



November 24, 2022

Attention:

Public Input Coordinator
Ministry of Natural Resources and Forestry
Resources Planning and Development Policy Branch
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Subject: **Environmental Registry Policy Proposal 019-6160,**
Proposed Updates to the Ontario Wetland Evaluation System

For over 80 years, Ducks Unlimited Canada (DUC) has been Canada's leader in wetland conservation. Using sound science, DUC works with landowners, government, public agencies, Indigenous groups, and other partners to protect, enhance and restore wetlands. In Ontario alone, DUC has conserved more than one million acres of wetland and associated habitat which support Ontario's resiliency against flooding, improved water quality, increased biodiversity habitat, species at risk recovery, and access to healthy outdoor recreation for people. The protection and restoration of wetlands and associated natural heritage systems and watersheds are critical to addressing the impacts of climate change and adapting to it by building naturally resilient landscapes.

DUC has reviewed the proposed updates to the Ontario Wetland Evaluation System (OWES), along with other legislative and regulatory amendments and policy proposals associated with the government's broader *Ontario Housing Supply Action Plan 2022-2023*.

While DUC supports the need for an OWES review, we have several concerns associated with the proposed OWES updates (as detailed in the table below) including the following:

- While the Ontario Ministry of Natural Resources and Forests (MNRF) has prepared a supporting document that summarizes the proposed OWES updates, the document does not contain any evidence-based information on the rationale for the proposed changes, or the landscape-level impact (predicted or known) of the proposed updates. Without this important information, it is difficult for stakeholders and the public, to provide informed advice to government on the proposed OWES updates.
- The proposed updates would see a sharply reduced role for the MNRF in wetland protection and administration of the OWES, including information provision, quality control and approval of evaluation, re-evaluation and boundary adjustments. DUC believes that provincial oversight (whether from the Province or other agency with the requisite expertise) in administering the OWES is essential. Without this OWES oversight, many municipalities will be ill-equipped to consider conflicting technical advice on the status of wetlands, leading to unnecessary land use planning approval delays and inefficient resolution through Ontario Land Tribunal hearings.
- With the removal of complexing from OWES, the proposed updates do not contain sufficient direction on how adjacent wetlands and their interactions should be considered in wetland evaluations. A key component to appreciating wetlands' role in climate resilience and water quality is understanding how water travels over land. Much more information is required in the OWES to ensure that hydrologically

important features that are part of natural systems, and contribute to water quality and flood mitigation, are not adversely affected by the proposed changes. This is important for Great Lakes wetlands as well as inland waters.

- The rationale and the associated impact of removing consideration of habitat for endangered and threatened species from the OWES is unstated and therefore unclear. Given Ontario's commitment to implementing both the Ontario *Endangered Species Act*, as well as the related federal legislation, further information should be provided by government before decisions are made in this regard.
- It is our sense that implementation of the updated OWES would generally result in decreased scores for some wetlands, and/or reduced wetland boundaries, precipitating decreased protection and wetland loss. Any amended classifications resulting in habitat loss ultimately run counter to the widely accepted use of nature-based solutions to capture and store GHGs that mitigate against the impacts of climate change. While there may be opportunity to address this through other policy proposals that speak to reversing the decades long trend of wetland loss, no such context has been provided. There is currently no regulation or policy that details how such losses will be offset to the overall ecological and climate benefit of the Ontario landscape. It would be premature for the Ministry to adopt these OWES changes until there has been modeling of the anticipated impacts on wetlands at a broader landscape scale and a plan to address these impacts. Without this information, it is very difficult for stakeholders to have a true sense of the impact or the proposed rational of the proposed OWES changes, to help inform constructive advice for government.

