



IN THE TRENCHES

March 2006

"Drainage Doesn't Cost - IT PAYS!"

www.drainage.org

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From the President's Desk

Fellow Members,

Well, hard to believe I sit down to write my first message for 2006 already. Hope all of you had a successful 2005, and are ready for 2006. I think it is going to be very interesting. After all, there is only six weeks left until seeding time again.

Hope all of you had a good convention, and took in all the programs. It was an excellent program as usual. If you are not attending the sessions, then you are missing out on a lot of good information. Since January, I have attended a few meetings and the following issues are in our midst.

Ag in the class room presentation by Kim Hayter, at the convention, was to be done for the AgCare group. Unfortunately, it was cancelled due to weather. It is to be rescheduled, and as yet no date has been set. After the AgCare group has had the presentation, we will decide on how to go forward with the next stage.

I attended a meeting with the Nutrient Management Joint Research group. This group is made up of stakeholders in the Nutrient Management issue. Such stakeholders were OMAFRA reps, MOE reps, scientists, Guelph professors, commodity groups, Ag Canada reps, myself and Agri-industry reps, to name a few. The group is going through the process of talking about nutrient issues and the information needed to finalize the Nutrient Management Regulations. The time table is to have this information ready by 2008. There is a lot of work to be done yet before the mandate.

There was a Drainage Industry meeting at the convention and it was decided there that we would form a group to help Don Lobb with his briefs to the government and any other issues. The group would be made up of two reps from L.I.C.O., D.S.A.O. and the Drainage Engineers, also Sid, John and Don Lobb. This group then met with O.F.E.C. reps to discuss the submission to the government Don was working on. O.F.E.C. is an umbrella group of AgCare, Animal Council and other stakeholders in agriculture. At this meeting it was decided we should look at joining AgCare. We then decided to talk about it at our next executive meeting.

There are two main issues that our association faces thus far in the aspect of keeping on top of the changes in legislation and what ever else comes along.

The first issue is to join forces with a bigger group of agricultural based interest committees. This allows us to have a bigger voice and more resources in which to communicate with government. It has been decided to join AgCare, if the membership fee is within reason. AgCare is made up of several commodity groups. It in turn, is a member of O.F.E.C. which is a large strong group, trying to protect agricultural issues. I think AgCare is a good fit for us and we should form an alliance with them.

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From the President's Desk *(Cont'd from Page 1)*

The second issue is the cost of preparing briefs and presenting them and just keeping up with new issues on the horizon. Don Lobb has been working very hard on our behalf. He has put forth invoices but, as he has a passion for agriculture and drainage, he probably has not been submitting his full time spent.

This issue is more about how drainage seems to be coming to the forefront, as being an environmental concern. We now have to defend and explain our industry and its use in agriculture. It has not been as important to do so in the past as it is now, and probably will be in the future.

In order to clarify drainage, and its role in agriculture, we need competent people with the passion and desire to do the job. It will also take money to offset the negative information now upon us. In no other time in our industry has this been so important. If we all want a viable industry for generations to come and defend our industry, it should be expected that the cost to us will be more than we have experienced in our past history.

How do we offset the costs of such work? We at the executive level have discussed this. It was noted that our dues have been \$90.00/year since 1990. Therefore this is one area we could increase to generate more income. If dues were raised by \$30.00/member, that could generate another significant amount. It has been discussed that it could cost up to \$15,000.00/year to do the work necessary to keep on top of the issues facing us today. We want to stay at a reasonable operating amount, but the issues today are more serious than ever before. I ask you to think about it.

Well, I better stop here and get this off to John for the newsletter. Wishing you all a successful 2006, and look forward to any of your recommendations or comments.

Your President,
Steven Cronsberry

Ross Irwin Inducted Into the Ontario Agricultural Hall of Fame

In October 2005, LICO nominated Ross Irwin as a candidate for the Ontario Agricultural Hall of Fame. On January 27, 2006, LICO was informed that the nomination was approved and that Ross will be inducted into the Hall of Fame at a ceremony held in the Gambrel Barn at Country Heritage Park (formerly the Ontario Agricultural Museum), Milton.

Mark your calendar for Sunday, June 11, 2006 at 2:30 PM and plan to attend the ceremony in support of Ross. Tickets are \$20 each and can be purchased by calling (905) 878-8151.

We are what we repeatedly do. Excellence, then, is not an act but a habit.

Aristotle.

Winters can be fierce where he lives, so the owner of the estate felt he was doing a good deed when he bought earmuffs for his foreman.

Noticing, however, that he foreman wasn't wearing the earmuffs even on the bitterest day, the landlord asked, "Didn't you like the muffs?"

The foreman said, "They're a thing of beauty."

"Why don't you wear them?"

The foreman explained, "I was wearing them the first day, and somebody offered to buy me lunch, but I didn't hear him! Never again, never again!"

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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Source Water Protection (SWP) - Don Lobb, Environmental Advocate – February, 2006

The Walkerton tragedy has demonstrated how opportunists can capitalize on a sad but preventable occurrence. Death and sickness was caused by dishonest employees and an unsafe well the town had not bothered to decommission.

The real cause and the simple solutions are forgotten as politicians try to score points, bureaucrats take the opportunity to build new empires at the expense of the taxpaying public and environmental activist groups (NGO's) play on fear and emotion to advance their causes.

Many reports, studies and recommendations have resulted in Bill 43, the Clean Water Act, tabled for first reading in December 2005.

This Bill, (The CWA) must cause concern for the agricultural community for several reasons.

The province has allocated money to put the CWA in place but no dollars to maintain it. Municipalities must raise these dollars plus issue permits for most activities relating to water and they must enforce the Act. As the Act is currently written, some municipal actions can amount to expropriation without compensation.

The stated objective to protect the ecology, wetlands and wildlife habitat within watersheds suggests that water issues are being used to reach other objectives. This goes well beyond the clean and sufficient drinking water objective.

