

DEPARTMENT OF ENVIRONMENT,  
WATER AND CLIMATE CHANGE

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# **WATER WITHDRAWAL REGULATIONS CONSULTATION REPORT**

FALL 2019





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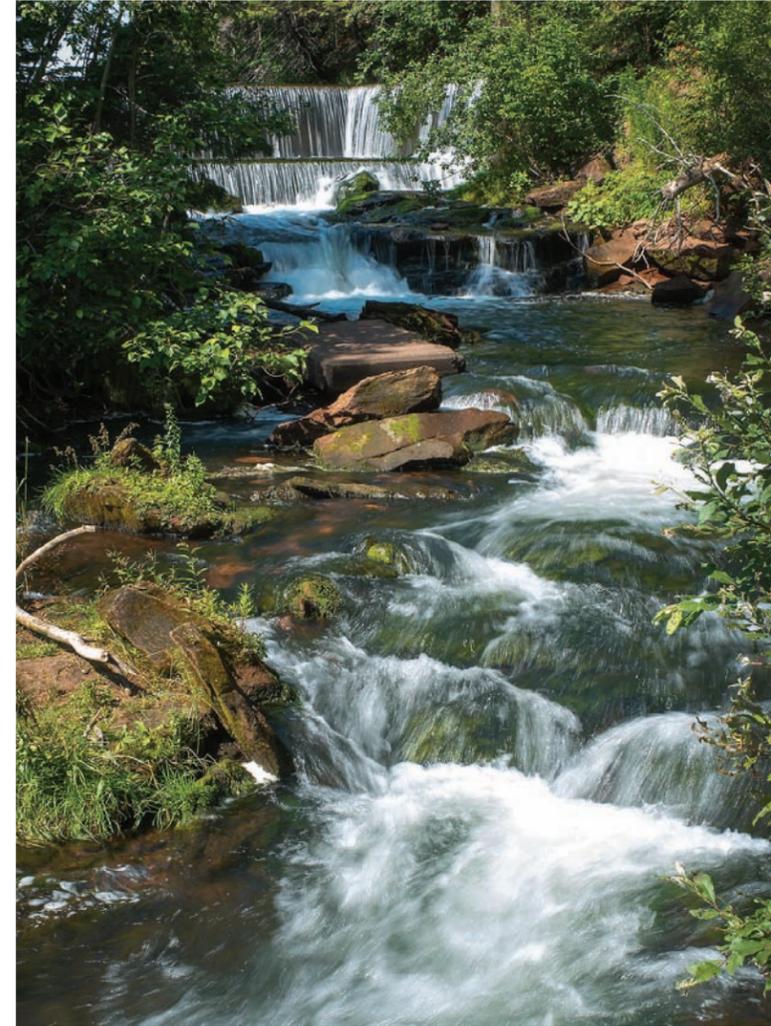
## INTRODUCTION

The Department of Environment, Water and Climate Change stresses the importance of public feedback on the proposed Water Withdrawal Regulations. During the fall of 2019, the Department presented an engaging and interactive consultation process to achieve this.

Throughout the consultation process, the Department reinforced the importance of transparency and consistency. It worked to ensure the public had full access to the proposed regulations, the opportunity to reflect on the proposed changes, and multiple avenues to provide feedback.

Through an Island-wide, interactive, public engagement consultation process and an accessible online survey, the Department sought the opinions of Islanders in a way that encouraged open dialogue, constructive feedback and consensus-building.

Following the consultation process, common themes and recommendations amongst participants were identified for consideration when finalizing the proposed Water Withdrawal Regulations. This report outlines the methodology used to collect public feedback and the subsequent feedback.



## CONSULTATION PROCESS

### CONSULTATION DOCUMENTS

In preparation of the public consultation process, the Department of Environment, Water and Climate Change developed the following documents during the summer of 2019:

Water Withdrawal Regulations FAQ

Water Withdrawal Regulations Plain Language Summary

Proposed Water Withdrawal Regulations

## IN-PERSON PUBLIC ENGAGEMENT CONSULTATIONS

Beginning in October 2019, the Department of Environment, Water and Climate Change hosted four in-person public engagement consultations on the proposed water withdrawal regulations.

The in-person public engagement consultations took place:

October 22 at Three Oaks Senior High in Summerside  
 October 24 at Hernwood Junior High in O'Leary  
 October 29 at Kaylee Hall in Pooles Corner  
 October 30 at Charlottetown Rural High in Charlottetown

A total of 209 people participated in the consultations, 103 of which attended the in-person public engagement consultations.



