

2012 DRAINAGE PRACTITIONERS MEETING
FINAL MINUTES OF MEETING
Thursday October 18, 2012
Holiday Inn Hotel and Conference Centre
Guelph, Ontario

1.0 Attendance and Call to Order

An attendance sheet was circulated at the meeting and there were 26 people in attendance.

Chairman Tom Marentette called the meeting to order at 7:40 p.m.

2.0 Minutes of Last Meeting

Motion by Bill Dietrich, seconded by John Kuntze, that the minutes be accepted. Carried

3.0 Business Arising From the Minutes

There were no questions or discussion of the last meeting minutes.

4.0 Chairman's Report - Tom Marentette

4.1 Tom thanked the course instructors who presented at the training session on drainage assessments in the afternoon including Sid Vander Veen who provided an outline of the applicable sections of the Drainage Act.

4.2 The training sessions are planned to be offered on a yearly rotation with one of the 3 sessions presented each year.

4.3 The LDC is working on education topics to promote Drainage Practitioners.

4.4 The LDC thanks Jack Young and Enio Sullo of the O.M.A.F.R.A. Appeals Tribunal for coming out to the meeting.

5.0 O.M.A.F.R.A. Report - Sid Vander Veen - Drainage Coordinator

5.1 Sid introduced O.M.A.F.R.A. staff members and presented a comprehensive report of activities over the past year. See the attached "Annual Drainage Practitioners Meeting O.M.A.F.R.A. Report".

5.2 Sid noted that the DSAO has asked for a continuation of the Environmental Investments project. Celeste Howard will work on this.

5.3 The number of drainage projects per year is dropping. The average cost per project has almost doubled. The % of engineering cost per project went down. The Holland Marsh data was

excluded from the statistics to avoid skewing the information. The number of engineers writing reports has jumped up from last year.

6.0 Design and Construction Guidelines Update - Ken Smart & Kay Palmer

- 6.1 Sid Vander Veen advised that K. Smart Associates Limited has been retained to carry out an update to the Design and Construction Guidelines Manual.
- 6.2 Ken Smart and Kay Palmer presented an update on the status of the work completed to date on the project. The focus has been on carrying out research and establishing information to be included in the updated Manual. See the attached presentation notes.
- 6.3 Ken invited anyone who might have input to the project to contact them and make submissions for consideration.

7.0 O.M.A.F.R.A. Appeals Tribunal Report - Enio Sullo, Vice Chair

- 7.1 Enio presented the following information:

I am a retired Professional Engineer from Chatham and a Vice Chair of the Ontario Ministry of Agriculture, Food and Rural Affairs Tribunal. With me is Jack Young, who is also a retired Professional Engineer and a Vice Chair of the Tribunal. I am to tell you a little bit about the Tribunal and its activities during past year on behalf of the Chair of the Tribunal, Kirk Walstedt.

THE ONTARIO MINISTRY of AGRICULTURE, FOOD and RURAL AFFAIRS
TRIBUNAL (OMAFRA TRIBUNAL)

Is an independent, quasi-judicial appeal body set up to hear appeals concerning matters in the agriculture and food industry;

It was established under Ontario Ministry of Agriculture, Food and Rural Affairs Act and operates under the Statutory Powers Procedure Act;

The Tribunal is made up of the several sub-Tribunals and Boards, including:

Board of Negotiation (under the Environmental Protection Act)

Crop Insurance Appeal Board

Farm Organizations Accreditation Tribunal

Farm Products Appeal Tribunal, and

Ontario Drainage Tribunal.

Has authority to hear appeals under 19 provincial statutes and their respective regulations including the Drainage Act. A few of the other notable Acts include the “Agricultural Employees Protection Act”, the “Animal Health Act”, the “Crop Insurance Act”, the “Food Safety and Quality Act”, the “Grains Act”, the “Livestock, Poultry and Honey Bee Protection Act”, the “Farm Products Marketing Act” and the “Milk Act”, to name a few.

Members of the Tribunal are appointed by the Lieutenant Governor in Council. They represent varied geographical areas in Ontario and have backgrounds and expertise in areas relating to agriculture.

Currently there are 26 appointments to the Tribunal, 1 Chair, 10 Vice Chairs and 15 Members

There are two Engineers, myself and Jack Young.

The Tribunal usually sits in panels of three on any particular hearing.

