

**Ministry of the  
Attorney General**

Legal Services Branch  
Environment and Climate Change

10<sup>th</sup> Floor  
135 St. Clair Avenue West  
Toronto, ON M4V 1P5  
Telephone: (416) 314-6589  
Facsimile: (416) 314-6579

**Direct Line:** (416) 314-0578

**Ministère du  
Procureur général**

Direction des services juridiques  
Environnement et Action en matière  
de changement climatique

10<sup>e</sup> étage  
135, avenue St. Clair Ouest  
Toronto, ON M4V 1P5  
Téléphone: (416) 314-6589  
Télécopieur: (416) 314-6579

**Email:** [nicholas.adamson@ontario.ca](mailto:nicholas.adamson@ontario.ca)



***Via email ([boardsec@oeb.ca](mailto:boardsec@oeb.ca) and [registrar@oeb.ca](mailto:registrar@oeb.ca)) and delivery (two hard copies to the Board)***

May 25, 2018

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4  
E-mail: [boardsec@oeb.ca](mailto:boardsec@oeb.ca)  
Tel: 1-888-632-6273  
Fax: 416-440-7656

Dear Ms. Walli

**RE: Board File No. EB-2017-0364  
NextBridge Infrastructure motion to dismiss application  
Responses to undertakings given by the intervenor Ministry of the  
Environment and Climate Change**

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This letter and the enclosed attachments are MOECC's responses to the undertakings given at the technical conference on May 16 and 17.

**JT 1.30: How many declaration orders have been sought in last ten years? How many have been granted? What are the ones that have been granted?**

Ten Declaration Orders have been sought in the last ten years. Eight of the ten were granted; the other two were withdrawn by the applicant.

The following materials relating to the eight declaration orders that were granted are enclosed:

1. MNR-74 Forest Management for Whitefeather Forest Declaration
  - A. Project information summary (2 pages)
  - B. Declaration Order (42 pages)
  - C. Environmental Registry Proposal Notice, dated June 24, 2008 (5 pages)
  - D. Environmental Registry Decision Notice, dated June 10, 2009 (4 pages)
2. MCU-09 Canadore College Building - Parry Sound
  - A. Project information summary (2 pages)
  - B. Declaration Order (4 pages)
  - C. Environmental Registry Proposal Notice, dated October 22, 2009 (4 pages)
  - D. Environmental Registry Decision Notice, dated December 23, 2009 (2 pages)
3. Caledonia - Acquisition of the property at 445 Argyle Street South, Township of Oneida
  - A. Project information summary (2 pages)
  - B. Declaration Order (2 pages)
  - C. Environmental Registry Information Notice, dated January 19, 2010 (2 pages)
4. Port of Prescott Expansion, Rehabilitation and Future Development Area
  - A. Project information summary (2 pages)
  - B. Order in Council (1 page)
  - C. Declaration Order (4 pages)
  - D. Environmental Registry Proposal Notice, dated June 2, 2010 (3 pages)
  - E. Environmental Registry Decision Notice, dated November 24, 2010 (2 pages)
5. University of Waterloo Stratford Campus
  - A. Project information summary (2 pages)
  - B. Order in Council (1 page)
  - C. Declaration Order (3 pages)
  - D. Environmental Registry Proposal Notice, dated July 29, 2010 (4 pages)
  - E. Environmental Registry Decision Notice, dated July 29, 2010 (2 pages)
6. Environmental Assessment Requirements for Forest Management on Crown Lands in Ontario (MNR-75)
  - A. Project information summary (3 pages)
  - B. Declaration Order (55 pages)
  - C. Environmental Registry Proposal Notice, dated October 4, 2013 (5 pages)
  - D. Environmental Registry Decision Notice, dated October 23, 2015 (4 pages)
7. York-Durham sewage system modifications
  - A. Project information summary (3 pages)
  - B. Order in Council (2 pages)
  - C. Declaration Order (4 pages)
  - D. Appendix to Declaration Order (34 pages)
  - E. Environmental Registry Exception Notice, dated March 12, 2018 (3 pages)

8. Sunderland emergency well
  - A. Project information summary (2 pages)
  - B. Order in Council (2 pages)
  - C. Declaration Order (4 pages)
  - D. Environmental Registry Exception Notice, dated May 7, 2018 (3 pages)

**JT 1.31: Provide a copy of the MOU between Hydro One and the Ministry of Energy (assuming not confidential)**

MOECC has reviewed its files and does not have a copy of the MOU. MOECC has requested a copy from the Ministry of Energy but has so far not been provided with a copy.

**JT 1.32: How many exemption regulations have been issued in last ten years? How many were sought (assuming it is possible to determine how many have been sought)?**

Within the last ten years, three regulations have been issued under the *Environmental Assessment Act* that were, at least in part, exemption regulations. Two of the regulations were pure exemption regulations, while the third was in part an exemption regulation and in part a designation regulation. The three regulations are as follows:

1. O. Reg. 230/12, *Exemption – Ontario Northland Transportation Commission*
2. O. Reg. 497/09, *Exemption – Ipperwash Provincial Park*
3. O. Reg. 231/08, *Transit Projects and Metrolinx Undertakings*

MOECC has no reliable way of determining how many exemption regulations have been sought, but not issued, over the last ten years. MOECC has been able to locate one such request.

Yours very truly,



Nicholas Adamson

cc: Zora Crnojacki, Case Manager (via email to [zora.crnojacki@oeb.ca](mailto:zora.crnojacki@oeb.ca))  
Lawren Murray, OEB Counsel (via email to [lawren.murray@oeb.ca](mailto:lawren.murray@oeb.ca))  
All parties listed in Schedule B of Procedural Order No. 1, issued April 27, 2018  
(via email)





# MNR Declaration Order for Forest Management on the Whitefeather Forest (MNR-74)

Project information about this declaration order.

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## Introduction

### Proponent

Ministry of Natural Resources

### Location

Northwestern Ontario


### Type

Forest Management

### Reference Number

04083

### Contact

Environmental Approvals Branch, 416-314-8001 

Toll free 1-800-461-6290 

### Current Status

Declaration: revoked, August 25, 2015

## Project Summary

As a result of the similarity of the conditions in MNR's declaration order MNR-71 and declaration order MNR-74, the Ministry of the Environment is proposing to revoke both declaration orders and replace them with one consolidated declaration order.

## Project History

- Declaration (2013): revoked
  - Date submitted: October 4, 2013
  - Expiry of public comment period: November 18, 2013
  - Decision date: August 25, 2015
- Declaration (2009): granted
  - Date submitted: February 29, 2008
  - Expiry of public comment period: August 8, 2008
  - Decision date: June 10, 2009

## Declaration Order (2013)

Declaration Orders MNR-71 and MNR-74 are now revoked and replaced with consolidated Declaration Order MNR-75. For summary information and decision, please refer to EBR Registry Number 011-9374 (<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTE5ODQ3&statusId=MTc5MzIy&language=en>).

## Declaration Order (2009)

For summary information, please refer to EBR Registry Number 010-3417 (<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTAzMzM1&statusId=MTU4NDcy&language=en>).

Updated: June 13, 2017

Published: March 20, 2014

### Related

Project documentation: Environmental Assessment Requirements for Forest Management on Crown Lands in Ontario (MNR-75) (<https://www.ontario.ca/page/environmental-assessment-requirements-forest-management-crown-lands-ontario-mnr-75>) EBR registry – 011-9374 (<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTE5ODQ3&statusId=MTc5MzIy&language=en>) Declaration order (2009) ([http://www.downloads.ene.gov.on.ca/files/eaab/mnr\\_whitefeather\\_DO.pdf](http://www.downloads.ene.gov.on.ca/files/eaab/mnr_whitefeather_DO.pdf)) EBR registry – 010-3417 (<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTAzMzM1&statusId=MTU4NDcy&language=en>)

**ORDER MADE UNDER THE  
ENVIRONMENTAL ASSESSMENT ACT**

**Declaration Order regarding Forest Management on Crown Lands in the Whitefeather Forest**

Having received a request from the Ministry of Natural Resources (MNR) that an undertaking, namely:

forest management, comprised of the interrelated activities of access, harvest, renewal, maintenance, and their planning for the Whitefeather Forest (Undertaking);

be declared not subject to section 5 of the EAA, pursuant to section 3.2 of the EAA;

Having considered the strong interest of the public and Aboriginal Peoples in improving the living conditions and quality of life for Aboriginal Peoples in Ontario through providing social and economic opportunities for Aboriginal community members;

Having considered that Pikangikum First Nation is the only community located within the Whitefeather Forest;

Having considered Pikangikum First Nation's support for the Undertaking, the urgent need for economic renewal in light of the decline of previously viable commercial resource uses (such as trapping and commercial fishing), Pikangikum First Nation's growing population, and its over 90 percent unemployment rate;

Having considered that Pikangikum First Nation's involvement in forest management will provide enhanced social and economic benefits for the community;

Having considered Pikangikum First Nation's desire and commitment to care for the land and protect the environment, through Pikangikum First Nation's customary stewardship practices;

Having considered that over a 10-year period (1996-2006), MNR and Pikangikum First Nation worked toward, and completed, a community-based land use strategy entitled *Keeping the Land: A Land Use Strategy for the Whitefeather Forest and Adjacent Areas*, which describes the strategic land use direction for the Whitefeather Forest that incorporates Pikangikum First Nation's holistic approach to stewardship and protection as its guiding philosophy;

Having considered that of the approximately 1.2 million hectares that comprise the Whitefeather Forest, 436,000 hectares (36 percent) have been identified as Dedicated Protected Areas in *Keeping the Land: A Land Use Strategy for the Whitefeather Forest and Adjacent Areas* as Dedicated Protected Areas in which certain activities, including commercial forestry, cannot be carried out;

Having considered that Pikangikum First Nation's customary stewardship practices, which include Pikangikum's customary decision-making approach, and Pikangikum indigenous knowledge, will be incorporated into the approach for forest management on the Whitefeather Forest through the conditions set out in this Declaration Order;

Having considered that forest management on Crown lands in a significant portion of the province of Ontario (38.5 million hectares), commonly known as the Area of the Undertaking, was comprehensively examined in the 1988-1992 public hearing of Ontario's Environmental Assessment Board, and the Board's April, 1994 approval (Forest EA Approval);

Having considered that the Forest EA Approval was extended and amended in June 2003 by Declaration Order MNR-71;

Having considered MNR's extensive experience with forest management in the Area of the Undertaking, and its comprehensive knowledge of the Whitefeather Forest environment, which is similar to areas within the Area of the Undertaking, and its efforts to maintain a consistent approach for forest management across the Province;

Having considered that the provincial programs established by MNR, as required by Declaration Order MNR-71, guide forest management on Crown lands in Ontario, and provide for ongoing monitoring, reporting and research to facilitate adaptive management and incorporate new science into forest management;

Having considered that where such provincial programs are limited geographically to the Area of the Undertaking, MNR will broaden the programs to apply to or include the Whitefeather Forest, pursuant to the conditions set out in this Declaration Order;

Having considered that the purpose of the CFSA is "...to provide for the sustainability of Crown forests and, in accordance with that objective, to manage Crown forests to meet social, economic and environmental needs of present and future generations", and that the CFSA requires, among other things, that a Forest Management Plan be prepared for each management unit;

Having considered the 1999 Ontario Forest Accord, an agreement among the Ontario forest industry, four provincial environmental organizations and MNR, in which it was proposed that EAA coverage for forest management in areas north of the Area of the Undertaking should be "modeled after" the EAA coverage provided by Declaration Order MNR-71;

Having considered the comments made by the general public, stakeholders, Aboriginal Peoples, the Government Review Team and MNR on the proposal for this Declaration Order, posted on the Environmental Registry established pursuant to the *Environmental Bill of Rights, 1993*;

Having been advised by the MNR that if the Undertaking is subject to the application of section 5 of the EAA, the following injury, damage or interference with the persons and property indicated will occur:

- A. A loss of significant opportunities for Pikangikum First Nation to advance their social and economic situation if MNR does not have the necessary authority under the EAA to proceed with forest management activities on Crown lands in the Whitefeather Forest in a timely manner.
- B. A delay in the efforts of Pikangikum First Nation to proceed expeditiously with an economic development opportunity, particularly given the investment of effort, time and resources by MNR and Pikangikum First Nation.



- C. An impediment to the opportunity for job creation and increased employment for the people of Pikangikum First Nation, especially its youth, through value-added forestry.

Having weighed such injury, damage, or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the Undertaking being subject to the application of the EAA;

The undersigned considers that it is in the public interest to declare, and does declare, that section 5 of the EAA does not apply to the Undertaking.

This Declaration Order is subject to the following terms and conditions:

1. MNR shall conduct the Undertaking in accordance with this Declaration Order and the conditions setout within.
2. In implementing the Undertaking to which this Declaration Order applies, MNR may use all of the alternative methods of carrying out the activities of access, harvest, renewal and maintenance that were approved by the Environmental Assessment Board's 1994 Timber Class Environmental Assessment Approval.

## **FOREST MANAGEMENT PLANNING**

3. The forest management planning requirements described in conditions 5 to 33 of this Declaration Order shall be incorporated into a forest management planning manual. The Forest Management Planning Manual may contain forest management planning requirements in addition to those required by conditions 5 to 33 of this Declaration Order.
4. The annual list of Management Units and associated schedule for forest management plans which MNR prepares for the Ministry of the Environment (MOE) and the public each year shall include the Whitefeather Forest.

## **Forest Management Plans - General**

### Plan Contents and Plan Preparation Schedule

5. The Forest Management Planning Manual shall contain requirements for the general content of the Forest Management Plan, and the frequency of plan preparation, for the Whitefeather Forest. Those requirements shall include the following:
  - a. The Forest Management Plan shall contain the following information: long-term management direction; identification of ten years of harvest, renewal and maintenance areas; location of primary and branch road corridors; and the details of operations for the initial five-year operational term. Details of operations for the second five-year operational term shall be prepared during the fifth year of the Forest Management Plan.
  - b. A new Forest Management Plan shall be prepared at least every ten years. The Year Three Management Unit Annual Report shall describe the progress in implementing the Forest Management Plan, and shall provide a determination as to whether or not the long-term management direction remains valid, in accordance

with condition 33(c). If the Year Three Management Unit Annual Report supports continuation of the long-term management direction, the details of operations for the remaining five years shall be planned, reviewed and approved during the fifth year of the Forest Management Plan, and shall then be added to the Forest Management Plan. If the Year Three Management Unit Annual Report does not support the continuation of the long-term management direction, a contingency plan shall be prepared to bridge the time required to complete an unscheduled plan renewal.

#### Plan Preparation by Plan Author, Planning Team and Local Citizens Committee

6. The Forest Management Planning Manual shall contain requirements for participation in the development of the Forest Management Plan for the Whitefeather Forest. Those requirements shall include the following:
  - a. The Forest Management Plan shall be prepared in an open and consultative fashion, by a Registered Professional Forester who shall be the plan author.
  - b. The plan author shall be assisted by an interdisciplinary planning team and a Local Citizens Committee, with opportunities for ongoing participation in the preparation of the Forest Management Plan by interested and affected persons and organizations, the general public and Aboriginal peoples.
  - c. The planning team shall include an MNR Registered Professional Forester and, where possible, a person who collectively represents overlapping licensees and beneficiaries of MNR wood supply commitments who do not have ownership in the company holding the Sustainable Forest Licence on the Whitefeather Forest.
  - d. An opportunity shall be provided for a representative from the Local Citizens the Committee and a representative from each Aboriginal community in or adjacent to the Whitefeather Forest to participate on the planning team.
  - e. The planning team members shall be appointed by the MNR District Manager.

#### Plan Documentation and Public Access to Plans

7. The Forest Management Planning Manual shall contain requirements for the documentation to accompany the Forest Management Plan for the Whitefeather Forest, and public access to Forest Management Plans. Those requirements shall include the following:
  - a. The following documentation shall be prepared, and shall accompany the draft and approved Forest Management Plan:
    - i. an index to the environmental assessment components of the plan;
    - ii. supplementary documentation that summarizes the information that was used in the preparation of the plan, and provides supporting documentation for the plan; and
    - iii. a Forest Management Plan Summary.
  - b. There shall be provisions for public access to the Forest Management Plan for the Whitefeather Forest, including public access to the current approved Forest Management Plan in a location in Toronto.

### Plan Certification, Review and Approval

8. The Forest Management Planning Manual shall contain requirements for the certification, review and approval of the Forest Management Plan for the Whitefeather Forest. Those requirements shall include the following:
  - a. The plan author shall certify that the draft and final Forest Management Plan have been prepared in accordance with the Forest Management Planning Manual.
  - b. MNR district and regional staff shall review the draft Forest Management Plan and produce a list of required alterations. Required alterations relating to the manipulation of forest cover shall be certified by a Registered Professional Forester.
  - c. Upon completion of the required alterations to the draft Forest Management Plan to the satisfaction of the MNR District Manager, the MNR District Manager shall certify that the Forest Management Plan has been prepared in accordance with the Forest Management Planning Manual and relevant policies and obligations (including any relevant MNR agreements with Aboriginal peoples); and has been prepared using the applicable Guides.
  - d. The MNR District Manager's certification shall also identify:
    - i. all silvicultural treatments in the Silvicultural Ground Rules which are exceptions to the recommendations in the silvicultural guides described in the Forest Operations and Silviculture Manual; and
    - ii. all operational prescriptions for Areas of Concern which are exceptions to the specific direction or recommendations (standards and guidelines) in the applicable Guides.
  - e. The MNR District Manager shall recommend the Forest Management Plan for approval to the MNR Regional Director, and the MNR Regional Director shall make the decision on plan approval of the Forest Management Plan.

### **Pikangikum Customary Stewardship**

9. The Forest Management Planning Manual shall contain requirements for the incorporation of Pikangikum customary stewardship practices in forest management planning for the Whitefeather Forest. Those requirements shall include the following:
  - a. Pikangikum customary decision-making approach shall be incorporated in forest management planning, by:
    - i. describing the role of Pikangikum elders in forest management planning;
    - ii. providing an opportunity for Pikangikum First Nation to select its representative(s) on the planning team; and
    - iii. providing an opportunity for Pikangikum First Nation to build community consensus at each stage of the planning process, prior to formal public consultation.
  - b. As provided by Pikangikum First Nation, Pikangikum indigenous knowledge shall be included in the background information available for use in forest management planning.

- c. The approach to incorporating Pikangikum indigenous knowledge in forest management planning shall be documented in the Aboriginal Background Information Report.
- d. Pikangikum First Nation elders, trappers and other community members shall be provided an opportunity to participate in monitoring the implementation of the Forest Management Plan to gather and record Pikangikum indigenous knowledge.
- e. Reports on the implementation of the Forest Management Plan shall be provided to Pikangikum First Nation from time to time.

## **Public and Aboriginal Consultation**

### **Local Citizens Committee**

10. The Forest Management Planning Manual shall contain requirements for the participation of a Local Citizens Committee in the development and implementation of the Forest Management Plan for the Whitefeather Forest. Those requirements shall include the following:

- a. A Local Citizens Committee, comprised of local citizens representing a range and balance of interests, shall be established in accordance with the requirements of section 13 of the CFSA. The MNR District Manager may establish additional Local Citizens Committees, or variations thereof.
- b. The Local Citizens Committee shall be a standing committee. Members shall be appointed by the MNR District Manager. Persons directly employed by the Sustainable Forest Licensee preparing the Forest Management Plan are eligible to be members, but shall not make up the majority of the Local Citizens Committee. The majority of appointments shall be drawn from nominations from local interest groups. Where they exist at the local level, the main interests represented on the Local Citizens Committee should include:
  - i. local business;
  - ii. tourism industry;
  - iii. anglers and hunters;
  - iv. Aboriginal communities;
  - v. forest industry;
  - vi. naturalists;
  - vii. municipalities;
  - viii. trappers and other resource users;
  - ix. other Crown land recreationalists;
  - x. forest industry trade unions;
  - xi. woodworkers;
  - xii. small independent loggers;
  - xiii. mineral sector;
  - xiv. waterpower sector;
  - xv. Chamber of Commerce member or Economic Development Officer;
  - xvi. local environmental groups;
  - xvii. local heritage groups or organizations;
  - xviii. other interest groups; and
  - xix. the general public.

