

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. Your File/V/Réf.	11-96-0507
DATE	9 April, 1997
TO/DEST.	Co-ordinator Planning and Environment Committee
FROM/EXP.	Planning and Development Approvals Commissioner
SUBJECT/OBJET	GUIDELINES FOR THE RE-EVALUATION OF PROVINCIALY SIGNIFICANT WETLAND BOUNDARIES IN OTTAWA-CARLETON

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council approve:

- 1. The document “*GUIDELINES FOR THE RE-EVALUATION OF PROVINCIALY SIGNIFICANT WETLAND BOUNDARIES IN OTTAWA-CARLETON*”, attached as Annex A to this report, and;**
- 2. That the funding program established in 1997 continue until the budget allocation of \$50,000 is exhausted.**

BACKGROUND

At the 26 Nov 96 Planning and Environment Committee meeting, a report entitled “Public Meeting to Consider Draft Regional Official Plan Amendment 61 (ROPA 61) - Provincially Significant Wetlands” was considered by the Committee. As part of the consideration of this report the Planning and Environment Committee recommended to Council:

- a) That the RMOC assist those land-owners of Provincially Significant Wetlands with a formal re-evaluation, should a cursory review indicate a possible incorrect Provincially Significant Wetland designation or uncertain boundary lines, subject to the approval by Council of appropriate guidelines;**
- b) That staff draft guidelines regarding requests for a cursory review, re-evaluation and submissions to the Ministry of Natural Resources, including the requirement of land-owner cost sharing (50%) for re-evaluation only; and**

- c) **That the RMOC continue to lobby the Provincial Government to improve the compensation issue on behalf of Ottawa-Carleton residents.**

Council on 11 Dec 96 approved the recommendations of the Committee pertaining to the above.

The Planning and Environment Committee determined at its meeting of 26 Nov 96 that it could not make a pre-commitment on the 1997 budget to establish a budget for the re-evaluation of wetland boundaries therefore the following motion was referred to and carried during the Planning and Environment budget discussions on 28 Jan 97:

That for 1997 only, \$50,000.00 be set aside in the capital budget to engage a consultant approved by the Ministry of Natural Resources to conduct re-evaluation on properties designated as wetlands (the cost of this re-evaluation to be shared 50-50 between the landowner and the RMOC).

On 22 Jan 97, Council adopted ROPA 61 and on 26 Feb 97 Council approved the Planning and Development Approvals Department 1997 Capital and Operating Budgets, as amended.

DISCUSSION

The proposed guidelines for the re-evaluation of Provincially Significant wetland boundaries as requested by Planning and Environment Committee and Council are attached as Annex A. These guidelines would establish eligibility for subsidy and the process to be followed and the documents to be used by staff of Planning and Development Approvals in considering requests for re-evaluations of Provincially Significant wetland boundaries. The guidelines were drafted by *Jacques Whitford Consulting Engineers and Environmental Scientists* under the direction of staff from the Planning and Development Approvals Department.

Because the delineation of a wetland boundary is based on the representation of plant species, the time period within the Ottawa region for the re-evaluation of a wetland boundary is from the first of June to the end of September. It is quite likely that all of the funds allocated in 1997 would therefore not be expended. It is recommended that the subsidy program continue until the \$50,000 Capital fund is exhausted.

CONSULTATION

Although there was no consultation on this report, once the guidelines are approved Staff will advertise in local and community newspapers.

FINANCIAL IMPLICATIONS

Authority for this program has been allocated in the 1997 Capital Budget. However, expenditures may take place over a longer period.

Approved by
P. Sweet, MCIP, RPP

Attach.

ANNEX A

GUIDELINES FOR THE RE-EVALUATION OF PROVINCIALY SIGNIFICANT WETLAND BOUNDARIES IN OTTAWA-CARLETON

INTRODUCTION

Background

On January 22, 1997, the Council of the Regional Municipality of Ottawa-Carleton (RMOC) adopted Regional Official Plan Amendment 61 (ROPA 61) pursuant to Section 17(23) of the Planning Act. The purpose of Amendment 61 is to implement the Provincially Significant Wetlands Policy for wetlands in the Ottawa-Carleton region. Provincially significant wetlands are designated under Schedule A, Rural Policy Plan (Schedules 1 to 12) and Schedule B, Urban Policy Plan (Schedules 13 to 17). The wetland boundaries designated on Schedules A and B are based on maps prepared by the Ministry of Natural Resources (MNR).

