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November 24, 2022

**RE: Proposed Updates to the Ontario Wetland Evaluation System (ERO#019-6160)**

To Whom It May Concern:

Thank you for the opportunity to provide comments on the “Proposed Updates to the Ontario Wetland Evaluation System” ([ERO#019-6160](#)). Conservation Ontario is the network of Ontario’s 36 conservation authorities. Conservation Authorities (CAs) are local watershed management agencies which deliver programs and services that protect and manage water and other natural resources in partnership with government, landowners, and other organizations. The following comments are not intended to limit consideration of comments shared individually by CAs through this review and consultation process.

CAs regulate development and other activities for the purpose of natural hazard management, including requiring permission for development activities in areas related to natural hazards, such as wetlands. As outlined in the current version of the OWES manual, CAs use the results of OWES evaluations in a number of ways. Primarily, CAs may use the results of OWES evaluations to advise decisions on applications for development or alteration activities, including making use of information outlining provincial significance of a wetland, delineation of wetland boundaries, and more. CAs may further use the OWES and completed evaluations to develop watershed plans or studies at the request of municipalities, or to delineate and evaluate wetlands on the lands they own or control. Many CA lands contain natural heritage features such as wetlands (evaluated and unevaluated) which are protected for their many benefits and ecosystem services (e.g., flood and drought control, groundwater recharge, carbon sequestration and more). Moreover, many CA staff are qualified wetland evaluators in Ontario and are included in the [Government of Ontario’s “Wetland Evaluators List”](#) (however, it should be noted this resource appears to be out of date).

### **Proposal Summary & General Comments**

#### **Recommendation #1:**

***Establish a “user” working group, including a Conservation Ontario representative, to discuss and review changes to the Ontario Wetland Evaluation System prior to finalizing changes.***

It is understood that, in support of Ontario’s Housing Supply Action Plan 3.0, the Ministry of Natural Resources and Forestry (MNRF) is proposing updates to the Ontario Wetland Evaluation System (OWES). A number of key changes are identified, including, but not limited to: changes to how wetlands are re-

evaluated and how wetland boundaries are updated, the ability to evaluate wetland complexes, changes in scoring criteria and attributes, and administration of the OWES.

While Conservation Ontario is generally supportive of the province undertaking a review of evaluation procedures such as the OWES to identify opportunities for streamlining and reducing duplication, we are concerned that many proposed changes will result in fewer wetlands being evaluated and designated as provincially significant. Further, proposed changes would allow for wetlands previously designated as provincially significant to be re-evaluated which, particularly for those part of previously identified wetland complexes, may result in a gradual fragmentation and loss of provincially significant wetlands across Ontario. Wetlands provide a number of benefits and ecosystem services such as: flood control/attenuation, drought control, shoreline stabilization, water purification, groundwater recharge and discharge areas, carbon sequestration and habitat for diverse species (including endangered or threatened species). When protected in a connected natural heritage system, wetlands are a natural and cost-effective tool to mitigate impacts of flooding, erosion and drought, particularly in the face of a changing climate, which put people, property and built infrastructure at risk. For all these reasons, the protection of wetlands remains critical in Ontario.

Conservation Ontario supports the provincial government's commitment to increase the supply of housing while "continuing to protect the environment, prime agricultural areas and public health and safety" (HSAP 3.0). In doing so, land use planning tools such as OWES must remain robust and based on the best-available science to ensure that provincially significant wetlands can be identified and protected and evaluations of all wetlands are accessible to users. As such, Conservation Ontario recommends that a 'user' working group with representatives from all those involved in administering / implementing OWES (municipalities, government agencies, conservation authorities, academia, NGO's and Indigenous Communities) should be formed to discuss and review the proposed changes to the OWES prior to finalization.

Conservation Ontario offers the following comments and recommendations based on the proposed changes, focused on ensuring that the Ontario Wetland Evaluation System remains robust, comprehensive, accessible and based on best-available science for the protection of wetlands on our landscape.

