

**“Putting Ontario on the Map”:
Managing the Province’s Crown Lands and Waters since 1972**

Comprising a total area of over one million square kilometres, the province of Ontario is home to some of the world's most treasured landscapes and waterbodies. Whether it be the dense coniferous forests of northern Ontario, the mighty Great Lakes that we share with our neighbours in the United States, or the productive farmland and cities in the southern reaches of the province, Ontario truly possesses a seemingly endless supply of natural resources which are cherished by both residents and visitors alike. Since 1972, the Ontario Ministry of Natural Resources (MNR) – renamed the Ontario Ministry of Natural Resources and Forestry (MNRF) in 2014 – has been responsible for safeguarding these resources against careless human practices, and the management of Crown (i.e., publicly-owned) lands and waters has been a central part of its mandate.¹ Prior to the Ministry's inception, however, the Ontario government generally managed the province's lands and waters without always considering their long-term environmental sustainability. Fortunately, the MNRF now uses a wide range of policies, systems, and guidelines in order “to contribute to the environmental, social and economic well-being of the province by providing for orderly use and sustainable development of Ontario Crown Land,” which currently represents about 87 per cent of the province's land mass.² An historical overview of the public administration of Ontario's Crown lands and waters showcases both the challenges and triumphs that the Ministry has experienced in its effort to achieve its goals.

The Indigenous peoples of North America were the first to occupy the lands that eventually became the province of Ontario. Prior to the arrival of European settlers, these Indigenous tribes had a relatively limited impact on the environment around them, generally only

¹ “Ontario Ministry of Natural Resources adds forestry to its title,” *CBC News*, 14 July 2014, <http://www.cbc.ca/news/canada/sudbury/ontario-ministry-of-natural-resources-adds-forestry-to-its-title-1.2706127> (accessed 4 April 2017).

² “Strategic Directions for Management of Ontario Crown Land,” *Ontario Ministry of Natural Resources*, http://files.ontario.ca/environment-and-energy/crown-land/mnr_e000072.pdf (accessed 4 April 2017); “Crown land,” *Government of Ontario*, <https://www.ontario.ca/page/crown-land> (accessed 8 April 2017).

taking what they needed for subsistence and trade. Guided by a deep-seated respect for the planet and its resources, Indigenous communities relied upon water for transportation and fishing; on forests and other vegetation for food, medicine, and shelter; and on wild animals for meat, hides, and furs. This symbiotic relationship with nature has always been a defining aspect of Indigenous culture, and in many ways stood in sharp contrast to the political, social, and economic values that would come to dominate Canadian society for much of its history.³

The concept of Crown ownership of land and natural resources in Ontario actually predates the formation of the province itself. When both the French and British monarchies began establishing colonies across North America nearly 500 years ago, the area now known as Ontario, with its rich supply of timber, minerals, waterpower, and wildlife, was quickly identified as an invaluable source of revenue.⁴ Both the French and British gained title to certain territories by entering into agreements with the Indigenous peoples, though these treaties varied in scope and were often signed under questionable circumstances. Nonetheless, the principle of Crown ownership held that the natural resources found within these regions would remain the property of their respective monarchies and be managed “for the benefit of all in the realm,” with the state “occasionally selling portions of them to raise funds to finance projects for the advantage of the province’s citizens.”⁵ With pieces of legislation such as the *Crown Timber Act, 1849*, the British colonial government, which exerted absolute authority over the province’s

³ Olive Patricia Dickason and William Newbigging, *A Concise History of Canada’s First Nations* (Don Mills: Oxford University Press, 2010); J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada* (Toronto: University of Toronto Press, 2000).

⁴ H.V. Nelles, *The Politics of Development: Forests, Mines, and Hydro-Electric Power in Ontario, 1849-1941* (McGill-Queen’s University Press, 2005), 2.

⁵ Mark Kuhlberg, *In the Power of the Government: The Rise and Fall of Newsprint in Ontario, 1894-1932* (Toronto: University of Toronto Press, 2015), 22.

natural resources following its conquest of New France in 1763, was able to carry the principle of Crown ownership into the industrial age.⁶

It was not until the nineteenth century that the early public administration of Ontario's lands and waters began to take shape. In the late 1820s, with demand for Upper Canada's lumber steadily rising in both Britain and the United States, the Department of Crown Lands (DCL) – predecessor to the MNRF and later renamed the Department of Lands and Forests (DLF) – was formed in conjunction with the appointment of the province's first Commissioner of Crown Lands and Surveyor General of Woods and Forests.⁷ Then, in 1837, the Ontario government passed the *Public Lands Act*, thereby creating a firm legislative framework for the orderly sale and allocation of Crown lands. Initially concerned with encouraging agricultural settlement and the growth of the forest industry, the DCL slowly gained authority over mining claims, fisheries, and Indigenous affairs over the next few decades. Moreover, its policies were guided heavily by economic motives during this era; in other words, it sought to maximize the revenues derived from these resources rather than managing them for the sake of posterity. This departmental philosophy remained intact long after the creation of the province of Ontario in 1867, although this would slowly begin to change with the dawn of the new millennium.⁸

Indeed, over the course of the twentieth century the Ontario government gradually adjusted its approach to administering the province's lands and waters in a way that reflected the changing social and political attitudes of the day. By the end of the Second World War, the DCL

⁶ Richard S. Lambert and Paul Pross, *Renewing Nature's Wealth: A Centennial History of the Public Management of Lands, Forests, and Wildlife in Ontario, 1763-1967* (Toronto: Ontario Department of Lands and Forests, 1967), 14-17; Nelles, 13.

