

November 12, 2024

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Dear Ministers Smith, Khanjin and Calandra,

Re: Restoring Provincial Wetland Protections in Ontario

Numerous recent changes in provincial legislation, regulations and policies have led to the widespread weakening of wetland protection in Ontario, a trend which must be reversed. Many of these changes have been introduced under the premise of addressing the housing crisis. However, the Ontario Housing Affordability Task Force has reported that there is enough land already designated for development to address housing needs.¹ Therefore, these changes are unnecessary and detrimental to the long-term health and sustainability of Ontario's ecosystems and people.

Ontario's wetlands are incredibly valuable ecosystems estimated to provide over \$50 billion of ecosystem services per year in southern Ontario alone.² Among these values, wetlands store carbon, which mitigates climate change, reduce flood intensity and associated damages and provide habitat for native biodiversity.³ These ecosystems are also of deep cultural and spiritual significance to Indigenous Peoples.

¹ Housing Affordability Task Force, "Report of the Ontario Housing Affordability Task Force." <https://files.ontario.ca/mmah-housing-affordability-task-force-report-en-2022-02-07-v2.pdf>.

² Troy and Bagstad, "Estimation of Ecosystem Service Values for Southern Ontario." <https://alus.ca/wp-content/uploads/2016/08/estimation-of-ecosystem.pdf>. See page 14.

³ Ontario Nature, "Ontario's Wetlands: A Nature-based Climate Solution." <https://ontarionature.org/campaigns/wetlands/ontarios-wetlands-a-nature-based-climate-solution/>.

Despite their myriad values, wetland losses have already exceeded 72 percent in southern Ontario, and these ecosystems continue to be jeopardized by weakened provincial protections.^{4,5} The boreal peatlands of northern Ontario store much of the province's 29 billion tonnes of carbon, as the majority of Hudson Bay Lowlands, the second largest peatland complex on Earth lies there.⁶ Some of the foreseeable consequences of such changes include increased flooding in communities, reduced climate resilience and the loss of wetland-dependent species at risk.

To address such issues, we, the 87 undersigned organizations, request the following from your respective ministries:

Ministry of Natural Resources (MNR)

Request #1: Reinstate and effectively implement the Wetland Conservation Strategy (2017-2030).

In 2021, the Office of the Auditor General of Ontario reported that the Wetland Conservation Strategy 2017-2030 was quietly abandoned.⁷ The strategy contained actionable targets and goals aiming to halt and reverse wetland loss across the province by 2030. The strategy also recognized the importance of conserving wetlands in a manner that respects and is informed by the rights and interests of Indigenous Peoples, identifying several key actions related to upholding these rights and interests and building partnerships for wetland conservation.⁸ Without the strategy, there is no coordinated framework for wetland conservation in Ontario. It is crucial to reinstate and implement the targets in this strategy to ensure that meaningful progress to halt and reverse wetland loss is made in the upcoming years.

Request #2: Restore the Ontario Wetland Evaluation System (OWES) to more accurately account for connectivity among wetland complexes, to recognize the

⁴ Ducks Unlimited Canada, "Southern Ontario Wetland Conversion Analysis." https://longpointbiosphere.com/download/Environment/duc_ontariowca_optimized.pdf.

⁵ Ontario Biodiversity Council, "Wetlands: Extent of Wetland Cover and Wetland Loss." <https://sobr.ca/themes/wetlands/>.

⁶ Warner et al., "Carbon Storage in Ontario's Wetlands." https://www.semanticscholar.org/paper/Carbon-storage-in-Ontario%27s-wetlands.-Warner-Davies/35458332936033a97482d80e47ddac64efcbebf2?utm_source=direct_link

⁷ Office of the Auditor General of Ontario, "Value-for-Money Audit: Reporting on Ontario's Environment." https://auditor.on.ca/en/content/annualreports/arreports/en21/ENV_Reporting_en21.pdf. See page 22.

