

FINAL
O.S.P.E. LAND DRAINAGE COMMITTEE
MINUTES OF MEETING
Thursday October 18, 2012
Holiday Inn Hotel and Conference Centre
Guelph, Ontario

1.0 Attendance and Call to Order

Members Present: Tom Marentette, Chairman; Gerard Rood, Secretary; Bill Dietrich; Tim Oliver; Tom Pridham; John Kuntze

Liaison Members Present: Sid Vander Veen, OMAFRA; Pat Shaver, Office of Open Learning, University of Guelph (arrived 11:00 a.m.)

Absent Members: Davin Heinbuck, Conservation Authorities (ABCA); Kristian Kennedy, O.S.P.E.; Art Groenveld, MTO; Tom Hoggarth, Fisheries and Oceans Canada; Jeremy Downe, MNR

Chairman Tom Marentette called the meeting to order at 9:35 a.m.

2.0 Approval of Agenda

Motion by Bill Dietrich, seconded by Tom Pridham, that the agenda as prepared by the Chairman be accepted. Carried

3.0 Minutes of Last Meeting

Bill Dietrich noted that Item 9.6 should have “Ausable” added to the Conservation Authority name. Motion by John Kuntze, seconded by Bill Dietrich that the updated minutes of the June 1, 2012 meeting of the O.S.P.E. Land Drainage Committee be accepted. Carried

Final documents are to be sent to Pat Shaver by Gerard Rood for posting to the LDC web site.

4.0 Business Arising From the Minutes

4.1 There was no business arising from the last meeting minutes.

5.0 Correspondence

5.1 There was no new correspondence to discuss.

6.0 Liaison Report – Ministry of Natural Resources

Jeremy Downe

6.1 Tom Marentette advised the LDC that no report was provided by M.N.R.

7.0 Liaison Report – Ministry of Transportation Ontario

Art Groenveld

7.1 Tom Marentette reported that no information had been received from MTO.

8.0 Liaison Report – Conservation Authorities Report

Davin Heinbuck

8.1 Tom Marentette reported that no information had been received from the Conservation Authorities.

8.2 John Kuntze stated that the DAWG (Drain Action Working Group) no longer exists. Bill Dietrich concurred and noted that there is no staffing from M.N.R.

8.3 Sid Vander Veen indicated that DAWG is currently inactive but will likely be resurrected. He noted that Tom Hoggarth is doing a presentation to the DSAO “All Chapters Meeting” this afternoon.

8.4 There was no update on the DART (Drainage Act and Section 28 Regulations Team).

9.0 Liaison Report – Fisheries and Oceans Canada

Thomas Hoggarth

9.1 Tom Marentette reported that there was no information received from D.F.O. Tim Oliver believes that Joe DeLaronde has moved back from M.O.E. to D.F.O. Bill Dietrich noted that the London office of D.F.O. has been closed but he understands that the Burlington and Peterborough offices are still open.

10.0 Liaison Report – Ministry of Agriculture, Food and Rural Affairs

Sid Vander Veen

10.1 Sid Vander Veen provided copies of the “Open for Business” document “Ontario’s Business Sector Strategy: Agriculture and Agri-food”. He noted that this information was available on the web at www.ontario.ca/openforbusiness. Sid pointed out the goals outlined at the bottom of the first page relating to Modern Government and Modern Services. He suggested that if the committee has issues or concerns with regulations as they apply to activities under the Drainage Act, they may want to consider this mechanism. He indicated that last year the OFA (Ontario Federation of Agriculture) identified a number of issues, one of which was concerns with approvals for drainage activities including the Fisheries Act and Conservation Authority regulations.

10.2 Environmental impact studies were discussed. Sid noted that there is a 1979 document entitled “Guidelines for Environmental Appraisals Under the Drainage Act, 1975”. Tom Pridham and John Kuntze are familiar with a 1983 project where an environmental appraisal was required.

The Tribunal has suggested that there is a linkage between environmental assessment and an environmental impact study in their decision on the Bruce 19 Drain.

- 10.3 There is a new call for proposals for research funding under OMAFRA's "New Directions" research program. This is the program that provided funding to the Beaver Creek drainage project in the Town of Fort Erie. See www.omafra.gov.on.ca/english/research/new_directions/ for more information. Among other areas, research projects are being sought that address at least one of the following water areas: water conservation, water quality improvement, water efficiency and related energy efficiency in the agriculture and agri-food sectors. One of the specific examples given is to "Develop and evaluate new practices and technologies to permit multi-objective design, construction and retrofit of agricultural drainage systems to serve drainage, water supply (irrigation), water quality and habitat objectives."

Sid recommended that, similar to the Beaver Creek project, drainage engineers could consider this funding source for drainage projects that have multiple objectives or complex concerns.

