



UPDATES - Prescribed Work and Waters Regulation Ontario Municipal Drain Maintenance and Repair

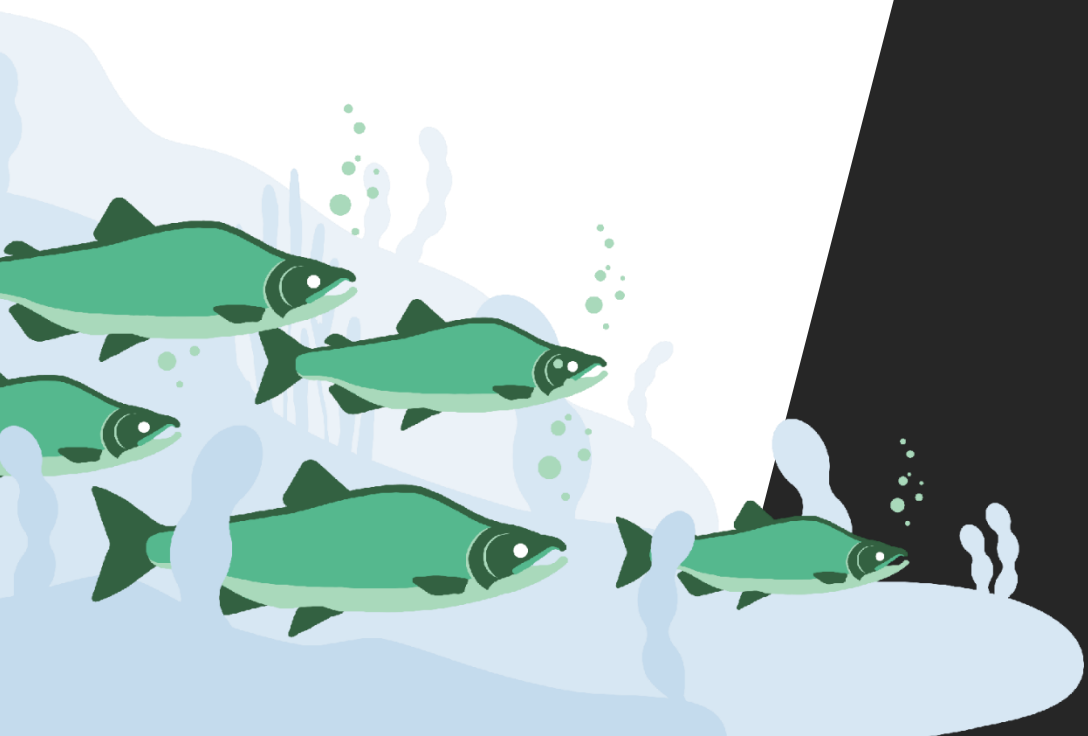
January 22, 2026



OVERVIEW

- ▶ Prescribed Works and Waters Regulation
- ▶ Timeline
- ▶ Proposed Conditions
- ▶ Online Portal
- ▶ Mapping & SAR considerations

