

**ERO Number: 019-6160**

**Comment Submission:**

## **Proposed Updates to the Ontario Wetland Evaluation System**

*24 November 2022*



*“Save Ontario Wetlands” is a grassroots organization of over 70 aquatic scientists and practitioners in Ontario who are concerned about the conservation of wetlands in Ontario.*



November 24th, 2022

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**RE: Expert Comment on Proposed Updates to the Ontario Wetland Evaluation System  
(ERO No. 019-6160)**

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On behalf of the over 70 Ontario aquatic scientists and practitioners that joined the *Save Ontario Wetlands* grassroots initiative, we submit comments pertaining to the proposed changes to the Ontario Wetland Evaluation System (OWES). For the record, these comments and recommendations were completed under a remarkably short review period (30 days), and thus are mainly focused on key proposed changes that we are most concerned about.

**Summary of main concerns and recommendations:**

The proposed changes to OWES described in the ERO posting # 019-6160 undermine the wetland report card in **6** key ways:

1. **Insufficient review timeline** (30 days) to assess, evaluate, and comment on the extensive proposed changes to OWES.

**We recommend** extending the review and comment period until at least Dec. 30th, 2022 to allow a robust review and consideration of all the implications of these proposed changes.

2. **Removal of key oversight responsibilities** of the Ontario Ministry of Natural Resources and Forestry (OMNRF) in the OWES process.

**We recommend** that related OMNRF staff maintain an integral role in wetland evaluation and assessment to ensure wetland expertise and sufficient oversight is part of the evaluation process.

3. Creation of a **piece-meal and under-resourced wetland evaluation process** by apparently downloading this important work to municipalities with little to no wetland expertise on staff and no additional resources.

**We recommend** OMNR remain the custodians of OWES files and continue to train professionals in the implementation of OWES. Amendments must retain clear lines of responsibility and afford validation and quality control of OWES evaluation files to protect the integrity of the evaluation process.

4. Removal of counting the value of a wetland for **threatened and endangered species** in the Special Features category.

**We recommend** that wetland value as habitat for threatened and endangered species remain in the Special Features category. Alternatively, the scoring thresholds for consideration as Provincially Significant should be dramatically lowered. Given 32% of species at risk in southern Ontario rely on wetland habitat and yet 60-90% of historic wetlands have already been destroyed, it is a safe assumption that all wetlands remaining in southern Ontario provide significant support for species at risk.

5. Removal of wetland **complexing** in spite of the mountain of scientific evidence that geographically isolated wetlands are ecohydrologically connected and interdependent.

**We recommend** that wetland complexing remain in the OWES to allow interconnected wetlands to be evaluated as an integrated whole.

6. The introduction of “**re-evaluations**” of previously evaluated and designated Provincially Significant Wetlands (PSW).

**We recommend** that the amendments concerning “re-evaluations” be removed from OWES given the process already treats evaluations as “open files” and encourages updates. The addition of “re-evaluations” is redundant and wasteful given only a fraction of the wetlands remaining in Ontario have undergone a single OWES evaluation.

#### **Detailed Comments:**

**Insufficient review time.** The changes to OWES proposed in this ERO are substantial, but to assess their ultimate implications, it is also necessary to consider a package of over 15 ERO postings, Bill 23 and Bill 109. As such, it is unrealistic to expect a fulsome review of the OWES changes by wetland scientists and practitioners with such a large volume of material to consider and prepare a thorough response.

**Role of the Ontario Ministry of Natural Resources and Forestry.** The OMNRF has been responsible for ensuring that OWES evaluations were completed by trained professionals. They provided training and certification in the OWES method, and they possess the expertise and resources needed to ensure this is done effectively. The Ministry was also responsible for maintaining the records about each evaluated wetland. However, the proposed changes make it unclear who is responsible. Centralized training in OWES ensures harmonized implementation across the province and provides validation of the evaluation tool. OMNRF custodianship of

OWES files enshrines a verifiable paper trail, subject to information requests and clear pathways for evaluation updates. OWES files have always been considered “open files,” which are updateable as new information becomes available or conditions change. Whether “re-evaluations” are implemented in OWES or not, it requires a transparent and consistent process for storing and retrieving OWES files, which OMNRF is best positioned to provide.

**Impacts on municipalities.** Responsibility will likely fall on municipalities, most of which lack the resources and experience to run OWES training courses and validate evaluation files. How are municipalities supposed to cover these new costs? How are they supposed to manage wetlands that cross municipal boundaries? Will training from one municipality be accepted by others? Will the scientific quality and validity of these evaluations be comparable across jurisdictions? Lots of questions, but no answers, and no prior consultation with stakeholders, especially municipalities and First Nation communities. Municipal governments have just changed over, giving newly elected councilors little time to process the implications of these proposed changes. However, Guelph and Hamilton have already indicated large increases in property taxes would be required to support these new responsibilities. This will certainly detract from efforts the province is making to address the housing affordability crisis. Rural municipalities may be especially under-resourced to deliver on OWES training and file management. The effects of this change in OWES implementation must also be considered in light of Bill 23’s proposed changes to the role of Conservation Authorities, as most municipalities would turn to Conservation Authorities for assistance in delivering on OWES training and file management, yet will be denied the assistance of Conservation Authorities under the prohibition against MOUs. The proposed removal of OMNRF and Conservation Authority expertise at various stages in the OWES process appears to be explicitly intentional, and it undermines the scientific credibility of the OWES moving forward.

