

Submission to:

Date Submitted: 11/24/2022

- The Honourable Doug Ford, Premier of Ontario
- The Honourable Steve Clark, Minister of Municipal Affairs and Housing
- The Honourable Graydon Smith, Minister of Natural Resources
- The Honourable David Piccini, Minister of the Environment, Conservation and Parks

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

This submission responds to proposed changes to the Ontario Wetland Evaluation System (OWES) discussed in Environmental Registry of Ontario (ERO) posting number 019-6160. The ERO posting states that the purpose of the proposed changes is to support the province's Housing Supply Action Plan and the government's commitment to support the construction of 1.5 million new housing units over the next ten years, and specifically, to remove duplication of requirements and streamline the evaluation process.

Dougan & Associates Ecological Consulting & Design (D&A) is a well-established and award-winning ecological consulting and design firm based in Guelph, Ontario. Our firm has over three decades of providing ecologically driven design services to the public and private sectors. We are supportive of initiatives to improve availability and affordability of housing; however, wetlands are legacy assets that should not be viewed as an obstacle to housing development. Their effective protection and integration as a critical part of the landscape is essential for southern Ontario communities to remain healthy and resilient into the future. This is particularly relevant now as the frequency and intensity of flooding, heat, drought, and other extreme weather events is clearly increasing.

Where proposed changes to OWES are intended to expedite land-use planning and development approvals, they should clearly demonstrate the intended/expected benefits to wetland form and function, and they should be science-based. On these grounds, we are opposed to the proposed updates to the OWES as they do not clearly articulate benefits that will be achieved, have not been rationalized from a scientific perspective, and are unlikely to result in a streamlined approvals process.

Some of the specific proposed changes of concern include:

1. Downloading the responsibility of confirming wetland status onto local municipalities, and termination of key provincial roles and expertise in wetland evaluation matters.

In our experience, very few municipalities have staff with the necessary technical training and background to review wetland evaluations. The withdrawal of ministry governance, downloading responsibility onto local area municipalities, and limiting Conservation Authority input will result in a fragmented and inconsistent application of OWES evaluation protocols. Contrary to the conclusion in the province's regulatory impact analysis, it is our opinion that the proposed regulatory changes will have the unintended consequences of complicating the existing process and extending development approval timelines.

- 2. Removing the Wetland Complexing section from the Ontario Wetland Evaluation System with no system-based mechanism to assess cumulative hydrologic and biodiversity benefits of isolated wetlands.**

The current concept and method for wetland complexing provides a mechanism to incorporate isolated wetlands into the evaluation process; this is a critical component of OWES as, individually, such features may not meet criteria for significance, but collectively, they are integral to maintaining healthy natural heritage and hydrologic systems. Across Ontario, small, isolated, wetlands frequently occur due to physiographic conditions such as moraines and clay plains, where in addition to natural heritage functions, they play important roles in groundwater recharge, flood storage, and purification of surface runoff.

The proposal to remove wetland complexing and at the same time introduce a re-evaluation process that endorses compartmentalizing the assessment and re-mapping of wetlands as individual units, will shift the emphasis from a robust systems-based understanding of the value of these wetlands to a naïve and narrowly focused understanding. Ultimately, this will compromise the ability to evaluate the collective natural heritage and hydrologic benefits and services that these wetlands provide, resulting in the removal of many small, isolated, wetlands from the landscape. The unintended consequences of this policy regime change will be continued degradation to the ecological and hydrologic function of already stressed wetland systems, reduced capacity to recharge ground water systems, and decreased capacity for flood storage.

- 3. The proposed changes to scoring devalue Endangered/Threatened Species at Risk which often utilize wetlands.**

Many wetlands in Ontario provide habitat for Endangered or Threatened Species at Risk (E/T SAR). Under the existing OWES system, where reproductive habitat and migration, feeding or hibernation habitat for Endangered or Threatened species occurs, wetlands are almost certainly determined to be a Provincially Significant Wetland (PSW). Removing this provision will therefore put many existing PSWs at risk of having their current status downgraded where habitat for E/T SAR is one of the main reasons for designating a wetland as PSW. In our opinion it would be better to integrate wetland policy conformity with Endangered Species Act policies and habitat regulations so that direction to municipalities is consistent and unambiguous.

