



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **AGRICULTURAL CROP ROTATION ACT GENERAL REGULATIONS**

## PLEASE NOTE

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## AGRICULTURAL CROP ROTATION ACT

### Chapter A-8.01

## GENERAL REGULATIONS

Pursuant to section 13 of the *Agricultural Crop Rotation Act* R.S.P.E.I. 1988, Cap. A-8.01, Council made the following regulations:

### 1. Definitions

(1) In these regulations

- (a) “**Act**” means the *Agricultural Crop Rotation Act* R.S.P.E.I. 1988, Cap. A-8.01;
- (b) “**board**” means the Farm Practices Review Board established under section 3 of the *Farm Practices Act* R.S.P.E.I. 1988, Cap. F-4.1;
- (c) “**Department**” means the Department of Agriculture;
- (d) “**environmental farm plan**” means an environmental assessment of a farm based on criteria approved by the Environmental Farm Plan Steering Committee;
- (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;
- (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;
- (g) revoked by EC718/08;
- (h) “**Revised Universal Soil Loss Equation**” means an erosion prediction model developed by the United States Department of Agriculture which is used to predict erosion rates, including the consideration of climate, soils, topography and agricultural management practices;
- (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; 718/08)

**2. Certificate of appointment**

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

**3. Management plan to be submitted for approval**

(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)

**4. Approval of management plan**

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) revoked by EC718/08; 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; 718/08)

**5. Cancellation by Minister**

(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 grower/landowner**

- (2) A grower or landowner may, by giving notice in writing to the Minister, cancel a management plan.

**Subsection 7(2), section 8 apply**

- (3) Where a management plan has been cancelled, subsection 7(2) of the Act applies. (EC166/02; 718/08)

**6. Deviation from management plan**

- (1) A grower may deviate from a management plan if
- (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.

**Approval of deviation**

- (2) A management specialist may approve the deviation from a management plan if
- (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.

**Valid only for one rotation cycle**

- (3) A deviation to a management plan shall be approved for one rotation cycle only. (EC166/02)

**7. Permit**

- (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 valid for 2 years**

- (2) A permit issued under this section is valid for a period of two years from the date of issue.

**No regulated crop 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)

**8. Grower to maintain records**

- (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)

**9. PEISLI**

Revoked by EC718/08. (EC166/02; 718/08)



**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