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# **A Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects**

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*MNR's DRAFT  
PROPOSAL TO REQUEST AMENDMENTS  
September, 2013*



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## Preface

The Ontario Ministry of Natural Resources (MNR) revised the *Class Environmental Assessment for Small Scale MNR Projects* (1992) by including the ten projects it covered, as well as including projects covered by several of the EAA exemption or declaration orders that the ministry works under. All of these projects can be characterized as resource stewardship or facility development projects. The *Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects* (Class EA) has been prepared based on consultation with government agencies, non-government organizations, and the general public.

The Class EA describes a process whereby MNR projects can be planned and carried out (e.g. designed, constructed, operated, maintained, rehabilitated, retired, decommissioned, or divested) without the need for project-specific approval under the *Environmental Assessment Act* (EAA) (e.g. individual EA or declaration order). It reflects the current service delivery by the ministry, which provides greater opportunities for partners to be involved in resource stewardship and facility development projects.

The process to develop the Class EA comprised three main stages:

- **Phase I** was completed with public consultation and the Minister of the Environment's approval of the Terms of Reference on September 22, 1999;
- **Phase II** consisted of the release and review of a Draft Class EA. Public response to the draft document was an important guide for the MNR in preparing a Class EA document for submission to MOE by September 1, 2001; and
- **Phase III** involved a government and public review of the Class EA submitted to and conducted by the Ministry of the Environment.

The Class EA was approved by the Minister of Environment on November 12, 2002 by Order in Council (2211/2002) and came into force on March 31, 2003. An amendment was developed in 2012 with opportunities for public engagement provided in 2013. The amendment to the Class EA was approved on [date TBD].

Copies of the document are available on the [MNR website](#).

For more information about this Class EA, please contact: Manager, Economics, Research and Environmental Planning Section, Strategic Policy and Economics Branch, Policy Division, telephone (705) 755-5870.

## 1.0 Introduction

The purpose of the *Environmental Assessment Act* (EAA) is "...the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation, and wise management in Ontario of the environment". The Ministry of Natural Resources (MNR) complies with the Act by:

- adhering to the conditions of exemption or declaration orders (Orders); or
- following the requirements of a Class EA; or
- preparing an Individual EA for specific projects.

Part II of the EAA sets out requirements for the approval of a "class" environmental assessment (Class EA). An approved Class EA permits a group of projects (undertakings) in the defined class to proceed in accordance with the approved Class EA without having to fulfill the full requirements of an individual EA under Part II of the EAA for each project.

This "Class EA for MNR Resource Stewardship and Facility Development Projects" sets out requirements for certain MNR undertakings, hereafter referred to as "projects". The Class EA revises the "Class Environmental Assessment for Small Scale MNR Projects" (1992) by updating the requirements applicable to the ten projects covered by that document, and also incorporating the projects covered by several Orders. It was amended in 2013 [TBD].

### 1.1 Purpose of the Class EA

The purpose of the Class EA is to provide efficient and effective project screening and evaluation, and consultation processes that are appropriately matched to projects within the class to ensure that MNR and its partners take into account the potential environmental effects of proposed projects within the class before a project is implemented.

### 1.2 Reasons for Using a Class EA

A class environmental assessment is an efficient and effective approach that is applied to a group or "class" of projects that have common attributes, qualities, or characteristics (see sub-sections 1(2), (3), and (4) of the EAA). It can provide the flexibility to assess projects according to scale, potential environmental effects, and/or level of public concern.

The projects to be covered by this Class EA are all related to the resource stewardship and facility development responsibilities of MNR and form a class for the purposes of the EAA.

Prior to approval of this Class EA, projects that fall within the class were covered either by the 'Class EA for Small Scale MNR Projects', or an (exemption or declaration) Order. This document replaces both the Small Scale Class EA and applicable Orders with a uniform and comprehensive process described in a single document that applies to all projects that fall within the defined class. It is intended to provide a common understanding among MNR staff, the public, government agencies, and stakeholders of the requirements to be met for each type of project.

The Class EA approach affords considerable efficiencies to the proponent, partners, agencies, and the public by grouping projects with similar characteristics, and by following a pre-approved, predictable process. The Class EA establishes criteria for screening projects to determine an appropriate category for each project, and an evaluation and consultation process to be applied to each project as appropriate. The process that is implemented through approval of the Class EA ensures that the intent of the EAA is met by providing for the identification of issues and concerns and the preferred means of addressing them; with regard to environmental management, protection, minimizing effects, and adopting appropriate mitigation measures.

### 1.3 Structure of the Class EA

This Class EA document is organized as follows (refer to Fig. 1):

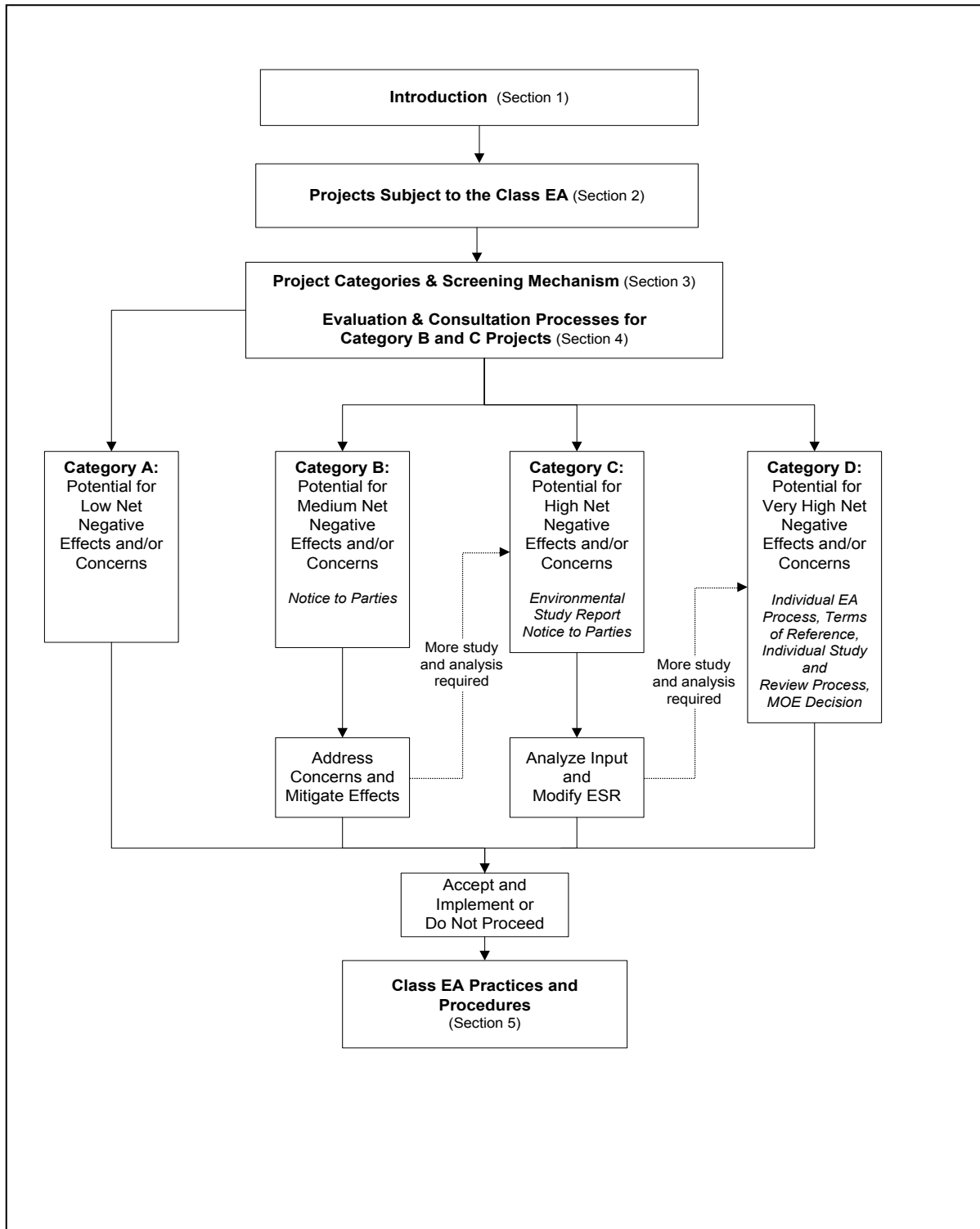
- **Section 1** introduces the Class EA in terms of its purpose and rationale.
- **Section 2** describes the projects that this Class EA applies to, where it applies, and how it relates to other EAA processes.
- **Section 3** outlines four project categories, ranging from approval to proceed without further evaluation or consultation (Category A) to individual environmental assessment (Category D). This section explains how each project will be assigned to one of the four categories through a screening process, based on the potential for net negative environmental effects.
- **Section 4** describes the planning processes to be followed for Category B and C projects, and the monitoring of those projects.
- **Section 5** describes requirements for monitoring and maintaining the Class EA, including procedures related to amendments; duration, review, and renewal; and transition provisions; and Part II Orders.
- **Schedule A** lists the Category A projects that can proceed to implementation.
- **Appendix 1** provides acronyms and a glossary.

Also included for information purposes only are the following additional appendices:

- **Appendix 2** provides a list of some of the guidelines and manuals available to assist in implementing some of the projects covered by this Class EA.
- **Appendix 3** provides an overview of various methods of public, agency, stakeholder, and Aboriginal notification and consultation, as well as a list of various groups and agencies that can be contacted.
- **Appendix 4** provides an overview of federal and provincial legislative requirements, some of which have application to MNR projects.
- **Appendix 5** provides examples of public notices and letters to facilitate public input to MNR project proposals.
- **Appendix 6** provides generic examples of typical environmental effects associated with undertakings included in the class and standard mitigation measures.
- **Appendix 7** provides the Notice of Approval, conditions, [and amendment approval – TBD].



Figure 1: Structure of the Class EA for Resource Stewardship and Facility Development Projects



## 2.0 Projects Subject to the Class EA

### 2.1 The Class of Undertakings

This Class EA is intended to provide EAA coverage for resource stewardship and facility development projects, including their planning, design, construction, operation, maintenance, rehabilitation, and retirement or decommissioning, as conducted by MNR or MNR in co-operation with its partners.

The following types of projects formerly subject to the Class EA for Small Scale MNR Projects (1992), will be subject to this Class EA:

Access Points and Docks	Shoreline and Stream Bank Stabilization
Access Roads	Water Related Excavation, Dredge and Fill Activities
Dams and Dykes	Ponds
Fish Stocking	Solid Waste Disposal
Fishways	Canoe Routes

The following types of projects formerly subject to exemption or declaration orders (Orders) are also included in this Class EA:

Plugging Old Oil and Gas Wells	(MNR- 9)
Sewage Systems and Water Works	(MNR-13)
Nuisance Species Control	(MNR-14)
Ontario Ranger Camps	(MNR-22)
Disposition of Rights to Crown Resources	(MNR-26/7)
Acquisition of Property	(MNR-28/2)
Capital Construction and Lease Purchase Projects	(MNR-29/2)
Fish Culture Stations	(MNR-54/1)
Crown Land Cottage Lot Dispositions	(MNR-56/3)

This Class EA applies to all MNR resource stewardship and facility development projects, including all such projects on Crown land, with the exception of the following projects, which are covered by another approval under the EAA: fighting forest fires, forest management, wildlife management, the rabies control program, and provincial park and conservation reserve planning and management activities. For example: EAA coverage for fighting forest fires is provided by Order MNR-1; The Class EA for Timber Management on Crown Lands in Ontario, Declaration Order MNR-74 and Exemption Order MNR-41 direct forest management activities in Ontario; and EAA coverage for wildlife management activities and the rabies control program is provided by Order MNR-42 and 62 respectively.

### 2.2 Resource Stewardship and Facility Development Projects

There are many types of projects, some of which occur in only one or a few locations, while others are more widespread across the province.

Facility development generally involves providing infrastructure, improvements or other works that are built, installed, or established, often to support resource stewardship. This generally includes planning, design, construction, operation, maintenance, rehabilitation, but can also involve retirement or decommissioning of facilities, for such purposes as supporting resource stewardship projects (e.g., fishway, access point).

Resource stewardship generally involves supervision or management of a public resource. This involves a wide range of projects that can involve planning, design, operation, maintenance, disposition, rehabilitation, and retirement or decommissioning. In some cases, this could involve active management projects by MNR and/or its partners (e.g. enhancing fisheries habitat through placement of rock rubble to

improve a spawning shoal). In other cases, more passive or less intrusive projects are adopted to suit the resource needs (e.g. disposition of a dam to a municipality or conservation authority).

Resource stewardship includes disposing of certain or all rights to a Crown resource. MNR may grant dispositions under several statutes; e.g., the *Public Lands Act*, the *Fish and Wildlife Conservation Act, 1997*, and the *Endangered Species Act, 2007*. Dispositions are generally granted to MNR partners to further MNR's mandate or to others who are pursuing private or public projects on Crown land.

Examples of these types of projects, as carried out by or on behalf of MNR, are described in more detail below.

## **2.2.1 Access**

### **2.2.1.1 Access Points**

Access points are proposed where there is a substantiated need for access to a previously inaccessible or poorly accessed area and an access point is a possible solution. In other instances, an access point may be proposed when an existing access point is overused and expansion or duplication of the facility is considered necessary.

The development of access point projects often includes the provision of a short stretch of road to allow public access from a thoroughfare to a small public area (usually) on a lake or river. Supporting facilities may be provided such as boat launch/ramps, docks, beaches, picnic areas, privies, parking lots and turn-arounds, campsites, and other related facilities (e.g. picnic tables, garbage containers). Access points may also be starting points or centres of recreational use for activities such as trail use for hiking, hunting, and scenic or wildlife viewing, or other activities which may not necessarily involve access to water, and for canoeing, swimming, and fishing.

### **2.2.1.2 Access Roads, Trails, Water Crossings**

Access roads are infrastructure features built for a range of purposes such as providing access to MNR facilities (e.g. dams, docks, campsites). Roads may be temporary or permanent. Access road undertakings can include the construction or repair of a water crossing (e.g., bridge or culvert). This project type also includes the construction of similar infrastructure such as trails, which could include the provision of parking lots, and often involves the construction of water crossings.

## **2.2.2 Dams, Dykes and Other Water Control Structures**

Dams, dykes and other water control structures are frequently built in association with other projects (e.g. creation of wetland habitat), and are operated to meet a variety of objectives pertaining to water management, flood and erosion control, fish and wildlife habitat improvement, and MNR service functions. In most cases, a dam, dyke or other water control structure is built to achieve more than one of these purposes. For example, a single project may:

- prevent downstream flooding and erosion;
- maintain or create recreational opportunities in headwater areas; and/or
- maintain or improve fish and wildlife habitat both upstream and downstream.

These projects include the repair, or decommissioning of existing facilities.

## **2.2.3 Fisheries Population and Habitat Management**

Fish population and habitat management encompasses a variety of projects that strive for the long-term sustainability of aquatic resources. Projects include: fish stocking; habitat protection, rehabilitation, enhancement and restoration; habitat and population recovery initiatives; and other management support projects such as the construction of fishways and fish culture stations.

### **2.2.3.1 Fish Stocking**

Fish stocking is a management tool that is used in response to a fisheries management problem such as loss of fish stocks from habitat degradation or overexploitation. Stocking is often carried out over several years, can be recurring, involve the capture and rearing of fish from eggs to fry to juvenile to adult, and often in conjunction with other management actions such as habitat rehabilitation or implementation of harvest control measures. Stocking can also provide additional opportunities in areas of high angling pressure. In general fish stocking is undertaken to achieve one of two broad objectives associated with fish stocking:

- 1) To establish or re-establish natural reproducing populations, or
- 2) To provide fish culture station-dependent fisheries.

Fish stocking, under these objectives, may be undertaken for a variety of reasons, such as to:

- establish a self-sustaining population that will provide a long-term fishery;
- restore degraded or extirpated fish stocks that will become naturally reproducing and provide a sustainable fishery;
- provide fish culture station-dependant fishing opportunities by stocking catchable-sized fish or smaller fish that are intended to grow to a catchable size;
- supplement naturally reproducing fish populations that are limited by habitat conditions;
- increase our knowledge to manage fish stocks; and/or
- preserve a native fish stock until rehabilitation is possible.

The Class EA does not apply to stocking exotic fish species (i.e., species not present in the waters of Ontario).

### **2.2.3.2 Fish Habitat Enhancement, Rehabilitation, and Restoration**

Fish habitat enhancement, rehabilitation, and restoration are important fisheries management projects used to strive for the long-term sustainability of fish populations by improving the survival and reproduction of fish.

Enhancement of fish habitat is intended to improve existing aquatic habitat features. Rehabilitation is intended to improve the condition or working order of an aquatic resource (not full restoration). Restoration is for the purpose of returning a degraded aquatic ecosystem back (or close) to its original pre-disturbed condition.

Fish habitat projects are usually undertaken as part of MNR's fish habitat management activities as well as through partnerships with other groups or agencies such as conservation authorities, federal agencies, and local resource stewardship groups. Projects are undertaken when a component of fish habitat is perceived to limit fish abundance or growth. Enhancements to spawning, feeding, and nursery habitat by adding rock, gravel, logs, planting aquatic vegetation, planting streamside vegetation and restoring natural channel characteristics are examples of methods that may be used to enhance, rehabilitate and restore fish habitat.

### **2.2.3.3 Fishways**

Fishways are artificial structures designed to facilitate the upstream and downstream migration of fish past natural or human made obstructions. By providing fish access to spawning grounds and other types of habitat, the sustainability of fish populations and enhancing angling opportunities can be achieved.

Fishways may take the form of fish ladders, fish locks, fish elevators, culverts, diversion channels, or small weirs. The development of fishways may also involve the erecting of ancillary buildings, and interpretative and recreation facilities (e.g. equipment storage, staff office, picnic sites).

### **2.2.3.4 Fish Culture Stations and Sub-stations**

MNR operates a number of fish culture stations which produce fish for stocking into Ontario waters. These fish are stocked into the Great Lakes and inland waters for primary stocking purposes, namely establishing/re-establishing naturally reproducing populations (e.g., introduction/rehabilitation of fish stocks) and for the provision of fish culture station-dependent fisheries (e.g., artificial recreational angling opportunities).

MNR fish culture stations and sub-stations support provincial fisheries management and research programs of MNR by:

- providing a requirements-driven fish production program;
- managing the genetics of the wild stocks used for fish culture purposes;
- monitoring fish health of wild and captive stocks;
- providing training and technology transfer to staff and partners; and
- managing and developing MNR fish culture station water resources and capital plant.

Fish culture stations and sub-stations include such projects as: extensions to existing buildings; visitor centres; rearing facilities; new building construction for aeration towers, brood-stock facilities, administration offices, egg collection facilities; new tank installations, construction of effluent treatment facilities; and the provision of additional or improved water supplies.

### **2.2.4 Shoreline Stabilization**

Shoreline stabilization projects are completed for purposes such as preventing property damage, and rehabilitating habitat. This is often accomplished through the construction of stabilization structures (e.g., retaining walls, gabion baskets), or through non-structural (e.g., boulders), or bioengineering methods (e.g., vegetation). For example, the MNR may initiate such projects when a key resource (e.g., fish spawning shoal) or facility (e.g., dam) is threatened by erosion or sedimentation. Often the impetus for a project is based upon a request or proposal from the public, municipalities, or other agencies.

### **2.2.5 Water-related Excavation Dredge and Fill**

Water-related excavation, dredge and fill projects cover those actions whereby sediments and other materials are physically removed from, or added to, the bottom areas of waterbodies for purposes such as increasing depth, volume and/or width of waterbodies; placing fill material; and depositing dredged material. In the case of excavation and dredging these actions also include the transportation and disposal of removed materials.

Projects are usually carried out in association with other undertakings and carried out to meet a variety of objectives pertaining to recreation, water management, wildlife and fisheries management, and public service functions (e.g., create a new spawning shoal, improve an access point, deepen a boating channel). The MNR is usually involved in these activities in a very limited manner. The kinds of operations normally associated with dredging, such as major independent engineering and construction projects, are generally not undertaken by MNR. Large-scale projects, such as harbour and marina development and the maintenance of navigation channels, are usually carried out by the private sector and are subject to the jurisdiction of the Federal Government.

### **2.2.6 Ponds**

Ponds are artificially constructed impoundments or basins designed to regulate, forward, retain, store and exclude or divert water with or without discharge capacity. The source of water can be from ground water, surface runoff, and small permanent or intermittent streams.

In general, ponds are constructed for purposes such as recreation oriented water management, flood and erosion control, fish and wildlife management, and ministry services. Ponds constructed for ministry services provide water storage, retention, or detention for consumptive use (e.g., irrigation of tree

nurseries, forest fire protection); reducing downstream flow; recreation management; flood and erosion control; or for fish and wildlife resource production (e.g., a constant flow for fish hatcheries and rearing facilities, waterfowl production).

The majority of ponds (constructed by MNR) are excavated or embankment type ponds fed by ground water or surface runoff. Embankment ponds are formed by constructing control structures across a natural depression or small valley in such a manner as to trap surface runoff. Typically, very few ponds are constructed by MNR and, in most cases, are usually less than ½ hectares in size. Ponds may be subject to the regulatory requirements of the *Ontario Water Resources Act (OWRA)* (e.g. Section 34 - permits to take water).

### **2.2.7 Waste Disposal**

In many areas of Ontario, the MNR manages removing, treating, or disposing of hazardous and non-hazardous waste generated from sources such as recreational and residential properties, temporary work camps, Crown land recreation activities, and commercial, institutional, and industrial uses. Often this service is provided in partnership with local municipalities.

The purpose of MNR's waste disposal service is to dispose of hazardous and non-hazardous waste in a satisfactory manner to eliminate any health hazard and minimize any contamination of the air, land or water. In this regard, MNR complies with all applicable laws, including the Ontario *Environmental Protection Act*.

### **2.2.8 Canoe Routes**

Canoe route development and maintenance projects include the provision of access points and portages, and supporting facilities such as campsites, and garbage and sewage disposal (e.g. privies along canoe routes); on Crown land outside of provincial parks and conservation reserves. Canoe routes, including camping areas and portages, are normally those identified by traditional use, but could also involve the development of new routes. Projects may also consist of changes in campsite locations and portage alignments, and general upgrading of routes according to the design and operational standards of MNR.

### **2.2.9 Plugging Oil and Gas Wells**

Plugging oil and gas wells is undertaken by the MNR as an environmental protection measure to prevent pollution, and reduce or eliminate threats to public safety and/or the environment, under authority of the *Oil, Gas, and Salt Resources Act*.

