

# Petition against the MacEachern Brown Drain project number: D.M. Wills Project Number 19-5377

## **Land owners listed and affected by the MacEachern Brown Drain project number: D.M. Wills Project 19-5377:**

Land owners affected and who have signed this petition are listed on Schedule “A” in Appendix A and on Schedule “B” in Appendix B **do not agree** with the D.M. Wills Project 19-5377 report.

Note: Many owners that hold legal title to affected named properties were not legally served or notified and or missing on Schedule “A” in Appendix A and on Schedule “B” in Appendix B.

Property owners that are missing and have not been legally notified or legally served proper notice about any meetings, hearings or project expenses but are affected are Christine Halbot, Margaret Thorn, Ryan Clarke, Nancy Clarke, Cody Newell, Stephanie Pascoe, Connie Druery, Wilemine Willemse, Mandi Corner, Lyn Marie Clarke, Kathryn Ellis, Broeke Ellis, Amy Balston, Karen Buck-MacKintosh, Doug Brooks, Socrates Hatzaras, Justin Hubner, Brenda McLean, Kevin Mitchell’s spouse, Willo Green Meadows Farm Ltd. and any other corporate farm partners.

Twenty-Two (22) land owners are listed in the D.M Wills Project Number 19-5377 when in fact there are a total of Forty -Three (43) legal land owners. Twenty-One (21) were not served notice or due process about any meetings, hearings or project expenses but are affected as tax payers liable for the costs and outcomes of the MacEachern Brown Drain project which goes against their Charter of Rights.

The total of legal land owners that were not legally served is just under 50% of the total affected land owners.

The total legal land owners who oppose the MacEachern Brown Drain and signed this petition is **87%** of the total legal land owners affected by this proposed project.

## **History:**

Page 2 -Section 2.0 of D.M. Wills Project Number 19-5377:

This existing watercourse has been identified as the Historic Eli Budd Award Drain, awarded for construction in 1904. The engineer’s report was prepared by Allan George Cavana, and states that the award drain would consist of approximately 3550 m of open ditch.

Page 6-Section 4.3 of D.M. Wills Project Number 19-5377:

The conservation authority informed the project team that they have issued a violation order to the D.S. & B. Farms Inc. property (ARN 1651 1600101000) for filling in the drain and replacing the channel with a buried pipe. The order was issued under O. Reg 179/06, which states that “Subject to Section 6 (approvals), no person shall straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or change or interfere in any way with a wetland. (O. Reg. 179/06, s.5). The direction from the conservation authority to the D.S. & B. Farms Inc. property was to return the drain to its natural configuration. The conservation authority staff noted that the

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enforcement of the violation notice is currently on hold, and is expected to remain so until the municipal drain process is concluded.

### **Section 4.1.1. The On-Site Meeting:**

For the record, 21 of the 43 land owners had no knowledge or Legal notification of the July 7<sup>th</sup>, 2020 and July 20<sup>th</sup>, 2020 meetings because they were not formerly notified in writing of such meetings. Our civil rights and due process have been ignored and therefore the On-Site-Meetings were not in accordance with Section 9 (1) of the Drainage Act.

Two of the land owners that were at the meeting such as Christine Halbot and Karen Buck-Mackintosh clearly made statements that they did not want a municipal ditch, that it would impact negatively on pre-existing dug and drilled adjacent wells along with degradation of regional ecosystems and cause prohibitive unnecessary excessive personal costs and cause financial hardship to all adjacent land owners. It was suggested that Mr. Brown put the Eli Budd Award Drain 1904 back to its original state prior to him filling in the Eli Budd Award Drain 1904. Mr. Brown did not object to this suggestion but added by saying that "The ditch along the Palestine Road needs to be cleaned out". Mr. Brown never once mentioned that he wanted a Municipal Drain.

### **Section 4.1.4. Questions Asked During the Meeting:**

This section excludes most all the questions and concerns that were raised during the meeting with the exception of the cost and timeline of the Purposed Municipal Drain.

