

February 4, 2021

Sara Peckford
Sara.Peckford@ontario.ca

Dear Ms. Peckford,

Re: ERO 019-2814: Drainage Act Regulatory Proposal

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. We are passionate and dedicated to ensuring the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses.

Ontario's diverse and innovative agri-food sector is a powerhouse for the province – growing and producing more than 200 farm and food products, fuelling our rural communities and driving the provincial economy by generating more than 860,000 jobs and contributing over \$47 billion to Ontario's annual GDP. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

The OFA is pleased to have this opportunity to provide comments on **ERO 019-2814: Drainage Act Regulatory Proposal**. Ontario's municipal drains contribute positively to crop yields. We are appreciative of these proposed changes to streamline the *Drainage Act* processes.

OFA is in favour of both the simplified process for minor improvements and updating Engineer's Reports for changes made during construction. We recommend that another use of the simplified process for the Engineer's Reports could be for addressing the often-substantial changes to the lot fabric in a portion of a drainage area arising from urban settlements expanding onto neighbouring agricultural lands. Where once there might have been one or two farms, there are now subdivisions with homes, parks, streets, and shops. All these new land uses will be assessed for future maintenance and repairs. It is not fair to assess farmers for addressing the accelerated runoff from urban development. Adjusting the assessment schedule to reflect these changes would be a substantial improvement. Making these changes using the simplified engineers report process may be the most efficient approach. This is an important issue impacting many farmers and must be addressed.

OFA is in favour of the adoption of technical protocols by reference in regulation, ensuring that compliance with the Drainage Act & Section 28 Regulations Team (DART) addressing Drainage Act and Conservation Authorities Act protocol is no longer voluntary. We do however recognize the need to update the DART protocol. Suggested updates are related to the amendments to the *Conservation Authorities Act* (Section 28) and the forthcoming definitions of terms such as "development activity", "watercourse" and "wetland".

Further protocols to develop in consultation with stakeholders include: Protocols for municipal drains constructed by petition (section 4-10 of the Drainage Act), and Protocol for improvements to existing municipal drains upon examination and report of an engineer (Section on 78 of the Act). Perhaps a protocol could also be considered for looking at “minor improvements enhancing environmental performance” that reduce the frequency of maintenance and/or repairs thereby having both economic benefits along with enhancing the drain’s environmental performance. For example, sediment traps with the drain, vegetative buffer strips at the top of banks. These minor environmental performance improvements do not meet the criteria listed for the proposed new “minor improvement process” as they may involve multiple properties and warrant shared construction costs. If such a protocol is developed, it would need to include a process for ensuring agreement by all users for the enhancements and how to share costs and potential longer-term savings.

Although not directly related to the posting, OFA would like to see a review of the timeliness for emergency maintenance. It is common for maintenance issues to arise suddenly that, without immediate attention, can threaten flooding some of the drained lands and threaten the crop.

I trust our opinions and recommendations will be given due consideration in this consultation and look forward to ongoing consultation and discussion regarding drainage in Ontario.

Sincerely,



Peggy Brekveld
President

cc: Hon. Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
OFA Board of Directors