

Chief Executive Officer



November 24, 2022

BY E-MAIL ONLY (wetlands@ontario.ca)

**Re: TRCA Response to Request for Comments
Proposed Updates to the Ontario Wetland Evaluation System (ERO #019-6160)**

Thank you for the opportunity to comment on the above noted posting to the Environmental Registry of Ontario (ERO) by the Ministry of Natural Resources and Forestry (MNRF), which proposes updates to the Ontario Wetland Evaluation System in support of Ontario's *Housing Supply Action Plan*. We understand that the intent of this ERO is to remove duplicate requirements and streamline the Ontario Wetland Evaluation System (OWES) process. We note the following proposed changes of key interest to TRCA:

- New section on Wetland Re-evaluations and Mapping Updates
- Removal of:
 - Sections and references to wetland complexes / complexing
 - MNRF as a review and approval authority for final wetland evaluations
 - References to "locally important wetlands"
 - Consideration and scoring for the habitat of endangered or threatened species
 - References to other users of wetland evaluations, e.g., conservation authorities (CAs)
 - Details for determination of a "complete wetland evaluation file"
 - Detailed listing of sources of information to consider when ascertaining wetland locations (e.g., imagery through Land Information Ontario, CA regulatory maps, etc.)
 - "Documentation of Wetland Features Not Included in the Evaluation" section

TRCA has an ongoing interest in the proposed changes given our roles as:

- A regulator under Section 28 of the *Conservation Authorities Act* (CA Act);
- A public commenting body under the *Planning Act* and the Environmental Assessment (EA) Act;
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipal partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region.

In these roles, and as stated in the *Made-in-Ontario Environment Plan*, CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. With TRCA's roles, responsibilities, and experience in mind, we offer the following comments.

GENERAL COMMENTS

Wetlands are vital to the health of our watersheds and communities. Some of the most noteworthy ecosystem services and functions provided by wetlands include regulation of the hydrologic cycle,

reduction of peak flows and flooding during storm events, promotion of groundwater recharge and discharge, regulation of climate, uptake of pollution, promotion of healthy aquatic communities, protection of biodiversity including provision of unique and specialized habitat for a variety of species and communities, and provision of recreational opportunities. These services are often economically and ecologically impossible to duplicate once lost.

To support reasonably healthy and resilient ecosystems, [Environment Canada's How Much Habitat is Enough](#) recommends a minimum of 10 percent wetland coverage across the landscape. Within TRCA's jurisdiction, wetland cover is extremely low at less than 5 percent, and 90 percent of these wetlands are small (less than 2 ha) in size. Roughly 90 percent of historic wetlands across TRCA's watersheds were lost due to land conversion. Thus, the value of the functions and services provided by the remaining wetlands is magnified in this altered land use context.

As the main tool for assessing wetlands' value at the provincial scale, OWES is a fundamental component of Ontario's natural resources management framework. Its application has proven OWES to be a science-based, defensible framework, allowing for the consistent valuation of wetlands and the rating of wetlands relative to each other. Further, OWES has provided a mechanism through which conflicting claims about wetland values can be resolved. Allowing for the collection of significant biophysical information housed at the provincial scale, OWES' application provides valuable information used by decision makers, resource managers and interested persons.

TRCA uses OWES evaluation results to assist with implementing our regulatory responsibilities under the CA Act. Our municipal partners also rely on TRCA's science-based technical expertise to assist with the identification, review, and protection of wetlands through our review and commenting role under the *Planning Act*, and in the development of watershed plans and studies. We acknowledge that OWES is not a mechanism to suggest the kind of management that is best applied to a wetland, however, OWES provides the fundamental basis for considering wetland management options and alternatives. This has been critical to implementing federal and provincial legislation and policy and supporting effective land use planning and resources management decision making at various scales.

The role that OWES plays in supporting land use planning and resource management decision making will continue to be important as the Province acts decisively to increase the housing supply and advance infrastructure projects. We are supportive, in principle, of the government undertaking a review of the OWES manual and share the goal of increasing housing supply. However, **TRCA is concerned that the proposed changes to OWES would significantly reduce the number of PSWs afforded greater environmental protections. If these changes take effect, we are concerned that subsequent impacts/removals would diminish wetlands' essential natural functions, such as mitigating floods, controlling erosion, conserving, and purifying water, supporting biodiversity, and carbon sequestration.**

The following comments reflect TRCA's concerns with the proposed updates to the OWES Southern Manual, as presented in ERO #019-6160. TRCA trusts that this feedback will help inform meaningful and practical updates to OWES, allowing this framework to continue to support effective and efficient decision making in a defensible and practical way. In addition to the following numbered comments and recommendations, which emphasize key, higher-level areas of concern, please consider our detailed comments in the table below. We look forward to continued collaboration with the Province and its government and stakeholder partners on how to achieve our shared goals. This collaboration could take the form of a working group as outlined in some of our later recommendations. The pre-established

Conservation Authorities Working Group or another working group could help to ensure changes are practical and carefully considered in light of potential impacts.

