

20 September 2020

**Standing Committee on Natural Resources and Environmental Sustainability
Second Report of the First Session, Sixty-sixth General Assembly
Committee Activities**

Mr. Speaker and Members of the Legislative Assembly:

The Standing Committee on Natural Resources and Environmental Sustainability is pleased to present its 2nd report of the First Session, Sixty-Sixth General Assembly.

Committee Mandate

The Standing Committee on Natural Resources and Environmental Sustainability is charged with matters concerning agriculture, fisheries, land, water, forests, wildlife, energy, natural resources, environment, climate change, and other such matters relating to natural resources and environmental sustainability.

Committee Membership

Permanent members of your committee are:

Cory Deagle, Chair (District 3, Montague-Kilmuir)
Hon. Darlene Compton (Minister of Finance; District 4, Belfast-Murray River)
Robert Henderson (District 25, O'Leary-Inverness)
Stephen Howard (District 22, Summerside-South Drive)
Lynne Lund (District 21, Summerside-Wilmot)
Hal Perry (District 27, Tignish-Palmer Road)

Members who have served as substitutes:

Dr. Peter Bevan-Baker (Leader of the Opposition; District 17, New Haven-Rocky Point)
Michele Beaton (District 5, Mermaid-Stratford)
Hon. Jamie Fox (District 19, Borden-Kinkora)
Sonny Gallant (Leader of the Third Party; District 24, Evangeline-Miscouche)
Ole Hammarlund (District 13, Charlottetown-Brighton)
Sidney MacEwen (District 7, Morell-Donagh)
Gordon McNeilly (District 14, Charlottetown-West Royalty)

Committee Activities

Since your committee last reported on November 27, 2019, it has met 12 times.

On **January 16, 2020**, your committee met to receive a briefing on the Report of the Commission on the *Lands Protection Act, PEI* (2013). Horace Carver, QC, highlighted the spirit and intent behind the report and provided insight on the drafting process.

On **January 30, 2020**, your committee met to receive a briefing from the Department of Environment, Water and Climate Change (Hon. Brad Trivers, Minister of Environment, Water and Climate Change at the time; Deputy Minister of Environment, Water and Climate Change, Brad Colwill; Manager of Water and Air Monitoring, Bruce Raymond; Manager of Drinking Water and Wastewater Management, George Somers) on the draft sewage disposal system and water withdrawal regulations under the *Water Act*. Witnesses highlighted water was a precious but abundant resource on Prince Edward Island as the water recharge rate is faster than the discharge rate.

On **February 20, 2020**, your committee met for a follow-up briefing on the draft sewage disposal system and water withdrawal regulations under the *Water Act* from the Department of Environment, Water and Climate Change (Hon. Brad Trivers, Minister of Environment, Water and Climate Change at the time, Deputy Minister of Environment, Water and Climate Change, Brad Colwill; Manager of Water and Air Monitoring, Bruce Raymond; Manager of Drinking Water and Wastewater Management, George Somers).

On **June 18, 2020**, your committee met to consider its work plan.

Due to the COVID-19 pandemic, efforts to schedule in further presenters halted for the time being.

On **September 10, 2020**, your committee met to receive a briefing from the PEI Fishermen's Association (Ian MacPherson and Melanie Griffin) as part of a series of meetings on the *Water Act* and water withdrawal regulations. Concerns were raised about water quality being compromised if the moratorium on agriculture high-capacity wells was to be lifted without peer-reviewed, independent research. Witnesses highlighted that using groundwater to irrigate fields means further exposure to pesticides, nitrates, etc. which could then make their way back to streams, estuaries and drinking water.

On **September 17, 2020**, your committee met to receive two presentations on the water withdrawal regulations under the *Water Act*. The Canadian Rivers Institute (Dr. Michael van den Heuvel) expressed his interest in conducting research on high-capacity wells so that baseline data could be collected and the impacts could be measured. His research would take four years to complete and consist of drilling four new high-capacity wells. Next, your committee met with the PEI Federation of Agriculture (Robert Godfrey, Ron Maynard) who also expressed interest in research being conducted so that evidence based decisions can be made.

On **September 25, 2020**, your committee met to receive an update on the PEI Livestock Strategy from the representatives from the Department of Agriculture and Land (Hon. Minister of Agriculture and Land, Bloyce Thompson; Deputy Minister of Agriculture and Land, Brian Matheson; Beef Development Officer, Dr. Les Halliday; Manager of Agriculture Industry Development, Fred Vanderkloet). An overview was provided on the strategy. Potential opportunities for compensating farmers to sequester

carbon through healthy soil was also discussed and witnesses said they were interested in ways to improve efficiency, profitability and climate change.

