



November 27, 2019

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**Re: Conservation Ontario's comments on the "Waterpower Exemption from Permits To Take Water" (ERO#019-0545) and the "Amendments to Three Statutes administered by the Ministry of Natural Resources and Forestry to support the proposed Better for People, Smarter for Business Act, 2019 and a proposal for a new regulation under the Lakes and Rivers Improvement Act" (ERO#019-0732)**

Thank you for the opportunity to provide comments on the "Waterpower Exemption from Permits To Take Water" (ERO#019-0545) and the "Amendments to Three Statutes administered by the Ministry of Natural Resources and Forestry to support the proposed Better for People, Smarter for Business Act, 2019 and a proposal for a new regulation under the Lakes and Rivers Improvement Act" (ERO#019-0732). Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). Conservation Ontario has prepared a single letter in response to both postings listed above, given their relation and similar subject matter. These comments are not intended to limit the consideration of comments shared individually by CAs through both proposals' review and consultation process.

Conservation authorities are committed to responsible dam ownership and operation. Conservation Ontario is highly supportive of the Province's proposal to amend the *Ontario Water Resources Act (OWRA)* to remove the requirement for waterpower facilities to obtain a permit to take water (PTTW). The process of obtaining and implementing such permits has been costly for CAs and their clients, and in their experience, has added little demonstrable value to the project or the public. The proposal to remove this requirement for electricity-producing dams while continuing to regulate waterpower facilities under the *Lakes and Rivers Improvement Act (LRIA)* through a "one-window" approvals system with the Ministry of Natural Resources and Forestry will maintain regulatory effectiveness and increase overall efficiency. Additionally, Conservation Ontario notes that the proposed amendments to the *LRIA* in ERO#019-0732 enable the Minister to adopt a document by reference in the regulations. In this regard, it is recommended that the Best Management Practices "*Ontario Waterpower Development Surface Quality and Fish Sampling*

*Programs*” and “*Small Hydro and Methyl Mercury*”, commissioned by the Ontario Waterpower Association, be adopted.

In addition to electricity-producing dams, Conservation Ontario recommends that the Province consider further reduction in duplication by also including dams not associated with waterpower that are approved under the *LRIA* for exemption from requiring a PTTW. For example, it would be beneficial to have a water management dam with an established operating plan receive approval under Section 23.1 of the *LRIA*, rather than requiring such a dam to obtain a PTTW. Extending this exemption would result in a “one-window” approach for all dams under the provisions of the *LRIA* and would further reduce duplication between the *LRIA* and the *OWRA*.

Lastly, Conservation Ontario recommends that the Province investigate using information from the Drinking Water Source Protection program to further enhance the PTTW program for water takings that are not associated with dams. The information and tools developed through Source Protection Studies may provide opportunities to streamline some applications and approvals, while improving the protection of water resources in Ontario. Conservation Ontario is open to discussing further opportunities to align these two programs with the Province.

Thank you for the opportunity to review and provide comments on the “Waterpower Exemption from Permits To Take Water” (ERO#019-0545) as well as the “Amendments to Three Statutes administered by the Ministry of Natural Resources and Forestry to support the proposed Better for People, Smarter for Business Act, 2019 and a proposal for a new regulation under the Lakes and Rivers Improvement Act” (ERO#019-0732). Should you have any questions about this letter, please feel free to contact Nicholas Fischer at extension 229.

Sincerely,



Nicholas Fischer  
Policy and Planning Officer  
Conservation Ontario



Dwight Boyd  
Conservation Ontario Representative on the Ontario  
Dam Owners Advisory Committee  
Grand River Conservation Authority

c.c. All CA CAOs/GMs