The Bill states that it will supersede other legislation in the interest of preserving water quality and quantity. In support documents preceding Bill 43 the Drainage Acts are cited as a problem. The tone and the language that follows suggests that cropland drainage in the future could require a MOE Environmental Assessment (EA) at the cost of the landowner.

Cropland drainage will become a central issue because there is a perception that it depletes ground water supplies, causes increased flow rate in streams and rivers (thus increasing erosion) and causes water pollution. None of this is true!

The process of advancing Bill 43, (The CWA), has reached the point where all of agriculture must take a stand. This includes the cropland drainage sector. Talk and write to municipal and provincial politicians and provincial ministers. Talk to members of service clubs, chambers of commerce, church groups and any other individuals or groups. Some points that need to be made include:

- Municipal politicians are at risk when the provisions of the Act extend beyond municipal drinking water. To preserve all water everywhere brings regulation that will be very unpopular with taxpayers; i.e. forced restrictions on land use and government control over land management where a drinking water threat is not apparent. The cost of such an all-encompassing project will far exceed that of protecting municipal drinking water. That cost must be justified to taxpayers.
- Cropland subsurface drains (CSD) are not storm sewers. The objective with CSD is to only remove enough moisture from the crop root zone to allow healthy growth. The crop producer really wants to maintain as much moisture as possible to allow maximum crop growth during dry weather. The goal in cropland drainage is soil moisture management – not water removal.
- Drains (CSD) do not cause pollution. They are installed clean and will remain so if the land they serve is carefully managed.
- Drains (CSD) do not deplete ground water supplies. If soil is wet it is because the moisture is not moving down to recharge ground water. A lack of groundwater recharge creates the need for cropland drainage. Soils that allow groundwater recharge (gravel, sand, etc.) do not need drainage.

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Source Water Protection (SWP) - Don Lobb (Cont'd. from Page 3)

- Drains (CSD) do not increase erosion and sedimentation in streams and rivers. They reduce it. If soil is wet then in the spring and during storm events water can't soak in and it quickly runs off the land. If these soils have subsurface drainage, water can soak in and slowly be discharged to watercourses. The result is reduced soil erosion and sedimentation of water courses along with reduced delivery of nutrients. Slow discharge of water means less stream and river bank erosion.
- Drains (CSD) do not cause streams and rivers to dry up in summer. Drainage of cropland allows water from spring thaws and storm events to soak into the ground and then be delivered slowly to streams and rivers. In fact, research has shown that stream and river flow is actually extended with CSD.
- Drains (CSD) are not the cause of a decline in stream and river flow in recent years. Long-term observations show that this is a cyclical occurrence. Two examples are:
 1. The Grand River had very low flow in the 1930s (much less drainage than today) and in the 1960s and the cycle began again in the late 1990s.
 2. The Middle Maitland has been noted as having declining flow during the past three decades, yet in 1852 when its drainage basin was first surveyed (pre-settlement/pre-drainage) it was recorded that the river was virtually dry.
- Drained (CSD) cropland serves the same functions as wetlands. It filters water and extends stream flow. When water soaks into the ground it is filtered (nutrient load and other crop amendment load is dramatically reduced) and the runoff of sediment is reduced. When water soaks into the ground and is slowly discharged through drains, stream flow is extended.
- The claimed benefits of increased wildlife habitat and wetlands are problematic when imposed on intensive agricultural areas. Wildlife is already causing damage to crops and farm animals in some areas. Wetlands and wildlife bring increased risk of insect and animal borne disease, e.g. rabies, bird flu and West Nile virus. What is the point of a Nutrient Management Act when increased wildlife will defecate into and around watercourses and wetlands increasing nutrient load and disease risk? Drainage of good land offers the same hydrologic benefit as introducing a wetland (filtration of water and extended water discharge time) without the risks.
- Cropland drainage saves wetlands. One half of Ontario's soils produce increased yield because of cropland drainage. This is one reason that we use 20% fewer acres of land for food production today than we did 30 years ago. Much of that 20% has brought an increase in wetland and wildlife habitat.

Alberta Farm to Pay Fine in Turnips to Food Bank – (Guelph Mercury, December 19, 2005)

Want to know how many turnips you can eat for \$90,000? Ask the Edmonton Food Bank, the beneficiary of a court case in which a farm convicted on environmental charges is paying its fine in turnips.

Hillsight Vegetables operated by Hendrick Fousert, 64, and his son Henry, 34, pleaded guilty Friday in Alberta provincial court to charges relating to illegally building up an eroded river bank.

Under a creative sentencing order, the Fouserts must pay \$10,000 in cash, with the balance to be paid in turnips. The agreement calls for the Fouserts to give 41,400 kilograms of the vegetable to the food bank over the next four years.

Lines from Lambton - Dean Hodgson

It's been a quiet winter here in Lambton County without much activity because of all the rain and wet fields. Otherwise all our contractors seem to be quietly preparing for another drainage season here in Lambton. As Ken Jaques said " Although there hasn't been much expansion over the past few years tile drainage continues to be a successful business here in Lambton. "

Ray Dobbin, P.E. and drainage superintendent of Enniskillen Township was pleased to finally have all the 2005 maintenance work completed. Ray felt the delays in implementing the new OMAFRA Drainage Program in 2005 hampered work all across the province last year. Ray is hopeful as they start 2006 with a new budget, a better understanding of the many changes and more cooperation everything will work well. However, there is always the unexpected when dealing with weather and drains but the new OMAFRA Drainage Program is pretty cut and dried, leaving little room for emergencies. The usual differences between office planning and the actual field work will be solved over time. Ray also feels farmers could experience some problems once the new Source Water Protection Act is fully implemented.

Ray Dobbin is just finishing his term on the provincial board and has found there are many serious drainage problems occurring across the province that luckily are not often experienced here in Lambton County.