Ontario has and can, continue to be a national leader in wetland protection and restoration, and an updated and modernized OWES can be a key part of that leadership. However, DUC maintains that sufficient time and analysis is required to understand how proposed updates to OWES will lead to changes in wetland evaluations on the landscape **and how the proposed OWES updates may relate to concurrent policy proposals of government, most specifically ERO posting 019-6161 *Conserving Ontario's Natural Heritage* (natural heritage offsetting) and ERO posting 019-6177 *Review of a Place to Grow and the Provincial Policy Statements*.**

DUC recommends that government not proceed to update the OWES until there has been full and complete engagement on the proposed changes and their potential impacts on the landscape, and until there is greater clarity and understanding of how related natural heritage and wetland policy proposals associated with the *Ontario Housing Action Plan 2022-2023* will align to help support a net gain in wetlands for Ontario.

DUC is committed to working with government, municipalities, and other stakeholders to help find win-win policy solutions that help the province deliver on its housing supply priorities, **while ensuring government's commitment to net positive outcomes for natural heritage and reverse the decades long trend of natural heritage loss, as stated in the *Conserving Ontario's Natural Heritage Discussion Paper*.**

If there are any questions regarding this DUC submission, please do not hesitate to contact me directly.

Yours truly,



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Ducks Unlimited Canada Comments

ERO Posting 019-6160 Proposed Updates to the OWES System

	Section	Page (Para)	DUC Comments
1.	Introduction to Evaluation System	3 (1)	<ul style="list-style-type: none"> • Almost all mention of MNRF as an approver and as a source of valued technical expertise is proposed to be struck from the OWES. DUC is concerned about the regulatory, administrative, and technical vacuum that will be created if MNRF relinquishes its important decades long role as the “administrator” of the OWES. • DUC believes that it is critically important for an agency with appropriate scientific knowledge to serve in a provincial OWES administration role, working closely with municipalities, conservation authorities and other land use planning and regulatory bodies. This agency or 3rd party would provide oversight, administration support and approval expertise associated with wetland evaluations, re-evaluations and boundary adjustments. • In the absence of such a provincial administrator, the province may not achieve its desired efficiencies in land use planning decision making, as there will be no expert body associated with OWES interpretation and conflict resolution, many municipalities will not have the technical expertise, and land use planning decisions will be relegated to lengthy delays associated with Ontario Land Tribunal hearings.
2.		5 (1)	<ul style="list-style-type: none"> • While DUC recognizes that municipalities play the principal land use planning roles in Ontario, DUC believes that the province also needs to continue to play an important role, principally through its <i>Planning Act</i> leadership role and other land use planning and regulatory legislation (e.g. <i>Great Lakes Protection Act</i>, <i>Conservation Land Act</i>). • For example, the Ministry’s own <i>Guide for Crown Land Use Planning</i> (Section 8.5) specifically provides that, “MNRF will have regard for Provincially Significant Wetlands (PSW) in Crown land use planning.” https://www.ontario.ca/document/guide-crown-land-use-planning/80-working-crown-land-use-designations • DUC recommends against deleting content from the OWES that speak to the role of the province in using OWES evaluation information.
3.		5 (2) and 5 (3)	<ul style="list-style-type: none"> • DUC recommends against deleting mention of the various and significant ways in which the OWES and wetland evaluations can be considered by conservation authorities in the carrying out of their <i>Conservation Authorities Act</i> roles and responsibilities. CA staff trained in OWES should be able to use it as needed, as should any other agency.
4.		5 (4)	<ul style="list-style-type: none"> • DUC recommends against deleting mention of the various and significant ways in which OWES, and wetland evaluations can be considered by MNRF in its management of the province’s natural resources and public lands.

