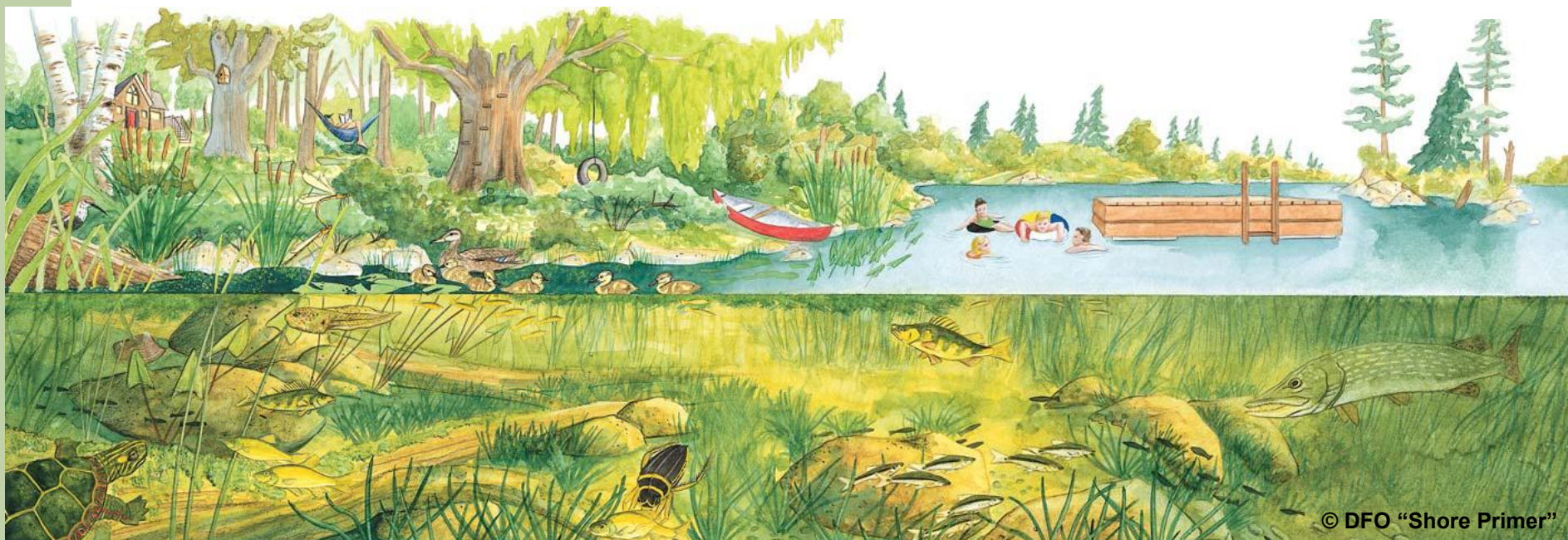


Shoreline Values & Work Permits



By: Ariel Zwicker

Lands & Waters Technical Specialist

May 2, 2015.

Why Are Shore Lands Important?

- ❑ Shore lands often referred to as “the Ribbon of Life” because 90% that is where all lake and river life is born, raised and fed.
- ❑ Littoral zone is the most productive area.
- ❑ Interchange between land and water and supports a complex web of life.
- ❑ Diverse plant community supports a high invertebrate production.
- ❑ Fish and invertebrates support birds and mammals.
- ❑ Habitat connectivity.
 - Travel Corridors
 - Feeding Areas
 - Basking Areas
 - Breeding Habitat
 - Nursery Habitat

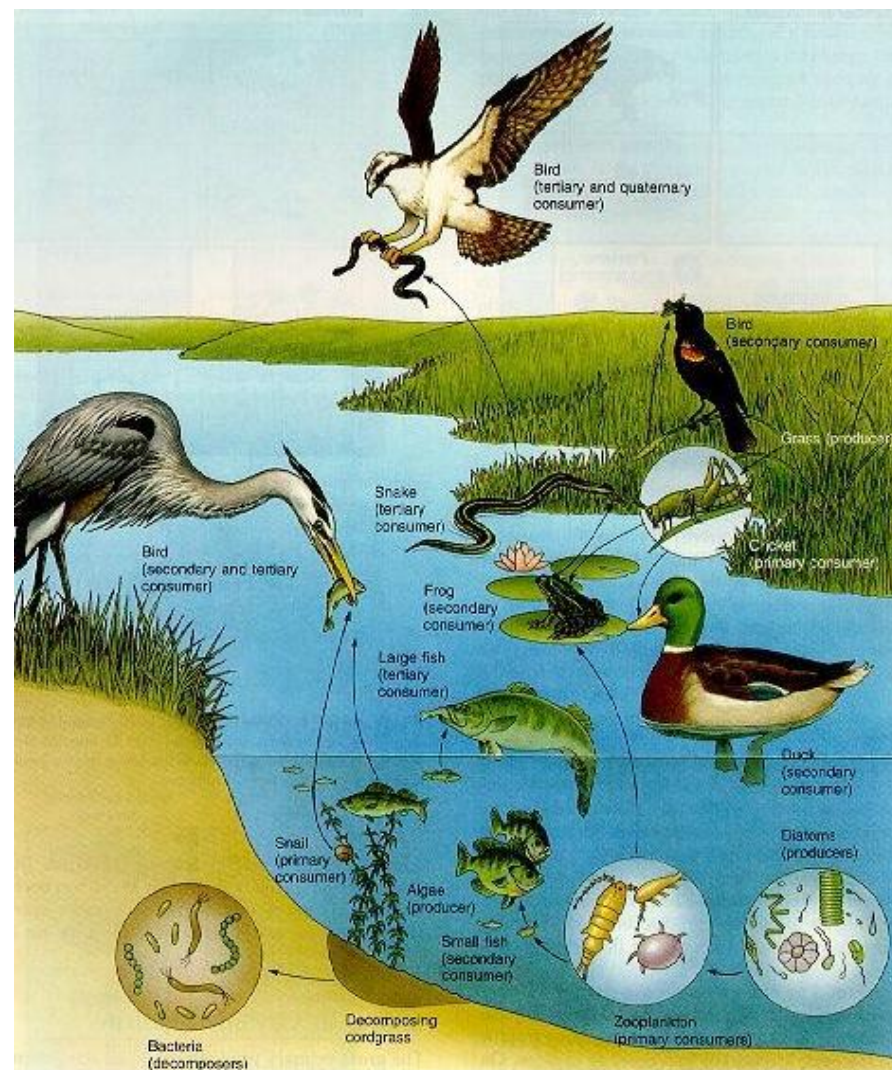


Image: Public Domain - galleryhip.com/aquatic-biomes-food-web.html

Why Are Shore Lands Important?

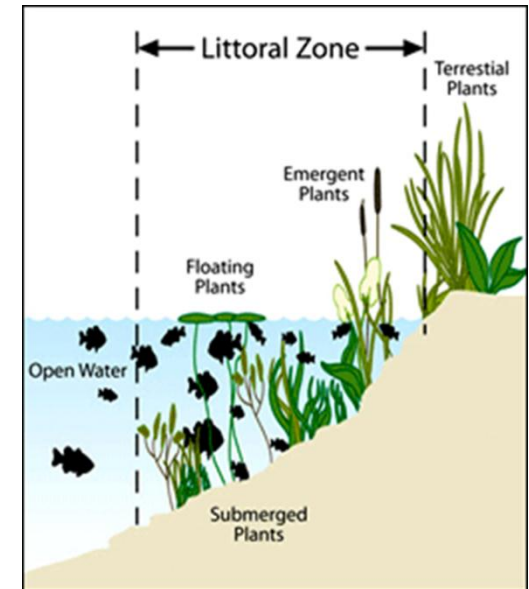
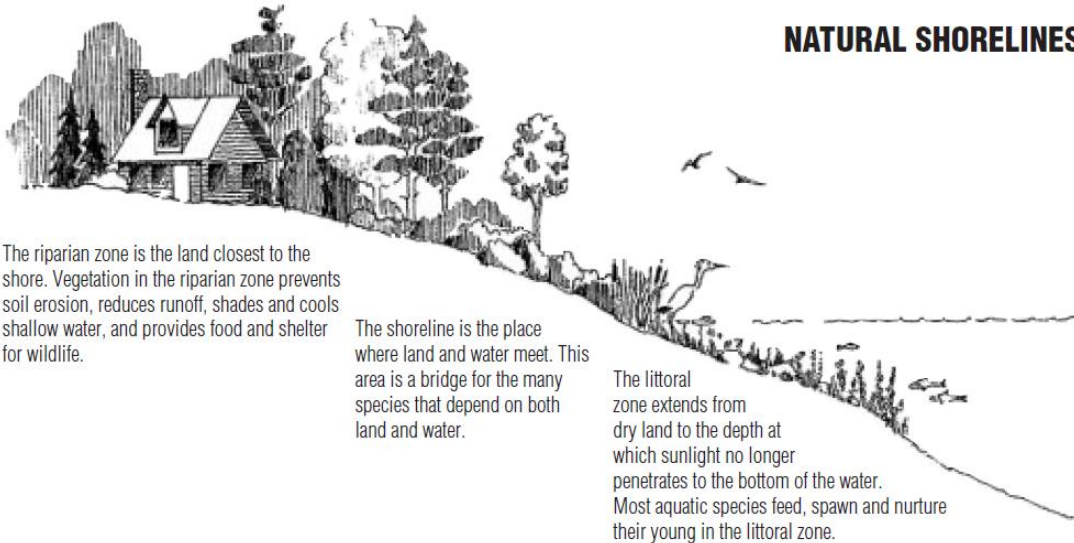


