



Environmental Assessment Requirements for Forest Management on Crown Lands in Ontario (MNR-75)

Project information about this declaration order.

Introduction

Proponent

Ministry of Natural Resources and Forestry

Location

Ontario

Type

Forestry

Reference number

14181

Contact

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Current status

Declaration order: granted, August 25, 2015

Project summary

Declaration Order MNR-75 outlines the environmental assessments process that must be followed when planning forestry on Crown land to ensure that potential environmental effects and public and aboriginal input are considered before forestry operations begin.

Project history

Declaration: granted
Date submitted: October 3, 2013
Expiry of public comment period: November 18, 2013
Decision date: August 25, 2015

Declaration

The Ministry of the Environment and Climate Change has granted Declaration Order MNR-75 by amending and consolidating Declaration Orders MNR-71 and Declaration Order MNR-74. The Ministry of the Environment and Climate Change has also revoked Declaration Orders MNR-71 and MNR-74 as they are now 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) (<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTE5ODQ3&statusId=MTc5MzIy&language=en>).

Declaration Order MNR-75 contains 61 conditions that the Ministry of Natural Resources and Forestry must adhere to for the undertaking of forest management. This includes the recurring forest management activities of forestry access roads, harvesting trees, renewing the forest, and forest maintenance and the planning of these activities; in the area outlined in Schedule 1, including the Whitefeather Forest. Declaration Order MNR-75 also includes management unit specific conditions unique to the Whitefeather Forest and provides direction for the preparation, review and approval of forest management plans.

The conditions of the Declaration Order define broad direction for forest management planning and complement the forest management planning principles of the *Crown Forest Sustainability Act*, 1994 (CFSA). The detailed technical direction for forest management and its planning continue to be applied through the Forest Management Planning Manual regulated under the CFSA.

Updated: June 13, 2017

Published: September 17, 2015

Related

Project documentation:

[Declaration order \(MNR-75\) \(https://www.ontario.ca/page/declaration-order-mnr-75-environmental-assessment-requirements-forest-management-crown-lands-ontario\)](https://www.ontario.ca/page/declaration-order-mnr-75-environmental-assessment-requirements-forest-management-crown-lands-ontario)

MNR Declaration Order for Forest Management on the Whitefeather Forest (MNR-74)
(<https://www.ontario.ca/page/mnr-declaration-order-forest-management-whitefeather-forest-mnr-74>)

Class EA for Forest Management on Crown Lands in Ontario (MNR-71)
(<https://www.ontario.ca/page/class-ea-forest-management-crown-lands-ontario-mnr-71>)

Proponent website (<https://www.ontario.ca/page/forest-management-planning>)



Declaration Order MNR-75: Environmental Assessment Requirements for Forest Management on Crown Lands in Ontario

This Declaration Order outlines the environmental assessments process that must be followed when planning forestry on Crown land to ensure that potential environmental effects and public and aboriginal input are considered before forestry operations begin.

Order made under the Environmental Assessment Act

Declaration Order Regarding the Ministry of Natural Resources and Forestry Environmental Assessment Approval for Forest Management on Crown Lands in Ontario

Having received the Request for Amendment from the Ministry of Natural Resources (now known as the Ministry of Natural Resources and Forestry (MNRF) as of June 24, 2014) submitted pursuant to Condition 53 of MNR-71 and Condition 51 of MNR-74 that Declaration Orders MNR-71 and MNR-74, be amended pursuant to section 3.2 of the Environmental Assessment Act (EAA), and that section 5 and 38 of the EAA continue not to 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 Crown Forest Sustainability Act, 1994, its regulations and regulated manuals, on Crown lands in the area outlined in Schedule 1.

Having considered that forest management on Crown lands covering an area consisting of approximately 38.5 million hectares was comprehensively examined by the Ontario Environmental Assessment Board in a public hearing that occurred in 1988-1992 which led to the Board’s April 5 (released April 20), 1994 approval (Forest EA Approval);

Having considered that the purpose of the Crown Forest Sustainability Act, 1994 (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 that, among other things, a Forest Management Plan be prepared for each Management Unit in accordance with the Forest Management Planning Manual;

Having considered that the Forest EA Approval led to Declaration Order MNR-71 (MNR-71) approved, June 25, 2003 (O.C. 1389/2003), and amended on March 21, 2007, (O.C. 569/2007), which was subject to extensive consultation including consultation through the Environmental Registry and exempted forest management activities in the areas covered by MNR-71 from sections 5 and 38 of the EAA;

Having considered that Declaration Order MNR-74 (MNR-74), approved on April 29, 2009 (O.C. 662/2009) following extensive consultation, extended the conditions of MNR-71 to forest management activities in the Whitefeather Forest, to incorporate Pikangikum First Nation’s customary stewardship practices and to facilitate Pikangikum First Nation’s involvement in forest management to provide enhanced social and economic benefits for the community and to exempt forest management activities in the area covered by the Order from the EAA;

Having considered the Request for Amendment from the Ministry of Natural Resources and Forestry, dated November 29, 2010, and the revised Request for Amendment from the Ministry of Natural Resources dated January 11, 2013 submitted pursuant to Condition 53 of MNR-71 and Condition 51 of MNR-74;

Having considered MNRF’s request for amendments, I determined that making a new Declaration Order that revokes the existing Declaration Orders MNR-71, MNR-71/2 (amending MNR-71) and MNR-74, subject to certain transition provisions, and that consolidates and amends the conditions of MNR-71 and MNR-74 would provide for a more efficient administrative process for forest management on Crown Lands;

Having considered that the proposed amendments and proposed consolidation of MNR-71 and MNR-74 into a new Declaration Order was posted on the Environmental Registry from October 3, 2013 to November 18, 2013, as a policy proposal notice with supporting documentation entitled “Notice of Amendments to and Administrative Consolidation of the Ministry of Natural Resources’ Declaration Orders MNR-71 and MNR-74 regarding EAA Coverage for Forest Management on Crown Land in Parts of Ontario”;

Having considered comments made by the public, stakeholders, the Government Review Team and Aboriginal communities on the Environmental Registry policy proposal;

Having considered the purpose of the EAA and having concluded that it is in the public interest to revoke and replace the existing Declaration Orders with a new Declaration Order as set out below;

Having concluded that a failure to revoke and replace the existing Declaration Orders with a new Declaration Order to have section 5 and 38 of the EAA continue not to apply to the undertaking may result in the following injury, damage or interference with persons and property:

- interference with MNRF’s authority to carry out the purpose of the CFSA, its regulations and regulated manuals with respect to forest management planning on Crown lands; and
- injury or damage to the forest industry and interference with the social, economic and environmental needs of communities and citizens if the forest management planning activities included in the undertaking cannot be approved by MNRF;

PURSUANT TO section 3.2 of the EAA and subject to the conditions contained in this Order, including a condition to revoke MNR-71, as amended, and MNR-74, subject to transition, I declare that 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 in the area outlined in Schedule 1 (the Undertaking) is not subject to sections 5 and 38 of the EAA:

Definitions

In this Declaration Order,

"Aboriginal Community In or Adjacent to a Management Unit"

means an Aboriginal community that is determined to be in or adjacent to the Management Unit in accordance with Condition 9 (a) of this order.

"Access"

means the forest management operations of road construction, road maintenance, and the use management of roads to provide access to the forest for the Harvest of the forest resource, the transport of those resources to wood-processing facilities, and forest management Renewal and Maintenance activities.

"Area of Concern"

means a geographic area established for an identified Value that may be affected by forest management activities.

"Available Harvest Area"

means the maximum area for each forest unit that may be Harvested during the period of the Forest Management Plan, as determined in the development of the Long-Term Management Direction.

"Branch Road"

means a road, other than a Primary Road, that branches off an existing or new Primary or Branch Road, providing access to, through or between areas of operations on a Management Unit.

"Contingency Plan"

means an interim Forest Management Plan prepared to permit the implementation of operations for the period between the expiry of the current Forest Management Plan and the approval for implementation of a new Forest Management Plan.

"Ecological Land Classification Program"

means a hierarchical approach developed by MNR, for 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.

"Environment"

has the same meaning as in the Environmental Assessment Act.

"Environmental Assessment Board's 1994 Timber Class Environmental Assessment Approval"

means the decision of the Environmental Assessment Board of April 5, 1994 released on April 20, 1994, known as Reasons for Decision and Decision: Class Environmental Assessment by the Ministry of Natural Resources for Timber Management on Crown Lands in Ontario

"Environmental Registry"

means the registry established under section 5 of the Environmental Bill of Rights, 1993.

"Forest Information Manual"

means the document of that name prepared under section 68 of the Crown Forest Sustainability Act, 1994, and approved by the regulations, including amendments to the Manual approved by the regulations.

"Forest Management Plan"

means a document of that name prepared in accordance with the Crown Forest Sustainability Act, 1994, for a Management Unit in accordance with the Forest Management Planning Manual.

"Forest Management Planning Manual" or "FMPM"

means the document of that name prepared under section 68 of the Crown Forest Sustainability Act, 1994, and approved by the regulations, including amendments to the Manual approved by the regulations.

"Forest Operations and Silviculture Manual" or "FOSM"

means the document of that name prepared under section 68 of the Crown Forest Sustainability Act, 1994, and approved by the regulations, including amendments to the Manual approved by the regulations.

"Harvest"

means the removal of forest resources for use, by cutting, extracting, and may include initial processing, using the logging methods of shortwood, tree-length and full tree and all in accordance with the silvicultural systems and methods of clearcutting by block, strip or patch; shelterwood cutting by group, irregular, strip or uniform cutting; or selection cutting by single-tree or group selection.

"Independent Forest Audit"

means the audit required by Ontario Regulation 160/04 – Independent Forest Audits.

"Insect Pest Management Program"

means a program, which is a result of a planning process that considers management options, and recommends a course of action to manage a major insect infestation.

"International Best Practices"

includes those practices developed by international organizations or other jurisdictions, to report on carbon balances for managed forests and that are based on a consistent verifiable methodology.

"Issue Resolution"

means the process required under Condition 10 of this Order.

"Known Affected Persons"

means persons or organizations that appear on the MNRF District mailing list who may be directly affected by forest operations in localized areas of a Management Unit.

"Known Interested Persons"

means persons or organizations, including Known Affected Persons, which appear on the MNRF District mailing list, who are potential participants in matters related to forest management planning for a Management Unit.

"Local Citizens Committee" or "LCC"

means an advisory committee of local citizens established under section 13 of the Crown Forest Sustainability Act, 1994 .

"Long-Term Management Direction"

means a strategic component of a Forest Management Plan, which considers management objectives, indicators, assessment of sustainability, social and economic assessment, and levels of activities, required to achieve the desired forest and benefits, and provide for the sustainability of the forest within a Management Unit.

"Maintenance"

means the forest management operations of tending by manual or chemical cleaning, thinning, stand improvement or pruning, and protection to prevent, control or manage the spread of, or damage caused by insect and disease infestations by manual, chemical or biological treatments in order to provide for the survival and development of a forest to maturity.

"Management Unit"

means an area of Crown forest designated under section 7 of the Crown Forest Sustainability Act, 1994.

"MOECC"

means the Ministry of Environment and Climate Change.

"MOECC Director"

means the Director of the MOECC branch responsible for ensuring the maintenance of this Declaration Order.

"MNRF ADM"

means the Assistant Deputy Minister who is responsible for forest management planning policy matters within MNRF.

"MNRF Director"

means the Director of the MNRF branch responsible for developing and maintaining policies and programs that guide the sustainable management of Crown forests.

"MNRF District Manager"

means a person who has delegated statutory authority under the Crown Forest Sustainability Act, 1994 to deal with matters contemplated to be dealt with by an MNRF District Manager in this Order.

"MNRF Guide"

means a guide that is listed in the Forest Operations and Silvicultural Manual.

"MNRF Regional Director"

means a person who has delegated statutory authority under the Crown Forest Sustainability Act, 1994 to deal with matters contemplated to be dealt with by an MNRF Regional Director in this Order.

"MNRF Regional Resources Manager"

means a person who has delegated statutory authority under the Crown Forest Sustainability Act, 1994 to deal with matters contemplated to be dealt with by an MNRF District Manager in this Order.

"Operational Road"

means a road constructed within an operational road boundary, other than a Primary or Branch Road, to provide short-term access for Harvest, Renewal and Maintenance operations. Operational Roads are normally not maintained after they are no longer required for forest management purposes, and are often site prepared and regenerated.

"Plan Author"

means a Registered Professional Forester who is responsible for the preparation and certification of a Forest Management Plan. Where the original Plan Author of the Forest Management Plan no longer has that responsibility, his or her successor is deemed to be the Plan Author.

"Planned Operations"

means the Access, Harvest, Renewal and Maintenance operations in an approved Forest Management Plan to be implemented on specific areas of a Management Unit during the period of the plan.

"Primary Road"

means a road that provides principal access for the Management Unit, and is constructed, maintained and used as part of the main road system on the Management Unit. Primary Roads are normally permanent roads.

"Provincial Biennial Report on Forest Management"

means a document of that name prepared biennially, as directed by conditions of this Order that provides a provincial summary of the implementation of Forest Management Plans as reported in Management Unit Annual Reports.

"Registered Professional Forester"

means a person licensed under the Professional Foresters Act, 2000 .

"Renewal"

means the silvicultural operations of site preparation by mechanical or chemical means or by prescribed burn, and regeneration by natural or artificial means, for the purposes of stimulating and promoting the establishment and growth of desired future forest stands.

"Room to Grow"

means the policy framework described in the Final Report of the Ontario Forest Accord Advisory Board on Implementation of the Accord dated March 2002.

"Silvicultural Ground Rules"

means the specifications, standards and other instructions that direct silvicultural activities on a Management Unit during the period of a Forest Management Plan.

"Species at Risk"

means species that are classified as at risk under the Endangered Species Act, 2007 .

"State of Ontario's Forests Report"

means the report prepared pursuant to section 22 of the Crown Forest Sustainability Act, 1994.

"Sustainable Forest Licence"

means a licence granted under section 26 of the Crown Forest Sustainability Act, 1994 .

"Use Management Strategy"

means an approach outlining the purpose and description, and defining the roles and responsibilities related to use, maintenance, use control, decommissioning and monitoring of roads on Crown lands.

"Value"

means a natural, cultural or Aboriginal resource attribute or use of land, including all lakes and streams, which must be considered in forest management planning.

"Whitefeather Forest"

means the area consisting of approximately 1.2 million hectares of Crown land that includes the entire area addressed in Keeping the Land: A Land Use Strategy for the Whitefeather Forest and Adjacent Areas (June 2006), including the areas identified therein as Adjacent Areas.

Forest Management Planning Direction

Forest Management Planning Manual

1.
 - a. MNRF shall use the Forest Management Planning Manual required by section 68 of the Crown Forest Sustainability Act, 1994 (CFSA), in the preparation of Forest Management Plans.
 - b. MNRF shall make available all versions of the Forest Management Planning Manual that are in force on a named, publicly accessible website.

Ten-Year Forest Management Plans, Mid-Plan Check and Plan Extensions

2. The Forest Management Planning Manual shall include the following requirements for the preparation of, and documentation for, a Forest Management Plan prepared for a Management Unit, and for a mid-plan check and a plan extension:

Forest Management Plan

- a. A Forest Management Plan shall be prepared for a ten-year period, and shall include:
- i. the Long-Term Management Direction for the Management Unit; and
 - ii. the planning of operations for the activities of Access, Harvest, Renewal and Maintenance for the ten-year period.

Mid-Plan Check

- b. In the fourth year of implementation of a Forest Management Plan, the Plan Author and MNRF shall undertake a mid-plan check.
- i. The mid-plan check shall consider the following:
 - New relevant legislation, policy or MNRF Guide requirements;
 - results of any major natural disturbance that has occurred on the Management Unit since the Forest Management Plan was approved;
 - information provided in the Management Unit Annual Report for the last year of the previous Forest Management Plan and the Management Unit Annual Reports for the first three years of the current Forest Management Plan;
 - results of Independent Forest Audits conducted for the Management Unit and any associated action plans.
 - ii. After reviewing the mid-plan check, and upon considering the recommendation of the MNRF District Manager or MNRF Regional Resources Manager, the MNRF Regional Director shall decide that:
 - the Forest Management Plan does not require amendment; or
 - the Forest Management Plan requires amendment to:
 - the Long-Term Management Direction because of new legal, policy or MNRF Guide requirements or a major natural disturbance that has occurred on the Management Unit; or
 - the remaining Planned Operations in the Forest Management Plan;

or

 - a new Forest Management Plan needs to be prepared because of:
 - new relevant legal, policy or MNRF Guide requirements;
 - the results of a major natural disturbance that has occurred; or
 - in the opinion of the MNRF Regional Director, the continued implementation of the Long-Term Management Direction for the plan will not provide for sustainability of the forest.
 - iii. Documentation requirements for the mid-plan check shall include:
 - the decision on the matters listed in clause (b)(ii) of this condition, including supporting rationale and a description of any required amendments to the Forest Management Plan or the rationale for requiring a new Forest Management Plan to be prepared (an unscheduled plan renewal); and

- a brief statement as to the Local Citizens Committee's (LCC) agreement or disagreement with the recommendation of the MNRF District Manager.
- iv. A media notice(s) shall be provided to advise that the mid-plan check is available on a named, publicly accessible website.

Plan Extension

- c. The duration of a Forest Management Plan may be extended once for a maximum of two years if any planned operations for the activities of Access, Harvest, Renewal or Maintenance in an approved Forest Management Plan are not expected to be completed by the end of the period of the plan.
- i. To initiate a plan extension, a written proposal shall be submitted to the MNRF District Manager which shall include:
- the proposed term of the plan extension identifying whether the extension will be up to three months ("short-term extension") or more than three months and up to two years ("long-term extension");
 - a brief discussion of the progress of plan implementation;
 - the Planned Operations to be implemented during the term of the plan extension from the Forest Management Plan;
 - a discussion of the effect of the extension on the timing of the preparation, review and approval of the next Forest Management Plan; and
 - identification and description of the proposed approach for notification and consultation with Known Affected Persons who may be impacted by the Planned Operations during the term of the plan extension.
- ii. For short-term plan extensions, the following requirements shall apply:
- the MNRF District Manager or MNRF Regional Resources Manager shall review the request with the MNRF Regional Director, and the MNRF Regional Director shall consider whether preparation of the plan extension should proceed and what revisions to the plan extension proposal, if any, are necessary; and
 - if the MNRF Regional Director is of the opinion that preparation of the proposed plan extension should proceed, with or without revisions to the proposal, the Plan Author will be requested to provide the details of the Planned Operations to be implemented during the term of the plan extension, and to provide a summary of discussions with Known Affected Persons in accordance with the requirements of condition 8(i).
- iii. For long-term plan extensions, the following requirements shall apply:
- the MNRF District Manager or MNRF Regional Resources Manager shall review the proposal with the LCC and the MNRF Regional Director, and the MNRF Regional Director shall consider whether preparation of the plan extension should proceed and what revisions to the plan extension proposal, if any, are necessary; and

- if the MNRF Regional Director is of the opinion that preparation of the plan extension should proceed, with or without revisions to the proposal, the Plan Author will be requested to provide the details of the Planned Operations to be implemented during the plan extension, and a summary of discussions with Known Affected Persons in accordance with the requirements of condition 8(k).

Plan Preparation by Plan Author, Planning Team and LCC

3. The Forest Management Planning Manual shall include the following requirements for participation in the preparation of a Forest Management Plan:
 - a. A Forest Management Plan shall be prepared by the Plan Author who shall be a Registered Professional Forester.
 - b. The Plan Author shall be assisted by an interdisciplinary planning team including the following persons:
 - i. an MNRF Registered Professional Forester appointed by the MNRF District Manager;
 - ii. a representative from the LCC, if the LCC elects to participate on the planning team;
 - iii. a representative from each Aboriginal Community In or Adjacent to the Management Unit, if the Aboriginal community elects to participate on the planning team; and
 - iv. a person, appointed by the MNRF District Manager, who collectively represents overlapping licensees and beneficiaries of MNRF wood supply commitments who do not have ownership in the company holding the sustainable forest licence on the Management Unit, if it is reasonably possible to identify such a person and that person elects to participate on the planning team.
 - c. MNRF shall give notice to the LCC and each Aboriginal Community In or Adjacent to the Management Unit that they are each entitled to have one member on the interdisciplinary planning team.
 - d. The Forest Management Plan shall be prepared in an open and consultative fashion, and the planning team shall provide opportunities for ongoing participation in the preparation of the plan by the LCC, Known Interested Persons, Aboriginal Communities In or Adjacent to the Management Unit, and the general public.

Background Information

4. The Forest Management Planning Manual shall require that the following information be made available for a Management Unit for use in forest management planning:
 - a. the planning inventory, which includes updated forest resource inventory data, in accordance with the requirements of the Forest Information Manual;

- b. a description of the historic forest condition;
- c. Values information, as specified in the Forest Information Manual;
- d. fish and wildlife inventory information;
- e. Species at Risk inventory information;
- f. cultural heritage resource inventory information;
- g. mineral resource assessment maps;
- h. the Management Unit Annual Report for the last year of implementation of the previous Forest Management Plan, and the Management Unit Annual Reports for the current Forest Management Plan, where available;
- i. results of Independent Forest Audits conducted and any associated action plans; and
- j. an Aboriginal Background Information Report which includes:
 - i. a summary of the use of natural resources on the Management Unit by Aboriginal Communities In or Adjacent to the Management Unit, particularly with respect to hunting, fishing, trapping and gathering;
 - ii. forest management-related concerns for those Aboriginal communities; and
 - iii. Aboriginal Values information which identifies the location of Values which are used by or are of importance to, the Aboriginal Communities In or Adjacent to the Management Unit. MNRF shall seek advice from the Aboriginal communities regarding the degree to which, if at all, Aboriginal Values information should be made public.

Management Unit Description

5. The Forest Management Planning Manual shall include the following requirements for a description of the Management Unit in a Forest Management Plan:
 - a. a description of the forest, based on the planning inventory and landscape level information;
 - b. a brief description of Species at Risk, based on Species at Risk inventory information and habitat information;
 - c. a brief description of fish and wildlife resources; based on fish and wildlife inventory information and habitat information; and
 - d. a social and economic description for the Management Unit.

Sources of Guidance and Direction

6. MNRF shall ensure that:
 - a. The Forest Operations and Silviculture Manual sets out a list of the guidance and direction to be referenced in the planning and implementation of forest management activities.
 - b. The Forest Management Planning Manual sets out instructions for the use of the guidance and direction listed in the Forest Operations and Silviculture Manual, and any other policies or direction that must be considered in the planning and implementation of forest management activities.

Public and Aboriginal Consultation

Local Citizens Committees

7. The Forest Management Planning Manual shall include a description of the requirements respecting the effective operation of LCCs, including:
 - a. the role of the committee in relation to forest management planning and Insect Pest Management Programs;
 - b. committee membership representing a range and balance of interests;
 - c. purpose of the committee;
 - d. terms of reference for the committee;
 - e. administration of the committee;
 - f. reports of the committee; and
 - g. records of the committee.

Public Consultation

8. The Forest Management Planning Manual shall include the following requirements for formal public consultation in the preparation of each of the following: a Forest Management Plan, a short-term plan extension, and a long-term plan extension:

Forest Management Plan

- a. In the preparation of a Forest Management Plan, formal public consultation opportunities shall be provided in five stages:
 - i. Stage 1 - invitation to participate;
 - ii. Stage 2 - review of proposed Long-Term Management Direction;
 - iii. Stage 3 - review of proposed operations;
 - iv. Stage 4 - review of draft Forest Management Plan; and
 - v. Stage 5 - inspection of MNRF-approved Forest Management Plan.
- b. Media notices and direct notices to Known Interested Persons shall be provided at each stage of formal public consultation and shall set out the following:
 - i. a description of the purpose of the stage of consultation;
 - ii. identification of MNRF, sustainable forest licensee and LCC contacts; and

- iii. where to obtain information regarding the preparation of the Forest Management Plan.
- c. For the first four stages of public consultation, the media notices shall include the following additional information:
 - i. a description of the nature of the consultation opportunity (e.g., open house, forum, etc.);
 - ii. a request for contributions to the Values information and comments on material available for review; and
 - iii. a description of the opportunity to request issue resolution if any person has an issue with the proposed Long-Term Management Direction or the proposed operations.
- d. For the fifth stage of public consultation, the media notice shall also include information on the opportunity to request an individual environmental assessment of specific Planned Operations in the MNRF-approved Forest Management Plan.
- e. The following information shall be made publicly available at the appropriate MNRF offices, sustainable forest licensee offices and public forums at the appropriate stages of the consultation process:
 - i. background information;
 - ii. a summary of and rationale for the proposed Long-Term Management Direction;
 - iii. preliminary and final text and maps;
 - iv. the draft Forest Management Plan;
 - v. the draft Forest Management Plan summary;
 - vi. the MNRF-approved Forest Management Plan; and
 - vii. the Forest Management Plan summary.
- f. All required information from all previous stages of public consultation shall continue to be made available during all subsequent stages (e.g., the information that is required to be produced at stage 1 shall continue to be available to the public at stages 2 through 5).
- g. During the preparation of a Forest Management Plan, MNRF shall ensure that a written response is provided to comments from any person or organization that relate to the Long-Term Management Direction or the proposed operations, and are received in writing, or received orally but accompanied by a request for a written response. In those responses, MNRF shall ensure that an explanation of the results of the consideration of the comments is provided. For comments that are substantively similar (e.g., form letters initiated by a person or organization), MNRF may provide a single response to the person or organization that initiated the submissions.

- h. In addition to the requirements for formal public consultation, members of the public shall be afforded the opportunity to consult directly with representatives from the planning team and the LCC during the preparation of a Forest Management Plan.

Plan Extension - Short-term

- i. During the preparation of a short-term plan extension MNRF shall:
 - i. consult with Known Affected Persons on the details of the Planned Operations to be implemented during the plan extension; and
 - ii. ensure that a written response to any comments received with respect to its proposed short-term plan extension is provided in accordance with clause (g) of this Condition.
- j. The MNRF Regional Director shall notify those persons of the decision to approve or deny a short-term plan extension.

Plan Extension - Long-Term

- k. During the preparation of a long-term plan extension, MNRF shall:
 - i. consult with Known Affected Persons on the details of the Planned Operations to be implemented during the plan extension; and
 - ii. ensure that a written response to any comments received with respect to the proposed long-term plan extension is provided in accordance with clause (g) of this Condition.
- l. If the decision of the MNRF Regional Director is to deny the proposed long-term plan extension, he or she shall notify Known Affected Persons.
- m. If the proposed long-term plan extension is approved, a media notice, and a direct notice to Known Affected Persons shall be provided by MNRF and shall set out the following:
 - i. a statement to advise that the period of the current Forest Management Plan has been extended;
 - ii. identification of MNRF, sustainable forest licensee and LCC contacts; and
 - iii. where to obtain the plan extension documentation.

