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

Approved December 11, 2002
Amended February 2024

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Preface

In 2002, the former Ministry of Natural Resources' (MNR) Class Environmental Assessment for Small Scale MNR Projects (1992) was replaced by the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects (Class EA). The Class EA includes the ten classes of projects to which the Class Environmental Assessment for Small Scale MNR Projects applied, as well as several projects conditionally exempted through former exemption or declaration orders made under the *Environmental Assessment Act (EA Act)*. All of the classes of projects to which the Class EA applies can be characterized as resource stewardship or facility development projects. The Class EA was prepared taking into consideration consultation with interested persons, government agencies, and Indigenous communities.

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

- **Phase I** was completed with public consultation and the then 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 then MNR in preparing a Class EA document for submission to then Ministry of the Environment by September 1, 2001; and
- **Phase III** involved a government and public review of the Class EA submitted to and conducted by the then Ministry of the Environment in 2002.

The Class EA was approved by the then Minister of the Environment on November 12, 2002 and by Order in Council (2211/2002), and came into force on March 31, 2003.

Amendments were made in 2024 to align with the coming into force of Part II.3 of the *EA Act* and related regulations and revocation of declaration and exemption orders. Additional amendments included changes to align the content of the Class EA with current provisions of the *EA Act*,

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

For more information about this Class EA, please contact: Strategic and Indigenous Policy Branch, Policy Division via email at: Environmental.Planning.Team@ontario.ca.

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 and Forestry (MNRF) complies with the Act by:

- adhering to the conditions of exemptions; or
- following the requirements of a Class EA; or
- preparing a comprehensive EA for specific projects.

Part II.1 of the *EA Act* applies to the undertakings that are subject to the approved class environmental assessments listed in Section 15 of the *EA Act*. A proponent and any other person is prohibited from proceeding with an undertaking to which an approved class environmental assessment applies, except in accordance with the approved class environmental assessment and subsections 15.1.1 (5) to (9) of the *EA Act*. This Class EA refers to undertakings as "projects".

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 assess 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 which this Class EA applies are related to resource stewardship and facility development responsibilities of MNRF.

The Class EA approach affords considerable efficiencies 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.

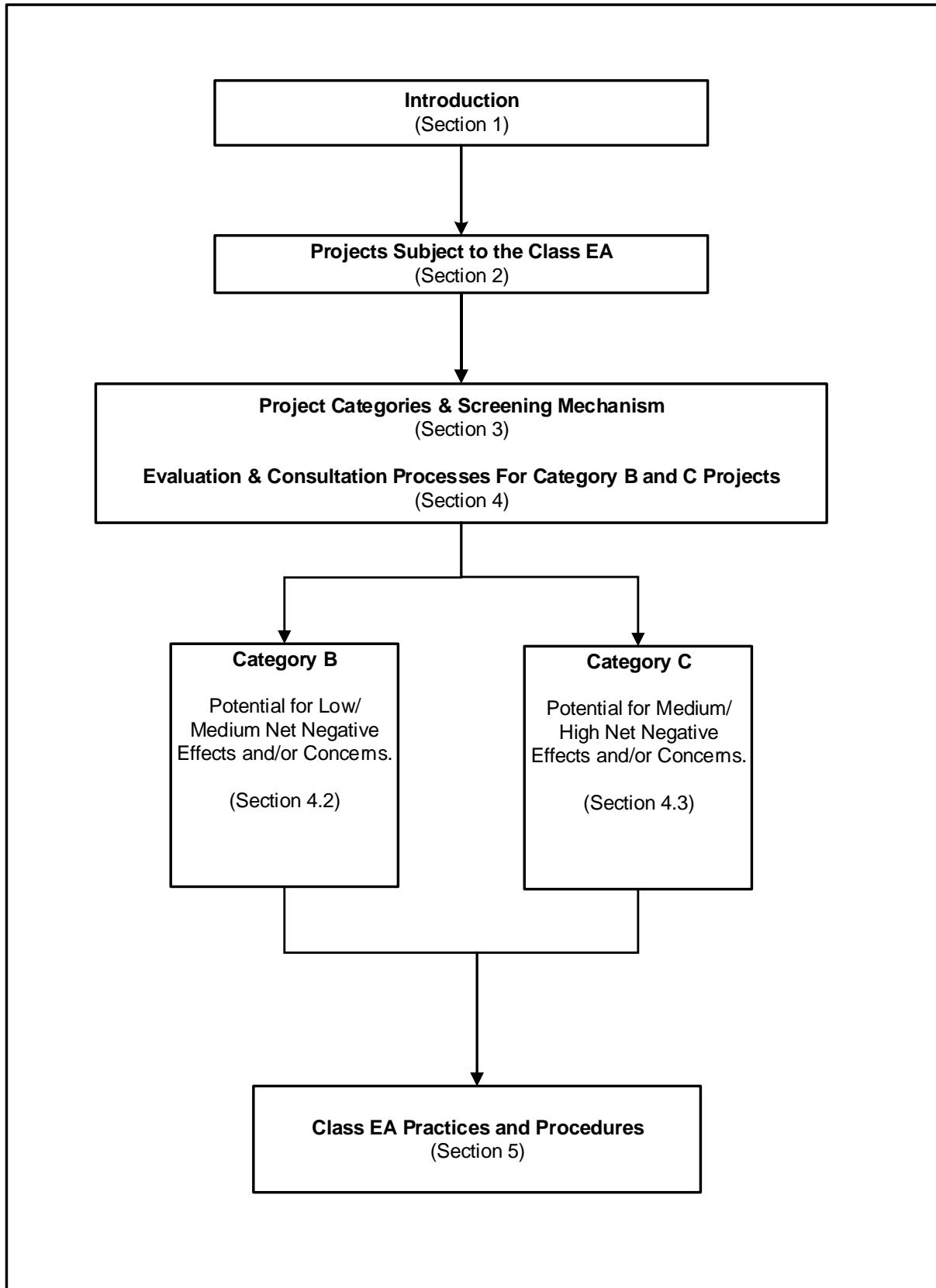
1.3 Structure of the Class EA

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 three project categories and explains how each project will be assigned to one of the three categories through a screening process, based on the potential for significant negative environmental effects and public/agency concern.
- **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 Section 16 Orders.