### **Wetland Complexing**

#### **Recommendation #2:**

***Retain the section of the OWES manual titled "Wetland Complexes" as well as all references to wetland complexes / complexing.***

Under the current OWES (2014), wetland complexes are recognized as groupings of wetlands which are commonly related in a functional way and tend to have complementary biological, social and/or hydrological functions. OWES currently provides that, where a wetland complex is recognized, evaluators must score the entire complex as one wetland, and ensure that all individual wetland communities in the complex are mapped. The ability for evaluators to consider wetland complexing is significant, as considerations such as the "topography of the landscape in which these wetlands occur, the short distances between some of the wetlands, and the density of wetlands per unit of areal landscape may be so complex that delineation of the wetland units into individually recognized wetlands **would not be an ecologically or functionally sound process**" (OWES 2014, p. 39).

The proposed changes to the OWES manual would remove the section titled “Wetland Complexes”, as well as all references to wetland complexes / complexing (except for a new section titled “Wetland Re-evaluations and Mapping Updates”). If the proposed changes are finalized, wetland evaluators would no longer be able to evaluate an entire wetland complex as a single wetland. This will result in wetland units being evaluated individually, without consideration to their values across a network of interconnected features. This change may result in lower scoring wetlands, with fewer achieving scores to designate them as provincially significant.

Conservation Ontario is concerned with the proposal to remove considerations for wetland complexes from the OWES manual. As discussed in the current manual, wetland complexes should be considered due to the functional relations between individual units and based on an understanding that impacts to a single unit in the complex may affect ecological and hydrological functions of other wetlands in the complex. Consideration of wetland complexes is a significant tool to mitigate potential impacts from natural hazards, as all individual units in a wetland complex may work together to provide services such as flood control/attenuation or shoreline stabilization. As such, Conservation Ontario strongly recommends that the section titled “Wetland Complexes” as well as all references to wetland complexes / complexing remain in the OWES manual, to continue to require evaluators to score the entire recognized complex as one wetland. Conservation Ontario would be pleased to work with the province to review the OWES criteria for complexing and scoring to ensure that these considerations remain effective, to eliminate any uncertainty or lack of clear direction for complexing wetlands, and to ensure that scoring continues to be based on a scientific approach.

Conservation Ontario further notes that an addition to the “Wetland Edges Bordering on Lakes and Rivers” section is proposed which would require evaluators to evaluate some instances of “very closely grouped wetlands” as a single unit (e.g., wetlands within 30m from each other, or wetlands along a river of a lake that are separated by 100ft or less). Clarity is required in the OWES to confirm that evaluators may evaluate “closely grouped wetlands” as a single unit in all landscapes, (e.g., not bordering on lakes and rivers), provided the wetlands are within 30m from each other with small pockets of upland forest.

Furthermore, the size and density of wetlands in an area are key triggers for undertaking an evaluation. OWES currently recommends that wetlands greater than 2 hectares in size be evaluated, thus, leaving a gap in the evaluation of small wetlands. Small wetlands are generally best valued when considered as part of an interconnected and functionally related network. As such, wetlands of various sizes that make up a complex have generally been identified for evaluation given their cumulative size and scale on the landscape and their collective hydrological and biological functions. Removing the ability to evaluate wetland complexes will result in many wetlands remaining unevaluated, resulting in a potential loss of protections for these wetlands (through a provincially significant or locally important designation). In addition, there will be a broad-scale devaluation of wetland functions at a landscape scale, and a loss of information obtained from evaluations which are used by many agencies and organizations, such as CAs, to assist with land use planning and regulatory processes. The risk is considerable, particularly in areas where small wetlands dominate the landscape and development pressures are the greatest.

### **Wetland Re-Evaluation and Mapping Updates**

#### **Recommendation #3:**

***Amend the proposed “Re-evaluation of previously evaluated wetland complexes” subsection to state that re-evaluation of wetland complexes may only occur through a complete re-evaluation of all units in the existing wetland complex at the same time, and that the status of a wetland complex (e.g., significant or not) may only change based on such a re-evaluation of the complete wetland complex.***

**Recommendation #4:**

***Very limited circumstances should be clearly outlined for an individual wetland, which is part of a complex, to be re-evaluated on its own to avoid confusion or misapplication of the manual.***

Under the current OWES (2014), evaluated wetland files are “open files” which are responsive to real-world changes in order to remain scientifically current and accurate. Evaluators may periodically review files to document and append any changes to the original file. Further, the current OWES manual outlines a process to amend or update wetland evaluation files for wetlands which were evaluated using earlier editions of the OWES through a “desktop update”.