- c. The purpose of the Local Citizens Committee shall be to participate as an integral part of the forest management planning process by:
  - i. ensuring that all local interests are effectively communicated to all others involved in forest management planning;
  - ii. increasing the effectiveness of the public consultation process by participating in its implementation, and in the consideration of any additional formal public consultation opportunities that would be useful in the context of local circumstances and needs;
  - iii. participating in the development, identification and description of objectives, strategies, problems and issues;
  - iv. participating in the development of the values map(s);
  - v. promoting integration of all interests by participating in the evaluation of trade-offs to be made during the planning process and the resolution of problems, differences and conflicts as early as possible in the planning process;
  - vi. assisting in monitoring the performance of implementation of the Forest Management Plan;
  - vii. providing advice to the MNR District Manager when discretionary decisions are made (e.g., the categorization of amendments, and responses to requests for individual environmental assessments); and
  - viii. participating in the independent forest audit process by having the opportunity to provide comments on the preparation and implementation of the Forest Management Plan; to identify concerns and issues; to provide a representative to participate in field visits; and to provide any other relevant information.
- d. The Local Citizens Committee shall provide input to the planning team and to the planning of insect pest management programs as follows:
  - i. The Local Citizens Committee may nominate a representative of the Committee to serve as a member of the planning team.
  - ii. Other members of the Local Citizens Committee may attend planning team meetings as observers.
  - iii. Joint meetings of the Local Citizens Committee and the planning team shall be held at agreed upon stages of the planning process.
  - iv. The planning team and representatives of the Local Citizens Committee shall attend information centres.
  - v. The member of the Local Citizens Committee who serves as the representative on the planning team shall be invited to serve on the interdisciplinary team which produces the district insect pest management program.
- e. The Local Citizens Committee shall develop its own rules with respect to any procedural matters required to meet its responsibilities in forest management planning and plan implementation. These matters include such things as frequency of, and attendance at, meetings and information centres, circulation of information

among members of the Local Citizens Committee, and procedures regarding the declaration of conflicts of interest.

f. Support

- i. MNR shall provide the necessary office support (e.g., secretarial support and typing of reports), for the affairs of the Local Citizens Committee to be conducted efficiently and effectively.
- ii. The MNR District Manager shall provide to the Local Citizens Committee any available information reasonably required by the Committee. This information shall be provided as it becomes available, in order to ensure achievement of the Local Citizens Committee purposes. Without limiting the generality of the foregoing, the Local Citizens Committee shall be provided with the following materials for the Whitefeather Forest, in summary form and at a time no later than the commencement of formal public consultation:
  - background information;
  - data describing non-timber resources; and
  - data describing the timber resource.

g. Reports and Records

- i. All documentation produced by the Local Citizens Committee shall be available for public review. In particular, the Local Citizens Committee shall prepare a report concerning its activities during the preparation of the Forest Management Plan; the problems and issues addressed by the Local Citizens Committee; an assessment of the effectiveness of the Local Citizens Committee structure and recommendations for change, if any; and an assessment of the co-operation provided to the Local Citizens Committee by MNR. This report of the Local Citizens Committee shall be provided as follows:
    - a draft summary of the report shall be available at the time of the public review of the long-term management direction, as provided for in condition 16;
    - an updated draft summary of the report shall be included in the draft Forest Management Plan Summary;
    - a summary of the final report shall be included in the Forest Management Plan Summary; and
    - the full report of the Local Citizens Committee shall form part of the supplementary documentation that accompanies the Forest Management Plan.
  - ii. The Forest Management Plan shall contain a brief statement at the beginning of the plan, reporting generally the Local Citizens Committee's agreement or disagreement with the Forest Management Plan, and indicating that the Local Citizens Committee's report is available in the supplementary documentation that accompanies the Forest Management Plan.
- h. MNR shall ensure that training material regarding the roles and responsibilities of the Local Citizens Committee and forest management planning matters is available to the Local Citizens Committee.

## Public Consultation

11. The Forest Management Planning Manual shall contain requirements for formal public consultation in the development of the Forest Management Plan for the Whitefeather Forest. Those requirements shall include the following:
- a. In the preparation of the Forest Management Plan for the ten-year period, formal public consultation opportunities shall be provided at five stages (i.e., invitation to participate, review of proposed long-term management direction, review of proposed operations, review of draft Forest Management Plan and inspection of MNR-approved Forest Management Plan). General public media notices and direct written notices to interested and affected persons and organizations shall be issued at each stage of the formal public consultation process. The notice for each stage shall include:
    - i. an explanation of the purpose of the stage of consultation, and its relationship to other stages;
    - ii. identification of the forum (e.g., information centre) for consultation, where applicable;
    - iii. a description of the information available;
    - iv. a request for contributions to the background information base and comments on material available for review; and
    - v. identification of MNR, Sustainable Forest Licensee and Local Citizens Committee contacts.
  - b. A special information centre shall be provided for each Aboriginal community in or adjacent to the Whitefeather Forest, at the request of the Aboriginal community, when a corresponding public information centre is provided for in the formal public consultation process.
  - c. The information that shall be available at the appropriate MNR offices, Sustainable Forest Licensee offices and/or public forums at each stage shall accumulate with successive stages of the formal public consultation process. The information shall include, where appropriate for the stage in the process, background information, results of analyses, preliminary and final text and maps, the draft Forest Management Plan and the draft Forest Management Plan Summary, and the approved Forest Management Plan and the approved Forest Management Plan Summary.
  - d. The Forest Management Planning Manual shall contain requirements for the preparation, during the development of the Forest Management Plan, of an Aboriginal Background Information Report, and a preliminary and final Report on Protection of Identified Aboriginal Values, and shall contain requirements for consultation with Aboriginal communities in the preparation of these reports. The Aboriginal Background Information Report shall be available at the commencement of formal public consultation. The preliminary Report on Protection of Identified Aboriginal Values shall be available prior to the draft Forest Management Plan being available for public review. The final Report on Protection of Identified Aboriginal Values shall be available at the time of public review of the draft Forest Management Plan.

- e. MNR shall ensure that a written response is provided, in a responsive and timely way, to all written comments and submissions received from any person or group during the preparation of the Forest Management Plan. This requirement shall also apply to all verbal comments if a written response has been requested. In those responses, MNR shall ensure that an explanation of the results of the consideration of the comments and submissions is provided.
- f. In addition to the requirements of the formal public consultation process, members of the public shall be afforded the opportunity to consult directly with representatives from the planning team and the Local Citizens Committee during the preparation of the Forest Management Plan.
- g. As part of the planning of operations for the second five-year operational term of the Forest Management Plan, formal public consultation opportunities shall be provided at three stages (i.e., review of proposed operations, review of planned operations and inspection of MNR-approved operations). These three stages of formal public consultation shall be conducted in accordance with (a) to (f) of this condition.

#### Aboriginal Consultation

12. The Forest Management Planning Manual shall contain requirements for consultation with Pikangikum First Nation and Aboriginal communities adjacent to the Whitefeather Forest in the development of the Forest Management Plan, a contingency plan, a minor or major amendment to the Forest Management Plan and contingency plan, and an insect pest management program. Those requirements shall include the following:
- a. Prior to the commencement of formal public consultation in the preparation of the Forest Management Plan, the MNR District Manager shall contact Pikangikum First Nation and each Aboriginal community adjacent to the Whitefeather Forest to discuss the development of an approach for consultation with the Aboriginal community. Those discussions shall involve planning team representatives, including the plan author.
    - i. If requested by the Aboriginal community, MNR shall ensure that the approach provides for a special information centre when a corresponding public information centre is provided for in the formal public consultation process.
    - ii. The approach, if developed, shall include requirements regarding notices, consultation forums, information availability, written responses to comments and submissions, and opportunities to consult directly with representatives from the planning team and the Local Citizens Committee.
  - b. The Forest Management Planning Manual shall contain requirements for consultation with Aboriginal communities that will apply in the event that a consultation approach is not agreed upon, or an agreed upon approach is not used, which shall, at a minimum, include the consultation requirements described in condition 11.
  - c. The Forest Management Planning Manual shall contain requirements for the preparation, during the development of the Forest Management Plan, of an Aboriginal Background Information Report, and a draft and final Report on Protection of Identified Aboriginal Values, and shall contain requirements for consultation with Aboriginal communities in the preparation of these reports. MNR shall seek advice



from Aboriginal communities regarding the public availability of Aboriginal values information.

### **Issue Resolution and Requests for an Individual Environmental Assessment**

13. The Forest Management Planning Manual shall set out a process to resolve issues and to address requests for an individual environmental assessment of specific proposed forest management activities in the Forest Management Plan for the Whitefeather Forest. That process shall include the following:

- a. If a person has an issue during the preparation of the Forest Management Plan, an issue resolution process shall be followed. That process shall include the following requirements:
  - i. a written submission from the concerned person requesting issue resolution, including a description of the issue and, preferably, a proposed solution;
  - ii. opportunities for the involvement of the Local Citizens Committee;
  - iii. a written response from the plan author, or a written decision from the MNR District Manager or the MNR Regional Director as to resolution of the issue; and
  - iv. interaction among the concerned person, the plan author, the MNR District Manager and the MNR Regional Director. That process shall be responsive to the schedule for the preparation, review and approval of the Forest Management Plan.
- b. During the preparation and review of the Forest Management Plan for the ten-year period, any request for issue resolution shall be dealt with through progressive steps as follows:
  - i. Prior to the draft plan being available for public review, the concerned person shall make the request for issue resolution to the plan author.
  - ii. During the period for public review of the draft plan, the concerned person shall make the request for issue resolution to the MNR District Manager.
  - iii. After the completion of the period for public review of the draft plan, the concerned person shall make the request for issue resolution to the MNR Regional Director.
  - iv. The last date to request the issue resolution process shall be 30 days following the completion of the period for public review of the draft plan.
- c. During the planning of operations for the second five-year operational term, the following shall apply:
  - i. Prior to the planned operations being available for public review, the concerned person shall make the request for issue resolution to the plan author.
  - ii. During the period for public review of the planned operations, the concerned person shall make the request for issue resolution to the MNR District Manager.
  - iii. After the completion of the 30-day period for public review of the planned operations, the concerned person shall make the request for issue resolution

to the MNR Regional Director.

- iv. The last date to request the issue resolution process shall be 30 days after the completion of the period for public review of the planned operations.
- d. The requirements of the issue resolution process described in (a) of this condition shall also apply to contingency plans, minor or major amendments to Forest Management Plans and contingency plans, and insect pest management programs, with whatever modifications MNR considers necessary in the circumstances.
- e. At the commencement of public inspection of the MNR-approved Forest Management Plan for the ten-year period, and at the commencement of public inspection of the MNR-approved operations for the second five-year operational term, there shall be a 30-day period for any person to make a written request to the Director of Environmental Assessment and Approvals Branch (EAAB), MOE, for an individual environmental assessment of specific proposed forest management activities in the plan. The Director of EAAB, MOE, shall notify the plan author, the MNR District Manager and the MNR Regional Director of the request, and MNR shall normally have 15 days to respond to the Director of EAAB, MOE, on the request. The Director of EAAB, MOE, shall normally decide on the request within 45 days of the receipt of all necessary information from MNR. The Director of EAAB, MOE, may require MNR to submit additional necessary information, if the Director considers that there are critical deficiencies in the documentation submitted by MNR. If the Director of EAAB, MOE, has not decided on the request within 45 days of receipt of all necessary information, the Director shall provide the reason for the delay and the expected timeframe for a decision, to the MNR District Manager and MNR Regional Director, the plan author and the person requesting an individual environmental assessment.
- f. The opportunity to make a request to the Director of EAAB, MOE, for an individual environmental assessment of specific proposed forest management activities shall also apply to major amendments to Forest Management Plans and insect pest management programs. The Forest Management Planning Manual shall set out the time period for the request. The Director of EAAB, MOE, shall notify the MNR District Manager and MNR Regional Director of the request, and MNR shall normally have 15 days to respond to the Director on the request. The Director of EAAB, MOE, shall normally decide on the request within 30 days of MNR's response to the Director. If the Director of EAAB, MOE, has not decided within 30 days of receipt of the information, the Director shall provide the reason for the delay and the expected timeframe for a decision to the MNR District Manager and MNR Regional Director, the plan author and the person requesting an environmental assessment.
- g. If the Director of EAAB, MOE, has not decided on the request at the time that approved forest management activities are scheduled for implementation, partial or conditional approval of activities may be granted by the MNR Regional Director, upon notice to the requester and with the concurrence of the Director of EAAB, MOE, to permit appropriate operations to proceed in respect of activities and areas unaffected by the outstanding request.
- h. The Director of EAAB, MOE, may deny a request for an individual environmental assessment, and may or may not impose conditions on MNR. If the Director of EAAB, MOE, does not require an individual environmental assessment, the Director shall give written notice to the MNR District Manager and MNR Regional Director, the plan author and the person requesting the individual environmental assessment

that the request has been denied, the reasons for the denial and any conditions that are being imposed on MNR.

- i. If the Director of EAAB, MOE, requires an individual environmental assessment, the Director shall give written notice to the MNR District Manager and MNR Regional Director, the plan author and the person requesting the individual environmental assessment, that MNR will be required to prepare and submit an individual environmental assessment for review and approval under the EAA. The specific proposed forest management activities and the areas of the Whitefeather Forest that are the subject of the individual environmental assessment shall be identified in the written notice from the Director of EAAB, MOE. Where the Director of EAAB, MOE, has given written notice, partial or conditional approval of specific proposed forest management activities and the areas of the Whitefeather Forest that are not the subject of the individual environmental assessment, as identified in the written notice, may be granted by the MNR Regional Director, with the concurrence of the Director.

## **Background Information and Management Unit Description**

### **Background Information**

14. The Forest Management Planning Manual shall contain requirements for the following background information on the Whitefeather Forest to be available for use in forest management planning:
  - a. updated forest resource inventory data, in accordance with the requirements of the Forest Information Manual;
  - b. fish and wildlife inventory information;
  - c. cultural heritage resource inventory information;
  - d. mineral resource assessment maps;
  - e. the most recent Management Unit Annual Reports available at the time of planning; and,
  - f. Pikangikum indigenous knowledge, as provided by Pikangikum First Nation for this purpose.

### **Management Unit Description**

15. The Forest Management Planning Manual shall contain requirements for a description of the Whitefeather Forest in the Forest Management Plan. Those requirements shall include the following:
  - a. a description of the forest, based on updated forest resource inventory data and landscape level information;
  - b. a description of fish and wildlife resources, based on fish and wildlife inventory and habitat information;
  - c. a relevant social and economic description;
  - d. an Aboriginal Background Information Report which includes:
    - i. a summary of the use of natural resources in the Whitefeather Forest by Aboriginal communities, in particular hunting, fishing, trapping and gathering;

- ii. forest management related problems and issues for those Aboriginal communities; and
- iii. an Aboriginal values map which identifies the location of natural resource features, land uses and values which are used by, or of importance to, those Aboriginal communities; and
- e. a values map identifying the locations of natural resource features, land uses and values. A values map is a representation in summary form of the geographical location of the known natural resource features, land uses and values, including cultural resource sites and features, which must be considered in forest management planning, and about which further inventory information is available. The types of information portrayed on a values map (or maps) shall normally include, but are not limited to, the following, where such values have been identified by MNR, the forest industry, or any other person or group, and are verifiable:

**Natural Resource Features, such as:**

Fisheries

- major fish communities by lake/stream
- bait fish lakes
- spawning areas
- nursery areas
- migration areas
- headwater lakes and streams
- food supply areas

Wildlife

- moose concentration areas (early & late winter)
- moose aquatic feeding areas
- mineral licks
- moose and elk calving sites
- deer wintering areas (yards)
- raptor nests (e.g., eagles, ospreys, red-shouldered hawks, Cooper's hawks)
- heronries
- waterfowl nesting areas
- important habitats of vulnerable, threatened and endangered species\*
- caribou migration routes
- caribou calving/high summer use areas
- caribou wintering areas

Forests

- tree improvement areas\*
- seed orchards\*
- seed collection areas
- genetic test areas\*
- research plots (e.g., growth and yield plots)\*

**Forest Resources Uses/Values, such as:**

Tourism Establishments

- main base lodges
- outpost camps
- commercial boat caches
- potential tourism areas

Cottaging/Residential Sites or Areas

- existing development
- remote cottage sites
- proposed development (from lakeshore management plans)

Mineral/Aggregate/Quarry Developments

- pit or quarry permits or licences
- active mining claims

Commercial Fur

- registered trapline areas
- trapper cabins

Crown Land Recreation

- access points
- canoe routes
- portage trails
- hiking/nature trails
- snowmobile trails
- cross-country ski trails
- approved boat caches
- land use permit hunt camps

Bear Management Areas

Wild Rice Production Areas

**Existing and Planned Infrastructure Features, such as:**

- roads and railways
- utilities (pipelines, hydro lines)
- waste and sewage disposal sites
- airports/airstrips
- communications towers
- logging camps
- mills
- potable water supply sources, including sites on lakes, rivers and streams identified by any person as being used for water supplies
- waterpower facilities

**Cultural Heritage Sites and Features\*, such as:**

- archaeological sites and resources\*
- cemeteries/burial grounds, including Aboriginal cemeteries and burial grounds\*
- areas of archaeological potential\*
- built heritage resources\*
- traditional use sites\*
- cultural heritage landscapes\*

**Other Special Land Uses of Local Significance as identified by any person, such as:**

- areas of significance to local communities such as areas used for traditional or recreational activities
- Reserves and other Aboriginal communities
- Areas which have been identified as being required as reserve lands or for economic or capital development projects
- Areas of Natural and Scientific Interest
- Evaluated wetlands and evaluated wetland complexes
- registered trapline areas
- areas used for fuelwood or building materials
- sites of local archaeological, historical, religious and cultural heritage significance, including Aboriginal graveyards, spirit sites and burial sites\*
- medicinal plants
- significant ecological area (e.g. significant woodland, significant flora)

**Exclusions from the Land Base of the Management Unit, including:**

- Federal lands (e.g., Indian Reserves, Department of National Defence Bases, National Parks)
- Provincial Parks, Conservation Reserves and approved Provincial Park candidates

- Crown land leases (e.g., land use permits, licences of occupation)
- patented lands
- cemeteries/burial grounds, including Aboriginal cemeteries and burial grounds\*
- Areas of Natural and Scientific Interest which have been designated as exclusions from the management unit

*\* Publicizing the location of, and information about, certain values may be socially or culturally sensitive, or detrimental to their conservation. In those cases, information on those values would not normally be shown on the values map(s).*

### **Planning Long-term Management Direction**

16. The Forest Management Planning Manual shall contain planning requirements for the establishment and documentation of the long-term management direction for the Whitefeather Forest in the Forest Management Plan. Those requirements shall include the following:

- a. A description of long-term management direction shall be provided, and shall indicate that the management objectives may have an implementation timeframe greater than the ten-year period of the Forest Management Plan.
- b. In the development of the long-term management direction:
  - i. management objectives shall be identified;
  - ii. analytical methodologies, models and tools, regarding forest regulation, social and economic analysis, wildlife habitat supply and landscape management, shall be used; and
  - iii. the level of forest harvest shall be established for the ten-year period of the Forest Management Plan, using forest regulation methodologies that determine the Available Harvest Area for every forest unit on the Whitefeather Forest.
- c. Upon completion of the public review of the long-term management direction, and any subsequent modifications, MNR will provide preliminary endorsement of the long-term management direction.

### **Woodland Caribou**

17. The Forest Management Planning Manual shall contain the following requirements regarding habitat for woodland caribou (forest-dwelling boreal population) in the Whitefeather Forest:

- a. Guided by the strategic land use direction for the Whitefeather Forest and MNR policy direction, as amended from time to time, MNR shall ensure, through the application of its adaptive management approach to forest management planning, that Forest Management Plans for the Whitefeather Forest seek to provide a continuous supply (i.e., spatially and temporally) of habitat for woodland caribou (forest-dwelling boreal population), through:
  - i. the development of the long-term management direction; and

- ii. the planning of operations for the activities of access, harvest, renewal and maintenance.
- b. A description of how the requirements of (a) of this condition have been addressed in the Forest Management Plan for the Whitefeather Forest shall be provided in the supplementary documentation that accompanies the Forest Management Plan.
- c. MNR shall ensure that the Year Seven and Year Ten Management Unit Annual Reports include information on how the implementation of the Forest Management Plan has provided for a continuous supply of habitat for woodland caribou in the Whitefeather Forest.

## **Access Planning**

### **Strategic Access Approach**

18. The Forest Management Planning Manual shall contain requirements for a strategic approach to the planning of access roads in a Forest Management Plan for the Whitefeather Forest. Those requirements shall include the following:
- a. The planning of all primary, branch and operational roads in a Forest Management Plan shall be guided by:
    - i. the objective to maintain remoteness as a defining feature in the Whitefeather Forest, as set out in the strategic land use direction for the Whitefeather Forest; and
    - ii. the direction for access development and management, as set out in the strategic land use direction for the Whitefeather Forest.
  - b. A description of how the requirements of (a) of this condition have been addressed in the Forest Management Plan shall be provided in the supplementary documentation that accompanies the Forest Management Plan.

### **Primary and Branch Road Corridors**

19. The Forest Management Planning Manual shall contain requirements for corridor planning in the Forest Management Plan for the Whitefeather Forest for new primary roads (i.e., roads that provide principal access) and new branch roads (i.e., roads, other than primary roads, that branch off existing or new primary or branch roads, providing access to and through areas of operations). The requirements shall include the following planning provisions for the preparation of the Forest Management Plan for the ten-year period:
- a. A 1 kilometre wide corridor and an associated use management strategy shall be identified for each new primary and branch road.
  - b. For each new primary road, a 1 kilometre wide corridor shall be identified for a 20-year period, based on the consideration and environmental analysis of a reasonable range of practical alternative corridors.
  - c. In identifying a reasonable range of practical alternative primary road corridors for analysis, there shall be consideration of the degree to which the physical conditions, non-timber values, and significant engineering or safety factors in the area act as constraints or provide opportunities.

- d. The environmental analysis of the practical alternative primary road corridors shall consist of:
  - i. an assessment of the advantages and disadvantages of:
    - providing access to areas eligible for harvest, renewal and tending operations;
    - potential effects on non-timber values; and
    - providing access to any remote Aboriginal communities which were previously inaccessible by road;
  - ii. consideration of reasonable use management strategies which include public access provisions or restrictions, maintenance provisions and, where appropriate, abandonment provisions; and
  - iii. an estimate of relative costs related to road construction and use management, including maintenance costs and abandonment costs.
- e. Documentation of the consideration and environmental analysis of alternative primary road corridors, and the rationale for the selected corridor and associated use management strategy for each new primary road, shall be provided in the supplementary documentation that accompanies the Forest Management Plan. The selected corridor for each new primary road, and those primary roads that will be constructed during the ten-year period of the plan, shall be identified on maps in the plan.
- f. For each new branch road, a 1 kilometre wide corridor shall be identified for a ten-year period, based on a consideration of natural resource features, land uses and values, as identified on the values map for the Whitefeather Forest, and the results of consultation with interested and affected persons and organizations. Documentation of the rationale for the corridor and associated use management strategy for each new branch road shall be provided in the supplementary documentation that accompanies the Forest Management Plan. The corridor for each new branch road shall be identified on maps in the plan.

