A photograph of two people sitting on a wooden pier extending into a large body of water. The pier is made of weathered wooden planks. The water is calm, reflecting the sky. In the background, there is a line of trees on the shore under a blue sky with light clouds. A green semi-transparent box with a grid pattern is overlaid on the right side of the image, containing the title and date.

# Legislation/Policy Tools for Maintaining Ecological Services of Wetlands across Watersheds

Latornell

Wednesday, November 16, 2011



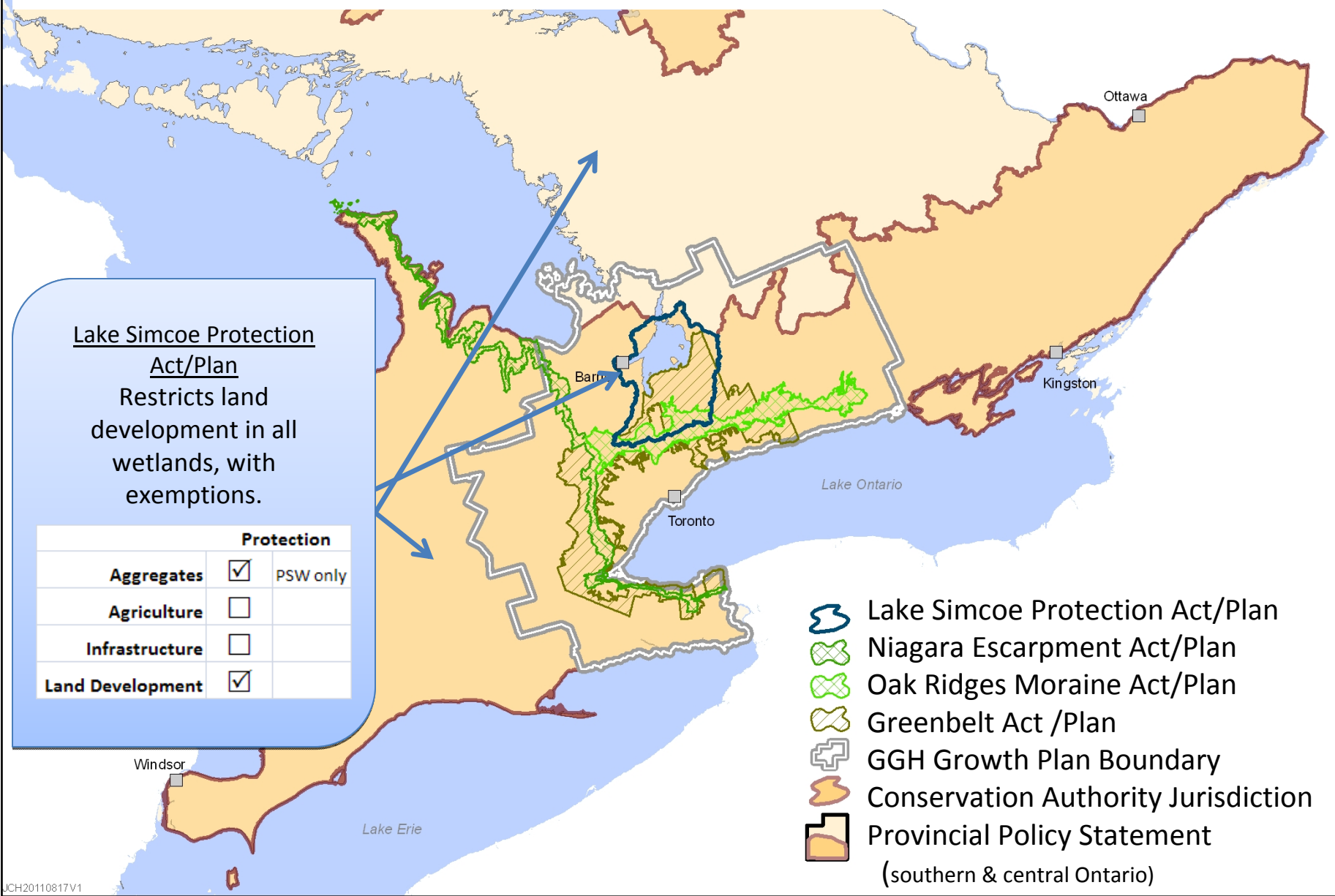
**Ducks Unlimited Canada**  
Conserving Canada's Wetlands

# Presentation Outline

1. existing policy in Ontario
2. mitigation hierarchy
3. other jurisdictions
4. watershed planning
5. challenges










# Complexity of Wetland Policy



Lake Simcoe Protection Act/Plan  
 Restricts land development in all wetlands, with exemptions.