1. Wetland complexing must not be removed as a mechanism to value hydrologically and biologically connected wetlands across the landscape

Currently under the OWES manual wetlands under 2 ha in size do not need to be evaluated for significance (no change to the manual). Under the current proposal to amend the OWES manual, the ability to 'complex' wetlands would be eliminated. In current practice, small wetlands are evaluated as part of a functionally interconnected complex of wetlands across the landscape as their true value can only be accurately assessed at this broader scale. This allows an entire complex of wetlands to be scored together, valuing the true function of interconnected wetlands. Subsequently, complexing ensured that wetlands of provincial significance were identified. With the currently proposed changes to the OWES manual, wetlands as part of an established PSW complex can be re-evaluated. Small wetlands can be pulled out of the wetland complex and re-evaluated on their own, thus resulting in wetlands currently designated as provincially significant being down listed. Small wetlands evaluated on their own will not achieve scores high enough to assign a PSW designation. These wetlands will be at significant risk of being undervalued and eligible for removal. A further consequence would be that as a result of smaller wetlands in a complex being removed, that the larger protected PSWs that are left would likely see their functions diminish and become degraded.

To further highlight the potential consequences, TRCA offers the following. A cursory analysis of wetlands across TRCA's jurisdiction has documented 10,355 individual wetland units. When broken down by size, 90% of these wetlands are less than 2 ha. Wetlands within TRCA's jurisdiction cover approximately 11,000 hectares – which constitutes only 4.46% of the total land area within the jurisdiction. Thus, wetlands across the TRCA jurisdiction are extremely rare on the landscape and are primarily small. Consequently, their cumulative hydrological, ecological, and social functions are significant.

The vulnerability of these wetlands must be noted. It is acknowledged that 61% of these wetlands currently intersect with hazard lands regulated by TRCA. However, of the remaining wetlands, 97% are smaller than 2 hectares and only 24% are currently evaluated as provincially significant.

The proposed changes to OWES in relation to complexing and the identified size threshold puts a vast majority of wetlands within the TRCA jurisdiction, particularly those outside of hazard lands, at risk. It is acknowledged that there have been challenges to the wetland complexing processes, however, the ability to value closely linked wetlands should not be entirely removed. This will ensure wetland values, when considered at a landscape scale, are adequately captured.

TRCA Recommendations

- ❖ **TRCA 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 encourage evaluators to score the entire complex as one wetland. TRCA 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 uncertainty and the lack of clear direction for complexing wetlands, and to ensure that scoring continues to be based on a scientific approach.**

- ❖ **The updated OWES manual should state that re-evaluation of wetland complexes may only occur through a complete re-evaluation of all units in the existing wetland complex, and that the status of a wetland complex (e.g., significant, or not) may only change based on a re-evaluation of the complete wetland complex (i.e., all units that were previously evaluated as part of the wetland complex must be re-evaluated at the same time). Previous wetland evaluations must also be considered when undertaking evaluations to clearly identify and document where changes have occurred resulting in a different cumulative score.**

2. The OWES approval process needs clarity, government oversight and accountability

MNR's roles in administering and applying OWES would be removed. Instead, responsibility for applying OWES would lie with a certified wetland evaluator. This would place significant responsibility with evaluators without robust standards to ensure expertise/competence or recourse for breach of ethics or professional misconduct. Moreover, approval responsibilities would be downloaded to municipalities without a clear process for doing so. Wetland evaluations (and re-evaluations) would be "approved" once an evaluation is submitted to the municipality. This would contradict the science-based principle of peer review and iterative application review process under the *Planning Act*. Municipalities generally lack the capacity and expertise to address wetland evaluation matters. This change without commensurate expertise or technical review capacity present, would cause confusion and delays, particularly if disagreement arose regarding evaluation accuracy/results or applicable policy. Adding to this complexity, municipal capacity and technical expertise to receive and respond to wetland evaluations is limited even in the Greater Toronto Area, which could necessitate increased costs to the taxpayers to remedy.

There are no clear requirements for making wetland evaluations, re-evaluations, delineation/mapping and associated data publicly accessible or shared amongst government or partnering agencies. Clarification is needed given that wetlands may cross jurisdictional boundaries, or their identification and significance may have broader implications to regional and provincial natural heritage systems and watershed planning with resulting downstream flood and hazard impacts. Recognition of the Province's role in providing information, data, and in some cases expertise, should not be lost.

