

Drains Action Working Group

Minutes of Meeting of June 5, 2007

Present: Dana Boyter – DFO; Eric Chamberlain – Drainage Superintendents Association of Ontario (DSAO); Mike DeVos – Land Drainage Committee (LDC); Davin Heinbuck – ABCA; Joe deLaronde – DFO; Sid VanderVeen – OMAFRA; Chris White – Rural Ontario Municipalities Association (ROMA) (departed at 1130)

Absent: Peter Jeffrey – Ontario Federation of Agriculture (OFA)

1. Minutes of Last Meeting – April 4, 2007

5.8 Reclassification Procedure is in Guidance Document – where? Pages 27 – 36
Minutes were adopted as presented.

2. Additions to Agenda and Business Out of the Minutes

Joe asked if “Drain Occurrences” could be added as 2.4.

- 2.1 Timing Windows for Construction – The MNR determines these. A comment from Chatham-Kent is that the timing windows are restricting work to periods to those when the agricultural owners don’t want the work done. These timing windows are making it very difficult to satisfy owners.
- Warm Water – March 15 to June 30 – No work
 - Cold Water – June 15 to Sept. 15 – Work can be done.
 - Cold Water – Sept. 15 to June 15 – No work can be done.
 - Sid will try to follow-up on this with Chatham-Kent.
 - The Municipality may have to force owners to plan ahead & plant crops based on MD cleanouts.
- 2.2 Class F Drains – Letter of Advice – Work in the dry but timing window applies from March 15 to June 30 due to possible sediment transfer downstream. Sid suggests that any revisions to the Guidance Document are paramount to get it up to date, including reclassification procedures, timing windows, F-Drains, etcetera.
- 2.3 Does improved habitat in Drains mean increased restrictions? Not necessarily, if regular maintenance is done, but yes if maintenance does not take place for an extended period.
- 2.4 Drain Occurrences – OMAFRA will not pay grant on projects that do not comply with the Fisheries Act or result in charges. There have been some of these & what should procedures be to notify OMAFRA? DFO sends copy of Occurrence Report to OMAFRA where it is filed & grant will not be paid until the issue is resolved.

3. Workload Adjustments & Priorities

- DFO is overloaded here and can’t address everything.
- If a member wants to take action on something, please do so.

- Davin suggested we need simple, clear Terms of Reference to ensure we are acting properly under our umbrella.
- What action, if any, should we take on individual projects?

4. Items from Eric Chamberlain

- 4.1 Inter-Jurisdictional Compliance Protocol for Fish Habitat and Associated Water Quality Policy – What is this & what is the problem? – Eric was not sure what the issue is but will check into it.
- 4.2 David Adams MD Report – Ottawa – Eric was not sure what the issue is but will check into it.
- 4.3 Dowdall MD – Ottawa – The CA is apparently asking for a large detailed Fisheries Study at the “Draft Final Report” stage after a Fisheries Study had already been done by a consultant. Why? Is this reasonable? Why is the CA suggesting that the MTO “Guide” be used? Is the CA asking for too much? Can DFO be asked to arbitrate in this matter? Yes!
- Comments** - Davin – We should send info about these individual cases to all members before meeting so we can get some background.
 Joe – Provincially, we all should be relying more on the Guidance Document.
 Dana – MD projects are the most difficult for DFO to deal with & take much time. Most of the proposed works would not proceed if it wasn't for the Drainage Act.
 Sid & Mike – These drainage systems are critical to the agricultural base of Southern Ontario & must be maintained &/or improved.
 Andy – It is important to determine if proper procedures were followed here. If not, problems are not a surprise.
 Sid – We need to establish policies for various situations or problem issues & make sure the stakeholders follow them.
- 4.4 Drain Reclassification Issues – SW Middlesex is complaining about this. This topic needs to be dealt with by us.

5. Presentation re Outlet Creek MD - Brett Ruck, Drainage Superintendent & Ian Izzard, P. Eng., Manager of Engineering, Town of Fort Erie and Shelly Dunn, Fisheries Biologist, DFO

- 1978/79 MD Report - Baer, Schooly, Zavitz Outlet MD
- Current request for an improved outlet but the area through which the outlet needs to go is a Provincially Significant Wetland (PSW) with some fish habitat.
- There is a 700m obstruction in wetland.
- Apparently the use of Storm Water Management and/or a By Pass Channel have already been investigated.
- Apparently, “Grass Pickerel” are present but it is a habitat issue not a Grass Pickerel issue.
- What is the design storm?
- Estimated costs range from \$750,000 to \$1.5 million.
- It was reported that the cost to recreate fish habitat is \$1.0million per kilometre
- Grass Pickerel is on Schedule 1 of SARA i.e. a ‘Species of Special Concern’

- Proposed work here would be a high risk to fish habitat.

Post Presentation Discussion -

- What about “compensation” in conjunction with a by pass channel?
- Has there been a “formal proposal” put to DFO for consideration? No!
- What about using Section 32 of the Drainage Act - Allowance for Insufficient Outlet?
- What is quality of farmland adjacent to MD? Can it be sacrificed for the project?
- Has a consulting Fisheries Biologist been retained by the Drainage Engineer to provide advice? No.

6. Terms of Reference

- Sid handed out a hard copy draft. He will send an electronic copy and all members are to comment ASAP.

7. Old Business

7.1 Guidance Document – needs work

- Re-classification of MD’s is the highest priority
- Where are gaps? What needs more work?
- Class F Drains & timing windows

Drain Enclosures – doesn’t belong in Guidance Doc.

Drain Forms - need to be distributed – these forms are not being used

- They need to be on websites. Check DSAO site!

- Sid to get forms in digital format & post Posters – where are they posted?

7.2 CA’s with Level 3 & DFO’s Role – no report to date

More training has been done. The DFO Designated Biologist deals with them regularly.

7.3 Emergency Works – Dana has no report

7.4 Fisheries Act Review – still in legislation – Will be open to public comment soon.

8. Next Meeting – Set for Tuesday, July 31, 2007 @ 10:00 at DFO Office, London.

