



PLEASE NOTE

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CHAPTER A-8.01

AGRICULTURAL CROP ROTATION ACT

GENERAL REGULATIONS

Pursuant to section 13 of the *Agricultural Crop Rotation Act* S.P.E.I. 2001, c.25, Council made the following regulations:

1. (1) In these regulations
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| | Definitions |
| (a) "Act" means the <i>Agricultural Crop Rotation Act</i> S.P.E.I. 2001, c.25; | Act |
| (b) "board" means the Farm Practices Review Board established under section 3 of the <i>Farm Practices Act</i> R.S.P.E.I. 1988, Cap. F-4.1; | board |
| (c) "Department" means the Department of Agriculture and Forestry; | Department |
| (d) "environmental farm plan" means an environmental assessment of a farm based on criteria approved by the Environmental Farm Plan Steering Committee; | environmental farm plan |
| (e) "Environmental Farm Plan Steering Committee" means a committee established by farm organizations in the province for the purpose of determining and approving criteria for environmental farm assessments; | Environmental Farm Plan Steering Committee |
| (f) "management practices" means soil conservation and nutrient management practices applied to land intended or used for growing a crop and includes
(i) soil tilling practices,
(ii) underseeding crops,
(iii) the use of winter cover, and
(iv) producing structural changes to land that may reduce water runoff and soil erosion; | management practices |
| (g) "Prince Edward Island Sloped Land Inventory" or "PEISLI" means the database produced by the Department under section 9, using a method approved by the Minister which identifies land areas in the province greater than 1.0 hectares and with a slope greater than 9%; | Prince Edward Island Sloped Land Inventory |
| (h) "Revised Universal Soil Loss Equation" means an erosion prediction model developed by the United States Department of | Revised Universal Soil Loss Equation |

Agriculture which is used to predict erosion rates, including the consideration of climate, soils, topography and agricultural management practices;

rotation cycle

(i) “rotation cycle” means the sequence of crops planted on land.

Cereals or forages in Schedule A

(2) For the purpose of clause 1(i) of the Act, crops designated as cereals or forages are those crops listed in the Schedule to the regulations. (EC166/02)

Certificate of appointment

2. The Minister shall provide an inspector with a certificate of appointment which the inspector shall produce on request during an inspection. (EC166/02)

Management plan to be submitted for approval

3. (1) A proposed management plan for land on which regulated crops are to be grown shall be submitted for approval to the Department on the form approved by the Minister

- (a) by a landowner; or
- (b) by a grower, where
 - (i) the landowner agrees in writing to the proposed management plan, and
 - (ii) the grower agrees to notify the landowner of any deviation in the application of the management plan.

Contents of proposed management plan

(2) The proposed management plan submitted under subsection (1) shall include

- (a) a map showing the location of the land;
- (b) a list of crops to be grown on the land;
- (c) the sequence in which the crops listed in clause (b) will be grown;
- (d) the management practices that will be applied to the land during the time that the management plan will be in effect;
- (e) the crops grown on the land and the management practices applied to the land in the year preceding the implementation of the management plan; and
- (f) any structural changes to the land that may reduce water run-off or soil erosion. (EC166/02)

Approval of management plan

4. A management specialist may approve a proposed management plan

- (a) if the landowner has completed an environmental farm plan, and
 - (i) on slopes less than 9%, the plan provides a level of protection to soil and water that would reasonably be expected from a three-year rotation featuring a regulated crop followed by a grain crop followed by a forage crop,
 - (ii) on slopes less than 9%, the plan provides a level of protection to soil and water based on achieving, in the management

specialist's opinion, tolerable soil loss rates as determined by the Revised Universal Soil Loss Equation, or
 (iii) on slopes equal to or greater than 9%, the plan provides a level of protection to soil and water based on achieving, in the management specialist's opinion, tolerable soil loss rates as determined by the Revised Universal Soil Loss Equation; or
 (b) if the grower is engaged in research, training or following a plan issued pursuant to the *Plant Protection Act* (Canada) or the *Plant Health Act* R.S.P.E.I. 1988, Cap. P-9.1. (EC166/02)