- **Appendix 1** is a Glossary of Terms and Acronyms.
- **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 Indigenous 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 MNRF projects.
- **Appendix 5** provides examples of public notices and letters to facilitate public input to MNRF project proposals.
- **Appendix 6** provides the Notice of Approval of Class EA
- **Appendix 7:** Revoked exemption Orders and the relevant excerpt from the revoked Regulation 334

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



2.0 Projects Subject to the Class EA

2.1 Projects to Which this Class EA Applies

This Class EA applies to resource stewardship and facility development projects, as described in Section 2.2 of this Class EA, including their planning, design, construction, operation, maintenance, rehabilitation, and retirement or decommissioning, that are proposed to be carried out by or on behalf of MNRF or MNRF in co-operation with its partners.

The class of projects to which this Class EA applies **does not** include the following:

- forest fire protection and extra fire fighting operations conducted by MNRF, being the activities to which Exemption Order MNR-1 applied prior to being revoked;
- forest management, as that term was defined in Section 8.1 (3) of Regulation 334 under the *EA Act*, as that provision read on the day immediately before Regulation 334 was revoked;
- forest management activities to which Exemption Order MNR-41 applied prior to being revoked;
- wildlife population and habitat management activities conducted by MNRF if these are activities that would have been exempt under Exemption Order MNR-42 prior to it being revoked; and
- carrying out the Wildlife Rabies Control Program to control and seek to eliminate rabies from wildlife in Ontario, through the vaccination of wildlife species that spread the disease, being the activity to which Exemption Order MNR-62 applied prior to being revoked.

Historically, these projects have not been subject to this Class EA. Copies of the above-noted Exemption Orders and the relevant excerpt from the former Regulation 334 can be found in Appendix 7.

Additionally, the class of undertakings to which this Class EA applies does not include a project that is a Part II.3 project designated by the regulations or that is deemed to be a Part II.3 project under the *EA Act*.

2.2 Resource Stewardship and Facility Development Projects

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

Facility development projects involve constructing, installing, or establishing infrastructure, improvements or other works. The assessment under this Class EA includes planning, design, construction, operation, maintenance, and rehabilitation, and can also involve retirement or decommissioning of facilities, (e.g., fishway, access point).

Resource stewardship projects involve supervision or management of a public resource. This involves a wide range of projects and the assessment includes 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).

Resource stewardship projects include when MNRF disposes of certain or all rights to a Crown resource.

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

2.2.1 Access

2.2.1.1 Access Points

Access point projects 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 project may be proposed when an existing access point is overused and expansion or duplication of the facility is considered necessary.

Access point projects often include establishing or changing 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 road projects involve linear features built for many purposes such as providing access to MNRF facilities (e.g., dams, docks, campsites) or private facilities (e.g., cottage or residential lots, transportation of goods, winter access to isolated communities). Other access projects include 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 road projects include the construction of or changes to access roads 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 MNRF. 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

Dam and dyke projects are usually carried out 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 MNRF 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 2.6.1 of this Class EA.)

2.2.3 Fisheries Population and Habitat Management

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

2.2.3.1 Fish Stocking

Fish stocking is a management tool that is used in response to a fisheries management problem such as loss of fish stocks from habitat degradation or overexploitation. Stocking is often carried out over several years, 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 projects, 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.

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 MNRF'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 riparian 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

MNRF operates fish culture stations and 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).

MNRF fish culture stations and sub-stations support provincial fisheries management and research programs of MNRF 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 MNRF hatchery water resources and capital plant.

Fish culture station and sub-station projects include: 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 MNRF 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 projects 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 MNRF 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 MNRF. 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 MNRF 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 MNRF and, in most cases, are usually less than ½ hectare 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 MNRF 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. The purpose of MNRF'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, MNRF complies with the applicable regulations under the *Canadian Environmental Protection Act* (where applicable), the *Ontario Environmental Protection Act*, and MECP 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 construction of or changes to 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 MNRF.

2.2.9 Plugging Old Oil and Gas Wells

Plugging old oil and gas wells is undertaken by the MNRF 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 MNRF 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 MNRF 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.

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

These projects involve the disposition by the MNRF 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 MNRF.

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

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

1. A project for which MNRF 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 (exempt) project in Section 3.1.1 of this Class EA.

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

2.2.13.1 Existing Crown Land Cottage Lots

These projects involve 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 MNRF 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 MECP or public health authority (e.g. municipal services). In releasing these lots the MNRF has regard to such environmental factors as lake sensitivity and capacity for additional development. The MNRF, 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 Interests in Property

MNRF may need property interests acquired for a broad range of MNRF 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, or the acquisition of an interest such as an easement, or right 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

These projects include, often through the Ministry responsible for government realty, construction and contracting for capital construction and lease purchase projects as part of the infrastructure to support other MNRF 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 MNRF's vision of sustainable development and mission of ecological sustainability, and to achieve the more specific objectives of MNRF 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 MNRF'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 of this Class EA), the majority of the potential environmental effects resulting from a project 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, investigations, preliminary assessments) 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, earth sciences);
- 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, investigations, preliminary assessments, 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 Indigenous 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 of this Class EA.

2.5 The Proponent

MNRF, as the proponent of the projects that are subject to this Class EA, shall proceed with the projects in accordance with the applicable requirements of the Class EA.

MNRF may delegate procedural requirements of this Class EA, such as preparing the project description, project evaluation, and Environmental Study Report or consulting with the public, to any person. MNRF will determine which requirements to delegate on a case-by-case basis. When requirements of this Class EA are delegated by MNRF, the person to whom they are delegated is accountable to MNRF for the completion of the requirements.

The *Freedom of Information and Protection of Privacy Act* (FIPPA) may limit a third party's ability to access personal information, provide notice and conduct consultation as required under Section 4 of this Class EA.

Even when procedural aspects are delegated MNRF is responsible for satisfying the requirements of this Class EA.

