Water Security Agency

SASKATCHEWAN

# Agriculture Water Management Strategy

## *Rural Municipalities*

June 2018

# Outline

- Water Security Agency (WSA)
- Agriculture Water Management Strategy
- Drainage for an RM:
  - Approvals
  - Land control
  - Emergencies
  - Roles in Approvals
  - Request for Assistance
- Parting Thoughts

# Water Security Agency

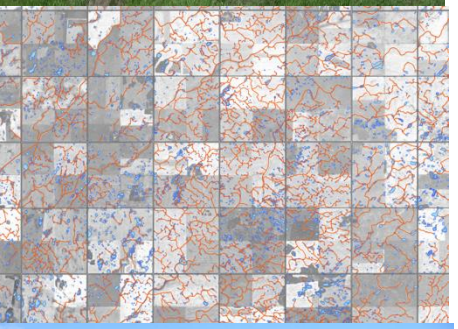
- Created October 1, 2012 to support the Saskatchewan Plan for Growth by protecting and managing the water supply.
- Leads implementation of the 25 Year Saskatchewan Water Security Plan.
- Outcomes:
  - Bring together government's core water management responsibilities and technical expertise.
  - Ensure a comprehensive and integrated approach.
  - Simplify water-related regulatory processes and establish a one window approach.
- Five Regional Offices in Nipawin, North Battleford, Yorkton, Weyburn and Swift Current - about 40 staff.

# What Is Drainage?

- Drainage is any action taken, or intended, for the removal or lessening of the amount of water from land.
- It includes the deepening, straightening, widening or diversion of the course of a stream, creek or watercourse, as well as the construction of dykes.

# Historic Approach

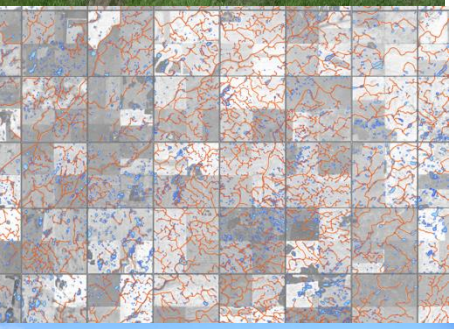
- 1950s-1980s:  Provincial government actively promoted drainage through creation of Conservation and Development Areas Authorities.
- Since 1981, all new works required an approval but compliance rates are very low (<5%). 150,000 unapproved drains.
- Historic approach to compliance has focused on demonstrating first party damages and resolving neighbour to neighbour conflicts (Complaint Process).



# Agriculture Water Management Strategy

## The New Approach

- The Agriculture Water Management Strategy will move Saskatchewan toward responsible drainage by streamlining the regulatory system, effectively addressing the risks in the approval process, and enabling development of sustainable drainage projects with more long-term certainty.
- The Strategy seeks to balance the impacts with the benefits of drainage.
- The aim is not to close or shut down drainage, but permit it to continue in a more responsible fashion.



# Why a New Approach?

- Drainage is a key part of settling Saskatchewan. It has made land available for communities, roads, crops and resource development.
- However, poorly designed projects have negative impacts, including:
  - downstream flooding on a local or basin scale and infrastructure damage;
  - degraded water quality from erosion and increased nutrients; and,
  - negative impacts on wildlife habitat.
- Many of these problems can be avoided or mitigated.
- The new approach is about approvals and networks.




# New Approach – Approvals

- All existing and new drainage works require a approval. The pre-1981 exemption has been removed.
- All drainage projects require drainage approvals that:
  - Consider risks depending on the size of the project and its location.
  - Mitigate impacts including structures to control the release of water.
  - Fairness.

