

2022-11-24

Comments to the Ministry of the Natural Resources and Forestry

Comments on the Proposed Updates to the Ontario Wetland Evaluation System (ERO 019-6160)

Background

The mission of the Ottawa Valley Chapter of the Canadian Parks and Wilderness Society (CPAWS-OV) is to protect and preserve biodiversity in the Ottawa Valley by promoting and advocating for ecological integrity in the management of public lands, working with other local and regional environmental groups, and collaborating with Indigenous Communities, industries and governments.

We represent over 5000 people in Eastern Ontario who care deeply about the province’s environment and natural resources.

While we support the government’s efforts to provide Ontarians with affordable housing in all regions of the province, we know that proposed changes to the Ontario Wetland Evaluation System (OWES), as they are currently drafted, will not solve the housing affordability or supply crisis in Ontario. They would completely undermine the protection of wetlands in Ontario, damage existing neighbourhoods and undermine the viability of the farms and natural areas that sustain our communities by providing food, protection from flooding and mitigating climate change risks.

OWES assessments are necessary to designate Provincially Significant Wetlands (PSWs), resulting in a high level of protection under provincial law and policy such as the Provincial Policy Statement (sections 2.1.4, 2.1.5 and 2.1.8). However, the proposed overhaul of the OWES will ensure that very few wetlands would benefit from such conservation status, and most existing PSWs would lose their designation. CPAWS-OV is firmly against the proposed amendment for the reasons detailed below.

The purpose of the amendment is unfounded

Amendments to the OWES will not solve the housing crisis

According to the ERO posting, the purpose of the proposed changes is to support the construction of 1.5 million new housing units over the following years by streamlining the wetland evaluation process. However, as noted by Ontario’s Housing Affordability Task Force (2022), a shortage of land isn’t the cause of the housing shortage:

Land is available inside the existing build-up areas and on undeveloped land outside greenbelts [...]. Most of the solution must come from densification.

Greenbelts and other environmentally sensitive areas must be protected, and farms provide food and food security. Relying too heavily on undeveloped land would whittle away too much of the already small share of land devoted to agriculture. (Housing Affordability Task Force, 2022, p.10)

There is no need to pave over wetlands to provide housing.

Wetlands provide valuable services to communities.

In the 2019 report of Ontario’s Special Advisor on Flooding, wetlands are vital in addressing the harmful impacts of increasingly frequent and intense rainfall events and reducing associated flood damages and financial losses.

The MNRF, in 2017, published a study that found that maintaining wetlands can reduce flood damages and costs by 29% in rural areas and 38% in urban areas.

The Insurance Bureau of Canada documented wetlands’ “cost-effective” ability to reduce flood damages and associated costs.

Therefore, we can’t afford to weaken protections for wetlands. In addition to flood control, wetlands provide water filtration, carbon storage, groundwater recharge, erosion control, wildlife habitat, wild foods and medicines, and recreational opportunities. They provide these benefits at minimal cost to taxpayers.

Wetlands are disappearing at an alarming rate.

Wetland loss in southern Ontario exceeds 72 percent and continues to drop. In municipalities such as Russell & Prescott, wetland losses exceed 85 percent. Given their fundamental importance in responding to the interconnected crises of climate change and biodiversity loss, the Government of Ontario should be doing its utmost to strengthen, not weaken, wetland evaluation and protection.

Removing *Wetland Complexes* from the OWES

As stated in the ERO posting, the OWES is the official procedure to identify PSWs and determine their boundaries, using a science-based scoring system that considers biological, social, hydrological and unique features. Identifying wetland complexes has been integral to the

evaluation and scoring process, based on the understanding that delineating “the wetland units into individually recognized wetlands would not be an ecologically or functionally sound process” because:

Wetland complexes are commonly related in a functional way, that is, as a group they tend to have similar or complementary biological, social and/or hydrological functions. Much of the wildlife in the area of the complex is variously dependent upon the presence of the entire complex of wetlands, with each wetland unit contributing to the whole (OWES- Southern Manual, p.39)

MNRF is proposing to no longer consider wetland complexes as part of the OWES, a not science-based plan that will facilitate and promote the “de-listing” of significant wetlands. Despite decades of effort to develop and refine approaches to delineating and scoring wetland complexes, these would be erased from the system. As a result, crucial interconnections among individual wetlands will no longer matter, and smaller wetlands assessed in isolation from the whole won't qualify.