#### Area of Concern Crossings – Primary and Branch Roads

20. The Forest Management Planning Manual shall contain planning requirements for each Area of Concern crossing within the 1 kilometre wide corridor for each new primary and branch road. Those requirements shall include the following:
  - a. In the planning of operations for each five-year operational term of the Forest Management Plan for the Whitefeather Forest, there shall be a determination and documentation of:
    - i. a 100 metre wide location for the road;
    - ii. conditions on the construction of the Area of Concern crossing; and
    - iii. acceptable variations to the 100 metre wide location, and the conditions on the construction, of the Area of Concern crossing.

That determination shall involve consideration of: natural resource features, land uses and values, as identified on the values map for the Whitefeather Forest; the results of consultation with interested and affected persons and organizations; and potential preventive and mitigative measures.



- b. For each new primary and branch road water crossing to be constructed during the term of an Annual Work Schedule for the Whitefeather Forest, the following information shall be provided in the Annual Work Schedule and any subsequent revisions:
  - i. a map that shows the 100 metre wide location of the water crossing within the 1 kilometre wide corridor identified in the Forest Management Plan;
  - ii. the results of a review of the water crossing as required under the federal Fisheries Act;
  - iii. a description of the proposed crossing structure;
  - iv. any conditions on the construction of the crossing, including preventive and mitigative measures; and
  - v. a recommendation on the future removal of the crossing structure, if the road is planned to be abandoned.
- c. To allow for timely review, the proposed location, structure and conditions on construction for each water crossing shall normally be identified in the Annual Work Schedule preceding the Annual Work Schedule for the year in which construction is scheduled.
- d. As part of the Annual Work Schedule approval, MNR shall approve each primary and branch road water crossing based on the information provided in accordance with (b) of this condition.

#### Operational Roads

21. The Forest Management Planning Manual shall contain planning requirements for operational roads (i.e., roads within an area of operations, other than primary or branch roads). Those requirements shall include the following:
- a. In the planning of operations for each five-year operational term of the Forest Management Plan for the Whitefeather Forest, any necessary conditions on the locations and/or construction of operational road crossings of Areas of Concern shall be identified and documented. In addition, for each area of operations, a use management strategy for all operational roads within the area of operations shall be documented.
  - b. For each operational road water crossing to be constructed during the term of an Annual Work Schedule for the Whitefeather Forest, the following information shall be provided in the Annual Work Schedule and any subsequent revisions:
    - i. a map that shows the 100 metre wide location of the water crossing;
    - ii. the results of a review of the water crossing, as required under the federal Fisheries Act;
    - iii. a description of the proposed crossing structure;
    - iv. any conditions on the construction of the crossing, including preventive and mitigative measures; and
    - v. a recommendation on the future removal of the crossing structure, if the road is planned to be abandoned.

- c. To allow for timely review, the proposed location, structure and conditions on construction for each water crossing shall normally be identified in the Annual Work Schedule preceding the Annual Work Schedule for the year in which construction is scheduled.
- d. As part of the Annual Work Schedule approval, MNR shall approve each operational road water crossing, based on the information provided in accordance with (b) of this condition.

## **Planning Harvest, Renewal and Maintenance Operations**

### Identification of Areas of Operations and Forecasts of Level of Activity

22. The Forest Management Planning Manual shall contain planning requirements for the identification of areas of operations in the Forest Management Plan for the Whitefeather Forest. Those requirements shall include the following:
- a. Criteria shall be developed for use in the identification of areas that could reasonably be harvested during the ten-year period of the Forest Management Plan, consistent with the long-term management direction for the Whitefeather Forest. The criteria shall be documented in the Forest Management Plan, and shall include considerations such as: industrial wood requirements and wood supply commitments; wildlife habitat requirements; emulation of natural disturbance patterns; operability factors; age classes; visual aesthetics; and opportunities for harvesting fuelwood. All areas within the Whitefeather Forest that meet the criteria shall be eligible for harvest, and shall be identified and mapped as optional harvest areas.
  - b. From the eligible areas, preferred areas for harvest for the ten-year period of the Forest Management Plan shall be identified and mapped up to the level of the Available Harvest Area for each forest unit and portrayed for each five-year operational term. All other optional harvest areas may be ranked in order of preference.
  - c. After considering the results of consultation on the preferred and optional harvest areas, harvest areas shall be selected and mapped for each five-year operational term. Any areas within the areas selected for harvest, which are in excess of the projected industrial wood requirements and wood supply commitments for the Whitefeather Forest, shall be clearly identified and mapped as surplus areas. The area selected for harvest, including the surplus area, shall normally be equally balanced between the two five-year operational terms, and shall not exceed the Available Harvest Area for each forest unit for the ten-year period of the Forest Management Plan.
  - d. For clearcut harvest operations, areas shall be selected for harvest in accordance with the direction and standards in MNR's forest management guide, as revised from time to time, relating to the emulation of natural disturbance patterns. Where clearcuts exceed 260 hectares, each such clearcut shall be recorded in the Forest Management Plan, with the accompanying silvicultural or biological rationale.
  - e. Areas for renewal and tending operations shall be identified and mapped for each of the two five-year operational terms. Those areas shall include: all of the areas selected for harvest; areas previously harvested during the terms of the current or

- previous Forest Management Plan(s) and not yet renewed; areas of natural disturbances which require renewal; and areas which require tending.
- f. A contingency area for harvest operations, available for the ten-year period of the Forest Management Plan, shall also be identified and mapped separately. The contingency area shall be selected from the optional harvest areas, and the area selected must support a minimum of one year and a maximum of two years of harvest operations. The contingency area shall serve as replacement area for harvest during the ten-year period of the Forest Management Plan, in the event that circumstances arise causing the areas selected for operations to be no longer available. The full requirements of the applicable planning conditions of this Declaration Order shall apply to the planning of access roads, harvest, renewal and tending operations for the contingency area.
  - g. The Forest Management Plan shall contain a forecast of the level of activity (e.g., harvest, renewal and tending), based on the areas selected for operations for each five-year operational term. The forecast for renewal and tending shall include an estimate of the associated expenditures.

#### Silvicultural Ground Rules

23. The Forest Management Planning Manual shall contain planning requirements for the development and documentation of Silvicultural Ground Rules in the Forest Management Plan for the Whitefeather Forest. Those requirements shall include the following:
- a. The Forest Management Plan shall contain Silvicultural Ground Rules for all of the forest unit-ecosite combinations on the Whitefeather Forest. The Silvicultural Ground Rules shall serve as the prescriptions for regular operations in the areas of operations for the ten-year period of the Forest Management Plan. The Silvicultural Ground Rules shall be prepared and certified by a Registered Professional Forester, under the direction of the plan author, using the silvicultural guides described in the Forest Operations and Silviculture Manual.
  - b. For each Silvicultural Ground Rule, the preferred silvicultural treatment package that is most commonly used on the Whitefeather Forest shall be identified, as well as acceptable alternative silvicultural treatments for each of the harvest, renewal and tending activities.
    - i. If a Silvicultural Ground Rule includes a treatment which is not recommended in the applicable silvicultural guide, that treatment shall be recorded as an exception. The rationale for that exception shall be provided, and the monitoring program for the Forest Management Plan shall describe the methods that will be used to determine the effectiveness of that exception.
    - ii. On the maps of areas selected for operations for each of the five-year operational terms of the Forest Management Plan, the areas selected for operations shall be cross-referenced to the Silvicultural Ground Rules.
    - iii. At the time of implementation of operations, in the event that the actual site conditions encountered are found to be different than those previously identified in the Forest Management Plan, other relevant approved alternative silvicultural treatments in the Silvicultural Ground Rules can be selected.

#### Silvicultural Treatments of Special Public Interest

24. The Forest Management Planning Manual shall contain planning requirements for the documentation of silvicultural treatments of special public interest in the Forest Management Plan for the Whitefeather Forest. Those requirements shall include the following:
- a. In the planning of operations for each five-year operational term, locations where the following silvicultural treatments of special public interest are likely to occur shall be portrayed on the maps of the areas selected for operations:
    - i. candidate prescribed burns;
    - ii. areas proposed for aerial application of herbicides;
    - iii. if applicable, areas which have been identified as eligible for insect pest management, and areas proposed for aerial application of insecticides, as a result of the application of the planning procedure for insect pest management programs; and
    - iv. areas available for fuelwood.
  - b. This information shall represent the best estimate of proposed operations at the time of operational planning, and shall not limit the selection of any other approved alternative silvicultural treatments in the Silvicultural Ground Rules at the time of implementation of operations.

#### Operational Prescriptions for Areas of Concern

25. The Forest Management Planning Manual shall contain planning requirements for the development and documentation of operational prescriptions (i.e., for harvest, renewal and maintenance activities) for Areas of Concern in the Forest Management Plan for the Whitefeather Forest. Those requirements shall include the following:
- a. Areas of Concern shall be identified for natural resource features, land uses and values that may be affected by forest management operations. These natural resource features, land uses and values are identified on the values map for the Whitefeather Forest, and include all lakes and streams that appear on the maps of the areas selected for operations.
  - b. In the planning of operations for each five-year operational term, operational prescriptions for Areas of Concern shall be prepared and documented in a table, and clearly portrayed on the maps of areas selected for operations.
  - c. Operational prescriptions for Areas of Concern shall be prepared for individual Areas of Concern, or groups of Areas of Concern with common natural resource features, land uses or values, using the applicable Guides. Operational prescriptions for Areas of Concern may be reserves (i.e., prohibition of operations), modified operations (i.e., specific conditions or restrictions on operations) or regular operations (i.e., in accordance with the Silvicultural Ground Rules), individually or in combination.
  - d. For operational prescriptions for individual Areas of Concern, or groups of Areas of Concern with common natural resource features, land uses or values, which apply the specific direction or recommendations (standards and guidelines) in a Guide, documentation of the applicable section of the Guide shall be provided in the Forest Management Plan.

- e. If an operational prescription for an individual Area of Concern, or a group of Areas of Concern with common natural resource features, land uses or values, must be developed in the absence of specific direction or recommendations (standards and guidelines) in a Guide, there shall be a consideration and an environmental analysis of alternative operational prescriptions, and participation of interested and affected persons and organizations. Documentation of the consideration and environmental analysis of alternative operational prescriptions, the participation of interested and affected persons and organizations, and the rationale for the selected operational prescription, shall be provided in the supplementary documentation that accompanies the Forest Management Plan. Any objections to such an operational prescription by interested and affected persons and organizations, and the responses to the objections, shall also be documented.
- f. If other planning exercises have resulted in proposed operational prescriptions that directly relate to forest management activities, those proposed operational prescriptions shall be made available for public review during the appropriate stages of formal public consultation. If the public review does not support the proposed operational prescription, the requirements of (e) or (g) of this condition shall apply. If the public review supports the proposed operational prescription, no further planning shall be required, and the rationale for that operational prescription, including the consideration of the comments received from interested and affected persons and organizations, shall be documented in the Forest Management Plan.
- g. For Areas of Concern which involve cultural heritage, tourism or recreation values, and for which an operational prescription has not been prepared and supported in accordance with (d) or (f) of this condition, there shall be consideration of visual aesthetics, which may include the use of viewscape analysis techniques, in the development of the operational prescriptions. There shall be a consideration and an environmental analysis of alternative operational prescriptions, and participation of interested and affected persons and organizations in the development of the operational prescriptions. Documentation of the consideration and environmental analysis of alternative operational prescriptions, the participation of interested and affected persons and organizations, and the rationale for the selected operational prescription, shall be provided in the supplementary documentation that accompanies the Forest Management Plan. Any objections to such an operational prescription by interested and affected persons and organizations, and the responses to the objections, shall also be documented.
- h. If an operational prescription is developed for an individual Area of Concern, or a group of Areas of Concern with common natural resource features, land uses or values, that differs from the specific direction or recommendations (standards and guidelines) in a Guide, there shall be consideration and environmental analysis of alternative operational prescriptions, and participation of interested and affected persons and organizations. Documentation of the consideration and environmental analysis of alternative operational prescriptions, the participation of interested and affected persons and organizations, and the rationale for the selected operational prescription, shall be provided in the supplementary documentation that accompanies the Forest Management Plan. The operational prescription shall be recorded in the Area of Concern prescriptions table as an exception, and the monitoring program for the Forest Management Plan shall describe the methods which will be used to monitor the effectiveness of that operational prescription exception.

### Report on Protection of Identified Aboriginal Values

26. The Forest Management Planning Manual shall contain requirements for preparing and making available a Report on Protection of Identified Aboriginal Values for Aboriginal communities in or adjacent to the Whitefeather Forest during the planning of operations for each five-year operational term of the Forest Management Plan. Those requirements shall include the following:
- a. The planning team, with the support of MNR, shall produce a preliminary Report on Protection of Identified Aboriginal Values that shall include:
    - i. a summary of proposed operations and a discussion of proposed primary and branch road corridors of interest to the Aboriginal community;
    - ii. the most current version of the values map and the Aboriginal values map;
    - iii. a discussion of proposed operational prescriptions for specific Areas of Concern associated with identified Aboriginal values; and
    - iv. a discussion of how local Aboriginal hunting, fishing, trapping and gathering activities have been addressed in the planning of forest management operations.
  - b. The planning team, with the support of MNR, shall produce a final Report on Protection of Identified Aboriginal Values that shall include:
    - i. the draft Forest Management Plan Summary;
    - ii. the updated version of the values map and the updated Aboriginal values map;
    - iii. a discussion of selected primary and branch road corridors of interest to the Aboriginal community;
    - iv. a discussion of the updated operational prescriptions for specific Areas of Concern associated with identified Aboriginal values; and
    - v. an updated discussion of how local Aboriginal hunting, fishing, trapping and gathering activities have been addressed in the planning of forest management operations.
  - c. The preliminary Report on Protection of Identified Aboriginal Values shall be available prior to the draft Forest Management Plan being available for public review. The final Report on Protection of Identified Aboriginal Values shall be available at the time of public review of the draft Forest Management Plan.

### Improving Silvicultural Planning

27. The Forest Management Planning Manual shall contain requirements for silvicultural planning in the Forest Management Plan for the Whitefeather Forest. Those requirements shall include the following:
- a. In the preparation of the Forest Management Plan, an analysis shall be undertaken by a Registered Professional Forester to determine the necessary levels of renewal and tending activities, and associated expenditures required, to achieve the objectives described in the Forest Management Plan. The analysis shall be documented and shall include a discussion of the following:

- i. the level of previous renewal and tending operations;
  - ii. the silvicultural effectiveness of previous renewal and tending operations;
  - iii. the expenditures associated with previous renewal and tending operations; and
  - iv. recommended changes that may affect the future level, effectiveness, and expenditures associated with the forecasted renewal and tending operations.
- b. During the planning of operations for the second five-year operational term, the analysis required by (a) of this condition shall be updated and documented as appropriate.

### Monitoring Program

28. The Forest Management Planning Manual shall contain planning requirements for the monitoring of operations in the Forest Management Plan for the Whitefeather Forest. Those requirements shall include the following:

- a. During the planning of operations for each five-year operational term of the Forest Management Plan, provisions for monitoring operations shall be prepared and documented, and shall include:
  - i. a general description of the forest operations inspection program for the Whitefeather Forest, and specific provisions for monitoring operations in individual Areas of Concern and groups of Areas of Concern with common values;
  - ii. a description of monitoring which shall be used to determine the effectiveness of any silvicultural treatments in the Silvicultural Ground Rules which are exceptions to the recommendations in the silvicultural guides described in the Forest Operations and Silviculture Manual;
  - iii. a description of monitoring which shall be used to determine the effectiveness of operational prescriptions for Areas of Concern which are exceptions to the specific direction or recommendations (standards and guidelines) in the applicable Guides; and
  - iv. a description of the program for carrying out assessments of regeneration success for both naturally and artificially regenerated areas.
- b. Monitoring descriptions shall include:
  - i. the identification of the methods which shall be used;
  - ii. the timing and duration of monitoring;
  - iii. the documentation and reporting of monitoring results;
  - iv. the opportunities for Local Citizens Committee members to participate in monitoring; and
  - v. the opportunities for Pikangikum First Nation elders, trappers and other community members to participate in monitoring to gather and record Pikangikum indigenous knowledge.

## **Contingency Plans, Amendments to Forest Management Plans and Contingency Plans and Insect Pest Management Programs**

### Contingency Plans

29. The Forest Management Planning Manual shall contain planning requirements for the development of contingency plans for the Whitefeather Forest. Those requirements shall include the following:
- a. A contingency plan shall be prepared when special circumstances affect the implementation of the Forest Management Plan. These circumstances include the following:
    - i. delays in preparation and approval of the Forest Management Plan;
    - ii. the amalgamation of Management Units;
    - iii. adjustments to forest management planning schedules to improve the timing of forest management planning across the province; or
    - iv. where an unscheduled plan renewal is required.
  - b. To initiate the planning process for a contingency plan, a planning proposal shall be submitted by the MNR Regional Director to the Director of EAAB, MOE, for endorsement. The planning proposal shall describe the need for, the term of, and the content of the contingency plan, public and Aboriginal consultation to date, and provisions for additional public and Aboriginal consultation in its preparation. The public and Aboriginal consultation provisions shall be consistent with the requirements for the Forest Management Plan, and may vary having regard for the extent of public and Aboriginal consultation to date on the proposed operations. The Director of EAAB, MOE, may require the MNR Regional Director to submit additional information related to the planning proposal prior to determining whether to endorse the planning proposal. The Director of EAAB, MOE, shall normally make a decision on endorsement of the planning proposal within 30 days of receipt of all necessary information.
  - c. If the Director of EAAB, MOE, endorses the planning proposal, preparation of the contingency plan shall proceed. As in the case of the Forest Management Plan, the contingency plan shall be prepared by a Registered Professional Forester, who shall be the plan author, assisted by a planning team and the Local Citizens Committee. The contingency plan shall be certified by the plan author, and reviewed by MNR district and regional staff. Upon satisfactory completion of changes in response to the MNR review, the contingency plan shall be certified and recommended for approval by the MNR District Manager in accordance with the same requirements as for the Forest Management Plan. Where approved by the MNR Regional Director, the approved contingency plan shall be filed in the same locations as the approved Forest Management Plan.

### Amendments to Forest Management Plans and Contingency Plans

30. The Forest Management Planning Manual shall contain planning requirements for amendments to Forest Management Plans and contingency plans for the Whitefeather Forest. Those requirements shall include the following:



- a. An amendment shall be prepared for any change to an approved Forest Management Plan or an approved contingency plan. Any person can initiate the planning process for an amendment by submitting a written request to the MNR District Manager. The request shall provide a brief description of the need for, and nature of, the proposed amendment. The MNR District Manager, in consultation with the Local Citizens Committee, shall decide if preparation of the proposed amendment should proceed and the appropriate categorization of the amendment as administrative, minor or major. The MNR District Manager's decision on the preparation of the proposed amendment and its categorization shall consider, at a minimum, the following factors: the amount of planning and public and Aboriginal consultation required for the proposed amendment; time constraints; requests of a similar nature; and the adequacy and relevancy of information available at the time of the request. Where the MNR District Manager has made a preliminary determination that an amendment should be categorized as administrative, and the Local Citizens Committee is not readily available for consultation on this categorization, the District Manager may instead consult the chair of the Local Citizens Committee, or his/her alternate, for the purpose of deciding on this categorization.
- b. All applicable planning and documentation requirements for the Forest Management Plan shall apply to the preparation of an amendment to the Forest Management Plan or a contingency plan. An amendment shall be certified by the plan author and the MNR District Manager, and where approved, shall be filed in the same locations as the approved Forest Management Plan. Public and Aboriginal consultation provisions shall apply to major and minor amendments. The requirements for consultation, including the contents of notices, the recipients of notices, and information availability, shall be consistent with the requirements for the Forest Management Plan, with whatever modifications MNR considers necessary in the circumstances.
- c. Major amendments shall be prepared with the participation of interested and affected persons and organizations, and there shall be a formal opportunity for public and Aboriginal consultation during the preparation of the proposed amendment. Major amendments shall be reviewed by MNR district and regional staff, and approved by the MNR Regional Director. There shall also be a public inspection of the MNR-approved amendment, with an opportunity to request the Director of EAAB, MOE, to order an individual environmental assessment of specific proposed forest management activities in the major amendment, in accordance with the process set out in condition 13 of this Declaration Order.
- d. Minor amendments shall be prepared in consultation with interested and affected persons and organizations, and reviewed by MNR district staff. Minor amendments shall be approved by the MNR District Manager, and there shall be a public inspection of the MNR-approved amendment.
- e. Administrative amendments shall be reviewed by MNR district staff, and approved by the MNR District Manager, or his/her designate.
- f. Amendments to contingency plans shall be consistent with the planning proposal for the contingency plan previously endorsed by the Director of EAAB, MOE.
- g. The Forest Management Planning Manual shall contain planning requirements for amendments to Forest Management Plans and contingency plans that may provide for the expeditious planning and implementation of salvage operations.

### Insect Pest Management Programs

31. The Forest Management Planning Manual shall contain planning requirements for insect pest management programs for major insect pest infestations on the Whitefeather Forest. Those requirements shall include the following:

- a. When there is a major insect pest infestation, a District insect pest management program shall be developed by an interdisciplinary team, comprised of MNR district and regional staff and a representative(s) of the Local Citizens Committee(s). Areas eligible for insect pest management shall be identified, and a range of management options shall be considered and documented. The following management options shall be considered:
  - i. no treatment;
  - ii. accelerated harvest;
  - iii. redirected harvest;
  - iv. salvage harvest;
  - v. the use of insecticides; and
  - vi. appropriate combinations of the foregoing options.
- b. If the selected course of action is accelerated, redirected or salvage harvest operations, the MNR District Manager shall determine if an amendment to the approved Forest Management Plan is required, and if so, the provisions for a Forest Management Plan amendment shall apply.
- c. If the selected course of action involves the aerial application of insecticides, public and Aboriginal consultation provisions shall apply. The requirements for public and Aboriginal consultation, including the contents of notices, the recipients of notices, and information availability, shall be consistent with the requirements of conditions 11 and 12, with whatever modifications MNR considers necessary in the circumstances.
- d. There shall be a formal opportunity for public and Aboriginal consultation during the development of the proposed insect pest management program and specific project proposals. The insect pest management program and specific projects that involve the aerial application of insecticides shall be approved by the MNR Regional Director. There shall also be a public inspection of the approved insect pest management program and specific projects that involve the aerial application of insecticides. There shall also be an opportunity to request the Director of EAAB, MOE, to order an individual environmental assessment of specific forest management activities in the approved insect pest management program, in accordance with the process set out in condition 13 of this Declaration Order.
- e. When considering the use of insecticides, where alternatives to chemical insecticides are commercially available, reasonably cost-effective, and approved federally and provincially for use, MNR shall give preference to such alternatives.

