



# IN THE TRENCHES

December 2008

**"Drainage Doesn't Cost - IT PAYS!"**

[www.drainage.org](http://www.drainage.org)

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## From the President's Desk

Fellow members:

I talk to you tonight from lovely Cornwall Ontario. It is a nice place to be at this time of year - just kidding there is no nice place to be in Ontario at this time of year. November is proving to be no different than the rest of the year, full of changes and unpredictable, which also sounds eerily similar to the stock market this year. It is funny how these things work.

The elections in both Canada and US have passed us by with little change in Canada and a dramatic change in the US. It will be very interesting if Obama sticks to his promises and attempts to reopen the free trade agreement, and turns the US into a protectionist society. We Canadians must lobby our Government officials to protect our interests. Our farming community will be affected if this happens, which will have a direct impact on all of our members. Our Government has to stand strong against this type of action from the US and we have to continue to pressure them.

We are also experiencing a global economic downturn. Stock markets are tumbling and it is painful. Anyone that has stocks or mutual funds knows what I am talking about all too well. People are panicking, dumping their stocks, staying at home and not spending anything - they have lost confidence. The only way we are going to get out of this is for people to change their thinking, hang on to those stocks, they will recover all their losses and will be back in positive territory shortly. Go out and spend some money. This will get the economy rolling again - people buying goods, manufactures making things. We have to think positively. We live in the best country in the world. If we think we have it tough just take a look at what is going on in some other countries. This doom and gloom will all pass and everything will be good again.

Our annual Banquet is approaching very fast I would encourage all members to sign up early and book your hotel rooms well in advance. We have a very exciting two days of events planned and you do not want to miss. I would also ask our younger members to please plan on attending; this will be your organization to carry on into the future.

I wish you all the best for the Holiday Season and I look forward to seeing everyone in January.

Thank you.  
Your President,  
Chris J. Groot



## Drainage Costs Set To Skyrocket - Monte Sonnenberg, Simcoe Reformer, October 11, 2008

New legislation designed to protect endangered species in Ontario promises to have a serious impact on rural pocketbooks. September 30, the Ministry of Natural Resources became an approving agency for new municipal drains and maintenance work on existing drains. Now that the Endangered Species Act is law, the MNR requires an environmental assessment before municipalities add to their inventory of municipal drains. The assessment will specifically create an inventory of endangered species in the subject area. Studies of this sort can cost as much as \$5,000. The expense will be charged to property owners who contribute to a drainage problem, who benefit from the installation of a drain or who are parties to an existing drain that needs repairs. For new drains, engineering reports must account for endangered species in the area of installation. These fees are also charged to surrounding property owners. With the MNR involved, the greatest expense moving forward will be in the area of maintenance.

Norfolk has more than 800 municipal drains, with 100 in the planning stage or scheduled for repairs. If endangered species are found in the area of a drain that needs repair, MNR will require an entirely new engineering study that explains how they will be preserved. This cost will also be charged to surrounding property owners. "It will be much more difficult to get drainage," Peter Bryan-Pulham, senior drainage superintendent in Norfolk, said yesterday. "And it will be much more expensive because we will require funds for such things as environmental assessments. This may drive the cost of a drain project beyond the average person's ability to pay." Bryan-Pulham expects the new regulations to add to the already significant delays his department encounters. Through the Long Point Region Conservation Authority, Norfolk's drainage department must receive Department of Fisheries and Oceans approval for new drains or major improvements. Bryan-Pulham cited as an example a drain project in Norfolk that has been on hold for 453 days because DFO hasn't signed the required paperwork. He expects MNR's involvement will compound the problem.

MNR spokesman Barry Radford said yesterday that no one at the ministry was in a position to comment on the situation.

### Species Law Hampers Drain Work – (Excerpts from Ontario Farmer, November 25, 2008)

All municipal councils in Ontario have received a briefing paper linking endangered species and municipal drain legislation.

The paper originated with the Ontario Property and Environmental Rights Alliance (OPERA).

Any new drain will now require an environmental assessment, costing up to \$5,000, "to create an endangered species inventory in the subject area." These assessment expenses will be charged directly to the landowners affected by the drain.

If endangered species are found in the area of a municipal drain needing repair, "the MNR will require an entirely new engineering study that explains how such species will be preserved."

According to the legislation, all these extra MNR costs "will also be charged to surrounding property owners."

Municipalities are silently taking all these extra costs when a \$60,000 legal option, obtained some years ago by Elgin County, "verified its municipal drains were not fish habitat as then claimed by a CA and the DFO."