	Protection	
Aggregates	<input checked="" type="checkbox"/>	PSW only
Agriculture	<input type="checkbox"/>	
Infrastructure	<input type="checkbox"/>	
Land Development	<input checked="" type="checkbox"/>	

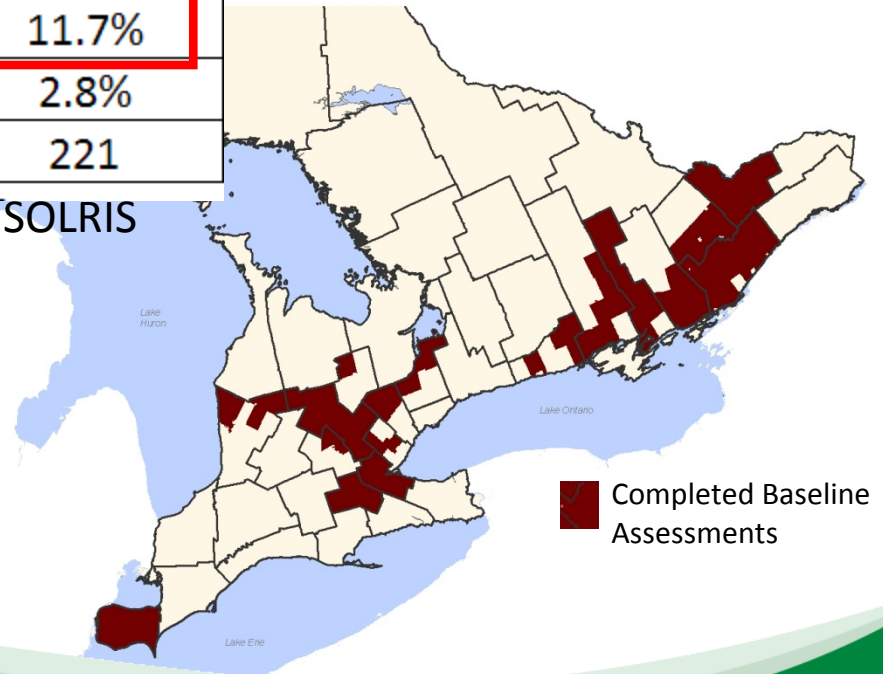
-  Lake Simcoe Protection Act/Plan
-  Niagara Escarpment Act/Plan
-  Oak Ridges Moraine Act/Plan
-  Greenbelt Act /Plan
-  GGH Growth Plan Boundary
-  Conservation Authority Jurisdiction
-  Provincial Policy Statement (southern & central Ontario)