## BAROMETER QUESTIONS

The in-person public engagement consultations asked barometer questions to gather a broad understanding of the perspective of participants. Key facts and supportive information relative to the proposed regulations were presented across eight stations for participants to review. Staff members from the Department of Environment, Water and Climate Change were on hand to answer questions and provide supplementary information where necessary.



The barometers included the following questions:

Do you agree that high capacity wells should have a more detailed assessment than low capacity wells?

Do you agree that high capacity wells should be prohibited for agricultural irrigation, however available for the following water uses?

- Drinking water supplies
- Aquaculture
- Food processing and other industrial uses
- Golf courses and soccer fields
- Heating and fire suppression

Do you agree with the proposed ministerial considerations for water withdrawal?

Do you agree with the below process for the approval of low capacity wells?

Do you agree that multiple low capacity wells operating together such as those supplying holding ponds should be treated as high capacity wells?

Permits for groundwater currently do not expire. Do you agree with the proposed five-year renewal process when meeting environmental conditions?

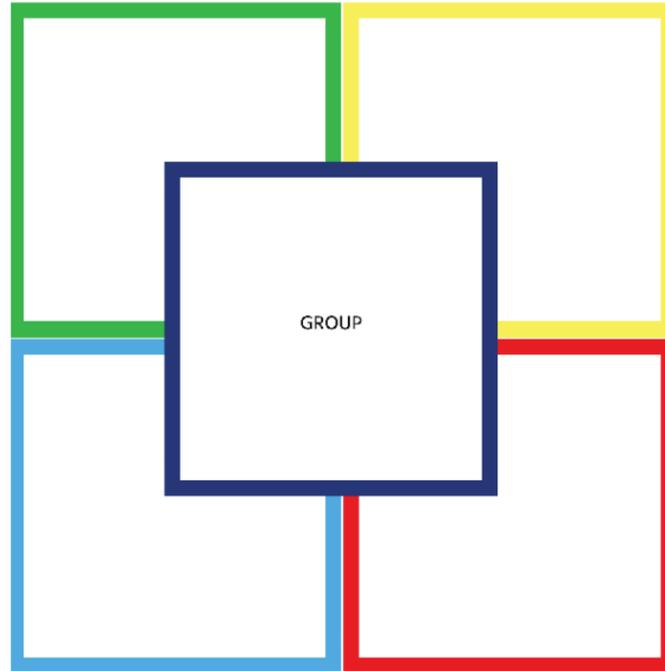
Do you think that the existing legally constructed multiple low capacity wells that supply holding ponds should be grandfathered in?

There are currently no fees for permits for groundwater however there are fees to withdraw surface water. Do you agree that there should be fees for permits for groundwater?

### GROUP PLACEMAT ACTIVITY

Participants were asked to form groups of 3-4 and work through a placemat activity (see image on right). For the exercise, each group member was invited to record their feedback on the proposed regulations in one of the placemat's four quadrants. After 20 minutes, participants were asked to work with their groups and to identify mutually agreed upon ideas. They were prompted to capture common perspectives in the placemat's centre square.

This activity allowed the public engagement consultations to capture the perspective of all attendees and identify the ideas and themes that had the highest amount of consensus.