Aboriginal Consultation

- 9. The Forest Management Planning Manual shall include:
 - a. Criteria that MNRF District Managers are required to consider when determining whether an Aboriginal community is an Aboriginal Community In or Adjacent to a Management Unit.

- b. The following requirements for consulting with Aboriginal Communities In or Adjacent to the Management Unit in the preparation of a Forest Management Plan, a Contingency Plan, an amendment to the Long-Term Management Direction, a plan extension, a minor or major amendment to a Forest Management Plan and an Insect Pest Management Program:
 - i. Prior to the commencement of the formal public consultation stages in the preparation of a Forest Management Plan, the MNRF District Manager shall contact each Aboriginal Community In or Adjacent to the Management Unit to discuss the development of a consultation approach to involve the Aboriginal community. Those discussions may involve planning team representatives, including the Plan Author.
 - ii. The approach for consulting the Aboriginal community, if developed, shall include requirements regarding notices, consultation forums, information availability, written responses to comments and submissions, and opportunities for discussions directly with representatives from the planning team and the LCC.
- c. Requirements for consulting Aboriginal Communities In or Adjacent to the Management Unit that will apply in the event that an approach is not agreed upon, shall, at a minimum, include the requirements for Known Affected Persons or Known Interested Persons described in Conditions 2, 8, 12, 13, 16, 24, 27 and 30. When a public forum is provided for in formal public consultation, MNRF shall provide an opportunity for a separate forum for Aboriginal Communities In or Adjacent to the Management Unit.
- d. Requirements for discussing the public availability of Aboriginal Values information with Aboriginal Communities In or Adjacent to the Management Unit, having regard to MNRF's legal obligations with respect to the management of information.
- e. Requirements for preparing an Aboriginal Background Information Report and a Report on Protection of Identified Aboriginal Values during the preparation of a Forest Management Plan, and shall include requirements for discussing the preparation of the reports with Aboriginal Communities In or Adjacent to the Management Unit.

Issue Resolution Process

10. The Forest Management Planning Manual shall set out the following process to resolve issues that are raised during the preparation of a Forest Management Plan:
 - a. The process shall be available to any person who has an issue with the Long-Term Management Direction or proposed operations. A concerned person shall submit a request for issue resolution in writing to MNRF setting out a description of the issue and any proposed solution.
 - b. The issue resolution process is available at any time up until 30 days following the completion of the period for public review of the draft Forest Management Plan.
 - i. A request that is received prior to completion of the period for public review of the draft Forest Management Plan shall be considered by the MNRF District Manager. There shall be an opportunity for a meeting to resolve the issue, and the meeting

participants shall include the concerned person, a representative(s) from the LCC, the Plan Author, and the MNRF District Manager. The MNRF District Manager shall provide a written decision on the issue.

- ii. A request that is received after the completion of the period for public review of the draft Forest Management Plan, and up until 30 days following that period, shall be considered by the MNRF Regional Director. There shall be an opportunity for a meeting to resolve the issue, and meeting participants shall include the concerned person, a representative(s) from the LCC, the Plan Author, and the MNRF Regional Director. The MNRF Regional Director shall provide a written decision on the issue.
- c. The issue resolution process as described above, with any modifications MNRF considers necessary in the circumstances, shall also apply to:
 - i. Contingency Plans;
 - ii. minor amendments to Forest Management Plans;
 - iii. major amendments to Forest Management Plans;
 - iv. amendments to the Long-Term Management Direction;
 - v. long-term plan extensions; and
 - vi. Insect Pest Management Programs.

Long-Term Management Direction

11. The Forest Management Planning Manual shall include the following requirements for the establishment, documentation and amendment of the Long-Term Management Direction for a Management Unit.
 - a. A Forest Management Plan shall include a description of the Long-Term Management Direction.
 - b. A Forest Management Plan shall set out the following information describing how the Long-Term Management Direction was developed:
 - i. the management objectives identified in accordance with the Forest Management Planning Manual;
 - ii. those management objectives that have an implementation timeframe greater than 10 years;
 - iii. the analysis developed using methodologies, models and tools regarding forest regulation, social and economic analysis, wildlife habitat supply and landscape management provided by MNRF;

- iv. the available Harvest area for each forest unit, determined by establishing the level of Harvest for the ten-year period of the Forest Management Plan using forest regulation methodologies provided by MNRF; and
 - v. the levels of Renewal and tending activities, and associated expenditures required to achieve the objectives described in the Forest Management Plan, based in part on the conclusions and recommendations in the analysis of Renewal and tending activities documented in the applicable Management Unit Annual Reports in accordance with the requirements of Condition 39.
- c. MNRF shall make available a summary of and rationale for the proposed Long-Term Management Direction on a named, publicly accessible website, for review and comment, at the second stage of formal public consultation (i.e., review of proposed Long-Term Management Direction).
- d. Upon completion of any modifications to the proposed Long-Term Management Direction as a result of comments received, the MNRF Regional Director shall advise the Plan Author that he or she has determined that they can proceed with preparing the plan in accordance with the Long-Term Management Direction.
- e. The MNRF Regional Director may require that the Long-Term Management Direction of an approved Forest Management Plan be amended to address a change in legislation, policy, or a major disturbance that has occurred on the Management Unit. The process to amend the Long-Term Management Direction shall include the following three stages for public and Aboriginal consultation, to be undertaken in accordance with the requirements in clauses (a) to (h) of Condition 8, and Condition 9 of this Order with whatever modifications to those requirements the MNRF Regional Director considers appropriate, having regard to the nature of the proposed amendment:
- i. Stage 1 - review of proposed amended Long-Term Management Direction;
 - ii. Stage 2 - review of any related draft amended Planned Operations; and
 - iii. Stage 3 - final inspection of the MNRF-approved amendment to the Long-Term Management Direction and any related changes to Planned Operations.

Planning Access, Harvest, Renewal and Maintenance Activities

Road Locations and Use Management Strategies – Primary, Branch and Operational Roads

12. The Forest Management Planning Manual shall include the following requirements for Primary, Branch and Operational Roads identified for use in a Forest Management Plan:
- a. For existing roads, updated use management strategies will be required.
 - b. For each new Primary Road required for the period of the Forest Management Plan and subsequent 10 years (i.e., 20 years), a maximum one kilometre-wide corridor shall be

identified based on the consideration and environmental analysis of a reasonable range of practical alternative corridors.

- i. In identifying the reasonable range of practical alternative corridors for analysis, there shall be consideration of the degree to which physical conditions, identified Values, and engineering or safety factors act as constraints or provide opportunities for the location of the road corridors.
 - ii. The environmental analysis of the practical alternative corridors shall consist of:
 - an assessment of the advantages and disadvantages of each corridor in providing access to the areas eligible for Harvest;
 - an assessment of the advantages and disadvantages of each corridor in providing access to any remote Aboriginal communities which were previously inaccessible by road;
 - an assessment of the potential effects of each corridor on identified Values;
 - consideration of reasonable use management strategies, which include public access provisions or restrictions, maintenance provisions and, if appropriate, decommissioning provisions; and
 - consideration of costs related to road construction and use management.
 - iii. Documentation of the consideration and environmental analysis of alternative corridors, discussions with Known Interested Persons, and the rationale for the selected corridor and any access provisions or restrictions shall be provided in the supporting documents that accompany the Forest Management Plan.
 - iv. The selected corridor for the road shall be identified and portrayed in the Forest Management Plan. The use management strategy for the road shall be documented in the Forest Management Plan.
- c. For each new Branch Road required during the period of the Forest Management Plan:
- i. A maximum one kilometre-wide corridor shall be identified, based on:
 - consideration of the degree to which physical conditions, identified Values, and engineering or safety factors act as constraints or provide opportunities for the location of road corridors; and
 - discussions with Known Affected Persons.
 - ii. Documentation of the results of discussions with Known Affected Persons, the rationale for the corridor, and any access provisions or restrictions shall be provided in the supporting documents that accompany the Forest Management Plan.
 - iii. The corridor for the road shall be identified and portrayed in the Forest Management Plan. The use management strategy for the road shall be documented in the Forest Management Plan.
- d. For new Operational Roads required during the period of the Forest Management Plan:

- i. The areas within which Operational Roads may be constructed shall be identified and portrayed in the Forest Management Plan.
- ii. Use management strategies for individual Operational Roads and networks of Operational Roads shall be documented in the Forest Management Plan.

Area of Concern Crossings – Primary, Branch and Operational Roads

13. 13. The Forest Management Planning Manual shall include the following requirements for crossings of areas of concern within the corridors for new Primary and Branch Roads and within the areas where new Operational roads may be constructed.

- a. For all crossings of an Area of Concern, the following requirements apply:
 - i. There shall be a determination of locations within an Area of Concern where a road may cross and conditions on the construction of a crossing. That determination shall involve consideration of:
 - identified Values;
 - applicable MNRF Guides;
 - discussions with Known Affected Persons; and
 - potential preventive and mitigative measures.
 - ii. The locations where a road may cross an Area of Concern shall be identified and portrayed in the Forest Management Plan.
 - iii. The conditions on the construction of a crossing shall be documented in the Forest Management Plan.
- b. For each crossing of an Area of Concern that involves a water crossing, the following additional requirements apply:
 - i. The locations where Primary and Branch Roads may cross the Area of Concern shall be identified and portrayed in the Forest Management Plan.
 - ii. For each new water crossing of a Primary, Branch or Operational Road to be constructed, the final location, crossing structure and conditions on construction shall be determined and documented annually, in accordance with the appropriate federal and provincial legislation, and the requirements of Condition 46.

Identification of Areas of Operations and Planned Levels of Activities

14. The Forest Management Planning Manual shall include the following requirements for identifying and documenting areas of planned operations for the activities of Harvest, Renewal and Maintenance in a Forest Management Plan:

- a. For Harvest operations:
 - i. Criteria shall be developed for use in the identification of areas that are eligible for Harvest during the ten-year period of the Forest Management Plan, consistent with

the Long-Term Management Direction. In the development of the criteria, the following shall be considered:

- the applicable MNRF Guides that address the conservation of biodiversity at the landscape scale; and
 - operability of an area (e.g., physical, topographical or economic constraints or considerations), maturity of forest stands, and Species at Risk habitat.
- ii. Identify the preferred areas for Harvest from the areas eligible for Harvest for the ten-year period of the Forest Management Plan up to the level of the available Harvest area for each forest unit. In the identification of the preferred areas for Harvest, the following shall be considered:
- the applicable MNRF Guides that address the conservation of biodiversity at the landscape scale; and
 - operability, Species at Risk habitat, visual aesthetics, and opportunities for Harvesting fuelwood.

The remaining areas eligible for Harvest shall be identified as the optional areas for Harvest.

- iii. At the second stage of formal public consultation (i.e., review of proposed Long-Term Management Direction), the following information shall be available for review and comment:
- areas eligible for Harvest;
 - criteria used to identify the areas eligible for Harvest;
 - preferred and optional areas for Harvest; and
 - the rationale for the preferred areas for Harvest, including a discussion of how the applicable MNRF Guides that address the conservation of biodiversity at the landscape scale were considered.
- iv. After consideration of comments received on the preferred and optional areas for Harvest, areas shall be selected for Harvest (i.e., the planned areas for Harvest) for the ten-year period of the Forest Management Plan. In the selection of the planned areas for Harvest, the applicable MNRF Guides that address the conservation of biodiversity at the landscape and stand and site scales shall be considered. The planned areas for Harvest shall not exceed the available Harvest area for each forest unit for the ten-year period of the Forest Management Plan.
- v. Contingency areas for Harvest shall be identified to serve as replacement areas for the planned areas for Harvest if circumstances arise which cause the planned areas for Harvest to be no longer available. Contingency areas shall be selected from the optional areas for Harvest and must support a minimum of one year, and a maximum of two years, of Harvest operations. The requirements for planning of operations for the activities of Access, Harvest, Renewal and Maintenance described in Conditions 12, 13, 15 and 16 shall also apply for contingency areas.
- vi. At the third stage of formal public consultation (i.e., review of proposed operations), the following information shall be available for review and comment:

- the planned areas for Harvest and the optional areas for Harvest;
 - rationale for the planned areas for Harvest, including a discussion of how the applicable MNRF Guides that address the conservation of biodiversity at the landscape and stand and site scales were considered; and
 - the contingency areas.
- b. For Renewal and Maintenance operations:
- i. Areas for Renewal and Maintenance operations shall include:
 - the planned areas for Harvest;
 - areas Harvested under the current or previous Forest Management Plan(s) that have not yet been renewed;
 - areas of natural disturbances that have not yet been renewed; and
 - areas which may require tending.
 - ii. At the third stage of formal public consultation (i.e., review of proposed operations), the planned areas for Renewal and tending shall be available for review and comment.
- c. The Forest Management Plan shall set out:
- i. An identification and portrayal of the planned areas for Harvest, the contingency areas, and the planned areas for Renewal and tending; and
 - ii. The following information:
 - criteria used to identify the areas eligible for Harvest;
 - the rationale for the planned areas for Harvest, including a discussion of how the applicable MNRF Guides that address the conservation of biodiversity at the landscape and stand and site scales were considered;
 - planned levels of Harvest, Renewal and tending operations for the ten-year period of the Forest Management Plan;
 - the wood volumes expected from the planned areas for Harvest; and
 - planned expenditures for Renewal and tending operations for the ten-year period of the Forest Management Plan.

Silvicultural Ground Rules

15.

- a. The Silvicultural Ground Rules for the Management Unit shall be documented in the Forest Management Plan. The Silvicultural Ground Rules shall serve as the prescriptions for regular operations in the planned areas for Harvest, Renewal and tending operations. The Silvicultural Ground Rules shall be prepared using MNRF Guides that address silviculture and shall be certified by a Registered Professional Forester.

- b. For each Silvicultural Ground Rule, the silvicultural treatment package that is most commonly used on the Management Unit shall be identified, as well as acceptable alternative silvicultural treatments for Harvest, Renewal and tending operations.
 - 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. Each area of planned operations for Harvest, Renewal or Maintenance activities in a Forest Management Plan shall be cross-referenced to the Silvicultural Ground Rules. A description of the situations where high complexity prescribed burns and aerial applications of herbicides may occur shall be provided in the Forest Management Plan.
 - iii. At the time of implementation of operations, if the actual site conditions encountered are found to be different than those identified in the Forest Management Plan, other relevant approved alternative silvicultural treatments in the Silvicultural Ground Rules can be selected.

Area of Concern Prescriptions and Conditions on Access

16. The Forest Management Planning Manual shall include requirements for the development and documentation of Area of Concern prescriptions for Planned Operations for the activities of Harvest, Renewal and Maintenance and Area of Concern conditions on planned Access operations in a Forest Management Plan. Those requirements shall include the following:
 - a. Areas of concern shall be established for identified Values, which include all lakes and streams, within:
 - i. the planned areas for Harvest, Renewal and tending operations;
 - ii. corridors for new Primary and Branch Roads; and
 - iii. the areas within which new Operational Roads may be constructed;
 - b. In the planning of operations, Area of Concern prescriptions, and Area of Concern conditions for an individual Area of Concern or a group of areas of concern with common Values shall be developed using the standards or guidelines contained in MNRF Guides, and those prescriptions and conditions and the rationale for those prescriptions and conditions, shall be documented and portrayed in the Forest Management Plan.
 - c. Area of Concern prescriptions, and Area of Concern conditions shall be developed for individual areas of concern, or groups of areas of concern with common Values using the applicable MNRF Guides. Area of Concern prescriptions may include: reserves (i.e., prohibition of operations), or modified operations (i.e., specific conditions or restrictions on operations), or regular operations (i.e., in accordance with the Silvicultural Ground Rules).

- d. If another planning exercise (e.g., the development of a resource stewardship agreement) has resulted in a proposed Area of Concern prescription or Area of Concern condition, the proposed prescription or condition shall be available for review and comment at the third stage of formal public consultation (i.e., review of proposed operations). If the review results in an objection to the proposed prescription or condition, the requirements of clause (e) of this Condition shall apply. If the review results in no objection to the proposed prescription or condition, no further planning shall be required, and the rationale for the prescription or condition, including the consideration of comments received during consultation shall be documented in the Forest Management Plan.
- e. If an Area of Concern prescription or Area of Concern condition for an individual Area of Concern or a group of areas of concern with common Values must be developed in the absence of standards or guidelines in a guide, there shall be:
 - i. consideration and an environmental analysis of a reasonable range of practical alternative prescriptions or conditions; and
 - ii. discussions with Known Affected Persons.

Documentation of the consideration and environmental analysis of alternative operational prescriptions or conditions, the results of discussions with Known Affected Persons, and the rationale for the selected prescription or condition shall be provided in the supporting documents that accompany the Forest Management Plan.

- f. If an Area of Concern prescription or Area of Concern condition is developed in accordance with the requirements of clause (e) of this Condition for an Area of Concern related to a cultural, tourism or recreation Value, there shall be consideration of visual aesthetics, which may include the use of viewscape analysis techniques, in the development of the prescription or condition.
- g. If an Area of Concern prescription or Area of Concern condition is developed for an individual Area of Concern or a group of areas of concern with common Values, and the prescription or condition differs from the standards or guidelines in a MNRF Guide, the requirements of clause (e) of this condition shall apply. The prescription or condition shall be recorded as an exception in the Forest Management Plan, and the monitoring program for the Forest Management Plan shall describe the methods which shall be undertaken to monitor the effectiveness of the prescription or condition.

Protecting Aboriginal Values

Report on Protection of Identified Aboriginal Values

- 17. The Forest Management Planning Manual shall include requirements for preparation of a Report on Protection of Identified Aboriginal Values for Aboriginal Communities In or Adjacent to the Management Unit during the planning of operations. Those requirements shall include the following:
 - a. The planning team, with the support of the MNRF District Manager, 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 communities;
 - ii. the most current version of the Values information and the Aboriginal Values information;
 - iii. a discussion of proposed Area of Concern 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 operations.
- b. The planning team, with the support of the MNRF District Manager, shall produce the 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 information and the updated Aboriginal Values information;
 - iii. an updated discussion of proposed Primary and Branch Road corridors of interest to the Aboriginal communities;
 - iv. an updated discussion of proposed Area of Concern 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 operations.

Monitoring of Operations

18. The Forest Management Planning Manual shall include requirements for the monitoring of operations in a Forest Management Plan. Those requirements shall include the following:
 - a. During the planning of operations, provisions for the monitoring of operations shall be prepared and documented, and shall include:
 - i. a description of the forest operations inspection program for the Management Unit, with specific provisions for monitoring of operations in and adjacent to individual Areas of Concern and groups of Areas of Concern with common Values;
 - ii. a description of monitoring which shall be undertaken to determine the effectiveness of any silvicultural treatments in the Silvicultural Ground Rules which are exceptions to the recommendations in the MNRF Guides that address silviculture;
 - iii. a description of monitoring which shall be undertaken to determine the effectiveness of Area of Concern prescriptions which are exceptions to the standards or guidelines in MNRF Guides;

- iv. a description of the program for carrying out assessments of regeneration of naturally and artificially regenerated areas; and
 - v. a description of monitoring which shall be undertaken for roads and water crossings.
- 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; and
 - iv. the opportunities for LCC members to participate in monitoring.

Management Unit Specific Direction

Pikangikum First Nation's Customary Stewardship (Whitefeather Forest)

19. The Forest Management Planning Manual shall include the following requirements for the incorporation of Pikangikum First Nation's customary stewardship practices in forest management planning for the Whitefeather Forest:
- a. Pikangikum First Nation's customary decision-making approach shall be incorporated by:
 - i. describing the role of Pikangikum First Nation 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. The approach to incorporating Pikangikum indigenous knowledge in forest management planning shall be documented in the Aboriginal Background Information Report.
 - c. Reports on the implementation of the Forest Management Plan shall be provided to Pikangikum First Nation from time to time.

Background Information

20. In addition to the requirements of Condition 4, the Forest Management Planning Manual shall require that the background information, which shall be available for use in forest management planning for the Whitefeather Forest, shall also include Pikangikum indigenous knowledge, as provided by Pikangikum First Nation for this purpose.

Woodland Caribou

21. In addition to the requirements of Conditions 4, 5, 11, 13 and 17, the Forest Management Planning Manual shall include the following requirements regarding habitat for the forest-dwelling boreal population of woodland caribou that shall apply in forest management planning for the Whitefeather Forest:
 - a. Guided by the strategic land use direction in Keeping the Land: A Land Use Strategy for the Whitefeather Forest and Adjacent Areas (June 2006) and MNR policy, 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 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 clause (a) of this Condition have been addressed in the Forest Management Plan for the Whitefeather Forest shall be provided in the supporting documents that accompany the Forest Management Plan.

Strategic Access Approach

22. In addition to the requirements of Conditions 12 and 13, the Forest Management Planning Manual shall also include the following requirements for access roads which shall apply in forest management planning for the Whitefeather Forest:
 - 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 clause (a) of this Condition have been addressed in the Forest Management Plan shall be provided in the supporting documents that accompany the Forest Management Plan.

Monitoring Program

23. In addition to the requirements of Condition 18, the Forest Management Planning Manual shall require that the monitoring descriptions in the monitoring program in a Forest Management Plan for the Whitefeather Forest include opportunities for Pikangikum First Nation elders, trappers and other community members to participate in monitoring to gather and record Pikangikum indigenous knowledge.

Contingency Plans

24. The Forest Management Planning Manual shall include the following requirements for the preparation of Contingency Plans:
- a. To initiate the planning process for a Contingency Plan, a request shall be prepared and submitted to the MNRF Regional Director. The request shall provide:
 - i. the reason(s) for the Contingency Plan;
 - ii. the proposed duration of the Contingency Plan;
 - iii. a brief description of the proposed contents of the Contingency Plan;
 - iv. a discussion of the effect on the timing of the preparation and approval of the new Forest Management Plan;
 - v. a description of public and Aboriginal consultation that has occurred to date in the preparation of the new Forest Management Plan, if any; and
 - vi. a description of the proposed opportunities for public and Aboriginal consultation and Issue Resolution in the preparation of the Contingency Plan. These opportunities shall be consistent with the requirements for a Forest Management Plan, subject to any modifications MNRF considers necessary in the circumstances, and shall have regard for the extent of public and Aboriginal consultation that has occurred to date in the preparation of the new Forest Management Plan.
 - b. The MNRF Regional Director shall review the request and decide if a Contingency Plan will be prepared. If a Contingency Plan is to be prepared, the MNRF Regional Director shall provide written notice to the MOECC Director. In the notice, the MNRF Regional Director shall:
 - i. identify the proposed duration of the Contingency Plan; and
 - ii. describe the effect of proceeding with a Contingency Plan on the timing of the preparation and approval of the new Forest Management Plan.
 - c. The Contingency Plan shall be prepared in accordance with the requirements set out in Condition 3.
 - d. A media notice(s), and a direct notice to Known Interested Persons shall be provided to advise that the approved Contingency Plan is available on a named, publicly accessible website.

Certification, Review and Approval

Certification, Review and Approval of Forest Management Planning Documents

25. The Forest Management Planning Manual shall include the following requirements for the certification, review and approval of forest management planning documents:

- a. The Plan Author shall certify that the following documents submitted to MNRF for approval have been prepared in accordance with the Forest Management Planning Manual:
 - i. Forest Management Plans, including Contingency Plans; and
 - ii. amendments to Forest Management Plans and Contingency Plans;
 - iii. plan extensions;
 - iv. annual work schedules and revisions thereto; and
 - v. Management Unit annual reports.
- b. The following documents required by this Order shall be recommended for approval by the MNRF District Manager or MNRF Regional Resources Manager, and shall be approved by the MNRF Regional Director after considering the recommendations:
 - i. Forest Management Plans, Contingency Plans and major amendments to either of these plans;
 - ii. mid-plan checks;
 - iii. plan extensions;
 - iv. amendments to the Long-Term Management Direction; and
 - v. fifth year and final year Management Unit annual reports.
- c. The following documents required by this Order shall be approved by the MNRF District Manager:
 - i. minor amendments to Forest Management Plans or Contingency Plans; and
 - ii. annual work schedules and revisions thereto.
- d. Administrative amendments to a Forest Management Plan shall be approved by the MNRF District Manager or his or her delegate.

Requests for an Individual Environmental Assessment

26.

- a. The Forest Management Planning Manual shall contain information on the circumstances and procedures for requesting an individual environmental assessment under this condition.

- b. A person seeking to request an individual environmental assessment shall follow the process set out in this condition.
- c. A person may request an individual environmental assessment by making a written request to the MOECC Director within 30 days after MNRF gives notice of the following:
 - i. approval of a Forest Management Plan;
 - ii. approval of a major amendment to a Forest Management Plan; or
 - iii. approval of an amendment to the Long-Term Management Direction of a Forest Management Plan.
- d. A request for an individual environmental assessment is available for:
 - i. specific Planned Operations in the MNRF-approved Forest Management Plan;
 - ii. a change to specific Planned Operations resulting from a major amendment to a Forest Management Plan; or
 - iii. a change to specific Planned Operations resulting from an amendment to the Long-Term Management Direction for the Forest Management Plan.
- e. The requester shall include the following information in a request for an individual environmental assessment:
 - i. a description of the specific Planned Operations or change to the specific Planned Operations of concern, and a map that identifies the geographic locations of the specific Planned Operations or changes to the specific Planned Operations;
 - ii. an explanation of the requester's concern with the specific Planned Operations or change to the specific Planned Operations; and
 - iii. a description of the requester's participation in the forest management planning process, including participation in Issue Resolution.
- f. Upon receiving a request for an individual environmental assessment, the MOECC Director:
 - i. will send a copy of the request to the appropriate MNRF District Manager, MNRF Regional Director and the Plan Author and may request MNRF to provide preliminary input on the request;
 - ii. will review the request to confirm that it includes the information set out in clause (e) of this Condition; and
 - iii. may ask the requester to provide additional information and specify a time period for doing so.