The proposed revisions to the OWES manual would see the removal of references to wetland evaluations being considered “open files” (p. 9, 14, 119), as well as removal of the section titled “Updating First and Second Edition OWES Files to the Third Edition”. A new section is proposed titled “Wetland Re-evaluations and Mapping Updates”. The proposed section states that evaluated wetlands may be re-evaluated or a wetland boundary updated. All wetlands would retain their current status until such a time as a re-evaluation occurs, and mapping updates could be undertaken without conducting a full re-evaluation. The section also states that single wetland units which were previously evaluated as part of a complex (with the exception of “closely grouped wetlands”) can be individually re-evaluated without requiring a complete re-evaluation of the complex.

Although the proposed section notes that there is “no requirement to update the wetland evaluation that applied to an entire wetland complex”, Conservation Ontario is concerned that this addition would result in the fragmentation of previously evaluated wetland complexes in Ontario. As noted above, impacts to a single wetland unit within an evaluated wetland complex may affect the ecological, biological and hydrological functions of “downstream” wetlands in the complex. Given the understanding that wetland complexes are related in **functional ways**, Conservation Ontario restates the text from the current OWES manual, which reads that for wetland complexes, the “delineation of the wetland units into individually recognized wetlands **would not be an ecologically or functionally sound process**” (OWES 2014, p.39).

The evaluation of complexed wetlands reflects the significant interconnection between these adjacent features on the landscape, with wetland complexes having a greater likelihood of meeting the scoring criteria for provincial significance. The ability to re-evaluate and potentially remove individual wetlands from a previously evaluated complex does not reflect the significance of a wetland complex as an interconnected functioning unit. Conservation Ontario is supportive of the OWES manual acknowledging that wetland re-evaluations may be required to reflect the changes which may occur to wetland features over time, and outlining a process for re-evaluations. However, it is strongly recommended that any re-evaluations for previously evaluated wetland complexes **apply to the entire wetland complex**, rather than single wetland units as part of the complex. At minimum, very limited circumstances under which a single wetland unit as part of the complex may be re-evaluated on its own should be very clearly outlined, consistent with the recommended retention of wetland complexing but with greater direction and clarity provided in this regard. Criteria for re-evaluation in these limited circumstances should be developed in collaboration with users of the OWES, including Conservation Authorities.

Lastly, the proposed changes further state that “previous wetland evaluation documentation can be used as a source of information when re-evaluating a formerly complexed wetland unit”. Conservation Ontario notes that, while previous evaluations should be considered as a means to identify and

document any changes to the wetland and resulting evaluation score, many of these previous evaluations are dated, and should only be used to collect background information. A field assessment will be required to confirm changes to any details from these previous evaluations.

### **Consideration and Scoring for Habitat of Endangered or Threatened Species**

#### **Recommendation #5:**

***Retain sections 4.1.2.1 (Reproduction Habitat for an Endangered or Threatened Species) and 4.1.2.2 (Migration, Feeding or Hibernation Habitat for an Endangered of Threatened Species) in the OWES manual to signal the high importance of these attributes when evaluating or re-evaluating wetlands. Retain or re-evaluate the current evaluation scores for these attributes.***

Under the current OWES (2014), the “Special Features” component brings together certain biological and ecological attributes of wetlands for consideration, such as the geographical rarity of wetlands, species occurrence and habitat quality. Under the “rarity” subcomponent, consideration for habitats of endangered or threatened species, specifically, reproductive habitat (4.1.2.1) and migration, feeding or hibernation habitat (4.1.2.2), is provided. Scores for wetlands that provide such habitats for endangered or threatened species are high, with wetlands containing reproductive habitat for such species automatically receiving the highest value possible for a component of the OWES (250 points). The inclusion of high values for attributes such as endangered and threatened species habitat **signal the importance of these attributes when evaluating wetlands**. It should be noted that a score of 200 or greater in the “Special Features” component meets the requirements for designation as a PSW.