Questions and concerns about the purposed Municipal Drain were raised and not addressed in the meeting and also were excluded in Section 4.1.4. such as in the following:

1. What would be the impact on the ground water and aquifers that feed adjacent wells of adjacent property owners?
2. What would be the impact on the existing conservation lands, species at risk identified by Lake Simcoe Conservation Authority and local ecosystems?
3. What would be the impact on the existing and documented Wetland on part lot 17, Concession 3?
4. Were all the land owners notified in writing and when?
5. Would the adjacent land owners be held accountable for excessive costs of the construction of the Municipal Drain that did not benefit them?
6. Would the "estimated" costs of the purposed MacEachern Brown Drain double or triple in The Pandemic?

### **Section 5.3.1. Drainage Problem**

For the record, there is no mention in Section 5.3.1. that there were no written complaints regarding drainage in the existing Eli Budd Award Drain 1904 prior to Mr. Brown filling in the Eli Budd Award Drain 1904.

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Drainage problems arose after Mr. Brown filled in the Eli Budd Drain 1904. Many adjacent land owners have suggested that Mr. Brown reverse his actions thereby digging out and re-instating the Eli Budd Drain 1904 that has served the area for well over 100 years without any written complaints or problems.

### **Section 5.3.5 Environmental Approval**

Section 5.3.5. on page 9 states “This project is anticipated to have no permanent adverse impact on any species-at-risk as it intends to maintain the existing drainage feature and to continue to support the existing land use within the watershed as productive farmland.”

Since 2016, the Currie/Halbot property Lots 18 & 19, Concession 4 are under conservation contract (33 acres of 28,000 tree seedlings) with Trees Ontario, Kawartha Conservation in accordance with Environment Canada for Climate Change. This extensive planting of trees has been planted for the sole purpose of slowing down any water or spring runoff.

Since 2020, the Currie/Halbot property Lots 18 & 19, Concession 4 are under conservation contract (60 acres) with the Lake Simcoe Conservation Authority for Species at Risk.

Lake Simcoe Conservation Authority have identified an environmentally sensitive corridor stretching the local area and includes lots 18 & 19, concession 4 and the surrounding areas as being crucial for endangered migrating nesting birds such as the Bobolink and Meadow Lark.

The Ryan Clarke property Lot 17, concession 3 is a documented wetland which serves as shelter, water and food for the area’s species at risk, migrating and endangered birds such as the Bobolink and Meadow Lark and other wildlife.

The purposed MacEachern Brown drain would cause irreversible massive negative environmental impact or decimate the local ecology, species at risk and the local environment.

### **Section 7.5 Estimated Cost Summary**

The total estimated costs of the Purposed MacEachern Brown Drain are \$336,046.00. We are in a Corona-19 Virus Pandemic with many other deadly viruses including Delta and Omicron. The Canadian economy and world economies have been severely impacted with lockdowns.

Construction costs may have soared in this Pandemic beyond that of the estimated costs of the MacEachern Brown Drain. No one can estimate accurately in a Pandemic.

Millions of Canadians have been impacted severely financially, mental health issues, losing homes, losing businesses and losing jobs, not to mention loved ones.

The Purposed MacEachern Brown Drain costs are extravagant compared to other solutions which were suggested at the July 20<sup>th</sup> 2020 meeting. The simplest solution for all the land owners involved is for Mr. Brown to put back the existing Eli Budd Drain 1904 that he filled in, especially in this Pandemic.

### **Section 8.1.1 Assessment of Benefit**

**Page 17 states “Benefits to landowners can include higher market value for the property”**

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The benefits stated regarding market values are estimates or guesses which are due to many other factors such as limited housing availability for the demand. The Pandemic has put additional demand on rural properties such that people are permitted to work from home and others are leaving the larger city centres for other reasons related to the Pandemic.

Depleted aquifers from excessive drainage will impact on adjacent water table and in turn impact clean well water supplies which will also have a negative impact on property values excluding any net benefit.

Crop losses can be due to poor management or extreme weather events such as severe drought in Climate Change which we have been experiencing since 2012. Excessive drainage depletes regional aquifers that are not able to recharge to maintain safe levels of drinking well water and destroy adjacent ecosystems and species at risk.

It has been clearly documented that Property values increase with intact aquifers, thriving healthy ecosystems, clean well water supplies and low property taxes. The Purposed MacEachern Brown Drain will sharply increase taxes related to an expensive purposed drain that in a Pandemic, no one can clearly estimate the costs.