Steve Vokes, of Vokes Bros. Enterprises, says they had an exceptionally good year in 2005. Vokes Bros. are engaged in drainage, both as farm tile and municipal contractors. The Vokes Bros. is a family business, including both brothers and nephews, that has grown and expanded over the last 30 years. They have a fleet of trucks engaged in hauling grains, feed and granulars They have a very diversified farming enterprise ranging from beef, cash crop grains to the expanding sugar beet industry. The past several years they have invested heavily in the fledgling sugar beet industry here in Lambton and Steve says they are pleased with the results of the 2005 crop.

Because of weather conditions in 2004 with wet harvest and warm winter weather growers suffered quite a loss through spoilage. However, with more experience this year the growers stored dryer beets in smaller piles and despite even warmer weather had much more favourable results. With high yields, a high sugar content and a high world price growers are pleased and the Vokes Bros. are gearing up for an even better year in 2006. Sugar beets require excellent drainage and prolonged rotation resulting in high land rentals here in Lambton.

There was an article in the Feb. 7 / 06 Ontario Farmer reporting once again on the study of utilizing tile drains to save water and irrigate crops to increase yields. Though higher yields may not be the answer to farmer's problems protecting water may become very important in the future under the new Source Water Protection rules.

Dr. Chin Tan and researchers at Ag. Canada's Research Centre at Harrow have been experimenting in this field for several years and have results showing increased yields up to 90% in corn and 50% in soybeans. The secret is to save water from the tile drains during wet periods then pump this same water onto the field during dry periods.

Using existing tile drains and a reservoir to collect the excess water which is then used to irrigate the crop, researchers have found some dramatic results during some of our recent extremely dry summers. Originally this system was used for high value crops such as tomatoes but with ever increasingly dry summers they have widened their experiments. It has been found that dramatic increases can be realized in corn and soybeans if adequate moisture can be supplied at the critical time. This combined method of draining and irrigating is gaining popularity in Missouri and also in Ohio where Dr. Larry C. Brown has been conducting similar tests. Dr. Brown was a speaker at the 2004 LICO convention.

With water preservation becoming a more important issue and with the seemingly heavier rainfalls combined with increasing droughts we may have to reconsider our drainage methods. At one time we just wanted to get the water off the field but now we should be concerned where it flows. Rather than just dumping our precious water, along with our nutrients, into a ditch, off to our rivers and lakes, perhaps we should study methods of saving our water right on the farm.

The article mentions the trick will be to teach farmers and contractors how to properly install such a tile system. Perhaps a trip to the Harrow Research Station will provide some new ideas to meet potential new rules and future challenges.

OMAF News - Sid Vander Veen, Drainage Coordinator

LICENSING: Remember that your drainage licenses must be renewed before you begin your tile drainage work this spring. As of March 7, 2006, only 64 businesses have renewed their licenses. That means that only slightly better than half of the licenses have been renewed and spring is just around the corner. For those of you who have already sent in your business licence renewal form and fee, but haven't completed your Tile Record Forms yet, you have until the end of March to submit them. Please note that the submission of these forms is a condition of your license and there may be consequences if you don't submit them before you begin work. If you are using GPS or computer generated drawings (CAD), talk to Bob Steiss (519-826-4032) about transmitting your tile records electronically.

WEBSITE: As an added incentive to renew your licenses promptly, we offer some free advertising to contractors who renew their license before the end of March. At the end of March, we will be updating the list of licensed tile drainage contractors that is posted on our website (www.omafra.gov.on.ca/english/landuse/drainage.htm). Farmers or other individuals looking for tile drainage contractors will be referred to this list.

DRAINAGE COURSES: This year, 15 people attended the Advanced Drainage Course which was held from February 11 to 14 and 17 to 19 in the Marden Library just north of Guelph. The course was taught by Jim Myslik, Andy Kester, Dan Ward and Kevin McKague. Of the 15 individuals attending the course, 12 were from Ontario agricultural tile drainage contractors, 2 were from Manitoba contractors and 1 was from a sports field drainage contractor.

The Drainage Superintendents Course is a prerequisite for individuals who wish to become a municipal drainage superintendent. A total of 29 individuals attended this course which was held in Guelph from February 27 to March 3, 2006.

TILE LOAN PROGRAM: As of March 7, 2006, our Ministry has issued cheques totalling \$6.35 million for tile drainage loans for the 2005 fiscal year. Since March 1 is the last date we can buy debentures in this fiscal year, this is our final total. We anticipate that we will be in a position to announce the 2006 Tile Loan Program shortly after the provincial budget is announced.

WOODLAND CONSERVATION BY-LAWS: The following is a repeat of a newsletter article I submitted for the March 2004 LICO newsletter. However, since some contractors have encountered problems with "Woodland" or "Tree" by-laws in their local counties or regions, I thought it was important to repeat.

Many County and Regional Municipalities and some local municipalities are passing "Woodland Conservation By-laws" under the recently revised Municipal Act. These by-laws replace earlier by-laws passed under the former Trees Act. These by-laws have the admirable goals of preserving woodlands, promoting good forestry practices and minimizing the destruction or injuring of trees. So what does this mean to tile drainage contractors?

These by-laws will control the removal, destruction or injuring of trees unless the person obtains a permit. The one by-law I've reviewed indicates that in order to obtain a permit, you need to apply at least two months in advance and it is very likely that a permit will be issued with the condition that an equal area of land be replanted with trees. If you want to see a model by-law, check out this website: (www.ontariowoodlot.com/) So, if you need to install a main for a tile drainage system through a woodlot, a "Woodland Conservation By-law" will place significant restrictions on your work. There are several exemptions that are included in the by-law I reviewed and the model by-law in the above website. However, neither of these by-laws contained exemptions for tile drainage or municipal drainage activity.

