

Answers to Frequently Asked Questions

Water Strategy

What is a water strategy?

A water strategy is a future-oriented vision for the quality, quantity, management and use of water. It typically establishes a set of goals and describes a set of specific actions aimed at achieving these goals.

Why does New Brunswick need a water strategy?

A strategy is needed so that the challenges associated with the management and use of water in New Brunswick can be addressed in a comprehensive and integrated manner. In the 2015 Speech from the Throne, the government indicated that work would begin this year in partnership with stakeholders and communities to develop a provincial water strategy. It is intended that New Brunswick's water strategy will be an integrated, publicly visible plan that will guide us as we work collectively to protect and manage our water now and into the future.

Are First Nations being engaged on the development of the new water strategy?

Yes. In February 2016, the department initiated an engagement process with First Nations by reaching out to all First Nations Chiefs. This engagement process is currently underway and the input received will be considered during the development of a draft strategy.

Who else is involved?

Stakeholders and the public were also engaged through a series of workshops and open houses that were held in March 2016 across the province. The input received will be considered during the development of a draft strategy.

Will there be additional opportunity for engagement?

Yes. Comments received to date are contained in this summary document which has been posted on the website of the Department of Environment and Local Government. This feedback will be used to inform the development of a draft provincial water strategy. The draft will then be made available for further comment.

Is New Brunswick properly managing its water now?

In New Brunswick we are fortunate to enjoy good water quality and have put in place effective protection and management programs. In fact, our Wellfield Protection Program has been recognized as being one of the best drinking water protection initiatives in the country. But there is always room for improvement. The strategy will examine current practices, identify what is working well and describe areas where improvements are needed.

How is government developing this strategy?

Government is engaging with stakeholders, the public and First Nations to share how water is currently protected and managed in the province and to hear New Brunswickers' views on how we can improve and plan for the future. A series of workshops and open houses were held in the following communities: Grand Falls, Bathurst, Miramichi, Moncton, Saint John and Fredericton. Online submissions were also accepted through the department's website.

The department also held one workshop with technical experts from the Department of Environment and Local Government and one workshop with technical experts from other New Brunswick government departments such as the Department of Energy and Resource Development and the Department of Health, who have knowledge and experience in water-related programs.

This feedback will be used to inform the development of a draft provincial water strategy that will then be made available for further comment.

Are you replacing the *Water Classification Regulation* with the water strategy?

No. Water classification is only one potential part of an overall water strategy. Although the water strategy will provide direction on improved integrated watershed management, we are looking to develop an all-encompassing water strategy that protects and manages our water now and into the future.

The strategy will be broad and all-encompassing and will address many aspects of water such as drinking water, watercourses, permits and approvals and wetlands.

Why can't we just fix the current water classification legislation?

As the Ombudsman stated in his report of August 15, 2014, successive governments and the Department of Environment and Local Government have faced many challenges in their efforts to implement a system of watershed-based management. The department received legal advice that suggested that fixing this regulation would require a rewrite of that entire part of the legislation.

Since 2002 New Brunswick has had a water classification regulation that is unenforceable, therefore despite the dedicated work of many watershed groups, no watersheds have been classified.

- Some of the challenges include:

- the *Clean Water Act* does not provide sufficient authority to support the classification of surface waters;
- the water quality standards in the regulation are vague and open to interpretation; and
- the water quality standards present challenges in terms of enforcement.

Will the water Strategy address wetlands?

The water strategy will consider all aspects of water protection and management in the province, including the implementation of improved long-term wetland management practices and tools developed in collaboration with stakeholders.

Are you reducing the number of watersheds?

No. The discussion paper notes the Level 1 mapping of watersheds in the province, which consists of the 13 major watersheds in the province. A Level 2 mapping also exists and represents the rest of the major watercourses within the first level basins.

Is the discussion paper a draft of the new proposed water strategy?

No. The discussion paper entitled *Working Together to Build a Water Strategy for New Brunswick* was created in order to spark conversation about what water related topics are of most importance to New Brunswickers. The water strategy has not yet been developed.

Environment

Are Environmental Impact Assessment (EIA) registration documents available online?

Yes. The Department began posting environmental impact assessment registration documents online in 2014. To view available registration documents, please visit: <http://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/EIA-EIE/Registrations-Enregistremets/EIA.pdf>

Why aren't there more prosecutions or fines for people that do not comply with environmental Acts and Regulations?

