

November 24, 2022

Electronic Submission only

ATT: Public Input Coordinator
Ministry of Natural Resources and Forestry
Resource Planning and Development Policy Branch
300 Water Street, 6th Floor, South Tower
Peterborough, ON K9J 8M5

RE: Proposed Updates to the Ontario Wetland Evaluation System (OWES)
ERO Posting 019-6160

Background:

Environmental Registry posting 019-6160 proposes substantial changes to how wetlands are evaluated and catalogued through the the Ontario Wetland Evaluation System (OWES). Those proposed changes are generally understood as follows:

- Removing the ability to describe complexes of wetlands.
- Individual wetlands of an identified complex will be able to be individually re-assessed and re-delineated.
- Interactions of wetlands within complexes relating to surface water and groundwater resources will no longer have to be assessed in the consideration of provincial significance.
- Special scoring for Species at Risk (SAR)/Threatened (THR) species/habitat to be removed; and
- MNRF no longer to review wetland evaluations.

The City of Burlington recognizes the importance of a systems-based approach to planning for natural heritage and key features. Wetlands are a vital component of the functional connections between aquatic and terrestrial systems. The ecological, social, and economic benefits of wetlands are substantial and provide for some of the most productive and biologically diverse habitats in Ontario. Since the 1980s, a substantial amount of southern Ontario wetlands have already been lost to encroaching land uses and development. The conservation and protection of the remaining wetlands is of more importance than ever.

From a natural heritage planning perspective, the proposed changes to the complexing of wetlands does not represent a systems-based approach to planning for the natural environment. This direction is not supported by a science-based ecological understanding of natural systems. Advances in mapping and modelling over the past 10 years have resulted in a better understanding of hydrological connections of wetland complexes and

more efficient delineation processes. Removal of the complexing approach to wetland assessment is not a direction that is supported by the current policy or guidance provided by the Provincial Policy Statement (2020) or the Natural Heritage Reference Manual. This direction is likely to result in:

- An inconsistent approach to wetland evaluations;
- Challenges to recently assessed wetlands;and,
- A net loss of overall natural heritage system within municipalities.

These changes would be opposite to Provincial direction regarding proper accounting for *ecosystem services*. As noted in *A Place to Grow (2020)* wetlands provide numerous benefits including water storage and filtration, cleaner air and habitats, and support pollinators, carbon storage, adaptation and resilience to climate change. These benefits may be cost prohibitive to replicate with traditional infrastructure or services if the features supporting ecosystem services are lost; at expense to the municipality. It is likely, due to the wording of the proposed changes, that municipalities will seek their own OWES evaluator to either review completed evaluations, or to proactively evaluate wetland features deemed important to the City's natural heritage system in order to deliver on several identified matters of provincial interest.

Next Steps:

There is general support for the modernization of OWES and for additional clarity on the complexing of wetlands. However, permitting an individual component of a larger system to be assessed in isolation from that system is a significant departure from accepted ecological principles and a departure from principles enshrined in the Provincial Policy Statement (2020), *A Place to Grow (2020)*, and the Natural Heritage Resource Manual. The opportunity to have a more open and productive dialogue on modernizing OWES would be preferred and some innovative consideration may include:

- update to include conclusive minimum size criteria for wetland units.
- OWES scoring for SAR/THR/Rare species could be modified to better reflect some of the inconsistencies in the process.
- Creating a scoring cap.
- Applicability where species status lists are current and available.

Currently, OWES recognizes the ecological complexities of wetlands. These complexities, such as the interaction of groundwater and surface water inputs, is part of what makes a wetland such a valuable feature suited to providing important ecosystem services. While the type of studies that may be required to assess these interactions can be both extensive and expensive, the general goal of revising OWES should focus on making the process transparent and replicable rather than disposing of important evaluative concepts.

Finally, It is unclear what role municipalities will have in the wetland evaluation process. Clarity should be provided regarding whether a municipality has the ability to retain their

own OWES evaluator where there may be a dispute in the evaluation process. Additional clarity is also sought regarding at what level oversight occurs. In general, having no or unclear oversight of the matter of wetland evaluation opens the process to abuse and potential conflicts of interest and the potential of undermining of certain matters of provincial interest enshrined in the Planning Act. It is suggested, in-lieu of an appeal mechanism, and removal as MNRF as arbiter, that it be clarified what recourse is available where there are conflicting evaluations or where there is a dispute regarding conclusions.

Please accept this letter and its attachment as the City of Burlington submission on ERO posting 019-6160. Given the short period for consultation the attached comments have not been approved by City Council. This letter and its attachment will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark H. Simeoni". The signature is fluid and cursive, with a prominent initial "M".