So if you think that this may affect you, I recommend that you approach your County or Regional Municipality as well as your local municipality to find out if they have or intend to pass a "Woodland Conservation By-law". If they are working on one, try to get an exemption included in the by-law for drainage. Here's a suggestion:

The construction, improvement, maintenance or repair of drainage works undertaken by a municipality under the Drainage Act;

The installation of a single main tile drain for a "drainage work", as defined in the Agricultural Tile Drainage Installation Act, provided the width of the tree cut is limited to 10 metres in perpendicular width.

Sid Vander Veen
Drainage Coordinator

SWOOPing Down On Permit Applications – (Excerpts from Milestones, Ontario Good Roads Association, December, 2005)

SWOOP

Single Window Oversize Overweight Permit

Objective: to develop a single point of application for oversize and overweight trucking permits.

Web-based application system

Eliminates duplication and reduces paperwork for carriers

Gives municipalities better control the permitting process.

A joint program from OGRA, the Ministry of Transportation of Ontario, and the Ontario Trucking Association.

Pilot project on Highway 7 involving the MTO and the Regions of York, Durham, Peel and Halton concludes in December 2005.

Phase 2: January to December 2006. Project extended to 45 carriers and 15 municipalities.

In 2001, OGRA in conjunction with the Ontario Ministry of Transportation and the Ontario Trucking Association set up an ad-hoc committee to look into oversize and overweight permitting.

For municipalities, faced with increasing wear and tear on the roads, oversize and overweight permits are the only way to control the truck traffic on their roads.

“Road restrictions are designated by The Highway Traffic Act. If the size of the vehicle or its weight exceeds those requirements, you are going to need a permit.” said Darlene Robertson-Bootsma, the Permits Technical for York Region and one of the principal members of the ad-hoc committee.

While York rarely if ever refuses a permit and works diligently with carriers to make sure they can complete their deliveries, Robertson-Bootsma says, the permitting process does give the municipalities a measure of control.

“It gives us control over two key issues. The first is making sure that our roads can withstand the wear and tear that some of those heavier carriers inflict so we need to manage the routes that the carriers are going to take. Second, we want to control the traffic, not just for people using the roads but for the carrier as well.”

An OGRA survey of municipalities confirmed that there were indeed a wide variety of approval conditions and fee structures across the province. The problem was less with regulations and more with the process.

Four regional municipalities (York, Durham, Peel and Halton) agreed to participate. By the fall of 2004, the MTO had developed a web-based on-line SWOOP application form.

The carrier fills out the application form on the SWOOP website, which automatically notifies the MTO and municipalities by e-mail when an application has been submitted. Each of the jurisdictions can then retrieve the application form from the website and complete the permitting process using their normal policies and procedures. The website went live in April 2005. By June, the site had handled over a thousand submissions.

Expanding the pilot program is currently underway. MTO has now included all the carriers from its SMART application program, making a total of 45 carriers now participating in the program. Fifteen more municipalities are expected to join the program this fall.

Phase 2 of the SWOOP pilot project will run until December 2006.

Farm Group Awaits Clean Water Details – (Excerpts from *Ontario Farmer*, December 13, 2005)

The Liberals have introduced their Clean Water Act.

The bill grants municipalities and conservation authorities both the responsibility and power to undertake source water protection.

The Clean Water Act will target land, including farms, that are directly influencing drinking water.

The municipalities and conservation authorities will be appointing Source Water Protection Planning committees, and that will be the focus for AgCare.

AgCare will also be developing technical support for the farmers who do get on the committees.

The law also grants officials working for the conservation authorities and municipalities the right to enter private property without the owner's consent if and when they think there is a threat to water quality.

The law will force every municipality to determine where water comes from and how much is available.

While the bill lays out the broad sweep of what the government might do, its regulations that will spell out the details of what it actually intends to do and how.

That's why most of those keenly interested in the legislation, such as environmental activists and farm organizations, are adopting a wait and see attitude.

Subsoiling Success Hinges On Timing – (Excerpts from *Ontario Farmer*, December 13, 2005)

Timing your subsoiling correctly may be just as important as choosing the right field.

Deep tillage is usually done in the fall after harvest. But a delayed harvest sometimes postpones the operation until mid-winter.

Subsoiling with a low disturbance tillage tool is a conservation practice that breaks up soil 12-18 inches deep, allowing increased water movement, better aeration of the roots and access to additional minerals and nutrients for plant growth. The benefits associated with it are the alleviation of soil compaction and improved corn and soybean yields.

Ten years of Ohio State research has shown that subsoiling works well on the silty clay loam soil commonly found in northwest Ohio.

Subsoiling is best practiced in the fall because the freezing and thawing cycles associated with the onset of winter help to settle the soil prior to planting in the spring. One of the concerns of delayed subsoiling is running the risk of a loose soil structure that is not conducive to seed germination and root growth.

The longer a grower waits to subsoil – say, as late as March – the higher the risk of decreased yields.

Observations....

“When you go into court you are putting your fate into the hands of 12 people who were not smart enough to get out of jury duty.” Norm Crosby

“If you put the federal government in charge of the Sahara desert, in five years there would be a shortage of sand.” Milton Friedman

“The man who views the world at 50 the same way he did at 20 has wasted 30 years of his life.”
Muhammed Ali

Wetland Rules Turn Contradictory – (Excerpts from *Ontario Farmer*, December 13, 2005)

Bob Woolham in Augusta Township has land that lies under the designation of two conservation authorities (CA).

Each CA has different rules on how it is going to implement the new generic regulations on wetlands.

Having differing regulations for the South Nation and Rideau Valley CAs wasn't supposed to happen.

The South Nation CA has decided not to expand its areas of regulations. The Raisin River CA followed suit soon thereafter.

On the other hand, the Rideau Valley CA "has decided simply to use all wetlands in the official plan."

