



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: May 9, 2023

Report Number: PWES-2023-38

Subject: Request for Repair and Improvement to the North 12th Concession Drain – Appointment of Drainage Engineer

Recommendations

It is recommended:

That Josh Warner, P.Eng., of R. Dobbin Engineering Inc. **be appointed** Drainage Engineer to make an examination of the North 12th Concession Drain drainage area as submitted by the landowner (Roll No. 510000002000000) in the “Notice of Request for Drainage Improvement” dated April 5, 2023;

And that a Drainage Report **be prepared** in accordance with Section 78 of the *Drainage Act* (Act), including provisions for future maintenance.

Background

The purpose of this report is to provide a summary of the background and other information to assist Council in appointing an engineer to examine the drainage area on the North 12th Concession Drain (Drain).

The Drain is located on the west side of 12th Concession Road commencing north of County Road 46 and flowing northerly to its outlet into the West Townline Mooney Creek. Please refer to Attachment 2 for the Drain location map.

Comments

A request was submitted to replace (and lengthen) a driveway culvert that provides access over the Drain. The Request for Improvement initiates the process to update the current By-law and provide a replacement culvert. The Drain was last examined by Bruce D. Crozier Engineering and improvements were made in 1998 under By-law 98-15.

Legislation

The sections of the Act referenced within this report are included in Schedule A, which is attached to this Council Report as Attachment 3.

Required Approvals

On April 5, 2023, the Town sent notification to the Essex Region Conservation Authority (ERCA) that the Town received a request for the repair and improvement of the Drain. As outlined in Section 78(2) of the Act, the Engineer shall not be appointed until after the 30-day notification to the Conservation Authority who regulates the area. This administrative report is in line with those provisions and the 30-day period expired on May 5, 2023.

The Town will be required to conduct a self-assessment with respect to the requirements of the Department of Fisheries and Oceans Canada (DFO) to determine if this project will require a formal review by DFO for issues related to the federal Fisheries Act and/or the federal Species at Risk Act.

The Drain may contain significant species (aquatic species at risk (SAR) as well as plants, animals, habitat, etc.) that are protected under the provincial Endangered Species Act (ESA). As of April 1, 2019, the administration of the ESA transitioned responsibility from the Ministry of Natural Resources and Forestry (MNRF) to the Ministry of Environment, Conservation and Parks (MECP). Though the responsibility has transitioned to the MECP, the Town's Species-At-Risk (SAR) Mitigation plan continues to comply with the ESA. As such, the Town, along with its contractors, gathers data with respect to information on any encountered species and/or mitigation plans implemented before and during construction for all registered municipal drainage works permitted under Section 23.9 of Ontario Reg. 242/08. Annual reports may be requested by the MECP.

Appointment of Engineer

It is recommended that Josh Warner, P.Eng. of R. Dobbin Engineering Inc. be appointed Drainage Engineer to the Drain to produce an updated report for the access culvert that will include the watershed boundary, plan and profiles, and updated construction and future maintenance Assessment schedules.

Consultations

R. Dobbin Engineering Inc.

Financial Implications

There are no financial implications associated with this report.

The Engineer's Report shall assess for Special Benefit, Benefit, Outlet and Liability. A schedule of assessment is to be contained in the report which details in separate columns, the sums assessed for each parcel of land/utility liable for drainage assessments under the Act.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Alessia Mussio, E.I.T.
Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Notice of Request for Drain Improvement, dated April 5, 2023
2	North 12 th Concession Drain Map
3	Schedule A – Drainage Act Excerpts