In the current system, wetland complexes have been a significant factor in designating wetlands as PSWs. Wetlands are complexes based on their proximity to each other and their occurrence within the same watershed. This makes sense from various perspectives, including resilience to climate change impacts: while a small wetland may not be able to protect a town from flooding, a complex of wetlands may be able to.

If MNRF proceeds with the proposed changes, very few new PSWs will be designated in the future, and many existing PSWs will lose that designation and the protection it affords. Developers who want to drain or pave over a wetland will have an easy time with the new piecemeal approach –ignore the complex and separate the evaluation of individual wetlands from the whole. A developer could re-evaluate it without consideration for how it contributes hydrologically or ecologically to the remaining complex. Through this process, the complex could be disassembled until nothing remains of the PSW.

Removing endangered and threatened species from the OWES

MNRF is proposing to no longer recognize the presence of endangered or threatened species in the OWES process, a criterion which is currently a critical factor in determining wetland significance.

Wetlands provide habitat for at least 20 percent of Ontario's species at risk. Protecting the habitats upon which they rely to carry out their life processes is critical to their survival and recovery. Currently, the presence of endangered or threatened species automatically qualifies the wetland as provincially significant. However, according to the proposed changes, species at risk will be considered only as "provincially tracked species" worth far less in the evaluation. This significant change would affect the assessment of most wetlands in Ontario, leaving many of these wetlands and the critical species that rely on them vulnerable to development.

The loss of habitat is the leading cause of the current biodiversity crisis, and we need to protect our wetlands to prevent the fauna and flora on which we depend from disappearing.

Removing provincial government oversight and coordination removed from the OWES

MNRF is proposing to remove itself from any involvement in OWES, despite its staff's valuable expertise, from having overseen the process for decades. No central agency would be assigned to coordinate or approve evaluations or to ensure that information about PSW designation is publicly accessible.

Consultation with MNRF would no longer be an option, and the approval authority would be downloaded to municipalities, although many don't have the expertise. They wouldn't even be able to consult Conservation Authorities due to the proposed Bill 23 amendments to the Conservation Authorities Act.

A wetland evaluator, likely working for the developers, would have the responsibility to inform, in writing, the municipality and landowners of the outcome of the evaluation or re-evaluation.

MNRF's abandonment of its role in wetland evaluation is problematic in many respects:

- 1- There would be no central administration of the OWES program going forward, including training and certification oversight;
- 2- Most wetland evaluation and re-evaluation would be undertaken by evaluators working for development proponents with no checks and balances, creating a build-in bias in favour of development;
- 3- There would be no central authority to make decisions regarding conflicting opinions;
- 4- MNRF would have no authority to intervene on behalf of the public regarding an evaluation of questionable merit;

- 5- MNRF would not be aware of wetland evaluations and outcomes, undermining coordination and public transparency. There would be no centralized process for record-keeping and uploading the information to Land Information Ontario, which is necessary to ensure that public and private organizations and individuals can find, access and share geographic data;
- 6- Taxes and landowner eligibility for the Conservation Land Tax Incentive Program would be negatively impacted. MNRF’s approach has been to contact all landowners with more than two hectares of wetland within the PSW and invite them to participate in the tax incentive program. Landowners participating in the program could see this benefit removed if the wetland is re-evaluated and loses its PSW status.
- 7- MNRF’s non-involvement would severely compromise its ability to achieve the targets it set out in the Wetland Conservation Strategy for Ontario, 2017-2030: by 2025, the net loss of wetland area and function is halted where wetland loss has been the greatest; and by 2030, a net gain in wetland area and function is achieved where wetland loss has been the greatest.

Misinformation on the analysis of the regulatory impact on the ERO

MNRF’s description of the anticipated impacts of the OWES changes on the ERO posting is misleading and far from comprehensive. They speak only to the effects on business that MNRF anticipates will be positive or neutral. They say nothing about the significant adverse environmental, social or economic impacts related to wetland loss that would arise from the changes to the OWES system. It would appear that no thought has been given to these impacts.

Concluding remarks

Suppose MNRF proceeds with the proposed changes to the OWES. In that case, Ontarians can anticipate that very few PSWs would be designated in the future and that all existing PSWs would be vulnerable to losing that designation. That ongoing wetland loss in Ontario will accelerate and intensify.

Ontario’s wetlands are critical in sustaining healthy communities, enhancing climate change resilience and conserving biodiversity. We urge you not to proceed with the proposed changes to the OWES.