

Presentation to the Land Matters Advisory Committee  
February 2, 2021

SLIDE 1 We would like to acknowledge that the land on which we gather is the unceded territory of the Mi'kmaq and we respect all elders past and present.

We would like to thank the Committee for inviting us to present to you today.

SLIDE 2 The Coalition for the Protection of PEI Water was formed in 2013 by the Citizens' Alliance of PEI. Its members include: ECO PEI, The Cooper Institute, Save our Seas and Shores, Council of Canadians, PEI chapter, NFU, watershed groups, and many individual Islanders. The Coalition has been deeply involved in the consultation process for the development of the Water Act, and has made several presentations and recommendations to the PEI Government regarding our water protection and preservation.

SLIDE 3 Any discussion of land must include a discussion of water. Both are PEI's primary resources, and land use directly impacts water quantity and quality. The restoration of soil health and water purity is essential for the health of our ecosystem, our economy, and for all Islanders.

The UN Office of the High Commissioner for Human Rights states that a "safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and sanitation." In short, the right to a healthy environment is a human right.

We recommend that any Land Use planning and policy follow these two guiding principles: the Precautionary Principle and principle of Intergenerational Equity. Both principles are widely recognized in international and domestic environmental discourse and are reflected in both treaties and legislation.

The Precautionary Principle is defined in the as-yet-unproclaimed Water Act. "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation."

Equally significant, the Intergenerational Equity commands “the preservation of natural resources and the environment for the benefit of future generations.”<sup>1</sup>

SLIDE 4 Our island is small; a mere 224 km from North Cape to East Point. Yet, as J.P. Arsenault points out in *Time and A Place, an environmental history of PEI* (pp. 195-217), “...the Province of Prince Edward Island is mining its natural capital in return for short-term economic gain.”<sup>2</sup> Since the “modernization” of agriculture in the 1960s there has been an alarming increase in soil erosion, decrease in soil organic matter, and an increase in nitrates and pesticides in ground and surface water. The key sources of nitrogen pollution identified were “agricultural fertilizer, manure storage and spreading operations, septic systems, and fertilizers applied to lawns, golf courses and other recreational facilities” and “there is a direct relationship between the magnitude of ... problems and the proportion of cleared land in a given area” (p. 206). By 1997 “long term average peak concentrations of suspended sediment in a representative sample of Island rivers were four times higher than would occur naturally” and “exceeded the Canadian Guidelines for the Protection of Aquatic Life by a factor of eight” (p. 206). None of our soils are Grade A for agricultural use<sup>7</sup>. All are inherently vulnerable to erosion by wind and water, and this has been made worse by poor management. Eroded soil entering streams and estuaries smothers the bottom, covering spawning grounds and shellfish beds.

SLIDE 5 Our groundwater is also extremely vulnerable because the fractured sandstone bedrock ensures that agro-chemicals inevitably end up there - in our drinking water supply where they can negatively impact human health<sup>8,9</sup>, and in rivers where they reduce habitat quality and cause fish kills. More than half of all islanders drink from domestic wells<sup>2</sup> and today, unhealthy concentrations of nitrates<sup>9</sup> and small concentrations of multiple pesticides are detectable in too many drinking water wells. Pesticides also lace the air we breathe<sup>10</sup>, and fish kills and anoxic events in rivers and estuaries are still occurring. The chronic impacts likely extend to inshore marine fisheries<sup>11,12</sup>.

SLIDE 6 Fertilizers leached from farm fields into estuaries trigger algal blooms and anoxic events harmful to wildlife, fisheries, aquaculture and tourism. A shameful 95% of nutrients polluting the Northumberland Strait comes from PEI and affects neighbouring provinces<sup>8</sup>.

SLIDE 7 Sediment and nutrient pollution also threatens PEI's one small Marine Protected Area at Basin Head, where an ecosystem restoration project has had to be initiated.

SLIDE 8 The impacts of industrial agriculture are exacerbated by the negative effects of forest clearcutting, increased subdivision and cottage development in rural areas, and excessive road construction. This erodes our individual quality of life<sup>3,4</sup> and collective economic viability. And sadly, worse is yet to come.

SLIDE 9 As we are all well aware, PEI is very vulnerable to the existential threat of Climate Change. We have no options except to adapt to this reality. Land use decisions must be viewed through the lens of climate change, and be based on ecosystem health and social and cultural values, as well as economic gain. Future development and land management policies and legislation must reflect our willingness to adapt to the reality of climate change including our commitment to a net-zero carbon future. The inevitable increases in heat stress and drier summers; the more severe and frequent storms unmitigated by protective winter sea ice; sea level rise and salt water intrusion; and the flooding and erosion of coastal lands and infrastructure – all have to be factored into land use policies and law. Current practices that erode our resilience but are still sanctioned by law and/or policy include the clearance of forested land, heavy industrial agriculture activities, ever expanding rural subdivision and cottage development, and unfettered road construction. These not only assault our fundamental resource base but also erode social equity and quality of life<sup>3,4</sup>.

