



## Saskatchewan Farm Stewardship Association

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# THE PERFECT DRAINAGE POLICY

Our current view of the perfect drainage policy that could be implemented and regulated by the Saskatchewan Provincial Government would consist of the following main points.

### **GENERAL PLAN:**

The provincial government as part of its 25 year plan would have developed a long term Land Use Plan that will include a surface water management strategy. This plan would take into account the agricultural production goals it has set out in previous documents and determined where and how this production is going to come from. It will have incorporated the productive abilities of the lands assuming acreage that was made available in the early 2000's. It will have taken into account the productive capabilities that will have been decreased by soil erosion and degradation due to the high levels of salts that would have accumulated during this current wet cycle in production. The Land Use Strategy would also identify the number of acres that would need to be retained as wetlands and sensitive wildlife lands, their location and number of acres they may be comprised of. The basis to this discussion would have to be a universally accepted definition of a wetland. We would expect the level of priority when establishing a water management plan would include:

- 1) Reducing the risk of yard and home flooding
- 2) Local overland flood mitigation
- 3) Long term land use improvement

### **RETROACTIVE LICENSING:**

As it has been deemed that over 95% of the drainage works are illegal in the province it would make it extremely difficult to attempt to qualify and register them at this time. It would be suggested that an arbitrary time be selected (such as 2008) and use this as the base line that any works that have been developed before this time are now grandfathered as registered and approved unless they had a complaint formulated against them prior to the retroactive date. The retroactive date would be one of the most contentious decisions as some wildlife groups would hope to refer back to the mid 1950's as the going forward date.

### **MANAGEMENT STRUCTURE:**

The Water Security Agency is a very large bureaucratic organization that unfortunately has numerous functions and limited human resources. Currently there are 11 fully functioning watershed authorities that cover the productive area of the province and have a coordinator/manager and a board of directors who are responsible for implementing their source water protection plan, raising awareness of watershed



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issues and addressing concerns within their own watershed. There are 9 other defined areas within southern Saskatchewan that require the development of a board and manager. These watershed associations are not formed according to RM or community boundaries but rather by geographic boundaries around significant waterways. As they are currently farmer controlled and have no vested interest in specific outcomes they could be given more provincial authority to develop and monitor any new drainage works that would be applied for. Saskatchewan Water Authority would become the last layer of approval necessary for larger works that may need more area oversight.

### TOOLS FOR ANALYSIS:

Technology available today will significantly reduce the amount of time and ground truthing that used to be necessary for developing a water drainage plan. The availability of LiDAR, Veris, the use of UAV's equipped with modified digital cameras and 3D mapping software to provide 3D topographical mapping etc. will reduce the time necessary for developing and implementing a comprehensive local drainage plan. It may be a directive of the Saskatchewan Water Authority that any producer submission to their local Watershed Authority that involves significant works must be prepared and designed by a professional authority paid for by the applicant. There are numerous professional entities available now that can provide a strategic drainage plan on a fee for service basis.

If each Watershed Authority is provided the tools and staff to assist in approving individual professionally developed drainage plans, the approval process may become easier. It will also provide a rational argument to justify the plan to opponents in the area.

### COMPLAINT PROCESS:

Unfortunately WSA has become bogged down with numerous complaints over the water drainage process. Significant resources are spent on somewhat frivolous and unfounded complaints that the current authority has to act on regardless of the size and scope. It is our suggestion that the complaint process in the future will have enough deterrent built into the process that the relatively frivolous issues are self-regulated. The first layer of the process will include the local Watershed Authority who will designate an independent mediator that is an employee or retained by the Watershed Authority. Also the dollar amount required to file the process will be upgraded to represent the significance of the complaint. We are suggesting a value of \$5000 as a refundable deposit. There must also be some burden of proof submitted by the complainant that helps to rationalize the situation. If the complainant does not find satisfaction through the local Watershed Authority then the WSA will have a board or tribunal responsible for handling the more complex issues.

However if a judgment has been given against a defendant and he fails to respond in the time prescribed a significant financial penalty must be prescribed as a deterrent for not obeying the law.



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### PRODUCER CONTRIBUTIONS:

Throughout the entire land use policy the producer needs to be aware of the costs and expenses going into a long term land use policy. As the producer will receive the majority of the benefits he will assume the majority of the costs of implementing and developing the plan. The initial development plan will be submitted and paid for by the producer. If the works are approved and requires significant expenses to be incurred by the corresponding RM's the local Watershed Authority will have the ability to prorate the expenses to the producers who will most likely benefit from the plan.

However as local Rural Municipalities may benefit financially from implementing a long term water and land use management strategy they may also be prorated and be responsible for some of the expenses. They may be asked to provide in kind contributions consisting of road building, culvert purchase and placement etc.

In many cases local communities will be benefitting from improved land use strategies relating to reduced flood risk as producers will be asked to hold and store water for periods of time in season that may be detrimental to their annual production budget. Therefore local taxpayers and even provincial taxpayers may be asked to contribute annually to a fund administered by Saskatchewan Crop Insurance to deal with one time situations where a producer has planted a crop but was unable to harvest due to a weather event resulting in him storing water on his arable farm land.

Local, provincial and national conservation groups will also be required to contribute to a fund, likely on an acre levy, maintained by the local Watershed Authority to assist in maintenance of areas surrounding their protected lands. As water levels are no longer controlled on a regular basis through agriculture management, land under their control degrades quickly and is very prone to beaver, muskrat and other wildlife issues.

### GOVERNMENT CONTRIBUTIONS:

The most significant contribution that the provincial government would be responsible for would be to establish a long term land use policy that is accepted locally and provincially with the contribution of all land use stakeholders.

Within the plan it is expected that funds and direction will be required by the provincial government to adequately equip, train and supervise the local Watershed Authorities. There are currently 3 Watershed Authorities that are very well organized and are implementing some of the process we have outlined already. They can be used as a template for the development of new or underdeveloped Authorities that currently exist.

Decisions will have to be made within WSA as to what definition constitutes a project that can be managed and approved by the local Watershed Authority and what will need to move up the chain to the WSA.



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As with the implementation of any new strategy, there will be the promotion and advertising of the new policy and ensuring that all stakeholders are relatively willing participants. There may be some grant requirements for the more reluctant participants, especially rural municipalities who will be reluctant to participate or fund the Watershed Authority organizations. There may also be some directives required by the provincial government encouraging active participation by all jurisdictions in the process.

It may be found in the long term planning process that more water will need to be stored for the short, medium or long term. The duration of water storage will determine who will be responsible for funding the storage costs. Worst case scenario there may need to be some expropriation of land and seasonal cabins and the building of dams to ensure the long term viability of the water management plan.

#### CONCLUSION:

Although the process may appear onerous to initiate we believe the template already exists in many forms within the province. Our belief is that once a plan has been initiated and developed that all stakeholders will buy into the process. It will require strong guidance by the provincial government with active support from stakeholder groups such as SARM, APAS, First Nations and SUMA to ensure all stakeholders can envision that having a long term plan regarding surface water management will benefit all people of the province.

Sincerely,

*The Saskatchewan Farm Stewardship Association Board*

"An organization directed and led by farmers....for farmers."