- 10.4 The Environmental Investments project is almost wrapped up and Catherine Tiessen would be presenting on the subject at the Conference. Sid noted that DSAO is still interested in continuing the study. Eric Westerberg and Eric Cryderman will be working with Sid to develop a means of reporting environmental investments on maintenance projects at the time of the grant application. It was noted that some municipalities are already asking engineers to break out environmental costs in future reports. These would be mostly related to open channel projects and could consist of identifying BMP's such as buffers and erosion protection, and items that are only environmental impact related such as costs for a biologist and studies for environmental purposes. Tracking might be done through use of a supplemental form submitted with Grant Applications. Sid said that this would all be done on a voluntary basis. It was noted that maintenance work such as seeding banks and spraying vegetation can reduce the need for repairs of a drain.

11.0 New Business

- 11.1 Tom Marentette advised of an email distributed by Sid Vander Veen that stated in part: "A municipality has written our Minister asking for means of better controlling engineering costs. Specifically, one of the things they are looking for is direction in acquiring drainage engineering services while complying with their procurement policies. They want to know how to obtain meaningful proposals from engineering firms". Sid advised the Committee that after an initial letter to the Minister, there was a meeting with the Minister and then another letter was sent to the Minister. He went on to note that municipal procurement policies have been in place for about 10 years since the Municipal Act was updated in 2002.
- 11.2 It was suggested that if a clear scope of work is provided, a meaningful proposal and cost can be submitted. John Kuntze suggested that there would need to be strict limits on what is included in the RFP (Request for Proposal). Gerard suggested that the Municipality may need to be educated that use of the RFP may not provide a cost saving to them as expected but may actually cause higher costs. There was a general discussion of possible impacts. It was proposed that the Municipal staff could be educated on the Drainage Act provisions for

control of costs and that it might be suggested that procurement policies include exemptions for drainage works to reflect the provisions within the Drainage Act for control of costs.

- 11.3 Tim Oliver inquired about the Tribunal involvement in an appeal. John Kuntze stated that the Act allows for appeals related to the fees of the engineer.
- 11.4 Gerard Rood suggested that this question might be addressed through liaison with another group (e.g. Drainage Superintendents, Clerks or Treasurers) to develop a clause or suggested wording for incorporation into Municipal procurement policies.
- 11.5 Sid Vander Veen would like assistance from the LDC to respond to the municipality that has written the letter to the Minister.
- 11.6 It was established that members of the Committee are to submit their comments and suggestions to Gerard Rood by November 15th. Gerard will pass these on to Sid and both of them will work to assemble a response. A draft of the final response will be circulated to the Committee members for review and comment before Sid replies to the Municipality.
- 11.7 John Kuntze suggested that we circulate a survey to all practitioners for input on the number of RFP's that they see or complete each year. The general consensus of the Committee members was that RFP's are dying with perhaps one or two out of all the appointments made each year.
- 11.8 John Kuntze thought that a 3 year proposal might be feasible. Tom Marentette agreed that this might be okay recognizing that the proposal would basically entail providing rates and experience. Bill Dietrich offered that an "expression of interest" might be a better approach. This would include information on the company's experience, references, and examples of reports and costs.
- 11.9 Sid Vander Veen was in favour of doing a survey to all firms that regularly do reports. The survey could be short with perhaps 3 questions. Sid will review the proposed questions with the Committee.

12.0 Review of the "Design and Construction Guidelines"

- 12.1 Ken Smart and Kay Palmer of K. Smart Associates Limited arrived for their presentation to the LDC. Ken noted that Drainage Act projects are more than engineering as they require a lot of public input and can have political implications. Sid commented that it is hard to define a scope of work for a drainage project. He suggested that when proceeding without a scope the only recourse is to provide billing rates and experience. Ken noted that Section 11 of the Act could come into play and the engineer may not be using his independent judgment when a project is too narrowly defined.
- 12.2 Ken Smart and Kay Palmer presented the Committee with the status of their project on the "Research, Revise and Update the Design and Construction Guidelines for Work Under the Drainage Act". Please see the attachment to these meeting minutes. Ken stated that they plan

to organize the work as Part A - how to implement the Drainage Act and Part B - the technical aspects of the design. Members of the Committee advised Ken and Kay that the work appears to be on the right track and believe the approach that is being used is very good. Kay provided her business card to all members so that they can contact her with questions or suggestions for input on the Guidelines update.

13.0 Office of Open Learning - University of Guelph

Pat Shaver

- 13.1 Pat presented the Committee with hard copies of her report. Please see the attachment to these minutes. She noted that the honorariums still need to be paid out and would like to expend the money that the University currently holds for the LDC from the Training Course and Conference last year. Sid suggested that payment could be made for some of the copying costs of the training course presenters. Pat would need an invoice submitted for this. She suggested that the University could do the copying of documents used for the presentations but copyright is a concern. The U of G would require each presenter to sign off on the material they needed copied. She would have to receive any documents at least 1 week before the presentation or meeting to have time to complete the copying.

17.0 Next Meeting

The next meeting of the LDC will be 1:00 p.m. Thursday January 24th at the Best Western Plus Lamplighter Inn and Conference Centre, London, Ontario during the annual LICO-DSAO Conference.

18.0 Adjournment

The meeting was adjourned at approximately 11:30 a.m. Moved by Tom Pridham and seconded by Bill Dietrich. Carried

Tom Marentette, Chairman

Gerard Rood, Secretary