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14 May 2025

The Honourable Stephen Lecce  
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**By email to:**

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**Re: Omnibus Bill 5 – *Protecting Ontario by Unleashing the Economy Act, 2025***  
**Associated ERO Notices: 025-0409, 025-0416, 025-0418, 025-0389, 025-0396**

Dear Sirs:

The Ontario Rivers Alliance (ORA) is a not-for-profit grassroots organization with a mission to protect, conserve, and restore riverine ecosystems across the province. The ORA advocates for effective policy and legislation to ensure that development affecting Ontario rivers is environmentally and socially sustainable.

The ORA is writing in response to Bill 5, *Protecting Ontario by Unleashing the Economy Act, 2025*, introduced to the Ontario Legislature on April 15, 2025, and its associated schedules and Environmental Registry of Ontario (ERO) postings. ORA strongly opposes this sweeping omnibus bill, which undermines Ontario's environmental protections, public and Indigenous rights, and constitutional and legal obligations. Bill 5 and its related schedules represent a regressive and dangerous rollback of vital environmental safeguards and democratic oversight mechanisms.

We have also addressed ERO 025-0391, *Special Economic Zones Act, 2025*; and ERO 025-0380 Proposed interim changes to the *Endangered Species Act, 2007*, and a Proposal for the *Conservation Act, 2025*, under separate cover.

To keep it simple, we have organized our comments under the relevant ERO numbers and schedules, grouped into Key Concerns, Implications, and Recommendations.



## 1. ERO 025-0409 – Proposed Amendments to the *Mining Act*, *Electricity Act*, and *Ontario Energy Board Act* to protect Ontario's Economy and Build a More Prosperous Ontario

Related to Bill 5:

- Schedule 1, Amendments to the *Electricity Act*, 1998;
- Schedule 5, *Amendments to the Mining Act*; and
- Schedule 6, *Amendments to the Ontario Energy Board Act*, 1998

### Key Concerns:

- Schedules 1 and 6 would extinguish the causes of action and limit liability against the Crown, IESO, OPG and other specified persons.
- Schedule 5 delivers huge changes to the purposes of the *Mining Act* and delivers broad Crown immunity.
- Implements “One Project, One Process” (1P1P) to streamline mine project permitting through the Minister of Mines and Energy and the Permitting Delivery Team, but avoids environmental scrutiny by the public and Indigenous communities.
- Removes the Ontario Energy Board's (OEB) oversight of electricity transmission projects under 20 km and transfers authority to the Minister of Mines and Energy.
- Grants government new powers to limit foreign participation in Ontario's energy sector.

### Implications:

- Clause 1 of Schedule 1 amendments to the *Electricity Act*, 1998, would extinguish specified causes of action against the Crown, the IESO and OPG, and other specified persons.
- Clause 3 of Schedule 6 amendments to the *Ontario Energy Board Act*, 1998, would extinguish specified causes of action against the Crown and other specified persons.
- Schedules 1 and 6 also limit liability and undermine the rule of law.
- Schedule 5 amendments would change the purpose of the *Mining Act*, significantly enhance the Minister of Energy and Mines' power to regulate mining operations, streamline delivery commitments, and establish broad Crown immunity.
- Violates environmental justice and transparency principles under Ontario's *Environmental Bill of Rights*, 1993.<sup>4</sup>
- Undermines democratic accountability by concentrating decision-making in the executive branch.
- Violates the Crown's duty to consult with Indigenous peoples under section 35 of the *Constitution Act*, 1982.
- Erodes land use planning and Indigenous consent in the Ring of Fire and other vulnerable territories.<sup>5</sup>
- Protects bad actions by the government and shields it from legal accountability.

No justification has been provided for the broad limits to litigation against the Crown, IESO, OPG or other unnamed persons, which only further undermines our confidence in the government's intent and ability to make decisions in the best interest of the environment and communities.



### Recommendations:

1. Withdraw Schedules 1, 5 and 6.
  2. Amend the purpose section in the *Mining Act* as follows:
    - a. State that mining should be undertaken in a culturally, socially, environmentally and economically sustainable and responsible manner.
    - b. Reflect a commitment to prevent impacts on public health and safety and the environment as opposed to minimizing them.
    - c. Reflect a commitment to fully rehabilitate mine sites.
  3. Restore robust provincial EA processes and OEB oversight.
  4. Maintain OEB's independent oversight of all transmission projects regardless of length.
  5. Prohibit government override of environmental assessment and consultation obligations.
  6. Reject 1P1P until Ontario enacts stronger EA processes aligned with the public interest and Indigenous rights.
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### 4. ERO 025-0416 – *Protect Ontario by Unleashing our Economy Act, 2025*

Related to Bill 5, Schedule 8: *Amendments to Rebuilding Ontario Place Act, 2023*

#### Key Concerns:

- Removes Ontario Place redevelopment projects from both the *Environmental Bill of Rights* and *Environmental Assessment Act* processes.
- Provides the Minister with sweeping discretionary powers to override permitting and approval pathways.
- Excludes Part II of the *EBR* from applying to any instrument relating to Ontario Place enterprises or activities.