⁸ Ontario Ministry of Natural Resources and Forestry, "A Wetland Conservation Strategy for Ontario 2017-2030." <https://www.ontario.ca/page/wetland-conservation-strategy>.

value of endangered and threatened species habitat and to restore the MNR's role in overseeing evaluations.

A new version of the OWES came into effect in January 2023, containing changes that make it more difficult for wetlands, especially smaller wetlands, to achieve and maintain Provincially Significant Wetland (PSW) status and the strict protection it affords. These changes allowed networks of hydrologically connected wetlands to be evaluated individually rather than as a larger wetland complex and removed the high point value previously assigned to the presence of migratory, feeding or hibernation habitat of threatened and endangered species. The MNR was also removed from its prior role in overseeing wetland evaluations, eliminating a critical review and quality control process. In fact, a comparison of provincial wetland mapping from March 2023 to July 2024, during which time the new OWES was in effect, determined that close to 600 hectares of PSWs across dozens of municipalities lost PSW status during this period.⁹ This trend will only continue if the OWES is not effectively restored.

Request #3: Strengthen the OWES by seeking input from Indigenous Peoples across Ontario on how to ensure Indigenous rights and values are respected and accurately reflected in the scoring system.

Current and past versions of the OWES have failed to ensure Indigenous rights and values are respected and accurately reflected in the scoring system. Notably, although Indigenous interests in and/or cultural significance of a wetland are considered under section 2.8 of the northern and southern Ontario OWES, a lack of response from the community results in a score of zero for that section. Furthermore, there are no specifications regarding how much time and effort must be made to connect with the relevant Indigenous Peoples. Recent changes to the OWES will compromise the habitats and survival of several wetland species that are significant to Indigenous Peoples. The MNR should therefore seek opportunities to collaborate with Indigenous Peoples on how to rectify these shortcomings so that the OWES better reflects and respects Indigenous rights and interests.

Request #4: Implement a moratorium on all new approvals for gravel mining in Ontario until a reliable and objective assessment is conducted to evaluate current licensed operations in relation to provincial demand for aggregates. This would allow time to facilitate a broad consultation process and to revise the *Aggregate Resources Act* and associated regulations and policies such that Ontario retains a long-term supply of gravel and aggregate resources while:

⁹ Porter, "Ottawa wetlands cut from 'provincially significant' list."
<https://www.cbc.ca/news/canada/ottawa/wetlands-owes-designations-goulbourn-1.7347865>

- Effectively protecting wetlands and other natural ecosystems as well as the species that depend on them;
- Honouring treaties with Indigenous Nations and obligations as prescribed in the Canadian Constitution and the United Nations Declaration on the Rights of Indigenous Peoples;
- Enhancing public participation in local land use planning;
- Reducing the environmental health impacts of mining on air and water quality; and,
- Developing an immediate action plan to reduce climate change impacts from aggregate extraction including a transition strategy.

Given the significant impacts aggregate resource extraction activities have on the land and surrounding communities, there must be policies in place to protect our most valued natural ecosystems. However, the current system in Ontario fails to do so by prioritizing aggregate mining over all other land uses. Furthermore, the Reform Gravel Mining Coalition asserts that the gravel mining industry is approved to extract thirteen times more gravel each year than would be required to meet annual demand.¹⁰ Similarly, a study recently submitted to the MNR on aggregate supply and demand in the Greater Golden Horseshoe indicates that there may be a significant oversupply of licensed aggregate material compared to projected demand, although the study recognizes certain data limitations and a need to better understand the availability and distribution of high-quality aggregate resources in the region.¹¹ Therefore, there appears to be no immediate need to expand or establish new operations at least until there is an improved understanding of supply and demand across the province. An immediate pause on new gravel and aggregate resource applications must be established until such time as a formal review of the *Aggregate Resources Act*, regulations and policies can be completed and amendments can be made. This review should ensure the protection of wetlands, natural ecosystems and prime farmland; respect for the rights and interests of Indigenous Peoples; and enhancement of local decision-making powers regarding aggregate resources, while balancing the need for an adequate supply of resources for the long-term.