⁷ Lambert and Pross, 49-53; A.R.M. Lower, *The North American Assault on the Canadian Forest* (Toronto: The Ryerson Press, 1938), viii-xxi.

⁸ Lambert and Pross, 25; 100.

had been completely reorganized into the DLF, which included an amalgamation with the Department of Games and Fisheries, in order to bring all of Ontario's natural resources under a single administrative body. Furthermore, this period was characterized by the emergence of biological and scientific expertise within the department, but it would take some time for these forces to have a tangible impact on public policy.⁹ In fact, it was the advent of the environmental movement in Ontario and abroad during the 1960s that actually had the most significant effect on the provincial government's administration of its natural resources. With public concern for environmental issues - ranging from water and air pollution to the decline of certain wildlife species - reaching an all-time high by the early 1970s, the government of Ontario soon moved to enact some serious changes to its relevant policies, programs, and procedures.¹⁰

The year 1972 marked the birth of the MNR and the beginning of a new era for Ontario's natural resources in general and its Crown lands and waters in particular. In April of that year, *The Ministry of Natural Resources Act* was passed by Premier William "Bill" G. Davis, thereby creating the MNR through a merger of the DLF and the Department of Mines and Northern Affairs.¹¹ Although the provincial government had initiated this restructuring primarily in order to improve the efficiency and effectiveness of the public service, the formation of the new Ministry also marked a shift toward "modern" resource management principles in Ontario which stressed the importance of environmentally and socially responsible stewardship. This move ultimately had far-reaching implications for Ontario's Crown lands and waters.

⁹ Ibid., 313-314; 453-454.

¹⁰ Mark S. Winfield, *Blue-Green Province: The Environment and Political Economy of Ontario* (UBC Press, 2012), 21; "Public concern growing on environment: Davis," *The Globe and Mail*, 24 August 1971, page 5.

¹¹ *Committee on Government Productivity: Report Number Ten – A Summary* (Toronto: Committee on Government Productivity, 1973), 65-66; *The Ministry of Natural Resources Act, 1972*, Statutes of Ontario 1972, Chapter 4, 67-71.

From its earliest days, two enduring principles (which have nonetheless evolved over time) have served as the main pillars of the MNRF's management of Crown lands and waters. The first is its "Free Use Policy," which dictates that all Canadian citizens should have relatively free access to Ontario's Crown lands and waters for leisure and recreational purposes, including canoeing, hiking, hunting, and fishing. There are, of course, some restrictions on this policy. For example, residents can camp on any one designated site entirely free of charge, but only for up to 21 days in order to reduce environmental impacts and to make sure these areas are available to others. Moreover, those who camp in prohibited areas on Crown land are subject to fines.¹² The second crucial concept, one which follows a similar logic, relates to the MNR's collective policies surrounding the disposition of Crown land. As the province's largest landlord, the Ministry can grant property or personal rights to public lands for restricted uses (i.e., forestry or mining development) if it believes such activities are beneficial to the people of Ontario and do not infringe upon future land needs, sound environmental stewardship, Indigenous rights, and many other mitigating factors. The MNRF, therefore, implements different measures to ensure that it disposes of Crown land in a way that aligns with its other commitments, emphasizing that it "will favourably consider disposition of Crown Land to accommodate opportunities for socio-economic development that are compatible with environmental and ecological integrity."¹³ Since the 1970s, both of these policies have served as the foundation of all of the Ministry's lands-

¹² "Camping on Crown land," *Government of Ontario*, <https://www.ontario.ca/page/camping-crown-land#section-1> (accessed 11 June 2017).

¹³ "Strategic Directions for Management of Ontario Crown Land," *Government of Ontario*, http://files.ontario.ca/environment-and-energy/crown-land/mnr_e000072.pdf (accessed 21 June 2017), 5; "Application Review and Land Disposition Process," *Government of Ontario*, <http://files.ontario.ca/environment-and-energy/crown-land/255939.pdf> (accessed 21 June 2017).

based programs, as well as a constant reminder that it must manage Crown land (and indeed all of Ontario's natural resources) in the public interest.¹⁴

Over the course of the 1970s, the MNR made notable strides and laid important groundwork in its administration of Crown lands and waters, setting the tone for future policy initiatives which would greatly advance its agenda in the coming years. Through its Division of Lands, the Ministry formulated and executed policy objectives and planning initiatives in the administration of public lands (including mining), acquired private lands for necessary programs, and generally strove to satisfy the expectations of Ontarians who wished to see these resources allocated in a way that benefited both present and future generations. Within a matter of years, the MNR had expanded the scope of this particular organizational duty to include a more diverse portfolio. Consequently, the Ministry's approach to overseeing Ontario's Crown lands and waters began to demonstrate a deeper commitment to satisfying the province's ecological and social needs.

