



CANADIAN ENVIRONMENTAL LAW ASSOCIATION  
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

February 3, 2005

*CELA Publication #495*

Ray Pichette, Director  
MNR Policy and Planning Co-ordination Branch  
Room 5520, Whitney Block  
Toronto, ON  
M7A 1W3  
**By Fax: 416-314-1948**

**Re: EBR Number AB05E4001**  
**Proposed Amendments to Seven Statutes Administered by the Ministry of Natural Resources**  
**Date Posted: January 4, 2005**  
**Comment Period: 30 Days**

Dear Mr. Pichette:

The Canadian Environmental Law Association writes with respect to the proposed changes to seven statutes administered in whole or in part by the Ministry of Natural Resources. These include the Crown Forest Sustainability Act, the Oil, Gas and Salt Resources Act, Public Lands Act, Conservation Authorities Act, Lakes and Rivers Improvement Act, Aggregate Resources Act, and Niagara Escarpment Planning and Development Act.

In general, CELA supports the proposed amendments to these statutes because the proposals improve the administration and enforcement of these statutes. The Crown Forest Sustainability Act extends the time available for prosecution or penalties to three years instead of two years. Similarly, the conservation Authorities Act enforcement amendments allow proceedings to be commenced for up to two years after the date of the offence instead of six months. The Oil, Gas and Salt Resources Act amendments, among other things, clarify the decommissioning provisions. The Public Lands Act amendments provide for the enforceability of terms and conditions attached to a work permit, in addition to the "work permit" itself. The Lakes and Rivers Improvement Act amendments expand the enforceability of the approvals issued under that statute.

The Aggregate Resources Act amendments require reporting of the annual quantity of material removed from the licensed sites. CELA submits that the amendments should go further so that the cumulative data available from these reports should be made publicly available. Amendments to that act also expand on the order powers of an Inspector.

For the amendments proposed to the Niagara Escarpment Planning and Development Act regarding notice provisions, CELA submits that there should also be a requirement for posting of

the subject notices in at least two prominent locations on the condominium property since service on a condominium corporation will not necessarily be brought to the attention of the condominium owners themselves.

Many of the statutes in question will require further amendments in the near future, for example in order to incorporate necessary amendments for the impending drinking water source protection legislation expected to be introduced by the government of Ontario this spring.

In addition, the subject statutes may require other more substantive amendments and consideration for a variety of environmental and conservation reasons. However, as the amendments proposed in the subject consultation are not substantive policy amendments, CELA will not make further submissions on those matters at this time. CELA would expect that as further amendments are considered, CELA, other environmental and conservation organizations and stakeholders would be extensively consulted prior to development of preferred policy approaches. Such issues would include the scope of application of the Aggregate Resources Act, provisions regarding the Aggregate Resources Trust and administration of that Trust, rehabilitation provisions under the Aggregate Resources Act, and scope of the Conservation Authorities responsibilities under the Conservation Authorities Act, among others.

Thank you for the opportunity to provide these comments.

Yours very truly,

**CANADIAN ENVIRONMENTAL LAW ASSOCIATION**

A handwritten signature in black ink, appearing to read 'Theresa A. McClenaghan', written over a white background.

Theresa A. McClenaghan  
Counsel