2.5.1 Partnerships

Many projects traditionally undertaken by MNRF 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, MNRF will first review the partnership proposal and determine if MNRF considers that it is reasonable, appropriate, and consistent with management objectives and provincial/ministry policy. MNRF will be responsible for subjecting the project proposal to the screening criteria in Section 3 of this Class EA and assigning the project to the appropriate category. MNRF 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 MNRF for the completion of certain requirements in accordance with this Class EA. *Freedom of Information and Protection of Personal Privacy Act (FIPPA)* concerns may limit the partner's ability to conduct direct mailings as required under Section 4 of this Class EA.

2.5.2 Disposition Applicants

MNRF 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.

MNRF will be responsible for subjecting the proposed disposition to the screening criteria in Section 3 of this Class EA and assigning the project to the appropriate category. MNRF will determine if it wishes to delegate any procedural aspects of the requirements of this Class EA to the disposition applicant.

MNRF 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 MNRF for the completion of certain requirements in accordance with this Class EA. *FIPPA* concerns may limit the applicant's ability to conduct direct mailings as required under Section 4 of this Class EA.

2.6 Integration with Other Environmental Assessment Act Coverage

2.6.1 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 MNRF Programs

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

Projects not for MNRF Programs - Dispositions

Other agencies or sectors often request the disposition of a Crown resource for their proposals, some of which are subject to an approval, Order, regulation or Class EA under the *EA Act*. For example, certain

highway projects initiated by the Ministry of Transportation (MTO) must adhere to the Class EA for Provincial Transportation Facilities; certain municipal road projects must adhere to the Municipal Class EA. Because these projects are subject to an approval, Order, regulation or Class EA under the *EA Act*, dispositions of Crown resources associated with the implementation of these projects will not be subject to the screening criteria in Section 3 of this Class EA. As such proposals arise, MNRF may participate in the other EA process to ensure that ministry interests are considered.

For this type of disposition, MNRF would not proceed with the disposition unless the applicant provided MNRF 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 applicant has met *EA Act* obligations. MNRF still retains decision-making and approval authority for all dispositions regardless of an applicant's proposed project being authorized to proceed under the *EA Act*.

2.6.2 Relationship of Projects within the Class EA to Other Legislation and Policy

MNRF complies with a wide array of federal and provincial legislation and government policy, including the Provincial Policy Statement under the *Planning Act*, and may consider municipal plans and by-laws applicable to private entities and that are associated with the management of natural resources.

The Class EA process does not replace or exempt the formal processes of other applicable federal, provincial, or municipal legislation or bylaws, such as permits or approvals and the specific public and agency consultation that they may require. MNRF 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 federal *Impact Assessment Act* or other federal environmental assessment legislation;
- the federal *Fisheries Act*, as it applies to the protection of fish and fish habitat for works in or near water;
- the *Canadian Navigable Waters Act*, as it pertains to the protection of the public right to navigation; and
- the *Niagara Escarpment Planning and Development Act*.

MNRF 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.

3.0 Project Categories and Screening Mechanism

MNRF 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 MNRF 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:

- three 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.

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, evaluation and consultation. If the project is not pre-categorized as Category A (exempt) in Section 3.1.1 of this Class EA, then the project can be assigned to one of three "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/exempt);
- 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; and
- enable the appropriate planning and consultation process to be followed for Category B and C projects.

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

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

Under Section 15.3 (4) of the *EA Act*, any project listed as a Category A project in this Class EA, as amended before May 1, 2019, is exempt from the *EA Act*. The following are the Category A projects that were listed in this Class EA prior to May 1, 2019 and, as such, are exempt from the *EA Act*:

- 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, stream, 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)

Additionally, Section 15.3 (3) of the *EA Act* provides that any project for which MNRF, as the proponent, determines that it is not required to conduct further assessment or public consultation in respect of the project based on evaluation of screening criteria specified within the Class EA, as amended before May 1, 2019, is exempt from the *EA Act*, provided any conditions specified in the Class EA are complied with.

For the projects that are exempt under Sections 15.3 (3) and (4) of the *EA Act*, MNRF can proceed with implementation of the project subject to any other applicable laws. MNRF will separately consider whether these projects have the potential to adversely affect any established or credibly asserted Aboriginal or treaty rights, thereby potentially engaging the Crown's duty to consult.

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 of this Class EA will be carried out. If, after public notification, MNRF considers that no significant public or environmental concerns are identified, then the project can proceed subject to appropriate mitigation conditions being applied. MNRF 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 MECP 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 assigned to Category C will proceed through the planning and consultation process described in Section 4.2 of this Class EA, 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 Applying for Approval under Part II.3 of the EA Act

MNRF may apply for approval to proceed with a project to which this Class EA applies under Part II.3 of the *EA Act* instead of proceeding in accordance with this Class EA. Upon applying for approval, the project would be deemed to be a Part II.3 project and subject to the provisions of Part II.3 of the *EA Act* (see ss. 15.1.1 (2) of the *EA Act*), which includes the requirement to prepare a terms of reference and comprehensive environmental assessment for the project.

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' (exempt) Projects

MNRF staff first ensure that the proposed project is not prohibited under approved MNRF policies and directives, and then determine if the project is an undertaking to which this Class EA applies and, if so:

- is listed as a Category A project in Section 3.1.1;
- is not listed as a Category A project in Section 3.1.1 and, therefore, requires screening to determine whether it falls into Category A, B, or C; or
- is subject to *EA Act* requirements other than this Class EA (e.g., Declaration Order).

