

# Grand River Conservation Authority

**Report number:** GM-11-22-87

**Date:** November 10, 2022

**To:** Ad-Hoc Conservation Authorities Act Regulations Committee

**Subject:** ERO No. 019-6160- Proposed Updates to the Ontario Wetland Evaluation System

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## **Recommendation:**

THAT Report: ERO No. 019-6160- Proposed Updates to the Ontario Wetland Evaluation System be submitted to the Environmental Registry Ontario and,

THAT Report: ERO No. 019-6160- Proposed Updates to the Ontario Wetland Evaluation System be circulated to the General Membership at the November 25, 2022 meeting to be received as information.

## **Summary:**

On October 25, 2022, the Ministry of Natural Resource and Forestry posted on the Environmental Registry of Ontario (ERO) a proposal to amend the Ontario Wetland Evaluation System (OWES). These proposed updates to the OWES are to remove duplicated requirements and streamline the evaluation process.

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. Conservation Authorities rely on this proven methodology as an aid in implementing regulations under the Conservation Authority Act. This includes making decisions regarding development and public safety, natural hazard prevention and management, regulating wetlands for flood attenuation, natural storage capacities and for preventing shoreline erosion. The results of wetland evaluations are also used to inform land-use planning decisions.

The GRCA strongly encourages additional time for consultation on the provincial proposals to ensure that the Province, Conservation Authorities, and other stakeholders fully understand the potential short and long term implications of the proposed changes.

Based on a review of the ERO posting, the following comments and recommendations are provided:

1. Removal of wetland complexing is problematic and will lead to a less standardized approach to wetland evaluation. The removal of this section from the protocol will impact the status of numerous wetlands across the Grand River watershed.
2. It is unclear who the 'decision maker' is and who will be responsible for ensuring qualified persons are completing evaluations.
3. Municipalities will be required to take on a greater role in the OWES. There is a concern that some municipalities will not have the technical capacity or capabilities to complete the proposed tasks.
4. Changes to the OWES could also have implications for the Conservation Land Tax Incentive Program for many landowners in the watershed, including the GRCA.

The GRCA supports a review and update of the OWES manual to ensure that it reflects the best available science and incorporates widely accepted inventory and assessment methods. We agree there is a need to create process efficiencies in some circumstances, but this needs to be

based on ecological rationale. Staff suggest that any changes to the technical manual should be carefully vetted by qualified experts.

## Report:

On October 25, 2022, the Ministry of Natural Resources and Forestry posted on the Environmental Registry of Ontario (ERO) a proposal to amend the Ontario Wetland Evaluation System (OWES). These changes are being proposed in support of Ontario's Housing Supply Action Plan 3.0 and the government's commitment to support the construction of 1.5 million new housing units over the next ten years. These proposed updates to the OWES are to remove duplicated requirements and streamline the evaluation process.

While we acknowledge that it is important to build more homes in Ontario and make the development process more efficient; this cannot be done at the detrimental expense of important natural heritage features that play an important role on the landscape. The proposed updates identified in ERO No. 019-6160 do not reflect the best available science, would allow for more piecemeal assessment of wetlands and will result in further wetland loss.

Watersheds in southern Ontario have less wetland cover than they did prior to extensive European settlement, with losses exceeding 70% in many jurisdictions. Despite the various protections for wetlands today, wetland loss continues in many portions of the province. Investment in wetlands results in enhanced biological diversity, which in turn provides a range of ecological goods and services for communities. Wetlands collectively serve an important hydrological function and regulate how Ontario's landscape responds to rainfall, runoff and flooding. Wetlands also serve a critical role in protecting the quality of recharging groundwater to support the drinking water needs of our communities.

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. Conservation Authorities rely on this proven scientific methodology as an aid in implementing regulations under the *Conservation Authority Act*. This information is used for making decisions for the purposes of public safety, natural hazard prevention and management, regulating wetlands for flood attenuation, natural storage capacities and for preventing shoreline erosion.

