



FINAL
O.S.P.E. LAND DRAINAGE COMMITTEE
MINUTES OF MEETING
Tuesday, January 22nd, 2019
Best Western Lamplighter Inn
591 Wellington Road South, London, Ontario

1.0 Attendance and Call to Order

- 1.1 Members Present: Tony Peralta, Vice Chairman; Stephen Brickman, Secretary; John Kuntze; Brandon Widner; Gerard Rood
- 1.2 Liaison Members Present: Tim Brook, O.M.A.F.R.A. (Ontario Ministry of Agriculture, Food and Rural Affairs); Davin Heinbuck, Conservation Ontario (Ausable Bayfield Conservation Authority)
- 1.3 Regrets: Jeff Dickson, LDC Chairman; Pat Shaver, Open Learning & Educational Support (University of Guelph); Art Groenveld, Ministry of Transportation Ontario (M.T.O.); Dominic Stewart, Ontario Society of Professional Engineers (O.S.P.E.); Dave Richards, Ontario Ministry of Natural Resources & Forestry (M.N.R.F.); Richard Kavanagh, Department of Fisheries and Oceans Canada (D.F.O.); Tom Hoggarth, D.F.O.
- 1.4 Vice Chairman Tony Peralta called the meeting to order at 1:14 p.m.

2.0 Approval of Agenda

- 2.1 The Committee reviewed the agenda prepared by Tony Peralta. Motion by John Kuntze, seconded by Gerard Rood that the agenda as prepared by the Vice Chairman be accepted. Carried.

3.0 Minutes of Last Meeting

- 3.1 There was a correction made to the date of the next LDC meeting. Gerard Rood moved to accept the October 25th, 2018 L.D.C. revised draft meeting minutes as circulated, seconded by John Kuntze. There was no discussion. Carried
- 3.2 Final documents are to be sent to Pat Shaver by Gerard Rood for posting to the LDC web site. **Action by Gerard and Pat Shaver.**

4.0 Business Arising from the Minutes

Tony went through the action items shown in the October meeting minutes.

- 4.1 Gerard sent final minutes of last meeting to Patricia and she posted them to the website.
- 4.2 Tony is working on getting information for William Settrington biography. **Action by Tony.**
- 4.3 Jeff has had contact with the new OSPE liaison; Dominic, however the email address on file by the LDC for Dominic does not work. Jeff will get updated contact information for Dominic. **Action by Jeff.**
- 4.4 Sid has collected names of lawyers familiar with drainage. Gerard will redistribute to LDC. **Action by Gerard.**
- 4.5 Patricia is waiting for an introduction for the biographies on the web site. Gerard has completed draft. Gerard will circulate to LDC. **Action by Gerard.**
- 4.6 Patricia has posted the list of Conference Proceedings on the library website.
- 4.7 John attended DAWG meeting on November 29th at the OFA offices as the LDC representative.
- 4.8 The LDC will discuss new representation for DAWG.
- 4.9 Tony followed up with a Thank-You message for MPAC staff for their participation in a conference call held in October between the LDC, MPAC, and representation from DSAO.

5.0 Correspondence

- 5.1 Sid had correspondence with Jeff which provided more information about OMAFRA's actions to find solutions for Drainage Act activities to comply with MPAC/Municipality user agreements.
- 5.2 Tony discussed email correspondence from Dave Richards. Dave is unable to attend this meeting.

6.0 Liaison Report – OSPE – Dominic Stewart

- 6.1 Dominic was not available, and no report was provided.

7.0 Liaison Report – Ministry of Transportation Ontario - Art Groenveld

7.1 Art Groenveld was not available, and no report was provided.

8.0 Liaison Report – Conservation Ontario - Davin Heinbuck

8.1 The Upper Thames River Conservation Authority hosted discussions on “Protecting Rural Headwaters” on December 15th, 2018.

- The discussions were attended (in person, or by webinar) by regulation staff representing approximately 20 of the 36 Conservation Authorities in Ontario.
- The objective was for Conservation Authorities to improve consistency in their policies as they relate to enclosures of agricultural drains
- The principal concerns are normally flooding and erosion.
- In general, CAs support detention of water on the landscape and do not support quickly flushing stormwater runoff downstream.
- It was found through the course of the discussions that some CAs are further along in the development and interpretation of their policies, while other CAs recognize that some policies are too stringent, and some aren't stringent enough.
- Other topics discussed included wetland features and characteristics, and how wetlands improve water quality.
- In conclusion, CAs acknowledge that there is a need to be more consistent in policy development and interpretation as it relates to drain enclosures. Although there is not a solution yet to improve consistency, further discussions will attempt to determine the 'next steps' required to achieve consistency.

