



November 13, 2012

Modernizing Approvals

Ministry of Natural Resources  
Policy Division  
Modernizing Approvals  
300 Water Street, Floor 5  
Peterborough, Ontario  
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To Whom it May Concern;

**RE: Conservation Ontario Comments on Modernization of Approvals – A Proposed Policy Framework for Modernizing Approvals for Ontario’s Natural Resources (EBR Registry # 011-6751)**

Overall, Conservation Ontario is very supportive of the Ministry of Natural Resource’s initiative to modernize the approvals process as part of its Transformation Plan. The Ministry is commended on the development of and consultation on this policy framework to guide the process of modernization. Conservation Ontario’s comments are provided in response to the questions posed in the Policy Framework document.

#### **SOME KEY POINTS**

CO recognizes that this policy framework is for the streamlining of approvals processes as part of the Transformation Plan but encourages MNR to consider the efficiencies that could be achieved by considering the inter-relationships to other aspects of the Transformation Plan including Science and Information Rationalization. This is touched upon in response to question 1.

Conservation authorities could be key partners and the policy framework should include the consideration of delegation and the associated efficiencies that could be gained.

The document references "Building on the Success of Others" which is a positive step for the Ministry. Conservation Ontario encourages the Ministry to conduct additional research in other jurisdictions with regard to their compliance monitoring to determine successes where change had been implemented.

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## RESPONSES TO KEY QUESTIONS

### 1) What changes would you like to see to how approvals are delivered?

Overall, the goals and approach outlined in the proposed policy framework are in keeping with the direction that a number of agencies and conservation authorities are going in order to improve customer service, and to reduce time spent on approvals of low risk activities.

Improved co-ordination with related agency approvals in the natural resource sector would be a key recommended change in how approvals are delivered. Integration and collaboration on legislation, administration, and monitoring across agencies is needed as part of approvals modernization.

For example, the regulation of site alteration is shared between municipalities and conservation authorities, where conservation authorities regulate site alteration within lands falling under the *Conservation Authorities Act (CA Act)*, Section 28 Regulations and municipalities regulate all other lands under municipal Site Alteration or Fill By-laws. The jurisdiction in terms of who regulates the same site alteration activity is often shared on the same land holding, which demands close collaboration between agencies for effective and efficient service delivery.

Approvals modernization should include an analysis of opportunities for integration and collaboration with other resource management agencies working on the same landscape and regulating the same or similar features and/or activities. Such an analysis would highlight opportunities to gain efficiencies by removal of duplication of processes and formalizing partnerships to share resource management information and data critical to informed decision-making. With regard to the latter point, some Conservation authorities (CAs) have Watershed Plans, Fisheries Management Plans, extensive long-term data sets and monitoring programs that provide a thorough knowledge of local aquatic conditions. Currently, MNR staff in some parts of the province, generally consult with CA staff for various reviews. These informal partnerships should be formalized when appropriate e.g., Fisheries and Oceans Canada/CA Fish Habitat Agreements. In some instances, delegation of responsibility to a local agency, such as a conservation authority may be the most efficient and effective approach to modernizing approvals with respect to integration and collaboration.

### 2) What aspects of the current approvals should remain the same?

No comment.

### 3) Do you feel that there are additional or different goals that should be included?

It is indicated that the “proposed policy framework reflects the ministry’s broad mandate for natural resource protection and management and directs how the approvals process for natural resource-related activities and services will be delivered”. The three proposed goals are intended to ‘reflect the desired outcomes and benefits of a modernized approval process; these goals in summary are: 1) continue to protect and sustainably manage Ontario’s natural resources, 2) provide high quality customer service, and 3) review the fees charged for approvals to ensure that services are cost-effective.

The goal of focusing on "priority areas" of natural resource management and use is supported. It is better to focus on priority areas in a comprehensive manner, than trying to 'skim the surface' on broad areas of resource management when clearly the resources are not in place to do so either efficiently or effectively. The identification of priorities and development of the standard risk evaluation process is likely the most critical part of the policy framework and should have a great deal of consultation and review. In this regard, it is suggested that there should be goals related to managing the cumulative impacts of a large number of "low impact/risk" projects in an area.

Although it is mentioned that MNR may remove itself from regulation where another organization regulates the activity, there is no mention of actual delegation nor is MNR proposing to undertake compliance monitoring. For clarity it should be acknowledged that while an organization might regulate an activity, its regulatory scope may not relate specifically to natural resource protection. Additionally, the possibility that the other organization through its own "streamlining/modernization" process may no longer regulate or oversee an activity should be considered. Again, formal delegation should be specified as a possible consideration.

None of the approaches outlined include compliance monitoring or evaluation so there would be no way of knowing whether the expected "outcomes" are really happening. Without monitoring or evaluation there is no way to document where further changes or improvements to the approvals system can be made nor is there a mechanism to make changes to the system on a continuing basis. This concept should be incorporated into the goals and applied, at least, on a priority basis (i.e. further to determination of priority areas).

Finally, under the goal of "providing high quality customer service" there should be a commitment made to establishing "service delivery standards". For example, conservation authorities are expected through MNR policy for permits issued under Section 28 Regulations of the CA Act to meet 30 day and 90 day review timelines for minor and major applications respectively.

**4) Do you agree with the proposed considerations or are there additional or different considerations that you feel should be included?**

As noted above, there is no mention of cumulative effects as a consideration when evaluating risk. While taking a consistent approach is supported, it is unlikely that one standard risk evaluation process will work in all circumstances. Evaluation of risks should consider the bio-regional context. That is, in some areas the natural resources have already been impacted to the point that their ability to assimilate or recover from additional small impacts may be impaired. Hence an activity that might be low risk in one part of the province might represent a higher risk in another part of the Province (e.g. either because of the fragility of the system or the huge numbers of undertakings). Conservation Ontario recommends that the risk assessment include consideration of the potential impact on the local environment conditions.

**5) Do you agree with charging those benefiting from a service the total cost of providing that service?**

Conservation Ontario supports the cost recovery philosophy and the 'beneficiary pays' concept (i.e. applying fees for those benefiting from a service for activities that are solely for the individual as distinct from taxes paying for services that are of a public benefit). CAs have Minister's approval to apply fees for certain services without exceeding cost recovery. Similar to the requirements on CAs, the

development and implementation of the Ministry's fee schedules should be well documented and consulted on with affected stakeholders.

**6) Do you have any comments about MNR moving towards more automated services?**

In general, the concept of automating services to streamline permitting and licensing processes is supported. As emphasized in the policy framework document, the benefits of improved customer service (i.e. ease of access and timely responses) is an achievable outcome for many types of permits/licenses. As one example of an attempt to improve customer access to regulatory information, some conservation authorities have made their Section 28 regulatory mapping available on their websites as well as permit application forms and information.

An additional potential benefit of automated services, not referenced in the document, is an improved ability to track and document the level of various activities and compliance with regulations and standards, either spatially or temporally. It could facilitate evaluation of whether the new approvals system is actually meeting the desired outcomes.

Overall, Conservation Ontario is very supportive of the Ministry of Natural Resource's initiative to modernize approvals, and, looks forward to participating in consultations on potential policy and regulatory changes for specific approvals. If you have any questions regarding these comments, please contact Bonnie Fox, Manager of Policy and Planning at ext 223.

Sincerely,



Don Pearson,  
General Manager

cc: All Conservation Authorities, Chief Administrative Officers