



September 21, 2026

Public Input Coordinator

Ministry of Natural Resources | Crown Forests and Lands Policy Branch | Roberta Bondar Place
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Sault Ste Marie, ON P6A 6V5

Delivered by Email:

Forest.policy@ontario.ca

Re: Proposed Legislative and Regulatory Amendment to the Crown Forest Sustainability Act, 1994: Streamlining the Removal of Forest Resources (Trees) for Non-Forestry Activities (ERO 026-0696)

To whom it may concern,

The Canadian Environmental Law Association (CELA) provides the following general and specific comments in response to the following Environmental Registry proposal:

- Streamlining the Removal of Forest Resources (Trees) for Non-Forestry Activities ([ERO 026-0696](#)).¹

PART 1: OVERVIEW

a. Background

Canadian Environmental Law Association (CELA) is a legal aid clinic dedicated to environmental equity, justice, and health, founded in 1970. CELA provides free legal services relating to environmental justice in Ontario, including representing low-income and vulnerable or disadvantaged communities in litigation. CELA also works on environmental legal education and law reform initiatives.

CELA has a longstanding interest in Ontario's environmental assessment regime and in ensuring that environmental decision-making is transparent, accountable, and informed by meaningful public participation.

¹ See [Changes to Streamline Natural Resource Permits: Removal of Forest Resources \(Trees\) for Non-Forestry Activities | Environmental Registry of Ontario \[ERO 026-0696\]](#).

b. The Proposal:

The proposal addressed in these comments is connected. It is as follows:

- Under ERO 026-0696, the Ministry of Natural Resources (MNR) proposing regulatory amendments to the *Crown Forest Sustainability Act* (CFSA) for the Removal of Forest Resources (enabled by *Bill 46, Protect Ontario by Cutting Red Tape Act, 2025*) to establish a streamlined framework to authorize the removal of trees on public lands for on-forestry activities.²

c. The Existing Framework:

ERO 026-0696 - Changes to Streamline Natural Resource Permits: Removal of Forest Resources (Trees) for Non-Forestry Activities - *We are proposing to modernize certain approvals to improve service delivery and support economic development opportunities by streamlining regulatory processes. The proposed regulation would set requirements for removing trees from public land to support the non-forestry activities. It introduces a code of practice and a permit-by-rule approach.*

The current framework includes a “Permit to Remove” process for the removal of trees from public lands for non-forestry activities, like developing roads, utility corridors, or mines.

d. Proposed Changes within ERO 026-0696:

The goal of the proposed changes is to streamline the approval process for tree removal associated with eligible non-forestry activities, including by reducing the administrative requirements and duplication. These changes will establish a streamlined framework that uses a “code of practice” and “permit-by-rule” approach for removing trees from public lands for eligible non-forestry activities.³

To be eligible for the streamlined framework, the non-forestry activity must: have approval under another listed Act, such as the *Mining Act*, *Public Lands Act* or *Environmental Assessment Act*; and not be a forest operation.⁴

The proposed streamlined framework includes the following revisions:

² [Changes to Streamline Natural Resource Permits: Removal of Forest Resources \(Trees\) for Non-Forestry Activities | Environmental Registry of Ontario](#)

³ [Changes to Streamline Natural Resource Permits: Removal of Forest Resources \(Trees\) for Non-Forestry Activities | Environmental Registry of Ontario](#)

⁴ [Changes to Streamline Natural Resource Permits: Removal of Forest Resources \(Trees\) for Non-Forestry Activities | Environmental Registry of Ontario](#)