- g. The MOECC Director may refuse to consider a request that does not set out the information in clause (e) of this Condition.
- h. After the MOECC Director's preliminary review of the request, the MOECC Director will forward any additional information received from the requester to the appropriate MNRF Regional Director and will provide a written notice to the MNRF Regional Director, the MNRF District Manager, the Plan Author, and the requester that:
 - i. will include an identification of the specific Planned Operations or change to specific Planned Operations, the geographic area and the issues that the Director will consider in making a decision on the request;
 - ii. may include a request to MNRF for additional information to support the MOECC review of the request; and
 - iii. may include a request that MNRF and the requester discuss the issues and attempt to resolve these issues within the timeframe specified in the notice, where the MOECC Director has concluded that one or more issues with respect to specific Planned Operations have not been discussed between MNRF and the requestor, or the Plan Author and the requester during the preparation of the Forest Management Plan or the MOECC Director is of the opinion that a discussion will assist in making a decision on the request. MOECC will participate in any such discussion.
- i. If the MOECC Director has requested that MNRF and the requester discuss and attempt to resolve the issues specified in the notice, the MOECC Director will consider any outcome of the discussions, and may issue a supplemental notice to the appropriate MNRF District Manager, MNRF Regional Director, Plan Author, and the requester revising the information included in the notice under clause (h)(i).
- j. The MOECC Director shall make best efforts to decide on the request within 45 days of a notice in (h) or receipt of any additional information from MNRF in accordance with a notice, whichever is later.
- k. Upon considering the request, the MOECC Director may:
 - i. deny the request for an individual environmental assessment;
 - ii. deny the request for an individual environmental assessment, and impose conditions in relation to the implementation of the specific Planned Operations or change to specific Planned Operations in the specified geographic area of the Forest Management Plan; or
 - iii. require MNRF to prepare and submit an individual environmental assessment application under Part II of the EAA.
- l. If the MOECC Director decides to deny a request for an individual environmental assessment, the Director shall provide written notice to the appropriate MNRF District Manager, MNRF Regional Director, Plan Author, and the requester; that the request has been denied. In the notice, the MOECC Director will:
 - i. provide reasons for the decision to deny the request; and

- ii. indicate any conditions on the denial of the request imposed by the Director.
- m. If the MOECC Director decides to require an individual environmental assessment under Part II of the EAA, the Director shall notify the appropriate MNRF District Manager, MNRF Regional Director, Plan Author, and the requester in writing that MNRF will be required to prepare and submit an individual environmental assessment application under Part II of the EAA before proceeding with the specific Planned Operations or change to Specific Planned Operations in the geographic areas identified in the decision.
- n. Until a decision is made by the MOECC Director under clause (k) or the request has been withdrawn, MNRF shall not proceed with or further authorize under this Order any specific Planned Operations or change to specific Planned Operations in any geographic area identified in the request unless:
 - i. the MOECC Director has issued a supplemental notice under clause (i) and the specific Planned Operation or geographic area is not included in that notice; or
 - ii. MOECC Director did not issue a supplemental notice under clause (i) and the specific Planned Operation or geographic area is not included in the notice issued under clause (h).
- o. Following a decision by the MOECC Director under clause (k):
 - i. if the Director denies the request with conditions, MNRF shall not proceed with or further authorize under this Order the specific Planned Operations or change to the specific Planned Operations in the geographic areas specified in the decision, except in accordance with the conditions imposed by the Director; or
 - ii. if the Director requires an individual environmental assessment, MNRF shall not proceed with or further authorize under this Order any specific Planned Operations or change to specific Planned Operations in any geographic area identified in the decision unless authorized under Part II of the EAA.

Planning Administration

Amendments to Forest Management Plans and Contingency Plans

27. The Forest Management Planning Manual shall include requirements for making amendments to Forest Management Plans and Contingency Plans. 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.
 - i. Any person may submit a written request to the MNRF District Manager to amend a Forest Management Plan. The request shall provide a brief explanation of the need for the proposed amendment and a brief description of the proposed amendment. The MNRF District Manager, in consultation with the Plan Author

and the LCC, shall decide if preparation of the amendment should proceed and shall categorize the amendment as administrative, minor or major.

- ii. The MNRF District Manager's decision on preparation of the amendment and the categorization of the amendment shall consider, at a minimum, the following factors:
 - public and Aboriginal consultation required for the amendment;
 - time constraints;
 - requests of a similar nature; and
 - the information available at the time of the request.
 - iii. If the MNRF District Manager has made a preliminary determination that preparation of the amendment should proceed, and that the amendment should be categorized as administrative, and the LCC is not readily available for consultation on the request for an amendment, the MNRF District Manager may instead consult the chair of the LCC, or his or her alternate, for the purpose of deciding if preparation of the amendment should proceed, and the categorization of the amendment.
- b. The applicable requirements for a Forest Management Plan shall apply to the preparation of an amendment to a Forest Management Plan or a Contingency Plan. The requirements for the contents of notices, the recipients of notices, and information availability shall be consistent with the requirements for a Forest Management Plan, with any modifications the MNRF District Manager considers necessary in the circumstances.
 - c. For a major amendment, there shall be:
 - i. discussions with Known Affected Persons in the preparation of the amendment and a formal opportunity for public and Aboriginal consultation (i.e., review of the proposed operations in the major amendment); and
 - ii. an opportunity for inspection of an MNRF-approved major amendment to a Forest Management Plan.
 - d. For a minor amendment, there shall be:
 - i. discussions with Known Affected Persons in the preparation of the amendment;
 - ii. a formal opportunity for public and Aboriginal consultation (i.e., review of the proposed minor amendment).
 - e. The Forest Management Planning Manual shall include requirements for amendments to Forest Management Plans and Contingency Plans that may provide for the expeditious planning and implementation of salvage operations.
 - f. In the event that, pursuant to section 11(3) of the CFSA, a Forest Management Plan is deemed to include part(s) of an agreement, permit or instrument issued under the Endangered Species Act, 2007, the requirements of clauses (a) to (e) of this Condition shall not apply to the part(s) that are deemed to be included. The part(s) of the agreement,

permit or instrument that are deemed to be included in the Forest Management Plan will be available with the Forest Management Plan on a named, publicly accessible website.

Annual List of Management Units and Forest Management Plans

28. MNRF shall make available on a named, publicly accessible website, on an annual basis, a schedule that will include a list of Forest Management Plans and Contingency Plans which are approved or under preparation.

Plan Documentation and Public Access to Plans

29. The Forest Management Planning Manual shall provide that the following documents shall be prepared and made publicly available at the appropriate MNRF offices, sustainable forest licensee offices and on a named, publicly accessible website:

- a. Forest Management plans, including:
 - i. the plan summary;
 - ii. supporting documents for decisions made in preparing the Forest Management Plan;
 - iii. plan extensions; and
 - iv. plan amendments;
- b. mid-plan checks;
- c. Contingency Plans;
- d. amendments to the Long-Term Management Direction and any related changes to Planned Operations;
- e. annual work schedules, including:
 - i. aerial herbicide and insecticide project plans; and
 - ii. prescribed burn project plans.

Insect Pest Management Programs

30. The Forest Management Planning Manual shall include the following requirements for Insect Pest Management Programs for major insect pest infestations:

- a. When the MNRF Regional Director determines that an Insect Pest Management Program should be developed, the program shall be developed by an interdisciplinary team comprised of MNRF staff and a representative(s) of the LCC(s). Areas eligible for insect pest management shall be identified, and the following range of management options shall be considered and documented:

- i. no treatment;
 - ii. accelerated harvest;
 - iii. redirected harvest;
 - iv. salvage harvest;
 - v. prescribed burns;
 - vi. the use of insecticides; and
 - vii. appropriate combinations of the foregoing options.
- b. The MNRF Regional Director shall notify the MOECC Director that the planning process for an Insect Pest Management Program has been initiated and shall provide the following:
 - i. the reason(s) for the program;
 - ii. a description of the nature and extent of the major insect pest infestation;
 - iii. the target insect;
 - iv. the duration of the program;
 - v. a discussion of the range of management options that shall be considered and the timing of and rationale for those options;
 - vi. if insecticide is considered for application, the active ingredient and product name, if known; and
 - vii. the MNRF and LCC contact information.
- c. If the proposed insect pest management option involves the aerial application of insecticides, there shall be a formal opportunity for public and Aboriginal consultation (i.e., review of the proposed insect pest management program). The requirements for consultation, including the contents of notices, the recipients of notices, and information availability, shall be consistent with the requirements for the third stage of formal public consultation for a Forest Management Plan (i.e., review of proposed operations), with any modifications MNRF considers necessary in the circumstances. There shall also be an opportunity to request Issue Resolution with the MNRF Regional Director, in accordance with the requirements of Condition 10, with any modifications MNRF considers necessary in the circumstances.
- d. Following the consideration of the input under clauses (a) to (c) of this Condition, an Insect Pest Management Program shall be approved by the MNRF Regional Director before proceeding with the Insect Pest Management Program.
- e. If the approved Insect Pest Management Program involves:

- i. accelerated, redirected or salvage harvest operations, the MNRF District Manager shall determine if an amendment to an approved Forest Management Plan(s) is required, and if so, the requirements of Condition 27 shall apply; or
 - ii. the aerial application of insecticides, a project description and project plan shall be developed for each aerial insecticide project, in accordance with the requirements of Condition 32.
- f. A media notice shall be provided to advise that the approved Insect Pest Management Program is available at the appropriate MNRF offices and on a named, publicly accessible website.
- g. When considering the use of insecticides, if alternatives to chemical insecticides are commercially available, reasonably cost-effective, approved federally and authorized for use in Ontario, MNRF shall give preference to such alternatives.

Annual operations

Annual work schedules

31. The Forest Management Planning Manual shall include the following requirements for the preparation, review of, and revisions to, annual work schedules:

- a. Each year, an annual work schedule shall be prepared for a Management Unit before any operations may proceed. An annual work schedule shall be consistent with the approved Forest Management Plan.
- b. An annual work schedule and any revisions thereto shall be certified by a Registered Professional Forester.
- c. Areas scheduled for Harvest, Renewal and Maintenance operations during the year shall be identified and portrayed in the annual work schedule. The areas scheduled for the following silvicultural treatments shall be specifically identified and portrayed:
 - i. high complexity prescribed burns;
 - ii. aerial application of herbicides;
 - iii. aerial application of insecticides; and
 - iv. personal use fuelwood.

Area of Concern prescriptions within the areas scheduled for Harvest, Renewal and Maintenance operations shall be identified and portrayed.

- d. The following Access-related operations scheduled for the year shall be identified and portrayed in the annual work schedule:
 - i. corridors within which new Primary and Branch Roads are scheduled for construction;

- ii. areas within which new Operational Roads are scheduled for construction;
 - iii. Areas of Concern where crossings are scheduled for construction;
 - iv. road water crossings scheduled for replacement or decommissioning; and
 - v. roads scheduled for maintenance, access restrictions or decommissioning.
- e. The LCC shall be provided an opportunity to inspect the annual work schedule prior to its approval.
 - f. A media notice(s) shall be provided to advise that the annual work schedule is available on a named, publicly accessible website. The notice(s) shall identify who can be contacted in relation to the scheduled operations, tree planting jobs and opportunities for fuelwood.

Aerial Herbicide and Insecticide Projects

- 32. The Forest Management Planning Manual shall include requirements for planning of aerial herbicide and insecticide projects. Those requirements shall include:
 - a. A project description and a project plan shall be prepared for each aerial herbicide and insecticide project scheduled during the year of an annual work schedule.
 - b. The approved project description and project plan shall form part of the annual work schedule.
 - c. A media notice(s) shall be provided, and a direct notice issued to Known Affected Persons and any Aboriginal Community In or Adjacent to a Management Unit that may be directly affected to advise that the project description(s) and project plan(s) for an aerial herbicide and insecticide project(s) are available for inspection on a named, publicly accessible website.

Prescribed Burn Projects

- 33. The Forest Management Planning Manual shall include requirements for planning of prescribed burn projects. Those requirements shall include:
 - a. An operational plan shall be prepared for each prescribed burn project scheduled during the year of an annual work schedule.
 - b. The approved operational plan shall form part of the annual work schedule.
 - c. A media notice(s) shall be provided, and a direct notice issued to Known Affected Persons and any Aboriginal Community In or Adjacent to a Management Unit that may be directly affected to advise that the operational plan(s) for a prescribed burn(s) is available for inspection on a named, publicly accessible website.

Changes to Planned Operations During Implementation

34. The Forest Management Planning Manual shall include requirements with respect to changes to planned operations during the implementation of operations. These requirements shall include the following:
- a. In the event that a previously unidentified Value is encountered, the applicable operational prescription in the Forest Management Plan shall be applied with no requirement for an amendment to the Forest Management Plan or an annual work schedule revision. Where an applicable operational prescription is not available in the Forest Management Plan, an amendment to the Forest Management Plan and an annual work schedule revision shall be required.
 - b. In the event that the actual location of a Value is different than the mapped location in the 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 an annual work schedule revision.
 - c. 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 annual work schedule, or a change to the location of the water crossing is necessary, an annual work schedule revision shall be required, but no amendment to the Forest Management Plan shall be required.

Management Unit and Provincial Level Monitoring

Forest Operations Inspections

- 35.
- a. MNRF shall ensure that monitoring of operations for the forest management activities of Access, Harvest, Renewal and Maintenance shall take place through a forest operations inspection program. Monitoring shall consist of examining compliance with approved Forest Management Plans and any other requirements and conditions imposed on operations by legislation. MNRF shall verify incidents of potential non-compliance identified by the forest industry.
 - b. MNRF shall maintain a Forest Compliance Handbook that describes the details regarding a forest operations inspection program, including scope, documentation, record retention and how to address instances of non-compliance with the approved Forest Management Plan and any requirements for Planned Operations imposed by legislation.
 - c. For each Management Unit, individual forest operations inspection reports shall be available for use in Independent Forest Audits, and the most recent five years of reports shall be publicly available for viewing at the appropriate MNRF office.
 - d. For each Management Unit, MNRF shall make available on a named, publicly accessible website, annual summaries of forest operations inspections from the Management Unit Annual Reports for the most recent five years, prepared in accordance with the requirements of Condition 39(a)(i).

Independent Forest Audits

36. MNRF shall ensure that Independent Forest Audit reports prepared in accordance with the requirements of the CFSA and its regulations are made available on a named, publicly accessible website.

Silvicultural Effectiveness Monitoring

37. MNRF shall ensure that monitoring of Renewal and Maintenance activities takes place through a silvicultural effectiveness monitoring program.
 - a. The program shall assess regeneration of naturally and artificially regenerated areas.
 - b. MNRF shall maintain direction for the silvicultural effectiveness monitoring program. That direction shall include:
 - i. a description of the standards and acceptable assessment methodologies that ensure the appropriate linkages among MNRF's silvicultural guides, Silvicultural Ground Rules, project records, assessments and forest resource inventory updating;
 - ii. a description of the timing of monitoring activities and the systematic reporting of the results to the public; and
 - iii. requirements for the maintenance of silvicultural records and analysis, and the evaluation of the effectiveness of the silvicultural activities.

Wildlife Population Monitoring

38. MNRF shall continue to implement a Provincial Wildlife Population Monitoring Program within the Area of the Undertaking, and shall continue to investigate wildlife population monitoring methods. This program shall provide long-term trend data on the species listed in clause (a) of this Condition, and shall collect information to support testing of the effectiveness of MNRF Guides that address habitat for wildlife species.
 - a. The species to be monitored shall include representative terrestrial vertebrate species:
 - i. which benefit from forests managed for the purposes of maintaining early successional stages;
 - ii. which benefit from forests managed for purposes of maintaining late successional stages; and
 - iii. which utilize the following habitat types and features:
 - snags;
 - dead and downed woody material;
 - riparian areas;
 - mature or over-mature stands; and
 - large areas in a similar successional stage.

- b. MNRF shall maintain a program plan for the Provincial Wildlife Population Monitoring Program which outlines priorities, representative species to be monitored, and proposed activities and schedules for the Provincial Wildlife Population Monitoring Program. MNRF may update the program plan from time to time, and shall make the program plan available on a named, publicly accessible website. The program plan shall be updated no later than one year following the public release of each Five-Year EA Report.
- c. Updates on the Provincial Wildlife Population Monitoring Program shall be provided to the Provincial Forest Technical Committee to assist in the review and revision of MNRF Guides.

Reporting

Management Unit Annual Reports and Provincial Biennial Reports on Forest Management

- 39. MNRF shall ensure that reports on forest management shall be prepared annually at the management unit level, and biennially at the provincial level.

Management Unit Annual Reports

- a. The Forest Management Planning Manual shall include the following requirements for information to be included in a Management Unit annual report and for the preparation and certification of a Management Unit annual report:
 - i. information on forest operations implemented during the preceding year, including regeneration assessments;
 - ii. expenditures on Renewal and Maintenance activities;
 - iii. a summary of forest operations inspections conducted in accordance with the requirements of Condition 35 during the preceding year. This summary shall distinguish between inspections conducted by the forest industry and those conducted by MNRF, and shall identify incidents of non-compliance by the forest industry;
 - iv. a discussion of the progress to date in meeting the planned levels of activities, and regeneration assessments described in the Forest Management Plan;
 - v. a discussion of any significant events affecting the implementation of the Forest Management Plan; and
 - vi. records of insecticides used for forest management purposes during the current year.
- b. The annual report for the management unit for the fifth year of implementation of a Forest Management Plan shall include:
 - i. all of the information contained in clause (a) of this Condition;

- ii. information on the following items:
 - a summary of the regeneration status by forest unit for area harvested during the current and previous Forest Management Plans;
 - an assessment of the achievement of the management objectives of the Forest Management Plan;
 - results of the mid-plan check including results from implementing any recommendations from the mid-plan check;
 - a review of the assumptions used to prepare the Forest Management Plan; and
 - conclusions and recommendations to be addressed in the preparation of the next Forest Management Plan;
 - iii. an analysis, prepared by the Plan Author, of Harvest, Renewal, and Maintenance activities and Silvicultural Ground Rules. The analysis will consider the implementation of the current and previous Forest Management Plans, and will include a discussion of the:
 - trends in the planned levels versus actual levels of Harvest, Renewal and tending activities;
 - expenditures on those Renewal and tending activities;
 - trends in the levels of Harvest and regeneration;
 - trends in silvicultural effectiveness monitoring results;
 - effectiveness of Silvicultural Ground Rules in achieving the desired future forest condition; and
 - conclusions and recommendations for consideration in the determination of future levels of, and expenditures on, Renewal and tending activities, and recommendations related to the continued use of effective Silvicultural Ground Rules;
 - iv. for the Whitefeather Forest, information on how the implementation of the Forest Management Plan has provided for a continuous supply of habitat for woodland caribou in accordance with the requirements of Condition 21.
- c. The Management Unit Annual Report for the last year of implementation of a Forest Management Plan shall include:
- i. all of the information contained in clause (a) of this Condition;
 - ii. information on the following:
 - a summary of the regeneration status by forest unit for area harvested during the current and previous Forest Management Plans;
 - an assessment of the achievement of the management objectives of the Forest Management Plan; and
 - a review of the assumptions used to prepare the Forest Management Plan;

- iii. a final analysis of Harvest, Renewal, and Maintenance activities, and the effectiveness of Silvicultural Ground Rules, in accordance with the requirements of clause (b)(iii) of this Condition;
- iv. for the Whitefeather Forest, information on how the implementation of the Forest Management Plan has provided for a continuous supply of habitat for woodland caribou; and
- v. any final conclusions and recommendations in the report that should be considered in the preparation of the mid-plan check for the next Forest Management Plan.

Provincial Biennial Reports on Forest Management

- d. Every two years, MNRF shall prepare a provincial report on forest management for tabling in the Legislature. The report shall be provided to MOECC, made available on a named, publicly accessible website, and include the following information:
 - i. a summary of the implementation of the forest management planning process, including:
 - the number of Forest Management Plans, Contingency Plans, mid-plan checks, plan extensions, Insect Pest Management Programs, and amendments to Forest Management Plans and Contingency Plans approved;
 - issues raised through public and Aboriginal consultation and their resolution through the issue resolution process or requests for an individual environmental assessment;
 - the number of Management Unit annual reports required to be prepared in accordance with clause (a) of this Condition, the number actually submitted to MNRF, and the rationale for any variance; and
 - the number of Management Unit annual reports prepared and approved in accordance with clauses (b) and (c) of this Condition, and a summary of the conclusions in those reports.
 - ii. a summary of:
 - Ontario's land and Crown forest base;
 - forest operations implemented;
 - the planned levels versus the actual levels of Harvest, Renewal and tending operations;
 - Renewal and tending expenditures;
 - the levels of harvest versus regeneration;
 - silvicultural effectiveness monitoring results; and
 - forest operations inspections conducted in accordance with the requirements in Condition 35, which shall distinguish between inspections conducted by the forest industry and those conducted by MNRF, and shall identify incidences of non-compliance by the forest industry.

- iii. provincial government revenues from Crown charges, as defined by CFSA, including payments associated with penalties, offences, and the harvest of Crown forest resources;
- iv. a summary of expenditures from the Forest Renewal Trust and the Forestry Futures Trust as provided for under the CFSA;
- v. an enforcement summary; and
- vi. a summary of the progress of the on-going negotiations with Aboriginal peoples on a district-by-district basis, as per Condition 56.

State of Ontario's Forests Report

40. MNRF shall ensure that the criteria and indicator information collected to report on the status of Ontario's Crown forests, in accordance with the requirements of section 22 of the CFSA, is made available on a named, publicly accessible website.

Continuing Developments and Programs

Regional Advisory Committees

41.
 - a. MNRF shall maintain committees, known as the Regional Advisory Committees, whose purpose is to advise MNRF Regional Directors on forest management planning and related matters brought to the committee by the MNRF Regional Directors.
 - b. Each Regional Advisory Committee shall be chaired by the appropriate MNRF Regional Director, or his or her delegate, who shall represent MNRF.
 - c. The Chair shall establish and maintain the Terms of Reference for each Regional Advisory Committee, which shall include:
 - i. membership focusing on regional representation of groups or organizations with an interest in forest management;
 - ii. term of appointment of members;
 - iii. frequency of meetings;
 - iv. role of committee members;
 - v. reimbursement of expenses for attendance at meetings;
 - vi. operational procedures for the committee, which shall include a requirement to maintain a summary of meeting discussions that shall be available to the public upon request; and
 - vii. the geographic area associated with the committee.

Provincial Forest Policy Committee

42.

- a. MNRF shall maintain a committee, known as the Provincial Forest Policy Committee, whose purpose is to advise the MNRF Deputy Minister on provincial forest policy and related matters brought to the committee by the MNRF Deputy Minister.
- b. The Committee shall be chaired by the MNRF Deputy Minister or, if the Deputy Minister is not available, the MNRF Assistant Deputy Minister.
- c. The Chair shall establish and maintain the Terms of Reference for the committee which shall include:
 - i. membership focusing on a range of representative interests and organizations that relate to forest management in the province;
 - ii. term of appointment of members;
 - iii. frequency of meetings, which shall be at least twice annually;
 - iv. role of committee members;
 - v. reimbursement of expenses for attendance at meetings; and
 - vi. operational procedures for the committee, which shall include a requirement to maintain a summary of meeting discussions that shall be available to the public upon request.

Provincial Forest Technical Committee

43.

- a. MNRF shall maintain a committee, known as the Provincial Forest Technical Committee, to advise the MNRF Assistant Deputy Minister on how to ensure that MNRF Guides are kept current with respect to scientific knowledge and management practices, by acting as a review board for proposed changes to existing MNRF Guides and recommending priorities for work on new or existing MNRF Guides. The committee may also advise on other technical matters brought to the committee by the MNRF Assistant Deputy Minister.
- b. The Committee shall be chaired by the MNRF Assistant Deputy Minister or, if the Assistant Deputy Minister is not available, the MNRF Director.
- c. The Chair shall maintain the Terms of Reference for the committee which shall include:
 - i. membership focusing on professional disciplines required, in the opinion of MNRF, to fulfill the duties of the committee;
 - ii. term of appointment of members;

- iii. frequency of meetings, which shall be at least twice annually;
- iv. role of committee members;
- v. reimbursement of expenses for attendance at meetings; and
- vi. operational procedures for the committee, which shall include a requirement to maintain a summary of meeting discussions that shall be available to the public upon request.

Review and Revision of Forest Management Guides

44.

- a. MNRF shall ensure that the MNRF Guides, are reviewed and updated in accordance with the following requirements:
 - i. Each MNRF Guide shall be reviewed at least once every ten years to ensure that the guides reflect current scientific knowledge as it applies to Ontario.
 - ii. In considering the need for revisions, amalgamations, or new MNRF Guides, in setting priorities, and in determining the appropriate contents of the guides, the following factors shall be considered:
 - the results of applicable scientific research;
 - the results of relevant and appropriate monitoring programs;
 - the advantages and disadvantages of changes to current forest management practices; and
 - advances in analytical and operational technology.
 - iii. Where a revised MNRF Guide or new guide is proposed:
 - appropriate ministries, agencies, other organizations or individuals with expertise in the subject matter of the guide shall be asked to review the draft guide and provide comments;
 - the draft guide shall be posted for comment on the Environmental Registry established under the Environmental Bill of Rights, 1993; and
 - where feasible, and with the advice of the Provincial Forest Technical Committee, the guide or its components, should be pilot tested to assess its effectiveness and efficiency in application; and
 - iv. Each revised MNRF Guide or new guide shall:
 - be proposed for incorporation into the next revision of the Forest Operations and Silviculture Manual;
 - describe the approach that will be used to monitor the effectiveness of the MNRF Guide or new guide; and
 - shall specify when any new requirements come into effect.

- b. For greater certainty, this Condition does not apply to an amendment MNRF makes to a guide before the review required by clause (a) where MNRF considers such an amendment necessary to reflect a change in policy, legislation, or to clarify existing guidance and where MNRF considers the circumstances as requiring the amendment to take effect as soon as possible. MNRF shall consult on any such amendment in accordance with the steps set out in clause (iii). MNRF shall include any such amendment in the next guide review that is undertaken in accordance with this Condition.
- c. MNRF shall make available on a named, publicly accessible website:
 - i. all current versions of the MNRF Guides to be used in the planning and implementation of forest management activities;
 - ii. an overview of each MNRF Guide; and
 - iii. a status summary of current MNRF Guides.

Scientific Studies and Information Sharing Related to Climate Change

45. MNRF shall:

- a. maintain a program of scientific studies to assess the effectiveness of MNRF Guides. Updates on the progress of these studies shall be provided to the Provincial Forest Technical Committee to assist in the review and revision of MNRF Guides.
- b. support a science program to investigate the role of forests in climate change.
- c. support the government's efforts towards climate change mitigation by:
 - i. sharing information with MOECC on current and projected forest carbon balances, related to forest harvesting, forest age, species composition, and the amount of harvested wood converted into wood products. The information shared will be prepared:
 - on a management unit by management unit basis; and
 - for the entire area of the undertaking.
 - ii. working with MOECC to develop an approach to report on current and projected forest carbon balances and describe how the approach considers any available international best practices.

Road Water Crossing Direction

46. MNRF shall maintain a protocol for the efficient planning, review, approval and monitoring of road water crossings to prevent, minimize, or mitigate effects of forest management activities on fish and fish habitat. Revisions to the protocol shall be prepared in consultation with representatives of the forest industry and other relevant government agencies.

Inventory, Information and Management Systems

47. MNRF shall ensure that information management systems necessary to support forest management planning, which enhance the capability to systematically collect, store, update and retrieve information, continue to be developed and utilized. MNRF shall update and provide the most current, relevant information available on Values for use in forest management planning, as described in the Forest Management Planning Manual.