The primary goal of the department's *Compliance & Enforcement Policy* is to achieve compliance with the department's 31 Acts and Regulations and in so doing, protect and enhance the environment to enable a sustainable future for all New Brunswickers.

There are many different ways to achieve compliance. Enforcement options involving prosecutions or fines are often expensive and time consuming to conduct and are therefore a last resort when other forms of

compliance fail. The Province wants to give violators every opportunity to comply and to do the right thing but will move to increasingly more punitive actions if people fail to comply. For more information on the Department's *Compliance and Enforcement Policy*, please visit:

<http://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/Publications/ComplianceEnforcementPolicy.pdf>

Is surface water quality information available online?

Yes. Surface water quality information is available online. To view this data, please visit <http://www.elgegl.gnb.ca/WaterNB-NBEau/>. An assessment of the water quality is also available through the Environment and Climate Change Canada Water Quality Index (WQI).

Water Quality Index, please visit:

<https://www.ec.gc.ca/indicateurs-indicators/default.asp?lang=En&n=CB97D13E-1>

Resources and Water

How do we protect our water sources from forestry industry activities in New Brunswick?

Forest operations on private and Crown lands must meet the standard legislated requirements to protect water quality and aquatic habitats. Government and the forest sector take this responsibility seriously and follows best management practices, monitoring forestry operations and conducting audits as part of assessing the performance of forest operations to achieve compliance. Current ISO Certification, independent third-party audits, sustainable forest management, as well as compliance reporting and tracking systems, are tools used for providing oversight for forest operations on Crown Land and Industrial Freehold land.

Some monitoring of private woodlot operations around water is conducted. The means of monitoring are third-party audits of certified mills, silviculture program audits and Watercourse and Wetland Alteration Permit (WAWA) program audits of activities near watercourses. Issues of non-compliance must be corrected immediately and continuous improvement measures put in place to prevent future issues of non-conformance. Forestry practitioners seek to abide by legislation, utilize current scientific research to inform decision-making and follow best management practices to ensure the forest continues to meet the diverse goals of providing habitat, water protection, jobs, revenue and opportunities for recreation. Information is available for Programs on the Department of Energy and Resource Development's website here:

NB Private Woodlot Silviculture Program - <http://www2.gnb.ca/content/dam/gnb/Departments/nr-nr/pdf/en/ForestsCrownLands/WoodlotSilvicultureManual.pdf>

Crown Lands Results-based Forestry Option - http://www2.gnb.ca/content/dam/gnb/Departments/nr-nr/pdf/en/ForestsCrownLands/ScheduleE_FMM_En.pdf

Environment and Local Government

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Crown Timber Licensee Performance Monitoring Program under Publications -
<http://www2.gnb.ca/content/gnb/en/departments/erd/Publications.html>

Are beaver dams a nuisance to our watercourses?

Beavers are nature's engineers, often building elaborate structures that create diverse aquatic habitats for fish and other wildlife. These structures often last for many years and provide aquatic reserves during low stream flow periods. There are cases where beaver construction may become a nuisance, threatening damage to private and Crown property and road infrastructure. When this occurs, private landowners can access control methods on the Department of Energy and Resource Development's website here:
http://www2.gnb.ca/content/gnb/en/departments/erd/natural_resources/content/wildlife/content/NuisanceWildlifeDamagePreventionControl/beaver.html

If private landowners are unable to remove the beavers themselves, they can hire a licensed Nuisance Wildlife Control Operator (NWCO) who, for a fee, will remove the animals. A list of licensed NWCOs is available on the Department of Energy and Resource Development's website here:
http://www2.gnb.ca/content/gnb/en/departments/erd/natural_resources/content/wildlife/content/NuisanceWildlifeControlOperatorsByRegion.html

Public Health

Why isn't fluoride banned from being in water systems?

The Office of the Chief Medical Officer of Health (OCMOH) fully supports fluoridation of public water systems. The OCMOH published a position statement on this matter which can be found on its website here:
<http://www2.gnb.ca/content/dam/gnb/Departments/hs/pdf/en/HealthyEnvironments/FluorideStatement.pdf>

Is government exploring ways to modernize the management of waste water in New Brunswick?

If deemed necessary, the Office of the Chief Medical Officer of Health would likely be supportive in exploring ways to modernize the Onsite sewage disposal system program, including training, licensing, treatment requirements, legislation and *regulations.