During the public consultation for Amendment 61 some land-owners in the Region have indicated that they do not agree with location of wetland boundaries on their properties. In recognition that some wetland boundaries may need to be re-evaluated, Section 5.5.3, Policy 3 (ROPA 61), allows Council to consider altering provincially significant wetland boundaries, which will not require an amendment of Schedules A or B, provided additional and acceptable field studies have been undertaken. This re-evaluation policy provides a private landowner the opportunity to have a wetland boundary re-evaluated.

Funding Support To Land-owners For The Re-evaluation Of Wetland Boundaries

Depending on the specific situation, it is recognized that there is a cost which may be incurred by the landowner to retain professional services to undertake the required re-evaluation of a wetland boundary and that financial support by the RMOC could be appropriate under specific circumstances.

To address this situation, the RMOC has set aside a fund (\$50,000) to provide subsidies to qualified individual land-owners to undertake wetland boundary re-evaluations. The expense to undertake the re-evaluation is to be shared 50/50 under contract agreement between the RMOC and the land-owner who has requested a re-evaluation.

Guidelines For Land-owner Support Funding For Wetland Boundary Re-evaluations

The following sets out a simple set of guidelines to help both the private landowner and RMOC staff with the following;

- What is a wetland boundary
- What the fund can and cannot be used for
- What is the maximum subsidy
- Who is eligible to apply
- How and when to apply
- Application review process
- Landowner-RMOC agreement
- Who can undertake wetland boundary re-evaluations and when
- Re-evaluation review process

1) What is a Wetland Boundary

A wetland boundary is defined as a zone of ecological transition between wetland and upland. It is important to be aware as to how a wetland-upland boundary is defined and mapped by the MNR wetland evaluation system. It is often the case that once the criteria used to delineate a wetland boundary are properly understood, a boundary which at first appears to make no sense, may in fact be correct.

Regardless of the situation, within a wetland-upland transition zone, the wetland boundary is to be delineated through that zone at the point where upland plant species represent 50% of the plant community. For example, a wetland boundary which includes a pure stand of American Beech or Sugar Maple would be incorrect. However, a wetland boundary through an area where 50% of the trees are Red Maple and 50% are Sugar Maple, can be, and most likely is correct.

In most cases the wetland boundary is easy to identify either as a result of a sudden change in elevation or due to a dramatic change in plant species. However, in some circumstances local conditions can make the delineation of a wetland boundary difficult. Typical examples of when wetland boundaries are difficult to delineate include;

- low gently sloping lands where forest swamp gradually gives way to upland forest
- areas where there has been recent (10-50 years) changes in surface drainage (including beaver activity, drains and culvert placement)
- areas associated with large river flood plains and lake shores
- areas with extensive abandoned agricultural land

It is situations such as these where a request for a wetland boundary re-evaluation should be considered. Other special situations, such as map production errors, may also justify the need for a re-evaluation.

2) What the fund can and cannot be used for

Support funds through a subsidy to a land-owner are to be only used for the purpose of *the re-evaluation of specific wetland boundaries*. It should be clearly understood that for the purposes of applying for a subsidy, re-evaluation does not mean the re-assessment of a wetland's provincial significance status. To re-evaluate a wetland's provincial significance status would require a complete application of the Ontario Wetland Evaluation System by the MNR for the entire wetland area. In addition, subsidy is not available for the re-evaluation of the inclusion of an individual wetland area (or areas) within a wetland complex. A wetland complex is made up of 2 or more individual wetland areas which collectively are evaluated as one wetland. It is not uncommon for a wetland complex to include 10 or more individual wetland areas which vary in size from 1 to 100's of hectares. For existing wetland complex evaluations the determination as to whether an individual wetland area should or should not be included can only be undertaken by the MNR and often requires the re-evaluation of the entire wetland complex.

3) What is the maximum subsidy for a land-owner

The RMOC will provide a subsidy in a 50/50 cost-sharing agreement with the land-owner to re-evaluate a wetland boundary. Given that funds are limited and that there are many landowners which may be eligible for a subsidy, an upper limit of \$1,000.00 subsidy per wetland boundary re-evaluation has been set. A separate application must be made for each separate wetland.

4) Who Is Eligible To Apply

Approximately 700 individual landowners within the RMOC own lands which have a wetland boundary located on their property. These are detailed in Schedules A and B of the Official Plan. With the present funding available the RMOC cannot provide a subsidy to all landowners to re-evaluate all wetland boundaries. The primary goal of the fund is to provide financial support to those who have a real wetland boundary issue and are truly in need of financial assistance to resolve the problem. However, to ensure that most of the affected landowners are eligible to apply, a simple set of guidelines are presented below.