A former Class 7 wetland on Woolham's property is now suddenly classified as Class 2, enabling the Rideau Valley CA "to regulate it on either side." A high water mark has been established and there will be land use regulations affecting 120 metres on either side of the creek, which takes up 40 to 50 acres and "puts them in my barn and house," says Woolham.

The very definition of what is a wetland appears to be subject to the individual CA's discretion with little hope of an individual appealing the designation, Woolham says.

Pipeline Action to Have Day in Court – (Excerpts from *Ontario Farmer*, January 10, 2006)

David Core is one of the representative plaintiffs in a class action suit that seeks \$500 million in compensation for landowners who have lost the use and enjoyment of their land due to pipelines.

In the 20 years since Core purchased the land, changes to the National Energy Board Act have increased restrictions along the pipeline route – without compensation – and created safety and liability issues for all landowners, and particularly farmers with heavy equipment.

The class action suit seeks compensation and damage for "ownership rights restriction, regulatory risk and loss of use and enjoyment of land."

Justice Warren K. Winkler is scheduled to hear the motion. Winkler will also hear a motion from the defendant pipeline companies to have the action dismissed altogether.

Third Manure Conference Set To Go – (Excerpts from *Ontario Farmer*, January 10, 2006)

The country's leaders in manure management are coming to London from March 8 to 10, 2006.

The emphasis is on practical solutions for producers.

A farm tour on March 8 will visit Lynn Cattle Company's under-construction anaerobic digester and Cold Springs Farms with its in-vessel composting which is producing 8000 tonnes of finished compost per year. Craig Merkley of the Upper Thames Region Conservation Authority also will discuss dispersion sandwich nitrate removal technology, and the tour will visit Sleggerdale Farms in Belmont, which has had a screw press solids separator working for six years.

Other topics include nutrient management and land application, the Kyoto Protocol, managing mixed residues, deadstock composting, manure separation to create a value added product, odour management and source water protection.

For more information visit www.istmm.ca

OFEC Chair Rips Into Water Act – (Excerpts from Ontario Farmer, December 20, 2005)

John Maaskant, chairman of the Ontario Farm Environmental Coalition, leveled a blistering and detailed attack on the provincial Liberal Party's proposal for a Clean Water Act.

His key criticisms are:

Too much power given to bureaucrats.

Loss of property owner rights and involvement in planning.

An unfair burden placed on farmers compared with cities.

The lack of funding for farmer compliance.

"We were looking for an act that took a positive and supportive approach to societal problems," Maaskant told an audience that included many government officials attending OFEC's annual meeting here recently.

"We expected a simple, direct process that clearly included those most impacted," he said.

"We expected a clear, open, transparent, fair and accountable process of development and implementation."

"We expected collaboration and meaningful involvement."

"We expected an emphasis on stewardship, not bureaucratic coercion."

Maaskant said some of the issues he has with the legislation so far are that:

It supercedes other acts. Conservation authorities will have the responsibility and power to protect water.

Bureaucrats, and more specifically the Director, have the power to make rules.

Public involvement appears to be tokenism.

Municipalities gain the power to require permits for existing land uses, even before local plans have been developed, discussed and implemented.

Permit officers have "excessive" powers and land owners have "limited ability....to contest the judgment of the officer."

Permit officers and other officials lack accountability and are not held liable. For example, there is "no assurance of conformance to bio-security requirements on the farm."

Property owners can be hit with fees for assessments, approvals and inspections.

The process for targeting which watersheds will need to meet standards is "arbitrary".

"Other polluters get off easy through the Ministry of Environment permitting process," Maaskant said.

The bill says nothing about municipalities with inadequate sewage treatment facilities and with storm water systems that flood out sewage treatment plants or prompt staff to pull the plug and allow sewage to bypass treatment and flow directly into rivers and lakes.

"There is no requirements for municipal conservation and accountability for wasteful use of clean water."

(Cont'd. Page 11)

OFEC Chair Rips Into Water Act *(Cont'd. from Page 10)*

Maaskant also tore into a long list of specifics that are left open to regulations that will come only after the bill becomes law. Among them are definitions and interpretations, times of travel in protection zones that will be established around wellheads, the terms of reference for local committees, the guidelines for developing and implementing watershed and municipal plans, funding and an appeals process.

Maaskant challenged the government to develop and deliver “systemic monitoring of land use impacts” on water quality, and listed a few issues that require research such as which disease-causing bacteria and viruses are in manure, how long they survive when manure is applied to fields and how these pathogens could be removed.

Maaskant also called for research to determine the impact that the adoption of best management practices by farmers will have at the field level, on farm operations and on a watershed-wide basis.

He said water quality monitoring should include soil nutrient levels, nitrate levels in well water, municipal sewage that bypasses treatment plants, storm water that floods into sewage treatment plants, pathogens from wildlife, soil erosion and soil that has eroded in the past and is sitting on the bottom as sediment, septic systems and their impact on wells, leaks from municipal sewage pipes and garbage dumps and leaks from underground storage tanks.

Councillor Seeks Way to Fill River – *(Excerpts from The Wellington Advertiser, January 20, 2006)*

Wellington North councillor John Matusinec would like to see a day when the Conestogo River in Arthur is a river all year round.

Matusinec said that in urban areas, new development now requires the inclusion of retention ponds to hold storm runoff. In rural areas, there is no such requirement for farm fields, which are tile-drained.

The result, said Matusinec, is that after a good rain, there are about three hours of heavy flow – then it is gone.

For the municipality, the lack of constant water flow presents other issues.

For Arthur’s sewage treatment plant discharges, the Ministry of Environment classifies the Conestogo River as a dry ditch, Matusinec said.

GRCA Chairman Peter Kraus said it works with agricultural groups to encourage larger buffer areas near streams and waterways, which, in turn, help control water runoff, Kraus stressed those programs are voluntary. *(Editors note—this is the type of misinformation LICO has to counter with evidence based science.)*

Kraus said the main limitations encountered are the rules of the Drainage Act.