TRCA Recommendations

- ❖ **If the Province is to remove itself from OWES, the appropriate government or partner agency, and their roles and responsibilities regarding such coordination and oversight should be clearly identified/referenced to support the evaluation process.**
- ❖ **There needs to be an accountable, unbiased body that oversees the OWES process and provides support to those undertaking evaluations and those receiving evaluations (for instance, academic institutions that support OWES certification could be an accountable, unbiased body).**
- ❖ **There must also be a process for reviewing submitted evaluations and scrutinizing results to hold wetland evaluators accountable. Oversight should be built into the process to ensure that wetland evaluations are undertaken in accordance with OWES and to demonstrate transparency and accountability. This is essential for OWES to remain science-based and defensible. Such a provincially led process with clear governance exists for Source Protection Plans involving CAs and municipalities and provincially designated staff, and something akin to this should be considered to ensure rigour in the wetland evaluation process.**

- ❖ **The role of the “decision maker addressing a land use planning and development or resource management matter” must be clarified to assist external agencies such as CAs and private landowners with navigating the process of obtaining completed wetland evaluations.**

3. Reinstate Wetland Valuation tied to Habitat of Endangered Species

Another critical component of OWES proposed for removal is any valuation tied to the habitat of species at risk. Wetlands that support these species have values and functions that should be considered in OWES. Rather than remove reference entirely, OWES should reconsider how species at risk habitat is defined and scored. This proposed removal additionally creates inconsistencies with the federal *Species at Risk Act* and Ontario’s *Endangered Species Act* whereby the value of species at risk and their habitat are being ignored in the OWES valuation process. Thus, OWES should continue to acknowledge and account for species at risk to ensure alignment with other provincial and federal processes.

- ❖ **TRCA strongly recommends that rather than exclude a species at risk section entirely, the criteria for consideration of species at risk be refined to ensure that it is clearly demonstrated that a wetland directly supports critical life processes of the species, and a lesser score (e.g., score of 150 per species, and 75 for each additional species) be afforded to species at risk to address the challenges of an automatic PSW designation.**

4. The proposed updates are premature and do not reflect the interests and concerns of all key impacted stakeholders involved in OWES implementation

Changes focus on the large-scale devaluation of wetlands to facilitate development. **TRCA recommends that changes should address identified challenges with a view to efficient and effective land use planning and resource management decision making.** In TRCA staff’s experience, a lack of clear direction in wetland policy results in reluctance in undertaking evaluations using OWES, causing delays. Additionally, multiple requested re-evaluations of PSWs in TRCA’s jurisdiction have stalled with the Province in recent years, causing significant delay in planning approvals.

OWES should be scientifically defensible, transparent, and accountable, and include checks and balances, while remaining efficient and practical. Yet, entire sections pertaining to these critical components would be removed without a scientific rationale. The confusion and delays described above as a result of these changes would run counter to the Province’s intent for building more homes faster. Compounded by proposed changes to the CA Act through Bill 23 (and potential changes to the PPS and Growth Plan), the OWES updates would further dilute the provincial framework for the management and protection of wetlands at a time when consistency and predictability are imperative to expedite development approvals to get more housing built faster.

TRCA Recommendations

- ❖ **The Province should create a working group to better inform the proposed updates to OWES so it can be practically and efficiently implemented. The group should be represented by all those involved in OWES implementation, including public and private sector practitioners, academia, public agencies (including wetland regulators, government, and municipal representatives), Indigenous communities, and NGOs. This group would be well positioned to inform immediate changes to OWES for more efficient implementation and advise on how best to update Ontario’s framework for managing wetlands that meet shared objectives for expedited development and environmental protection.**

DETAILED COMMENTS

In response to the above noted general challenges, the proceeding detailed comments provide detailed observations and recommendations, ideally encouraging revisions that will allow for OWES to be practical and defensible.

