

**Ministry of Northern Development,
Mines, Natural Resources and
Forestry**

Policy Division

Director's Office
Crown Forests and Lands Policy Branch
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**Ministère du Développement du Nord, des
Mines, des Richesses naturelles et des
Forêts**

Division de la politique

Bureau du directeur
Direction des politiques relatives aux stratégies
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300, rue Foster, 3e étage Nord
Sault Sainte Marie, ON P6A 6V5



October 7, 2021

Re: Proposed amendments to the Crown Forest Sustainability Act, 1994, Professional Foresters Act, 2000 and the Public Lands Act, Ministry of Northern Development, Mines, Natural Resources and Forestry included in the Supporting People and Businesses Act, 2021

Greetings,

On October 7, the Minister of Economic Development, Job Creation and Trade introduced the proposed Supporting People and Businesses Act, 2021 in the Ontario Legislature. As part of this Bill, the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) proposed legislative changes to three statutes. These proposed changes are intended to support the government's commitment to reduce regulatory burden on business, and modernize government to be simpler, faster, and more cost-effective, without compromising public health, safety and the environment. The proposed changes include the following:

Crown Forest Sustainability Act, 1994

Proposed amendments to the Crown Forest Sustainability Act, 1994 would enable streamlined authorizations for personal use harvesting, including fuelwood, building products and Christmas trees. These authorizations would be available once regulations are in place prescribing the terms and conditions that may apply to personal use harvesting. If these proposed amendments are enacted, the ministry will consult with the public, stakeholders and municipalities about any subsequent regulations proposed to implement them.

Professional Foresters Act, 2000:

Proposed amendments are intended to modify the scope of practice to better define what professional forestry is and reduce the overlap with other occupations (e.g., arborists, biologists).

Public Lands Act:

The proposed amendments to the Public Lands Act would:

1. Provide the Minister explicit authority to set, charge, waive, change, or refund fees related to the management, use or disposition of public lands to provide for a more efficient approvals process.
2. Provide the Minister explicit authority to make public lands-related decisions that currently rest with the Lieutenant Governor in Council (LGIC) to reduce the time needed for approvals.
3. Prevent the loss of public lands without the Crown's consent and for less than fair market value due to adverse possession by third parties, including providing the Minister with any necessary related authorities.
4. Allow dispositions or transfers of lands bordering water bodies where less than 25 per cent of frontage would remain public land to support Indigenous community interests, land claim settlements, and local community and economic development. These proposed amendments are not intended to significantly increase dispositions along water bodies and the ministry will still be required to undertake any applicable environmental assessment process and fulfill the duty to consult obligations, should they arise, prior to making any individual land disposition decision.

If the proposed amendments are passed by the legislature, they would improve clarity, customer service and reduce unnecessary burdens, resulting in a more effective and less time-consuming approvals process.

Additional information on all the proposals is also provided in the Appendix.

These proposed changes appear in the Supporting People and Businesses Act, 2021 that is currently before the Legislature. The Legislature will determine the next steps associated with the Bill. The following link provides additional details on the status of the Bill ([Bill 13, Supporting People and Businesses Act, 2021 - Legislative Assembly of Ontario \(ola.org\)](#)).

In addition, details regarding the proposed amendments to the Crown Forest Sustainability Act, Professional Foresters Act and Public Lands Act are available on the Environmental Registry of Ontario (ERO) and on the Regulatory Registry. You can review the relevant bulletins/postings and provide comments using the following links:

Crown Forest Sustainability Act

ERO: Proposed amendments to the Crown Forest Sustainability Act to Reduce Red-Tape for the harvest of Crown forest resources for personal use

Regulatory Registry: Proposed amendments to the Crown Forest Sustainability Act to Reduce Red-Tape for the harvest of Crown forest resources for personal use

Professional Foresters Act

ERO: Proposed amendments to the *Professional Foresters Act*

Regulatory Registry: Proposed amendments to the Professional Foresters Act

Public Lands Act

ERO: Amendments to the Public Lands Act to Support Red Tape Reduction

Regulatory Registry: Proposal to amend the Public Lands Act to support red tape reduction

If you have any questions or would like to arrange a meeting to discuss the proposals in further detail please contact Amanda McLachlan at Amanda.Mclachlan@ontario.ca for Crown Forest Sustainability Act and Professional Foresters Act and please contact Josh Annett at Josh.Annett@ontario.ca for Public Lands Act.

Sincerely,

Original signed by

Peter Henry
Director, Crown Forests and Lands Policy Branch
Policy Division

Appendix: Additional Information on the Proposed Amendments

Crown Forest Sustainability Act, 1994

NDMNRF is proposing amendments to the Crown Forest Sustainability Act, 1994 to improve service delivery and save people time when seeking approval to harvest wood from Crown lands for personal use, such as firewood, building products and Christmas trees.

Currently, the licensing requirements to harvest Crown forest resources for personal, non-commercial use are the same as the licensing requirements for industrial or commercial use. The Ministry's proposed changes would distinguish authorization requirements for wood harvested from Crown lands for personal use from industrial/commercial use. This would make the approval process easier for clients, forest industry and government.

