



LONG-TERM THINKING FOR TODAY'S ISSUES

February 07, 2021

Sara Peckford
Senior Policy Advisor
Food Safety and Environmental Policy Branch
Ministry of Agriculture, Food and Rural Affairs
1 Stone Road West
Second Floor, Southwest
Guelph, ON N1G 4Y2
Delivered via email to: sara.peckford@ontario.ca

RE: ERO 019-2814 Drainage Act Regulatory Proposal

Dear Sara Peckford,

The Christian Farmers Federation of Ontario (CFFO) is an Accredited Farm Organization representing the interests of over 4,000 farm families in Ontario who are called to the vocation of farming. CFFO policy promotes economically, socially, and environmentally sustainable farming, advocating that farmers receive fair return for their production and stewardship efforts.

Drainage infrastructure is a vital part of our Ontario rural landscape and beneficial for many Ontario farm businesses. Farmers continue to invest in new drainage to improve farmland. Existing drainage infrastructure requires regular maintenance to ensure it is functioning correctly. Drainage, as with water in general, often crosses property lines and involves multiple stakeholders. Municipal drains play a key role in managing waterflow across properties. *The Drainage Act* has a longstanding history of enabling good drainage creation and maintenance throughout the province. The CFFO supported the three enabling changes made to the *Drainage Act* regarding;

- creating a streamlined process for minor improvements,
- process to update Engineer's Report based on changes to drain design during construction, and
- authority to adopt protocols such as the DART protocol by reference in regulation.

We appreciate this opportunity to comment on the proposed regulations to implement these three changes.

Creating a Streamlined Process for Minor Improvements

The CFFO recognizes the potential benefits of a more streamlined process for minor improvements to existing drains. We support the proposed eligibility criteria as outlined in the "*Drainage Act* Regulatory Proposal Discussion Paper," including that minor improvement projects must:

- be initiated by the property owner

- be limited to an individual property
- have construction costs paid by the property owner
- have prior consent from neighbours for construction access or not require access to neighbouring properties for construction
- not impact future repair and maintenance costs for other property owners in the watershed
- maintain existing drainage capacity (p. 2-3)

The CFFO is also in favour of the proposed “Minor Improvement Process Requirements,” including changes that require a preliminary report, shortening timelines throughout the process, and limiting the necessity for on-site inspection to the engineer and property owner. (p.3-5)

Proposed Pre-Approved Design Process

While the idea of a pre-approved design for certain types of minor improvements may be suitable in some cases, it is important to consider that one-size-fits-all rarely does actually fit. For those types of minor improvements that suit, pre-approved designs may best serve as templates that would act as starting points to be adjusted to the situation of each particular site. As was indicated in the “Discussion Paper,” some other types of minor improvements will not be suitable to be based on an existing template at all.

Accounting for Changes to Drain Design during Construction

The CFFO recognizes the importance of having accurate engineer’s reports of the actual drain design as built on record for the purpose of future maintenance. The proposed eligibility criteria and streamlined process to ensure engineer’s reports reflect the drain as built are reasonable. They will allow for suitable protection of affected property owners while ensuring drainage function and permitting requirements are also met. The CFFO supports this proposed new Minister’s Regulation.

Incorporation of the DART Protocol

The CFFO supports incorporation of the *Drainage Act* and *Conservation Authorities Act* Protocol in a Minister’s Regulation. Also commonly referred as the DART Protocol, this was established through extensive collaborative efforts via the *Drainage Act* and Section 28 Regulations Team (DART). This Protocol has been highly successful at streamlining permit approvals and ensuring vital drain repair and maintenance projects are completed.

Other Future Protocols

The CFFO recognizes the value of protocols in streamlining processes and avoiding duplication of effort. However, it is important that any protocol that is developed must first go through a collaborative process that includes representatives of a broad spectrum of impacted stakeholders. We also recommend that draft protocols be subject to a trial period before official adoption in regulation, to ensure the protocol is successfully working as intended.

Summary

The CFFO supports the three primary Minister’s Regulations proposed under the *Drainage Act* regarding creating a streamlined process for minor improvements, a process to update an Engineer’s Report based on changes to drain design during construction, and adopting the DART protocol by reference in

regulation. We raised some key considerations regarding pre-approved designs, especially if they are to be used via a future protocol adopted by reference in regulation.

Thank you for your consideration of our input.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Scharringa', with a stylized flourish at the end.

Ed Scharringa, President
Christian Farmers Federation of Ontario