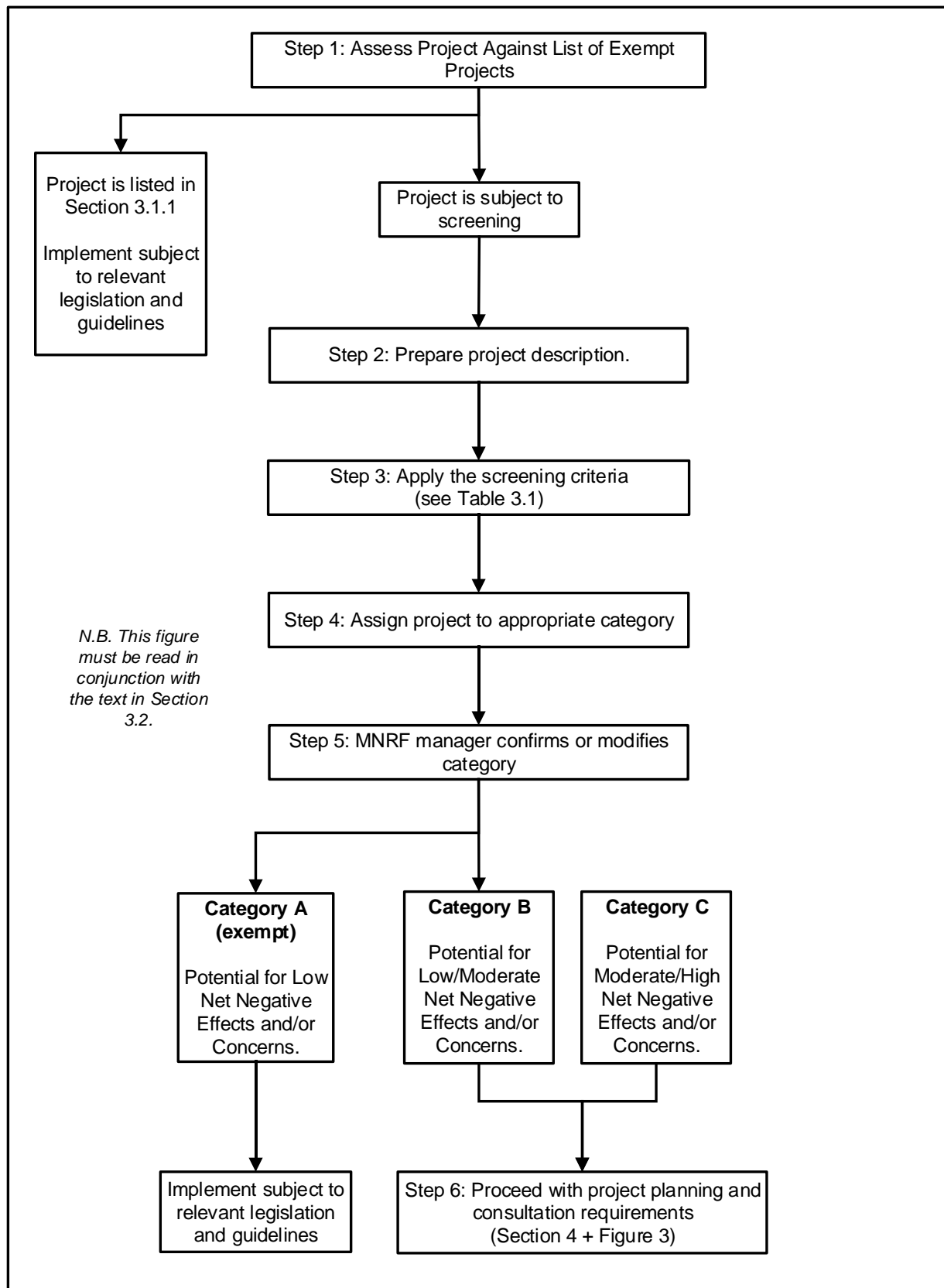
As described in Section 3.1.1 of this Class EA, projects determined to be in Category A are exempt and may proceed without further public review. Implementation is subject to all relevant legislation and guidelines.

Step 2: Prepare Project Description

A project that is determined to require screening continues through the screening process. MNRF staff will open a project file and 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.

Figure 2: Screening Process



Step 3: Apply the Screening Criteria

MNRF 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 of this Class EA should be considered when assigning a rating under each of the screening criteria. A description of each rating is discussed in Section 3.5 of this Class EA.

Where a potential net negative effect is identified under a screening criterion, MNRF 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

MNRF staff uses the ratings from Step 3 and the criteria in Section 3.5 of this Class EA to assign the project to Category A, B, or C.

Step 5: MNR Manager Confirms or Modifies Category

The appropriate MNRF manager (e.g., area supervisor, project manager, district manager) reviews the assignment 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 (exempt) may be implemented with appropriate mitigation conditions. For projects assigned to Categories B or C, MNRF will proceed with the project planning and consultation requirements described in Section 4 of this Class EA.

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 MNRF 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 MNRF manager may elect to issue a notice to indicate that MNRF is seeking input to a project screening. In some situations, MNRF may consult with specialists and the public to assist in making determinations in the screening process. Refer to Section 3.4.2 of this Class EA.

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. This does not apply to components included in the project description that are exempt from EA Act requirements and they would not be considered during the screening process.

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 MNRF 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 (exempt), B, or C .
- 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 MNRF 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	
Natural Environment Considerations									
• 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 and 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)									
Land Use, Resource Management Considerations									
• 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)									
Social, Cultural, and Economic Considerations									
• Cultural heritage resources - including archaeological sites, built heritage, and cultural heritage landscapes ¹									
• Or displace people, businesses, institutions, or public facilities									

¹ 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 to 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.

Screening Criteria	Rating of Potential Net Effect								Comments, Rationale
	-H	-M	-L	Nil	Unk	+L	+M	+H	
• - 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)									
• Indigenous Considerations									
• - First Nation reserves or communities.									
• - spiritual, ceremonial, or cultural sites.									
• - traditional land or resources used for harvesting activities									
• - Indigenous values									
• - Lands subject to land claims									
• - other (specify)									

3.4.1 Factors for the Assessment of Significance

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

Magnitude

Magnitude represents the relative severity or benefit of the effect under consideration. For example, the complete displacement of a feature would represent a greater magnitude of effect than a minor effect of, 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 Indigenous communities or organizations, interested agencies, other groups and individuals

The assessment will consider input from any consultation. In a screening, reaction will be assessed based on the experience of MNRF staff in dealing with similar issues, or concerns raised by Indigenous communities or organizations and/or 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, MNRF staff will have the benefit of responses to notification and consultation activities to assist in this determination.

Information provided by Indigenous communities or organizations, 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 MNRF 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 MNRF 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

The criteria listed in Table 3.2 are intended to help MNRF staff assign projects to the appropriate category. Projects (other than those listed as pre-assigned Category A in Section 3.1.1 of this Class EA) 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, MNRF 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 Indigenous, stakeholder, agency and public interest. Where there is uncertainty as to the possible interest, the MNRF may elect to issue a notice to indicate that MNRF is seeking input to a project screening process.

