

July 31, 2020

Erinn Lee
waterpolicy@ontario.ca

Dear Ms. Lee,

Re: ERO # 019-1340 - “Updating Ontario’s Water Quantity Management Framework”

The Ontario Federation of Agriculture (OFA) is Canada’s largest voluntary general farm organization, representing more than 38,000 farm family businesses across Ontario. These farm businesses form the backbone of a robust food system and rural communities with the potential to drive the Ontario economy forward.

The OFA is pleased to have this opportunity to provide comments on **ERO # 019-1340: Updating Ontario’s Water Quantity Management Framework**. An agricultural perspective is integral to the success of the Permit to Take Water program. While agricultural water use in Ontario is small, the agricultural sector holds the largest number of water-taking permits.

Farmers are integral partners in managing the natural environment. They rely on the air, soil, and water to conduct their business, and as such, have a vested interest in the sustainability of these resources. Because of the nature of agriculture in Ontario, and the fact that farmers interact intimately with the natural environment on a daily basis, an agricultural perspective to water resources management is critical.

Of the 4 goals this discussion paper aims to meet, the OFA will only be commenting on the first 3 goals.

Goal 1. Establish priorities of water use in regulation

The OFA is pleased that agricultural irrigation (including frost protection) has been prioritized as a “Highest Use Priority”. Agriculture does not have the luxury afforded to other industries to plan their activities around summer flow periods. The availability of irrigation water is as essential to production as the land they are grown on. Water is used on farms to save a crop, and consequently a farmer’s entire years income. Also, food production and availability is an immediate necessity for the well-being of society. It is our understanding that this prioritization of use would only come about during times of low water availability or water use conflict.

Concerns remain around the prioritization system proposed. There are industrial and commercial businesses that are on municipal water systems. It is somewhat troubling that these businesses could have priority over agricultural irrigation during times of water shortages. Thought should be given to how a municipality may be able to divide domestic water uses and health and safety

related water uses, from municipal water that is used for industrial/commercial endeavours – and allow agricultural water use to have priority over the municipal industrial/commercial during times of high water needs.

In addition, how does this system account for potential population growth/future growth and the impact that may have on existing agricultural permit holders? It is OFA's belief that information available from other processes such as source water protection and the growth plan, should be used where relevant. This includes planning for future municipal water needs. Any regulations and/or guidance developed under these proposed changes when looking at future water needs must ensure that both existing **and** future agricultural water needs are also taken into account. Ontario agriculture remains essential to feeding both the current and future populations.

The prioritization of water uses should also be considered in other water quantity related initiatives. For example, the current Low Water Response system may allow municipalities to make by-laws that limit water taking. This process needs to recognize the importance of water use for agricultural irrigation, including it among the highest water use priorities.

The proposal states that guidance will be developed to provide direction on these priorities. It is absolutely essential that the Ministry involve the agricultural community directly in the **development** of this guidance, not as an afterthought after the guidance is written. It is crucial that this guidance reflect the realities of agricultural water use and its critical timing needs. This is best achieved by involving agriculture during development.

As we understand it, water bottlers are classified as Industrial/Commercial. This must be made clear, so they are not included under "drinking water" in the highest priority use.

Goal 2. Update the approach to managing water takings in stressed areas

Unfortunately, there are limited details in this section as it proposes enabling regulation, with the claim that details will come in the form of updated guidance material. This includes applying restrictions on water takings during a drought and implementing an area-based approach to water permitting. This section has the greatest potential to have a significant impact on Ontario farmers. As aforementioned, it will be important to work with the agricultural community in developing the guidance for this process. This process must also find a means of balancing the environmental, economical, and social aspects of water use, and should include an Agricultural Impact Assessment.

Any discussion with stakeholders regarding area-management of water or restrictions on water use must include agricultural stakeholders, along with relevant and meaningful support for farmers to fully participate. Currently, most farmers do not have the capacity to participate in undertakings such as this as they do not have the time, technical knowledge, or money, particularly when you consider the other stakeholders are government (municipal, provincial) and environmental groups that do have this support through knowledgeable staff including lawyers and hydrogeological professionals.

This proposal does not indicate how this system will interact with other existing legislation and processes, or even discuss if there are existing systems available could be used to meet the current needs. For example, how will this approach work with Low Water Response Teams and the Ministry of Natural Resources and Forestry, or with source protection planning and the Clean Water Act? All efforts must be made to ensure clear lines of jurisdiction and avoid or eliminate any duplication.

OFA believes that an area-based approach must be a tool of last resort, with many options considered before this is applied. For example, voluntary water-use reductions should be requested. Cost-share funding towards voluntary implementation of agricultural water conservation and efficiency BMP's should be supported for agricultural water users. In addition, if the water users are predominantly agricultural in the water-stressed area, then support should also be provided to the farmers in an effort to develop their own solutions before any restrictions are imposed by the provincial government. The success of the Innisfil Creek Water Users Association indicates that voluntary programs can work.

Goal 3. Make water taking data more accessible

OFA is vehemently opposed to the sharing of daily water taking information in any form that may identify an agricultural water taking permit holder. However, providing aggregate water taking data would be acceptable. This can be done on an aquifer or surface water body for example, as long as it does not identify any individual user or permit. The Ministry understands the potential harm it may cause to a farmer and their family by identifying agricultural water permits information as it was in large part because of this threat to the safety of the farm family and their operation that the Ministry exempted agricultural water taking permit applications from being subjected to consultation and third party appeal (such as posting on the Environmental Registry). For those same reasons it is completely unacceptable to release information regarding the daily water takings of agricultural water users.

However, OFA has long advocated that the Provincial government should make other technical information that it holds, available to water takers to reduce the burden on permit applicants. Information regarding local water budgets and hydrogeological information should not only be available but information gaps should also be funded by the government – not permit applicants. Understanding the resource is a benefit to all society and as such, information gathering and filling data gaps should be the responsibility of the government.

Ultimately, it is essential that the Ministry engage with the agricultural community for direct input in developing guidance material that will impact agricultural water users. The fact that agriculture holds the greatest number of water-taking permits (although not the largest water users) means that the system must be set up in a way that facilitates our use of the program. Given the unique nature of agriculture, there are nuances that do not translate in the same manner that industrial/commercial operations use water. Any processes that are established must recognize and support agricultural stakeholders with the capacity to fully participate. Also, OFA is completely opposed to the release of water taking data that can be used to identify a specific agricultural water user.

I trust our opinions and recommendations will be given due consideration in this consultation and look forward to ongoing consultation and discussion regarding water quantity management in Ontario.

Sincerely,



Keith Currie
President



cc: The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
The Honourable Prabmeet Singh Sarkaria, Associate Minister of Small Business and
Red Tape Reduction
OFA Board of Directors