The proposed provincial Clean Water Act might change all that.

Little Johnny

Little Johnny’s new baby brother was screaming up a storm.

He asked his mom, “Where’d we get him?”

His mother replied, “He came from heaven, Johnny.”

Johnny says, “Wow! I can see why they threw him out.”

Drinking Water Bill Will Inflict Damage – (Excerpts from Ontario Farmer, Public Opinion, December 27, 2005)

Jim White – land use consultant near Brampton.

The Clean Drinking Water Protection legislation purported to protect the sources of all rural drinking water was introduced into the legislature as Bill 43 the first week of December 2005.

It won't protect anyone against incompetence and dishonest employees. What it will do is create a lot of studies, more municipal employees and many frustrated landowners who will spend money, much of it needlessly, while reducing the workable area of farms and reducing their market value.

The proposed legislation is procedural in nature, which means it provides authority to conduct studies, develop plans, review plans, establish bureaucracies and implement land use restrictions.

The purpose is to protect present and future sources of drinking water by area conservation authorities.

A source protection committee will prepare the terms of reference for the preparation of the assessment report. This assessment will be used to create a source protection plan. These plans will spell out activities to eliminate all drinking water threats in each conservation area.

The plan takes precedence over an Official Plan or a zoning by-law. Municipalities are prohibited from undertaking any public work or passing any by-law that conflict with the Plans. All threats must be monitored and an annual report sent to the Minister.

Municipal councils will be responsible for the enforcement of the Act. A permit officer and permit inspectors must be appointed and a fee schedule for inspection services may be established.

The minister of the Environment is empowered to establish advisory committees on any matter relating to the use of the Great Lakes as a source of drinking water.

This government appears to want advice only from their urban green friends who have great academic credentials but limited if any personal rural or ownership, let alone farming experience. It is equivalent to putting the army in charge of tax collection.

The powers of entry allow the collection of information for a wide range of uses.

The Bill protects the Minister, ministry and their employees from responsibility for their actions, but no remedies are available to those impacted.

The Director may make rules relating to risk assessments, risk management plans and any matter in any assessment report but these rules do not apply if they conflict with a regulation made by the Minister or the Cabinet. The ability of these officials to make regulations appears to include all activities and procedures included in the bill.

Nutrient Battles Set To Be Fought Again – (Excerpts from Ontario Farmer, January 24, 2006)

Bureaucratic manure battles are beginning all over again with proposals for Source Water Protection.

“We are going to have to fight tooth and nail” to get the provincial government to understand farming and to accept risk-based approach to implementing the standards and regulations.

The risk approach would involve both certain types of geography, soil types and sources of drinking water and different types of farming practices.

The nutrient management regulations are being changed to drop the N-MAN software as the basis for manure management. Now it will be Best Management Practices.

Farmers Asked For Clean Water Input – (Excerpts from *Ontario Farmer*, January 24, 2006)

The proposed Clean Water Act – Bill 43 was introduced in the legislature on December 5, 2005 and is currently posted on the EBR website for comment until February 3, 2006.

The legislation is expected to receive second reading later this spring and then be referred to committee.

Ministry of Environment's acting deputy minister Catharine Brown told the Ontario Federation of Agriculture's board of directors that farmers and rural landowners are encouraged to participate in local source protection committees and source protection planning.

Farmers will have one or two positions on each of the source protection committees and all impacted landowners must be notified of committee meetings and decisions.

Individuals may be prohibited from activities that are deemed a significant threat to a water supply, others may be required to obtain a permit to continue specified activities.

Threats to drinking water quality and quantity will be categorized as significant, moderate, low or negligible.

When questioned about compensation for costs incurred by landowners to protect a water source, Brown said, "we have not gone there yet."

Cities, Urban Areas See Value In Co-operating On Water Issues – (Excerpts from *Ontario Farmer*, January 24, 2006)

Cities already contain most of the people living in Canada. But rural areas still have most of the water.

That is an inescapable talking point connecting the two studies.

"Most natural and artificial water bodies within Canada are located in rural areas and the provision and maintenance of this supply is often viewed as the responsibility of rural citizens."

Yet most of the consumption of water is by industrial and domestic users within Canada's cities.

Seventy per cent of Canada's population now resides in very high urbanized or highly urbanized watersheds. One-third of Canada's population now resides within six watersheds.

Sixty-five per cent of those living in highly urbanized watersheds are located in Ontario. Six million live in one watershed covering the greater Toronto area, the Golden Horseshoe and the Niagara Peninsula.

When New York City was assessing its water treatment options a few years back, city officials determined protecting the 80,000-acre watershed supplying its water was crucial.

The city determined it could save \$8 billion on the cost of a new water filtration plant by spending \$1.8 billion to help private landowners improve their watershed management.

Plus they saved another \$300 million on the cost of operating the plant they will never build.

Other studies have indicated the relative cost of supporting the rural watershed protection is small compared to the savings.

Clean Water Study Funds Available – (Excerpts from Ontario Farmer, January 31, 2006)

Conservation authorities across Ontario have been urging municipalities to apply for provincial funding by the January 31 deadline to assist in doing ground water studies.

While there is provincial money available for doing the studies costs, there is no definitive answer as to who is going to pay for the implementation.

Under the proposed act “municipalities will be supplied with limited new powers to address activities on individual properties” that will pose a “significant risk” to a municipal drinking water supply.

“The legislation will require that mandatory actions be taken to address significant risks.”

It was noted that municipalities would be given, “the authority to establish a permit authority to grant permits.” Once a source protection plan is approved, “certain activities will be prohibited inside wellhead protection areas and intake protection zones unless they are carried out in accordance with a permit.”

In addition, once a source protection plan is in effect, “designated land uses and building constructions will be prohibited inside vulnerable areas.”

