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Ministry of Natural Resources and Forestry
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April 25, 2016

Attention: Hon. Bill Mauro, Minister

Dear Minister Mauro,

We are writing about serious concerns that the Federation of Ontario Cottagers' Associations (FOCA) has about recent policy changes within the MNRF regarding the Public Lands Act. The new MNRF approach to the permitting of structures (e.g. docks) over or abutting Crown Lands presents confusion among property owners, has questionable resource management outcomes, and creates a needless and undue workload for the civil service.

In August 2015, subsequent to the Superior Court decision (Glaspell), FOCA contacted MNRF Southern Region to discuss the implications of Judge Perell's decision for the MNRF. The judge's ruling at least partly indicated that exemptions to the Public Lands Act for small programs were not legal. However, the convention of not requiring permits for small on-water works had been routinely practiced for many years; this "de minimus" approach, or permit by rule approach has in fact been recently (2013) established for other Crown Land works.

In a 2015 discussion with MNRF's Ken Cain, Manager, Crown Lands Section, Crown Forests and Lands Policy Branch, FOCA was led to believe it was MNRF's intention to take corrective policy reforms to appropriately recognize and accommodate small undertakings within the Free Use Policy/Public Lands Act. Instead of addressing an administrative adjustment/update to MNRF policy, the Crown has responded by implementing a new permitting regime that obliges property owners and Ministry staff to a new, questionable bureaucratic process that would in part, require the enforcement of an inordinate number of small works.

The response by the Crown requiring permitting of small works is curious given the MNRF's stated objective in reforming Crown Lands works in 2013 to "remove regulatory control,

including eliminating the need for approvals from MNR, where for example, an activity will have little or no potential impact since another organization now regulates the activity." In 2013, the MNRF sought to improve services and reduce the burden on individuals, businesses and government. However, the MNRF now (2016) requires permitting for small works, with no apparent acknowledgement of MNRF's previous "modernization" principles / goals which were stated as:

- a commitment to protect and sustainably manage natural resources
- provide improved services and reduce the burden on individuals, business and government

FOCA appreciates the need for MNRF's role in both prudent and reasonable approaches to resource management. We believe that most people want to behave responsibly, but we do not believe that this is accomplished with confused or frustrated landowners under an overly regulated focus on permitting of small works.

FOCA, on behalf of our members across the Province, wants to receive clear directions soon from the MNRF about the timing for instituting a functional and responsible approach to managing Crown Land works in Ontario. At present, many shoreline projects across Ontario are reportedly on hold or delayed, businesses are disrupted, and property owners (especially those impacted by flood damage) are unnecessarily inconvenienced.

We would be pleased to meet with you anytime to discuss this, and look forward to a timely response, as soon as possible.

Sincerely,



Terry Kennedy, President, FOCA



Terry Rees, Executive Director, FOCA

cc Chris Walsh, Director, Crown Forests and Lands Policy Branch, chris.m.walsh@ontario.ca