Table 3.2: Considerations to Assist in Assigning Projects to Categories

	Potential Net Effects - Considerations -	Indigenous, Public and Agency Concern - Considerations -
Category A (exempt)	<ul style="list-style-type: none"> • Low potential for significant net negative environmental effects usually with a high degree of certainty. • May be routine. • Effects responsive to appropriate mitigation techniques. • 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. 	<ul style="list-style-type: none"> • Low potential for concern anticipated.
Category B	<ul style="list-style-type: none"> • Low to medium potential for significant net negative environmental effects, usually with a high degree of certainty. • 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. • Effects responsive to appropriate mitigation techniques. 	<ul style="list-style-type: none"> • Medium potential for some concern anticipated.
Category C	<ul style="list-style-type: none"> • Medium to high potential for significant net negative effects. • There is some uncertainty associated with predictions of effects, requiring additional research and/or evaluation. • 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. • If a project is proposed when the appropriate type of management direction is not in place (see Section 2 of this Class EA). • Effects require mitigation techniques tailored to the project. • Potential to reduce negative effects or increase public understanding by examining alternatives. 	<ul style="list-style-type: none"> • Concern likely to be high, with potential for adverse reaction, based on experience or previous consultation. • Consultation and consideration of the proposal and reasonable alternatives may reveal appropriate solutions and common understandings.

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.

In all cases, MNRF can apply the requirements of this section of the Class EA to the project, or request that anyone delegated procedural requirements carry them out and report to the ministry. 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 MNRF 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. Comment periods refer to calendar days.

Where notice to MECP is required, the notice shall be issued to the generic Class EA email address (ClassEANotices@ontario.ca) and the appropriate MECP Regional Class EA email address:

Central Region – eanotification.cregion@ontario.ca
Eastern Region – eanotification.eregion@ontario.ca
Northern Region – eanotification.nregion@ontario.ca
South West Region – eanotification.swregion@ontario.ca
West Central Region – eanotification.wcregion@ontario.ca.

Where notice to the Director of the Environmental Assessment Branch (EAB) at MECP is required, the notice shall be issued to EABDirector@ontario.ca.

For all projects, the notification emails shall include the generic environmental planning email address (Environmental.Planning.Team@ontario.ca) and the appropriate MNRF regional office contact with a copy of the notice attached.

4.1 Indigenous Consultation – The Duty to Consult

In addition to the consultation requirements of this Class EA, MNRF may be required to consult with Indigenous communities about a project subject to this Class EA in order to fulfill the Crown's constitutional duty to consult.

The Crown has a duty to consult Indigenous communities when it has knowledge of an established or credibly asserted Aboriginal or treaty right, and contemplates conduct that may adversely affect that right. The extent of the consultation required will vary with the strength of the asserted right or the nature of the established right, and the seriousness of the potential adverse impact on the Aboriginal or treaty right.

When the duty to consult is engaged, MNRF will be responsible for fulfilling the Crown's duty to consult in respect of projects to which this Class EA applies. MNRF will identify the Indigenous communities to be consulted, determine the level and extent of consultation required, and whether any accommodation is required.

In some circumstances MNRF may expressly delegate the procedural aspects of the Crown's duty to consult to another party. These procedural aspects of consultation will be subject to oversight from MNRF. The procedural aspects of consultation may include notice, the provision of information about the proposed project, and opportunities to hear the community's concerns. While carrying out a project, if a

delegate learns of an adverse impact on the Aboriginal or treaty rights of an Indigenous community the delegate must inform MNRF of the matter as soon as possible.

MNRF will keep a record of its consultation activities, including those activities that MNRF may have delegated.

4.2 Category B Project Evaluation and Consultation Process

Category B projects are described in Section 3.1.2 of this Class EA. All information described in the following steps will be placed on the project file (Section 3.2 of this Class EA). 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.

Step 1: Scoping

MNRF 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.

Notices: Category B projects include one notice at the beginning of the process (Step 2), and a second notice at the end of the process (Step 4).

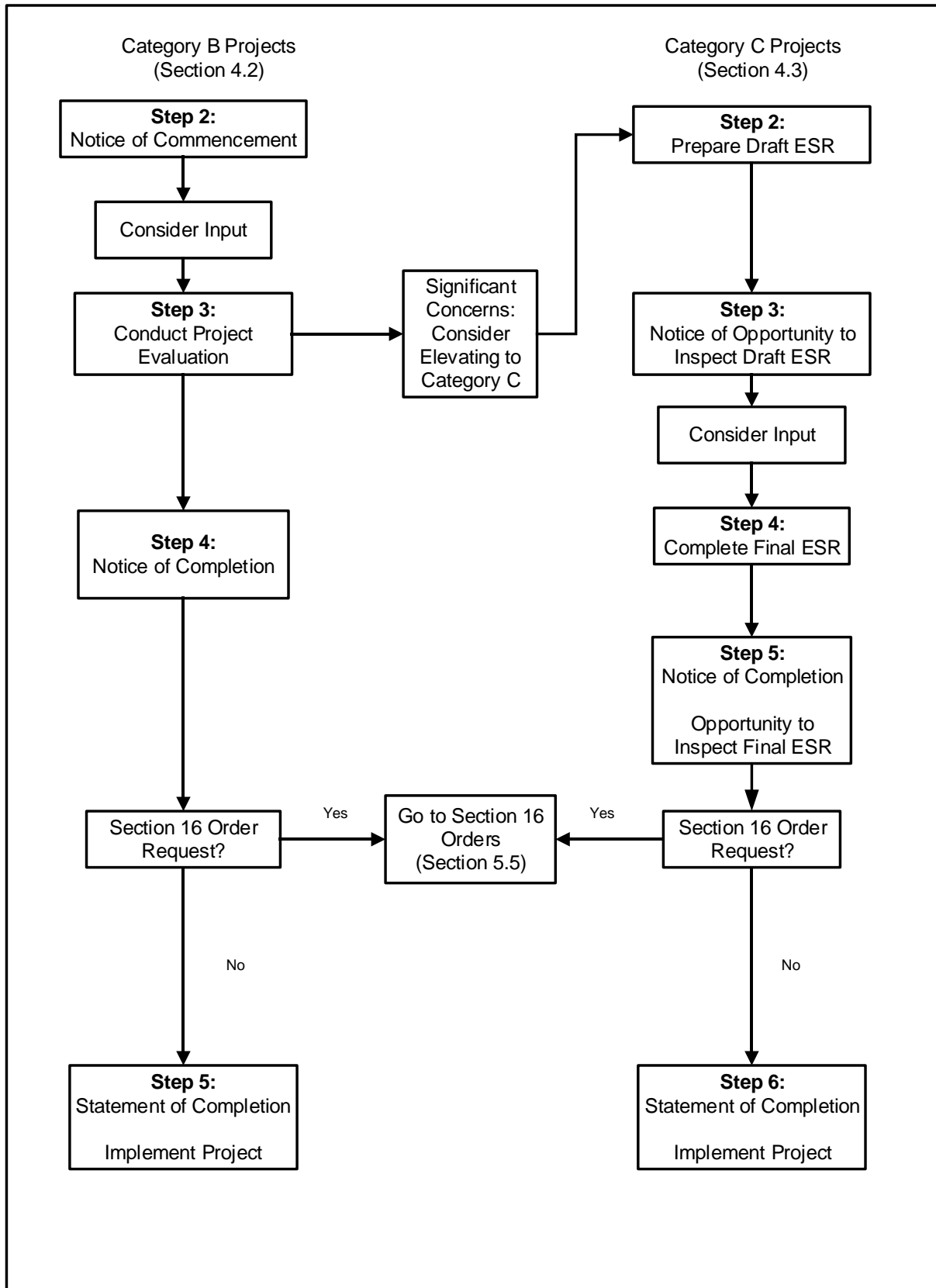
Step 2: Public Notice – Notice of Commencement