The proposed changes would if enacted by the Legislature, enable the ministry to:

- Streamline authorization requirements,
- Create clear and consistent program delivery across the province,
- Reduce administrative burden, staff time and effort for government,
- Improve access by making applications available online, and
- Remove burden of developing overlapping agreements for forest industry.

Before the proposed amendments could be implemented, regulations would be required prescribing the terms and conditions applicable to personal use harvesting.

If the proposed amendments are passed by the legislature, the Ministry will consult with the public, stakeholders and municipalities about any subsequent regulation proposals developed to implement them.

Professional Foresters Act, 2000

The purpose of the Professional Foresters Act is to regulate the practice of professional forestry and provide the Ontario Professional Foresters Association (OPFA) the ability to govern its members in accordance with the Act, the regulation and the by-laws in order that the public interest may be served and protected.

In response to requests from the Ontario Professional Foresters Association, we are proposing changes to the PFA that would enhance the ability of the OPFA to provide oversight of its members by adding clarity to the practice of foresters, while limiting the potential impacts to other natural resource professionals (e.g., arborists) and municipal delivery of forest management programs and services.

Public Lands Act

1. Shifting certain decision-making authority regarding public lands to the Minister of NDMNRF from the Lieutenant Governor in Council.

Most public lands related decisions rest with the Minister of NDMNRF, however, some are made by the Lieutenant Governor in Council through an Order in Council. The Order in Council process takes time and has resulted in delays for clients awaiting decisions. Providing the following authorities to the Minister would be consistent with most other Minister authorities for the planning, management, and dispositions of public lands under the *Act*:

- i. Setting apart areas of public lands for any purpose that will benefit research in and the management, use and administration of public lands and forests.
 - iii. Approving the disposal of public land to Ministry officers or employees (while meeting obligations set out in O. Reg. 381/07 regarding conflict of interest rules for public servants under the Public Service of Ontario Act).
 - iv. Releasing a habendum restriction in letters patent, (i.e., removing a restriction that the land must be used for a specific purpose, such as for school purposes).
 - v. Releasing a condition in an Order in Council which requires, where the management of public lands was transferred to the federal government, that the lands be returned to Ontario if the federal government is no longer using the land.
 - vi. Releasing other restrictions in letters patents (e.g., a requirement that Lieutenant Governor in Council provide approval for a landowner to sell their land).
2. Allowing limited exemptions from requirement for Minister to set apart public reserves on water bodies.

Section 3 of the Public Lands Act sets out that where 25 per cent or more of the frontage on a waterbody is public lands that the Minister shall set apart at least 25 per cent of the lands, to a depth determined by the Minister, for public recreation and access. On water bodies where less than 25 per cent of the frontage is public lands, all remaining public lands are to be set aside for such purposes.

The proposed amendments would provide certain exemptions to the Public Lands Act Section 3 requirements, and ensure that the following would not be prevented:

- i. Directing a disposition or ordering a transfer of control to implement an agreement with an Indigenous community. This may include transfers to the federal government to support land claims or additions to reserve or direct

sales to an incorporated Indigenous community-run organization for community or economic development initiatives.

- ii. Ordering the transfer to the federal government (or its agencies) of control of public lands. In addition to land claims or additions to reserve the federal government may require public lands for infrastructure projects or for the creation of protected areas.
- iii. Ordering the transfer to other provincial ministries (or their agencies) of control of public lands. Provincial government ministries may require public lands for infrastructure projects or for expansion of protected areas.
- iv. Directing a disposition to a municipality. Municipalities may require lands to support community or economic development initiatives such as waterfront improvement (i.e., trails, tourism attractions).

This proposal for Public Lands Act Section 3 is not intended to significantly increase dispositions along water bodies and the ministry will still be required to undertake any applicable environmental assessment process and fulfill the duty to consult prior to making any individual land disposition or transfer decisions.

3. Preventing adverse possession of public lands through unauthorized use, possession, or occupation.

Individuals may obtain possessory title to public lands after 60 years of adverse possession (i.e., unauthorized tenancy or “squatting”). This prevents the Province from preserving public lands for uses including economic development and environmental protection, receiving fair value for lands through sale or lease, and the efficient settlement of Indigenous land claims. Further details include:

- i. Proposed changes to the Act would prevent any person from acquiring an interest in public lands through use, possession or occupation of the lands without permission from the Province (i.e., unauthorized tenancy or “squatting”).
- ii. Persons who can demonstrate possessory title to public land (60+ years of adverse possession) prior to any change being made would not be impacted.
- iii. The ministry would continue to process quit claim letters patent applications for persons in these circumstances.
- iv. The proposed changes would provide the Minister with the authority to correct registrations or deposits against public lands that have been made without the Province’s permission.

- v. Eliminating adverse possession would prevent limitations on the availability of land for exercising Aboriginal and treaty rights and settling land claims.
4. Clarifying Minister's authority to manage fees for all services, permissions, or decisions.

The proposed change clarifies that the Minister has explicit authority to set, charge, waive, change, or refund fees for all services, permissions or decisions related to the management, use or disposition of public lands. No new fees or changes to existing fees are being proposed or would result if this proposal is passed.

If the proposed changes to the legislation are enacted, the Ministry would update O.Reg.326/94 (Crown land camping permit) and O.Reg.975 (Work Permits) to ensure these regulations align with the changes made to the Public Lands Act.