# Level of Wetland Protection (from land development)

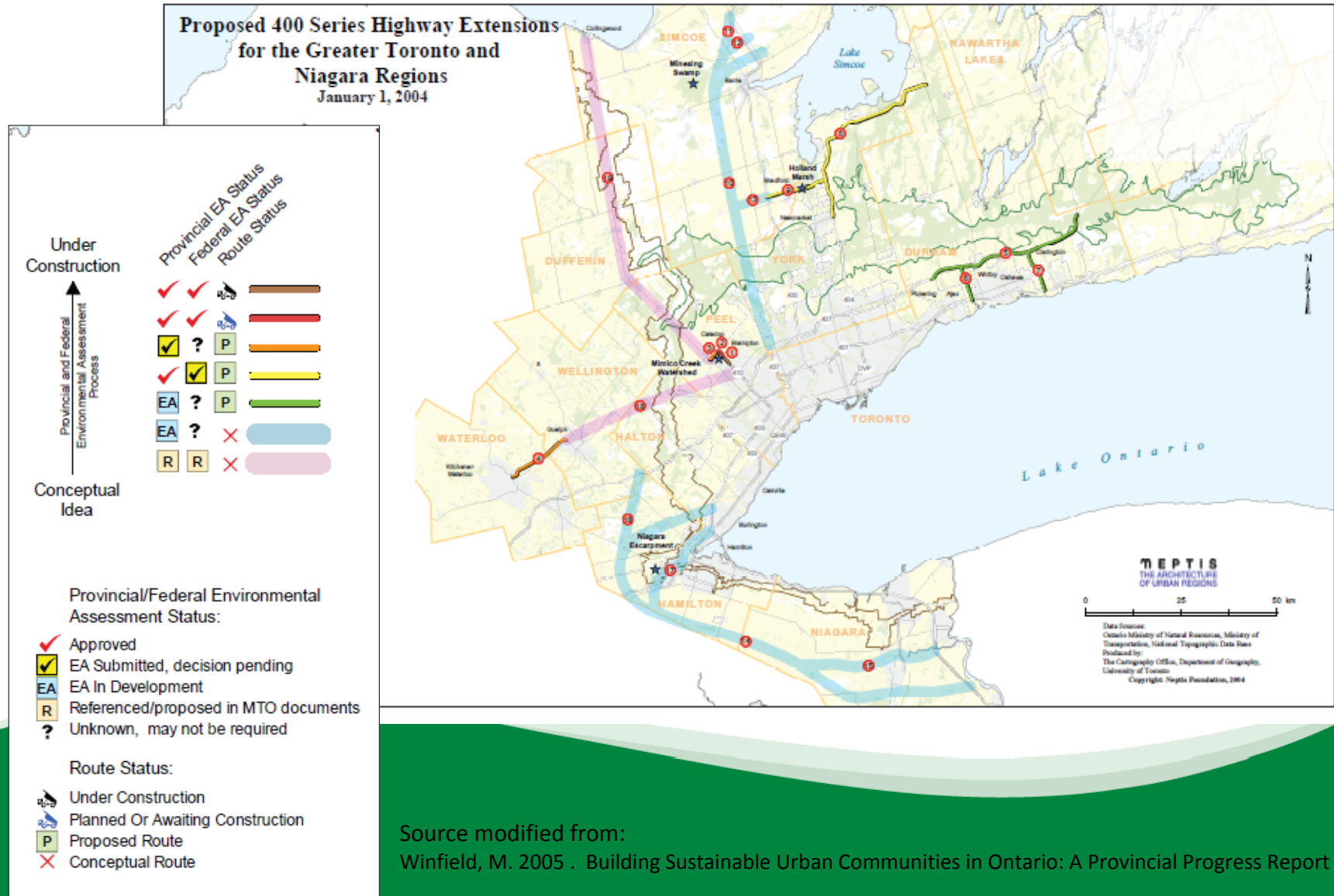
## DUC Baseline Assessments (2007-2011)

Level of Protection	PSW	Evaluated non-PSW	Unevaluated Wetland
Low	0.4%	1.0%	41.2%
Medium	11.0%	2.4%	11.7%
High	28.1%	1.4%	2.8%
Total Ha.*	157	19	221

\* 1,000s of hectares, based on MNR SOLRIS



# Ongoing Threats to Wetlands



Source modified from:

Winfield, M. 2005 . Building Sustainable Urban Communities in Ontario: A Provincial Progress Report

# Wetland Mitigation Hierarchy/Sequence

**Mitigation:** is a process for achieving wetland conservation through the application of a hierarchical progression of alternatives which include:

**Avoidance** of impacts,

**Minimization** of unavoidable impacts, and

**Compensation** for impacts that can not be avoided  
(as a last resort).

# Status of the Mitigation Hierarchy (Canada)

Wetlands Ecol Manage (2009) 17:3–14

Table 1

Jurisdiction	Mechanism of implementation	Mitigation hierarchy	Compensation guidelines	Reporting guidelines
Government of Canada	(1) EA; Individual Decisions	Yes	No	No
	(2) EA; Permit for a HADD (harmful alteration, destruction or disruption) of fish habitat	Yes	Some	Some
British Columbia	(1) None (2) Licence for Forestry Operations and Penalties	No	No	No
* Alberta	Water Act permits; EA	* Yes	* Yes	Some
Saskatchewan	Environmental Management & Protection Act; Watershed Authority Act; EA	No	No	No
Manitoba	Water Protection Act; EA	No	No	No
Ontario	Permits related to Planning Act; Conservation Authorities Act; and EA	No	No	No
Quebec	Quebec Environmental Quality Act—Development Permit	No	No	No
* New Brunswick	Watercourse and Wetland Alteration Permit; EA for wetlands >2.0 ha	* Yes	Draft	Some
* Prince Edward Island	Environmental Protection Act	* Yes	* Yes	Some
* Nova Scotia	Environment Act wetland alteration permit; EA for wetlands >2.0 ha	* Yes	Some	Some
Newfoundland and Labrador	Environmental Assessment Regulations for ‘undertakings’	No	No	No

