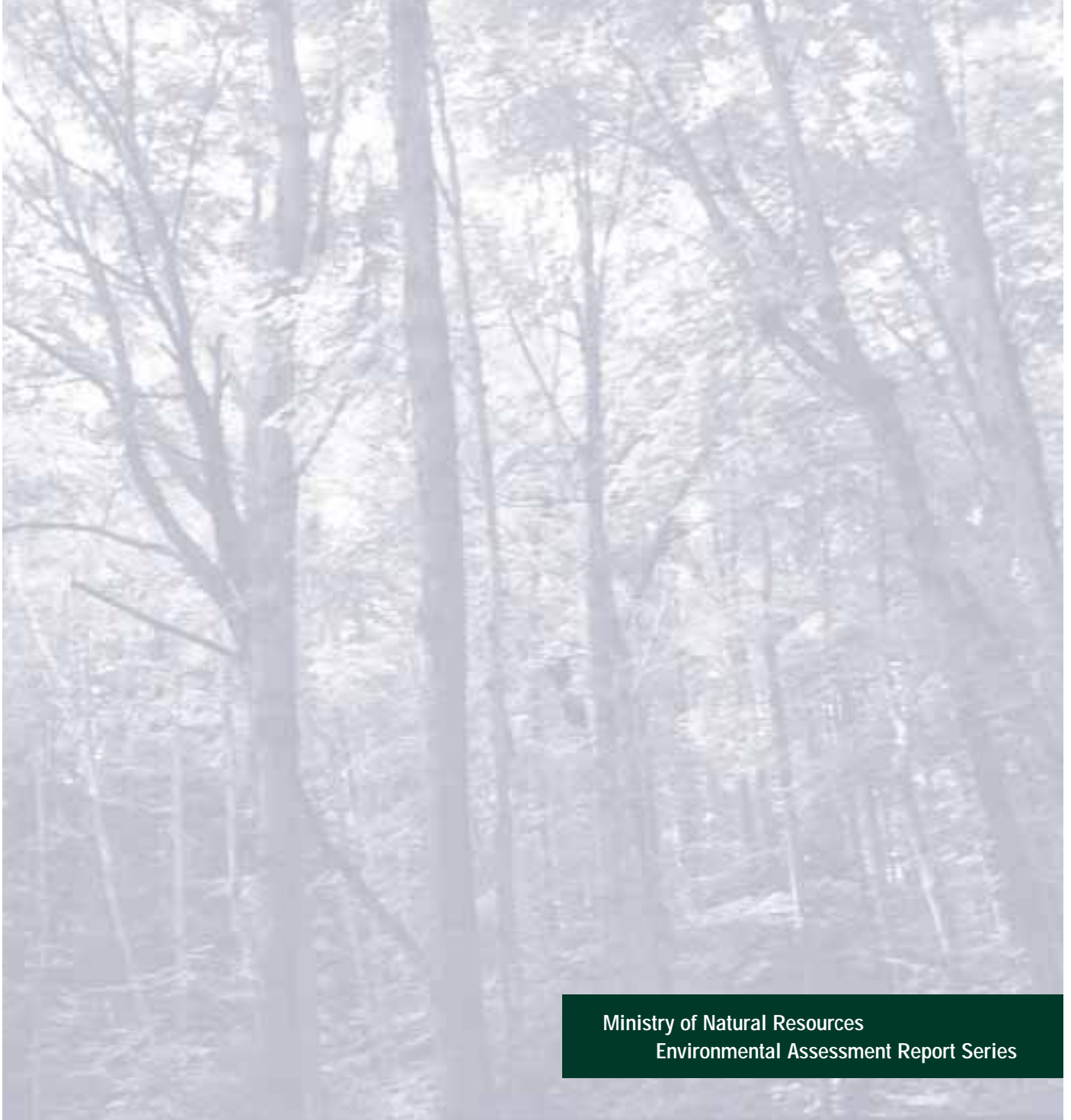


# A Class Environmental Assessment

for MNR Resource Stewardship and Facility Development Projects



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Printed in Ontario, Canada

51515  
(2 k P.R. 01 13 03)  
ISBN 0-7794-3846-9

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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 10 projects it covered, as well as including projects covered by several of the *EA Act* exemption or declaration orders that the ministry works under. All of these projects can be characterized as resource stewardship or facility development projects. The new re-titled *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 *EA Act* (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.

Copies of the document are available at:  
<http://www.mnr.gov.on.ca/MNR/stewardea>

For more information about this Class EA, please contact: Manager, Conservation and Planning Section, Lands and Waters Branch, telephone (705) 755-5105.

# 1.0 Introduction

The purpose of the *Environmental Assessment Act (EA Act)* 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.1 of the *EA Act* 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.

This “Class EA for MNR Resource Stewardship and Facility Development Projects” sets out requirements for MNR projects and activities (hereafter referred to as projects). The Class EA revises the current “Class Environmental Assessment for Small Scale MNR Projects” (1992) by updating the requirements applicable to the 10 projects covered by that document, and also incorporating the projects covered by several Orders which are still in effect (at time of submission to MOE).

## 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.

## 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-section 1(2), (3), and (4) of the *EA Act*). It can provide the flexibility to assess projects according to their similar scale, potential environmental effects, and/or level of public concern.

The projects to be covered by this Class EA meet the intent of the *EA Act* requirements for a class environmental assessment because all are directed to the resource stewardship and facility development responsibilities of MNR.

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 new document is intended to replace both the Small Scale Class EA and the 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



*EA Act* 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.

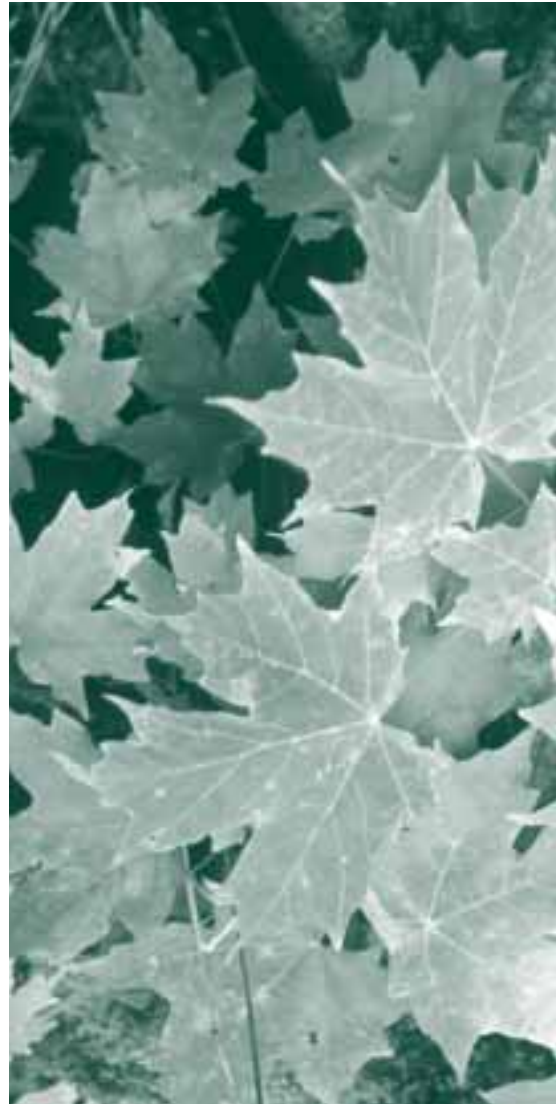
### 1.3 Structure of the Class EA

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 *EA Act* 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 significant 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 administrative requirements for monitoring and maintaining the Class EA, including procedures related to amendments; duration, review, and renewal; urgent situations and transitional provisions; and Part II Orders.
- **Appendix 1** is a Glossary of Terms.

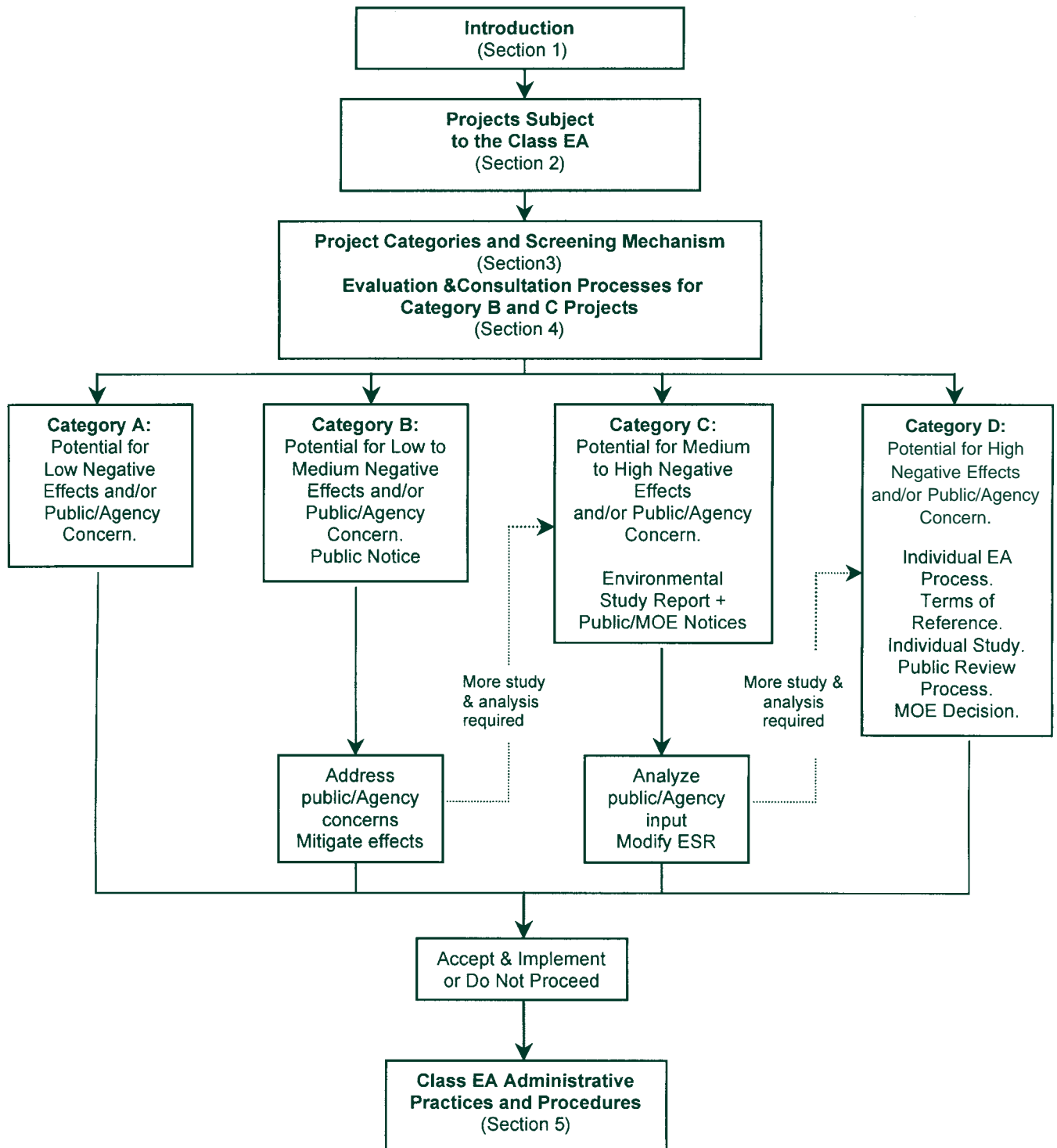
Also included for information purposes only are the following additional appendices:

- **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.

Figure 1: Structure of the Class EA for MNR 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 *EA Act* 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
- Access Roads
- Dams and Dykes
- Fish Stocking
- Fishways
- Shoreline and Stream Bank Stabilization
- Water Related Excavation, Dredge and Fill Activities
- Ponds
- Solid Waste Disposal
- 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 does not include the activities of fighting forest fires, forest management, wildlife management, the rabies control program, and provincial park and conservation reserve planning and management activities. Adequate *EA Act* coverage for fighting forest fires is provided by Order MNR-1. The Class EA for Timber Management on Crown Lands in Ontario (and the related decision of the EA Board, 1994) and Order MNR-41 direct forest management activities in Ontario. Long term application of *EA Act* coverage for wildlife management activities and the rabies control program is provided by Order MNR-42 and 62 respectively. The management of provincial parks and conservation reserves is currently covered by Orders MNR-59/2, 61, 63, 64 and 65, and a class EA is currently in preparation to cover these activities.

### 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 (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).

Examples of these types of projects are described in more detail below.

### **2.2.1 Access**

#### **2.2.1.1 Access Points**

Access points are proposed where a need for access to a previously inaccessible or poorly accessed area is substantiated 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 are 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, canoeing, swimming, fishing, hunting, and viewing, which may not necessarily involve access to water.

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

Access roads are linear features built for many purposes such as providing access to MNR facilities (e.g. dams, docks, campsites) or private facilities (e.g. cottage or residential lots, transportation of goods, winter access to isolated communities). This also includes the construction of similar linear access features such as trails, could include the provision of parking lots, and often involves the construction of water crossings (e.g. bridges, culverts).

#### **2.2.1.3 Fuelwood Access Roads**

Fuelwood access roads are constructed for the purpose of providing access for individuals to cut or remove fuelwood usually under the authority of a personal use permit issued by the MNR. These access roads are infrequent, generally of minimum standards, narrow and rough, and are usually less than four kilometres in length.

### **2.2.2 Dams and Dykes**

Dams and dykes are usually built in association with other projects (e.g. create 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 or dyke 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.

In recent years, the ministry has been reviewing the functions of many dams/dykes with a view to decommissioning or divesting (i.e. disposing) those that no longer serve a management purpose consistent with corporate goals and objectives. (The ministry also receives requests to utilize existing dams or potential dam sites for the provision of hydro-electric power. Refer to Section 2.6.2).