- 4. The proposed changes remove the need to consult with MNRF and other agency staff with respect to the evaluation of Significant Features and Habitats.**

With the proposed changes to OWES, evaluators would be directed to use the guidance provided in the province's Significant Wildlife Habitat Criteria Schedules. While we do not necessarily have concerns regarding the direction to use these Schedules, it is our experience that a) the Schedules are often misinterpreted or selectively applied, and b) the Schedules currently identify MNRF as the agency responsible for the identification of some significant features, such as winter deer yarding areas. Contrary to the expectation that this change will help to streamline development decisions, we anticipate municipal planning staff will need extensive training and resources to competently review and approve this component of the OWES process.

A clear and qualified governance model for OWES is essential to ensure consistency of wetland evaluations across Ontario. OWES evaluations should be fully integrated within the natural heritage systems approach to environmental planning envisioned under the Provincial Policy Statement (PPS). In our experience, despite OWES having been in place since 1984, there are many isolated wetlands in proximity to settlement areas that still have not been evaluated. Addressing such gaps should be required under new or updated comprehensive plans, to reduce delays in planning and approving site-specific developments.

As experienced wetland evaluators, we foresee that: a) the proposed changes to OWES, b) downloading of major responsibilities for wetland study, protection and management to local area municipalities, c) removal of long-standing provincial guidance, and d) curtailment of Conservation Authority roles, puts sound wetland management in jeopardy of 'free-fall'. These changes would unfortunately occur at a time when wetland protection and enhancement are key tools to mitigate climate change impacts. It also risks a quantum step backward since Conservation Authorities have spearheaded leading initiatives such as headwater drainage feature assessment, wetland water balance study protocols, and wetland restoration strategies which have emerged in the past decade, that realistically should be recognized and integrated within the OWES. In our own planning work for major municipalities over several decades, Conservation Authority leadership has been of paramount importance.

Our interpretation of the proposed regulatory changes affecting business is that there will be a new learning curve required, lasting several years or longer. It is one thing to modify OWES procedures and scoring; it is quite another to totally revamp its governance and pass responsibility to municipalities who are largely the least equipped to manage the technical evaluation system. Delays will also result from a more fragmented implementation of OWES, resulting in less certainty and clarity related to how significant wetlands are assessed and identified across municipalities. Costs and delays associated with training/onboarding municipal planning staff with the nuances of the OWES process, coordination with other municipalities with shared watershed boundaries, and the potential for accelerated degradation of wetland systems should not be underestimated. If municipalities opt to outsource this work, cumulative costs and time required to ramp up this option should be clearly considered.

We believe that there are opportunities to streamline the current policy framework and to shorten timelines for planning approvals while ensuring that wetland resources are consistently evaluated and documented in a timely manner without putting natural environment systems, including wetlands, at greater risk.

We would be happy to meet and discuss the areas of concern presented in this submission.

Respectfully submitted,



Steve Hill, PhD
Principal, Senior Ecologist



Jim Dougan, MSc, OALA (Hon)
Principal, Senior Ecologist

Cc: **Dougan & Associates Staff who contributed to this submission:**
Kristina Shaw-Lukavsky - Director, Landscape Architect
Todd Fell - Director, Landscape Architect, OWES Evaluator, Certified Restoration Ecologist
Wendy Charron - Ecologist, OWES Evaluator

Karl Konze - Senior Wildlife Ecologist
Christina Olar - Ecology Manager, Ecologist, Arborist, OWES Evaluator
Heather Schibli - Design Manager, Landscape Architect, Ecologist, Arborist
Janel Sauder - GIS Manager
Summer Graham - Ecologist, Arborist
Zack Harris - Ecologist, Arborist, OWES Evaluator
Matthew Iles - Wildlife Ecologist
Jade Lacsamana - GIS Technician
David Scott - Spatial Ecologist
Tess Sprawson - Landscape Designer, Ecologist, Arborist
Cole White - GIS/CAD Technician