Ecological Land Classification Program

48. MNRF shall maintain and continue to develop a program known as the Ecological Land Classification Program through the following initiatives:
- d. ensuring interpretation manuals are available to assist in the use of Ecological Land Classification in forest management planning;
 - e. continuing to improve inventory and mapping technologies; and
 - f. continuing to provide for technology transfer and training programs.

Growth and Yield Program

49. MNRF shall continue to support and implement a provincially coordinated program, known as the Growth and Yield Program, to obtain further information on forest growth and yield, as influenced by: climate change; site; forest structure; silvicultural treatments; and other natural events. The Forest Management Planning Manual shall include requirements to incorporate the results of the Growth and Yield Program for use in forest management planning.

Full-tree Harvest and Full-tree Chipping Studies

50. MNRF shall continue to investigate, through a long-term study, the effects of full-tree harvest and full-tree chipping on long-term forest productivity.

Maintenance: Tending and Protection Improvement

51. MNRF shall continue to ensure that Maintenance operations are conducted in accordance with current scientific knowledge applicable to Ontario's forests, by maintaining policies and procedures that ensure proper and safe use of registered and approved products, and by collaborating with research partners engaged in tending and protection research initiatives.

Data Systems and Analytical Methodologies

52. MNRF shall maintain and continue to develop methodologies for use in forest management planning and reporting which:
- a. address social and economic considerations when making forest management decisions;
 - b. investigate and address wildlife habitat supply, biological diversity and landscape management analyses across temporal and spatial scales;

- c. capture, store and provide access to spatial information using geographic information system technology;
- d. support the use of spatial modelling;
- e. continue to incorporate the use of geographic information system technology in the development of models and tools; and
- f. ensure staff are trained in the use and application of the methodologies and technologies that are developed.

Professional and Technical Training Programs

53. MNRF shall ensure that professional and technical training programs, including mandatory training and certification of forest operations compliance inspectors, and training on the application of MNRF Guides, are maintained so that the knowledge of those persons involved in the planning and implementation of forest management activities is continually updated.

Public Education on Forest Management

- 54.
- a. MNRF shall continue to contribute to public education regarding the management of Ontario's forests by providing information, and collaborating with organizations involved in the administration and delivery of educational programs in forest management.
 - b. MNRF shall maintain a brochure which outlines the forest management planning process in a simplified form, and includes a description of how identified Values are addressed in forest management planning. MNRF shall ensure that the brochure is available on a named, publicly accessible website, and available for distribution in English, French, Ojibway, and Oji-Cree.
 - c. MNRF, in cooperation with MOECC, will develop a guidance document for use by the public, Aboriginal communities and other interested persons, which will provide information on how to become involved in the implementation of this Order, particularly with respect to those conditions of this Order that provide for public and Aboriginal participation. MNRF shall make the document available on a named, publicly accessible website.

Provincial Wood Supply Strategy

- 55.
- a. MNRF shall review and revise, as MNRF considers appropriate, the Provincial Wood Supply Strategy. The Provincial Wood Supply Strategy shall not constitute, or be used as, a wood supply target, or a guarantee of wood supply. The Provincial Wood Supply Strategy shall include the following components:
 - i. documentation of past harvest levels by major species group, by region;

- ii. long-term forecasts of industrial wood supply, by major species group, by region, based on estimates derived from individual Forest Management Plans;
 - iii. documentation of the aggregated wood supply requirements for forest resource processing facilities, by major species group, by region;
 - iv. identification of anticipated wood supply issues, including a comparison of clauses (i) to (iii) of this Condition;
 - v. a description of approaches to address the identified wood supply issues; and
 - vi. an assessment of the potential of the various approaches to address the anticipated wood supply issues.
- b. Wood supply, and approaches to address local wood supply issues, shall be determined through forest management planning at the Management Unit level.
 - c. The Provincial Wood Supply Strategy shall be consistent with the requirements of the CFSA. The Provincial Wood Supply Strategy shall support the Ontario Forest Accord, 1999 and the Room to Grow policy framework, (March 2002), as may be amended from time to time.
 - d. MNRF shall seek the advice of the Provincial Forest Policy Committee, and shall provide an opportunity for public review and comment on any proposed revision of the Provincial Wood Supply Strategy.

Negotiations with Aboriginal Peoples

56. MNRF District Managers shall conduct negotiations at the local level with Aboriginal peoples whose communities are situated in a Management Unit, in order to identify and implement ways of achieving a more equal participation by Aboriginal peoples in the benefits provided through forest management planning. These negotiations will include, but are not limited to, the following matters:
- a. providing job opportunities and income associated with forest and mill operations in the vicinity of Aboriginal communities;
 - b. supplying wood to wood processing facilities such as sawmills in Aboriginal communities;
 - c. facilitation of Aboriginal third-party licence negotiations with existing licensees where opportunities exist;
 - d. providing forest resource licences to Aboriginal people where unallocated Crown timber exists close to reserves;
 - e. development of programs to provide jobs, training and income for Aboriginal people in forest management operations through joint projects with Aboriginal Affairs and Northern Development Canada; and

- f. other forest resources that may be affected by forest management or which can be addressed in the forest management planning process.

Declaration Order Administration

Five-Year EA Reports

57.

- a. Every five years, MNRF shall prepare a report, known as the Five-Year EA Report, on the implementation of this Order for the previous five year period. The report shall be submitted to MOECC within 15 months of the end of each five year reporting period. MNRF shall post an information notice on the Environmental Registry to advise that the report is available on a named, publicly accessible website.
- b. In the preparation of the report, MNRF shall consider the most recent State of Ontario's Forests Report prepared in accordance with the requirements of section 22 of the CFSA, the indicator information collected to report on the status of Ontario's Crown forests, and the information used to prepare the Provincial Biennial Reports on Forest Management ,
- c. The Five-Year EA Report shall include the following:
 - i. a discussion of the environmental, social and economic benefits realized from implementation of the undertaking;
 - ii. a summary and discussion of the implementation of the forest management planning process during the reporting period, including:
 - the number of:
 - Forest Management Plans and Contingency Plans prepared and approved;
 - mid-plan checks completed;
 - insect pest management programs prepared and approved; and
 - amendments to Forest Management Plans and Contingency Plans prepared and approved;
 - public and Aboriginal consultation in the preparation of:
 - Forest Management Plans and Contingency Plans;
 - amendments to Forest Management Plans and Contingency Plans; and
 - insect pest management programs; and
 - disposition of:
 - requests for individual environmental assessments related to Forest Management Plans and major amendments to Forest Management Plans; and
 - MOECC's decisions on requests for individual environmental assessments;
 - iii. the following information for the Whitefeather Forest:

- a description of the implementation of Conditions 19, 21 and 22 in the forest management planning process; and
 - an assessment of the supply of woodland caribou habitat on the Whitefeather Forest;
- iv. a summary and discussion of contributions to, and expenditures from, the Forest Renewal Trust and the Forestry Futures Trust;
 - v. a discussion of significant initiatives and major results related to the implementation of the conditions of this Order;
 - vi. a discussion of the progress of the negotiations with Aboriginal peoples as required by Condition 56;
 - vii. a discussion of the outcomes of Condition 45 (b) and (c) and how those outcomes have informed forest policy, guides or operational practices.
 - viii. a description of the number, type and disposition of proposed amendments to the conditions of this Order;
 - ix. a discussion of specific issues and problems related to implementation of the conditions of this Order, and the manner in which they have been addressed to date;
 - x. a discussion of other significant matters related to forest management and implementation of this Order; and
 - xi. a description of actions to be taken to improve the overall implementation of the conditions of this Order.

Amendments to this Order

58.

- a. Amendments to this Order shall be made in accordance with section 3.2 of the EAA subject to the following procedures:

Requests for Amendments from MNRF

- b. The MNRF Director shall provide notice to the MOECC Director that MNRF is initiating the process for an amendment to this Order.
- c. MNRF shall prepare MNRF's draft request for amendment, which shall include:
 - i. a description of the requested amendment and proposed wording;
 - ii. the rationale for the requested amendment, including any new information or change in circumstances giving rise to the need for the amendment;

- iii. a summary of any expected direct environmental effects of proceeding with the amendment; and
 - iv. a discussion of how the requested amendment will be implemented, including timeframes and geographic application.
- d. MNRF shall invite comment on MNRF's draft request for amendment through:
- i. an information notice on the Environmental Registry, posted for a minimum comment period of 45 days; and
 - ii. a direct notification to persons, organizations and Aboriginal communities with a potential interest in the draft request for amendment.
- e. After consideration of comments received on MNRF's draft request for amendment, MNRF shall prepare and submit an MNRF request for amendment, to the MOECC Director. An MNRF request for amendment shall include the content requirements from clause (c) of this Condition, a discussion of the comments received on MNRF's draft request for amendment, and MNRF's consideration of those comments.
- f. After submission of MNRF's request for amendment to MOECC, MNRF shall update the Information Notice on the Environmental Registry to:
- i. indicate MNRF has submitted MNRF's request for amendment to the MOECC Director; and
 - ii. make available MNRF's request for amendment.
- g. The MOECC Director shall review the MNRF request for amendment and in discussion with MNRF, determine if any additional information from or consultation by MNRF is required.
- h. If the decision is to proceed with the MNRF request for amendment, the MOECC Director shall prepare and process an MOECC amendment proposal according to the requirements of clauses (q) to (t) of this Condition.
- i. An MNRF request for amendment may be submitted to the MOECC Director from the MNRF Director without completing the requirements of clauses (d) to (f) of this Condition, where the MNRF Director considers the requested amendment(s) to be administrative, or the MNRF Director is of the opinion that the substantive content of the proposed amendment is being or has been proposed in a substantially equivalent process to the process in clauses (d) to (f) of this Condition, and that the equivalent process is substantially complete when the request for amendment is made.
- j. Where the MOECC Director concurs that the requested amendment(s) is administrative, or that the substantive content of the proposed amendment is being proposed in a substantially equivalent process to the process in clauses (d) to (f) of this Condition, and that the equivalent process is substantially complete when the request for amendment is being made, MOECC will process an MOECC amendment proposal in accordance with clauses (q) to (t) of this Condition.

Requests for Amendments from any Person or Organization

- k. A person or organization may request an amendment to this Order by submitting an amendment request to the MNRF Director, with a copy to the MOECC Director. An amendment request shall include:
 - i. a description of the requested amendment(s), and proposed wording; and
 - ii. the rationale for the requested amendment(s), including any new information or change in circumstances giving rise to the need for the amendment(s).
- l. The MNRF Director shall, within 60 days of receipt of an amendment request submitted in accordance with clause (k) of this Condition, provide a written response to the person or organization who submitted the amendment request, with a copy to the MOECC Director. In the response, MNRF shall indicate whether or not MNRF will proceed with the amendment request. If MNRF:
 - i. intends to proceed, the response will:
 - indicate that MNRF will prepare and process an MNRF request for amendment according to the requirements of clauses (b) to (i) of this Condition; and
 - identify the timeframe for submission of an MNRF request for amendment to MOECC.
 - ii. intends not to proceed, but will attempt to resolve the issue that caused the person or organization to submit the amendment request by other means, the response shall:
 - provide the rationale for MNRF's decision not to proceed; and
 - identify the means that MNRF will use to attempt to resolve the issue.
 - iii. intends not to proceed, the response shall provide the rationale for MNRF's decision not to proceed.
- m. A person or organization may submit an amendment request, in writing, to the MOECC Director, if:
 - i. the MNRF decision on the amendment request was not to proceed with an MNRF Request for Amendment; or
 - ii. the person or organization is not satisfied by MNRF's attempts to resolve the issue by other means.
- n. A person or organization submitting an amendment request directly to the MOECC Director shall include the following information in the request:
 - i. a description of the requested amendment(s), and proposed wording;

- ii. the rationale for the requested amendment(s), including any new information or change in circumstances giving rise to the need for the amendment(s); and
 - iii. a summary of any discussions to date with MNRF, including a copy of MNRF's response to the person or organization that submitted the amendment request.
- o. The MOECC Director will use best efforts to decide, within 60 days of receiving a request for an amendment, whether or not to proceed with an amendment request, and upon making the decision, shall provide notice of the decision to the person or organization that made the request.
- p. If the decision is to proceed with a proposed amendment based on the amendment request, the MOECC Director shall prepare and process an MOECC amendment proposal that addresses the requested amendment according to the requirements of clauses (q) to (t) of this Condition.

Proposals for Amendments from MOECC

- q. The MOECC Director may propose an amendment to the Order arising out of clauses (b) to (p) of this of this Condition or on the MOECC Director's own initiative. The MOECC Director shall provide notice that MOECC is initiating the process for an amendment to this Order to the MNRF Director and, if the proposal is being made in response to an amendment request by a person or organization, to that person or organization, The MOECC Director shall prepare an MOECC amendment proposal which shall include:
- i. a description of the proposed amendment(s), including any amendments in addition to those requested by MNRF, or any persons or organizations;
 - ii. the rationale for the proposed amendment(s), including any new information or change in circumstances giving rise to the need for the amendment(s); and
 - iii. a discussion of the expected direct environmental effects of proceeding with the proposed amendment(s).
- r. The MOECC Director shall provide a 60 day comment period on the MOECC amendment proposal to:
- i. the MNRF Director if the amendment proposal is initiated because of a request by a person or organization, to that person or organization; and
 - ii. any other person, organization or Aboriginal community that the MOECC Director considers appropriate.
- s. After consideration of the comments received, the MOECC Director may finalize the MOECC draft amendment proposal and forward the proposal to the Minister of the Environment and Climate Change for his or her consideration and decision. If the Minister of the Environment and Climate Change concurs with the MOECC draft amendment proposal:
- i. the MOECC Director will finalize an MOECC amendment proposal;

- ii. invite comment on the MOECC amendment proposal through a Policy Proposal Notice on the Environmental Registry, posted for a minimum review period of 45 days; and
- iii. undertake any additional consultation, including consultation with Aboriginal communities, that the Minister of the Environment and Climate Change considers appropriate having regard to the nature of the proposed amendment.
- t. After consideration of comments received on an MOECC amendment proposal, the Minister of the Environment and Climate Change may seek the approval of the Lieutenant Governor in Council for an Order that amends this Order or that revokes and replaces this Order, with any necessary provisions for transition and phase-in.

Recorded Proceedings of the Timber Class EA Hearings

59. MNRF and MOECC shall continue to maintain copies of the recorded proceedings of the 1988-1992 Timber Class Environmental Assessment Hearing, including transcripts and final argument, and where possible, exhibits and interrogatories. MOECC shall ensure that the recorded proceedings are available for public use.

Transition Provisions

60.

- a. MNR-71 and MNR-74 are revoked on the day that this Order is approved by the Lieutenant Governor in Council;
- b. Conditions 1-26 in MNR-71 and Conditions 5-33 in MNR-74 and FMPM (2009) will continue to apply to Forest Management Plans, plan amendments, and Contingency Plans that were commenced or approved before the date a new FMPM required by this Order is approved under the CFSA;
- c. Notwithstanding (b), the Forest Management Planning Manual required by this Order may provide that certain of its provisions may apply to:
 - i. the preparation of a Forest Management Plan that was commenced in accordance with the Forest Management Planning Manual (2009); and
 - ii. a Forest Management Plan, plan amendment, plan extension, Contingency Plan, annual work schedule, Insect Pest Management Program and Management Unit Annual Report that has been approved, in accordance with Forest Management Planning Manual (2009).
- d. This Order shall come into effect on the date that it is approved by the Lieutenant Governor in Council.

Phase-In

61.

- a. Within 18 months of the date of this Order or such other later date as may be specified by the MOECC Director, MNRF shall:
 - i. revise the Forest Management Planning Manual in accordance with section 68 of the CFSA to reflect the requirements in this Order;
 - ii. submit the proposed revised Forest Management Planning Manual to MOECC for review to ensure consistency with the forest management planning conditions of this Order;
 - iii. following review and comment by MOECC, submit the revised Forest Management Planning Manual for approval by the Lieutenant Governor in Council; and
 - iv. revise the Forest Operations and Silviculture Manual and the Forest Information Manual in accordance with section 68 of the CFSA to include the requirements in this Order.
- b. The first Provincial Biennial Report on Forest Management required by Condition 39(d) shall be for the reporting period April 1, 2014 to March 31, 2016.
- c. The change from five year to ten year MNRF Guide reviews contained in Condition 44(a) shall come into effect on April 1, 2016.
- d. The guidance document required by Condition 54(c) to support involvement in implementation of the conditions of this Order will be made available to the public within 12 months of approval of the revisions to the Forest Management Planning Manual contemplated by clause (a) of this Condition.
- e. The first Five-Year EA Report on Forest Management required by Condition 57(a) of this Order shall be for the period April 1, 2013 to March 31, 2018.

Schedule 1: Map of the Area of the Undertaking

The Area of the Undertaking of forest management on Crown lands in Ontario consisting of an area of approximately 45 million hectares extending throughout the central portion of the province from the Quebec border to the Manitoba border, of which approximately 37.4 million hectares are Crown lands. The area includes the approximately 1.2 million hectares that form the Whitefeather Forest, identified on the map as the area of management unit specific direction, located north of Red Lake.

Dated the 18th day of August, 2015 at TORONTO.

Original Signed by
Minister of the Environment and Climate Change

Approved by O.C. No.: 1126/2015.

Date O.C. Approved: August 25, 2015

Environmental Approvals Branch Contact: D. Bell
Telephone No.: 416-314-7232
EA File No.: EA-04-05-04

Updated: September 23, 2015

Published: September 17, 2015

Related

[Environmental Assessment Requirements for Forest Management on Crown Lands in Ontario \(MNR-75\) \(https://www.ontario.ca/page/environmental-assessment-requirements-forest-management-crown-lands-ontario-mnr-75\)](https://www.ontario.ca/page/environmental-assessment-requirements-forest-management-crown-lands-ontario-mnr-75)

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Amendments to and Administrative Consolidation of the Ministry of Natural Resources' Declaration Orders MNR-71 and MNR-74 regarding Environmental Assessment Act Coverage for Forest Management on Crown Land in Parts of Ontario

EBR Registry Number:

011-9374

Ministry:

Ministry of the Environment

Date Proposal loaded to the Registry:

October 04, 2013

Keyword(s): Environmental Assessment | Forests

The comment period for this proposal is now over.

Description of Regulation:

In response to the Ministry of Natural Resources' submission and after completing a detailed review, the Ministry of the Environment is putting forward a proposal for amendments to the Ministry of Natural Resources' Declaration Order MNR-71 and Declaration Order MNR-74. As a result of the similarity of the conditions in both Declaration Orders, the Ministry of the Environment is proposing to revoke both Declaration Orders and replace them with one consolidated Declaration Order.

The proposed amendments to the Ministry of Natural Resources' Declaration Orders are based on the Ministry of Natural Resources' request to the Ministry of the Environment and also include changes and additions proposed by the Ministry of the Environment. The Ministry of Natural Resources' request for amendments was based on the Five-Year Environmental Assessment Report on Forest Management (April 1, 2003 – March 31, 2008) which the Ministry of Natural Resources submitted to the Ministry of the Environment in June 2009. In Chapter 11 of the Five-Year Environmental Assessment Report, the Ministry of Natural Resources described its experience with implementing the conditions of Declaration Order MNR-71; issues and concerns encountered with implementation of the conditions; and proposals for changes and improvements to the conditions of the Declaration Order. In the development of the Ministry of Natural Resources' request, it conducted public and Aboriginal consultation as outlined in the *Other Public Consultation Opportunities* section of this notice.

The Five-Year Environmental Assessment Report can be found on the Ministry of Natural Resources' website (see link under *Additional Information*). The attached document provides a summary of the key proposed amendments to the Declaration Orders. The Ministry of the Environment will develop the detailed wording of the conditions following input received during the comment period. The Ministry of the Environment may also revise some of the language throughout the Declaration Order, to ensure clarity and consistency. Any additional revisions will be minor in nature and are not anticipated to cause any adverse environmental impacts.

The Ministry of the Environment is proposing to revoke and replace the existing Declaration Orders to consolidate them into one new Declaration Order for administrative efficiency. In addition to this, the key amendments summarized in

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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.

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the attachment relate to:

1. Changing forest management planning structure and reporting;
2. Condensing existing conditions;
3. Clarifying public involvement and consultation in forest management planning;
4. Updating language regarding Aboriginal consultation;
5. Refining the individual Environmental Assessment request process;
6. Changes to documentation requirements for areas selected for harvest;
7. Revising the requirements for Silvicultural Ground Rules;
8. Requiring specific consideration of Species at Risk;
9. Adding a provision regarding the possible extension of Forest Management Plans;
10. Changing some details for preparing contingency plans;
11. Changing the review and approval requirements for Annual Work Schedules;
12. Adjusting the review period for Forest Management Guides;
13. Adding requirements for the development of guidance documents to assist in public engagement;
14. Amending details for Five-Year Environmental Assessment Report requirements; and,
15. Improving the Declaration Order amendment process.

Purpose of Regulation:

Between November 29, 2010 and January 11, 2013, the Ministry of Natural Resources submitted requests to the Ministry of the Environment to amend the conditions of Declaration Orders MNR-71 and MNR-74 that provide Environmental Assessment Act (EAA) coverage for forest management on Crown land in Ontario.

Declaration Order MNR-71, as amended in 2007, provides EAA coverage for forest management on 38.5 million hectares of Crown land in the area of Ontario that is north of agricultural southern Ontario and south of the Far North, and described in the Declaration Order as the Area of the Undertaking. Declaration Order MNR-71 includes 55 conditions related to forest management on Crown lands, comprising the interrelated activities of access, harvest, renewal, maintenance and their planning.

Declaration Order MNR-74 provides EAA coverage for forest management activities on 1.2 million hectares of Crown land in the Whitefeather Forest in Northwestern Ontario in the Far North, in the vicinity of Pikangikum First Nation. Declaration Order MNR-74 contains similar conditions to Declaration Order MNR-71, with additional conditions specific to Whitefeather Forest. As such, any amendments to Declaration Order 71 would require consideration of comparable amendments to Declaration Order MNR-74.

Refer to Figure 1 – Area of the Undertaking and Whitefeather Forest, available under *Additional Information*, for a map of the forest management areas.

Both Declaration Orders set out conditions that the Ministry of Natural Resources must meet, including conditions related to environmental protection, public consultation and a process for proposing amendments. The *Crown Forest Sustainability Act, 1994*, and its associated regulations and manuals, provide additional legal direction for forest management on Crown lands in Ontario.

The Ministry of Natural Resources followed the amendment provisions of the Declaration Orders (Condition 53 of Declaration Order MNR-71 and Condition 51 of Declaration Order MNR-74) in developing its requests. The Ministry of Natural Resources undertook consultation, as appropriate, on the requested

The documents linked below are provided for the purposes of enhancing public consultation.

All links will open in a new window

1. Proposed Amendments to and Administrative Consolidation of the Ministry of Natural Resources' Declaration Orders MNR-71 and MNR-74

2. Environmental Registry # 010-9448: Amendment of the Declaration Orders regarding the Ministry of Natural Resources' Class Environmental Assessment Approval for Forest Management on Crown Lands in Ontario (MNR-71 and MNR-74)

amendments submitted to the Ministry of the Environment.

The Ministry of the Environment has reviewed the Ministry of Natural Resources' request and is seeking input from the public and interested stakeholders on amendments to the Declaration Orders, as outlined in the *Description* section of this notice. Please note that the Ministry of the Environment is seeking input on the proposed amendments and not on all aspects of the Declaration Orders. It should also be noted that the changes being proposed do not affect the area in which forest management can occur. All comments received will be taken into consideration before a final decision is made on the proposed amendments to the Declaration Orders.

Other Information:

Additional and supporting information is provided to aid in the review of the proposed amendments and can be found on the Ministry of Natural Resources' website:

- Declaration Order MNR-71 and Declaration Order MNR-71/2
- Declaration Order MNR-74
- Five-Year Environmental Assessment Report on Forest Management (April 1, 2003 - March 31, 2008)

Public Consultation:

This proposal was posted for a 45 day public review and comment period starting October 04, 2013. Comments were to be received by November 18, 2013.

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:

Following the preparation of its Five-Year Environmental Assessment Report on Forest Management, the Ministry of Natural Resources made the report available to the public through the Ministry of Natural Resources' website as well as through an Information Notice which was posted on the Environmental Registry on June 26, 2009. The Ministry of Natural Resources also provided direct notification to approximately 1100 organizations, individuals, and Aboriginal communities, tribal councils and treaty organizations, with a link to the document on the Ministry of Natural Resources website.

Prior to submitting its original requested amendments to the Ministry of the Environment on November 29, 2010, the Ministry of Natural Resources conducted two consultation exercises. In November and December of 2009, the Ministry of Natural Resources held information sessions with a number of organizations with an interest and previous participation in Environmental Assessment Act matters related to forest management on Crown lands. The purpose of the information sessions was to ensure an understanding of the connection between the Five-Year Environmental Assessment Report, the Ministry of Natural Resources' request for amendments to the conditions of the Declaration Order, and the amendment process. Based on this consultation, the Ministry of Natural Resources prepared a draft of its request for amendments to the Declaration Orders.

On May 10, 2010, the Ministry of Natural Resources posted a draft request for amendments to the conditions of the Declaration Orders on the Environmental Registry as an Information Notice seeking comments, with a 45-day comment period. See Environmental Registry notice number 010-9448 for more details. The Ministry of Natural Resources also provided direct notification to approximately 1100 organizations, individuals, and Aboriginal communities and organizations, to advise them of the Environmental Registry posting and the availability of documents. The Ministry of Natural Resources also offered information sessions to the organizations involved in the November and December 2009 information sessions to ensure a sound understanding of the Ministry of Natural Resources' draft request for amendments.

The Ministry of Natural Resources considered the comments received, revised the draft request for amendments and submitted its formal request for amendments to the Ministry of the Environment on November 29, 2010.

The Ministry of Natural Resources submitted an updated amendment request on January 11, 2013 that included additional amendments to further modernize the requirements of the planning process. The Ministry of Natural Resources considered these proposed amendments to be administrative in that they are meant to make the planning process more effective, and there are likely no environmental effects from the implementation of the amendments. The Ministry of the Environment, in accordance with condition 53(d) of MNR-71 and condition 51(d) of MNR-74, concurred with MNR that the amendments were administrative, and that no further consultation was required at that time by the Ministry of Natural Resources.

The attached document includes a description of the final proposed amendments based on the original 2010 request and the 2013 updates from the Ministry of Natural Resources, and is provided at this time for review.

Regulatory Impact Statement:

The proposed amendments to the Declaration Orders have been put forward in an effort to improve the effectiveness of forest management on Crown lands in Ontario.

It is not anticipated that the proposed amendments will result in any significant negative effects on the natural environment. It is anticipated that the proposed amendments may have positive social and economic impacts to forest management planning, such as reducing time and resources, which may have positive economic benefits for the forest industry and forest-based communities.