### **2.2.10 Sewage Systems and Water Works**

Sewage system and water works projects are undertaken in association with projects for other MNR facilities (e.g. fish culture stations) and are subject to the regulatory requirements of the *Ontario Water Resources Act*, the *Public Health Act*, and the *Building Code Act* and the *Ontario Building Code*, and the *Canadian Environmental Protection Act* (where applicable).

As these projects are subject to the provisions of this Class EA, the potential effects of sewage systems and water works projects will be assessed within the context of the constituent project(s) and the applicable legislative requirements.

### **2.2.11 Control of Species Causing Conflicts with Humans or Natural Environments**

These projects involve the use of physical, chemical, and biological methods to control problem species or invasive species (fish, wildlife, insects, plants or disease) when MNR considers that they pose an ecological, physical, social, cultural, or economic threat to the environment.

Physical control methods typically include habitat alteration by fire (e.g., controlled burns for weed removal); mechanical means (e.g., hand-pulling of purple loosestrife, installing selective barriers to

prohibit access to sensitive wetlands by common carp, using bottom barriers to prohibit the growth of invasive aquatic plants); physical removal (e.g. removal of nuisance bear, deer or elk) or trapping (e.g., removing beaver causing road flooding).

Biological control methods typically include the use of parasites, predators and pathogens (e.g., introduction of leaf beetles to control purple loosestrife). Chemical control methods include the use of herbicides (e.g., spraying to control poison ivy or aquatic vegetation), insecticides (e.g. spraying to control mosquitoes and ticks), and other chemicals (e.g. control of zebra mussels). Application of pesticides may be subject to the regulatory requirements of the *Pesticides Act*.

Projects of this nature are generally relatively minor in terms of frequency, significance, and extent of application, and are not expected to result in significant adverse environmental effect. Projects are often undertaken in response to urgent situations when, if no action is taken, human health and safety could be threatened or there is the chance of injury or damage to property, human health, or the environment.

### **2.2.12 Ontario Ranger Camps**

These projects involve constructing, operating, implementing, and retiring or decommissioning of camps to accommodate Ontario Rangers and support staff (e.g., accommodation, meeting, dining, and recreation facilities).

### **2.2.13 Disposition of Rights to Crown Resources**

This undertaking is the disposition by MNR or delegates of certain or all rights to Crown resources such as the right to occupy Crown land or to possess wildlife for private use through such means as permits, land sales, licences, approvals, permissions, or authorizations. MNR may dispose of certain or all rights to a Crown resource in accordance with the applicable legislative and policy framework (e.g. under the *Public Lands Act* or the *Endangered Species Act, 2007*). Dispositions may be in response to an application request by another government agency; a private group, individual, or business; or it may be initiated by MNR. Examples include the granting of:

- a disposition under a lease for a new marina water lot; or
- a disposition under a land use permit for an access road on Crown land to access a proposed mine.

### **2.2.14 Acquisition of Property**

The MNR acquires and holds title to and/or interests in property for a broad range of MNR program purposes. The manner and type of acquisition is generally determined through an initial planning process in order to meet the needs of the program interests for which it is being acquired.

### **2.2.15 Capital Construction and Lease Purchase Projects**

This includes, often through Infrastructure Ontario, construction and contracting for capital construction and lease purchase projects as part of the infrastructure to support MNR resource stewardship and facility development projects.

### **2.2.16 Prescribed Burning**

Prescribed burning is the deliberate, planned and knowledgeable application of fire by authorized personnel in accordance with MNR policy and guidelines on a specific land area to accomplish pre-determined objectives. Prescribed burns are carefully planned and set on the landscape to meet specific resource management, hazard reduction, ecological, habitat restoration or silvicultural objectives.

### 2.2.17 Managed Fire

Managed fire is a wildfire that is managed in accordance with MNR policy using a combination of approved response options to meet fire or resource management objectives, such that costs and/or damage are minimized, and/or benefits from the fire are maximized.

## 2.3 Similarities and Differences among the Projects

Projects under this Class EA are intended to help pursue MNR's strategic direction and to achieve the more specific objectives of MNR programs. Generally, these projects are characterized by environmental effects that are reasonably well understood, recurring in nature, and generally have minimal and/or localized short-term effects on common environmental factors. Often a proposal may involve several components (e.g., access road to an access point and shoreline stabilization work).

While some class EAs deal with a narrow range of related projects (e.g., road projects, sewage and water projects, etc.), this Class EA deals with a wide variety of projects, all of which are related to MNR's mandate for resource stewardship and facility development. These often do not specifically relate directly to one another (e.g., access points and nuisance species control).

## 2.4 The Environment Affected and the Expected Range of Effects

The EAA defines "environment" to include not only the natural environment, but also social, economic, and cultural conditions, human-made works, and the relationships among all of these. Although a wide range of environmental components may be affected by the undertakings covered by this Class EA (see Section 3.2), the majority of the potential environmental effects resulting from an undertaking are local and short-term, lasting only for the duration of the construction and implementation period. In this Class EA both positive and negative effects are considered, as well as the effect of mitigation measures.

Research (e.g., inventories and studies) can be undertaken in support of project planning in order to understand factors such as:

- the location and significance of resource values (e.g., cultural heritage sites);
- risks to the natural environment associated with implementing a project;
- economic effects of planning options and decisions; and
- social effects (e.g., recreation, tourism) related to concerns of the public.

This research (e.g., creel census, spawning habitat inventory, and archaeological assessment technical studies) assists in identifying areas suitable for resource stewardship or facility development projects. This helps to ensure that projects are planned and located in a manner that will minimize negative effects before the requirements of this Class EA come into play. In cases where significant effects are not anticipated, reconnaissance inventories or less detailed studies may be undertaken, or best available information may be considered suitable for decision-making purposes.

Some of the typical environmental considerations that arise in planning for resource stewardship or facility development projects can include such factors as species at risk, areas of natural and scientific interest, important public or private recreation features, noise, cultural heritage sites, public health and safety, resource-based tourism interests, and traditional Aboriginal activities, including activities pursuant to the exercise of an Aboriginal or treaty right. Table 3.1 provides a more complete list of environmental considerations. Potential environmental effects may vary widely, due to the nature and variety of projects covered by this Class EA. More detail on the range of effects that can be anticipated is provided in the discussion of screening criteria in Section 3.



## 2.5 The Proponent

MNR, as the proponent, will only proceed with projects subject to this Class EA in accordance with the requirements of this Class EA, including the requirements of this Class EA as they relate to proposals by partners and disposition applicants.

### 2.5.1 Partnerships

Many projects undertaken by MNR are carried out through partnerships. For example, partnerships may involve Aboriginal groups, non-profit and non-government groups, businesses or other levels of government.

In all cases, MNR will first review the partnership proposal and determine if MNR considers that it is reasonable, appropriate, and consistent with management objectives and provincial/ministry policy. MNR will be responsible for subjecting the project proposal to the screening criteria in Section 3 and assigning the project to the appropriate category. MNR can then apply the requirements of Section 4 of this Class EA to the project, or request the partner to follow some or all provisions of this Class EA, such as preparing an Environmental Study Report or consulting with the public. The partner is then accountable to MNR for the completion of these steps. *Freedom of Information and Protection of Personal Privacy Act* (FIPPA) concerns may limit the partner's ability to provide notice and conduct consultation as required under Section 4, in which case MNR will assist with conducting the consultation.

### 2.5.2 Disposition Applicants

MNR often receives applications for the disposition of certain or all rights to a Crown resource for a variety of proposals including resource stewardship and facility development projects that may result in significant adverse environmental effects.

Upon receipt of an application for disposition that includes a complete project proposal/description, MNR will consider the application with respect to:

- consistency with provincial / ministry policy (e.g., program area policy, or land use policy);
- consistency with management objectives (e.g., resource management plans); and
- whether the requested disposition is reasonable and appropriate.

MNR may then determine the appropriate category in respect of the disposition in accordance with Section 3.

MNR may request the disposition applicant to follow some or all provisions of this Class EA, such as preparing an Environmental Study Report or consulting with the public. The disposition applicant is then accountable to MNR for the completion of these steps. FIPPA may limit the applicant's ability to provide notice and conduct consultation as required under Section 4, in which case MNR will assist with conducting the consultation. MNR retains decision making approval authority for all dispositions regardless of a project's approval to proceed under the EAA.

## 2.6 Coordination with Other Environmental Assessment Act Coverage

Two areas of coordination are described in this section:

- Other MNR EA mechanisms that may apply to resource stewardship or facility development projects in certain circumstances; and
- EA mechanisms used by other agencies.

### 2.6.1 Other MNR EA Mechanisms

A single project for which MNR is the proponent may be subject to this Class EA as well as another Class EA, approval, regulation or order under the EAA that applies to MNR. In such cases, MNR may

coordinate the procedural aspects of the evaluation and consultation requirements of the multiple processes. For example, a single project for which MNR is the proponent may be located on Crown lands or waters and partially in a regulated or recommended provincial park and/or conservation reserve (e.g., proposal for a snowmobile trail or canoe route to traverse a park and Crown land). In such cases, the procedural requirements of this Class EA and that of the Class EA for Provincial Parks and Conservation Reserves may be coordinated, as MNR considers appropriate for the needs of the specific project.

### **2.6.2 EA Processes Used by Other EAA Proponents**

Generally, two circumstances arise that involve EA mechanisms used by other EAA proponents, as described below.

#### ***Projects for MNR Programs***

Occasionally, MNR proposes a project that is also the subject of another EAA proponent's requirements under the EAA. In such situations, the applicable requirements of this Class EA and any other EAA process will be met and may be coordinated by MNR. For example, additional criteria can be added to Table 3.1 of this Class EA to coordinate another EAA proponent's EAA requirements and Class EA-RSFD requirements.

#### ***Projects not for MNR Programs - Dispositions***

MNR often receives applications for the disposition of certain or all rights to Crown resources from other EAA proponents for their proposed undertakings that are subject to or exempt from the EAA. Examples of dispositions for such proposed undertakings include an easement for a municipal drinking water intake project, or a lease for a private sector waterpower project.

A disposition in respect of undertakings by another EAA proponent, where the disposition and the environmental effects on the subject Crown resources is addressed in the proponent's EAA process to MNR's satisfaction, is a pre-assigned Category A project. When the other EAA proponent's EAA process does not address the disposition and the environmental effects on the subject Crown resources, MNR will subject the proposed disposition to screening under this Class EA and assign an appropriate category in accordance with Section 3.

MNR may participate in the other EAA proponent's EAA process(es) to enable MNR interests to be considered. Other EAA proponents are encouraged to apply to MNR for any required disposition(s) prior to fulfilling their own EAA requirements in order to efficiently provide MNR with the information it requires to consider the sought disposition.

MNR may proceed with the disposition once written documentation from the EAA proponent specifying how it has fulfilled its applicable requirements including any applicable provisions of an approval, Class EA, Order or regulation, under the EAA has been received by MNR. MNR retains decision-making and approval authority for all dispositions under the applicable MNR legislation regardless of MNR being authorized to proceed with its project under the EAA.

### **2.6.3 Relationship of Projects within the Class EA to Other Legislation and Policy**

MNR complies with a wide array of federal and provincial legislation and government policy, and municipal plans and by-laws that are associated with the management of natural resources.

The Class EA process does not replace or exempt the formal processes of other applicable federal, provincial, or municipal legislation or bylaws, such as permits or approvals and the specific public and agency consultation that they may require. MNR takes these other Acts and policies into consideration when planning and evaluating projects and seeks approvals or permits as required. Appropriate agencies

are also included as part of consultation processes (Appendix 3). For example, consideration of the following Acts, where applicable, is required to ensure that projects are not in conflict with those Acts:

- the *Canadian Environmental Assessment Act, 2012*, which sets out requirements for the federal environmental assessment process;
- the federal *Fisheries Act*, as it applies to the protection of fish and fish habitat for works in or near water;
- the federal *Navigable Waters Protection Act*, as it pertains to the protection of the public right to navigation;
- the *Clean Water Act, 2006* which provides for the protection of existing and future sources of drinking water; and
- the *Niagara Escarpment Planning and Development Act*.

MNR will aim to contact relevant agencies early in the project evaluation process so that consideration can be given to required processes that may be integrated and co-ordinated with this Class EA, where appropriate. Where other MNR approvals or processes apply, MNR will aim to coordinate these processes with this Class EA.

#### **2.6.4 Canadian Environmental Assessment Act, 2012 (CEAA)**

Some projects carried out under this Class EA may be subject to the requirements of the *Canadian Environmental Assessment Act, 2012* (CEAA). For projects subject to CEAA, MNR (or a third party / disposition applicant) will notify the Ontario Regional Office of the Canadian Environmental Assessment Agency.

Authorization to proceed under CEAA does not meet obligations under the EAA and dispositions associated with CEAA approved projects will be subject to the requirements of this Class EA.

## 3.0 Project Categories and Screening Mechanism

MNR has considerable experience over several decades in planning and implementing the array of projects that are the subject of this Class EA. Since the EAA came into force, the MNR has also developed and implemented two other Class EAs, as well as implementing the conditions associated with numerous (exemption and declaration) Orders. A variety of guidelines and support tools have been developed to implement projects in accordance with these requirements. Drawing upon this experience, this section presents:

- four project categories that recognize varying degrees of potential for net negative environmental effects and public and agency concern (Section 3.1); and
- a screening process (Sections 3.2 to 3.5) to identify potential net negative and positive environmental effects, and to assign projects to categories.

### 3.1 Project Categories

Not all projects require the same level of review. To accommodate the diverse range of projects, it is necessary to provide several levels of planning and decision making. If the project is not pre-assigned as Category A in Schedule A, then the project can be assigned to one of four "categories". Assigning projects to these categories is based on the screening process in Sections 3.2 to 3.5. The intent of the categories is to:

- expedite planning and implementation for projects that have potential for low net negative environmental effects and/or public or agency concern (Category A);
- focus on addressing environmental and/or public or agency concerns, and mitigation for projects that have medium to high potential for net negative environmental effects and/or public or agency concern;
- enable the appropriate planning and consultation process to be followed for Category B and C projects; and
- identify projects that may require an individual EA (Category D).

#### 3.1.1 Category A – Potential for low net negative environmental effects and/or public or agency concern

These projects consist of minor administrative procedures, low intensity facility development, and routine resource stewardship projects. In MNR's experience these projects have potential for low net negative environmental effects (social, economic, or natural environment) and/or public or agency concern. These effects are usually well understood by MNR and are responsive to appropriate mitigation techniques.

Planning and implementation of these projects is allowed to proceed in accordance with conditions imposed by MNR to mitigate negative effects without further requirements under this Class EA.

Pre-assigned Category A projects that can proceed to implementation are listed in Schedule A. Projects not included in Schedule A could also be placed into Category A, but only after applying the screening criteria outlined in Section 3.2.

If a project listed in Schedule A presents some potential for concern, then the responsible manager may subject it to screening and, therefore it could be confirmed as a Category A project, rejected, or elevated to another category.

#### 3.1.2 Category B – Potential for medium net negative environmental effects, and/or public or agency concern

These projects have potential for medium net negative environmental effects and/or public or agency concern. These effects generally are well understood from a technical perspective. Although sufficient environmental controls (e.g., legislation, guidelines) are in place for these projects to proceed with

appropriate mitigation, there may be some public concern with the proposal (e.g., related to social, cultural, economic or natural environment concerns) that warrants a public notice. Where a project is identified as Category B, the project evaluation and consultation process as described in Section 4.2 will be carried out. If, after public notification, MNR considers that no public or environmental concerns are identified, then the project can proceed subject to appropriate mitigation conditions being applied. MNR will keep a record of consultation activities, issues identified and resolved, and any necessary mitigation.

Examples of projects that could fall into this category include:

- upgrade of a dam or fishway that results in a change of capacity;
- expansion of an access point;
- new capital construction projects such as a bridge;
- expansion of an existing fish culture station or sub-station;
- dispositions under tenure instruments for a cottage access road with a water crossing; or
- dispositions under: a lease to allow expansion of an existing marina on a water lot, or a permit to quarry rock from Crown land.

### **3.1.3 Category C – Potential for high net negative environmental effects and/or public or agency concern**

Since these projects have a potential for high net negative environmental effects and/or public concern, and may be associated with a degree of uncertainty with respect to outcomes, they require more information and analysis to identify environmental effects and a more comprehensive public and agency review process than Category B projects. Category C projects may require mitigation techniques to be tailored to the project and typically there are opportunities to reduce the potential negative effects and increase public understanding through an examination of alternatives. Projects assigned to Category C will proceed through the project evaluation and consultation process described in Section 4.3, including preparation of an Environmental Study Report (ESR).

Examples of projects that could fall into this category include:

- new dams;
- introductions of non-native fish species; and
- dispositions under:
  - a lease for a new marina water lot adjacent to a residential area;
  - tenure instruments for a new road in a remote area; or
  - tenure instruments for a new cottage development on Crown land with large dock facility.

### **3.1.4 Category D - Individual EA - Potential for very high net negative environmental effects and/or public or agency concern**

Some projects may be determined to lie outside the scope of categories A, B, or C and more appropriately considered through an individual EA under Part II of the EAA. These projects would have potential for very high net negative effects and/or public or agency concern, would be associated with a high degree of uncertainty with respect to potential environmental effects, and would require public, agency, and Aboriginal community input in order to fully explore and resolve concerns. These complex and potentially contentious projects are beyond the scope of the evaluation and consultation processes set out under this Class EA.

MNR may decide to assign a project to Category D based on its own conclusions arising out of the screening process, or as a result of concern expressed by agencies, interest groups, or individuals. A project may also be elevated to an individual EA under a Part II Order granted by the Minister of the Environment, as described in Section 5.5, following a project evaluation process described in Section 5.

Where a disposition of rights to Crown resources is placed in Category D, MNR will notify MOE in writing of the disposition applicant's proposed project and the results of screening under this Class EA so that the Minister may decide (within 45 days) whether to seek designation of that project as a major commercial or business project to which the EAA applies. In the event that the Minister (MOE) advises that he or she does not intend to seek designation, MNR has no obligation to proceed with further

consideration of the disposition application or to carry out an individual EA in respect of the disposition. However, MNR may consider a revised disposition application for a new screening and category.

Examples of projects that could fall into this category include:

- dispositions authorizing the major filling of Crown lakebed in the Great Lakes;
- constructing all-season roads in permafrost areas; and
- fish stocking – introductions of exotic species.

## 3.2 The Screening Process

Screening is a common method used to identify potential net negative and positive environmental effects associated with projects. It is a way to confirm our understanding of potential effects, the need for remedial effort, and ensuring that all aspects have been or will be considered. This section presents the screening process and criteria that would be used to confirm the placement of a project in the appropriate category, for those projects that are subject to the Class EA. The screening process will be conducted in six steps, as described below and as illustrated in Figure 2. The screening results should be documented.

If the proposal consists of more than one undertaking that would be subject to screening, the environmental effects of all the component undertakings will generally be considered together in a single project when identifying potential net effects.

### **Step 1: Assess Project against List of Category A Projects**

MNR staff first ensure that the proposed project is not prohibited under approved MNR policies and directives, and then refer to Section 3.1.1 to determine whether a project:

- is listed as a Category A project in Schedule A; or
- is not listed as a Category A project in Schedule A, is subject to the Class EA and, therefore, requires screening to determine whether it falls into Category A, B, C, or D; or
- is not listed as a Category A project in Schedule A, and is not subject to this Class EA, but should be dealt with according to any other applicable EAA requirements (e.g., another MNR Class EA or Declaration Order).

As described in Section 3.1.1, projects listed in Schedule A are approved to proceed without further requirements under this Class EA.

### **Step 2: Prepare Project Description**

A project that is determined to require screening continues through the screening process. MNR staff will open a project file and either MNR, the partner, or the disposition applicant will prepare a project description. The description could include:

- the purpose and rationale (i.e., the problem to be addressed or the opportunity to be pursued in implementing the project);
- details of the project, including such considerations as its location, duration, recurrence, operation, decommissioning, and study area (identified in accordance with potential effects);
- any alternatives considered, including the alternatives to the project and the alternative methods of carrying out the project, as well as the null alternative (an explanation should be provided if no alternatives are being considered or are available; e.g., the outcome of a previous planning process which included public consultation);
- the scope of the project and relationship to any other projects;
- preliminary evaluation (cost, feasibility, effectiveness, and potential environmental effects);
- applicable general and area-specific land use policies and other policies, procedures, manuals and guidelines, and other permits or approvals required to undertake the project; and
- appropriate mitigation features integral to the design and implementation of the project.

For disposition applicants, the project description will focus on the disposition and the environmental effects on the subject Crown resource that would result from the granting of the disposition. For projects that require multiple dispositions, generally all of the dispositions will be considered together in a single process under this Class EA.

### **Step 3: Apply the Screening Criteria**

MNR staff review the potential net effects of the project as outlined in Step 2 above using the screening criteria in Table 3.1. Each of the significance factors and considerations described in Section 3.4 should be considered when assigning a rating under each of the screening criteria. A description of each rating is discussed in Section 3.5.

Where a potential net negative effect is identified under a screening criterion, MNR staff will provide a brief rationale for the assigned rating either in the table or, where appropriate, in separate supporting documentation. Any requirements for additional information gathering, research, evaluation, mitigation, or monitoring should be identified.

Since the assignment of projects to categories is based primarily on identified net negative effects under particular criteria, positive effects identified under other criteria would not normally change the assigned category. However, in some cases, high negative and positive concerns may suggest a complex and polarized situation and may affect the placement of a project in a category.

