including wheat, barley, oats and soybeans.

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 undertaking this important exercise and coming forward with legislation and regulations that will help do just that.

The PEIFA support 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, plants and animals, and growing food requires the use of 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.

It has been expressed by many throughout the consultations on the Water Act Legislation, and again now during the consultations on the Water Act regulations, that the science is not adequate or not detailed enough to support the lifting of the moratorium. If that is the position of Government, the PEIFA would suggest we conduct further research.

We ask the Government of PEI to work with our industry to explore the potential for additional supplemental and sustainable irrigation. The PEIFA sees an opportunity for key organizations to work together to conduct some basic research that would inform Government on how to manage supplemental irrigation. We should point out that while this is predominantly an issue with potato producers, there are other sectors (vegetable growers, fruit tree orchards) of our industry that are currently denied access.

The current wording of the regulation on this issue appears to eliminate the opportunity for research. Any true study of the moratorium will require the permitting of high capacity wells. This needs to be corrected.

We ask that Government engage research expertise that is credible and unbiased. We ask for Government to reach out to an institution such as UPEI to expand on work currently underway, and lead some work to understand the benefits and risks associated with supplemental irrigation. Many farmers on PEI have just experienced consecutive dry growing seasons and hoping for rain is no longer an adequate solution. We hope that Government will work with the experts to expedite some progress on an issue that is critical to our large agricultural sector.

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 6
- 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. Let the science determine the path forward and revisit these Sections if need be when the study is complete.

Holding Ponds

Section 5, paragraph 7 will jeopardize any existing holding ponds that have been constructed for supplemental irrigation prior to these regulations. The PEIFA does agree that multiple wells extracting more than 345 cubic meters per day should be considered a high capacity well, but any existing permits that allowed for this infrastructure to be put in place should be grandfathered.

The farms that hold these permits, legally obtained them and invested in the construction of a holding pond at great personal expense. The PEIFA would contend that if these wells are not to be grandfathered, that Government consider some type of compensation.

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.

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. We believe in science based decision making and that if science is not there, that research be conducted. These regulations entrench the Moratorium, which was originally an Executive Order put in place over 18 years ago as a temporary measure. It was done to allow time to gather research that would inform a go forward path. If the Province is not satisfied that this research has been obtained, we do not see why they would not go out and get it.

The PEIFA looks to the future and the agriculture industry’s desire to diversify and experiment with different crops. This desire is shared by many in Government. 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 invest in the Island’s agriculture industry? The PEIFA would contend 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 land and all they are asking is to be treated with fairness and given the same opportunities granted to the Island’s golf courses, car washes and other industries.

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 industry. We thank the Department of Environment, Water and Climate Change for taking the time to consider our submission and our comments. We are prepared to further discuss its contents if the Department so desires.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "David Mol". The signature is fluid and cursive, with the first name "David" and the last name "Mol" clearly distinguishable.

David Mol
President, PEI Federation of Agriculture