“The permitting official will be granted powers of entry for inspectors, as well as order powers to compel compliance, cause work to be done where a property owner fails to do so and to recover costs.”

Under the heading “new municipal authorities and agriculture” the presentation noted that in the event of a conflict between the nutrient management act and the clean water act, “the provision of the Clean Water Act, 2005 prevails”. It also stated that, “requirements contained in an approved source protection plan override provisions in other legislation, policies and plans.”

CFFO Won't Support Clean Water Bill – (Excerpts from Ontario Farmer, January 31, 2006)

The Christian Farmers Federation of Ontario (CFFO) is endorsing the concept of mandatory and locally-developed source water protection plans for Ontario watersheds.

But they cannot support the proposed Clean Water Act 2005.

If passed, the legislation would require both municipalities and conservation authorities to map municipal drinking water sources and identify the vulnerable areas that need protection to prevent either the depletion or contamination of the supply and directs the local communities to monitor activities that could potentially threaten the water supply. They are also authorized to take measures to minimize or eliminate any threats to the source.

The proposed legislation marries water protection and growth plans to ensure the available supply of safe, clean water for growing communities.

“The draft act will authorize municipalities...to require landowners to develop and to bear the cost of risk management plans and to pay fees for permits to continue with certain activities and land uses that are now normal farm practices on those lands. There is no opportunity to allow for cost recovery.”

An assessment of implementation costs and budgets is not required with each SPP and CFFO remains committed to the notion that if society is demanding higher standards above and beyond acceptable normal farm practices, the public must participate in the program.

Information on the Clean Water Act 2005 is available online at www.ene.gov.on.ca/envision/water.cwa.htm and at <http://www.ebe.gov.on.ca/envregistry/026965er.htm>

Company Fined For Man's Fall – Vik Kirsch, Guelph Mercury

A city roofing company says it doesn't deserve a \$50,000 fine although a worker was seriously injured in a fall on his first day on the job.

"Was the fine necessary? Not in a lifetime," said Tom Ware, head of T.J. Ware Maintenance Inc. The firm operates as Hy-Grade Steel Roofing System near the Guelph Airpark.

The company, Ware said, had at the time of the 2004 fall safety training and procedures in place, including tethering roofers to safety lines. He said, however, he violated labour law by not having a written health and safety policy in place.

"Sure, I'm guilty of not having this health and safety policy," Ware said.

Ware said he has a health and safety policy now.

On Monday, the manufacturer and installer of steel roofing shingles was fined \$50,000 and Ware, as a company director, was fined \$2,500 for one violation each of the provincial Occupational Health and Safety Act.

Kitchener-based justice of the peace Sharon Woodworth imposed the fines as well as a 25 per cent victim surcharge.

On Oct. 4, 2004, the worker was helping install a new steel roof over an existing one at Calvin Presbyterian Church on Westmount Road in Kitchener, the Ministry of Labour said Tuesday.

The ministry added the worker whom it didn't identify, disconnected a lifeline to fix a shingle.

Before he could reattach himself to the rope, "the worker's foot became caught underneath some strapping, causing a loss of balance," the ministry stated in a release.

The man fell almost six meters to a concrete walkway, suffering broken bones and teeth as well as cuts, the ministry said.

The company pleaded guilty to failing to ensure the worker wore a lifeline, the ministry said. It added the director pleaded guilty to failing to ensure the firm prepared and reviewed at least annually a written occupational health and safety policy and maintained a program to implement this.

Ware said there were ropes in place on the church roof at the time of the accident and the worker, a man in his 40s who was in his first day working for the company, was wearing a harness to attach himself to them

"I did everything but hold the guy's hand," Ware recalled.

The man no longer works for Ware.

Ware no longer hires roofers. He laid off 10 company roofers since the accident and is subcontracting the work out, he said.

In future, Ware said, he'll make the company's new written occupational health and safety policy known to roofers who work for his subcontractors.

Hy-Grade Steel Roofing System employs 18 people.

Catching Tile Runoff Means More Water to Irrigate – (Excerpts from Ontario Farmer, February 7, 2006)

Researchers at Agriculture and Agri-Food Canada in Harrow have been shown to increase corn yields by 90 per cent and soybean yields by 50 per cent in some dry years, using existing field tile not only to drain the water during times of excess but also to pump water back into the soil during drought.

The idea involves storing water in ponds or reservoirs adjacent to the field and then irrigating from that water source when necessary.

Reservoirs can get three times as much water from the tile system than from just surface runoff. And there is less evaporation loss.

Researcher, Dr. Chin Tan, has done experiments that showed corn, irrigated during critical times, can yield 91 per cent more than corn left to the whims of nature. The yield response in soybeans was somewhat lower, but still amounted to 50 per cent. Processing tomato yields have increased between 50 and 80 per cent where the system was used.

By collecting all the runoff from a field in a reservoir you've essentially eliminated all nitrate, phosphate or pesticide runoff into watercourses. Those nutrients are then returned to the crop through irrigation water.

A reservoir that covers one hectare to a depth of two meters would hold 20 million litres of water, enough to irrigate nine hectares for 40 days continuously.

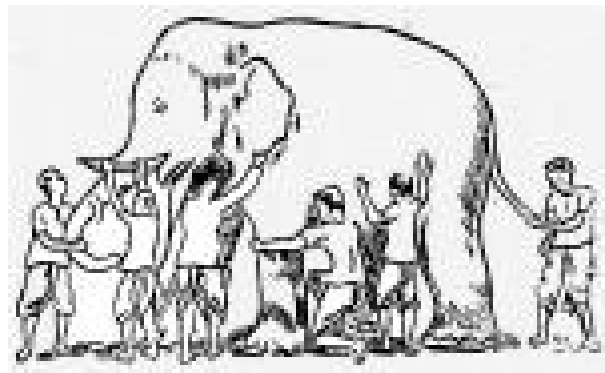
Memories of a Childhood Poem - Ross Irwin

I read all the inputs and it reminds me of a poem I learned as a child.