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If you have articles, events or notes of interest you wish to add to this newsletter, please send your submissions (not more than 225 words) to the following:

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## Lines from Lambton - Dean Hodgson

As usual, weather dominates the conversations here in Lambton County. We received a lot of good harvest weather through September and October but it was interspersed with some extremely heavy rainfalls. Some areas were harder hit than others and harvest of soys, corn and sugar beets were frequently delayed. Often we have seen water lying in the fields while just a few miles down the road dust was flying behind the combines. Plan as farmers might, in the end it all depends on the weather. Well tile-drained land gives the farmer an opportunity to succeed when the weather finally breaks in his favour. However, even the best-tiled land cannot make up for a farmer who abuses his land by tramping and compacting the soil.

In spite of all the changeable weather Lambton farmers have been successfully harvesting some tremendous crops. Reports that many soybean fields are yielding over 60 bu/ac are common. Corn yields of over 200 bu/ac are the norm this season. Once again a lot of fall wheat was planted, but not under the perfect conditions of last year and not as many acres. As we approach the end of November most of the soybeans have been harvested with above average yields everywhere. Some farmers have been waiting for Mother Nature to help dry their crop so about 30% of the corn is still in the field. But sugar beets top the coffee shop talk as the yields were so good they had to leave about 25% of the crop in the field. Yields of over 30 tons/ac. Proved to be much more than the market could handle. When the problem of over production became apparent these farmers worked out a system where everyone shared the wealth and loss equally. The sugar beet farmers are to be commended for working cooperatively as total income was spread across total acres and though some fields were not harvested, all shared equally in the income. There was no loss to anyone, although the harvest was too large for the market. These farmers set an example for everyone to follow. Share and share alike and everyone prospers. In late November some sugar beet crops were being cultivated back into the land. Others however, were harvesting the excess sugar beets and storing the bumper crop for cattle feed. Apparently, with a lot of effort and ingenuity, these beets can be mixed into the feed ration and hopefully cut feed costs for these beef feedlots operators. I noticed in the "Looking Back" section of the Forest Standard that in 1905 area farmers were shipping their sugar beets to Marlette, Michigan, USA. They were realizing \$50/ac. for their work. Déjà vu and here we thought we were starting something new. A few lines further down they listed spring calves @\$22, yearlings from \$29-\$40, 2 year olds \$46-\$56 and cows \$20-\$58. (Tile was probably 2 cents/foot). Still later, in 1925, they stated the wet weather in October has left many acres of sugar beets still in the ground. We find a lot of interesting items in the 'Looking Back' section each week.

Meanwhile our Lambton County tile drain contractors are keeping busy as the winter weather fast approaches. Most of the contractors say it has been a good year, with lots of work to be done, but the weather has not cooperated. Too many lost days because of wet fields. A mid-November storm dumped up to three feet of snow in the Bosanquet-Arkona area and snowstorms are hampering tile operations over most of the County this fall. Many contractors feel they make their profit in the fall after spending most of the year catching up to all their cost. So the early winter weather has been frustrating.

We found Allan Jardine splitting tile drains on the Alex MacKellar farm in early November. MacKellar Farms re-tiled the entire home farm settled by Alex's great-grandfather in 1871. Alex and son David have since expanded the 100-acre homestead farm into a 2800-acre seed growing operation in Brooke Township. Ken Jaques has been busy working east of Petrolia much of this year. His neighbours, Dupius Bros. Drainage of Enniskillen, are full steam ahead working north and west of Petrolia. Bob Mater down in Euphemia, Randy Philips in Dawn and Donald McGee in Sombra, have all had busy years. In late October Rolly Nantaise was seen installing a large plastic storm drain on the east side of the Waterworks Road in the former Sarnia Township. Van Bree Drainage installed the same type of storm drain at Marthaville in September. Frank Rombouts was tiling along the LaSalle Line in St. Clair Township, another huge job keeping Frank busy between rain and snow storms. Other contractors are out there working somewhere but haven't come across them on my crop touring trips this fall. I dropped in at the Dresden Tile Yard and found everything was running smoothly. Lots of business and everyone was quite pleased after their first year working with the new owners.

*(Continued Page 4)*

## **Lines from Lambton** *(Cont'd. from Page 3)*

So even with the high costs of tile, fuel, fertilizer and other inputs, our Lambton County farmers keep installing more tile drains. Compared to all their other costs, tile drainage is more economical now than at any time in our history. Back in the late 1800's it cost \$30-\$40/ac. to tile or about the 100% of the cost of land. In the 1960's tiling cost \$100/ac. or 50% of land value as land sold for \$200/ac. In the 1980's tiling rose to \$500/ac. or 25% as land cost rose to \$2000/ac. Today tiling runs about \$700/ac or only 15% as land prices have skyrocketed to \$5000/ac or more. It is no wonder farmers keep tiling their land when they know the excellent returns on their investment as compared to the costs of machinery, buildings and other farm improvements.

