



October 30, 2015

Ms. Rebecca Zeran
Program Advisor
Natural Resources Conservation Policy Branch
Ministry of Natural Resources and Forestry
300 Water Street
Peterborough, Ontario K9J 8M5

Dear Ms. Zeran,

On behalf of the Ontario Stone, Sand & Gravel Association (OSSGA), I would like to thank you for the opportunity to comment on the discussion paper entitled "Wetland Conservation in Ontario". OSSGA is a not-for-profit association representing over 280 sand, gravel and crushed stone producers and suppliers of valuable industry products and services. Collectively, our members supply the substantial majority of the 164 million tonnes of aggregate consumed, on average, annually in the province to build and maintain Ontario's infrastructure needs. OSSGA works in partnership with government and the public to promote a safe and competitive aggregate industry contributing to the creation of strong communities in the province.

Aggregate producers are natural resource managers with a long history of extracting aggregate resources to build the roads, schools, hospitals, water treatment plants and communities across the province. Aggregate extraction is an interim land use, meaning that once extraction is complete, the land is rehabilitated, often resulting in public benefits. Many sites are being rehabilitated to lakes and ponds where, in some instances, the edges of these features are creating wetland habitat. Other rehabilitation plans include the creation of wetlands on either pit or quarry floors. Some specific examples of wetland habitats created through rehabilitation are highlighted below from the State of the Aggregate Resource in Ontario Study Paper 6: Rehabilitation.

Browning and Tan (2002) note that the Fletcher Creek quarry includes a rich fen that has developed on marl deposits associated with a seepage zone that resulted from the blasting of an old narrow outlet channel. Similar conditions at the Wildwood Pit Complex support a fen community that also supports the only known location for cotton grass in Oxford County (Figure 6). (Chapter 6-18)

Other example sites with created wetlands include Wainfleet Wetlands, Kerncliff Park and Dufferin Aggregates' Brown Pit.

OSSGA strongly supports the development of a strategic plan for the conservation of wetlands in Ontario and we offer the following response to 5 of the 7 questions as they pertain to the aggregate industry:

Question 1

Do you think there are current challenges related to wetland conservation in Ontario? If so, what are the challenges?

The most significant challenge to wetland conservation is the complex array of policy. The ministry should develop an overarching policy that pulls together all the existing policy pieces and guides the mitigation hierarchy sequence.

Question 2

Three priority areas of focus for wetland conservation in Ontario are proposed: strengthen policy, encourage partnership and improve knowledge. What do you think of these three focus areas? Do you have other ideas for additional focus areas?

OSSGA supports these three focus areas with the following explanation:

Improve knowledge and strengthening policy - There seems to be some skepticism among stakeholders about whether wetland functions can be recreated. The truth is that aggregate operations have created wetlands through rehabilitation that have subsequently been classified as provincially significant. Alternately, in at least one case a pond that was dug for the purpose of being used to settle suspended solids was identified, inappropriately, as a provincially significant wetland even though it was actively being used, as designed, for operational activities. A focus on improving knowledge and the strengthening of policy, in this case to reduce some of the subjectivity in wetland evaluation, are appropriate priorities. Furthermore improving knowledge in order to measure the effectiveness of recreating wetland ecosystem services through wetland creation is also an important priority.

Encourage partnerships - With the increased pressure for land conversion due to population growth, the need for new and improved infrastructure, and potential for conflicts between competing land uses, exploring new opportunities for collaboration between government, non-government and industry will be a step in the right direction toward achieving a balance between smart growth and development and wetland conservation. For this reason we support the stated priority of encouraging partnerships.

Question 4

What do you think about Ontario's current wetland policy framework? Can it be improved? Can it be made more effective? If so, how?

OSSGA recommends the following changes to improve the wetland policy framework:

- Any future changes to wetland policy should allow for wetland creation/removal for no net loss. Different units of the MNR should work together to ensure that wetland policy changes are consistent with the Aggregate Resources Act.

- We recommend that the current criteria under the Ontario Wetland Evaluation System (OWES) manual be simplified so that they are less subjective, and do not classify tiny wetlands (<0.01ha) as significant.
- Relevant policies, including but not limited to the Provincial Policy Statement (PPS), should be changed to allow access to edge areas of provincially significant wetlands provided there is net gain compensation.
- The ministry should develop an overarching policy that pulls together all the existing policy pieces and guides the mitigation hierarchy sequence.

Changes to wetland policies, in particular for wetland creation/removal on licensed aggregate sites will lead to major site plan amendments. These amendments can take a long time to process. OSSGA recommends that any future changes to **wetland policy should allow for wetland creation/removal for no net loss. Different units of the MNR should work together to ensure that wetland policy changes are consistent with the Aggregate Resources Act** so that producers are able to get site plans approved more quickly for wetland creation/removal.

