



Attention: Julia Holder, Policy Analyst
Ministry of Natural Resources and Forestry
Policy Division
Natural Resources Conservation Policy Branch
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RE: Ministry of Natural Resources and Forestry (MNRF) Discussion Paper “Conservation Authorities Act: Review of the roles, responsibilities, funding and governance of conservation authorities under the Conservation Authorities Act.

Dear Ms. Holder,

The Canadian Energy Pipeline Association (CEPA) members operate 13,593 kilometers of transmission pipelines in Ontario and routinely engage Ontario's Conservation Authorities on pipeline development and maintenance activities that require stakeholder consultation and permitting. CEPA members routinely engage Conservation Authorities, and numerous other stakeholders including municipal, provincial and federal regulators as part of our operational and project activities. We engage with these regulatory agencies to ensure activities are conducted in compliance with all applicable environmental legislation and regulations to protect the well-being of people and the environment. We primarily work with Conservation Authorities to ensure that impacts to erosion, flooding and hydraulic connection associated with watercourses and wetlands are sufficiently mitigated to prevent future impacts from development. Generally, we believe that the Conservation Authorities have played and continue to play an important role in regional protection of natural resources.

CEPA and its members have reviewed the MNRF discussion paper entitled *Conservation Authorities Act: Review of the roles, responsibilities, funding and governance of conservation authorities under the Conservation Authorities Act*, and discussed our work with Conservation Authorities in Ontario.

CEPA and its members are pleased to submit the following comments regarding the roles and responsibilities of Conservation Authorities under the Conservation Authorities Act in accordance with Question #3 of the MNRF discussion paper.

Question #3: In your view, what should be the role of conservation authorities in Ontario?

CEPA Comments: Roles, Responsibility, Capacity, Resources, Standards and Consistency

- CEPA and its members observe significant variability in the authorized roles and responsibilities of Conservation Authorities across the province.
- The level of engagement, interest and declared authority over relevant issues in permitting roles is not consistent.



- The permit application/submission requirements (e.g., information such as maps, data, analysis) for work under, for example, the 'Development, Interference with Wetlands and Alterations for Shorelines and Watercourses' varies significantly amongst Conservation Authorities.
- Therefore, the rigor, time to prepare and cost of preparing permit applications varies significantly between Conservation Authorities for similar permit applications.
- Industry needs consistency and clarity in permit requirements across the province, throughout the Conservation Authorities.
- Delays in permitting present significant risk to CEPA members. Delays can have tremendous implications for scheduled construction activities, contracts and other approvals. These delays can also present significant operational risk as they can have adverse effects in our member companies' ability to access and mitigate integrity concerns.
- Industry needs to be able to consistently prepare applications based on standard guidance, definitions and use of best practices. For example, industry ought to prepare the same permit application for any Conservation Authority according to the duration and magnitude of the disturbance, and the proximity to the water body anywhere in Ontario.
- Service standards, timelines and fee structures for permits vary greatly between each of the Conservation Authorities.
- For many of the Conservation Authorities, the timelines for application review are not clearly defined or communicated, making the application planning process difficult to predict.
- The ability of CEPA members to engage Conservation Authorities for consultation and the time required to process applications for permits varies significantly.
- Unpredictable processes, costs and timelines are a disadvantage to effective operation, maintenance and economic development.
- As part of the permitting process, industry is occasionally invoiced for additional Conservation Authority services/costs without providing any detailed scope, cost estimates or involvement in the discussion of scope or management/mitigation alternatives.

Recommendations:

- Industry would benefit from clearly defined roles and responsibilities in Conservation Authorities for consistent management of industry permits.
- Roles and responsibilities need to be specific to the jurisdiction of the Conservation Authority and clearly be differentiated from other jurisdictions (e.g., municipal requirements).
- Given the authority to issue permits, Conservation Authorities need to have competent permitting resources assigned to industry related applications. These advisors should be familiar with industry and best practices (and take advantage of industry offers to share knowledge).
- Conservation Authorities need to be responsible for setting high standards for processing applications, communicating with applicants on issues (i.e., returning phone calls, correspondence, meetings, keeping set timelines) to support industry needs for operation, maintenance and efficient economic development.
- CEPA members and the Conservation Authorities would further benefit if these permitting roles and responsibilities included collaboration and communication with other conservation authorities to leverage resources and knowledge to ensure consistency with the permitting process.
- Conservation Authorities should consistently liaise with industry to ensure understanding of issues, codes of practice/best practices, and mitigation. For example, Conservation Authorities should be



familiar with all types of water course crossing techniques (and appreciate that multiple methods can result in the same desired outcome).

- Conservation Authorities should provide ready access to needed spatial information to allow stakeholders to assess the permit requirements and begin preparing applications prior to contacting the CA.
- Industry and Conservation Authorities would benefit from appropriate implementation of standardized and bundled/blanket permits.
- Bundled or blanket permits could be created for activities (e.g., operations and maintenance work) or projects with multiple sites/applications. In particular, routine activities should be blanketed where activities are short in duration, environmental impacts are understood and mitigated, and there is no permanent change in land capability or interference with wetlands, shorelines or watercourses. Standard terms and conditions could be negotiated for these types of activities/projects based on standard mitigations and environmental protection plans.
- Consistency in service standards, timelines and fees would be positive for CEPA members.
- A standardized application review period for common permits, including provisions for information requests and amendments would be appropriate. These timelines might even be different for each CA but should be clearly outlined.
- Information requirements should be similar among Conservation Authorities (e.g., acceptability of historical mapping in applications versus brand new information for assessment).
- Fee structures should be standardized for each permit type.
- Additional fees and associated costs incurred by the Conservation Authorities ought to be discussed, estimated and invoiced with transparency. These costs need to be appropriate and predictable.

CEPA and its members recognize that it might be challenging to standardize the application and permitting process, timelines, fees, etc., for all Conservation Authorities in Ontario as there is so much variability in funding, resources and the active roles and responsibilities of each CA. However, working towards improved consistency in the permitting process, applications requirements and timelines would be a benefit to CEPA members and help ensure consistent protection of natural resources in Ontario.

In closing, CEPA and its member companies work collaboratively with all regulatory agencies to ensure efficient permitting, compliance and environmental protection. We look forward to improvements in the Conservation Authorities Act that support consistency in service, process, timelines and fees. CEPA and its members will continue to work with Conservation Authorities to support their important roles and responsibilities in management of natural resources in Ontario.

Yours sincerely,

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Director, Safety & Engineering