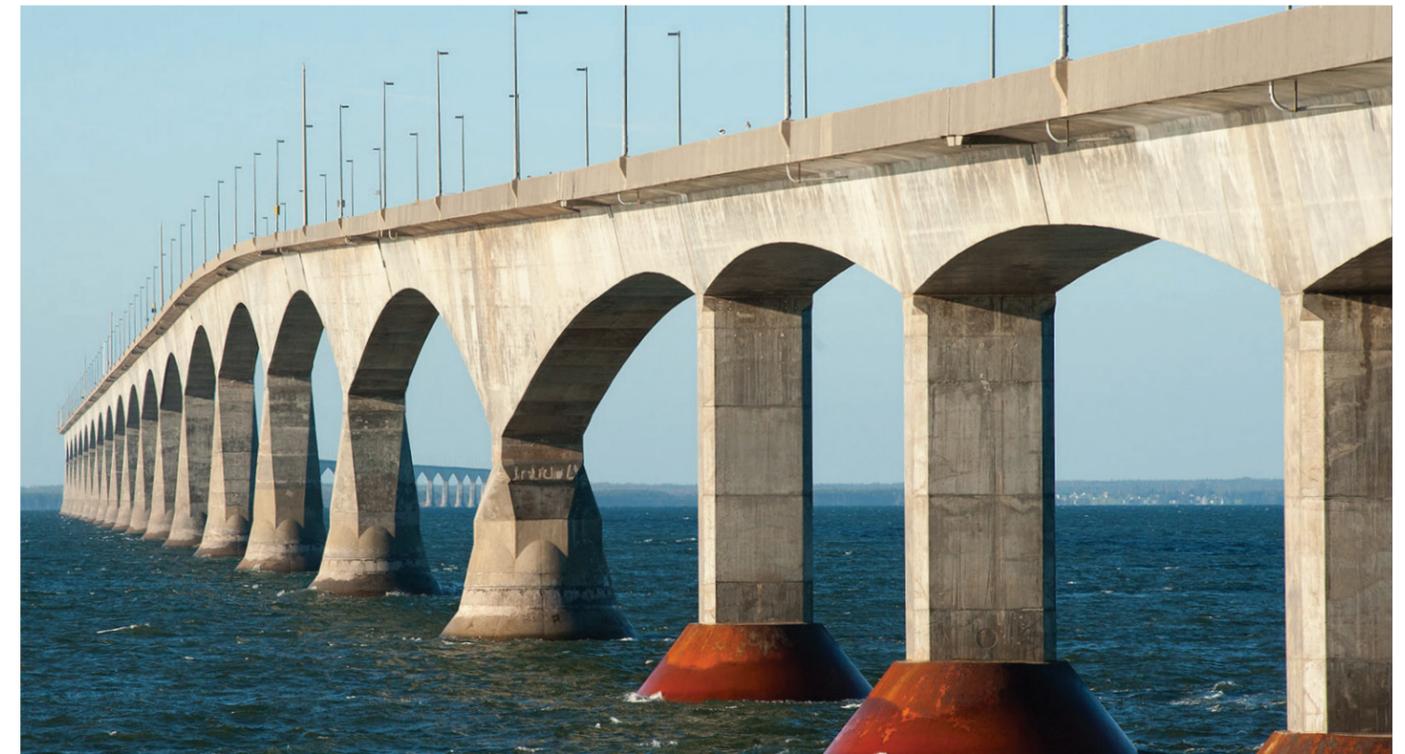


### OPEN FEEDBACK

Participants also had the opportunity to submit open feedback relevant to the regulations, process or related issues during the sessions.

### ONLINE SURVEY

An online survey was designed to reflect the same process as the in-person public engagement consultations. The survey was hosted on the Department of Environment, Water and Climate Change website from October 22, 2019 - November 8, 2019.



## FINDINGS

This section outlines the combined findings from the in-person public engagement consultations and the online survey. Further, it reports participant barometer responses and summarizes common themes that emerged from group discussions.



## QUESTION 1

### DO YOU AGREE THAT HIGH CAPACITY WELLS SHOULD HAVE A MORE DETAILED ASSESSMENT THAN LOW CAPACITY WELLS?

Under the proposed regulations, high capacity wells will be subject to rigorous regulations for approval.

- An example of what would fall into the domestic well category is a well for a private home or small homestead/farm.
- An example of what would fall into low capacity is a well supplying a small industry.
- An example of what would fall into the high capacity well category is a municipal well for a town's central water supply.

### COMMON THEMES

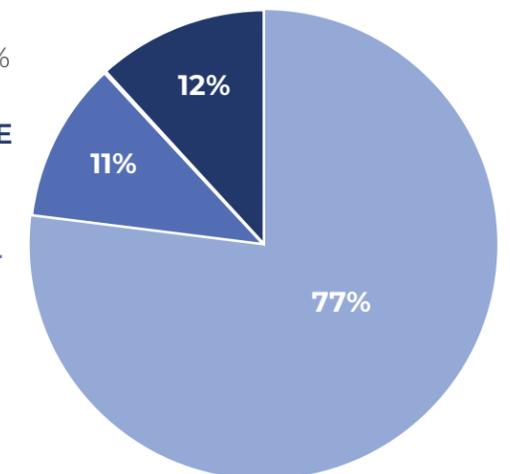
1. High capacity wells, including municipal high capacity wells, need detailed, rigorous assessments before approval. Some low capacity wells may also need detailed assessments.
2. High capacity wells should, within reason, have more rigorous regulations than low capacity wells as they have a more significant impact on the environment and watersheds. Further, all high capacity wells should be treated the same, regardless of usage.
3. A standard annual pump test should occur when monitoring and values should be retained/maintained. The average yearly rate should be calculated to ensure users do not go over what is determined to be the appropriate rate.
4. A gradient system should be put in place for non-domestic wells.
5. Parameters and requirements to be met should be defined.

