

November 24, 2022

Public Input Coordinator  
MNRF-PD-Resources Planning and Development Policy Branch  
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South Tower  
Peterborough, ON K9J 3C7

Submitted online and sent via email to [wetlands@ontario.ca](mailto:wetlands@ontario.ca)

Dear Public Input Coordinator,

**Re: ERO 019-6160: Proposed Updates to the Ontario Wetlands Evaluation System**

The Ontario Federation of Agriculture (OFA) proudly represents more than 38,000 farm family members across the province, supporting our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. OFA works to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability of our farm businesses. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

OFA reiterates its longstanding concerns over Ontario's shrinking agricultural land base. Ontario's limited supply of farmland is a scarce resource, making up less than five percent of all the land in the province. In contrast, the Hudson Bay lowlands, a vast wetland complex abutting Hudson and James Bays, cover about 25% of Ontario's land area.

We are pleased to have this opportunity to respond to ERO # 019-6160: Proposed Updates to the Ontario Wetlands Evaluation System. This proposal looks to update the Ontario Wetland Evaluation System (OWES). This system provides the official procedure for both determining which wetlands are significant and determine the boundaries of these significant wetlands. The Environmental Registry proposal indicates that the key changes being considered in the OWES manuals are:

- add new guidance related to re-evaluation of wetlands and updates to mapping of evaluated wetland boundaries;
- make changes to better recognize the professional opinion of wetland evaluators and the role of local decision makers (e.g., municipalities); and
- other housekeeping edits to ensure consistency with the above changes throughout the manual.

Approval of the Wetland Evaluation

Removing the requirement for the Ministry of Natural Resources and Forestry (MNRF) to review and confirm wetland evaluation results is a significant proposed change. OFA is not in favour of the removal of MNRF from this role. As stated in the existing manual, a local MNRF office will

have “Access to current and historic reports, may be aware of relevant information and reports not readily accessible to others, and has connections with other organizations that gather natural heritage information.” (p.7).

Currently, a wetland evaluation is not considered complete and official until it is reviewed and approved by MNRF. Under this proposal, the “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.” (p.8). Unfortunately, this does not account for the farmer who may wish to have a wetland re-evaluated or have the mapping updated due to a concern that it has been incorrectly classified. For example, temporarily wet areas in fields that are only present immediately after a rapid snow melt or exceptionally heavy rain, wet spots due to broken tile drains or man-made ponds bordered by bull rushes and cattails are not wetlands and should not be misidentified as wetlands. Requests to rectify such errors do not relate to a “land use planning and development or resource management matter” but may directly impact a farmer and potential restrictions they may face on their land. Further to this, we also believe a no-cost appeal process should exist for landowners who firmly believe that the feature identified on their farm as a wetland is, in reality, not a bona fide wetland, and we believe that MNRF is the appropriate body to do this.

### A Complete Evaluation

OFA is pleased to see this proposal includes notification in writing to “landowners of the property of properties containing the wetlands... of any new wetland evaluation or amended wetland evaluations...” (p.8). However, we believe that this does not go far enough. Notification should be provided to any potentially impacted landowner and tenant which may include neighbours who could be impacted by buffers or species-at-risk restrictions around the wetland that do not respect property boundaries. It is also essential that both landowners, tenants and neighbours receive notification before the feature has been designated as a wetland in the Official Plan.

### Definition of Wetlands and Wetland Areas

OFA insists that the definition of wetlands is incomplete in the OWES system and manuals. The definition used should be the complete definition found in the 2020 Provincial Policy Statements (PPS):

*Wetlands: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.*

*Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.*

The definition of wetland throughout these manuals only references the first paragraph from the 2020 PPS. The definition must include the second paragraph in all instances. While we recognize that the second paragraph is included in the manual when referring to “Agricultural Lands” this is not sufficient. The full definition of wetlands must be used at all times to prevent confusion.

We note the OWES consists of two manuals: the Southern OWES (used to evaluate wetlands located in Ecoregions 6 and 7) and the Northern OWES (used to evaluate wetlands located in

Ecoregions 2, 3, 4, and 5). OFA recommends that in both OWES manuals, the definition of a wetland should be expanded to include wording from the second paragraph found in the 2020 PPS' Wetlands definition: "periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered wetlands for the purposes of this definition".

#### Landowner Notification and Permission

OFA is pleased to see that landowner notification and permission is included as a new section under this proposal. OFA believes wetland evaluators should be required to notify landowners and tenants that an evaluation is being undertaken on their property. It is also very important to notify a farmer who is leasing a property where applicable – not just the landowner. Similar permission must also be obtained by the landowner and farmer leasing property (where applicable) prior to accessing private property. This is extremely important when working on or near agricultural properties due to potential biosecurity and safety protocols that may be in place. OWES evaluators and any other persons helping an evaluator on field visits must strictly abide by all relevant biosecurity and health and safety protocols in place on any farm.

#### Field Visits and Timing of Field Visits

OFA is in favour of field visits during evaluations as a means of ground truthing. We have previously noted our concerns with the accuracy of some wetland mapping, leading to inaccurate designations. On-the-ground verification must be a key stage in the wetland identification/assessment/designation process. Incumbent in this process are criteria that ensure that features that are not wetlands, are not incorrectly identified, assessed and finally designated as wetlands. For example, created wetlands in the farm context to treat agricultural / barnyard runoff, milkhouse wash water etc., along with farm ponds dug as a source of water for irrigation or livestock, agricultural drainage ditches, or even broken field tile drains, must not be classified as a wetland. Guaranteeing that only bona fide wetlands are so identified will demonstrate a commitment to accuracy which will improve landowner buy-in. This also highlights the importance of the timing of visits, ensuring that simply wet lands are not erroneously classified as wetlands.

#### Professional Judgement

There are many instances throughout the manual where the wetland evaluator must use their professional judgement. This includes using their professional judgement in assessing animal species in or near the wetland and potentially impacting wetland boundaries. OFA strongly recommends that instances of decisions being based upon the professional judgement of the wetland evaluator must be clearly detailed in all documentation and include factors and/or assumptions that may been considered to reach that decision.

I trust our opinions and recommendations will be given due consideration.

Sincerely,



Peggy Brekvel  
President

cc: OFA Board of Directors