

# Manitoba's proposed new approach to watershed management and drainage licensing

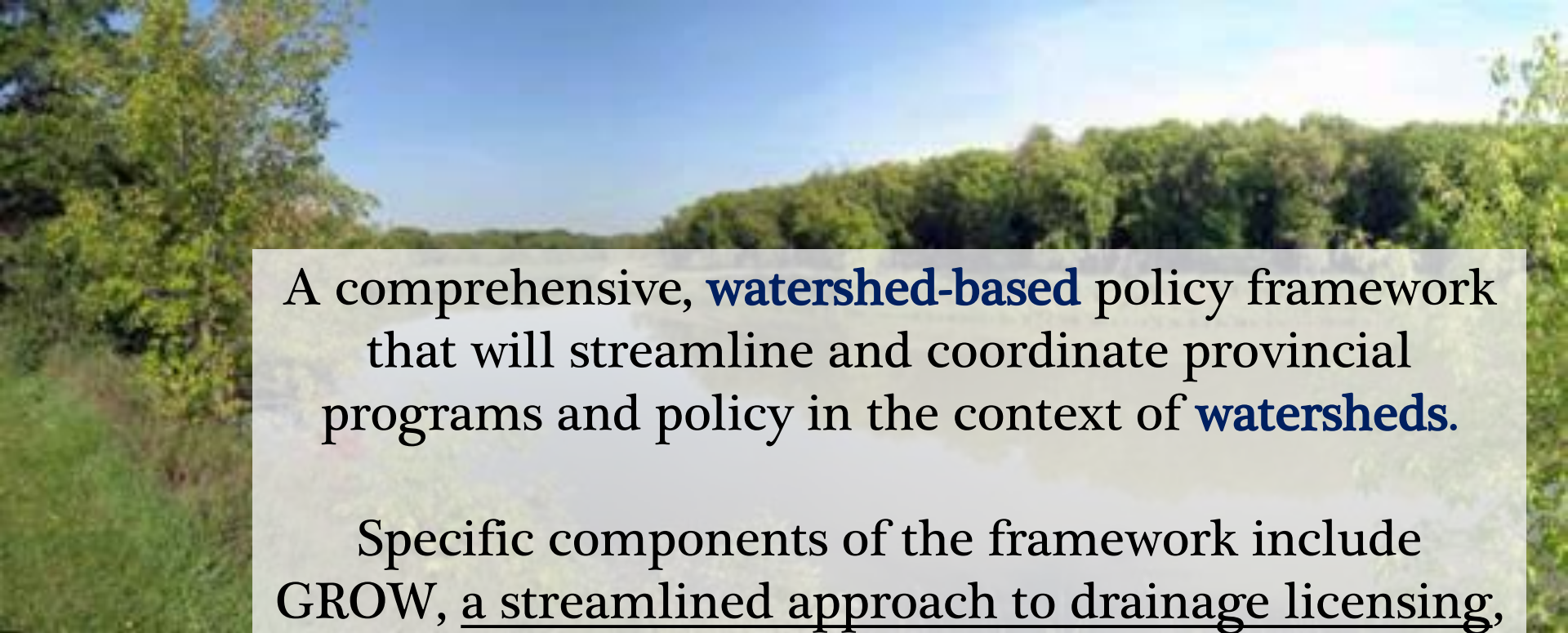
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Manitoba Sustainable Development



## Our Mandate

*“Manitoba Sustainable Development  
will implement watershed-based  
planning for drainage and water  
resource management with a goal of  
no-net-less of  
water retention capacity in  
watersheds.”*



A comprehensive, **watershed-based** policy framework that will streamline and coordinate provincial programs and policy in the context of **watersheds**.

Specific components of the framework include GROW, a streamlined approach to drainage licensing, a reorganization and rebranding of conservation districts, and provisions to support a truly holistic approach to watershed planning and management.

## Our Response

# Preliminary consultation- Fall 2017

- Responses provided by AMM, individual municipalities (urban and rural), conservation districts, farmers and rural landowners
- A series of “What we Heard” documents summarizing feedback are available online



## **Expected Outcomes**

- Streamlined, more consistent administration
- Reduced unnecessary red-tape
- Increased focus on higher-risk, higher- impact projects
- Stronger linkages between planning and decision-making
- Improved coordination and communication at all scales, including transboundary
- More efficient and effective works on the landscape

## Concept

- Lower risk, lower impact projects can simply be 'registered' with the department if they fit the 'class' description
- Higher risk, higher impact projects would be subject to full licensing review
- Increased fines and enforcement provisions

## What we Heard from AMM

With respect to drainage licensing, AMM:

- “overwhelmingly supports improvements to water management and water quality”
- “welcomes the recognition of existing red tape in the current drainage application process and reporting requirements”
- “fully supports the idea of simplifying the registration process through a proposed 14-day registration period”
- “encourage the Province of Manitoba to consult directly with municipalities who already have tile drainage by-laws in place”