ERO 019-6160 – DETAILED COMMENTS	
Page	Comment
Page 4	Anticipated challenges associated with the responsibilities bestowed to OWES evaluators have not been addressed. OWES certification does not provide assurance of professional competence and experience, nor does it provide mechanisms to hold evaluators accountable to professional standards. There are no requirements to renew certification or commit to learning and continued professional improvement. Further, there are no scenarios under which an evaluator can have their certification suspended or withdrawn if professional standards are not complied with. To ensure the revised OWES process is transparent, defensible, and practical, there must be procedures in place to hold wetland evaluators accountable. Oversight should be built into the process to ensure that wetland evaluations are undertaken in accordance with OWES and to demonstrate transparency and accountability. This is essential for OWES to remain science-based and defensible.
Page 4	Reference to CAs and their role in regulating wetlands, and reference to wetland protections afforded under the Provincial Policy Statement (PPS) would be removed. We note that proposed changes to the CA Act (and regulations made thereunder) through Bill 23, or any future changes to the PPS have not been finalized as public consultation is ongoing. As the overarching framework for the regulation and management of wetlands in Ontario is not known at this time, it is premature to propose corresponding changes in OWES. We recommended that a working group be established that allows for representation of all those involved in the implementation of OWES. This would better inform the proposed changes to OWES and ensure that the manual can be practically and efficiently implemented.
Page 4-5	Removing reference to uses of wetland evaluations in land use planning, watershed plans and PPS may lead to a misunderstanding of the environmental purpose of wetland evaluations. Please clarify how wetland evaluations can and should be utilized within the land use planning and resources management planning frameworks. The applicability of OWES to other resource management processes (e.g., CLTIP, resource management plans, watershed plans, etc.) as well as to private and public landowners not associated with the land use planning process is not described in OWES.
Page 7-8	The new section on 'Wetland Re-Evaluations and Mapping Updates' would allow wetlands previously evaluated as part of a complex to be re-evaluated as a single wetland, likely resulting in them being reassessed as not significant. The individual functional significance of the wetland making up the complex will be removed. This may be appropriate in very limited circumstances. However, to maintain the integrity of previous evaluations, limitations should be placed on the ability to 'break apart' wetland complexes and re-evaluate individual components within them. A significant number of small wetlands currently identified as provincially significant would be re-evaluated as not significant, and a large number of wetlands within the GGH would be eligible for removal from the landscape as their value have not been accurately defined.

	<p>Of the 10,355 wetland units within TRCA’s jurisdiction, 6,325 are found within or intersect with hazard lands (i.e., crest of slope, meanderbelt, floodplain). The remaining 4,030 wetlands outside of hazard lands are primarily small wetlands, with 97% of them being less than 2 ha in size. Further, of these 4,030 wetlands, only 24% are currently evaluated as provincially significant, largely due to the fact that most were evaluated as part of a wetland complex.</p> <p>These wetlands would be extremely vulnerable to removal from the landscape, as they would be eligible for removal from the complex and re-evaluation. Individually, they would generally not trigger scores high enough to designate them as provincially significant. Their cumulative values would not be considered under the proposed OWES framework. Where only 4.46% of the total land are in TRCA’s jurisdiction is covered in wetland, the removal of upwards of 24% of these wetlands would have devastating consequences on the hydrological, ecological, and social functions as well as the ecosystem services they provide.</p> <p>We recommend providing clear guidance and limitations on re-evaluating wetlands that were part of a PSW complex. At minimum, OWES should provide further opportunity for very closely hydrologically and biologically linked wetlands to be considered as one wetland unit, which would be applicable to wetlands that are currently part of a wetland complex (See detailed comments below on the proposed changes to the section on Wetland Complexes).</p>
Page 7-8	<p>Within the section titled ‘Wetland Re-Evaluations and Mapping Updates’, there are no conditions or requirements associated with wetland re-evaluations. Thus, a wetland can be evaluated repeatedly, resulting in potentially conflicting results. Through the land use planning decision making process, this could cause costly impacts or delays. We recommend providing greater direction on when a wetland could be eligible for re-evaluation, thus eliminating a source of confusion or delay.</p>
Page 7-8	<p>The proposed new section titled ‘Wetland Re-Evaluations and Mapping Updates’ states that previous wetland evaluation documentation can be used as a source of information where it should state that the previous wetland evaluation information <u>should</u> be used as source of information. This will ensure previous information is available to the wetland evaluator and / or circumstances that have changed influencing a different evaluation result are considered.</p>
Page 5-8	<p>Proposed changes to the sections ‘How the Scoring System Works’ and ‘A Complete Evaluation’ would remove the Province’s role in administering OWES and / or being available to support evaluators in applying the evaluation system or addressing disagreement or issues. Sole responsibility for interpreting and applying OWES is in the hands of a wetland evaluator.</p> <p>This leaves a significant gap in the oversight of OWES. It is recommended that there be an accountable, unbiased body that oversees the OWES process and provides support to those undertaking evaluations and those receiving evaluations (for instance, academic institutions that support OWES certification). It is further recommended that there be a process established for reviewing submitted evaluations and scrutinizing results with hard timelines for decision making.</p>
Page 8	<p>The OWES manual outlines that the evaluation system provides a mechanism or framework through which conflicting claims about wetland values and uses can be resolved. However, the new section titled ‘A Complete Evaluation’ proposes that a wetland evaluation is complete once it has been received by a decision maker. There will be no mechanism under</p>