**Wetland scoring.** Several proposed changes to OWES will make it much harder for a given wetland to score highly enough to be classified as Provincially Significant. In effect, the scores of wetlands under the amended OWES would be artificially suppressed such that they no longer reflect the actual significance of the wetland through its provision of benefits to Ontario. To maintain the scientific validity of the OWES, if points for valuable wetland functions are removed from consideration, then the thresholds for Provincial Significance must also be lowered. Otherwise, in practice, their scores will be decoupled from their actual economic, ecological, and cultural value and few, if any, wetlands will be designated as Provincially Significant and afforded protection, regardless of their true significance.

A particularly troubling proposed amendment to OWES is that the Special Features category will no longer count the value of a wetland for threatened and endangered species. Just last year, the Auditor General of Ontario released a scathing report condemning the provincial government for their failure to protect species at risk (SAR). While the proposed changes acknowledge the presence of Provincially Significant species, there will be a negative impact related to the removal of scoring on Reproductive Habitat and Migration, Feeding or Hibernation Habitat for SAR. Presence of SAR can currently score up to 400 points for one species, whereas the new metric would require presence of over 60 SAR to score the same amount of points. The removal of scoring for habitats that support direct life cycle functions of SAR, as opposed to the proposed tally score, will effectively rob wetlands providing significant benefit to SAR of their protections. We, as a coalition of wetland scientists, emphasize that the move to exclude threatened and endangered species is not grounded in any scientific basis. Fully 32% of species at risk in Southern Ontario are dependent on wetland habitat. This is because we have allowed the destruction of 60-90% of wetlands across Ontario already. Habitat conservation is the only effective means to promote the recovery of most wetland-dependent species at risk. Removal of recognition and protection of SAR habitat is in direct contravention

to the Government's responsibility to protect and recover SAR (Ontario Endangered Species Act, 2008).

**Wetland complexing.** Another deeply concerning proposed change to OWES is the removal of "complexing." Under complexing, pieces of a larger, interconnected wetland are not evaluated in isolation, but rather as an integrated whole, even if those pieces are on the property of separate landowners. This makes sense – the groundwater is connected, the flood waters run from one into another, and the birds, turtles, frogs and dragonflies all move from patch to patch. Without complexing, we will see death by a thousand cuts as no fragment is considered valuable enough on its own to be a Provincially Significant Wetland. Wetland complexes are a key component of science-based evaluation, and consistent with the national Canadian Wetland Evaluation System. Most wetlands in Ontario are complexes. There is no scientific basis for removal of the complexing of wetland features, as the expansive literature on "geographically isolated wetlands" and the current Ontario land-use planning policy overwhelmingly supports the protection of natural linkages between wetlands. Maintaining hydrologic connections and upland areas between wetland sub-units is a foundational principle of ecological conservation. To remove the consideration of these linkages, and instead assess wetland sub-units in a piecemeal fashion, is not a science-based decision. Several conservation authorities have already estimated the impact of the removal of complexing from OWES would be to de-list the vast majority of PSW in their jurisdictions.

**Provincially Significant Wetland re-evaluations.** The OWES changes introduce "re-evaluations" so that already-evaluated Provincially Significant Wetlands can be re-classified using the new "designed-to-fail" OWES. OWES files have always been considered "open files" subject to updates, but some conservation authorities worry this change will put nearly all remaining wetlands on the chopping block. With 60-90% of wetlands in southern Ontario

already lost, conserving those that remain is essential to preserve the ecosystem services that benefit Ontario's economy, environment, and society. To put it plainly, failure to protect remaining wetlands will result in harm to Ontarians and their property. This introduction of the language of "re-evaluation" is redundant, as updates to files were always a part of OWES evaluations. Moreover, we contend that the removal of responsibility for training and custodianship of OWES files from OMNRF will actually make updating evaluations much more challenging and present a barrier to ensuring evaluations reflect the latest science and current conditions. Removal of the ability for OWES Evaluators to gather information on inaccessible properties via remote sensing and visual observations is impractical, and will severely limit wetland evaluators from doing their job. Wetland evaluation must consider the landscape scale, which includes adjacent land covers and uses. Review of aerial imagery and roadside observations should be permitted in OWES evaluations. Certain limitations, such as the use of only publicly-available information may be an appropriate compromise to address landowner concerns.

Please consider all of these concerns and withdraw the proposed amendments highlighted above in accordance with our recommendations. If you have any questions or require further clarification, we would be happy to provide further consultation as experts in wetland science. Indeed, our final recommendation is that any amendment of OWES should be science-based and involve direct consultation with wetland experts.

Signed on behalf of Save Ontario Wetlands,

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