

# PEI WATER ACT

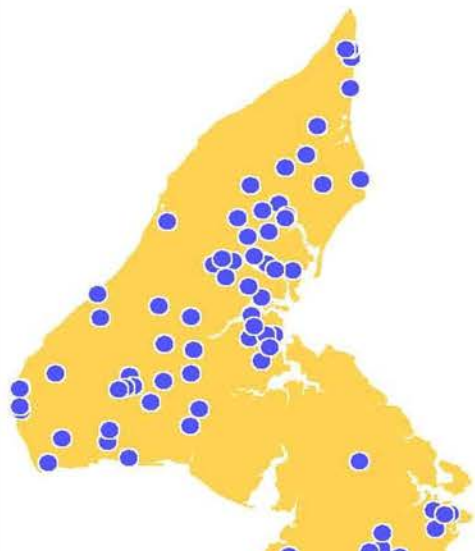
PRINCE EDWARD ISLAND FEDERATION OF  
AGRICULTURE





- Chicken Farmers of PEI
- Dairy Farmers of PEI
- Egg Farmers of PEI
- Horticultural Council of PEI
- Island Grains and Protein Council
- PEI Beekeepers Association
- PEI Cattle Producers
- PEI Certified Organic Producers
- PEI Hog Commodity Marketing Board
- PEI Fur Breeders Association
- PEI Potato Board
- PEI Strawberry Growers Association
- PEI Wild Blueberry Growers Association
- PEI Woodlots Association
- Sheep Breeders Association
- Young Farmers of PEI









# ECONOMIC IMPACT



- PEIFA represents 85-90% of PEI's agricultural production
- Agriculture sector contributed almost \$450 million to Provincial GDP in 2015.
  - Multiplier Effect 6-7: Machinery, vehicles, supplies, seed, inputs, vets, wages, trucking professionals, etc.
- Island farms spent over \$435 million in operating expenses in 2015 - almost all of it in rural PEI
- In 2015, Island farmers employed approximately 4000 Islanders and spent over \$70 million in wages



# HOW WE USE WATER



- Drinking water for livestock
- Drinking water for plants
  - Main source – rainfall
  - Limited irrigation
- Wash lines – potatoes, fruits and vegetables
- Biosecurity measures – washing, sanitizing
- Crop protection (Cranberries)
- Fertigation
- Crop protectant application

# ENVIRONMENTAL CHALLENGES

- Fish Kills
- Nitrates in surface and ground water
- Erosion (wind & water)
- Organic Matter Levels
- Public Trust in our ability to manage environment



# INDUSTRY RESPONSES



- Partnering with industry and government to address our issues
  - 4R Nutrient Stewardship – Farming 4R Island
  - Environmental Farm Planning
  - Action Committee on Sustainable Land Management – Watershed projects
  - Alternate Land Use System
  - Soil Health Research

# 4 nutrient stewardship

4R NUTRIENT STEWARDSHIP CAN  
**HELP** GROW CROPS SUSTAINABLY

THE 4Rs WORK TO INCREASE PRODUCTION/PROFITABILITY FOR  
FARMERS WHILE ENSURING THE FUTURE OF THE AGRICULTURAL INDUSTRY

RIGHT  
N P  
K  
SOURCE

RIGHT  
N K N P K P  
RATE

RIGHT  
30  
TIME

RIGHT  
PLACE



# ENVIRONMENTAL FARM PROGRAM



- Assessment to help farmers develop plan for operating in a environmentally sustainable way
- Categories include:
  - water management, nutrient management, soil management, buffer riparian zone management
  - pesticide use, fertilizer use, well and septic condition, fuel storage, manure storage, buffer zones, wetlands among others
- **520 EFPs in place across PEI amounting to a total of 272,725 acres**
  - Since 2008 Island farmers have implemented:
    - Terrace - 1,331,369 feet (406 kilometers)
    - Waterway - 2,372,010 feet (723 Kilometers)
    - Farmable Berm - 319,647 feet (97 kilometers)
- **Another 100 up for renewal this year – they must be renewed every 5 years**