The proposed revisions to the OWES manual include the removal of sections 4.1.2.1 and 4.1.2.2, signaling that reproductive, migration, feeding or hibernation habitat for endangered or threatened species would no longer be considered when evaluating a wetland in Ontario. No rationale has been provided for the removal of these significant attributes. Conservation Ontario strongly recommends that consideration for these attributes as part of the “Special Features” component of the OWES be retained. Upon review of the proposed changes, there are no other proposed scoring changes related to “Special Features”, resulting in lower cumulative scores for this component of the OWES (where the habitat of endangered and/or threatened species is present). Without the true, overall value of the wetlands in supporting species at risk being accounted for, many wetlands evaluated or re-evaluated under an updated OWES may fall short of the criteria for designation as a PSW. Within the PPS 2020, provincially significant wetlands receive protection from development or site alteration activities.

While Conservation Ontario appreciates the province’s efforts to remove duplicate requirements and streamline the evaluation process, there is concern that the amendments would facilitate a net loss of established habitat for endangered or threatened species in Ontario. Therefore, Conservation Ontario strongly recommends that the province maintain the considerations for habitats of endangered and threatened species in the OWES, and review (and if needed, re-evaluate) the evaluation scores to effectively capture the values of wetlands that support endangered or threatened species in Ontario.

### **Approval Authority, Oversight and Access to Evaluations**

#### **Recommendation #6:**

***Amend the OWES Manual to state 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, and has been submitted to the Ministry of Natural Resources and Forestry District or Area office in which the wetland is located”.*

**Recommendation #7:**

***Clarify who a “decision maker addressing a land use planning and development or resource management matter” to provide greater clarity on when wetland evaluations may be undertaken and who they should be submitted to, and to assist external agencies and private landowners with navigating the process of obtaining completed wetland evaluations.***

Under the current OWES (2014), wetland evaluations are undertaken by trained evaluators who have successfully completed a Ministry-approved wetland evaluation course. Though the requirements for evaluators are proposed to be retained in the updated OWES, the proposed updates are unclear as to who the approval authority is for final evaluations, whether the province will have any oversight of OWES administration and interpretation of evaluations, and how agencies such as Conservation Authorities and landowners may access the results of such evaluations.

Currently, all wetland evaluations must be submitted to the biologist/ecologist at the local MNRF District or Area office in which the wetland is located. All wetland evaluations must be reviewed and approved with a sign-off by the MNRF to be considered complete and “official”. The proposed revisions to the OWES manual include the removal of the “Approval of the Wetland Evaluation” and “The Wetland Evaluation File” sections and propose a new section titled “A Complete Evaluation”. The proposed amendments remove reference to the information needed in a complete wetland evaluation file, and no longer requires MNRF submission, review and sign-off. Instead, the proposed “Complete Evaluation” section states 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”, and further states that evaluators must ensure landowners of the property(ies) containing the wetland are to be made aware of the new or amended evaluations. For greater clarity, Conservation Ontario requests that the province identify who “decision makers” may be within the updated OWES manual, including municipalities and conservation authorities (where applicable), as well as resource management decision makers.

It is understood that the proposed changes would remove much of the Ministry oversight for the OWES, effectively making wetland evaluators the approval authorities for evaluations. While Conservation Ontario is supportive of recognition for the ability of qualified evaluators to undertake wetland evaluations, the proposed changes make it **unclear what materials will be required as part of a complete OWES evaluation, and who will provide oversight to ensure that evaluations submitted to decision makers are completed by certified evaluators and contain accurate and sufficient information based on a complete understanding of the natural environment**. In order for OWES to be defensible and practical, decision makers should be afforded an opportunity to review evaluations, scrutinize results, request a peer review, and accept or reject an evaluation based on an established set of criteria. With removal of many references and the ability to consult with the MNRF on evaluation components, evaluators would be responsible for addressing any uncertainties with interpreting and applying components of the OWES. This lack of provincial oversight will result in ambiguity in interpretation and application of OWES and create challenges for many decision makers who lack capacity or expertise to respond to wetland evaluations. The results could amount to considerable delays in decision making and associated costs.