**TOTAL**  
204 | 100%

● **DISAGREE**  
25 | 12%

● **NEUTRAL**  
22 | 11%

● **AGREE**  
157 | 77%



## QUESTION 2

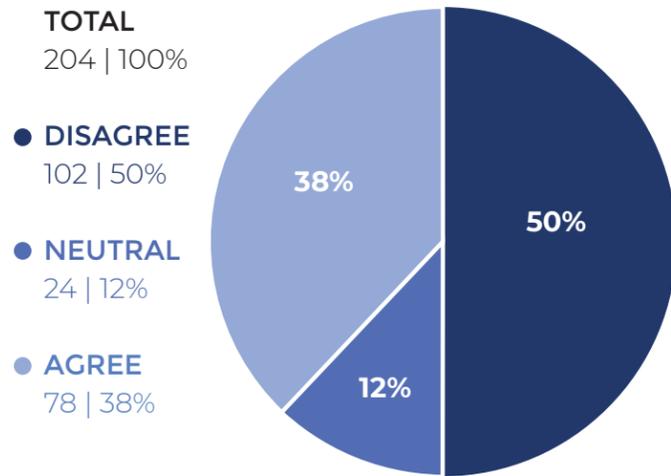
**DO YOU AGREE THAT HIGH CAPACITY WELLS SHOULD BE PROHIBITED FOR AGRICULTURE IRRIGATION, HOWEVER AVAILABLE FOR THE FOLLOWING WATER USES?**

- Drinking water supplies
- Aquaculture
- Food processing and other industrial uses
- Golf courses and soccer fields
- Heating and fire suppression



### COMMON THEMES

1. Industries should not be treated differently. As long as there is an environmental assessment, there is no reason to treat one industry different than others.
2. Restrictions should be put in place for recreational/non-essential activities.
3. Regardless of industry use, well access should be specific to watershed to ensure it has the individual capacity for extraction.
4. When a high capacity well is put place, continuous monitoring and measurement should occur.
5. There must be fairness in water access, but with conservation and total usage considered.



## QUESTION 3

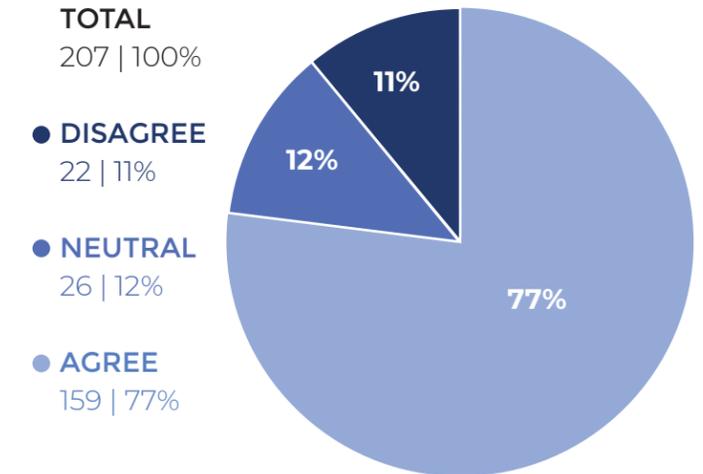
**DO YOU AGREE WITH THE PROPOSED MINISTERIAL CONSIDERATIONS FOR WATER WITHDRAWAL?**

When assessing an application for water withdrawal, the Minister must first consider the effect on aquatic habitat and the need to maintain sufficient streamflow, including during the dry summer months.

- Once the health of aquatic habitat and resident fish populations is considered, other factors include the cumulative withdrawals within the watershed by existing permit holders, the effect on other water users, and where applicable, the goals of any water management plans for the watershed.
- Where it is not possible to meet all water needs within a watershed and still maintain adequate streamflow, domestic use is given the highest priority, followed by industrial or commercial use.