PS Both Frank Rombouts Drainage and Van Bree Drainage and Bulldozing are highlighted as successful township businesses in the recently published 600 plus page book on the 'History of Warwick Township'

## **Gingerich Drain Project Moves Forward - Wilmot Puts Out Request For Tender Despite GRCA Disapproval** - Doug Coxson, News, September 03, 2008

A court of revision on the Sam Gingerich drainage project in Wilmot Centre heard no appeals last week, but township drainage engineer John Kuntze said final approval from the Grand River Conservation Authority remains outstanding.

The GRCA is recommending the township find an alternative to a plan to replace a broken drainage tile on Gingerich's property because it has the potential to negatively impact hydrology, flooding, water quality and fish habitat along a small creek that has developed from the broken tile. The GRCA has requested the landowner dig an open ditch across the property instead of installing a tile drain.

Landowner Sam Gingerich is supporting the drainage project as presented in Kuntze's report. Kuntze recommended the drainage project go to tender immediately despite the GRCA's reluctance to approve the work as presented. Kuntze said results of the tender could be presented to council as early as Sept. 8 so work can begin this fall. He added the Department of Fisheries and Oceans could require a permit if officials agree with the GRCA assessment that the small creek on the Gingerich property is a potential fish habitat. "Their maps show a watercourse on the property and it will still be there once the work is done," Kuntze said.

## **Source Water Rules Hinge on Co-operation** - (Excerpts from Ontario Farmer, November 11, 2008)

Committee member says issues like enforcement won't be as onerous as some fear.

Bob Bedggood, a former CFFO president, was appointed as chairman of the Thames-Sydenham and Region Source Protection Committee.

The role of each of the committees is to formulate the terms of reference, the work plan document that Bedggood says will define who does what, when and how much it will cost.

The assessment of threats and risk assessment is the second phase.

The source protection plan will be the final step in this process and will define how to mitigate the risks.

The question of who will pay remains problematic.

Bedggood says, the compensation discussion is not part of the act. He adds it is reasonable to expect the farm community to farm in an environmentally responsible way. "If you are asked to farm and you lose your production area right around the well, that is not fair."

## OMAFRA Drainage Coordinator's Report – Sid Vander Veen

**Drainage BMP (Best Management Practices):** We are in the initial stages of developing a Drainage BMP to help farmers and other rural land owners learn about cropland drainage. This book is intended as a primer on agricultural land drainage and will cover the benefits, challenges, principles and management practices relevant to cropland sub-surface drainage systems and surface drains with a special regard to environmental sustainability. The primary audience is the farming community, but it should also be valuable to regulatory and environmental agency staff, municipal employees, drainage contractors, engineers, farm organizations, teachers and government agency staff. The target completion date for the Drainage BMP is February 2010. Members on the working group that may be familiar to you include Ken McCutcheon, Don Lobb, Peter Darbyshire, Greg Nancekivell, Jim Myslik and Sid Vander Veen. There are also other individuals representing other government agencies, interest groups and environmental groups.

**Drainage Licensing:** Renewal application forms for tile drainage business licences for 2009 were sent out on November 21, 2008. If you haven't received your renewal form by the end of December, please call Valerie Anderson at 519-826-3324. All business licences expire on December 31, so if you expect to be working in January, please make sure that you submit your completed business licence renewal form and the \$250 licence renewal fee (with or without the Tile Record Forms) to us before December 31, 2007. If this is done before the December 31, 2008 date, your business licence is considered renewed and you have until March 31, 2009 to complete and submit your tile record forms. If your tile record forms are not received by March 31, your business licence could be lapsed. If you need additional Tile Record Forms, contact Valerie Anderson at number indicated above. A supply of these forms will also be taken to the LICO Convention in January.

**Drainage Website:** Speaking of Tile Record forms, some of you will be interested in our drainage website project. A public drainage website is being developed that will allow the public to access the lot and concession layout, watercourses, municipal drains (including names and classifications), tile drainage, road and railway network, areas with potential for controlled drain, soils information, woodlands and more. Of particular interest to LICO contractors is the ability to zoom into a property and then click on a button called "TDR" which will print out a Tile Drainage Record form for that particular lot. Bob Steiss (OMAFRA GIS) will be giving a live demonstration of the new website at the upcoming convention.