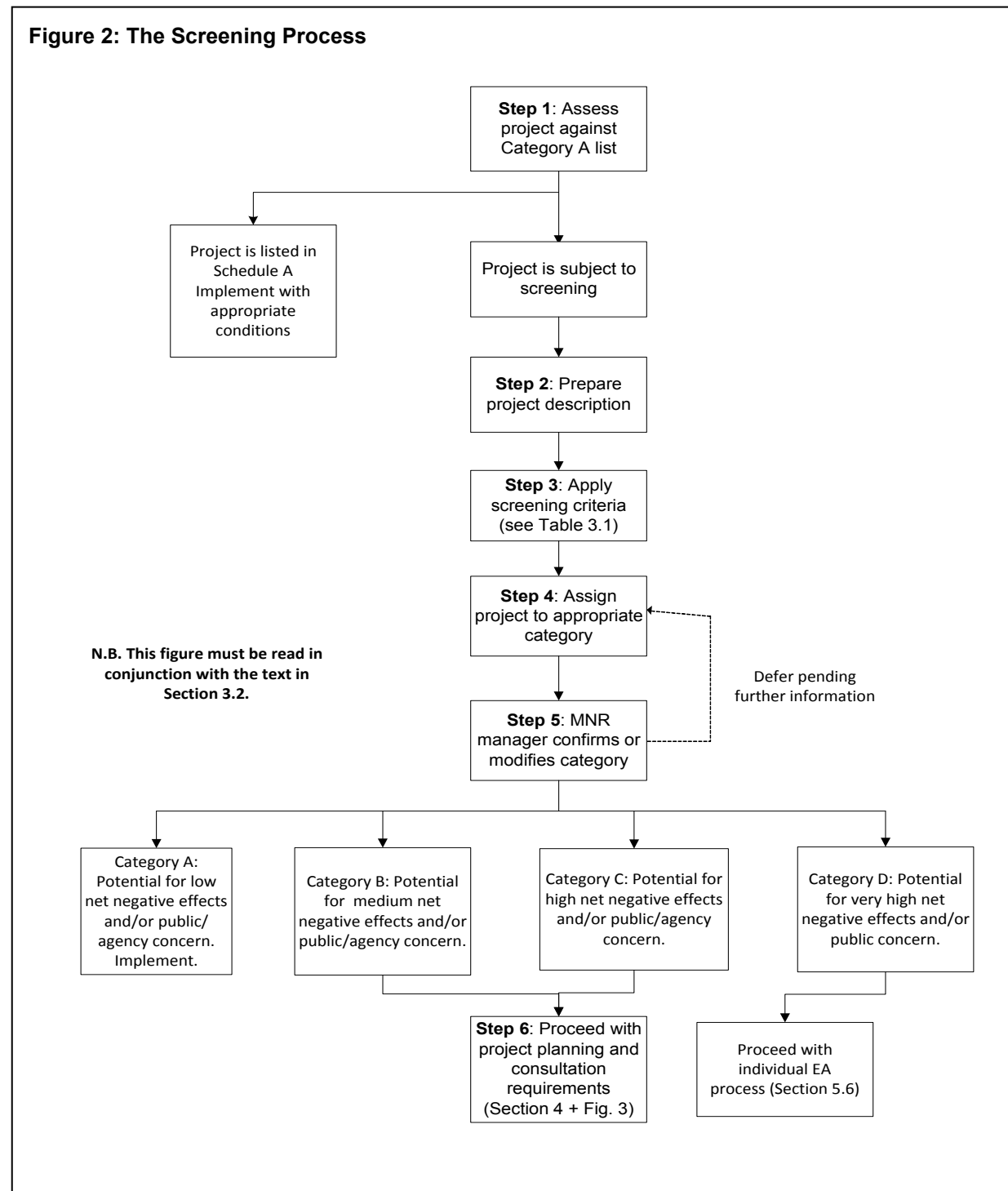
For screening dispositions, the screening criteria will be applied to the environmental effects on the subject Crown resource that would result from the granting of the disposition.

### **Step 4: Assign Project to Appropriate Category**

MNR staff use the ratings from Step 3 and the criteria in Section 3.5 to assign the project category. A project may be re-assigned to another category based on a screening of an updated or amended project description.

### **Step 5: MNR Manager Confirms or Modifies Category**

The appropriate MNR manager (e.g., area supervisor, project manager, district manager) reviews the assessment decision on the category, requests additional information where necessary, and confirms or modifies the staff determination of the category. If the manager modifies the category, then additional written support for this decision is required. The manager may also defer confirmation of a category until such time as further information is available.



### Step 6: Proceed with Project Evaluation and Consultation Requirements

Projects assigned to Category A may be implemented with appropriate mitigation conditions. For projects assigned to Categories B or C, the MNR staff, partner, or disposition applicant proceeds with the project evaluation and consultation requirements described in Section 4. Projects assigned to Category D may be subject to the requirements of Part II of the EAA, in which case MNR staff should consult MNR's EA specialists for further direction.



A record of the screening process including the project description, the completed screening table, and supporting rationale will be retained on the project file as part of the public record.

### 3.3 Assigning High, Medium and Low Effects in the Screening Process

The following guidance explains the intended meaning of each of the rating categories used for assigning the degree of effect of the project:

- A “nil” effect would be assigned where a criterion clearly does not apply.
- A “low” net effect would be assigned where there is a high degree of certainty as to the effect, and where the effect has minimal significance.
- A “medium” net effect would be based on reasonable certainty, and may be significant in combination with other medium and high net effects.
- A “high” net effect would reflect a high level of certainty that a significant effect will occur, or a low level of certainty about one or more effects and a need for further evaluation and exploration of mitigation options.
- A “unk” would be assigned where the effects are unknown.
- “-” means a potential negative effect.
- “+” means a potential positive effect.

To document the assignment of ratings in Table 3.1, the reviewer will check the appropriate column and note any clarifying comments or rationale for the rating. If a project may have both positive and negative effects on one criterion, this should be noted in the columns and described in the comments/rationale column. If the effect is unknown, then this should be noted in the comment column. Where information is unavailable for the proposal it will be noted and, where MNR considers it important to screen the project, the deficiency will need to be addressed.

If the project consists of two or more components, any one of which would be subject to screening, the aggregate effects of all the components should be considered in identifying potential net effects.

### 3.4 Assessing the Significance of Environmental Effects

An environmental effect is any change to the environment (see Section 2.4 for EAA definition of environment), positive or negative, that would occur as a result of a proposed project. This Class EA requires MNR staff to assess the significance of environmental effects at a number of steps in the planning process, including:

- Using the screening process to assign projects to categories A, B, C or D.
- Assessing the environmental effects of a Category B project.
- Assessing the environmental effects of the alternatives (where applicable) and the preferred alternative in the case of a Category C project.

This section is intended to provide guidance to MNR staff in assessing the significance of potential environmental effects under individual criterion, for the project as a whole, and for alternatives. It includes factors that may be applied in assessing the significance of effects, and a series of considerations that could be taken into account in applying them. Further guidance is provided to assist in considering significance in conducting a screening, in assigning projects to categories, and in evaluating projects and alternatives.

**Table 3.1: Screening Criteria**

Before screening, confirm the direction of MNR policy toward the proposed undertaking:  
 Supportive  Neutral  Conditional  Opposed

Policy Reference: \_\_\_\_\_

To assist in the screening, the reviewer should view each screening criteria prefaced with the phrase:  
**“This project has the potential to affect...”**

Screening Criteria	Rating of Potential Net Effect							Comments, Rationale, Mitigation
	-H	-M	-L	Nil	Unk	+L	+M	
<b>Natural Environment Considerations</b>								
• Air quality								
• Water quality (ground or surface)								
• Species at risk and/or their habitat								
• Invasive or alien species (e.g., fish, wildlife, insects, plants, disease)								
• Fish or other aquatic species, communities, populations or their habitat (including movement of resident and migratory species)								
• Terrestrial wildlife (including numbers, populations, diversity and movement of resident or migratory species)								
• Natural vegetation and terrestrial habitat linkages or corridors through fragmentation, alteration and/or critical loss								
• Soils and sediments (e.g., release of contaminants, sedimentation)								
• Natural heritage features and areas (e.g., significant earth or life science features, areas of natural and scientific interest, provincially significant wetlands)								
• Other (specify)								
<b>Land Use, Resource Management Considerations</b>								
• Transportation and access (land or water) e.g., new, restricted, in remote area, or traffic patterns)								
• Water quantity (flows and levels, drought response)								
• Land use ( local authorized resource users, adjacent land uses)								
• Waste management								
• Current or future use of Crown resources (e.g., Crown forest resources, mineral aggregate)								
• Other (specify)								
<b>Social, Cultural, and Economic Considerations</b>								
• Cultural heritage resources - including archaeological sites, built heritage, and cultural heritage landscapes <sup>1</sup>								
• Local, regional or provincial economics (impact to businesses or residents, direct and indirect effects, employment effects)								
• Land subject to natural or human-made hazards (e.g., flooding, erosion, contamination)								
• Public health and/or safety								
• Noise levels								
• Recreational use of Crown land (e.g., views and aesthetics, tourism)								
• Other (specify)								

<sup>1</sup> Where a project may affect a known or potential cultural resource, a further technical heritage study may be warranted. Technical studies that may be required to include items such as archaeological assessments by licensed archaeologists and built heritage studies by qualified heritage consultants if a significant built heritage resource and/or cultural landscape is being affected.

A Technical Guideline for Cultural Heritage Resources for Projects Planned Under the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects and the Class Environmental Assessment for Provincial Parks and Conservation Reserves (2006) addresses how cultural heritage resources should be identified, and how to assess their significance and develop mitigation techniques.

Screening Criteria	Rating of Potential Net Effect							Comments, Rationale, Mitigation
	-H	-M	-L	Nil	Unk	+L	+M	
<b>Aboriginal Considerations</b>								
• First Nation reserves or Aboriginal communities								
• Existing or asserted Aboriginal or treaty rights to and/or use of lands, waters or resources								
• Sacred, spiritual, or ceremonial sites								
• Traditional or resource uses, or economic activities								
• Lands and/or waters subject to land claims								
• Other (specify)								

### 3.4.1 Factors for the Assessment of Significance

The following factors may be used in assessing the significance of the environmental effects of a project:

#### Magnitude

Magnitude represents the relative severity or benefit of the effect under consideration. For example, the complete displacement of a feature would represent a greater magnitude of effect than a minor effect of dust from construction of an adjacent project. Larger scale projects may often have a greater magnitude of effect. Relevant policies and standards may assist in assessing the magnitude of an effect.

#### The Value of the Feature or Situation Affected

Some features or situations may be highly valued, and given priority over others. Where a project would have a negative effect on the values for which a feature was being managed, this would be of greater concern than most other criteria. For example, an effect on the habitat of an endangered or threatened species would be of greater significance than an effect on an area of natural vegetation that is not identified as having any special importance. On a broader scale, effects under some categories of screening criteria, such as natural environmental effects, may be given greater priority over other effects.

Where a comparison of alternatives is undertaken, criteria or groups of criteria are prioritized or weighted according to their relative importance. It is important to ensure that value is not “double counted”, both in the evaluations under each criterion and in the weightings or priorities used in the comparison.

#### Geographic Extent

Localized environmental effects may not be as significant as those that extend over a wide area.

#### Duration and Frequency

Effects should be considered for the construction, operation and, where appropriate, the decommissioning phases of a project. Longer term, recurring, or more frequent effects may have greater significance. For example, a temporary effect of project construction may be less significant than an effect of lesser magnitude that extends over the life of the project.

#### Likelihood of the Effect

Some effects are more easily predicted than others. Uncertainty should be recognized and reflected in the evaluation and this uncertainty may increase the significance of the potential effect.

## **Reversibility and Irreversibility**

Some effects such as groundwater contamination may be regarded as having a low likelihood of occurring, but would be difficult to reverse. Irreversibility may increase the significance of a potential effect; while other potential effects may be relatively easy to remedy.

### **3.4.2 Other Considerations**

The following considerations may assist in assessing the significance of potential effects.

#### **Concerns of interested agencies, Aboriginal groups, other groups and individuals**

The assessment will consider input from any consultation. In a screening, likely reaction will be assessed based on the experience of MNR staff in dealing with similar issues and stakeholders. Where there is uncertainty as to the possible reaction, the Class EA process provides for notification to assist in this decision. For Category B or C projects, MNR staff will have the benefit of responses to notification and consultation activities (see Section 4) to assist in this determination.

Information provided by the public, agencies, and non-government organizations may contribute factual information for the “technical” assessment of significance. In other instances, input may reflect the level of concern regarding a project.

#### **Previous planning and consultation**

Planning and consultation may have previously been conducted in respect of a proposed project. Any information gathered in these previous processes should be considered in screening and subsequent steps in this Class EA (if any). The extent to which environmental effects and appropriate mitigation measures have already been considered should be documented. The extent to which consultation with the public, agencies and Aboriginal communities has already been conducted should be documented.

The planning and consultation previously conducted should be considered in recommending a category in Step 4 of Section 3.2. However, the requirements of this Class EA may differ from other processes conducted previously or concurrently; the requirements of this Class EA must be met by MNR.

#### **Level of Detail**

Information on the existing environment and potential environmental effects should be reviewed and assessed for its adequacy in determining significance. Any gaps in the information required to assess significance should be identified. Where there are gaps, these should be recognized in the screening and specialist help may be sought or special studies may be initiated for a project evaluation.

The level of detail would generally increase as the process proceeds through screening to the assessment of alternatives (where appropriate) and the refinement of the project. Alternatives usually would be compared based on a generally equivalent level of detail.

#### **Gross and Net Environmental Effects**

A net (or residual) environmental effect is a change to the environment that would result from the project, following the application of proposed mitigation measures. Monitoring may be proposed to assess the need to change mitigation measures or introduce new mitigation measures in the future.

In project evaluations conducted under this Class EA, decisions on the significance of environmental effects are based either on the effects of the project with appropriate mitigation measures in place (as specified in the project description), or the effects with both appropriate mitigation and any additional measures found to be necessary during the project evaluation. Appropriate mitigation measures would generally be those required by MNR for specific application to the project. For Category B and C projects, the level of detailed information on additional mitigation measures and their anticipated

effectiveness should be generally greater for more significant and complex effects, and for decisions taken at later stages of the process.

### **Direct and Indirect Effects**

A project may give rise to a chain of environmental effects. For example, flooding of a reservoir can cause elevated levels of methyl mercury, followed by indirect effects including effects on fish and the deterioration of a fishery, and effects on a traditional or commercial economy. The potential for indirect effects should be considered in conducting more complex project evaluations.

### **Cumulative Effects**

Cumulative effects are the total effect from numerous activities on the environment within a defined study area over time. Sometimes the effects of more than one project can accumulate or add up so that they reach a valued component's critical threshold for tolerance, or they can be compounded so that they create an effect that is greater than the sum of the individual effects.

Consideration should be given to whether the environment affected by the project is undergoing change or is expected to undergo change as a result of other past, present, and future projects. For example, if a campground is proposed on the shore of a lake on which other developments or dispositions exist or are also proposed, the long term effects of all of these projects on water quality and fisheries, e.g., should be taken into consideration.

Where there is potential for significant cumulative effects, this should be reflected in defining study areas for a project evaluation.

### **Climate Change**

Climate change refers to the variation in long-term weather trends defined by shifts in temperature and precipitation, caused by natural phenomena and human activities that increase greenhouse gases in the atmosphere. The effects of climate change are pervasive, alter the composition and function of Ontario's ecosystems, and include more frequent extreme weather events (e.g., flooding, drought, and wind storms) that compromise or destroy infrastructure with significant implications to the future health and well-being of people and their communities.

Consideration should be given to the known and anticipated effects of climate change on a proposed project and whether the project description should include mitigation and adaptation options.

### **Tangibles and Intangibles**

Some potential effects are more easily measured and predicted than others. More "subjective" effects such as visual and social effects may be unsubstantiated and can often be neglected in favour of those for which "hard" information is more easily obtained. In such circumstances, serious consideration may be required will be given to public input in assessing the significance of effects.

#### **3.4.3 Comparing Alternatives**

Where the project evaluation involves a comparison of alternative projects or locations, the comparison should demonstrate a logical and systematic consideration of potential net environmental effects. Although detailed review of methodologies is beyond the scope of this Class EA, the following general considerations apply:

The level of sophistication of the comparison should respond to the complexity of the project, its potential environmental effects, and the types of differences between alternatives.

There should be some assignment of priorities or weighting to the evaluation criteria or groups of criteria to be applied in the comparison. This should be reflective of MNR policy (e.g., priority to protect a rare species), and public, agency, and/or Aboriginal community input.

The comparison should provide enough information to enable a lay reader to understand the rationale supporting the selection of the preferred alternative. An evaluation matrix describing environmental effects under each criterion for each alternative, supported by a narrative description of the comparison, is helpful. Low, moderate, and high positive and negative effects may be assigned to each criterion. The ranges of values for indicators used to assess effects in low, moderate, and high categories should be specified and explained.

Again, the advantages and disadvantages of the preferred alternative should be reviewed against the purpose that the project is intended to serve.

### 3.5 Considerations for Assigning Projects to Categories A, B, C, or D

The tools and guidance in Section 3 are intended to help MNR staff assign projects to the appropriate category. Projects (other than those listed in Schedule A) must be considered on a case by case basis because of the wide variety of potential effects and levels of public interest that can be generated by similar projects in different locations.

The screening criteria are not intended to be numerically scored or tallied. One or more “high” negative net effects may result in a decision to seek other ways of resolving a problem or meeting program objectives.

When assigning the project category consideration should be given to anticipated public, agency or Aboriginal community concern and documented. Refer to Section 3.1 for a description of the level of concern associated with each of categories A, B, C, and D. Where there is uncertainty as to the possible concern, the MNR manager may issue a notice to indicate that MNR is seeking input to a project screening. In some situations, MNR may consult with specialists or others to assist in making determinations in the screening process.

The category determination will be made through consideration of the screening criteria and ratings from Table 3.1, as well as consideration of the significance of environmental effects (see Section 3.4). In some instances one criterion may be sufficient to change the determination; in others it may be a combination of several criteria.

When recommending projects to categories, MNR staff will ensure that the screening process and the rationale for decision making are documented.

## **4.0 Evaluation and Consultation Processes for Category B and C Projects**

This section describes the evaluation, consultation, and documentation requirements for Category B and C projects, as illustrated in Figure 3, and requirements for associated monitoring of project implementation. The required process for a Category D project would be determined through the preparation and approval of Terms of Reference under Part II of the EAA. The process is based on the Project Description undertaken in Step B, Section 3.2.

In all cases, MNR can apply the requirements of this section of the Class EA to the project, or request that the partner or disposition applicant fulfil the requirements themselves and report to the ministry (refer to Section 2.5).

Where a high level of public concern is anticipated or requests have been made for additional time or consultation, the MNR manager may extend the normal comment period and/or undertake additional methods of consultation. Notice periods refer to calendar days.

### **4.1 Aboriginal Consultation – The Legal Duty to Consult**

In addition to the public consultation requirements of the Class EA, the MNR may be required to consult with Aboriginal communities on a Class EA project to comply with the Crown's constitutional duty to consult.

The Crown has a duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right, and contemplates conduct that may adversely affect that right. The scope of the duty to consult is proportional to a preliminary assessment of the strength of the existing or asserted right, and the seriousness of the potential adverse impact.

In certain circumstances, MNR will be responsible for fulfilling the Crown's duty to consult in respect of projects under this Class EA. In such cases, MNR will identify the Aboriginal communities to be consulted, determine the level and extent of consultation required, and whether accommodation may be necessary.

Where there is a third-party applicant for a Class EA project, MNR may expressly delegate the procedural aspects of the Crown's duty to consult subject to oversight from MNR. For such projects, consultation may include notice, the provision of information about the proposed project, and opportunities to hear the community's concerns. While carrying out a project, if a third party learns of an adverse impact on the Aboriginal or treaty rights of an Aboriginal community not identified by the Crown, it is expected that the third party will inform the Crown of the matter as soon as reasonably possible.

To demonstrate how the Crown has fulfilled the duty to consult, MNR will keep a record of its duty to consult activities, if any, in respect of Class EA projects. At any time, MOE may request the MNR to provide MOE with any such record, and MNR will provide it as soon as reasonably possible.

### **4.2 Category B Project Evaluation and Consultation Process**

Category B projects are described in Section 3.1.2. All information described in the following steps will be placed on a project file first opened during the screening process (Section 3.2). The record of any future monitoring required as a result of the evaluation process will also be placed on the project file. The process consists of four steps, as illustrated in Figure 3.

### Step 1: Public Notice

At a minimum, notification will be provided to persons, agencies and Aboriginal communities with a known or (what MNR considers to be) a potential interest in the proposed project, including MOE Regional offices, or a local newspaper advertisement or both, with an invitation to comment within 30 days. Where a high level of public concern is anticipated, other methods of consultation may be used; either as part of the initial consultation or in response to the level of concern generated by the optional public notice seeking input to a screening (see Section 3.5). Note that news releases do not satisfy the notice requirements of this Class EA.

**Notices:** Category B projects include one notice at the beginning of the process (Step 1), and a second notice to parties who expressed their interest (Step 3).

A notice will include the following information:

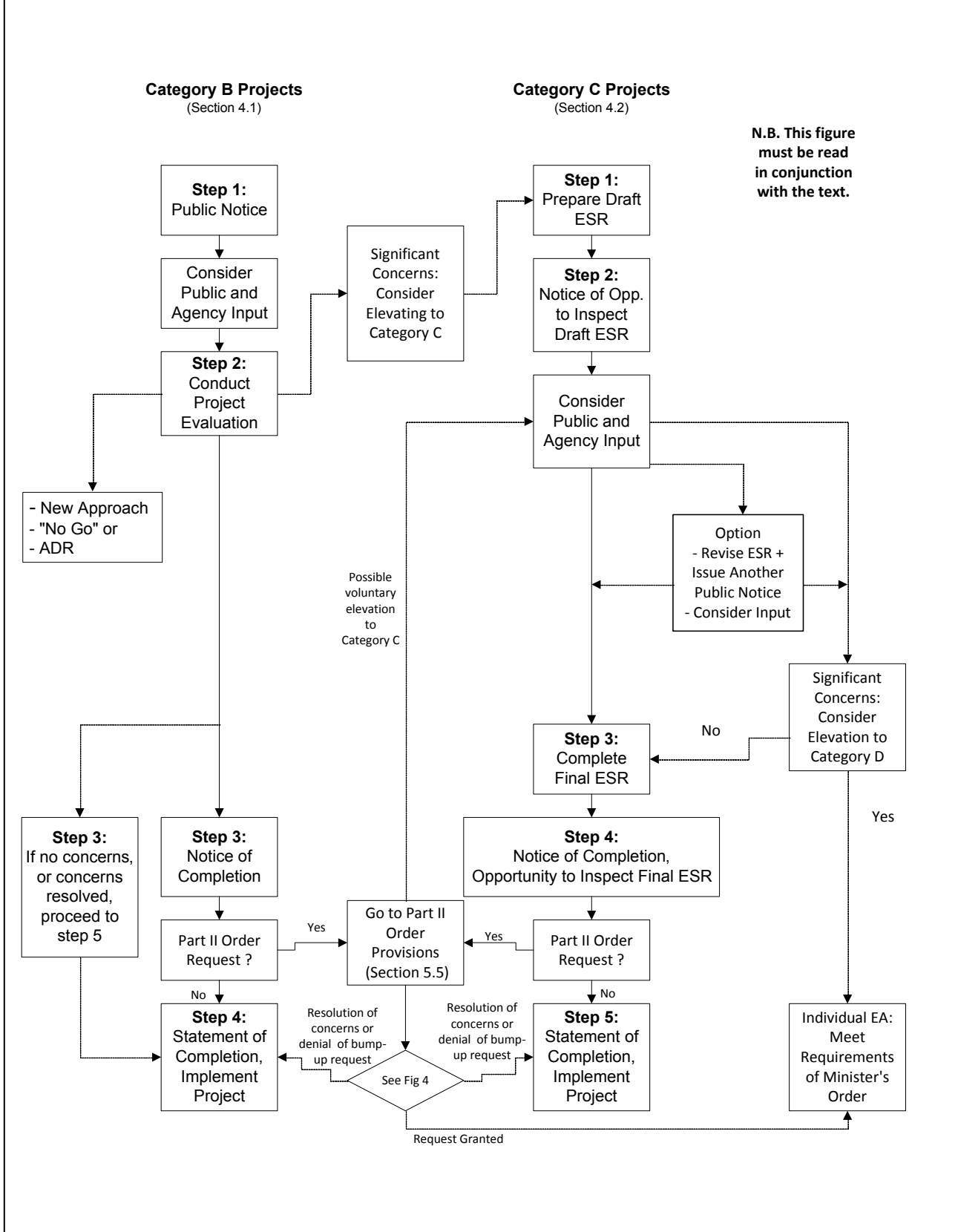
- A title indicating the project name, and location.
- A summary description of the project and of any proposed mitigation measures.
- A map or description of the location of the project. A summary description of any previous MNR planning activities leading to the identification of the project.
- An invitation to provide comments on the proposed project, specifying the deadline (e.g., the last day of the 30 day period).
- A statement that only those persons, agencies or Aboriginal communities that commented or those who request notice will be notified directly of the completion of the project evaluation, and that MNR may proceed to implement the project without issuing further general notice.
- The name and address, telephone and fax number, and/or e-mail address of contact persons to whom questions or requests for additional information should be directed, and to whom comments must be sent.
- A statement of the authority under which information is being collected from the public, and of that information's availability and confidentiality, under the *FIPPA*.