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

Fish population and habitat management encompasses a variety of projects to 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, 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. There are basically two broad objectives of fish stocking:

- 1) To establish or re-establish natural reproducing populations, and
- 2) To provide hatchery 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 hatchery-dependent 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 man 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 currently operates 10 fish culture stations and five sub-stations across the province, which annually produce up to 10 million 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 hatchery-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 hatchery 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 aquatic or wildlife habitat. This is often accomplished through the construction of stabilization structures, or through non-structural, or bioengineering methods. 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. However, 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 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. Dugout ponds are excavated ponds fed by groundwater aquifers located in areas of flat or nearly flat topography where the permanent water table is within a few feet of the surface. Since their storage capacity is obtained almost entirely by excavating below the natural ground level, their practical volume is limited. Embankment ponds are formed by constructing control structures across a natural depression or small valley in such a manner as to trap surface runoff. If excavation is involved with the construction, ground water may be intercepted and may become the source of water for the pond.

Typically, very few ponds are constructed by MNR and, in most cases, are usually less than  $\frac{1}{2}$  hectares in size. While ponds that vary from this generalization may be built (e.g. by-pass and online ponds), this is usually not the case. 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 Solid Waste Disposal

In many unorganized areas of Ontario, the MNR manages solid waste disposal of waste generated from sources such as recreational and residential properties, temporary work camps, Crown land recreation activities, and commercial and industrial uses. This Class EA will apply to solid waste disposal projects where:

- a) the waste is generated from unorganized territory; and
- b) the project serves an average year round population of less than 1,500 people; and/or handles a maximum of 1,000 tonnes of waste annually (as specified in the *Environmental Protection Act*).

Often this service is provided in partnership with local municipalities, which comply with the requirements of the *EA Act*. The purpose of MNR's solid waste disposal service is to dispose of solid 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 the applicable regulations under the *Canadian Environmental Protection Act* (where applicable), the *Ontario Environmental Protection Act*, and MOE standards for operating landfill sites, and requirements and standards for buffer zones (methane gas migration and leachate contamination).

### 2.2.8 Canoe Routes

Canoe route development 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 Old Oil and Gas Wells

Plugging old 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, Ontario Ranger camps) 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 Nuisance Species Control

These projects involve the use of physical, chemical, and biological methods to control nuisance domestic or exotic species of plants and animals, such as fish, birds and insects, 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 nuisance exotic aquatic plants); or hunting or trapping (e.g., removing beaver causing road flooding, removal of nuisance fish species with nets).

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.

These projects do not include the carrying out of the Wildlife Rabies Control Program, which is covered under *EA Act* Exemption Order MNR-62.

### **2.2.12 Ontario Ranger Camps**

These projects involve constructing, operating, and implementing camps to accommodate Ontario Rangers and support staff (e.g. accommodation, meeting, dining, and recreation facilities). The Ontario Ranger program is designed to develop the knowledge and skills of participants in such matters as ecological sustainability through involvement in a wide variety of resource stewardship and facility development projects (e.g. canoe route maintenance).

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

This involves the disposition by the MNR or delegates of certain or all rights to Crown resources through such means as permits, land sales, licences, approvals, permissions, or consents. 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.

In some cases the applicant identifies a proposed project, for which a 'disposition' is required for the proposal to proceed. Examples include the issuance of:

- a work permit for dredging or filling Crown shorelines;
- a permit for hiking trails on Crown land;
- a permit for a commercial marina waterlot;
- a permit to allow the retrieval of sunken logs from a Crown lake bed;
- commercial fishing or bait fishing licences; and
- an approval for a Community Fisheries or Wildlife Involvement Program project.

Generally, there are two types of dispositions performed by MNR where the applicant has identified a proposed project, for which a disposition is required.

#### **1) *Where the applicant's proposed project is not subject to the EA Act.***

For this type of disposition, MNR would only proceed with the disposition where the applicant's proposed project has been screened against the criteria in Section 3, placed in an appropriate project category, and the appropriate planning and consultation requirements, if any, for that category have been carried out. MNR may request that the applicant carry out any or all of this process, as outlined in Section 2.6.

*Exception:* There are three situations where the MNR may proceed with a disposition without screening and categorization:

- 1) A project for which MNR is required by statute or regulation to grant a disposition;
- 2) A hydrocarbon pipeline project which has been approved by the National Energy Board or the Ontario Energy Board; or
- 3) A disposition specifically identified as a Category A project in Section 3.1.1.

#### **2) *Where the applicant's proposed project is subject to an approval under the EA Act, or an Order or regulation made under the EA Act.***

For this type of disposition, MNR is not required to screen the applicant's proposed project against the criteria in Section 3. However, MNR would only proceed with the disposition where the applicant has provided MNR with evidence that they had complied with the requirements under the *EA Act* as outlined in Section 2.6.

##### **2.2.13.1 Existing Crown Land Cottage Lots**

This involves disposing of existing Crown land cottage lots (shelf lots) approved through the subdivision approval processes under either the *Planning Act* or the *Public Lands Act*, as applicable at the time of approval. For many of these lots, the MNR has invested in capital infrastructure to facilitate the disposition and use of these lots (e.g. roads, access points). For many local communities, the development and use of these lots serve as an important element in the local economy.

All lots disposed of must be capable of supporting a Class 4 sewage system, for which a permit is required under the *Building Code Act* and the *Ontario Building Code*, or an alternate means of sewage disposal approved by the Ministry of the Environment or other public health authority (e.g. municipal services). In releasing these lots the MNR has regard to such environmental factors as lake sensitivity and capacity for additional development. The MNR, through its local district and area offices, will make available to the public upon request a current list of all cottage lots available for disposition in that particular district or area.

#### 2.2.14 Acquisition of Property

The MNR, usually through Ontario Realty Corporation, acquires and holds title to and/or interests in property, including obtaining and exercising options to purchase property for a broad range of MNR program purposes. The acquisition of property rights, title and/or interest can occur thorough a variety of ways, such as dedication, donation, forfeiture, land exchanges, easements, and/or rights of way. 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 Ontario Realty Corporation, construction and contracting for capital construction and lease purchase projects as part of the infrastructure to support MNR resource stewardship and facility development projects. Projects should endeavour to comply with a municipal official plan or zoning by-law where applicable.

#### 2.3 Similarities and Differences among the Projects

Projects under this Class EA are intended to help achieve MNR's vision of sustainable development and mission of ecological sustainability, 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 projects (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 *EA Act* 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 projects 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. 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 or cultural effects or concerns (e.g. recreation, tourism) 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, and maximize positive effects on the environment even 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 file 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. 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 traditionally undertaken by MNR are now being carried out through partnership programs which create opportunities for involvement of interested private sector (non-profit and non-government) stakeholder groups and (for profit) businesses. Programs such as the Community Fisheries/Wildlife Involvement Program (CFWIP), Eastern Habitat Joint Venture (EHJV), and the Resource Stewardship program place greater emphasis

on private sector/stakeholder interest and hands-on involvement in resource stewardship and facility development projects.

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 fulfil the requirements themselves and report to the ministry. This would mean that the partner would be accountable to MNR for the completion of certain requirements in accordance with this Class EA.

*Freedom of Information and Protection of Personal Privacy Act (FIPPA Act)* concerns may limit the partner's ability to conduct direct mailings as required under Section 4.

### 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 first review the disposition 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 proposal to the screening criteria in Section 3 and assigning the project to the appropriate category. Where the applicant's proposed project is placed in Category D (at any stage), the result would be a letter from MNR to the Ministry of the Environment advising of the project so that the Minister could decide (within 45 days) whether to seek designation of that project as a major commercial or business project to which the *EA Act* 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 the disposition. However, MNR may consider a revised proposal submitted by the applicant for a new screening and category.

MNR can then apply the requirements of Section 4 of this Class EA to the proposal, or request the disposition applicant to fulfil the requirements themselves and report to the ministry. This would mean that the disposition applicant would be accountable to MNR for the completion of certain requirements in accordance with this Class EA. *FIPP Act* concerns may limit the applicant's ability to conduct direct mailings as required under Section 4.

## 2.6 Integration with Other Environmental Assessment Act Coverage

Two areas of integration 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 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, MNR may carry out a single evaluation and consultation process incorporating in a single process, for example, the requirements of this Class EA and that of the Class EA for Provincial Parks and Conservation Reserves, as MNR considers appropriate for the needs of the specific project.

### 2.6.2 EA Mechanisms Used by Other Agencies and Sectors

Two kinds of EA mechanisms that are used by other agencies and sectors are described in this section.

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

Occasionally, MNR proposes projects that are also the subject of another agency's EA requirements. In such situations, where MNR is the proponent (or partner), the process in this Class EA for MNR Resource Stewardship and Facility Development Projects shall apply, and where appropriate may be integrated with other EA approaches. For example, when Ontario Realty Corporation (ORC) carries out land acquisition or sale on behalf of MNR, the process in this Class EA will apply instead of the ORC Class EA process.

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

Other agencies or sectors often request the disposition of a Crown resource for their proposals, some of which an approval or Order has been granted under the *EA Act*. For example, highway projects initiated by the Ministry of Transportation (MTO) must adhere to the Class EA for Provincial Transportation Facilities; municipal road projects must adhere to the Municipal Class EA. Because these MTO and municipal projects require *EA Act* approval, dispositions of Crown resources associated with the implementation of these projects will not be subject to the screening criteria in Section 3. As such proposals arise, MNR may participate in each EA process to ensure that ministry interests are considered.

For this type of disposition, MNR would not proceed with the disposition unless the applicant provided MNR with evidence that they had complied with their requirements under the *EA Act*, including any provisions of an approval, order or regulation, for the applicant's proposed project. Prior to granting this type of disposition, a letter should be received from the applicant outlining how the disposition applicant has met *EA Act* obligations. MNR still retains decision-making and approval authority for all dispositions regardless of a project's authorization under the *EA Act*.

As part of preparing for open competition in Ontario's electricity sector, MOE approved a regulation on April 23, 2001, designating electricity sector projects as being subject to the *EA Act*. Proponents of hydroelectric facilities and some modifications to hydroelectric facilities will be required to meet MNR's Waterpower Program Guidelines (WPPG) and any additional requirements that the MNR may set out through the WPPG process. The publication "Guide to EA Requirements for Electricity Sector Projects" forms part of the new direction, which, among other things, sets out a screening process and the report preparation requirements for various types of electricity sector projects. The regulation designates, among other things, new waterpower projects and significant modifications to existing waterpower projects; and projects for new transmission lines, and transformer and distribution stations that meet certain thresholds (e.g., operating at a nominal voltage of 115 kilovolts). This means that the proponents of electricity sector projects (e.g., Ontario Power Generation, Hydro One Networks, municipally-

owned corporations and other proponents) are required to fulfil their *EA Act* requirements before coming to MNR to apply for dispositions such as:

- a location approval for a dam;
- a waterpower lease agreement;
- an easement; or
- any other authorization that involves the disposition of certain or all rights to Crown resources.

MNR, as with other types of projects (e.g. pipelines), may participate in the EA process. However, for projects not subject under the regulation to the Environmental Screening Process or an environmental assessment (e.g., transmission lines designed to operate at a nominal voltage of less than 115 kilovolts), MNR would apply the screening criteria in Section 3.

### **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, as well as having regard for the Provincial Policy Statement under the *Planning Act*, and municipal plans and by-laws that are associated with the management of natural resources (Appendix 4).

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 is required to ensure that projects are not in conflict with those acts:

- the *Canadian Environmental Assessment Act*, which may apply to projects related to fish, fish habitat, and navigable waters. (Appendix 4 describes the situations when these requirements may apply);
- 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; and
- the *Niagara Escarpment Planning and Development Act*.

MNR will aim to contact relevant agencies early in the project evaluation so that consideration can be given to required processes to be integrated and co-ordinated with this Class EA, to the extent appropriate.

### **2.6.4 Canadian Environmental Assessment Act (CEA Act)**

There are potential overlaps between the Ontario *EA Act* and the *CEA Act*. Some projects may be subject to the requirements of the *CEA Act*. Generally, the *CEA Act* will apply if the project or component of the project requires the provision of federal land, is partially or wholly funded by the federal government, or requires a federal permit or authorization that is included in the *CEA Act* Law List Regulation – refer to Appendix 4. Authorization to proceed under the *CEA Act* does not meet obligations under the *EA Act* and dispositions associated with *CEA Act* approved projects will be subject to the requirements of this Class EA. Conversely, authorization to proceed under this Class EA does not meet obligations under the *CEA Act*. Should an agreement on harmonizing federal-provincial EA processes be established in the future, MNR will consider how the results can be integrated with this Class EA.

# 3.0 Project Categories and Screening Mechanisms

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 *EA Act* 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 significant negative environmental effects and public and agency concern (Section 3.1); and
  - a screening process (Sections 3.2 to 3.5) to identify potential negative and positive environmental effects, and to assign projects to categories.
- focus on addressing environmental and public concerns, and mitigation for projects that have medium to high potential for significant negative environmental effects and public and agency concern;
  - enable the appropriate planning and consultation process to be followed for Category B and C projects; and
  - identify projects that will require an individual EA (Category D).

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

*Management Guideline:* These projects consist of minor administrative procedures, low intensity facility development, and routine resource stewardship projects (Table 3.2). In MNR's experience these projects have low potential for significant negative environmental effects (social, economic, or natural environment) or agency or public concern. Planning and implementation of these projects is allowed to proceed in accordance with conditions imposed by MNR to mitigate negative effects without further public review or approval.

Following is a list of Category 'A' projects that can proceed to implementation:

## 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-categorized as Category A in Section 3.1.1, then the project can be assigned to one of four "categories". Assigning projects to these categories is based on the screening process in Section 3.2 to 3.5, and the screening criteria outlined in Table 3.2. The intent of the categories is to:

- expedite planning and implementation for the majority of projects that have low potential for significant negative environmental effects or public and agency concern (Category A);
- Access:
  - Fuelwood access roads
- Fisheries:
  - Fish habitat enhancement
  - Ongoing fish stocking
    - Inland lakes
    - Native species in the Great Lakes
- Sewage systems and water works
- Plugging old oil and gas wells

- Physical control of nuisance animals (e.g. caging and removing a skunk)
- Minor Dispositions:
  - Crown land camping permits
  - Transfer of tenure documents
  - Severance of surplus lands
  - Post disposition activities (e.g. consents to mortgage, sublet)
  - Voidance certificates
  - Quit claim letters patent
  - Building condition extensions
  - Travel permits
  - Hunting and fishing licences
  - Scientific collectors permits
  - Trapping licences
  - Release of reservations for:
    - conferring the right to use, for fishery purposes, the banks of a body of water;
    - conferring a right of access and free passage along the shores of rivers, streams, and lakes;
    - the surface rights in any public or colonization road crossing the land granted.
    - a percentage of surface rights for road purposes; and
    - a right of way for a railway line where the line is not constructed.
- Operation and maintenance of facilities (e.g. existing fish culture stations or sub-stations)

Projects not included in the above list could still fall into the 'A' category, but only after applying the screening criteria outlined in section 3.2.