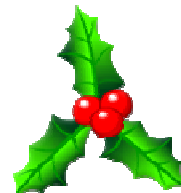
**Contractor Courses:** This winter, OMAFRA is offering the following courses to contractors:

- ▶ Primary Drainage Course
- ▶ Advanced Drainage Course
  
- ▶ Agricultural Erosion Control Structures Training Workshop

You will find details on these courses (dates, locations, cost and registration) in the course brochures included with this issue of the LICO newsletter.

I want to wish all of you and your families a "Merry Christmas" and hope that you have a joyful and safe New Year's celebration. See you at the convention in January.

Sid Vander Veen  
Drainage Coordinator



## More Regulation – Don Lobb

The Cosmetic Pesticides Ban Act 2008 should be of concern to everyone in Ontario. The government of Ontario has used this as an excuse to re-work our pesticide regulations. The draft for these regs is now posted for public review until 22 Dec 08, on EBR Registry Number: 010-5080.

Under “Definitions of terms used in the Act (Item 18) “Agriculture” includes “Draining, irrigating or cultivating land.”

The new proposed regs give much cause for concern. Some of the issues are:

- An appointed “Director” would now make all final decisions about what is safe and who may use which products, under what circumstances. This has been the role of a highly qualified scientific committee, the Ontario Pesticide Advisory Committee in Ontario and the Pest Management Regulatory Agency of Health Canada. Effectively what is proposed is the removal of transparency and science.
- The previous six classes of products will be replaced by eleven with no scientific criteria for classes 5 – 11, and no requirement for independent scientific review.
- Product labels assigned by PMRA will not match allowed use in Ontario.
- There is no stated requirements for operators who use products that will be classified “domestic”. This is an area of concern in a system where science is not fundamental to the classification process.
- There is no requirement for “exterminators” to re-train and re-test.
- There is no stated audit process to monitor trainers and examiners.

The draft regulations under the Clean Water Act named 10 pesticides as high risk to water quality, including products that science experts rate as very low risk.

If these Acts are applied with proposed (low/no science?) regs, then neither agriculture nor the public will be safer or better off.

Contact your M.P.P. and/or respond to the EBR: [http://www.ebr.gov.on.ca/ERS-WEB-External/searchNotice0.jsp?clearForm=true&menuIndex=1\\_1&language=en](http://www.ebr.gov.on.ca/ERS-WEB-External/searchNotice0.jsp?clearForm=true&menuIndex=1_1&language=en)



*LICO would like to take this opportunity to wish you and your family all the best for the holiday season and the year to come.*

## **ESA Act Could Make Drain Work More Onerous** - Nancy Boutin, Tilsonburg News, November 2008

New legislation may help protect endangered species, but it could mean more paperwork for area drainage officials.

The Endangered Species Act (ESA) came into effect for municipal drainage works on Oct. 1, 2008. According to Ministry of Natural Resources spokesperson Barry Radford, the legislation applies to government agencies, industry and members of the public, but also has implications for emergency response, law enforcement and protection of property, as well as for previously-approved major industrial or development activities.

The ESA prohibits the killing, capture or harassment of species identified as species at risk, and also prohibits damage to the habitat of species that have general habitat protection or regulated habitat.

While it sounds like good environmental stewardship, Township of Norwich chief drainage official Wray Ramsay said the ESA will mean more paperwork for drainage projects. He said the act requires a Ministry of Natural Resources review prior to the creation of new drains, or to the repair or maintenance of existing drains.

Although Radford said municipal drainage officials should “ensure, to the best of their ability that their proposed works will not negatively impact endangered or threatened species,” he emphasized the fact the MNR is not an approval authority for drainage works, and municipal drainage staff do not have to run all projects by them.

However, in the event a municipal drain would impact species at risk, Radford said municipal staff should contact MNR before starting a project. A screening process – which involves overlaying drain information provided by Department of Fisheries and Oceans, the Ontario Ministry of Agriculture, Food and Rural Affairs and the Natural Heritage Information Centre (MNR) - will determine whether there will be any conflict between endangered and threatened species and the proposed drainage work. Radford said projects that will not impact endangered or threatened species may proceed as usual.

In cases where a project stands to impact a species at risk, simple changes to the manner in which the project is executed will, in most cases, enable the work to proceed. Radford said in Aylmer District, there has only been one drainage project so far that has required an agreement.

Ramsay recently contacted representatives from the MNR in Aylmer, but said neither of the representatives could tell him exactly what is required of him under the new legislation.

