

**ORDER MADE UNDER THE  
ENVIRONMENTAL ASSESSMENT ACT**

**Amendments to Declaration Order MNR-71 entitled:  
Declaration Order regarding MNR's Class Environmental Assessment Approval  
for Forest Management on Crown Lands in Ontario**

Having considered the Report prepared by the Minister's Environmental Assessment Advisory Panel, entitled "Improving Environmental Assessment in Ontario: A Framework for Reform", March 2005;

Having considered the Notice of Proposed Amendments dated September 19, 2006, from the Director of the Environmental Assessment and Approvals Branch to the Ministry of Natural Resources (MNR), pursuant to Condition 53 of Declaration Order MNR-71;

Having considered all of the conditions of Declaration Order MNR-71 as well as the Ministry of the Environment's Notice of Proposed Amendments to Declaration Order MNR-71 which were posted on the Environmental Registry from October 31, 2006 to November 30, 2006;

Having considered comments made by the public, stakeholders and the Government Review Team on the proposal to amend Declaration Order MNR-71;

Having concluded that if Declaration Order MNR-71 is not amended, the following injury, damage or interference with persons and property could occur as a result of potential delays in the review of individual environmental assessment (EA) requests on forest management activities:

- Injury and damage to the forest industry by limiting access to areas of planned harvest while individual EA requests are under review; and
- Interference with the social and economic needs of communities and citizens by potentially decreasing available wood supply to the forest industry and the public while individual EA requests are under review;

Having weighed such injury, damage or interference with 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 which would result from the failure to amend Declaration Order MNR-71, the undersigned is of the opinion that it is in the public interest to make this Declaration Order to amend Declaration Order MNR-71.

The undersigned orders that Declaration Order MNR-71 is hereby amended by the amended conditions that follow. This Declaration Order does not affect the previous operation of Declaration Order MNR-71, or anything done pursuant to it.

This Declaration Order, in conjunction with Declaration Order MNR-71, including the amended conditions that follow, may be referred to as "MNR's Class Environmental Assessment Approval for Forest Management on Crown Lands in Ontario".

The undersigned orders that the conditions of Declaration Order MNR-71 be amended as follows:

**Condition 3(a)(iii) is amended by deleting “, in both written and mapped format”.**

**Condition 3(b) is amended by deleting “copies of”.**

**Condition 4(c) is revoked and replaced with:**

**“Upon completion of the required alterations to the satisfaction of the MNR District Manager, the MNR District Manager shall certify that the plan has been prepared in accordance with the Forest Management Planning Manual and relevant policies and obligations (including any relevant MNR agreements with Aboriginal peoples); and has been prepared using MNR’s implementation manuals and forest management guides as described in the Forest Operations and Silviculture Manual (the Guides).”**

**Condition 5(b)(viii) is amended by replacing “forest operations” with “the preparation and implementation of the forest management plan”.**

**Condition 8 is amended by replacing “Minister of the Environment”, wherever it appears in (e), (f), (g), (h) and (i), with “Director of Environmental Assessment and Approvals Branch”. Condition 8 is also amended by deleting “the Minister of Natural Resources,” wherever it appears in (e), (f), (h) and (i).**

**Condition 9(b) is amended by replacing “fisheries” with “fish”.**

**Condition 12 is amended by replacing “(i.e., any road that provides principal access for the management unit)” in the first sentence with “(i.e., roads that provide principal access for the management unit)”. Condition 12 is also amended by replacing “(i.e., any road that branches off an existing or new primary or branch road, including those roads that provide access to separate areas of operations)” in the first sentence with “(i.e., roads, other than primary roads, that branch off existing or new primary or branch roads, providing access to and through areas of operations)”.**

**Condition 14 is amended by adding “, other than primary or branch roads” in the first sentence, after “operations”.**

**Condition 18 is amended by adding “(i.e., for harvest, renewal and maintenance activities)” in the first sentence, after “prescriptions”.**

**Condition 22(a) is amended by replacing “the number of similar requests” in the fifth sentence with “requests of a similar nature”.**

**Condition 22(c) is amended by replacing “Minister of the Environment” in the last sentence with “Director of Environmental Assessment and Approvals Branch”. Condition 22(c) is also amended by adding “, in accordance with the process set out in condition 8” at the end of the last sentence.**

Condition 24(d) is amended by replacing “Minister of the Environment” in the last sentence with “Director of Environmental Assessment and Approvals Branch”.