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Amendments to and Administrative Consolidation of the Ministry of Natural Resources' Declaration Orders MNR-71 and MNR-74 regarding Environmental Assessment Act Coverage for Forest Management on Crown Land in Parts of Ontario

EBR Registry Number: 011-9374**Ministry:**

Ministry of the Environment and Climate Change

Date Decision loaded to the Registry:

October 23, 2015

Date Proposal loaded to the Registry:

October 04, 2013

Keyword(s): Environmental Assessment | Forests**Decision on Regulation:**

On August 25, 2015 new Declaration Order MNR-75 was approved pursuant to section 3.2 of the Environmental Assessment Act (EAA). The new Declaration Order, replaces MNR-71 and MNR-74, and provides EAA requirements for forest management in the area outlined in the schedule 1, subject to the terms and conditions set out in the new Declaration Order.

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Comment(s) Received on the Proposal: 16

Public Consultation on the proposal for this decision was provided for 45 Days, from October 04, 2013 to November 18, 2013.

As a result of public consultation on the proposal, the Ministry received a total of 16 comments: 14 comments were received in writing and 2 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)**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 Approvals Branch
135 St. Clair Avenue West
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Effect(s) of Consultation on this Decision:

The proposal to amend Declaration Orders MNR-71 and MNR-74 was posted on the Environmental Registry with a public comment period from October 3, 2013 to November 18, 2013. Sixteen comments were received. Of the two online submissions; one (1) contained personal information and is not available for viewing. No substantial concerns about the proposed new Declaration Order were raised and there are no outstanding issues that could not be addressed through conditions of the new Declaration Order.

The following outlines a summary of the comments that pertain to Forest Management Planning and how they were considered in the new Declaration Order.

Ten year planning period

Issue – Concern that a 10-year planning horizon would result in fewer formal consultation opportunities.

Response - Forest Management Plans will continue to have the same five stages of plan preparation and review with public and Aboriginal consultation, and opportunities for issue resolution in relation to specific planned operations. These five stages will now be

The documents linked below are provided for information purposes only

All links will open in a new window

1. Proposed Amendments to and Administrative Consolidation of the Ministry of Natural Resources'

for the entire ten-year term and not broken into two five year operational plans. This will provide a more focused and comprehensive consultation process. Forest Management Plans will also have public yearly annual reports and a new Mid-Plan check report. If an annual report recommends a change to the Forest Management Plan, there may be further public and Aboriginal consultation, opportunities depending on the magnitude of the recommended change.

Participation

Issue- Clarification requested on how the Ministry of Natural Resources and Forestry (MNR) will determine who the "interested and affected persons and organizations" are for a consultation?

Response- The MNR maintain a database of interested and affected persons and organizations for each District and indicate that anyone can ask to be added to the database. The new Declaration Order now includes definitions for both "Known Interested Persons" and "Known Affected Persons".

Socio-economic considerations

Issue- MNR should incorporate socio-economic assessments in the Declaration Order amendments.

Response- Socio-economic factors are already considered part of the broad definition of "environment" in Ontario's Environmental Assessment Act. The new Declaration Order will continue to require the MNR to use socio-economic criteria when:

- describing the Forest Management Unit, and
- developing the long-term management direction for the Forest Management Unit.

MNR will develop methodologies to address socio-economic considerations when making forest management decisions.

Changes to Plans and Amendments

Issue- How will new information be integrated into the 10-year plan prior to the proposed Mid-Plan check or five year report if relevant?

Response- New information collected can be integrated into the Forest Management plan at any time. The MNR indicated that should new information be obtained during an active Forest Management Plan, the MNR would need to consider this information and address any potential impacts as appropriate (e.g. through a Plan Amendment).

Protection of Confidential Information

Issue- Certain Aboriginal communities expressed a concern that traditional ecological knowledge and values that are collected for the purposes of participating in a Forest Management Plan are proprietary and confidential and should not be made publicly available to anyone without the prior consent of the Aboriginal community.

Response- Protecting the confidentiality of information provided by Aboriginal communities is important. A statement was added to the new Declaration Order to ensure that there is a discussion with the community on how information is made available to the planning team and public while having regard to legal requirements related to the management of information.

Consultation

Issue- There should be proper consultation and protocols in place prior to any forest management activities being completed that may have an impact on the community.

Response- The new Declaration Order requires MNR to meet and offer to develop a specific consultation approach with each Aboriginal community in or adjacent to a forest management unit. This is meant to ensure that consultation is tailored to the Aboriginal community's needs in a meaningful way prior to the Plan's implementation.

Issue- Clarification requested on how MNR will distinguish between known affected and interested Aboriginal communities when some traditional areas have not been defined.

Declaration Orders MNR-71 and MNR-74
2. Environmental Registry # 010-9448:
Amendment of the Declaration Orders regarding the Ministry of Natural Resources' Class Environmental Assessment Approval for Forest Management on Crown Lands in Ontario (MNR-71 and MNR-74)
3. Declaration Order MNR-75

Response-The new Declaration Order requires that MNRF include in the Forest Management Planning Manual the criteria that MNRF District Managers will be required to consider when determining whether an Aboriginal community is an Aboriginal community that should be consulted on a Forest Management Plan.

Independent Forest Audits

Issue- How will comments on Independent Forest Audits be incorporated into the forest management planning process?

Response - Independent Forest Audits are a requirement of the Crown Forest Sustainability Act. The new Declaration Order requires that the relevant Independent Forest Audits be a source of background information and direction for the preparation of a Forest Management Plan.

Insect Pest Management Programs

Issue- Concern with the removal of the ability to request an individual environmental assessment on Insect Pest Management Programs.

Response - An Insect Pest Management Program is time sensitive and any delays to its implementation caused by an individual environmental assessment request could have significant implications to the effectiveness of the program.

The new Declaration Order contains the provision for Aboriginal communities and public involvement in an Insect Pest Management Program through their participation on the Local Citizens Committee. MNRF is also required to issue direct notice to known and affected persons and media notices regarding an Insect Pest Management Program.

If an Insect Pest Management Program recommends the use of aerial insecticides, there will be formal public and Aboriginal consultation on the development of the aerial insecticide treatment project plan. The project plan will be used to support the development of a project plan for implementation in the Annual Work Schedule.

If issues are identified during the Insect Pest Management Program development, a person or community may use the issues resolution process to resolve the issues. If an Insect Pest Management Program recommends non pesticide protection treatments such as "accelerated harvest", "redirected harvest" then this will result in an amendment to the Forest Management Plan.

Training

Issue- Certain Aboriginal communities asked that the MNRF provide training on the forestry environmental assessment process and provide capacity funding for First Nations to attend meetings and obtain technical support.

Response- MNRF will offer to work with Aboriginal communities to develop a specific consultation approach during forest management planning. This could include training on the forestry environmental assessment process and opportunities for regular meetings to go over forest management processes. The MNRF indicate that it provides some capacity funding for Aboriginal people to participate in and attend meetings.

Declaration Order amending procedures

Issue- Certain Aboriginal communities asked that there be a process that requires Aboriginal people participation in the Declaration Order amendment process in the future.

Response- Depending on the magnitude of a proposed amendment, the public, Aboriginal communities, and government agencies will be able to participate in the Declaration Order amendment processes. The new Declaration Order specifically identifies that the Minister of the Environment and Climate Change may undertake additional consultation, including consultation with Aboriginal communities, that the Minister considers appropriate having regard to the nature of a proposed amendment.

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York-Durham sewage system modifications

Learn about the plans and exemptions for the Regional Municipality of York's modification of the York-Durham sewage system.

Current status

A declaration order for the modifications to the York-Durham sewage system was granted on March 7, 2018.

Get details on the declaration order (<https://www.ontario.ca/page/york-durham-sewage-system-modifications#section-3>).

Project summary

The Regional Municipality of York plans to modify two forcemains and make alterations to pumping stations. We are exempting these modifications to the York-Durham sewage system from Section 5 of the *Environmental Assessment Act*, subject to conditions which are protective of the environment.

Forcemains are pressurized sewer pipes powered by pumping stations. Forcemains are able to move sewage when using gravity is not an option.

Proponent

Regional Municipality of York

Location

Town of Newmarket

Project type

Sewage treatment

Reference number

09026

Contact

Dorothy Moszynski, Environmental Assessment and Permissions Branch

- Tel: 416-314-3352
- Toll-free: 1-800-461-6290

Project history

Declaration order: granted

Date submitted: January 30, 2018

Decision date: March 7, 2018

Declaration order

The order includes three modifications to the York-Durham sewage system.

The Newmarket forcemain:

- is a new five-kilometre forcemain
- connects the Newmarket Pumping Station to the existing gravity sewer that sends sewage to the Aurora Pumping Station

The Bogart Creek forcemain:

- is a new forcemain
- connects the Bogart Creek Pumping Station to the Newmarket forcemain (see above)

Modifications to existing pumping stations:

- connect the Newmarket Pumping Station to the Newmarket forcemain
- connect the Bogart Creek Pumping Station to the Bogart Creek forcemain

York Region must construct the modifications to the York-Durham sewage system in accordance with the conditions in the declaration order.

York Region must also have all other approvals from the provincial and municipal levels before operating the new forcemains.

[Learn more on the Environmental Registry of Ontario \(https://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM0NjMz&statusId=MjA0ODEx&language=en\)](https://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM0NjMz&statusId=MjA0ODEx&language=en).

Updated: March 28, 2018

Published: March 13, 2018

Related

[Order in Council 399/2018 \(https://www.ontario.ca/orders-in-council/oc-3992018\)](https://www.ontario.ca/orders-in-council/oc-3992018)

[Declaration order \(https://www.ontario.ca/page/declaration-order-order-council-3992018\)](https://www.ontario.ca/page/declaration-order-order-council-3992018)

[Schedule 1: York-Durham sewage system modifications \(https://www.ontario.ca/page/york-durham-sewage-modifications-order-council-3992018\)](https://www.ontario.ca/page/york-durham-sewage-modifications-order-council-3992018)

[Executive summary of Schedule 1 \(http://www.downloads.ene.gov.on.ca/envision/env_reg/er/documents/2018/013-2421_Summary.pdf\)](http://www.downloads.ene.gov.on.ca/envision/env_reg/er/documents/2018/013-2421_Summary.pdf)



- [Orders in Council \(https://www.ontario.ca/search/orders-in-council\)](https://www.ontario.ca/search/orders-in-council)
- Order in Council 399/2018



Ontario

Order in Council 399/2018

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

Whereas section 3.2 of the *Environmental Assessment Act* (Act) provides that where the Minister of the Environment and Climate Change 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 Natural Resources and Forestry has been appointed by the Premier of Ontario pursuant to section 16 of the *Member's Integrity Act, 1994* to make this decision in place of the Minister of the Environment and Climate Change;

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 forcemain undertaking described in the attached order, the undersigned, Minister of Natural Resources and Forestry, considers that it is in the public interest to make an order declaring that section 5 of the Act does not apply to the forcemain undertaking, subject to the conditions imposed in the attached order,

Therefore, pursuant to the provisions of the *Environmental Assessment Act*, the order that is attached exempting the forcemain undertaking described in that order from the Act, subject to the conditions therein, be approved.

[Declaration Order \(https://www.ontario.ca/page/declaration-order-order-council-3992018\)](https://www.ontario.ca/page/declaration-order-order-council-3992018)

[York Durham Sewage System Modifications \(https://www.ontario.ca/page/york-durham-sewage-modifications-order-council-3992018\)](https://www.ontario.ca/page/york-durham-sewage-modifications-order-council-3992018)

[York Durham Sewage System Modifications - pdf \(https://files.ontario.ca/attach_2_-_oc-399-2018_york_region_decl_order.pdf\)](https://files.ontario.ca/attach_2_-_oc-399-2018_york_region_decl_order.pdf)

Ministry of the Environment and Climate Change

Approved and Ordered: March 7, 2018

Published: March 21, 2018



Declaration Order - Order in Council 399/2018

O.C. 399/2018

Order made under the Environmental assessment act

Declaration – Regional Municipality of York’s Modifications to the York Durham Sewage System (forcemains and pumping station)

Having received a request from the Regional Municipality of York (**York Region**) that the Ministry of the Environment and Climate Change (**ministry**) take steps to allow an undertaking, namely:

The construction, operation, and maintenance of a new forcemain to convey wastewater from the existing Newmarket Pumping Station to the existing gravity sewer that discharges to the Aurora Pumping Station (Newmarket forcemain); a new forcemain to convey wastewater from the existing Bogart Creek Pumping Station to the new Newmarket forcemain; and modifications to the Newmarket and Bogart Creek Pumping Stations for connection of the new forcemains (together the **forcemain undertaking**)

to be separated from the other two undertakings in the Upper York Sewage Solutions Environmental Assessment and proceed forward to approval; and

Having been advised by York Region that if the forcemain undertaking is subject to the application of the *Environmental Assessment Act* (**Act**), the following injury, damage or interference with the persons and property indicated will occur:

- A. The York Durham Sewage System in Newmarket is approaching its design capacity and must be upgraded to ensure system reliability during high flow conditions. Overflow or surcharge situations could arise during high flow conditions in Newmarket. The undertaking would provide relief to the York Durham Sewage System during periods of extreme high flow.
- B. The York Durham Sewage System is aging, having been in constant operation for over 30 years, and requires critical maintenance and repairs. Investigations have shown trapped gas pockets in the forcemain which can cause corrosion and breakdown of the forcemain, which could lead to damage to the natural environment from a spill of sewage and interference with the provision of sewage services to residents and other users.
- C. Without redundancy in the system and the ability to redirect flows within the system, repairs and replacements in the infrastructure are difficult as the system has to remain in service at all

times. The forcemain undertaking would allow York Region to undertake crucial maintenance and repairs to the existing forcemains and continue to provide sewage services.

- D. York Region would be damaged by the additional cost and time delay if required to conduct further environmental assessment work when it has already carried out an environmental assessment process that assessed alternatives and identified the proposed forcemain undertaking as the preferred alternative to address safety and capacity issues with respect to the existing York Durham Sewage System.

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, appointed by the Premier of Ontario pursuant to section 16 of the *Member's Integrity Act, 1994* to decide on all matters pertaining to the Upper York Sewage Solutions Environmental Assessment, is of the opinion that it is in the public interest to declare and does declare pursuant to section 3.2 of the Act that the undertaking is not subject to section 5 of the Act for the following reasons:

- A. Possible environmental harm from the release of untreated sewage during high flow volume periods due to capacity limitations will be avoided by the addition of necessary capacity in the York Durham Sewage System;
- B. Critical maintenance and repairs can be completed to the York Durham Sewage System in the Newmarket area before an emergency situation arises preventing environmental harm, loss of sewage services and property damage;
- C. York Region has carried out an appropriate level of environmental assessment planning, including broad consultation with the public, government agencies and Indigenous communities, to address safety and capacity issues with respect to the forcemain undertaking;
- D. Questions raised by the public, Indigenous communities or government agencies with respect to the forcemain undertaking during the consultation process for the Upper York Sewage Solutions Environmental Assessment (through which the forcemain undertaking was also consulted on) were appropriately addressed by York Region;
- E. The forcemain undertaking is located in a generally urban area in the Region of York and appropriate construction techniques and mitigation measures will be used to ensure that the environment is protected during the construction and operation of the forcemain undertaking;
- F. The conditions set out below will ensure that the undertaking is implemented in an appropriate manner, in the same manner that York Region consulted the public on, and that the environment will be protected during the construction, operation and maintenance of the forcemain undertaking; and,
- G. Other subsequent permits and approvals must be obtained before construction of the undertaking can commence and will contribute to the protection of the environment.

This declaration order (**order**) is subject to the following terms and conditions:

1. General

1. For the purposes of this order:

“**Director**” means the Director of Environment Assessment and Permissions Branch, Ministry of the Environment and Climate Change.

“York Durham Sewage System” means the wastewater collection system that services the southern areas of York Region and outlets at the Duffin Creek Water Pollution Control Plant in the City of Pickering.

2. York Region shall implement the forcemain undertaking in accordance with the conditions set out in this order and in accordance with the document titled: York Durham Sewage System Modifications (February 2018) attached hereto as Schedule 1.
 3. If there is any conflict between the conditions in this order and Schedule 1, then the conditions in this order prevail.
 4. Any changes to the forcemain undertaking shall be made in accordance with the Act.
2. Submission of Documents
1. York Region shall clearly identify on every document submitted to the ministry the condition under which the document is being submitted.
 2. The documents required by conditions 4, 5 and 6 in this order shall be posted on York Region’s website when the final documents are submitted to the ministry.
 3. Where document(s) or report(s) required by this order require public posting on York Region’s website, the document(s) or report(s) shall not be removed from the website without the written agreement of the Director.
3. Limitation
1. With respect to servicing new growth, York Region is limited to using the forcemain undertaking to service new growth in the areas identified in Schedule 1 to this order.
4. Compliance Monitoring Program
1. York Region shall prepare and submit to the Director a Compliance Monitoring Program within one year from the date set out below, or a minimum of 60 days prior to the start of construction, whichever is earlier. Construction shall be considered to have started when physical construction activities, including site preparation, have begun.
 2. In the Compliance Monitoring Program, York Region shall set out in detail a monitoring plan, the purpose of which is to ensure that the forcemain undertaking is implemented in accordance with this order.
 3. The Director may require amendments to the Compliance Monitoring Program. If any amendments are required by the Director, the Director will notify York Region of the required amendments in writing.
 4. York Region shall implement the Compliance Monitoring Program, including any amendments required by the Director.
5. Compliance Monitoring Reports
1. York Region shall prepare an annual Compliance Monitoring Report which outlines the results of the Compliance Monitoring Program for the previous 12 month period.
 2. The first Compliance Monitoring Report shall be submitted to the Director within one year and one month from the date of this order set out below.
 3. Subsequent Compliance Monitoring Reports shall be submitted to the Director on the anniversary of the first Compliance Monitoring Report each year thereafter.
 4. York Region shall submit the Compliance Monitoring Report annually until all conditions in this order and any commitments made by York Region are satisfied, unless notified by the Director that annual reporting is no longer required.
6. Complaints Protocol
1. York Region shall prepare and implement a Complaints Protocol that sets out how it will address and respond to complaints regarding the forcemain undertaking.

2. York Region shall submit the Complaints Protocol to the Director at least 60 days before start of construction of the forcemain undertaking or such other date as agreed to in writing by the Director.
 3. The Director may require York Region to amend the Complaints Protocol at any time. Should an amendment be required, the Director will notify York Region in writing of the required amendment and date by which the amendment must be completed and implemented.
7. Archaeological Assessment
1. Should human remains be discovered during construction of the forcemain undertaking, York Region shall ensure that all work in the vicinity of the discovery ceases immediately and shall notify the police or coroner, the Registrar of Cemeteries, Ministry of Government and Consumer Services, and such Indigenous communities as the Director advises.
 2. Should artifacts or other physical evidence of past human use or activity be discovered during construction of the forcemain undertaking, York Region shall ensure that all work in the vicinity of the discovery ceases immediately and York Region shall notify the Ministry of Tourism, Culture and Sport, and such Indigenous communities as the Director advises.
 3. If any archaeological resources of Indigenous origin are identified during construction of the forcemain undertaking, York Region shall within 5 days of identifying the Indigenous archaeological resources:
 - a. notify the appropriate Indigenous communities; and
 - b. arrange and participate in any meetings requested by any interested Indigenous community to discuss the archaeological find(s).

Dated the 26 day of February 2018 at Toronto

[Original signed by]
Minister Des Rosiers
Minister of Natural Resources and Forestry

Approved by O.C. No. ____ / ____

Date O.C. Approved: _____

Environmental Assessment and Permissions Branch Contact
Dorothy Moszynski
Telephone No.: 416-314-3352

EA File No.: 04-03

[Order in Council 399/2018 \(https://www.ontario.ca/orders-in-council/oc-3992018\)](https://www.ontario.ca/orders-in-council/oc-3992018)

Updated: March 21, 2018
Published: March 21, 2018



York Durham Sewage Modifications - Order in Council 399/2018

O.C. 399/2018

York Durham Sewage System Modifications

Prepared for: The Regional Municipality of York

Prepared by: GHD
1195 Stellar Drive, Unit 1
Newmarket, Ontario
L3Y 7B8

February 2018
Ref. no. 050278 (126)
York Region No. 74270

Section 1.0

Introduction

This report documents the York Durham Sewage System (YDSS) Modifications proposed by The Regional Municipality of York Region (York Region). Wastewater resulting from provincially approved growth in the Town of Aurora and portions of the Town of Newmarket would be conveyed to the Duffin Creek Water Pollution Control Plant (WPCP) via the York Durham Sewage System (YDSS) for treatment and discharge to Lake Ontario. However, the existing YDSS system in Newmarket is approaching capacity and must be upgraded with a new twin forcemain to ensure system reliability during high flow conditions and to complete necessary pipe maintenance work.

As a result, the modifications provide a standby or twin forcemain for both the Newmarket and Bogart Creek Pumping Stations to allow for maintenance servicing of the forcemains when required and relief to the YDSS during periods of extreme high wet weather flow at the Newmarket, Bogart, and Aurora Pumping Stations and provide sufficient capacity for approved growth to 2031.

The Newmarket Sewage Pumping Station is York Region's largest pumping station. It only has one forcemain, and it services the majority of the existing (approximately 65,000 people) and future population in Newmarket. The proposed twinning of the forcemains will maintain the existing rated capacity of the Newmarket and Bogart Creek Pump Stations.

As sewage flows from the existing service area starts approaching the approved rated capacity of the pump stations, the current forcemains will reach capacity and expose York Region to the potential risk of sewage overflow during peak wet weather flow conditions in Newmarket. The proposed twinning will not only alleviate these system risks, but will also allow the isolation of one forcemain to complete the necessary maintenance and repair work on the other.

The Newmarket Pump Station forcemain has been in operation since the early 1980s and has continuously been in operation for over 30 years. York Region has been prudent and diligent in maintaining the system, however continuous operation for 24 hours a day, 365 days a year does not allow the operational flexibility to re-direct flows to a second forcemain to complete necessary maintenance on the other. Forcemain inspections completed in 2010 indicated needed maintenance of the pipeline with respect to debris build up and gas accumulation that could lead to pipe wall corrosion. These current conditions coupled with an aged pipeline is a risk York Region must address immediately.

Section 2.0

Impact Assessment of the York Durham Sewage System Modifications

2.1 Description of the York Durham Sewage System Modifications

The modifications to the existing YDSS include the following:

- A second forcemain (a new Newmarket forcemain) from the existing Newmarket Pumping Station to the existing gravity sewer that discharges to the Aurora Pumping Station (see **Figures 2.1 to 2.10**)
- A second forcemain (a new Bogart Creek forcemain) from the existing Bogart Creek Pumping Station to the new Newmarket forcemain (see **Figures 2.5, 2.6 and 2.10**)
- Modifications to the Newmarket and Bogart Creek Pumping Stations for connection of the new forcemains

The existing Bogart Creek forcemain would continue to discharge to the existing Newmarket forcemain, and the new Bogart Creek forcemain would discharge to the new Newmarket forcemain. York Region would have the flexibility to operate the forcemains such that flows from the Pumping Stations could be conveyed via either the existing or new forcemains.

A more detailed description of the preceding modifications is provided within the following sections:

- The design (see **Section 2.1.1**)
 - Design criteria
 - Newmarket Pumping Station
 - Newmarket forcemains
 - Bogart Creek Pumping Station
 - Bogart Creek forcemains
 - Redundancy measures
 - Construction methods
-

Figure 2.1: Route for York Durham Sewage System Modifications Map Index and Legend

This figure is a satellite image of the entire York Durham Sewage System Modifications alignment. It outlines the location of nine segments of the YDSS modifications that will each be examined in greater detail in the subsequent figures. In each segment, key details include the location of the existing forcemains, the location of the proposed forcemains, and areas of geographical significance such as Go rail tracks, rivers, and utility lines. The legend shows existing and proposed routes, construction methods, staging area, existing geographic features, and ecosystem categories.

Figure 2.2: Map #1 YDSS Modifications Route

This figure is of the first and most Northern section of the YDSS Modifications. The starting point of the YDSS is the Newmarket Pumping Station which is shown. Open cut construction is the proposed method of construction of this section and the new route traces the existing forcemain route along Bayview Parkway.

Figure 2.3: Map #2 YDSS Modifications Route

This figure is of section two of the YDSS modifications. This section is adjacent to the south of section one. Open cut construction is the proposed method of construction of this section and the new route traces the existing forcemain route along Bayview Parkway.

Figure 2.4: Map #3 YDSS Modifications Route

This figure is of section three of the YDSS modifications. This section continues south from section two, running along Bayview Parkway and Charles Street, crossing Davis Street. Open cut construction is the proposed method of construction for all areas except the section of sewer running under Davis drive which will use Jack and Bore construction.

Figure 2.5: Map #4 YDSS Modifications Route

This figure is of section four of the YDSS modifications. This section continues south from section three. Directional drilling construction is proposed from the south end of section three until Water Street. From there, open cut construction begins again for the remainder of section four along Cotter Street. The south end of section four forks into two directions; one travels east along Pearson Street connecting to the Bogart Creek Forcemain and the other travels south connecting to the Newmarket Forcemain. The connection to the Newmarket Forcemain uses Jack and Bore construction to cross the Go Rail at the west end of Pearson Street.

Figure 2.6: Map #5 YDSS Modifications Route

This figure is of section five of the YDSS modifications. This section continues south from section four following the existing forcemain route. Directional drilling construction is proposed for most of this section as it passes under Wesley Brooks Memorial Conservation Area (Fairy Lake). Once this section reaches Cane Parkway, open cut construction begins.

Figure 2.7: Map #6 YDSS Modifications Route

This figure is of section six of the YDSS modifications. This section continues south from section five. Directional drilling construction is primarily used in this section from Cane Parkway south crossing Mulock Drive.

Figure 2.8: Map #7 YDSS Modifications Route

This figure is of section seven of the YDSS modifications. This section continues south from section six. Directional drilling construction continues from section six as the sewer runs under Bailey Ecological Park following the existing forcemain route. Jack and Bore construction is used to cross a Go Rail before returning to directional drilling.

Figure 2.9: Map #8 YDSS Modifications Route

This figure is of section eight of the YDSS modifications. This section is the southern terminal of this segment of the YDSS Modifications and ends at the connection to the existing gravity sewer / Aurora Pumping Station. Directional drilling construction is used for all of this section.

Figure 2.10: Map #9 YDSS Modifications Route

This figure is of section nine of the YDSS modifications. This section is the fork from section four that travels east under Pearson Street to Bogart Creek Pumping Station. Open cut construction is proposed for this section.

2.1.1 YDSS Modifications Design

Newmarket Pumping Station

The Newmarket Pumping Station would receive gravity wastewater flow from its service area and will operate under its current rated capacity as set out in its current Certificate of Approval. The modifications to include an additional twin forcemain will not change the rated capacity of the Pumping Station.