Image: <http://www.thepondlady.com/biological/biological.html>



ALTERED SHORELINES

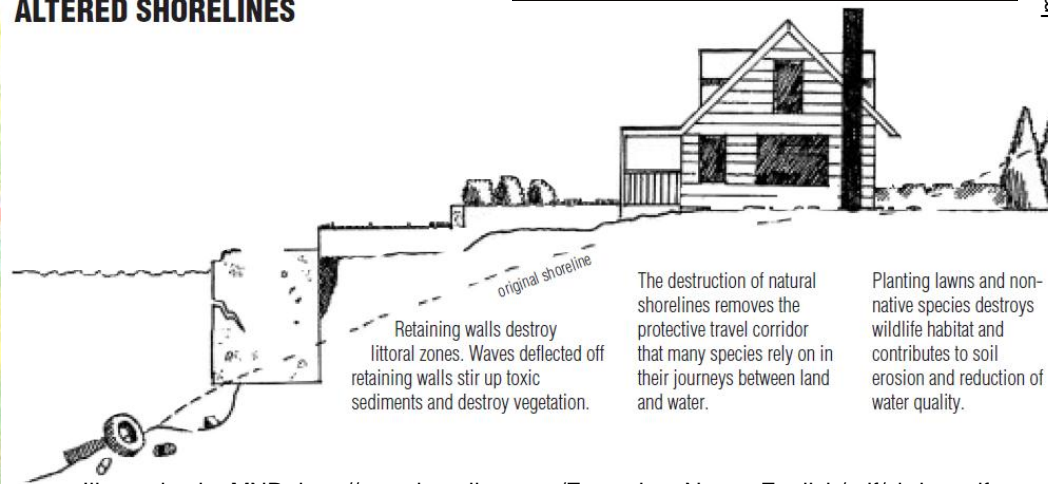
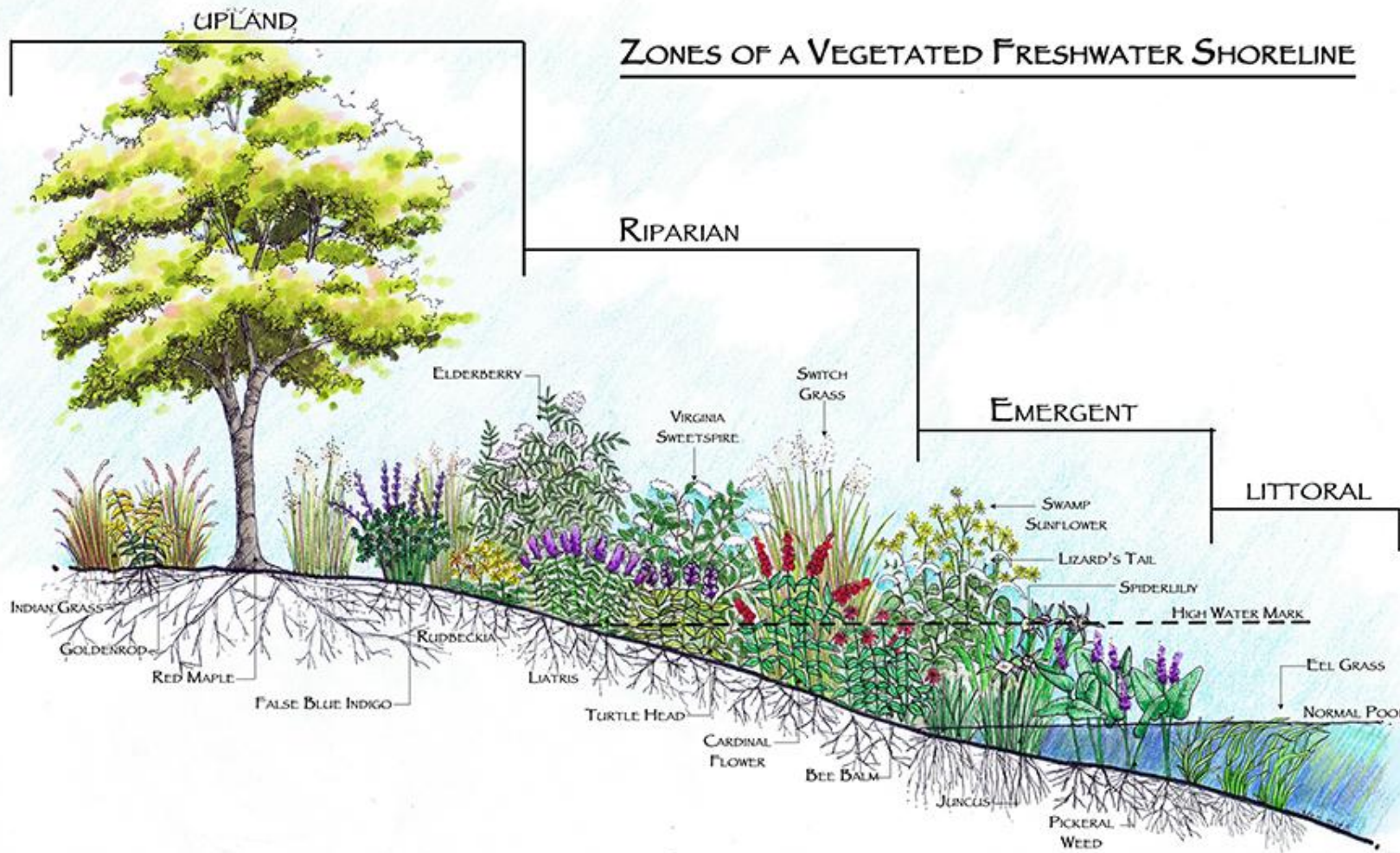


Illustration by MNR: http://www.lronline.com/Extension_Notes_English/pdf/shrlns.pdf

Beautiful Buffers



Maintain your view, have a buffer too!

- Aster
- Black eyed susan
- Bee Balm
- Swamp rose
- Blue flag iris
- Cardinal flower
- Joe Pye Weed
- Cone flower
- Red Osier Dog wood
- Willows

Low growing herbaceous flowers and shrubs can be used to establish a buffer in areas to maintain views.