If an optional public notice seeking input to a screening was issued that led to the project being assigned to Category B (refer to Section 3.5), then MNR is not required to provide this notice.

Exception - For proposals to stock fish, the obligation to provide notice to the public and Aboriginal communities does not apply where MNR is concerned that the freshly stocked fish would be prematurely fished out by persons who became aware of the stocking through such notice, thus frustrating the purpose of the project. In such situations, the public and Aboriginal communities will be advised of these stocked waters once the fishery is established and healthy.



**Figure 3: Project Evaluation Processes for Category B and C Projects**



### **Step 2: Project Evaluation**

MNR staff, the partner, or the disposition applicant consider input received from the public notice, and continue the Category B process by documenting the following information:

- The purpose of the project, including the problem or opportunity being addressed.
- Reasonable alternatives available for carrying out the project, if MNR considers appropriate.
- A complete project description, including the final design and complete project life cycle.
- The study area and the environment within it.
- Potential environmental effects (derived from the screening process, with additional information as required - e.g., archaeological assessment).
- Manuals and guidelines that MNR considers applicable (see Appendix 2), any related approvals, and their relevance to the project.
- Required mitigation and enhancement measures.
- Consideration of whether monitoring is required and, if so, a description of any monitoring requirements and commitments (see Section 4.5).
- A description of consultation conducted and issues raised; MNR's, the partner's, or the disposition applicant's response to these issues; and any changes made to the project in response to public, Aboriginal or agency input.
- An assessment of the project to meet its intended purpose.

The evaluation of the environmental effects and/or issues raised may identify the need for additional information and/or mitigation measures. MNR staff, the partner, or disposition applicant may work with those affected to try to resolve the concerns before deciding whether to pursue other options, which may include:

- Identifying new approaches to meet the project's intended purpose.
- A decision not to proceed with the project (the "no go" alternative).
- Voluntary elevation of the project to Category C or Category D - this would also be considered at the request of the concerned party.
- Alternative dispute resolution methods (refer to Appendix 3 for further information on this topic).

### **Step 3: Notice of Completion**

MNR, the partner, or the disposition applicant will notify individually all persons, agencies and Aboriginal communities that commented or asked to be notified of the decision on the project by issuing a "Notice of Completion".

This "Notice of Completion" will include the following information:

- A summary description of the project, and any mitigation, remedial, or enhancement measures revised to reflect Step 2.
- A map or description of the location of the project.
- Confirmation that the requirements of the Class EA process for a Category B project have been met, subject to consideration of any Part II Order requests to the Minister of the Environment, that any mitigation or monitoring requirements will be undertaken, and that it is intended that the project proceed or not proceed.
- A description of the Part II Order provisions of the EAA, and an indication of a 30-day period for these requests or other comments on the proposal.
- The name and address, telephone and fax number, and/or e-mail address of a contact person to whom questions or comments must be directed.
- Availability of the project file for inspection, its location, and the hours it is available for review.

If no concerns were raised prior to this step, if any raised concerns were resolved (e.g., through discussion with the individual or group, and/or through conditions of MNR approval), or if no requests for

notice of the completed project evaluation have been made, then MNR will document how any concerns were resolved and may proceed to Step 4 without issuing this notice or waiting the 30-day period.

#### **Step 4: Statement of Completion, Implement Project**

If no notice of completion was required to be issued, no Part II Order request is received during the 30-day comment period, or the request is resolved without elevation of the project to Category C or D, or a requirement for an individual EA by the Minister of the Environment, then the responsible MNR manager will prepare a "Statement of Completion" and the project may proceed. The Statement of Completion will be placed on the project file and will also be sent to the Manager, Economics, Research and Environmental Planning Section, Strategic Policy and Economics Branch. It will include:

- A brief description of the nature and location of the project.
- Confirmation that the project was evaluated as a Category B project in accordance with the requirements of this Class EA.
- Confirmation that no Part II Order request was received during the notification period, that any requests received were withdrawn, or were denied by the Minister of the Environment (see Section 5.6), or that a notice of completion did not need to be provided.
- The signature of the responsible MNR manager, and the date.

If a Part II Order request is received, the procedure described in Section 5.5 applies. Note that a 7-day waiting period is suggested in Section 5.5.3, to allow for MOE notification of a request.

### **4.3 Category C Project Evaluation and Consultation Process**

The requirements set out in this Class EA for Category C projects are a minimum. All information described in the following steps will be placed on a project file, first opened during the screening process (Section 3.2), as part of the public record. The records of any future monitoring required as a result of the evaluation process will also be placed on the project file.

The process consists of five steps, as illustrated in Figure 3.

**Notices:** The Category C process includes two mandatory points of notification, and the preparation of an Environmental Study Report.

#### **Step 1: Draft Environmental Study Report (ESR) - Project Proposal**

MNR staff, the partner, or the disposition applicant will prepare a Draft ESR - Project Proposal. The level of detail of draft ESRs will vary depending on the complexity of the project, its environmental effects, and the anticipated level of public and agency concern. The Draft ESR - Project Proposal will include:

##### **Project Proposal and Alternatives:**

MNR staff, the partner, or the disposition applicant will develop a proposal that describes the proposed project, documents the purpose and rationale for the project, and identifies alternatives.

##### **Purpose and Rationale:**

When developing a proposal, the purpose of the proposal must be clearly stated and supported by a rationale. Both purpose and rationale will vary according to whether the proposal is intended to address a specific problem, objective, or opportunity. This may involve a review of the planning that may have already been undertaken in support of the project.

### Project Alternatives:

To give full consideration to the environmental aspects of a project a number of alternatives should be identified and considered which could reasonably be expected to achieve the desired result. This should include consideration of reasonable alternatives to the project, the "null alternative", and alternative methods of carrying out the project. Once the proposed project and its alternatives have been identified, a preliminary indication of the cost, effectiveness, potential environmental effects, and feasibility of each alternative should be completed.

### Description of Study Area

The geographical study area will be described and mapped considering such factors as existing land use, infrastructure, and ecosystem features; administrative, technical and ecological boundaries; and municipal fabric.

### Evaluation of Alternatives - Select Preferred Project:

Once the alternatives have been identified, an environmental analysis will be completed for each. The potential environmental effects and possible prevention and mitigation measures will be identified.

The Environmental Analysis is carried out using Table 3.1 - Environmental Screening Criteria. The criteria list many of the environmental components associated with the type of projects addressed by this Class EA. The purpose of the screening is to assist in identifying and considering the array of environmental factors that may be affected by the project.

Using the screening criteria, an Environmental Analysis Summary will be prepared for each alternative, which will include the following information:

1. An identification of the environmental effects and their estimated significance;
2. An indication of the potential for mitigation of the environmental effects and a description of the mitigation measures;
3. An estimation of the effectiveness of the alternative to meet its intended purpose;
4. An estimation of the cost and feasibility of carrying out the alternative; and
5. The monitoring requirements of the alternatives.

Each alternative will be evaluated and compared based on the above considerations, and clearly identify the basis for selecting the preferred project to be presented for public review. Details of the preferred project may include its location, the basic technologies to be used, and the project design. This may include a conceptual site plan where appropriate. Manuals, and guidelines that MNR considers applicable (see Appendix 2), and any related approvals, and their relevance to the preferred project will generally be considered and proposed mitigation or enhancement measures outlined.

Appendices to the draft ESR will generally include:

- Documentation of the screening evaluation.
- Additional summaries or details of the environmental evaluations conducted and their findings (technical materials may be provided in supplementary documents).

### Step 2: Notice of Opportunity to Inspect the Draft ESR - Project Proposal

At a minimum, notification will be provided to persons, agencies and Aboriginal communities with a known or (what MNR considers to be) a potential interest in the proposed project, including MOE Regional offices, and a local newspaper advertisement, with an invitation to comment within 30 days (see Appendices 3 and 5). Other methods of community outreach such as local on-line news, flyers posted in a community centre, or posting to a website may be used in addition to a local newspaper advertisement or instead in communities with no local newspaper. Note that news releases alone do not satisfy the notice requirements.

A notice will include the following information:

- A title indicating the project name and location.
- A summary description of the project and alternatives and of any proposed mitigation measures.
- A map or description of the location of the project and alternatives and the study area, if appropriate.
- A summary description of previous MNR planning activities leading to the identification of the project.
- An invitation to provide comments on the draft ESR, specifying the deadline.
- An invitation to any additional consultation event(s) associated with the project (if planned), giving date, time and location
- The name and address, telephone and fax number, and/or e-mail address of a contact person to whom questions and requests for information should be directed, and comments or requests to be added to the mailing list must be sent.
- A statement of the authority under which information is being collected from the public, and of that information's availability and confidentiality under *FIPPA*.

The comment period is at least 30 days, and may be extended for more significant projects or to accommodate a high level of public interest. MNR may also provide supplementary information that would be referred to in the notice and made available on request, and may send it with the notice to interested parties. This may include:

- More detailed information about the project, the environment affected and current knowledge about potential effects.
- Proposed criteria for the evaluation of the project and any alternatives.
- A project schedule, including an outline of additional proposed consultation.
- A questionnaire or comment sheet.

The evaluation of the environmental effects and/or issues raised may identify the need for additional information and/or mitigation measures. Where comments are received, MNR staff, the partner, or disposition applicant may work directly with those affected to endeavour to resolve the concerns before deciding whether to pursue other options which may include:

- Identifying new approaches to meeting the intended purpose of the project.
- A decision not to proceed with the project (the "no go" alternative).
- Voluntary elevation of the project to Category D - this may also be considered at the request of a concerned party.
- Alternative dispute resolution.

Exception - For proposals to stock fish, the obligation to provide notice to the public and Aboriginal communities does not apply where MNR is concerned that the freshly stocked fish would be prematurely fished out by persons who became aware of the stocking through such notices, thus frustrating the purpose of the project. In such situations, the public and Aboriginal communities will be advised of these stocked waters once the fishery is established and healthy.

If staff wish further guidance on consultation, they may consult Appendix 3. MNR staff, the partner, or the disposition applicant may refine the proposed approach based on input received.

### **Option - Additional Public/Agency Consultation**

Most of the projects subject to this Class EA are unlikely to generate significant adverse environmental effects. In some situations, however, where there is greater uncertainty or when public concern arises about a specific project, additional opportunities for public and external agency involvement may be pursued. These additional opportunities for external involvement may assist with further refinements to the project proposal, to elaborate on potential environmental effects, to identify effects on external interests, or to clarify the project proposal.

If public or agency concern still exists, other means of consultation may be employed.

In some situations, public or agency comment from the first notice may result in the need to change the draft ESR to reflect concerns identified. The MNR, partner, or disposition applicant may elect to provide an additional opportunity for further input on notable changes.

### **Step 3: Completion of the Final ESR - Project Plan**

Public, agency, and Aboriginal community comments are considered in refining the Draft ESR, and in deciding whether to proceed with the project. After the preferred alternative project has been selected, a detailed Project Plan shall be prepared, including the recommendations developed during the evaluation and comparison of alternatives. The required contents of the Final ESR are the same as for the Draft, with the addition of the following:

- A Project Plan which includes:
  - A complete project description, including the final design;
  - A map outlining the location and layout of the project;
  - Diagrams outlining the basic design characteristics of each component of the project, where appropriate;
  - A description of anticipated project phases such as construction, operation, maintenance and abandonment in terms of where and how these activities will be carried out, including a timetable for each component, and the environmental effects which could reasonably be expected to be generated by each phase;
  - A list of all the environmental protection/mitigation measures and conditions to be applied to the project; and
  - An outline of the proposed monitoring procedures.
- A description of consultation conducted and issues raised; MNR's, the partner, or the disposition applicant's response to these issues; and any changes made to the project in response to input received; and
- An assessment of how the project is to meet its intended purpose.

### **Step 4: Notice of Completion, Opportunity to Inspect the Final ESR - Project Plan**

Notification will be sent to those on the current project contact list, and an advertisement placed in a local newspaper. Other methods of community outreach such as local on-line news, flyers posted in a community centre, or posting to a website may be used in addition to a local newspaper advertisement or instead in communities with no local newspaper. The Final ESR will be sent to the MOE regional office, and to others who request it.

This notice will include:

- Confirmation that the Final ESR was completed in accordance with the process for a Category C project under this Class EA.
- A description of the project and its location (shown on a map, where appropriate).
- A description of the Part II Order provisions of the EAA, and indication of a 30-day period for requests or other comments.
- An indication of the project start date and estimation of implementation period.
- The name and address, telephone and fax number, and/or e-mail address of a contact person at MNR to whom questions or requests for a more complete project description must be directed, and comments must be sent.
- A location where the Final ESR may be viewed.

Where the project is complex or there is a high level of concern, additional consultation or notices may be conducted in connection with the Final ESR (refer to Appendix 3).

If little concern is raised prior to this step by persons, agencies or Aboriginal communities, if any raised concerns were resolved (e.g., through discussion with the individual or group, and/or will be addressed through conditions on an MNR approval), or if no requests for the Notice of Completion have been made and no significant environmental effects have been identified, or there is public support for the project to proceed, then a shortened response period (e.g. 15 days) may be identified in the notice and reasons for the shortened period given.

### **Step 5: Statement of Completion, Implement Project**

#### **Statement of Completion**

If no Part II Order requests are received during the comment period or they are resolved without elevation of the project to Category D, then the responsible MNR manager will prepare a Statement of Completion. The Statement of Completion will be placed on the project file and will also be sent to the Manager, Economics, Research and Environmental Planning Section, Strategic Policy and Economics Branch. If a Part II Order request is received, the procedure described in Section 5.5 of this Class EA applies.

If the Notice of Completion results in new concerns identified by the public, agencies, or Aboriginal communities, then the following options may be considered:

- Develop further mitigation measures to resolve the concern and incorporate into the Project Plan to the extent that the plan remains feasible.
- Amend the Project Plan and re-issue a Notice of Completion outlining the proposed changes. (It may be necessary to consult with parties having significant concerns to amend the Project Plan).

Once outstanding concerns of the public, agencies, or Aboriginal communities have been considered and the ESR submitted to the Manager by MNR, the partner or the disposition applicant, the file will be reviewed by the Manager. The Manager will then prepare and file a Statement of Completion, with or without conditions, or decide not to proceed further with the project. A copy of the Statement of Completion should also be sent to the Director, Environmental Assessment Branch, MOE.

If a Part II Order request is received, the procedure described in Section 5.5 applies. Note that a 7-day waiting period is suggested in Section 5.5.3, to allow for MOE notification of a request.

#### **Implementation**

All activities associated with the implementation of a project will include mitigation measures outlined in the Final ESR. If construction and maintenance is to be contracted out, an agreement will be signed with the contractor that contains provisions requiring that the mitigation measures identified in the ESR be carried out.

### **4.4 Mitigation**

The Class EA process is intended to identify potential adverse environmental effects and where feasible, avoid them. Where avoidance is not feasible, mitigation measures to reduce or minimize these effects will be identified. For example, a planned project should encourage rehabilitation of degraded conditions that may exist on a site prior to the project, and discourage measures that might act to inhibit future rehabilitation of such conditions. Monitoring of project effects may be required to verify the effectiveness of the mitigation measures, or to verify the predicted effects and inform an adaptive management approach.

Mitigation is the process of avoiding, eliminating, offsetting or reducing to an acceptable level the potential negative effects of a project. It can also include rehabilitation, restoration, or enhancement where feasible. The approach to be employed will involve identifying potential project effects early in the planning process and avoiding them, or building a solution into the project plan from the start, so that further mitigation measures are not required. For example, where there are early indications that implementing a project may require a substantial amount of mitigation, it may be advisable to consider

alternatives. In cases where negative effects cannot be avoided, mitigation measures can be introduced to minimize or offset these effects. All mitigation measures should be clearly documented.

#### 4.4.1 Typical Mitigation Measures

Generally, mitigation measures may include modifications to the project design or implementation techniques, a change in location, or other measures to minimize effects. A table of a generic example for each category of environmental effects and typical mitigation measures is provided in Appendix 6. Examples of typical mitigation measures include:

- noise and dust control measures to minimize disruption to adjacent residents;
- sediment and erosion control measures to avoid surface water sedimentation;
- seasonal constraints on construction to avoid spawning and other critical life history stages for fish;
- timing restrictions to avoid disruption to other users (e.g. canoeists, cottage owners, hunters) or species (e.g. breeding periods of birds);
- systematic excavation and/or working around an archaeological or cultural heritage feature;
- planting of vegetation to replace vegetation that had to be removed; and
- notification of affected owners of construction scheduling.

#### 4.4.2 Mitigation during Project Implementation

Some projects under this Class EA will be implemented by a contractor. Contractors differ in their approach to sequence of operation, construction techniques, equipment used, and construction schedule. Since the operations of the contractor may have the potential for negative environmental effects, provisions that indicate what can or cannot be done during specific operations should be included in the construction contract. Those responsible for inspecting a contractor's work must be made aware of such provisions in order to monitor and assess compliance during construction, and with the applicable environmental provisions including the awareness of mitigation measures to be employed. Appendix 2 lists some of the guidelines and references that may be useful in addressing this.

### 4.5 Monitoring of Projects

Monitoring and follow-up during the pre-construction, construction/implementation, and operation phases of projects are important to the achievement of the purpose of this Class EA as described in Section 1. Monitoring enables MNR to assess whether predictions of environmental effects are valid, and to confirm the effectiveness of mitigation measures. Where unintended effects occur, further action can be taken to reverse or minimize them. Monitoring and follow-up will enable lessons learned to be applied in planning future projects, thereby improving the efficiency and effectiveness of the Class EA process.

This section provides for monitoring Category B and C projects.

For example, it is MNR practice to discourage development in areas of known cultural heritage significance, and to encourage further study in areas expected to have potential for cultural resources. Assessments may be carried out by a licensed archaeologist to ensure that any potential archaeological resources are identified. If archaeological resources were unexpectedly found during a project (e.g., unearthed), then the project would be stopped until appropriate mitigation has been established.

Potential requirements for monitoring may be considered throughout the planning for both Category B and Category C projects. How much monitoring is required will depend on the project. For example, low intensity, frequently recurring projects may not require any monitoring, whereas larger scale projects using innovative or untested techniques and mitigation measures may require a sophisticated monitoring approach before, during, and after implementation. A monitoring program may be established to address the project objectives (e.g., fish stocking - to establish a healthy fishery).



Project files and ESRs will include a statement that the need for monitoring was considered in project evaluation. If no monitoring is required, then reasons will be provided. Where monitoring is required, a monitoring and follow up program will be described. Consideration may be given to the following:

- *Purpose*: why the monitoring is being done (objectives), the potential effects.
- *Acceptable Outcomes*: the predicted effects to be monitored, and the range of acceptable outcomes.
- *Monitoring Methods*: the protocols to be used (e.g., techniques, equipment, indicators, measurements, duration, frequency, etc.).
- *Results*: a description and assessment of the results with respect to the acceptable outcomes.
- *Remedial Action*: additional actions that may be required to mitigate a problem, including any related monitoring.
- *Reporting*: a description of when and how reporting will be completed, including adjustments to projects arising from the results of monitoring.

If a project is undertaken by or in co-operation with a partner, or by a disposition applicant, responsibilities for monitoring and any required mitigation and remediation will be clearly identified. Monitoring records will be maintained on the project file.

## 5.0 Class EA Practices and Procedures

### 5.1 Proceeding with Projects - After Statement of Completion

MNR may proceed with a project within five years of filing a Statement of Completion (SOC). If MNR wishes to proceed with a Category B or C project after that time, it shall review and document any changes in circumstances of the project that may have taken place since the initial SOC of the project. The review of circumstances of the project may include changes to environmental conditions, new government policies, new engineering or other technical standards, or availability of new technologies to ensure the project and the mitigating measures are still valid. If the review indicates that changes to the project should be considered, then refer to Section 5.2 for direction regarding modification to projects

### 5.2 Modifications to Project Files and ESRs

MNR may wish to modify a Category B or C project after issuing the Notice of Completion or filing the Statement of Completion. MNR will review the proposed modification against the screening criteria in Table 3.1. Where there would be no increase in the net negative environmental effects or level of public or agency concern about the modified proposal's effects, the modification would be considered minor and the project may proceed. Where there would be an increase in net negative environmental effects or level of public or agency concern about the modified proposal's effects, the modification would be considered major and MNR staff would undertake additional evaluation; the results of the evaluation shall be documented in a Revised Project File or a Revised ESR. A Revised Notice of Completion notice will be provided to all who earlier expressed interest in the project, and, for Category C projects, will also be included in a newspaper ad. Where the modification raises new issues that MNR believes may be of interest to agencies, groups or individuals that did not previously express interest, these additional parties will be contacted.

Minor amendments can be made to projects after the completion of a project evaluation, without a public notice. Major amendments require a public process.

The Revised Notice of Completion will describe the proposed change, the reasons for the change, any changes to the predicted environmental effects, the location where the Revised Project File or ESR can be reviewed, and a contact name. The response period for this notice will be a minimum of 30 days. It will provide contact information and information regarding the opportunity to submit a Part II Order request. Other consultation activities may be initiated.

If no request is received within the notice period, or if the request is denied or successfully resolved, then the responsible manager will file a Revised Statement of Completion in accordance with Section 4.2 or 4.3 as appropriate, with any necessary modifications, and the project may proceed. Where a request is received, the process described in Section 5.5 will be followed.