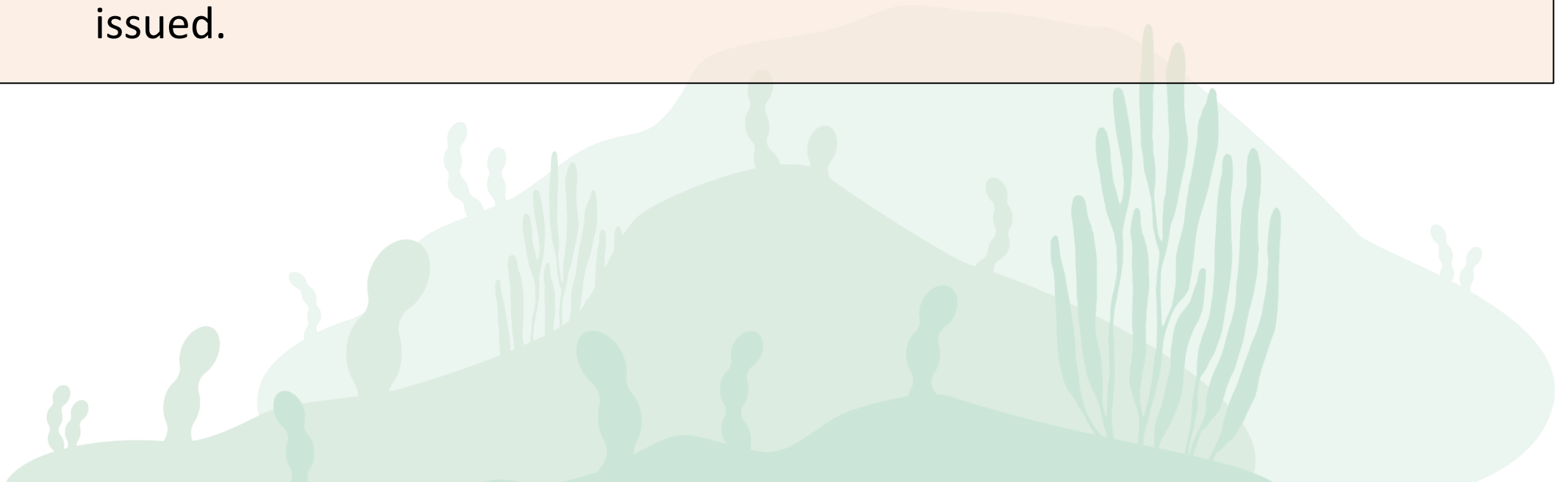
PRESCRIBED WORKS AND WATERS REGULATION (PWWR)



- DFO is proposing a new tool which is intended to:
 - improve the **effectiveness** of protecting fish and fish habitat;
 - Improve the **efficiency** of DFO's referral management process; and
 - provide a means of meaningfully **engaging** with Canadians, including Indigenous Peoples.
- This proposed regulation prescribes **routine** classes of works which would be allowed to proceed without a site-specific review from DFO providing proponents comply with mandatory enforceable conditions.
- Projects chosen for inclusion in this regulation will have potential to cause Death of Fish or Harmful Alteration, Disruption or Destruction (HADD) of fish habitat that can often be managed with standard avoidance and mitigation measures.

TIMELINE

- Proposed to come into force Spring 2026.
- What happens for Class Authorizations that expire March 14th, 2026?
 - Dates have been amended so those issued now will be valid through March 14, 2027.
 - Once Regulation comes into force, class authorizations will no longer be issued.



DRAIN CLASS SPECIFIC CONDITIONS

Class C

For Class C Drains, the following maintenance and repair activities are excepted from the prohibitions of the Act:

- (a) Bottom cleanout – The removal of accumulated sediment and aquatic vegetation from the bottom of the drain channel; or
- (b) Bottom cleanout plus one bank slope – The removal of accumulated sediment and aquatic vegetation from the bottom of the drain channel and riparian vegetation along one bank slope; or
- (c) Bottom cleanout plus both bank slopes, also referred to as "full cleanout" – The removal of accumulated sediment and aquatic vegetation from the bottom of the drain channel and riparian vegetation along both bank slopes.

DRAIN CLASS SPECIFIC CONDITIONS

Class E1

For Class E1 Drains, the following maintenance and repair activities are excepted from the prohibitions of the Act:

- (a) Bottom cleanout - The removal of accumulated sediment and aquatic vegetation from the bottom of the drain channel; or
- (b) Bottom cleanout plus one bank slope - The removal of accumulated sediment and aquatic vegetation from the bottom of the drain channel and riparian vegetation along one bank slope.

DRAIN CLASS SPECIFIC CONDITIONS

Class E2

For Class E2 Drains, the following maintenance and repair activities are excepted from the prohibitions of the Act:

- (a) Half bottom cleanout – The removal of accumulated sediment and aquatic vegetation shall be limited to one half of the drain's wetted width, such that half of the existing channel bottom and aquatic vegetation remains unaltered; or
- (b) Staged cleanout – The removal of accumulated sediment and aquatic vegetation shall be staggered along the drain's length, such that half the existing channel bottom and aquatic vegetation remains unaltered. The altered and unaltered drain sections shall:
 - (i) Be of equal length,
 - (ii) Alternate along the drain's length,
 - (iii) Be no greater than 1 kilometer in length, and
 - (iv) Subsequent cleanout of the unaltered drain sections shall not occur for at least one-year (under separate application).

