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SUBMISSION BY
THE CANADIAN ENVIRONMENTAL LAW ASSOCIATION
TO THE MINISTRY OF NATURAL RESOURCES
REGARDING A
NOTICE OF PROPOSAL FOR POLICY
DEVELOPMENT APPLICATION REVIEW MANUAL

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PART I - INTRODUCTION

The Canadian Environmental Law Association (CELA) is a public interest group founded in 1970 to use and improve laws to protect the environment and conserve natural resources. Funded as a community legal clinic specializing in environmental law, CELA represents individuals and citizens' groups before trial and appellate courts and administrative tribunals on a wide variety of environmental issues. In addition to environmental litigation, CELA undertakes public education, community organization, and law reform activities.

The purpose of this brief is to comment upon the Ministry of Natural Resources' Development Application Review Manual (DARM).

PART II - SUMMARY OF GENERAL COMMENTS

These are CELA's comments regarding the Draft Development Application Review Manual:

- CELA commends the Ministry of Natural Resources for compiling the manual to provide guidance to municipalities and the general public on implementing the Provincial Policy Statement.
- Throughout the manual reminders should be given that there are also interests of the Ministry of the Environment, Ministry of Municipal Affairs and Housing, Ministry of Transportation and the Ministry of Agriculture Food and Rural Affairs.
- Local interests should also be emphasized.
- More guidance is needed for users of the manual as to where they may find answers to the screening questions.
- Regional contact names and phone numbers should be provided.

PART III - DETAILED RECOMMENDATIONS

- Page 1 While the one window approach to planning is not directly the subject matter of this posting, the DARM arises out of the change in roles of MNR and other provincial level Ministries. CELA would like to comment on concerns associated with the one window planning method. There are benefits and disadvantages to increased local decision making. Benefits include the possibility of greater local access to the decision making process and the possibility of an increased understanding of the local context. However, the implementation of the "one window" approach raises serious concerns. There may be no opportunity for MNR, for example, to notice and comment on matters of provincial concern, if MMAH does not choose to circulate a particular application to MNR. MNR may be unable to pursue its concerns to the OMB, for example, in the face of a serious issue of concern to it, if MMAH chooses not to take the appeal forward.
- Page 1 The ability of regional and local levels of government to protect regional and local interests is an important power in the new regime and should be emphasized throughout the DARM.
- Page 4 Other mine hazards could be identified, such as gypsum.
- Page 4 The table should mention again that matters may be significant at a local, as well as provincial level, in case the table is viewed out of context.

- Page 9 The Ministry of the Environment's site separation guidelines could be referenced in this context.
- Page 47 In the Crown Lands section, reference should be made to the current Exemption Order for Crown Lands, MNR 26-7, that the MNR is currently operating with, and the screening criteria applicable thereunder.
- Page 50 and
Throughout The captioning should clarify that the Figures each refer to only one policy interest.
The phrase "Application proceeds with no conditions" could be misleading if the figure is taken out of context, given that the other interests described in the manual may apply and other Ministries' policy interests may be affected; application of local planning requirements may also require imposition of appropriate terms and conditions or may prevent an application from proceeding.
This comment applies to all figures in the Manual.

PART IV - DISCUSSION

Many municipal councillors remain unaware of the extent to which responsibilities have been placed at the local level in this area. Training for local decision makers and access to MNR resources would be of great assistance.

Further guidance as to how readily reviewers will find answers to the screening interests question is necessary. For example, how is a reviewer to determine the existence of an ANSI, a provincially significant wetland, fish habitat, significant woodlands, mine hazard etc.? Guidance is needed in the form of reference mapping for the screening criteria. In addition, the manual should provide local MNR contacts that are able to provide assistance to the reviewer.

MNR and other provincial ministries and agencies should reevaluate the "one window" administrative approach and substantially modify it to address the concerns that this approach is causing.

We trust that the foregoing comments are of assistance.

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cc. Ms. Eva Ligeti, Environmental Commissioner of Ontario