The Certificate of Approval, which was issued by the Ministry of the Environment and Climate Change (MOECC) in May 2011, authorizes the Newmarket Pumping Station to have a firm capacity of 111 megalitres per day (MLD) at 38 m of total dynamic head.

Since the existing infrastructure at the Newmarket Pumping Station has sufficient capacity for the 2031 design flow rates no modifications or upgrades other than forcemain connection to the station are required.

The new Newmarket forcemain would connect to the existing forcemain outside of the pumping station in order to (1) avoid extensive modifications to the pumping station header within the pumping station building, and (2) minimize the need to shut down the pumping station during construction and commissioning. A new meter chamber would be constructed, which will serve both forcemains.

Newmarket Forcemains

The new Newmarket forcemain route would generally parallel the existing forcemain, with slight route alterations as required for constructability reasons and to minimize disturbances to the natural environment and existing utilities. The routes for the existing and new Newmarket forcemains are shown in **Figure 2.1** to **Figure 2.10**.

More specifically, the new forcemain would connect to the existing forcemain outside of the Newmarket Pumping Station, and from there travel south along Bayview Parkway towards Davis Drive for approximately 1.5 kilometres (km). South of Davis Drive, the forcemain would continue along Charles Street for approximately 300 m, then travel west along Queen Street for another 50 m. The route then travels south adjacent to Tom Taylor Trail and the rail corridor for a distance of approximately 960 m, until the proposed connection with the Bogart Creek forcemain beneath Cotter Street to the west of Pearson Street.

The new forcemain would then travel west for approximately 70 m towards Fairy Lake Park, and southwest for approximately 570 m adjacent to the Tom Taylor Trail until it passes beneath the East Holland River to Cane Parkway. The route would follow Cane Parkway for approximately 310 m, then travel south along the Tom Taylor Trail for approximately 270 m until Mulock Drive.

From Mulock Drive, the route would travel south for approximately 1.4 km until the connection to the Newmarket gravity sanitary sewer, passing beneath the East Holland River, the rail corridor, and the hydro corridor along the route.

The new Newmarket forcemain would be 900 mm in diameter, which would result in the new forcemain having a hydraulic capacity equal to the existing forcemain. The wastewater velocity would be within the York Region design guideline range of 0.8 to 3.0 metres per second (m/s) when the pumping station is operating at the 2031 peak day flow rate and the pumping station firm capacity (York Region, 2006).

Where open cut construction is proposed, the forcemain would be reinforced concrete pressure pipe and where trenchless construction methods are proposed, the forcemain would be high-density polyethylene pipe or reinforced concrete pipe.

Bogart Creek Pumping Station

In its existing Certificate of Approval, which was issued by MOECC in June 2007, the firm capacity of the Bogart Creek Pumping Station is listed as 27 MLD at 35 m of Total Dynamic Head, which is equal to the peak flow rate from the pumping station service area.

No modifications or upgrades would be required for the pumps.

A new meter chamber would be constructed to house the flow meter for the new forcemain, and the existing meter chamber would remain in service for the existing forcemain.

Bogart Creek Forcemains

Similar to the new Newmarket forcemain, the new Bogart Creek forcemain route would generally be parallel to the existing forcemain, with slight deviations as required for constructability reasons and to minimize disturbance to existing utilities. The routes for the existing and new Bogart Creek forcemains are shown in **Figure 2.10**. The new forcemain would exit the Bogart Creek Pumping Station and travel west along Pearson Street for approximately 470 m. The forcemain would discharge to the new Newmarket forcemain at Cotter Street.

The new Bogart Creek forcemain would be 450 mm in diameter, which would result in the new forcemain having a hydraulic capacity equal to the existing forcemain. The velocity of wastewater in the forcemain would be within the York Region design guideline range of 0.8 to 3.0 m/s if the pumping station is operating at its firm capacity. Open cut construction is proposed for the new forcemain, which would be reinforced concrete pressure pipe.

Construction Methods

The new forcemains and pumping station connections would be designed and constructed such that interruptions to existing Pumping Station operation would be minimized during construction and commissioning. Temporary by-pass pumps and piping would be used to continue pumping wastewater to the Aurora Pumping Station while the final connections are made between each Pumping Station and the new forcemain.

Construction of the new forcemains would involve both open cut and trenchless construction methods. Open cut construction, which involves excavation of a trench from the ground surface to the depth of the base of the pipe, is the most common technique for installing sewer(s). Open cut construction is efficient in various soil conditions and there is no restriction on the length or diameter of pipe that can be installed. Open cut construction is proposed for the new Bogart Creek forcemain, as well as for sections of the new Newmarket forcemain along Bayview Parkway, Charles Street, Queen Street, Cotter Street and Cane Parkway (see **Figures 2.1 to 2.10**).

Trenchless construction methods such as microtunnelling, directional drilling, pipe jacking would be utilized for the remaining sections of the new Newmarket forcemain to minimize potential adverse environmental effects (i.e., East Holland River crossings, Bailey Ecological Park, major Regional roadways and the rail corridor) (see **Figure 2.1 to Figure 2.10**).

Microtunneling is a construction method where a horizontal shaft is mined through the earth from an entry point by grinding out soil and displacing the waste via conveyor or slurry. Once the shaft is mined; the tunnel machine is propelled forward via hydraulic jacks and a liner is installed behind the head of the tunnel machine to stabilize the earth. The completed liner provides a passage allowing new infrastructure to be installed.

Figure 2.11: Directional Drilling

This figure is a visual illustration of Directional Drilling construction. It shows a drill traveling through soil underneath a water course and roads with no disruption to the surface.

Directional drilling is a steerable construction method that creates a temporary pathway through the soil in which the product pipe is placed (see **Figure 2.11**). The pathway is enlarged in steps by pulling slightly larger diameter drilling heads through the soil until the pathway size becomes large enough to accommodate the pipe. Directional drilling is proposed for sections of the new Newmarket forcemain that would pass through parklands, including the Bailey Ecological Park, as well as sections that pass beneath the East Holland River.

Figure 2.12: Pipe Jacking

This figure is a field photo of Pipe Jacking construction. It shows a pipe casing being pushing through soil with a hydraulic jack.

Pipe jacking uses hydraulic jacks to drive a casing pipe through the soil for distances of up to approximately 100 m without disrupting the surrounding surface area (see **Figure 2.12**). Pipe jacking is proposed for sections of the new Newmarket forcemain that would pass beneath transportation corridors (i.e., rail corridor and high traffic Regional roads).

2.1 Detailed Description of the Environment Potentially Affected

The new forcemains associated with the YDSS Modifications Route would be constructed within a highly urbanized environment composed of residential, commercial, institutional, and recreational/open space uses. With this general description in mind, a detailed description and understanding of the environment is provided according to the following categories:

- Natural Environment
 - Built Environment
 - Social Environment
 - Economic Environment
 - Cultural Environment
-

2.2.1 Natural Environment

The new YDSS Modifications Route does not cross any designated natural areas such as Provincially Significant Wetlands, Areas of Natural and Scientific Interest, or Environmentally Sensitive Areas. The route, however, would pass through a number of identified areas of the natural heritage system including: Wesley Brooks Conservation Area, Fairy Lake Conservation Area, Mable Davis Conservation Area, and the Bailey Ecological Park.

Surface Water, Geomorphology and Aquatic Species, and Habitat

There are 17 watercourse crossings associated with the YDSS Modification Route as it generally follows the East Holland River, which flows north into Lake Simcoe. The East Holland River, Weslie Creek, and Bogart Creek have perennial flow characteristics with the remaining tributaries generally being shallow intermittent or vegetated ephemeral streams.

In addition to the effects of urban land development, the majority of the watercourses crossed by the new forcemains appear to have been altered in association with culvert and bridge construction, erosion protection, and previous subsurface infrastructure placement. Three of the proposed watercourse crossings are located within the Bailey Ecological Park, where the watercourses have a more natural configuration.

All watercourses have no recorded Species at Risk, and those that have been mapped by Ministry of Natural Resources and Forestry have a warmwater thermal regime. Site investigations were carried as part of the natural environmental impact assessment to assess the characteristics of these watercourse crossings as described below and shown on **Figure 2.13** (CRA et al., 2014g):

- Five crossings through the main channel of the East Holland River (identified from south to north):
 - One south of the Bailey Ecological Park (WC8). This reach is permanently flowing, has a variety of fish habitat and likely supports both cool and warmwater species.
 - Three in the Bailey Ecological Park (WC5, WC15, and WC16). This reach is permanently flowing and a high quality fish habitat with a cool to warmwater fish community comprised of White Sucker, Longnose Dace, and Pumpkinseed.
 - One south of Fairy Lake (WC 10). This reach is permanently flowing and is partially controlled by backwater conditions from Fairy Lake. It has a cool to warmwater fish community comprised of White Sucker, Longnose Dace, and Pumpkinseed.
- 12 crossings through tributaries of the East Holland River (identified from south to north):
 - One through Weslie Creek south of the Bailey Ecological Park (WC9). This reach is permanently flowing and provides a fish habitat with a cool to warmwater fish community comprised of White Sucker, Longnose Dace, Creek Chub, Brook Stickleback, Pumpkinseed, and Largemouth Bass.
 - Two through an offline manmade wetland feature between the East Holland River and the Tom Taylor pedestrian trail north of Mulock Drive (WC13 and WC14). This wetland area is unlikely to provide direct fish habitat and has poor hydraulic connectivity to the East Holland River, but could contribute flow and nutrients to downstream reaches after high-flow events.
 - One through an unnamed tributary north of Mulock Drive (WC12). This tributary appears to have been previously straightened and receives drainage from stormwater management ponds and storm sewers. While it is highly impacted it may provide low quality fish habitat, however, no records exist.
 - Three through a small wetland feature east of Cane Parkway that receives overflow from a nearby stormwater management pond (WC2, WC3, and WC4). The feature is unlikely to provide fish habitat.
 - One through a small unnamed watercourse south of Wellington Street (WC17). This tributary is unmapped and appears to be isolated from the main branch of the East Holland River, although it may provide ephemeral flow to the main branch of the East Holland River.
 - One through Bogart Creek near Queen Street (WC6). Although heavily influenced by anthropogenic inputs, the watercourse provides fish habitat with a cool to warmwater fish

community comprised of White Sucker, Common Shiner, Bluntnose Minnow, Fathead Minnow, Longnose Dace, Creek Chub, Brook Stickleback, Pumpkinseed, Largemouth Bass, and Mottled Sculpin.

- Two through tributaries in George Richardson Park (WC 7, WC 11) and one just north of George Richardson Park (WC 1). These tributaries are highly impacted but may provide low quality fish habitat given their connection to the East Holland River.

Figure 2.13: Watercourse Crossings Along the YDSS Modifications Route

This figure is a satellite image that visually identifies the 17 watercourse crossings associated with the YDSS Modification Route that are described in section 2.2.1. The legend shows each water crossing, the YDSS Modification route, temporary access routes/bridges, staging areas, existing pumping stations, and local streams by type.

Terrestrial Species

Much of the YDSS Modifications Route is located within or adjacent to existing infrastructure including a railway, road rights-of-way and pedestrian pathways. However, the new forcemains would pass through several natural vegetation communities. In particular through the Mabel Davis Conservation Area, Wesley Brooks (Fairy Lake) Conservation Area, and Baily Ecological Park (see **Figure 2.14**). These areas are already disturbed as result of the development of the surrounding residential area that has reduced the size of these vegetation communities into small habitat patches.

The new forcemains would also pass through unevaluated wetland communities. Most of these are small in size (less than 0.5 ha) and are relatively low functioning wetlands that support a low diversity of plant and wildlife species. Some of these are larger and more functionally significant wetland communities including the Reed-canary Grass Mineral Meadow Marsh south of Mulock Drive, a Cattail Mineral Shallow Marsh located north of Mulock Drive, and a Cattail Mineral Shallow Marsh and Willow Mineral Deciduous Swamp located within the Wesley Brooks (Fairy Lake) Conservation Area.

The Barn Swallow was the only terrestrial Species at Risk recorded near the new forcemains during breeding bird surveys. Barn Swallows are listed as a Federally and Provincially Threatened species. Other bird species recorded near YDSS Modifications Route are common in York Region and tolerant of urban impacted habitats. Generally, some breeding amphibians were recorded along YDSS Modifications Route. There were no Species of Special Concern or Species of Local Concern recorded near YDSS Modifications Route.

Terrestrial Habitat

There are no Environmentally Significant Areas or Areas of Natural and Scientific Interest located near the new forcemains along the YDSS Modifications Route. However, the route passes through a number of areas designated within the Natural Heritage System by York Region, including Wesley Brooks (Fairy Lake) Conservation Area, Mabel Davis Conservation Area, and the Bailey Ecological Park.

The East Holland River provides patches of riparian vegetation in the form of deciduous forests, cultural meadows and marshes, which potentially serve as a movement corridor for wildlife. However, as determined through the natural environmental site specific investigation, the habitat quality of this wildlife corridor is poor given the number of intersecting roads, and residential and commercial areas that disrupt this natural linkage along the majority of the East Holland River. Many of the habitats present within this wildlife corridor are thus highly fragmented and degraded due to the close proximity to human settlement. However, the East Holland River is the only north-south natural linkage through urban area within The Town of Newmarket and is likely used by a number of common wildlife species.

Figure 2.14: Terrestrial Features Along the YDSS Modifications Route

This figure is a satellite image that visually identifies the natural vegetation and wetland communities within the YDSS Modification Route that are described in section 2.2.1. The legend shows the YDSS Modification route, access routes/bridges, staging area, waterbody, terrestrial features, and landscape connectivity paths.

As mentioned, the YDSS Modifications Route would also pass through unevaluated wetland communities. Most of these wetlands are situated along existing pedestrian trail paths within parklands and conservation areas that are surrounded by residential and commercial buildings. As such, most of the wetlands are small in size (less than 0.5 ha) and dominated by either cattails or Reed Canary Grass, and therefore are relatively low functioning wetlands that support a low diversity of plant and wildlife species.

Geology and Hydrogeology

The YDSS Modifications Route is regionally underlain by a thick sequence of glacial overburden deposits, consisting mainly of silt till and silty sand till underlain by glaciolacustrine clayey silt to a depth of approximately 23 m. These low permeability materials act as aquitards. Thin coarse textured glacio-fluvial sand deposits are also locally encountered, which may form local unconfined aquifer conditions. Based on the monitoring undertaken as part of the natural environmental site specific investigation, the water table beneath the YDSS Modifications Route generally ranges from approximately 1.5 to 4 mbgs, and fluctuates seasonally by approximately 0.5 m (CRA et al., 2014g).

2.2.2 Built Environment

Existing Residences, Businesses, Community, Institutional and Recreation Facilities, Agricultural Operations, Roadways, and Utility Infrastructure

In general, the northern portion of the YDSS Modifications Route between the Newmarket Pumping Station and Queen Street follows existing roadways in primarily residential areas in the Town of Newmarket (see **Figure 2.15**). South of Queen Street, the YDSS Modifications Route principally follows the East Holland River and Tom Taylor Trail. The Tom Taylor Trail is a continuous multi-use pathway that follows the East Holland River through The Town of Newmarket from George Richardson Park south to the Town of Aurora.

More specifically, between the Newmarket Pumping Station and Davis Drive (a Regional Arterial Road), the forcemain would be located within the existing Bayview Parkway right-of-way (a Town Minor Collector Road). As such, it is adjacent to the Tom Taylor Trail, George Richardson Park, Mabel Davis Conservation Area, 29 single family residences, a small number of businesses and offices for institutional uses (including a banquet hall, medical centre, car dealership, the Lake Simcoe Conservation Authority, and York Region Community Service Housing Department offices).

The Route south of Davis Drive on Charles Street (a Town Local Road), Queen Street (a Town Minor Collector Road), and Concession Street (a Town Local Road) is adjacent to nine residences, a small commercial plaza at the Charles Street and Davis Drive intersection, a staff parking lot for Southlake Regional Health Centre, and the Town of Newmarket Recreation Youth and Sk8park.

Figure 2.15: Land Uses on and Adjacent to the YDSS Modifications Route (Northern Portion)

This figure is a satellite image that visually identifies locations of significance of the built environment within the northern portion YDSS Modification Route. Locations shown include nearby businesses, institutional facilities, residences, and utilities. The significant features of the built environment are described in section 2.2.2. The legend shows the business, institutional, recreational, residential, and utility facilities adjacent to the YDSS route. As well, it shows adjacent residences and existing sewers, pumping stations and forcemains in the area.

Between Queen Street and Mulock Drive, the YDSS Modifications Route is adjacent to the East Holland River and Tom Taylor Trail and a series of parks and recreational facilities, including the Newmarket Riverwalk Commons, the Newmarket Community Centre, and Wesley Brooks Memorial Conservation Area (also known as Fairy Lake Park) (see **Figure 2.16**). The YDSS Modifications Route crosses and then is adjacent to the rail corridor at Pearson Street. Near Timothy Street (a Town Local Road) and Water Street (a Town Primary Collector Road), the YDSS Modifications Route is adjacent to two multi-unit residential buildings and York Regional Police District 1 Headquarters.

On Cotter Street between Water Street and Pearson Street, the Route is adjacent to four residences. In addition, there are two residences whose only access exists via Cotter Street and one residence on Second Street. At Mulock Drive (a Regional Arterial Road), the YDSS Modifications Route is adjacent to a telecommunications office and the Town of Newmarket Municipal Offices.

Between Mulock Drive and where the new forcemain would connect with the existing gravity sewer, the YDSS Modifications Route is within the Bailey Ecological Park and in some locations, adjacent to the Tom Taylor Trail. The connection to the existing gravity sewer is adjacent to the St. Andrews Valley Golf Club. This portion of the route crosses a hydro electric corridor and the rail corridor.

The route for the new second forcemain along Pearson Street between the Bogart Creek Pumping Station and the new Newmarket forcemain is within a residential neighbourhood that has single detached dwellings (16 driveway accesses), townhouses (one driveway access), and a pedestrian pathway between Pearson Street and Gaston Place.

Figure 2.16: Land Uses on and Adjacent to the YDSS Modifications Route (Southern Portion)

This figure is a satellite image that visually identifies locations of significance of the built environment within the southern portion YDSS Modification Route. Locations shown include nearby businesses, institutional facilities, residences, and utilities. The significant features of the built environment are described in section 2.2.2. The legend shows the business, institutional, recreational, residential, and utility facilities adjacent to the YDSS route. As well, it shows adjacent residences and existing sewers, pumping stations and forcemains in the area.

2.2.3 Social Environment

Private Wells

The YDSS Modifications Route is situated within an urban area that is serviced by a municipal water supply system with no private wells in the area.

Noise and Vibration

Noise and vibration in the area of the YDSS Modifications Route are characteristic of an urban setting (background conditions between 50 dBA and 55 dBA). The YDSS Modifications Route is immediately adjacent to approximately 118 noise and vibration sensitive receptors.

Odour

The only existing odour sources along the YDSS Modifications Route are the existing Aurora Pumping Station, Newmarket Pumping Station, and Bogart Pumping Station. Tests were undertaken at all three pumping stations with sampling being a reasonable representation of potential worst-case odour conditions (CRA et al., 2014i). Modelling of odour emissions from the Aurora Pumping Station and the Newmarket Pumping Station showed that the guideline of 1 Odour Unit was met at the property line, and are therefore considered insignificant to any sensitive receptors.

Modelling of odour emissions at the Bogart Creek Pumping Station showed results of 1.7 Odour Unit at its property line, which is slightly higher than the guideline. However, modelling results at the nearest residences were all below the 1 Odour Unit guideline. Notwithstanding this, York Region has initiated as a separate odour control project (i.e., installation of activated carbon odour treatment equipment) at the Bogart Creek Pumping Station.

2.2.4 Economic Environment

Approved/Planned Land Uses and Agricultural Soil Resources

The new forcemains are a permitted use within all land use designations under Section 14.2.4 of the Town of Newmarket's Official Plan (2006) and Section 4.1.4 of the Town of Newmarket's Zoning Bylaw (2010).

Since the YDSS Modifications Route is completely within the urban built up area of the Town of Newmarket, no agricultural soil resources exist.

2.2.5 Cultural Environment

Archaeological Resources

The YDSS Modifications Route is considered clear of archaeological concern and no further archaeological work is recommended based on the completed Stage 1 Archaeological Assessment and Stage 2 Archaeological Assessment.

Built Heritage Resources and Cultural Heritage Landscapes

There are 15 built heritage resources located within and adjacent to the YDSS Modifications Route on Second Street, Prospect Street, Pearson Street, Cotter Street, Timothy Street, and Concession Street (see **Figures 2.17 to 2.24**) (CRA et al., 2013r). All of the built heritage resource except for one are residences. The exception (is a former industrial building located at 543 Timothy Street, which has been converted into a multi-unit residential building).

As well, there are three cultural heritage landscapes (see **Figures 2.23 to 2.24**): the East Holland River/Newmarket Canal; Fairy Lake/Wesley Brooks Conservation Area, which has cultural heritage value to its design features and proximity to the East Holland River; and a former Toronto and York Radial Railway corridor running north from Davis Drive. Transit service, including this corridor was established by the Toronto and York Radial Railway Company in the Newmarket area by 1899. The railway infrastructure has since been removed and the alignment is now visible within the Mabel Davis Conservation Area and George Richardson Park.

Figures 2.17, 2.18, 2.19, 2.20, 2.21, and 2.24 include Key Built Heritage Resources and Cultural Heritage Landscapes Adjacent to the YDSS Modifications Route.

<p>Figure 2.17: Toronto and York Radial Railway Company arch (CHL 3) Built circa 1899</p>	<p>Figure 2.18: 543 Timothy Street (BHR 12) Earliest surviving component of a factory complex that extended along the tracks from Water Street to Timothy Street</p>	<p>Figure 2.19: Lock structure located on the Newmarket Canal (CHL 1) Near Bayview Parkway and Elgin Street</p>
<p>This figure is a photo of Toronto and York Radial Railway Company arch, a built heritage resource adjacent to the YDSS Modifications Route. It was built circa 1899.</p>	<p>This figure is a photo of 543 Timothy Street, a built heritage resource adjacent to the YDSS Modifications Route. It is the earliest surviving component of a factory complex that extended along the tracks from Water Street to Timothy Street.</p>	<p>This figure is a photo of a lock structure located on the Newmarket Canal, a built heritage resource adjacent to the YDSS Modifications Route.</p>
<p>Figure 2.20: 266 Prospect Street (BHR 11) Residence built circa 1848</p>	<p>Figure 2.21: 85 Concession Street (BHR 13) Residence built in 1891</p>	<p>Figure 2.22: 602 Pearson Street (BHR 9) Residence built circa 1843</p>
<p>This figure is a photo of 266 Prospect Street, a built heritage resource adjacent to the YDSS</p>	<p>This figure is a photo of 85 Concession Street, a built heritage resource adjacent to the</p>	<p>This figure is a photo of 602 Pearson Street, a built heritage resource adjacent to the YDSS</p>

<p>Figure 2.20: 266 Prospect Street (BHR 11) Residence built circa 1848</p>	<p>Figure 2.21: 85 Concession Street (BHR 13) Residence built in 1891</p>	<p>Figure 2.22: 602 Pearson Street (BHR 9) Residence built circa 1843</p>
<p>Modifications Route. It is a residence built circa 1848.</p>	<p>YDSS Modifications Route. It is a residence built circa 1891.</p>	<p>Modifications Route. It is a residence built circa 1843.</p>

Figure 2.23: Cultural Heritage Resources Located Within or Adjacent to YDSS Modifications Route (Northern Portion)

This figure is a satellite image that visually identifies locations built heritage resources within the northern portion YDSS Modification Route. The legend shows the cultural and built Heritage Resources , the YDSS Modification Route, and nearby utility lines and watercourse/drainage ditch.

Figure 2.24: Cultural Heritage Resources Located Within or Adjacent to the YDSS Modifications Route (Southern Portion)

This figure is a satellite image that visually identifies locations built heritage resources within the southern portion YDSS Modification Route. The legend shows the cultural and built Heritage Resources , the YDSS Modification Route, and nearby utility lines and watercourse/drainage ditch.

2.3.1 Natural Environment

Surface Water, Geomorphology and Aquatic Species, and Habitat

Various mitigation and compensation measures would be implemented to protect surface water quality and quantity; channel form, function and stability; and aquatic species and habitat at the 17 watercourse crossings along the YDSS Modifications Route. The mitigation and compensation measures have been specified according to the watercourse crossing as follows:

- The temporary changes in surface water quantity and quality at all 17 surface water crossings would be mitigated by implementing a Stormwater Management Plan, including an Erosion and Sediment Control Plan (in accordance with a permit obtained under Ontario Regulation 179/06).
- The temporary change to channel form, function and stability at eight open-cut watercourse crossings would be minimized and compensated for by implementing an Erosion and Sediment Control Plan, undertaking construction during low flow or frozen conditions, limiting vegetation removal, and implementing site-specific mitigation measures (i.e., maintain existing channel gradient, enhance cross-section width, stabilize watercourse, etc.) and post-construction restoration.
- The temporary sediment loading and loss of floodplain pool/wetland functions at six open-cut watercourse and wetland crossing locations situated adjacent to the East Holland River would be minimized by stabilizing exposed soil in construction areas, implementing an Erosion and Sediment Control Plan, re-establishing native vegetation, and stabilizing exposed soil following construction to prevent erosion and sediment loading into the wetland/watercourses and the East Holland River.

- The temporary loss of aquatic habitat and function at all 17 watercourse crossings would be minimized by implementing appropriate construction Best Management Practices (BMPs), such as dewatering and fish relocation during construction works; undertaking construction outside of the relevant fish spawning timing window; limiting removal of riparian vegetation; stabilizing watercourse banks; implementing an Aquatic Habitat Restoration Plan; and restoring/stabilizing disturbed areas returning run-off water quality to pre-construction conditions.
- The temporary disturbance to aquatic habitat at the nine watercourse crossings to be constructed using trenchless construction methods would be minimized by implementing an Erosion and Sediment Control Plan, ensuring appropriate drilling depth, and implementing a 'Frac-out' Contingency Plan, if required.
- The permanent interference with future channel processes and fish passage from installing the new forcemains at a insufficient depth beneath the watercourses (including the East Holland River) would be avoided by conducting a scour assessment prior to construction to confirm the appropriate depth for building the new forcemains so that they do not become exposed on the channel bed during operation.

Terrestrial Species

Amphibian breeding habitat has been identified near the new forcemains along the YDSS Modifications Route. While no vegetation removal is proposed within these amphibian breeding habitats, some amphibians moving between breeding habitat and their summer home ranges may be temporarily disturbed during construction. This temporary disturbance would be minimized by installing and maintaining sediment fencing around open-cut areas and staging areas near watercourses or wetlands, and undertaking daily monitoring of open-cut and excavated areas and relocating any trapped amphibians to nearby suitable habitats if required.