Between 1973 and 1977, the MNR's Division of Lands was composed of three separate branches which each had their own distinct yet overlapping duties. The first, Lands Administration, was "responsible for policy and objectives in the administration of Crown lands (public and mining) in Ontario, and for acquiring private lands for Ministry purposes."¹⁵ More specifically, this branch sought to implement land management techniques which minimized damage to land and water resources while simultaneously allowing all Ontarians to exercise their

¹⁴ Eric Boysen, telephone interview by author, 21 June 2017.

¹⁵ *Minister of Natural Resources: Annual Report (1973)*, 24. Of course, all land in Ontario had at one point belonged to the Crown, but a good portion of it was granted to private individuals for both settlement and military reasons over the years. When it was later realized that some of these lands were not suitable for these objectives, they were either abandoned or sold and thereby reverted back to the Crown (Eric Boysen, e-mail message to author, 13 June 2017).

traditional freedom to use and enjoy the public domain. One example of this initiative included its effort to rehabilitate depleted mining pits and quarries on Crown lands. Likewise, the Land Use Co-Ordination Branch directed MNR land planning projects, including comprehensive lake plans, aided other ministries and municipalities with their own land use plans, and prepared environmental assessments on behalf of the Ministry. Finally, the Surveys and Maps Branch carried out various types of ground and aerial surveys and produced maps for the MNR, the government of Ontario, and the broader public.¹⁶

Then, on 1 December 1977, the Division of Lands gained two new branches – Conservation Authorities and Engineering Services – and officially became the Lands and Waters Group. Conservation Authorities (CAs) – community-based organizations designed to carry out resource management programs based on the province’s respective watersheds – had existed in the province since 1946, and by the late 1970s there were nearly 40 of them across Ontario. They focused on water and land-related management and other programs pertaining to land use, forestry, fish and wildlife, outdoor recreation, and conservation education. With the addition of the Conservation Authorities Branch, the MNR aimed to “encourage the conservation and use of water and related land resources by Conservation Authorities by providing policy, funding assistance, and management and planning direction.”¹⁷ The Engineering Services Branch, on the other hand, dealt with engineering and construction issues affecting Ontario’s Crown lands and waters, with a particular emphasis on managing the latter. In this capacity, it constructed water management facilities to prevent flooding and erosion; provided for the control

¹⁶ *Minister of Natural Resources: Annual Report (1973)*, 24-25; *Minister of Natural Resources: Annual Report (1975)*, 17-19; *Minister of Natural Resources: Annual Report (1976)*, 18-20.

¹⁷ *Minister of Natural Resources: Annual Report (1978)*, 24. A major force which drove the modernization and focus of conservation authorities was Hurricane Hazel, which struck North America in 1954 and caused significant flood damage in parts of Ontario. (Eric Boysen, e-mail message to author, 13 June 2017).

and regulation of service waters; offered an engineering and support service to Ministry programs; and coordinated resource access construction and maintenance.¹⁸

At the same time, the three original branches remained in place and continued to serve important functions. The Lands Administration Branch, for instance, supported the expansion of roads and pipelines on Crown land, researched and responded to Indigenous land claims and land-related activities, sold public lands for the building of private cottages in central and northern Ontario, and granted leases, exploratory licences, and mining patents to companies seeking to capitalize on the province's abundant mineral wealth.¹⁹ Meanwhile, the Surveys and Mapping Branch worked to coordinate the mapping activities in the province. For example, in 1978 it implemented the Ontario Basic Mapping Program which "provided for ... orderly topographic mapping to cover Ontario at scales that would suit provincial and municipal needs." The branch soon had numerous large-scale mapping projects underway, and they covered approximately 40 communities in northeastern Ontario.²⁰ Most notably, as the 1970s drew to a close the Land Use Co-Ordination Branch was in the process of putting the finishing touches on the MNR's Strategic Land Use Plan (SLUP). From the time of its inception, this branch had "placed a major concentration of effort on the preparation" of SLUP, described as "the official co-ordinating guide for all programs of the Ministry that require land" and water in Ontario. SLUP consisted of an overarching provincial plan, which outlined the policies to be applied to Ministry land use plans in general, as well as three broad land use plans for each of the three planning regions in Ontario (Northwestern, Northeastern, and Southern) in particular. The

¹⁸ *Minister of Natural Resources: Annual Report (1979)*, 34.

¹⁹ *Minister of Natural Resources: Annual Report (1978)*, 20-21.

²⁰ *Minister of Natural Resources: Annual Report (1979)*, 31.

provincial plan was completed in 1975, but was still undergoing internal review in 1979, while the three regional plans were either being prepared or awaiting approval.²¹

Administering Ontario's Crown lands and waters proved to be one of the MNR's most challenging objectives during the 1980s. First and foremost, a worldwide recession at the start of the decade left the Ministry with significant budgetary constraints that limited its ability to fully realize its objectives in all facets of resource management.²² Furthermore, although environmental issues were not a primary concern for many citizens during this economic downturn, they nonetheless remained a pervasive topic throughout the 1980s, and this placed further pressure on the MNR to manage public lands in a sound, ecologically-sensitive manner.²³ The Ministry devised a number of strategies in order to cope with these difficulties, many of which entailed closer collaboration and consultation with Ontarians.²⁴ Overall, in the face of many competing interests and viewpoints, both the Ministry and the people of Ontario benefitted greatly from this renewed partnership, and together helped forge a brighter future for the province's Crown lands and waters.

