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November 24, 2022

MNRF - PD - Resources Planning and Development Policy Branch
300 Water Street, 2nd Floor, South Tower
Peterborough, ON
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Re: Comments on “Proposed Updates to the Ontario Wetland Evaluation System” (ERO #019-6160)

To whom it may concern:

Thank you for the opportunity to comment on the Proposed Updates to the Ontario Wetland Evaluation System (ERO #019-6160) introduced as part of Bill 23 More Homes Built Faster Act, 2022 which is intended to help increase Ontario’s housing supply, faster.

We understand the province’s desire to build more homes effectively and economically and with the best interests of our existing communities and new communities to be built. We also recognize the need to work together to find the best solutions possible across all levels of government and the development industry to safeguard communities in the development process. As a watershed agency, we understand the value that wetlands provide in attenuating flows within our watercourses and waterbodies, which protect people and development. We offer the following comments below with respect to the proposed updates.

General Comments:

Wetlands evaluated through the Ontario Wetland Evaluation System (OWES) include natural heritage and natural hazard components which dovetail in many ways with the definitions of a wetland under the Conservation Authorities Act. This link is currently identified in the OWES, which has been removed as a result of the proposed changes. The separation of these linkages will result in a challenge whereby the definition of wetland and for what purpose will be brought into question in the development process and introduce a level of confusion that does not currently exist. Removing complexing of wetland areas will serve to do the same.

Wetlands are important components to slow down the runoff from the land and act effectively as tools to prevent or reduce flooding and reduce erosion hazards. Removal of any features will result in stresses to the system and will have the potential to negatively affect flooding into the future. The proposed updates will result in removing wetlands from the landscape over time.

Throughout the OWES updates, references to ownership and administration by the Ministry have been removed, leaving a question about what role the Ministry will take regarding wetland evaluations in the future. The expertise

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provided by the province is important in the development process and for making decisions where the delineation of a wetland is, which provides certainty in the development process. The proposed extraction by the Ministry from the process is exacerbated by the proposed removal of conservation authorities in the commenting for natural heritage, who are well positioned to provide the expertise needed. These changes are anticipated to increase the time of review of approvals, particularly where there may be conflicting perspectives in the evaluation of criteria forming a wetland evaluation. It is also unclear what role, if any, the province will be retaining in the future.

We recognize that there is an effort to update the OWES to reflect current practice and methods to obtain and provide information on wetland evaluations as well as simplify or rearrange components for clarity.

Recommendation:

- Retain the purpose for which the OWES and the resulting wetland evaluations may be utilized.
- Retain the entirety of, or critical components of ownership, decision making and involvement in the Ontario Wetland Evaluation System which will streamline any hurdles experienced by practitioners in the development process.

Wetland Re-evaluations and Mapping Updates

The addition of mapping updates and re-evaluations of wetlands is helpful to provide context to how information may be updated over time, however, this is hampered by statements that remove continuous improvement to information that may be observed over time and impact the scoring of wetlands based on key scientific criteria established in the OWES.

Recommendation:

- Place the new section “A Complete Evaluation” in front of the new section “Wetland Re-evaluations and Mapping Updates” to emphasize that new wetlands may still be evaluated where an assessment hasn’t been done previously.
- Remove updates to the OWES that eliminate the continuous improvement of science defining what a wetland is (e.g., pg. 11, second paragraph of strikethrough text; pg. 15 last paragraph, strikethrough text, etc.).

Wetland Complexing

The updates propose to remove complexing of wetlands. This will reduce coverage of wetlands in Ontario over time and will particularly affect fragmented landscapes, although wetland loss can be expected across Southern Ontario. We note that development costs increase where development encroaches into wetland areas and complementary evaluation of natural hazard policies are required to ensure development proceeds safely. These policy areas overlap

as wetlands are natural sinks in the landscape which provide flood attenuation benefits, as well as natural heritage value, and complementary policies ensure protection on both fronts.

Recommendation:

- Remove the updates to the OWES where wetland complexing is removed.

Updates to Scoring: Endangered or Threatened Species

The updates include the removal, in their entirety, scoring relative to the “*Reproductive Habitat for Endangered or Threatened Species and the Migration*” and “*Feeding or Hibernation Habitat for an Endangered or Threatened Species*” without any other scoring adjustments within the Special Features component of the OWES to compensate.

Recommendation:

- Retain the Endangered and Threatened components removed in the proposed updates or adjust other special features components to compensate for the scoring differential introduced by the removal of two components in the Special Features section with guidance from the technical committee(s) who can provide scientific rationale for any scoring adjustments.

We note that as part of the changes, a reference to three scientific groups of professionals (the Wetland Evaluation Technical Team, Southern Wetlands Evaluation Review Committee and Provincial Wetlands Working Group) were removed as part of the updates. The strength and defensibility of the OWES is based in science and changes to the OWES should be complementarily based on science as it is a technical tool, the results of which are subject to policy application. We would encourage any changes proposed to the OWES to continue the use of experts in the field to provide valued, scientific adjustments to wetland evaluation criteria.

We thank you for the opportunity to comment.

Sincerely,



Mark Majchrowski
CAO

cc. Angela Coleman, Conservation Ontario