### 5.3 Transition Provisions

Transition provisions are intended to ensure a smooth transition between previous environmental assessment processes (e.g. declaration orders) replaced by this Class EA or amendments to this Class EA.

Where MNR commenced another EA process or an EA process under this Class EA and the Statement of Completion is not yet placed on the project file, MNR may continue with the requirements of the previously approved EA process or may meet the requirements of this Class EA, as amended from time to time.

## 5.4 Recurring Projects

Recurring projects are projects that generally conform to the original project description and project area, and which are implemented over a number of years to achieve the initial management objectives. Examples of recurring projects include prescribed burning, managing vegetation, stocking fish, and controlling invasive species.

When a project is initially screened, the project description will describe the anticipated duration and the recurring nature of the proposal. The project evaluation of this Class EA will reflect this anticipated approach in the evaluation. Recurring projects may proceed for a period of up to 10 years. After this time, or sooner as may be deemed necessary by MNR, MNR will review the project to determine whether any modifications to the project are necessary. MNR will issue a general public notice to invite participation in the assessment. Notice will be provided to persons, agencies and Aboriginal communities with a known or, what MNR believes to be, a potential interest, (e.g., those who previously submitted comments on the project). The review will take into consideration the following information:

- Any changes that may have taken place since the screening of the project in the case of Category A projects or the Statement of Completions in the case of Category B or C projects to ensure that the project and mitigating measures are still valid (e.g., environmental conditions, new government policies, new engineering standards or new technologies for mitigating measures).
- The results arising from any monitoring, evaluation and reporting initiatives.
- Any specific comments regarding the recurring project that had been received over the 10-year period or as a result of the general public notice.

The results of the review would be documented for the public record, including the specific comments received, and modifications found to be necessary would be addressed in the manner described for minor and major amendments to project files or modifications to Environmental Study Reports, as per Section 5.2 of this Class EA.

## 5.5 Part II Order Provisions

Under the provisions of Section 16 of the EAA, a person may request the Minister of the Environment to require a proponent to comply with Part II of the EAA (which addresses the development of individual EAs), before proceeding with a proposed project. This is known as a Part II Order. This section describes procedures to elevate a project from consideration under this Class EA so that it is considered as an individual EA prepared in accordance with Part II of the EAA; i.e., a Category D project.

If a person is not satisfied with a project proposal and the evaluation process, and still has outstanding concerns with respect to the potential environmental effects, they can request the Minister of the Environment to issue a Part II Order, to have the project evaluated under an Individual EA.

This Class EA provides an opportunity for agencies, Aboriginal and interested groups and individuals to provide input to MNR's decision making. The Part II Order provisions described in this section are not intended to apply during the screening or project evaluation processes. These provisions may be used after posting a Notice of Completion if there is a concern that a project evaluation under this Class EA is considered insufficient to address specific public concern related to environmental effects of the project.

In some situations a person, agency or Aboriginal community may consider that a project is not receiving adequate consideration under the Class EA during the project evaluation process and should instead be assigned to Category C or D. The concerns that lead to this conclusion should first be provided to MNR in writing and discussed with the MNR staff involved. The concerns should be raised early so that they can be considered and resolved, if possible, before substantial time and resources have been committed. MNR may volunteer to reassign the project to Category D (or elevation to a Category C if it is a Category B project), or may decide to continue with its planning process under the category originally assigned.

If these concerns are still not resolved, then Aboriginal communities, stakeholders, agencies, or individuals have an opportunity to make a formal request to the Minister of the Environment for a Part II

Order within the comment period specified in the Notice of Completion for a Category B or C project. Section 5.2 of this Class EA also provides for Part II Order requests to be submitted when an amendment to a Category B project file or an ESR is proposed. Notices of all these actions must specify that there is an opportunity to request a Part II Order. The process is described below and is illustrated in Figure 4.

### **5.5.1 Submission of Request for a Part II Order**

The concerned party submits a written request for a Part II Order to the Minister of the Environment within the 30-day comment period indicated in the Notice of Completion, copying it to the contact person specified in the notice. In addition to making the request, the submission should discuss:

- the nature of any specific concerns that remain unresolved, and actions other than a Part II Order that might resolve these concerns;
- that a Part II Order request is being made and identify the proponent and the project;
- the environmental impacts of the proposed project and their significance;
- the availability of other alternatives to the proposed project;
- the adequacy of the planning and public consultation process conducted under this Class EA, and MNR's response to concerns and submissions;
- the involvement of the person, agency or Aboriginal community making the request in the Class EA process, and details of any discussions held with MNR;
- why the project would be more appropriately considered under the Part II Order provisions (an individual EA), and the benefits that would result;
- any factors suggesting that the proposed project differs from other projects subject to this Class EA, and the significance of these factors and differences; and
- any other information that the requester may feel is relevant to assist the Minister in making a decision.

### **5.5.2 Attempt Early Resolution**

MNR will attempt to initiate or resume discussions with the parties concerned and may request involvement in some form of alternate dispute resolution to the interested parties who have outstanding concerns with the project. If there is potential for progress in resolving the concerns raised, MNR and the requesters may agree to advise MOE in writing to defer the review of the Part II Order request to allow adequate time so that further discussion may take place prior to a final decision. MNR and the requesters will provide MOE with a written account and outcome of the discussion and whether the Part II Order request is confirmed or withdrawn. In turn, MOE will acknowledge the same, in writing, with the parties and MNR. Such initiatives for early resolution are the responsibility of MNR and the interested parties.

### **5.5.3 MOE Consideration of the Request**

Upon receipt or confirmation of a Part II Order request, the Minister of the Environment or delegate will review the request after the 30-day comment period indicated in the Notice of Completion.

- MOE will advise MNR in a timely manner in writing that the request has been received. MNR will be requested to provide any information (e.g., consultation carried out, how potential effects were identified and mitigated etc.) necessary to the MOE to review the request and provide recommendations to the Minister. MNR will respond to the Minister of the Environment or delegate within 15 days of the request for information having been received from the MOE, unless the Minister or delegate specifies a longer period. MNR may volunteer to elevate a Category B project to Category C (where this has been requested) or to a Category D, and advise the Minister of the Environment accordingly in writing at any time before the Minister's decision. If a Part II Order request(s) has been made and the MNR chooses to voluntarily elevate the project to a Category C, then MNR should receive written confirmation from the requester(s) that they are satisfied with that level of assessment for the project. The MNR's decision and confirmation of the requester(s) should be conveyed to the MOE in writing, with a formal withdrawal of the Part II Order request that was submitted. On receiving such documentation, MOE would terminate its consideration of the Part II

Order request(s), and advise the requester(s) in writing, copying the MNR. In the event that the MNR volunteers to prepare an individual EA, it should also advise the MOE and all affected parties in writing.

- The EAB must prepare a report to the Minister of the Environment containing recommendations within 45 days of having received all required information from the MNR or other sources, or 45 days from receipt of a mediator's report.

#### **5.5.4 Minister's Decision**

The Minister of the Environment will make a determination on the request within 21 calendar days of receiving the recommendation from the EA Branch. The Minister's decision is not invalid if made after 21 days. MNR shall not proceed with any portion of the project until the Minister makes a determination regarding the request, unless permission, with or without conditions, is given by the Director of the EAB.

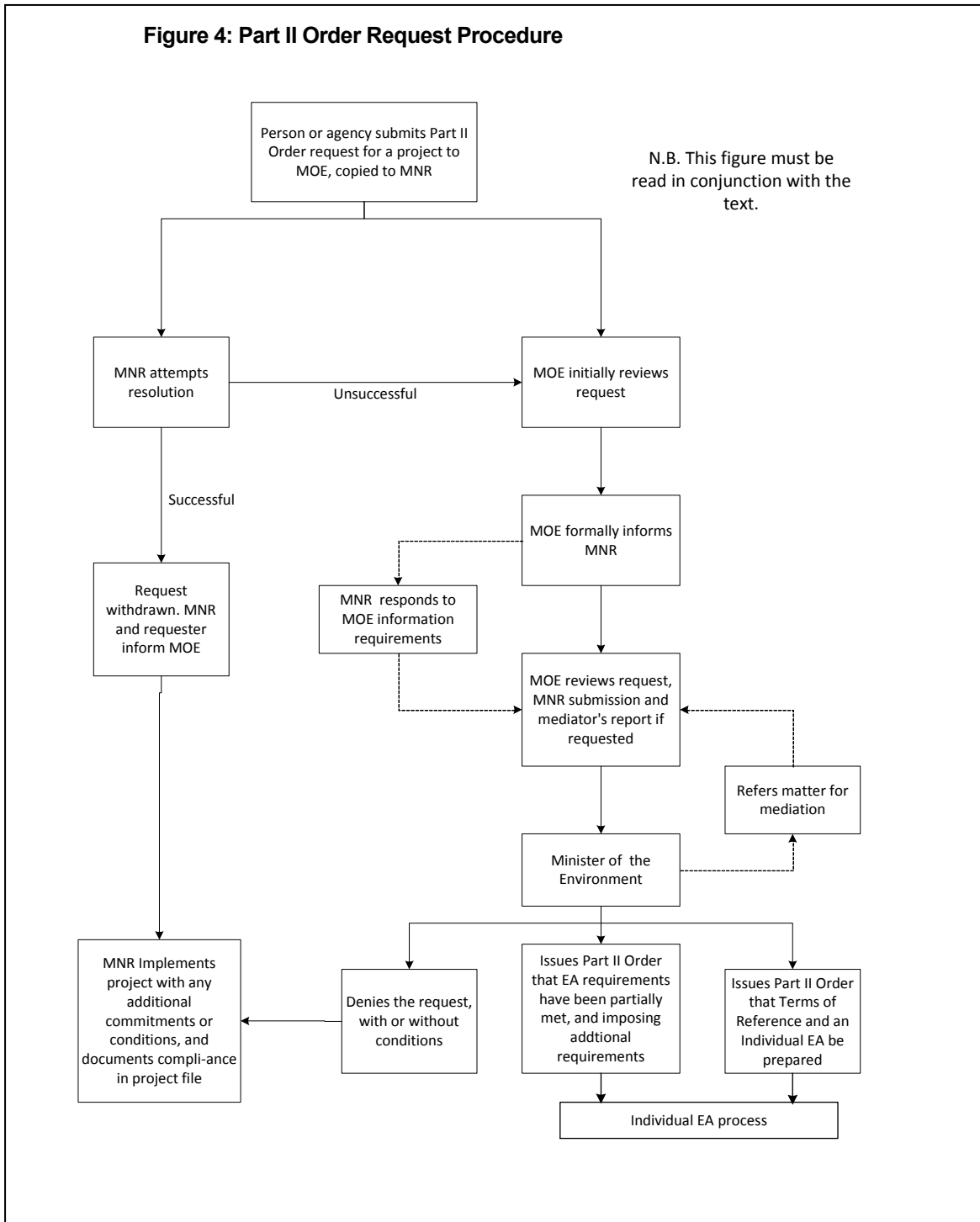
In making a decision the Minister will give consideration to, among other things, the following matters, as set out in Section 16(4) of the EAA:

- The purpose of the EAA.
- The factors suggesting that the proposed undertaking differs from other undertakings in the class to which the class environmental assessment applies.
- The significance of the factors and of the differences.
- Any reason given by a person who requests the order.
- The mediator's report, if any, following referral by the Minister under ss. 16 (6) of the EAA.
- Such other matters as may be prescribed.
- Such other matters as the Minister considers appropriate, including:
  - Extent and nature of public concern,
  - Potential for significant environmental effects,
  - Need for broader consideration of alternatives by the proponent,
  - Consideration of urgency,
  - Participation of the requester in the planning process,
  - Degree to which public consultation and dispute resolution have taken place, and
  - Timeliness of the request and the timeliness of the requester raising the issues and /or concerns with the proponent.

The Minister may:

- Deny the request, with or without conditions, in which case the responsible MNR manager would meet any additional requirements, file a Statement of Completion and implement the project.
- Refer the matter to mediation under Section 16(6) of the EAA, in which case a final decision would be deferred until the mediation report is received.
- Issue an order, pursuant to sub-section 16(2) of the EAA, to comply with Part II of the EAA. The Order may:
  - (i) Set out directions for the preparation of Terms of Reference, which would govern the preparation of the required individual EA; or
  - (ii) Declare that the Class EA documentation meets some of the requirements for an individual EA, and order MNR to meet the remaining requirements (EAA, Section 16 (2) 2). In this event, the Minister may allow a part or parts of the project to proceed if the following information is provided to the satisfaction of the Minister:
    - Adequate justification of the need for the part or parts of the project to proceed prior to completing the individual EA;
    - That the part or parts are not the subject of the Part II Order;
    - That the part or parts have been evaluated appropriately under the Class EA; or
    - That the implementation of the part or parts will not interfere with the MNR's ability to comply with the Order and any and all requirement and direction made in the Order.

The Ministry of the Environment will provide notice of its decision on the Part II Order request with reasons to MNR and those who made the request. The MNR will document in the project file and notify MOE of how it has complied with any and all conditions of a Part II Order denial.



## 5.6 Monitoring the Implementation of this Class EA

The purpose of monitoring the implementation of this Class EA is to determine whether it is fulfilling its stated purpose (see Section 1.1), and to identify opportunities for improvement that would enhance its effectiveness.

To assist in monitoring progress and experience arising from the implementation of this Class EA, MNR will:

- Retain copies of completed Class EA file information (e.g., screening checklists/reports, Environmental Study Reports, statements of completion) at the relevant district or program office.
- Retain Statements of Completion at the Economics, Research and Environmental Planning Section, Strategic Policy and Economics Branch.
- Submit annual reports to the Director no later than March 31 for projects initiated, planned or implemented during the previous calendar year, as confirmed by the filing of a Statement of Completion. Annual reports will be submitted to the Director, EAB for placement on the Public Record.

The annual report will include:

- A statement of effectiveness of the Class EA parent document in providing an effective and efficient planning process, and in protecting the environment.
- Identification of any potential changes to the Class EA parent document or changes to the MNR's practices and procedures that would serve to improve the Class EA itself or its administration.
- Identification of any common problems experienced with Class EA projects that may suggest a problem in the Class EA parent document.
- A statement of proposed action that the MNR has or will be proposing to deal with problems, deficiencies and non-compliance with the Class EA parent document, and whether the problems should be addressed in the five year review, or sooner.
- A statement by the MNR on how they have complied with each of the conditions in the Notice of Approval (Order-in-Council) of the Class EA parent document, the EAA and any "Notice of Amendment" issued by the Director, EAB.
- A copy of the Notice of Approval (Order-in-Council) and any approved amendments to the Class EA parent document.
- The findings and recommendations of any internal audits or third party audits completed during the course of the year.
- A summary and percentage of Class EA projects planned in accordance with the Class EA parent document for which Part II Order requests were made to the Minister of Environment during the preceding calendar year and the proponent; of these, the number and percentages of requests that were granted, denied or denied with conditions. This summary shall include the project name, location and brief description of the undertaking; the outcome of Part II Order requests; and a statement indicating how conditions attached to decisions on Part II Order requests were fulfilled.
- A summary table listing of all projects for which a Statement of Completion was issued during the preceding calendar year that were carried out following the Class EA document, including a listing and a breakdown by project category. Projects that are categorized as Category A projects do not need to be reported. The summary table shall include the following information:
  - name and brief description of the project;
  - name of contact person (e.g., project manager);
  - location of the project;
  - the date of the statement of completion; and
  - status of the project.

## 5.7 Amendments to this Class EA

MNR, or any other party, may submit written requests for amendments to the Class EA to the Director EAB, (for minor amendments see below), or to the Minister of the Environment (for major amendments). An outside party should consult with the Director, Strategic Policy and Economics Branch (MNR) before submitting a proposed amendment, and should also provide the Director with a copy of the proposed amendment. Proposals must set out the specific concern or issue being addressed, the reason for the proposal and the proposed amendment.

Upon approval, minor and major amendments would be appended to this Class EA, or consolidated into the written text. A master copy of the Class EA will be held at the Strategic Policy and Economics Branch (MNR) and a consolidation will be provided on an internet web page.

The Minister of the Environment or delegate may require that consideration of a major or minor amendment be deferred for consideration as part of a five-year review, as described in Section 5.8.

Amendments will be dealt with in one of two ways:

### 5.7.1 Minor Amendments

Minor amendments would include administrative corrections and clarifications, minor updates (e.g., reference to a guideline, minor policy changes requiring changes to the Class EA), and changes to procedures that, in the opinion of the Director of the EAB, MOE, do not affect the intent of the Class EA.

Requests for minor amendments may be made by MNR or by any other party. MNR would consult with the Director of the EAB who would determine whether or not the proposed amendment is valid, and whether it is minor. If the proposed amendment passes these tests and, in the opinion of the Director, EAB in consultation with MNR the proposed amendment is reasonable and appropriate, it may be approved without public consultation.

Minor amendments to this Class EA will be approved through an abbreviated process. Major amendments require a public notice and an opportunity for a Part II Order

### 5.7.2 Major Amendments

Major amendments would include changes that, in the opinion of the Director of the EAB, would have a significant effect on how the Class EA is carried out. They could include changes to:

- The range and type of projects within the class or the assignment of projects to categories.
- The essential elements of the screening or Category B or C processes, and the provisions found in this section of the Class EA.
- Mandatory public notification procedures or timelines.

MNR, or any other party, may make a request for a major amendment. The MNR would consult with the Director, EAB, who would determine whether or not the proposed amendment is valid, and whether it is major. If the proposed amendment passes these tests and, in the opinion of the Director, EAB in consultation with MNR, the proposed amendment is reasonable and appropriate, it will be posted by MOE on the Environmental Registry for a minimum period of 30 days. Interested parties will be invited to submit comments to the Director of the EAB, copied at the same time to MNR. In some circumstances, additional public consultation activities may be carried out.

Based on any comments received and further consultation with MNR, the Minister of the Environment or delegate would approve or deny approval for the amendment, with or without conditions, within 60 days after the deadline for comments. The decision would be provided to those who submitted comments or indicated interest in the amendment, and it would be posted on the Environmental Registry.



## 5.8 Review of the Class EA

A review of the Class EA will be undertaken by MNR every five years from the date of approval (March 31, 2003, or as amended) to ensure that the document still complies with legislative, regulatory, policy requirements and planning practices, and continues to satisfy the purpose of the EAA. MNR will provide, by letter, to the Director of EAB the results of the review. This review will consist of a summary of issues and amendments that arose during the review period, and an account of how the issues and amendments that have been or will be addressed, for approval by the Director of the EAB. Any revisions, additions, or updates can be made using the amending procedure described in Section 5.7.

## Schedule A: List of Pre-Assigned Category A Projects

Projects subject to the Class EA and examples of projects are described in Section 2. The following are pre-assigned Category A projects under this Class EA and MNR can proceed to implementation:

1. Operation and maintenance of existing facilities
2. Emergency activities provided that the requirements in footnote 1 are met <sup>1</sup>
3. Dispositions under any of the following instruments or for any of the following purposes:
  - 3.1 Crown land camping permits
  - 3.2 Type B authorization for an outpost camp
  - 3.3 Seasonal work camp for forest regeneration or renewal personnel, e.g., tree planters' camp
  - 3.4 Temporary wood storage areas
  - 3.5 Renewal of or issuance of subsequent authority to use or occupy Crown land
  - 3.6 Change in type of tenure to Crown land, excluding sale
  - 3.7 Disposition of Crown land under 0.2 hectares to authorize existing uses
  - 3.8 Sale of Crown shoreline reserves or road allowances under 1.0 hectare to the adjacent private property owner
  - 3.9 Post disposition activities (e.g., consents to mortgage, sublet, or transfer tenure)
  - 3.10 Road on Crown land under 250 metres in length to access private property (e.g. driveway)
  - 3.11 Minor road or trail on Crown land to access fuelwood for personal use
  - 3.12 Hunting and fishing licences
  - 3.13 Trapping licences
  - 3.14 Protection or recovery activities for a species listed on the Species at Risk in Ontario List
  - 3.15 Authorization to possess a species listed on the Species at Risk in Ontario List for scientific or educational purposes or for traditional cultural, religious or ceremonial purposes
  - 3.16 Licence to harvest wild rice on Crown land
  - 3.17 Research (e.g. scientific collectors permits)
  - 3.18 Undertakings by another EAA proponent where the disposition and the environmental effects on the subject Crown resource are addressed, to MNR's satisfaction, in the other EAA proponent's EAA process
  - 3.19 Projects approved by the National Energy Board or the Ontario Energy Board
  - 3.20 Release of reservations for conferring the right to use, for fishery purposes, the banks of a body of water
  - 3.21 Release of reservations for conferring a right of access and free passage along the shores of rivers, stream, and lakes
  - 3.22 Release of reservations for trees
  - 3.23 Release of reservations for the surface rights in any public or colonization road crossing the land granted
  - 3.24 Release of reservations for a percentage of surface rights for road purposes
  - 3.25 Release of reservations for a right of way for a railway line where the line is not constructed
4. Sewage systems and water works for MNR facilities
5. Plugging oil and gas wells
6. Depatent land
7. Declaration of surplus lands
8. Install signage
9. Remove unauthorized occupations of Crown land
10. Physical control of problem (or nuisance) animals (e.g. caging and removing a skunk)
11. Control of invasive species
12. Fish habitat enhancement, rehabilitation or restoration excluding relocation of a natural waterbody
13. Ongoing fish stocking in inland lakes
14. Ongoing fish stocking of native species in the Great Lakes

15. Prescribed burning
16. Managed fire

**Footnotes:**

**1. Emergency activities**

In an emergency situation, MNR may take immediate actions to respond when the following criteria are met:

- Immediate response to the situation by MNR is required to address threats to human life or safety, property, a public service, or the environment; and
- All reasonable efforts are made to mitigate any negative effects of emergency response actions.

Within 30 days of the commencement of action taken, MNR will provide notice to the Director of EA Branch, MOE, containing the following information:

- The location and nature of the situation
- The known environmental effects of the situation
- Actions taken to respond to the situation and address the environmental effects of that response
- The effectiveness of the actions
- Anticipated future remedial works and monitoring, if any

## **Schedule B: Appendices**

**Appendix 1 - Acronyms and Glossary**

**Appendix 2 - Guidelines and Manuals**

**Appendix 3 - Notification and Consultation**

**Appendix 4 - Other Relevant Federal and Provincial Legislation**

**Appendix 5 - Examples of Notices and Forms**

**Appendix 6 - Generic Examples of Typical Mitigation Measures**

**Appendix 7 – MOE Notice of Approval and Amendment Approval**

## Appendix 1: Acronyms and Glossary

This following list of acronyms and glossary is provided to promote understanding of terms used in, or in relation to, this Class EA.

