



**Nature PEI: The Natural History Society of
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**Additional Comments to Environmental Advisory Council by Nature PEI
Regarding a Water Act
January 15, 2015**

NaturePEI commends the work of legislators and various government staff to address the many ground and surface water challenges in Prince Edward Island. However, Nature PEI also acknowledges that more is required to address both remaining and new challenges such as the projected levels of nitrogen in ground and surface water.

Ground and surface waters are a public resource. Their management must ensure that future generations of people and wildlife have at least the same or preferably better water quality. Nitrate and pesticide contamination of ground and surface water is unacceptable. Farmers must be made responsible for developing and implementing nutrient management plans and for maintaining minimum soil organic matter content to meet standards set out in legislation.

Polluters should establish a fund to bear the costs of amelioration for nitrate well water to meet drinking water standards.

Fish kills and their associated losses of biodiversity from contaminants and anoxic events are unacceptable and the new Water Act must impose zero tolerance rules for these events. There must be sufficient enforcement staff to address monitoring requirements and amelioration needs.

The definition of sustainability needs to be amended to ensure the conservation of biodiversity does not get superseded by perceived public need which is often based on the cheapest monetary alternative. It must also address water quality standards for both ground and surface water. For surface waters, water temperature could be one of these standards.

The precautionary principle and its definition should be included in the legislation to guide policy makers, enforcement staff, and judges. The difference between “human consumption” and “human need” must conform to the precautionary principle.

By and large, the enforcement and improvement of current legislation and the proper utilization of enforcement orders to address issues is preferred rather than a new Water Act which will take years of court proceedings to address its inadequacies.

With respect to a new Water Act and international trade agreements, government needs to address any potential implications respecting provincial laws that protect the environment before the proposed legislation is developed.

Legislative streamlining efforts must meet three preconditions, namely: application of stringent provisions respecting adherence to the precautionary principle; legislation cannot circumvent the

intent of sustainability of biodiversity and true human, needs rather than human benefits; and it must establish public transparency practices.

The current practice of periodic releases of a State of the Environment report is woefully inadequate. Government and municipalities must make regular reporting of State of the Environment indicators mandatory and, for transparency, must be posted on line by set time limits, e.g. all high capacity well users must install monitoring equipment that distributes water withdrawal rate information to regulators and make it available to the public within defined time lines.

Anoxic event monitoring is currently voluntary and should be addressed with monitoring equipment so that we have vetted information.

Historically, many municipalities have been poor stewards of surface water and ground water resources and waste management e.g. destruction of streams and wetlands, and wells lost because of contamination. Current development guidelines allow compensation for loss of wetlands but this is normally applied by third parties outside the municipal boundaries. Municipalities must address this challenge within their borders. New legislation should address minimum provincial standards with which municipalities must conform but should allow municipalities to impose higher standards as desired for protection of surface and ground water resources.

Regulation of surface and ground water use must be science based and meet the precautionary principle. The current water withdrawal policy does not meet the science based standard. The use of models must recognize that a model does not reflect the complexity of natural systems e.g. the missing information respecting the lack of biodiversity information which is not even included in the Water Act web site. While much is known about water in Prince Edward Island, much more is not known and this is acknowledged in much of the material on the Water Act web site, e.g. monitoring wells do not cover either the Charlottetown or Stratford high capacity wells; biodiversity knowledge for PEI is nonexistent or lacking for most species; and conversion standards for surface cover to water impermeable surfaces is lacking.

Soil loss equations must be checked for validity based on present and predicted climate change precipitation events.

The existing moratorium on high capacity agricultural wells and surface water extraction for irrigation should be retained.

“Fracking” must not be allowed in PEI.

More investment is required to address science based needs for the management of surface and ground water resources.

Submitted by Rosemary Curley on behalf of Nature PEI