It was six men of Indostan
To learning much inclined,
Who went to see the Elephant
(Though all of them were blind),
That each by observation
Might satisfy his mind.

~~~~~

Moral:  
So oft in theologic wars,  
The disputants, I ween,  
Rail on in utter ignorance  
Of what each other mean,  
And prate about an Elephant  
Not one of them has seen.



## **Old Wells Carry Hefty Pricetag – (Excerpts from Ontario Farmer, January 31, 2006)**

It could cost Ontario \$1.75 billion to clean up some 700,000 abandoned wells that pose a serious risk to water quality in province.

Earl Morwood, executive director of the Ontario Groundwater Association, says the number of inactive wells in the province is growing by about 6,000 a year. Each of these wells represents a conduit for contaminated surface water to enter the groundwater flow.

It is estimated that it will cost an average of \$2,500 to decommission each well. With more than 700,000 wells in the province in need of attention the bill could top \$1.75 billion. Morwood suggests spreading the cost out over 25 years, especially since there are not enough qualified contractors in the province to accomplish the job any quicker.

## **New Committee to Develop Nutrient Management Standards for All Ontario Farms – (Excerpts from OMAFRA News Release, February 20, 2006)**

The provincial government has established the Nutrient Management Science-Based Standards Committee to develop measures that will build on nutrient management principles, protected drinking water, and not place undue burden on the agriculture industry. The committee will make recommendations to the environment and agriculture ministers on science-based nutrient management standards and best management practices that could apply to farms based on risk by 2008.

The committee will be chaired by Dr. K. Bruce Macdonald, an environmental consultant. The committee members are: Bob Bedggood, Chair for the Agricultural Adaptation Council; Dr. Peter Dillon, department of Environmental and Resource Studies at Trent University; Greg Hannam, a producer of seed grain and a Provincial Nutrient Management Advisory Committee member; Dr. David Rudolph, professor in the department of Earth Sciences at University of Waterloo; and Tracey Ryan, supervisor of Conservation Services with the Grand River Conservation Authority.

## **Some Not-So Natural Laws:**

**The Law of Volunteering:** “If you dance with a grizzly bear, you had better let him lead.”

**The Law of Avoiding Oversell:** “When putting cheese in a mousetrap, always leave room for the mouse.”

**The Law of Reality:** “Never get into fights with ugly people. They have nothing to lose.”

**Barnes’ Law:** “Nothing is impossible for the man who doesn’t have to do it himself.”

**Law of Volunteer Labour:** “People are always available for work in the past tense.”

**Conway’s Law:** “In any organization there is one person who knows what is going on. That person must be fired.”

**Hellers Law:** “The first myth of management is that it exists.”

**Osborne’s Law:** “Variables won’t; constants aren’t.”

**Main’s Law:** “For every action there is an equal and opposite government program.”

**Berg’s Second Law:** “If builders built buildings the way programmers wrote programs, then the first woodpecker that came along would have destroyed civilization.”

## CALENDAR OF EVENTS

**March 20 & 21, 2006**  
**7<sup>th</sup> Annual Ontario On-Site Wastewater Conference and Exhibition.**  
**“Removing Barriers to the Onsite Industry”**  
**Delta Kitchener Hotel & Conference Centre**  
**Kitchener, ON**

[www.orwc.uoguelph.ca](http://www.orwc.uoguelph.ca) or [www.oowa.org](http://www.oowa.org)



**June 11, 2006 - 2:30 PM**

**Ross Irwin, Induction into the Agricultural Hall of Fame**  
**Gambrel Barn, Country Heritage Park, Milton**  
**Tickets \$20 each. Call (905) 878-8151**

**NOTE: 2005 Municipal Directories are still available.**



**PASSING - Maize, John Charles**

**Suddenly on Tuesday, March 7, 2006.**  
**John Charles Maize of Goderich and formerly of R.R. #1 Dungannon, in his 70th year. Tile contractor and Drainage Superintendent.**

## "Be Thankful"

Be thankful that you don't already have everything you desire. If you did, what would there be to look forward to?

Be thankful when you don't know something, for it gives you the opportunity to learn.

Be thankful for the difficult times. During those times you grow.

Be thankful for your limitations, because they give you opportunities for improvement.

Be thankful for each new challenge, because it will build your strength and character.

Be thankful for your mistakes. They will teach you valuable lessons.

Be thankful when you're tired and weary, because it means you've made a difference.

It's easy to be thankful for the good things. A life of rich fulfillment comes to those who are also thankful for the setbacks.

Gratitude can turn a negative into a positive. Find a way to be thankful for your troubles, and they can become your blessings.

## Speaker Explains New Wetland Rules – (Excerpts from Ontario Farmer, February 21, 2006)

Russ Powell, chief administrative office for the Central Lake Ontario Conservation Authority, explained the Generic Regulation as it impacts wetlands.

“I know that many farmers have been concerned about setbacks but the regulations do not impact normal farming activities,” Powell said. But building a new structure in a regulated area (flood plain), filling in a valley, or filling in a wetland may require a permit and the landowner should seek advice before proceeding with such projects.

The setback distances are 15 metres from all flood lines, top of bank lines and shorelines; 120 metres from provincially significant wetlands and 30 metres from other wetlands with no regulation of wetlands less than 0.5 hectares.

Powell said the 120 metre regulation establishes an “area of interest” but does not prevent a property owner from receiving a permit following a site inspection.

Powell told the OFA directors that CA staff members are instructed not to enter private property without permission.

In response to questions, Powell said:

- the regulation will have no impact on man-made wetlands or dug ponds;
- a farm building located in a regulated area and destroyed by fire can be replaced;
- the 120 metre setback is consistent with the Planning Act and provides an area under study as opposed to an area not to be touched.