

April 19, 2024

Graydon Smith
Minister of Natural Resources and Forestry
via email minister.mnrf@ontario.ca

Joanna Samson
MNRF-PD-RPDPB – Water Resources Section
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Peterborough, ON K9J 3C7
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Dear Minister Smith and Ms Samson

Re: [ERO 019-4300 Lakes and Rivers Improvement Act](#) proposed exemption for certain orders

We are writing to express concerns about the proposed changes to the ERO 019-4300 posting requirements for five Lakes and Rivers Improvement Act (LRIA) compliance orders.

The Muskoka Lakes Association represents approximately 2000 member families where we advocate for Muskoka's natural environment.

The Ministry of Natural Resources and Forestry (MNRF) is proposing to exempt five LRIA compliance orders, which are prescribed Class II proposals for instruments under Ontario Regulation 681/94, from the requirements under Part II of the Environmental Bill of Rights Act (EBR), except the requirement to post a decision notice.

The proposal is that the exception would apply to the following five LRIA orders that are Class II proposed instruments:

- Subsection 17(1) - order to repair or remove a dam
- Subsections 17(2) - orders to rectify problems with a dam based on an engineer's report
- Subsection 17(3) – order to do what is necessary in respect of a dam to further the purposes of the LRIA based on an examination and report of an engineer
- Subsection 17(4) - order to construct a fishway at a dam
- Subsection 36(2) - order to take steps to remove a substance or matter from a lake or river

The Ministry is claiming that this exemption will allow them to have a more rapid response time to issues resulting from non-compliance with the Act. While this may be true in some circumstances, there are several steps in the process to ensure that the required compliance is technically feasible and

professionally designed. Being able to provide notice on the ERO about the order and the project so that those who may be affected by the works are informed remains an important tool – unless MNRF has another method of notifying affected or interested parties?

The public notice and comment regime under the EBR contains significant environmental rights that have been available to all Ontario residents for the past three decades. There is no persuasive or compelling rationale to exclude these critically important rights in relation to Ministerial decisions about LRIA orders. Area residents and Indigenous communities have rights, interests, and local knowledge that should be considered in Ministerial decision-making about LRIA orders.

Over the past 6 years, this government has reduced the public's roles and rights and transparency in many processes and decisions. As noted by Ontario's Auditor General in their 2023 Report *Operation of the Environmental Bill of Rights, 1993*, many of the province's energy and environment policies were created in a vacuum of consultation and clear information. More than once, the government "did not give Ontarians complete or accurate information" about its proposals and their environmental implications, on topics as wide-ranging as wetland protection, endangered species, conservation authorities and the greenbelt.

What reason can there be behind this proposal that cannot benefit from a short period of public consultation? As the province has shown us many times over the past 6 years, work can be continuing during the consultation period such that the required action can continue promptly once the period ends, with due consideration of inputs.

We are not supportive of these changes.

Yours sincerely,



Deborah Martin-Downs
Chair Environment Committee