



**Ontario**  
Home Builders'  
Association

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20 Upjohn Rd., Suite 101 (416) 443-1545  
North York, Ontario Toll Free 1-800-387-0109  
M3B 2V9 Fax: (416) 443-9982  
[www.ohba.ca](http://www.ohba.ca) [info@ohba.ca](mailto:info@ohba.ca)

November 16, 2016

Terese McIntosh  
Ministry of Natural Resources and Forestry  
300 Water Street  
Peterborough, ON, K9J 8M5

**Re: Draft - Wetland Conservation Strategy for Ontario – 2016-2030**  
**EBR Registry Number: 012-7675**

The Ontario Home Builders' Association (OHBA) is committed to working with the Ministry of Natural Resources and Forestry to assist in the development of a broad wetlands conservation framework. OHBA notes that the *Draft Wetland Conservation Strategy for Ontario* comes at the same time as the Ministry of Natural Resources and Forestry (MNRF) is consulting on the review of the *Conservation Authorities Act* and the Provincial Government is in the midst of the Co-ordinated Review of the Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan and Growth Plan for the Greater Golden Horseshoe. Through this consultation and other consultations, it is critical that the Provincial Government connect all the dots to ensure the land-use planning framework and public policy is appropriately implemented and aligned between Ministries.

OHBA previously submitted comments in October 2015 responding to the *Wetland Conservation in Ontario Discussion Paper* (EBR 012-4464). OHBA also wrote to the Ministry as part of a joint submission/letter in September 2015 along with the Ontario Federation of Agriculture, Ontario Waterpower Association, Ontario Stone, Sand & Gravel Association, Canadian Wind Energy Association, Canadian Solar Industries Association and Ducks Unlimited Canada (Ontario) as part of our joint commitment to working together to conserve wetlands in Ontario. OHBA also collaborated with this joint industry stakeholders group responding to the current consultation (EBR 012-7675), united in our support of four key principles and areas of consensus as well as a single overarching wetland policy. Our organizations and members have a significant role in Ontario's economy, in working on Ontario's landscape and ultimately in protecting wetlands across the province and mitigating against their loss.

Our collective submission outlined four key principles by which we believed our organizations could play a leadership role in achieving the broad objective of strengthening and improving the wetland policy framework. OHBA reiterates these principles and has elaborated with our more detailed perspectives on these principles from the joint submission below:

#### Key Principles

1. OHBA supports the conservation of wetlands to ensure a healthy natural environment that can provide essential ecosystem services to the people of Ontario now and into the future such as flood control, climate change mitigation and adaptation, water quality improvement and recreation.

2. OHBA is generally supportive of the “Towards Implementation” section of the *Draft Wetland Conservation Strategy for Ontario* to develop policy approaches and tools to prevent the net loss of wetlands in Ontario through a mitigation hierarchy and wetlands offsetting policies. These are critical tools to allow better decision-making around alternate approaches to wetland conservation and management when considering land use proposals where economic and ecological needs intersect. It is important to consider the feasibility, appropriateness and practicality of measures being carried out including reasonable commercial considerations as a project moves from one level of the mitigation hierarchy to the next. OHBA further notes that ensuring adherence to the mitigation hierarchy requires due diligence, transparency, monitoring and flexibility. OHBA recommends consideration of a mitigation sequence that includes off-setting measures premised on a market-based benefits exchange model. The mitigation hierarchy has been successfully implemented in other jurisdictions (i.e. British Columbia, Germany, New Zealand & the United States) and MNRF has previously considered an offsetting benefits exchange model (Species at Risk Benefits Exchange or SARBEX) under other legislation (*Endangered Species Act*). OHBA notes the *Draft Wetland Conservation Strategy for Ontario* includes discussion on key offsetting policy considerations including: types of wetlands and functions that can and cannot be compensated for; understanding and establishing equivalence or greater compensation; determining the duration of wetland offsets; policy mechanisms for implementation and a review of other jurisdictions. OHBA recommends that MNRF continue to work with stakeholders to further advance a mitigation hierarchy and offsetting policy framework.
  
3. OHBA supports the use of higher quality information, knowledge and mapping to better inform landowners and other stakeholders about the value and sustainability of wetlands. OHBA is pleased that the “Towards Implementation” section of the *Draft Wetland Conservation Strategy for Ontario* contains a section with a series of activities to update and improve mapping, standardize mapping to improve consistency and conduct accuracy assessments. OHBA suggests that given limited financial resources that priority for updating and improving mapping be consulted on in coordination with municipalities and Conservation Authorities for areas experiencing growth pressures (i.e. Greater Golden Horseshoe, Ottawa, London etc). OHBA recognizes that not all wetlands are equal and that some wetlands are deemed to be *Significant*, based upon the application of the Ontario Wetland Evaluation System (OWES). The generally low thresholds for significance (including consideration of complexing criteria) in that system tend to make most wetlands *Significant* in many landscapes where competing land uses occur. OHBA notes that the *Draft Wetland Conservation Strategy for Ontario* “Towards Implementation” section includes a commitment to review the method for mapping and evaluation wetland significance through a review of the OWES. OHBA is supportive of the review of the OWES.