8.2 The second item from Davin's report related to DAWG

- Conservation Authorities have signed on with DFO to classify drains
- Davin estimated that about 200 to 250 drains were classified in 2018. The Ausable Bayfield Conservation Authority (ABCA) classified about 50 drains for both the Maitland Valley, and the Ausable Bayfield.
- Davin understands that the intention is that DFO will be getting one or two crews this year to complete classifications along with potential funding for CA's and Municipalities to complete additional classifications
- If you need a drain classified, Davin recommends you contact DFO.
- Ultimately, DFO's goal is to have all drains classified.

8.3 Lastly, Davin provided an update on the Conservation Authority Act

- John Kuntze asked about permits from CAs. Davin explained that CAs will continue to require permits.

8.4 Davin will be presenting the Conservation Authorities Act and Drainage BMP's at the 2019 Drainage Superintendents Course.

9.0 Liaison Report – Ministry of Agriculture, Food & Rural Affairs – Tim Brook

Prior to Tim's report, Tony formally congratulated Tim on his new position with OMAFRA.

- 9.1 Tim's title with OMAFRA is 'Drainage Program Coordinator' and he officially started in this position on January 7, 2019. Sid Vander Veen will officially be retired in February of 2019. Tim may contact Sid if needed but will develop the execution of his roles and responsibilities in a way that works for him.
- 9.2 Tim introduced himself and provided a brief background on his work history and agricultural upbringing.
- Tim worked in private consulting until 2002 where he then took a position with the Ministry of the Environment. In 2011, Tim began working with OMAFRA.
- 9.3 Tim's contact information is (519) 766 3651 and timothy.brook@ontario.ca
- 9.4 Tim noted other roles and positions that OMAFRA staff hold
- Ernie Hardeman is the Minister of Agriculture, Food and Rural Affairs. He is MPP for Oxford and also served as OMAFRA's Minister from 1999-2001. He has previously served as council member and mayor for the Township of Southwest Oxford.
 - Len Senyshyn is the manager of Approvals, Certification and Licensing Unit. He is responsible for the management of the Ministry's drainage programs.
 - Andy Kester is the Drainage Analyst/Inspector and is responsible for the review and processing of tile loans and of grants under the *Drainage Act*. He is also responsible for inspections and contractor training under the *Agriculture Tile Drainage Installation Act*.
 - Kalida Attwa is the new Drainage Analyst. Kalida is on a six-month term and will be assisting in procession grant application this year.
- 9.5 Tim reviewed the dates for upcoming training courses coordinated by OMAFRA.
- Drainage Superintendents' Course is scheduled from March 4th to 8th.
 - Sid has been contracted to be the Instructor for the course.
 - Ridgetown College is responsible for administering and running the course.
- 9.6 Tim discussed the new drainage program computer system
- Drainage Act Grants are transitioning from paper forms to online forms administered through Grants Ontario
 - At this time, these forms include Que Notification for Construction and Improvement projects and Grant Allocation for the Cost of Employing a Drainage Superintendent
 - By the end of 2019, OMAFRA will not be accepting paper submissions
 - Grants Ontario will begin training webinars starting in January 2019
 - Brandon Widner asked about the submission dates for forms. Tim explained that the submission dates are unchanged from last year.
- 9.7 Tim discussed Regulatory Burden Reduction. Many Acts are under review including the *Drainage Act*, *Tile Drainage Act*, *Agricultural Tile Drainage Installation Act*. OMAFRA has raised the recent concerns involving MPAC as a burden to practitioners.

9.8 Tim mentioned that some individuals using AG Maps have noticed a bug when viewing both Constructed Drains and DFO Drain Classifications layers at the same time. Tim has raised the issue with OMAFA GIS staff.

9.9 The Drainage Engineers' Guide is out in circulation. The Drainage Superintendents Guide is close to be completed.

- Jane Sadler Richards was hired as a writer with writing near completion
- Steering Committees are currently reviewing the document
- Next step is to have the document peer reviewed in spring/summer
- Tim anticipates that the document will be made available by the end of 2019

9.10 John Kuntze inquired about how CAs are averting environmental studies. This question led to a discussion regulation reduction.