	<p>OWES to address and resolve conflicting claims, as there remains no oversight to the evaluation process and no opportunity to review efforts and scrutinize results. TRCA recommends that the Province reconsider the process by which wetland evaluations are submitted and verified. To maintain defensibility, there must be a process under which it can be determined if a wetland evaluation was completed accurately and in accordance with the manual, or even if it is complete. Decision makers should be offered an opportunity to review evaluations, consult with the province or another unbiased agency in interpreting the results, and request revisions. At minimum, the revised OWES manual should allow for decision makers to accept or reject a wetland evaluation based on a set of standards or have an evaluation peer reviewed. Otherwise, there will be no way to maintain quality standards and / or uphold credibility. There is no transparency or accountability on behalf of the wetland evaluator. Decision makers will be constrained, and decisions may be made based on inaccurate or unverified information. Misapplication of legislation and policy may also result. Likewise, decision makers will not be able to defend their decisions. This increased complexity and lack of certainty will result in costly delays in decision making.</p>
Page 8	<p>We suggest defining a ‘decision maker’ in the context of proposed revisions that would place responsibility for receiving a wetland evaluation with a ‘decision maker addressing a land use planning and development or resource management matter’. While this may be clear to some in the context of municipal planning processes, it is not as clear for resource management matters. Also, please provide more certainty on how OWES better recognizes the role of local decision makers, as stated in the summary of proposed changes on Page 2. Currently, it appears as if decision makers have no role other than receiving an evaluation and taking it for face value, as highlighted in the comment above.</p>
Page 8	<p>Significant delays can occur in the land use planning and permitting processes where there is a lack of clear direction in applicable wetland definitions. Much of the process of wetland planning and management is focused on whether a feature qualifies as wetland or not. Within OWES, the definition of wetlands and wetland areas references wetlands that should not be considered in OWES. There may be opportunities to expand this section to provide clear criteria for features qualifying as a wetland under OWES. Wetlands that are extremely small (under 0.2 ha) and isolated, or those that have recently developed (less than 10 years) due to land conversion (i.e., construction of a berm, installation of a roadside swale, etc.), could be excluded from consideration as a wetland. The circumstances under which this section might be expanded should be explored in consultation with applicable experts and agencies, such as a working group referenced in previous comments. This could address some of significant challenges identified in the application of OWES, allowing for targeted work on wetlands that hold critical function and values and better directing the type of features that should be regulated and / or managed.</p>
Page 9	<p>The revised OWES should provide clarity and direction on how to evaluate, re-evaluate or adjust the boundary of a wetland that has been unlawfully removed or altered. OWES should stipulate that background data (historical imagery, previous wetland boundaries, previously collected data) be used to inform previous wetland boundaries. This would provide support to decision making and associated management options for these scenarios. Remaining silent on this matter will continue to cause confusion and conflict. Stating that once the vegetation and soil conditions have been eliminated, a wetland is no longer present, continues to provide challenges for decision makers and enables landowners to unlawfully impact wetlands for development gains.</p>
Page 9	<p>The section ‘The Wetland Evaluation File’ is proposed for removal from OWES. If provincial oversight of wetland evaluations and files is to be eliminated, the OWES manual should</p>

	<p>provide clear instruction for submitting wetland evaluations to ensure those documents are standardized and publicly accessible within a reasonable amount of time. There needs to be an accountable organization or public body responsible for records keeping, ensuring that old files and associated data are accessible and new information is made available. In the revised OWES manual, please include clear requirements and timelines associated with submitting wetland evaluations and associated digital mapping files. Consider utilizing the Natural Heritage Information Centre / Lands and Information Ontario platform to make current and past wetland evaluations available to decision makers, the public, stakeholders, academia, Indigenous communities, NGO's, etc. NHIC is referenced as a source for a number of other OWES criteria and holds publicly accessible natural heritage data – thus this platform would be a logical location for making wetland evaluation documents and data available. This comment is also relevant to the following sections within OWES: Field Evaluation, Wetland Boundaries, Preparation of Wetland Maps, and Completing the Wetland Data and Scoring Record.</p>
Page 12	<p>The section titled 'Sources of Information', outlines that 'no information' should be clearly stated, and the wetland evaluation should not contain any blanks. It is acknowledged that wetland evaluations may not be completed to the greatest degree of accuracy. Wetland evaluators are limited by their professional experience, expertise, and access to data. Thus, it is critical for some level of administration oversight and / or peer review to ensure that all data applicable to a wetland evaluation is considered, and to ensure that practitioners are provided with access to data that may have been missed or was unavailable (e.g., through data sharing agreements, specialized licencing and / or training; data that is restricted, etc.).</p>
Page 14-15	<p>Trained evaluators can now have untrained individuals assist them with field visits provided their work is reviewed by the trained evaluator. This opens the door for incomplete data collection if individuals do not have the appropriate level of expertise. Consider providing stronger language on sign-off from a certified wetland evaluator, ensuring the data is complete and the wetland evaluation has been carried out in accordance with the manual. Further, reconsider the essential need for oversight to the process so that there is an opportunity to review and accept wetland evaluations.</p>
Page 14	<p>The new section titled 'Field Visits' states that wetland evaluations require field visits at an appropriate time of year. Please consider providing some additional guidance on the meaning of 'appropriate time of year'. Some criteria considered under OWES can be assessed at any time of year, however, other information can only be accurately obtained during a specific window. For instance, delineating the boundary between upland and wetland vegetation and accurately identifying plants within a wetland can only be accurately undertaken during the growing season. Despite this, many practitioners attempt to identify plant species and map wetland boundaries during the winter months.</p> <p>Please provide further guidance to ensure OWES provides clear direction and eliminates opportunities for abuse or misinterpretation. The lack of specific direction in this section will result in missed opportunities for appropriate field work and delay in the evaluation process.</p>
Page 15	<p>Please leave proposed strikeouts in the section titled 'Timing of Field Visits' to ensure evaluators understand the value in identifying data/information gaps that may influence (re)evaluations or revise the information to better reflect to the proposed changes to OWES. Specifically, maintain a note that "A wetland evaluation is conducted at a point in time. Thus, information obtained in an evaluation should be considered in the context of</p>