## **Concept: Five Key Priorities for Modernization**

1. Align to watersheds
2. Refresh the program mandate
3. Amend legislation
4. Modernize funding models
5. Enhance watershed planning and implementation

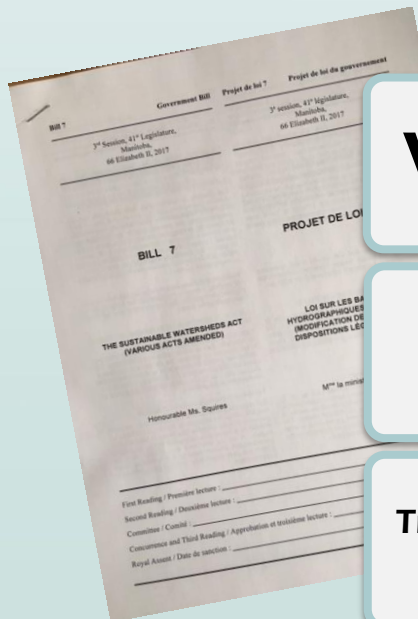
## What we Heard from AMM

With respect to conservation districts, AMM:

- “appreciates the proposed shared [provincial-municipal] governance program principle”
- Advocated for “increased provincial funding” for conservation districts
- Supports “reduced red tape reporting requirements”
- Cautioned “core operational funding must remain strong if any changes to cost-share ratio” or funding model were contemplated

# Bill 7- the Sustainable Watersheds Act

- Amends four existing pieces of legislation
- Comprehensive, modern and enabling



**Watershed governance**

**Drainage**

**No net  
loss of  
wetland  
benefits**

**Transboundary  
cooperation**

**Nutrients**

## **Bill 7- the Sustainable Watersheds Act**

- Introduced Nov. 30, 2017 by Minister Squires
- 2<sup>nd</sup> reading and Debate- Dec. 4, 2017 (in progress)
- 3<sup>rd</sup> Session of the 41<sup>st</sup> Legislature scheduled to sit until June 4<sup>th</sup>

## Conservation Districts Act Highlights

- Name change to “watershed districts” to complement a proposed realignment to watershed boundaries
- New ability to enter into agreements with non-municipal entities
- Flexibility in board appointments
- Streamlined administrative processes

## Water Rights Act Highlights

- New requirements to offset wetland loss
- Modernized inspection and enforcement tools and penalties
- **Enabling provisions to support a streamlined “registration” process for lower risk, lower impact projects**

## Reducing Red Tape

- Streamlined online\* process, some automation
- Faster approval for lower risk, lower impact projects that can be registered
- Streamlined and reduced reporting and administration requirements for conservation districts

\*online applications may not be available when legislation comes into force but are in development

## Next steps:

- Bill is proceeding through legislative process
- Coming into Force will vary depending on Parts of the Bill; Act and Regs will come into force together
- Accompanying regulations will be drafted; public and stakeholders will be consulted and brought into discussion on many aspects (including streamlined approach to drainage and no net loss)

# For more information

Full copies of the Bill text is available at:

<http://web2.gov.mb.ca/bills/41-3/b007e.php>

# **THE WATER RIGHTS ACT AND WATER CONTROL WORKS LICENSING**

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# Introduction

- We are the Drainage and Water Rights Licensing Branch of Manitoba Sustainable Development
- Mandate is to administer and enforce The Water Rights Act – for water control works and water use.
- Focussing on:
  - Past - historic treatment of municipal water control works and what changed in spring of 2017?
  - Future - what are we working on for introduction in the near future?
  - Present - what we are doing this spring until the new process is in place?