Initial assessment for eligibility for a subsidy will be based on the following:

i) Who is not eligible

- Corporations, land development companies/holdings, municipalities and government agencies such as the Conservation Authority
- any landowner that has made a development application adjacent to a provincially significant wetland which requires a scoped site Wetlands Impact Study or full Wetland Impact Study as set out in Section 5.5.3 (8), Amendment 61.

ii) *Who is eligible*

The following criteria must be met to be considered a subsidy applicant:

- the applicant must be the owner of property which is located in whole or in part within the RMOC
- the wetland boundary to be re-evaluated must be located in whole within the RMOC
- prior to applying for a subsidy, the wetland boundary issue must have been brought to the attention of the MNR by the land-owner and the issue has not been resolved to the satisfaction of the landowner
- the applicant must be able to provide sound rationale for why he/she believes the wetland boundary as reviewed by the MNR is not correct.

5) How and When to Apply

It is the goal of the RMOC to make the application process as easy as possible for the individual land-owner. However, a certain amount of information must be provided by the applicant to allow RMOC staff to make a decision as to whether a subsidy should be made available. Land-owners who feel they are eligible should complete the application as soon as possible, as the review of applications and the commitment to funding will occur on a first come first served basis. The applicant should ensure that all required information is provided, as incomplete forms will be returned and will not be considered in the review process until a completed form is returned. A copy of the application form is attached.

6) Application Review Process

Applications will be reviewed by staff of the Planning and Development Approvals Department. The purpose of the review is to ensure that the applicant meets the criteria as set out in these guidelines. It is anticipated that this review process will be completed within 2 weeks of the arrival of the application. Applications will be reviewed on a first come first served basis.

When an application is accepted, the applicant will be notified as soon as is possible, and an offer to enter into an agreement with the RMOC will be made at that time. Following the notice of acceptance the applicant will have 2 weeks from the date of the notice to sign an agreement with the RMOC. Should the two week period expire without a signed agreement, the RMOC can not guarantee that a subsidy will be available at a latter date.

7) Land-owner - RMOC Agreement

When an application has been accepted, a contractual agreement between the land-owner and the RMOC must be signed by the land-owner. This contract will be legally binding on both the land-owner and the RMOC. The land-owner should be aware of the following key points which will be included in the agreement:

- the RMOC's 50% share will only be advanced following completion of the work and receipt of an invoice
- the RMOC will not be legally responsible for any investment decisions based on the re-evaluation
- the land-owner must accept the findings of the re-evaluation, including those situations where the re-evaluation results in more land being identified as wetland. The RMOC retains the right to amend the wetland boundary as identified by the re-evaluation
- the land-owner must allow the wetland evaluator full access to the site for the purpose of the re-evaluation of the wetland boundary

8) Selection of Wetland Evaluators

The selection of the individual to undertake the re-evaluation of the wetland boundary will be the responsibility of the land-owner. A list of qualified wetland evaluators is available from the Planning and Development Approvals Department. Having the land-owner retain the services of the evaluator will help insure that the land-owner has confidence in the results of the re-evaluation, and will not put the RMOC in the position of showing preference to individual consultants or consulting firms.

It is critical the MNR is satisfied that the re-evaluation of the wetland boundary was undertaken by an individual with the required experience and qualifications. The following criteria should be applied by the land-owner when selecting a wetland evaluator:

- the individual must be able to show that he/she has taken the MNR wetland evaluation training course for the application of the third edition of the Ontario Wetland Evaluation System. The MNR has a data base which lists all individuals who have completed the course. In addition, course participants have received letters from the MNR stating that they have successfully completed the course.
- the individual should have completed at least two wetland evaluations in southern Ontario by applying the 3rd edition of the wetland evaluation system.
- the evaluator must have field identification skills to be able to identify key indicator plant species (trees, shrubs, plants) which are used to establish a boundary within a upland-wetland transition zone

The land-owner must provide the name of the wetland evaluator and a brief statement of his/her qualifications in the application. The RMOC can provide land-owners with a contact name at the MNR to obtain a listing of participants who have completed the MNR wetland evaluation course.

9) When Re-evaluation can be undertaken

Because the delineation of a wetland boundary is based on the representation of plant species, the time period within the Ottawa region for the re-evaluation of a wetland boundary is from the first of June to the end of September.