			<ul style="list-style-type: none"> DUC notes that Section 8.5 Crown Land Use Designation or Value for Consideration of Ontario's <i>Guide for Crown Land Use Planning</i> specifically provides that, "MNRF will have regard for Provincially Significant Wetlands (PSW) in Crown land use planning." https://www.ontario.ca/document/guide-crown-land-use-planning/80-working-crown-land-use-designations
5.	How the Scoring System Works	7 (1)	<ul style="list-style-type: none"> DUC firmly believes that either MNRF or other public agency with requisite scientific and technical expertise or recognized independent 3rd party or panel of experts provide a critically important provincial oversight role for the OWES, including as required, technical "approval" of wetland evaluations. The province needs to benefit from an impartial and knowledgeable agency that has the expertise to review and approve OWES evaluations. In the absence of such a role, lack of confidence in the quality of wetland evaluations or the technical expertise to review these evaluations is certain to be an issue and a burden for municipalities.
6.	Wetland Re-evaluations and Wetland Updates	7-8	<ul style="list-style-type: none"> DUC agrees that wetland evaluations and wetland boundaries need to be kept current and should be re-assessed as needs and opportunities arise. DUC is however very concerned with the updates proposed for the OWES. The information provided in this section on how wetlands or their boundaries can be re-evaluated is very lacking and we fear that this lack of direction will lead to incremental one-off re-evaluations of portions of wetlands or boundary adjustments thereof. For example, additional information is required in the OWES about how evaluators should consider adjacent or nearby wetlands, including consideration of hydrological connections between adjacent wetlands. This section represents fundamentally important new content for the OWES and further work is required by MNRF in this regard.
7.	A Complete Evaluation	8 (1)	<ul style="list-style-type: none"> DUC does not support the proposed policy direction that, "A wetland evaluation, re-evaluation or mapping update will be considered "complete" once it has been received by a decision maker addressing a land use planning and development or resource management matter". Mere "receipt" of an evaluation, re-evaluation or mapping update by a municipality should not in any way represent the "completion" of an evaluation. In this proposed model, there is no quality assurance or informed review to ensure consistency of the wetland evaluation with the OWES. This approach will not lead to the increased land use planning certainty that government is seeking. DUC recommends that this section of the OWES be revised to provide direction on provincial level oversight and administration of the OWES, such that municipalities benefit from impartial and informed technical advice about the status and boundaries of wetlands.

8.	Definitions of Wetlands and Wetland Areas	9 (2)	<ul style="list-style-type: none"> • It is proposed that the OWES would be updated to completely delete mention of “wetland complexes” and the consideration of “complexing”. • It is difficult to provide informed advice on these proposed updates, given that the Ministry has neither provided a detailed explanation of the rationale for the proposed updates, nor information on the anticipated outcomes of these OWES changes, in terms of either new evaluations or re-evaluations of wetlands. • While DUC understands that government wishes to provide new direction on how adjacent or nearby wetlands should be considered in evaluations (versus current complexing direction), there is however little or no content on how an evaluator should consider adjacency. • For example, consideration should be given in the OWES to providing direction on how evaluators should consider hydrological connections between adjacent wetlands, given the benefits associated with flood attenuation, water quality and wildlife.
9.	Wetland Evaluation File	9-10	<ul style="list-style-type: none"> • MNRF is proposing to delete the list of information that otherwise would be included within an evaluation file. • In the absence of any explanation from MNRF as to why this information is not required or whether such information will otherwise be required elsewhere in the OWES, it is DUC’s advice that the inclusion of this information within the OWES would be useful advice for evaluators and those non-specialists reviewing evaluations.
10.	Sources of Information	11-12	<ul style="list-style-type: none"> • MNRF is proposing to delete suggestions of optional sources of information that evaluators should reference. • In the absence of any explanation from MNRF as to why this information is not required or whether such information will otherwise be required elsewhere in the OWES, it is DUC’s advice that the inclusion of this information within the OWES would be useful advice for evaluators and those non-specialists reviewing evaluations.
11.	Wetland Boundaries	18 (2)	<ul style="list-style-type: none"> • Consistent with comment #5 above, DUC recommends that either MNRF or another impartial and technically capable body be responsible for providing OWES administration oversight, expertise, and support, including informing decisions on adjustments to wetland boundaries.
12.	Wetland Edges Bordering on Lakes and Rivers	20 (3)	<ul style="list-style-type: none"> • DUC supports the Ministry in recognizing that direction is required in the OWES on how to consider wetlands bordering on lakes and rivers, particularly given that MNRF is proposing to remove all OWES direction associated with wetland complexing.
13.	Wetland Complexes	26-28	<ul style="list-style-type: none"> • It is proposed that the OWES would be updated to completely delete mention of “wetland complexes” and the consideration of “complexing”. • It is difficult to provide informed advice on these proposed updates, given that the Ministry has neither provided a detailed explanation of the rationale for the proposed updates, nor