CONDITIONS

- (a) A **pre-project notification** must be submitted to the Department at least ten days before the commencement of the prescribed activities; (i.e. the Portal)
- (b) Any maintenance and repair works, as prescribed, **must be completed no later than two years** after the Department has issued a confirmation of the pre-project notification;
- (c) A **post-project notification**, must be submitted to the Department within sixty days after the completion of the prescribed works;

CONDITIONS CONT'D

Mitigation measures/restrictions:

1. Timing windows:

- (i) In the Northern Region of Ontario, no prescribed works may occur from April 1 to July 15.
- (ii) In the Southern Region of Ontario, no prescribed works may occur from March 15 to July 15.

2. In Class E1 and E2 drains:

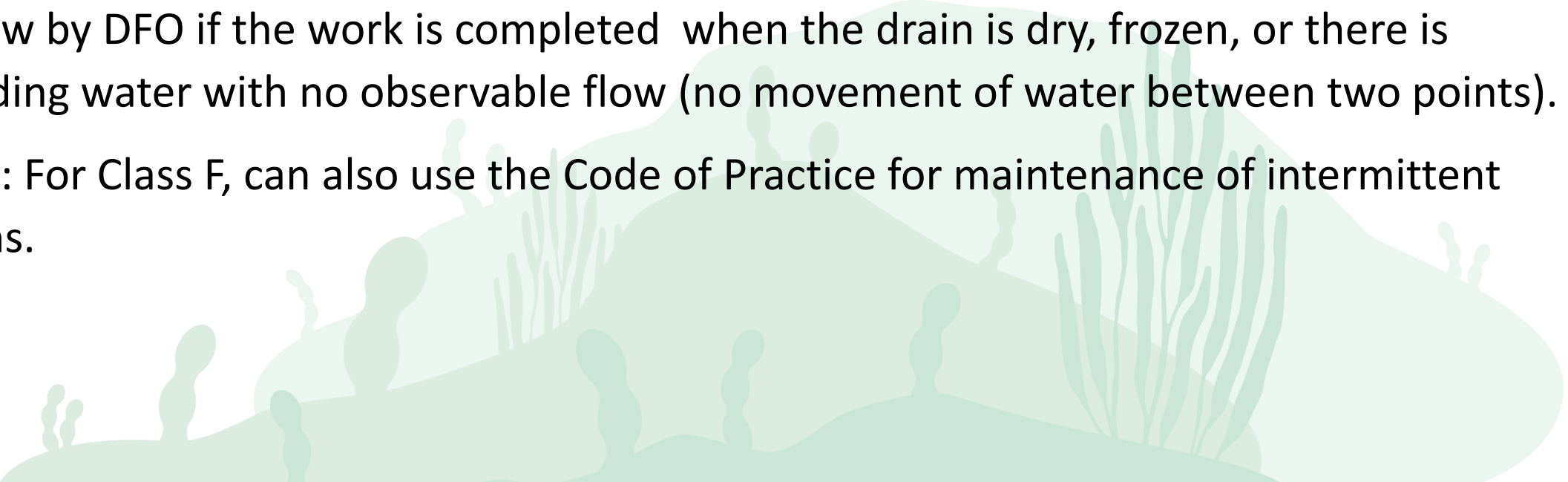
- 1) Removal of gravel substrate is prohibited.
- 2) Riparian vegetation removal must be confined to one bank slope to ensure the preservation of riparian vegetation on at least one bank slope, with a preference for retaining the vegetation on the bank slope that provides shade.

CONDITIONS CONT'D

3. To protect fish and their habitats from sediment:

- (a) develop and implement an erosion control and sediment control plan;
- (b) keep sediment and erosion control measures and structures in place until all potential sediment sources are stabilized;
- (c) dispose and stabilize all excavated material above the ordinary high water mark;
- (d) upon stabilization of the work site, remove all non-biodegradable sediment transport and erosion control measures [and structures]; erosion and sediment control upon stabilization of the work site;
- (e) install at least two refugia pools for each kilometer of drain cleanout; and
- (f) revegetate exposed soils on the top and slope of the bank with deep rooted native plant species.