¹⁰ Reform Gravel Mining Coalition, “A Moratorium on all new Gravel Mining Approvals Today – A step towards a sustainable tomorrow.”
https://assets.nationbuilder.com/themes/61d345a84445ea3165f59cc2/attachments/original/1646697122/r_gmc_policy_brief_jan23.pdf.

¹¹ WSP Canada Inc. and Esher Planning, “Aggregate Supply and Demand Study, Updated Remaining Reserves for Sites in the 2009 and 2016 SAROS Studies and Planning and Policy Constraints.”
<https://www.ontario.ca/files/2024-10/mnr-pd-executive-summary-aggregate-supply-demand-study-en-2024-10-17-v2.pdf>

Ministry of Environment, Conservation, and Parks

Request #1: Restore the planning authority of conservation authorities under the *Conservation Authorities Act* by:

- Repealing subsections 28(4.1) and 28(4.2), which may exempt certain developments approved under the *Planning Act* from requiring a permit from the relevant conservation authority.
- Amending subsection 28.1(1) and 28.1(6) to restore conservation authorities' ability to consider the impacts of proposed developments on pollution and the conservation of land when making permitting decisions.
- Repealing subsections 28.1(8) to 28.1(19), 28.1(21) and 28.1(23), which allow development applicants to request a review by the Minister of Natural Resources if they are dissatisfied with their conservation authority's permitting decision.
- Repealing section 28.1.1, which allows the Minister of Natural Resources to, by order, halt a conservation authority's permitting process and establish themselves as the ultimate decision-maker in the permitting process for specific development applications.
- Repealing section 28.1.2 and amending the legislation to specify that development applications approved via Minister's Zoning Orders (MZOs) do not overrule conservation authority permitting decisions and that the relevant conservation authority retains full authority to deny or place conditions on a permit where a development proposal falls within its jurisdiction.

Conservation authorities are specialists in managing wetlands, watercourses and other natural areas at a watershed scale. Managing over \$3.8 billion of flood control and prevention infrastructure in the province, it is clear these agencies play a critical role in mitigating and preventing floods and related damage.¹² Their extensive knowledge in protecting and improving water quality and otherwise protecting and restoring wetlands and other natural ecosystems in Ontario is a significant asset in making environmentally-sound land-use planning decisions. However, multiple iterations of amendments to the *Conservation Authorities Act* and regulations have undermined conservation authorities' role in land use planning. In doing so, communities across northern and southern Ontario are being exposed to increased risks of flooding, degraded water quality and loss of beloved local wetlands and other natural ecosystems. The recommendations outlined above aim to return essential decision-

¹² Conservation Ontario, "Conservation Ontario 2023 Fact Sheet." https://conservationontario.ca/fileadmin/pdf/fact_sheets/2023_CO_Fact_Sheet.pdf. See page 1.

making power to conservation authorities, so they may better protect and regulate wetlands and other natural ecosystems within their jurisdiction.

Request #2: Amend subsection 2.(3) of O. Reg. 41/24 such that conservation authorities' regulated area is restored to within 120 metres of a PSW or wetlands greater than two hectares at a minimum, or ideally to expand conservation authorities' regulated area to within 150 metres of a PSW or wetlands greater than two hectares; and 30 metres for wetlands under two hectares.

Subsection 2.(3) of O. Reg. 41/24 significantly reduces the regulated area surrounding Ontario's PSWs and wetlands greater than two hectares. In just one example, Hamilton Conservation Authority's regulated wetland area was reduced by 37 percent once this regulation came into effect.¹³ This has negative implications for the province's wetlands, as this may allow more intensive development to occur in the areas immediately surrounding wetlands. Research has found that development within 100 metres of a wetland buffer can negatively impact water quality. In agricultural zones, a buffer of at least 150 metres has shown promising results in protecting wetlands from contaminants, therefore it is crucial to expand this range to conservation authorities' regulated area.¹⁴ It is reasonable to expect that reducing conservation authorities' regulated area surrounding all wetlands to only 30 metres from the wetland boundary will result in increased degradation of these significant ecosystems.