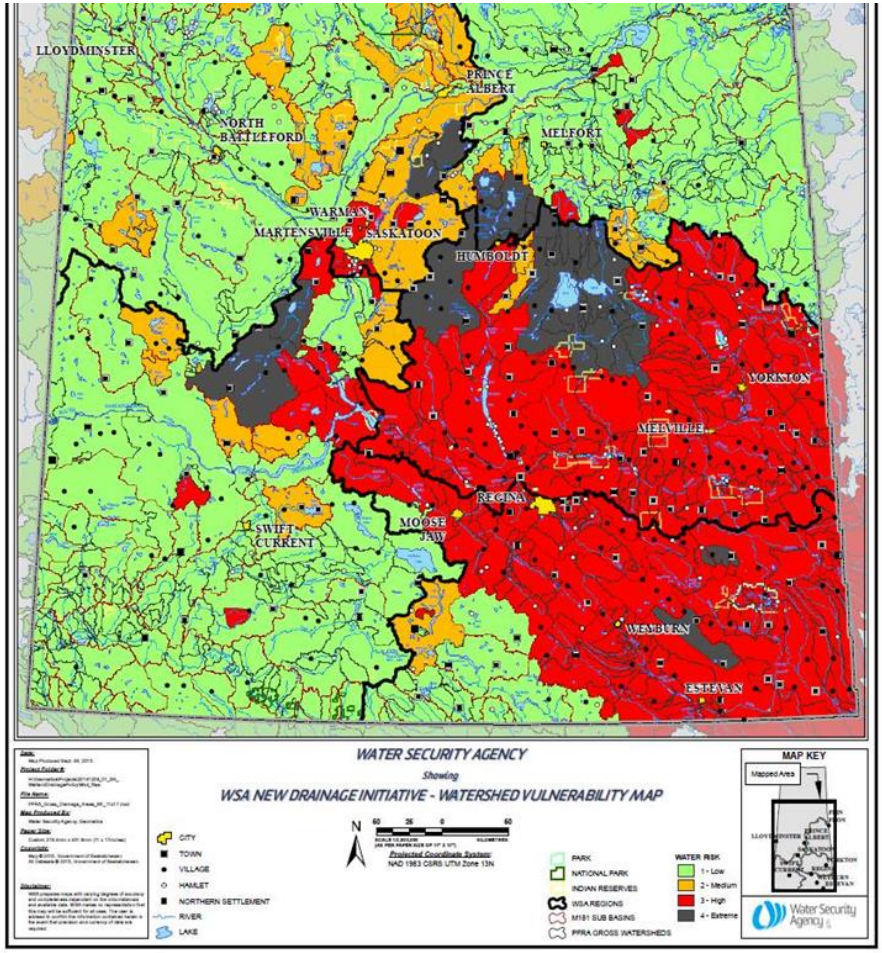



# New Approach – Approvals

- Drainage applications shall consider:
  - The current and future impact, including predicted future cumulative impact, of the drainage works on:
    - the property of others;
    - hydrology or water quality;
    - fish or wildlife habitat; and,
    - any other factor the corporation considers relevant.
- Can impose various length of terms of a drainage approval based on risk.
- May include as a provision in a drainage approval any conditions considered appropriate, including a requirement for measures to reduce the impacts.
- Change the requirements of land control.

