

Thursday, November 24, 2022

To be sent via email to wetlands@ontario.ca and minister.mnrf@ontario.ca

Honourable Graydon Smith
Minister of Natural Resources and Forestry
Government of Ontario
Whitney Block, 99 Wellesley St West
Toronto, Ontario M7A 1W3

RE: Proposed Updates to the Ontario Wetland Evaluation System ERO#019-6160

Dear Minister Smith,

The City of Guelph (the City) welcomes the opportunity to provide comments on the proposed changes to the Ontario Wetland Evaluation System (OWES). This submission will provide overall comments and specific comments from the City's planning and building service perspective.

The stated purpose of the proposed changes to the Ontario Wetland Evaluation System (OWES) is to remove duplicative requirements, streamline the evaluation process, and better recognize the professional opinion of evaluators and the role of local decision makers (e.g. municipalities). Comments on anticipated benefits or costs are being sought to help the ministry understand the real costs or cost savings associated with the proposed changes.

Analysis

1. While the City values the current provincial oversight and implementation of OWES, we have staff certified under the System and experienced in aspects of its implementation. Therefore, we are well-positioned for a shift toward local decision making.
2. The removal of the existing 'Approval of the Wetland Evaluation' section combined with the addition of a new section titled "A Complete Evaluation" and revisions to Appendix 1 leave no role for local decision makers (municipalities). This means that whether a wetland is provincially significant is a decision made solely by evaluators (i.e. ecological consultants hired by landowners). Such a lack of any oversight would be unprecedented in land-use planning decisions and of major concern.
3. While it is not clear, it appears that the consideration of Endangered and Threatened species, an important wetland value, is proposed for removal from the OWES to 'reduce duplication' (a stated purpose of the proposed changes) as those species and their habitats are protected under the provincial Endangered Species Act. However, Significant Wildlife Habitat and Fish Habitat, two

important wetland values that also receive protection through other mechanisms but are weighted lower than Endangered and Threatened species in OWES scoring, were maintained and in some cases bolstered through the proposed revisions. As such, this appears to be an arbitrary, non-scientific revision to purposefully result in less provincially significant wetland. The proposed removal of wetland complexing without adapting the scoring mechanism which was developed to accommodate complexes reinforces this perspective.

4. The proposed removal of provincial expertise and other important sources of information and guidance for evaluators, combined with the elimination of wetland complexing and the consideration of Endangered and Threatened species as a critical wetland value will likely result in the majority of the existing Provincially Significant Wetlands (totalling over 600 ha) in Guelph no longer being identified as such. This will lessen the existing protection for the affected wetlands through a reduction in minimum buffers and result in their degradation over time. Further, it appears likely that wetland loss will be realized in the City due to the proposed changes to the OWES (and the proposed changes outlined in ERO number 019-6141 which would eliminate Conservation Authority regulation of wetlands in planning approvals). Initial estimates indicate that up to 48 ha of wetland may lose all protection in the City in planning approvals (i.e. approximately 7% of existing wetland area in the City). As relatively little wetland remains in the City due to historical losses (i.e. approximately 8.4% of the City's land base), any loss of wetland represents a significant impact to the City's Natural Heritage System (NHS) and the ecosystem services it provides for residents. Further, wetland loss and degradation in adjacent municipalities will impact the City's NHS due to 'downstream' and landscape connectivity effects.
5. Wetland loss will result in additional costs for the City and developers and will reduce the availability of land for development through the replacement of necessary stormwater management functions by engineered solutions. Recently, the City completed a Natural Asset project that included a stormwater valuation of wetlands in one subwatershed. This valuation concluded that peak flow reduction (flood mitigation) and infiltration (groundwater maintenance) provided by wetlands would cost up to over two million dollars per hectare of removed wetland to replace with stormwater management ponds and infiltrative best management practices. Further, the necessary engineered stormwater controls would consume more land than the existing wetlands. Finally, the existing wetlands are projected to attenuate peak flows more effectively and perform better at promoting infiltration under climate change conditions than the engineered controls.
6. Additional increased costs will result from the proposed changes. As the vast majority of wetlands in Guelph are currently Provincially Significant Wetland, including in areas of the City where growth is planned, it is likely that developers will undertake re-evaluations in conjunction with many development proposals which adds to their costs and may delay the submission of development applications as they are completed. Further, the proposed shift to evaluations being 'point-in-time' assessments may result in the need for multiple assessments of a given wetland unit over time thereby exacerbating these effects. Finally, while the City can accommodate a shift to local decision making

(i.e. review of wetland evaluations through the land use planning process), the resulting additional complexity and effort may necessitate additional staff resources in order to continue providing the same level of service.

Recommendations

1. The City identifies no benefits associated with the proposed changes to the OWES. The wetland loss and degradation that will result conflicts with community and corporate values as identified in the City's Community Plan and Strategic Plan respectively, and it undermines existing wetland protections in the City's Official Plan. Impacts to the City's NHS and the ecosystem services it provides to residents will occur. Significant costs will likely result and additional available land for development may not be realized. To avoid this, the following is recommended:
2. Maintain the consideration of Endangered and Threatened Species as an important wetland value. Reassess / reconfirm the significant weight they receive in the scoring through an expert panel of provincial and industry experts experienced in the OWES.
3. Maintain wetland complexing and reassess / reconfirm the 'complexing rules' and associated guidance through the expert panel highlighted in the preceding recommendation.
4. As local decision making is a desired outcome, revise the proposal to include the ability for municipalities to review and approve the evaluation through the land-use planning process.
5. Include transition provisions to allow the continuance of local decision making through the implementation of existing Official Plan wetland policies until such a time as they are updated to accommodate a revised OWES.
6. Ensure that any subsequent proposals by the province do not remove any wetland protections afforded by the existing wetland policy framework in Ontario.

Sincerely,



Krista Walkey, General Manager Planning and Building Services

Planning and Building Services, **Infrastructure, Development & Enterprise Services**

Guelph City Hall

T 519-822-1260 extension 2395

TTY 519-826-9771

E Krista.Walkey@guelph.ca

guelph.ca