The Ministry offered members of the public many opportunities to have their voices heard and educate themselves on the topic of Crown land management during this period. From April to August 1982, for instance, it hosted a total of 140 open meetings across Ontario which gave citizens from all walks of life the chance to learn about and critique the province's land use strategies. The main focus of these gatherings was the MNR's newly minted "District Land Use

²¹ *Minister of Natural Resources: Annual Report (1975)*, 17; *Minister of Natural Resources: Annual Report (1979)*, 33.

²² Gerald Killan, *Protected Places: A History of Ontario's Provincial Parks System* (Toronto: Dundurn Press Limited, 1993), 288.

²³ Winfield, 34.

²⁴ *Minister of Natural Resources: Annual Report (1981)*, 5; *Minister of Natural Resources: Annual Report (1982)*, 4.

Guidelines for Ontario” (DLUO), an integral part of SLUP. A total of 10,000 people ultimately participated, and as a result the MNR received thousands of written submissions on land use planning from various individuals and groups.²⁵ The Ministry finally released most of its DLUO in the summer of 1983. Described as the most elaborate land use study ever produced in Canada, the Ministry’s DLUO included a detailed inventory of Ontario’s resources and plans for their future use. For example, it recommended 155 new candidates for provincial parks in the province, and also provided guidelines for potential tourism development on about 250 lakes on Crown land.²⁶ The Ministry also found ways to connect with the public in less direct but equally informative ways. By producing and releasing documents like the *Canada/Ontario Great Lakes Shore Management Guide* (1981-82) and *Ontario’s Public Land: General Information* (1985-86), the MNR was able to share its vision for the province’s lands and waters with a wider audience that could, in turn, offer suggestions for further improvement.²⁷

Technological advancements served as a cornerstone of the Ministry’s land and water management programs throughout the 1980s. These scientific developments manifested themselves in various forms, but were particularly prominent in the fields of cartography and land surveying. The use of advanced aerial photography, for instance, allowed the Ministry to monitor more closely things like reforestation efforts. The Ontario Centre for Remote Sensing (OCRS) served a similar purpose. Through the OCRS, the MNR used satellites and state-of-the-art computer systems to produce sophisticated maps and surveys of Ontario’s vast, rugged terrain. In fact, the Ministry once proudly reported that “Scientists around the world have

²⁵ *Minister of Natural Resources: Annual Report* (1983), 31.

²⁶ *Minister of Natural Resources: Annual Report* (1984), 8.

²⁷ *Minister of Natural Resources: Annual Report* (1982), 10; *Minister of Natural Resources: Annual Report* (1986), 38.

expressed great interest in the OCRS technology,” while media outlets such as *The Globe & Mail* occasionally cast a spotlight on the OCRS’ innovative practices and scientific breakthroughs.²⁸ Domestically, the OCRS established committees which served to help private industry, academics, and other organizations understand the intricacies of mapping technology. By the mid-1980s, the MNR proclaimed that it was “putting Ontario on the map as a world leader” in the field, a statement which was validated by its ability to offer intensive training courses in computer analysis of satellite data at the University of Peking in China. Shortly thereafter, the Ministry announced it would be investing \$8 million in a program that aimed to further test the application of computerized mapping systems and data.²⁹

Water management, especially in terms of flood and erosion control, also captured much of the MNR’s attention. This, of course, often required the aid and cooperation of Ontario’s many CAs. In the city of Thunder Bay, for example, the Ministry and the Lakehead Region Conservation Authority worked to implement a multi-year, \$15-million project to combat the serious spring flooding caused by the inadequate channel capacity on the Neebing and McIntyre Rivers. By 1983-84, construction activity was well under way in the area, while other land acquisition and flood control programs had commenced in places like the Toronto, Grand River, and Rideau Valley areas. In addition, these years saw the MNR devote considerable energy to addressing water issues affecting the Great Lakes, key sources of drinking water, hydroelectric power, and recreation in both Canada and the United States.³⁰ In 1986, for instance, record-

²⁸ “Earth Bound: Eye Above the Sky,” *The Globe and Mail*, 28 May 1983, page C20; “Satellite, computer used: Mapping the North,” *The Globe and Mail*, 30 July 1982, page E8.

²⁹ *Minister of Natural Resources: Annual Report* (1981), 29; *Minister of Natural Resources: Annual Report* (1982), 8; *Minister of Natural Resources: Annual Report* (1983), 32-33; *Minister of Natural Resources: Annual Report* (1986), 40; *Minister of Natural Resources: Annual Report* (1987): 46.