			<p>information on the anticipated outcomes of these OWES changes, in terms of either new evaluations or re-evaluations of wetlands.</p> <ul style="list-style-type: none"> • While DUC understands that government wishes to provide new direction on how adjacent or nearby wetlands should be considered in evaluations (versus current complexing direction), there is however little or no content on how an evaluator should consider adjacency, leading to fear that all small wetlands in close proximity to each other will be considered as separate entities. • For example, consideration should be given in the OWES to providing direction on how evaluators should consider hydrological connections between adjacent wetlands, given the benefits associated with flood attenuation, water quality and wildlife.
14.	Diversity of Surrounding Habitat	37	<ul style="list-style-type: none"> • DUC is pleased to see that MNRF is proposing to maintain this important content and OWES evaluation scoring direction
15.	Recreational Activities	41	<ul style="list-style-type: none"> • While the OWES will continue to refer evaluators to municipalities, Indigenous communities, conservation authorities, etc. for information about recreational activities in wetlands subject to evaluation, DUC is disappointed to see the proposed deletion of MNRF as an additional source of this information. • This proposal is especially concerning in areas of central and northern Ontario, where municipalities and conservation authorities may not exist and MNRF can play a particularly important information role.
16.	Reproductive Habitat for Endangered or Threatened Species	51-52	<ul style="list-style-type: none"> • MNRF is proposing to delete from the OWES, all consideration of reproductive habitat for endangered or threatened species and migration, feeding and hibernation habitat for endangered or threatened species. • From DUC's perspective, these are important considerations to assessing the value of wetlands and to supporting Ontario's <i>Endangered Species Act</i>. • The OWES amendment consultation materials do not contain an explanation or rationale for this proposed deletion, the anticipated impact upon wetland evaluation scores and the potential alternate consideration of this habitat under the <i>Endangered Species Act</i>.
17.	Waterfowl Staging and/or Moulting Areas	55-58	<ul style="list-style-type: none"> • DUC is pleased to see that MNRF is proposing to maintain this important content and OWES evaluation scoring direction, as well as OWES Section 4.2.4 Waterfowl Breeding and Section 4.2.5 Migratory Passerine, Shorebird or Raptor Stopover Area.
18.	Great Lakes Coastal Wetlands	60-61	<ul style="list-style-type: none"> • While DUC understands that government wishes to provide new direction on how adjacent or nearby wetlands should be considered in evaluations (versus current complexing direction), there is however little or no content on how an evaluator should consider adjacency, leading to concern that important values associated with adjacency will be lost. • For example, consideration should be given in the OWES to providing direction on how evaluators should consider

			hydrological connections between adjacent wetlands, given the benefits associated with flood attenuation, water quality and wildlife.
19.	Documentation of Wetland Features not Included in the Evaluation	61	<ul style="list-style-type: none"> • Much of this information would be collected by a trained evaluator in the evaluation or re-evaluation of a wetland and the information could be very useful for a wide variety of scientific purposes. • In the absence of any explanation from MNRF as to why this information is not required or whether such information will otherwise be required elsewhere in the OWES, it is DUC's advice that the inclusion of this information within the OWES would be useful advice for evaluators and those non-specialists reviewing evaluations.
20.	Appendix 1 – Provincially Significant Wetlands	62	<ul style="list-style-type: none"> • Consistent with comment #5 above, DUC recommends that the newly proposed content be revised to <i>"The ministry has determined that a wetland is provincially significant when it has been identified as such using this manual <u>and when the evaluation has been approved by MNRF or an equivalent agency appointed by the province to provide oversight and administration of the OWES and wetland evaluations.</u>"</i>