



environmental  
defence

July 31st, 2025

Permissions Modernization Team  
Client Services and Permissions Branch  
135 St. Clair Avenue West  
Floor 1  
Toronto, ON  
M4V 1P5  
Canada

**RE: ERO 025-0730 proposing changes to provide flexibility for water taking activities**

Environmental Defence Canada (EDC) opposes the Ministry of Environment, Conservation and Parks' (MECP) proposal to amend *Ontario Regulation 387/04* (water taking and transfer) under the *Ontario Water Resources Act* (OWRA) to give proponents greater flexibility and streamline the process to apply for a permit to take water where a permit has been cancelled, expired or revoked in certain circumstances for previously approved water takings.

Water is not a commodity to be transferred to benefit private corporations. Proposing to allow permits that have expired, been cancelled or revoked to be reinstated through a streamlined process without meaningful consultations with Indigenous Nations, communities, or an updated environmental assessment conflict with the core purpose of the OWRA and the Permit to Take Water (PTTW) program. Additionally, the proposed amendments could potentially allow for unqualified proponents to apply for and obtain a permit based on past approvals without consideration of changing hydrological conditions, or the history of operations of the new proponent.

If approved, the proposed amendments would rule out safeguards currently in place that are meant to ensure decisions and activities around water-taking are made responsibly and align with water stewardship goals that frame the OWRA and the PTTW program.

EDC recommends that the Ministry withdraw the proposed amendments to ensure that the full scope of the environmental, technical, and community impacts are



rightfully considered and that constitutional obligations to Indigenous Peoples are respected.

### **Eliminating public consultation**

The impacts of water extraction vary depending on environment, purpose, and operator. The proposed amendments state that they will be limited to water-takings within the same location, with the same quantity and purpose as the previously approved proponent. However, the restriction does not address the larger concern: eliminating public consultation.

Water taking has a direct impact on surrounding communities and therefore attracts legitimate public interest and concern. Proposing to remove public consultation when reissuing a permit conflicts with the statutory requirement outlined within the *Environmental Bill of Rights (EBR)* which states that Ontarians have the right to participate in government decisions that could significantly affect the environment. Any regulatory amendment that removes or limits public consultation should be revoked as it conflicts with the EBR and OWRA.

### **The duty to consult with Indigenous Nations**

Ontario's duty to consult Indigenous Nations on decisions that may impact their rights is not optional—it is a legal requirement under the Constitution Act. The proposed amendments would create a loophole, removing the steps that would precipitate Indigenous consultation therefore denying Indigenous communities their right to be consulted about extracting water from traditional or treaty lands. This is a violation of reconciliation principles, Indigenous law, governance, and sovereignty. The proposal must be modified so that the requirement for Indigenous consultation is respected.

We thank you for the opportunity to comment on this proposal and ask the Ministry to revoke the proposed amendments under ERO 025-0730.

Sincerely,

Rebecca Kolarich  
Program Manager  
Environmental Defence Canada