³⁰ There is a whole separate history of the administration of the Great Lakes (dating back as far back as the Boundary Waters Treaty of 1909 between Canada and the U.S.) that cannot be covered fully here. However, it is important to note two key concepts which have guided Ontario’s management of its lakes and rivers, especially the

setting high water levels were recorded on all the Great Lakes except Lakes Superior and Ontario, causing erosion and flood damage to nearby property and shorelines. The Ministry responded promptly by spending nearly \$2 million on repairs and preventive measures in 1986-87 alone, and by participating in the International Joint Commission's efforts to investigate further solutions to this ongoing problem. More generally, by the end of the decade the MNR was in the process of devising an overarching Water Conservation Strategy which was intended "to ensure the continued protection and conservation of clean, fresh water in Ontario" and generally to "encourage more efficient and sustainable use of Ontario's water resources."³¹

Ontario's Crown lands and waters have long served as sites of leisure for citizens and tourists, a tradition which the MNR sought to preserve and promote during the 1980s. During its first decade of existence the Ministry invested about \$3 million to develop recreational facilities in communities near Lake Ontario, including beach areas, picnic tables, fishing ponds, educational services, campgrounds, and more.³² By the mid-1980s, the Ministry began implementing new policies to alleviate the strains placed on the province's public lands by human activity because of rising "concern that some of Ontario's resources are being over-used – and that out-of-province residents [were] not contributing enough to the costs of managing these resources wisely." Thus, in 1984, in accordance with its "Free Use Policy" which calls for the implementation of certain limitations when appropriate, it began to impose a number of new

Great Lakes. The first is the notion that the beds of all lakes and rivers are Crown lands, and therefore must be tended to with the same sense of care as any other piece of public land. Secondly, water is upheld as a common resource, and cannot be bought or sold – it belongs to everyone. These ideas help explain the myriad of programs and approaches to provincial water management that have evolved over time (Eric Boysen, e-mail to the author, 13 June 2017).

³¹ *Minister of Natural Resources: Annual Report* (1983), 34; *Minister of Natural Resources: Annual Report* (1984), 12; *Minister of Natural Resources: Annual Report* (1987), 38; *Minister of Natural Resources: Annual Report* (1989), 28.

³² *Minister of Natural Resources: Annual Report* (1982), 8.

restrictions on non-Canadians who wished to camp, fish, and hunt on Ontario's public lands and waters.³³ In a similar vein, the Ministry made considerable improvements to Ontario's provincial parks during these years. In 1988-89 alone, it spent over \$5 million in upgrades and renovations in the province's 261 provincial parks, which encompassed thousands of kilometres of Crown land and attracted millions of visits annually, in preparation for the parks system's upcoming centennial anniversary.³⁴

Different pieces of legislation affecting Crown lands and waters were enacted or amended by the Ontario government over the course of this decade, and this inevitably reshaped aspects of the MNR's administration. With the passage of the *Water Transfer Control Act* in 1989, the government of Ontario granted the Ministry greater authority over the province's water resources in hopes of ensuring their long-term sustainability. To be more precise, this new law prohibited the transfer or export of water out of any of the four provincial drainage basins (the Great Lakes and the St. Lawrence River and their watersheds; the Ottawa River; the Ontario waters that flow into the Nelson River; and Hudson Bay or James Bay) without the MNR's approval.³⁵ Changes to a much older piece of legislation, the *Public Lands Act*, had a similar impact on the Ministry's control over Crown lands. In 1988, the Ontario government amended parts of the *Act* in order to allow the MNR to better protect and manage publicly owned land in the province. For example, people who violated this statute were now subject to steeper fines, while those who disposed of waste or built structures on Crown land without permission were deemed liable for the cost of cleaning up or rehabilitating the land. Other revisions endeavoured

³³ *Ministry of Natural Resources: Annual Report* (1984), 11; *Ministry of Natural Resources: Annual Report* (1985), 25.

³⁴ *Ministry of Natural Resources: Annual Report* (1988-89), 25.

³⁵ "New Ontario law bans water exports to U.S.," *The Globe and Mail*, 10 February 1989, page A8; *Ministry of Natural Resources: Annual Report* (1988-89), 28.

to spur economic development on Crown land by giving the Ministry more effective means of oversight. Among other things, a single, multi-purpose work permit was introduced to streamline the process for those who wished to work or build on Ontario's public lands, thereby replacing the various stages of approval that had been previously required.³⁶

The 1990s witnessed a number of noteworthy events surrounding the public administration of Ontario's Crown lands and water, particularly with regard to environmental conservation. Facing another recession and a host of fiscal pressures throughout the 1990s, the MNR generally devised ways "to do better for less" by "continuing to set and meet performance standards and to work toward better accountability to the public for the money they spend."³⁷ In 1990 the MNR underwent a massive reorganization, resulting in the creation of four new divisions: Corporate Services, Policy, Information Resources, and Operations.³⁸ As noted in its 1990 *Annual Report*, the Ministry instigated this process to "further enhance the ability of the field offices to provide frontline resource management."³⁹ In the realm of land and water management, the MNR worked with different stakeholders across Ontario to create new laws, policies, and programs that were meant to ensure the continued availability of these resources, along with the recreational, social, economic, and ecological benefits they provide, for years to come.

For the MNR, this decade was in many ways characterized by a chorus of protest and conflict over the land and water rights of Ontario's Indigenous peoples. Although this was by no means a new phenomenon, this period witnessed some progress in the Ministry's approach,

³⁶ Lambert and Pross, 25; *Ministry of Natural Resources: Annual Report* (1988-89), 29-30.

