

Public Input Coordinator
MNR - PD - Resources Planning and Development Policy Branch
300 Water Street, 2nd Floor, South tower Peterborough, ON K9J 3C7
November 24, 2022

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

The Upper Thames River Conservation Authority (UTRCA) thanks the Province of Ontario for the opportunity to review the *Proposed Updates to the Ontario Wetlands Evaluation System (OWES)*.

As of October 25, 2022, the Province has proposed updates to the Ontario Wetland Evaluation System 3rd Edition, Version 3.3 (2014) (ERO 019-6160) that will negatively impact the future of wetlands in Ontario. Throughout the document the proposed updates include significant removals and changes. The current updates use language that is vague and subjective, leaving an evaluation open for interpretation, which is to be submitted to a decision maker that may have predetermined conclusions.

The Ontario Wetland Evaluation System is a science-based system that outlines a process, and a set of criteria to define, identify, and assess the functions and values of wetlands in Ontario. The proposed changes are not science-based and are anticipated to result in a significant loss of wetlands in the Province of Ontario. It is recognized that some updating needs to occur, however; the complete removal of entire sections and scoring which are integral components of the evaluation will leave very little room for recognition of wetlands in Southern Ontario for the purposes of land-use planning or application of other wetland conservation policy.

Conservation Authorities rely on this proven scientific methodology as an aid in implementing regulations under the *Conservation Authorities Act*. This information is used for making decisions for the purposes of public safety, natural hazard prevention and management; regulate wetlands for flood attenuation, natural storage capacities and for preventing shoreline erosion. The Upper Thames River Conservation Authority has identified significant concerns with the following proposed changes to OWES which are summarized below:

1. Wetland Complexing has been entirely removed from OWES. Upon re-evaluation, each wetland unit must qualify as significant individually. This is unacceptable as many wetlands within the urban and suburban landscape are composed of complexed wetlands consisting of separate individual units (e.g., discontinuous units in close proximity to one another but separated by roads). Together, the wetland complex meets the criteria to be identified as a PSW, but individually, the units may not themselves meet the score to be considered significant. This removal of complexing will result in individual wetland units within a complex being re-evaluated and found to no longer qualify as provincially significant and therefore developable. This is unacceptable as this will result in huge losses of wetlands across Ontario where wetland complexes exist.
2. The determination of whether or not a wetland is provincially significant is no longer based on an OWES evaluation that has been approved by the Ministry of Natural Resources and Forestry (MNR). It is simply based upon the "professional opinion" of a wetland evaluator who submits an evaluation, re-evaluation or mapping update to a

“decision maker” (i.e., Planning Authority or Municipality). Without MNRF consultation and oversight in administering, reviewing, verifying or approving of the proper application of OWES, the system will no longer be a credible evaluation system. Without any oversight, it will be subject to abuse and this will result in many PSWs across Ontario being “re-evaluated” and scored as no longer provincially significant. This will in turn lead to the loss of these wetlands from the landscape.

3. Reproductive Habitat and Migration, Feeding or Hibernation Habitat for an Endangered or Threatened Species sections and scoring has been entirely removed. Scoring was weighted to protect habitat. No consideration or scoring weight adjustments have been added for this section. The weighted scoring matrix no longer evaluates all criteria against weighted factors.
4. The proposed changes indicate that wetland re-evaluations are ‘*considered “complete” once it has been received by a decision maker*’ and removes language requiring wetland records to be completed accurately and completely. The results of these changes mean that there will no longer be a standardized approach for wetland re-evaluations. All references to the *Conservation Authorities Act*, the Provincial Policy Statement and the *Planning Act* have been removed from this proposed update.
5. It is unclear from the posting who will maintain an appropriate mapping inventory of wetland classifications, particularly non-Provincially Significant Wetlands. Conservation Authorities have been maintaining data inventories of wetlands for many years and would be well suited to takeover this role with respect to OWES evaluated wetland mapping. This information is vital for municipal decision-making and is well-suited to the CAs resource management agency role.
6. The proposed changes remove language around Locally Important Wetlands (LSWs). These wetlands could be evaluated, partially evaluated or unevaluated. Sometimes they are known as non-PSWs, LSWs, or other wetlands. If these wetlands have been evaluated as non-PSWs, once a re-evaluation of these wetlands occurs, there is no mechanism to identify or preserve it. **Therefore 100% of evaluated Non-PSWs could be removed from the landscape. Additionally, any wetlands that have been partially evaluated or unevaluated will also have the potential to 100% be removed from the environment.**

The Upper Thames River watershed is located within the agricultural heartland of southwestern Ontario. It is 5,285 km² in area and more than half a million people reside in the watershed. From its headwaters near Tavistock, the river flows 279 km southwest before reaching its outlet into Lake St. Clair and, ultimately, into Lake Erie. The watershed currently has approximately 4.6% wetland cover, and only about 1.6% is currently considered Provincially Significant Wetland. With the changes proposed to OWES, the percentage of PSW within our watershed would drop to 1.3% which equates to an approximately 20% reduction in area considered PSW. It is significant to note that both the Sifton Bog and the Dingman Creek Fen Wetland Complex would both lose PSW status with the proposed changes, and bog and fen habitats are extremely rare in southern Ontario.