*It was previously proposed, as part of a Strategic Program Review, that the onsite sewage disposal system program be transferred to the Department of Environment and Local Government. OCMOH would continue to support this notion and agree with the previous assertion that the management of all wastewater would be better managed if it was under one agency. This would help address many concerns.

Agriculture and Water

Are agricultural activities such as cranberry farms and blueberry fields, subject to the same level of environmental and water regulation as are other industries?

The agricultural industry is subject to the same legislation by DELG, DFO and Environment Canada as other industries, although the *Clean Water Act* (CWA) does allow normal farming practices to be carried out beyond five metres of the bank of a watercourse in existing fields.

New and expanding cranberry farms are screened for registration in the environmental impact assessment (EIA) process. The Department of Agriculture, Aquaculture and Fisheries has required riparian buffers well in excess of the 30 metres specified in the CWA when pre-identifying blueberry fields for development on large tracts of Crown Land.

How is the *Topsoil Preservation Act* being enforced to prevent soil erosion and sedimentation of watercourses?

The intention of the *Topsoil Preservation Act* is to preserve farmland for future generations by controlling the removal of topsoil from farmland, rather than the prevention of soil erosion or sedimentation of watercourses.

The Act is administered by the Department of Environment and Local Government, with the Department of Agriculture, Aquaculture and Fisheries providing technical advice and financial funding on a cost-shared basis under the federal-provincial Growing Forward 2 (GF2) Agreement for the construction of erosion control structures and promotes the use of sustainable crop rotations. DAAF activities primarily target soil erosion caused by precipitation in active agricultural fields.

How does government ensure that water quality is protected from pesticide and herbicide spraying?

While pesticides are regulated by Health Canada and the Department of Environment and Local Government, pesticide awareness is promoted within the Department of Agriculture, Aquaculture and Fisheries' Environmental Farm Plan program and through presentations directly to producer groups. The agriculture industry is required to follow Health Canada's pesticide use requirements and follow a simplified Pesticide Applicator's Certificate process as required by the Department of Environment and Local Government. However, the agriculture industry is not required to obtain Pesticide Use Permits for the use of non-domestic pesticides as is required in other sectors.

The Department of Agriculture, Aquaculture and Fisheries supports the use of Integrated Pest Management (IPM) techniques to apply the right control product, at the right rate and at the optimal time, in combination with crop scouting. Agrologists carry out research to determine the most effective control products and recommend these to producers as part of their IPM program and promote the choice of pest control products with the least effect on non-target or beneficial species. GF2 funding is also available to assist producers to install improved application technology to their sprayers.

How do we ensure that some agricultural sectors, such as blueberry and cranberry farming, use best irrigation practices in order to have minimal impact on quality reliable water sources?

The use of irrigation is very limited in New Brunswick. New and expanding cranberry farms are subject to registration in the EIA process and most trap precipitation and recycle all water on site using holding ponds. Other than rainwater, there is no widespread, consistent use of water in the production or harvesting of wild blueberries in New Brunswick.

How are the Department of Environment and Local Government and the Department of Agriculture, Aquaculture and Fisheries working together to protect our water sources?

Both departments support closer cooperation and share information on an ongoing basis, including for the development of a provincial Water Strategy. The two departments are also currently working on the development of a new provincial agriculture land policy.

How do we ensure that nutrient management plans are stringent enough to protect water quality?

Nutrient management plans recommend only the amount of nutrients required to achieve the targeted crop yield. Nutrient application above these levels is not economically or environmentally sustainable.

Has the feasibility of an agricultural ecological goods and practices program to facilitate and encourage beneficial management practices been investigated?

The Department of Agriculture, Aquaculture and Fisheries investigated Ecological Goods and Services a number of years ago but determined that continued funding of a strong suite of Beneficial Management Practices would be more effective in increasing environmental protection.

Are there any existing agricultural land policies and regulations allowing for water protection regulations to be applied uniformly to all industrial practices including agriculture in New Brunswick?

During the fall of 2015 and winter of 2016, the Department of Agriculture, Aquaculture and Fisheries carried out a public consultation on considerations for an Agricultural Land Policy. The resulting discussion paper can be found at: http://www2.gnb.ca/content/dam/gnb/Departments/10/pdf/Publications/Agr/AgriculturalLandPolicyConsultations_WhatWasSaid.pdf

The department promotes sustainable production in order to conserve the productive capability of the land and produce the low-environmental-impact food that society increasingly demands. The need to strike a balance between long term water protection and the ability of agricultural producers to produce high quality, safe food continues to be a long-term goal of the department.