



November 23, 2022

MNRF - PD - Resources Planning and Development Policy Branch
300 Water Street, 2nd Floor, South Tower
Peterborough, ON
K9J 8M5

To whom it may concern:

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Proposed Updates to the Ontario Wetland Evaluation System
ERO Posting #019-6160**

The NPCA thanks the Province of Ontario for the opportunity to review the *Proposed Updates to the Ontario Wetland Evaluation System (OWES) 2022-10-25*.

As of October 25, 2022, the Province has proposed updates to the OWES 3rd Edition, Version 3.3 (2014) 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 OWES 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 (CAs) 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.

Below are the four major concerns and examples of sections/text that are going to be removed (Table 1 and Table 2). Please note that there are many changes throughout the entire document and all changes should be looked at holistically as the removal of all the proposed text and scoring will negatively alter wetlands in Southern Ontario.

Table 1: Major Concerns

Section of Proposed Change	Concern	Action
Wetland Complexes	Wetland Complexing has been entirely removed from OWES, with Wetland complexing removed; upon re-evaluation each wetland unit must qualify as significant individually.	Removal of text
Reproductive Habitat and Migration, Feeding or Hibernation Habitat for an Endangered or Threatened Species	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 adjustment added for this section. The weighted scoring matrix no longer evaluates all criteria against the list of all <i>weighted</i> factors.	Removal of text and scoring
Decision Maker	It is unclear who the 'decision maker' is and who will ensure evaluations are done by qualified professionals following OWES protocols e.g., municipalities to take on this role.	Change, no longer MNRF
Implementation	Where are the evaluations to be submitted and who does the updating (e.g., mapping updates for boundary revisions and status on the wetland). Who is to oversee the repository- each municipality separately, wetlands do not follow municipal boundaries.	Unclear

Table 2: Examples of Removals

Sections/text removed (not inclusive):
1. The Wetland Evaluation File (what to include in a wetland file)
2. Sources of Information
3. Completing the Wetland Evaluation Data and Scoring Record
4. Wetland Complexes
5. Reproductive Habitat for Endangered or Threatened Species (and scoring)
6. Migration, Feeding or Hibernation Habitat for an Endangered or Threatened Species (and scoring)

7. Locally Important Wetlands (Other wetlands/Non-PSWs)
8. Removal to the reference to the PPS, Planning Act and the CA Act
9. Removal of MNRF as the lead agency (decision maker)

Requests to re-evaluate a complexed PSW will no longer consider the greater function of that wetland and rather will evaluate it as an isolated wetland unit. The removal of complexing along with the other proposed changes to the OWES would result in the eventual chipping away of our wetland complexes in Niagara. In the NPCA's jurisdiction, there are over 170 Wetlands that have been evaluated, with more than 135 evaluated as wetland complexes. With the above changes this means that almost 80% of NPCA's wetlands that are currently evaluated as complexes could be negatively impacted.

In conjunction with the above noted information, other concerns include re-evaluations are *considered "complete" once it has been received by a decision maker* and removal of language around wetland records must be filled out accurately and completely. There will no longer be a standardized approach. All reference to the Conservation Authorities Act, the Provincial Policy Statement and the Planning Act have been removed from this proposed update.

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 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 resulting in negative impacts to evaluated non-PSWs.

Key Recommendations:

- 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 a consistent standard for OWES evaluations is maintained.
- CAs be tasked with maintaining the mapping of OWES evaluated wetlands for decision makers.

The proposed OWES changes also have the potential to impact CA-owned lands that are subject to the Conservation Land Tax Incentive Program (CLTIP). PSWs are one of 4 main criteria to qualify for the CLTIP. If a PSW is re-evaluated and loses its status as a PSW, the land in question may no longer qualify for the CLTIP. In the case of CAs, this would result in a subsequent tax burden that would be passed on to the taxpayer through the general levy. CAs would need time to re-evaluate affected lands and possibly submit to the CLTIP under a new category. It should be noted that the CLTIP is organized by Assessment Roll Number as defined by MPAC. Some ARNs may be quite large. Eligibility for the CLTIP via the PSW criteria may affect entire ARNs and impact tax burden of parcels much larger than the PSW affected by OWES changes.



In summary, unaccompanied by the multitude of Provincially proposed changes the changes exclusively to the OWES will contribute to an extremely drastic reduction of wetlands in Niagara. To assist the Province in better understanding the impacts of the proposed OWES changes to wetlands in Niagara, four maps along with explanatory text have been included with this submission. We encourage the Province to carefully consider the implications of these proposed changes for the future of Ontario's wetlands.

Sincerely,

A handwritten signature in black ink that reads "David Deluce".

David Deluce, MCIP, RPP
Senior Manager, Environmental Planning & Policy

Encl.

cc: NPCA Board of Directors