### **Annual Operations**

32. The Forest Management Planning Manual shall contain planning requirements for the preparation of, and revisions to, the Annual Work Schedule for the Whitefeather Forest. Those requirements shall include the following:

- a. The Annual Work Schedule and any revisions to it shall be certified by a Registered Professional Forester.
- b. The Annual Work Schedule shall be prepared and approved for the Whitefeather Forest before any operations may proceed. The Annual Work Schedule shall be consistent with the approved Forest Management Plan.
- c. All areas scheduled for access, harvest, renewal and maintenance operations during the year shall be clearly mapped in the Annual Work Schedule.
- d. In approving the Annual Work Schedule, MNR shall approve all water crossings to be constructed during the term of the Annual Work Schedule, based on the information provided in accordance with the access planning requirements set out in conditions 20 and 21.
- e. To allow for timely review of water crossings, as required under the federal Fisheries Act, the Annual Work Schedule shall normally contain the proposed location, structure and conditions on construction for each water crossing expected to be scheduled for construction during the term of the next Annual Work Schedule.
- f. For each prescribed burn project planned during the term of an Annual Work Schedule, an operational plan shall be prepared in accordance with the requirements for prescribed burn planning as described in the Forest Operations and Silviculture Manual. The operational plan, upon MNR approval, shall be appended to the approved Annual Work Schedule.
- g. For each aerial herbicide and insecticide project planned during the term of an Annual Work Schedule, a project description and a project plan shall be prepared in accordance with the requirements for aerial herbicide and insecticide planning as described in the Forest Operations and Silviculture Manual. The project description and project plan, upon MNR approval, shall be appended to the approved Annual Work Schedule.
- h. The Annual Work Schedule shall be reviewed by MNR district staff and approved by the MNR District Manager. MNR shall undertake the review of water crossings proposed in an Annual Work Schedule, as required under the federal Fisheries Act, in accordance with the requirements of the "Protocol for the Review of Water Crossings Proposed Through the Forest Management Planning Process", as amended from time to time.
- i. The Local Citizens Committee shall be provided the opportunity to inspect the Annual Work Schedule prior to its approval. The approved Annual Work Schedule shall be available for public inspection, with public notices identifying a person who can be contacted in relation to forest operations on the Whitefeather Forest and opportunities for fuelwood and tree planting jobs.
- j. At the time of implementation of operations:
  - i. In the event that a previously unidentified natural resource feature or value is encountered, the applicable operational prescription in the approved Forest Management Plan shall be applied with no requirement for an amendment to the Forest Management Plan or a revision to the Annual Work Schedule. Where an applicable operational prescription is not available in the approved Forest Management Plan, an amendment to the Forest Management Plan and a revision to the Annual Work Schedule shall be required.

- ii. In the event that the actual location of a natural resource feature or value is different than the mapped location in the approved Forest Management Plan, the operational prescription in the Forest Management Plan shall be applied in the actual location, with no requirement for an amendment to the Forest Management Plan or a revision to the Annual Work Schedule.
- iii. For water crossings, in the event that an unmapped stream is encountered, or the actual location of a stream is different than the mapped location in the approved Annual Work Schedule, or a change to the 100 metre location of the water crossing is necessary, a revision to the Annual Work Schedule shall be required, but no amendment to the Forest Management Plan shall be required.

### **Management Unit Annual Reporting**

33. The Forest Management Planning Manual shall contain requirements for the preparation of a Management Unit Annual Report for the Whitefeather Forest, including text, tables and maps. Those requirements shall include the following:

- a. Each year, a Management Unit Annual Report shall be prepared and certified by a Registered Professional Forester, to report on the implementation of forest management operations during the preceding year. The Management Unit Annual Report shall include a discussion of the progress to date in meeting the planned level of activity described in the Forest Management Plan, and a discussion of any significant events affecting the implementation of the Forest Management Plan. At the time of submission of the Management Unit Annual Report, records of pesticides used for forest management purposes in the current year shall also be submitted.
- b. In addition to these reporting requirements, the Management Unit Annual Reports for Years Three, Seven and Ten shall provide further information as described in (c), (d), and (e) of this condition.
- c. The Year Three Management Unit Annual Report shall serve as a mid-plan review by describing progress in plan implementation. In that report, the Registered Professional Forester shall report on his or her determination as to whether or not the long-term management direction remains valid for the second five-year operational term. The Forest Management Planning Manual shall identify the primary considerations for that determination:
  - i. If the long-term management direction remains valid, the report shall recommend that planning for the second five-year operational term proceed; or
  - ii. If the long-term management direction remains substantially valid, but requires minor adjustments, the report shall recommend that planning for the second five-year operational term proceed with appropriate modifications; or
  - iii. If the long-term management direction is no longer valid, the report shall recommend that an unscheduled plan renewal occur.

The MNR Regional Director shall endorse the Year Three Management Unit Annual Report following a review that ensures the recommendations are acceptable for implementation.

- d. The Year Seven Management Unit Annual Report shall serve as background information for use in the preparation of the upcoming Forest Management Plan, and shall include preliminary information on the following items:
  - i. an assessment of the achievement of the management objectives of the current Forest Management Plan;
  - ii. a review and update of the assumptions used to prepare the current Forest Management Plan; and
  - iii. conclusions and recommendations for consideration in the preparation of the upcoming Forest Management Plan.
- e. The Year Ten Management Unit Annual Report shall serve as background information in the upcoming planning process and shall include final information on the following items:
  - i. an assessment of the achievement of the management objectives of the previous Forest Management Plan;
  - ii. a review and update of the assumptions used to prepare the previous Forest Management Plan; and
  - iii. final conclusions and recommendations.

## **MONITORING**

### **Management Unit Level Monitoring**

#### Forest Operations Inspections

34. MNR shall ensure that forest operations inspections of forest management activities are undertaken on the Whitefeather Forest. MNR shall ensure that:
- a. Individual inspection reports for forest operations inspections are prepared, in accordance with the requirements of MNR's Forest Compliance Handbook, as amended from time to time.
  - b. Individual inspection reports for forest operations inspections on the Whitefeather Forest for the most recent five years shall be made available for viewing by the Local Citizens Committee and the general public at the local MNR district office, and for use in independent forest audits.
  - c. MNR shall make available to the public, via MNR's internet website, an annual summary of forest operations inspections for the Whitefeather Forest, prepared in accordance with the requirements of the Forest Management Planning Manual, as amended from time to time. This summary shall:
    - i. distinguish between inspections conducted by the Sustainable Forest Licensee and MNR; and
    - ii. identify MNR inspections of incidents of non-compliance reported by the Sustainable Forest Licensee.

## **Provincial Level Monitoring**

### Audit Program

35. MNR shall ensure that independent forest audits are conducted for the Whitefeather Forest, in accordance with the requirements of the CFSA and associated regulations, and MNR's independent forest audit processes and protocols, as amended from time to time.

### Silvicultural Effectiveness Monitoring

36. MNR shall ensure that silvicultural effectiveness monitoring and reporting is undertaken on the Whitefeather Forest, in accordance with the requirements of the Silvicultural Effectiveness Monitoring Manual for Ontario, as amended from time to time.

### Wildlife Population Monitoring

37. MNR shall ensure that the Whitefeather Forest is included in the Provincial Wildlife Population Monitoring Program, as amended from time to time.

## **REPORTING**

### Provincial Annual Report on Forest Management

38. MNR shall ensure that information for the Whitefeather Forest is included in the Provincial Annual Report on Forest Management. The Provincial Annual Report on Forest Management shall be provided to the Director of EAAB, MOE, and shall be made available to the public.

### State of the Forest Report

39. MNR shall ensure that information for the Whitefeather Forest is included in the State of the Forest Report. A copy of the State of the Forest Report shall be provided to the Director of EAAB, MOE, and the report shall be made available to the public.

## **NEGOTIATIONS WITH PIKANGIKUM FIRST NATION**

40. The MNR District Manager for the MNR District that includes the Whitefeather Forest shall conduct negotiations at the local level with Pikangikum First Nation in order to identify and implement ways of achieving benefits for Pikangikum First Nation from forest management activities. These negotiations shall include, but are not limited to, the following matters:
- a. provision of job opportunities and income associated with forest and mill operations in the vicinity of the Whitefeather Forest;
  - b. provision of forest resource licences to Pikangikum First Nation where unallocated Crown timber exists close to the Whitefeather Forest; and
  - c. development of programs to provide jobs, training and income for the people of Pikangikum First Nation in forest management operations, through joint projects with Indian and Northern Affairs Canada.

## **CONTINUING DEVELOPMENT AND PROGRAMS**

### **Advisory Committees**

41. MNR shall ensure that the respective mandates of the applicable Regional Advisory Committee, the Provincial Forest Policy Committee, and the Provincial Forest Technical Committee are broadened to include matters related to the Whitefeather Forest that are brought to the committee(s) by MNR.

### **Guides**

42. MNR's approved Guides, as revised from time to time, shall be used in the planning and implementation of forest management activities on the Whitefeather Forest.

### **Information Collection and Management**

#### Inventory, Information and Management Systems

43. MNR shall ensure that information on natural resource features, land uses and values on the Whitefeather Forest is updated, and that the most current, relevant information is available in MNR's information management system for use in forest management planning. The information on natural resource features, land uses and values shall be generally available to the public.

#### Forest Ecosystem Classification System

44. MNR shall ensure that the Whitefeather Forest is included in MNR's Ecological Land Classification Program, as amended from time to time.

### **Scientific Research and Technical Development**

#### Growth and Yield Program

45. MNR shall ensure that the Whitefeather Forest is included in MNR's provincially coordinated Growth and Yield Program, as amended from time to time. The Forest Management Planning Manual shall include requirements to incorporate the results of the Growth and Yield Program for use in forest management planning for the Whitefeather Forest.

#### Public Education on Forest Management

46. Following completion of the incorporation of the requirements of conditions 5 to 33 of this Declaration Order into a Forest Management Planning Manual, MNR shall prepare a brochure which outlines the forest management planning process in a simplified form, and shall include a description of how natural resource features, land uses and values are addressed in forest management planning. The brochure shall be updated when any significant amendment is made to the Forest Management Planning Manual. The brochure shall be available for public distribution in English and Ojibway.

## Provincial Wood Supply Strategy

47. MNR shall ensure that the Whitefeather Forest is included in MNR's provincial wood supply strategy, as amended from time to time.

## ADMINISTRATION OF THESE CONDITIONS

### Phase-in Provisions

48. The conditions of this Declaration Order shall apply as follows:

- a. Within twelve months of the date that this Declaration Order comes into force, MNR shall propose a forest management planning manual that incorporates conditions 5 to 33 of this Declaration Order, and shall be:
  - i. subject to review and comment by the public in accordance with the CFSA and its associated regulations; and
  - ii. reviewed by the EAAB, MOE, for consistency with the conditions of this Declaration Order.

MNR may propose a new forest management planning manual, or amendments to the existing forest management planning manual, to incorporate conditions 5 to 33 of this Declaration Order.

- b. Until Ontario has published its response to the recovery strategy for Woodland Caribou (Forest-dwelling boreal population) under section 11(8) of the *Endangered Species Act, 2007* (the Woodland Caribou Conservation Plan) and conditions 5 to 33 of this Declaration Order are incorporated into a forest management planning manual which is approved in accordance with the provisions of the CFSA, MNR may not carry out any forest management activities on the Whitefeather Forest, except that:
  - i. MNR may begin the preparation of the Forest Management Plan for the Whitefeather Forest, by:
    - establishing the role of Pikangikum elders, in accordance with the requirements of condition 9(a)(i);
    - establishing a planning team, in accordance with the requirements of conditions 6 and 9(a)(ii);
    - establishing a Local Citizens Committee, in accordance with the requirements of condition 10;
    - discussing with Pikangikum First Nation and each Aboriginal community adjacent to the Whitefeather Forest the development of an approach to consultation with each community, in accordance with the requirements of conditions 9(a)(iii) and 12; and
    - assembling background information, in accordance with the requirements of conditions 9(b) and 14; and
  - ii. MNR may use insecticides for insect pest infestations in the Whitefeather Forest, in accordance with the applicable requirements of condition 31.
- c. The conditions of this Declaration Order shall be in force on the date that this Declaration Order is approved by the Lieutenant Governor in Council.



49. This Declaration Order does not apply to the use of insecticides for insect pest infestations where the following criteria are satisfied:
- a. prior to this Declaration Order coming into effect, MNR has commenced or completed the relevant process under another order or approval under the EAA that is applicable to an activity which forms part of the Undertaking; and
  - b. MNR carries out the activity in accordance with any applicable requirements of that other order or approval.

#### **Five-Year Environmental Assessment Report and Monitoring of these Conditions**

50. In the sixth year following the commencement of forest operations on the Whitefeather Forest, and every five years thereafter, MNR shall prepare a report on the implementation of this Declaration Order. MNR shall provide the report to the Director of EAAB, MOE, and the report shall be made available to the public. The report shall include the following:
- a. a discussion of the environmental, social and economic benefits realized from implementation of the Undertaking;
  - b. a description of the implementation of the forest management planning process, including: the cost and time to prepare and approve the Forest Management Plan; amendments to the Forest Management Plan; disposition of requests for individual environmental assessments; and a discussion of related consultation;
  - c. a description of the implementation of conditions 9, 17 and 18 in the forest management planning process;
  - d. an assessment of the supply of woodland caribou habitat on the Whitefeather Forest;
  - e. the schedule for the preparation of the next Forest Management Plan for the Whitefeather Forest;
  - f. a summary and discussion of contributions to, and expenditures from, the Forest Renewal Trust and the Forestry Futures Trust for the Whitefeather Forest;
  - g. a summary of the progress of on-going negotiations with Pikangikum First Nation, in accordance with condition 40;
  - h. a description of the number, type and disposition of requests for amendments, and proposed amendments, to conditions of this Declaration Order;
  - i. a description of where the public can obtain a current copy of the conditions of this Declaration Order;
  - j. a discussion of specific issues and problems related to implementation of these conditions and other significant matters, and the manner in which they have been addressed to date; and
  - k. a description of actions to be taken to improve the overall implementation of the conditions of this Declaration Order.

#### **Amendments to Conditions of this Declaration Order**

51. Amendments to conditions of this Declaration Order may be proposed by MNR; requested by any person or organization; or proposed by MOE.

### Proposals from MNR

- a. If MNR is proposing an amendment to these conditions, a Notice of Proposed Amendment shall be given to the Director of EAAB, MOE. MNR shall invite public comment on the proposal by posting a Notice of Proposed Amendment on the Environmental Registry, under the *Environmental Bill of Rights, 1993*, for a minimum of 30 days, prior to submitting the proposal to the Director of EAAB, MOE.
- b. A Notice of Proposed Amendment shall include:
  - i. a brief description of the proposed amendment, including proposed wording, and the rationale for the proposed amendment, including any new information or change in circumstances giving rise to the need for an amendment;
  - ii. a detailed discussion of expected effects on the natural environment of proceeding with the amendment, including the science underlying the proposal;
  - iii. a detailed discussion of expected social effects of proceeding with the amendment, including potential impacts on interested and affected persons and organizations;
  - iv. a detailed discussion of expected economic effects of proceeding with the amendment, including a discussion of cost implications;
  - v. a discussion of how the amendment will be implemented, including timeframes and geographic application; and
  - vi. a discussion of the results of public and Aboriginal consultation conducted to date on the proposed amendment.
- c. Despite (a), a Notice of Proposed Amendment may be given to the Director of EAAB, MOE, by MNR without prior public and Aboriginal consultation where MNR considers the proposed amendment to be administrative, in that there are likely no environmental effects from the implementation of the proposal.
- d. Where the Director of EAAB, MOE, concurs that the proposed amendment is administrative, in that there are likely no environmental effects from the implementation of the proposal, the Director shall forward the proposal to the Minister of the Environment for consideration.
- e. Within 15 days of receiving a Notice of Proposed Amendment, the Director of EAAB, MOE may require, in writing, that MNR provide additional information and that additional public and Aboriginal consultation be undertaken on the Notice of Proposed Amendment, as submitted. The Director of EAAB, MOE, shall specify the nature and extent of any additional information and public and Aboriginal consultation required.
- f. If the Director of EAAB, MOE, does not require additional public and Aboriginal consultation, MNR shall provide the Director with the results of consultation, and MNR's proposed amendment.
- g. If the Director of EAAB, MOE, requires additional public and Aboriginal consultation, MNR shall provide the Director with the results of the consultation, and MNR's proposed amendment.

- h. If the Minister of the Environment concurs with the proposed amendment, the Minister shall post on the Environmental Registry, under the *Environmental Bill of Rights, 1993*, for at least 30 days, a proposal to amend this Declaration Order.
- i. The Minister of the Environment may, normally within 60 days of posting the proposed amendment on the Environmental Registry, seek the approval of the Lieutenant Governor in Council for an order to amend the conditions of this Declaration Order.

Requests from any Person or Organization

- j. Any person or organization requesting that an amendment be made to the conditions of this Declaration Order shall do so in accordance with (k) to (o) of this condition.
- k. Prior to submitting a Notice of Request for Amendment to the Director of EAAB, MOE, a person or organization must first notify MNR in writing, and will provide the following information:
  - i. a brief rationale for the proposed amendment, including any new information or change in the circumstances giving rise to the need for an amendment;
  - ii. a discussion of expected effects on the natural environment of proceeding with the amendment, including the science underlying the proposal;
  - iii. a discussion of expected social effects of proceeding with the amendment, including potential impacts on interested and affected persons and organizations;
  - iv. a discussion of expected economic effects of proceeding with the amendment, including a discussion of cost implications; and
  - v. proposed wording for the amendment.
- l. MNR shall notify the person or organization within 60 days of receipt of a proposal for an amendment request, that:
  - i. MNR intends to proceed with the proposed amendment, with the timeframe for initiating the amendment; or
  - ii. MNR will attempt to resolve the issue by means other than an amendment (e.g. protocol, memorandum); or
  - iii. MNR does not intend to proceed with the proposed amendment, with the associated rationale.
- m. If MNR intends to proceed with the proposed amendment, MNR shall follow the process described in (a) to (i) of this condition.
- n. If MNR does not intend to proceed with the proposed amendment, or the issue is otherwise unresolved, the person or organization may submit a Notice of Request for Amendment to the Director of EAAB, MOE.
- o. A Notice of Request for Amendment shall be submitted in writing, in a form approved by the Director of EAAB, MOE, including the following information:
  - i. updated information prepared in accordance with (k) of this condition; and
  - ii. details of discussions with MNR, including a copy of MNR's response to the person or organization requesting that an amendment be made.

- p. The Director of EAAB, MOE, may ask the requester to provide further specified information and consult further with MNR, in light of this information, before the Director prepares a Notice of Proposed Amendment.

#### Proposals from MOE

- q. The Director of EAAB, MOE, may propose an amendment to the conditions of this Declaration Order, at the request of a person or organization or on the Director's own initiative, by providing to MNR a Notice of Proposed Amendment which shall set out the information specified in (b) of this condition.
- r. If an amendment is proposed by the Director of EAAB, MOE, after having considered a Notice of Request for Amendment, the Director shall give a copy of the Notice of Proposed Amendment to the requester. MNR shall have 60 days to comment on the Director's Notice of Proposed Amendment before the Director posts the Notice of Proposed Amendment for public comment on the Environmental Registry.
- s. If the Minister of the Environment concurs with the proposed amendment, the Minister shall post on the Environmental Registry, under the *Environmental Bill of Rights, 1993*, for a minimum of 30 days, a proposal to amend this Declaration Order.
- t. Following public and Aboriginal consultation on the Notice of Proposed Amendment, if the Minister of the Environment considers that a modification is necessary to the proposed amendment, the Minister may require the Director of EAAB, MOE, to prepare a new Notice of Proposed Amendment, which shall be provided to MNR and, if applicable, the requester.
- u. The Minister of the Environment may, normally within 60 days of posting a proposed amendment on the Environmental Registry, seek the approval of the Lieutenant Governor in Council for an order to amend the conditions of this Declaration Order.
- v. Nothing in condition 51, specifying time limits, shall affect the validity of any order that the Minister of the Environment may make.

#### **Definitions of Terms**

52. When used in this Declaration Order, the following words and phrases have the meanings set out below:

**Aboriginal Background Information Report** – a document prepared in accordance with the Forest Management Planning Manual, which summarizes for each Aboriginal community in or adjacent to the management unit, past resource use and recent forest management-related concerns, and includes an Aboriginal values map.

**Annual Work Schedule** – a work schedule, under section 17 of the CFSA, prepared in accordance with the Forest Management Planning Manual.

**Area of Concern** – an area of value to other users or uses which may be affected by forest management activities.

**Area of the Undertaking** – an area consisting of approximately 385,000 square kilometres (38.5 million hectares) of Crown land in Ontario, on which forest management activities are conducted in accordance with Declaration Order MNR-71, as amended from time to time.

**Available Harvest Area** – the managed forest area that may be harvested, determined in accordance with the Forest Management Planning Manual, during the period of a Forest Management Plan.

**Contingency Plan** – an interim Forest Management Plan, prepared in accordance with the Forest Management Planning Manual, which is required when special circumstances affect the implementation of a Forest Management Plan.