Furthermore, additional clarity is required with the proposed changes as to where records of wetland evaluations will be maintained with the removal of the Ministry as a review and approval authority. Since the results of OWES evaluations may be used by many different agencies and individuals, including conservation authorities, these evaluations must remain accessible for use in the broader land use planning process, as well as with regulatory administration. The proposed amendments suggest that wetland evaluations would remain with the “decision maker addressing a land use planning and development or resource management issue”, rather than centralized in MNR Area or District offices. Without centralizing these evaluations with the MNR in the area where the wetland is located, the process of obtaining these evaluations will be significantly more challenging. In addition, there will be considerable challenges in managing and storing wetland data for those wetlands that cross municipal boundaries. Conservation Ontario therefore recommends that in addition to submitting wetland evaluations to “decision makers”, wetland evaluators forward the notice of submission and completed evaluation to the local MNR Area or District office, or other publicly accessible platform such as the Natural Heritage Information Centre, within a specified timeframe for record-keeping purposes. This will provide a centralized location for access to wetland evaluations for all agencies who may use these evaluations for their land use planning and regulatory roles and private landowners for land management purposes.

It is noted that the updated OWES is largely geared towards decision makers involved in the land use planning process. However, little is offered by way of evaluations submitted to resource management decision makers and for what purposes. References to watershed plans, resources management plans and even the PPS are proposed for removal from OWES. It is recommended that the OWES manual retain such references (e.g., users of evaluations, pg. 2, OWES 2014) and provide more clarity on all circumstances where evaluations may be carried out and applied, and the associated decision makers. The OWES manual should also consider the circumstances under which landowners undertake a wetland evaluation for reasons beyond land use planning, for instance those seeking to obtain grants or tax-exemptions (e.g., Conservation Land Tax Incentive Program).

### **Locally Important Wetlands**

#### **Recommendation #8:**

***Retain the section of Appendix 1 which speaks to “locally significant wetlands” to provide transparency of process for municipalities to designate and protect wetlands which do not meet the criteria for a “provincially significant” designation (i.e., “locally important wetlands”).***

Under the current OWES (2014), Appendix 1 speaks to the definition of and process for determining a wetland as “provincially significant”. In this Appendix, it is noted that some municipalities may choose to determine that other wetlands (not deemed provincially significant) are significant on a local scale and may decide to protect them. “Locally important wetlands” include wetlands that are evaluated and are not identified as provincially significant, and/or partially evaluated and unevaluated wetlands that have been confirmed as wetland habitat and mapped using the OWES methodology or interpretations of remote-sensing imagery.

The proposed revisions to the OWES manual includes the removal of all references to locally important wetlands, as well as the removal of this portion of Appendix 1. It is Conservation Ontario’s understanding that the determination of locally important wetlands is a municipally-driven process, with protections for such wetlands often provided through designating the land as “Environmentally Protected” zones in municipal Official Plans. Though it is our understanding that the OWES manual is not the mechanism through which municipalities are enabled to protect “locally important wetlands”,

Conservation Ontario recommends that references to locally important wetlands, including this section in Appendix 1, be retained in the manual to allow municipal governments to protect non-PSWs and to provide clarity and direction on how these locally significant wetlands should be consistently identified.

Though the ultimate purpose of the OWES is to determine whether or not a wetland is provincially significant, the system also provides a process of “rating wetlands relative to each other and also provides information about why one wetland is more important than another” (OWES, 2014). As such, despite not being designated as provincially significant, municipalities may take the final scores of evaluated wetlands into consideration when determining whether or not to protect these features as “locally important wetlands”. Given that many of the proposed changes may result in lower scoring wetlands, it is important to retain references to “locally important wetlands” in the OWES to signal the importance of all wetlands and the ability of a municipality to protect non-PSWs.

### **Conclusion**

Once again, thank you for the opportunity to comment on the “Proposed Updates to the Ontario Wetland Evaluation System” (ERO#019-6160). As previously discussed, wetlands provide a myriad of ecosystem benefits and tools to mitigate impacts of natural hazards on communities across Ontario (e.g., flood attenuation, shoreline stabilization, drought control, etc.). While the OWES is the process for evaluating these features, the evaluations undertaken provide the information necessary to understand the roles these features play in the natural landscape and allow for an assessment to determine whether a wetland is provincially significant. As discussed, prior to finalizing changes to the OWES, Conservation Ontario recommends that a working group be established to discuss and review any changes to ensure the evaluation system remains robust, comprehensive, accessible and based on best-available science. Conservation Ontario is prepared to identify an expert to participate in such a group. Should you have any questions about the above comments, please contact myself at extension 229.

Sincerely,



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CC. All CA CAOs/GMs

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