



**DELIVERED VIA EMAIL**

[wetlands@ontario.ca](mailto:wetlands@ontario.ca)

November 24, 2022

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

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Please accept this submission of AEL Advocacy in response to ERO Number 019-6160<sup>1</sup>.

### **A. About AEL Advocacy**

Animal Environmental Legal Advocacy (“AEL Advocacy”) is a public interest law practice and not-for-profit organization based in Ontario. Our lawyers understand the important interconnection between humans, animals, and the environment. We combine our in-depth knowledge of the legal and political landscape with a commitment to supporting individuals and organizations working to protect animals and the environments where they live.

### **B. Comments on the Proposed Updates to the Ontario Wetland Evaluation System**

Ontario’s wetlands play a crucial role in protecting biodiversity and providing habitat for wildlife, including endangered and threatened species, across the province. Unfortunately, we have already lost approximately 70 percent of our original wetlands in Southern Ontario, and many of the remaining ones are under threat from climate change, development, and urban sprawl.<sup>2</sup>

For this reason, AEL Advocacy is strongly opposed to the proposed updates to Ontario’s Wetland Evaluation System (“OWES”), as they will drastically alter the way wetlands are identified, assessed, and ultimately protected in Ontario.

**First, the proposed updates remove crucial guidance for wetland evaluators in terms of the procedure to be followed when conducting evaluations.** Wetland evaluations are highly complex and, as currently written, the OWES provides detailed guidance for wetland evaluators in terms of the procedure to be followed when conducting them. For example, the OWES includes clear instructions about what kind of information should be maintained in a wetland evaluation file, who should be consulted throughout the process, and the sources of information that can provide valuable insight to the wetland evaluator. The proposed updates to the OWES would remove all of this detail and essentially leave it up to the wetland evaluator to determine

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<sup>1</sup> <https://ero.ontario.ca/notice/019-6160>

<sup>2</sup> <https://environmentaldefence.ca/2020/11/11/crucial-protect-ontarios-wetlands/>

what process should be followed and what sources of information should be consulted. The OWES provides a framework for designating Provincially Significant Wetlands (“PSWs”), which are afforded a high level of protection under provincial law and policy. AEL Advocacy submits that these changes will substantially degrade the quality of wetland evaluations and may lead to the under-scoring of many wetlands which deserve protection as PSWs.

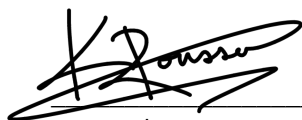
**Second, the proposed updates provide that currently evaluated wetlands can be re-evaluated.** AEL Advocacy is deeply worried that this will result in many existing PSWs losing their status and ensure that very few wetlands are designated as PSWs in the future. Two other proposed changes make this even more likely. Specifically, **the proposed updates remove consideration of (1) wetland complexing and (2) endangered and threatened species habitat from wetland evaluations.** The vast majority of Ontario’s wetlands are wetland complexes, meaning that small wetlands located close to one another are evaluated together as part of a “complex”. Wetland complexes often provide valuable linkages for wildlife in terms of migration corridors or surface/groundwater connections. If these small wetlands are re-evaluated individually, it is likely that many current PSWs would no longer qualify for the important protections offered to PSWs.

Similarly, without consideration of endangered and threatened species habitat, many currently evaluated wetlands would no longer qualify as PSWs. This is deeply troubling, as Ontario’s wetlands are home to many endangered or threatened species, such as piping plover, Karner blue butterfly, and the Blanding's turtle, who use wetlands for resting, feeding, and nesting habitat.<sup>3</sup>

The combined effects of these and other proposed changes to the OWES will result in a significant loss and degradation of Ontario’s most valuable wetlands. As such, AEL Advocacy urges MNRF to withdraw the proposed changes to the OWES and conduct further and more in-depth consultation with members of the public and Indigenous communities.

We welcome the opportunity to discuss the above comments and recommendations.

Sincerely,



Krystal-Anne Roussel  
Co-Director & Counsel, AEL Advocacy

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<sup>3</sup> <https://environmentaldefence.ca/2020/11/11/crucial-protect-ontarios-wetlands/#:~:text=Other%20species%2C%20including%20federally%20endangered,%2C%20feeding%2C%20and%20nesting%20habitat.>