# Status of the Mitigation Hierarchy (Ontario)

## Provincial Statutes:

Environmental Assessment Act (potentially)

Species at Risk Act (potentially)

## Municipal / CA Policy examples:

Development Permit System (Twp. of the Lake of Bays)

Official Plan (Town of Uxbridge-adopted OP)

Watershed Development Policies (LSRCA, Conservation Halton)



Source :

Beacon Environmental. 2010. The State of Wetland Mitigation in Ontario.

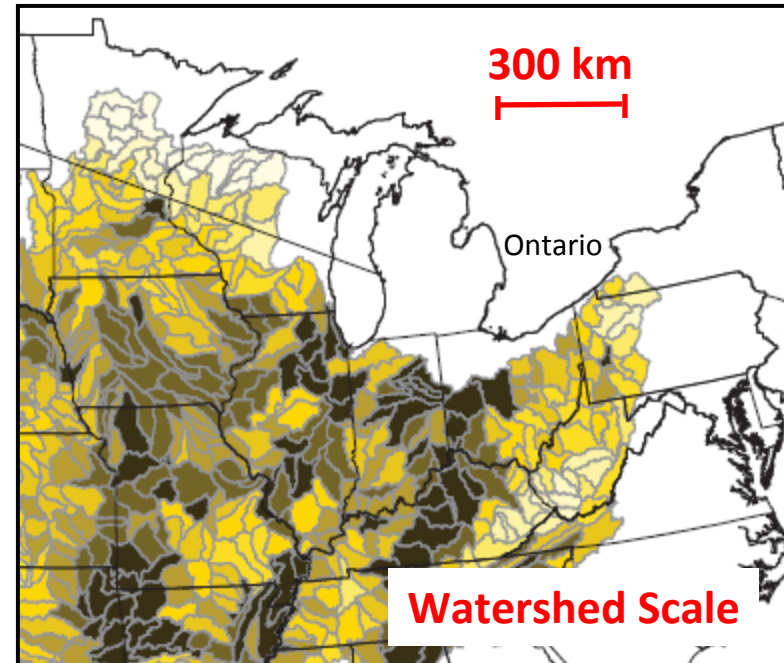
# Mitigation Hierarchy

## Watershed Planning

### US Compensatory Mitigation Rule (2008)

Approval requires the completion of a 'planning framework' document that addresses 10 elements including:

- geographic service area
- description of threats
- analysis of historic resource losses
- analysis of current resource conditions
- goals and objectives
- prioritization strategy
- preservation justification
- description of stakeholder involvement
- long-term management strategy
- strategy for periodic evaluation and reporting



# Mitigation Hierarchy

## Watershed Planning

### Nova Scotia Draft Guidelines (2009)

Evaluating possible compensation projects should include:

- an assessment of the wetland type and function lost
- landscape position of the altered wetlands (e.g. headwaters vs. bottomlands)
- \* • historic loss of wetlands in the watershed
- rarity of the wetland type being altered
- watershed land-use mix (proportion impervious surface, ag. immature forest)
- \* • ecological, social, and economic values
- community concerns
- safety risks
- distance of the compensation watershed from the alteration site
- \* • local economic impacts of moving the compensation project out of the watershed

# Mitigation Hierarchy

## Challenges

1. To ensure that the focus stays on Avoidance once a mitigation hierarchy includes an option for compensation.
2. To adequately measure and replace wetland functions when they are lost.
3. To locate suitable projects sites and secure landowner permission and the necessary permits to meet demand.
4. To ensure adequate oversight and equitable compensation of wetland services.

# Making the Case for Wetland Conservation and Restoration in Watersheds

## Conclusion

1. Stop the wetland loss is the number one priority
2. A wetland mitigation hierarchy is necessary for wetland impacts that are truly unavoidable.