**CFSA** - means the *Crown Forest Sustainability Act, 1994*, as amended.

**Declaration Order** – an order of the Minister of the Environment prepared under section 3.2 of the EAA, and approved by the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, declaring that the EAA, the regulations or a matter provided for under the EAA does not apply with respect to a proponent, a class of proponents, an undertaking or a class of undertakings.

**Declaration Order MNR-71** – the *Declaration Order Regarding MNR's Class Environmental Assessment Approval for Forest Management on Crown Lands in Ontario*, as amended from time to time, pursuant to which section 5 of the EAA does not apply to the undertaking of forest management planning, comprising the interrelated activities of access, harvest, renewal, maintenance and their planning, as provided for under the CFSA, its regulations and regulated manuals, on Crown lands on Management Units in the AOU.

**EAA** - means the *Environmental Assessment Act*, as amended.

**Ecological Land Classification Program** – MNR's program which incorporates the requirements of condition 41 of Declaration Order MNR-71, and includes a hierarchical approach developed by MNR, to classifying land that is based on a consistent framework of landscape-scale through site-scale ecosystems by combinations of geologic, climatic, vegetative, soil, and landform features.

**Environmental Assessment Board's 1994 Timber Class Environmental Assessment Approval** – the EAA approval for forest management on Crown lands in Ontario resulting from the Timber Class Environmental Assessment Hearing, conducted before the Environmental Assessment Board, between May 1988 and November 1992.

**Environmental Registry** – a registry established under section 5 of the *Environmental Bill of Rights, 1993*, to provide a means of giving information about the environment to the public.

**Five-Year Environmental Assessment Report** – the document, prepared on a five year cycle as directed by condition 50 of this Declaration Order, and which reports on the implementation of the specified conditions of this Declaration Order.

**Forest Information Manual** – the document prepared under section 68 of the CFSA, and related to the provision of forest information.

**Forest Management Plan** – the document prepared in accordance with the Forest Management Planning Manual, and section 8 of the CFSA.

**Forest Management Planning Manual** – the document prepared pursuant to section 68 of the CFSA, as amended from time to time, relating to forest management planning requirements and incorporating conditions 5 to 33 of this Declaration Order.

**Forest Management Plan Summary** – a summary of the Forest Management Plan, prepared in accordance with the Forest Management Planning Manual.

**Forest Operations and Silviculture Manual** – the document prepared pursuant to section 68 of the CFSA, and relating to the conduct of forest operations.

**Forest Renewal Trust** – a trust established or continued under section 48 of the CFSA.

**Forestry Futures Trust** – a trust established or continued under section 51 of the CFSA.

**Growth and Yield Program** – MNR's program which incorporates the requirements of condition 42 of Declaration Order MNR-71, and examines forest growth and yield in Ontario. Growth is the incremental increase during a given time period for a variable associated with tree development, such as diameter, basal area, tree height or volume. Yield is the accumulated growth of a tree from the time of germination until a given time, and is usually expressed in units of basal area, height or volume.

**Guides** – MNR's forest management guides which are reviewed and revised in accordance with the requirements of condition 38 of Declaration Order MNR-71. Guides include silvicultural guides, implementation manuals and other forest management guides described in the Forest Operations and Silviculture Manual, and any forest management guide that is adopted by reference in the Forest Operations and Silviculture Manual.

**Insect Pest Management Program** – a program which is a result of a planning process that considers management options and recommends courses of action to manage a major insect infestation.

**Keeping the Land: A Land Use Strategy for the Whitefeather Forest and Adjacent Areas** – the document prepared by Pikangikum First Nation, in co-operation with MNR, that describes the strategic land use direction for the Whitefeather Forest, dated June 26, 2006.

**Local Citizens Committee** – an advisory committee of local citizens established under section 13 of the CFSA.

**Management Unit** – an area of Crown forest designated under section 7 of the CFSA.

**Management Unit Annual Report** – a document which is prepared annually, in accordance with the Forest Management Planning Manual, that reports on the implementation of a Forest Management Plan.

**Notice of Request for Declaration Order Amendment** – a form prescribed by MOE to request a change to conditions of this Declaration Order.

**Notice of Proposed Declaration Order Amendment** – a notice issued by MOE or MNR to inform the public of a proposed change to conditions of this Declaration Order.

**Ontario Forest Accord** – the document, dated March 1999, that sets out an approach by government, the forest industry and the environmental community to work together to establish new protected areas while considering the needs of the forest industry for a sustainable wood supply.

**Provincial Annual Report on Forest Management** – a document which is prepared annually, in accordance with the requirements of condition 32 of Declaration Order MNR-71, and provides a provincial summary of forest management activities.

**Provincial Wildlife Population Monitoring Program** – MNR's program which incorporates the requirements of condition 30 of Declaration Order MNR-71, and is designed to collect and examine long-term trend data on representative terrestrial vertebrate species.

**Provincial Forest Policy Committee** – a group of citizens whose mandate is to provide advice on forest policy and other related matters to the MNR Deputy Minister, as directed by condition 36 of Declaration Order MNR-71.

**Provincial Forest Technical Committee** – a group of citizens whose mandate is to provide advice to the MNR Assistant Deputy Minister, Forests Division, as directed by condition 37 of Declaration Order MNR-71.

**Provincial Wood Supply Strategy** – a document which is prepared in accordance with the requirements of condition 48 of Declaration Order MNR-71, and provides strategic direction to address wood supply issues.

**Provincial Wildlife Population Monitoring Program** – MNR's program which incorporates the requirements of condition 30 of Declaration Order MNR-71, and is designed to collect and examine long-term trend data on representative terrestrial vertebrate species.

**Regional Advisory Committee** – a group of citizens whose mandate is to provide advice to a MNR Regional Director, Field Services Division, as directed by condition 35 of Declaration Order MNR-71.

**Registered Professional Forester (R.P.F.)** – a person licensed under the *Professional Foresters Act, 2000*.

**Report on Protection of Identified Aboriginal Values** – a document prepared in accordance with the Forest Management Planning Manual that reports on how values identified in the Aboriginal Background Information Report, and results of consultation with Aboriginal communities, have been addressed in the Forest Management Plan.

**Silvicultural Ground Rules** – specifications, standards and other instructions prepared in accordance with the Forest Management Planning Manual, that direct silvicultural activities on the management unit.

**Silvicultural Effectiveness Monitoring Manual for Ontario** – MNR's manual which incorporates the requirements of condition 29 of Declaration Order MNR-71, and provides direction for monitoring the effectiveness of silvicultural activities on a management unit.

**State of the Forest Report** – a document which incorporates the requirements of condition 33 of Declaration Order MNR-71, and is prepared on a five year cycle, as directed by section 22 of the CFSA.

**Sustainable Forest Licence** – a licence granted under section 26 of the CFSA.

**Whitefeather Forest** – an area consisting of approximately 1.2 million hectares of Crown land, lying within the geographic boundaries shown in Appendix 1, that includes the entire area addressed in *Keeping the Land: A Land Use Strategy for the Whitefeather Forest and Adjacent Areas*, including the areas identified therein as "Adjacent Areas".

**Year Three Management Unit Annual Report** – a Management Unit Annual Report, prepared in accordance with the Forest Management Planning Manual, that shall also serve as the mid-plan review by describing progress in implementation of the Forest Management Plan.

**Year Seven Management Unit Annual Report** – a Management Unit Annual Report, prepared in accordance with the Forest Management Planning Manual, that shall also serve as background information in the preparation of the upcoming Forest Management Plan.

**Year Ten Management Unit Annual Report** – a Management Unit Annual Report, prepared in accordance with the Forest Management Planning Manual, that shall also serve as background information in upcoming planning processes including final information on plan objectives, assumptions, conclusions and recommendations.

Dated the \_\_\_\_\_ day of APR 15 2009, 2009 at TORONTO.

  
\_\_\_\_\_  
Minister of the Environment

Approved by O.C. No. 662 / 2009

Date O.C. Approved April 29 2009

Environmental Assessment and Approvals Branch Contact: Alissa Sugar  
Telephone No.: 416-314-8311  
EA File No.: EA04-05





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#### Regulation Proposal Notice:

#### Title:

Declaration Order for Environmental Assessment Act coverage for Forest Management on the Whitefeather Forest

**EBR Registry Number:**

010-3417

**Ministry:**

Ministry of the Environment

**Date Proposal loaded to the**

**Registry:**

June 24, 2008

**Keyword(s):** Environmental Assessment | Land | Forests

**Regulation:** Regulation

The comment period for this proposal is now over.

#### Description of Regulation:

MNR is seeking *Environmental Assessment Act* (EAA) coverage through a request for a Declaration Order for forest management on Crown lands on the Whitefeather Forest. The Whitefeather Forest represents a portion of the ancestral land use area of Pikangikum First Nation, and comprises an area of 1.2 million hectares. Pikangikum First Nation is a community of more than 2,200 people, located at the heart of the Whitefeather Forest. Forest management is identified as a desired and compatible use on the Whitefeather Forest, as described in *Keeping the Land: A Land Use Strategy for the Whitefeather Forest and Adjacent Areas*. The Declaration Order would apply to areas of the Whitefeather Forest where forest management is identified as a desired and compatible use in *Keeping the Land*. More than 400,000 hectares of dedicated protected areas, in which forest management is prohibited, have also been established in *Keeping the Land*.

In June 2006, MNR and Pikangikum First Nation completed a collaborative land use planning exercise in the development of *Keeping the Land*. MNR's request for a Declaration Order for forest management on the Whitefeather Forest follows the direction in *Keeping the Land*, which reflects the culmination of 10 years of dialogue between MNR, Pikangikum First Nation, other provincial and federal agencies, and the public. The proposed Declaration Order would enable forest management on the Whitefeather Forest, contributing to Pikangikum First Nation's goal of economic renewal.

MNR and Pikangikum First Nation have worked in partnership to prepare a submission document in support of MNR's request for a Declaration Order. This submission document is entitled the '*Submission to Accompany MNR's Request for a Declaration Order for the Whitefeather Forest*', hereafter referred to as 'MNR's submission document' in this Notice.

The forest management activities proposed to be carried out on the Whitefeather Forest are the same activities that currently have EAA coverage in the AOU through Declaration Order MNR-71. The MOE is reviewing MNR's reasons for which a Declaration Order approach for EAA coverage is being pursued for the Whitefeather Forest. It is being pursued to:

- build upon Ontario's 30-year history and experience with EA

#### Contact:

Alissa Sugar  
 Special Project Officer  
 Ministry of the Environment  
 Operations Division  
 Environmental Assessment  
 and Approvals Branch  
 2 St. Clair Avenue West  
 Floor 12A  
 Toronto Ontario  
 M4V 1L5  
 Phone: (416) 314-8311  
 Fax: (416) 314-8452  
 Toll Free Phone:  
 (800) 461-6290

#### Additional Information:

The documents linked below are provided for the purposes of enhancing public consultation. All links will open in a new window

1. [1999 Ontario Forest Accord](#)
2. [Keeping the Land: A Land Use Strategy for the Whitefeather Forest and Adjacent Areas](#)
3. [Submission to Accompany MNR's Request for a Declaration Order for the Whitefeather Forest](#)
4. [Declaration Order MNR-71](#)

- requirements for forest management in the AOU;
- be consistent with EAA coverage for forest management in both the AOU and the Whitefeather Forest;
- apply the provisions of Declaration Order MNR-71, to provide for the protection of the environment of the Whitefeather Forest; and
- provide further environmental protection measures by requiring additional planning provisions which address notable circumstances of the Whitefeather Forest.

## **5. Amended Declaration Order MNR-71**

MNR is of the view that the proposed Declaration Order is also in keeping with the 1999 Ontario Forest Accord, a three-way agreement between representatives of the forestry industry, several environmental organizations and MNR. As part of an Ontario Forest Accord commitment, there is support for EAA coverage for forest management in areas north of the AOU to be modelled after the existing EAA coverage.

MNR's request for a Declaration Order is based on comprehensive knowledge and understanding of the Whitefeather Forest environment, which MNR has described as largely similar to the northwestern portion of the AOU. MNR's submission document provides a description of the cultural, socio-economic and biophysical environment of the Whitefeather Forest.

To provide for the protection of this largely similar environment, the proposed Declaration Order would apply the requirements of the existing EAA coverage for forest management under Declaration Order MNR-71, with additional planning provisions to address notable circumstances of the Whitefeather Forest.

The subject matters to be addressed in the proposed Declaration Order are described under three headings: Forest Management Planning, Forest Management Program and Administration. These headings reflect the contents of Declaration Order MNR-71.

### **Forest Management Planning**

The existing Declaration Order MNR-71 contains provisions which describe the requirements for forest management planning, including requirements for consultation, issue resolution, access planning, and planning of harvest, renewal and maintenance operations. It is proposed that the Declaration Order for the Whitefeather Forest include the forest management planning provisions of Declaration Order MNR-71.

It is also proposed that the Declaration Order for the Whitefeather Forest include additional planning provisions, which would provide further environmental protection to the Whitefeather Forest. These additional planning provisions, which address the notable circumstances of the Whitefeather Forest, are:

#### *Continuation of Pikangikum First Nation Customary Stewardship*

It is proposed that Pikangikum First Nation customary stewardship be facilitated in forest management through provisions that would address the participation of Pikangikum community members in forest management planning, the incorporation of Pikangikum First Nation's indigenous knowledge and customary decision-making approach, community consultation, and reporting on the achievement of the forest management direction set out in *Keeping the Land*. These provisions would support the integration of Pikangikum First Nation customary stewardship practices, including Pikangikum indigenous knowledge, in forest management.

#### *Strategic Access Approach to Access Planning*

It is proposed that the planning of roads for forest management occur in a co-ordinated manner with all road development on the Whitefeather Forest, through provisions that would require forest access roads to be planned within the context of a strategic access approach, as described in *Keeping the Land*.

These provisions would support achievement of Pikangikum First Nation's objective to maintain remoteness on the Whitefeather Forest.

#### *Woodland Caribou Conservation*

It is proposed that existing woodland caribou conservation measures be complemented through provisions that would emphasize consideration of the needs of this species at risk in forest management planning. These provisions would address the shared MNR and Pikangikum First Nation commitment in *Keeping the Land* to ensure a continuous supply of woodland caribou habitat.

#### **Forest Management Program**

Declaration Order MNR-71 also contains provisions which have required MNR to put in place provincial programs for monitoring, reporting, advisory committees, research and technical development, and other continuing developments and programs. It is proposed that the Declaration Order for the Whitefeather Forest extend these provincial programs to the Whitefeather Forest.

#### **Administration**

Declaration Order MNR-71 also contains provisions that address administrative requirements, including phase-in and EA reporting. It is proposed that the Declaration Order for the Whitefeather Forest include similar administrative requirements for the Whitefeather Forest.

#### **Purpose of Regulation:**

On February 29, 2008, the Ministry of Natural Resources (MNR) submitted a request to the Ministry of the Environment (MOE) for a Declaration Order under section 3.2 of the *Environmental Assessment Act* (EAA) for forest management on Crown lands on the Whitefeather Forest.

The MOE is seeking input from the public and interested stakeholders on the Declaration Order, as outlined in the 'Description' section of this Notice. All comments received will be taken into consideration before a final decision is made on the proposed Declaration Order.

Typically, a Declaration Order is made under the EAA by the Minister of the Environment, with Cabinet approval, declaring that the EAA or certain provisions thereof do not apply with respect to an undertaking. However, a Declaration Order may also set out conditions that a proponent must meet. These conditions can impose planning requirements which must be followed by the proponent to ensure environmental protection and that public consultation takes place. The term EAA coverage in this Notice denotes a Declaration Order which contains those requirements.

EAA coverage for forest management on Crown lands in most of Ontario is provided by Declaration Order MNR-71, as amended in 2007. Declaration Order MNR-71 applies to the undertaking of forest management, comprising the activities of access, harvest, renewal, maintenance and their planning on Crown lands, as provided for under the *Crown Forest Sustainability Act, 1994* (CFSA), its regulations and regulated manuals. Declaration Order MNR-71 includes 55 conditions, many of which provide broad direction for forest management planning, and are further detailed in the 'Description' section. These conditions are based on four years of public hearings (1988-1992) on forest management activities and their environmental effects, as well as opportunities for public comment on extending and amending the EAA coverage for forest management in 2002.

Declaration Order MNR-71 applies to Crown lands within the area of the undertaking (AOU), as defined in Declaration Order MNR-71. Separate EAA

coverage is required for forest management on Crown lands in the Whitefeather Forest, which is located immediately north of the AOU in northwestern Ontario. The proposed Declaration Order for the Whitefeather Forest would enable forest management, subject to the provisions set out in the Declaration Order and the requirements of the CFSA.

**Other Information:**

MNR and Pikangikum First Nation have worked in partnership to prepare MNR's submission document, which involved cross-cultural dialogue and comprehensive awareness of the Whitefeather Forest environment. Pikangikum First Nation's Band Council passed a resolution in support of MNR's request for EAA coverage for forest management on the Whitefeather Forest.

To further follow through with the vision of economic development for Pikangikum First Nation, forest management planning, monitoring and reporting, as required under the CFSA, would be carried out by a forest company owned by Pikangikum First Nation.

In addition to EAA coverage, the requirements of the CFSA and its regulated manuals must be met, prior to proceeding with forest management in the Whitefeather Forest. Those requirements include the preparation of Forest Management Planning Manual (FMPM) requirements for the Whitefeather Forest and subsequent forest management plans (FMP).

**Public Consultation:**

This proposal was posted for a 45 day public review and comment period starting June 24, 2008. Comments were to be received by August 08, 2008.

All comments received during the comment period are being considered as part of the decision-making process by the Ministry.

Please Note: All comments and submissions received have become part of the public record.

**Other Public Consultation Opportunities:**

This proposal is being posted for a 45-day public review and comment period.

The MOE is particularly interested in receiving comments on the proposed provisions of the Declaration Order. The proposed provisions are outlined in the 'Description' section of this Notice, under the three headings of Forest Management Planning, Forest Management Program and Administration. Your comments will be taken into consideration before a final decision is made on the proposed Declaration Order.

MNR's submission document is available for information purposes only.

Other public consultation on the subject of forest management has taken place in the preparation of MNR's existing EAA coverage for forest management, in the preparation of *Keeping the Land*, and in the preparation of MNR's submission document.

In the preparation of MNR's existing EAA coverage, provided through Declaration Order MNR-71, there was extensive public consultation, including four years of public hearings (1988–1992) on forest management activities and their environmental effects, as well as opportunities for public comment on extending and amending the EAA coverage for forest management in 2002.

In the preparation of *Keeping the Land*, the land use strategy for the Whitefeather Forest, MNR and Pikangikum First Nation engaged in extensive consultation to decide to pursue forest management opportunities in balance with other land uses. See *Environmental Bill of Rights* (EBR) Environmental Registry posting, EBR Registry Number PB03E1003, for more details.

In the preparation of MNR's submission document, MNR provided information and an opportunity for public review and comment on the preliminary contents of the document, in June 2007. See EBR Environmental Registry posting, EBR Registry Number XB06E2022, for more details.

#### **Regulatory Impact Statement:**

The proposed Declaration Order would enable forest management, comprising the activities of access, harvest, renewal, maintenance and their planning, to proceed on Crown lands on the Whitefeather Forest. Forest management would be subject to a planning process required by conditions of the proposed declaration order, and other approvals under the CFSA.

The proposed Declaration Order would be based on the knowledge and experience that has accumulated on forest management in Ontario, including the four-year hearing of the EA Board (1988–1992) which led to the creation of the current forestry EA regime. Environmental, social and economic impacts of forest management activities were described, examined and debated throughout the development of the current forestry EA regime, and were also considered during the consultative planning process for *Keeping the Land*.

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### Regulation Decision Notice:

#### Title:

Declaration Order for Environmental Assessment Act coverage for Forest Management on the Whitefeather Forest

**EBR Registry Number:**  
010-3417

#### Ministry:

Ministry of the Environment

**Date Decision loaded to the Registry:**

June 10, 2009

**Date Proposal loaded to the Registry:**

June 24, 2008

**Keyword(s):** Environmental Assessment | Land | Forests

**Regulation:** Regulation

### Decision on Regulation:

A Declaration Order has been granted pursuant to section 3.2 of the *Environmental Assessment Act* (EAA). The Declaration Order was approved on April 29, 2009 (662/2009). The Declaration Order provides EAA coverage for forest management in the Whitefeather Forest, subject to compliance with the terms and conditions set out in the Declaration Order. Forest management comprises the interrelated activities of access, harvest, renewal, maintenance and their planning on Crown lands. Ministry of Natural Resources (MNR) must prepare a Forest Management Planning Manual (FMPM) incorporating the planning conditions of the Declaration Order and a forest management plan (FMP) for the Whitefeather Forest.

The terms and conditions in the Whitefeather Forest Declaration Order set out an alternative process to the EAA, following the existing process of MNR's forest management Declaration Order MNR-71. There are also new planning provisions to address specific features of the Whitefeather Forest. The terms and conditions in the Declaration Order will ensure that forest management in the Whitefeather Forest includes public consultation, forest monitoring and reporting, as well as specific requirements for preparing FMPs. The other conditions will also ensure that Pikangikum First Nation's customary stewardship and a strategic approach to the planning of access roads is incorporated into forest management planning, and that a continuous supply of habitat for woodland caribou, both over time and space, is sought for the Whitefeather Forest.

