

## UNDERSTANDING THE ACTIVITY REVIEW AND OVERALL BENEFIT PERMITTING PROCESS

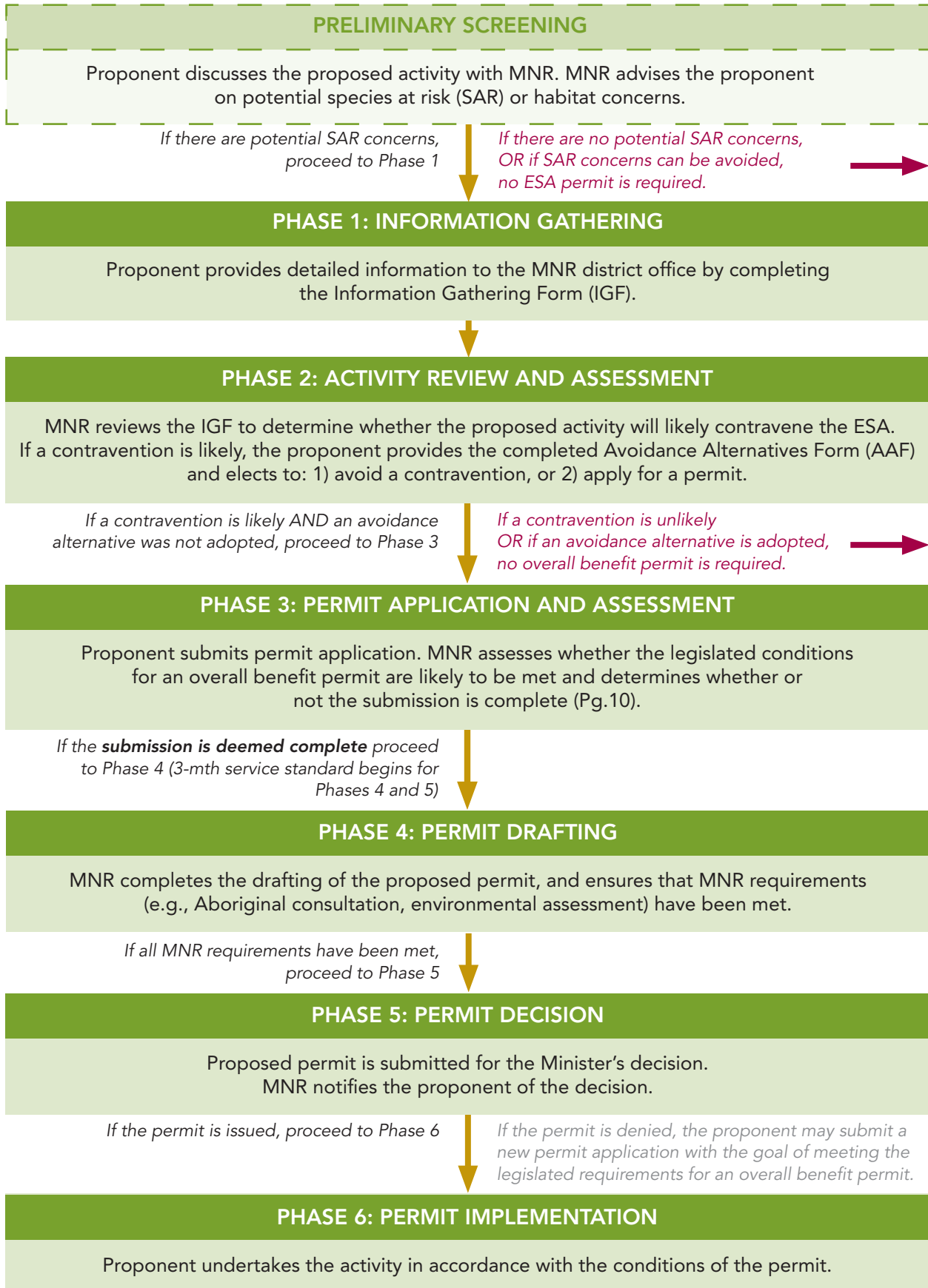
The process to determine the need for a permit is multi-phased. The following flowchart illustrates these phases. Proponents are encouraged to discuss activity plans with Ministry of Natural Resources (MNR) local office staff early in the planning and design phase. This will help avoid unnecessary delays and ensure that species and habitat protection measures are considered at the outset.

Each activity is assessed on a case-by-case basis to determine whether or not a permit is required. A permit is required for activities where adverse effects to endangered or threatened species at risk or their protected habitat cannot be avoided.

Proponents are responsible for obtaining the appropriate approvals and permits prior to beginning the activity. MNR district staff can support proponents with their responsibilities in each phase of the process by:

- sharing available local-level MNR knowledge on species at risk and their habitats at or near the location of the proposed activity (Note: sharing species at risk information is subject to dissemination of sensitive data protocols and policies);
- identifying any information gaps that may warrant additional species at risk surveys;
- providing advice on appropriate methods for conducting species at risk surveys, and species-specific protocols (where available);
- providing resources containing additional species-specific information, reports and policy direction (where available);
- advising the proponent on the consideration of avoidance alternatives for the activity and its subcomponents, that would not adversely affect the species at risk or protected habitat or otherwise contravene the ESA;
- determining whether specific activities may require authorization under the ESA to avoid a contravention of the Act; and
- providing advice on the development of an overall benefit permit application.

