



September 21, 2026

Public Input Coordinator | Public Lands
MNR-CFLPB-Crown Lands Policy Section
300 Water Street, 5th Floor, North Tower
Peterborough, ON
K9J 3C7
Canada

To whom it may concern,

Re: ERO 026-0693 - Changes to Streamline Natural Resource Permits: Proposing changes to streamline approvals under the Public Lands Act and modernize compliance provisions

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

- [ERO 026-0693](#) - *Changes to Streamline Natural Resource Permits: Proposing changes to streamline approvals under the Public Lands Act and modernize compliance provisions*¹

PART 1: INTRODUCTION

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 <https://ero.ontario.ca/notice/026-0693> [ERO-026-0693].

PART 2: THE PROPOSED FRAMEWORK UNDER ERO-026-0693

Under ERO 026-0693, the Ministry of Natural Resources (“MNR”) proposes amendments to the *Public Lands Act* (“PLA”) concerning travel on closed roads, enforcement and compliance tools and processes, and rolling incorporation by reference of published documents. The proposal is part of Ontario’s broader plan to modernize and streamline natural resource permits, including for activities described by the Ministry as “low-risk” and “routine.”

With respect to travel on closed roads, MNR proposes amendments to enable regulations concerning roads on public lands that have been closed and associated travel permits. If the legislative amendments are approved, MNR states that a regulation would also be proposed to allow specific people, or people in specific situations, to travel on certain closed roads. Details of the proposed regulation are addressed separately under [ERO 026-0676](#).

The proposal also includes amendments intended to modernize and improve the efficiency of enforcement and compliance under the *PLA* and introduce alternative enforcement approaches. The proposed amendments would:

- clarify that it is an offence to occupy or take possession of public land without authority;
- make it an offence to block access to public land, or a road on public land, and enable MNR to restore access and charge the owner of a vehicle used to block access;
- enable MNR to issue orders to comply with the *PLA*, its regulations and instruments, and make non-compliance with an order an offence;
- add seizure and forfeiture provisions where an offence has occurred;
- extend the statutory limitation period from two years to five years after MNR becomes aware of an offence;
- enable administrative monetary penalties to be established by regulation and update existing general penalties under the *PLA*;
- enable investigative warrants for surveying related to investigations and production orders for information or records; and
- authorize regulations to implement the enforcement and compliance provisions.

MNR states that these changes would help address unauthorized occupations and blockages more efficiently, restore access, support fairness for compliant users, provide additional time and tools to investigate offences, better deter unauthorized use through penalties and proportional fines, and ensure public lands remain available to authorized users. The proposal also includes amendments to enable the rolling incorporation of published documents.

With respect to environmental implications, MNR states that streamlining approvals for travel on closed roads in certain circumstances would not negatively affect the environment and that the

proposed enforcement and compliance amendments would likely have positive environmental effects. Among other things, MNR also states that compliance orders could enable faster rehabilitation of public lands where a person or business has failed to comply with the *PLA*, while the extended limitation period and revised monetary penalties would provide stronger deterrence and more effective means of compelling compliance.

Finally, the Regulatory Impact Analysis section of the proposal indicates that the closed roads proposal would not have economic consequences for people and businesses and that those complying with the *PLA* and its regulations would not be economically affected by the proposed enforcement tools. Persons or businesses contravening the *PLA*, however, could be charged with an offence and become liable for a penalty upon conviction. MNR also identifies potential social and environmental benefits associated with deterring contraventions, stopping activities causing negative environmental effects, and requiring rehabilitation where appropriate.

PART 3: COMMENTS AND RECOMMENDATIONS

a. The Proposed Legislative Amendments Should Be Released for Public Review

CELA is concerned that the proposed wording of the amendments to the *PLA* has not been included in the ERO posting. To explain, the posting describes several new offences and enforcement powers but does not provide the actual legislative language.

For example, the proposal would clarify that it is an offence to occupy or take possession of public land without authority. It would also create an offence for blocking access to public land or a road on public land. However, without the proposed wording, it is unclear what conduct would fall within these offences or what exceptions may apply.

This is important because members of the public may lawfully access and use public lands in many circumstances. The proposed amendments therefore should clearly distinguish between unlawful occupation or obstruction and lawful use of public land. The wording should also be clear enough for members of the public to understand exactly what conduct is in fact prohibited.

The lack of proposed wording also makes it difficult to assess the scope of these proposed new enforcement powers. These include compliance orders, seizure and forfeiture, administrative monetary penalties, investigative warrants and production orders. While CELA recognizes the need for effective enforcement of the *PLA*, including to address activities that may cause environmental harm and require rehabilitation of public lands, the scope of these powers and the safeguards that would apply should be clear before the amendments proceed.

In accordance with these comments, CELA recommends that MNR release the proposed amendments for public review before they are finalized. This would allow the public to understand

the scope of the new offences and enforcement powers and provide meaningful comments on their potential effects.