If a listed Category A project presents some potential for concern (e.g. ground disturbance in an area of natural and scientific interest or archaeological potential, water crossing), then the responsible manager will subject it to screening and, therefore it could be rejected, or elevated to another category.

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

*Management Guideline:* These projects may have low to medium potential for significant net negative environmental effects and/or public concern (Table 3.2). These effects generally are well understood from

a technical perspective, are minor in nature, and short in duration. 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 planning and consultation process as described in Section 4.1 will be carried out. If, after public notification, MNR considers that no significant 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.

A few examples of projects that could fall into this category include:

- major repairs to a dam or fishway (e.g. requires de-watering of the dam site);
- dredging and shoreline stabilization projects;
- expansion of an access point;
- new capital construction projects;
- expansion or upgrade of an existing fish culture station or sub-station (e.g. to meet MOE water quality standards)
- divestment of a solid waste disposal facility; and
- dispositions such as a work permit for minor dredging/filling projects, a permit to allow sunken log retrieval, a lease to allow expansion of an existing marina on a water lot, and sale of a Crown shoreline reserve.

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

*Management Guideline:* Since these projects have a medium to high potential for significant net negative environmental effects and/or public concern, they require more information and analysis to identify environment effects and a more comprehensive public and agency review process than Category B projects (Table 3.2). Projects that the screening process assigns to Category C will proceed through the planning and consultation process described in Section 4.2, including preparation of an Environmental Study Report.

A few examples of projects that could fall into this category include:

- new dams or dykes (e.g., to create wetland habitat), fishways;
- dredging and shoreline stabilization projects affecting a sensitive environment;
- new access points, roads, trails, or canoe routes;
- decommission a road;
- opening a new or expanding a solid waste disposal facility;
- fish stocking – introductions;
- introductions of non-native fish species; and
- dispositions such as a work permit for major dredging/filling projects, a lease for a new marina water lot adjacent to a residential area, and a permit to construct an access road.

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

*Management Guideline:* Some projects may be determined to lie outside the scope of Categories A, B, or C, and should instead be subject to the requirements for an individual EA under Part II of the *EA Act*. These projects would have potential for high negative effects and/or public or agency concern, and would require public and agency input to endeavour to resolve concerns.

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 by the Minister of the Environment, as described in Section 5.6, following a project evaluation process described in Section 5. Where the disposition applicant's proposed project is placed in category D, the result would be a letter to the Minister of the Environment advising of the project so that the Minister may decide whether to seek designation of that project as a major commercial or business project to which the *EA Act* applies.

Examples of projects that could fall into this category include constructing access roads in permafrost areas, introduction of an exotic fish species, and fishery reclamation projects.

## **3.2 The Screening Process**

Screening is a common method used to identify potential 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.

### ***Step 1: Assess Project Against List of Category “A” Projects***

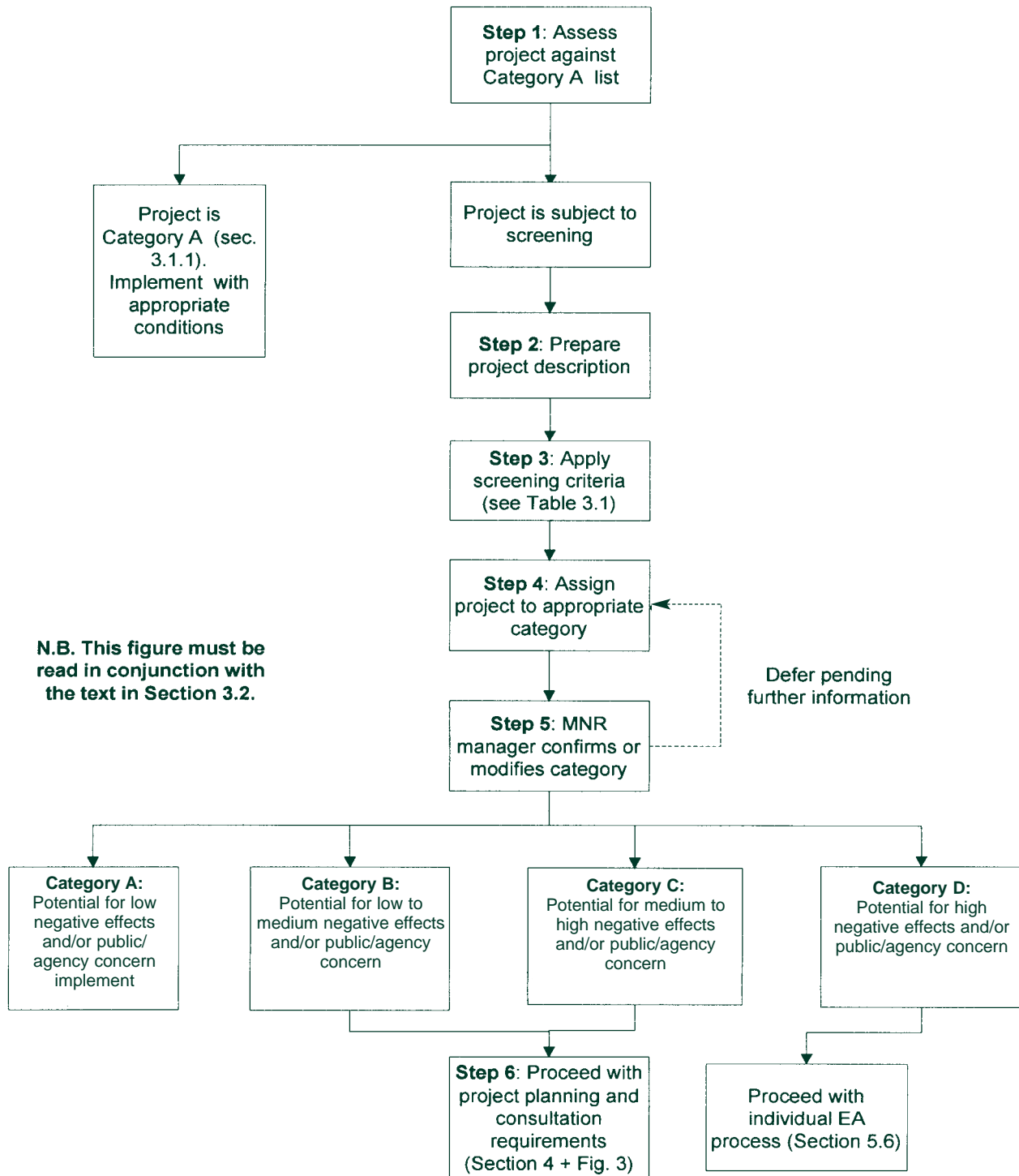
MNR staff first ensure that the proposed project is not prohibited under approved MNR policies and directives, and then refer to the list provided in Section 3.1.1 to determine whether a project:

- is listed as a Category A project in Section 3.1.1; or
- is not listed as a Category A project in Section 3.1.1, 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 Section 3.1.1, and is not subject to this Class EA, but should be dealt with according to any other applicable *EA Act* requirements (e.g., another MNR Class EA or Declaration Order).

As described in Section 3.1.1, projects determined to be in Category A are approved to proceed without further public review. Implementation is subject to all relevant legislation and guidelines.



Figure 2: The Screening Process



### ***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, operation, decommissioning, and study area. Some project effects may also be considered outside an immediate study area; for example, where there are potential effects on nearby communities.
- Alternatives considered, including the null alternative.
- Preliminary evaluation (cost, feasibility, effectiveness, and potential environmental effects).
- Applicable policies, procedures, manuals and guidelines, and other permits or approvals required to undertake the project (see Appendix 2).
- Appropriate mitigation features integral to the design and implementation of the project.

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

MNR staff reviews the potential net effects of the project (i.e. as outlined in Step 2 above, and with appropriate mitigation techniques in place) against 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 negative effects under particular criteria, positive effects identified under other criteria would not normally change the assigned category.

However, in some cases, as noted in Table 3.2, high negative and positive concerns may suggest a complex and polarized situation and may affect the placement of a project in a category.

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

MNR staff uses the ratings from Step 3 and the criteria in section 3.5 to assign the project to Category A, B, C, or D. For some projects, once a more clearly defined project description is available, it may also turn out that the project can be assigned to Category A.

### ***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 changes 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 Planning 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 proceed with the project planning and consultation requirements described in Section 4. Projects assigned to Category D may be subject to the requirements of Part II of the *EA Act*, 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 for assigning the degree of effect to each project, and of each of the rating categories:

- 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 may be based on reasonable certainty, and may be significant in combination with other medium and high net effects.
- A “high” net effect may reflect 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. One or more “high” negative net effects may result in a decision to seek other ways of resolving a problem or meeting program objectives.
- 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 criteria, this should be noted in the columns and described in the comments/rationale column. The screening criteria are not intended to be numerically scored or tallied as this would act against the intent of identifying the criteria of concern. 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 screening the project, the deficiency will need to be addressed.

In assigning the project category consideration should be given to anticipated public and agency concern. Where there is uncertainty as to the possible concern, the MNR manager may elect to issue a notice to indicate that MNR is seeking input to a project screening. In some situations, MNR may consult with specialists and the public to assist in making determinations in the screening process. Refer to Section 3.4.2.

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, positive or negative, that would occur as a result of a 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 criteria, 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**

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
	-H	M	-L	Nil	Unk	+L	+M	+H	
<b>Natural Environment Considerations</b>									
• Air quality									
• Water quality or quantity (ground or surface)									
• Species at risk or their habitat									
• Significant earth or life science features									
• Fish or other aquatic species, communities, or their habitat (including movement of resident or migratory species)									
• Land subject to natural or human-made hazards									
• Recovery of a species under a special management program (e.g. elk restoration)									
• Ecological integrity									
• Terrestrial wildlife (including numbers, diversity and movement of resident or migratory species)									
• Natural vegetation and terrestrial habitat linkages or corridors through fragmentation, alteration and/or critical loss									
• Permafrost									
• Soils and sediment quality									
• Drainage or flooding									
• Sedimentation or erosion									
• Release of contaminants in soils, sediments									
• Natural heritage features and areas (e.g. areas of natural and scientific interest, provincially significant wetlands)									
• Other (specify)									
<b>Land Use, Resource Management Considerations</b>									
• Access to trails or inaccessible areas (land or water)									
• Or obstruct navigation									
• Other resource management projects									
• Traffic patterns or traffic infrastructure									
• Recreational importance – public or private									
• Or create excessive waste materials									
• Or commit a significant amount of a non-renewable resource (e.g. aggregates, agricultural land)									
• Noise levels									
• Views or aesthetics									
• Or be a precondition or justification for implementing another project									
• Adjacent or nearby uses, persons or property									
• Other (specify)									

Screening Criteria	Rating of Potential Net Effect								Comments, Rationale
	-H	M	-L	Nil	Unk	+L	+M	+H	
<b>Social, Cultural, and Economic Considerations</b>									
• Cultural heritage resources – including archaeological sites, built heritage, and cultural heritage landscapes <sup>1</sup>									
• Or displace people, businesses, institutions, or public facilities									
• Community character, enjoyment of property, or local amenities									
• Or increase demands on government services or infrastructure									
• Public health and/or safety									
• Local, regional or provincial economies or businesses									
• Tourism values (e.g. resource-based tourist lodge)									
• Other (specify)									
<b>Aboriginal Considerations</b>									
• First Nation reserves or communities									
• Spiritual, ceremonial, or cultural sites									
• Traditional land or resources used for harvesting, activities									
• Aboriginal values									
• Lands subject to land claims									
• Other (specify)									

<sup>1</sup> Where projects may affect a known or suspected cultural resource, further technical heritage studies may be warranted. Ministry of Culture technical studies that may be required include items such as archaeological assessments by licensed archaeologists and built heritage studies by qualified heritage consultants if a significant built heritage structural feature is being affected.

### **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, say, 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 given a higher priority than 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 an endangered species habitat 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 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.

#### ***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. Other effects may be relatively easy to remedy.

### **3.4.2 Other Considerations**

The following considerations may assist in applying the factors provided above.

#### ***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 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.

#### ***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 a 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 or enhancement measures. Monitoring may be proposed to assess the need for 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 and enhancement 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 destruction 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 on the environment within the defined study area from two or more projects. Sometimes the effects of more than one project can accumulate so that they reach a critical threshold, 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 are also proposed, the long term effects of all of these projects

on water quality and fisheries, for example, 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.

### ***Tangibles and Intangibles***

Some potential effects are more easily measured and predicted than others. More “subjective” effects such as visual and social effects can often be neglected in favour of those for which “hard” information is more easily obtained. In such circumstances, consideration 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 and agency 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 Criteria for Assigning Projects to Categories A, B, C, or D

The criteria listed in Table 3.2 are intended to help MNR staff assign projects to the appropriate category. Projects (other than those listed as Category A in section 3.1.1) 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.

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

The category determination will be made through consideration of the screening criteria and ratings from Table 3.1, as well as the criteria for assigning projects to categories provided in Table 3.2. In some instances one criterion may be sufficient to change the determination; in others it may be a combination of several criteria.

The assignment of categories should give full consideration to anticipated Aboriginal, stakeholder, agency and public interest. Where there is uncertainty as to the possible interest, the MNR manager may elect to issue a notice to indicate that MNR is seeking input to a project screening process.