Photo by: Jane Herbert



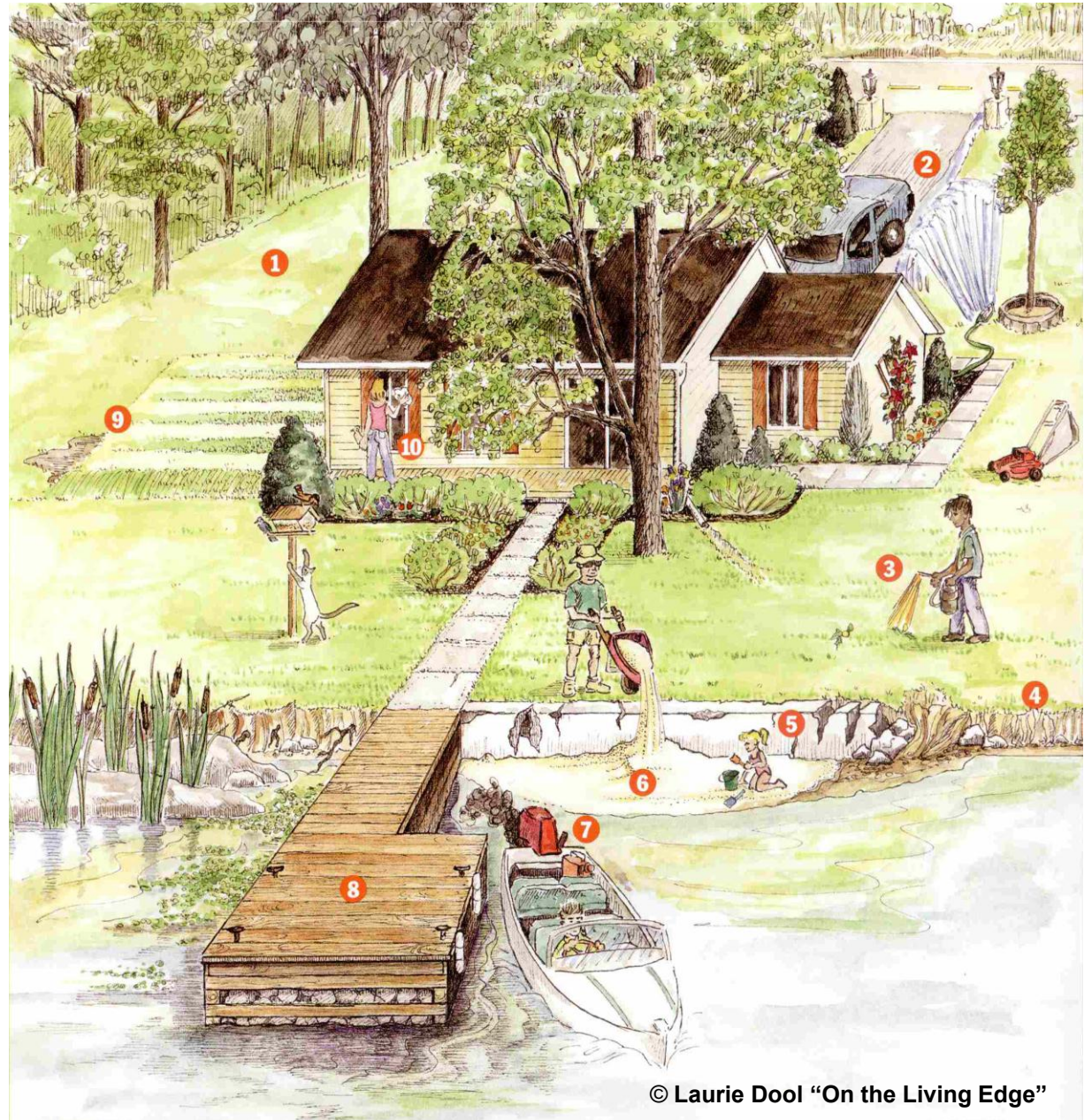
Best Practices

1. Prune Trees: don't remove them.
2. Replace solid surfaces with porous materials to absorb run off.
3. Leave grass 3 inches high so grass doesn't dry out.
4. Leave a vegetation buffer along the shoreline. Plant native trees/shrubs to reduce run off/erosion.
5. Don't "armour" your shoreline, use natural materials and vegetation for erosion control.
6. Create dry land beach above the HWM.
7. Use an electric motor, or 4 stroke motor that exceeds EPA guidelines.
8. Docking: use steel piles, or floating to minimize impact to fish habitat.
9. Properly maintain your septic system.
10. Use biodegradable and natural cleaning products without phosphates or harsh chemicals.



Poor Practice

1. Cleared lot, no buffer of vegetation.
2. Solid surfaces accelerate erosion, allow pollutants and silt to transport into lake.
3. Chemical fertilizers and pesticides runoff and degrade water quality.
4. Lawn to the waters edge is susceptible to erosion, slumping and does not filter runoff.
5. Hardened shorelines deflect erosion downstream, eliminates natural filtering and degrades habitat.
6. Artificial beaches: Sand washes away & deposits elsewhere, clogs water lines, may create navigation hazards, and destroy fish habitat.
7. 2 stroke engines dumps 25-40% of fuel into water and air.
8. Cribs occupy habitat and alter currents.
9. Malfunctioning septic seeps phosphorous and bacteria into waterways.
10. Household chemicals impact water quality.



MNRF Work Permits

- ❑ **Public Lands Act (PLA)**
 - Shore land work
 - Roads & buildings on Crown
- ❑ **Lakes and Rivers Improvement Act (LRIA)**
 - Dams
 - Channelization's, diversions
 - Bridges & some culverts.
- ❑ **Provincial Parks & Conservation Reserves Act (PPCRA)**
 - Works within Parks
 - Works within Conservation Reserves

Other Agency Legislation:

- Fisheries Act
 - ❖ Department of Fisheries & Oceans (DFO)
- Species at Risk Act (SARA)
 - ❖ DFO for aquatic Species
- Navigation Protection Act
 - ❖ Transport Canada
- Planning Act
 - ❖ Municipalities
- Canadian Constitution
 - ❖ Reaffirming Aboriginal & Treaty Rights
- Ontario Heritage Act
 - ❖ Ministry of Culture & Heritage

When Do I Need A Permit?

Public Lands Act

Applies to:
Crown Land and
Crown or Private Shore Lands

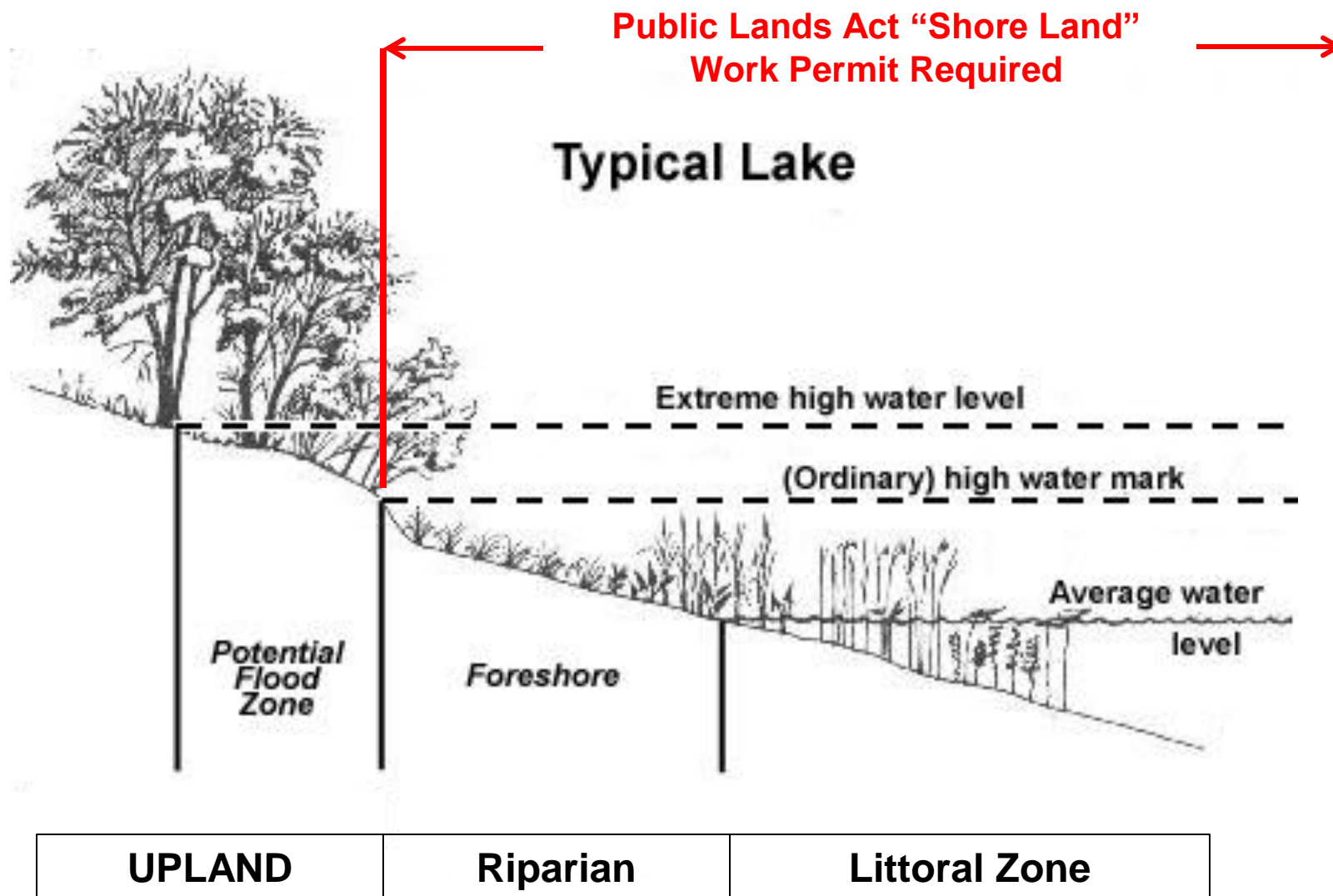
When Do I Need A Permit?

Public Lands Act Ontario Regulation 239/13

- ❑ No Person Shall:
 - a) Construct a building (on Crown land)
 - b) Construct a trail, water crossing or road (on Crown land)
 - c) Dredge shore lands
 - d) Fill shore lands
 - e) Remove invasive/native aquatic vegetation by mechanical means or by hand from shore lands
 - f) Construct or place a combination of structures occupying more than 15 square metres (160 sq/ft)

Unless acting under the authority of the terms and conditions of a work permit or instrument granted under the act authorizing the activity.

“Shore lands” are defined as lands covered or seasonally inundated by the water of a lake, river, stream or pond and may include private, municipal or Crown lands.