Based on GRCA's review of the proposed changes to the OWES, we are providing the following comments and recommendations:

1. We support the review and update of the southern manual, which was last updated in 2014. However, the proposed changes would remove entire sections of the manual. This could lead to further confusion and ambiguity as to how to approach a wetland evaluation in general and could also complicate site-specific reviews of small and isolated wetlands in particular. We recommend that the best available science and widely accepted methods be incorporated into the manual to ensure that all wetlands are properly inventoried, assessed and protected for future generations.
2. The wholesale removal of the wetland complexing guidelines is problematic and will likely lead to a less standardized approach to wetland evaluation in the province. Furthermore, the elimination of wetland complexing guidelines will likely lead to great ambiguity and confusion regarding the limits and status of wetlands. The proposed wholesale elimination of complexing from the OWES protocol could potentially affect the status and protection of numerous wetlands across Ontario. We would recommend that a science-based approach be taken to amend the criteria for complexing and scoring to provide greater clarity and efficiencies during the evaluation process.
3. For many species-at-risk, the greatest threat to their populations is habitat loss and habitat fragmentation. Habitat is a crucial element for the conservation of species-at-risk and includes areas that directly or indirectly support breeding and raising young, feeding, shelter and migration. The proposed changes to the OWES manual would eliminate

relevant sections and will affect the score of previously evaluated wetlands. We would recommend that further analysis is needed to understand how the proposed changes to the feature scoring would affect the overall score of wetlands and impact the conservation of species-at-risk.

4. It is not clear who the 'decision maker' is in this document. It also appears that MNRF will no longer administer the OWES. This raises the question as to who will maintain the provincial wetland mapping layer and store wetland evaluation records. Clear instructions are needed to ensure that information and data relevant to a wetland evaluation or re-evaluation are properly documented and filed with the appropriate agency or local municipality. Greater collaboration and improved technology transfer is likely needed to ensure that the results of existing and future wetland evaluations, including evaluated wetland mapping, remain valid, up to date and accessible to decision-makers.
5. Through the proposed changes, municipalities will be required to take on a greater role in the administration of the OWES. Many, if not most municipalities within the Grand River watershed, may not have the staffing capacity or qualified staff capable of completing the proposed tasks. Another significant complication is that natural features do not follow municipal boundaries, leading to overlap and possible inefficiencies if municipalities are tasked with administrative requirements.
6. Changes to the OWES could also have implications for the Conservation Land Tax Incentive Program for many landowners in the watershed.

The GRCA supports a review and update of the OWES manual to ensure that it reflects the best available science and incorporates widely accepted inventory and assessment methods. We agree there is a need to create process efficiencies in some circumstances, but this needs to be based on ecological rationale. Any changes to the technical manual should be carefully vetted by qualified experts.

To ensure efficiencies for decision makers and other users, we would also recommend that the Province continue to maintain the provincial mapping layer and database of existing and new evaluation documents. At the GRCA, we have taken a collaborative approach to share data and mapping through the Wetland Evaluation Protocol that was developed by the GRCA, MNRF and Ducks Unlimited Canada in 2005. This protocol outlines priorities and guidelines for the wetland information in the Grand River watershed. It was developed because the most important and fundamental tools for effective wetland conservation are good data and mapping.

Finally, it is recommended that additional time for consultation on this ERO posting to ensure that the Province, Conservation Authorities, and other stakeholders fully understand the potential short and long-term implications of these proposed changes.

### **Implications of Changes to the OWES on the Grand River watershed**

The proposed changes to the OWES will have implications within the Grand River watershed, which comprises approximately 636 km<sup>2</sup> (63,603 ha) of wetland. Less than 10% of the watershed is covered by wetlands, of which 493 km<sup>2</sup> (78% of the total wetland area mapped by GRCA and MNRF) has been evaluated by the Province. Wetland cover varies greatly across the Grand River watershed. Within the lower middle Grand, the wetland cover is as low as 4%. In the upper Grand River sub-basin, the wetland cover can be as high as 18%.

Within the Grand River watershed, wetlands cover about 23% (53,702 hectares) of the significant groundwater recharge areas and 19% (50,483 hectares) of the high surface water runoff areas identified and mapped by the GRCA. An additional 21,189 hectares of wetland are located within the regulated floodplain areas. The majority of these wetlands are small and isolated, and, in the absence of significant wetland attributes or functions, may not be protected by provincial or local policies. Consequently, many of these wetlands could become more vulnerable to increased land-use pressures. Further wetland loss has the potential to negatively

impact key hydrological functions, which help regulate water quality and water quantity and thereby protect the quality of life throughout the Grand River watershed.

The GRCA owns approximately 20,000 hectares or 48,000 acres of land within the Grand River watershed. Changes to the OWES could have implications for GRCA lands enrolled in the Conservation land Tax Incentive Program (CLTIP). Currently, 7,200 hectares of GRCA conservation lands are eligible for a tax exemption through CLTIP based on the presence of important natural features. Of that acreage, approximately 6,600 hectares are eligible based solely or in part on their designation as Provincially Significant Wetland.

**Financial Implications:**

N/A

**Other Department Considerations:**

The Resource Planning, Sub-watershed Planning and the Natural Heritage Group were consulted in the preparation of these comments.

**Submitted by:**

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