	available information at that time. Where information is not available, this should be clearly noted. As wetlands may be re-evaluated in the future, it is crucial to identify any missing information or data gaps that may be filled at a future date’.
Page 18	In the section ‘Wetland Boundaries’, the note ‘existing wetland boundaries, regardless of their age remain in effect until they are revised...’ is proposed for removal. This note should remain in the text of the manual or revised to align with proposed changes to OWES. It is important that the OWES manual states that wetland boundaries remain in effect until they are re-evaluated, or the boundaries refined through a site visit (as per direction contained in the section Wetland Re-Evaluations and Mapping Updates). This would ensure that wetland boundaries are not removed from the provincial data set until it can be clearly demonstrated that the wetland has changed or no longer exists through the OWES process.
Page 20	Within the section ‘Wetland Edges Bordering on Lakes and Rivers’, please consider the following minor revisions: <ul style="list-style-type: none"> • Correct the type-o within the second example to read ‘river or lake’. • Utilize the same unit of measure, noting a distance of 30 m or less (as opposed to 100 feet) in the second example. • Provide clarity on the term ‘edges bordering on’ to avoid ambiguity. • The terminology ‘bordering on’ is utilized elsewhere in OWES. Please clarify as needed throughout OWES to avoid ambiguity in interpretation and resulting delay.
Page 20	Within the section ‘Wetland Edges Bordering on Lakes and Rivers’, examples outline circumstances under which very closely grouped wetlands function together as one. Two examples are provided. Please consider providing more context or criteria to be met to consider closely grouped wetlands to be evaluated as one and provide additional direction to evaluators on how to make this determination.
Page 20	Under the proposed process where no review or oversight is required, a lack of specific criteria for grouping wetlands will result in misinterpretation and delay. Please consider applying lessons learned from the current OWES process and provide more specific direction on grouping wetlands as one.
Page 20	Within the section ‘Wetland Edges Bordering on Lakes and Rivers’, a 30 m threshold has been applied to outline when wetlands should be evaluated as one unit. Additionally, 100 feet has been identified as the threshold for wetlands along a ‘river of a lake’ to be considered as one unit. The scientific rationale for this is not clear. Please consider utilizing a defensible and consistent threshold based upon a literature review and / or direction in existing policies and guidelines, and that a reference is provided rationalizing the distance threshold and consider hydrological and biological criteria.
Page 23	Catchment Basin maps can no longer be used in the scoring process for the hydrological component as per the proposed changes to OWES. The hydrological component is designed to determine the net hydrological benefit provided by the wetland to the portion of the basin downstream of the wetland. The catchment basin map is used to identify other detention areas and feeds into the flood attenuation (section 3.1) and water quality improvement (section 3.2) calculations in the hydrological component. Thus, excluding the catchment basin map implies that a given wetland would automatically score lower if the added information obtained from the catchment basin map is being excluded. Rationale for this exclusion should be provided. Please reinstate the section on catchment basin maps in OWES to ensure that the net hydrological benefit provided by the wetland is considered in OWES or consider an alternative criterion to account for the catch basin component.