Sections of the new forcemains would intersect upland and wetland vegetation communities along the East Holland River and within conservation areas (i.e., Mabel Davis Conservation Area, Wesley Brooks (Fairy Lake) Conservation Area, and Bailey Ecological Park) that provide breeding habitat for common bird species. The temporary disturbance to breeding birds during construction would be mitigated by scheduling vegetation removal outside the breeding bird season (April 15 to July 31) to prevent the destruction of active bird nests and re-vegetating areas of upland and wetland vegetation removed during construction with native plants as soon as possible after construction.

The spread of invasive species into upland and wetland communities due to construction disturbance would be minimized by re-vegetating construction related disturbed areas with native plants after construction (expected to reduce the incidence invasive species colonization), and implementing corrective measures such as the applying an LSRCA-approved herbicide, if required, based on the results of post-construction monitoring.

Terrestrial Habitat

The temporary loss of 2.4 ha of cultural meadow, thicket, plantation and deciduous forest communities and of up to 0.7 ha of unevaluated wetland communities during construction would be minimized and compensated for by reducing vegetation removal within conservation areas/wetlands to the extent possible, installing and maintaining temporary construction fencing, re-vegetating disturbed areas with native species, implementing a Wetland Habitat Restoration and Compensation

Plan developed in consultation with LSRCA, and undertaking corrective measures if necessary (e.g., replanting) based on the results of post-construction monitoring.

The temporary effect on unevaluated wetland communities located within the dewatering zone of influence as a result of construction dewatering would be compensated for by implementing a Wetland Habitat Restoration and Compensation Plan developed in consultation with LSRCA, and undertaking corrective measures if necessary (e.g., replanting) based on the results of post-construction monitoring.

Construction activities such as access roads, staging areas, and open cut construction areas have the potential to act as barriers to wildlife movement. Since construction of the new forcemains along YDSS Modifications Route would generally be parallel to the East Holland River, it would not create north-south barriers, but may be a barrier to animal movements that follow the small stream valleys (e.g., between Mabel Davis Conservation Area and the Newmarket Pumping Station). Consequently, small mammals may potentially become trapped in the open-cut trenches. The temporary disturbance to wildlife movement would be minimized by limiting construction to daylight hours, undertaking daily monitoring of open-cut and excavated areas, and relocating any trapped animals to nearby suitable habitats if required.

Geology and Hydrogeology

Since the majority of the YDSS Modifications Route is low permeable till, temporary construction dewatering would only be required along Bayview Parkway and near Wellington Street. Construction methods would be used that minimize the amount of temporary dewatering required to protect groundwater quantity and quality, such as limiting excavations below the water table or using temporary groundwater cut-off structures where appropriate.

2.3.2 Built Environment

Existing Residences, Businesses, Community, Institutional and Recreation Facilities, and Agricultural Operations

Residences, businesses, and community, institutional, and recreational facilities potentially affected by construction within the rights-of-way would be provided with temporary access and arrangements would be made for waste collection as appropriate. Those affected would be notified prior to construction in their area of the alternate arrangements. In total, accesses to approximately 64 residences, 14 businesses, and five community, institutional, and recreational facilities would be temporarily affected on Bayview Parkway, Charles Street, Cotter Street and Pearson Street.

There are no agricultural operations along the YDSS Modifications Route.

Existing Buildings Potentially Affected by Vibration

The YDSS Modifications Route is immediately adjacent to approximately 118 existing buildings. Although any potential vibration effects associated with constructing the new forcemains would be temporary in nature, pre-construction surveys and video records would be completed for each of the 118 buildings to document their existing structural conditions.

Also, any increase in vibration associated with construction would be minimized by implementing BMPs such as:

- Staging construction such that earth moving and ground impacting activities do not occur at the same time
- Relocating heavy equipment travel routes away from buildings
- Limiting heavy construction to daytime hours
- Using specialized drilling equipment and methods (avoid sheet piling, jackhammer, vibratory rollers, etc.)

As well, minimum setback distances between the new forcemains and historic buildings would be established prior to construction based on the type and degree of construction, sub-surface soil conditions, and building condition to minimize or buffer potential adverse vibration effects.

Roadways and Utility Infrastructure

Since portions of Bayview Parkway, Charles Street, Cotter Street, Pearson Street, Queen Street, and Concession Street would be closed during construction as well as access to Heman Street and Granby Place, a Traffic Management Plan would be implemented during construction to minimize disruption, which includes detours for road closures and/or lane closures. As well, construction would be staged so that road/lane closures would be limited to the duration necessary.

Temporary disruption to local utilities within the road rights-of-way (i.e., watermain, sanitary sewer, storm sewer, local gas, local hydro, local cable, and local telephone) would be minimized by identifying utility locations prior to construction based on consultations with municipal and utility providers and relocating any if required. Trenchless construction methods would be used to cross underneath four major roads (Davis Drive, Timothy Street, Water Street, and Mulock Drive) to avoid road closures.

Since trenchless construction methods (i.e., pipe jacking) has the potential to cause ground settlement, appropriate construction methods would be used to reduce the excessive ground movement and settlement monitoring would be implemented in close proximity to transportation corridors (i.e., rail corridor and high traffic Regional roads).

Property

Along some portions of the YDSS Modifications Route, the available area within the road right-of-way and/or existing easement is limited and construction would need to take place on private property. York Region would provide compensation for temporary construction easements in accordance with York Region policies and applicable laws. Temporary construction easements are anticipated to be required on approximately 43 properties.

In addition, the new forcemains would require a permanent surface easement to accommodate future maintenance activities. York Region would provide compensation for permanent easements in accordance with York Region policies and applicable laws. Permanent easements are anticipated to be required on approximately 46 properties.

2.3.3 Social Environment

Private Wells

Since water servicing in the Town of Newmarket is provided via a municipal water supply, there are no private wells in the Town of Newmarket that would be affected by the construction of the new forcemains.

Noise and Vibration Levels

Any increase in noise associated with construction of the new forcemains at nearby sensitive receptors would be temporary in nature and minimized by implementing BMPs such as:

- Limiting impact noise from uncontrolled tailgate use by dump trucks
- Using construction equipment that meets the requirements of the Ministry of the Environment and Climate Change's Construction Equipment Publication (NPC 115)
- Adhering to the Town of Newmarket's Bylaw requirements
- Installing temporary noise barriers, if required

Similarly, construction related vibration would be temporary in nature and minimized by carrying out the following BMPs:

- Staging construction such that earth moving and ground impacting activities do not occur at the same time
- Relocating heavy equipment travel routes away from buildings
- Limiting heavy construction to daytime hours
- Using specialized drilling equipment and methods (avoid sheet piling, jackhammer, vibratory rollers, etc.)

A complaint protocol would be developed prior to construction and implemented during construction to respond to potential noise and vibration related complaints from area residents.

During operation, the new forcemains would not generate any environmentally significant noise emissions and ground-borne vibration.

Odour

No odours would be generated during construction or operation of the new forcemains.

2.3.4 Economic Environment

Approved/Planned Land Uses and Agricultural Soil Resources

Since there are no approved/planned land uses along the YDSS Modifications Route, there would be no adverse effects on approved/planned land uses associated with construction or operation of the new forcemains.

No Official Plan or Zoning Bylaw Amendments would be required because the forcemains would be a permitted use under Section 14.2.4 of the Town of Newmarket's Official Plan (2006) and Section 4.1.4 of the Town of Newmarket's Zoning Bylaw (2010).

As well, since there are no agricultural soil resources along/adjacent to the YDSS Modifications Route, there would be no loss of agricultural soil resources associated with construction or operation of the new forcemains.

2.3.5 Cultural Environment

Archaeological Resources

No archaeological resources or subsurface cultural features would be affected along the portion of the YDSS Modifications Route previously assessed (considered clear of archaeological concern (approximately 5 km)).

As a result, no archaeological resources or subsurface cultural features would be adversely affected by the construction of the new forcemains.

Built Heritage Resources and Cultural Heritage Landscapes

Disruption to the 15 built heritage resources located within and adjacent to the YDSS Modifications Route would be minimized by avoiding character defining landscape features (i.e., structures, fencing, vegetation, hedgerows, and internal circulation routes) and by re-establishing pre-construction conditions through post-construction landscape treatment. Surveys and video records would be completed for the 15 built heritage resources prior to, during and after construction to ensure they are not adversely affected by construction related vibration.

Disruption to the East Holland River/Newmarket Canal due to the temporary bridge to be built during construction of the YDSS Modifications would be minimized by re-establishing pre-construction conditions by removing the temporary bridge and through post-construction landscape treatment.

Disruption to the Fairy Lake/Wesley Brooks Conservation Area through alteration and removal of landscape features such as vegetation would be mitigated and minimized, where possible, by refining the extent and locations of staging areas during detail design and by implementing a plan to erect hoarding to preserve trees if necessary. Affected portions would be returned to pre-construction conditions through post-construction landscape treatment.

Disturbance to the former Toronto and York Radial Railway corridor would be minimized by implementing a plan to erect hoarding to preserve trees and re-establishing pre-construction conditions through post-construction landscape treatment.

2.4 Implementation of the YDSS Modifications

York Region is planning to implement the proposed YDSS Modifications through the following major steps:

1. Detailed Design and Permits
2. Tendering and Construction
3. Operation

In concert with carrying out the preceding steps, York Region is also proposing to implement the commitments associated with the proposed YDSS Modifications (i.e., mitigation/compensation measures, monitoring, permits and approvals, future consultation, etc.).

The timeframe presently expected by York Region for implementing the YDSS Modifications is shown in **Figure 2.25** and described in the following subsections.

Figure 2.5: Anticipated Implementation Timeline for the YDSS Modifications

This figure shows the anticipated implementation timeline for the proposed YDSS modifications. The “detailed design, permits and easement acquisition” phase is expected to last from 2015 to 2018. The “tendering and construction” phase is expected to last from 2018 to 2021. The “operation” phase is expected to last from 2021 to 2031.

The anticipated implementation timeline is based on known information at this time and is subject to change.

Any opportunities to synchronize project implementation would be explored further during the detailed design stage.

2.4.1 YDSS Modifications

Detailed Design and Permits

The following activities associated with the proposed YDSS Modifications would be undertaken during detailed design:

- Implement mitigation measures outlined in **Section 2.3** associated with detailed design of the YDSS Modifications
- Implement monitoring programs outlined in **Section 3.1** associated with the pre-construction stage of the YDSS Modifications
- Implement commitments outlined in **Section 3.2** associated with the pre-construction stage of the YDSS Modifications
- Obtain permits and approvals required prior to construction of the YDSS Modifications
- Conduct additional geotechnical investigations and confirm construction methodology based on results of geotechnical investigations
- Confirm areas where permanent easements are required
- Confirm areas where temporary working easements are required for construction
- Confirm location of temporary access roads and rail crossings required for construction
- Develop groundwater management strategies for forcemains, given that forcemains will be constructed using open cut and trenchless methodologies and will typically be installed at depths of greater than 3.0 m
- Detailed design of the new Newmarket and Bogart Creek forcemains

- Detailed design of the modifications to the Newmarket Pumping Station for connection to the new Newmarket forcemain
- Detailed design of the modifications to the Bogart Creek Pumping Station for connection to the new Bogart Creek forcemain
- Prepare and submit application for amendment to the existing Environmental Compliance Approval for the Newmarket Pumping Station
- Prepare and submit application for amendment to the existing Environmental Compliance Approval for the Bogart Creek Pumping Station

Tendering and Construction

The following activities would be undertaken during construction of the proposed YDSS Modifications:

- Implement mitigation measures outlined in **Section 2.3** associated with construction of the proposed YDSS Modifications
- Implement monitoring programs outlined in **Section 3.1** associated with the construction stage of the proposed YDSS Modifications
- Implement commitments outlined in **Section 3.2** associated with the construction stage of the proposed YDSS Modifications

Operation

It is anticipated that the proposed YDSS Modifications would be operational starting sometime in 2021. Once operational, the new forcemains would be subject to York Region's standard operations and maintenance activities similar to the existing forcemains.

Section 3.0

Commitments and Monitoring for the YDSS Modifications

The purpose of environmental effects monitoring is to monitor the net effects associated with the construction, operation, and maintenance of the YDSS Modifications, as necessary, and implement further mitigation measures, monitoring, and contingency plans, where possible, so that:

1. Predicted net negative effects are not more than expected
2. Unanticipated negative effects are addressed
3. Predicted benefits are realized

The purpose of compliance monitoring is to ensure that the YDSS Modifications have been constructed, implemented, and/or operated in accordance with the commitments made by York Region.

3.1 Environmental Effects Monitoring

Table 3.1 outlines the environmental effects monitoring associated with the YDSS Modifications based on the mitigation and compensation measures described in **Section 2**. In particular, **Table 3.1**

lists the environmental effects monitoring by net effect within each Environment category (i.e., Natural Environment, Built Environment, Social Environment, etc.) and includes the anticipated timing of the monitoring (i.e., pre-construction, construction, operation).

Table 3.1: Summary of Environmental Effects Monitoring

Category	Net Effect	Environmental Effects Monitoring	Time of Monitoring
<p>Natural Environment</p>	<p>No temporary or permanent changes in groundwater quantity and quality would occur along the majority of the YDSS Modifications Route because most of the construction would be in low permeable till.</p> <p>A temporary decrease in groundwater quantity and/or quality locally along Bayview Parkway and near Wellington Street due to dewatering would be mitigated by using appropriate construction methods.</p>	<p>Pre-construction Groundwater Monitoring: Establish baseline groundwater conditions through the existing monitoring well network within the area of influence along YDSS Modifications Route through the following measurement and collection activities (for a two year period prior to construction):</p> <ul style="list-style-type: none"> • Bi monthly groundwater level measurements from the YDSS Modifications Route monitoring well network • Semi annual groundwater sample collection at selected wells within the monitoring well network 	<p>Pre-Construction</p>
<p>Natural Environment</p>	<p>No temporary or permanent changes in groundwater quantity and quality would occur along the majority of the YDSS Modifications Route because most of the construction would be in low permeable till.</p> <p>A temporary decrease in groundwater quantity and/or quality locally along Bayview Parkway and near Wellington Street due to dewatering would be mitigated by using appropriate construction methods.</p>	<p>Construction Groundwater Monitoring: Verify the amount of the proposed water takings and predicted groundwater level changes at active construction water taking locations locally along Bayview Parkway and near Wellington Street through the following measurement and sampling activities:</p> <ul style="list-style-type: none"> • Weekly to monthly groundwater level measurements from the YDSS Modifications Route monitoring well network locally along 	<p>Construction</p>

Category	Net Effect	Environmental Effects Monitoring	Time of Monitoring
<p>Natural Environment</p>	<p>No temporary or permanent changes in groundwater quantity and quality would occur along the majority of the YDSS Modifications Route because most of the construction would be in low permeable till.</p> <p>A temporary decrease in groundwater quantity and/or quality locally along Bayview Parkway and near Wellington Street due to dewatering would be mitigated by using appropriate construction methods.</p>	<p>Bayview Parkway and near Wellington Street</p> <p>Post-construction Groundwater Monitoring: Verify aquifer recovery (80 percent) subsequent to the proposed active construction water takings through the following measurement and sampling activities:</p> <ul style="list-style-type: none"> • Bi monthly groundwater level measurements from the YDSS Modifications Route monitoring well network • Semi annual groundwater sample collection at selected wells 	<p>Operation</p>
<p>Natural Environment</p>	<p>The temporary changes in surface water quantity and quality in the East Holland River, Wesley Creek, Bogart Creek, and unnamed tributaries in George Richardson Park would be mitigated by implementing a Stormwater Management Plan, including an Erosion and Sediment Control Plan (in accordance with a permit obtained under <i>Ontario Regulation 179/06</i>).</p> <p>The first image here is a photograph of the East Holland River, south of Mulock Drive. The second is a photograph of a watercourse crossing along the YDSS modifications route.</p>	<p>Pre-construction Surface Water Monitoring: Establish baseline surface water quantity and quality conditions to characterize the hydrological regime at the established monitoring stations (five stations within the main channel of the East Holland River (SW 4, SW 8, SW 11, SW 42, and SW 44), and other tributaries comprised of Wesley Creek (one station SW 43), Bogart Creek (one station SW 7) and the unnamed tributaries off Bayview Parkway in George Richardson Park (five stations SW 31, SW 45, SW 46, SW 47, and SW 48) through the following measurement and sampling activities (for a two year period prior to construction):</p>	<p>Pre-Construction</p>

Category	Net Effect	Environmental Effects Monitoring	Time of Monitoring
		<ul style="list-style-type: none"> • Monthly manual baseflow measurements at the established monitoring stations • Continuous level/flow measurements at seven locations seasonally (SW 4, SW 7, SW 8, SW 11, SW 42, SW 43, and SW 44 from March or April through November or December) • Monthly measurements of water quality field parameters at the established monitoring stations • Quarterly surface water quality sampling representative of seasonal variances in February, May, August, and November at the established monitoring stations 	
<p>Natural Environment</p>	<p>The temporary changes in surface water quantity and quality in the East Holland River, Wesley Creek, Bogart Creek, and unnamed tributaries in George Richardson Park would be mitigated by implementing a Stormwater Management Plan, including an Erosion and Sediment Control Plan (in accordance with a permit obtained under <i>Ontario Regulation 179/06</i>).</p> <p>The first image here is a photograph of the East Holland River, south of Mulock Drive. The second is a photograph of a</p>	<p>Construction Surface Water Monitoring: Verify the effectiveness of the mitigation measures implemented through the Stormwater Management Plan, including the Erosion and Sediment Control Plan through surface water quantity and quality monitoring at established monitoring stations (five stations within the main channel of the East Holland River (SW 4, SW 8, SW 11, SW 42, and SW 44), and other tributaries comprised of Wesley Creek (one station SW 43), Bogart Creek (one station SW 7) and the unnamed tributaries off Bayview Parkway in George Richardson Park (five stations</p>	<p>Construction</p>

Category	Net Effect	Environmental Effects Monitoring	Time of Monitoring
	<p>watercourse crossing along the YDSS modifications route.</p>	<p>SW 31, SW 45, SW 46, SW 47, and SW 48)) via the following measurement and sampling activities:</p> <ul style="list-style-type: none"> • Monthly manual baseflow measurements at the established monitoring stations • Continuous level/flow measurements at seven locations (SW 4, SW 7, SW 8, SW 11, SW 42, SW 43, and SW 44) • Monthly measurements of water quality field parameters at the established monitoring stations • Quarterly surface water quality sampling representative of seasonal variances in February, May, August, and November at the established monitoring stations • Monthly or as needed inspection of erosion and sediment control measures (i.e., silt fences, coffer dams, etc.) 	
<p>Natural Environment</p>	<p>The temporary changes in surface water quantity and quality in the East Holland River, Wesley Creek, Bogart Creek, and unnamed tributaries in George Richardson Park would be mitigated by implementing a Stormwater Management Plan, including an Erosion and Sediment Control Plan (in accordance with a permit</p>	<p>Post construction Surface Water Monitoring: If construction causes unanticipated adverse impacts as determined through the Construction Surface Water Monitoring, then implement additional corrective measures and conduct surface water monitoring to verify recovery of surface watercourses.</p>	<p>Operation</p>

Category	Net Effect	Environmental Effects Monitoring	Time of Monitoring
	<p>obtained under <i>Ontario Regulation 179/06</i>).</p> <p>The first image here is a photograph of the East Holland River, south of Mulock Drive. The second is a photograph of a watercourse crossing along the YDSS modifications route.</p>		
<p>Natural Environment</p>	<p>The temporary loss of aquatic habitat and function at 17 open cut and trenchless watercourse crossings would be minimized by implementing appropriate construction Best Management Practices (BMPs), such as undertaking construction during low flow or frozen conditions; dewatering and fish relocation during construction works; undertaking construction outside of the relevant fish spawning timing window; limiting removal of riparian vegetation; stabilizing watercourse banks; implementing an Aquatic Habitat Restoration Plan; and restoring/stabilizing disturbed areas and returning run off water quality to pre construction conditions (Potential effects would depend on the construction methodology, proximity of construction areas to the watercourses, duration of construction activity, and watercourse sensitivity.</p>	<p>Pre-Construction Aquatic Habitat Mapping: Complete detailed habitat mapping prior to construction at all watercourse crossings to establish baseline conditions, including substrate, in stream cover, riparian cover, flow, morphology, and water quality field parameters.</p>	<p>Pre-Construction</p>
<p>Natural Environment</p>	<p>The temporary loss of aquatic habitat and function at 17 open cut and trenchless watercourse crossings would be minimized by implementing appropriate construction Best Management Practices (BMPs), such as undertaking construction during low flow or frozen conditions;</p>	<p>Construction Aquatic Habitat Monitoring: Verify the effectiveness of the proposed mitigation measures, including BMPs, working outside of timing windows and in the dry, Aquatic Habitat Restoration Plan, bank stabilization measures, and channel</p>	<p>Construction</p>

Category	Net Effect	Environmental Effects Monitoring	Time of Monitoring
	<p>dewatering and fish relocation during construction works; undertaking construction outside of the relevant fish spawning timing window; limiting removal of riparian vegetation; stabilizing watercourse banks; implementing an Aquatic Habitat Restoration Plan; and restoring/stabilizing disturbed areas and returning run off water quality to pre construction conditions (Potential effects would depend on the construction methodology, proximity of construction areas to the watercourses, duration of construction activity, and watercourse sensitivity.</p>	<p>realignments through biweekly or as needed inspection of proposed mitigation measures during construction and following construction until restoration is complete.</p>	
<p>Natural Environment</p>	<p>The temporary loss of aquatic habitat and function at 17 open cut and trenchless watercourse crossings would be minimized by implementing appropriate construction Best Management Practices (BMPs), such as undertaking construction during low flow or frozen conditions; dewatering and fish relocation during construction works; undertaking construction outside of the relevant fish spawning timing window; limiting removal of riparian vegetation; stabilizing watercourse banks; implementing an Aquatic Habitat Restoration Plan; and restoring/stabilizing disturbed areas and returning run off water quality to pre construction conditions (Potential effects would depend on the construction methodology, proximity of construction areas to the watercourses, duration of construction activity, and watercourse sensitivity.</p>	<p>Post construction Aquatic Habitat Monitoring: Assess that proper restoration, stabilization, and overall quality of runoff is returned to pre construction conditions by monitoring once per quarter for one year following construction. If construction causes unanticipated adverse effects as determined through the Construction Aquatic Habitat Monitoring, then implement additional corrective measures.</p>	<p>Operation</p>
			<p>Construction</p>

Category	Net Effect	Environmental Effects Monitoring	Time of Monitoring
Natural Environment	<p>The temporary disturbance to amphibians moving between their breeding habitat and summer ranges during construction would be minimized by undertaking daily monitoring of open cut and excavated areas and relocating any trapped amphibians to nearby suitable habitats if required.</p> <p>The temporary disturbance to wildlife moving in the north south wildlife corridor along the East Holland River would be minimized by implementing daily monitoring of open cut and excavated areas and relocating any trapped animals to nearby suitable habitats if required.</p>	<p>Amphibian and Wildlife Monitoring: Ensure any amphibians or animals, which have become trapped by falling into open cut or excavated areas overnight are relocated to suitable habitats by daily monitoring of open cut and excavated areas for the duration of construction (prior to that day's construction beginning in relation to open cut and excavated areas).</p>	
Natural Environment	<p>The permanent interference with future channel processes and fish passage from the new forcemains would be avoided by installing forcemains at sufficient depth beneath the watercourse so that the forcemains do not become exposed on the channel bed during operation.</p>	<p>Pre-construction Scour Assessment: Confirm the appropriate depth of the new forcemains by conducting a scour assessment in the East Holland River taking into consideration the following:</p> <ul style="list-style-type: none"> • Long term channel bed lowering potential • Even based scour depth • Maximum channel bed profile deviation from average channel bed line 	Pre-Construction
Natural Environment	<p>The temporary change to channel form, function and stability at eight open cut watercourse crossing locations would be minimized and compensated for by implementing an Erosion and Sediment Control Plan, undertaking construction during low flow or frozen conditions, limiting vegetation removal, and implementing site specific</p>	<p>Pre-construction Geomorphologic Monitoring: Establish upstream and downstream baseline conditions at each of the eight open cut crossing locations for a two year period prior to construction.</p>	Pre-Construction

Category	Net Effect	Environmental Effects Monitoring	Time of Monitoring
	mitigation measures and post construction restoration.		
Natural Environment	The temporary change to channel form, function and stability at eight open cut watercourse crossing locations would be minimized and compensated for by implementing an Erosion and Sediment Control Plan, undertaking construction during low flow or frozen conditions, limiting vegetation removal, and implementing site specific mitigation measures and post construction restoration.	Construction Geomorphologic Monitoring: Verify the effectiveness of the construction mitigation measures, and effectiveness of the design through biweekly or as needed inspections at each of the eight open cut crossing locations during construction and following construction until restoration is complete.	Construction
Natural Environment	The temporary change to channel form, function and stability at eight open cut watercourse crossing locations would be minimized and compensated for by implementing an Erosion and Sediment Control Plan, undertaking construction during low flow or frozen conditions, limiting vegetation removal, and implementing site specific mitigation measures and post construction restoration.	Post-construction Geomorphologic Monitoring: Verify surface watercourse recovery via geomorphic monitoring once per quarter for one year following construction. If construction causes unanticipated adverse effects as determined through the Construction Geomorphic Monitoring, then implement additional corrective measures.	Operation
Natural Environment	The spread of invasive plant species into upland and wetland communities due to construction disturbance would be minimized by re vegetating areas disturbed during construction with native plants after construction (expected to reduce the incidence of invasive species colonization), and implementing corrective measures such as applying an LSRCA approved herbicide, if required, based on the results of post construction monitoring.	Terrestrial Planting Survivorship Monitoring: Confirm the survival of new plantings and detect the presence of invasive species in re vegetated disturbed areas (once per growing season for two years following initial planting season). If unanticipated adverse effects occur as determined through the Terrestrial Planting Survivorship Monitoring, then implement corrective measures such as applying an LSRCA approved herbicide.	Operation

Category	Net Effect	Environmental Effects Monitoring	Time of Monitoring
Natural Environment	<p>The temporary loss of up to 0.7 ha of unevaluated wetland communities would be minimized and compensated for by minimizing vegetation removal within wetlands to the extent possible, re-vegetating disturbed areas with native wetland species, implementing a Wetland Habitat Restoration and Compensation Plan developed in consultation with LSRCA, and undertaking corrective measures if necessary (e.g., replanting) based on the results of post construction monitoring.</p> <p>The temporary effect on unevaluated wetland communities from construction dewatering would be minimized and compensated for by implementing a Wetland Habitat Restoration and Compensation Plan developed in consultation with LSRCA, and undertaking corrective measures if necessary (e.g., replanting) based on the results of post construction monitoring.</p>	<p>Wetland Vegetation Pre-Construction Inventory: : Catalogue the structure and composition of the existing vegetation (i.e., dominant species, cover and community structure) in the SWD4 1 vegetation community where temporary vegetation removal is proposed for a staging area and determine appropriate restoration methods through an inventory prior to construction.</p>	Pre-Construction
Natural Environment	<p>The temporary loss of up to 0.7 ha of unevaluated wetland communities would be minimized and compensated for by minimizing vegetation removal within wetlands to the extent possible, re-vegetating disturbed areas with native wetland species, implementing a Wetland Habitat Restoration and Compensation Plan developed in consultation with LSRCA, and undertaking corrective measures if necessary (e.g., replanting) based on the</p>	<p>Wetland Vegetation Planting Survivorship Monitoring: Verify the survival of new wetland vegetation plantings and document species composition and vegetation structure, including the presence of invasive wetland species in the restored wetland once per growing seasons for two years following construction or as required by the Wetland Habitat Restoration and Compensation Plan. If unanticipated adverse effects occur as determined</p>	Operation

Category	Net Effect	Environmental Effects Monitoring	Time of Monitoring
	<p>results of post construction monitoring.</p> <p>The temporary effect on unevaluated wetland communities from construction dewatering would be minimized and compensated for by implementing a Wetland Habitat Restoration and Compensation Plan developed in consultation with LSRCA, and undertaking corrective measures if necessary (e.g., replanting) based on the results of post construction monitoring.</p>	<p>through the Wetland Vegetation Planting Survivorship Monitoring, then implement corrective measures including re planting and an extended post construction monitoring period.</p>	
Built Environment	<p>Excessive ground movements in close proximity to transportation corridors (i.e., rail lines and high traffic Regional roads) due to pipe jacking would be reduced through appropriate construction methods.</p>	<p>Ground Settlement Monitoring Program: Ensure ground conditions remain stable underneath transportation corridors during pipe jacking by carrying out the following activities:</p> <ul style="list-style-type: none"> • Pre-construction monitoring to establish baseline ground conditions • Monitoring of ground conditions during pipe jacking activities 	<p>Pre-Construction and Construction</p>
Social Environment	<p>No specific environmental effects monitoring required for the Social Environment based on identified net effects.</p>	<p>No specific environmental effects monitoring required for the Social Environment based on identified net effects.</p>	<p>No specific environmental effects monitoring required for the Social Environment based on identified net effects.</p>
Economic Environment	<p>No specific environmental effects monitoring required for the Social</p>	<p>No specific environmental effects monitoring required for</p>	<p>No specific environmental effects</p>

Category	Net Effect	Environmental Effects Monitoring	Time of Monitoring
	Environment based on identified net effects.	the Social Environment based on identified net effects.	monitoring required for the Social Environment based on identified net effects.
Cultural Environment	No specific environmental effects monitoring required for the Social Environment based on identified net effects.	No specific environmental effects monitoring required for the Social Environment based on identified net effects.	No specific environmental effects monitoring required for the Social Environment based on identified net effects.

