

A high-speed photograph of water splashing, with a stream of water falling from the top right and creating a large splash in the center. The water is clear and blue, with many bubbles and droplets visible. The background is a light blue gradient.

# *W*ATER ACT Policy Framework

Consultation Draft

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Communities, Land  
and Environment

## Introduction

The Government of Prince Edward Island is developing a *Water Act* to consolidate, under one piece of legislation, the policies and regulations, currently used to manage our water resources. The proposed *Water Act* will create new legislation in areas such as groundwater allocation, protection of riparian and aquatic habitats, discharges into fresh and marine water environments, and water quality targets. The Act will ensure the long-term sustainability of the water resource by establishing and enforcing new criteria for protecting the Island's water supply.

We are all water users and so we all share responsibility for water management. It is government's hope that this Act will provide the basis for a partnership with all Islanders to steward this most valuable resource.

## *Water Act* Purpose and Goals

Following public consultations<sup>1</sup> across the province, the Government of Prince Edward Island has developed a set of key statements and goals to direct decision-making for the protection and sustainable development of Island water resources. While it is impossible to ensure that one priority for action does not conflict with another, government will do its utmost to address problem issues directly and openly. In all cases, its decisions will be guided by the following:

### ***Key Statements***

The purpose of this Act is to support and promote the management, protection and enhancement of the province's water resources, in recognition that

- (1) Government has a guardianship role to play in ensuring that the quality, quantity, allocation, conservation and protection of water is managed in the interests of a common good that benefits and accommodates all living things in the province, and their supporting ecosystems;
- (2) Access for everyone to a sufficient quantity and safe quality of reasonably affordable and accessible water for personal and domestic uses, and to basic sanitation that is safe and hygienic, is essential for an adequate standard of living;
- (3) Water is a renewable but finite resource, the withdrawal and use of which should be subject to a transparent evaluation and approval process to ensure its long-term sustainability and availability;
- (4) Every person in the province has a duty to prevent, minimize and repair harm that the person may cause to water resources or the ecosystems supported by water resources; and

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<sup>1</sup> Public consultations on a *Water Act* for Prince Edward Island September 2015 – January 2016  
<http://www.gov.pe.ca/wateract/>

(5) Where there are threats of serious or irreparable damage to water resources, the lack of scientific certainty shall not be used as a reason for postponing measures to prevent degradation of water resources.

### **Goals**

- (1) That there is, for present and future generations, sufficient, safe, acceptable, physically accessible and affordable water for domestic purposes;
- (2) That access to and use of water for uses other than domestic purposes be sustainable and not harm water quality, water security or the ecosystems that support water quality and water security;
- (3) That the public be involved in and kept informed about the state of the water resources, including by access to government information concerning water resources and public reporting and consultation by government; and
- (4) That decisions with respect to water management be made by applying consistent, science-based assessment processes, and that decisions with respect to water allocation take into account seasonal conditions, climate change and the need to protect the long-term availability of groundwater, the security of aquatic ecosystems and the integrity of wetlands.

## **Government Policies Regarding Water**

As Prince Edward Island's population increases and the various demands for water rise, it will be critical that water quality and quantity management decisions ensure long-term water security, protect our watersheds, and sustain the aquatic and riparian habitats and associated ecosystems that provide for a healthy water supply.

Government decisions on the allocation of water resources are currently made using a mixture of regulations and policy. Allocating water through policy decisions means that the rules for distributing water can change without the need to follow a formal decision-making process. The introduction of statutory water allocation limits will provide greater security to users by standardizing the rules for water use and protection.

Even so, the *Water Act* cannot be prescriptive on every management issue. It needs to be flexible and responsive. As new technologies and innovative management practices arise, government will require the latitude to select appropriate measures.

It would be unreasonable to expect that one piece of legislation could accommodate all the varying and sometimes-contradictory requirements expressed during the consultation period. However, taking their cue from the public consultation process, the legislative drafters of the *Water Act* have created a legislative and regulatory framework that will address the recommendations outlined in the consultation report<sup>2</sup>, namely to

- form key policies on the basis of recommendations from Islanders;

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<sup>2</sup> *Water Act* Consultation Report (2016) Prince Edward Island Environmental Advisory Council p.34  
[http://www.gov.pe.ca/photos/original/CLE\\_EAC\\_WARep.pdf](http://www.gov.pe.ca/photos/original/CLE_EAC_WARep.pdf)

- conserve, protect, and restore the health of aquatic and riparian ecosystems;
- safeguard and enhance drinking water;
- regulate water use in a manner that respects ecosystem as well as human needs;
- ensure water security through use efficiency and conservation practices;
- encourage and enforce land management practices that protect water quality, the integrity and health of watersheds, associated watercourses, and the groundwater resource;
- allow for the continuous adaptation of water management rules, as science advances, or natural conditions change; and
- standardize, streamline and make transparent government decision making.

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