On **October 1, 2020**, your committee met to receive a briefing on the *Water Act* and water withdrawal regulations from the Coalition for the Protection of PEI Water (Andrew Lush, Dr. Don Mazer, Catherine O'Brien, Gary Schneider, Ann Wheatley). The witnesses highlighted their support for the *Water Act* to be proclaimed and the moratorium on high-capacity wells to be maintained. Their view is that if research needs to be done, it can be done using pre-existing wells.

On **October 15, 2020**, your committee received a briefing from representatives from the Great Wisdom Buddhist Institute to discuss their future plans for expansion on PEI. As part of their presentation, they discussed their denied building permit to build a new residence building and concerns over their land holdings.

On **October 22, 2020**, your committee met to receive a briefing on the different types of aquifers and the recharge rate of rivers and estuaries from Dr. Yefang Jiang, Hydrogeologist.

On **November 5, 2020**, your committee met to receive a briefing on ground and surface water resources from the Department of Environment, Water and Climate Change (Hydrogeologist, Qing Lin; Manager of Water and Air Monitoring, Bruce Raymond; and Manager of Drinking Water and Wastewater Management, George Somers). The committee also met with National Farmers Union (District 1, Region 1)(Douglas Campbell, Edith Ling and Reg Phelan) who stressed land use issues and potential recommendations the committee could present to the Legislative Assembly.

Your committee met on **November 19, 2020**, to consider its report to the Legislative Assembly.

Recommendations

As a result of its deliberations, your committee is pleased to recommend the following to the Members of the Legislative Assembly:

- 1. Your committee recommends that government consider immediately proclaiming the *Water Act*.**

Your committee recognizes that in December of 2017 the *Water Act* received Royal Assent and that proclamation was to come at a later date when the necessary regulations to empower the Act were complete. Your committee recommends the act be proclaimed immediately so that the committee may review any new regulations or amendments no less than 90 days prior to enactment, as stated in Section 76(5)(d) of the *Water Act*.

- 2. Your committee recommends that government consider the inclusion of all new high-capacity wells in the moratorium, with the exception of those intended for residential use.**

Your committee has heard from different witnesses that the moratorium should not be placed solely on the agriculture sector. Your committee urges government to place a moratorium on any new high-capacity wells that are not used for residential use until research is available to make evidence-based decisions.

- 3. Your committee recommends that government consider referring all future research proposals on the impacts of high-capacity wells to the Standing Committee on Natural Resources and Environmental Sustainability.**

Your committee is aware there has been interest in research to be conducted on the impact of high-capacity wells. Your committee recommends government provide terms of reference for any proposals intended to research high-capacity wells be referred to this committee so that it can be reviewed and recommendations can be put forward.

- 4. Your committee recommends that government consider shortening the period of time given for a well that is deemed out of compliance based on the proposed water withdrawal regulations to become compliant. The current period of time to become compliant is 5 years. Your committee recommends government consider reducing it to 24 months or on the expiry of authorization, whichever occurs first.**

As it stands now, wells deemed out of compliance have five years to comply with the water withdrawal regulations in the new proposed regulations of the *Water Act*. It was noted by the PEI Fishermen's Association to the committee that while a grace period should be given, five years seems too long. Your committee recommends the new regulations require wells to become compliant within 24 months or on the expiry of authorization, whichever occurs first.

- 5. Your committee recommend that government consider a differentiation between the assessment of high-capacity wells requiring freshwater and high-capacity wells that draw saltwater in the proposed *Water Act* regulations.**

Your committee was made aware by the PEI Fishermen's Association that there was not a distinction between the two within the proposed regulations. As such, your committee recommends government make a distinction for clarity for those subject to future *Water Act* regulations.

- 6. Your committee recommends that government consider that the Department of Agriculture and Land work alongside the Climate Change Secretariat to research ways that farmers can be compensated for sequestering carbon as an incentive to maintain healthy soil while helping to meet carbon targets.**

Your committee heard from representatives from the Department of Agriculture and Land that they are open to initiatives that improve efficiency, profitability and climate change. The department has stated they feel the Climate Change Secretariat is best to partner with on an initiative such as this and the committee looks forward to the findings.

7. Your committee recommends that government consider implementing training sessions for MLAs and any interested groups or organizations on the *Lands Protection Act, P.E.I.*

The National Farmers Union (District 1, Region 1) had outlined this as one of their recommendations to the committee to consider for the report. The committee agrees this would be a valuable course and that Members would benefit greatly from a more fulsome understanding of spirit and intent of the Act, and that any such training could also be available for other groups or organizations for their information.

Conclusion

Your committee thanks the individuals and organizations that briefed the committee in recent months on topics relating to natural resources and environmental sustainability. Your committee looks forward to government's consideration of the outlined recommendations and continuing its work in the New Year.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Cory Deagle', is written over a faint, light blue circular stamp or watermark.

Cory Deagle, Chair
Standing Committee on Natural Resources and Environmental Sustainability