**Table 3.2: Considerations for Assigning Projects to Categories**

Potential Net Environmental Effects – Considerations	Aboriginal, Public and Agency Concern – Considerations
<p>Category A</p> <ul style="list-style-type: none"> <li>• Low potential for significant negative net environmental effects, usually with a high degree of certainty</li> <li>• May be routine</li> <li>• Effects responsive to appropriate mitigation techniques</li> <li>• If the appropriate type of management direction is in place for the project, it specifically defines the nature and location of the project and does not require further consideration of alternatives</li> </ul>	<ul style="list-style-type: none"> <li>• Low potential for concern anticipated</li> </ul>
<p>Category B</p> <ul style="list-style-type: none"> <li>• Low to medium potential for significant net negative environmental effects, usually with a high degree of certainty</li> <li>• If the appropriate type of management direction is in place for the project, it specifically defines the nature and location of the project and does not require further consideration of alternatives</li> <li>• Effects responsive to appropriate mitigation techniques</li> </ul>	<ul style="list-style-type: none"> <li>• Medium potential for some concern anticipated</li> </ul>
<p>Category C</p> <ul style="list-style-type: none"> <li>• Medium to high potential for significant net negative effects</li> <li>• There is some uncertainty associated with predictions of effects, requiring additional research and/or evaluation</li> <li>• The appropriate type of management direction is in place for the project, but it does not fully define the project, or the plan suggests that alternatives should be considered or additional evaluation carried out</li> <li>• If a project is proposed when the appropriate type of management direction is not in place (see Section 2)</li> <li>• Effects require mitigation techniques tailored to the project</li> <li>• Potential to reduce negative effects or increase public understanding by examining alternatives</li> </ul>	<ul style="list-style-type: none"> <li>• Concern likely to be high, with potential for adverse reaction, based on experience or previous consultation</li> <li>• Consultation and consideration of the proposal and reasonable alternatives may reveal appropriate solutions and common understandings</li> </ul>
<p>Category D</p> <ul style="list-style-type: none"> <li>• Several inter-related aspects that have high potential for either net positive or negative environmental effects that may conflict, suggesting a complex situation</li> <li>• Potential for serious negative effects on species at risk</li> <li>• Effects require mitigation techniques tailored to the project</li> <li>• Potential to reduce negative effects or increase public understanding by examining other alternatives</li> <li>• Involves a new or contentious interpretation of management direction or other MNR policy</li> <li>• A distinct benefit can be derived from the process requirements of Part II of the <i>EA Act</i>, including Terms of Reference, formal government review and a decision by the Minister of the Environment (or the Environmental Review Tribunal)</li> </ul>	<ul style="list-style-type: none"> <li>• There is likely to be very adverse reaction</li> <li>• May be high negative and positive concerns that may be at odds, suggesting a highly polarized and complex situation</li> <li>• Other project categories would not adequately address concerns</li> </ul>

# 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 monitoring projects. 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 *EA Act*. 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 2.6). As a general rule, evaluations should strive to achieve an ecosystem approach where the many interrelationships are considered.

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. (Staff may refer to Appendix 3 for additional methods of consultation).

Sample notices and formats referred to in this Section may be found in Appendix 5. Notice periods refer to calendar days.

## 4.1 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 five steps, as illustrated in Figure 3.

### Notices

**Category B projects include one notice at the beginning of the process (Step 2), and a second notice to parties who expressed their interest (Step 4).**

#### *Step 1: Scoping*

MNR staff reviews the extent of planning and consultation previously conducted in support of the project (e.g., in a land use or resource management plan). This information is combined with the results of the screening to determine the project evaluation and consultation steps that are remaining and must be completed through this Class EA.

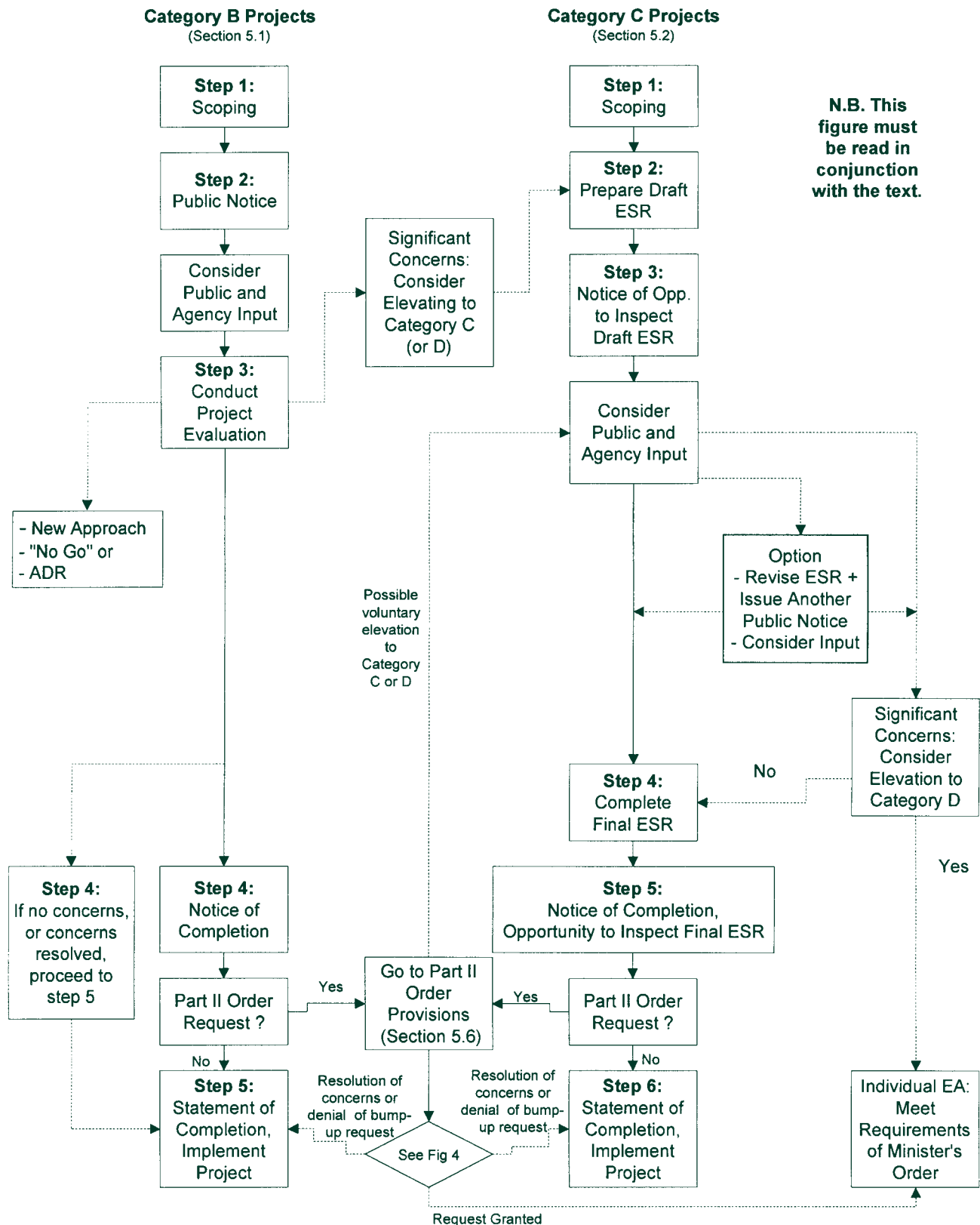
#### *Step 2: Public Notice*

At a minimum, this consists of a mailing to persons and agencies with a known or (what MNR considers to be) a potential interest in the proposed project, including MOE Regional offices, with an invitation to comment within 30 days. Where a high level of public concern is anticipated, other methods of consultation such as those referred to in Appendix 3 may be used, either as part of the initial consultation or in response to the level of concern generated by the first notice. Note that news releases do not satisfy the notice requirements; an advertisement is required.

A notice should include the following information:

- A title indicating the project name, and location.
- A summary description of the project, and any proposed mitigation measures.
- A map or description of the location of the project.

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



- A summary description of 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 or agencies 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 a contact person 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 *Freedom of Information and Protection of Privacy Act (FIPP Act)*.

As described in Section 3.3, if a first notice was issued during a screening process that led to the project being assigned to Category B, there may be no need to provide this notice.

For projects that may involve the acquisition of property, the obtaining of options or agreements to sell can be pursued once the manager has reviewed the proposal. However, these must be conditional; final acquisition or the exercising of options can only be made after final external notification of the proposal and the period for public comment has elapsed.

*Exception:* For proposals to stock fish, the obligation to provide public notice may be waived in situations where there is concern 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 will be advised of these stocked waters once the fishery is established and healthy.

### ***Step 3: 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.
- Alternatives available for carrying out the project, if appropriate.
- A complete project description, including the final design.
- 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 (see Appendix 4), 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 4.4).
- 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 public 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 need that the project was intended to address.
- A decision not to proceed with the project (the "no go" alternative).
- Voluntary elevation of the project to Category C or Part II Order for a Category D – this would also be considered at the request of the concerned party.

- Alternative dispute resolution methods (refer to Appendix 3 if further information is desired on this topic).

#### ***Step 4: Notice of Completion***

MNR, the partner, or the disposition applicant will notify individually all persons and agencies that commented or asked to be notified of the decision on the project. 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 3.
- 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 *EA Act*, 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.

Note that if no concerns were raised, or if the concerns were resolved (e.g., through discussion with the individual or group, and/or through conditions of MNR approval), MNR will document how concerns were resolved and may proceed to step 5 without issuing this notice or waiting the 30-day period.

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

If 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, Conservation and Planning Section, Lands

and Waters 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).
- The signature of the responsible MNR manager, and the date.

If a Part II Order request is received, the procedure described in Section 5.6 applies. Note that a 7-day waiting period is suggested in Section 5.6.3, to allow for MOE notification of a request.

#### **4.2 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 six steps, as illustrated in Figure 3.

##### ***Step 1: Scoping***

MNR staff reviews the extent of planning and consultation previously conducted in support of the project (for example, through a land use or resource management planning process). This information is combined with the results of the screening to determine the project evaluation and consultation steps that are remaining and must be completed through this Class EA.

##### **Notices**

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

## ***Step 2: 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:***

The first step for Category C projects is to confirm the project category (resulting from the screening undertaken in Section 3). In addition, develop a proposal that describes the proposed project, documents the reason(s) for the project, and identifies alternatives.

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

When developing a proposal, the purpose of the proposal must be defined so that the desired end, which is intended to be met, is clearly stated. The need (rationale) for or opportunity/problem to be addressed by the project will be described by a statement outlining why the proposal is necessary or appropriate. 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 alternative projects should be identified and considered which could reasonably be expected to achieve the desired result. This should include consideration of the “null alternative”. 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;
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 could 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 (see Appendix 4), and their relevance to the preferred project should be considered and proposed mitigation or enhancement measures outlined.

Appendices to the draft ESR could 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 3: Notice of Opportunity to Inspect the Draft ESR – Project Proposal***

At a minimum, this step consists of a mailing to persons and agencies 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). Note that news releases do not satisfy the notice requirements.

A notice should include the following information:

- A title indicating the project name and location.
- A summary description of the project and alternatives, and 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 the *FIPP Act*.

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 need that the project was intended to resolve.
- 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.

For projects that may involve the acquisition of property, the obtaining of options or agreements to sell can be pursued once the manager has reviewed the proposal. However, these must be conditional; final acquisition or the exercising of options can only be made after final external notification of the proposal and the period for public comment has elapsed.

*Exception:* For proposals to stock fish, the obligation to provide public notice may be waived in situations where there is concern 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 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 necessary. Additional opportunities for external involvement may be appropriate to further refine the project proposal, to elaborate on potential environmental effects, to identify effects on external interests, or to clarify the project proposal.

Additional external involvement can occur at this stage and may be undertaken as outlined in Step 3. If public or agency concern still exists, other means of consultation (as outline in Appendix 3) could 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 4: Completion of the Final ESR – Project Plan***

Public and agency 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 approved 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 a Project Plan that includes the following:

- 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 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 public or agency input.

- An assessment of the project to meet its intended purpose.
- 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.

#### ***Step 5: Notice of Completion, Opportunity to Inspect the Final ESR – Project Plan***

Notification will be sent to those on the current project mailing list, and an advertisement placed in a 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 *EA Act*, 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 section 5.8).

If, after the first notice, little concern is shown by the public and external agencies 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 6: 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 (for a Category C project) to be placed on the project file. The Statement of Completion will be placed on the project file and will also be sent to the Manager, Conservation and Planning Section, Lands and Waters Branch. If a Part II Order request is received, the procedure described in Section 5.6 of this Class EA applies.

If the Notice of Completion results in new concerns identified by the public and/or external agencies, then the following options can 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 and external agencies 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 approving the project, approving the project with conditions, or not approving the project. A copy of the Statement of Completion should also be sent to the Director, Environmental Assessment and Approvals Branch, MOE.

### ***Implementation***

All activities associated with the implementation of a project will include recommended 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.

## **4.3 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.

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 are introduced to minimize or offset these effects. All mitigation measures should be clearly documented.

### **4.3.1 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. 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 periods 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.

#### 4.3.2 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.

#### 4.4 Monitoring of Projects

##### **This section provides for monitoring Category B and C 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.

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), the project would be stopped until appropriate mitigation has been established.

Potential requirements for monitoring should 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. Generally, a monitoring program should be established to address the project objectives (e.g. fish stocking – to establish a healthy fishery).

Project files and ESRs should include a statement that the need for monitoring was considered in project evaluation. If no monitoring is required, then reasons should be provided. Where monitoring is required, a monitoring and follow up program should be described. Consideration should 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 (see Section 3.7), or by a disposition applicant, responsibilities for monitoring and any required mitigation and remediation should be clearly identified. Monitoring records will be maintained on the project file (see Appendix 5).



# 5.0 Class EA Administrative Practices and Procedures

## 5.1 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, 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 Conservation and Planning Section, Lands and Waters Branch.
- Submit annual reports to the Director no later than March 31 for projects initiated, planned and implemented during the previous calendar year. Annual reports will be submitted to the Director 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 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.