Page 24	<p>Direction from the removed section ‘Completing the Wetland Evaluation Data and Scoring Record’ is critical to ensure a wetland evaluation is completed to the standards set out in the manual. Please consider leaving in the existing text or revising it to reflect any relevant changes in the manual. OWES should provide clear direction on information to be contained within a wetland evaluation, the format which it should be prepared in, and timelines associated with submitting the materials. If the Province’s role in providing oversight to wetland evaluations is removed, it is critical that new processes and standards be put in place to ensure OWES is accurately and consistently applied, and there is little room for misinterpretation of expectations or misapplication of the manual. This comment is also relevant to the following sections within OWES: The Wetland Evaluation File, Field Evaluation, Wetland Boundaries, and Preparation of Wetland Maps.</p>
Page 26	<p>Revisions are proposed to the section titled ‘Wetland Size’. This section notes that small wetlands, those under 2 ha in size, are generally not evaluated. Rationale is to be provided if these wetlands are to be evaluated. While OWES acknowledges that small wetlands have important hydrological, social, and biological functions, there is a significant gap in ensuring the values associated with small wetlands are accurately accounted for, particularly in areas where wetland loss is the greatest.</p> <p>Small wetlands dominate the landscape in built-up areas in southern Ontario. Only approximately 9% of wetlands in the southern GTA (Eco-District 7E-4) are greater than 2 ha in size, while only 17% of wetlands in the central GTA (Eco-District 6E-7) are greater than 2 ha in size. These statistics are further highlighted when considering that 72% of wetland units in southern GTA are less than 0.5 ha in size, and 59% of wetlands in central GTA are less than 0.5 ha in size.</p> <p>Considering their rarity on the landscape, these small wetlands hold critical hydrological, social, and biological functions – particularly when considered cumulatively across the landscape. Small wetlands are often hydrologically linked to other wetlands and surface water features within a watershed; contain important groundwater seepage functions, particularly in headwater areas; support flood attenuation; provide important habitat connectivity; and support Significant Wildlife Habitat, habitat of species at risk, and rare species, providing critical biodiversity and habitat functions. They also contribute to societal well-being and culture in a variety of ways. However, small wetlands and their value are often overlooked. They will be even further overlooked considering that the ability to complex wetlands is proposed for removal from OWES. It is strongly recommended that the section on Wetland Size in OWES be updated, and direction provided to encourage or require evaluations of wetlands under 2 ha in size in areas where wetland loss is the greatest. For instance, where wetlands under 2 ha in size represent over 75% of wetlands on the landscape in an Eco-District, or within a watershed, could be a trigger to undertake a wetland evaluation.</p>
Page 26	<p>The changes proposed to OWES as they relate to the ability to evaluate wetlands as part of an interconnected complex, as well as the manual maintaining that small wetlands (under 2 ha in size) need not be evaluated presents considerable challenges particularly across built-up areas where small wetlands dominate the landscape yet provide critical functions. At minimum there should be language in OWES that stipulates that land use planning and development decision makers may request or require, at their discretion, that smaller wetlands be evaluated to support effective decision making and to accurately apply policy. In addition, consider the size trigger for a wetland evaluation being consistent with other</p>

	<p>provincial guidelines or evaluation tools (e.g., ELC, Oak Ridges Moraine and Greenbelt Technical Papers). The opportunities to evaluate closely linked wetlands as one unit should be further expanded in OWES. This is one such matter in OWES that may be best addressed through a working group of all those involved in the wetland evaluation process.</p>
Page 26	<p>Removing all ability to evaluate wetlands as part of a complex of closely spaced wetlands that are related in a functional way would present considerable challenges in identifying wetland values across the landscape and accounting for the cumulative functions of wetlands when considered as interconnected features. This reverses the natural heritage system and landscape scale approach to management that has developed over the past decades. This will also result in the value of small wetland being overlooked or ignored as scores will be lower with smaller units having fewer species, less interspersions, smaller catchments, etc. The risk to wetlands across the landscape is considerable, particularly in areas where small wetlands dominate the landscape and where pressures on wetlands are greatest. OWES must recognize the interconnected nature of wetlands across a landscape and account for values and functions that should be considered cumulatively. This gap can be addressed through various means, including:</p> <ul style="list-style-type: none"> • Maintain the ability to evaluate wetlands as part of a complex in OWES, with much greater direction and clarity provided. The current approach lacks clear direction and thus has resulted in challenges and misapplication of wetland complexing when considering small, isolated, low functioning wetlands. This can be remedied through a more clear and efficient process of wetland complexing, as opposed to eliminating the ability to complex wetlands entirely. • Include wetlands that are closely linked but not directly bordering on lakes and rivers. Currently, proposed revisions to the section ‘Wetland Edges Bordering on Lakes and Rivers’ provides examples of when closely linked wetlands should be evaluated as one, but this could be expanded upon. • Greatly increasing the eligible scoring under Section 1.2.4 ‘Proximity to Other Wetlands and Waterbodies’, thus recognizing the greater value of wetlands that are connected hydrologically or biologically. <p>It is strongly recommended that the OWES ensure that the intent of wetland complexing is not lost, to acknowledge that in some circumstances the interconnected nature of wetlands should be valued, and to ensure that small wetlands are recognized for their values and functions, particularly when evaluated cumulatively across the landscape. Should these gaps remain, the challenges with implementation of OWES will persist, rendering the update to OWES a futile exercise. Likewise, the potential repercussion and loss of wetlands that are no longer fairly valued could be significant.</p>
Page 41	<p>Under Section 2.2 (Recreational Activities), recreational activity information gathering should also include government records as a source. The Province holds much of this information and should be appropriately referenced.</p>
Page 42	<p>A note on Page 42 has been removed, specifically as it relates to ‘Aboriginal values’. In fact, reference to Indigenous community values is insufficient throughout the document. It is recommended that Indigenous values associated with wetlands are strongly acknowledged and valued in OWES. Consultation with Indigenous communities should be a critical component of updating OWES, particularly updating Section 2.8 to be consistent with government commitments to meaningful engagement and collaboration.</p>