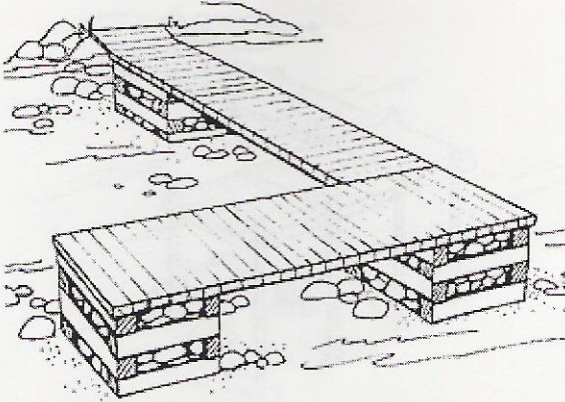
Does This Dock Need a Permit?

2 Cribs each measuring 8ft x 8ft

1 New Crib Proposed 8ft x 8ft

Yes

TOTAL Combined Area =
192 square feet (18.7m²)



Minimum Standards:

Cribs must be a minimum of 6 feet off shore

Cribs must be spaced a minimum of 6ft apart from all cribs.

Crib to decking ratio shall not exceed 50%

Crib rock must be clean and obtained from above the HWM.

No Pressure treated wood in water

Check with local municipalities for setback from side lot lines.

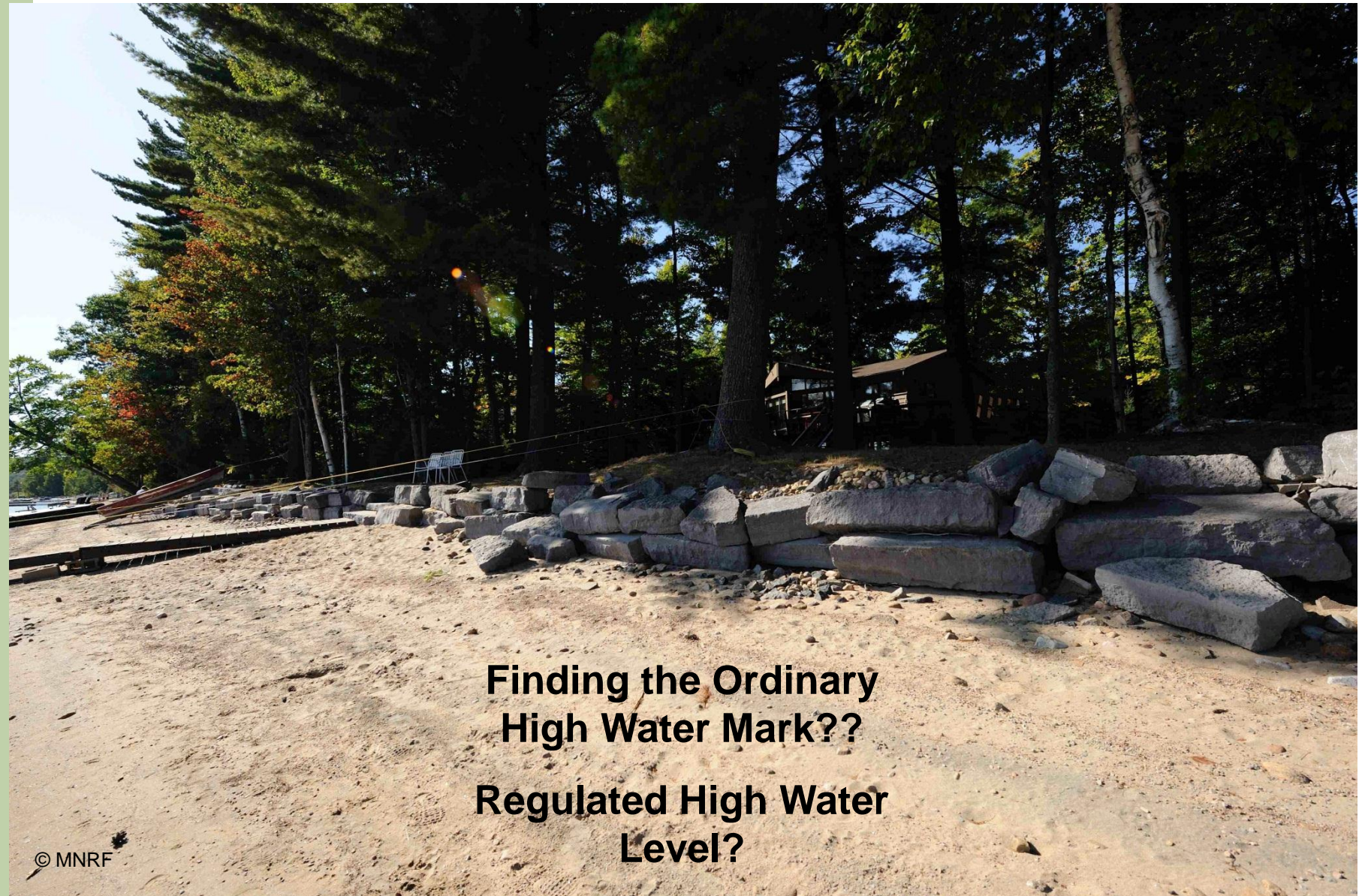
Must follow MNRF timing window for installation.

Filling Shore Lands



Filling shore lands is only approved when shoreline stabilization
Is required in eroding areas.

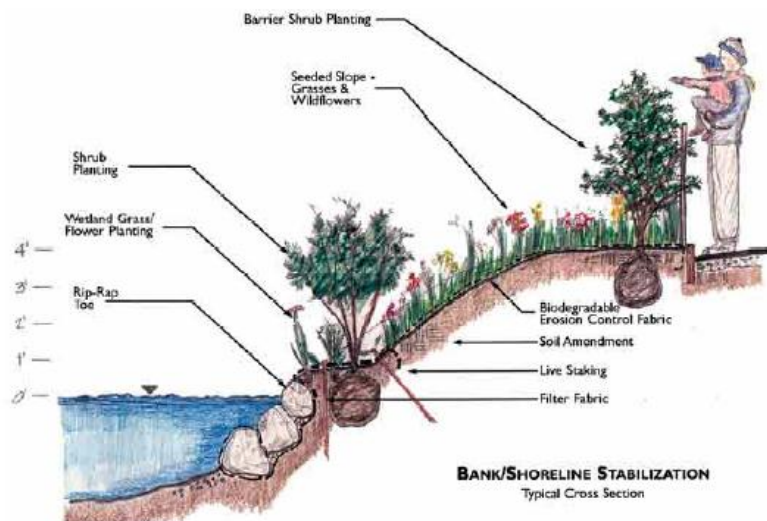
Filling to “reclaim” land or to create recreation areas is NOT approved.



**Finding the Ordinary
High Water Mark??**

**Regulated High Water
Level?**

Let's Keep It Nature Friendly!!



Excellent Shore Protection



POOR PRACTICE

Filling/Groyne (not a Crib)

- **Extends too far into lake**
- **improper spacing from shore to be a crib.**
- **Alters shoreline processes**
- **Rock size too small**

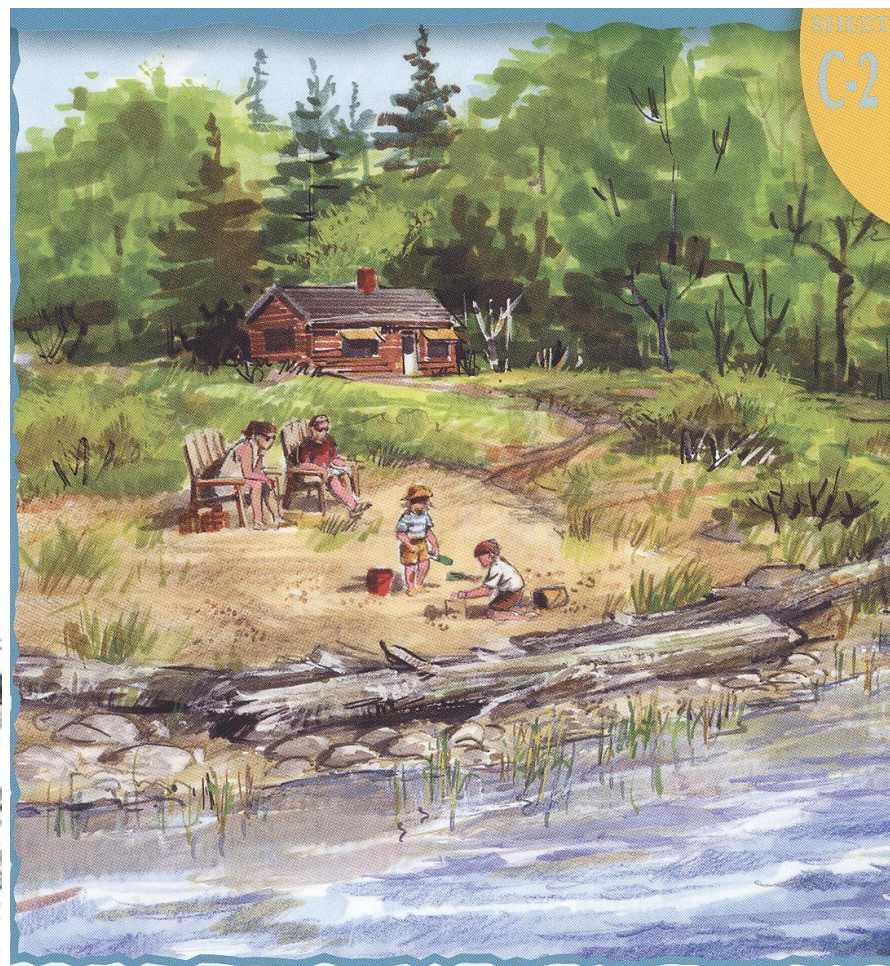
What if my Client Wants a Beach?