# ACTION COMMITTEE ON SUSTAINABLE LAND MANAGEMENT



- 2014 saw major changes in Barclay Brook
  - Soil conservation plan,
  - Sensitive land taken out of production
  - Implementation of new sustainable practices
- 2016 Three high-priority watersheds identified
  - Carruthers Brook (Western PEI)
  - North River
  - Dunk River
    - Coordinators assigned to each
    - Water testing done
    - Working together to improve water quality in these watersheds
- Work continues – currently looking at water flow areas on field and government on strategically implementing more grassland waterways



# ALTERNATE LAND USE SYSTEM



- Voluntary program for PEI farmers and landowners with the goals to:
  - reduce soil erosion and siltation of watercourses and wetlands
  - improve water quality
  - improve and increase wildlife habitat
  - Reduce the impacts of climate change
- Farmers receive assistance from Government to remove land from production or to establish/maintain beneficial management practices that protect soil and water quality or improve fish and wildlife habitat.
- All agreements will expire on March 31, 2018 at which time the agreements will be reviewed.
- Program could be used to identify and remove land at risk – but will require additional funding to do so

# **WATER ACT VIEWS**



- **PEIFA supports the Water Act**
  - **Safe and adequate water supply for future generations is paramount**
  - **Water monitoring is important**
  - **Adequate level of controls**
- **We are prepared to work with Government going forward on a some requested revisions to this Act**
- **We are anxiously awaiting to see the draft regulations**



# SCIENCE-BASED DECISIONS

- Government has made it clear in this process that they support science based decision making
- PEIFA shares this goal. An important concept when dealing with a resource as important to all Islanders as water.
- Access and allocation should be made using the science based methodologies developed by independent experts
- PEIFA prepared to help in anyway they can to further the study of water to ensure all Islanders are given equitable access

# RECOMMENDATIONS



## 1. Section III – Protection of Water

- *This sections need to reference the Farm Practices Act*
- *We encourage the Province to not duplicate federal laws surrounding “deleterious substance.”*
  - *This is already handled by the Department of Fisheries and Oceans and should remain in their hands*

## 2. Section IV – Water Management Area

- *Compensation should be considered for agriculture land inside the Management Area*
- *Language tightened to ensure the government does not subject producers to unwarranted scrutiny.*
- *The Farm Practices Act again should apply in this section of the Act*



# RECOMMENDATIONS



## Section V – Withdrawals and Discharges

- *Ensure permits for water extraction are a minimum of 5 years with little or no cost*
  - *Concern that if permit is only 5 years, this may limit financing of large facilities that may require a great deal of water*
- *Will there be restrictions on domestic supply for non-essential use in event of drought?*
- *A controlled lifting of the Moratorium be considered*

## Moratorium

- **Federation Resolution:**
  - 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.**
- The Federation is prepared to help facilitate this pilot project with Government

# THANK-YOU

# QUESTIONS?





**Prince Edward Island  
Federation of Agriculture**



**PEI Water Act Submission  
April 2017**

## **SLIDE 1**

Mr. Chairmen, Members of the Committee,

Good Evening.

Thank you for the opportunity to present today. My name is David Mol, I am the President of the Prince Edward Island Federation of Agriculture. With me are Ron Maynard, our 2<sup>nd</sup> Vice President and Robert Godfrey our Executive Director.

## **SLIDE 2**

The PEI Federation of Agriculture is a not-for-profit organization of Island farmers working together for the betterment of primary producers. We are the largest general agricultural organization in P.E.I. Our membership draws from the broad spectrum of commodities and accounts for over 85% of all registered producers.

## **SLIDE 3**

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.

Island farmers are not just raising livestock and growing crops, we are raising children and grandchildren - and believe strongly in the need to protect our water for now and for future generations.

