

## Drainage Act Discussion Paper

Question i) *Beyond the DART Protocol, what additional protocols could be established to help streamline approvals?*

- 1) OMAFRA should look to develop protocols like the Dart protocol for **Ontario Species at Risk** with the Ministry of Environment, Conservation and Parks, and provide MOECP with the funds and staff to administer the programs mandated to them.
- 2) OMAFRA should look develop protocols specifically to deal with drainage issues that involve the Ontario Ministry of Transportation. The hope would be to reduce consultation delays with regards to new drain design, construction and maintenance. The protocol should also layout as plan streamline the issuing of permits and authorizations for maintenance and construction
- 3) OMAFRA should look to further develop relationships and protocols with the Canadian Department of Fisheries and Oceans to stream line the Authorization process. This could include the development of more Drainage Act specific forms. An example would be the *Request for Review* that is periodically required for the installation of simple industry standard erosion control structures in open drains, farm access culverts and drain improvements under section 78
- 4) OMAFRA should look develop protocols specifically to deal with drainage issues that involve the various utilities and railways that are required to be consulted. The hope would be to reduce consultation delays with regards to new drain design, construction and maintenance. The protocol should also layout as plan streamline the issuing of permits and authorizations for maintenance and construction.

Question ii) *What projects should be included in the definition of Minor improvements? What else would you like a minor process to achieve?*

- 1) Where not previously specified in a drainage report, allow for a mechanism for the installation of green initiatives such as engineered rock shoots, buffer strips and other erosion control structures to repair eroded banks and ditches, and that they be eligible for Grant if they meet ADIP policies. Possibly create a policy for assessing the construction cost and future maintenance of the added structure and green initiatives. All permits and Authorization are required to be obtained for the work.
- 2) When requested by landowners allow for the replacement of farm access culverts with a culvert of greater length to allow for the safe passage of modern farm equipment. All proposed work would require the review of an engineer to ensure that the existing pipe is of adequate size for the current watershed condition. The assessments of cost could be addressed by a policy created to address the increased cost extension over the length specified in the report. There also should be a policy created on how to assess future maintenance of the access culvert. This work should be eligible for grant. All permits and Authorization are required to be obtained for the work
- 3) When requested by a landowner, allow for the installation of additional catch basins on a municipal drain on private property at the landowner's expense with the approval of an engineer. For future maintenance, the catch basins if approved would become part of the drain for assessment purposes

Question iii)

None

Question iv) *do you have any additional suggestions to reduce burden or contribute to additional opportunities for your business?*

- 1) Required (possibly legislated) timely response from all Ontario government agencies with regards to municipal drain design, construction and maintenance. This would include but is not exclusive to MTO, MOECP, MNRF, the projects should be reviewed and if involvement is not required from these agencies, we should also receive a response stating that as well (in a timely manner)
- 2) That OMAFRA be given the funds and staff to be able to administer the Drainage program in a timely proactive manner. Reduce the wait times from the submission of a grant application to review, processing and paying municipalities. (Wait times in some instances have been in excess of 12 months from time of grant request submissions)
- 3) In the municipalities that I serve there are several drainage reports that were done to to adjust the route of open drains across specific properties. These reports usually only affected one property with the contained assessment schedule reflecting that with the affected property paying a significant portion of the assessment. These reports only came with construction assessment schedules. These reports usually also did not provide for an equitable assessment schedule for future maintenance of these drains These reports also sometimes fragmented drains further confusing maintenance. Please consider adapting the ADIP policy to allow for grant to be paid on Section 76 reports to provide for updated maintenance schedules in these situations when existing plans and profiles are adequate. This would be much more economical than the preparation of a Section 78 report to accomplish the same end
- 4) Provide the clerk of the municipality the legal ability to do simple reapportionments of assessment schedules when only few properties are involved. This could be handled within Section 65. Landowner rights can be protected if the appeal rights already given in section 65(11) of the Drainage Act are allowed for in this process. If it is deemed advisable, provide for a policy that could be used for a clerk driven reapportionment process
- 5) Allow for a streamlined process for when a municipal drain is required to be relocated for development purposes completely on the developers lands and at the developer's expense. Require that the Municipal Drainage Engineer be appointed to either design or reviews the design of the developers Engineer and write a report to incorporate the works. Look at methods to reduce legislated time periods for a project that is developer driven with respects to the adoption and final passing of the bylaw. This would be contingent on the engineer determining that the proposed changes do not negatively affect upstream or downstream lands, not affecting the current maintenance schedule, and all permits and approvals have been obtained.
- 6) Look at the reasoning and need behind the 30 days' notice required in section 78(2). The reason for asking this question is because section 78(4) of the Drainage Act specifies that *"All proceedings, including appeals under this section shall be the same as on a report for the construction of a drainage works."* Since this section requires the Municipality to follow the process prescribed under a section 4 petition would not refer the municipality back to section 5 (1) (b) of the Drainage Act.
- 7) Provide clarification or definition on what an environmental appraisal. Conservation Authorities on occasion during the development of a report will come with requests for investigations under the Conservation Authority Act. They require these reports as part of their permitting processes. These requested reports could be interpreted to be one in the same as a report required under section 6 of the Drainage Act. The requests that are made

in this manner seem to be a direct avoidance of the requesters responsibilities under Section 6(1) of the Drainage Act.

- 8) Confirm that notices, reports and other documentation required to be sent under the Drainage Act can be sent electronically by email when requested by landowners or agencies.