SLIDE 10 Many excellent recommendations have come from Royal Commissions on land use (1973, 1990,) a Round Table Report( 1997), the Commission on Land Use and Local Governance (2010), the Horace Carver report (2013), the Land Use Policy Task Force (2014), and various other public consultations and studies. Solutions to many of the problems that this committee is addressing have already been laid out in these documents, yet successive governments have not only ignored them but also failed in their duty to enforce existing laws. As of the 2010 State of Environment Report, the hundreds of recommendations had resulted in some positive movement in 9 indicators of environmental health, negative movement in 11 indicators, no change in 4 indicators and no data collected

for another 6 indicators<sup>5</sup>. A decade later, continuing media reports of inadequate control over land ownership and land use and the visual evidence of deteriorating landscapes have eroded the public trust that will be needed by any government striving to safeguard our future.

We submit that the aim of 'modernizing' land legislation is not the best approach. 'Getting it right' and 'seeing it through' are much more important because persistent inaction has led to such a grievous degradation in soil and water health, the continuing loss of prime agricultural lands and forests, and unfettered, inappropriate infrastructure development across the Island.

Furthermore, shrinking forest cover and expanding field sizes have drastically reduced the environment's buffering capacity to the point where even normal weather patterns can cause erosion, eutrophication, and shellfish closures. In other words, there is only one "system", and it is very vulnerable to change" (p. 209).

Meanwhile, the vision of improved, inclusive land use planning and governance conceived by the 2010 Commission on Land Use and Local Governance has stalled.

SLIDE 11 Research on quality of life on PEI, led by the Institute of Island Studies from 2006 – 2011<sup>3,6</sup>, documented many concerns shared by rural residents who valued the bits of wilderness left on the Island, bemoaned the erosion of quality of life, mourned the loss of big trees, clam beds and traditional swimming holes, and in some cases, even feared to drink from their own wells. The top concerns included stream and estuary health, the conversion of forested and agricultural lands, the increase in rural housing subdivisions, the increased scale and declining viability of agriculture, and the negative impact of all these trends on the Island's treasured landscape. Little has been done that successfully addresses such concerns.

Our existing land use patterns and the deficits in planning, regulation and enforcement are not viable. They will result in further environmental destruction and increased costs in the future. It is reasonable to query whether we have already reached the point of no return. A long term, publically supported, Province-wide land use plan involving all relevant government departments is long overdue.

SLIDE 12 In the forestry sector, clear cutting should no longer be permitted, as it results in serious soil degradation and erosion and the loss of wildlife and their habitats. We also need aggressive planning and policy implementation to preserve all remaining old-growth Acadian Forest, and increase the rate of forest restoration. The province owns and leases many steeply sloping, marginally productive and/or riparian fields, and therefore has opportunities to lead reforestation by example.

SLIDE 13 The many benefits of forest cover include the sequestering of carbon to help reach our net zero goals, water quality protection, removal of pollution from the air, and preservation of our remaining wealth of complex microbial ecosystems, plants, insects, birds, amphibians and other wildlife.

SLIDE 14 Forest restoration will also increase opportunities for outdoor recreation – an aspect of quality of life that can reduce health care costs. Many such win-win outcomes are possible if we use a more holistic approach to land use governance.

SLIDE 15 To make ecologically sustainable farming more economically viable, we recommend that Government be more pro-active in PEI food security by sourcing locally grown foods for hospitals, nursing homes and schools.

We also recommend that Government establish an agricultural Land Bank to ensure that new farmers are not priced out of the market by the ongoing world-wide land grab. Use of the Land Bank would mandate farmers to enact progressive, and truly sustainable, practices to increase soil and water health.

We recommend that Government retains the existing land holding limits, publishes details of land ownership in an accessible format, and enforces all infringements without delay.

We recommend that the Government end support for the unsustainable industrial agricultural model, which is effectively a mono-culture, and which is responsible for many of the soil and water health issues that we are now facing, and which we believe will soon collapse with devastating results for farmers.

SLIDE 16 This is, after all, not a new idea. The government itself admitted in its 2009 agricultural report that “Prince Edward Island farmers have found themselves unable to prosper by competing in these globalized, efficiency-driven commodity markets”. This was a reference to industrial potato farming, which is clearly not a viable industry on this small island. We have limits. Let’s embrace them with imagination, intelligence and courage, and switch to supporting family farms, diverse high value crops, and truly sustainable practices, and support farmers who exceed the legislated environmental standards. This shifts our course toward a healthy economy, a healthy environment and healthy communities.

SLIDE 17 We agree with the recommendations by the 2014 Task Force on Land Use that regulations be implemented immediately to halt new residential development on agricultural land, and urban sprawl, especially in unincorporated areas, and that prime agricultural land be preserved for future generations. Any other proposed land conversion should trigger an analysis of long term costs and benefits, and available alternatives. In each case, impacts on aesthetic landscape values should also be considered.

We recommend that the Government show leadership in developing and implementing a proper land use plan for the whole Province, rather than thinking that the entirely inadequate hands-off approach of merging a few rural communities will in any way satisfy the recommendations of Justice Thompson’s report.

The Water Act must be proclaimed immediately, as without it there is no framework for managing water. Land use policies and practices should adhere to and support both the letter and the spirit of that legislation.

SLIDE 18 We recommend the Government creates an agency or department that consolidates the management of land, which would include administration of the Lands Protection Act and the Planning Act, the management of the Land Bank, and regular publication of State of the Environment reports.

We remind this committee of the Government’s duty to consult with and accommodate the interests of the Mi’kmaq on all land use policies.

SLIDE 19

Thank you

## References

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