



**Legislative Standing Committee of Natural Resources
and Environmental Sustainability**

Presentation Remarks

May 2020

SLIDE 1

My name is Ron Maynard, and I am President of the PEI Federation of Agriculture. I am also a dairy farmer from Port Hill where my family operation milks 140 Holsteins upon the same land my family has been farming since 1822.

I want to thank this Committee for the invitation to share this presentation.

We are living in extraordinary times. On behalf of my family and the PEI Federation of Agriculture, I want express my gratitude for the hard work you have all been undertaking to keep Islanders safe. COVID-19 has reached into the very foundations of our ways of life and changed them. It has had to be the priority for all Islanders, the Federation included, over the last number of months. The health and safety of the people of Prince Edward Island is paramount and needs to remain a large focus for government. The next major focus needs to be food production to ensure our overall food security as a Province.

As an essential service, the agriculture industry has not stopped. As the calendar has continued to march forward, we have continued to produce food for not just Islanders – but Canadians and the World. The industry is on the land planting our 2020 crops and looking toward the growing season ahead. That is why we are providing this presentation to you today. The impact of the Water Act and the regulations this Committee has been tasked to review, will impact how this year's growing season and future growing seasons deal with the changing climate in the context of water.

This presentation will focus on our submission to the Government regarding the draft regulations, some of the concerns we have with them, and lay out some paths forward, particularly on the need for research to begin immediately around the issue of supplemental irrigation for agriculture.

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The PEI Federation of Agriculture is the largest general farm organization in the Province. We are made up of 550 farming operations as well as 16 different commodity associations covering the wide breadth of agriculture. Our membership includes large commodity groups such as Dairy Farmers of PEI, and the PEI Potato Board; it includes medium sized organizations like the Certified Organic Growers Coop, and the PEI Young Famers; it also includes small organizations like the Strawberry Growers Association and the Sheep Breeders Association. As the united voice of the industry, we are speaking for over 85 percent of PEI producers.

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To put the size of our organization in context, this visual shows you the location of the of the 550 farm operations that belong to the PEIFA. These operations range in size as well. We represent large, medium and small producers. Further, we have representation and indeed input from farmers from tip-to-tip.

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This Committee is well versed in the size of the agriculture industry and its importance to Islanders but it is important to note. To summarize this slide, we have done a bit of math. Agriculture, after factoring in the multiplier effect and the spin offs the industry creates, we are talking for a \$3 billion dollar industry in a \$7 billion economy. The success of our farming community has a direct and undeniable impact on our Provincial economy and our Provincial coffers.

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As the Federation has noted in every presentation on this subject, we have a variety of uses for water on the farm depending on the operation. It is of great importance to virtually all farming operations on the Island whether they are using ground water, surface water or rain water. I have provided this slide just to put the importance of the Water Act in context. Agriculture is growing and raising living organisms. Water is a building block in this process.

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Before I dive into the Water Act, I want to take a brief moment and tell you that the farming community is doing some great things around water and sustainability. We are putting in extended buffer zones, putting in grass waterways, berms, terraces and other structures that keep soil in the field. These types of measures take land out of production as an investment in the environment. We are increasing our fertilizer efficiency and growing more with less. We are “raising the bar” as a farming community and this continues every year.

In March 2019, PEIFA partnered with the PEI Water Alliance to tackle run off and erosion issues facing Island waterways.

PEIFA met with the PEI Water Alliance and discovered we shared goals and this lead to the creation of the Agri-Watershed Partnership.

The makeup of Partnership includes:

PEIFA

PEI Watershed Alliance

PEI Potato Board

Department of Agriculture and Land

Department of Environment, Water and Climate Change

As the accompanying slide reads, the Partnership has very specific goals:

- Mitigate (eliminate) fish kills and run off events
- Keep soil on the fields
- Develop an Industry Standard that will increase sustainability measures and serve as basis for “Due Diligence” if faced with an extreme weather event that results in environmental damages

The Industry Standard relies on high level Best Management Practices such as cover cropping, reduced tillage, increased buffer zones etc. An industry standard has been recently developed and feedback has been gathered through a survey during this COVID-19 period. We received in excess of 130 responses. The responses are being examined this week, and I can share with you that farmers are very interested. The Partnership is going to have a significant impact on how we farm sustainably in this province, and we are proud of its work to date and excited about the potential it holds.

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The Water Act, as we have said in past presentations, is a foundational piece of legislation. Its importance is undeniable and therefore of great interest to all Islanders. We all drink water; we all use water; we all want to protect it.

I want it to be very clear that the PEIFA supports the Water Act. We believe in the need for water for future generations, we think monitoring is important and the use of this precious resource must have adequate levels of control.

I also want it to be clear that we have a long history of working with Government and this legislation will be no exception – we want to work with all parties to make some revisions which we feel are needed within the draft regulations.