### COMMON THEMES

1. Define areas such as domestic use, municipal use, level of resources safe to use, healthy streamflow, etc.
2. Concerns with the authority the Minister has to approve water withdrawal amounts.
3. Science and evidence-based research should inform policy/regulations on appropriate withdrawal rates.
4. All research/monitoring data should be made public.



## QUESTION 4

### DO YOU AGREE WITH THE BELOW PROCESS FOR THE APPROVAL OF LOW CAPACITY WELLS?

Below is the outlined process for the approval of low capacity wells under the new regulations. It applies to all current and future low-capacity wells:

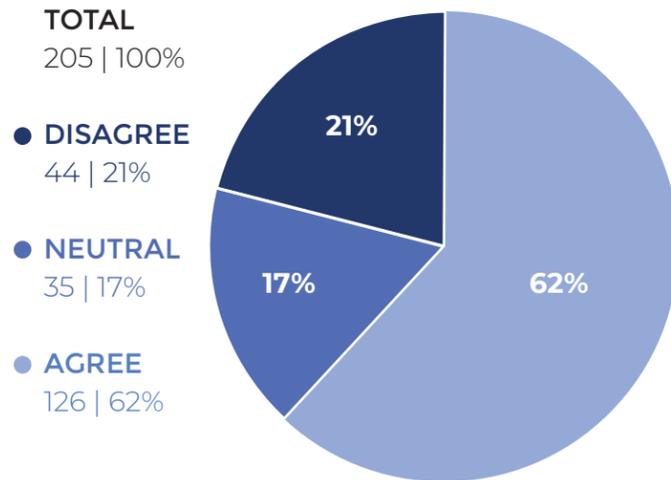
- Online application
- Application fee of \$100
- Departmental assessment.

An approval to operate the well is issued only if the assessment indicates that the well will not compromise any existing wells or threaten the health of local watercourses.

- Permits can be renewed every five years if the conditions under which it was issued have not significantly changed.

#### COMMON THEMES

1. Conditions must be clearly defined.
2. Information presented for the renewal of low capacity wells is vague.
3. Application fees should be reinvested in science-based monitoring and resources.
4. Additional resources needed to implement the new process.



## QUESTION 5

### DO YOU AGREE THAT MULTIPLE LOW CAPACITY WELLS OPERATING TOGETHER SUCH AS THOSE SUPPLYING HOLDING PONDS SHOULD BE TREATED AS HIGH CAPACITY WELLS?

Under the proposed regulations, where water is withdrawn from a group of wells that feed into a single water supply or water storage structure, or are close enough together to have the same effect as a single well, then the total water withdrawn from all these sources are included in calculating the rate of withdrawal.

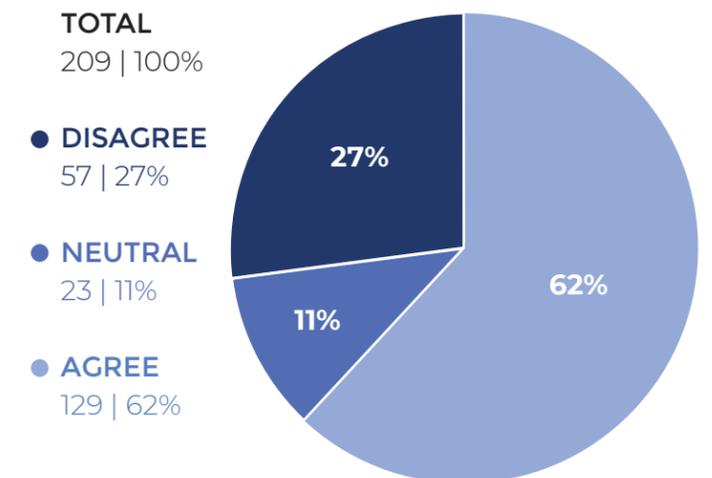
- If the total withdrawal rate for the group of wells equals or exceeds 345 cubic meters per day, each well is considered a high capacity well.



Source: [www.onthelevelpei.ca](http://www.onthelevelpei.ca)

#### COMMON THEMES

1. General agreement with the question, but notes that total daily and lifetime withdrawal volume is more important than the number of wells or their capacity.
2. Measurements of total well capacity and water resources are needed.
3. More regulation around holding ponds should be considered.



## QUESTION 6

### PERMITS FOR GROUNDWATER CURRENTLY DO NOT EXPIRE. DO YOU AGREE WITH THE PROPOSED FIVE-YEAR RENEWAL PROCESS WHEN MEETING ENVIRONMENTAL CONDITIONS?

