



Changes in Wetland Management in Ontario

Board of Directors

March 10, 2025

Who does what

- Prepare laws, regulations, policies, and implementation guidelines

~~• Arbitrate wetland classification and track the classification of wetlands in the Land Inventory Ontario database~~

Province



- Prepare land use plans and policies (OPs, ZBLs, etc.)
- Administer approvals under the *Planning Act*

Municipalities



- Since 2006, assess and regulate all wetlands as defined in the *CA Act*
- Administer permit system for development in and within 30 m of a regulated wetland
- ~~• Regulate for pollution and the conservation of land~~

CAs



- *Provincial Planning Statement, 2024*
- *Ontario Wetland Evaluation System (OWES), 2022*
- Only “significant wetlands” protected in PPS.
- Minister of Municipal Affairs & Housing may issue a MZO and permit over-riding decisions of a municipality and CA

- Expected to manage wetland status information within their jurisdiction
- May seek expertise regarding 3rd party OWES finding if in-house expertise is unavailable
- Required to circulate CAs when applications are in proximity to a regulated area

- Identify and regulate wetlands in accordance with board approved policies (vary by CA)
- MVCA regulates all wetlands ≥ 0.5 ha. with hydraulic connectivity
- RVCA, SNC, and RRCA are under Ministerial orders (2024) to only regulate PSWs.

Provincial Policy

The Provincial Planning Statement (PPS), 2024

- Requires protection of “significant wetlands”.
- Prohibits development or interference within the boundaries of a Provincially Significant Wetland (PSW).
- Typically, new development is not recommended within 30 m.
 - Municipal planning documents may require an EIS for development near a PSW.
- An EIS is used to understand how the development may impact or influence a natural system through:
 - Alterations to habitat form/functions
 - Alterations to hydrology form/functions
 - It is also a tool to verify a wetland boundary

Ontario Wetland Evaluation System (OWES)

The Provincial methodology for wetland identification, delineation, and evaluation.

- Wetlands are defined as having three (3) characteristics:
 - Water (seasonal or permanent)
 - Hydric soils (ELC standards; OMNR, 2009)
 - Hydrophytic plants (relative plant cover is $\geq 50\%$ water loving plants)
- Wetlands are “scored” based upon four sets of criteria:
 - Biological
 - Social
 - Hydrology
 - Special Features

Changes to OWES

- Bill 23 updated the OWES manual in 2022
 - Removed the point potential for the presence of species at risk from within the Special Feature section.
 - Removed “complexing” – the practice of grouping small associated wetlands that are demonstrated to be linked biologically or hydraulically.
- Updated manual allows for the re-evaluation and de-listing of portions of a PSW complex on a site by site basis. This has occurred in our jurisdiction.

Conservation Authorities Act

“Wetland” as defined under Section 28 means land that:

- a) is seasonally or permanently covered by shallow water,
- b) directly contributes to the hydrologic function of a watershed through connection with a surface watercourse,
- c) has hydric soils,
- d) has vegetation dominated by hydrophytic plants or water tolerant plants,

but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristics referred to in clause (c) or (d).”

Activities Requiring CA Permit Approval

An MVCA permit is required within a “Wetland” or “Adjacent Lands” (30 m buffer) for:

- Construction, reconstruction or placing a building or structure of any kind;
- Any change to a building or structure that changes its use, or increases its size;
- Temporary or permanent placing, dumping or removal of material originating on site or elsewhere.
- CA review focus is on potential impacts to hydrologic functions of the feature.

There is no longer a distinction made between provincially significant wetlands and other wetlands in CA legislation.

MVCA – Permitted Uses in Wetlands

MVCA may issue a permit for the following activities given adequate supporting information:

PSWs

- Infrastructure, maintenance, recreation and conservation, flood control works

Other Regulated Wetlands:

- Includes above, and;
- Vacant lots of record:
 - Constructed access
 - A single dwelling
 - An accessory building
 - Boardwalks

MVCA – Offsetting

- Is the “least” preferred option.
- Requires demonstrated proof that avoidance, minimization, and mitigation are not feasible.
- Follow the hierarchy of replacement location;
 - Elsewhere on-site, off-site within the same catchment area, off-site within the same watershed.
- Requires a minimum of 2:1 replacement area ratio.
- Requires long-term monitoring and sustainment.

Questions?



Thank you for your time