- 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 *EA Act* and any "Notice of Amendment" issued by the Director.
- 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 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 carried out following the Class EA document and a breakdown by classification and type (i.e., category/project type). Projects that are categorized as Category A projects would not need to be reported. This would include routine or emergency operational activities, maintenance activities or administrative activities that have minimal environmental effects.

The summary table shall include the following information:

- name and brief description of the undertaking
- name of contact person (e.g., project manager)
- location of the undertaking
- the date undertakings were started; and
- status

## 5.2 Amendments to this Class EA

MNR or any other party may submit written requests for amendments to the Class EA to the Director of the Environmental Assessment and Approvals Branch (EAA Branch), MOE (for minor amendments see below), or to the Minister of the Environment (for major amendments). An outside party should consult with the Director, Lands and Waters Branch 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 Lands and Waters Branch 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 5.3.

Amendments will be dealt with in one of two ways:

### 5.2.1 Minor Amendments

Minor amendments would include administrative corrections and clarifications, minor updates (e.g., reference to a guideline), and changes to procedures that, in the opinion of the Director of the EAA Branch, 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 EAA Branch and reach an opinion as to whether or not the proposed amendment is valid, and whether it is minor. If the proposed amendment

**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.**

passes these tests and, in the opinion of the Director, EAA Branch in consultation with MNR the proposed amendment is reasonable and appropriate, it may be approved without public consultation.

### 5.2.2 Major Amendments

Major amendments would include changes that, in the opinion of the Director of the EAA Branch, MOE, 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 of the EAA Branch, MOE, and reach an opinion as to 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 of the EAA Branch 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 EAA Branch, MOE, 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.

### 5.3 Review of the Class EA

A review of the Class EA will be undertaken by MNR every five years from the date of approval to ensure that the document still complies with legislative requirements and planning practices, and continues to satisfy the purpose of the *EA Act*. MNR will provide, by letter, the Director of the Environmental Assessment and Approvals Branch (EAAB) 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 EAAB. Any revisions, additions, or updates can be made using the amending procedure described in section 5.2.

### 5.4 Urgent Situation Provisions

Situations may develop where there is a threat or potential threat to human life or safety, property, public service, or the environment. Examples of urgent situations include flooding, erosion or collapse of a structure, and chemical spills. In these circumstances, MNR may consider it advisable to proceed with actions that would otherwise be subject to the processes under this Class EA (e.g. emergency road access to a train derailment). Whenever this occurs, MNR will provide notice to the Director of the EAA Branch, MOE, within 30 days of the commencement of action taken, containing the following information:

- The location and nature of the situation.
- The environmental effects of the situation.
- Actions taken to resolve the situation and the environmental effects of the actions.
- The effectiveness of the actions.
- Anticipated future remedial works and monitoring, if any.

Forest fire protection measures are excluded from this Class EA and will continue to be covered by Exemption Order MNR-1.

### 5.5 Transition Provisions

Planning and implementation of some MNR projects that would be within the class of undertakings may be under way on the date of approval. The following provisions are intended to ensure a smooth transition between previous requirements and those of the new Class EA.

- Where a project is the subject of a project proposal, or a process under an Order that would be replaced by this Class EA, those processes may continue. The requirements of this Class EA may be applied to the rest of the process wherever MNR considers it practicable, but following this Class EA will not be a requirement.
- Where a project has been planned but implementation has not commenced, those projects may proceed provided implementation commences within two years of the date of approval of this Class EA. If implementation has not commenced after this date, then the project will be subject to this Class EA.

### 5.6 Part II Order Provisions

**If persons or agencies are not satisfied with a project proposal and the evaluation process, they can request the Minister of the Environment make a Part II Order, to have the project evaluated under an Individual EA.**

Under the provisions of section 16 of the *EA Act*, there is an opportunity under the Class EA planning process for the Minister of the Environment to review the status of a project. Members of the public, interest groups, and review agencies may request the Minister to require a proponent to comply with Part II of the *EA Act* (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 *EA Act*; i.e. a Category D project.

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

In some situations a person, Aboriginal or interest group, or agency 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 groups, 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 of the release of a Notice of Completion for a Category B or C project. Sections 5.7 and 5.8 of this Class EA also provide for Part II Order requests to be submitted when a project is to be implemented after the five-year period following the Statement of Completion, or 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.

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

The concerned party submits a 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

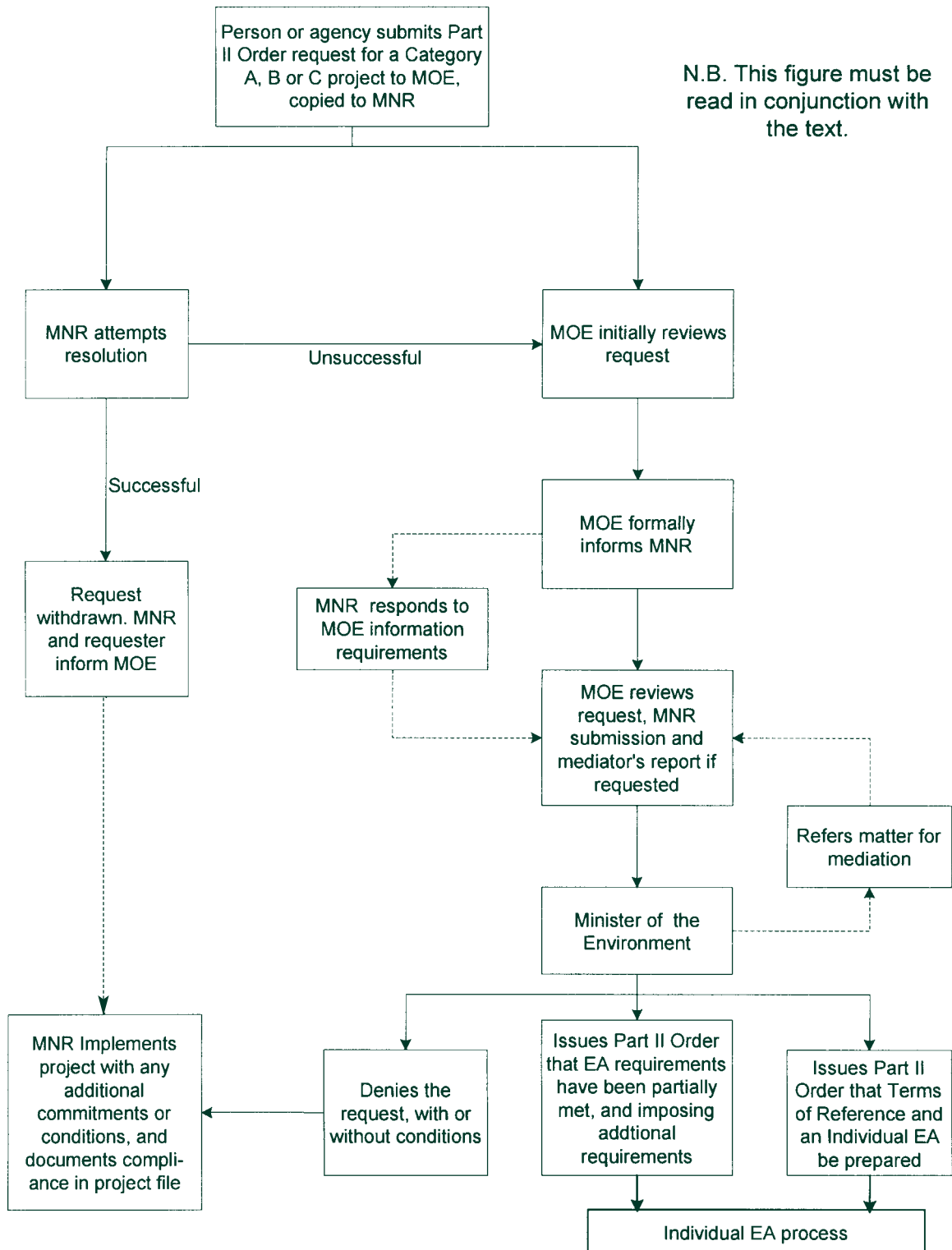
in the notice. In addition to making the request, the submission should discuss:

- 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.
- The availability of more appropriate 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 or agency 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.
- Any other information that the requester may feel is relevant to assist the Minister in making a decision.

### **5.6.2 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.

Figure 4: Part II Order Request Procedure





### 5.6.3 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.

- MOE will advise MNR in a timely manner in writing that the request has been received. MNR will be requested to provide any information 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 notification 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 agreement to this effect from the requester(s) indicating that they are satisfied with that level of assessment for the project. The MNR's decision and agreement 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 advice, 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 EAA Branch 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 45 days from receipt of a mediator's report.

### 5.6.4 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 EAA 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 EAAB. In making a decision the Minister will consider the matters set out in Section 16(4) of the *EA Act*.

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 *EA Act*, 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 *EA Act*, to comply with Part II of the *EA Act*. 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 (*EA Act*, 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 MNR will document in the project file, how it has complied with any and all conditions of a Part II Order denial.

## 5.7 Proceeding with Projects – After Statement of Completion

MNR may proceed with a project within five years of filing a Statement of Completion. If MNR wishes to proceed with a Category B or C project after that time, it shall review and document any changes that may have taken place since the initial NOC of the project to ensure the project and the mitigating measures are still valid. The changes may include, for example, environmental conditions, new government policies, new engineering standards or new technologies for mitigating measures. MNR must then provide a notice of intention to proceed with the project. The notice will describe the project, its category, and the date of filing of the Statement of Completion, request comments, indicate the basis on which an intention to proceed is proposed, and provide contact information and information regarding the opportunity to request a Part II Order. Requests would be sent to both the contact person named in the notice and the MOE. A sample format for this notice is provided in Appendix 5.

The notice would be published in a local newspaper, and would also be sent to government agencies and known interested parties, including those who expressed interest during the original Class EA process (where practicable, given the time lapse). A minimum 30-day response period would be provided. If a Part II Order request is received, the process described in Section 5.6 will be followed. In addition to the requirements in Section 5.6, a request should refer to changes in circumstances that have occurred since the project was originally approved that justify a project evaluation under Category C or an individual EA. The responsible MNR manager may elect to respond to the request by modifying the project file or ESR as described in Section 5.8.

If no Part II Order request is received within the notice period, MNR may proceed with the project.

## 5.8 Modifications to Project Files and ESRs

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

MNR may wish to modify a Category B or C project after filing the Notice of Completion or 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 negative environmental effects or level of public or agency concern, the modification would be considered minor and the project may proceed. Where there would be an increase in potential negative environmental effects or level of public or agency concern, the modification would be considered major and MNR staff will 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 posted in a local newspaper (if posted as part of the original public notice proposal), and mailed to all who earlier expressed interest in the project. 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.

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. A sample format for a Revised Notice of Completion is provided in Appendix 5.

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 4.1 or 4.2 as appropriate, with any necessary modifications, and the project may proceed. Where a request is received, the process described in Section 5.6 will be followed.



# Appendices

**Appendix 1: Glossary of Terms and Acronyms**

**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: MOE Notice of Approval**

## Appendix 1: Glossary of Terms and Acronyms

**CEAA:** *Canadian Environmental Assessment Act*

**Class Environmental Assessment:** An environmental assessment approved under Part II.1 of the *EA Act* for a class or group of undertakings.

**Cultural Heritage Resource:** Any resource or feature of archaeological, historical, cultural, or traditional use significance. This may include archaeological resources, built heritage or cultural heritage landscapes. Heritage resources and features are usually identified by federal or provincial agencies, municipalities, local architectural conservation advisory committees (LACACs) or other equivalent local heritage groups, and local and regional band councils. Some heritage resources and features are legally “designated”, and can be found in official sources. Some may only be inventoried or listed, either officially, or by interested stakeholders. Others have never been identified, although this does not necessarily diminish their cultural significance.

- **Archaeological Resource:** means the remains of any building, structure, activity, place or cultural feature, which because of the passage of time is on or below the surface of the land or water. Significant archaeological resources are those which have been identified and evaluated and determined to be significant to the understanding of the history of a people or place. The identification and evaluation of this resource is based upon an archaeological assessment.
- **Area of Archaeological Potential:** an area with medium or high potential for the discovery of archaeological resources. The potential is based on the presence of a wide range of geographic and historical features, which influenced past settlement. Archaeological potential is confirmed through archaeological assessment, and refers to the probability, based on a wide range of information sources, that a significant archaeological site will occur.

- **Identified Archaeological Site:** a registered, designated or identified (existing evidence) site that is contained within the MNR-NRVIS values information data base and/or is a locally identified site that is deemed to be a cultural heritage resource. A registered archaeological site is identified on a MTCR site registration form with an assigned Borden Number.
- **Traditional Use Site:** a geographically defined area supporting current or past human use as a gathering area, spiritual site, place of worship or cemetery.
- **Built Heritage Resource:** one or more buildings, structures, monuments, installations, or remains associated with architectural cultural, social, political, economic or military history.
- **Cultural Heritage Landscape:** a geographic area of heritage significance, which has been modified by human activities. Such an area is valued by a community and is of significance to the understanding of the history of a people or place.

**Cumulative Environmental Effect:** Cumulative environmental effects are the total effect on the environment within the defined study area from two or more projects. Sometimes the effects of more than one project can accumulate so that they reach a 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.

**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, permissions, consents, leases, licences of occupation, or sale.

**EAA Branch:** The Environmental Assessment and Approvals Branch of the Ontario Ministry of the Environment.

**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 ecosystem approach to management is as much a philosophy as it is a set of planning and management tools. It aims to understand the interrelationships that may exist between the elements associated with the social, economic and natural environments that are considered when evaluating projects. Furthermore, it encourages people to: consider the elements of ecosystem composition, structure and function; understand how people's actions affect the human and natural environment; ensure that human actions and disturbance mimic natural processes to the greatest extent possible; recognize the wide range of resource values, and; use ecological classifications to map ecosystems.

**Environment:** Section 1 of the *EA Act* 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 Assessment (EA):** 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.

**Environmental Registry:** The Registry, established under the Environmental Bill of Rights, is an internet site that provides the public with electronic access to environmentally significant proposals and decisions, appeals of instruments, and other information related to ministry decision-making.

**Environmental Study Report (ESR):** 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). (The re-establishment of 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.