### Conclusions:

Page 4 -Section 4.1.2. Third paragraph of the D.M. Wills Project Number 19-5377 in quotations marks below:

“Robert MacEachern emphasized that he would like to see flooding conditions return to what they were prior to the construction of the 0.4 m diameter pipe on the D. S. & B. Farms Inc. Property. Scott Brown emphasized that he would like to see the drainage channel downstream of Palestine Road be cleaned out to ensure his property has adequate drainage. “

Page 4-Section 4.1.2. Third paragraph addresses the issues of access flooding on the MacEachern/Brown properties without any cost or implications of a municipal drain to be shared by the adjacent 87% of property owners that do not want or benefit from the purposed MacEachern Brown drain.

The simple solution would be to re-open the Eli Budd Drain 1904 that Mr. Brown filled in and this would “see flooding conditions return to what they were prior to the construction of the 0.4m diameter pipe on the D.S. & B. Farms Inc. Property.

Former owner of D.S. & B. Farms Inc. property, Lorraine McRae, has made a signed statement attached hereto stating “Over the years of owning the property there was never an issue with the flooding or backup of water”

Environmental degradation on local ecology, negative impact on species at risk (identified as Bobolink and Meadowlark birds) and sensitive documented Wetlands are not identified or addressed in the D.M. Wills Project number 19-5377.

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The project costs may soar to double or triple under the present Pandemic scenario and cause extensive financial hardship on all the other 87% of land owners when there are more simple and inexpensive solutions such as re-instating the Eli Budd Drain 1904.

### **Statement of Purpose:**

The undersigned are 87% of the land owners included in this report and petition are objecting to the construction of the MacEachern Brown Drain as per the reasons stated below.

### **Our purpose is based on the following reasons:**

1. In the report, costs and expenses for the MacEachern Brown Drain in the Construction Assessment Schedule "A" is disproportionate to all the other named property owners as it pertains to "benefit" which includes owners that do not directly or indirectly have any benefit from this drainage project between Brown and MacEachern.
2. The 100 acres which is the South Half of Lot 17, Concession 4, is owned by William Zufelt and Lyn Marie Clarke does not drain south into the Eli Budd Drain 1904.
3. Carson Thorn and Fraser Currie properties diverts their water into a documented Wetland located on the East half of Lot 17, Concession 3 now owned by Ryan Clarke. Ryan Clarke purchased the East Half of Lot 17, Concession 3 in August, 2020 and is not included on both schedules A in Appendix A and schedule B in Appendix B on roll number 165116005005300.
4. Both schedules A on Appendix A and B on Appendix B include a land owner named Sherrill Doreen Ross who no longer owns this property and presently omits the current land owner on roll number 1651160010100300 who is Justin Hubner.
5. Twenty-Two (22) land owners are listed in the D.M Wills Project Number 19-5377 when in fact there are a total of Forty-Three (43) legal land owners. Twenty- one (21) were not served notice or due process about any meetings, hearings or project expenses but are affected as tax payers for the costs and outcomes of the MacEachern Brown Drain project which goes against their Charter of Rights.

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6. The environmental impact, sensitive documented Wetlands on Lot 17, Concession 3 and identified species at risk which are Bobolink and Meadow Lark birds identified by Lake Simcoe Conservation Authorities has not been addressed in the D.M. Wills Project Number 19-5377.
7. Since 2016, Lots 18 & 19, Concession 4 are under conservation contract (33 acres of 28,000 trees) with Trees Ontario, Kawartha Conservation in accordance with Environment Canada for Climate Change to help slow down water runoff.

Another 60 acres of lots 18 & 19, Concession 4 have been under conservation contract with Lake Simcoe Conservation Authority since 2020 for identified endangered species at risk which are the Bobolink and Meadow Lark birds.

The purposed MacEachern Brown drain would cause irreversible massive negative environmental impact for the local ecology, species at risk (Bobolink and Meadow Lark birds) and the local environment.