## **SLIDE 4**

On Prince Edward Island, agriculture continues to be the largest driver of the provincial economy representing annual GDP contributions exceeding 5%. In 2015, farm gate sales were in excess of \$450 million – and Island farmers spent over \$435 million in operating expenses, largely in rural PEI. This included \$70 million in wages to the 4000 plus people the industry directly employed last year across the province. Agriculture is the backbone of the Island economy and the foundation of rural PEI.

## **SLIDE 5**

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.

Agriculture, it is important to remember, is about growing food – plants and animals – and growing food requires the use of water.

## **SLIDE 6**

There is no question that we have had our challenges, and we will not shy away from them today.

- Fish Kills
- Nitrates in surface and ground water
- Soil erosion
- Organic matter depletion

These remain ongoing concerns that the industry recognizes.

We know we need to raise the bar and we are squaring up to these challenges in ways that I will speak to in a moment – but we are doing so in the face of an increasingly skeptical public. There is a trust issue between segments of the public and the farming community. The divide between the farming community and the rest of the public has not been wider. This skepticism is not true of all islanders, but there is no denying it is there and it is a challenge we face when we as an industry speak on issues related to the environment.

#### **SLIDE 7**

Recognizing our challenges, it's important to speak about what we are doing as an industry - in partnership with others - to square up to them:

- 4R Nutrient Stewardship
- Environmental Farm Plans
- The Action Committee on Sustainable Land Management
- The Alternate Land Use System; and
- Soil Health Research

#### **SLIDE 8**

4R Nutrient Stewardship is about managing the application of fertilizer – whether it is manure or synthetic fertilizer. It was launched in 2012 by:

- Fertilizer Canada
- The PEI Potato Board
- The Kensington North Watershed
- The Provincial Departments of Agriculture and Environment
- And us, the PEI Federation of Agriculture

The 4R's stand for

- The Right Source or product of fertilizer
- Applied at the Right Time
- At the Right Rate
- In the Right Place

Its goal is to ensure the most efficient use of nutrients – plant food - is applied to the plant that minimizes losses to the environment.

This past spring the three major agri-retailers in the Province, joined the Committee managing this project. They are joining our efforts in further implementing and growing this program across PEI.

Furthermore, this past winter growers were surveyed to get an idea of this programs uptake – and we are proud to say that the majority of farmers on PEI are now farming using at least the basic principles of this program. This points to substantial progress for the industry and the Federation is proud to be a part of the program.



## **SLIDE 9**

The Environmental Farm Plan, as the Department is aware helps farmers develop a practical plan for operating their farm in an environmentally sustainable way. EFP's review things such as water management, nutrient management, soil management, and a host of other categories all related to farm practices and the environment. This program, administered by the PEI Federation of Agriculture has shown significant results. Today there are 520 EFPs currently implemented across PEI representing 272,725 acres or almost half of all the acres in production in the province. Since its inception in 2008, farmers have built or implemented:

- 406 kilometers of Terrance
- 723 kilometers of grass waterways
- 97 kilometers of farmable berms

## **SLIDE 10**

The Action Committee on Sustainable Land Management was established to mitigate and eliminate fish kills and chemical runoff in the Province. It is made up of government officials, industry and watershed groups. It includes officials within the Department.

One of the greater examples of this group's success is the Barclay Brook and the significant work that was done in the area. Land was taken out of production, soil conservation plans have been put in place, and a number of new sustainable practices. This type of work has been extended to the Carruthers Brook, the North River and the Dunk River. Coordinators have been assigned to each project. Recent discussions among members of the group include the implementation of more grass waterways in Island fields with the use of a drone and new technology.

## **SLIDE 11**

The Alternate Land Use System is a voluntary program put in place by the Province for producers and landowners. It provides compensation to remove land from production in areas where this is risk to the environment. Many farmers on the Island utilize this program, but many will tell you the compensation is small and could be reviewed. The program will expire in 2018 and this might be an opportune time to review those compensation levels and look at ways to strengthen the program in light of this Act.

## **SLIDE 12**

The PEI Federation of Agriculture supports the Water Act. It will provide the government with tools to help manage water access as well as preserve it for future generations.