- Code of Practice – Non-Forestry Activities Less than 2 Hectares: The proponent will need to keep a record of approval under another listed Act and keep a record of consultation with Indigenous communities in connection with the approval under the other listed Act and the removal of trees in connection with that approval.⁵
- Permit-by-rule – Non-Forestry Activities Exceeding 2 Hectares in Area: The proponent will need to register the activity with the Ministry through the Natural Resource Information Portal (NRIP).⁶
 1. Submit a record of the approval under another listed Act.
 2. Attest to notifying the relevant Forest Licensee(s) of the non-forestry activity.
 3. Submit a record of Indigenous consultation in connection with the approval under the other listed Act and the removal of trees in connection with that approval.
 4. Attest to notifying Indigenous communities of the non-forestry activity 30 days in advance of the planned harvest.
 5. Pay Crown timber charges using an area-based volume estimate approach.⁷

The Ministry is also proposing that the Minister have authority to revoke a registration.⁸

The regulation will also include conditions for the code of practice, permit-by-rule, and permits, including:

1. Expanding the list of eligible Acts for non-forestry activities related to renewable energy.
2. Suspending existing forest resource licensee rights, rather than terminating them, on already licensed public lands for the duration of the non-forestry activity.
3. If proponents are not eligible for a code of practice or permit-by-rule, they will be able to apply for a Permit to Remove Forest Resources or seek a Forest Resource Licence (FRL) under the CFSA.⁹

⁵ [Changes to Streamline Natural Resource Permits: Removal of Forest Resources \(Trees\) for Non-Forestry Activities | Environmental Registry of Ontario](#)

⁶ [Changes to Streamline Natural Resource Permits: Removal of Forest Resources \(Trees\) for Non-Forestry Activities | Environmental Registry of Ontario](#)

⁷ [Changes to Streamline Natural Resource Permits: Removal of Forest Resources \(Trees\) for Non-Forestry Activities | Environmental Registry of Ontario](#)

⁸ [Changes to Streamline Natural Resource Permits: Removal of Forest Resources \(Trees\) for Non-Forestry Activities | Environmental Registry of Ontario](#)

⁹ [Changes to Streamline Natural Resource Permits: Removal of Forest Resources \(Trees\) for Non-Forestry Activities | Environmental Registry of Ontario](#)

PART 2: COMMENTS AND RECOMMENDATIONS

a. Reduced Level of Government Oversight

The proposal would replace the existing Permit to Remove process for eligible activities with a “Code of Practice” or “Permit-By-Rule” framework. These new frameworks are concerning insofar as that they will streamline the previous process. Particularly, the information provided on the “Code of Practice” framework is not robust. Without more detail on what the code will require and how it will be enforced, stakeholders cannot meaningfully assess whether it will protect the same interests the current permit process protects.

RECOMMENDATION 1: CELA recommends that the Ministry provide substantially more detail on what the Code of Practice will require and how it will be enforced, so that stakeholders can meaningfully address their interests.

b. No upper size limit was identified for “permit-by-rule”

The new Code of Practice applies to areas less than 2 hectares, while Permit-by-Rule applies to areas greater than 2 hectares. However, the posting does not identify a maximum area for Permit-by-Rule. Without a ceiling, a very large removal could proceed under the same self-registration as a modest one, receiving no more Ministry scrutiny despite the larger scale of disturbance. The absence of an upper size limit also raises a question about how the framework will remain focused on the “low-risk and routine activities” described by the Ministry.

RECOMMENDATION 2: CELA recommends that the Ministry should set a maximum area for Permit-by-Rule activities, paired with clear risk-based criteria.

c. Less oversight for removals under 2 hectares (“Code of Practice”)

The Code of Practice requires proponents to keep records of their approval under another listed Act and related consultation with Indigenous communities. Unlike Permit-by-Rule, the posting does not require proponents using the Code of Practice to register their activities with the Ministry. Because the records would stay with the proponent rather than being reported, the Ministry would lack a centralized way to know how many Code of Practice removals are occurring in a given concentrated area, particularly the accumulation of harvested areas.