8. The purposed MacEachern Brown drain could have a significant negative impact on local aquifers that feed existing wells and watersheds for surrounding property owners. The D.M. Wills Project Number 19-5377 makes no mention of these impacts but these were questions and concerns in the July 2020 meetings.
9. The purposed MacEachern Brown drain is an expense that the petitioners do not want or to own due to the fact that it will put undue financial hardship on the surrounding land owners and their families now and onto future generations for benefits that they will not receive especially during a Pandemic to which many people have been negatively affected and suffered since March 2020.
10. All Canadians have been in a Pandemic emergency situation since March 2020. As a result of the lockdowns, we are seeing shortages of labour, services and goods. In some cases, goods are doubled and tripled in costs.

The estimated total costs of the purposed MacEachern Brown Drain are \$336,046.00. This estimate could easily double or triple in this current Pandemic.

The drainage solution should be simple and affordable without environmental degradation, negative impact on species at risk or causing duress and financial hardship burden on the adjacent property owners especially in a Pandemic when costs cannot be estimated properly.

11. Page 4-Section 4.1.2. Third paragraph addresses the issues of access flooding on the MacEachern/Brown properties.

The simple solution would be to re-open the Eli Budd Drain 1904 that Mr. Brown filled in and this would: Quote from page 4 in the D.M Wills Project Number 19-5377 report “see flooding conditions return to what they were prior to the construction of the 0.4m diameter pipe on the D.S. & B. Farms Inc. Property.” End of Quote

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Former owner of D.S. & B. Farms Inc. property, Lorraine McRae, has made a signed statement attached hereto stating “Over the years of owning the property there was never an issue with the flooding or backup of water”.

12. The total legal land owners who oppose the MacEachern Brown Drain and signed this petition is 87% of the total legal land owners affected by this proposed project.

The undersigned have signed in agreement with the above noted Statement of Purpose and the Reasons of this petition.

Roll Number	Owner	Concession	Lot or Part	Signature
165116001009700	Bainbridge Christopher James	2	14	
165116001009700	(spouse)	2	14	
165116001009900	Willo Green Meadows Ltd.	2	15	
165116001009900	(any partners of) Willo Green Meadows Ltd.	2	15	

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165116001009800	MacKintosh John David	2	15	
165116001009800	Karen Buck- MacKintosh	2	15	
165116001010100	Harris, Blaine Jeffery	2	16	
165116001010100	(spouse)	2	16	
165116001010300	(Formerly owned by Ross) Justin Hubner	2	16	
165116001010305	Hatzaras Eva	2	16	
165116001010305	(spouse) Socrates Hatzaras	2	16	
165116001010200	Willemse Gerardus Johannes	2	16	
165116001010200	(spouse) Willemse Willemine	2	16	



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165116001010000	D S & B Farms Inc.	2	16	
165116001010000	(any partners) D S & B Farms Inc.	2	16	
165116001014100	MacEachern Robert Allen	3	16	
165116001014100	MacEachern Linda	3	16	
165116001014300	Hopkins Alma Iva	3	16	
165116001014300	(any joint tenants)	3	16	
165116001013900	Danny McLean	3	15	
165116001013900	(spouse)	3	15	
165116001013701	Kitchen Daniel	3	15	
165116001013701	(spouse)	3	15	
165116001014200	Balsdon Matthew Alan	3	16	

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165116001014200	(spouse)	3	16	
165116005005300	(Formerly owned by Currie Fraser)  Clarke Ryan	3	17	
165116005005300	(spouse)	3	17	
165116005005400	Mitchell Kevin James	3	17	
165116005005400	(spouse)	3	17	
165116005005500	Druery Douglas Anthony	3	18	
165116005005500	(spouse)	3	18	
165116005008010	Thorn Robert Carson	4	17	
165116005008010	Thorn Margaret	4	17	
165116005007900	Zufelt William Adam	4	17	

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165116005007900	Clarke Lyn Marie	4	17	
165116005008000	Thorn Robert Carson	4	17	
165116005008000	(spouse)	4	17	
165116005008125	Susan Currie	4	18	
165116005008100	Currie Fraser Hugh	4	18	
165116005008100	Halbot Christine Amelia	4	18	
165116005008300	Mitchell William James	4	19	
165116005008205	Brooks Ranja Sylvi	4	19	

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165116005008205	Brooks Douglas	4	19	