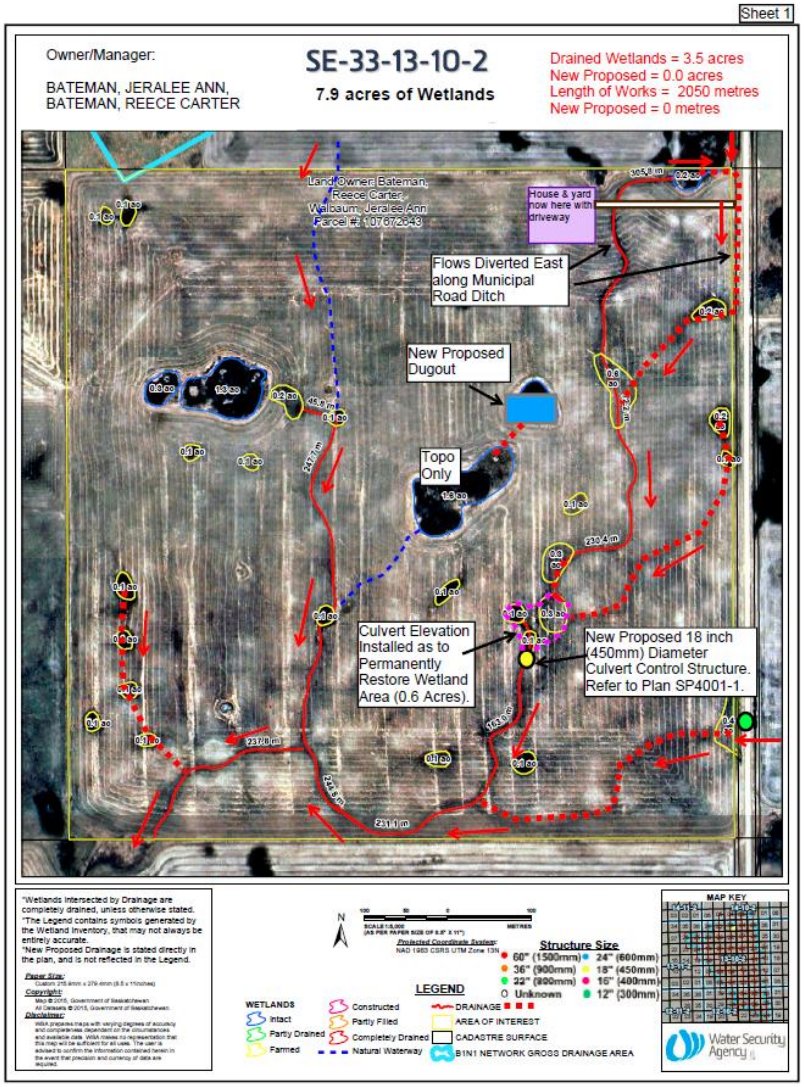
# Mitigation and Risk Assessment

- Risk – is potential for flooding, water quality and habitat impacts
- To assess this risk, 2 elements are considered:
  - *Where* the project takes place (i.e. watershed)
  - *Size/Permanence* of the individual project
- As a result, risk of impact is project specific
  - Low risk and impact can be largely self reporting
  - Larger impacts in higher risk or more vulnerable basins will have more scrutiny.



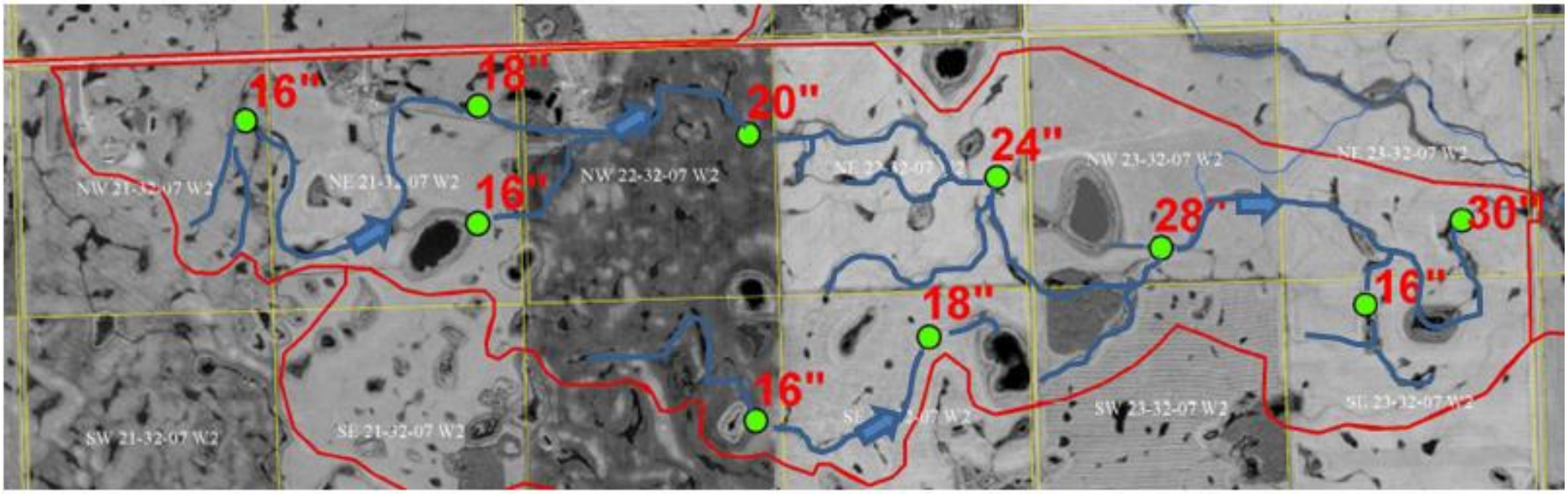
# New Approach – Networks

- **Networks**
  - Landowners work together to operate coordinated drainage projects that flow to an adequate outlet
  - Submit a joint application for all projects
- **“Qualified Persons”**
  - Hired by landowners to act as liaison and assist in preparing the application
- **Success – Dry Lake Project**
  - 73 landowners, 113 Quarter Sections, an 18,000 acre drainage network



# New Approach – Networks

- Large projects succeed when local land owners take ownership of the project and find ways to make it successful and work for them.
- Mitigation conditions allow management of project impacts:
  - Flow control
  - Retention/storage of water



# What is Land Control?

**Ownership or interest in lands**

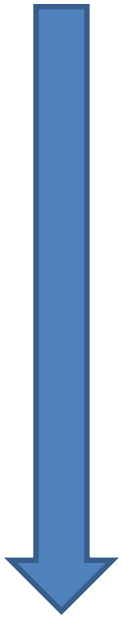
- Land control is the permission or right to use land for drainage purposes to the point of an adequate outlet.
- Approval for drainage works requires “proof of land control satisfactory to the WSA”.