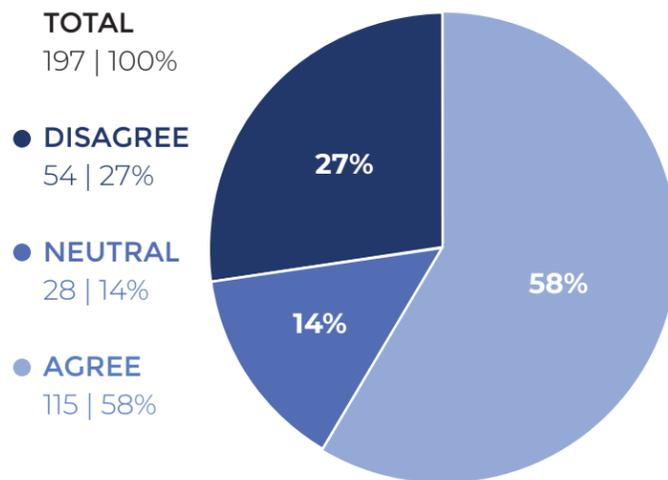
A permit may be valid for a period of up to five years. Permits cease to be valid when :

- (a) there is a change in ownership of the land; or
- (b) where the holder of the permit is not the owner of the land and the owner of the land rescinds their permission.

The holder of a Water Withdrawal Permit may apply for its renewal within the 60 days before or following the expiry of the permit. The applicant may be required to conduct tests and collect data as part of the renewal process. Renewal of a Water Withdrawal Permit normally will be approved if the withdrawal of water is up to the same maximum rate and amount, and for the same purpose as before and will not cause an unacceptable adverse effect. It must also match the policies and objectives for managing water resources in the watershed. Permit holders are required to provide data collected from water measuring devices upon request by government.

#### COMMON THEMES

1. It is good to look for a renewal every five years; some concern that five years is too long.
2. There must be a process for applying for and administering renewals.
3. There should be a plan for drought years and how it changes the conditions.
4. Specify what conditions are.

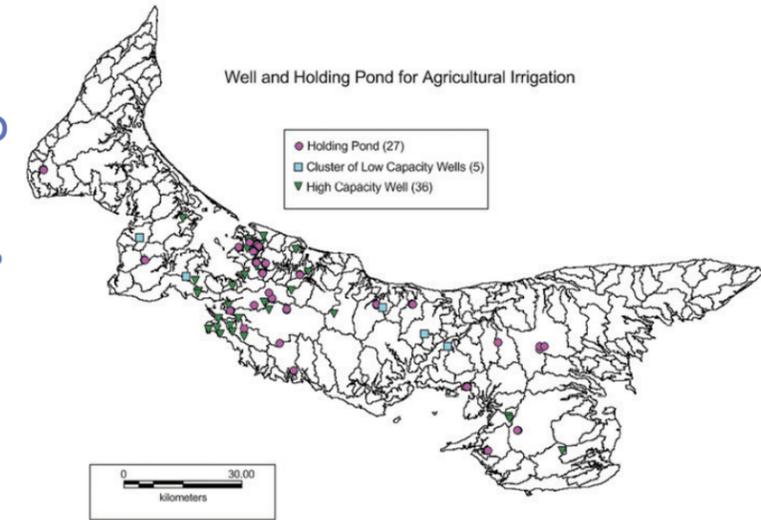


## QUESTION 7

### DO YOU THINK THAT THE EXISTING LEGALLY CONSTRUCTED MULTIPLE LOW CAPACITY WELLS THAT SUPPLY HOLDING PONDS SHOULD BE GRANDFATHERED IN?

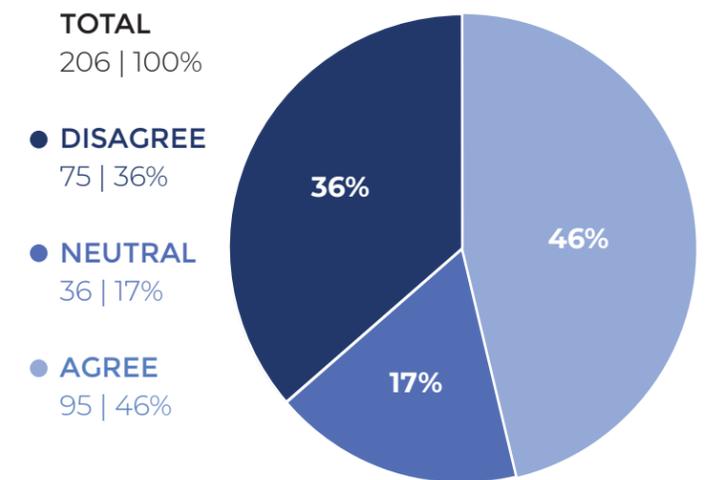
The construction of existing low capacity wells did not require a permit. The use of low capacity wells to supply water to holding ponds for agricultural irrigation does not violate any regulations.

