

## **Catherine O'Brien is a member and former Chair of the Coalition for the Protection of PEI Water**

We, along with the Coalition for the Protection of PEI Lands are calling on our government to enact an interim moratorium on the development of holding ponds and underground water delivery systems.

I did not want to be here today. In fact, I stepped down as chair of the Water Coalition, for many reasons, but mainly because things were going well. The Water Act was complete, and we were waiting on the regulations. But, here I am.

The Water Act was passed in 2017, and water withdrawal regulations were developed more recently, following a process of public consultation. Yet the Act and its regulations have still not been formally proclaimed, creating a situation that allows the unregulated development of large holding ponds, with no permits required and next to no oversight on the part of the provincial government. The most recent and dramatic example of this practice is this seven million gallon holding pond being developed here (beside or behind me), that will require two wells running 24 hrs per day for up to a month to fill.

Let me be clear that this pond and others like it are not illegal. They are allowed under the current regulations, despite the current government's recognition that they are being used to circumvent the moratorium on high capacity wells for agriculture, and despite new regulations that were created to prohibit such use. The former Minister of Environment, Water and Climate Change, Brad Trivers said very clearly that this kind of protection is necessary. He also promised that measures would be taken to protect water prior to the Water Act and withdrawal regulations taking effect.

The Coalition for the Protection of PEI Water has been deeply engaged in the process of the development of the Water Act and its regulations since the Standing Committee Hearings related to the request to lift the moratorium on high capacity wells in 2014. We were active in encouraging then Environment Minister Robert Mitchell to develop a robust, transparent and exemplary process of public consultation for the Water Act that now stands as a model of effective and respectful collaboration between community and government. We have represented more than 20 community groups and 200 individual members during this time, submitted many briefs, written many letters, and met whenever we could with the previous ministers of the Environment. Minister Mitchell recognized the important role we played in the development of the Water Act in his comments in the legislature. Along with these very productive consultative moments, there were also long periods where there seemed to be no progress, where regulations were either not being developed or sat on a shelf, perhaps awaiting a useful political moment. While Covid-19 has certainly presented obstacles in recent months, this process could have been completed long ago.

It seems that the positive and open process has stalled. No information has been coming regarding the timing of the next round of consultations for the Water Act regulations, and despite the grave concerns about the holding ponds that were brought to the government, since 2017, nothing has been done.

## **Don Mazer has been a member of the Coalition for the Protection of PEI Water since it began in 2013**

The existence of these holding ponds reflects the government's failure to protect PEI water. Even though the Water Act has been passed, and regulations have been developed through a process of consultation, the fact that the Act and its regulations have not been proclaimed has left us vulnerable to the virtually unregulated development of these ponds. These ponds clearly conflict with the spirit and purpose of the Water Act. The government itself has recognized that holding ponds can be used to circumvent the moratorium on high capacity wells for agriculture and has drafted regulations to prohibit just such a practice. Hon Brad Trivers, the previous Minister of the Environment spoke to this issue in the legislature last year and assured the public that "additional measures will be taken to protect our water while the consultation on the water withdrawal regulations take place. "

One would have hoped that the government would be outraged by such a blatant disregard for the intent of their legislation and the regulations that have been carefully developed, and for the words and commitments of their own Minister. But no. Instead of having a proclaimed law to rely on, decisions are made in the Department of Environment where bureaucrats advise a new Minister that a project such as this is acceptable, and that we have plentiful and abundant groundwater. It's almost as if the last 6 years of hard work developing the Water Act and its regulations through such good collaboration between community and government haven't even happened. We have written to Premier King and put the following points to him:

1. We call on the Premier and the Minister of Environment, Water and Climate Change to enact an interim moratorium on the development of all holding ponds and other underground water supply systems based on multiple low capacity wells until the Water Act and its regulations have been proclaimed and put into effect. It is clear that building these holding ponds violates the spirit and intention of the Water Act. A moratorium would end this practice. And once the Water Act is proclaimed, it would be very clear in the 'letter' of the law what was prohibited.
2. We also oppose any 'grandfathering' of these holding ponds for the same reason; while not legally prohibited, their development violates the spirit of the moratorium on high capacity wells. Stopping any further development of such holding ponds would lead to fewer troubling discussions about grandfathering with farmers who had made such a significant capital investment and it would reduce pressure on farmers to develop these ponds..
3. We are calling on you to do what is required to proclaim the Water Act as law as soon as possible, which was your previous Minister's stated intention, and close these legal gaps that permit the exploitation of PEI water.
4. We also call on you to see that all wells, high and low capacity alike, are licensed and registered so that everyone has access to the information about who is using this vital public resource.

What we are requesting is exactly what Minister Trivers and your Government intended: that additional measures be taken to protect our water while the consultations on water withdrawal regulations take place. An immediate interim moratorium on holding ponds is what is needed to protect PEI water.

## **Boyd Allen is a member of both the Coalition for the Protection of PEI Lands and the Coalition for the Protection of PEI Water**

On the 9th of June current Minister of Environment, Water and Climate Change, Natalie Jameson was questioned in the legislature about the construction of this holding pond in Shamrock. She stated that her staff had been made aware of it on the previous day. Lack of timely input notwithstanding, the Minister felt it important to assure the public that this project was NOT a high capacity well. Staff was tasked the following day to do an assessment on its impact on the surrounding area.