**Adequate Outlet**

- Is a location along a stream, creek, channel, watercourse, or other waterbody where there are no perceived or anticipated negative impacts associated with the contributing drainage works upstream.

# Four types of land control options

- **Ownership**
- **Registered Easement**
- **Joint Application**
- **Written Agreement**



**Most Secure**

**Least Secure**

# Drainage Projects and AHPP

- Most drainage projects require approvals and an Aquatic Habitat Protection Permit.
- Coordination of Approvals and Permits:
  - Coordinated reviews of applications.
  - Single application process and a faster turn around time.
  - Clearly spell out the need for compliance and expectations.

# What is not Drainage for an RM?

- An RM does not have to apply for a drainage approval for construction of ditches which are part of a road network, provided the ditches are not conveying water from private drains.

- An RM may install a new culvert, replace an old culvert, upsize or lower a culvert without a drainage approval if the purpose is only to facilitate the natural flow of water.

- Modifications to culverts, while not needing a drainage approval, may require other types of WSA approvals such as an Aquatic Habitat Protection Permit.

# Why Should a RM be Concerned about Drainage?

- When drainage works are located within RM controlled lands, such as a road allowance, the RM is responsible for those drainage works, including any approval requirements, or liability associated with those works.

# RM Providing Land Control

- RMs administer road allowances on behalf of the Saskatchewan Ministry of Highways (Government of Saskatchewan).
- Landowners seeking approval for drainage works may ask the RM to agree to give them land control for drainage across a road allowance.
- WSA may contact RMs about individual drainage projects if there are special circumstances, which require RM input.
- When deciding whether or not to grant land control for drainage projects, RMs should primarily consider whether the project will impact RM roads or infrastructure and whether there is a public safety issue.

# RM Providing Land Control

- An RM may grant land control in one of two ways:

1. **Become a joint applicant to the drainage project:** The RM may sign the application and become one the applicants. By signing the application the RM is consenting to the project and granting land control for the term of the approval.

2. **Provide written land control:** The RM may pass a resolution granting land control for the project and provide a letter to the applicant documenting the resolution.

# RM as the Drainage Applicant

- In some cases, an RM will need to lower a slough or improve conditions on its property by lessening the amount of water on its land. It then becomes a project proponent.
- It must follow the same rules as anyone else proposing drainage. These include:
  - Submission of an application.
  - Preparation of plans for the project to the point of adequate outlet.
  - Obtaining necessary land control.
  - Mitigate the peak flows, if required.
  - Hire a qualified person (QP) if required.
  - Obtain other necessary approvals, including AHPP.
  - If the project includes private drainage, the application should be done as joint applicants.

# Drainage During Emergency Situations

- Drainage works constructed pursuant to *The Emergency Planning Act* in case of disaster or emergency, do not require a drainage approval on the condition that:
  - the drainage works are rendered inoperable immediately after the disaster or emergency ceases to exist; and,
  - within one year after the disaster or emergency ceases to exist, the drainage works either have a drainage approval issued for them, or are permanently decommissioned to the satisfaction of the WSA.

# Things for an RM to Consider When Deciding to Grant Land Control

- Will RM infrastructure be impacted?
- Does the project pose a public safety risk?
- Are mitigation measures (erosion control, flow control) sufficient to protect RM infrastructure?
- Written permission or joint applicant?
- Who will be responsible for maintenance of the drainage works?
- Are any councilors in a position of conflict of interest?
- If culverts need to be upsized, would the project proponent pay a share or all of the cost of the upsizing?

# Things for an RM Not to Consider When Deciding to Grant Land Control

- Personal conflicts between landowners.
- The amount of property a landowner owns.
- Conflicts between the RM and the landowner.
- Other considerations not relevant to the impact of the drainage works on RM lands or infrastructure.

# What to do if drainage into an RM ditch is causing a problem

- If a landowner has existing, new or approved drainage works which drain onto any RM administered lands (including undeveloped road allowances), then the RM can file a Request For Assistance with WSA.
- There are a few qualifications, but this is a place to start.

# Parting Thoughts

- Drainage has value to the land owner, to the region and to the provincial economy.
- Drainage can have impacts both locally and on a watershed scale.
- WSA is seeking a balance, where the impacts are mitigated, projects can be approved and are sustainable.
- The Agricultural Water Management Strategy is being implemented to organize and bring drainage into compliance, not to close works.
- RMs play an important role in the Agriculture Water Management Strategy.

# Comments and Questions Addressed in Break-out Sessions