That is not to say that we do not have some concerns. We do. We are open and prepared to work with the government going forward to implement some requested revisions to the Act. We also understand that the regulations that will be tied to this Act could present a number of challenges to our industry, and we are anxiously awaiting their drafting. We encourage the Government to work with the Federation in drafting those regulations and look forward to that.

## **SLIDE 13**

The Federation wholeheartedly supports the Government's belief in making science based decisions. We suggest that the Government rely on a Group of science experts from a number of disciplines

dealing with the whole water management area. The Federation is prepared to help the Government in any way we can to further the study of water on the Island. We want to ensure all Islanders, and Island industries are given equitable access to this resource.

#### **SLIDE 14**

We have a number of recommendations for the Government to consider before passing the Act. In Section III, the Protection of Water, there are references to the Environmental Protection Act and the Pesticide Control Act. We believe this should also reference the Farm Practices Act. We believe this will bring clarity to the Act and how it will be applied to the agriculture community. .

This section also speaks to contaminants and the consequences for containments entering water courses. There is concern this language is aimed to duplicate federal laws related to deleterious substances. Given that is already handled by the Federal Government in the Department of Fisheries and Oceans, the Federation questions why the Province is including this in the legislation. We suggest that if this is indeed duplication, there be a clear understanding between both levels of Government about who has jurisdiction if containment is released.

In Section IV, Water Management Areas, the Act speaks to land within or adjacent to a water management areas that may be subject to specific regulations. No compensation will be so much as considered for this increased regulation. This could potentially mean sections of farmland will need to be farmed in a very different way or taken out of production all together. We would ask the Government revisit the question of compensation for the agricultural community which will undoubtedly be affected by this section of the Act.

This section also speaks to Water Sustainability Plans with the idea that people in the watershed will have a say. The consultations these Plans require may subject farmers to unwarranted scrutiny and we recommend the Government strengthen this language to ensure farmers are protected. The consultations should also focus on the science and not allow for emotion to rule the day.

This section of the Act again needs to reference the Farm Practices Act as we feel it will help protect the farming community.

#### **SLIDE 15**

Section V, speaks to the new permitting levels that this Act will establish. The Federation does not oppose these measures. However, we are concerned about the proposed time limits on permits. We understand the permits are good for five years, but if I wish to build a substantial sized dairy farm or wash plant in the future that may exceed the 25m<sup>3</sup> threshold, will the bank finance me? Will banks take a risk if there is a risk I might lose my permit in five years? The Federation proposes that permits in the low capacity level be retained permits, with close monitoring by an approved government body. This would alleviate this concern.

The Act speaks a great deal about limitations for extraction but little of that is related to domestic consumption; there are no legislative tools to control whether or not I can continue to water my lawn, wash my car in the driveway or otherwise use water for non-essential domestic consumption. This is regardless of water levels or potential droughts. Food production is subject to increased monitoring, and this Act should consider ensuring non-essential domestic consumption is also tightly controlled.

The Act manages water strongly. This increase in monitoring should allow for a reconsideration of the moratorium on high capacity permits for supplemental irrigation. The issue of irrigation came before the PEI Federation Members in 2014 after a presentation by the Department of Environment. A resolution was passed that I want to highlight: The Federation requests "the Department of Environment remove the moratorium on new wells for supplemental agricultural irrigation provided the scientific data shows that it will not negatively impact the environment and that the PEI Water Extraction Policy," (The Water Act) "provides the adequate controls for the siting and operation of any new wells." The Water Act provides increased scrutiny, increased control, and increased monitoring.

We would recommend the granting of permits be strictly monitored and they consider the particular field's nutrient management, soil conservation and appropriate organic matter levels. Essentially – only farms following the strongest best management practices, in watersheds where it makes sense. The Federation suggests a pilot project be developed and we are prepared to facilitate the project. The Government can gather data and see that the science is there.

#### **SLIDE 16**

Water's importance to our industry cannot be understated. We are eager to continue our work with the government and urge this Committee to consider our recommendations.

Thank you.