#### Implications:

- Undermines public access and participation in environmental decision-making in major urban redevelopment projects.
- Risks significant adverse impacts to Lake Ontario, aquatic species, and shoreline ecosystems.
- Excluding Part II of the *EBR* undermines Ontario law on public participation.

### Recommendations:

7. Withdraw Schedule 8 of Bill 5.
  8. Restore Ontario Place's obligations under the *EAA* and *EBR*.
  9. Mandate a full EA for all large-scale waterfront developments with ecological footprint implications.
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### 5. ERO 025-0418 – *Proposed Amendments to the Ontario Heritage Act*



Related to Bill 5: Schedule 7 – Protect Ontario by Unleashing our *Economy Act*, 2025

### Key Concerns:

- A reactive approach, rather than a preventive approach to heritage protection.
- Enables Ministerial exemption of development projects from archaeological and heritage assessments.
- Expands Ministerial control and discretion over compliance and enforcement.

### Implications:

- Threatens burial sites, cultural artifacts, and the heritage of Indigenous and settler communities.
- Violates the duty to consult and accommodate under Section 35 of the *Constitution Act*, 1982.<sup>3</sup>

### Recommendations:

10. Withdraw Schedule 7 of Bill 5.
11. Ensure a preventative approach to heritage protection.
12. Maintain mandatory archaeological assessments for all development projects.
13. Require rigorous collaboration with Indigenous communities and licensed archaeologists in land-use planning.

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## 3. ERO 025-0389 and ERO 025-0396 – Removal of Environmental Assessment Requirements for the York1 Waste Disposal Site Project and the Eagle's Nest Mine Project

Related to Bill 5: Schedule 3 – Amendments to the Environmental Assessment Act

### Key Concerns:

- If enacted, Schedule 3 would terminate any prior agreements or Terms of Reference approvals, and the Projects would no longer be subject to the *EAA*.
- Curtails public scrutiny of a high-impact industrial waste facility and mine project.
- Exempts a major landfill and waste processing facility from *Environmental Assessment Act* requirements.<sup>6</sup>
- Exempts a major mining project from Environmental Assessment Act requirements.
- Revokes O. Reg. 284/24, eliminating the project's designation as subject to a comprehensive EA.

### Implications:

- Exempting the two projects is inconsistent with the public interest purpose of the *EAA*.
- Ensuring the *EAA* is fairly applied is not red tape but is essential to protecting the environment and local communities.



- Ignores the cumulative impacts of air, water, and noise pollution in a rural and agricultural region.
- Weakens democratic accountability and undermines the precautionary principle.
- Endangers nearby watercourses and soil quality through unassessed risks.
- Sets a dangerous precedent for other landfill, mining or large infrastructure projects.

### Recommendations:

14. Withdraw Schedule 3 in its entirety.
15. Reinstate full EA requirements for the York1 Project and all major waste facilities.
16. Reinstate full EA requirements for the Eagle's Nest Mining Project and all major mining facilities.
17. Require meaningful and transparent cumulative impact assessments and full public consultation.
18. Uphold the *Environmental Bill of Rights* and restore O. Reg. 284/24.

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### Conclusion

Bill 5 and its associated schedules and ERO postings represent a sweeping and unprecedented attack on Ontario's environmental rule of law, public participation rights, and Indigenous sovereignty and rights. The *Protecting Ontario by Unleashing the Economy Act, 2025*, is misinformation—it does not protect Ontario but rather dismantles the province's core environmental, legal, and democratic foundations.

ORA strongly urges the Government of Ontario to withdraw Bill 5 in its entirety. We call for a renewed commitment to evidence-based decision-making, constitutional and treaty rights, robust environmental protections, and a transparent and accountable governance framework that respects the rights and interests of all Ontarians.

Thank you for this opportunity to comment.

Respectfully,

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### Endnotes:

1. *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11, ss. 7, 15.
2. *Convention on Biological Diversity*, 5 June 1992, 1760 U.N.T.S. 79.
3. *Constitution Act, 1982*, s. 35.



4. *Environmental Bill of Rights*, 1993, S.O. 1993, c. 28.
5. *Mining Act*, R.S.O. 1990, c. M.14; *Electricity Act*, 1998, S.O. 1998, c. 15, Sched. A; *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, Sched. B.
6. *Environmental Assessment Act*, R.S.O. 1990, c. E.18.