**Footprint:** The area occupied by a project.

**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*.

**Maintenance:** Generally, the regular, routine actions, taken to retard the natural deterioration of a resource (or fixture, chattel and/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 to an acceptable level 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 effects. This can include off-site measures that achieve the same objective.

**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.

**Net environmental effect:** The change to the environment that would occur, following the application of proposed mitigation or enhancement measures.

**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.

**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 means an undertaking that is carried out for the purposes of or consists of research. For MNR this can consist of projects such as lake surveys, wildlife population and habitat studies, inventories, and other studies, surveys or inventories including measuring, monitoring and testing that is carried out for the purpose 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.

**Shelf Cottage Lot:** A cottage lot that is contained within an existing approved *Public Lands Act* or *Planning Act* plan of subdivision or an existing Crown land survey, capable of supporting a Class 4 sewage system, for which a permit is required under the Building Code, or an alternate means of sewage disposal approved by the Ministry of the Environment, such as municipal services.

**Species at Risk (SAR):** The categories of species listed by MNR on its Index List of Vulnerable, Threatened, Endangered, Extirpated or Extinct Species of Ontario, as amended from time to time.



**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 Bill of Rights* Procedures Manual
- EA Procedures Manual for MNR Activities
- 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
- Fish Habitat in Ontario: Compliance Protocol. Federal and Provincial Roles and Responsibilities
- A Protocol Detailing the Fish Habitat Referral Process in Ontario
- Ontario Guidelines for Aquatic Plant Control
- Fisheries Guidelines for the Review of Agricultural Drain Maintenance Proposals
- Fish Timing Window Guidelines for In-Water-Work – Southcentral Region, OMNR, (Draft)
- MNR Public Involvement Guidelines
- MNR Trail Planning Guidelines
- Urban Drainage Guidelines.
- Great Lakes Fish Health Committee Control Policy and Model Program (Great Lakes Fisheries Commission)
- 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
- Community Fisheries Involvement Program Field Manual Part 1: Trout Stream Rehabilitation

- Community Fisheries Involvement Program Field Manual Part 2: Lakes and Rivers Fisheries Rehabilitation
- 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
- Niagara Escarpment Plan

### ***Ministry of Tourism and Recreation,***

### ***Ministry of Culture:***

- 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

***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

***Management Board Secretariat:***

- Class EA Process for MBS Realty Group Activities
- Manual of Guidelines [for cultural heritage resource conservation] (Ontario Realty Corporation, 1994)

***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
- The Department of Fisheries and Oceans Policy for the Management of Fish Habitat (1986)
- Decision Framework for the Determination and Authorization of Harmful Alteration, Disruption or Destruction of Fish Habitat (1998)
- Fish Habitat Conservation and Protection – What the Law Requires / Guidelines for Attaining No Net Loss (Brochure)
- 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)
- A Protocol Detailing The Fish Habitat Referral Process in Ontario, August 2000
- Fish Habitat in Ontario: Compliance Protocol (Federal & Provincial Roles & Responsibilities) February 2000 – (Under review)
- 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
- Preparation and Management of Comprehensive Studies under *the Canadian Environmental Assessment Act* – Training Manual

*Canadian International Development Agency:*

- Integrating Indigenous Knowledge in Project Planning and Implementation

## Appendix 3: Notification and Consultation

### A3.1 Introduction

Consultation with agencies and parties that may be affected by a project is an important part of conducting project evaluations under this Class EA. The overall purpose of public consultation is to provide opportunities for the public to contribute to and influence decisions relating to a project. Public consultation offers a mechanism for identifying and resolving many different and competing views about a project.

Section 3 of this document 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 that additional consultation is appropriate to the scale, level of complexity, potential environmental effects, and level of public concern associated with each project.

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 found in MNR's "Public Involvement Guidelines" (1991) and in current guidelines issued by the EAA Branch of the Ministry of the Environment.

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

Consultation is intended to achieve the following objectives:

- To provide information to agencies 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, organizations, and First Nations.
- Public groups that may be formed in response to the proposed project.
- Groups representing interests related to resource stewardship and facility development proposals (e.g., natural environment protection, hunting, tourism, cottaging, recreation, and cultural heritage resource conservation and stewardship).
- 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 Public and Agency Consultation

MNR staff considers the following suggestions when designing a consultation process:

- 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 requirements may be reduced, although the mandatory requirements must still apply. Preparation of a consultation plan is suggested for more complex situations.

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

- 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 mailing list 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 and agencies 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 groups, and other interest groups as appropriate.
- 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.
- 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, concerns should be resolved before decisions or recommendations that relate to them are made at a subsequent step of the process. Where concerns prove difficult to resolve, consideration should be given to the use of alternative dispute resolution methods, described below.

#### A3.4 Consultation with Aboriginal Communities

Some resource stewardship and facility development projects may affect areas that are traditionally used by Aboriginal communities who hold existing Aboriginal or treaty rights, or which may be subject to a land claim.

Constitutionally protected treaty and Aboriginal rights, such as traditional harvesting activities, are often exercised on/in Provincial Crown lands and waters. Any project that interferes with or infringes on the exercise of these rights must be justifiable and, in that regard, the Crown has a duty to consult with the affected community.

Therefore it is advisable that consultation with Aboriginal communities occur with respect to proposed projects where there is a potential for an infringement of an existing treaty or Aboriginal right. Consultation should commence at the time of the initial project notification and be undertaken with the intent of meaningfully addressing the Aboriginal community's concerns and interests. Any consultation process

undertaken will vary with the circumstances of each individual case and project. If an agreement can be reached with respect to a proposed course of action this is a preferred outcome, but is not a requirement.

The MNR or the local office of the MNR may have agreements with specific First Nations as to notice, disclosure, or consultation regarding MNR (resource stewardship or facility development) projects. Where any such agreements are in place the notification requirements set out therein will be complied with. The Class EA is not intended to change the notice, disclosure and consultation provisions in any such agreements.

In the event that an Aboriginal community, organization or First Nation identifies a land claim issue during the consultation process, or MNR is otherwise aware of a potential land claim issue, it is advisable that MNR, a partner, or a disposition applicant contact the Ontario Native Affairs Secretariat.

Useful contact and related information can be found at the following Web sites:

Organization	Web Site Address	Useful Information Provided
Ontario Native Affairs Secretariat	<a href="http://www.nativeaffairs.jus.gov.on.ca/">http://www.nativeaffairs.jus.gov.on.ca/</a>	<ul style="list-style-type: none"> <li>• Ontario's Aboriginal Policy Framework</li> <li>• Information on land claims</li> <li>• Land Claim fact sheets</li> <li>• Links to Web sites pertaining to Aboriginal affairs</li> </ul>
Indian and Northern Affairs Canada	<a href="http://www.inac.gc.ca">http://www.inac.gc.ca</a>	<ul style="list-style-type: none"> <li>• First Nation profiles</li> <li>• Information on land claims</li> <li>• Treaty information</li> <li>• Agreements</li> </ul>
Chiefs of Ontario	<a href="http://www.chiefs-of-ontario.org">http://www.chiefs-of-ontario.org</a>	<ul style="list-style-type: none"> <li>• Tribal Council and District Chiefs contact information</li> </ul>
First Nation Information Project	<a href="http://www.aboriginalcanada.com/firstnation">http://www.aboriginalcanada.com/firstnation</a>	<ul style="list-style-type: none"> <li>• First Nation directory for Ontario</li> </ul>
Ontario First Nations Technical Services Corporation	<a href="http://www.ofntsc.org">http://www.ofntsc.org</a>	<ul style="list-style-type: none"> <li>• Map of Ontario's First Nations</li> <li>• Ontario First Nations and Tribal Council affiliation contact information</li> </ul>

### **A3.5 Notification and Consultation Techniques**

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

#### **A3.5.1 Notices**

##### ***Newspaper Advertisements***

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

The title of a press 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.

Press releases and 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 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.

##### ***Internet and E-mail***

The Internet is increasingly used to provide a means to download and print EA-related documents from a Web site. Internet access is limited to those with access to computers with on-line connections, and only those who log on see the information unless e-mail mailing lists are used. Therefore, at this time and until electronic communications become more widespread,

these methods can be used to complement other traditional methods and should not be relied upon solely for notice. Provision can be made for parties to provide written consultation submission comments via e-mail.

##### ***Information Notices***

Information notices can be posted on the EBR Registry to facilitate broader provincial consultation where appropriate. The EBR Registry Planner should be contacted for information regarding the posting of notices on the Registry.

#### **A3.5.2 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 encourage dispute. Often, smaller focused 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.

### ***Displays***

Small displays may initiate contact with those who would not otherwise have been involved and whose views are important, such as users of campgrounds and visitor centres.

### ***Consultative Committees***

For larger and more complex projects, it may be appropriate to invite participation in one or more committees comprising agency, community, Aboriginal 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 in confirming any findings with the community as a whole.

### ***Workshops and Seminars***

Workshops and seminars can be very effective in enabling 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 will 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 in the form of a letter.

### **A3.5.3 Dispute Resolution**

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).



### A3.6 List of Government Agencies and Interested Parties

The following government and other agencies, and other parties may have an interest in MNR projects,

and should be considered in compiling mailing lists for notification and consultation purposes.

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#### **Provincial**

Management Board of Cabinet (Ontario Realty Corporation)  
Ministry of Agriculture and Food  
Ministry of the Attorney General  
Ministry of Community, Family and Children's Services  
Ministry of Consumer and Business Services  
Ministry of Citizenship  
Ministry of Culture  
Ministry of Education  
Ministry of Enterprise, Opportunity and Innovation  
Ministry of the Environment  
Ministry of Finance  
Ministry of Health and Long Term Care  
Ministry of Labour  
Ministry of Municipal Affairs and Housing  
Ministry of Northern Development and Mines  
Ministry of Public Safety and Security  
Ministry of Tourism and Recreation  
Ministry of Training, Colleges and Universities  
Ministry of Transportation  
Ontario Native Affairs Secretariat  
Ontario Heritage Foundation  
Niagara Escarpment Commission

#### **Aboriginal**

Appropriate Aboriginal communities, organizations and First Nations

#### **Local**

Upper and lower tier municipalities  
Conservation Authorities  
Planning Boards  
Local Architectural Conservation Advisory Committees

#### **Federal\***

Fisheries and Oceans Canada  
Environment Canada  
Indian Affairs and Northern Development  
National Energy Board  
Canadian Heritage  
Parks Canada Agency  
Canadian Transportation Agency  
Natural Resources Canada  
Public Works and Government Services Canada  
Transport Canada  
Port Authorities

#### **Utilities**

Ontario Power Generation  
Hydro One Networks Limited  
Local and private electricity utilities  
Relevant gas utilities

*\* Will also assist to determine if the Canadian Environmental Assessment Act applies to the project.*

## Appendix 4: Other Relevant Federal and Provincial Legislation

The following is an outline of other federal and provincial legislation, as it 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***

Projects that are subject to this Class EA may also be subject to the requirements of the *Canadian Environmental Assessment Act (CEA Act)*. Under the *CEA Act*, federal departments are required to conduct an environmental assessment of projects for which they are the proponent, provide funds or lands to facilitate the project, or exercise a regulatory duty that is described in the *CEA Act* Law List Regulation, in relation to the project. These are known as “triggers” to the act. Federal departments responsible for the environmental assessment of a proposed undertaking are referred to as responsible authorities (RAs).

The Canadian Environmental Assessment Agency administers the *CEA Act* and in doing so provides advice, guidance and training to federal departments, proponents, the public and others related to the implementation and requirements of *CEA 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.cee.aace.gc.ca>

This appendix provides a brief overview of the *CEA Act* requirements. This information, however, is not all-inclusive and is to help proponents in identifying potential *CEA Act* requirements. For specific details, refer to the legislation and the Canadian Environmental Assessment Agency's Responsible Authority's Guide (November 1994).

Table A outlines potential *CEA Act* triggers, along with an associated listing of RAs. Note that the *CEA Act* does not apply if there is no trigger, per Table A. Where there is a trigger, the federal RA assesses the project in accordance with the requirements of the *CEA Act*. Under *CEA Act*, it is the RA's responsibility

to establish the scope of the project and the scope of the assessment. Proponents of this Class EA, however, may provide input to the scope of project and scope of assessment. The RA may agree or require that additional information or issues are addressed.

Table B provides further details on identifying federal departments who may have an interest in a project that is subject to this Class EA. These departments should be contacted as early as possible in the project planning process.

An objective of the Canadian Environmental Assessment Agency is to ensure that where a project is subject to both federal and provincial environmental assessment requirements, the environmental assessment be co-ordinated and guided by the principal of one project – one assessment, if appropriate. Therefore, for a project that is subject to this Class EA, and that also requires an assessment in accordance with *CEA Act*, the intent is that one assessment would be undertaken to meet the requirements of both processes, where possible. The Ontario Region Office of the Canadian Environmental Assessment Agency should be contacted for further details (see below).

While it is often possible to use the Environmental Study Report (ESR) prepared under this Class EA (refer to Section 4) as the basis for the *CEA Act* assessment, it should not be assumed that the ESR will always be sufficient or acceptable in all cases. Some additional information may have to be incorporated depending on what the RA requires to meet *CEA Act* requirements. The proponent should, therefore, contact the RA early in the process to confirm requirements for the assessment.

In cases where a permit or licence is required, a trigger may not be confirmed until the later stages of the planning process. Proponents are, therefore, encouraged to contact federal authorities with a potential interest in the project early in the planning process to discuss potential issues.

To determine whether your project is subject to the *CEA Act* (in addition to referring to the triggers in Table A) and to obtain further details on the

requirements and implementation of *CEA Act*, please contact:

Regional Director, Ontario Region Office  
Canadian Environmental Assessment Agency  
55 St. Clair Avenue East  
9th Floor, Room 907  
Toronto, Ontario, M4T 1M2

Phone: 416-952-1576  
Fax: 416-952-1573  
E-mail: [ceaa.ontario@ceaa.gc.ca](mailto:ceaa.ontario@ceaa.gc.ca)

The two most common regulatory triggers for *CEA Act* involve approvals under the *Fisheries Act* and the *Navigable Waters Protection Act*. Further details on these two pieces of legislation are provided below.