At a minimum, this consists of a mailing to persons and agencies with a known or (what MNRF considers to be) a potential interest in the proposed project, including MECP 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 must 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 MNRF 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: "This project is being evaluated as a Category B project under the Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects (Class EA). Upon completion of the project evaluation, MNRF will issue a Notice of Completion.
- 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* (FIPPA).

If an optional public notice requesting input to screening was issued that led to the project being assigned to Category B (refer to section 3.3), then MNRF is not required to issue a Notice of Commencement. The notice requesting input to screening is required to contain the same information required for a Notice of Commencement with necessary modifications. In such circumstances, the Notice Requesting Input to Screening must be issued to the appropriate MECP regional office, using the dedicated email address, and it should indicate that a Notice of Commencement will not be issued and this notice requesting input to screening will serve as the Notice of Commencement.

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.

Step 3: Project Evaluation

MNRF will 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 MNRF considers applicable (see Appendix 2), any related approvals, and their relevance to the project.
- Required mitigation and enhancement measures.
- Consideration of whether monitoring is required and, if so, a description of any monitoring requirements and commitments (see Section 4.4 of this Class EA).
- A description of consultation conducted and issues raised; and the 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. MNRF 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

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

Step 4: Notice of Completion

MNRF will issue a “Notice of Completion” to the public, government agencies and Indigenous communities for Category B projects. The Notice of Completion must be sent to MECP, Director of EAB and MECP’s regional email account. If MNRF extends the comment period provided in the Notice of Completion, the Director of EAB shall be notified of the extension.

For all projects, the notification emails shall include the generic environmental planning email address (Environmental.Planning.Team@ontario.ca) and the appropriate MNRF regional office contact with a copy of the Notice of Completion attached.

The Notice of Completion will include:

- 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 Section 16 Order requests to the Minister of the Environment, Conservation and Parks, that any mitigation or monitoring requirements will be undertaken, and that it is intended that the project proceed or not proceed.
- Information regarding Section 16 Order requests that must be included in a Notice of Completion, as set out in Section 5.6 of this Class EA.
- The dates of the beginning and end of the comment period required by the Class EA following the issuance of a Notice of Completion.
- The name and address, telephone 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.

Following the expiry of the public comment period provided for in the Notice of Completion (or any extension of that period by MNRF), section 15.1.1 (5) of the *EA Act* prohibits any person from proceeding with the project for 30-days (or such other number of days as may be prescribed by regulation under the *EA Act*), unless otherwise ordered by the Minister of the Environment, Conservation and Parks under section 15.1.1 (5.1) of the *EA Act*.

If a Section 16 Order request is made, no person can proceed with the project while a decision by the Minister of the Environment, Conservation and Parks on the request is pending.

If the Director of EAB issues a Notice of Proposed Order, no person can proceed with the project for the period of time provided for in s. 15.1.1 (7) of the *EA Act* (see Section 5.6 of this Class EA).

Step 5: Statement of Completion, Implement Project

If a Section 16 Order request is received during the 30-day comment period following the issuance of the Notice of Completion, the procedure described in Section 5.6 of this Class EA applies.

If no Section 16 Order request is made, or if a request is made but withdrawn or denied by the Minister of the Environment, Conservation and Parks or unless otherwise ordered by the Minister, MNRF will prepare a Statement of Completion.

The Statement of Completion 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 Section 16 Order request was received during the comment period, that any requests received were withdrawn, or were denied by the Minister of the Environment, Conservation and Parks (see Section 5.6 of this Class EA).
- The signature of the responsible MNRF manager, and the date.

The Statement of Completion will be placed on the project file and a copy sent to the Director of EAB and the MECP regional office using the dedicated email address. The filing of the Statement of Completion indicates that the Class EA process has been completed for the project under the *EA Act* and MNRF may proceed with the project permitting and approval processes, as applicable. MNRF may proceed with the project within five years of filing the Statement of Completion. After that time, the provisions of Section 5.7 of this Class EA apply.

If an order is issued under Section 16 (3) that imposes additional conditions, MNRF will document in the project file how it has complied with any and all conditions. If changes are being made to the project after filing a Statement of Completion, the procedures in Section 5.7 of this Class EA will be followed.

4.3 Category C Project Evaluation and Consultation Process

The requirements set out in this Class EA for Category C projects are a minimum. All information described in the following steps will be placed on the project file (Section 3.2 of this Class EA), 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.

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

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

Step 1: Scoping

MNRF 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.

