

June 10, 2021

## CONSULTATION DRAFT

### WATER ACT

#### WATER WITHDRAWAL REGULATIONS AMENDMENT

Pursuant to section 76 of the *Water Act* R.S.P.E.I. 1988, Cap. W-1.1, Council made the following regulations:

**1. (1) Subsection 1(1) of the *Water Act* Water Withdrawal Regulations (EC506/21) is amended by the addition of the following after clause (a):**

(a.1) “drought contingency plan” means a plan for reducing water use during extreme drought conditions; drought contingency plan

**(2) Subsection 1(2) of the regulations is amended by the deletion of the word “agricultural” wherever it occurs.**

**2. Subsection 2(5) of the regulations is revoked.**

**3. (1) Clause 5(2)(c) of the regulations is amended by the deletion of the words “, for reduced water use during drought conditions”.**

**(2) Subsection 5(7) of the regulations is revoked and the following substituted:**

(7) A water withdrawal permit issued for the withdrawal of water from a high capacity well for the purpose of irrigation is subject to the term and condition that the irrigation is conducted in accordance with an irrigation strategy approved by the Minister. Term and condition, irrigation strategy

**4. Section 6 of the regulations is amended by the addition of the following after subsection (3):**

(3.1) A water withdrawal permit shall state any terms and conditions imposed on it by the Minister pursuant to section 10 of the Act, including any requirements in respect of testing, monitoring and reporting. Terms and conditions

**5. (1) Clause 8(2)(c) of the regulations is amended by the deletion of the words “, for reduced water use during drought conditions”.**

**(2) Subsection 8(3) of the regulations is amended by the deletion of the words “subsections 5(4), (5) and (6)” and the substitution of the words “subsections 5(4) to (8)”.**

**6. (1) Clause 9(2)(c) of the regulations is amended by the deletion of the words “, for reduced water use during drought conditions”.**

**(2) Subsection 9(3) of the regulations is amended by the deletion of the words “subsections 5(4), (5) and (6)” and the substitution of the words “subsections 5(4) to (8)”.**

**(3) Subsections 9(4) and (5) of the regulations are revoked.**

**7. These regulations come into force on.....**

## EXPLANATORY NOTES

**SECTION 1** adds a definition of “drought contingency plan” to the regulations and removes references in subsection 1(2) to “agricultural” in relation to irrigation.

**SECTION 2** revokes subsection 2(5) of the regulations, which prohibits the issuance of a groundwater exploration permit for the drilling, construction or reconstruction of a high capacity well for the purpose of agricultural irrigation.

**SECTION 3** amends clause 5(2)(c) of the regulations to remove wording now contained in the definition of “drought contingency plan”. It also revokes subsection 5(7) of the regulations, which prohibits the issuance of a water withdrawal permit for the withdrawal of water from a high capacity well for the purpose of agricultural irrigation, and substitutes a new subsection 5(7), which imposes on such a permit the term and condition that irrigation of any kind is to be conducted in accordance with an irrigation strategy approved by the Minister.

**SECTION 4** adds a new subsection 6(3.1) to the regulations to require terms and conditions imposed by the Minister on a water withdrawal permit to be stated on the permit.

**SECTION 5** amends clause 8(2)(c) of the regulations to remove wording now contained in the definition of “drought contingency plan”. It also amends subsection 8(3) of the regulations to provide for the application of subsections 5(4) to (8) in respect of a water withdrawal permit renewed under section 8.

**SECTION 6** amends clause 9(2)(c) of the regulations to remove wording now contained in the definition of “drought contingency plan”. It amends subsection 9(3) of the regulations to provide for the application of subsections 5(4) to (8) in respect of a water withdrawal permit amended under section 9. It also revokes subsections 9(4) and (5), which prohibit the amendment of a permit to authorize the withdrawal of water from a high capacity well for the purpose of agricultural irrigation.

**SECTION 7** provides for the commencement of these regulations.