### List of Acronyms

**CEAA:** Canadian Environmental Assessment Act (2012)

**Class EA:** Class environmental assessment

**Class EA-RSFD:** Class Environmental Assessment for Resource Stewardship and Development

**EA:** Environmental assessment

**EAA:** Environmental Assessment Act

**EAB:** Environmental Approvals Branch (MOE)

**EREPS:** Economics, Research and Environmental Planning Section

**ESR:** Environmental Study Report

**FIPPA:** Freedom of Information and Protection of Privacy Act

**MNR:** Ministry of Natural Resources

**MOE:** Ministry of the Environment

**NOC:** Notice of Completion

**SAR:** Species at Risk

**SOC:** Statement of Completion

### Glossary of Terms

**Alien Species:** Species of plants, animals and micro-organisms introduced by human action outside their natural past or present distribution.

**Crown Land:** Refers to all lands, including land under water, acquired as well as non-granted lands managed by MNR

**Cultural Heritage Resource:** This may include archaeological resources, built heritage or cultural heritage landscapes. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by local, provincial or federal jurisdictions. While some significant resources may already be identified and inventoried by official sources, the significance of other can only be determined after evaluation.

**Archaeological Resource:** Includes artifacts, archaeological sites, and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

**Archaeological Site:** Any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest. Identified archaeological sites that are known to MNR or Ministry of Tourism and Culture staff through reports or included in the MNR (Natural Resource Values Information System - NRVIS) and Ministry of Tourism and Culture (Ontario Archaeological Sites Database - OASD) databases.

**Area of Archaeological Potential:** Areas with the likelihood of containing archaeological resources. Criteria for determining archaeological potential are established by the Ministry of Tourism and Culture.

**Built Heritage Resource:** One or more significant buildings (including fixtures or equipment located in or forming part of a building), structures, monuments, installations, or remains associated with architectural cultural, social, political, economic or military history and identified as being important to a community (that have cultural heritage value). Significant in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

**Cultural Heritage Landscape:** A defined geographical area of heritage significance, which has been modified by human activities and is valued by the community. Such an area involves one or more groupings of individual heritage features, such as structures, spaces, archaeological sites, and natural elements, which together form a significant type of heritage form, distinct from that of its constituent elements or parts.

**Marine Archaeological Site:** An archaeological site that is fully or partially submerged or that lies below or partially below the high-water mark of any body of water.

**Traditional Use Site:** A geographically defined area supporting current or past human use as a gathering area, spiritual site, place of worship or cemetery.

**Cumulative Effect:** Cumulative effects are the total potential effect from several related activities on valued components of the environment within a defined study area over time. Sometimes the effects of more than one project can accumulate or add up so that they reach a valued component's critical threshold, or they can be compounded so that they create an effect that is greater than the sum of the individual effects.

**Declaration Order:** An Order by the Minister of the Environment under Section 3.2 of the *EA Act*, removing the need for a proponent to comply with the full requirements of the Act. It may exempt a proponent or an undertaking entirely from the Act, or it may qualify the exemption with the imposition of conditions. Similar to an exemption order.

**Decommission:** To retire, abandon, dismantle, or remove from active service, working order, or operation.

**Disposition:** The granting by the MNR of certain or all rights to Crown resources through such means as permits, licences, approvals, authorizations, permissions, consents, leases, licences of occupation, or sale.

**Endangered Species:** Any species, as listed in the Regulations under the *Endangered Species Act*, that is at risk of extinction throughout all or a significant portion of its Ontario range if the limiting factors are not reversed.

**Ecosystem Approach:** An adaptive process that aims to understand the interrelationship between social, economic and natural environments while recognizing the balance between human needs and managing for ecosystem integrity. The application of an ecosystem approach requires the consideration of cumulative effects on the affected environment.

**Environment:** same as Section 1 of the *EA Act*.

**Environmental Assessment:** The identification and evaluation of the effects of an undertaking and (where appropriate) its alternatives on the environment, as contained in a document prepared in accordance with the *Ontario and/or Canadian Environmental Assessment Acts*.

**Environmental Effect:** A change to the environment within the defined study area, positive or negative, that would occur as a result of a project.

**Gross Environmental Effect:** A change to the environment that would result from the project, without application of proposed mitigation or enhancement measures.

**Net Environmental Effect:** A change to the environment that would result from the project, following the application of proposed mitigation or enhancement measures. Monitoring may be proposed to assess the need for mitigation measures in the future.

**Environmental Study Report:** The report that formally documents a project evaluation process carried out for a Category C project under this Class EA.

**Exemption Order:** An order made under the *EA Act* prior to the coming into force of section 3.2 of the *EA Act*. Similar to Declaration Order.

**Facility:** Generally, equipment, infrastructure, buildings, or improvements that are built, installed, or established to provide the physical means or assistance to make an action, operation, or course of conduct easier.

**Facility Development:** Facility development generally involves providing infrastructure, improvements or other works that are built, installed, or established, often to support resource stewardship. This generally includes planning, design, construction, operation, maintenance, rehabilitation, but can also involve retirement or decommissioning of facilities, for such purposes as supporting resource stewardship projects (e.g. fishway, access point).

**Fish Stocking:** The release of fish into a waterbody or watercourse from one that is external to it. Stocked species may be either native or non-native to the recipient waterbody.

**Ongoing (Fish Stocking):** The regular releases of a fish species into a waterbody or watercourse as part of an established program using established stocking procedures in order to meet a desired management objective.

**Introduction:** The initial release of a fish species into a waterbody or watercourse where it does not occur (i.e. species is not naturally present, is extirpated, or is not likely to have persisted from past stocking efforts).

**Reestablishment:** Is a stocking program that has ceased for a period of time that is greater than the maximum life span of the species being stocked, and where the species is no longer present, would be considered an introduction).

### **Fish Species:**

**Native:** Species of fish having originated naturally in a specific waterbody or watercourse in Ontario.

**Non-native:** Species of fish not having originated naturally in a specific waterbody or watercourse in Ontario, but is now present in the waters of Ontario.

**Exotic:** Is a species of fish not present in the waters of Ontario.

**Habitat:** The place or environment where a plant or animal naturally or commonly lives and grows.

**Individual Environmental Assessment:** An environmental assessment that is subject to the requirements set out in Part II of the *EA Act*.

**Invasive Species:** Species whose introduction or spread threatens the environment, the economy, and/or society including human health. May include those species which are native to Ontario, but have been introduced to a new geographic region due to human activity.

**Maintenance:** Generally, the regular, routine actions, taken to retard the natural deterioration of a resource, building, fixture, or equipment. These actions are intended to keep the resource from premature loss due to failure, decline, wear or change attributable to normal use or the effect of the natural environment.

**Mitigation:** Avoiding, eliminating, offsetting or reducing the potential effects of a project. It can also include rehabilitation, restoration, or enhancement where feasible. The means by which projects can be modified to minimize or eliminate potential negative environmental effects. This can include off-site measures that achieve the same objective.

**Native Species:** Organisms that occur naturally in a particular area instead of being introduced, accidentally or deliberately, by human activity.

**Natural Heritage Features and Areas:** Features and areas such as significant: wetlands, fish habitat, woodlands, valleylands, and portions of the habitat of endangered and threatened species, wildlife habitat and areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Operation:** Includes operation, maintenance and repair, rehabilitation, as well as upgrading and replacement, provided that the function or capacity of the facility remains similar.

**Part II Order:** A decision by the Minister of the Environment to require that a project or activity that would normally be considered under a Class EA be designated and subject to an individual environmental assessment in accordance with Part II of the *EA Act*. This is distinguished from a voluntary elevation to a higher category.

**Problem species** is a species which, either individually or collectively, causes, or is likely to cause, a negative impact to a human value (health, safety, property, aesthetic or economic) due to its behaviour, actions or location. Previously referred to as "nuisance" species.

**Project Evaluation and Consultation Process:** A process to determine the positive and negative effects of a proposed project, involving such steps as collecting and analyzing of information on the problem to be addressed, establishing a purpose for a project, and consideration of alternatives.

**Project file:** A file that provides the formal documentation for a project evaluation carried out under this Class EA.

**Research:** Research includes measuring, monitoring, and testing and includes an activity that is carried out for the purposes of or consists of research. Research undertakings are exempt from subsection 5(1) of the *EA Act*, R.R.O. 1990, by section 11 of Regulation 334.

**Resource:** Generally, a value, feature, attribute, or physical component; an available renewable or non-renewable supply that can be drawn on when needed, be it animal, vegetable, mineral, etc.

**Resource stewardship:** Resource stewardship generally involves supervision or management of a natural resource. This involves a wide range of projects that can involve planning, design, operation, maintenance, disposition, rehabilitation, and retirement or decommissioning. In some cases, this could



involve active management projects (e.g. enhancing fisheries habitat through placement of rock rubble to improve a spawning shoal). In other cases, more passive or less intrusive projects are adopted to suit the resource needs (e.g. disposition of a dam to a municipality or conservation authority).

**Retirement:** To cease operation, abandon, decommission, or remove from active service or working order.

**Species at Risk:** Those species listed as special concern, threatened, endangered, extirpated or extinct on the Species at Risk in Ontario List, as defined in the *Endangered Species Act, 2007*.

**Undertaking:** Same as Section 1 of the *EA Act*

**Work Permit:** Means a work permit issued under Ontario Regulation 453/96 made under *the Public Lands Act* and excludes any other approval. A work permit is not a form of land use occupational authority. Work permits could be granted for such proposals as shore land related improvements, trap cabins, boathouses, roads, and trails.

## Appendix 2: Guidelines and Manuals

The following is a list of manuals, guidelines and references that may be useful in planning for and implementing projects covered by this Class EA:

### Ministry of Natural Resources:

- Environmental Guidelines for Access Roads and Water Crossings
- Ecological Impacts of Fish Introductions: Evaluating the Risk
- A Bibliography of Selected Fish Habitat Protection Guidelines and References. Volume 1: Aquatic Habitat. Volume 2: Impacts of Activities on Aquatic Habitat
- Ontario Guidelines for Aquatic Plant Control
- An Inter-jurisdictional Compliance Protocol for Fish Habitat and Associated Water Quality, 2007
- Fish Habitat Referral Protocol for Ontario, 2009
- Fisheries Guidelines for the Review of Agricultural Drain Maintenance Proposals
- Fish Timing Window Guidelines for In-Water-Work - Southcentral Region, OMNR, (Draft)
- MNR Trail Planning Guidelines
- Urban Drainage Guidelines.
- MNR Manual of Fish Health Protection
- Guidelines for Stocking Fish in Inland Waters of Ontario (draft)
- American Fisheries Society Fish Health Blue Book
- Strategic Operating Plan for Ontario Fish Culture Program
- Natural Heritage Reference Manual
- Natural Channel Systems: Adaptive Management of Stream Corridors
- Forest Management Guidelines - fish, wildlife, physical environment, tourism and cultural values, etc.
- Ontario Provincial Parks Guidelines and Standards for recreation, tourism management, etc.
- Waterpower Program Planning Guidelines
- Inter-agency Process and Technical Guidelines to Expedite the Review of Dredging Proposals in Low-Water Conditions, MNR, August, 2000, Dave Bell
- Aquaculture Interim Policy and Procedural Directives
- Applications for Retrieval of Sunken Logs - Review and Approval Requirements, April, 2000
- Ontario Invasive Species Strategic Plan ( 2012).
- A Practitioner's Guide to Climate Change Adaption in Ontario's Ecosystems" (MNR, 2011)
- A Technical Guideline for Cultural Heritage Resources for Projects Planned Under the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects and the Class Environmental Assessment for Provincial Parks and Conservation Reserves (MNR, 2006)
- Invasive Species Best Management Practices Documents – (e.g. phragmites, giant hogweed)
- Prescribed Burning Manual, Forest Fire Management Strategy for Ontario (2004) and Guidelines for the use of Modified Response and Monitoring during Managed Fire Operations
- Categorizing and Protecting Habitat under the Endangered Species Act, Feb, 2012
- Endangered Species Act (ESA) Submission Standards for Activity Review and 17 (2)(c) Overall Benefit Permits, 2011
- Technical Guidelines and Requirements for Approval under the Lakes and Rivers Improvement Act
- The Guide for Crown Land Use Planning (2010)
- Prescribed Burning Operations Policy and Prescribed Burn Manual, 2008
- Policies and Procedures under the Public lands Act

### Ministry of Tourism and Recreation + Ministry of Culture:

- Standards and Guidelines for Conservation of Provincial Heritage Properties, 2010
- Ontario Heritage Tool Kit, 2006
- Standards and Guidelines for Consultant Archaeologists, 2011
- Resource-Based Tourism Policy (1997)

- Memorandum of Understanding - MNR-MCzCVR [now MTCR] for Cultural Heritage Resources - Cultural Heritage Screening When Issuing Work Permits or Disposing of Crown Rights under the Authority of the *Public Lands Act* (September 25, 2000).
- Archaeological Assessment Technical Guidelines (Stage 1-3 and Reporting Format) (Ontario Ministry of Culture, Tourism and Recreation, Cultural Programs Branch, 1993).
- Ontario Realty Corporation Technical Guidelines for Cultural Heritage Conservation.
- Guideline for the Preparing the Cultural Resource Component of Environmental Assessments (Ontario Ministry of Culture and Communications/Ministry of the Environment, 1992).
- Timber Management Guidelines for the Protection of Cultural Heritage Resources (MNR, September 1991).
- Guidelines on the Man-Made Heritage Component of Environmental Assessments (Ontario Ministry of Culture and Recreation, reprinted 1981)
- Technical guidelines may be issued to assist users of this Class EA in the identification sites and areas with cultural heritage, recreation, or tourism values.
- Eight guiding Principles in the Conservation of Historic Properties (Ontario Ministry of Tourism, Culture and Recreation, Architectural Conservation Note #1, n.d., current 2001).
- Conserving a Future for Our Past: Archaeology, Land Use Planning and Development in Ontario: An Education Primer and Comprehensive Guide for Non-Specialists (Ontario Ministry of Citizenship, Culture and Recreation, Revised March 1998).
- Heritage Conservation Principles for Land Use Planning (Ontario Ministry of Tourism, Culture and Recreation, Architectural Note #6, n.d., current 2001)

#### **Ministry of the Environment:**

- Guidelines for Sanitary Sewers, Storm Sewers, Water Distribution Adverse Conditions, Small Water Systems, and Seasonal Water Systems.
- The Use of Mediation in the Environmental Assessment Process.
- Guidelines - Noise Assessment Criteria in Land Use Planning.
- Stormwater Management Practices Planning and Design Manual.
- Standard Specifications for the Construction of Sewers and Water Mains.
- Guidelines for Use at Contaminated Sites in Ontario (revised 1997).
- Criteria for the Management of Inert Fill (proposed amendment to Regulation 347 - draft version July, 1998).
- Guidance on Site Specific Risk Assessment for Use at Contaminated Sites in Ontario.
- Fill Quality Guidelines for Lakefilling in Ontario.
- Guideline for Evaluating Construction Activities Impacting on Water Resources.
- Guideline for the Protection and Management of Aquatic Sediment Quality in Ontario.
- Guidance on Sampling and Analytical Methods for Use at Contaminated Sites in Ontario.
- Provincial Water Quality Objectives.
- Guide to EA Requirements for Electricity Sector Projects
- Guide for Applying for Approval of Permit to Take Water, Section 34, *Ontario water Resources Act*, R.S.O., 1990, MOE, June, 2000
- Ontario Drinking Water Standards, MOE
- Recommendations for Operational Water Quality Monitoring at Cage Culture Aquaculture Operations, April 2001, MOE, Duncan Boyd et al
- Water Management: Policies, Guidelines Provincial Water Quality Objectives
- Hydrogeological Technical Information Requirements for Land Development Applications
- Interim Land Use Planning Guidelines
- Pesticide Act Regulations – Pesticide Act and Ontario Regulation 63/09 Private Land and Woodlot Owners Fact Sheet ( April 2011)

#### **Ministry of Municipal Affairs and Housing**

- Innovative Municipal Land Use Planning Practices
- Provincial Policy Statement
- Lakeshore Capacity Study Trophic Status, May, 1986, MMAH, P.J. Dillon et al.

**Ministry of Transportation:**

- Environmental Construction Guidelines for Ministry of Transportation Projects.
- Environmental Reference Book Series: Historical Resources (Vol. 4B), Archaeology (Vol. 4C), etc.

**Municipal:**

- Municipal Engineers Association, Environmental Construction Guidelines for Municipal Road Sewer and Water Projects.
- Municipal Engineers Association, Municipal Class Environmental Assessment.

**Conservation Ontario:**

- Class EA for Remedial Flood and Erosion Control Projects

**Federal Government** (web site [www.gc.ca](http://www.gc.ca)):

## Fisheries and Oceans Canada:

- Fish Health Protection Regulation Manual of Compliance
- National Code on Introductions and Transfers of Aquatic Organisms
- Approach to the Physical Assessment of Developments Affecting Fish Habitat in the Great Lakes Nearshore Regions (1996)
- Guidelines for the Use of Explosives In or Near Canadian Fisheries Water (1998)
- Department of Fisheries and Oceans Freshwater Intake End-of-Pipe Fish Screen Guideline
- Introduction to Fishway Design (January 1992)
- The Dock Primer - a cottager's guide to waterfront-friendly docks
- The Shore Primer - a cottager's guide to a healthy waterfront
- Habitat Conservation & Protection Guidelines (Developed from the Policy for the Management of Fish Habitat (1986) (1998, Second Edition)
- An Inter-jurisdictional Compliance Protocol for Fish Habitat and Associated Water Quality, 2007
- Fish Habitat Referral Protocol for Ontario, 2009
- Road Maintenance Activities and the *Fisheries Act* - A Guidance Document to Avoiding Conflict (March 1997)
- Working Around Water? What you should know about Fish Habitat and:
  - Dredging
  - Controlling Aquatic Plants
  - Building Docks, Boathouses and Boat Launches
  - Building a Beach
  - Building Materials
  - Obtaining a section 35 *Fisheries Act* Authorization
  - The Canadian Environmental Assessment Act
  - Shoreline Stabilization
  - Silt and Sediment
  - Constructing Ponds
  - Sunken Log Retrieval
  - Fluctuating Water Levels on the Great Lakes
  - Stream Cleanup
  - Class Authorization system for agricultural municipal drains in the southern Ontario Region

## Environment Canada:

- Migratory Birds Environmental Assessment Guideline
- Environmental Assessment Guideline for Forest Habitat of Migratory Birds
- Wetlands Environmental Assessment Guideline
- Pollution Prevention Fact Sheets
- Federal Policy on Wetland Conservation
- Canadian Biodiversity Strategy (United Nations Convention on Biological Diversity)
- Map Search for Species at Risk in Canada - [www.sis.ec.gc.ca/msapps](http://www.sis.ec.gc.ca/msapps)

## Canadian Environmental Assessment Agency:

- Cumulative Effects Assessment Practitioners Guide

## Canadian International Development Agency:

- Integrating Indigenous Knowledge in Project Planning and Implementation

## Appendix 3: Notification & Consultation

### A3.1 Introduction

Consultation with interested persons, agencies and Aboriginal communities that may be affected by a project is an important part of conducting project evaluations under this Class EA. Consultation with interested persons often includes engagement with Aboriginal communities. The Crown recognizes the improvements in decision making that are made by engaging interested persons, agencies or Aboriginal communities in the EA process.

Section 3 of the Class EA identifies a discretionary point of contact for projects undergoing the screening process, and Section 4 identifies both mandatory and discretionary points of contact for Category B and C projects. The mandatory points of contact are minimum requirements, and MNR staff, partners, or disposition applicants may also provide additional opportunities for consultation where MNR considers these opportunities appropriate to the scale, level of complexity, potential environmental effects, and level of public concern associated with each project.

Consultation is important to the project evaluation processes for category B, C and D projects.

This appendix provides a general outline of the role of consultation in project evaluation, and a brief summary of public consultation and dispute resolution techniques. Further guidance may be in policy or guidelines issued by MNR or the EA Branch of the Ministry of the Environment.

Consultation is intended to achieve the following objectives:

- To provide information to agencies, Aboriginal communities, and interested parties regarding the characteristics of the project, the environment that may be affected (including natural, cultural, socio-economic), and its environmental effects.
- To receive information regarding potential environmental effects and concerns related to the project.
- To generate an atmosphere of trust and co-operation between the parties involved.
- To provide a forum for the exchange of ideas and suggestions regarding the problem or opportunity to be addressed and to improve the quality of decision making at each stage of the process.
- To endeavour to resolve issues and concerns early in the project evaluation process, before final decisions are made.

### A3.2 Parties to Consult

The parties to be consulted in a project evaluation generally could include:

- Government review agencies that may have an interest in the project.
- Affected municipalities and planning boards.
- Individual members of the public.
- Aboriginal communities and organizations.
- Public groups that may be formed in response to the proposed project.
- Companies that may be affected (e.g., forestry, resource-based tourism, mining) Project partners or disposition applicants. (In some instances, the partner, or disposition applicant may take the lead in conducting the project evaluation.)

### A3.3 Conducting Consultation with the Public, Agencies and Aboriginal Communities

MNR staff should consider the following suggestions when designing a consultation process:

- Determine need to seek involvement of Aboriginal peoples prior to public consultation or if efforts can be conducted concurrently
- Prepare a schedule of mandatory and discretionary consultation events.
- Identify the consultation methods to be used at each step.
- Clearly state the messages to be conveyed.

- Identify how concerns will be incorporated into the project evaluation process.

Consultation processes should allow for a degree of flexibility so that MNR can respond to circumstances as they arise. If the project generates a greater degree of concern than anticipated, the process may be supplemented with additional consultation steps or events, and the schedule may be modified. If there is a low level of public interest, consultation efforts may be reduced, although the mandatory requirements must still apply. Preparation of a consultation plan is suggested for more complex situations.