The Declaration Order for forest management in the Whitefeather Forest is in keeping with the direction of the community-based land use strategy completed cooperatively by MNR and Pikangikum First Nation, documented in *Keeping the Land: A Land Use Strategy for the Whitefeather Forest and Adjacent Areas* (Keeping the Land), which was completed in June 2006. As reflected in Keeping the Land, Pikangikum First Nation is interested in pursuing commercial forest management on the Whitefeather Forest. Keeping the Land sets out objectives and provides guiding direction for the manner in which forestry would take place in the Whitefeather Forest. Of the approximately 1.2 million hectares that comprise the Whitefeather Forest, 436,000 hectares (36 percent) have been identified in Keeping the Land as Dedicated Protected Areas, in which certain

### Contact:

Alissa Sugar  
 Special Project Officer  
 Ministry of the Environment  
 Operations Division  
 Environmental Assessment  
 and Approvals Branch  
 2 St. Clair Avenue West  
 Floor 12A  
 Toronto Ontario  
 M4V 1L5  
 Phone: (416) 314-8311 ☎  
 Fax: (416) 314-8452 ☎  
 Toll Free Phone:  
 (800) 461-6290 ☎

### Additional Information:

The documents linked below are provided for information purposes only  
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1. [1999 Ontario Forest Accord](#)
2. [Keeping the Land: A Land Use Strategy for the Whitefeather Forest and Adjacent Areas](#)
3. [Submission to Accompany MNR's Request for a Declaration Order for the Whitefeather Forest](#)
4. [Declaration Order MNR-71](#)
5. [Amended Declaration](#)

forest management activities, including commercial forestry, cannot be carried out.

The land use strategy set out in Keeping the Land follows the principles of the Northern Boreal Initiative, established in 2000, which sets out a framework for the development of northern Ontario. The land use strategy also meets the intent of the Far North Planning Initiative, announced by the Government of Ontario on July 14, 2008, which includes working with individual Aboriginal communities to complete a local land-use planning process and a plan to protect 225,000 square kilometres of the Far North boreal region.

The Declaration Order will allow Pikangikum First Nation to begin developing its economic opportunities, through forest management planning and the development of the Whitefeather Forest Management Corporation. This corporation is a forest company owned by Pikangikum First Nation, and will be responsible for forest management planning in the Whitefeather Forest.

**Order MNR-71****6. Approved Whitefeather Forest Declaration Order****Comment(s) Received on the Proposal: 27**

Public Consultation on the proposal for this decision was provided for 45 Days, from June 24, 2008 to August 08, 2008.

As a result of public consultation on the proposal, the Ministry received a total of 27 comments: 18 comments were received in writing and 9 were received online.

Additionally, a copy of all comments are available for public viewing by contacting the Contact person listed in this notice.

A selection of these comments are available:

[View All Comments](#)

(opens in new window)

**Effect(s) of Consultation on this Decision:**

The proposal for a Declaration Order was posted on the *Environmental Bill of Rights, 1993* Environmental Registry with a public comment period from June 24, 2008 to August 8, 2008. Twenty-seven comments were received. Of the nine (9) online submissions; one (1) did not pertain to the Whitefeather Forest submission and is not available for viewing.

Eighteen of the comments submitted from the public and Aboriginal associations or individual communities indicated strong support for the economic development opportunity for Pikangikum First Nation through forest management in the Whitefeather Forest.

Of the eight comments from the government review team, no substantial concerns about the Declaration Order were raised and there were no outstanding government agency issues that could not be addressed through the terms and conditions of the Declaration Order or through other processes, such as the development of additional protocols between MNR and other agencies, if warranted.

Concerns were jointly raised by several environmental groups about the potential environmental impacts of allowing commercial forestry to proceed in a remote and intact forest, contributing to loss of habitat for the threatened woodland caribou, and the impacts of logging in the northern boreal forest on climate change. Concerns were also raised about the rationale for moving



forward with a Declaration Order and the piecemeal approach to Far North planning.

Concerns about forest management occurring in a remote and intact forest were addressed through the terms and conditions of the Declaration Order. This includes requiring a strategic approach to access planning to minimize road construction, and incorporating planning strategies to maintain remoteness, which are in keeping with the direction in Keeping the Land and Pikangikum First Nation's commitment to maintain remoteness on the landscape.

New provincial initiatives related to woodland caribou, namely the *Endangered Species Act, 2007* (ESA) and associated caribou regulation, will apply to the Whitefeather Forest. MNR will not be permitted to proceed with forest management, except for the establishment of committees and collection of background information, as described in the Declaration Order, until Ontario has published its response to the recovery strategy for woodland caribou (Forest-dwelling boreal population) under section 11(8) of the ESA (the Woodland Caribou Conservation Plan). On April 27, 2009, a draft Woodland Caribou Conservation Plan was published on the Environmental Registry for review and comment, for a 30-day period, meeting its requirements under subsection 11(8) of the ESA 2007 to identify and prioritize the actions the government intends to take in response to the final Recovery Strategy for Woodland Caribou. The Woodland Caribou Conservation Plan is being developed as a policy to guide woodland caribou conservation and recovery efforts in Ontario.

MNR is required to take into account the caribou regulation and related policies when preparing the first FMP. In addition, the Declaration Order contains terms and conditions requiring an adaptive management approach to forest management and requiring that new information be incorporated into forest management through monitoring, reporting or other requirements in order to continuously improve forest management and mitigate environmental effects. This approach will have positive impacts on the maintenance of woodland caribou habitat in the Whitefeather Forest and in considering the impacts of forest management on climate change.

Concerns were also raised about the rationale for moving forward with a Declaration Order and the piecemeal approach to Far North planning through planning for one community, rather than planning for the entire northern boreal region.

In evaluating the rationale for the Declaration Order, all interests were considered and balanced. A Declaration Order is in the best interest of Pikangikum First Nation due to its urgent need for economic development. The approval of the Declaration Order will ensure consistent EAA coverage for forest management across the province. MNR has provided sound rationale that forest management for the Whitefeather Forest can be effectively planned and implemented by the provisions of Declaration Order MNR-71 with the additional conditions specific to the Whitefeather Forest.

With respect to Far North planning, community-based land use planning is an acceptable approach, as directed by the Far North Planning Initiative. The Whitefeather Forest approach illustrates key principles of a Far North Planning approach, including government commitment to community-based land use planning with full support of First Nation communities, and identification of protected areas that will contribute to an interconnected network of conservation lands.

All of the comments received were considered by the Minister before a decision was made.

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# Canadore College Building – Parry Sound

Project information about this declaration order.

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## Introduction

### Proponent

Canadore College

### Location

Town of Parry Sound

### Type

Other

### Reference number

09229

### Contact

Environmental Approvals Branch

- Tel: 416-314-8001
- Toll-free: 1-800-461-6290

### Project status

Declaration order: granted, December 9, 2009

### Project history

Declaration order: granted  
Date submitted: October 22, 2009  
Expiry of public comment period: November 21, 2009  
Decision date: December 9, 2009

## Declaration order

For summary information, please refer to Environmental Registry number 010-8027 (<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA3ODgx&statusId=MTYyOTYy&language=en>).

Updated: October 31, 2017

Published: March 20, 2014

### Related

Project documentation:

[Declaration order \(https://www.ontario.ca/page/declaration-order-canadore-college-building-parry-sound\)](https://www.ontario.ca/page/declaration-order-canadore-college-building-parry-sound)

[Environmental Registry—010-8027 \(http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA3ODgx&statusId=MTYyOTYy&language=en\)](http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA3ODgx&statusId=MTYyOTYy&language=en)



# Declaration Order: Canadore College Building - Parry Sound

The ministry's declaration that Canadore College can build a new post-secondary education facility in Parry Sound without entering the environmental assessment process.

## Declaration order

Having received a request from Canadore College, a public body reporting to the Minister of Training, Colleges and Universities that an undertaking, namely:

the planning, construction and operation of a new post-secondary education facility within the Town of Parry Sound,

be declared not subject to Part II of the *Environmental Assessment Act* (*Act*) pursuant to section 3.2 of the *Act*; and

Having been advised by Canadore College that if the undertaking is subject to the application of the *Act*, the following injury, damage or interference with persons and property will occur:

- a. The planning and construction of the new college building would be subject to delay, with the result that funding from the federal and provincial governments under the Knowledge Infrastructure Program may be lost, and Canadore College will be unable to establish this new educational facility in Parry Sound.
- b. Canadore College would have to continue to accommodate essential activities and programs in the existing facilities, which are inadequate for their purpose, with the result that students, staff and members of the local communities would be without adequate post-secondary educational and training facilities.
- c. Parry Sound would lose valuable educational and employment opportunities for residents and surrounding communities if the new educational facility is not built.
- d. Delay resulting in the loss of funding and inability of Canadore College to build the new educational facility would not be consistent with the province's commitment to education and support for infrastructure enhancement at post-secondary institutions in Ontario.

Having weighed such injury, damage, or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the *Act*;

The undersigned is of the opinion that it is in the public interest to declare and declares that the undertaking is not subject to the application of the *Act* for the following reason(s):

- a. The planning, construction and operation of a new post-secondary education facility in Parry Sound will provide improved educational and training opportunities and additional employment opportunities for residents of Parry Sound and other nearby communities.
- b. The potential negative environmental impacts of the proposal are generally minor in their extent and intensity, and any potential negative impacts that would not be minor would be adequately mitigated prior to the implementation of the undertaking.
- c. The site plan approval process established under the *Planning Act* and the proposed conditions outlined below should adequately address any potential negative environmental impacts. The site plan approval process includes a review of the building design, landscaping, and stormwater management plans for the project by the relevant planning authorities. Any approvals given by a planning authority under the *Planning Act* are required to be consistent with the Provincial Policy Statement and to conform to the policies of the Town's Official Plan.
- d. Notice of the proposal to issue a declaration order was placed on the environmental registry, which is established pursuant to the *Environmental Bill of Rights*, 1993, providing the public and Aboriginal communities with notice that a declaration order was proposed and with an opportunity to comment on the proposal. Aboriginal communities that could potentially be negatively impacted by or have an interest in the undertaking were contacted directly. Comments received on the proposal for a declaration order have been considered in the preparation of the declaration order.

This Declaration Order (order) is subject to the following terms and conditions:

1. Where any activity which under this order would be declared not subject to the *Act*, is being carried out as, or is part of, an undertaking for which an environmental assessment has been accepted and approval to proceed received, the activity shall be carried out in accordance with any terms and conditions in the approval to proceed as well as the conditions of this order.
2. Where any activity which is the subject of this order, is being carried out as, or is part of, another undertaking which is the subject of a declaration or exemption order under the *Act*, the activity exempt under this order shall be carried out in accordance with any terms and conditions in the other declaration or exemption order as well as the conditions in this order.
3. The undertaking shall be located at one of the following two locations: Part of Lot 29, Concession 3 Geographic Township of McDougall now in the Town of Parry Sound, District of Parry Sound as described in Instrument number 1867 and located on the north side of Parry Sound Drive (Parry Sound Drive Site), or Part of Block I Registered Plan number 21 and all of Lot 1, Registered Plan number 131, Town of Parry Sound, District of Parry Sound (George Street Site).
4. The making of this order does not pre-determine the acceptability of the Parry Sound Drive site as an acceptable site for the undertaking to be constructed. No new development or site alteration may be carried out, or development plans finalized if the Parry Sound Drive Site is the preferred site, until the following are completed for the Parry Sound Drive Site:
  - a. A plan for a site assessment has been developed and carried out in consultation with the Ministry of Natural Resources (MNR) Parry Sound District Office. Any comments from the MNR will be appropriately addressed and incorporated into the plan. The plan for the site assessment may include, but is not limited to, the following:
    - i. Ecological land classification of the terrestrial portions of the Parry Sound Drive Site (using an appropriate system for this area).
    - ii. Wetland evaluation of the portion of the adjacent wetland outlined in green on the attached Parry Sound Drive Site map using the Ontario Wetland Evaluation System (Northern Manual).

- iii. A spring survey for B landing's Turtle (a threatened species) in the large open marsh identified in green on the attached Parry Sound Drive Site map, to determine if the wetland is a hibernation site and thus considered significant habitat of a threatened species.
- iv. A breeding bird survey including, but not limited to, Whip-poor-will (a threatened species) and Canada Warbler (species of special concern). Potential significant habitat of Whip-poor-will is identified in brown on the attached Parry Sound Drive Site map. Nesting habitat for a threatened species would be considered significant habitat of a threatened species; nesting habitat of a species of special concern would be considered significant wildlife habitat.
- v. A spring amphibian survey of the small forested wetlands/vernal pool areas within the property, to determine if there is significant breeding habitat of amphibians. These would include, but not be limited to the two areas shaded in blue on the attached Parry Sound Drive Site map. Any such habitats would be considered significant wildlife habitat.
- b. An impact assessment has been carried out, analyzing the potential impacts of the specific development and site alteration proposal and potential mitigation measures (including siting of new structures and site alteration).
- c. The results of the site assessment and impact assessment are submitted to the MNR Parry Sound District Office for peer review. Any comments from the MNR will be appropriately addressed and incorporated into the development plans and mitigation measures prior to implementation.
- d. The results of the site assessment and impact assessment are used to guide the development plans and the determination of appropriate mitigation measures to ensure that new development and site alteration will not result in negative impacts on significant habitat of a threatened species or on significant wildlife habitat.
5. Development and site alteration will not occur at the George Street site until it has first been examined for Giant Hogweed. If that species exists, it should be eradicated using established procedures, before any site alteration or other activities occur.
6. At either site, the campus site will be designed such that all garbage management systems comprise bear proof collection and storage systems, including electrified fencing around centralized storage areas for dumpsters.
7. Development and activities will be planned and carried out in keeping with the *Endangered Species Act*, 2007
8. Canadore College shall address, as appropriate, any concerns raised by Aboriginal communities during the planning and construction of the new post-secondary education facility.

Dated the 2<sup>nd</sup> day of December, 2009 at Toronto

Original signed by:  
Minister of the Environment

Approved by O.C. number: 1950/2009  
Date O.C. approved: December 9, 2009  
Environmental assessment file number: EA-04-10

Updated: October 14, 2016  
Published: October 14, 2016

## Related

Canadore College Building – Parry Sound (<https://www.ontario.ca/page/canadore-college-building-parry-sound>)





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**Regulation Proposal Notice:**

**Title:**

Order to declare that the Environmental Assessment Act (EAA) does not apply to the planning and construction of a new Canadore College building in the Town of Parry Sound, Ontario.

**EBR Registry Number:**

010-8027

**Ministry:**

Ministry of the Environment

**Date Proposal loaded to the Registry:**

October 22, 2009

**Keyword(s):** Environmental Assessment | Land use planning

The comment period for this proposal is now over.

**Description of Regulation:**

Canadore College is slated to receive a grant from the federal and provincial governments through the Knowledge Infrastructure Program to fund the construction of the new building in the Town of Parry Sound. Under the program, projects must be implemented between 2009 and 2011, with substantial completion by March 31, 2011.

This building will provide the Town of Parry Sound with a much needed college facility, which will improve local access to post-secondary education and increase employment opportunities. Currently, the growth of the college is limited by the lack of space, with technical programs being offered in the evenings at the Parry Sound High School, and the nursing program being run from the local hospital.

The proposed building would include the following components:

- 10,000 to 15,000 square feet total space on 2 or 3 floors;
- An overall building footprint of less than 5,300 square feet;
- Multi-use facilities including classrooms, computer labs, a multi-program lab and shop space;
- Space for 100 full-time equivalent students; and
- Parking space for an appropriate number of vehicles.

Two potential sites within the developed area of the Town of Parry Sound have been identified for consideration. The selection of a final site for the building will be determined in consultation with the Town of Parry Sound.

One proposed site for the new building is located on Parry Sound Drive at Joseph Street. This site is fully serviced with available water, sewer, natural gas and electricity. The site is covered by a variety of trees with shallow soil over bedrock. A small pond located on the site has been designated by the town Zoning By-law as an Environmental Protection zone, however no other special environmental protection requirements have been identified. Construction activities on this site would include mitigation measures to minimize impacts to the pond, including minimizing the building footprint and preserving any vegetation within 30 metres of the pond.

**Contact:**

Alex Blasko  
Special Projects Officer  
Ministry of the Environment  
Operations Division  
Environmental Assessment  
and Approvals Branch  
2 St. Clair Avenue West  
Floor 12A  
Toronto Ontario  
M4V 1L5  
Phone: (416) 314-7232 ☎  
Fax: (416) 314-8452 ☎  
Toll Free Phone:  
(800) 461-6290 ☎

**Additional Information:**

**The following government offices have additional information regarding this Proposal. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.**

Environmental Assessment  
and Approvals Branch  
2 St. Clair Avenue West  
Floor 12A  
Toronto Ontario  
M4V 1L5  
Phone: (416) 314-8001 ☎  
Toll Free Phone:  
(800) 461-6290 ☎

A second proposed site has been identified on George Street beside the Parry Sound Museum. This site is not fully serviced. Water and sewer are available, and natural gas and electricity are nearby, however the single-phase electricity supply that is available would not be sufficient for the proposed building. In addition, the single lane road servicing the site would need to be upgraded. A preliminary review by the Town of Parry Sound estimated that an additional \$2.6 million in upgrades would be necessary to make the site suitable. The site is covered by mature trees with shallow soil over bedrock, and no special environmental protection requirements have been identified.

One of the two potential sites would be selected for the construction of the new college building. Once a location has been selected, site-specific construction practices will be determined to mitigate potential environmental impacts.

Either site would require site plan approval from the Town of Parry Sound under the *Planning Act*. This approval would address potential site-specific environmental impacts including a review of design, landscaping, and stormwater management plans. Under the *Planning Act* the assessment of the application and any recommendation made must be consistent with the Provincial Policy Statement and conform to the policies of the town's Official Plan. Appropriate external agencies and municipal departments will be circulated the plans for comment prior to Council review and approval.

Canadore College is defined as a public body under Section 3 of Ontario Regulation 334, and is therefore subject to the requirements of the *Environmental Assessment Act* (EAA). The planning and construction of the proposed building would typically require the preparation of an individual environmental assessment (EA) prior to implementation.

The time required to prepare an individual EA would result in delaying the construction of the proposed building, and may result in the loss of committed funding under the Knowledge Infrastructure Program. This could affect a significant opportunity to provide the Town of Parry Sound with post-secondary education facilities and the associated social and economic benefits.

In order to fulfill the requirements of the EAA in a timely manner, a Declaration Order has been requested by the college to proceed with the site selection, planning and construction of a new college building on either of the two possible sites in Parry Sound.

**Purpose of Regulation:**

The Declaration Order would allow Canadore College to meet the requirements of the EAA for the planning and construction of a new post-secondary education building on one of two possible sites in the Town of Parry Sound, without preparing an individual EA.

The Ministry of the Environment is seeking public input on the proposed Declaration Order. All submissions received in accordance with the provisions at the end of this notice will be considered by the Minister in determining the need for this Declaration Order and the conditions under which it may be granted.

**Public Consultation:**

This proposal was posted for a 30 day public review and comment period starting October 22, 2009. Comments were to be received by November 21, 2009.

All comments received during the comment period are being considered as part

of the decision-making process by the Ministry.

Please Note: All comments and submissions received have become part of the public record.

#### Other Public Consultation Opportunities:

Canadore College has had ongoing discussions with the Town of Parry Sound and surrounding municipalities throughout the preliminary planning process. The town supports the construction of a new college building to improve post-secondary education in the area.

Local stakeholders and community members have been involved through the college's Community Advisory Council (CAC), which is composed of a number of community leaders including members from the business sector, First Nations, local municipalities and public organizations. The CAC is an advisory group that makes recommendations to the president of Canadore College on matters related to the college's activities in the region. The CAC provided input to the Strategic Plan for West Parry Sound, and the plan was rewritten several times to suit the community. The CAC supports the construction of a facility to serve the post-secondary needs of the area.

In addition, the college's Aboriginal Learning Unit (ALU) has ensured ongoing dialogue with Aboriginal communities and organizations on the Highway 69 corridor. Further discussions with respect to the education and training needs of the area First Nations, and to explore partnership opportunities will be pursued by the ALU.

In addition to posting the proposal on the *Environmental Bill of Rights* Environmental Registry, a list of potentially interested stakeholders, government agencies and Aboriginal communities will be informed directly of the proposed Declaration Order and asked for their comments.

#### Regulatory Impact Statement:

The Declaration Order would allow Canadore College to meet the requirements of the EAA for the planning and construction of a new college building on one of two sites in the Town of Parry Sound, without preparing an individual EA. A Declaration Order may include conditions to ensure that the purpose of the EAA is met, that the decision is in the public interest and that potential impacts to the environment are appropriately mitigated.

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## Regulation Decision Notice:

### Title:

Order to declare that the Environmental Assessment Act (EAA) does not apply to the planning and construction of a new Canadore College building in the Town of Parry Sound, Ontario.

**EBR Registry Number:**  
010-8027

### Ministry:

Ministry of the Environment

### Date Decision loaded to the Registry:

December 23, 2009

### Date Proposal loaded to the Registry:

October 22, 2009

**Keyword(s):** Environmental Assessment | Land use planning

## Decision on Regulation:

A decision was made to grant a Declaration Order under the *Environmental Assessment Act* (EAA) to give Canadore College the authority to proceed with the planning, construction and operation of a new post-secondary education building in the Town of Parry Sound, Ontario.

The Declaration Order was approved by the Lieutenant Governor in Council on December 9, 2009 on recommendation from the Minister of the Environment.

## Comment(s) Received on the Proposal: 1

Public Consultation on the proposal for this decision was provided for 30 Days, from October 22, 2009 to November 21, 2009.

As a result of public consultation on the proposal, the Ministry received a total of 1 comments: 1 comments were received in writing and 0 were received online.

Additionally, a copy of all comments are available for public viewing by contacting the Contact person listed in this notice.

## Effect(s) of Consultation on this Decision:

The proposal for a Declaration Order was posted on the *Environmental Bill of Rights, 1993* Environmental Registry for a 30-day public comment period from October 22, 2009 to November 21, 2009. No comments were received from the public or Aboriginal communities. Comments were received from the Ministry of Natural Resources (MNR). These comments were considered during the final development of the Declaration Order.

