



LONG-TERM THINKING FOR TODAY'S ISSUES

February 18, 2020

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

RE: ERO 019-1187 Drainage Act Discussion Paper

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. New drainage continues to be created, and 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. The Drainage Act has a longstanding history of enabling good drainage creation and maintenance throughout the province; however, we recognize that updates and improvements to the Act are needed.

The CFFO supports the three enabling changes proposed for the Drainage Act, including:

- authority to adopt protocols by reference in regulation
- creating a new process for minor improvements
- accounting for changes to drain design during construction

We offer further comments on each proposal below.

Authority to Adopt Protocols by Reference in Regulation

Protocols that are carefully developed in consultation with the broad spectrum of stakeholder organizations involved in drainage issues are a good way to ensure more streamlined and consistent drainage practices across the province. The CFFO would like to see the DART protocol included by reference in regulation. Any further protocols included in the same way would need to first be developed in a collaborative way similar to the DART protocol.

Creating a New Process for Minor Improvements

The CFFO recognizes the potential benefits of a more streamlined process for minor improvements to existing drains. We support the enabling legislation to allow for this. The regulations, however, will have to clearly define what improvements will qualify, as well as a clear process for implementation and appeals.

We have some recommendations to consider as the regulations are developed, including:

- Clearly define the *type* of improvements and the *size* (in terms of volume, cost, width/height, etc.) that will determine “minor” improvement.
- Consider regulations that could allow for a “viewer” from the municipality, not necessarily a drainage engineer, who could do a basic assessment to determine whether or not to proceed with the process for a “minor” improvement (at a lower initial cost). (N.B. This would not guarantee that all parties, including the conservation authority or municipality, agree that it is a minor improvement, but it would assess appropriateness for initiating this process.)

Accounting for Changes to Drain Design during Construction

The proposal to account for drain design changes during construction appears to address a clear problem in the current system. The CFFO supports this proposed change.

Additional Recommendations

The CFFO recognizes that there are other problematic areas of the current Drainage Act that should also be addressed. In addition to the changes proposed above, the CFFO recommends consideration of the following:

- Initiate a process, similar to that of using a “viewer” under the Line Fences Act, to do an initial assessment to see if a low-cost option could solve a drainage problem between neighbours or on a single property without the need for petition for a municipal drain.
- Establish an improved process to allow for withdrawal of a petition or appeal of a petition.
- Invite broader consultation on further changes that could improve the Drainage Act.

Summary

The CFFO supports the three enabling changes proposed for the Drainage Act. We recognize that the details of implementation will be determined in further consultation on the regulations. We look forward to offering further comments on future proposed regulations.

Thank you for your consideration of our input.

Sincerely,



Clarence Nywening, President
Christian Farmers Federation of Ontario

CC. Hon. Ernie Hardeman, MPP, Minister of Agriculture, Food and Rural Affairs