In conducting consultation, it is advisable to consider the following general principles:

- For some projects it may be appropriate to initiate Aboriginal engagement prior to consulting with other persons or agencies.
- Consultation should be initiated as early as possible in the process.
- Responsibility for the management of the consultation program should be assigned to an individual who is accountable for its successful implementation. More contentious projects can benefit from a consultation expert who is able to take on an independent role as facilitator and provide ongoing advice on appropriate consultation approaches.
- The initial contact should be comprehensive, and should be updated throughout the project evaluation. Lack of contact at the early stages can lead to a loss of confidence in the process among persons, agencies and Aboriginal communities that do not find out about the project until significant decisions have been made. Where parties do not respond, discretion may be applied in deciding whether to exclude them from the list. The list should include relevant government agencies, municipalities, conservation authorities, local community members and groups, Aboriginal communities and organizations, and other interest groups as appropriate.
- Protocols or agreements may be in place to guide consultation efforts with local Aboriginal communities. These should be identified and used to develop the appropriate approach.
- There should be a variety of consultation opportunities to ensure that all interested parties are able to provide input. For example, more significant projects may generate interest among parties located at some distance as well as from local communities, and their different needs should be provided for.
- The timing of consultation events should respect the needs and seasonal activities of the potential parties (e.g., cottage owners, anglers and hunters, religious holidays). Adequate notice should be given.
- MNR (or other proponent) should be clear in describing the input requested from parties at each stage of the process. Materials may include specific questions to be resolved.
- Enough information should be provided to enable parties to provide constructive input at each step. Consultation materials should be in plain language. Where additional information is requested, this should be provided in a timely manner, or as soon as it becomes available.
- An ongoing record should be kept of comments received, and the responses to them.
- Parties should be informed of the responses to concerns, and the ways in which their input has been incorporated into the process.
- For mass mailings and petitions, MNR will only respond to originating entity, where known.
- All regulatory and policy requirements related to freedom of information and the right to privacy as well as French language services must be adhered to.
- Where possible, reasonable attempts to resolve concerns should be made before related decisions or recommendations are made at a subsequent step of the process. Alternative dispute resolution methods, described below, should be considered where concerns prove difficult to resolve.

Further guidance may be found in MNR's Public Involvement Best Practices Bulletins (2005) and in current guidelines issued by EAB (MOE).

### A3.4 Engagement with Aboriginal Communities on an Interested-party Basis

This section describes the suggested approach when engaging with Aboriginal communities on an interested-party basis. The suggested approach to rights-based consultation is discussed below.

There are important reasons to engage Aboriginal communities and organizations on issues that affect them, outside of any legal consultation obligations the Crown may have.

Many Aboriginal communities are intrinsically connected to, and share a living relationship with the land. This connection to the land may include social, cultural, spiritual, economic, and ecological aspects. Aboriginal people will often describe their perspective in a holistic sense - where everything, including humans, is connected.

Involving Aboriginal people in discussions concerning proposals can help identify their role in sustaining healthy populations of fish and wildlife and may help to evaluate shared conservation objectives and related practices that will help to achieve these objectives.

Consideration will be given to Aboriginal interests regardless of the project category through an initial screening and, at minimum, MNR will provide opportunities for engagement with Aboriginal communities with respect to Category B and C projects. The engagement opportunities will allow Aboriginal communities to identify their issues or concerns regarding the specific project, including those respecting cultural, social, economic and biophysical values. Examples include but are not limited to traditional resource harvest, protection of archaeological sites, access to sacred sites, and traditional ecological knowledge.

Some Class EA projects may have the potential to adversely affect established or asserted Aboriginal rights or treaty rights and thereby trigger the Crown's duty to consult under section 35 of the *Constitution Act, 1982*.

#### Interested-party Based Engagement Approach

Identify all Aboriginal communities reasonably expected to have interest in the project by working with the local MNR District Resource Liaison Specialist and/or Regional Policy Liaison Officer.

Work with the local MNR staff to identify and determine how to make initial contact with local communities and obtain any relevant background information that may be available. The MNR may have agreements or protocols with specific Aboriginal communities as to notice, disclosure or involvement regarding MNR projects. These may also be relevant to rights-based consultation scenarios. The Class EA is not intended to change the notice, disclosure and Aboriginal involvement provisions therein, and such commitments should continue to be honoured where they exist.

Engagement efforts should be undertaken with the intent of identifying how concerns will be incorporated into the Class EA project evaluation process and resolved where possible. Any Aboriginal engagement process undertaken will vary with the circumstances of each individual case and could consider the language, governance and decision-making structures, unique values, traditions, interests and engagement method preferences of each Aboriginal community.

If during the engagement process new information arises that suggests that established or asserted Aboriginal rights or treaty rights may be adversely impacted, advice should be sought from the appropriate MNR District Resource Liaison Specialist and/or Regional Policy Liaison Officer about any adjustments to the involvement process that may be required to meet the Crown's legal obligations under the duty to consult.

### A3.5 Consultation with Aboriginal Communities in Relation to Aboriginal Rights and Treaty Rights

In addition to interest-based engagement, the Crown may have a legal duty to consult Aboriginal communities on a rights-basis (see Section 4.1).

### **A.3.5.1 Record of Aboriginal Consultation**

A consultation record is important to ensuring that all consultation activities undertaken with Aboriginal communities are fully documented. This includes all attempts made by MNR to notify or consult the community, all interactions with and feedback from the community, and all efforts to respond to community concerns.

With respect to the Category B and C Class EA projects for which the legal duty to consult is triggered, the consultation record should include, but not be limited to, the following:

- a list of the identified Aboriginal communities and a summary rationale with respect to inclusion or exclusion;
- evidence that notices and project information were distributed to, and received by, the Aboriginal communities. Where a community has been non-responsive, a record of attempts and the responses or lack thereof;
- a written summary of MNR's consultations with Aboriginal communities and appended documentation such as copies of notices, meeting summaries or notes including where the meeting took place and who attended, and any other relevant correspondence ;
- information and responses provided by Aboriginal communities to MNR during the consultation process. This may include information on asserted or established Aboriginal or treaty rights, traditional lands, claims, or cultural heritage features and information on potential adverse impacts on such asserted or established Aboriginal or treaty rights and measures for avoiding, minimizing or mitigating potential adverse impacts to those rights; and how comments or concerns were considered and addressed and changes to the projects as a results of consultation.

Useful contact and related information can be found on the in the MAA Aboriginal Information Services (AIS) Resource Centre ([https://www.ontariogeportal.com/AIS\\_Secure/AIS\\_Government/index.html](https://www.ontariogeportal.com/AIS_Secure/AIS_Government/index.html)).

## **A3.6 Notification and Consultation Techniques**

This section summarizes a variety of notification, consultation, and dispute resolution techniques that are available.

### **A3.6.1 Notification Methods**

The following is a range of methods for releasing notices related to the Class EA process.

#### **Newspaper Advertisements**

Newspaper advertisements are often used to provide formal notice. Their coverage is limited to the circulation area of the publication and its readers.

The title of a newspaper advertisement must give a concise indication of what the project is and who will be affected (location). Avoid misunderstandings that can result from exclusion of parties who would otherwise wish to be involved.

The amount of information that can be conveyed is limited, but contact information should be provided.

News releases and news conferences can assist in spreading information about a project, but do not comprise formal notice.

#### **Mailings**

Mailings are often used to provide formal notice, since they ensure a uniform provision of information to a known list of respondents. The scope of coverage depends on an up-to-date the mailing list.



Mailings can convey large amounts of information, including reports. They should include contact information for those wishing to respond.

### **On-site notices**

On site notices are limited as to how much information they can convey, but they can initiate communication with individuals who use and know the area in which the project is proposed, but would not otherwise have known about the project. Flyers may be posted in local community centre.

### **Internet and Email**

The Internet is commonly used to post notices or provide a means to view EA-related documents from a website. Internet access may be limited in some cases (e.g., remote communities) and suitable alternative methods should be considered in those circumstances.

## **A3.6.2 Consultation**

### **Public Open Houses**

Public open houses are used to convey information and to facilitate interaction with the public. They usually take the form of a display with staff or consultants available for discussion. They can include a presentation followed by questions. Where significant issues are within the mandate of an agency other than MNR, a representative of the other agency should be present to answer questions.

### **Meetings**

Public meetings alone may encourage divisiveness and dispute. Often, smaller focussed meetings are more successful. Where contentious issues are being dealt with, it is advisable to have a facilitator to guide the meeting process.

So-called “kitchen table” meetings provide an opportunity to discuss the concerns of a small group of individuals in an informal setting.

### **Comment Sheets**

Comment sheets enable individuals to submit views in a structured way that can be easily analysed in a non-threatening environment. They can be submitted after the event, such as an open house, or included with a document.

Care must be taken in framing and interpreting comment sheets so that relevant information is obtained, the scope of the response is not unduly constrained, and the reasons for the response are understood.

### **Consultative Committees**

For larger and more complex projects, it may be appropriate to invite participation in one or more committees comprising agency, community, representatives of Aboriginal communities or organizations, agencies, community groups, etc and/or interest group representatives who would act as a sounding board for ideas and solutions as they are developed through the project evaluation. The mandate of the committee must be clearly defined, and care must be taken to confirming any findings with the community as a whole.

### **Workshops and Seminars**

Workshops and seminars can be very effective to enable improved understanding among the parties in situations where evaluation and decision making involves complex scientific or other information.

### **Site Visits**

Site visits provide an informal opportunity for MNR and the parties to exchange information about the nature and scale of the project, as it relates to its environmental setting.

**Correspondence**

Parties should be invited to submit comments in writing at the appropriate steps during the evaluation. Agencies will normally use this method, and some interest groups and individuals may prefer this approach to a comment sheet.

Reasonable deadlines should be set so that responses can be incorporated into the project evaluation process. Responses should be acknowledged if a documented response will not be provided in the near future.

**Telephone Conversations**

While telephone conversations have the advantages of immediacy and informality, it is important that these exchanges are well documented. Where important commitments are made they should be followed up by e-mail or letter, as appropriate.

**A3.6.3 Dispute Resolution Techniques**

MNR may opt to use alternate dispute resolution techniques (e.g. mediation) during a project evaluation process when other attempts to resolve issues have been unsuccessful. The *EA Act* also enables the Minister of the Environment to require mediation, which is one form of dispute resolution, before making a decision on a Part II Order request (refer to Section 6.6.4). Further information on alternative dispute resolution may be found in the following MOE codes of practice:

- Code of Practice: Consultation in Ontario's Environmental Assessment Process (2007)  
[http://www.ene.gov.on.ca/environment/en/resources/STD01\\_076108.html](http://www.ene.gov.on.ca/environment/en/resources/STD01_076108.html)
- Code of Practice: Using Mediation in Ontario's Environmental Assessment Process (2007)  
[http://www.ene.gov.on.ca/environment/en/resources/STD01\\_076110.html](http://www.ene.gov.on.ca/environment/en/resources/STD01_076110.html)

**A3.7 List of Government Agencies and Interested Parties**

Government Review Team list may be obtained from MOE.

## Appendix 4: Other Relevant Federal and Provincial Legislation

The following is an outline of federal and provincial legislation that may affect MNR resource stewardship and facility development projects. It is not an exhaustive description, and is intended for general guidance only. MNR recognizes its obligations to comply, and will comply with all relevant federal and provincial legislation when planning and implementing projects.

### A4.1 Federal Legislation

**Canadian Environmental Assessment Act** - Copies of the legislation and associated regulations, as well as other helpful reference materials, are found on the Agency's web site at:

<http://www.ceea.acee.gc.ca>

**Fisheries Act** - Information on the *Fisheries Act* and Fisheries and Oceans Canada's Policy for the Management of Fish Habitat are available on the Internet at: [www.ncr.dfo.ca](http://www.ncr.dfo.ca).

**International Rivers Improvement Act or Boundary Waters Treaty Act (trans-boundary water management).**

**Migratory Birds Convention Act**

**Navigation Protection Act**

### A4.2 Provincial Legislation

**Aggregate Resources Act**

The *Aggregate Resources Act* (ARA), administered by MNR, provides for the management of the aggregate resources of Ontario, and controls or regulates aggregate operations on Crown or private lands. The operation of a wayside pit for road construction or road maintenance in certain designated parts of Ontario requires a permit under this legislation. The excavation of aggregates for other purposes, on private land, in designated parts of Ontario, requires a licence. On all Crown land, an aggregate permit is required.

**Clean Water Act**

The *Clean Water Act*, administered by MOE, helps protect drinking water from source to tap with a multi-barrier approach that stops contaminants from entering sources of drinking water - lakes, rivers and aquifers. In Wellhead Protection Areas and Intake Protection Zones, instruments that relate to significant risks to drinking water sources must conform to the Source Water Protection Plan.

**Drainage Act**

The *Drainage Act* balances the rights of landowners living along watercourses with the rights of property owners who do not have access to a stream or creek in order to drain their lands. This act is administered by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and provides a legal means for the construction and maintenance of sufficient outlets to drain surface and subsurface water. Municipalities are responsible for the repair and maintenance of drainage systems constructed under the act.

**Endangered Species Act**

Ontario's original act that identified and provided protection for species at risk was replaced by the *Endangered Species Act, 2007*. The new act provides increased protection for species and their habitats.

If a species is listed on the Species at Risk in Ontario List (SARO List, O. Reg. 230/08) under the act as an extirpated, endangered or threatened species, it receives protection under section 9. If a species is listed as an endangered or threatened species on the SARO List, it receives protection under section 10 of the act.

Subsection 9(1) of the act states that *No person shall,*

- (a) *kill, harm, harass, capture or take a living member of a species that is listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species;*
- (b) *possess, transport, collect, buy, sell, lease, trade or offer to buy, sell, lease or trade,*
  - (i) *a living or dead member of a species that is listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species,*
  - (ii) *any part of a living or dead member of a species referred to in subclause (i),*
  - (iii) *anything derived from a living or dead member of a species referred to in subclause (i); or*
- (c) *sell, lease, trade or offer to sell, lease or trade anything that the person represents to be a thing described in subclause (b) (i), (ii) or (iii).*

Clause 10(1)(a) of the act states that “*No person shall damage or destroy the habitat of a species that is listed on the Species at Risk in Ontario list as an endangered or threatened species*”.

Species at risk habitat is defined in the ESA as, ““habitat” means,

- (a) *with respect to a species of animal, plant or other organism for which a regulation made under clause 55(1)(a) is in force, the area prescribed by that regulation as the habitat of the species, or*
- (b) *with respect to any other species of animal, plant or other organism, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding,*  
*and includes places in the area described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences; (“habitat”).*

To balance social and economic considerations with the protection and recovery of Ontario’s species at risk and their habitats, the act also enables MNR to issue permits or enter into agreements with proponents in order to authorize activities that would otherwise be prohibited by subsections 9(1) or 10(1) of the act, provided the legal requirements of the act are met.

The issuance of permits under the act would be considered dispositions of rights to Crown resources in terms of the Class EA-PPCR.

### **Environmental Assessment Act**

The *Environmental Assessment Act* (EAA) provides for the protection, conservation and wise management of the environment. Section 1 of the EAA defines “environment” to mean:

- a) air, land or water,
- b) plant and animal life, including human life,
- c) the social, economic and cultural conditions that influence the life of humans or a community,
- d) any building, structure, machine or other device or thing made by humans,
- e) any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from human activities, or
- f) any part or combination of the foregoing and the interrelationships between any two or more of them, in or of Ontario.

### **Environmental Bill of Rights**

The *Environmental Bill of Rights, (1993)* is based on the principle that Ontario’s environment should be protected, conserved and, where reasonable, restored the integrity of the environment. In the Act, “environment” is defined as the air, land, water, plant life, animal life and ecological systems of Ontario” (Section 1).

It provides a mechanism for the people of Ontario to become involved in environmental decision making; (e.g. a person may comment on proposals for environmentally significant Acts, policies, regulations or instruments). The principal means for involving the public in environmentally significant decision-making under this Act is through the posting of notices on the Environmental Registry.

### **Environmental Protection Act**

The *Environmental Protection Act (EPA)* prohibits the discharge of contaminants into the natural environment that will or are likely to have an adverse effect. A Certificate of Approval would be required, for example, for a waste disposal site on Crown land. The Ministry of the Environment administers the EPA.

### **Far North Act**

The *Far North Act, 2009* provides a legislative foundation to support Far North Crown land use planning as a joint process between Aboriginal communities and Ontario. It also sets out an objective to protect at least half of the Far North of Ontario in an interconnected network of protected areas and enables sustainable economic development of the region's natural resources.

### **Fish and Wildlife Conservation Act**

The *Fish and Wildlife Conservation Act*, 1997 provides for the management, perpetuation and rehabilitation of fish and wildlife resources in Ontario. It focus on enhancing protection and management of both game and specifically protected species of wildlife, giving enforcement more authority and improving service to the public.

The Act provides for hunting, trapping, fishing and related activities including sale, purchase and transport; licensing and other authorities; administration, regulation enforcement, offences and penalties.

Normally, any person who wishes to hunt or trap any animal in Ontario must first obtain a licence, and must comply with all regulations regarding bag limits, method of chase and capture, etc., except for farmers, who may carry out certain activities on their own lands (see subsection 6(3) for exceptions). Section 8(3) of the Act states that no person may damage or destroy a beaver dam without a trapper's licence – except where the dam has been destroyed in an effort to protect their own property (8(4)). All hunters and trappers must also respect the *Trespass to Property Act*, which means that they cannot access private lands without the permission of the owner.

### **Forest Fires Prevention Act**

The *Forest Fires Prevention Act* provides the mechanism for the control and use of outdoor fires. The act applies to the two fire regions, which include all lands in northwestern, northern, northeastern and central Ontario. The fire season from April 1 to October 31 may be extended by regulation. The act establishes rules for: open burning; reporting fires; prevention measures (e.g., land clearing, smoking in the bush); and provides for Restricted Fire Zones, Emergency Area Orders and agreements.

### **Funeral, Burial and Cremation Services Act**

The *Funeral, Burial and Cremation Services Act* provides the framework for the regulation of the bereavement sector including cemeteries, funeral establishments and funeral directors, transfer services, crematoriums and staff employed by these businesses. The act provides direction on the treatment of cemeteries and burial sites.

### **Green Energy Act**

Ontario's *Green Energy Act, 2009 (GEA)* will boost investment in renewable energy projects and increase conservation, creating green jobs and economic growth in Ontario. This legislation is part of Ontario's plan to become a leading green economy in North America. Building a stronger, greener economy with lasting, well-paying jobs for Ontarians is a key goal of the GEA. The GEA will expedite the growth of clean, renewable sources of energy, like wind, solar, hydro, biomass and biogas, helping Ontario become North America's leader in renewable energy.

**Lakes and Rivers Improvement Act**

The *Lakes and Rivers Improvement Act* regulates structures in and alterations to lakes, rivers and streams. It is administered by MNR.

**Mining Act**

The *Mining Act* provides for prospecting, staking and exploration for the development of mineral resources. Prospecting, or the staking out of mining claims, or the development of mineral interests, or the working of mines in provincial parks is prohibited except as provided by the regulations made under the *Provincial Parks and Conservation Reserves Act, 2006*.

**Niagara Escarpment Planning and Development Act**

The *Niagara Escarpment Planning and Development Act* provides for the protection and maintenance of the natural environment of the Niagara Escarpment. The Act requires municipalities and ministries in the planning area to ensure compatibility of their own planning and activities with the approved Niagara Escarpment Plan.

**Nutrient Management Act**

The *Nutrient Management Act* provides for the management of material containing nutrients in ways that will enhance protection of the natural environment and provide a sustainable future for agricultural operations and rural development. The OMAFRA and MOE are responsible for governing the act. Along with the act itself, there is a regulation, which outlines standards, and protocols, which explain the regulation in greater detail.

**Oak Ridges Moraine Conservation Act**

The *Oak Ridges Moraine Conservation Act, 2001*, administered by the Ministry of Municipal Affairs and Housing, is an act to conserve the Oak Ridges Moraine by enabling the designation of the Oak Ridges Moraine Area and the establishment of the Oak Ridges Moraine Conservation Plan. The plan is designed to protect the ecological and hydrological integrity of the Oak Ridges Moraine while providing for land and resource uses and development that are compatible with maintaining the ecological well-being of the moraine. The act states that decisions shall conform with the Oak Ridges Moraine Conservation Plan.

**Occupational Health and Safety Act**

The *Occupational Health and Safety Act: O. Reg. 629/94 Diving Operations*, which is administered by the Ministry of Labour, is an act with a regulation to set requirements and standards for commercial diving and underwater activities. These have to be adhered to for any commercial diving or filming project where the divers are receiving financial remuneration. This is important for any development where commercial divers are employed, whether acting under the *Ontario Heritage Act* or any other act and is separate to the marine licencing procedures.

**Ontario Heritage Act**

The *Ontario Heritage Act* (OHA) is the “backbone” of the legislative framework for cultural heritage conservation in Ontario. The act is enabling – gives municipalities and the province powers to preserve Ontario’s cultural heritage. Its main focus is municipal protection of heritage buildings and districts and provincial protection of archaeological sites. It also requires the Crown in right of Ontario and any ministry or prescribed public body to comply with the Standards and Guidelines for Conservation of Provincial Heritage Properties. The objectives of the act are complemented by many other acts and regulations such as the *Planning Act* and the *Environmental Assessment Act*.

**Ontario Planning and Development Act**

The *Ontario Planning and Development Act, 1994*, permits the Minister of Municipal Affairs and Housing to establish a development planning area. The act also permits the Lieutenant Governor in Council to put in place a development plan for such a planning area. Section 14 of the act states that if there is a conflict between a development plan and an official plan or zoning by-law covering part or all of the same area, the development plan prevails.

**Ontario Society for the Prevention of Cruelty to Animals Act**

The *Ontario Society for the Prevention of Cruelty to Animals Act* provides that all activities and handling related to sick or injured wildlife will be consistent with the act in terms of not causing distress to an animal.

**Ontario Water Resources Act**

The *Ontario Water Resources Act* (OWRA) provides for the protection of surface and ground water related to adverse discharges. The act regulates the taking of water from wells or surface water sources and the treatment and disposal of sewage. It is administered by MOE. Approvals that MNR may require may consist of a certificate of approval for a sewage system and/or a permit to take water. Ontario Regulation 129/04, made under the OWRA, governs the certification and training of drinking water and wastewater operators.

**Pesticides Act**

The *Pesticides Act* regulates the sale, use, storage, transport and disposal of pesticides in Ontario. This act is administered by MOE. Permits and licences may be required, for example, for chemical control of nuisance species.

**Planning Act**

The *Planning Act* guides land use development through a provincial policy-led planning system to:

- promote sustainable economic development, in a healthy natural environment;
- provide for planning processes that are fair, open, accessible, timely and efficient;
- integrate matters of provincial interest in provincial and municipal planning decisions; and,
- encourage cooperation and coordination among various interests.

It also recognizes the decision-making authority and accountability of municipalities in planning. Section 3 of the *Planning Act* authorizes the Minister of Municipal Affairs and Housing, together with any other minister of the Crown to issue policy statements that have been approved by the Lieutenant Governor in Council. These statements provide direction on matters of provincial interest related to land use planning and development. In exercising any authority that affects planning matters, the council of a municipality, a local board, a planning board, a minister of the Crown, and a ministry, board, commission, or agency of the government including the Ontario Municipal Board shall be consistent with the policy statements and shall conform with the provincial plans that are in effect. This means that a decision-maker is obliged to consider the application of these policy statements when carrying out any planning activity as directed in planning documents such as provincial plans and municipal official plans.

Under subsection 3(1) of the *Planning Act*, matters relating to municipal planning that are considered to be of provincial interest were integrated into the Provincial Policy Statement (1997) (PPS). The PPS outlines direction for matters such as mineral resources, natural heritage values, cultural heritage and archaeology, and natural and human made hazards. MNR is committed to be consistent with these policies in its projects.