The MNR recommended requirements in the Declaration Order to undertake a site and impact assessment prior to finalizing the design plans. The assessments would identify natural heritage values and assess potential impacts to Species at Risk, significant wildlife habitats and wetlands so that appropriate mitigation measures could be applied to the building design. In addition, the MNR identified requirements to bear-proof the waste management system and

## Contact:

Alex Blasko  
 Special Projects Officer  
 Ministry of the Environment  
 Operations Division  
 Environmental Assessment  
 and Approvals Branch  
 2 St. Clair Avenue West  
 Floor 12A  
 Toronto Ontario  
 M4V 1L5  
 Phone: (416) 314-7232 ☎  
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 (800) 461-6290 ☎

## Additional Information:

The following government offices have additional information regarding this Decision. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.

Environmental Assessment  
 and Approvals Branch  
 2 St. Clair Avenue West  
 Floor 12A  
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to ensure compliance with the *Endangered Species Act, 2007*.

Toll Free Phone:  
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The Declaration Order includes conditions to address these issues, including detailed conditions to ensure that potential impacts to any sensitive species or habitat that may exist on the sites will be properly assessed and that these features will be protected.

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# Caledonia - Acquisition of the property at 445 Argyle Street South, Township of Oneida

Project information about this declaration order.

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## Introduction

### Proponent

Ministry of Energy and Infrastructure

### Location

Township of Oneida

### Type

Other

### Reference number

10006

### Contact

Environmental Approvals Branch

- Tel: 416-314-8001
- Toll-free: 1-800-461-6290

### Project status

Declaration order: granted, January 13, 2010

## Project summary

Acquisition, demolition, maintenance, management and disposition of the property at 445 Argyle Street South, Caledonia, Township of Oneida.

## Project history

Declaration order: granted  
Date submitted: January 4, 2010  
Decision date: January 13, 2010

## Declaration order

For summary information, please refer to Environmental Registry number 010-8762 (<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA4NjQy&statusId=MTYzMTYx&language=en>).

Updated: October 31, 2017

Published: March 20, 2014

### Related

Project documentation:

Declaration order (<https://www.ontario.ca/page/declaration-order-caledonia-acquisition-property-445-argyle-street-south>)

EBR registry—010-8762 (<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA4NjQy&statusId=MTYzMTYx&language=en>)





# Declaration Order: Caledonia - Acquisition of the property at 445 Argyle Street South

The ministry's declaration that the Ministry of Energy and Infrastructure can demolish, manage and dispose of the property at 445 Argyle Street South in Caledonia without entering the environmental assessment process.

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## Declaration order

Having received a request from the Ministry of Energy and Infrastructure, with the support of the Ministry of the Attorney General, that an Undertaking, namely,

the acquisition of the lands identified in Appendix "A" attached hereto, demolition of all structures on the lands, maintenance and management of the lands, and disposition of the lands,

be declared not subject to the *Environmental Assessment Act* or its regulations (the "Act") pursuant to clause 3.2(1)(a) of the *Act*;

Having been advised by the Ministry of Energy and Infrastructure, with the support of the Ministry of the Attorney General, that if the Undertaking is subject to the application of the *Act*, the following injury, damage or interference with the persons and property indicated will occur:

1. The delay required to fulfill the obligations of the *Act* would result in the structures on the lands being vacant from the time that the current owners vacate the lands, until the province assumes ownership of the lands and demolishes the structures. The vacant structures could be vandalized or illegally occupied or otherwise be subject to and the venue of other illegal activities, which would cause further nuisance to neighbouring owners and disruption to the well-being of the community.
2. The ability of the Government to implement a resolution to litigation pertaining to the lands in a timely manner, and to reduce tensions in the community, will be adversely affected.

Having weighed such injury, damage, or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the Undertaking being subject to the application of the *Act*;

The undersigned is of the opinion that it is in the public interest to declare and declares pursuant to clause 3.2(1)(a) of the *Act* that the Undertaking is not subject to the application of the *Act* or its regulations for the following reasons:

1. The Undertaking is unlikely to have environmental impacts on the existing and neighbouring properties.
2. Tension in the community will be reduced, which could have socio-economic benefits for the current landowner, the local community, and Aboriginal groups.

This Declaration Order is subject to the following terms and conditions:

1. The order shall apply to the lands identified in Appendix "A".

Original signed by:  
Minister of the Environment

Approved by O.C. number: 37/2010  
Approved: January 13, 2010  
Environmental assessment file number: EA-04-01

## Appendix A

445 Argyle Street, Caledonia, Ontario, more particularly described as Part of Lot C, West of Plank Road Range, Oneida, as in HC173896 (Firstly) and being Part 1 of Reference Plan 18R-2678.

Updated: October 14, 2016  
Published: October 14, 2016

### Related

[Caledonia - Acquisition of the property at 445 Argyle Street South, Township of Oneida \(https://www.ontario.ca/page/caledonia-acquisition-property-445-argyle-street-south-township-oneida\)](https://www.ontario.ca/page/caledonia-acquisition-property-445-argyle-street-south-township-oneida)



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#### Information Notice:

##### Title:

Order under section 3.2 of the Environmental Assessment Act declaring the acquisition of, demolition of structures on, maintenance and management of, and disposition of the property at 445 Argyle Street South, Township of Oneida, Caledonia, not subject to the requirements of the Environmental Assessment Act.

##### EBR Registry Number:

010-8762

##### Ministry:

Ministry of the Environment

##### Date Information Notice loaded to the Registry:

January 19, 2010

**Keyword(s):** Environmental Assessment | Land

This notice is for your information. The Environmental Bill of Rights does not require this notice to be placed on the Environmental Registry, however, section 6 of the Act does allow the Environmental Registry to be used to share information about the environment with the public.

#### Rationale for Exemption to Public Comment:

The *Environmental Bill of Rights, 1993* requires that a proposal for an order under section 3.2 of the *Environmental Assessment Act* be posted on the Environmental Registry for a minimum 30-day public consultation period if it could have a significant effect on the environment if implemented. A posting is not required when there is no potential for significant environmental effects associated with the proposed order. As this order has no potential for significant effects on the environment, public consultation on the Environmental Registry was not required.

Section 6 of the *Environmental Bill of Rights, 1993* allows the Environmental Registry to be used to inform and share information about the environment with the public. This Information Notice serves to notify the public that the declaration order has been approved.

#### Description:

The Province, facilitated by the Ministry of Energy and Infrastructure (MEI), intends to acquire a property located at 445 Argyle Street, Caledonia, Ontario.

ORC is the government body responsible for the undertaking acting on behalf of MEI. It would normally meet its *Environmental Assessment Act* requirements through its Class EA Process for the MEI for Realty Activities Other Than Electricity Projects. If the Class EA was applicable it would have involved a minimum three to four month process.

The Minister of Energy and Infrastructure requested a Declaration Order pursuant to Section 3.2 of the *Environmental Assessment Act* exempting it and the ORC from the requirements of the MEI Class EA process for the acquisition of the property, demolition of structures on the property, activities to maintain and manage the property, and disposition of the property.

This request was made in the context of a settlement to litigation initiated

#### Contact:

Antonia Capotorto  
 Project Officer  
 Ministry of the Environment  
 Operations Division  
 Environmental Assessment  
 and Approvals Branch  
 2 St. Clair Avenue West  
 Floor 12A  
 Toronto Ontario  
 M4V 1L5  
 Phone: (416) 325-5500 ☎  
 Fax: (416) 314-8452 ☎  
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against the Crown. The settlement reached on December 29, 2009 provides for a closing date for the transfer of the property to the Crown on January 14, 2010. Approval of the order was considered to be in the public interest as it allowed for implementation of the litigation settlement.

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# Port of Prescott Expansion, Rehabilitation and Future Development Area

Project information about this declaration order.

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## Introduction

### Proponent

Township of Edwardsburgh/Cardinal

### Location

Township of Edwardsburgh/Cardinal

### Type


Other

### Reference Number

10133

### Contact

Environmental Approvals Branch, 416-314-8001 

Toll free 1-800-461-6290 

### Current Status

Declaration order: granted, October 20, 2010

## Project History

- Declaration order: granted
  - Date submitted: March 27, 2010
  - Expiry of public comment period: July 17, 2010

◦ Decision date: October 20, 2010

## Declaration Order

For summary information, please refer to EBR Registry Number 011-0078  
([http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?  
noticeId=MTA5OTA3&statusId=MTY3MDE1&language=en](http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA5OTA3&statusId=MTY3MDE1&language=en)).

Updated: June 26, 2017

Published: March 20, 2014

### Related

Project documentation: Declaration Order  
([http://www.downloads.ene.gov.on.ca/files/eaab/prescott\\_DO.pdf](http://www.downloads.ene.gov.on.ca/files/eaab/prescott_DO.pdf)) EBR Registry – 011-  
0078 ([http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?  
noticeId=MTA5OTA3&statusId=MTY3MDE1&language=en](http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA5OTA3&statusId=MTY3MDE1&language=en))



Ontario

Executive Council  
Conseil des ministres

## Order in Council Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation du soussigné, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil des ministres, décrète ce qui suit :


WHEREAS section 3.2 of the *Environmental Assessment Act* provides that where the Minister of the Environment considers that it is in the public interest, having regard to the purpose of the Act and weighing it against the injury, damage or interference that might be caused to any person or property by the application of the Act to any undertaking or class of undertakings, the Minister, with the approval of the Lieutenant Governor in Council, may by order declare that the Act or the Regulations or a matter provided for under the Act does not apply with respect to a proponent, a class of proponents, an undertaking or a class of undertakings subject to such conditions as the Minister may impose;

WHEREAS the Minister of the Environment has been requested to issue a declaration under section 3.2 of the Act for the undertaking described in the attached order;

AND WHEREAS, having regard to the purpose of the Act and weighing the same against the injury, damage or interference that might be caused to the persons and property indicated in the attached order by the application of the Act to the undertaking described in the attached order, the undersigned, Minister of the Environment, considers that it is in the public interest to make an order declaring that Part II of the Act does not apply to the undertaking, subject to the conditions imposed in the attached order;

THEREFORE, pursuant to the provisions of the *Environmental Assessment Act*, the attached order that Part II of the Act does not apply to the undertaking described in that order, subject to the conditions therein, be approved.

Recommended

  
Minister of the Environment

Concurred

  
Chair of Cabinet

Approved  
and Ordered

OCT 20 2010

Date

  
Lieutenant Governor





**ORDER MADE UNDER THE  
ENVIRONMENTAL ASSESSMENT ACT**

**Declaration – Port of Prescott Expansion, Rehabilitation and Future Development Area**

Having received a request from the Township of Edwardsburgh/Cardinal that an Undertaking, namely,

The expansion and rehabilitation of the Port of Prescott, including the construction of a new wharf, the rehabilitation of the existing wharf, the development of approximately 2.5 hectares of Port of Prescott land for future bulk material storage, and ancillary activities

be declared not subject to Part II of the *Environmental Assessment Act* (Act) pursuant to clause 3.2(1)(a) of the Act; and

Having been advised by the Township of Edwardsburgh/Cardinal that if the Undertaking is subject to the application of the Act, the following injury, damage or interference with the persons and property indicated will occur:

- A. Delaying the construction of the new wharf would result in the prolonged use of the failing main wharf, increasing the risk of the main wharf collapsing. Should the Port of Prescott's main wharf collapse, salt may be deposited into the Saint Lawrence River. It is likely that the salt plume that would be generated in the river would be immediate, extensive, would migrate downriver and impact freshwater aquatic species. It is also likely that aquatic vegetation along the shoreline and any shore water supply wells or municipal water intakes that were present within the impact zone would be affected.
- B. A collapse of the main wharf could lead to the Port of Prescott's closure. The impacts of the Port of Prescott's closure would include the loss of grain storage facilities for the eastern Ontario agricultural community and the social cost of transporting road salt by truck as an alternative to the Port of Prescott.
- C. The Township of Edwardsburgh/Cardinal has secured funding for the Undertaking from both the federal and provincial government through the Building Canada Fund. Delaying the Undertaking through carrying out an individual environmental assessment could jeopardize this funding as the funding is conditional on the Undertaking being completed by March 31, 2016. Construction of the Undertaking will take approximately five years.

Having weighed such injury, damage, or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to declare and declares that the undertaking is not subject to the application of the Act for the following reason(s):



- A. The Undertaking would allow the Port of Prescott to remain operational. It is the only remaining port between Toronto and Montreal, and serves eastern Ontario and the Ottawa region. The Undertaking would provide important social and economic benefits to the Township of Edwardsburgh/Cardinal and the rest of Ontario through the continued provision of road salt for road and highway safety within eastern Ontario and the province of Quebec, as well as the grain storage facilities for the eastern Ontario agricultural community, as well as other commercial uses.
- B. Notice of the proposal to issue this order has been placed on *Environmental Bill of Rights, 1993* Environmental Registry for public comment; no comments were received in response to the proposal. However, comments from government reviewers, Aboriginal communities, and the public were considered in preparation of this order.
- C. The Undertaking would allow the Township to minimize potential impacts of the Port of Prescott's daily operations on the natural environment by moving salt storage operations away from the failing main wharf, towards the proposed new wharf, reducing the risk of salt entering the Saint Lawrence River.

This Declaration Order is subject to the following terms and conditions:

For the Purposes of these conditions:

- a. "proponent" means the Township of Edwardsburgh/Cardinal.
- b. "Director" means the Director of the Environmental Assessment and Approvals Branch of the Ministry of the Environment.

#### General

- 1. The Declaration Order shall apply to the Port of Prescott, located on lands legally described as:  
  
PT LT 31-35 CON 1 EDWARDSBURGH; PT RDAL BTN LT 30 AND LT 31 CON 1 EDWARDSBURGH; PT THE BED OF THE ST. LAWRENCE RIVER; PT GORE IN FRONT OF PARKLT 2 AND PARKLT 3 FIRST TIER W OF TOWN PL 6 JOHNSTOWN; PT GORE IN FRONT OF PARKLT 4 FIRST TIER W OF TOWN PL 6 JOHNSTOWN; PT CROWN RESERVE S/S WATER ST LYING OPPOSITE LT 20, LT 21 AND LT 22 AND ERNEST ST AND PARKLT 1 PL 6 JOHNSTOWN PT 1 & 2, 15R9669, PT 1 & 2, 15R9897 EXCEPT PT 3 & 4, EPL157, T/W PR151011; EDWARDSBURGH/CARDINAL
- 2. Where any activity which under this order would be declared not subject to the Act, is being carried out as, or is part of, an Undertaking for which an environmental assessment has been accepted and approval to proceed received, the activity shall be carried out in accordance with any terms and conditions in the approval to proceed as well as the conditions of this order.
- 3. Where any activity which is the subject of this order, is being carried out as, or is part of, another undertaking which is the subject of a declaration or exemption order under the Act, the activity exempt under this order shall be carried out in accordance with any terms and conditions in the other declaration or exemption order as well as the conditions in this order.



- 3 -

4. The proponent shall obtain all necessary Ministry of the Environment approvals prior to construction.

#### Construction

5. The proponent shall implement the Undertaking in accordance with the Runoff Management Plan, as outlined in the document titled *Salt Management Plan*, prepared by WESA Inc, and dated December 17, 2009.
6. The proponent shall implement the Undertaking in accordance with Aquatic Species Removal Plan Prior/During Construction Works Version 2.1, prepared by South Nation Conservation, and dated August 26, 2010.
7. Prior to construction the proponent shall install hydraulic flow measuring devices at three locations in Johnstown Bay, in consultation with the Kemptville District of the Ministry of Natural Resources.
8. Using the hydraulic flow measuring devices described in Condition 7, the proponent shall measure the pre- and post-construction hydraulic flows in Johnstown Bay, and shall provide the results of this study to the Area Supervisor, Kemptville District, Ministry of Natural Resources.
9. During the construction of the Undertaking, if the proponent identifies a new species of flora or fauna that has not already been identified in the document titled Request for Declaration Order, Proposed Port of Prescott Expansion, Rehabilitation and Future Development Area, dated March 2010, and if the Undertaking may have a negative effect on the species, the proponent shall, in consultation with the Kemptville District of the Ministry of Natural Resources, and any other directly affected agencies and other interested and effected parties, determine the responses, if any, that would prevent, change, mitigate or remedy the negative effect.
10. The proponent shall implement any responses identified pursuant to Condition 9.


#### Archaeology

11. The proponent shall ensure that a stage one archaeological assessment is conducted with respect to any portions of the site identified in Condition 1 that will be disturbed by the Undertaking.
12. If the stage one archaeological assessment undertaken pursuant to Condition 11 recommends that a stage two archaeological assessment be completed, the proponent shall ensure that a stage two archaeological assessment is completed.
13. The proponent shall provide to the Huron-Wendat Nation copies of any archaeological assessments conducted as part of the Undertaking, before any land-disturbing activities take place.
14. The proponent shall notify the Huron-Wendat Nation if it discovers archaeological resources of Aboriginal origin during construction of the Undertaking.

Reporting

15. One year from the date of the issuance of this Declaration Order, and each year thereafter until the Undertaking has been completed, the proponent shall prepare and submit to the Director a Compliance Report which describes compliance with the conditions of this Declaration Order. Once all conditions in this Declaration Order have been satisfied, the proponent shall indicate in its annual Compliance Report that the Compliance Report is its final Compliance Report and that all conditions in this Declaration Order have been satisfied.

Dated the 6<sup>th</sup> day of October, 2010 at TORONTO.

  
\_\_\_\_\_  
Minister of the Environment

Approved by O.C. No. 1426 / 2010

Date O.C. Approved October 20 2010

Environmental Assessment and Approvals Branch Contact: Edward Naval  
Telephone No.: 314-8433  
EA File No.: EA04-04-01



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#### Regulation Proposal Notice:

##### Title:

Order to declare that the Environmental Assessment Act (EAA) does not apply to the planning and construction the Port of Prescott Expansion, Rehabilitation and Future Development Area.

##### EBR Registry Number:

011-0078

##### Ministry:

Ministry of the Environment

##### Date Proposal loaded to the Registry:

June 02, 2010

**Keyword(s):** Environmental Assessment

**Regulation:** Regulation

The comment period for this proposal is now over.

#### Description of Regulation:

The Port of Prescott (Port) is located on the St. Lawrence River, 100 kilometres south of the City of Ottawa, in the Township of Edwardsburgh/Cardinal (Township). The Port was originally built in 1929, and currently occupies 35 hectares (ha) of land, with 17 ha used for the commercial Port, and road salt and grain storage activities.

The Port's main wharf, the Harbour Front Dock, has suffered a number of structural failures in recent years. A 2009 engineering report undertaken by the Township indicates that the current infrastructure is in danger of imminent and complete failure. The proposal includes plans to move salt storage operations away from the failing main wharf, towards the proposed new wharf, reducing the risk of salt entering the St. Lawrence Seaway.

In addition to this environmental impact, the closure of the Port will result in a major economic impact in terms of the provision of road salt within the provinces of Ontario and Quebec and the grain storage facilities for the eastern Ontario agricultural community.

The Township has been approved to receive funding from both the federal and provincial government through the Building Canada Fund, for its proposed Port of Prescott Expansion, Rehabilitation and Future Development Area (Project). The Project must commence this year so that it can be completed by the March 31, 2016 deadline, required under the funding program.

The proposed undertaking for which the Township is requesting a Declaration Order includes the following three stages.

Stage one will encompass the majority of the Project and involves the construction of a new wharf which will become the Port's principle marine terminal. A dredging and berm construction plan has been prepared by the Township to help facilitate this stage. The new wharf will be 500 metres long, giving the Port the capability of accommodating two full size lake vessels simultaneously. The new terminal will have 7.5 hectares of needed cargo handling space which will be constructed as part of the new wharf.

#### Contact:

Edward Naval  
 Project Officer  
 Ministry of the Environment  
 Operations Division  
 Environmental Assessment  
 and Approvals Branch  
 Project Coordination Section  
 2 St Clair Avenue West  
 Floor 14  
 Toronto Ontario  
 M4V 1L5  
 Phone: (416) 314-3352 ☎

#### Additional Information:

The following government offices have additional information regarding this Proposal. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.

Environmental Assessment  
 and Approvals Branch  
 2 St. Clair Avenue West  
 Floor 12A  
 Toronto Ontario  
 M4V 1L5  
 Phone: (416) 314-8001 ☎  
 Toll Free Phone:  
 (800) 461-6290 ☎

Stage two involves the existing face of the wharf which is under distress and is exhibiting structural failure. The existing wall will be repaired, a new sheet pile wall or additional stone will be placed along the existing face to create a more structurally sound wharf.

Stage three is comprised of a land based expansion of approximately 2.5 hectares. This land based area is west of the proposed wharf and will be developed for the purposes of bulk material storage which will be necessary to accommodate the projected expansion of the Port material handling services.

The Township has already completed the engineering analysis for the Project and is prepared to proceed with the urgently needed infrastructure upgrade to avoid a potential structural failure of the existing wharf.

The time required to prepare an individual Environmental Assessment (EA) would delay the construction of the proposed new marine terminal, which may result in the continued use of the failing main wharf.

The impacts of the Port closure are not limited to the Township. The grain storage facilities for the eastern Ontario agricultural community would be lost, and the social cost of transporting road salt by truck (including an additional 12,000 one-way truck trips on the Windsor to Prescott 401 corridor and the associated potential for increased accidents, delays, air pollution, greenhouse gases, and noise), as an alternative to the Port, would likely be felt by all of eastern Ontario, including Montreal, Toronto and Ottawa.

In recognition of the governments of Canada and Ontario's joint partnership with municipalities to build a strong economy, safe and vibrant communities, and a healthy, sustainable environment, through the Building Canada Fund, a Declaration Order is proposed. A Declaration Order would allow the timely start of the undertaking while meeting the requirements of the EAA.

All comments received during the 45 day comment period and the results of the ministry review will be taken into consideration by the Minister in determining whether or not the Declaration Order should be granted. To ensure that the purpose of the *Environmental Assessment Act* is met, and that the potential impacts to the environment are appropriately mitigated, the Declaration Order may also include conditions of approval.