The PEI Federation of Agriculture has examined these regulations in great detail. To be quite forward with this Committee, we have found them to be discriminatory towards food production. Agriculture is singled out as the lone industry where the regulations deny access to water for specific purposes. We believe this is unfortunate, and we are frustrated that this continues to be the case despite repeated discussions with all three parties about this issue.

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As I have previously stated, farmers are growing living organisms. Water is fundamental to that process. The industry does and will continue to need access to the resource in a responsible way.

We believe supplemental irrigation is needed. Some producers want the ability to do so. The benefits are clear:

- Improvement in product quality
- Increased efficiency of fertilizers – less residual left behind following harvest and therefore less leaching
- Reduction in spray application – less stress on the crop

In the last two summers we have seen what happens when our industry does not have access to water. Rainfall amounts in July and August in both 2018 and 2019 amounted to drought conditions that seen crops suffer under the intense heat and little rainfall. For many years this province has been able to get by with the predictable weather patterns that have made this province famous as “Canada’s Food Island,” but hoping for rain is no longer a viable option.

We need to talk openly and honestly about supplemental irrigation for many different crops. Climate change is here. Dr. Adam Fenech of the UPEI Climatology lab speaks repeatedly about our changing weather patterns: more perception overall, but in the shoulder seasons of spring and fall, followed by

longer dryer summers. This problem is not going away. These are scientific facts and Government must own up to that by taking action.

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This chart illustrates Dr. Fenech's point. He is not wrong. The axis the on the left represents rainfall in millimeters. Higher rainfall in the spring and fall, but extremely dry in July and part of August when crops are at very critical stages in their growth and when inadequate moisture can drastically effect the resulting yield one harvests in the fall. As I have said, hoping for rain has not been a reliable solution for the past three years. This is climate change at work.

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The Federation has been advocating for action for many years. In March, Bruce Raymond appeared before you as an expert on water. He spoke to you about the water recharge rate PEI experiences annually and how much of that recharge Islanders are utilizing. He talked about the fact we are using 1.5 percent of our recharge across all uses. Of that, agriculture is using 2.2 percent of the total ground extraction.

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We know that supplemental irrigation has the added benefit of making a plant stronger as it is under less stress. This makes them more resistant to disease, potentially lowering pesticide application. It also allows the plant access to the fertilizer or nutrients in the soil. Without moisture, that fertilizer sits there and is left behind after harvest only to leach into our groundwater when the fall and spring rains come. In addition, farmers are able to almost spoon feed their crop through fertification. Less fertilizer in the planters or seeders at spring is a much more efficient way to fertilize.

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Mr. Raymond presented many of the same facts he provided this Committee to the PEI Federation of Agriculture's Annual General Meeting in January 2014. The following resolution was unanimously passed by the Members that day, and has since been unanimously reaffirmed by the current PEIFA Board of Directors:

Whereas the Department of Environment has reviewed all available scientific data and determined that there is adequate water available for long term sustainability;

*Be it resolved that the PEI Federation of Agriculture request the Department of Environment remove the moratorium on new wells for supplemental agricultural supplemental supplemental irrigation **provided that the scientific data shows that it will not negatively impact the environment and that the PEI Water Extraction Policy [Water Act] provides the adequate controls for the siting and operation of any new wells.***

PEIFA stands by this resolution today.

While we do believe the science is there – we certainly understand the concerns of Islanders. It has been expressed by many throughout the consultations on the Water Act legislation, and again now during the consultations on the Water Act regulations, that the science is not adequate or not detailed enough to support the lifting of the moratorium. If that is the position of Government, then PEIFA

recommends we study supplemental irrigation directly. Let us find an independent body to conduct unbiased research on PEI farming operations, with real and modern supplemental irrigation systems that provide us with the answers we need to justify or remove the moratorium.

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UPEI wants to do this study and is prepared to move forward upon Government's approval. They are the independent expert we seek.

Dr. Michael van den Heuvel, Research Chair for the Canadian Rivers Institute will be leading the work. He has been tapped by Government to conduct similar research in the past two years because of his credentials, and had been called to appear before this Committee to speak to his proposal in early April. He is qualified, he is independent and he is ready to go.

UPEI has drafted a proposal that involves 4 farmers (one west, two central and one east) and 4 watershed groups who have all agreed to host demonstration projects around the issue of supplemental irrigation.

The watershed groups were asked to support an evidence-based approach to generating information, and it was made clear that they were not being asked to take a position on supplemental irrigation. The intent of the project is to generate evidence and until that occurs, it was proposed that watershed groups remain objective.

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The initiative will explore the issue of supplemental irrigation for agriculture – to study the issue in-depth and develop the science many people content does not exist. We see it as an opportunity to evaluate what is known and supported by the Province's experts, and make sure supplemental irrigation is possible and that it can be done right. And we stress that if supplemental irrigation goes forward, that it must be done right. We do not want to get it wrong. No one in the farming community is interested in risking the long term supply of our groundwater.