A list of MNR representatives who will be responsible for giving drainage projects the OK across Ontario shows two representatives in Aylmer, there is only one other representative within the 519 area code, and that person is located in Guelph.

Ramsay said he’s concerned the act might delay area drainage projects, and given that Norwich Township has some 900 drains, the implications could be significant.

Radford said he is aware of municipalities’ concerns in this regard, but added the MNR has committed to “reviewing and screening projects submitted by municipalities in an efficient, timely manner.”

Ramsay, however, said more paperwork and delays aren’t the only aspect of the act that has raised his ire. “Our concern is that they will put requirements on drainage that are costly to landowners,” said Ramsay, citing the legislation’s potential impact on farmers and agriculture in general.

Radford said that while **costs** associated with inventory or other requirements to protect species at risk **will be the responsibility of the municipality**, there are opportunities for funding for drainage projects that do require an MNR agreement, including the federal Habitat Stewardship Program, and the provincial Species at Risk Stewardship Fund.

## CALENDAR OF EVENTS

January 20 & 21, 2009

LICO Conference

Best Western Lamplighter Inn

591 Wellington Rd., London, Ontario  
N6C 4R3



NOTE: Lady's Program for 2009

LICO Conference - The lady's  
program will include departing at  
10:00 AM to visit to Beachville

Museum, then on to Country Moments Candles  
and Gifts in Ingersol, followed by a lunch at the  
Elmhurst Inn.

January 12 & 13, 2009 (Tentative)

Michigan LICA Annual Meeting

Lansing Best Western, Midway, MI

[www.michiganlica.org/events.htm](http://www.michiganlica.org/events.htm)

January 14 - 18, 2009

ILICA Annual Winter Convention & Members  
Meeting

President Abraham Lincoln Hotel,

Springfield, IL

<http://www.ilica.net>

February 11 - 15, 2009

LICA 2009 Winter Convention

Embassy Suites - Airport, Nashville, TN

<http://www.licanational.com>

## Motion Questions Fish Habitat Label -

(Excerpts from Ontario Farmer, December 2, 2008)

A resolution presented by the Niagara South Federation and passed by Ontario Federation of Agriculture convention delegates claims the designation of some municipal drains as "fish habitat" is delaying construction, repairs and maintenance of municipal drainage systems and thereby threatening the farm productivity of the affected area.

"There is conflict," stated Niagara farmer Roger Miller. "The conservation authorities want to protect the wetlands and farmers need to have the drainage systems working."

The implementation of the Endangered Species Act will further delay necessary construction and maintenance of municipal drains.

A resolution presented by the Ottawa Federation calls on the provincial government to give the Ministry of Agriculture and Food "sole responsibility on all drains pertaining to agricultural lands."

## Meaning of UP

Lovers of the English language might enjoy this. It is yet another example of why people learning English have trouble with the language. Learning the nuances of English makes it a difficult language. (But then, that's probably true of many languages.) There is a two-letter word in English that perhaps has more meanings than any other two-letter word, and that word is 'UP.' It is listed in the dictionary as being used as an [adv], [prep], [adj], [n] or [v].

It's easy to understand UP, meaning toward the sky or at the top of the list, but when we awaken in the morning, why do we wake UP? At a meeting, why does a topic come UP? Why do we speak UP, and why are the officers UP for election and why is it UP to the secretary to write UP a report? We call UP our friends and we use it to brighten UP a room, polish UP the silver, we warm UP the leftovers and clean UP the kitchen. We lock UP the house and some guys fix UP the old car.

At other times the little word has a real special meaning. People stir UP trouble, line UP for tickets, work UP an appetite, and think UP excuses. To be dressed is one thing but to be dressed UP is special. And this up is confusing: A drain must be opened UP because it is stopped UP. We open UP a store in the morning but we close it UP at night. We seem to be pretty mixed up about UP!

To be knowledgeable about the proper uses of UP, look the word UP in the dictionary. In a desk-sized dictionary, it takes UP almost 1/4 of the page and can add UP to about thirty definitions. If you are UP to it, you might try building UP a list of the many ways UP is used. It will take UP a lot of your time, but if you don't give UP, you may wind UP with a hundred or more.

When it threatens to rain, we say it is clouding UP. When the sun comes out we say it is clearing UP. When it rains, it wets UP the earth.. When it does not rain for awhile, things dry UP. One could go on & on, but I'll wrap it UP, for now .....my time is UP, so time to shut UP!

Oh...one more thing: What is the first thing you do in the morning & the last thing you do at night? U P Now I'll shut up