### ***Canadian Environmental Protection Act***

Part 3, Information Gathering, Objectives, Guidelines and Codes of Practice and Part 4, Pollution Prevention, and applicable regulations including: *New Substances Notification Regulations, Chlorobiphenyls Regulations, Storage of PCB Material Regulations, PCB Waste Export Regulations, Export and Import of Hazardous Waste Regulations, Transportation of Dangerous Goods Regulations* and other regulations to be developed that may apply to these projects.

### ***Fisheries Act***

Any works that occur in or near water may require authorization under the *Fisheries Act*. The federal *Fisheries Act* provides protection for fish and fish habitat. Under the habitat provisions of the act, no person shall carry out any work or undertaking that harmfully alters, disrupts or destroys fish habitat, unless authorized by the Minister of Fisheries and Oceans Canada. An authorization under Section 35(2) of the *Fisheries Act* protects an individual from prosecution under the act, provided the conditions of the authorization are met. A Section 35(2) *Fisheries Act* authorization is a regulatory trigger for an environmental assessment under the *CEA Act*. It should be noted that Fisheries and Oceans Canada could withhold authorization.

Other areas of the *Fisheries Act* which provide the Minister of DFO discretionary decisions powers include, but are not limited to:

- the provision of sufficient water flows;
- passage of fish around migration barriers;
- screening of water intakes;
- prohibition against the destruction of fish by means other than fishing; and
- restrictions on fishing near a barrier.

Section 36 of the *Fisheries Act* specifies that, unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water. If no regulation exists defining a specific substance to be deleterious, then each substance must be determined to be deleterious.

Proponents are urged to address these issues early in the Class EA process. 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).***

Works within Great Lakes inter-connecting channels\* and other boundary waters rivers\* must be designed and carried out in a manner that results in no cumulative impact on levels and flows. DOE has a shared responsibility for monitoring and regulating the flows and levels of trans-boundary waters. If the proposed undertaking includes any in-water work or shoreline alteration affecting interconnecting channels and other trans-boundary waters, EC should be consulted as an interested stakeholder. EC will review documentation submitted for individual projects, which must include impact predictions, proposed mitigation/compensation measures and technical analyses to support any conclusions and final designs.

\* These waterbodies include: Rainy River, Namakan River, St. Mary's River, St. Clair River, Detroit River, Niagara River and St. Lawrence River.

### ***Migratory Birds Convention Act***

The *Migratory Birds Convention Act* deals with the conservation and protection of migratory birds and their habitat. Release of a harmful substance into any waters or other areas frequented by migratory birds is also prohibited pursuant to section 35(1) of the *Migratory Birds Convention Act*.

### ***Navigable Waters Protection Act***

Construction or placement of work in, on, over, under, through or across navigable water may require approval under the *Navigable Waters Protection Act (NWPA)*. A bridge, boom, dam or causeway always requires approval. Other work (e.g., docks, pipes, spawning bed construction) requires approval unless the federal Minister or delegate is of the opinion that the work does not interfere substantially with navigation. If an approval under the *NWPA* were required, this would trigger the requirement for an assessment by the responsible federal agency under the *CEAA*. To determine whether or not a waterway or watercourse is considered to be navigable, proponents should contact the Department of Fisheries and Oceans – Coast Guard.

**Table A: Potential *Canadian Environmental Assessment Act (CEAA)* Triggers**

Potential Project Trigger	Provisions of Act	Responsible Authority	Comments
<b>A <i>CEAA</i> screening is triggered if the project:</b>			
1. is being funded with federal money	<i>CEAA</i> s.s. 5(1)b	the funding department	<ul style="list-style-type: none"> <li>Act is triggered where federal money is being provided (e.g., Infrastructure Program projects)</li> </ul>
2. is on federal land	<i>CEAA</i> s.s.5(1)c	Federal department responsible for the implicated lands	<ul style="list-style-type: none"> <li>this would affect projects crossing federal lands such as national parks (Heritage Canada), Indian reserves (Department of Indian Affairs and Northern Development) or national defence bases (Department of National Defence)</li> </ul>
3. is likely to affect a line or property, regulated by the National Energy Board (NEB), that is used for the transmission of oil or gas	<i>National Energy Board Act</i>	National Energy Board	<ul style="list-style-type: none"> <li>may apply to highway projects requiring the re-location of a pipeline that is regulated by the NEB</li> </ul>
4. is likely to affect the operation of a railway company or property	<i>Canadian Transportation Act</i>	Transport Canada, Canadian Transportation Agency	<ul style="list-style-type: none"> <li>generally will apply to projects where a rail line crossing is contemplated</li> </ul>
5. involves the temporary storage of explosives on-site	<i>Explosives Act</i> , par. 7(1)a	Natural Resources Canada	<ul style="list-style-type: none"> <li>projects which involve blasting and will store the explosives on-site require a permit under the <i>Explosives Act</i></li> </ul>

Potential Project Trigger	Provisions of Act	Responsible Authority	Comments
<b>A CEAA screening is triggered if the project:</b>			
6. involves the federal government in the acquisition, administration or disposal of real property for which a license for any use or occupation of real property is required	Federal Real Property Regulations, par. 4(2)a	Various – the Federal Department providing the licence	<ul style="list-style-type: none"> <li>would apply to projects which propose to use or occupy federal real property</li> </ul>
7. is likely to harmfully affect fish or fish habitat,	<i>Fisheries Act</i> , s.s. 22(1), 22(2), 22(3), 32, 35(2), and 37(2)	Fisheries and Oceans Canada – Fish Habitat Management	<ul style="list-style-type: none"> <li>applies to any work in or near water</li> <li>provision of sufficient water flow</li> <li>passage of fish around barriers</li> <li>screening of water intakes</li> <li>destruction of fish by means other than fishing (e.g. blasting)</li> <li>authorization is required to harmfully alter, disrupt, or destroy fish habitat</li> </ul>
8. is likely to substantially interfere with the public right to navigation on water	Navigable Waters Protection Act, s.s. 5(1)a, 6(4), 16, and 20	Fisheries and Oceans Canada-Coast Guard	<ul style="list-style-type: none"> <li>applies to any work in, on, over, under, through or across navigable waters</li> <li>approval is mandatory for a new bridge, dam, boom, or causeway</li> <li>other works that cause changes to flows, water levels or navigation clearances may require approval</li> </ul>
9. is likely to take place in, involve dredge and fill operations, draw water from or discharge to a historic canal operated by Parks Canada	I.A. and N.D. Canal Land Regulations Public Lands Licensing Order Heritage Canal Regulations	Heritage Canada – Parks Canada	<ul style="list-style-type: none"> <li>potentially triggered by projects crossing the Trent Severn Waterway and Rideau Canal. The Canal Land Regulations and Public Lands Licensing Order address drainage into a canal (e.g., stormwater drains) and the Heritage Canal Regulations address dredge and fill activities (e.g., construction of bridge piers)</li> </ul>
10. is likely to affect Indian reserve lands	Indian Act, s.s. 28(2), 35(1), 35(2) and 39	Department of Indian Affairs and Northern Development	<ul style="list-style-type: none"> <li>would only apply to projects that are located on, or require access through, Indian reserves</li> </ul>

**Note:**

The table, provided by the Canadian Environmental Assessment Agency, is not all-inclusive. It is the Responsible Authority's (RA) responsibility to confirm the application of the CEAA and to determine the scope of assessment that is to be conducted. Proponents are therefore encouraged to contact potential RAs early in the process.

## Table B: Identifying Federal Authorities

The following reference information is offered to assist proponents in establishing contact with appropriate review agencies when certain situations are identified which result in various types of environmental effects. The examples that follow are

not expected to be comprehensive. The proponent is responsible to determine the appropriate agency to contact when different situations arise and different environmental effects are identified.

Environmental Issues	Expert Federal Authority
general	Environment Canada
air	Environment Canada
land	Natural Resources Canada Environment Canada
wildlife	Environment Canada
fish and fish habitat	Fisheries and Oceans Canada
navigation	Fisheries and Oceans Canada
species at risk	Environment Canada
soil	Agriculture Canada
forest resources	Natural Resources Canada
humans	Health Canada
water	Environment Canada Fisheries and Oceans Canada Natural Resources Canada
sustainable use	Environment Canada
human health conditions	Health Canada
socio-economic conditions	Agriculture Canada Health Canada Department of Indian Affairs and Northern Development Industry, Science and Technology Canada Natural Resources Canada
cultural resources	Canadian Heritage Department of Indian Affairs and Northern Development
Aboriginal resource use	Department of Indian Affairs and Northern Development
Aboriginal land use	Department of Indian Affairs and Northern Development
historical, archaeological, paleontological and architectural resources	Canadian Heritage Natural Resources Canada Public Works Canada
management of protected areas – national parks, national historic sites, historic rivers and heritage canals	Canadian Heritage
CEAA Process and Procedures	Canadian Environmental Assessment Agency
International Environmental Issues	Foreign Affairs and International Trade Canada Canadian International Development Agency

## A4.2 Provincial Legislation

### ***Aggregate Resources Act***

The *Aggregate Resources Act* (ARA), administered by the Ministry of Natural Resources, 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.

### ***Endangered Species Act***

The *Endangered Species Act* provides for conservation, protection, restoration or propagation of species of flora and fauna that are threatened with extinction in Ontario.

No person shall wilfully kill, injure, interfere with, or destroy any endangered species or its habitat, or risk fines of up to \$50,000 or 2 years in jail, or both. The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) meets every April to review the status of a variety of species. They follow the recommendations of the Committee on the Status of Species at Risk in Ontario (COSSARO), which is comprised of provincial experts in botany, zoology, ecology, etc. To obtain an up-to-date list of the species at risk (i.e., extinct, extirpated, endangered, threatened or vulnerable) for all Ontario or any of the five major Ontario bio-regions access the Web site <http://www.rom.on.ca/ontario/risk.html>, sponsored in partnership between the Royal Ontario Museum and the Ontario Ministry of Natural Resources.

### ***Environmental Assessment Act***

The *Environmental Assessment Act* provides for the protection, conservation and wise management of the environment. Section 1 of the *EA Act* 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* is based on the principle that Ontario’s environment should be protected, conserved and, where reasonable, restore the integrity of the environment. In the act, “environment means 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. they 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*.

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

The *Fish and Wildlife Conservation Act* replaced the *Game and Fish Act* in 1997. The act focuses on the management, perpetuation and rehabilitation of fish and wildlife resources in Ontario. It strengthens the Ministry of Natural Resources’ ability to enforce the act and improves the tools previously available in the *Game and Fish Act* to manage the province’s fish and wildlife resources. Many of the changes focus on enhancing protection and management of both game and specifically protected species of wildlife, giving enforcement more teeth 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. Specific direction on highlighted species is provided in a series of schedules.

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 do certain activities on their own lands (see 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.

### ***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 the Ministry of Natural Resources.

### ***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 provincial ministries in the planning area to ensure compatibility of their own planning with the approved Niagara Escarpment Plan.

### ***Ontario Heritage Act***

The *Ontario Heritage Act* came into force in 1975. Its purpose is to give municipalities and the provincial government powers to preserve the heritage of Ontario. The primary focus of the act is the protection of heritage buildings and archaeological sites. The legislation also mandates the Ontario Heritage Foundation, a Crown agency, and the Conservation Review Board, a tribunal that hears objections to municipal and provincial decisions under the act.

### ***Ontario Water Resources Act***

The *Ontario Water Resources Act (OWRA)* regulates the taking of water from wells or surface water sources and the treatment and disposal of sewage. It is administered by the Ministry of the Environment. Approval may consist of a certificate of approval and / or a permit to take water, depending on the proposed undertaking.

### ***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 co-operation and co-ordination 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, 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. Municipalities, local boards, planning boards, a minister or ministry, board, commission or agency of the Crown including the Ontario Municipal Board (OMB) are also required to “*have regard to*” policy statements issued under the *Planning Act*. 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 Official Plans.

Issued under section 3(1) of the *Planning Act*, the *Provincial Policy Statement (PPS)*, revised 1997 integrates all policies related to land use planning into one document. The PPS outlines direction for matters such as mineral resources, natural heritage values, significant cultural heritage and archaeological resources, and natural and human made hazards. MNR is committed to have regard to these policies in resource management and facility development projects.



### ***Pesticides Act***

The *Pesticides Act* regulates the sale, use, storage, transport and disposal of pesticides in Ontario. The Ministry of the Environment administers this act. Permits and licences may be required, for example, for chemical control of nuisance species.

### ***Provincial Parks Act***

The *Provincial Parks Act* authorizes the Lieutenant-Governor-in-Council to set apart (and regulate) as a provincial park any area in Ontario, may increase or decrease the area of any provincial park and may delimit any provincial park. Parks may be classified as a natural environment park, a nature reserve, a wilderness park, a recreation park, a waterway park, or a historical park. Any of these classes may be zoned on the basis of resource significance and recreational potential.

### ***Public Lands Act***

The *Public Lands Act* provides for the:

- management, sale and disposition of public lands and forests;
- setting aside of lands for various uses including conservation reserves;
- granting, sale or lease of public lands;
- requiring of a work permit for activities on Crown lands; and,
- 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.

Parts of the act deal with public and private forest roads, public rights-of-way, rights to close roads, limitations of liability for damages, and the construction of dams. All trees on land that has been disposed of under this act for agricultural purposes remain the property of the Crown until the issuance of

letters patent, whereupon the property in such trees passes to the patentee.

### ***Tourism Act***

The *Tourism Act* addresses the licensing, issuance of permits for construction, and the regulating of tourism establishments. In accordance with the regulations, MNR requires that a Resource-Based Tourism establishment be licensed by the Ministry of Tourism and Recreation.

