



379 Ronka Road  
Worthington, ON  
P0M 3H0  
(705) 866-1677

[LindaH@OntarioRiversAlliance.ca](mailto:LindaH@OntarioRiversAlliance.ca)  
[OntarioRiversAlliance.ca](http://OntarioRiversAlliance.ca)

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21 January 2013

Jennifer McKay  
Team Lead  
Ministry of Natural Resources  
Policy Division  
Natural Heritage, Lands and Protected Spaces Branch  
Lands and Non-Renewable Resources Section  
300 Water Street  
Peterborough, ON K9J 8M5  
Email: [jennifer.mckay@ontario.ca](mailto:jennifer.mckay@ontario.ca)

Dear Ms. McKay:

**Re: MNR's Modernization of Approvals Initiative – Public Lands Act, EBR-011-7669**

Ontario Rivers Alliance (ORA) is a Not-for-Profit grassroots organization with a focus on healthy river ecosystems all across Ontario. ORA members represent numerous organizations such as the French River Delta Association, CPAWS-Ottawa Valley, Friends of Temagami, Paddle Canada, Whitewater Ontario, Vermilion River Stewardship, Mississippi Riverwatchers, along with many other stewardships, associations, and private and First Nations citizens, who have come together to support healthy river ecosystems in Ontario and to ensure that development affecting Ontario rivers is environmentally, ecologically and socially sustainable.

ORA wishes to comment as follows:

**1. Public Lands Act Work Permits:**

ORA is supportive of eliminating work permits issued to individuals for activities in the immediate vicinity of their private property, so long as this work is very limited in scope and does not result in negative impacts to the environment or create a public safety hazard.

Commercial and Industrial development must continue to undergo the current application and review approach, and receive full MNR oversight and monitoring.

**2. Proposed Changes:**

*"MNR is proposing to amend O. Reg. 453/96 (and consequential amendments to other relevant regulations)." What are the consequential amendments to other relevant regulations – this should have been included in this background information?*

**3. Proposal to Replace Work Permits:**

This EBR posting states, “*These proposals are based on an evaluation of key considerations described in the policy paper including potential impacts on public health and safety, natural resources, social and cultural uses of natural resources, the economy, and public expectations of government.*” ORA submits that potential impacts on the environmental and species at risk should also be set out as a key consideration in any proposed regulatory amendments.

The main criteria in streamlining or exempting work permits should be the level of risk of harm. Any move to exemptions or registration must hinge on the potential for negative impacts to the environment, species at risk, and to public health and safety. Any project with a potential of these types of impacts must automatically default to the requirement of a permit.

**a. Rules in the Form of Regulation for Activity:**

When MNR refers to rules in the form of regulation it means exempting activities from the permitting requirements.

The listed examples are all relating to maintenance, restoration, repairing, replacing, relocation and removal of existing or minor undertakings, and should work under an exemption as long as it results in no negative impacts to wetlands, fisheries, sensitive areas, or riparian land owners. There must be strict rules set out in regulations under the Public Lands Act to ensure the work is minor and does not have any significant impacts on the environment, species at risk, or cause risk to public health and safety.

**b. Registration with Rules in Regulation for Activity:**

Merely registering with MNR that construction of buildings for mineral exploration and development or maintenance and replacement of bridges and culverts would not be sufficient. Exemptions should only be allowed for minor repairs that would not entail any environmental or ecological disruption or damage, or create a risk to public health and safety. With any works where there is a risk of negative environmental or safety impacts then MNR should require a work permit, along with an environmental impact statement and a commitment for effective mitigation measures.

Construction of buildings for mineral exploration and development, and maintenance and replacement of bridges and culverts could have significant environmental and public safety impacts; therefore, this is not a suitable situation for exemption.

Mining is an industrial/commercial undertaking and should be closely monitored and permitted in order to ensure the environment, species at risk, and the public and First Nations are not at risk.

It doesn't make sense that MNR would require a work permit for construction of buildings and bridges on Crown land, and not for buildings and bridges constructed on private land. These are all major construction undertakings and should be administered by work permit only.

**4. Full cost accounting for permits:**

There is no need to compromise environmental, ecological, species at risk, or public health and safety in order to save on costs. MNR must introduce a full cost recovery program to charge for permits, applications, oversight, monitoring and approvals. The

“Drummond Report” recommends the government “Move towards full cost recovery and user-pay models for environmental programs and services.”<sup>1</sup> The government charges those seeking to use our water for the cost of applying and approving permits to take water, and the same can be done for species at risk permitting.

#### 5. Public Consultation:

It has been very onerous to prepare comments on this and three other EBR postings throughout the holiday season and all were due in January. For this reason there are likely many that will not be able to provide comments in time for all four.

Public consultation on this EBR posting, as well as the other three with deadlines in and around the holiday season, provided insufficient time for meaningful input. ORA requests that this EBR posting be extended for an additional 30 days for public comment. If MNR is truly committed to public input, then all four EBR postings with deadlines in January should be provided with an additional 30 days to allow an adequate response by all interested parties.

ORA requests that in future the public and First Nations are afforded ample opportunity for real and meaningful participation – a minimum of 60 days on all postings, and those posted in time periods falling within or shortly after the busy holiday season, should be afforded an additional 30 days.

#### 6. Regulatory Impact Statement:

ORA strongly disagrees with the assessment statement, “*the anticipated environmental consequences of the proposal are minimal*”. There is no data, study, or rationale provided to back up this statement.

ORA is requesting involvement in any additional consultation and outreach on these proposed approaches to regulatory amendments, or any other related policy reviews.

Thank you for this opportunity to comment.

Respectfully,



Linda Heron  
Chair, Ontario Rivers Alliance

Cc: Honourable Michael Gravelle, Minister of Natural Resources- [Minister.mnr@ontario.ca](mailto:Minister.mnr@ontario.ca)  
Gord Miller, ECO - [Commissioner@eco.on.ca](mailto:Commissioner@eco.on.ca)

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<sup>1</sup> The Drummond Report, 13-1, p. 337