



Public Input Coordinator
MNRF - PD - Resources Planning and Development Policy Branch
300 Water Street, 2nd Floor, South tower
Peterborough, ON, K9J 3C7
ecologicaloffsetting@ontario.ca

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Re: ERO Posting 019-6161 Conserving Ontario's Natural Heritage

Please accept our comments on the proposal for an ecological offsetting policy outlined in the Discussion Paper Conserving Ontario's Natural Heritage included in ERO posting 019-6161.

Ducks Unlimited Canada (DUC) in Ontario has long advocated for a provincial framework to guide wetland offsetting that ensures net positive habitat outcomes on the landscape. To achieve net positive outcomes, strong legislative and regulatory protection for ecologically important features is essential: the imperative for southern Ontario where land use pressures are so intense will always be to protect all remaining ecologically important features and restore natural systems to the greatest extent possible.

DUC's advocacy for a provincial offsetting policy has always been based on the premise that strong wetlands protection measures would remain in place and that such a offsetting policy framework be nested in conservation/environmental policy: ideally a legislated comprehensive framework for wetland conservation, or at a minimum an active wetland conservation strategy and associated policy guidance for Ontario. We maintain that an ecological offsetting proposal can help to reduce land use conflicts that can arise from land use planning and development proposals, but we are concerned that releasing this discussion paper and proposed updates to the OWES as part of the province's *Housing Action Plan 2022/2023* will erode public confidence in the potential for environmentally positive outcomes.

While we are encouraged by positive language in the discussion paper that speaks to a mitigation hierarchy that places highest priority on avoidance and holds net positive ecological outcomes as its goal, the reality that has already unfolded points to negative impacts. As highlighted on our comments related to Bill 23 (OWES Updates ERO 019-6160 and CA Act Leg and Reg Proposals ERO 019-6141), a regulatory gap has now been created that **leaves unevaluated wetlands unprotected, as they are often situated outside the more narrowly defined "hazard areas" that will be subject to conservation authority review and permitting.**

Approximately half of wetlands in southern Ontario remain unevaluated and hence are at dire risk of loss or impairment. The Ontario Wetland Evaluation System (OWES) is a tool which only serves to protect wetlands when evaluations are completed. Unfortunately, there is no provincial legislative or regulatory requirement to complete wetland evaluations as part of municipal land use planning or development proposal review and no specific provincial policy basis for a municipality to require such studies. As such, and as indicated in the Auditor General's Value for Money Report on Flooding (2022), only 30 wetland evaluations have been completed in Ontario in the past decade.

Up until now, the stop gap in protection for unevaluated wetlands has been Section 28 of the Conservation Authorities Act, through which conservation authorities had the opportunity to review development proposals and identify and assess affected wetland habitats. While DUC has long advocated for an exemption or streamlining of habitat restoration project permitting processes (treated differently than development projects) under the Conservation Authorities Act, we do not support the wholesale removal of protections.

Along with many members of the public, conservation organizations and municipal government representatives, we are looking for leadership from the government through the Ministry of Natural Resources and Forestry (MNRF) to:

- 1) Clarify how unevaluated wetlands located beyond conservation authority regulated areas will be protected
- 2) Ensure there is a requirement for all wetlands to be evaluated in advance of any development proposal located adjacent to the wetland or that may cause negative impacts to the habitat, and
- 3) Support strong continued protections for ecologically (this includes hydrologically connected) important habitats

These measures must be core tenants of an ecological offsetting policy and this regulatory and policy work should happen prior to the updating of the OWES, so that these measures can inform updates to the evaluation process and, as per our previous comments (ERO 019-6160), provide better clarity regarding issues the proposed OWES updates may be trying to address. Conservation experts must be given the opportunity and time to input into the development of natural heritage policy approaches and updates to OWES, in advance of any further legislative and regulatory changes that put wetlands at risk, such as further reductions in the scope of conservation authority permitting.

It seems fundamental that there be room for homes, industry, working farms and the natural systems that are critical for wildlife, climate resilience, water quality, human health and quality of life. This requires a thoughtful approach that ensures we're doing the right things in the best places. An ecological offsetting policy, if implemented as environmental policy with landscape and wildlife sustainability as its foundational goal, can help to meet multiple objectives. Leadership from the MNRF is needed to ensure this process puts Ontario's natural heritage resources first.

Ducks Unlimited Canada 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,



Lynette Mader
Manager of Provincial Operations - Ontario Ducks Unlimited Canada
Tel: 1-705-242-7769
Email: l_mader@ducks.ca