Tony asked that Tim provide an update at our next meeting on the status of issues raised by OMAFRA with respect to regulation reduction involving MPAC. **Action by Tim.**

10.0 Liaison Report – Ministry of Natural Resources and Forestry – Dave Richards

10.1 Dave provided correspondence indicating he will not be available. No report was provided.

11.0 Liaison Report – Fisheries and Oceans Canada – Richard Kavanagh, Tom Hoggarth

11.1 Richard and Tom were absent, and no report was provided.

12.0 Office of Open Learning - University of Guelph - Pat Shaver

12.1 Pat was not in attendance.

12.2 Agenda Item 3.3 included a review of correspondence from Pat regarding the Course and Conference offered in October 2018

13.0 Drain Action Working Group (DAWG) Update – John Kuntze

13.1 Tony Peralta explained that Mark Hernandez was the LDC representative, but since he is no longer on the LDC, John attended as the LDC representative.

13.2 The DAWG committee met on November 29, 2018

- 13.3 DAWG was formed on February 27, 2007 as a result of the disbandment of the 2006 Fish Habitat Advisory Group. At this time (February 2007) Mike DeVos represented the LDC. Tim Oliver took over for Mike, and later Mark Hernandez took over for Tim.
- 13.4 John Kuntze asked Gerard if the LDC has a copy of the ‘Terms of Reference’ (TOR) for DAWG. The LDC did not have the TOR readily available. Davin Heinbuck will check his files to see if he can find a TOR. Brandon Widner will ask Mike DeVos about TOR; Steve Brickman will ask Bill Dietrich about TOR. **Action by Davin, Brandon, Steve.**
- 13.5 John’s recollection of the original intention of DAWG was never to harmonize legislation. Instead the intention was for DAWG to play the part of mediator if you had issues with respect to the *Fisheries Act*. Davin added that DAWG was responsible for producing the Guide for Drain Maintenance.
- 13.6 Recently, DAWG has been somewhat inactive.
- 13.7 John Kuntze indicated that he is willing to act as the LDC representative on the DAWG committee, so long as the DART sub-committee remains inactive.
- 13.8 John believes the next meeting for DAWG is on Thursday February 21st, 2019.

14.0 D.A.R.T. (Drainage Act Regulations Team) Update – John Kuntze

- 14.1 John advised that the DART program is inactive.
- 14.2 John also mentioned that a lot of the members of DART are no longer able to serve on the team and have not been replaced.

15.0 D.S.A.O. Procurement Update – Jeff Dickson

- 15.1 Tony Peralta, on behalf of Jeff Dickson advised that there was no update regarding procurement policies.

16.0 New Business

- 16.1 Tony Peralta recapped what was discussed in the October teleconference call with MPAC staff.
- MPAC expressed interest in continued dialogue
 - Previously we discussed the possibility getting a legal opinion
 - MPAC is most concerned with way information is presented in an Engineer’s Report and the definition of *Planning*

- 16.2 Tony Peralta led discussion on what our next steps should be.
- Should we contact a lawyer? Gerard Rood asked who will pay for a lawyer? Tony mentioned that Sid seemed more inclined to contact Rob Waters for a legal opinion.
 - Brandon Widner asked for clarification about what MPAC would do if engineers are not in compliance. Gerard Rood explained that MPAC could cause a legal proceeding with respect to privacy issues in Ontario.
 - So far, most engineers and municipalities have been proceeding status-quo.
 - John Kuntze read an excerpt from an email from MPAC staff regarding a project that he was working on where they ran into issues. Eventually, John and his staff, in conjunction with municipal staff sorted out the issue.
 - Tony Peralta asked Tim Brook how the process works which OMAFRA has initiated with the regulation reduction. Tim explained that the process will take some time, and will not be quick
 - Tony Peralta posed the question; do we be proactive or reactive? Do we get a legal opinion? Tim asked do we wait for the government process to advance further and then reassess?
 - John Kuntze expressed his opinion that the first thing we need to do is properly define the problem.
 - Tim Brook spoke about the costs of having Rob Waters' opinion. Tim explained that OMAFRA cannot cover the costs for time which isn't related to the roll of the Drainage Referee. Tim also pointed out that this issue doesn't belong exclusively to drainage engineers. John Kuntze added that DSAO should be involved. Tim supported John's earlier point about clearly defining the issue.
- 16.3 Gerard Rood moved that the LDC liaise with DSAO with respect to issues with MPAC, seconded by John Kuntze. There was no discussion. Carried
- 16.4 The next item discussed under new business was about inviting a liaison member from the DSAO.
- 16.5 Tony Peralta read an email from Jeff Dickson where Jeff expressed support for the idea of a DSAO liaison member. Jeff, in his email, stated that the level of involvement of the liaison member will have to be discussed.
- 16.6 John Kuntze supports the idea of DSAO liaison member. John further suggested that we put the invitation to DSAO and allow them to choose. John Kuntze moved The Land Drainage Committee invite the Drainage Superintendents Association of Ontario to appoint a liaison member to the Land Drainage Committee. seconded by Tony Peralta. There was no discussion. Carried. Steve Brickman will pass this motion onto the DSAO. **Action by Steve.**
- 16.7 The October Course and Conference was discussed. Tony Peralta reviewed the report provided Pat Shaver. Tony touched on the attendance at the course and conference and commented that the attendance was very high.
- 16.8 Pat Shaver (via correspondence) suggested that exhibitors be invited to a meet and greet.