RECOMMENDATION 3: CELA recommends that the Ministry should require proponents using the Code of Practice to register their activities, not only the Permit-by-Rule proponents, so that a centralized record exists of how many removals are occurring in a given area, so that

cumulative harvesting is measurable.

d. Indigenous Consultation

For areas less than 2 hectares, proponents must keep records of Indigenous consultation in connection with the approval under the other listed Act and the removal of trees associated with that approval. For areas greater than 2 hectares, proponents must submit these consultation records and attest that they notified Indigenous communities of the non-forestry activity 30 days in advance of the planned harvest. This is relevant given the concerns raised during the earlier consultation about the removal of approvals and potential impacts on Indigenous communities' interests and rights. Placing the consultation record-keeping obligation on the proponent, with no Ministry review point before removal, raises a question about who is positioned to ensure adequate meaningful consultation has been completed before any removal of trees occurs.

RECOMMENDATION 4: The Ministry should identify a review point prior to harvesting, at which it confirms that adequate consultation has occurred, rather than relying solely on proponent-held records to establish this after the fact.

e. Public Notice

The current proposal requires proponents using permit-by-rule to attest to notifying Indigenous communities 30 days in advance of the planned harvest but does not identify a general public-notice requirement. Members of the public, including nearby landowners and recreational users of Crown land, may have an interest in a planned removal that is distinct from the interests the Indigenous notification requirement is meant to address.

RECOMMENDATION 5: CELA recommends that the Ministry clarify a general public-notice requirement for meaningful stakeholder participation and consultation.

f. Environmental Impacts

The Ministry says the proposal will have neutral environmental and social impacts because these activities must already be approved under another listed Act. Activities larger than 2 hectares must also be registered with the Ministry and meet additional requirements.

However, it is unclear/not specified whether approval under another Act is enough to ensure that removing the existing Permit to Remove process will have no additional environmental impacts. In particular, the Ministry must have a monitoring system capable of tracking how many non-forestry tenures have been granted in a given area over time, which means cumulative habitat loss

and forest fragmentation from repeated small removals could go undetected even where each individual removal complies with the new framework.

RECOMMENDATION 6: CELA recommends that the Ministry clarify why an approval under another Act, without an environmental review, is sufficient to ensure there would be no additional environmental impacts from removing the Permit to Remove process. CELA also reiterates that a monitoring system capable of tracking non-forestry tenures granted in a given area over time would show cumulative habitat loss and forest fragmentation that can be assessed across removals rather than only at the level of each individual approval (see Recommendation 3 above).

PART 3: SUMMARY OF RECOMMENDATIONS

In relation to the comments above, CELA makes the following recommendations:

RECOMMENDATION 1: CELA recommends that the Ministry provide substantially more detail on what the Code of Practice will require and how it will be enforced, so that stakeholders can meaningfully address their interests.

RECOMMENDATION 2: CELA recommends that the Ministry should set a maximum area for Permit-by-Rule activities, paired with clear risk-based criteria.

RECOMMENDATION 3: CELA recommends that the Ministry should require proponents using the Code of Practice to register their activities, not only the Permit-by-Rule proponents, so that a centralized record exists of how many removals are occurring in a given area, so that cumulative harvesting is measurable.

RECOMMENDATION 4: The Ministry should identify a review point prior to harvesting, at which it confirms that adequate consultation has occurred, rather than relying solely on proponent-held records to establish this after the fact.

RECOMMENDATION 5: CELA recommends that the Ministry clarify a general public-notice requirement for meaningful stakeholder participation and consultation.

RECOMMENDATION 6: CELA recommends that the Ministry clarify why an approval under another Act, without an environmental review, is sufficient to ensure there would be no additional environmental impacts from removing the Permit to Remove process. CELA also reiterates that a monitoring system capable of tracking non-forestry tenures granted in a given area over time would show cumulative habitat loss and forest fragmentation that can be assessed

across removals rather than only at the level of each individual approval (see Recommendation 3).

CONCLUSION

CELA appreciates the opportunity to provide comments on ERO 026-0696 and would be pleased to provide further information or clarification regarding these comments.

Sincerely,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



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