



November 17, 2020

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Environmental Policy Division  
Ministry of the Environment, Conservation and Parks  
Foster Building 10<sup>th</sup> Floor  
40 St. Clair Avenue West  
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**Re: Exempting dams from requiring a permit to take water (ERO#019-2517)**

Thank you for the opportunity to provide comments on “Exempting dams from requiring a permit to take water (ERO#019-2517). Conservation Ontario is the network of Ontario’s 36 conservation authorities (CAs). These comments are not intended to limit the consideration of comments shared individually by CAs through the 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 Water Taking and Transfer Regulation (Ontario Regulation 387/04) under the *Ontario Water Resources Act* to remove the requirement for certain types of dams to obtain a permit to take water for water takings that exceed 50,000 litres of water on any day (with limited exceptions). It is our understanding that, should the amendments come into force, dams for mine tailings and dam construction, alteration or repair projects where groundwater dewatering is involved would both continue to require a permit to take water under the *Ontario Water Resources Act*. The construction of new dams and alterations to existing dams would continue to be regulated under the *Lakes and Rivers Improvement Act*, and in some cases, through the Class Environmental Assessment process.

The process of obtaining and implementing permits to take water for dams has been costly for CAs and their clients, and in their experience, has added little demonstrable value to the project or the public. Removing this requirement for dams while continuing to regulate dam construction and alteration under the *Lakes and Rivers Improvement Act* will reduce costs for conservation authorities and further advance the “one-window” approvals system for select dams through the Ministry of Natural Resources and Forestry, while maintaining regulatory effectiveness, increasing overall efficiency and further reducing duplication between the *Lakes and Rivers Improvement Act* and the *Ontario Water Resources Act*.

Dam owners are encouraged to make themselves aware of their responsibilities under the *Lakes and Rivers Improvement Act* and the *Ontario Water Resources Act*. While the requirement for dam owners to submit permits to take water under Ontario Regulation 387/04 served little benefit, it did cause dam owners to

maintain information about dams they own. Removal of this requirement should not be construed to imply that efforts to keep a good record of operations at a dam and maintaining current operating procedures is not important. Conservation authorities are aware that these efforts are important to being a responsible dam owner, keeping the public safe, and managing a corporation's risk/liability.

As with our previous 2019 submission (ERO#019-0545 *Waterpower Exemptions for Permits To Take Water*), Conservation Ontario continues to recommend that the Province investigate using information from the Drinking Water Source Protection program to further enhance the permit to take water 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 "Exempting dams from requiring a permit to take water (ERO#019-2517). Should you have any questions about this letter, please feel free to contact myself at [bfox@conservationontario.ca](mailto:bfox@conservationontario.ca), or 905-717-2008.

Sincerely,



Bonnie Fox  
Manager, Policy and Planning

c.c. All CA CAOs/GMs  
Dwight Boyd, Conservation Ontario Representative on the Ontario Dam Owners Advisory Committee, Grand River Conservation Authority