Step 2: Draft Environmental Study Report (ESR) - Project Proposal

MNRF 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:

Description of 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 of this Class EA). 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 MNRF considers applicable (see Appendix 2), and any related approvals, 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 MNRF considers to be) a potential interest in the proposed project, including MECP 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 of Opportunity to Inspect the Draft ESR will 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 statement about the project being evaluated as a Category C project and the name of the approved Class EA to which the project is subject;
- A map or description of the location of the project and alternatives and the study area, if appropriate.
- A summary description of previous MNRF 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 number, and/or e-mail address of a contact person to whom questions and requests for information should be directed, and comments or requests to be added to the mailing list must be sent.
- A statement of the authority under which information is being collected from the public, and of that information's availability and confidentiality under *FIPPA*.

The comment period is at least 30 days, and may be extended for more significant projects or to accommodate a high level of public interest. MNRF 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, MNRF 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).
- Applying for approval to proceed under Part II.3 of the *EA Act*, which would involve the preparation of a comprehensive EA.
- 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.

If staff wish further guidance on consultation, they may consult Appendix 3. MNRF may refine the proposed approach based on input received.

Option - Additional 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 appropriate. 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. MNRF 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; responses 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

A Notice of Completion will be issued to those on the current project mailing list, and an advertisement placed in a local newspaper. The Final ESR will be sent to the MECPC 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).
- Information regarding Section 16 Order requests that must be included in a Notice of Completion, as set out in Section 5.6 of this Class EA.
- The dates of the beginning and end of the comment period required by the Class EA following the issuance of a Notice of Completion
- An indication of the project start date and estimation of implementation period.
- The name and address, telephone number, and/or e-mail address of a contact person at MNRF 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..

The Notice of Completion must be sent to MECP, Director of EAB and MECP's regional email account. A 30-day waiting period is required following the Notice of Completion 30-day comment period.

For all projects, the notification emails shall include the generic environmental planning email address (Environmental.Planning.Team@ontario.ca) and the appropriate MNRF regional office contact with a copy of the Notice of Completion attached.

Following the expiry of the public comment period provided for in the Notice of Completion (or any extension of that period by MNRF), section 15.1.1 (5) of the *EA Act* prohibits any person from proceeding with the project for 30-days (or such other number of days as may be prescribed by regulation under the *EA Act*), unless otherwise ordered by the Minister of the Environment, Conservation and Parks under section 15.1.1 (5.1) of the *EA Act*.

If a Section 16 Order request is made, no person can proceed with the project while a decision by the Minister of the Environment, Conservation and Parks on the request is pending.

If the Director of EAB issues a Notice of Proposed Order under section 16.1 of the *EA Act*, no person can proceed with the project for the period of time provided for in s. 15.1.1 (7) of the *EA Act* (see Section 5.6 of this Class EA).

Step 6: Statement of Completion, Implement Project

Statement of Completion

If the Notice of Completion results in outstanding concerns identified by interested persons, government agencies, or Indigenous Communities that may result in MNRF requiring to develop further mitigation measures, this will be documented in the Project Plan.

MNRF should also contact the EAB to verify that no Section 16 Order Requests (see Section 5.6 of this Class EA) were received during the Notice of Completion comment period. Once comments are documented and addressed, as appropriate, and EAB has confirmed that no Section 16 Order requests were received, MNRF may file the Statement of Completion and will make the final project documentation publicly available.

A Statement of Completion will include:

- A brief description of the nature and location of the project.
- Confirmation that the project was evaluated as a Category C project in accordance with the requirements of this Class EA.
- Section 16 Order request information.
- Details of where project documentation is available.
- Proponent information.

The Statement of Completion form is included in Appendix 6.

The Statement of Completion will be placed on the project file and a copy be sent to the Director of EAB and the MECP regional office using the dedicated email address. The filing of the Statement of Completion indicates that the Class EA process has been completed for the project under the *EA Act* and MNRF may proceed with project permitting and approval processes, as applicable. MNRF may proceed with the project within five years of filing a Statement of Completion. After this time, the provisions of Section 5.7 of this Class EA apply.

If an order is issued under Section 16 (3) that imposes additional conditions, MNRF will document in the project file, how it has complied with any and all conditions. If changes are being made to the project after filing a Statement of Completion, the procedures in Section 5.7 of this Class EA will be followed.

4.4 Mitigation

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

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.

4.5 Monitoring of Projects

Monitoring and follow-up during the pre-construction, construction/implementation, and operation phases of Category B and C projects are important to the achievement of the purpose of this Class EA as described in Section 1 of this Class EA. Monitoring enables MNRF 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-

This section provides for monitoring Category B and C projects.

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 MNRF 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 of this Class EA), 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 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, MNRF will:

- Retain copies of completed Class EA file information (e.g., screening checklists/reports, Environmental Study Reports, Statements of Completion).
- Retain Statements of Completion at the Strategic and Indigenous Policy Branch.
- Submit annual reports to the Director of EAB no later than March 31 for projects initiated, planned and implemented during the previous calendar year. Annual reports will be submitted to the Director of EAB for placement on the public record.

The annual report will include:

- A statement of effectiveness of the Class EA parent document in providing an effective and efficient planning process, and in protecting the environment.
- Identification of any changes to the Class EA parent document or changes to the MNRF'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 MNRF 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 MNRF 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 Section 16 Order requests were made to the Minister; 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 project; the outcome of Section 16 Order requests; and a statement indicating how conditions associated with decisions on Section 16 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 project
 - name of contact person (e.g., project manager)
 - location of the project
 - the date projects were started; and
 - status

5.2 Amendments to this Class EA

The following summarizes the process for requesting amendments to the Class EA and the authority for the Director of EAB and the Minister of the Environment, Conservation and Parks (Minister (MECP)) to make amendments to the Class EA. To the extent that there is a conflict between what is set out below and the provisions in the *EA Act* in respect of the authority of the Minister or Director, the provisions in the Act prevail.

Section 15.4 of the *EA Act* sets out the authority for the Minister (MECP) and the Director of EAB to amend the Class EA. An amendment may be made at any time and may be initiated by the Minister (MECP) or the Director of EAB, or as a result of a request for an amendment.