DRAINAGE HEARING ACTIVITIES (BY CALENDAR YEAR):

2009:	43 HEARINGS	11 DRAINAGE HEARINGS
2010:	42 HEARINGS	15 DRAINAGE HEARINGS
2011:	40 HEARINGS	16 DRAINAGE HEARINGS
2012:	39 HEARINGS HELD	5 HEARINGS PENDING
	19 DRAINAGE HEARINGS HELD	10 HEARINGS PENDING

DRAINAGE HEARINGS IN 2012 SKEWED BY 11 SECTION 58(4) APPEALS (PERMISSION TO VARY ASSESSMENTS FOR MAINTENANCE) – OTHERS MOSTLY SECTION 48 (WORK, BENEFIT & COMPENSATION) AND 54 (ASSESSMENTS) -1 SECTION 58(4) APPLICATION (ERROR IN REPORT)

PROJECTS FROM \$30,000 TO \$500,000

ALL DECISIONS ARE POSTED ON-LINE at:
<http://www.omafra.gov.on.ca/english/tribunal/drain-act.htm>

- 7.2 Jack Young spoke and advised that the quality of reports has improved. 50 years ago there was a limited number of drainage engineers and each trained their own staff since there was not much information available. At the 1st Drainage Conference in 1969 held in London Herb Todgham presented the “Todgham Method” for assessments. The use of spreadsheets and information is improving. Before 1976 there were no on-site meetings or notifications to owners. The Joint Committee on Land Drainage recommended a number of revisions to the Drainage Act that included creation of the Tribunal and this has resulted in much better results

for drainage works. The Guidelines revision is another good step in improving work carried out under the Act. Jack noted that drainage reports are more thorough and comprehensive now and we should see fewer appeals. They are seeing some projects that have 2-3 site meetings. This results in more owner input and makes for a more complete report. They are seeing fewer reconsidered reports as a result.

- 7.3 Enio discussed some details of the Adams Drain report in the Ottawa area which was very interesting. The project included construction of a dam by an owner and a claim for prescriptive rights. Practitioners were encouraged to read the decision for all the details.
- 7.4 Jack advised that he has several bound sets of Tribunal decisions. Sid asked that these be provided to O.M.A.F.R.A. to add to their archives. They currently have all decisions since Bernie Goodall was chair in electronic format and hard copies of older documents. It was noted that Del O'Brien and Bill Brisco did a lot of decisions in the early days of the Tribunal.

8.0 Election of New Members

- 8.1 Tom Marentette reported that the 3 year term for himself and Tim Oliver was up.
- 8.2 Tom Marentette, Tim Oliver and Tony Peralta were nominated for the 2 positions available.
- 8.3 Sid Vander Veen and Gerard Rood conducted a vote by ballot. Tim Oliver and Tony Peralta were elected.
- 8.4 There was a motion to destroy the ballots that was seconded. The motion carried and Sid disposed of the ballots.

9.0 New Business

- 9.1 Len Senyshyn of O.M.A.F.R.A. spoke about the "Open for Business" policy of the province. They want to hear any suggestions or improvements that could be offered to the program. He noted that the OFA (Ontario Federation of Agriculture) has picked up their activities and liaison with the government. Information technology sites are being re-done and they are open to any suggestions for improvements. The Drainage Portal continues to work on mapping and is open to suggestions. They are also looking for suggestions on Grant Application submission methods.
- 9.2 It was discussed that phosphorus management is a big current issue. The Drainage Act is a tool and it could be made a more prominent part of water management in rural Ontario. O.M.A.F.R.A. wants input from drainage practitioners and would like them to provide any ideas or thoughts that they may have on this matter.
- 9.3 Ken Smart reported that D.F.O. is continuing to do work on fisheries related matters. Their staffing has dropped from 120 to 30, mostly located in Burlington. The D.F.O. would like to

minimize their involvement in drainage by finalizing mapping and establishing guidelines and BMP's that would address most conditions. They have not discussed involving Conservation Authorities in this. The focus would be on maintenance projects and the possibility that projects would be approved if Guideline requirements have been met. Thomas Hoggarth of D.F.O. has been speculating on the direction to be taken and more should be known in the new year. Paul Courey suggested that this might be an opportune time for the Ministry to provide input and steer the direction towards less D.F.O. involvement in drainage works. Jeff Dickson attended a meeting with a local MP to discuss legislation impact on drainage and he understands that the information went to 2 other ministers. This may be another way for practitioners to provide input to legislation and controls.

- 9.4 Mike Devos had a question about owners concerns with Section 29 allowances for right-of-ways. Increased land values are having an impact and he would appreciate some feedback. He used 20% of the land value as compensation for an access. Bill Dietrich responded that they use current market values for land values. They allow a 10m width for access along tile drains and pay 25% of the current land value. They use land sale statistics, real estate agents and owner input as a guide to the land value. It was noted that MPAC (Municipal Property Assessment Corporation) values can be up to 4 years out of date. Tim Oliver noted that the FCC (Farm Credit Corporation) did a paper on land values this year based on actual sales. This could be used along with a % increase.
- 9.5 Ken Smart noted that liaison with provincial representatives and environmental groups such as Ducks Unlimited can have positive effects when they are shown how drainage works under the Act can improve conditions of the environment.

10.0 Adjournment

- 10.1 Bill Dietrich moved to adjourn the meeting at 9:25 p.m. Seconded by Will Bartlett. Carried

Tom Marentette, Chairman

Gerard Rood, Secretary