

## PEI Watershed Alliance's feedback regarding Water Act Regulations Consultation

November 8, 2019

The PEI Watershed Alliance is the umbrella organization for the 24 community based nonprofit watershed groups on Prince Edward Island. Our groups are active stewards within PEI's communities and seek communication and cooperation with local stakeholders (e.g., agriculture, aquaculture, forestry, local interest groups) in watershed management activities and environmental betterment.

The *Water Act* is of great importance to our membership and we have been following and commenting on the process since the beginning. Many of our member groups participated in the recent round of consultations on the proposed *Water Withdrawal Regulations* through online submission, in-person sessions, and at the public consultation events. With regards to the 4 public consultation events, while many of our watershed group participants were appreciative of the different ways of gathering public input (e.g., dot tallies, small group breakouts, online survey), others expressed the desire for larger group discussion period in these forums. Additionally, concern was expressed with the poor public turnout at some sessions. As watershed groups can engage local stakeholders, the PEI Watershed Alliance is willing to help with the planning of future *Water Act* public consultation.

With regards to the proposed *Water Withdrawal Regulations*, we provide the following input:

- 1) Include a definition of "agricultural irrigation within Section 1 (Interpretation) to provide clarity.
- 2) Inclusion of water quality in Section 5 (4) as a factor of unacceptable adverse effect. For example, it is known that drilling high capacity wells in many areas of PEI causes increased contamination of deepwater aquifers with nitrates and pesticides.
- 3) Further clarification around the prioritization mechanism in Section 5 (5c) "*based on degree to which the use serves the public interest.*" How exactly will this be determined? It is important that sound science is considered in this process rather than just economics and/or politics.
- 4) Inclusion of a clause within section 6 to immediately limit water in times of scarcity or drought. For example, if environmental flows are not being met in a creek or local domestic wells are going dry, include a mechanism to immediately limit water taking to minimize environmental impacts.
- 5) Further clarification regarding the permit renewal process (Section 8) and watersheds which are found to be adversely impacted by current water withdrawal rates. How will water taking be reduced in these situations - will there be a decrease in the amount of water drawn by all permits? How will the prioritization be determined? (Please see comment 3 above).
- 6) Include a clause regarding compensation measures to be implemented when landowners are negatively impacted by water taking processes. For example, domestic wells went dry because of high capacity well demand on the aquifer.
- 7) Include a public review process within the Groundwater Exploration Permits. Timely information on these permit applications should be made available to watershed groups and interested parties so that they are aware of high capacity withdrawal activity within their local communities.

- 8) Inclusion of a clause that looks at the intent of water use for low capacity wells. We have concern that these regulations could be circumvented and that a well can be constructed which routinely draws 344 m<sup>3</sup> of water daily - essentially acting as a high capacity well. If this was the case, important information on adverse effects would not have been gathered through the groundwater exploration permit process.

**Concerns with the proposed *regulations*:**

- 1) Importance of using sound science and having adequate data when determining whether water withdrawal will cause “unacceptable adverse effect” in our ecosystems. As noted within Canadian River Institute’s Hydrological approaches for Environmental Flow Guidelines in PEI (Chimi-Chiadjeu et al 2019), more stream flow data is needed across the island to adequately calculate environmental flow levels. What standard monitoring approaches will be implemented across the island to collect this information? What is the role of watershed groups in this data collection and what resources will be provided to watershed groups to assist with this data collection? Watershed groups currently undertake monitoring including headwater surveys, flow measurements and water quality surveys, however, a comprehensive monitoring effort to support these regulations would required increased resources (\$\$) for groups.
- 2) Recognition that water resources are dependent on complex processes and cycles which can be impacted by many factors such as land-use practices. For example, water within aquifers is the product of recharge systems which involve larger landscape (e.g., forest cover, amount of soil organic matter, etc) and atmospheric hydrological processes.
- 3) Efforts to discourage water export between watersheds on PEI. Water removed from one watershed should be returned and/or discharged into the same watershed if at all possible.
- 4) Importance of encouraging water conservation and efficiency for all users (rural, urban, domestic well, low and high capacity wells). Despite what was highlighted in the Q & A regarding the amount of available water on PEI, we feel it is necessary to be mindful of our water use and the associated impacts on our ecosystems.

Thank you for the opportunity to participate in this consultation process and we look forward to continued dialogue on future *Water Act regulations*.