In the Federal Government document *How Much Habitat is Enough?*, it is recommended that at minimum, the greater of (a) 10% of each major watershed and 6% of each subwatershed, or (b) 40% of the historic watershed wetland coverage, should be protected and restored. Since we are below this threshold, we cannot afford to lose any of our existing wetlands, and removing scientifically-based criteria for evaluating the significance of wetlands, and the policies to protect the remaining wetlands on the landscape, puts our area at risk.

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According to Ontario's Wetland Conservation Strategy (2017), southwestern Ontario has already lost over 85% of historic wetland cover. Some of the recommended actions included in the strategy to combat wetland losses are:

- Support the development of policy tools to improve the conservation of all wetlands, including provincially significant, coastal wetlands and other locally and regionally important wetlands.
- Develop conservation approaches and policy tools to prevent the net loss of wetlands in Ontario, focusing on areas where wetland loss has been the greatest.
- Review provincial laws, regulations and policies, with the goal of strengthening Ontario's wetland policies.
- Develop and ensure that adequate policy guidance is available on incorporating wetland protection strategies in local planning (e.g. natural heritage system planning, consideration of wetlands in the development of land use policies addressing climate change mitigation and adaptation and planning for natural hazard management).

The proposed changes to OWES appear to directly contradict what is recommended in the Province's own strategy document for the protection and preservation of wetlands.

The Upper Thames River Conservation Authority has historical information pertaining to homes that have been built on existing wetland features. Those homes are now dealing with issues involving regularly flooded basements, cracked foundations, sump pump(s) continually running, black mold and reduced market value. Wetlands and their area of interference, whether they are provincially significant or locally significant, are irresponsible places to develop, and need to be protected.

The Upper Thames River Conservation Authority urges the Province to consider the following key recommendations:

- Reconsider the proposed changes to the Wetland Evaluation System, and consult with CAs and other science-based organizations to quantify the impact of the proposed changes on the landscape. Maintaining wetlands on the landscape is a cost-effective measure to help combat the effects of climate change and the associated extreme weather events, in addition to safeguarding against the rapid loss of biodiversity.
- Instead of eliminating the OWES complexing and scoring criteria, work with conservation experts such as CAs to amend the OWES criteria for complexing and scoring using a scientific approach.
- Should the Province remove MNRF as the decision-maker, clearly identify who is responsible for determining if an OWES evaluation has been conducted properly. In the absence of MNRF, we recommend that CAs should be identified as the decision-maker to ensure that a consistent standard for OWES evaluations is maintained.

- CAs should be tasked with maintaining the mapping of OWES evaluated wetlands for decision-makers.

In summary, unaccompanied by the multitude of other provincially proposed changes, the changes to the Ontario Wetland Evaluation System will contribute to an extremely drastic reduction of wetlands in the Upper Thames River Conservation Authority's watershed. Combine the OWES changes with the array of provincial government decisions that are currently anticipated, and it is highly likely that there will no longer be any wetlands left within the UTRCA's watershed.

The documentation on the Environmental Registry notes that the anticipated impacts of the policy proposal on business are neutral to positive. In reality the impacts to the environmental features and their associated functions on a watershed scale (including water quality, flood attenuation, etc.) will be negative. With the removal of the Provincial level oversight of the evaluation or re-evaluation of significance of wetlands, there will be less certainty and clarity, and more potential for inconsistent application of the guidelines, and ultimately loss of more wetland features from the landscape.

We urge the Province to reconsider the proposed changes to the Ontario Wetland Evaluation System, and to consult with Conservation Authorities and other science-based organizations to quantify the impact of the proposed changes on the landscape. Maintaining wetlands on the landscape is a cost-effective measure to help combat the effects of climate change and the associated extreme weather events, in addition to safeguarding against the rapid loss of biodiversity.

Sincerely,



Jenna Allain
Manager, of Environmental Planning and Regulations

Submitted on behalf of,
The Upper Thames River Conservation Authority