RECOMMENDATION 1: CELA recommends that MNR publish the proposed legislative wording and provide an opportunity for further public comment before the amendments are finalized. The proposed wording should clearly define the new offences and enforcement powers and identify any applicable limits, exceptions and safeguards.

b. The Proposed Amendments Should Protect Lawful Access to and Use of Public Lands

CELA is concerned that the proposed amendments may be broad enough to affect lawful access to and use of public lands. The proposal would make it an offence to occupy or take possession of public land without authority and would create a separate offence for blocking access to public land or a road on public land. These provisions may serve legitimate enforcement purposes, but their intended scope is not clear from the ERO posting.

In particular, the proposal does not explain what is meant by occupying public land “without authority.” This should be clearly defined so that the new offence does not unintentionally capture people who are otherwise lawfully using public land. The same concern applies to the proposed offence for blocking access. The posting does not explain what degree or duration of obstruction would be required before an offence occurs.

Clear wording is therefore needed to ensure that these provisions are directed at the unauthorized uses and activities that the Ministry intends to address and do not unnecessarily restrict lawful access to and use of public lands.

CELA is also concerned about how these provisions could apply where public lands are being used for peaceful assembly or expression. The proposal does not provide enough information to determine how the new offence for blocking access would apply in these circumstances. Clear wording is needed to ensure that the provision is directed at the conduct the Ministry intends to address and is not broader than necessary.

In accordance with these comments, CELA recommends that the proposed amendments clearly distinguish unauthorized occupation and obstruction from lawful access to and use of public lands. The Ministry should also explain how the proposed offences would be applied and what safeguards would prevent overly broad enforcement.

RECOMMENDATION 2: CELA recommends that MNR clearly define “unauthorized occupation” and “blocking access” under the proposed amendments. The amendments should

protect lawful access to and use of public lands and include appropriate safeguards to ensure that the new offences are not applied more broadly than necessary.

c. The Environmental and Regulatory Impacts Require Further Explanation

The ERO posting states that allowing travel on closed roads in certain circumstances would not have a negative impact on the environment. It also states that the proposed enforcement and compliance tools would likely have positive environmental effects.

CELA recognizes that stronger enforcement tools may help the Ministry address activities that cause environmental harm on public lands. As noted in the posting, unauthorized occupation can result in garbage, untreated sewage and other environmental hazards. The proposed power to issue compliance orders may also allow the Ministry to require rehabilitation of public lands without first obtaining a court order.

However, the posting provides little to no information about how rehabilitation actions would work. It does not explain what types of rehabilitation could be required, how the required work would be determined, or how the Ministry would determine whether rehabilitation has been completed. Given that the ability to require rehabilitation is identified as an environmental benefit of the proposal, these requirements should be clearly defined to ensure that all rehabilitation efforts are undertaken with the protection of the environment as a primary consideration.

CELA is also concerned that the posting does not explain the basis for its conclusion that changes relating to travel on closed roads would have no negative environmental effects. If a road has been closed to protect public lands or natural resources, allowing additional travel may affect the purpose of that closure. The Ministry should therefore explain how environmental considerations will be addressed when determining when travel on a closed road may be permitted.

The Regulatory Impact Analysis similarly states that people and businesses that comply with the *Public Lands Act* would not be economically affected by the proposed enforcement tools. However, the proposal would introduce or expand several enforcement measures, including administrative monetary penalties, seizure and forfeiture. Without the proposed legislative and regulatory wording, it is difficult to fully assess how these measures may affect users of public land.

In accordance with these comments, CELA recommends that MNR provide further information to support the environmental and regulatory conclusions in the ERO posting. In particular, the Ministry should explain how environmental considerations will be addressed in relation to closed roads and how rehabilitation requirements and other enforcement measures will operate.

RECOMMENDATION 3: CELA recommends that MNR provide further information to support its conclusions regarding the environmental impacts of the proposed amendments. MNR should clarify how environmental considerations will be addressed when allowing travel on closed roads and establish clear requirements for compliance and rehabilitation orders.

PART 4: SUMMARY OF RECOMMENDATIONS

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

RECOMMENDATION 1: CELA recommends that MNR publish the proposed legislative wording and provide an opportunity for further public comment before the amendments are finalized. The proposed wording should clearly define the new offences and enforcement powers and identify any applicable limits, exceptions and safeguards.

RECOMMENDATION 2: CELA recommends that MNR clearly define “unauthorized occupation” and “blocking access” under the proposed amendments. The amendments should protect lawful access to and use of public lands and include appropriate safeguards to ensure that the new offences are not applied more broadly than necessary.

RECOMMENDATION 3: CELA recommends that MNR provide further information to support its conclusions regarding the environmental impacts of the proposed amendments. MNR should clarify how environmental considerations will be addressed when allowing travel on closed roads and establish clear requirements for compliance and rehabilitation orders.

CONCLUSION

CELA appreciates the opportunity to provide comments on ERO 026-0693 and would be pleased to provide further information or clarification regarding these comments.

Sincerely,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Lucas Eisen
Articling Student