The presence of wetlands continues to be one of the most serious constraints affecting the licensing of new aggregate supply. Tiny wetlands (as small as 0.01 ha, or less than half a typical tennis court in size) are being complexed and labeled a significant wetland, even though they possess quite limited functional importance and/or are highly disturbed/altered and/or are the result of human effects on the landscape (e.g. blocked farm drains). No consideration is allowed for replacement and/or enhancement of these wetlands, measures that are proven and achievable. We articulated this point to the ministry during the public review of the updated draft of the Ontario Wetland Evaluation System manual in 2012. The result of the current approach in the OWES manual perpetuates unnecessary resource conflicts and the conservation of tiny and unimportant wetland units that could be compensated through restoration and enhancement of more significant wetland areas or the replacement of the smaller units with something that is functionally equivalent. OSSGA recommends **changing relevant wetland policies, including but not limited to the PPS, to allow access to the tiny wetlands as well as edges of provincially significant wetlands provided there is net gain compensation** that replaces or enhances affected wetlands.

Furthermore, the evaluation of tiny wetlands is subjective and that **subjectivity needs to be removed from the evaluation process.**

Section 3.2 of the Southern OWES:

Such tiny wetlands may be recognized when, in the opinion of the evaluator, the small wetland pocket may provide important ecological benefit.

The current policy framework is extensive and complex and although it has helped to slow down the rate of wetland loss, we are still experiencing loss. OSSGA recommends having an **overarching policy, led by one ministry that oversees all policy pieces currently in place and guides the mitigation sequence.**

Question 5

Should targets be considered to help achieve wetland conservation in Ontario? If so, what form should these targets take?

OSSGA recommends the no net loss concept as a target in itself. The difficulty will be in defining a baseline measure, e.g. ecological function, hydrologic function, and/or land area.

Question 6

The Ontario government is considering approaches to achieve no net loss of wetlands.

a) What do you think of the establishment of a mitigation/compensation hierarchy to achieve no net loss? Are there other approaches?

OSSGA views the mitigation/compensation hierarchy as a reasonable approach to achieving no net loss for wetlands that are not provincially significant and recommend a net gain mitigation/compensation option for minor wetland areas that have been identified as provincially significant. Finding the right balance of competing resource management interests will require a measure of flexibility and an eye towards the achievement of mutually positive outcomes. A mutually positive outcome approach for decisions around the conservation of minor wetland areas and functions will ensure there is no loss of wetland functions in Ontario. This approach can act as a stimulus for improved wetland stewardship and wetland functional restoration in appropriate situations. This approach also supports integrated resource management and will improve wetland habitat in Ontario as a whole while still supporting economic and social objectives.

b) What tools (e.g., policy) could be used to implement approaches to achieve no net loss?

OSSGA recommends implementing a systematic, market based approach for assessing and mitigating (or compensating) impacts to wetlands. One example is developing a wetland banking scheme, similar to the Species at Risk Benefits Exchange concept (SARBEX) where creators of wetlands can sell credits for wetland enhancement projects that result in tangible improvements. Those who impact wetlands can then purchase those credits to offset impacts of development and achieve the no net loss requirement.

c) What might the role of government, partners, private landowners and others be if no net loss approaches are implemented?

The aggregate industry has the potential to be one of the largest creators of wetlands in the province. With over 6000 active pit and quarry licences in the province being operated by an industry that is able to create almost any type of landscape, there are opportunities to leverage those sites to create viable and biologically diverse wetlands in support of the no net loss concept. This could be done in partnership with other organizations with wetland expertise to ensure the appropriate requirements for wetland creation are applied.

d) Should no net loss approaches be applied uniformly across Ontario? Or, only where the risk of wetland loss is greatest?

The no net loss approach should be applied in both southern Ontario and northern Ontario. However, priority should be in southern Ontario where the majority of the loss has, and continues to occur.

Conclusion

The development of a strategic plan for wetland conservation in Ontario is a positive step forward to halt the continued loss of wetlands in the province. Implementing a mitigation/compensation hierarchy will help reach this goal provided there is some flexibility that allows for truly integrated resource management that supports the province's economic, social and environmental objectives.

Thank you again for the consideration of our comments. Should you have any questions or concerns please do not hesitate to contact me at twigdor@ossga.com or 905-507-0711.

Sincerely,



Ted Wigdor
Chief Executive Officer

cc. Pauline Desroches, Manager, Resources Development Section, Ministry of Natural Resources and Forestry