Page 46-47	<p>Within section 4.1.2 (Species), please reconsider the strike out proposed within the last paragraph on page 47. It should be noted in OWES that existing information contained within a wetland evaluation is valid until a new evaluation is undertaken and additional survey completed to document species present within a wetland. Validity of species observations should not be solely based on the evaluator’s discretion, but also on any applicable standards set by NHIC. It is not clear why removing this section from OWES is required – thus this paragraph should be reconsidered for inclusion or revised appropriately to reflect applicable changes to OWES.</p> <p>Within Section 4.1.2 also please reconsider strike outs with respect to contacting NHIC for support in interpreting Element Occurrences – it is best to have the most accurate information in a wetland evaluation, and thus consultation with experts should be encouraged rather than discouraged. This will avoid potentially valuable data excluded at the evaluator’s discretion. Evaluators cannot be assumed to have relevant expertise within all wetland evaluation criteria, and thus, consulting experts or provincial standards should be encouraged.</p>
Page 51-52	<p>The evaluation criteria in OWES remains largely unchanged, other than species at risk, where evaluation criteria is to be removed related to Reproductive Habitat for Endangered and Threatened Species (Section 4.1.2.1) and Migration, Feeding or Hibernation Habitat for an Endangered or Threatened Species (Section 4.1.2.2). Rationale for excluding scoring criteria related to species at risk should be provided, noting that a majority of wetland habitats that support these species have been impacted by land use conversion.</p> <p>It is acknowledged that an automatic score of 250 has been problematic in the past, as this score would automatically result in the wetland being considered a PSW. However, complete removal of all references and criteria related to species at risk is not an appropriate solution. Values associated with species at risk that rely on wetlands to carry out their life processes must be acknowledged in OWES to ensure that some of the more critical functions of wetlands are considered.</p> <p>It is noted that species at risk are generally captured as provincially tracked species in Sections 4.1.2.3 and 4.1.2.4 of OWES – however, distinguishing and acknowledging species at risk separately from provincially tracked species should remain a component of the evaluation.</p> <p>It is therefore recommended that, rather than exclude a species at risk section entirely, the criteria for consideration of species at risk be refined to ensure that it is clearly demonstrated that a wetland directly supports critical life processes of the species, and a lesser score (e.g., score of 150 per species, and 75 for each additional species) be afforded to species at risk to address the challenges of an automatic PSW designation.</p> <p>It is recognized that there are other legal mechanisms in place that dictate the management of species at risk and their habitats (e.g., Endangered Species Act). That said, the intent of OWES should be on the comprehensive and scientifically based valuation of wetlands, including their role in supporting species at risk.</p>
Page 55	<p>A note is added to Page 55, outlining that the ministry may make a list that could be used in addition to or instead of those in Appendix 5 and 6. Please state ‘from time to time’ and include text outlining that these lists created by the Ministry should be developed in</p>

	consultation with internal and external experts. The recommendation for an overarching working group could be a mechanism to allow for this review and consultation or a commitment to consultation on the ERO could alternatively be provided.
Page 55	Any references where point criteria using Significant Wildlife Habitat Ecoregion Criteria Schedule is recommended, evaluators should demonstrate full survey methodology has been carried out. This is critical given the previous role of MNRF would be removed.
Page 63	We recommend reinstating reference to locally significant wetlands. Municipal governments should be provided an opportunity to utilize the information gathered through an OWES evaluation as ‘the basis for considering management options and alternatives’ (as noted in the introduction).

Thank you for the opportunity to provide comments on this important initiative. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.667.6920 or at john.mackenzie@trca.ca.

Sincerely,

<Original Signed by>

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