Mark H. Simeoni, MCIP, RPP
Director of Community Planning
Community Planning Department
City of Burlington

Theme: Streamlining Development Approvals Contributor: Policy and Community Primary Associated ERO Postings: Proposed Updates to the Ontario Wetland Evaluation System (OWES) – ERO 019-6160			
Notice Type: Policy			
Deadline: November 24, 2022			
Summary of Changes	Staff Comments/Questions	Guiding Principle (see the Options considered section of the hyperlinked report) (indicate support or concern)	Approaches or alternatives for consideration
Significant impacts (diminishment) to the ability to describe <i>complexes</i> of wetlands. Individual wetlands of an identified <i>complex</i> will be able to be individually assessed and re-delineated.	- From a natural heritage planning perspective, the changes to the <i>complexing</i> of wetlands are conflicting to a <i>systems-based</i> approach to planning for the natural environment. This direction is not supported by the science-based ecological understanding of natural systems. There is concern this direction may result in: <ul style="list-style-type: none"> • An inconsistent approach to wetland evaluations. It is unclear if a wetland evaluator’s opinion can be challenged or appealed by a municipality. This could result in staff implications for the City (ecological expertise or peer review experts). • Could make the evaluation system more susceptible to abuse. • Will allow challenges to recently assessed wetlands that reside in the PSW designation. • A net loss of overall natural heritage system within the City. 	Environment, Urban Design and Climate Change – concern Overall net loss to wetland features and the buffers protecting them. Wetlands play an important function in mitigating and adapting to the impacts of climate change. Matters of Provincial Interest – concern Impact to ability and cost for municipalities to deliver on a number of listed matters of Provincial Interest. Public Health and Safety – concern Loss of functions supporting ecosystem services including stormwater attenuation and conveyance.	<ul style="list-style-type: none"> • It is generally agreed that OWES needs modernized and additional clarity on complexing is required. However, permitting an individual component of a larger system to be assessed in isolation from that system is a major departure from accepted ecological principles and undermines broader provincial objectives. • The OWES could be updated to include conclusive minimum size criteria for wetland units within a complex. While minimum threshold has been largely resisted in the past in favor of more subjective scoring metrics, a specific minimum threshold for a wetland within a complex could be established to ensure outcomes are transparent and replicable.

	<p>Delisting a wetland would preclude the consideration of potential ecological offsetting which is understood to be a policy direction being considered by the Province.</p> <ul style="list-style-type: none"> - These changes would be opposite to Provincial direction regarding proper accounting for <i>ecosystem services</i>; wetlands provide numerous benefits that may need to be replicated with traditional infrastructure if the features supporting ecosystem services are lost. 		
<p>Interactions of wetlands within complexes relating to surface water and groundwater resources will no longer have to be assessed in the consideration of <i>provincial</i> significance.</p>	<ul style="list-style-type: none"> - The proposed approach is not supportive of a <i>systems-based approach</i> to natural heritage planning. - Many wetlands are supported by ground water and surface water. Often the interaction between the SW/GW contributions needs to be considered to understand how sensitive/resilient a wetland is. Ultimately this information is needed for a complete understanding of potential impacts. - This direction is not consistent with the requirements conferred on planning authorities under S. 2.2. of the PPS (2020). 	<p>Matters of Provincial Interest – concern</p> <p>Impact to ability and cost for municipalities to deliver on a number of listed matters of Provincial Interest.</p> <p>Public Health and Safety – concern</p> <p>Potential to impact key natural features part of the City’s Natural heritage System (NHS). May have impact on overall water quality.</p>	<ul style="list-style-type: none"> - OWES recognizes the ecological complexities of wetlands. These complexities, such as the interaction of groundwater and surface water inputs, is part of what makes a wetland such a valuable feature suited to providing important ecosystem services. - Suggest retaining the groundwater/surface water assessment and detail applicable study requirements similar to the direction provided through S 2.2. of the PPS (2020).
<p>Special scoring for SAR/THR species/habitat to be removed</p>	<ul style="list-style-type: none"> - Wetlands tend to represent unique habitats that are difficult to replicate. Often SAR/THR species will not have an alternative habitat within a reasonable proximity. - The health and populations of SAR/THR species often act as indicators as to the 	<p>Matters of Provincial Interest – concern</p> <p>Impact to ability and cost for municipalities to deliver on a number of listed matters of Provincial Interest.</p> <p>Environment, Urban Design and Climate Change – concern</p>	<ul style="list-style-type: none"> - OWES scoring for SAR/THR/Rare species should be maintained but could be modified to better reflect some of the inconsistencies in the process: <ul style="list-style-type: none"> • A scoring cap; or • Only applicable where local status lists are current and available.

	<p>overall health of a system and the uniqueness of a feature.</p> <ul style="list-style-type: none"> - This would undermine the ability to protect local or regionally rare communities. - May restrict the extent a Biodiversity Plan could protect species/habitat of local concern. - There are proposed changes that establish scoring thresholds which will provide needed clarity in the assessment process. 	<p>Loss of unique habitats and impact to overall biodiversity of urban areas and growth areas should be anticipated. Wetlands play an important function in mitigating and adapting to the impacts of climate change.</p>	
<p>MNRF no longer to review wetland evaluations.</p>	<ul style="list-style-type: none"> - It is unclear whether a municipality can challenge an OWES practitioner's assessment with their own expert. - It is unclear at what level the oversight occurs at. - In general, having no flexibility but to accept a wetland evaluation as part of a development application impacts transparency and accountability. Ultimately, public confidence in the process begins to erode. 	<p>Financial Impact on Municipalities – Concern</p> <p>Additional technical expertise would be required to be retained by municipalities. May result in disputes leading to additional OLT burden.</p>	<ul style="list-style-type: none"> - Due to the wording of the proposed changes, it is likely that Municipalities will seek their own OWES evaluator to either review completed evaluations, or to proactively evaluate wetland features deemed important to the local/regional Natural Heritage System. - It is suggested, in-lieu of an appeal mechanism and removal as MNRF as arbiter, that it be clarified what is to happen in a case where there are conflicting evaluations or where there is a dispute regarding conclusions.