## Appendix 5: Examples of Notices and Forms

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. Public Notice Requesting Input to a Screening Process (per Section 3.3)
2. Category B: Public Notice (per Section 4.1 – Step 2)
3. Category B: Notice of Completion (per Section 4.1 – Step 4)
4. Statement of Completion – Category B or C (per Section 4.1 – Step 5, or 4.2 – Step 6)
5. Category C: Notice of Opportunity to Inspect Draft ESR (per Section 4.2 – Step 3)
6. Category C: Notice of Completion, Opportunity to Inspect the Final ESR (per Section 4.2, Step 5)
7. Notice of Intention to Proceed Following Expiry of Project Approval (per Section 5.7)
8. Notice of Revised Statement of Completion (per Section 5.8)
9. Project Monitoring Record (per Section 4.4)

## 1. Public Notice Requesting Input to a Screening Process (per Section 3.3)

Waterfowl Habitat Improvement Proposed in the Ministry of Natural Resources Guelph District

### Public Notice Requesting Input to a Screening Process

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

The Ministry of Natural Resources (MNR) has received an application for wildlife habitat improvement from Ducks Unlimited. The MNR is inviting public comment on the proposal to improve waterfowl habitat in Blenheim Township in the MNR's Guelph District. The proposal is part of a three-year wildlife habitat improvement program to increase existing wildlife populations in Cambridge District. The project will involve constructing water control structures and earthen dykes. No significant adverse environmental effects are anticipated.

A project screening is being conducted under the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects to assign this project to a category for evaluation. The assigned category determines the level of detail of the project planning evaluation and the amount of consultation that will be undertaken. This project has been tentatively assigned to Category B, on the basis that little or no public concern is anticipated with the project. MNR is requesting public input on this category assignment before proceeding further.

Comments must be received within the 30-day comment period, which expires on \_\_\_\_\_.

If MNR decides that this is a Category B project, this notice will serve as the first of the two mandatory public notices. The second notice – a Notice of Completion – will be provided only to parties who have provided input or requested further notice. MNR may proceed to implement the project without issuing a further general notice.

For more information on the project, to submit comments or to request further notice, please contact:

Name, position

Address

Phone/Fax/E-mail address

The MNR is collecting comments and personal information under the authority of the *Environmental Assessment Act* to assist in making decisions and determining any further consultation needs. All comments and opinions will be kept on file and may be available in study documentation that is made available for public review. All comments and contact (name and address) information received may also be forwarded to the project applicant unless specifically requested otherwise. For more information on the collection and use of the personal information, contact: [title, address, business telephone number of contact person].



## 2. Public Notice for a Category B Project (per Section 4.1 – Step 2)

### Waterfowl Habitat Improvement Proposed in the Ministry of Natural Resources Guelph District

## Public Notice for a Category B Project Evaluation

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

The Ministry of Natural Resources (MNR) has received an application for wildlife habitat improvement from Ducks Unlimited. The applicant is inviting public comment on the proposal to improve waterfowl habitat in Blenheim Township in the MNR's Guelph District. The proposal is part of a three-year wildlife habitat improvement program to increase existing wildlife populations in Guelph District. The project will involve the construction of water control structures and earthen dykes to create new wetland wildlife habitat. No significant adverse environmental effects are anticipated.

You are invited to direct any inquiries, comments or requests regarding the habitat improvement proposal to *The Applicant* or *MNR contact*. Comments must be received within the 30-day comment period, which expires on \_\_\_\_\_.

The proposal is being planned in accordance with a Category B project under the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects. A Notice of Completion will be provided only to parties who have provided input or requested further notice. MNR may proceed to implement the project without issuing a further general notice.

For more information on the project, to submit comments, or to request further notice, please contact:

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

The MNR is collecting comments and personal information under the authority of the *Environmental Assessment Act* to assist in making decisions and determining any further consultation needs. All comments and opinions will be kept on file and may be available in study documentation that is made available for public review. All comments and contact (name and address) information received may be forwarded to the project applicant unless specifically requested otherwise. For more information on the collection and use of the personal information, contact: [title, address, business telephone number of contact person].



### 3. Category B: Notice of Completion (per Section 4.1 – Step 4)

#### Waterfowl Habitat Improvement Proposed in the Ministry of Natural Resources Guelph District

## Notice of Completion for a Category B Project Evaluation

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

The Ministry of Natural Resources (MNR) has completed a project evaluation of a proposal for wildlife habitat improvement by Ducks Unlimited in Blenheim Township, MNR's Guelph District. The proposal is part of a three-year wildlife habitat improvement program to increase existing wildlife populations in Guelph District. The project will involve the construction of water control structures and earthen dykes to create new wetland wildlife habitat. A public notice was previously issued on \_\_\_\_\_.

A Category B project evaluation and consultation process was carried out in accordance with the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects, and it identified no significant adverse environmental effects.

Where there are outstanding concerns about this project that cannot be resolved in discussion with the MNR, concerned parties have an opportunity to formally request the Minister of the Environment issue a Part II Order requiring the project be subject to an individual environmental assessment under the *Environmental Assessment Act*. As this decision rests with the Minister of the Environment please direct your inquiries in this regard to the Minister, 135 St. Clair Ave. W., 12th Flr, Toronto, Ontario, M4V 1P5. Requests must be received by the Minister within the 30-day comment period, which expires on \_\_\_\_\_, and copied at the same time to the MNR at the address below.

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

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

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

The MNR is collecting comments and personal information under the authority of the *Environmental Assessment Act* to assist in making decisions and determining any further consultation needs. All comments and opinions will be kept on file and may be available in study documentation that is made available for public review. All comments and contact (name and address) information received may be forwarded to the project applicant unless specifically requested otherwise. For more information on the collection and use of the personal information, contact: [inset title, address, business telephone number of contact person].



## 4. 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

Copies to:

- Project file, and
- The Manager, Conservation and Planning Section,  
Ministry of Natural Resources, Lands and Waters Branch  
300 Water Street  
Peterborough, ON K9J 8M5

## 5. Category C: Notice of Opportunity to Inspect Draft ESR (per Section 4.2 – Step 3)

Proposed New Walking Trail System: Fraserdale, Ontario

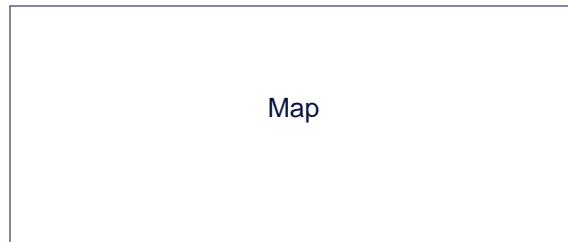
### Notice of Opportunity to Inspect the Draft Environmental Study Report

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

The Ministry of Natural Resources (MNR) is in receipt of an application for a proposed new walking trail development in Fraserdale, Ontario in the MNR district of Cochrane. The applicant is inviting comments on a Draft Environmental Study Report (ESR) for its proposal to develop a new walking trail system, including comfort stations, 1 kilometre south of New Post Falls. The trail system would include boardwalks and viewing platforms as well as on site comfort stations and an information centre at the beginning of the trail.

The Draft ESR was prepared in accordance with the requirements for Category C projects under the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects. It describes the process for the selection of a preferred location, the development of a site plan and an evaluation of environmental effects. The preferred location is shown on the following map.

You are invited to direct any inquiries, comments or requests regarding the walking trail proposal to *The Applicant* or *MNR contact* by \_\_\_\_\_.



To obtain a copy of the Draft ESR, to discuss the project, or to be placed on the project mailing list, please contact:

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

The Ministry of Natural Resources is collecting comments and personal information under the authority of the *Environmental Assessment Act* to assist in making decisions and determining any further consultation needs. All comments and opinions will be kept on file and may be available in study documentation that is made available for public review. All comments and contact (name and address) information received may be forwarded to the project applicant unless specifically requested otherwise. For more information on the collection and use of the personal information, contact TITLE, BUSINESS ADDRESS, BUSINESS TELEPHONE NUMBER.



## 6. Category C: Notice of Completion, Opportunity to Inspect the Final ESR (per Section 4.2 – Step 5)

Proposed New Walking Trail System: Fraserdale, Ontario

### 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), invites public inspection of the Final Environmental Study Report for *The Applicants* proposal to develop a new walking trail system, including comfort stations, 1 kilometre south of New Post Falls. The trail system would include boardwalks and viewing platforms as well as on site comfort stations and an information centre at the beginning of the trail.

A Final Environmental Study Report (ESR) for the trail system has now been completed, as required for a Category C project under the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects. The Final ESR describes the process for the selection of a preferred location, the development of a site plan 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:

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

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 there are outstanding concerns about this project that cannot be resolved in discussion with the MNR concerned parties have an opportunity to formally request the Minister of the Environment issue a Part II Order requiring the project be subject to an individual environmental assessment under the *Environmental Assessment Act*. As this decision rests with the Minister of the Environment please direct your inquiries in this regard to the Minister, 135 St. Clair Ave. W., 12th Flr, Toronto, Ontario, M4V 1P5. Requests must be received by the Minister within the 30-day comment period, which expires on \_\_\_\_\_, and copied at the same time to the MNR at the address below.

The Ministry of Natural Resources is collecting comments and personal information under the authority of the *Environmental Assessment Act* to assist in making decisions and determining any further consultation needs. All comments and opinions will be kept on file and may be available in study documentation that is made available for public review. All comments and contact (name and address) information received may be forwarded to the project applicant unless specifically requested otherwise. For more information on the collection and use of the personal information, contact TITLE, BUSINESS ADDRESS, BUSINESS TELEPHONE NUMBER.





## 7. Notice of Intention to Proceed following Expiry of Project Approval (per Section 5.7)

Proposed New Walking Trail System: Fraserdale, Ontario

### Notice of Intention to Proceed Following Expiry of Project Approval

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

The Ministry of Natural Resources (MNR) is seeking comments on its intention to act on an expired approval to develop a new trail system in Fraserdale, Ontario. The approval is for its proposal to develop a new walking trail system, including comfort stations, 1 kilometre south of New Post Falls. The trail system would include boardwalks and viewing platforms as well as on site comfort stations and an information centre at the beginning of the trail.

The project evaluation met the requirements for a Category C project under the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects (Class EA) on \_\_\_\_\_ (date), with the filing of a Statement of Completion. The Class EA requires that a new notice must be issued if more than five years elapse between completion of the process and the start of construction. The implementation of the project was deferred due to funding constraints. However, the Applicant now wishes to proceed. The project and its potential environmental effects remain unchanged. To obtain the Final Environmental Study Report (ESR), to discuss the project, or to submit comments, please contact:

Name, position

Address

Phone/Fax/E-mail address

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 there are outstanding concerns about this project that cannot be resolved in discussion with the MNR concerned parties have an opportunity to formally request the Minister of the Environment issue a Part II Order requiring the project be subject to an individual environmental assessment under the *Environmental Assessment Act*. As this decision rests with the Minister of the Environment please direct your inquiries in this regard to the Minister, 135 St. Clair Ave. W., 12th Flr, Toronto, Ontario, M4V 1P5. Requests must be received by the Minister within the 30-day comment period, which expires on \_\_\_\_\_, and copied at the same time to the MNR at the address below.

The Ministry of Natural Resources is collecting comments and personal information under the authority of the *Environmental Assessment Act* to assist in making decisions and determining any further consultation needs. All comments and opinions will be kept on file and may be available in study documentation that is made available for public review. All comments and contact (name and address) information received may be forwarded to the project applicant unless specifically requested otherwise. For more information on the collection and use of the personal information, contact TITLE, BUSINESS ADDRESS, BUSINESS TELEPHONE NUMBER.



## 8. Notice of Revised Statement of Completion (per Section 5.8)

Proposed New Walking Trail System: Fraserdale, Ontario

### Notice of Revised Statement of Completion

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

The Ministry of Natural Resources (MNR) is in receipt of an application to modify an approved project for a new trail system in Fraserdale, Ontario. The Applicant is seeking comments on the proposed modification to the Statement of Completion. The trail is located approximately 1 kilometre south of New Post Falls. The original proposal met the requirements of the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects with the filing of a Statement of Completion for a Category C project evaluation on \_\_\_\_\_ (date).

Due to changes in demand, it is proposed to increase the approved number of motor vehicle parking spaces from 50 to 70. Other aspects of the project are unchanged. This modification will require an increase in the footprint of the parking lot of approximately 0.1ha. The additional area would displace herbaceous vegetation, and would not result in any significant increase in environmental effects.

To obtain the revised Environmental Study Report (ESR), to discuss the project, or to submit comments, please contact:

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

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 there are outstanding concerns about this project that cannot be resolved in discussion with the MNR concerned parties have an opportunity to formally request the Minister of the Environment issue a Part II Order requiring the project be subject to an individual environmental assessment under the *Environmental Assessment Act*. As this decision rests with the Minister of the Environment please direct your inquiries in this regard to the Minister, 135 St. Clair Ave. W., 12th Flr, Toronto, Ontario, M4V 1P5. Requests must be received by the Minister within the 30-day comment period, which expires on \_\_\_\_\_, and copied at the same time to the MNR at the address below.

The Ministry of Natural Resources is collecting comments and personal information under the authority of the *Environmental Assessment Act* to assist in making decisions and determining any further consultation needs. All comments and opinions will be kept on file and may be available in study documentation that is made available for public review. All comments and contact (name and address) information received may be forwarded to the project applicant unless specifically requested otherwise. For more information on the collection and use of the personal information, contact TITLE, BUSINESS ADDRESS, BUSINESS TELEPHONE NUMBER.



## 9. Format for Project Monitoring Requirement (per Section 4.4)

*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
<b>Construction Monitoring Requirements</b>
Potential Effects to be Monitored (list) <ul style="list-style-type: none"><li>• Item 1</li><li>• Item 2 (etc.)</li></ul>
<b>Item 1:</b> (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)
<b>Item 2:</b> (per above outline)

## 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: MOE Notice of Approval

**Ministry  
of the  
Environment**

**Minister**

135 St. Clair Avenue West  
Suite 100  
Toronto ON M4V 1P5  
www.ene.gov.on.ca

**Ministère  
de  
l'Environnement**

**Ministre**

135, avenue St. Clair ouest  
Bureau 100  
Toronto ON M4V 1P5  
www.ene.gov.on.ca



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,

A handwritten signature in black ink, appearing to read "Chris Stockwell".

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 12th day of November, 2002 at TORONTO.



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

Approved by O.C. No. 2211/2002