3.2 Commitments and Compliance Monitoring

York Region has made a number of commitments, including the mitigation and compensation measures and monitoring requirements listed in **Table 3.1**. **Table 3.2** summarizes the commitments providing the following information:

- Brief commitment description
- Commitment timing (i.e., when the commitment will be implemented)

The commitments have been grouped into one of the following two categories:

- **Environment** (i.e., Natural Environment, Built Environment, Social Environment, etc.)
- **Consultation** (in response to a particular issue raised by a consulted stakeholder)

Table 3.2: Commitments and Compliance Monitoring

Category	ID #	Commitment Description	Commitment Timing
Environment	1	No specific commitments associated with the proposed mitigation measures and monitoring requirements identified for the Natural, Economic and Cultural Environments.	Not required
Built Environment	2	Pre-construction surveys and video records for the 118 existing buildings immediately adjacent to the proposed construction area will be completed.	Pre-construction

Category	ID #	Commitment Description	Commitment Timing
Social Environment	3	A complaint protocol will be developed prior to construction and implemented during construction to respond to potential noise and vibration related complaints from residents.	Pre-construction and Construction
Built Environment	4	Upon completion of construction, any affected areas will be restored to their original condition including re-establishing onsite landscaping (i.e., plants, trees, etc.).	Post-construction
Social Environment	5	The construction area or zone will move along the proposed alignment so that construction activities will not remain in any particular location for an extended period of time	Construction
Built Environment	6	In all cases, the affected roads will be reconstructed to previous or better conditions	Construction and Post-construction
Consultation	7	Affected residents and business owners immediately adjacent to construction will be notified of construction activities (i.e., road/lane closures, municipal service/utility disruptions, driveway access) a minimum of 24 hours prior to construction in their immediate area.	Construction
Consultation	8	A Traffic Management Plan, including temporary detours and maintaining local access to residences and businesses during construction, will be prepared and implemented prior to constructing the new forcemains	Pre-construction, construction
Consultation	9	York Region will contact affected property owners to initiate easement discussions in accordance with their policies	Pre-construction

Section 4.0

Proposed On-going Consultation Plan

York Region is proposing an on-going consultation plan during construction and operation of the proposed YDSS Modifications. In particular, the following activities are proposed:

Review Agencies

- York Region will consult with review agencies through meetings and correspondence on an as-needed basis during design and construction to discuss issues related to their agency's mandate, such as the permits and approvals required prior to construction or operation.
- York Region will consult with local municipalities, as appropriate, to potentially coordinate the construction of local infrastructure projects with the YDSS Modifications.

First Nations

- As outlined in the “Protocol for First Nations Consultation”, York Region will consult with First Nations during design and construction to identify and address specific cultural and heritage interests that First Nations may have and potential impacts to established or asserted Aboriginal or Treaty rights or Claims within the Study Area.

Public

- York Region will inform residents of construction activities. Examples of notification and consultation activities that may be undertaken include:
 - Notifications to residents and businesses in the vicinity of the construction activities informing them of the duration and nature of construction, road or lane closures, and the traffic management plan in their area
 - Project webpage on the York Region website with information about upcoming construction activities a repository of reports, and contact information
 - Topic-specific meetings with community groups, or individual stakeholders on an as-needed basis
 - York Region will continue to consult with property owners to obtain permanent and temporary easements along the routes for the proposed YDSS Modifications forcemains, where required, during design and construction.
-

Section 5.0

Approvals Required for the York Durham Sewage System Modifications

There are a number of municipal, provincial and federal approvals anticipated in order to implement the YDSS Modifications. York Region will obtain all the required permits and approvals prior to implementing the YDSS Modifications.

[Order in Council 399/2018 \(https://www.ontario.ca/orders-in-council/oc-3992018\)](https://www.ontario.ca/orders-in-council/oc-3992018)

Updated: March 21, 2018

Published: March 21, 2018



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Regulation Exception Notice:

EBR Registry Number:

013-2421

Ministry:

Ministry of the Environment
and Climate Change

**Date Exception loaded to
the Registry:**

March 12, 2018

Title:

Declaration order exempting modifications to the York Durham Sewage System
(forcemains and pumping station) from the Environmental Assessment Act

Modifications to the York Durham Sewage System (new forcemains and alterations to pumping station) have been exempted from the requirement to obtain the approval of the Minister under the Environmental Assessment Act before proceeding with the undertaking.

Keyword(s): Environmental Assessment

Related Act(s): Environmental Assessment Act, R.S.O. 1990

No comment period has been provided.

Rationale for Exemption to Public Comment:

The Ministry has used EBR section 30(1) of the EBR to post notice of this Exception as the environmentally significant aspects of the proposal have already been considered in a process of public participation under the EBR or any other Act that was substantially equivalent to the process required under the EBR.

The Ministry is posting this notice as required by section 30(1) of the Environmental Bill of Rights. The Minister has determined that a proposal notice was not required to be posted for the declaration order based on the exception in section 30(1) as the environmentally significant aspects of the proposal have already been considered in a process of public participation under the Environmental Assessment Act (Act) that was substantially equivalent to the process required under the EBR.

The modifications to the York Durham Sewage System, which include construction of two new forcemains and alterations to the pumping station, were exempted from certain requirements in the Act by a declaration order. The forcemain modifications were subject to extensive consultation with the public, government agencies and Indigenous communities as part of the preferred alternative in the Upper York Sewage Solutions Environmental Assessment (environmental assessment). All comments received on the environmental assessment from government review agencies and the public have been considered and appropriately addressed.

Indigenous community consultation also occurred on the environmental assessment. York Region developed a list of potentially-impacted Indigenous communities for the environmental assessment and both York Region and the ministry consulted with interested communities throughout the environmental assessment process. Indigenous communities did not raise any concerns with respect to the proposed construction of two new forcemains and alterations to the pumping station, but did request to be notified if archaeological resources or human remains were identified during construction.

The ministry notified certain communities that it was considering York Region's request to proceed with the proposed modifications to the York Durham Sewage System, including construction of two new forcemains and alterations to the pumping station. Consultation on the environmental assessment continues regarding the proposed Water Reclamation Centre and phosphorus offset program.

Description of Regulation:

Contact:

The Minister has made a declaration order to exempt modifications to the York Durham Sewage System (two new forcemains and alterations to the pumping station) from section 5 of the Act.

The Regional Municipality of York (York Region) identified an urgent need to do maintenance and repairs and create redundancy in its wastewater collection system servicing the Towns of Newmarket and Aurora. This would lower operational risk and protect the environment from spills due to pipe corrosion and sewage bypasses during severe wet weather events.

The modifications to the York Durham Sewage System formed part of the preferred alternative set out in the environmental assessment. The environmental assessment is intended to provide wastewater servicing for forecasted growth in the upper part of the Region to 2031.

York Region's environmental assessment proposed:

- the construction and operation of a Water Reclamation Centre in East Gwillimbury within the Lake Simcoe watershed (40 million litres per day);
- a project-specific phosphorus offsetting program within the Lake Simcoe watershed; and,
- modifications to its existing York Durham Sewage System discharging to Lake Ontario.

The proposed modifications to the York Durham Sewage System include:

- A new five kilometre forcemain from the existing Newmarket Pumping Station to the existing gravity sewer that discharges to the Aurora Pumping Station (new Newmarket forcemain)
- A new forcemain from the existing Bogart Creek Pumping Station to the new Newmarket forcemain (new Bogart Creek forcemain)
- Modifications to the Newmarket Pumping Station and Bogart Creek Pumping Station to connect the new forcemains. (together the forcemain undertaking)

The declaration order is required so that York Region may proceed with the forcemain undertaking while the ministry continues consulting with the Chippewas of Georgina Island First Nation about the Water Reclamation Centre and phosphorus offset program proposed in the environmental assessment.

The Minister of Natural Resources and Forestry was appointed by the Premier of Ontario pursuant to section 16 of the Member's Integrity Act, 1994 to make decisions on all matters pertaining to the environmental assessment under the Act. The Minister, with the approval of Cabinet, made the declaration order, with conditions, on March 7, 2018.

Purpose of Regulation:

Sewage servicing for the Town of Aurora and most of the Town of Newmarket is provided through local sewers connecting to the existing York Durham Sewage System.

The York Durham Sewage System was originally constructed in the 1980s by the province, and ownership was transferred to York Region in 1997. York Region owns and operates the trunk sewer network that receives sewage from local municipal collection systems.

The aging York Durham Sewage System in the Town of Newmarket is approaching its service life and design capacity and is at high risk of overflows

Dorothy Moszynski
Project Officer
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and Climate Change
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135 St Clair Avenue West
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Phone: (416) 314-3352 ☎
Fax: (416) 314-8452 ☎
Toll Free Phone:
(800) 461-6290 ☎

Additional Information:

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

Environmental Assessment
and Permissions Branch
135 St Clair Avenue West
Floor 1
Toronto ON
M4V 1P5
Phone: (416) 314-8001 ☎
Toll Free Phone:
(800) 461-6290 ☎

The documents linked below are provided for information purposes only
All links will open in a new window

1. [Declaration Order](#)
2. [Schedule 1: York Durham Sewage System Modifications \(February 2018\)](#)
3. [Executive summary of Schedule 1: York Durham Sewage System Modifications](#)
4. [York Durham Sewage System Modifications - Declaration Order project page on Ontario.ca](#)

and surcharges in extreme weather, as well as of spills due to corrosion. The Newmarket forcemain is the only forcemain discharging from the Newmarket Sewage Pumping Station, York Region's largest pumping station serving 65,000 residents. Another parallel forcemain is required to be constructed so that the existing forcemain can be taken out of service for critical repairs and maintenance.

The forcemain undertaking would convey wastewater from the Towns of Aurora and Newmarket and would connect to the existing York Durham Sewage System for treatment and discharge to Lake Ontario via the Duffin Creek Water Pollution Control Plant in Pickering.

The forcemain undertaking would allow for repair and maintenance of the existing forcemains and provide additional system reliability during high flow conditions (targeted to be operating by 2021).

Decision on Regulation:

The order was signed March 7, 2018.

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Sunderland emergency well

Learn about the plans and exemptions for Durham Region's emergency well in Brock Township.

Current status

A declaration order for the Sunderland emergency well was granted on April 18, 2018.

[Get details on the declaration order.](#)

Project summary

The Regional Municipality of Durham plans to build, operate and maintain a new emergency well at 32 Jane Street in Sunderland, Ontario. We are exempting the construction of this well from Section 5 of the *Environmental Assessment Act*.

Learn more on the Environmental Registry of Ontario (<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM1MDgy&statusId=MjA1NTYy>).

Proponent

Regional Municipality of Durham (Durham Region)

Location

32 Jane Street, community of Sunderland, Brock Township

Project type

Water treatment

Reference number

17082

Contact

Callee Robinson, Environmental Assessment and Permissions Branch

- Tel: 416-314-0286
- Toll-free: 1-800-461-6290

Project history

Declaration order: granted
Decision date: April 18, 2018

Declaration order

The order for the emergency well includes:

- a new modular treatment system to treat the drinking water
- a new 400 mm watermain connecting the drinking water well to the modular treatment system
- the modular treatment system to an existing 400 mm watermain
- a new gravel access road

Durham Region must build the emergency well in accordance with the conditions in the declaration order.

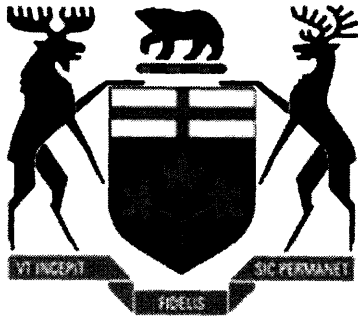
Durham Region must also amend its existing permits for the Sunderland drinking water system.

[Learn more on Order in Council 792/2018 \(https://www.ontario.ca/orders-in-council/oc-7922018\)](https://www.ontario.ca/orders-in-council/oc-7922018).

Updated: May 7, 2018
Published: May 7, 2018



- [Orders in Council \(https://www.ontario.ca/search/orders-in-council\)](https://www.ontario.ca/search/orders-in-council)
- Order in Council 792/2018



Ontario

Order in Council 792/2018

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

Whereas section 3.2 of the Environmental Assessment Act (Act) provides that where the Minister of the Environment and Climate Change 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 and Climate Change 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 and Climate Change, 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.

[Order \(https://www.ontario.ca/page/order-order-council-7922018\)](https://www.ontario.ca/page/order-order-council-7922018)

Ministry of the Environment and Climate Change

Approved and Ordered: April 18, 2018

Published: May 2, 2018



Order - Order in Council 792/2018

Order made under the *Environmental assessment act*

Declaration – Sunderland Emergency Well

Having received a request from the Regional Municipality of Durham (**Durham Region**) that an undertaking, namely:

The construction, operation, and maintenance of an emergency drinking water well at a new municipal well site located at 32 Jane Street, Township of Brock; a new modular treatment system to treat the drinking water; a new gravel access road; and a new 400 millimeter (mm) watermain connecting the drinking water well to the modular treatment system, and the modular treatment system to an existing 400 mm watermain (together the **emergency well**)

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

Having been advised by Durham Region 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. The Sunderland Drinking Water System in the Township of Brock is solely relying on one drinking water well after the second drinking water well was taken out of service in May 2017. There is not a backup in the event of a well failure. Durham Region is proposing to install an emergency well at a different location to ensure a reliable and potable drinking water supply to the Sunderland community within the Township of Brock, until a permanent solution can be implemented.
- B. The first drinking water well is located immediately adjacent to the second drinking water well and may be susceptible to the same impacts that resulted in the well being taken out of service.
- C. Requiring the emergency well to meet the requirements of the Act will delay the construction and operation of the emergency well, posing a risk of loss of drinking water service to approximately 1,425 residents.
- D. If a declaration order is not granted, and the first well fails, the community of Sunderland would be without a potable water supply for an extended period. Durham Region has indicated that it would be required to restrict water use, and that a boil water advisory would likely be in effect until such time that a new municipal well is commissioned.

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 of the emergency well is necessary to provide the community of Sunderland with a reliable and potable drinking water service.
- B. The emergency well can be constructed before a well failure occurs, preventing the loss of drinking water services to the community of Sunderland.
- C. Under the Act, the establishment of a new well on a new well site is subject to the Schedule B procedures of the Municipal Engineers Association's Municipal Class Environmental Assessment, which would take up to a year to complete. The emergency well could be constructed and operated within three months as a result of this order.
- D. A long-term solution for the Sunderland Drinking Water System will be investigated by Durham Region through the procedures of the Municipal Engineers Association's Municipal Class Environmental Assessment.
- E. The conditions set out below will ensure that the undertaking is implemented in an appropriate manner and that the environment will be protected during the construction, operation, and maintenance of the emergency well.
- F. Durham Region has consulted with the ministry, local conservation authority, and adjacent land owners, and will provide notice to any affected members of the public and affected local municipalities.
- G. Other subsequent permits and approvals must be obtained before construction of the undertaking can commence and will contribute to the protection of the environment.

This declaration order (**order**) is subject to the following terms and conditions:

1. General

1. For the purposes of this order:

“**Director**” means the Director of Environmental Assessment and Permissions Branch, Ministry of the Environment and Climate Change.

“**Emergency Well**” means the temporary drinking water well to be constructed, operated and maintained at 32 Jane Street in the Township of Brock.

2. Durham Region shall implement the emergency well undertaking in accordance with the conditions set out in this order.
3. All other subsequent permits and approvals must be obtained before the construction of the emergency well undertaking can commence.
4. Durham Region shall report to the Director how all conditions have been addressed.
5. The rated capacity of the Sunderland Drinking Water System shall not be increased as a result of this order. Should Durham Region require an increase in the rated capacity of the Sunderland Drinking Water System, Durham Region shall undertake any applicable environmental assessment process for the proposed increase.

2. Class Environmental Assessment

1. Durham Region shall initiate a class environmental assessment under the Schedule B procedures of the Municipal Engineers Association's Municipal Class Environmental Assessment for the long-term drinking water supply for the Sunderland Drinking Water System within three months of this order being made or such other date as agreed to in writing by the Director.
2. Durham Region shall publish the Notice of Completion for the Sunderland Drinking Water System class environmental assessment by December 31, 2020 or such other date as agreed to in writing by the Director.

3. Notification

1. Prior to construction, Durham Region shall provide notice to any affected local members of the public, and affected local municipalities.
4. Submission of Documents
 1. Durham Region shall clearly identify on every document submitted to the ministry the condition under which the document is being submitted.
 2. The documents required by conditions 5 and 6 in this order shall be posted on Durham Region's website for the public record.
5. Mitigation Plan
 1. Durham Region shall prepare and implement a Mitigation Plan for the construction, operation, and maintenance of the emergency well. The plan will include commitments by Durham Region to mitigate impacts related to: noise, construction traffic, mudtracking, operating hours, construction duration, greenhouse gas emissions from idling equipment, erosion, sedimentation, dewatering, stormwater management, and other identified impacts.
 2. Durham Region shall submit the Mitigation Plan to the Director prior to the start of construction of the emergency well undertaking.
 3. The Director may require Durham Region to amend the Mitigation Plan at any time. Should an amendment be required, the Director will notify Durham Region in writing of the required amendment and date by which the amendment must be completed and implemented.
6. Complaints Protocol
 1. Durham Region shall prepare and implement a Complaints Protocol that sets out how it will address and respond to complaints from construction regarding the emergency well undertaking.
 2. Durham Region shall submit the Complaints Protocol to the Director prior to the start of construction of the emergency well undertaking or such other date as agreed to in writing by the Director.
 3. The Director may require Durham Region to amend the Complaints Protocol at any time. Should an amendment be required, the Director will notify Durham Region in writing of the required amendment and date by which the amendment must be completed and implemented.
7. Archaeological Assessment
 1. Durham Region shall meet the requirements under the Heritage Act, including the preparation of any archaeological assessments, prior to construction.
8. Source Protection
 1. Durham Region shall identify the preliminary wellhead protection area mapping and scoring for the emergency well in accordance with the Technical Rules established under the Clean Water Act, 2006, and shall submit this information to the Lake Simcoe Region Source Protection Authority within six months of this order being made or by such date as agreed to in writing by the Director of the Source Protection Programs Branch. The information will be included in a future amendment of the local source protection plan. Durham Region shall work with the Lake Simcoe Source Protection Authority to ensure the plan is amended in a timely manner.
9. Water Conservation
 1. Durham Region shall immediately implement water conservation measures to achieve efficient use of water resources in the Sunderland Drinking Water System.

Dated the 10 day of April 2018 at Toronto.

[Original Signed by]
Chris Ballard
Minister of the Environment and Climate Change

Approved by O.C. No _____ / _____
Date O.C. Approved: _____

Environmental Assessment and Permissions Branch Contact: Callee Robinson
Telephone No 416-314-0286

EA File No: 17082

Order in Council 792/2018 (<https://www.ontario.ca/orders-in-council/oc-7922018>)

Updated: May 2, 2018

Published: May 2, 2018



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Regulation Exception Notice:

Title:

Declaration Order for the Sunderland Emergency Well

EBR Registry Number:

013-2748

Ministry:

Ministry of the Environment
and Climate Change

**Date Exception loaded to
the Registry:**

May 07, 2018

We have made a declaration order exemption for the Sunderland emergency well from the requirements of the Environmental Assessment Act.

Keyword(s): Environmental Assessment

Related Act(s): Environmental Assessment Act, R.S.O. 1990

No comment period has been provided.

Rationale for Exemption to Public Comment:

The Ministry has used section 29(1) of the EBR to post notice of this Exception as the delay in giving notice to the public and allowing for public participation would result in, (a) danger to the health or safety of any person; (b) harm or serious risk of harm to the environment; or; (c) injury or damage or serious risk of injury or damage to any property.

Section 29 of the Environmental Bill of Rights (Act), 1993 exempts a proposal from posting where, in the Minister's or delegate's opinion the delay involved in giving notice to the public, in allowing time for public response to the notice or in considering the response to the notice would result in danger to the health and safety of any person; harm or serious risk to the environment; or injury or damage or serious risk of injury or damage to any property.

Any further delays to the establishment of the emergency well could result in a loss of drinking water service to the community of Sunderland. As the community is relying on a single well, the drinking water system is considered at risk. The establishment of the emergency well is in the best interest of the public, as it will minimize the risk to the drinking water service to the community.

Based on the emergency nature of the request from the Regional Municipality of Durham Region (Durham Region), the Minister, or delegate, decided that the exception in section 29 of the Environmental Bill of Rights applies and that posting of a proposal notice on the Environmental Registry is not required.

Durham Region consulted with ministry and the local conservation authority about the proposal. Durham Region also notified local residents of the drill testing at the new municipal emergency well site and no concerns were raised.

This posting is a decision posting for the granting the declaration order. The declaration order posting is available on the ministry's public environmental assessment website. The ministry will provide direct notification to the relevant government agencies identified, and Indigenous communities to provide notice that the decision has been made about the undertaking.

The ministry is satisfied that any effects associated with the undertaking are predictable and mitigatable and have been or can be considered and addressed through the declaration order or by subsequent permits and approvals.

Description of Regulation:

Contact:

A declaration order was made to exempt Durham Region from the requirements of the Environmental Assessment Act for the construction, operation and maintenance of an emergency well at a new municipal site (undertaking).

The undertaking involves:

- the construction, operation, and maintenance of an emergency drinking water well at a new municipal well site located at 32 Jane Street, Township of Brock;
- a new modular treatment system to treat the drinking water;
- a new gravel access road;
- a new 400 millimeter (mm) watermain connecting the drinking water well to the modular treatment system; and,
- the modular treatment system to an existing 400 mm watermain.

The new emergency well site is located on a site owned by the proponent and is already developed with existing water infrastructure. The rated capacity of the drinking water system will not be increasing.

Durham Region required this exemption as their second drinking water well (back-up) was taken out of service in May 2017. With the second back-up well taken out of service, the Sunderland Drinking Water System will not be able to provide potable drinking water service to the community if the primary well fails.

Purpose of Regulation:

The Sunderland Drinking Water System in the Township of Brock included two municipal wells that service approximately 1,425 residents. Both wells are located at a single municipal well site at S1270 Concession 6, and are operated under existing Drinking Water Works Permits and a drinking water licence.

In May 2017, routine maintenance being done on the second well, unexpectedly caused long-term water quality deterioration to the point where the existing disinfection process cannot be used to treat the water. Rehabilitation work was undertaken to resolve the issue but was unsuccessful. The existing wells, which are located in close proximity to each other, have the same groundwater conditions. As such, there is concern that any further work on the second well may likely impact the quality of the water in the first well.

Ministry guidelines recommend that drinking water systems be designed to adequately supply the rated capacity with the largest unit out of service. With the second well being taken out of service, the Sunderland Drinking Water System cannot produce enough drinking water to meet the system's rated capacity.

It is for this reason Durham Region elected to pursue the development of an emergency well, at a new municipal site, as an interim measure until they can investigate a long-term solution to resolve the drinking water supply concerns. Durham Region will commence a Municipal Class Environmental Assessment for the long term solution as soon as possible.

Emergency provisions in the Municipal Class Environmental Assessment only apply to the replacement of existing facilities. Repairing the second well may impact the integrity of the remaining functioning well. As such a new emergency location is required to provide drinking water to service the community of Sunderland.

By granting the declaration order, the undertaking is exempt from the requirements of the Act and therefore, Durham Region can now proceed with the implementation of the emergency well, and secure the necessary permits and other approvals required to construct and operate the well. Durham Region

Callee Robinson
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(800) 461-6290 ☎

Additional Information:

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

Environmental Assessment
and Permissions Branch
135 St Clair Avenue West
Floor 1
Toronto ON
M4V 1P5
Phone: (416) 314-8001 ☎
Toll Free Phone:
(800) 461-6290 ☎

The documents linked below are provided for information purposes only
All links will open in a new window

1. Sunderland Emergency Well Declaration Order

estimates that it will take approximately three months to design and construct the undertaking following this decision.

Decision on Regulation:

The Minister, with the approval of Cabinet, made the declaration order, with conditions, on April 18, 2018.

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