10) Re-evaluation review process

For the purpose of review, the wetland evaluator should provide the land-owner and RMOC with the following documentation:

- Date(s) on which the re-evaluation was undertaken
- A map showing the location of the old wetland boundary and location of the wetland boundary following the re-evaluation. Mapping should be undertaken at scale so as to insure the accuracy of the boundary line. As a minimum, mapping should be at a scale of 1:10,000 and the wetland boundaries should be delineated on standardized base maps showing lots and concessions. Sketch maps or maps generated straight from air photos are not acceptable.
- A brief description as to how the wetland boundary was delineated in the field. This would include a list of the indicator plant species used in the delineation, and what criteria was used to establish the boundary line.

The above information is to be sent to the RMOC for review and assessment. Following RMOC review, the information will be forwarded to the MNR for their review and approval. Once the MNR has approved the recommended changes to the wetland boundary, the RMOC will notify the land-owner that the new boundary line will be used to interpret the boundary of the wetland shown in Schedules A or B, of the Official Plan.

Should you have any question on the information provided in these guidelines, or have any other questions regarding ROPA 61 please contact:

**Planning and Development Approvals Department
Regional Municipality of Ottawa-Carleton
Ottawa-Carleton Centre
111 Lisgar Street
Ottawa, Ontario, K2P 2L7**

Contact: Joseph Phelan or Myles Mahon

**Tel. 613-560-2053
Fax. 613-560-6006**

**AN APPLICATION FOR SUBSIDY FOR THE RE-EVALUATION OF A
PROVINCIALY SIGNIFICANT WETLAND BOUNDARY IN OTTAWA-CARLETON**

1) Name of Property Owner _____

2) Address: street _____

City _____

Box # _____

Postal Code _____

2) Identify Official Plan Schedule (1 through 17) in which the wetland is located _____

3) Lot(s) and Concession(s) for property where the wetland boundary is located

4) Provide wetland name if known _____

5) Is there at this time a development application for the property which requires RMOC approvals _____no, _____yes

If yes provide a brief summary of the proposed development _____

6) Have you contacted the Ministry of Natural Resources regarding the wetland boundary on your property _____no, _____yes

If no, please provide a brief statement as to why you have not contacted the MNR _____

If yes, please provide the name(s) of the MNR contact _____

Please provide a brief summary of the discussions you have had with the MNR regarding the wetland boundary on your property. Please attach any additional documentation you have which you feel may provide helpful information. _____

7) With regards to the wetland boundary to be re-evaluated, of the conditions/situations listed below which in your opinion may be responsible for an error in the location of the existing wetland boundary (Check more than one if applicable)

_____ low gently sloping lands where forest swamp gradually gives way to upland forest

_____ there has been recent (10-50 years) changes in surface drainage (including beaver activity, drains and culvert placement)

_____ areas associated with large river flood plains and lake shores

_____ areas has extensive abandoned agricultural land

_____ map production errors in MNR wetland maps

Other _____

8) As best as you can on the back of this page please provide a sketch map of where the existing wetland boundary is on your property, and where you think the boundary should be (a rough guess will do).

If you don't no know where the wetland boundary should be, but are sure it is not located anywhere on your property check here_____.

If you don't know were the wetland boundary should be but believe it will be some where on your property check here_____.

Note: A list of wetland evaluators is available from the Regional Planning and Development Department. Applicants should complete parts 1 through 8 and then contact one of the wetland evaluators on the list to discuss the wetland re-evaluation and only then complete parts 9 through 11. If applicants require assistance, please telephone the Planning and Development Approvals Department.

9) Please Provide the name and affiliation of the wetland evaluator you plan to retained to undertake the re-evaluation

Name_____

Phonenumber_____

Company/Firm/Association_____

Has the evaluator completed a MNR wetland evaluation course Yes_____ No_____

Has evaluator completed two or more wetland evaluation, Yes_____ No_____

If yes please list the name of the wetlands evaluated, the date and the MNR district in which the evaluations were undertaken

i) _____

ii) _____

Please attach any additional information which would be helpful in determining the evaluator's qualifications

- 10) Please provide a cost estimate provided by the evaluator to undertake the re-evaluation of the wetland boundary.

\$ _____

- 11) Are you prepared to enter into an agreement with the RMOC and to pay 50% of the above cost upon signing of the contract, yes _____, No _____

If no, please provide a brief explanation as to why

Applicants Signature

Date