A Work Permit is Required “Filling Shore Lands”

Best Management Practices: Upland beaches, located entirely above the high water mark, with a buffer to prevent runoff into the lake.



© Shayne Friesen “On the Living Edge”



SHEET
C-2

© DFO “Fact Sheet C-2”

Roads, Trails & Water Crossings

- ❑ If proposed road crosses private or municipal property, must have written permission from land owner or municipality.
- ❑ Review of Roads usually requires:
 - Environmental Impact Study
 - ❖ Mitigation (eco passages)
 - ❖ Alternative routes
 - ❖ Timing restrictions
 - Public Consultation
 - Water Crossings
 - ❖ Engineering to confirm it passes flows Q25.
- ❑ Roads not approved if:
 - There is all ready a road to the property.
 - If policy says No New Roads (CLUPA, CR's, Enhanced Management Areas).
- ❑ If approved - Must sign MOU
 - Liability of road and crossings,
 - Inspection requirements
 - Maintenance requirements
 - Requirement to keep open to public

When Do I Need a Permit?

Lakes & Rivers Improvement Act

Applies to Crown Land and Private Land

Legislative Framework

Lakes & Rivers Improvement Act (LRIA)

Two Phase Approval Process:

1. Location Approval:

Subject to ecological review.

2. Engineering Approval:

After location approval has been issued, the plans & specification drawings must be stamped by the clients engineer and submitted for final approval by MNRF engineering branch.

LRIA APPROVAL REQUIREMENTS			
Project Type	Land Ownership		
	Crown	Municipal	Private
BRIDGES			
Drainage Area < 5 square kilometres	R	NR	NR
Drainage Area > 5 square kilometres	R	NR	R
CULVERTS			
Length < 20 metres & drainage area < 5 sq. km.	R	NR	NR
Length < 20 metres & drainage area > 5 sq. km.	R	NR	R
Length > 20 metres	R	R	R
OTHER			
Dams, Channelizations, Diversions, By-Pass Ponds, In-Stream Ponds.	R	R	R
Agricultural Drains (maintenance & new installations).	NR	NR	NR
Trenching for Heat Loop Installations, Water Intakes, Service Cables for Private Residences	NR	NR	NR
Trenching into a Lake or River for Commercial or Industrial Cables or Pipelines (where excavation is required).	R	R	R

When Do I Need a Permit?

Provincial Parks & Conservation Reserves Act

Applies within:

Designated Conservation Reserves

Designated Provincial Parks

Provincial Parks and Conservation Reserves Act (PPCRA)

Section 22(1) PPCRA

- ❑ Except in accordance with the terms and conditions of a work permit issued under this Act, no person shall, in a provincial park or conservation reserve, cause or permit,
 - (a) the construction, expansion or placement of any building, structure or thing;
 - (b) the construction of any trail or road;
 - (c) the clearing of any land;
 - (d) the dredging or filling of any shore lands; or
 - (e) any activity permitted under section 17, 18, 19 or 20 that causes, results or is expected to result in a major disruption or impairment of the ecological integrity of a provincial park or conservation reserve. 2006, c. 12, s. 22 (1).
- ❑ Section 22(2) For greater certainty, a work permit is required for activities described in subsection (1) even if the lands are occupied under the authority of a lease, land use permit or a licence of occupation.

Work Permit Timing Windows

Fisheries can suffer severe losses if work in water is conducted during a critical phase of their life cycle (spawning and incubation).

To eliminate impacts to fish, MNRF will apply a timing restriction for the work authorized under the work permit.

MNRF may also apply a timing restriction for Species at Risk.

April 1 – July 15 Restriction for

❑ **Spring spawners:**

- Pike,
- Muskie,
- Bass,
- Walleye
- Suckers
- Rainbow Trout

October 1 – July 15 Restriction for

❑ **Fall spawners:**

- Lake Trout, Brook Trout
- Whitefish
- Herring

Cold water rivers & streams:

October 1 – July 15 restriction.

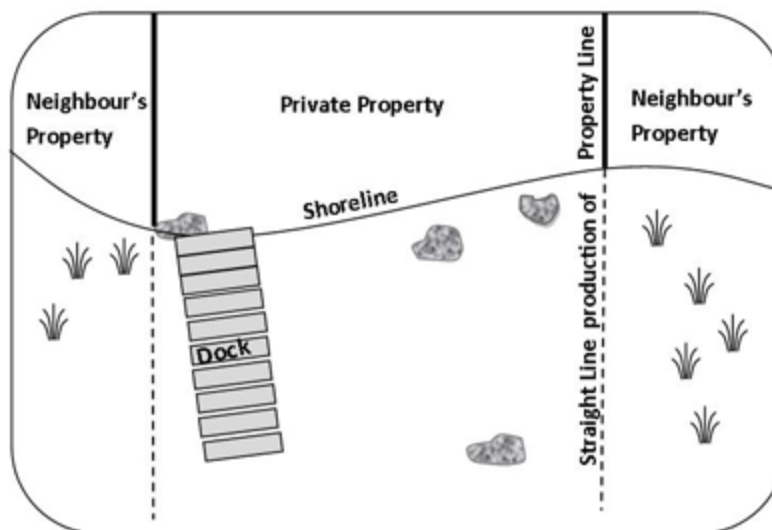
No Permit Required **Public Lands Act Exemptions**

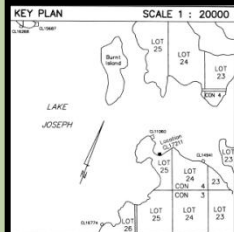
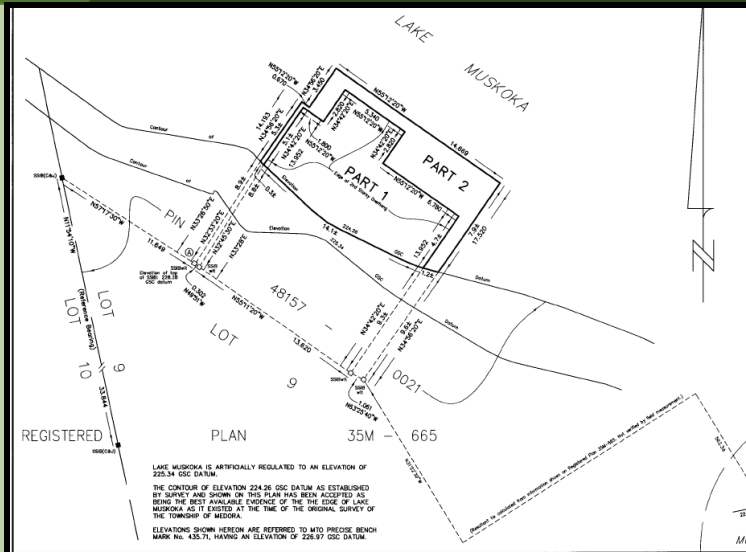
These exemptions do NOT
apply within:
Designated Conservation
Reserves, or
Designated Provincial Parks

When Don't I Need A Permit?