# ESA OVERALL BENEFIT PERMIT FLOWCHART



## DETAILS:

### PRELIMINARY SCREENING

Proponents contact their local MNR office to discuss the main purpose, general nature and location of their activity and whether they are aware of any protected species at risk or habitats at or near the proposed activity location.

If protected species at risk or their habitats are known to be at or near the proposed activity location, measures to avoid adverse effects on the species or its habitat can be discussed at this time.

MNR advises the proponent if further information is required in order to proceed through to phase 1 of the permitting process; or,

Where there is no potential for a contravention of the ESA, the proponent can proceed with their activity without an ESA permit.

### PHASE 1: INFORMATION GATHERING

Proponents gather the required information needed to submit to MNR to inform the Ministry's assessments regarding:

- whether any protected species at risk or their habitats are present at or near the location of the proposed activity;
- potential effects of the activity on these species and habitats and whether the activity is likely to contravene the ESA; and
- whether it is advisable for the proponent to apply for an overall benefit permit under prior to proceeding with the activity.

This information is to be submitted to the local MNR office using the Information Gathering Form for Activities that may Affect Species or Habitat Protected under the Endangered Species Act (IGF) available at: [ontario.ca/speciesatrisk](http://ontario.ca/speciesatrisk).

### PHASE 2: ACTIVITY REVIEW AND ASSESSMENT

MNR considers the information provided in the completed IGF to complete the assessments of:

- whether any species at risk or protected habitats are present at or near the proposed activity location;
- potential effects of the activity on protected species at risk or habitats and whether the activity is likely to contravene the ESA; and
- whether it is advisable for the proponent to apply for a permit prior to proceeding with the activity.

Once MNR has completed the activity assessment, the proponent is notified of the activity review and assessment results.

If MNR has determined that the proposed activity is likely to contravene the ESA the proponent may either:

- alter the activity in ways that will avoid the contravention(s); or
- if avoidance is not reasonably possible, apply for an ESA authorization (e.g., an overall benefit permit) prior to proceeding with the activity.

Consideration of avoidance alternatives must be documented in the Avoidance Alternatives Form (AAF) that can be found at: [ontario.ca/speciesatrisk](http://ontario.ca/speciesatrisk). **This form is required to be submitted to MNR prior to filling in a permit application form.**

### PHASE 3: PERMIT APPLICATION AND ASSESSMENT

Proponent submits their completed IGF and AAF to the local MNR office which notifies MNR of their intent to apply for a permit.

Proponent completes the Application for an Overall Benefit Permit under clause 17 (2)(c) of the Endangered Species Act (C-PAF) which can be found at: [ontario.ca/speciesatrisk](http://ontario.ca/speciesatrisk).

MNR posts a proposal notice on Ontario's Environmental Registry for at least a 30 day comment period.

The completed IGF, AAF and C-PAF must:

- Demonstrate that reasonable alternatives to the activity have been considered, including alternatives that would not adversely affect the species at risk or protected habitat (i.e., avoidance alternatives as presented in the AAF), and provide the proponent's rationale as to why the alternative proposed is the best (C-PAF);
- Describe reasonable steps that will be taken to minimize adverse effects of the best alternative on each protected species or habitat that is likely to be affected by the proposed activity for which a permit is sought; and
- Describe the actions that will be taken to achieve an overall benefit within a reasonable time for each protected species that is likely to be affected by the proposed activity for which the permit is sought. Care should be taken to clearly and appropriately distinguish overall benefit actions from steps proposed to minimize adverse effects associated with the proposed activity.

MNR assesses the permit application to determine whether or not it meets the legislated requirements of 17(2)(c) of the ESA and uses the application form to inform the drafting of permit conditions. The Minister will in turn use this information to form a decision on the issuance of the permit.

MNR assesses the proposed activity location and the location of proposed overall benefit actions and notifies the proponent of any additional consultation responsibilities.

MNR and the proponent agree to draft permit conditions and additional consultation plans (where required).

MNR will undertake a Class Environmental Assessment Act (EA Act) screening for the activity (if required).

MNR will assess the completeness of the entire ESA permit submission package. Once deemed "complete", MNR will post the details of the proposed permit conditions on the Ministry's Species at Risk website.

A three-month service standard begins when the proponent has been notified by MNR that the overall benefit permit submission is complete. In some cases additional time (i.e., more than three months) may be required for MNR and the proponent to complete additional consultation and EA Act requirements prior to submitting a permit for the Minister's decision.

#### **PHASE 4: PERMIT DRAFTING**

MNR finalizes the proposed permit conditions for Minister's decision and ensures that any additional consultation and/or EA Act requirements are complete.

#### **PHASE 5: PERMIT DECISION**

MNR staff will seek the Minister's decision on the issuance of the permit.

An overall benefit permit may only be issued where the legislated requirements of clause 17(2)(c) of the ESA have been satisfied.

MNR notifies the proponent of the permit decision and posts a decision notice on the Environmental Registry and MNR Species at Risk website. Where approved by the Minister, MNR will send a copy of the permit to the proponent.

#### **PHASE 6: PERMIT IMPLEMENTATION**

Upon receipt of signed permit, the proponent undertakes the activity in accordance with the conditions of the permit.