

**Ministry of Natural
Resources and Forestry**Strategic and Indigenous
Policy Branch

Policy Division

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October 29, 2019

Re: Environmental Registry notice (019-0732) by the Ministry of Natural Resources and Forestry regarding proposal to amend three statutes and make a new regulation

Greetings,

The Ministry of Natural Resources and Forestry (MNRF) is proposing legislative changes to seven statutes and to make a new regulation under the *Lakes and Rivers Improvement Act*. The legislative changes are part of the proposed *Better for People, Smarter for Business Act, 2019*. If passed, these changes are intended to support the government's commitment to reduce unnecessary red tape and regulatory burden and modernize government to be simpler, faster and more cost-effective, while ensuring the sustainable use of natural resources and public health and safety are not compromised.

A proposal to amend the following three Acts and propose a new regulation is posted on the Environmental Registry.

1. *Crown Forest Sustainability Act, 1994*
2. *Oil, Gas and Salt Resources Act*
3. *Lakes and Rivers Improvement Act* and new Minister's regulation under the Act

The proposed amendments and new regulation are described below:

- Proposed amendments to the *Crown Forest Sustainability Act, 1994*, would if passed:
 - Enable the issuance of a "permit" to allow a person to remove forest resources from a Crown forest for non-forestry purposes.
 - Modernize the requirements for annual work schedules by removing the requirement for MNRF approval.
 - Enable the Minister to extend a Forest Management Plan.

- Proposed amendments to the *Oil, Gas and Salt Resources Act*, would if passed:
 - Allow future regulations to be made, where appropriate, to relieve existing activities from requirements that would apply to new activities.
 - Enable the use of a rules-in-regulation approach, or the mandatory issuance of approvals for more activities, subject to conditions and requirements that would be set out in regulation intended to streamline approvals for the specified activities.
 - Clarify the types of geological evaluation and testing activities captured by the definition of “well”.
- Proposed amendments to the *Lakes and Rivers Improvement Act*, would if passed:
 - Create a new Minister’s regulation-making authority in the Lakes and Rivers Improvement Act to allow the Minister to require some owners of electricity-producing dams to, where necessary, assess, monitor and report on methyl mercury related impacts to water and fish.
 - Amend an existing authority to incorporate guidelines by reference in the regulations.

Regulation Proposal

- If the proposed Lakes and Rivers Improvement Act legislative amendment is passed, the ministry proposes to develop a subsequent Minister’s regulation that if made, would require some dam owners of electricity-producing dams to, where necessary, assess, monitor and report on mercury levels in surface water and/or fish tissue. We are also seeking comments on this proposed regulation via this notice.

Owners of the twelve existing dams that currently have mercury assessment, monitoring and reporting requirements established through Ministry of Environment, Conservation and Parks issued Permits to Take Water, would, if the regulation is made, continue these requirements under the authority of the Lakes and Rivers Improvement Act and reporting would be to the Ministry of Natural Resources and Forestry. Each of these twelve Permits to Take Water were subject to consultation prior to their issuance.

New or significantly redeveloped electricity-producing dams may, if the regulation is made, require assessment, monitoring and reporting of mercury, where there is a new or expanded head pond area and/or where there are identified risks associated with human consumption of fish.

The Ministry of Environment, Conservation and Parks is concurrently consulting on a proposal to amend the Ontario Water Resources Act Permit to Take Water requirements for electricity-producing facilities. For more information, please visit <https://ero.ontario.ca> and enter 019-0545 in the search to view this Environmental Registry notice.

In addition, there are other administrative and housekeeping changes proposed for the *Crown Forest Sustainability Act, 1994* and the *Oil, Gas and Salt Resources Act*.

All proposed changes to MNR statutes appear in the proposed *Better for People, Smarter for Business Act, 2019*, which can be found through the following link to the Bill on the Legislative Assembly, <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-132>.

MNR recognizes that this proposal may be of interest to you. To view the Environmental Registry notice, please visit <https://ero.ontario.ca> and enter 019-0732 in the search.

Proposed changes to the *Aggregate Resources Act* are also included in the proposed *Better for People, Smarter for Business Act, 2019* and are the subject of a separate registry proposal posting. For more information, please visit Environmental Registry of Ontario and enter 019-0556 in the search. Please note the posting related to proposed changes to the *Aggregate Resources Act* will close on November 4, 2019.

We invite you to contact Tigist Abebe at 416-314-0961 or SIPB@ontario.ca with any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tosh Gierak', written in a cursive style.

Tosh Gierak
A/Director
Strategic and Indigenous Policy Branch
Policy Division