**Provincial Parks and Conservation Reserves Act**

The *Provincial Parks and Conservation Reserves Act, 2006* (PPCRA) and associated regulations provide the legislative framework for the planning and management of provincial parks and conservation reserves. The act authorizes the Lieutenant Governor in Council to set apart as a provincial park or conservation reserve, any area in Ontario. The act defines seven park classes: natural environment class park, nature reserve class park, wilderness class park, recreational class park, waterways class park, cultural heritage class park, aquatic class parks (not yet in force). Parks or conservation reserves may be zoned with controlled uses in zones.

**Public Lands Act**

The *Public Lands Act* (PLA) provides for:

- the management, sale and disposition of public lands and forests;

- the setting aside of lands for various uses including conservation reserves;
- the granting, sale or lease of public lands;
- the requiring of a work permit for activities on Crown lands; and,
- the release of trees reserved to the Crown on patent lands (where only some of the species have been reserved).

Under the act, letters patent for land sold or leased may contain a condition that the land is to be used in a particular manner or a condition that the land is not to be used in a particular manner, etc. Easements in or over public lands may also be granted for any purpose.

**Safe Drinking Water Act**

The *Safe Drinking Water Act* provides for the protection of human health through the control and regulation of drinking water systems and drinking water testing. The act regulates drinking water testing laboratories, operator certification, and the reporting of adverse drinking water results. MNR would require approvals from MOE for establishing, altering, or replacing a regulated system. MOE administers the act.



## **Appendix 5: Sample Notices**

The following examples of notices and forms are intended to illustrate how the requirements of the Class EA can be met at critical steps in the planning process. The notices describe hypothetical projects in hypothetical locations and are intended only as a guide. Adjustments would be made to meet particular circumstances. All sample notices and forms presented here may be changed from time to time, to make them useful, effective and efficient.

The sample formats and notices contained in this Appendix are:

1. Category B: Notice of Completion – Disposition Application (per Section 4.1 - Step 4)
2. Statement of Completion - Category B or C (per Section 4.1 - Step 5, or 4.2 - Step 6)
3. Category C: Notice of Completion, Opportunity to Inspect the Final ESR (per Section 4.2, Step 5)
4. Project Monitoring Record (per Section 4.4)

**1. Category B: Notice of Completion – Disposition Application  
(per Section 4.1 - Step 4)**

**Notice of Completion for a Category B Project Evaluation  
Disposition of rights to Crown Resources under the Class Environmental  
Assessment for MNR Resource Stewardship and Facility Development Projects**

An application has been submitted by \_\_\_\_\_ for a new disposition of the rights to Crown resources. Approval of the application would be considered a “disposition” of rights to Crown resources under the Class EA for MNR Resource Stewardship and Facility Development Projects. The applicant would be granted the rights to the Crown resources and the right to use the Crown resource for the duration of the proposed activity during which the resource would not be available for other uses. The activity subject to the disposition request will involve *[list any specific mitigation, remedial or enhancement measures to address concerns]*.

An evaluation and consultation process was carried out according to the Category B requirements of the Class EA for MNR Resource Stewardship and Facility Development Projects. The evaluation indicated that potential environmental effects of the project subject to the disposition request can be mitigated through appropriate conditions of approval *[Or other appropriate language]*. A copy of the evaluation is available at the MNR \_\_\_\_\_ District office during normal business hours (or by appointment), or on the internet at [www.mnr.gov.on.ca/District](http://www.mnr.gov.on.ca/District) [Note - Staff may elect to use the internet option if it is available].

If at the end of this notice period MNR considers that there are no significant outstanding concerns MNR may proceed to approve the disposition request without further public notice.

Where concerns remain about this disposition request that cannot be resolved with the MNR, concerned parties may request a Part II Order under the *Environmental Assessment Act* requesting that the proposed disposition be assessed under an individual environmental assessment prepared in accordance with Part II of the *Environmental Assessment Act*. As this decision rests with the Minister of the Environment please direct any requests to Minister of the Environment, Ferguson Block, 77 Wellesley St. West 11<sup>th</sup> Floor, Toronto, Ontario, M7A 2T5, by (specify date) and copied at the same time to the MNR office at the address below. Prior to making such a request, however, concerned parties are encouraged to consult the MNR to seek a resolution of their concerns.

For further information on the project, to inspect the project file during normal business hours, or to submit comments please contact:

Applicant Name	MNR Contact Name, Position
Address	Address
Phone/Fax/E-mail Address	Phone/Fax/E-mail address

Comments and personal information regarding this disposition request are collected under authority of the *Environmental Assessment Act* [+ cite other enabling legislation – e.g. *Public Lands Act* where appropriate] to assist MNR in making decisions. Comments not constituting personal information as defined by the *Freedom of Information and Protection of Privacy Act*, will be shared among MNR and others as appropriate, and may be included in documentation available for public review. Personal information will remain confidential unless prior consent to disclose is obtained. Optional - This information may be used by MNR to seek public input on other projects.

**2. Statement of Completion**  
**(per Section 4.1 - Step 5, or 4.2 - Step 6)**

**Statement of Completion (Category B or C)**

**Class Environmental Assessment for MNR Resource Stewardship and Facility  
Development Projects**

**Project Description**

Provide a brief project outline including a brief description of what the project is, where it is located, the objective or purpose and if appropriate a discussion of anticipated environmental effects.

**Project Evaluation**

The project was evaluated in accordance with the requirements for a Category B project under the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects. Outline any public comments and how they were resolved, addressed, etc. Identify the environmental effects anticipated to result from the project and how they will be mitigated during project implementation.

**Part II Order Provisions**

A Notice of Completion was issued on (date). Outline Part II Order requests and the outcome of those requests (e.g., resolved, withdrawn, denied etc.). MNR now intends to proceed with the project.

\_\_\_\_\_  
 Name  
 Position (District Manager)  
 Address

\_\_\_\_\_  
 Date

Copy to:

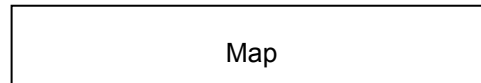
Project file, and

Economics, Research and Environmental Planning Section  
 Strategic Policy and Economics Branch, Ministry of Natural Resources  
 300 Water Street  
 Peterborough, Ontario, K9J 8M5

**3. Category C: Notice of Completion, Opportunity to Inspect the Final ESR  
(per Section 4.2 - Step 5)**

**Notice of Completion, Opportunity to Inspect the Final Environmental Study  
Report  
Class Environmental Assessment for MNR Resource Stewardship and Facility  
Development Projects**

The Ministry of Natural Resources (MNR), \_\_\_\_\_ District invites public inspection of the Final Environmental Study Report (ESR) for *The Applicants* proposal to (brief description). MNR's proposal (brief description). The proposed geographic location is (describe) and is shown on the following map.



A final ESR has now been completed, as required for a Category C undertaking under the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects. The ESR describes the process for the selection of a preferred undertaking and an evaluation of environmental effects.

To obtain the Final ESR (*a copy may be included with the mailed version of the notice*), to discuss the project, to provide comments or to inspect the project file during normal office hours, please contact (Note - Staff may elect to use an internet option if it is available).

The Applicant	MNR Name, position
Address	Address
Phone/Fax/E-mail Address	Phone/Fax/E-mail address

Please direct any inquiries, comments, or requests regarding this proposal to MNR contact by (specify date). Comments must be received within this 30-day comment period.

If at the end of this notice period MNR considers that there are no significant outstanding concerns the MNR may permit the implementation of the undertaking without further public notice.

Where significant concerns remain about this undertaking that cannot be resolved with the MNR, concerned parties may request a Part II Order that if approved would require an individual environmental assessment under the *Environmental Assessment Act* be prepared for this undertaking. As this decision rests with the Minister of the Environment please direct your inquiries to the Minister, Ferguson Block, 77 Wellesley St. W., 11<sup>th</sup> Flr, Toronto, Ontario, M7A 2T5 by (specify date), and copied at the same time to the MNR at the address noted below. Prior to making such a request, however, concerned parties are encouraged to consult the MNR to seek a resolution of their concerns.

Comments and personal information regarding this disposition request are collected under authority of the *Environmental Assessment Act* [+ cite other enabling legislation – e.g. *Public Lands Act* where appropriate] to assist MNR in making decisions. Comments not constituting personal information as defined by the *Freedom of Information and Protection of Privacy Act*, will be shared among MNR and others as appropriate, and may be included in documentation available for public review. Personal information will remain confidential unless prior consent to disclose is obtained. Optional - This information may be used by MNR to seek public input on other projects.

Copies to:

- Project File
- MOE Regional Office

<p><b>4. Format for Project Monitoring Requirement (per Section 4.4)</b></p>
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*Note: This sample is intended to generally illustrate an approach to recording monitoring that may be required for a project. Such templates and additional templates that may be useful in assisting field staff in recording on-site measurements or observations may be prepared and amended from time to time.*

### Project Monitoring Record

The need for monitoring has been considered in the project evaluation.

- Monitoring is not required.  
 Monitoring is required, as outlined in this report.

\_\_\_\_\_  
 Signature and Position (responsible manager)

\_\_\_\_\_  
 Date:

Name of Project
Location (Township, District)
Project Category
Monitoring Objectives
<p><b>Construction Monitoring Requirements</b></p> <p>Potential Effects to be Monitored (list)</p> <ul style="list-style-type: none"> <li>• Item 1</li> <li>• Item 2 (etc.)</li> </ul> <p><b><i>Item 1:</i></b> (name of potential effect)</p> <p>a) Type of monitoring required (description of the nature of observation, measurements)</p> <p>b) Monitoring interval</p> <p>c) Method of collection, measurement, analysis</p> <p>d) Acceptable parameters</p> <p>e) Conditions for termination of monitoring</p> <p>f) Results (explain with respect to acceptable parameters)</p> <p>g) Remedial action taken (describe follow-up monitoring needs)</p> <p><b><i>Item 2:</i></b> (per above outline)</p>

**Operation Monitoring Requirements**

Potential Effects to be Monitored (list)

- Item 1
- Item 2 (etc.)

**Item 1:** (*name of potential effect*)

a) Type of monitoring required (description of the nature of observation, measurements)

b) Monitoring interval

c) Method of collection, measurement, analysis

d) Acceptable parameters

e) Conditions for termination of monitoring

f) Results (explain with respect to acceptable parameters)

g) Remedial action taken (describe follow-up monitoring needs)

**Item 2:** (per above outline)

## Appendix 6: Generic Examples of Typical Mitigation Measures

Potential Environmental Effects	Typical Mitigation Measures
Category A	
Fish or other aquatic species, communities, populations, or their habitat (including movement of resident and migratory species) <ul style="list-style-type: none"> <li>Sedimentation in wetlands, creeks, streams or lakes</li> </ul>	<ul style="list-style-type: none"> <li>Project activities minimum of 30 metres or more away from the normal high water mark of a water body</li> <li>Tarps and geotextiles to prevent construction debris/sediments from entering stream</li> <li>Timing restrictions during spawning season</li> </ul>
Terrestrial wildlife (including numbers, populations, diversity and movement of resident or migratory species) <ul style="list-style-type: none"> <li>Impacts to nests, dens or calving sites</li> </ul>	<ul style="list-style-type: none"> <li>Review breeding season of any resident/migratory species in the area of study</li> <li>Carry out project activities outside of breeding, denning or calving seasons</li> <li>Design modifications to limit habitat impacts</li> </ul>
Public health and/or safety <ul style="list-style-type: none"> <li>Temporary road closures – reduction of access</li> </ul>	<ul style="list-style-type: none"> <li>Restrict public use and access to site, e.g. gating</li> <li>Provide alternate route(s)</li> <li>Use appropriate signage</li> <li>Monitor site</li> </ul>
Natural heritage features and areas <ul style="list-style-type: none"> <li>Impacts to adjacent wetlands</li> </ul>	<ul style="list-style-type: none"> <li>Ensure that biological values of wetlands are maintained through water level control</li> <li>Establish a buffer between work site and wetland edge</li> </ul>
Category B	
Species at risk or their habitat <ul style="list-style-type: none"> <li>Impacts on habitat of listed species</li> </ul>	<ul style="list-style-type: none"> <li>Avoidance measures and alternate site considerations</li> <li>Compensation for habitat loss</li> <li>Specific conditions on permit</li> </ul>
Natural vegetation and terrestrial habitat linkages or corridors through fragmentation, alteration and/or critical loss <ul style="list-style-type: none"> <li>Fragmentation of species habitat</li> </ul>	<ul style="list-style-type: none"> <li>Assessment of core habitat areas</li> <li>Modifications of land use – ensure compatibility</li> <li>Avoid core habitat areas</li> <li>Examine multiple alternate locations</li> </ul>
Economic impact: local, regional or provincial to businesses, direct and indirect effects <ul style="list-style-type: none"> <li>Impacts on remote tourism lodge</li> </ul>	<ul style="list-style-type: none"> <li>Consider alternative locations</li> <li>Provide buffer around tourism lodge</li> <li>Any unused roads and bridges should be removed</li> <li>Consult with local tourist operators</li> </ul>
Transportation or Access (land or water) <ul style="list-style-type: none"> <li>Road density pressure</li> </ul>	<ul style="list-style-type: none"> <li>Examine previous planning and consultation</li> <li>Examine road density - road strategy</li> <li>Determine compatibility of current road and any future roads</li> <li>Develop strategy on closures/gating/revegetation</li> </ul>
Cultural heritage resources <ul style="list-style-type: none"> <li>Changes in land use near potential archaeological resources</li> </ul>	<ul style="list-style-type: none"> <li>Identify potential cultural heritage resources</li> <li>Examine land use compatibility</li> <li>Avoid resources and ground disturbance for identified cultural resources</li> <li>Establish buffers around identified values</li> </ul>

Potential Environmental Effects	Typical Mitigation Measures
Category C	
Land use: local authorized resource users, adjacent land uses <ul style="list-style-type: none"> <li>• Loss of Crown resources</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation for licensed resource users, alternate areas, amendments to existing authorizations</li> <li>• Examine compatibility with adjacent land uses – amend boundaries and/or land use policy</li> <li>• Consult with effected resource users and adjacent land owners/users</li> </ul>
<ul style="list-style-type: none"> <li>• Fish or other aquatic species, communities, populations, or their habitat (including movement of resident and migratory species)</li> <li>• Impacts on Fish Habitat</li> </ul>	<ul style="list-style-type: none"> <li>• Habitat compensation/re-creation for habitat loss</li> <li>• Stabilize embankments – in water work</li> <li>• Construct fish passage/bypass e.g. fishways</li> </ul>
Recreational use of Crown land <ul style="list-style-type: none"> <li>• Loss of access to Crown land recreation</li> </ul>	<ul style="list-style-type: none"> <li>• Provide alternate recreational opportunities in other locations</li> <li>• Consult with effected recreational interest groups e.g. kayakers</li> <li>• Consider alternate access locations i.e. new trail heads, new access points</li> </ul>
Water quantity (flows and levels, drought response) <ul style="list-style-type: none"> <li>• Impacts from reduced flow rates</li> </ul>	<ul style="list-style-type: none"> <li>• Artificial destratification</li> <li>• Releasing compensation flow downstream</li> <li>• Monitoring and adaptive management to manage flow rates</li> </ul>
Sacred, spiritual or ceremonial sites <ul style="list-style-type: none"> <li>• Impacts on Aboriginal sacred sites</li> </ul>	<ul style="list-style-type: none"> <li>• Consult with local FNs – Duty to Consult</li> <li>• Avoid sacred sites or modify disposition area/boundaries</li> <li>• Ensure proponent works with local FNs</li> <li>• Place restrictive conditions on permit</li> </ul>
Species at risk and/or their habitat <ul style="list-style-type: none"> <li>• Impacts on ESA species</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation for habitat loss in alternate locations</li> <li>• Relocation of effected species</li> <li>• Land use amendments and boundary modifications</li> <li>• ESA permit with specific conditions</li> </ul>
Cultural Heritage Resources <ul style="list-style-type: none"> <li>• High potential for the impacts on Cultural Heritage Resources (CHR)</li> </ul>	<ul style="list-style-type: none"> <li>• Qualified expert engaged to confirm the existence of CHR and assess their significance via a Cultural Heritage Assessment Report (CHAR).</li> <li>• Project redesign</li> <li>• Salvage – excavate and document</li> <li>• Removal of built CHR</li> </ul>



## Appendix 7: MOE Notice of Approval [and Amendment Approval – TBD]

<b>Ministry of the Environment</b>	<b>Ministère de l'Environnement</b>
<b>Minister</b>	<b>Ministre</b>
135 St. Clair Avenue West Suite 100 Toronto ON M4V 1P5 <a href="http://www.ene.gov.on.ca">www.ene.gov.on.ca</a>	135, avenue St. Clair ouest Bureau 100 Toronto ON M4V 1P5 <a href="http://www.ene.gov.on.ca">www.ene.gov.on.ca</a>

File Number 76266

The Honourable Jerry Ouellette  
Minister of Natural Resources  
Whitney Block, 6th Floor  
99 Wellesley Street West  
Toronto ON M7A 1W3

Dear Minister Jerry Ouellette:

With regard to the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects, attached is a signed copy of the Notice of Approval of Class Environmental Assessment as required by the *Environmental Assessment Act*.

Yours sincerely,

Chris Stockwell  
Minister of the Environment

Attachment

**ENVIRONMENTAL ASSESSMENT ACT****SECTION 9****NOTICE OF APPROVAL OF CLASS ENVIRONMENTAL ASSESSMENT**

RE: Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects

Proponent: Ministry of Natural Resources (MNR)

EA File No.: NR-AA-03

TAKE NOTICE that the period for requiring a hearing, provided for in the Notice of Completion of the Review for the above-noted undertaking, expired on January 18, 2002. Three submissions were received before the expiration date. One submission requested a hearing by the Environmental Review Tribunal.

I do not consider it advisable or necessary to hold a hearing. Having considered the purpose of the Act, the approved Terms of Reference, the Class Environmental Assessment, the Review and the submissions received, I hereby give approval to the Class Environmental Assessment, subject to conditions set out below.

**REASONS:**

My reasons for giving approval are:

1. On the basis of the proponent's Class Environmental Assessment and the ministry's Review, the proponent's conclusion that, on balance, the advantages of the MNR proceeding pursuant to the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects outweigh the disadvantages of doing so appears to be valid.
2. No other beneficial alternative method of implementing projects covered by the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects have been identified.
3. On the basis of the proponent's Class Environmental Assessment, the ministry's Review and the conditions of approval, the planning, construction, operation, maintenance and retirement of the class of undertakings will be consistent with the purpose of the Act (Section 2).
4. All of the concerns raised by the Government and Agency Review Team and the public have been adequately addressed by the proponent and by Conditions of Approval.
5. The submissions received after the Notice of Completion of the Review was published have been addressed by the proponent to the satisfaction of the MOE. I am not aware of any outstanding issues with respect to this undertaking which suggest that a hearing should be required.

## CONDITIONS:

### **Definitions**

1. For the purposes of these conditions:
  - (a) “**proponent**” means the Ministry of Natural Resources (MNR), its agents, successors, and assigns, who will be carrying out the proposed class of undertakings.
  - (b) “**MOE**” means the Ontario Ministry of the Environment.
  - (c) “**EAAB**” means the Environmental Assessment and Approvals Branch of the Ministry of the Environment.
  - (d) “**Director**” means the Director of the Environmental Assessment and Approvals Branch.
  - (e) “**document**” means the Class EA, the Annual Effectiveness Monitoring Report and the Five-Year Review.
  - (f) “**the Class EA**” means the Class Environmental Assessment for Resource Stewardship and Facility Development Projects (submitted for approval April 15, 2002).
2. The proponent shall comply with all the provisions of the Class EA which are hereby incorporated in this approval by reference except as provided in these conditions and as provided in any other approvals or permits that may be issued.
3. These conditions do not prevent more restrictive conditions being imposed under other statutes.

### **Public Record**

4. Where a document is required for the MOE Public Record file, the proponent shall provide the document to the Director for filing within the specific Public Record file maintained for the undertaking. The proponent shall provide copies of all documents for the purpose of public review to:
  - (a) the Director of the MOE Eastern Region Office;
  - (b) the Director of the MOE Central Region Office;
  - (c) the Director of the MOE West Central Region Office;
  - (d) the Director of the MOE Southwestern Region Office; and
  - (e) the Director of the MOE Northern Region Office.

These documents may also be provided through other means as considered appropriate by the proponent. Thirty (30) copies of the final document are to be provided to the EAAB for placement in the public record file and for use by ministry staff (including each Regional and District office).

## General Conditions

5. The proponent shall commence the first five-year review of the Class EA, as required in section 5.3 of the Class EA, on or before the fifth anniversary of the date this approval comes into force, and shall occur every five years thereafter on or before subsequent 5-year anniversary dates of the date this approval comes into force until such time as is otherwise indicated in writing by the Director to the proponent. Each review shall be submitted to the Director and placed in the Public Record file no later than 90 days after the anniversary date.
6. The proponent shall further develop the Class EA Monitoring Program referred to in section 5.1 of the Class EA in consultation with EAAB. The Monitoring Program shall include compliance, effects and effectiveness monitoring and a strategy for addressing non-compliance. The proponent shall submit the Monitoring Program to the Director no later than six months after the date of this approval. The proponent shall implement the plan once the Director has given written notification of satisfaction with the Monitoring Program to the proponent.
7. The amending procedure for modifying this Class EA referred to in section 5.2 of the Class EA may be used by the proponent until:
  - (a) a regulation is made by the Lieutenant Governor in Council prescribing rules and restrictions under subsection 11.4(4) of the *Environmental Assessment Act* for amending or revoking decisions which apply to this Class EA, and
  - (b) the Minister of the Environment has issued a notice to MNR and filed a copy of it in the Public Record file for this Class EA prescribing which of the procedures under the regulation shall apply in place of or in addition to the procedures set out in section 5.2 and which procedures in section 5.2 shall cease to apply.
8. MNR shall develop a technical guideline, in consultation with the Ministry of Culture, to address how cultural heritage resources should be identified, and how to assess their significance and develop mitigation techniques, by December 15, 2004, or such later date as may be determined by the Director of EAAB, and MNR shall implement the guideline. MNR shall provide a copy of the guideline to the Director of EAAB, together with MNR's implementation schedule, on December 15, 2004, or such later date as may be determined by the Director of EAAB.
9. This approval for the Class EA comes into force on March 31, 2003.

Dated the 12<sup>th</sup> day of November, 2002 at TORONTO.

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Minister of the Environment  
135 St. Clair Avenue West  
12th Floor  
Toronto, Ontario  
M4V 1P5

Approved by O.C. No. 2211/2002