CLASS D (HIGHER RISK) AND CLASS F DRAINS

- Class D municipal drains contain fish species that are very sensitive to drain maintenance and repair activities. Cleanout activities conducted in Class D municipal drains require, and will continue to require, a site-specific review.
 - Class F municipal drains have intermittent flow, and do not contain fish when the drain is dry. Cleanout of these drains are, and will continue to be, conducted without a review by DFO if the work is completed when the drain is dry, frozen, or there is standing water with no observable flow (no movement of water between two points).
 - Note: For Class F, can also use the Code of Practice for maintenance of intermittent drains.
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LOW RISK DRAIN MAINTENANCE AND REPAIR ACTIVITIES

- FFHPP does not require review of some municipal drain maintenance and repair activities in Ontario because of their low risk to fish and fish habitat. Management of these activities listed below will be unchanged by the proposed regulation/class.

Beaver Dam Removal*	Brushing Bank Slope	Debris Removal
Bank Repair or Stabilization and Pipe Outlet Repair	Brushing Top of Bank	Dyke Maintenance and Repair
Bridge Repair and Removal (for culverts)	Culvert Replacement (like-for-like replacement)	Pipe, Junction Box, or Catch Basin Maintenance and Repair
Culvert Maintenance*	Leveling Spoil	Spot Cleanout (C, E Drains)
Construction of Temporary Crossings*	Pump Station Maintenance and Repairs	Water Control Structure Maintenance and Repair

*check interim codes of practice for applicability



ONLINE PORTAL

- Similar to current portal for Codes of Practice
- Roll out in two phases (some functionality will be delayed)
- Sign-on/log-in methods – e-access through bank or GCKey
- Functionality - Submit, Amend, Cancel, Save draft submissions
- Auto response based on information submitted:
 - If you meet the regulation, auto-reply to proceed
 - If not, submission is auto-forwarded to Triage for site specific review
- Reminder: for maintenance only. Submit Drain RfR as usual for new drains, enclosures and improvements
- End-user testing will be conducted. Preferably a representative from each Drainage Chapter

MAPPING & SAR CONSIDERATIONS

- Will need to separate Class E drains into E1 or E2
- Some reclassification may occur to accommodate Species at Risk
 - Intent is to work Fish SAR into the process so that more drains can be handled under the Regulation; this may require reclassification to E1 or E2 depending on the species.
 - Drains mapped for Critical Habitat and mussels will still require site specific review
- Unrated Drains: If work zone is unrated, can apply the classification immediately downstream. (i.e. If Class C in impact zone, can apply as though drain is a Class C).
- Outreach planned this spring to guide drainage superintendents (LICO, Chapter meetings, Drainage superintendent course, etc.)

NEXT STEPS

- Draft regulations are currently being finalized, these are expected to be posted on Canada Gazette I, minimum comment period of 30 days - expected Early March.
- Stakeholders will be invited to provide their comments on the "open consultation" web page of the Canada Gazette.
<https://gazette.gc.ca/consult/consult-eng.html#a4>
- Any comments received will be considered and the final regulation will be published in Canada Gazette II, at which time it becomes a law. Date of CGI will depend on the nature of the comments we receive.

QUESTIONS

- What if I disagree with my drain classification?
 - Contact the FFHPP Triage Team. You can resample the drain or we can add to the list for our student drain crew.
- What if I have trouble with the portal? Who do I contact if I have questions?
 - Contact the FFHPP Triage Team the same as you do now. FisheriesProtection@dfo-mpo.gc.ca or DFO.OPHabitat.MPO@dfo-mpo.gc.ca
- Will someone still review my project?
 - If you meet the conditions of the regulation, no, you will get an auto-reply to proceed.
 - If you do not meet the conditions, your submission will be forwarded to DFO for site specific review.





Thank you