- 16.9 Tony Peralta reviewed the course evaluation. John Kuntze asked if we are going to do a course in 2019, and if so, what is it going to be? Based on LDC discussions last year, it would be on assessments. John also noted that we haven't done a course on the new Engineer's Guide. Tim Brook asked how the new guide will be incorporated into the course and noted that the needs of new engineers are different than the needs of senior engineers. Tony added that the guide mostly focuses on basic assessments, but the course could include demonstrations on less typical assessments like crossings or cut off. John supports doing real life, or case study type examples.
- 16.10 The continuation of the banquet was discussed. John Kuntze likes the idea of another banquet. He would suggest that it be a little less formal, for example no need for speeches or favours. He also asked the question about opening the banquet up to more invitees. Tony Peralta suggested that maybe the exhibitors present their products at the banquet. John thought that we should hold the banquet in the main meeting room (where the conference is held). Gerard added that if we extend invitations to Drainage Superintendents, we will need more space anyway.
- 16.11 With respect to the conference, Tony reviewed some of the highlights from the survey respondents. Tony noted that once again, many people likes case studies. He also mentioned that maybe one less presentation seemed to be common comment. Tony also mentioned that there were comments about getting a meeting room for the entire night (Thursday). We need to be clearer for the attendees that we do have the room for the night.
- 16.12 Tony noted that there were quite a few negative comments about venue. John Kuntze noticed this as well but stated that we don't have many other options in Guelph.
- 16.13 Dates for the 2019 course and conference were suggested in correspondence from Pat Shaver; Thursday October 24th and Friday October 25th.

17.0 Next Meeting

- 17.1 The next meeting of the L.D.C. will be Friday June 7th, 2019 beginning at 9:00 am at the OMAFRA building in Guelph. Tim Brook will book a room. **Action by Tim.** Note that the next meeting was subsequently rescheduled to May 31, 2019 at 9:00am.

18.0 Adjournment

- 18.1 The meeting was adjourned at approximately 4:10 p.m. Moved by Steve Brickman and seconded by Brandon Widner. Carried

Tony Peralta, Vice Chairman

Stephen Brickman, Secretary

SUMMARY OF ACTION ITEMS

- 1) Final documents are to be sent to Pat Shaver by Gerard Rood for posting to the LDC web site. **Action by Gerard and Patricia.**
- 2) Tony is working on getting information for William Settington biography. **Action by Tony.**
- 3) Jeff will get updated contact information for Dominic. **Action by Jeff.**
- 4) Sid has collected names of lawyers familiar with drainage. Gerard will redistribute to LDC. **Action by Gerard.**
- 5) Patricia is waiting for an introduction for the biographies on the web site. Gerard has completed draft. Gerard will circulate to LDC. **Action by Gerard.**
- 6) Tony asked that Tim provide an update at our next meeting on the status of issues raised by OMAFRA with respect to regulation reduction involving MPAC. **Action by Tim.**
- 7) John Kuntze asked Gerard if the LDC has a copy of the 'Terms of Reference' (TOR) for DAWG. The LDC did not have the TOR readily available. Davin Heinbuck will check his files to see if he can find a TOR. Brandon Widner will ask Mike DeVos about TOR; Steve Brickman will ask Bill Dietrich about TOR. **Action by Davin, Brandon, Steve.**
- 8) John Kuntze moved The Land Drainage Committee invite the Drainage Superintendents Association of Ontario to appoint a liaison member to the Land Drainage Committee, seconded by Tony Peralta. There was no discussion. Carried. Steve Brickman will pass this motion onto the DSAO. **Action by Steve.**
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