- 5.** (1) Notwithstanding any other provision of these regulations, the Minister may, in writing, revoke the approval of a management plan at any time, without prior notice. Cancellation by Minister
- (2) A grower or landowner may, by giving notice in writing to the Minister, cancel a management plan. Cancellation by grower/landowner
- (3) Where a management plan has been cancelled, subsection 7(2) and section 8 of the Act apply. (EC166/02) Subsection 7(2), section 8 apply
- 6.** (1) A grower may deviate from a management plan if Deviation from management plan
 (a) the grower submits an application on the approved form to the Department detailing the proposed deviation from the management plan and the reasons for it; and
 (b) a management specialist has approved the deviation.
- (2) A management specialist may approve the deviation from a management plan if Approval of deviation
 (a) the grower has been unable to adhere to the plan due to weather-related causes; and
 (b) the proposed deviation does not result in a greater frequency of regulated crops being grown on the land.
- (3) A deviation to a management plan shall be approved for one rotation cycle only. (EC166/02) Valid only for one rotation cycle
- 7.** (1) The Minister may, on application, issue a permit to a grower to plant regulated crops pursuant to subsection 7(4) of the Act if the land has been in sod continuously for at least three years. Permit
- (2) A permit issued under this section is valid for a period of two years from the date of issue. Permit valid for 2 years
- (3) A regulated crop may not be grown on the land identified in a permit in the two years following the expiration of the permit. (EC166/02) No regulated crop for 2 years

- Grower to maintain records **8.** (1) A grower of regulated crops under a management plan shall maintain records in the approved form, including,
- (a) a list of the crops grown;
 - (b) the sequence in which the crops were grown; and
 - (c) the management practices applied to the land.
- Idem* (2) Records made under subsection (1) shall be available for inspection for a period of at least two rotation cycles. (EC166/02)
- PEISLI **9.** (1) The Department shall develop a database of areas of land greater than 1.0 hectares and with a slope greater than 9%, which shall be known as the Prince Edward Island Sloped Land Inventory.
- PEISLI reassessment (2) A landowner or grower may request that the Department reassess the entry in the PEISLI of land owned by the landowner or farmed by the grower by submitting a request to the Department.
- Outcome of request (3) The Department shall notify the landowner or grower of the outcome of the request under subsection (2) within 60 days of the request. (EC166/02)

SCHEDULE

Cereals and forages include:

Agrostis stolonifera - Bentgrass
Avena sativa - Oats
Brassica oleracea var. *acephala* - Kale
Bromus inermis - Bromegrass
Dactylis glomerata - Orchard grass
Echinochloa crus-galli - Japanese millet
Elytrigia repens - quackgrass
Festuca arundinacea - Tall fescue
Festuca pratensis - Meadow fescue
Festuca rubra - Creeping fescue
Hordeum vulgare - Barley
Lolium multiflorum - Annual ryegrass
Lolium perenne - Perennial ryegrass
Lotus corniculatus - Birdsfoot trefoil
Lupinus alba - White lupin
Medicago sativa - Alfalfa
Melilotus alba - White sweet clover
Melilotus officinalis - Yellow sweet clover
Onobrychis viciifolia - Sainfoin
Panicum miliaceum - Millet
Pennisetum americanum - Pearl millet
Phalaris arundinacea - Reed canary grass
Phleum pratense - Timothy
Poa compressa - Canada bluegrass
Poa pratensis - Kentucky bluegrass
Secale cereale - Rye
Sorghum bicolor - Sorghum
Trifolium hybridum - Alsike clover
Trifolium pratense - Red clover
Trifolium repens - White clover
Triticum aestivum - Wheat
Triticum spelta - Spelt
Tritiosecale - Triticale
Brassica napus - Canola
Cannabis sativa - Hemp
Fagopyrum sagittatum - Buckwheat
Glycine max - Soybean
Helianthus annuus - Sunflower
Linum usitatissimum - Flax
Phaseolus vulgaris - Field bean

Pisum arvense - Field pea
Pisum sativum - Canning pea
(EC166/02)