³⁷ *Ministry of Natural Resources: Business Plan* (May 1996), 3; Winfield, 66.

³⁸ "The Corporate History of the Ontario Ministry of Natural Resources, 1827 to 2010," *Ministry of Natural Resources* (2010), 212.

³⁹ *Ministry of Natural Resources: Annual Report* (1990-1991), 7.

however imperfect and limited it may have been. In the early 1990s, the government of Ontario and the Teme-Augama Anishnabai (TAA), an Indigenous group that had inhabited the Temagami region of northeastern Ontario for centuries, formed a stewardship council and signed a Treaty of Co-Existence in an attempt to encourage further cooperation between it and the MNR in their joint effort to manage local resources. This came after a protracted struggle by the TAA to have its land rights recognized and voice heard, a goal that these agreements only partially fulfilled.⁴⁰ Yet this did undoubtedly represent an attempt by the provincial government to build a stronger relationship with Ontario's Indigenous communities, mainly in the field of natural resource development. Unfortunately, the outbreak of another land-related controversy in Ipperwash Provincial Park in 1995, which ended with the death of an Indigenous protester, clearly indicated that much work still needed to be done.⁴¹

In the late 1990s, the Ontario government, in close collaboration with the MNR, actively worked towards protecting larger portions of Ontario's land base. First, in 1997 it launched a series of public meetings known as the "Lands for Life Round Tables," a comprehensive land use planning initiative which focused on completing Ontario's system of protected areas, as well as identifying land for use by tourism and forestry operations. After over a year of deliberations, which involved the MNR, representatives from the natural resource industries, the public, and Indigenous peoples, the government of Ontario agreed to protect about 9 per cent of a

⁴⁰ Jamie Benidickson, "Temagami Old Growth: Pine, Politics and Public Policy," *Environments* 23 no. 2 (1996), 41-50; Bruce Hodgins and Jamie Benidickson, *The Temagami Experience: Recreation, Resources, and Aboriginal Rights in the Northern Ontario Wilderness* (Toronto: University of Toronto Press, 1989).

⁴¹ Edward J. Hedican, *Ipperwash: The Tragic Failure of Canada's Aboriginal Policy* (Toronto: University of Toronto Press, 1993); Peter Moon, "Oneida Chiefs Begin Oka-Like Talks to End Occupation of Ipperwash," *The Globe and Mail*, 15 July 1995, A1; Timothy Appleby, "Officers didn't heed crisis signs at Ipperwash, inquiry told," *The Globe and Mail*, 18 May 2005, A5.

39-million-hectare tract of Crown land located in northern Ontario.⁴² Then, in 1999, the provincial government unveiled Ontario's Living Legacy, a broad land-use program which added a total of 2.4 million hectares to the province's system of parks and protected areas, making it the largest one-time expansion of protected spaces in Ontario's history up to that point.⁴³ Moreover, although concerned with the management of forests in particular rather than land in general, the *Crown Forest Sustainability Act, 1994*, and the Ontario Forest Accord (1999) also contributed to this conservationist movement by seeking to provide the forest industry with a stable supply of timber while concurrently adhering to sustainable forest management practices in Ontario's Crown forests.⁴⁴

Water management, too, occupied a sizeable portion of the Ministry's mandate during this decade. In the early 1990s, it began formulating a water efficiency strategy for Ontario because, in the words of C.J. "Bud" Wildman, the Minister of Natural Resources from 1990 to 1993, "Ontarians are abusing their good fortune of being a water-rich province."⁴⁵ Aspects of this initiative included the Ontario government's intention to reduce the amount of water used in its own provincial buildings, as well as the MNR's delivery of a public awareness campaign on water conservation and efficiency.⁴⁶ Similarly, in 1992 the Ministry released a "Wetlands Policy Statement" for the province. An irreplaceable part of Ontario's ecosystems, wetlands store and purify water, help control floods, provide timber products, wild rice and habitat for many fauna,

⁴² *Ontario's Living Legacy: The Making of the Ontario Forest Accord – A Background Document* (Government of Ontario, 1999), 10-11; *Ministry of Natural Resources: Business Plan* (1998-1999), 3.

⁴³ Anne Koven, "Policy Networks and Paradigm Change in Ontario Forest Policy, 1988-2014," (PhD Diss., University of Toronto, 2015), 59.

⁴⁴ *Ontario's Living Legacy*, 11-12; *Crown Forest Sustainability Act, 1994*, Statutes of Ontario 1994, Chapter 25, 767-803.

⁴⁵ "Zero growth' in water use urged in thirsty Ontario," *The Globe and Mail*, 20 August 1991, page A6.