PLA Exemptions From Requirement to Obtain Work Permit

- ❑ Dredging of shore lands previously dredged if:
 - Initial dredge was on or after January 1, 2009
 - No later than 5 years after the previous dredge
 - You can only conduct work on shore lands directly in front of your property





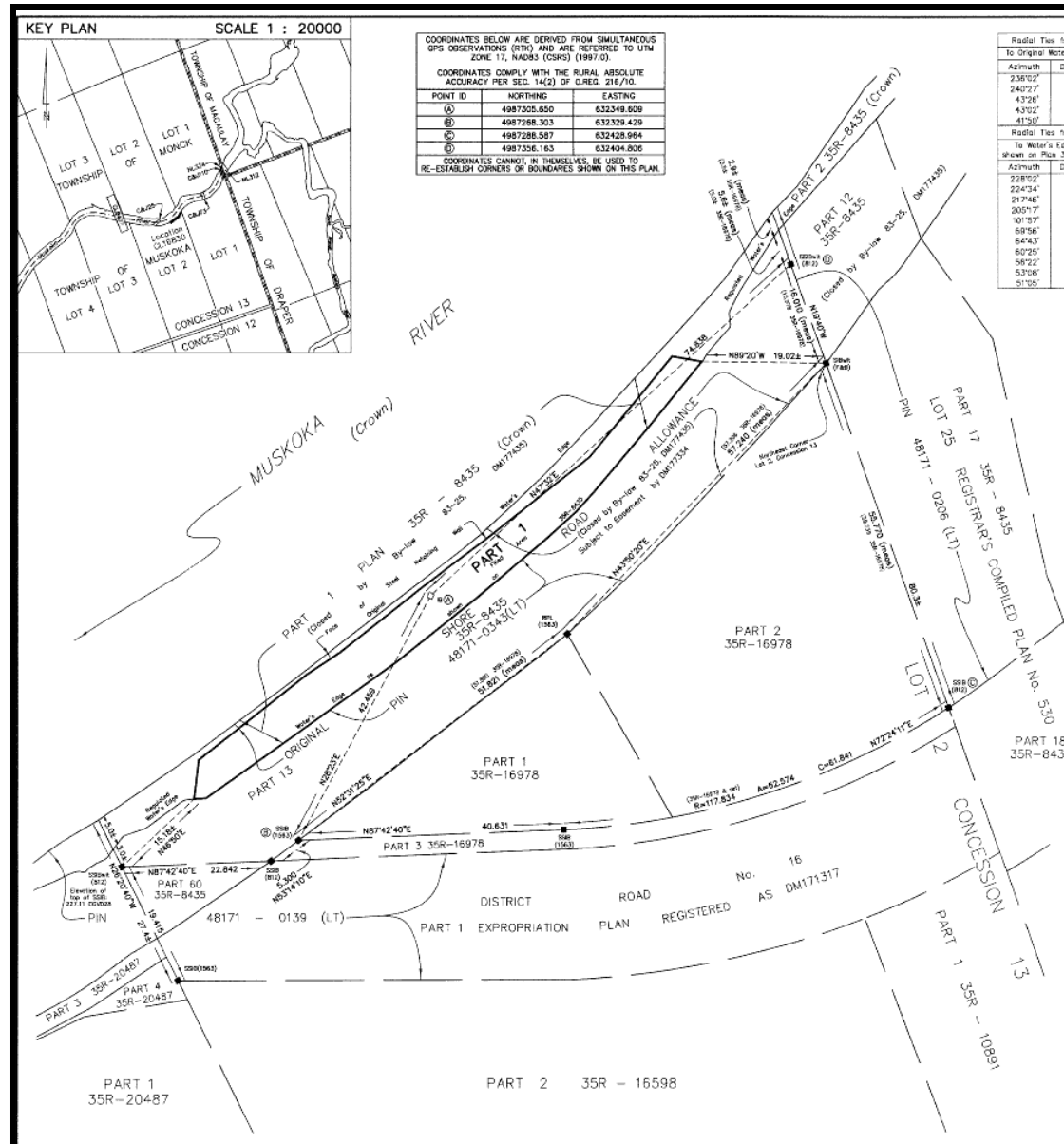
COORDINATES BELOW ARE DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS (RTK) AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS) (1997.0).

COORDINATES COMPLY WITH THE RURAL ABSOLUTE ACCURACY PER SEC. 14(2) OF CHRS 218/10.

POINT ID	NORTHING	EASTING
(A)	4987305.650	632349.609
(B)	4987268.303	632329.429
(C)	4987288.587	632428.964
(D)	4987356.183	632404.806

COORDINATES CANNOT BY THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

Point	Latitude	Longitude
1	44°03'17.0"	79°10'10.0"
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100	44°03'17.0"	79°10'10.0"



When Don't I Need A Permit?

PLA Exemptions From Requirement to Obtain Work Permit

- ❑ Removal of invasive aquatic vegetation from shore lands
 - Exemption only applies if the work is directly in front of your private property, and
 - Must be "invasive" as defined by Regulation:
 - "invasive aquatic vegetation" means: plants listed in the document entitled "Ontario's Invasive Aquatic Plant List" and dated March 11, 2013, that is published by the Ministry (list available on MNRF website), and
 - Must follow the conditions in the Regulation (found on the website).
 - ❖ All cut or uprooted vegetation must be immediately and permanently removed from the water, and,
- ❑ Brazilian Waterweed
- ❑ Curly-Leaved Pondweed
- ❑ Eurasian Water-Milfoil
- ❑ Eurasian and Northern Milfoil hybrid
- ❑ European Frog-Bit
- ❑ European Lake Sedge
- ❑ European Water Chestnut
- ❑ Fanwort
- ❑ Flowering Rush
- ❑ Hydrilla
- ❑ Parrotfeather
- ❑ Phragmites (European Common Reed)
- ❑ Purple Loosestrife
- ❑ Rough (Great) Manna Grass
- ❑ Yellow Iris
- ❑ Water Hyacinth
- ❑ Water lettuce
- ❑ Watermoss-Salvinia species
- ❑ Water Soldier

When Don't I Need A Permit?

PLA Exemptions From Requirement to Obtain Work Permit

- ❑ Relocating rocks on shore lands
 - Rocks must not be removed from water, and
 - must be distributed randomly so not to create an erosion control structure from forming
 - Area must be perpendicular to the shoreline and not to exceed 6 meters in width

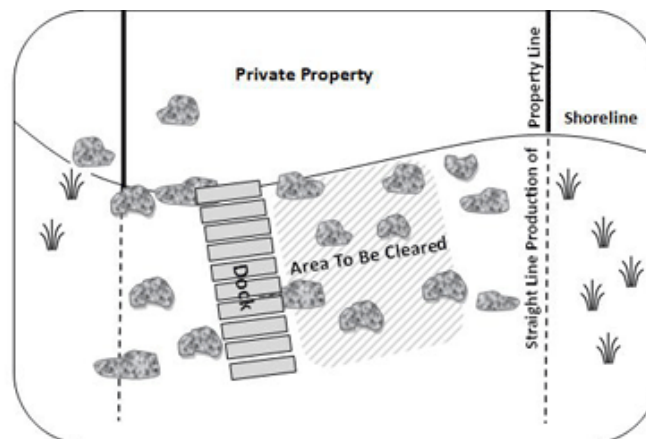


Fig. 1 Relocating Rocks on Shore lands — Existing Features

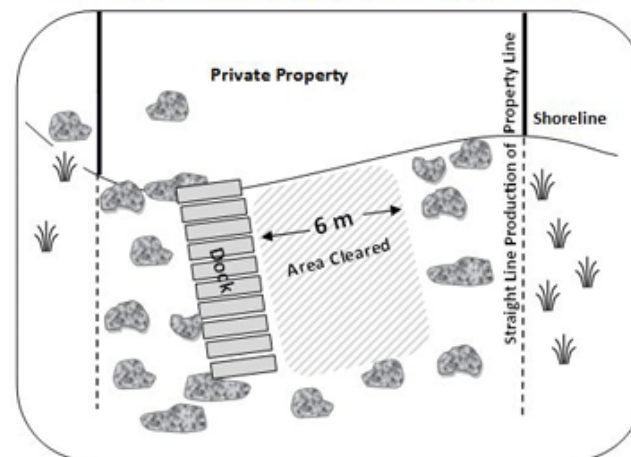


Fig. 2 Relocating Rocks on Shore lands — Exempted from Work Permit

When Don't I Need A Permit?

PLA Exemptions From Requirement to Obtain Work Permit

- ❑ Construct buildings in a mining claim
 - Must be on your registered claim.
 - You must be a Licensed Prospector in Ontario
 - Must REGISTER this activity on the MNRF online Registry
 - Must follow the conditions in the Regulation (found on the website).

- ❑ Maintenance, repair or replacement of erosion control structures on shore lands
 - Footprint of new erosion control structure MUST be the same footprint as the existing erosion control structure
 - Exemption only applies if the work is directly in front of your private property.
 - Must REGISTER this activity on the MNRF online Registry
 - Must follow the conditions in the Regulation (found on the website).
 - ❖ Sediment controls to be used if necessary (if there is excavation)
 - ❖ Excavation equipment to be operated on land or barge



Exempt From A Work Permit, But Required To Register

How to Register:

- ❑ Step 1: Download the Natural Resources Registration Guide
 - Print Paper Copy OR Complete Online
- ❑ Step 2: Create a ONe-key ID and Natural Resources client profile
 - Only needed when registering online
- ❑ Step 3: Register an activity
- ❑ Step 4: Receive confirmation

Always register your work with MNRF at least 10 business days before work begins!