Developed in the early 1980s, the OWES could not have contemplated the degree of growth and strategies required for the development of complete communities and associated infrastructure required in parts of Ontario. There are a number of specific components and implementation practices of the OWES that OHBA recommends be reviewed and reconsidered:

- The use of locally and regionally significant plant and wildlife species to affect OWES scoring should be strictly limited. These aspects are, in some jurisdictions the drivers of scores reached to result in a “Significant” determination. This is problematic as many jurisdictions do not maintain such lists and in some cases established lists are outdated and/or are based upon highly varied criteria. In other cases (e.g., Aurora District), lists are informal, unavailable and/or have not been subject to peer review scrutiny.
- The local MNRF practice of using non-wetland, endangered species (i.e., Butternut) to increase the scoring in a wetland and/or complex should be reconsidered to avoid the exaggeration of feature significance.
- The OWES needs to better address minimum size and potential complexing. Different areas of Ontario apply different complexing criteria. In many cases, wetlands are included in complexes regardless of size, with the demonstration of achievement of vague and general complexing criteria. In urbanizing

areas of the GGH area, for example, wetland units <0.5 ha are often mapped and included for protection. In many cases those small wetlands do not represent remnants of former, larger natural wetlands. Rather, many are relatively recently “created” features that have resulted from the abandonment of active agricultural practices (e.g., drainage system failures, collapsed culverts, undersized drainage outlets). The complexing criteria used in Aurora District are imprecise and enable the definition of wetland areas as significant (regardless of size, origin and/or ecological significance). These criteria do not appear to have any formal recognition/status, have not been peer reviewed and have evolved and increased in number over time. These informal and inconsistent approaches exaggerate the importance of very small and often created features, causing unnecessary complexity, costs and inefficiencies during the creation of strong, healthy communities.

- The OWES needs to more fully consider sustainability and viability in settlement areas. Demands placed upon lands for efficiency and density can create situations where some types/forms of wetland cannot be reasonably conserved/sustained in an urbanizing community. The inability to tolerate some changes associated with urbanization should be factored into scoring and/or OWES implementation.
- The OWES should be revised to more reasonably measure wetland functional importance and significance in settlement areas. Exclusions and/or modifications should be provided for wetland units that are “disturbance-created” and/or that are relatively simple to replicate and improve upon if replaced.
- The Ontario Draft Wetland Strategy (page 6) notes, under Current Status and Threats that the rate of loss of wetlands has decreased, with about 4% being lost between the early 1980s and about 2015. Significant changes have occurred in land use policies during that same period in Ontario. Claims of the 4% loss require a more detailed review and consideration. Current approaches in Ontario are reversing these losses - these approaches are continuing, without a wetland strategy. The OHBA endorses the proposed Policy Strategic Direction that will review and recognize these current practices and successes. In northwest Brampton, for example, our members have worked closely with the MNRF, the City, Region and Credit Valley Conservation to generate increased wetland functions and features as part of the community-building process (Mount Pleasant Community). That was only achievable by applying a flexible approach to wetland identification and conservation that recognized the shortcomings of the OWES in urbanizing landscapes. The Province worked with the development community to identify *Potential or Candidate Significant Wetlands*. Those were subject to review given the need for planning and developing strong, healthy communities. Small, disturbance-created wetland features were removed from the landscape in favour of the creation of larger, more robust, diverse and resilient wetland features, integrated as part of the new community.

4. OHBA supports harmonizing definitions for greater clarity. There are subtly different wetlands definitions under different legislative, regulatory and provincial plans which can lead to various definitions at the local municipal level.

A successful wetlands conservation strategy requires a strong and transparent implementation plan with buy-in from impacted stakeholders including industry and affected land owners. The current fragmented and burdensome framework is not particularly effective and acts as a disincentive for industry and land owners to engage in partnerships to restore or improve conservation efforts. It is important that a future framework and strategy operates in a way that makes it understandable and efficient and that the approvals process aligns itself within the broader planning framework, while providing greater certainty and transparency.

OHBA has demonstrated the ability to work with the MNRF and municipalities to generate innovative outcomes while delivering strong and healthy communities. This approach has depended upon our collective ability to collaborate and to seek meaningful and creative outcomes that remain science-based. This seems to be in contrast to less innovative or more academic calls for the conservation of all wetland units on the landscape without regard to either the practicalities of community building or the relative significance and/or importance of such features. We appreciate and respect the Province’s willingness to consider improvements to effective wetland conservation, such as the use of Natural Heritage System planning to generate positive outcomes.

OHBA looks forward to continuing to work with the Ministry to finalize a *Wetlands Conservation Strategy for Ontario*. The key from our perspective is that a successful wetlands strategy comes down to a clear, straightforward and relatively simple implementation framework including a clear mitigation hierarchy as part of any biodiversity offset policy and a modernized OWES. We also see an opportunity to coordinate with other provincial initiatives to potentially “stack” benefits such as biodiversity, and carbon sequestration by maximizing ecological functions on the landscape.

A comprehensive wetland framework is an important tool to assist government, ENGOs and industry develop a path forward to balance the need for wetland conservation with the need for sustainable economic growth and providing greater certainty to the private sector. OHBA supports a balanced approach in implementing the environmental, social and economic goals of the Province, to ensure a high-quality of life and prosperity for Ontario residents. OHBA member companies have experience and expertise in biodiversity offsetting and mitigation against the loss of wetlands as well as in addressing the myriad of overlapping policies and regulation pertaining to wetlands. On behalf of our 4,000 member companies organized into a network of 30 local home builders’ association, OHBA appreciates the opportunity to provide comments to the Ministry with the objective to improve the conservation of wetlands across the province.

Sincerely,



Michael Collins-Williams, RPP, MCIP  
Director, Policy  
Ontario Home Builders’ Association

c. Minister of Natural Resources and Forestry – Hon. Kathryn McGarry