⁴⁶ *Ministry of Natural Resources: Annual Report* (1991-1992), 13.

and offer opportunities for outdoor recreation.⁴⁷ This new policy's purpose, therefore, was to direct municipalities and planning authorities to protect provincially significant wetlands, including those found on private lands, from being destroyed by agriculture, development, or erosion. Many environmental groups had long been pushing for this type of action, and ultimately praised the Ministry's decision.⁴⁸ Waterpower, which at the time accounted for about one-third of Ontario's total production of electricity, was another subject of major interest for the MNR. By the late 1990s, the Ministry was expressing its intention to improve "relationships with Ontario Hydro and other producers" in order to examine the "value of Ontario's water resource" and develop proposals to encourage water conservation and related management strategies.⁴⁹

Since the turn of the twenty-first century, the MNRF – the title "Forestry" was officially added to its name just three years ago – has successfully built upon its long tradition of managing Ontario's Crown lands and waters in a well-rounded, environmentally-friendly manner. However, while its overarching goals have remained relatively unchanged over the past fifty years, today the MNRF's mission reflects a greater commitment to modern scientific and environmental principles relating to biodiversity and ecological sustainability. Considering that there are over 937,000 square kilometres of Crown land in Ontario, valued at an estimated \$22 billion, it is only logical that the Ministry would tend to this resource in a calculated (and at times cautious) fashion. Under the *Public Lands Act, 1990*, the Ministry wields considerable authority over the management of the province's public lands. In this capacity, it deals with the sale and regulation of Crown lands, various forms of water and wetland management, renewable

⁴⁷ *Ministry of Natural Resources: Annual Report (1991-1992)*, 13; *Ministry of Natural Resources: Annual Report (1992-1995)*, 2.

⁴⁸ "Development in Ontario wetlands hit by tough new rules," *The Globe and Mail*, 25 June 1992, page A4.

⁴⁹ *Ministry of Natural Resources: Annual Report (1997-1998)*, 8; *Ministry of Natural Resources: Business Plan (1996)*, 10.

energy development, and much more. Other pieces of legislation, such as the *Provincial Parks and Conservation Reserves Act, 2006*, allow the Ministry to extend its reach to a smaller but equally significant segment of Ontario's lands and waters.⁵⁰ Overall, the Ministry best encapsulated its modern approach to administering Crown land when it asserted that it supports "social and economic development of land where such development is compatible with the environment and other interests."⁵¹

The MNRF has been especially concerned with fostering a more positive relationship with Ontario's Indigenous peoples in recent years through its management of Ontario's Crown land. In this sense it seeks to "ensure that Aboriginal people have the continued opportunity to exercise treaty and Aboriginal rights" by adopting strategic methods that "will allow for greater flexibility in the resolution of land and natural resource issues with Aboriginal people." In December 2012, for example, the Ministry contributed to the release of a "Preliminary Draft Agreement-in-Principle for the Algonquin Comprehensive Land Claim." The claim, which covers a territory of 36,000 square kilometers, had been under negotiation for over twenty years as a result of the assertion by the Algonquins of Ontario that they have ownership of portions of the Ottawa and Mattawa River watersheds and their natural resources. This draft agreement proposed a settlement package which includes, but is not limited to, the transfer of 117,500 acres of Crown land to the Algonquins.⁵² The Ministry has played a similar role in facilitating consultations with Indigenous communities located near the Ring of Fire, the massive planned

⁵⁰ *Public Lands Act, 1990*, Statutes of Ontario 1990, Chapter P.43, <https://www.ontario.ca/laws/statute/90p43> (accessed 26 April 2017); *Provincial Parks and Conservation Reserves Act, 2006*, Statutes of Ontario 2006, Chapter 12 (accessed 26 April 2017), <https://www.ontario.ca/laws/statute/06>; "Results-based Plan," *Ministry of Natural Resources* (2013-14), 3-4.

⁵¹ "Strategic Directions for Management of Ontario Crown Land," *Ontario Ministry of Natural Resources*, http://files.ontario.ca/environment-and-energy/crown-land/mnr_e000072.pdf (accessed 27 April 2017).

⁵² "Strategic Directions for Management of Ontario Crown Land," *Ontario Ministry of Natural Resources*, http://files.ontario.ca/environment-and-energy/crown-land/mnr_e000072.pdf (accessed 27 April 2017).

chromite mining and smelting development project located in the James Bay Lowlands of northern Ontario.⁵³ With legislation such as the *Far North Act, 2010*, which established a framework for joint community based land use planning processes between the Ontario government, the MNRF, and Indigenous communities located in the more northern reaches of the province, the Ministry will continue to figure prominently in government-Indigenous land relations for years to come.⁵⁴

Over the past two decades the MNRF has done much to protect Ontario's bountiful and precious water resources. Through its work with the Ministry of the Environment, the MNRF has helped implement various agreements and legislation which endeavour to safeguard Ontario's lakes, rivers, and other water bodies from pollution and overuse. The MNRF supported the Ministry of the Environment, for example, in the latter's efforts to uphold the *Clean Water Act, 2006*, the purpose of which is to "protect existing and future sources of drinking water" in the province.⁵⁵ Naturally, monitoring the state and health of the Great Lakes has remained a central part of the MNRF's water management agenda. In the past few years alone, the Ministry has served as Ontario's representative on the Regional Body of the Great Lakes-St. Lawrence River Sustainability Water Resources Agreement, and has supported over 100 projects under the Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem; it focuses on, among other things, preventing the spread of invasive species, habitat restoration, and water and lake levels management.⁵⁶

⁵³ "Results-based Plan," *Ministry of Natural Resources* (2013-2014), 41; "The Algonquin land claim," *Government of Ontario*, <https://www.ontario.ca/page/algonquin-land-claim> (accessed 29 April 2017).