When Don't I Need A Permit?

Exemptions- Conditions to be Followed

- ❑ Person must be the owner of the waterfront property adjacent to the shore lands.
- ❑ Activity must be carried out within the straight line production of the sidelines of the waterfront property.
- ❑ If activity is likely to disturb sediments, sediment controls must be installed before work begins and remain in water until after the area has stabilized
- ❑ Wheeled or tracked machinery or equipment must be operated and stored on dry land or on a barge
- ❑ In water work related to the activity must be carried out during the timing windows when in-water work related to the activity is restricted, as determined in accordance with the In-water Work Timing Window Guidelines (On MNRF Website).

For Exemption specific conditions, please see
Public Lands Act Ontario Regulation 239/13 OR

<https://www.ontario.ca/environment-and-energy/crown-land-work-permits>

In Water Work Timing Window Guidelines

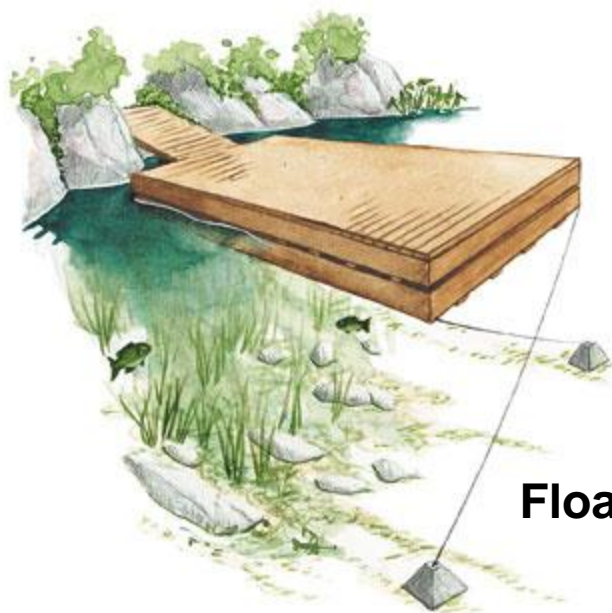
Table 1. Timing windows when in-water work is restricted – based on species presence and MNR Region

	Fish Species	Northwest Region	Northeast Region	Southern Region
Spring	Walleye	April 1 to June 20	April 1 to June 20	Mar. 15 to May 31
	Northern Pike	April 1 to June 15	April 1 to June 15	Mar. 15 to May 31
	Lake Sturgeon	May 1 to June 30	May 1 to July 15	May 1 to June 30
	Muskellunge	May 1 to July 15	May 15 to July 15	Mar. 15 to May 31
	Large/Smallmouth Bass	May 15 to July 15	May 15 to July 15	May 1 to July 15
	Rainbow Trout	April 1 to June 15	April 1 to June 15	Mar. 15 to June 15
	Other/Unknown Spring Spawning Species	April 1 to June 15	April 1 to June 15	Mar. 15 to July 15
Fall	Lake Trout	Sept. 1 to May 31	Sept. 1 to May 31	Oct. 1 to May 31
	Brook Trout	Sept. 1 to June 15	Sept. 1 to June 15	Oct. 1 to May 31
	Pacific Salmon	Sept. 1 to June 15	Sept. 1 to June 15	Sept. 15 to May 31
	Lake Whitefish	Sept. 15 to May 31	Sept. 15 to May 15	Oct. 15 to May 31
	Lake Herring	Oct. 1 to May 31	Oct. 1 to May 31	Oct. 15 to May 31
	Other/Unknown Fall Spawning Species	Sept. 1 to June 15	Sept. 1 to June 15	Oct. 1 to May 31

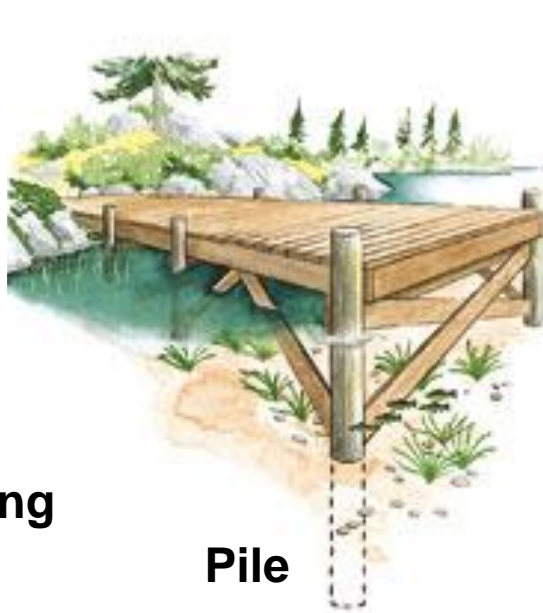
Do I Need a Permit?

A Work Permit is NOT required for the following:

- ❑ boatlifts and marine railways hand laid (no dredging)
- ❑ docks: on posts, piles or stilts, floating, or cantilevered over the water
- ❑ crib docks where the crib or combination of cribs (i.e., footprint on lake bottom) occupies less than 15 sq m (160 sq ft), and clean rocks from dry land are used
- ❑ removal of old docks and boathouses (crib rock left untouched)
- ❑ minor or routine repairs to existing structures
- ❑ municipal and private water crossings enclosing less than 20 m of culvert length and draining an area less than 5 sq km
- ❑ residential water intakes or heat loops
- ❑ Minor road maintenance



Floating



Pile



Pipe



Cantilever



Lift (pipe)



Suspension

When Don't I Need A Permit

Public Lands Act Ontario Regulation 239/13

- ❑ Minor maintenance activities carried out on trails, water crossings or roads include:
 - a) Water crossing cleaning for the purpose of maintaining the flow of water
 - b) Superficial grading on trails and roads
 - c) Clearing of existing ditches
 - d) Spot gravel
 - e) Clearing and brushing of existing road or trail surface
 - f) Snow plowing
 - g) Sanding or dust control
 - h) Repair of replace postage signage

Who do I call for a Work Permit?

For general questions, check the website first.

MNRF is first point of contact.

**Ministry of Natural Resources and Forestry
Parry Sound Office
7 Bay Street
Parry Sound, Ontario, P2A 1S4
Tel: (705) 746-4201 Fax: (705) 746-8828**

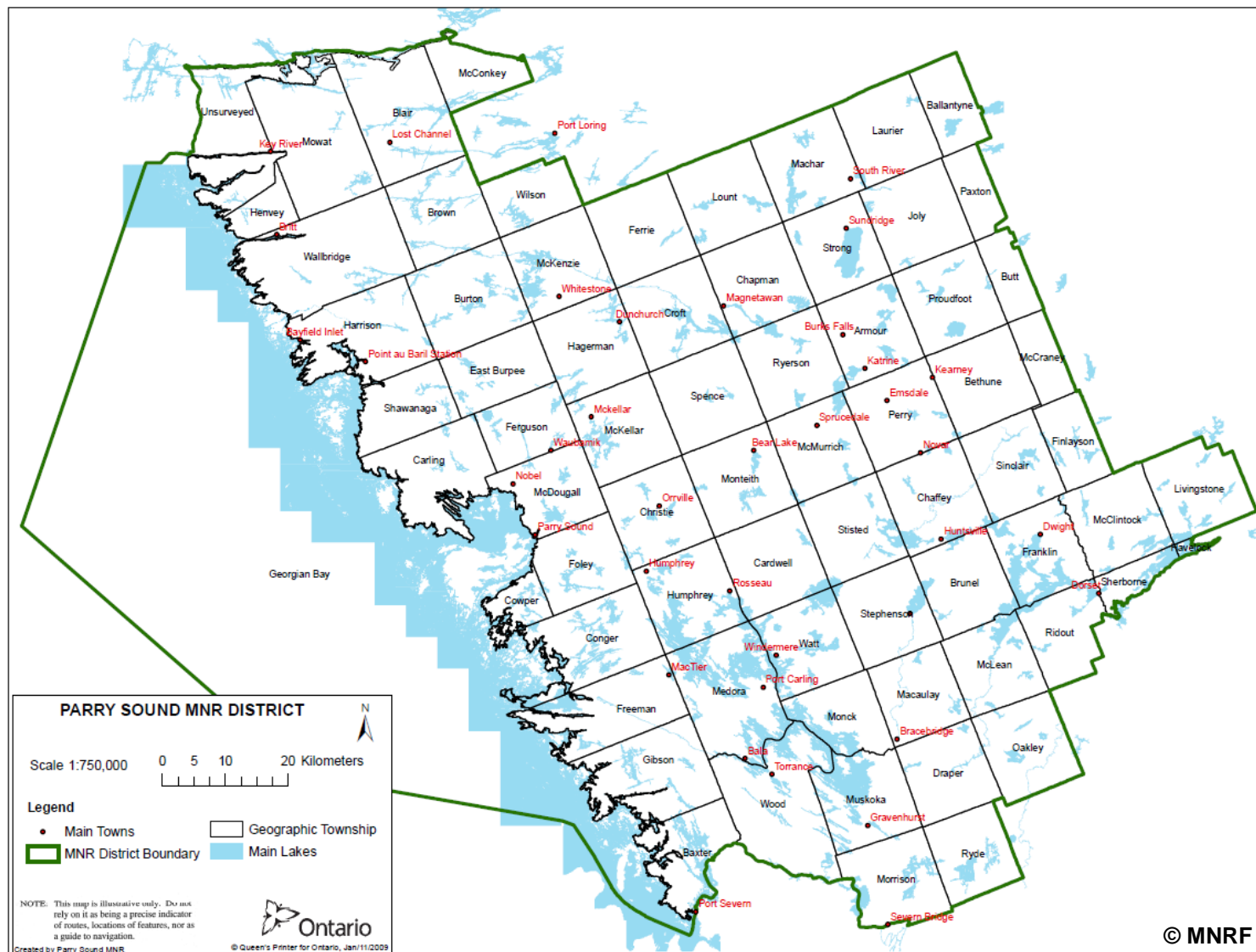
Parry Sound Lands & Waters Program Staff:

- ❑ Ariel Zwicker
Lands & Water Technical Specialist
(705) 773-4254
ariel.zwicker@ontario.ca
- ❑ Dean Timson
Lands & Water Technical Specialist
(705) 773-4206
dean.timson@ontario.ca

Other agencies with approval requirements:

- ❑ Department of Fisheries and Oceans Canada (DFO)
 - MNRF refers all in water work permit applications to DFO.
- ❑ Conservation Authority (none in Parry Sound-Muskoka District)
- ❑ Municipality
 - Building permits (docks and boat houses)
 - Bylaws (site alteration, zoning)
 - Official Plan
 - Ownership (shore Rd Allowances)
- ❑ Ministry of Environment (MOE)
 - Permit to take water
 - Herbicide removal of aquatics
 - Large scale dredging

Parry Sound District Management Area Includes:



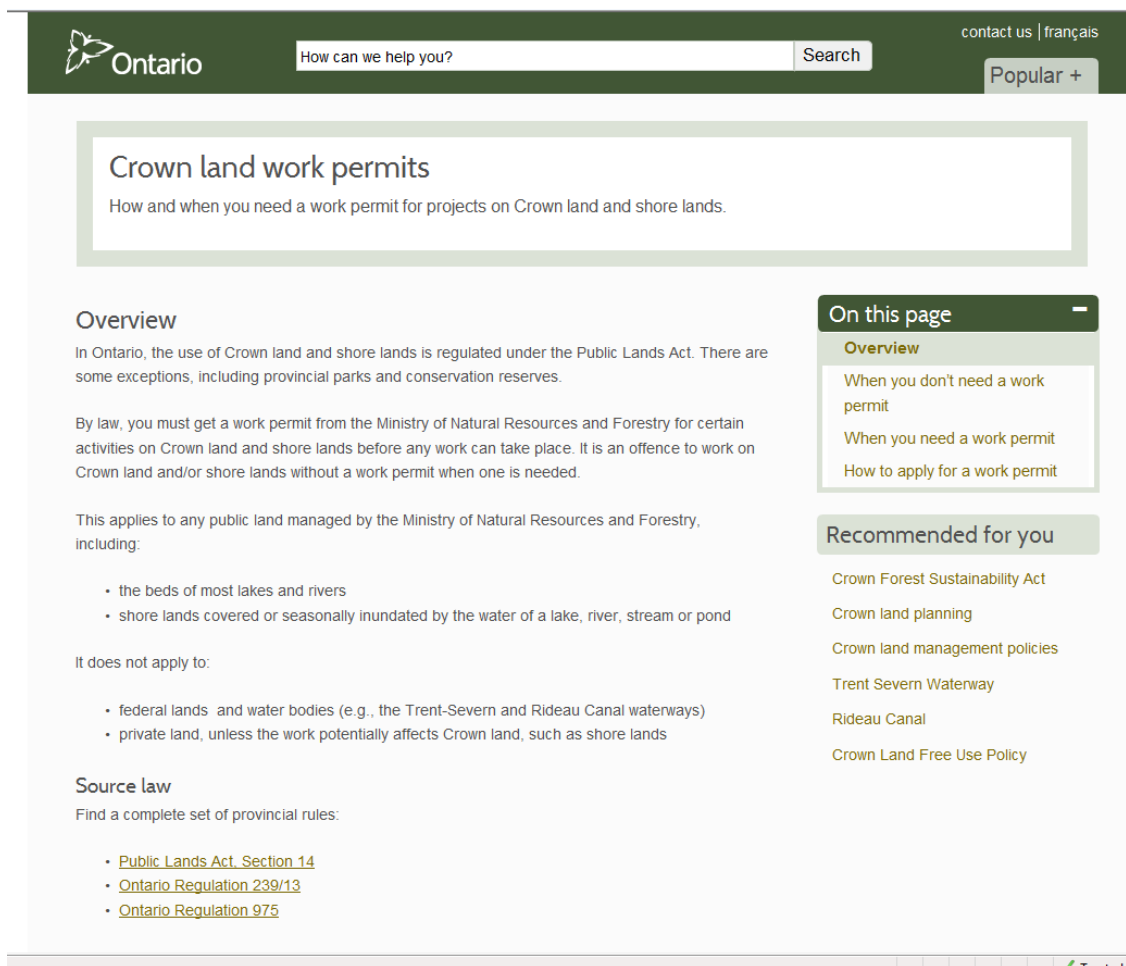
Finding MNRF Work Permit INFO Online

Step 1: www.ontario.ca

Step 2: Search “Crown Land Work Permits”

Step 3: Select Crown Land Work Permits

OR Google:
“MNRF Work Permits”



The screenshot shows the Ontario government website's search results for 'Crown land work permits'. The page has a dark green header with the Ontario logo, a search bar containing 'How can we help you?', and links for 'contact us | français' and 'Popular +'. The main content area is titled 'Crown land work permits' with a subtitle 'How and when you need a work permit for projects on Crown land and shore lands.' Below this is an 'Overview' section explaining that Crown land use is regulated under the Public Lands Act and that a work permit is required for certain activities. It lists where the permit applies (beds of lakes, rivers, and shorelands) and where it does not (federal lands, private land, etc.). A 'Source law' section provides links to the Public Lands Act, Ontario Regulation 239/13, and Ontario Regulation 975. On the right side, there is a 'On this page' sidebar with links to 'Overview', 'When you don't need a work permit', 'When you need a work permit', and 'How to apply for a work permit'. Below that is a 'Recommended for you' section with links to 'Crown Forest Sustainability Act', 'Crown land planning', 'Crown land management policies', 'Trent Severn Waterway', 'Rideau Canal', and 'Crown Land Free Use Policy'.

<https://www.ontario.ca/environment-and-energy/crown-land-work-permits>

Applying for a Work Permit

□ What Do I Need To Submit?

- Proof of Ownership
 - ❖ PIN Form & Survey of property
- Cover letter (rational/justification)
- Map – directions to property
- Sketches with dimensions
 - ❖ Must show EXISTING and PROPOSED
 - ❖ Overview and cross section sketches
- Snow free photos of work area
- Municipal comment form
- Neighbours comments

Full application package with checklist available by email.

□ Important Points to Remember:

- The LAND OWNER is the “applicant”
- NOT their contractor /planner/agent
- Must have land owners signature on application & declaration of agent letter.
- Must have land owners phone and mailing info
 - ❖ MNRF may identify other issues with the site such as:
 - illegal filling,
 - occupational authority requirements, or
 - arrears owing to the Crown.
 - ❖ MNRF must deal directly with land owner to resolve these issues.

Environmental Assessment Act

MNRF Class EA:

- ❑ Class EA RSFD
 - *PLA permits*
 - *LRIA Permits*
- ❑ Class EA PPCRA
 - *PPCRA permits*
- ❑ Purpose of EA to ensure all potential impacts are considered:
 - Ecological
 - Social
 - Cultural
 - Economic
- ❑ MNRF required by law to fulfill this process.
- ❑ EA regulated by Ministry of Environment & Climate Change
- ❑ MNRF may require proponent to complete components of EA:
 - Aboriginal Consultation
 - Public & Stakeholder Consultation
 - Environmental studies
 - Archeological investigation
 - Engineering

How Long Does it Take?

- ❑ Must have a complete application to begin review.
- ❑ 12 weeks for standards PLA apps
- ❑ No Guarantee of approval.
- ❑ Longer for larger or more complex projects:
 - Roads
 - Large Dredge
 - ESA triggers
 - Need for consultation
 - Environmental studies
 - Engineering
 - Tenure requirements

Questions?