# THE WATER RIGHTS ACT

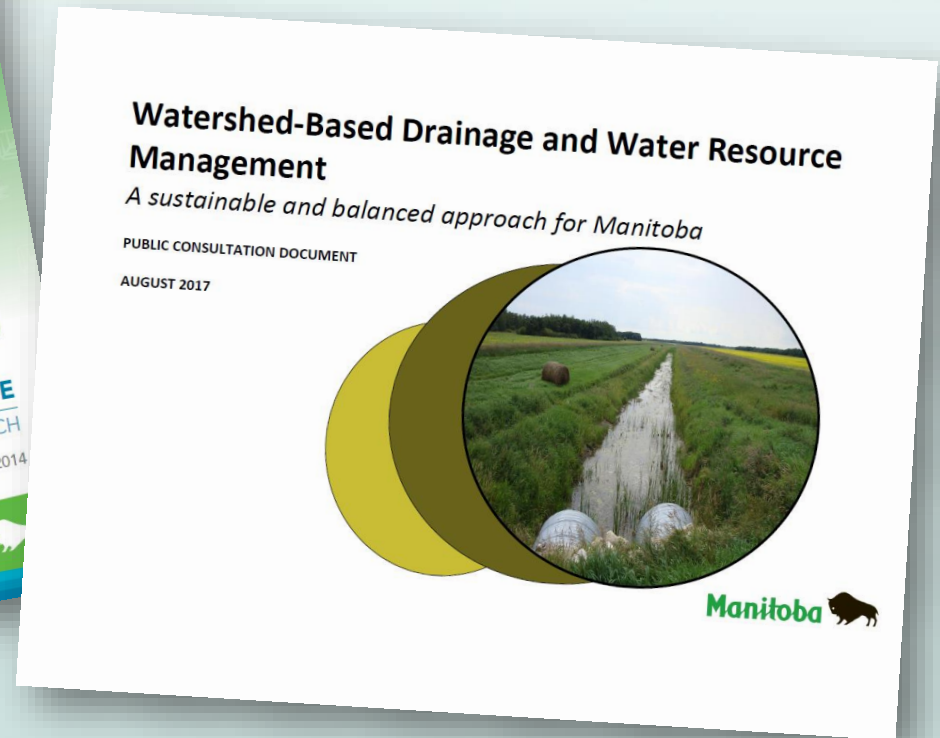
**The Water Rights Act states that no person shall control water or construct, establish or *maintain*\* any water control works unless he or she has a valid and subsisting licence to do so.**

- “Water control works” means any dyke, dam surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert borehole or contrivance for carrying or conducting water, that
  - (a) temporarily or permanently alters or may alter the flow or level of water, or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage.
  - (b) changes or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage.
- If a proposal includes any of these activities please apply for a Water Rights Licence to Construct Water Control Works.

# Municipal Water Control Works

- Historically, verbal approval given for some municipal works with the intention of authorization by license after-the-fact.
- In spring, 2017, legal opinion regarding pre-approval of municipal works lead to change in approach that wasn't well communicated.
- Staffing challenges aggravated the situation and made for significant approval delays.

# The Future - Proposed Legislation Changes



# Proposed Legislative Changes:

## Streamlining Drainage Licensing

**Does your project meet the standards of one of these classes?**

- Class A: Urban/Rural Subdivisions
- Class B: Surface drains (Municipal, CD, Ag)
- Class C: Culverts and Crossings (Municipal, CD, Private)
- Class D: Tile Drainage
- Class E: Dams and Water Retention Works



**Your project is categorized as a higher risk project:**

- Must submit an application that is subject to the full licensing process
- Higher application fee
- Fast tracking of lower risk projects may lead to reduced wait times.



**Register your plans with the Province**  
**Pay a smaller application fee**  
**Department will implement a follow up audit process to ensure compliance**

**Illegal Drainage Works:**

- Enhanced enforcement tools
- Higher penalties

# Proposed Legislative Changes:

**Example of Class 4:  
Minor clean out of a surface  
drain**



- 1) Register your drainage plans with the Province
- 2) Provide supporting documents and information:
  - Site plan
  - Agreement by those affected by the project
  - Topographic survey
- 3) Pay an application/administration fee
- 4) Total wait time = **XX days**

# Proposed Legislative Changes:

**Example of Major Works:  
Large water retention structure**



- 1) Submit an application
- 2) Providing supporting documents and information:
  - Detailed site plan and design
  - Topographic survey
  - Photos
  - Agreement by those affected by the project
- 3) Pay a larger application fee
- 4) Wait time = Weeks to months

# Common Registration Criteria

- Fully completed application
- Accurate locations/elevations
- All necessary signoffs – under discussion
- No impact to wetlands
- Compliance with watershed plans

# Regulation development

- Developing regulations for classes of registrable work
- Drainage Regulation Stakeholder Committee
  - Manitoba Agriculture, Manitoba Infrastructure, Manitoba Local Government, Ducks Unlimited, Keystone Agricultural Producers, Manitoba Habitat Heritage Corporation, Association of Manitoba Municipalities, Manitoba Conservation Districts Association, Manitoba Beef Producers, International Institute for Sustainable Development, Delta Waterfowl
  - Providing advice for consideration in regulation development
- Preparation in anticipation of Bill 7 proclamation

# The Future - Introduction of WaLLAS

- Database and public-facing portal with GIS capabilities
  - Enables online application
  - Applicants map their proposed projects
  - All account holders see projects, applications, status'
  - Registration and licensing options available
  - Tracking of our progress/performance

# **The present - What we are doing to improve in the interim...**

- Priority given to complete applications
- Communication with applicants regarding priorities, missing information
- Batch municipal projects still possible
- Recruitment of Water Resource Officers
- Website updates
- File reorganization and modernization
- Consistency despite geographical differences

# FAQ

- Is municipal signoff required on all applications? Why?
- Who can sign off on behalf of the municipality?
- Why do we have to wait XX days for approval of registrable projects?
- If a culvert or ditch is already licensed, do I need authorization to maintain it?
- Does a new landowner need a new license?

# Thank you!

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## Questions?