⁵⁴ *Far North Act, 2010*, Statutes of Ontario 2010, Chapter 18, <https://www.ontario.ca/laws/statute/10f18> (accessed 29 April 2017).

⁵⁵ *Clean Water Act, 2006*, Statutes of Ontario 2006, Chapter 22, <https://www.ontario.ca/laws/statute/06c22> (accessed 29 April 2017); "Results-based Plan," *Ministry of Natural Resources* (2013-2014), 41; "Results-based Plan," *Ministry of Natural Resources* (2007-08), 10.

⁵⁶ "Results-based Plan," *Ministry of Natural Resources* (2014-15), 48.

Supporting renewable energy projects in Ontario has also been a hallmark of the Ministry's modern land use mandate. With increased public concern over climate change, there is unprecedented need for such action. The MNR has supported the Ontario government's renewable energy commitments through Crown land disposition and development for wind, waterpower, geothermal and other energy-based opportunities. The Kenora Fire Management Headquarters was one beneficiary of the province's environmental crusade when, in 2006-07, the Ministry helped install five wind turbines to produce clean, renewable energy and help power the facility.⁵⁷ On a much grander scale, the MNR has partnered with the Ministry of Energy and the Ministry of the Environment to enforce the *Green Energy Act, 2009*, which hopes to encourage the "growth of renewable energy projects, which use cleaner sources of energy... to remov[e] barriers to and promot[e] opportunities for renewable energy projects and to promot[e] a green economy."⁵⁸ The MNR solidified its stance on this subject in June 2014 when it released an official policy framework for how it manages access to Crown lands for renewable energy developments, specifically with regard to waterpower, onshore wind power and solar power development.⁵⁹

More broadly, the Ministry has been front and centre in shaping nearly all of the Ontario government's modern-day programs and policies regarding the administration of public lands and waters. With the help and professional guidance of the MNR, the province has introduced and/or revised legislation such as the *Invasive Species Act* and *Endangered Species Act*, which are designed to protect Ontario's fish and wildlife species and the habitats they depend upon by

⁵⁷ "Results-based Plan," *Ministry of Natural Resources* (2008-09), 34.

⁵⁸ "Results-based Plan," *Ministry of Natural Resources* (2014-2015), 49; *Green Energy Act, 2009*, Statutes of Ontario, Chapter 12, <https://www.ontario.ca/laws/statute/09g12> (accessed 29 April 2017).

⁵⁹ "Renewable Energy on Crown Land," *Ministry of Natural Resources*, <https://dr6j45jk9xcmk.cloudfront.net/documents/2906/stdprod-095543.pdf> (accessed 29 April 2017).

controlling certain activities on both Crown and private lands and waters.⁶⁰ Initiatives such as the 2011 “Ontario’s Biodiversity Strategy,” as well as the recently proposed Wetland Conservation Strategy for Ontario, have similar intentions.⁶¹ Another notable development has been the Ministry’s Conservation Land Tax Incentive Program, which provides property tax relief and exemptions to eligible landowners who agree to protect “‘provincially important’ natural heritage features” found on their private properties.⁶² Evidently, although the province is clearly facing numerous threats to its lands and waters, programs such as these, and many others like them, provide hope for the people of Ontario that these resources will remain intact for years to come.

The history of Crown land management in Ontario over the last few centuries has been one of dramatic change. Initially a tool used by a colonial government solely to advance its own political, economic, and military ambitions, it has evolved into a defining characteristic of Canadian democracy which allows citizens from all walks of life to benefit from the responsible use of these resources. Under the MNRF, Ontario has been able to strike a balance between developing and preserving its publicly-owned lands and water. Scientific advancements, public involvement, and, above all, political will, have been the primary motors driving this process. As Ontario nears the turn of a new decade, it appears that the MNRF will be able to use its

⁶⁰ *Endangered Species Act, 2007*, Statutes of Ontario 2007, Chapter 6, <https://www.ontario.ca/laws/statute/07e06> (accessed 25 June 2017); *Invasive Species Act, 2015*, Statutes of Ontario 2015, Chapter 22, <https://www.ontario.ca/laws/statute/s15022> (accessed 25 June 2017).

⁶¹ “Wetland conservation,” *Government of Ontario*, <https://www.ontario.ca/page/wetland-conservation> (accessed 7 October 2016); “Wetlands evaluation,” *Government of Ontario*, <https://www.ontario.ca/page/wetlands-evaluation> (accessed 7 October 2016); Building a Wildlife Management Strategy for Ontario: A Discussion Paper,” *Ontario Ministry of Natural Resources and Forestry* (August 2016).

⁶² “Conservation Land Tax Incentive Program,” *Government of Ontario*, <https://www.ontario.ca/page/conservation-land-tax-incentive-program> (accessed 27 June 2017).

knowledge, experience, and foresight to ensure that the province's legacy of Crown ownership of land and natural resources will continue to serve these same functions.