#### **Purpose of Regulation:**

The Declaration Order would allow the Township of Edwardsburgh/Cardinal to meet the requirements of the *Environmental Assessment Act* (EAA) for the planning and construction of the Port of Prescott Expansion, Rehabilitation and Future Development Area, without preparing an individual EA.

The Ministry of the Environment is seeking public input on the proposed Declaration Order. All submissions received in accordance with the provisions at the end of this notice will be considered by the Minister in determining the need for this Declaration Order and the conditions under which it may be granted.

#### **Public Consultation:**

This proposal was posted for a 45 day public review and comment period starting June 02, 2010. Comments were to be received by July 17, 2010.

All comments received during the comment period are being considered as part of the decision-making process by the Ministry.



Please Note: All comments and submissions received have become part of the public record.

#### Other Public Consultation Opportunities:

The Township has indicated that there is general stakeholder and government agency support for the Project. One First Nation community, the Mohawks of Akwesasne, have indicated that it would like to be involved throughout the process and consulted at each step along the way. South Nation Conservation have established a partnership with the Mohawks of Akwesasne to prepare the proposed Project plan on behalf of the Township to ensure that before, during and after completion of the Project, the needs of the First Nation community are met.

Several government agencies have been directly consulted on the project, including: the Ministry of Natural Resources, South Nation Conservation, the federal Department of Fisheries and Oceans, Transport Canada, and Industry Canada. None of these agencies have expressed any issues with the Project.

In addition to posting the proposal on the *Environmental Bill of Rights* Environmental Registry, potentially interested stakeholders, government agencies and Aboriginal communities will be informed directly of the proposed Declaration Order and asked for their comments.

#### Regulatory Impact Statement:

The Declaration Order would allow the Township to meet the requirements of the EAA for the planning and construction of the Port of Prescott Expansion, Rehabilitation and Future Development Area, without preparing an individual EA. A Declaration Order may include conditions to ensure that the purpose of the EAA is met, that the decision is in the public interest and that potential impacts to the environment are appropriately mitigated.

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### Regulation Decision Notice:

#### Title:

Order to declare that the Environmental Assessment Act (EAA) does not apply to the planning and construction the Port of Prescott Expansion, Rehabilitation and Future Development Area.

#### EBR Registry Number:

011-0078

#### Ministry:

Ministry of the Environment

#### Date Decision loaded to the Registry:

November 24, 2010

#### Date Proposal loaded to the Registry:

June 02, 2010

**Keyword(s):** Environmental Assessment

**Regulation:** Regulation

### Decision on Regulation:

A decision was made to grant a Declaration Order under the Environmental Assessment Act (EAA) to give the Township of Edwardsburgh/Cardinal the authority to proceed with the planning, construction and operation of the Port of Prescott Expansion, Rehabilitation and Future Development Area.

The Declaration Order was approved by the Lieutenant Governor in Council on October 20, 2010 on recommendation from the Minister of the Environment.

### Comment(s) Received on the Proposal: 4

Public Consultation on the proposal for this decision was provided for 45 Days, from June 02, 2010 to July 17, 2010.

As a result of public consultation on the proposal, the Ministry received a total of 4 comments: 0 comments were received in writing and 4 were received online.

Additionally, a copy of all comments are available for public viewing by contacting the Contact person listed in this notice.

A selection of these comments are available:

[View All Comments](#)

(opens in new window)

### Effect(s) of Consultation on this Decision:

The proposal for a Declaration Order was posted on the Environmental Bill of Rights, 1993 Environmental Registry for a 45-day public comment period June 2, 2010 to July 17, 2010. Four comments were received. Three were letters of support for the project and one identified concerns about the potential impacts. The nature of these comments were considered during the final development of the Declaration Order. In addition, three concerns were received as a result of the Ministry of the Environment (MOE) directly informing specific government

### Contact:

Andrea Berenkey  
 Project Officer  
 Ministry of the Environment  
 Operations Division  
 Environmental Assessment  
 and Approvals Branch  
 2 St. Clair Avenue West  
 Floor 12A  
 Toronto Ontario  
 M4V 1L5  
 Phone: (416) 314-1181  
 Fax: (416) 314-8452  
 Toll Free Phone:  
 (800) 461-6290

### Additional Information:

The following government offices have additional information regarding this Decision. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.

Environmental Assessment  
 and Approvals Branch  
 2 St. Clair Avenue West  
 Floor 12A  
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agencies and Aboriginal communities.

Phone: (416) 314-8001  
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MOE staff wanted to ensure that the existing questions with the significant salt loadings into the St. Lawrence River were addressed through the Port of Prescott Expansion, Rehabilitation and Future Development Area (Project). In response, the Township of Edwardsburg/Cardinal (Township) prepared a Salt Pad Runoff Management Report that included a runoff management plan. MOE staff reviewed this Report and were satisfied with the salt management measures. A condition of the Declaration Order will require the Township to implement the runoff management plan outlined in the Salt Pad Runoff Management Report dated May 4, 2010.

The Ministry of Natural Resources (MNR) expressed issues with the Project regarding surveys that should be conducted to ensure the protection of Species at Risk and other species living in the area of construction. In response, South Nation Conservation on behalf of the Township prepared an Aquatic Species Removal Plan for construction activities including dredging and filling activities. MNR staff reviewed the Aquatic Species Removal Plan and were satisfied. Conditions of the Declaration Order will require the Township to follow the Aquatic Species Removal Plan, and to consult with MNR on any proposed mitigation measures for any new species that are identified during construction that have not already been identified in the Declaration Order request.

In addition, MNR had questions about the potential for hydraulic changes following construction of the new facilities and the potential for impacts to critical fish habitat. Conditions of the Declaration Order will require the Township to install hydraulic flow measuring devices to measure pre- and post-construction hydraulic flows in Johnstown Bay and provide results of this study to MNR.

The Huron-Wendat Nation requested that the Port of Prescott and the Township inform the Huron-Wendat Nation of all cultural heritage assets that are put at risk through the Project and ensure these assets are protected through consultation with the Huron-Wendat Nation for the implementation of effective protection and/or management plans. Pursuant to this, the Huron-Wendat Nation requested to review any archaeological assessments conducted before any land-disturbing activities take place. A condition of the Declaration Order has been proposed that will require the Port of Prescott to provide the Huron-Wendat Nation with any archaeological assessments conducted before any land-disturbing activities take place.

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# University of Waterloo Stratford Campus

Project information about this declaration order.

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## Introduction

### Proponent

University of Waterloo

### Location

City of Stratford

### Type


Other

### Reference Number

10198

### Contact

Environmental Approvals Branch, 416-314-8001 

Toll free 1-800-461-6290 

### Current Status

Declaration order: granted, November 17, 2010

## Project History

- Declaration order: granted
  - Date submitted: July 7, 2010
  - Expiry of public comment period: September 12, 2010
  - Date approved: November 17, 2010

## Declaration Order

For summary information, please refer to EBR Registry Number 011-0528  
([http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?  
noticeId=MTEwMzM0&statusId=MTY3MjU3&language=en](http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTEwMzM0&statusId=MTY3MjU3&language=en)).

Updated: June 26, 2017

Published: March 20, 2014

### Related

Project documentation: Declaration Order  
([http://www.downloads.ene.gov.on.ca/files/eaab/uwaterloo\\_DO.pdf](http://www.downloads.ene.gov.on.ca/files/eaab/uwaterloo_DO.pdf)) EBR Registry – 011-0528 ([http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?  
noticeId=MTEwMzM0&statusId=MTY3MjU3&language=en](http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTEwMzM0&statusId=MTY3MjU3&language=en))



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Conseil des ministres

## Order in Council Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation du soussigné, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil des ministres, décrète ce qui suit :

WHEREAS section 3.2 of the *Environmental Assessment Act* provides that where the Minister of the Environment considers that it is in the public interest, having regard to the purpose of the Act and weighing it against the injury, damage or interference that might be caused to any person or property by the application of the Act to any undertaking or class of undertakings, the Minister, with the approval of the Lieutenant Governor in Council, may by order declare that the Act or the Regulations or a matter provided for under the Act does not apply with respect to a proponent, a class of proponents, an undertaking or a class of undertakings subject to such conditions as the Minister may impose;

WHEREAS the Minister of the Environment has been requested to issue a declaration under section 3.2 of the Act for the undertaking described in the attached order;

WHEREAS the Minister of Natural Resources will make this decision instead of the Minister of the Environment in accordance with Order-in-Council 1327/2010;


AND WHEREAS, having regard to the purpose of the Act and weighing the same against the injury, damage or interference that might be caused to the persons and property indicated in the attached order by the application of the Act to the undertaking described in the attached order, the undersigned, Minister of Natural Resources, considers that it is in the public interest to make an order declaring that section 5 of the Act does not apply to the undertaking, subject to the conditions imposed in the attached order,

THEREFORE, pursuant to the provisions of the *Environmental Assessment Act*, the attached order that section 5 of the Act does not apply to the undertaking described in that order, subject to the conditions therein, be approved.

Recommended

  
Minister of Natural Resources

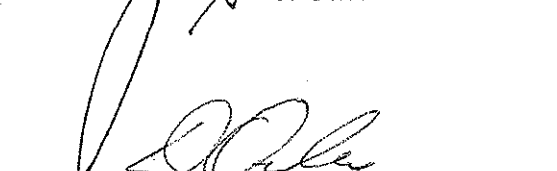
Concurred

  
Chair of Cabinet

Approved  
and Ordered

NOV 17 2010

Date

  
Lieutenant Governor



**ORDER MADE UNDER THE  
ENVIRONMENTAL ASSESSMENT ACT**

**Declaration Order – University of Waterloo Stratford Campus**

Having received a request from the University of Waterloo, a public body as defined by section 3 of Ontario Regulation 334 made under the *Environmental Assessment Act* (Act), namely:

the establishment of a new digital media research and education campus in the City of Stratford, Ontario,

be declared not subject to Part II of the Act pursuant to section 3.2 of the Act; and

Having been advised by the University of Waterloo that if the undertaking is subject to the application of the Act, the following injury, damage or interference with persons and property will occur:

- A. Delay in the establishment of the new campus would not be consistent with the province's commitment to education and support for infrastructure enhancement at post-secondary institutions in Ontario.
- B. The establishment of the new campus will be subject to delay, which will force the University to continue to accommodate essential activities related to the digital media program in existing facilities, which are inadequate for their purpose, with the result that students, staff and residents of the City would be without adequate post-secondary educational facilities;
- C. The University will not meet its commitments to funding partners, students and the local community to commence academic programs in the new campus by September 2012;
- D. The City will be delayed in implementing an important economic diversification and urban renewal initiative and will lose valuable financial, educational and employment opportunities for residents and surrounding communities until the new campus is established; and

Having weighed such injury, damage, or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to declare and declares that the undertaking is not subject to the application of the Act for the following reason(s):

- A. The establishment and operation of a new digital media research and education campus in the City of Stratford will provide improved post-secondary educational and training opportunities for the City and other communities in Ontario.

- B. The establishment of the new campus will provide employment opportunities, economic benefits and cultural enhancements for the City.
- C. The potential negative environmental impacts of the proposal are generally minor in their extent and intensity, and are outweighed by the potential socio-economic benefits of the establishment of the campus and the potential natural environmental benefits from the remediation of an industrial brownfield site.
- D. The site plan approval process established under the *Planning Act* and the proposed conditions outlined below should adequately address any potential negative environmental impacts. The site plan approval process includes a review of the building design, landscaping, and stormwater management plans for the project by the relevant planning authorities. Any approvals given by a planning authority under the *Planning Act* are required to be consistent with the Provincial Policy Statement and to conform to the policies of the City's Official Plan.
- E. Notice of the proposal to issue a Declaration Order was placed on the Environmental Registry, which is established pursuant to the *Environmental Bill of Rights, 1993*, providing the public, Aboriginal communities and government reviewers with notice that a Declaration Order was proposed and with an opportunity to comment on the proposal. Aboriginal communities that could potentially be negatively impacted by or have an interest in the undertaking were contacted directly. No comments were received on the proposed Declaration Order.

This Declaration Order (order) is subject to the following terms and conditions:

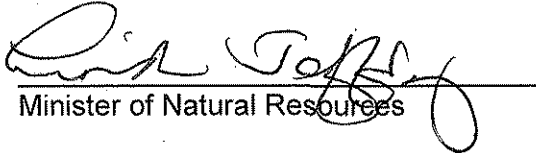
- 1. Where any activity which under this order would be declared not subject to the Act, is being carried out as, or is part of, an undertaking for which an environmental assessment has been accepted and approval to proceed received, the activity shall be carried out in accordance with any terms and conditions in the approval to proceed as well as the conditions of this order.
- 2. Where any activity which is the subject of this order, is being carried out as, or is part of, another undertaking which is the subject of a declaration or exemption order under the Act, the activity exempt under this order shall be carried out in accordance with any terms and conditions in the other declaration or exemption order as well as the conditions in this order.
- 3. The undertaking shall be located at Part of Lot 454, registered Plan No. 20, City of Stratford, County of Perth (Part 1 Plan 44R-4807).
- 4. Development and activities will be planned and carried out in keeping with any other applicable provincial legislation, including the *Planning Act* and the *Environmental Protection Act*.
- 5. In planning and carrying out the undertaking, the University of Waterloo shall:
  - a. to the extent possible, address any concerns raised by Aboriginal communities during the planning and construction of the campus; and
  - b. if it becomes apparent to the University that it is unable to adequately address any such concerns raised by Aboriginal communities, it shall immediately notify



- 3 -

the Ministry of the Environment and will cooperate with the Ministry of the Environment in addressing those concerns.

Dated the 27<sup>th</sup> day of October, 2010 at TORONTO.

  
Minister of Natural Resources

Approved by O.C. No. \_\_\_\_\_ / \_\_\_\_\_

Date O.C. Approved \_\_\_\_\_



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**Regulation Proposal Notice:****Title:**

Order to declare that the Environmental Assessment Act (EAA) does not apply to the establishment of a new University of Waterloo campus in the City of Stratford, Ontario.

**EBR Registry Number:**

011-0528

**Ministry:**

Ministry of the Environment

**Date Proposal loaded to the****Registry:**

July 29, 2010

**Keyword(s):** Environmental Assessment**Regulation:** Regulation

The comment period for this proposal is now over.

**Description of Regulation:****Contact:****Background**

The university, with the support of the city intends to establish a new campus for digital media research and education in Stratford, Ontario. The university plans to commence classes at the new campus by September 2012, and must therefore begin construction by October 2010 to meet this schedule.

There is currently no space on the existing university campus in Waterloo to accommodate the digital media academic program. The city was identified by the university as an ideal location for its new campus based on the city's strong cultural and artistic focus. The new campus would also form an integral component of the city's economic diversification efforts. The annual economic benefit from the operation of the campus through construction, employment, ancillary services, student spending and other associated benefits has been estimated by the city to be in the millions of dollars.

Alex Blasko  
Special Projects Officer  
Ministry of the Environment  
Operations Division  
Environmental Assessment  
and Approvals Branch  
2 St. Clair Avenue West  
Floor 12A  
Toronto Ontario  
M4V 1L5  
Phone: (416) 314-7232 ☎  
Fax: (416) 314-8452 ☎  
Toll Free Phone:  
(800) 461-6290 ☎

**Proposal**

The proposed campus would consist of a 40,000 square foot, three storey academic building constructed to Leadership in Energy and Environmental Design (LEED) Green Building Rating System silver standards, with landscaped green space and approximately 45 parking spaces. The university expects an enrolment of 100 students in 2012, growing to 375 students within ten years.

**Additional Information:**

**The following government offices have additional information regarding this Proposal. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.**

**Site Selection**

The university considered four sites within the city for the proposed campus and concluded that a location in the downtown area would provide students and faculty with access to amenities and the cultural and artistic centre of the city, which would not be accessible at the other potential sites. The site at 105 St. Patrick Street was determined to be the preferred location. This location includes adequate lands for the current proposed campus, plus additional adjacent lands that can be used for future campus development.

Environmental Assessment  
and Approvals Branch  
2 St. Clair Avenue West  
Floor 12A  
Toronto Ontario  
M4V 1L5  
Phone: (416) 314-8001 ☎  
Toll Free Phone:

The site is currently owned by the city and used as a municipal parking lot. It does not contain any vegetation, water bodies or other natural features. The land would be transferred to the university for the development of the campus.

(800) 461-6290

The site is currently considered a brownfield property known as the Cooper Site, which was the location of past heavy industrial uses. There has been no significant industrial or commercial activity within the site since the Cooper-Bessemer Corporation ceased operations in 1986.

### Soil Remediation

A Phase 2 Environmental Site Assessment is currently underway on the lands slated for the proposed new campus. Initial testing has indicated that various metals (including antimony, arsenic, copper, lead, selenium, and mercury) are present in the fill. As part of the agreement between the city and the university, the land would be remediated by the city to residential standards and a Record of Site Condition would be filed prior to transferring the land to the university.

Under Ontario Regulation 153/04, a university campus would typically only require site remediation to a level adequate for industrial, commercial or community use, however the university is requiring that the city ensure that the site meets the more stringent residential standards. In addition, the construction of the proposed campus is a key element in the city's plans to revitalize the Cooper Site and redevelop the large brownfield site in the city's downtown core.

The new campus is proposed to be established on Block Two (identified on the attached Site Plan), with potential plans for expansion into Blocks One and Three in the future. The lands will be remediated by the city and transferred to the university as required for future expansion.

### Other Approvals

Prior to construction, the university must receive site plan approval from the city under section 41 of the *Planning Act*. Under the *Planning Act*, the assessment of the site plan application and any recommendation made by the city must be consistent with the Provincial Policy Statement and conform to the policies of the city's Official Plan.

### EAA Requirements

The university is defined as a public body under Section 3 of Ontario Regulation 334, and is therefore subject to the requirements of the EAA. The planning and construction of the proposed new campus would typically require the preparation of an individual EA prior to implementation.

The university indicates that the time required to prepare an individual EA would result in delaying the construction of the proposed campus, and would affect the ability of the university to commence classes in the digital media program. A delay in construction would force the university to accommodate students in inadequate facilities, and it would be unable to expand graduate school programming due to insufficient facilities. The university states that delays would also significantly affect the city's economic diversification efforts, and could impact its economic capacity.

In order to fulfill the requirements of the EAA in a timely manner, a Declaration Order has been requested by the university to proceed with the establishment of a new campus on 105 St. Patrick Street in Stratford, Ontario.

**Purpose of Regulation:**

The Declaration Order would allow the university to meet the requirements of the EAA for the planning and construction of a new digital media research and education campus in the City of Stratford, without preparing an individual environmental assessment (EA).

The Ministry of the Environment is seeking public input on the proposed Declaration Order. All submissions received in accordance with the provisions at the end of this notice will be considered by the Minister in determining the need for this Declaration Order and the conditions under which it may be granted.

**Public Consultation:**

This proposal was posted for a 45 day public review and comment period starting July 29, 2010. Comments were to be received by September 12, 2010.

All comments received during the comment period are being considered as part of the decision-making process by the Ministry.

Please Note: All comments and submissions received have become part of the public record.

**Other Public Consultation Opportunities:**

The university has had ongoing discussions with the city regarding its proposal to establish a new campus. The undertaking has the full support of City Council.

Between December 2006 and May 2010, ten community meetings hosted by the university or city included announcements about the campus funding or progress updates on the development of the proposed campus. The university indicates that those attending the meetings were supportive of the project.

The university is also in the process of contacting interested members of surrounding Aboriginal communities to seek their input on the proposed project.

In addition to posting the proposal on the Environmental Bill of Rights Environmental Registry, a list of potentially interested stakeholders, government agencies and Aboriginal communities would be informed directly of the proposed Declaration Order and asked for their comments.

**Regulatory Impact Statement:**

The Declaration Order would allow the university to meet the requirements of the EAA for the establishment of a new digital media research and education campus in the city, without preparing an individual EA. A Declaration Order may include conditions to ensure that the purpose of the EAA is met, that the decision is in the public interest and that potential impacts to the environment are appropriately mitigated.

As a proposed regulatory initiative that could affect Ontario businesses, this proposal must be posted on the Regulatory Registry.

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#### Regulation Decision Notice:

##### Title:

Order to declare that the Environmental Assessment Act (EAA) does not apply to the establishment of a new University of Waterloo campus in the City of Stratford, Ontario.

##### EBR Registry Number:

011-0528

##### Ministry:

Ministry of the Environment

##### Date Decision loaded to the Registry:

December 10, 2010

##### Date Proposal loaded to the Registry:

July 29, 2010

**Keyword(s):** Environmental Assessment

**Regulation:** Regulation

#### Decision on Regulation:

A decision was made to grant a Declaration Order under the *Environmental Assessment Act* (EAA) to give the University of Waterloo the authority to proceed with the establishment of a new digital media research and education campus in the City of Stratford, Ontario.

The Declaration Order was approved by the Lieutenant Governor in Council on November 17, 2010 on recommendation from the Minister of the Environment.

#### Comment(s) Received on the Proposal: 0

Public Consultation on the proposal for this decision was provided for 45 Days, from July 29, 2010 to September 12, 2010.

As a result of public consultation on the proposal, the Ministry received a total of 0 comments.

#### Contact:

Alex Blasko  
 Special Projects Officer  
 Ministry of the Environment  
 Operations Division  
 Environmental Assessment  
 and Approvals Branch  
 2 St. Clair Avenue West  
 Floor 12A  
 Toronto Ontario  
 M4V 1L5  
 Phone: (416) 314-7232 ☎  
 Fax: (416) 314-8452 ☎  
 Toll Free Phone:  
 (800) 461-6290 ☎

#### Additional Information:

The following government offices have additional information regarding this Decision. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.

Environmental Assessment  
 and Approvals Branch  
 2 St. Clair Avenue West  
 Floor 12A  
 Toronto Ontario  
 M4V 1L5

Phone: (416) 314-8001  
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