- Under the provisions of the Water Act, owners of existing low capacity wells have up to five years to obtain an approval for their use.
- If these wells are grandfathered in, they would be subject to the same environmental standards as any other well requiring an approval.



#### COMMON THEMES

1. Existing ponds should be grandfathered to allow government the right to shut down problematic situations.
2. If not grandfathered, compensation for those affected should be considered.
3. Routine inspections on holding ponds should take place. If there are issues identified, owners should be assisted to reach compliance.
4. Concerns cited that ponds that will circumvent the high capacity well process.



## QUESTION 8

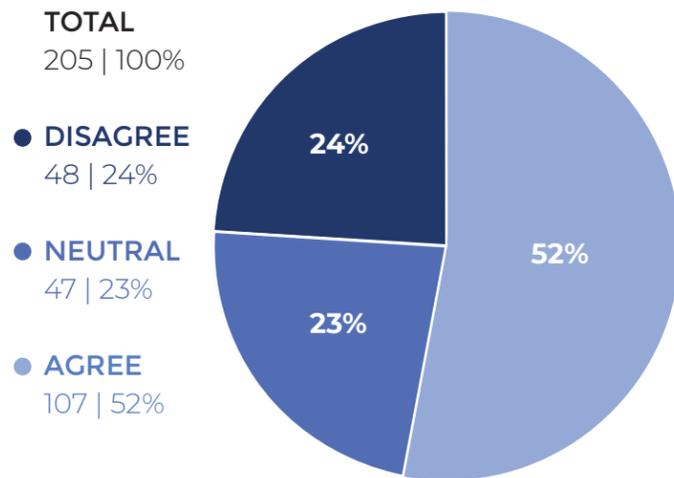
**THERE ARE CURRENTLY NO FEES FOR PERMITS FOR GROUNDWATER HOWEVER THERE ARE FEES TO WITHDRAW SURFACE WATER. DO YOU AGREE THAT THERE SHOULD BE FEES FOR PERMITS FOR GROUNDWATER?**

The following conditions are apply to the new proposed fee structures:

- Fees may be prorated when the permit is valid for less than five years.
- Fees are established to partially pay for the cost of administering permits, monitoring compliance and monitoring of the environment in relation to potential impacts.
- Fees for permits that withdraw more water are higher due to the greater amount of work of assessing applications.
- There are no fees for the water itself that is being withdrawn.

### COMMON THEMES

1. Agree, and fees should be reinvested in areas such as third party environmental assessment, habitat funding, environmental groups, watershed management plans for all watersheds, monitoring services etc.
2. Fees should be based on volume used.



## FINDINGS SUMMARY

Approximately three quarters (77%) of participants agree that high capacity wells should have a more detailed assessment than low capacity wells.

Half (50%) of participants disagree and over one third (38%) agree that high capacity wells should be prohibited for agriculture irrigation, however available for aquaculture, food processing and other industrial uses, golf courses and soccer fields, and heating and fire suppression.

Approximately three quarters (77%) of participants agree with the proposed Ministerial considerations for water withdrawal.

Approximately two thirds (62%) of participants agree and approximately one fifth (21%) disagree with the following process for approval of low capacity wells: an online application, an application fee of \$100, and a departmental assessment.

Approximately two thirds (62%) of participants agree and one quarter (27%) disagree that multiple low capacity wells operating together such as those supplying holding ponds should be treated as high capacity wells.

Over half (58%) of participants agree and approximately one quarter (27%) disagree with the proposed five-year renewal process when meeting environmental conditions.

Close to half (46%) of participants agree and over one third (36%) disagree that the existing legally constructed multiple low capacity wells that supply holding ponds should be grandfathered in.

Approximately half (52%) of participants agree and approximately one quarter (24%) disagree that there should be fees for permits for groundwater.