This response sparks several questions: Why did those responsible for a project of this scale not feel it appropriate to keep government informed? What form was this planned assessment going to take? What criteria were to be applied? What potential actions could be forthcoming from this assessment? Were there any plans to monitor this or any other holding pond? Was her department planning on informing Islanders of the progress of the assessment process?

This is the latest of many such wells that have been dug in PEI in order to circumvent the moratorium on high capacity wells. Until the water act is proclaimed there are no regulations pertaining to these holding ponds. Islanders are very concerned about these unregulated ponds, not only because of complete lack of oversight but also all the same reasons they clearly demanded maintaining the moratorium on high capacity wells. PEI is 100% dependent on underground aquifers for fresh water. The fact that we are surrounded by salt water also means that salt water could possibly enter into our fresh water aquifers, causing irreparable harm.

In the 2019 election campaign, Dennis King stated "...water is the issue that islanders all want to talk about...This might be a case that since we don't know the impacts of what we are allowing them to do now with the holding ponds, the effects might actually be worse than the effect of the high capacity wells...A government led by me will recognize that and we will make sure the processes are in place, that the regulations are there to make sure our water is protected."

The key statements on page 2 of the Water Act passed by the P.E.I. Legislature in December 2017 are:

- Government has a guardianship role
- Access to a sufficient quantity and safe quality of water
- Water withdrawals subject to a transparent evaluation and approval process
- Everyone has a duty to protect water
- Decisions with respect to water management be made by applying consistent, science based assessment processes
- Application of the precautionary principle.

The precautionary principle states: "When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically." Given the above statements, we ask that the Minister of Environment invoke an immediate interim moratorium on holding ponds. We also request that a provincial representative of the Department of Environment be sent on site to monitor water levels in neighbouring wells.

## **Doug Campbell is the Director of the National Farmers' Union in PEI and a member of the Coalition for the Protection of PEI Lands**

The Island potato industry's need of holding ponds and high capacity wells is a serious side effect or symptom of the greater issue of the overtaxing of Island land, our primary resource, which is causing the continual depletion of organic matter in the soil. For those who can't feel it when they cup a handful of soil in their hands, the scientific facts to prove what is happening are there. Several years ago, the Island Department of Agriculture released its findings of a twenty year study of soil health in PEI. The findings are stark. Organic matter necessary to make our soil productive and crop bearing, hold water, and able to withstand erosion and climate change, has declined despite laws around crop rotation. There is little doubt it has declined even further since that report. Rather ironically, some of our most depleted land that is seen blowing in the wind, is selling for high prices on the belief that water and chemical fertilizer will grow the quality and flavour of potato for which PEI has become world famous.

Successive Island governments' enabling the circumventing of the Lands Protection Act is one of the contributing factors for where we find ourselves today. A second factor is traced to the world wide move towards monoculture industrialized farming methods that have greatly profited a minority, in particular corporations, while mining the land, and destroying identity of rural communities worldwide.

The United Nations has sounded the alarm about the urgent need to return to and develop a more sustainable, natural and organic system to produce food. The report is titled, "Wake Up Before it is Too Late". The primary industry on Prince Edward Island is agriculture and it has greatly contributed to the building of this province. If we want farming, and independent farmers to survive, thrive, and prosper not only themselves, but the Island economy, we need to wake up fast. Construction of holding ponds is one way industry is getting around the moratorium on deep water wells. Many Islanders are now questioning if the present government's delay in enacting the water act is to give industry time to get these ponds built and grandfathered in before ratifying the act.

It is difficult to believe that government has no regulations on the building of holding ponds. Rather they have a few suggested guidelines. One has to have a permit to build a house or even a shed on their property. But a property owner can build a holding pond with no permit and no oversight. How can that be possible when it comes to the management of the resource of water? The environment department is using the logic that two, low capacity wells, pumping 24/7 into a holding pond, will not draw as much water as a high capacity well. Is there hard-core science backing this thinking as justification for issuing holding pond permits? Even to the average person, with no knowledge on the subject matter, this seems like pretty illogical reasoning.

Are acting bureaucrats willing to be accountable for what they are doing? The time is long overdue for Island bureaucrats to be held accountable to the public. Yes, it is politicians standing in front of the podium and the news microphone, but as we are continually witnessing, few are experts on their portfolios. Rather they follow the advice of their department bureaucrats, the lobbying pressure of industry and powerful marketing boards. The greater good of the public often gets lost in the mix. Government and industry have no business pitting Islanders against each other over water. Rather they

should be showing leadership in preserving our primary resource, the land, so that no Islander fears their well going dry, and that so no independent farmer is demonized in the production of food.

We know the current government, since December of 2019, has been sitting on a report on farm land banking that apparently offers some solutions towards rebuilding our organic matter in the soil and moving us away from mono-agriculture, while building a sustainable industry. Why are they not releasing that report? Water is an essential resource in the quality and prosperity of human life. The health of the land and the health of our water go hand in hand. It cannot become a commodity of the few or an accessory in the continual abuse of our land.

I am told urban Islanders don't see the land issue as their concern. Politicians, bureaucrats, and industry are counting on that. But if Islanders, rural or urban, care about having future access to water, to good quality food, good jobs, and a healthy rural landscape which greatly builds urban wealth, then each one will learn about the land issue, and how it underlines every aspect of our Island way of life. Every resource of this earth and every human on it are interconnected. We do indeed need to "Wake Up Before it is Too Late"