Ministry of Municipal Affairs and Housing (MMAH)

Request #1: Repeal subsections 47(1.1) to 47(1.3) of the *Planning Act*, which allow the Minister of Municipal Affairs and Housing to issue MZOs authorizing developments that may be inconsistent with provincial planning policies. Review and amend the *Planning Act* to require MZOs to abide by all provincial planning policies and to require a public consultation period prior to granting an MZO.

MZOs pose a significant risk to wetlands and other environmental features in Ontario. This is because the Minister of Municipal Affairs and Housing is currently able to use MZOs to approve projects that may violate the Provincial Planning Statement (2024), including strict protections for PSWs. Notably, there has been a sharp increase in the use of MZOs to approve developments, with more MZOs issued in 2020 than the

¹³ Hamilton Conservation Authority, "Recent Changes to the Conservation Authorities Act and New Ontario Regulation 41/24." <https://conservationhamilton.ca/ca-act-and-new-ontario-regulation-41-24/>.

¹⁴ Sawatzky and Fahrig, "Wetland Buffers Are No Substitute for Landscape-scale Conservation." <https://carleton.ca/glel/wp-content/uploads/19SawatzkyFahrigEcosphere-1.pdf>

previous 15 years combined.¹⁵ Land use planning policies and environmental protections exist to ensure sustainable, environmentally-sound land use planning occurs consistently across the province. While most MZOs have affected southern Ontario to date, the recent change applies across the province and could also threaten northern Ontario's vital wetlands within municipalities. MZOs, like all other planning decisions, should be required to abide by these rules to ensure community planning and development proceeds in a way that protects our valuable wetlands and other natural ecosystems.

Request #2: Retain the Growth Plan for the Greater Golden Horseshoe (hereafter, the Growth Plan) and the broader protection it provides for wetlands within the Greater Golden Horseshoe.

When the new Provincial Planning Statement came into effect on October 20, 2024, it replaced both the Provincial Policy Statement (2020) and the Growth Plan. While the natural heritage system policies of the Provincial Policy Statement (2020) are largely retained in the new Provincial Planning Statement, the broader protections provided by the Growth Plan to non-provincially significant wetlands within the Greater Golden Horseshoe will be lost. This will leave over 160,000 hectares of wetlands at risk of being damaged or destroyed by development, a risk which is particularly imminent given the intense development pressures in this part of the province.¹⁶ The protections provided in the Growth Plan must be carried forward so that the remaining wetlands in the Greater Golden Horseshoe are not irrevocably lost.

Request #3: Retain the Growth Plan and Provincial Policy Statement's measures to limit the overall extent of greenfield sprawl development in the new version of the Provincial Planning Statement.

Unless these changes are reversed, wetlands and other ecosystems will face greater risks from development. Ontario's Housing Affordability Task force explained in its 2022 report that there is no need to sacrifice environmental protection to address the housing crisis. Allowing more greenfield land to be designated in response to the housing crisis will only harm the environment, as there is enough pre-existing land to develop upon.¹⁷

¹⁵ Environmental Defence, "You May Have Never Heard of a Minister's Zoning Order and That Used to Be Ok – but Not Anymore." <https://environmentaldefence.ca/2020/08/28/may-never-heard-ministers-zoning-order-used-ok-not-anymore/>.

¹⁶ Ontario Nature, "ERO #019-8462 Submission Re. Provincial Planning Statement." <https://catalog.ontarionature.org/re-ero-019-8462-provincial-planning-statement-wetlands/page/1>.