Condition 25(b) is revoked and replaced with:

**“To assist in approving Annual Work Schedules, MNR shall maintain the protocol for efficiently conducting reviews of water crossings. The protocol may be amended from time to time, as MNR and Fisheries and Oceans Canada consider appropriate, and in consultation with the forest industry and other government agencies on any substantive amendments as determined by MNR and Fisheries and Oceans Canada.”**

Condition 27(d) is amended by deleting “Within one year of this Declaration Order coming into force,” in the first sentence.

Condition 27(e) is revoked and replaced with:

**“MNR shall maintain the Forest Operations Inspection Program, as amended from time to time as MNR considers appropriate, for the mandatory training and certification of forest operations inspectors.”**

Condition 28(a) is amended by adding “, as amended from time to time as MNR considers appropriate” in the first sentence, after “regulations”. Condition 28(a) is also amended by deleting the last sentence.

Condition 30(b) is revoked and replaced with:

**“MNR shall maintain the program plan, as amended from time to time as MNR considers appropriate, which outlines priorities, representative species to be monitored, and proposed activities and schedules for the Provincial Wildlife Population Monitoring Program. The program plan shall be made available to the public, and shall be updated no later than one year following the release of each Five-Year EA Report.”**

Condition 30(c) is deleted, and Condition 30(d) is renumbered to become Condition 30(c).

Condition 31 is amended by deleting the last sentence.

Condition 32(b)(xi) is amended by deleting “and”.

Condition 32(b)(xii) is amended by replacing “.” with “;”.

Condition 32(b) is amended by adding:

- (xiii) a summary of the on-going implementation of the Provincial Wildlife Population Monitoring Program, as per condition 30(c);
- (xiv) a summary of the progress of scientific studies to assess the effectiveness of Guides, as per condition 31; and
- (xv) a description of the advances in scientific studies to assess the effectiveness of direction in MNR’s approved forest management guide, as revised from time to time, relating to the emulation of natural

disturbance patterns, as per condition 39(c).

Condition 34 is amended by deleting the last sentence.

Condition 39(c) is revoked and replaced with:

**“MNR shall continue to implement the action plan for scientific studies to assess the effectiveness of the direction for clearcut sizes, separation criteria for planned clearcuts, and standards for residual stand structure in MNR’s approved forest management guide, as revised from time to time, relating to the emulation of natural disturbance patterns, in providing for the emulation of natural disturbance patterns.”**

Conditions 39(d) and 39(e) are deleted.

Condition 42 is amended by deleting “, when revised in accordance with condition 51,” in the last sentence.

Condition 47(b) is amended by replacing “native” in the last sentence with “Aboriginal”.

Condition 48(a) is amended by replacing the first sentence with “MNR shall review and revise, as MNR considers appropriate, the provincial wood supply strategy.”.

Condition 48(d) is amended by replacing “, in the development and any future revision” with “on any proposed revision”.

Conditions 48(e) and (f) are deleted.

Condition 49 is revoked and replaced with:

**“MNR shall continue to investigate the subject of old growth ecosystems, and update the old growth policy direction as MNR considers appropriate for use in forest management planning. That policy direction shall provide an environmentally sound conservation strategy, and definitions of old growth, specific to Ontario forest conditions.”**

Conditions 51 (a), (b) and (c) are revoked and replaced with:

**“(a) Except as specified in condition 51(b), amendments to conditions 1 to 26 made by Declaration Order MNR-71/2 shall not apply until the Forest Management Planning Manual is amended.**

**(b) Amendments to conditions 8, 22(c) and 24(d) made by Declaration Order MNR-71/2 shall come into force on the date that Declaration Order MNR-71/2 is approved by the Lieutenant Governor in Council and shall apply to individual environmental assessment requests made thereafter.**

**(c) Notwithstanding condition 51(b), MNR shall propose amendments to the Forest Management Planning Manual to incorporate the amendments to conditions 1 to 26 made by Declaration Order MNR-71/2 within 12 months of the date that Declaration Order MNR-71/2 is approved by the Lieutenant**

**Governor in Council.”**

**Condition 51(f) is amended by replacing “conditions 1 to 26 of this declaration order” with “the amendments to conditions 1 to 26 made by Declaration Order MNR-71/2”.**

**Condition 51(g) is revoked and replaced with:**

**“Amendments to conditions 27 to 55 made by Declaration Order MNR-71/2 shall come into force on the date that Declaration Order MNR-71/2 is approved by the Lieutenant Governor in Council. “**

**Condition 52(a) is amended by deleting “of the specific conditions” in the first sentence. Condition 52(a) is also amended by adding “, in accordance with condition 52(b)” at the end of the first sentence.**

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 2007 at TORONTO.

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

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

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

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