We also believe this study will provide an opportunity to measure the agronomics, economics and environmental impacts supplemental irrigation will have on individual fields and individual operations.

I will appendix the proposal to these remarks, as I feel its important you read it for yourself. For process, I will summarize it for you here:

- Digging of four high capacity wells on four different farms across PEI
- Modern supplemental irrigation system installed with real time monitoring installed – this could be broadcast to a public website
- Three years worth of data
- An independent over site Committee directing the project
- Upon completion of the project, if supplemental irrigation is not scientifically feasible, all four wells to be cemented and decommissioned.

The Federation is supportive of this proposal. We urge this Committee to ask Government to proceed with this work right away. The calendar is moving forward and therefore the window to get this project

underway in this growing season is very tight. We need immediate action from Government as soon as possible.

I also want to point out that the current draft regulations do not allow for research and by enshrining the moratorium in the regulations, it will make it all that more impossible to change even if the science supports supplemental irrigation.

The following sections must be revisited with an eye towards the future.

- Section 2, Paragraph 5
- Section 5, Paragraph 6
- Section 9, Paragraph 4

I want to be clear here as well. The Federation of Agriculture does not want this Committee to recommend the lifting of the moratorium on high capacity wells for agriculture. But we do want you to recognize that these sections of the draft regulations are discriminatory towards the industry and should be reviewed.

The Executive Council order that prohibits agriculture from accessing a permit to drill a high capacity well can continue and it does not need to be embedded in the regulations at this time. Let the science determine the path forward and revisit these Sections if need be when the study is complete.

We should point out that while this is predominantly an issue with potato producers, there are other sectors (vegetable growers, fruit tree orchards and others) that are currently denied access to supplemental irrigation. In an age where we talk about the diversification of agriculture on PEI, certainly as we face warmer weather – we are denying the entire industry one tool that is available all across North America and other jurisdictions around the World.

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All three parties represented on this Committee speak loudly about their belief in science based decision making. All three are reasonable and sensible when it comes to science when it is presented to them. PEIFA shares this view.

We understand water, as a public resource, can evoke emotions and fear that drive our decisions. It is why the issue of high capacity wells, and supplemental irrigation is so contentious.

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Access and allocation of a resource as precious as water should be made using science based methodologies developed by independent experts. We are prepared to help ensure this take place. Approve the proposal. Get Government to provide us the research we need to make informed decisions.

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Moving beyond the proposal, we point to Section 7 as a unique requirement that ensures any water withdrawal permit holder provides the Minister with data “from any flow measuring device or water level measuring device”. The PEIFA believes this regulation’s intention is to ensure the permit holder is adhering to the law and the water extraction is sustainable. However, this regulation must be expanded.

What if the data for high capacity wells were to be put into a database that was public? It certainly would provide Islanders with a clear picture of how much water is being drawn down and by whom? It would include municipal wells, golf courses, aquaculture, car and truck washes and others who use great volumes of water throughout the year. It would also include the 35 existing high capacity wells currently in place for supplemental agricultural supplemental irrigation. Further, you could place the 4 wells from the research project in this database. Let Islanders get a true understanding of who is using water and how much is being drawn down.

To compare their draw downs over the course of two months to the rest of high capacity permit holders certainly would put the issue in context for many Islanders.

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Section 5, paragraph 7 will jeopardize any existing holding ponds that have been constructed for supplemental irrigation prior to these regulations. The PEIFA does agree that multiple wells extracting more than 345 cubic meters per day should be considered a high capacity well, but any existing permits that allowed for this infrastructure to be put in place should be grandfathered. Further we believe that if you make the changes in section 7 around monitoring as we described in the previous slide – this section is not necessary and goes against what other jurisdictions around the World are encouraging. Proper monitoring provides the government with the ability to hold water at times when water levels are high so it can be utilized when water levels are typically low.

The PEIFA adds that the farms that hold these permits legally obtained them and invested in the construction of a holding pond at great personal expense. Let us not make criminals out of those who have followed the law to construct these ponds. The PEIFA would contend that if these wells are not to be grandfathered, that Government consider some type of compensation.

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The moratorium was always meant to be temporary. However, it has remained in place for 18 years while other industries including golf courses, car washes, and others have had access to high capacity wells with little to no questions asked. They will continue to have access under the Water Act while food production will continue to be shut out.

We are supportive of the Water Act and its goals, but the fact that agriculture remains singled out, we truly believe amounts to discrimination.

We urge you to move forward with the UPEI proposal and get the independent research that we believe will provide this Province with the evidence needed to show that supplemental irrigation is possible, that our recharge is there. We know not every watershed will qualify. We believe responsible supplemental irrigation will require rules, but we believe the research will give us those answers. The time has come.

We remain, as always an eager partner who is willing to work with you and the Department of Environment Climate Change and Water to ensure the sustainability of our resources as well as the sustainability of PEI farms and farm families.

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We are prepared to answer questions.