¹⁷ Pothen, "Killing Growth Plan for Greater Golden Horseshoe Is a Disaster for Ontario's Environment and Efforts to End Housing Shortage." [Killing Growth Plan for Greater Golden Horseshoe is a Disaster for Ontario's Environment and Efforts to End Housing Shortage - Environmental Defence](#)

All Ministries

Request #1: Implement Article 26 of the United Nations Declaration on Rights of Indigenous Peoples (UNDRIP) in your environmental framework and decision-making.

Article 26 of UNDRIP affirms the right of Indigenous Peoples to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired.¹⁸ Despite this, all the legislation highlighted in this letter fails to align with UNDRIP's protective framework and the Indigenous Rights it affords. In addition, Ontario has failed to introduce legislation which addresses the specific requests of Indigenous Communities to protect culturally, spiritually and environmentally significant land. By incorporating UNDRIP into environmental and planning legislation, you will uphold Canada's commitment to protect, promote and uphold the human rights of Indigenous Peoples in Canada while benefitting the sustainability of the province.

Concluding Statements

Each of your ministries has a role in protecting Ontario's wetlands, which is directly related to your ministerial responsibilities. The MNR is responsible for sustainably managing Ontario's fish and wildlife resources and for protecting "people, property, and communities from forest fires, floods, and droughts."¹⁹ The MECP is responsible for protecting "Ontario's air, land, water, species at risk and their habitats."²⁰ Finally, the MMAH is responsible for "helping residents and municipalities following sudden, unexpected natural disasters,"²¹ which may include intense floods. Protecting Ontario's wetlands contributes to each of these responsibilities by mitigating the impacts of climate change, reducing flood intensity along with associated damages and improving water quality, which are essential for human health and well-being. Lastly, wetlands provide critical habitat for Ontario's native flora and fauna, including species at risk and culturally significant species.

Furthermore, the Government of Ontario has a legal obligation "to consult with Aboriginal peoples where it contemplates decisions or actions that may adversely

¹⁸ United Nations, "United Nations Declaration on the Rights of Indigenous Peoples." [UNDRIP_E_web.pdf](#)

¹⁹ Government of Ontario, "Ministry of Natural Resources." <https://www.ontario.ca/page/ministry-natural-resources>.

²⁰ Government of Ontario, "Ministry of the Environment, Conservation and Parks." <https://www.ontario.ca/page/ministry-environment-conservation-parks>.

²¹ Government of Ontario, "Ministry of Municipal Affairs and Housing," <https://www.ontario.ca/page/ministry-municipal-affairs-housing>.

impact asserted or established Aboriginal or treaty rights,”²² and a responsibility to take an active role in advancing reconciliation. Given the incalculable value of wetlands and other natural ecosystems to Indigenous Peoples, the province has a responsibility to create space for nation-to-nation dialogue and relationships aimed at ensuring provincial wetland protections and associated policies respect the rights and interests of Indigenous Peoples.

While many recent changes to provincial legislation, regulation and policy have weakened wetland protections and thus failed to uphold these responsibilities, the requests presented in this letter are an opportunity to do better moving forward.

Thank you for your time and consideration. We hope to receive a response indicating what opportunities exist to move these requests forward, as we are committed to pursuing positive change for the future of Ontario.

Sincerely,

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²² Ontario Ministry of Indigenous Affairs and First Nations Economic Reconciliation, “Duty to consult with Aboriginal peoples in Ontario.” <https://www.ontario.ca/page/duty-consult-aboriginal-peoples-ontario>.

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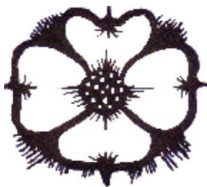
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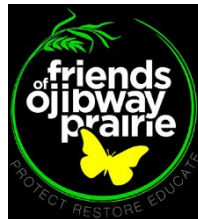
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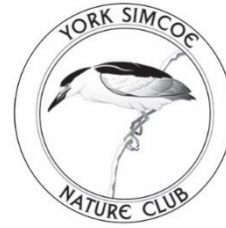
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