The Minister (MECP) may amend the Class EA if the Minister (MECP) is satisfied that the amendments are consistent with the purpose of this Act and the public interest. Examples of the types of amendments that the Minister (MECP) may make include but are not limited to:

1. Improving the efficiency or the effectiveness of the process described in the document;
2. Adding new projects to the Class EA;
3. Recategorizing existing projects in the Class EA; and
4. Updating the Class EA to be consistent with new or updated guidelines, policies, regulations or legislation.

The Director of EAB may amend the Class EA to make any of the administrative changes set out in section 15.4(5) of the *EA Act*.

Written requests for amendments to a Class EA must be submitted to the Director of EAB. In some cases, the Minister (MECP) may not consider a requested amendment until the next review period.

If an amendment is made, MNRF shall incorporate the amendment into a revised Class EA document. Amendments can be appended to the Class EA document or incorporated directly into the body of the document.

The two types of amendments, Director of EAB and Minister (MECP), are described in the following sections.

Director Amendments

The Director of EAB may make the following administrative amendments to the Class EA:

1. Correcting errors that are editorial or typographical in nature;
2. Updating references to a guideline, Act or regulation, or provisions or other portions of an Act or regulation;
3. Updating references to bodies, offices, persons, places, names, titles, locations, websites or addresses; or
4. Clarifying the existing text of the Class EA.

To request a Director's amendment, a formal written request must be submitted to the Director of EAB and must include details on the proposed amendment and the reason for the request.

Based on the information before the Director of EAB, they will decide whether to amend the Class EA. The Director of EAB will notify MNRF of any amendments so that MNRF can update the Class EA document and make the amended document available.

The Director of EAB may also initiate an administrative amendment on their own initiative. MNRF will be advised in writing if an administrative amendment is made by the Director of EAB. The amendment will

come into effect upon publication of a notice of the amendment in the registry under the *Environmental Bill of Rights, 1993*.

Minister Amendments

Requests for Minister (MECP) amendments should be made in writing to the EAB. The request should include the current text in the Class EA, the proposed changes and rationale for the changes, and revised text. MECP may request additional information regarding the requested amendment.

The Minister (MECP) may also initiate an amendment on their own initiative. MNRF will be advised by MECP in writing if a Minister's amendment is being considered.

As part of the request for an amendment, a consultation plan must be submitted to MECP. The consultation plan may outline the method for consultation on the proposed amendments and identify the persons, agencies, ministries and Indigenous communities to be consulted. MNRF will undertake consultation in accordance with the plan and is required to address and respond to any concerns that are raised during the consultation and provide those concerns and responses to the ministry for consideration. This consultation will be relevant to the Minister's obligation to ensure adequate public notice and an opportunity for public comment has been given in respect of any proposed amendments.

MECP will undertake consultation on any Minister-initiated amendments and may undertake additional consultation on requested amendments.

Based on the information before the Minister (MECP), they may:

- a. amend the Class EA, as requested or amend with changes to what was requested; or,
- b. refuse to amend the Class EA.

The Minister (MECP) will give notice of their decision, together with written reasons to MNRF and any other person they determine appropriate. The Minister's amendments to the Class EA come into effect following publication of notice in the registry under the *Environmental Bill of Rights, 1993*.

5.3 Review of the Class EA

A review of the Class EA will be undertaken by MNRF 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*. MNRF will provide, by letter, the Director of EAB the results of the review. This review will consist of a summary of issues and amendments that arose during the review period, and an account of how the issues and amendments that have been or will be addressed, for approval by the Director of EAB. Any revisions, additions, or updates can be made using the amending procedure described in Section 5.2 of this Class EA.

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, MNRF 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, MNRF will provide notice to the Director of the EA Branch, MECP, 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.

5.5 Transition Provisions

Planning and implementation of some MNRF 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 MNRF 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 Section 16 Order Provisions

Under the *EA Act*, the Minister has the authority to make two types of orders with respect to an undertaking proceeding in accordance with a Class EA. This authority may be exercised by the Minister or their authorized delegate, if any.

The following summarizes the Minister's authority under ss. 16 and 16.1 of the *EA Act*, and the prohibitions in s.15.1.1. To the extent that there is a conflict between what is set out below and the provisions in the *EA Act*, the provisions in the *EA Act* prevail.

The Minister may, by order, declare that an undertaking is a Part II.3 project or may impose conditions on the undertaking.

Section 16(1) and 16(3) Orders

The Minister may, on their own initiative, within a time limited period, declare an undertaking to be a Part II.3 project (which would require MNRF to prepare a comprehensive environmental assessment), referred to as a s.16(1) order, or impose conditions on an undertaking, referred to as a s.16(3) order.

If the Minister is considering making an order on their own initiative, the Minister must make the order no later than 30 days after the end of the comment period set out in the Notice of Completion or Notice of Addendum, unless the Director provides a notice to MNRF, within the 30-day period, advising MNRF that the Minister is considering making a s. 16 order (Notice of Proposed Order). If the Director issues a Notice of Proposed Order, the Minister may only make the s. 16 order within 30 days of the Director's notice being given to MNRF unless the notice includes a request for information.

If the Notice of Proposed Order includes a request for information, MNRF must provide that information to the Director within the deadline contained in the notice. When the information is received, the ministry will review the information and if the Director is satisfied that MNRF has provided the requested information, the Director will notify MNRF (Notice of Satisfactory Response). The Minister will then have 30 days to make a s. 16 order. In this case, the following outcomes could apply:

- If the Minister issues a s.16(1) order, MNRF cannot proceed with the undertaking without first

seeking and obtaining approval under Part II.3 of the *EA Act*, which involves the preparation of a comprehensive EA.

- If the Minister issues a s.16(3) order, MNRF must meet the conditions outlined in the order in proceeding with their undertaking.
- If the Minister does not issue an order within 30 days of the Director giving a Notice of Satisfactory Response, MNRF can proceed with their undertaking.

If the Director is not satisfied with the information provided in response to a request for information in a Notice of Proposed Order or if MNRF fails to provide the information requested within the timeline provided in the Director's notice, the Director will issue a Notice of Unsatisfactory Response and MNRF will be required to issue a new Notice of Completion or Notice of Addendum. The new Notice of Completion or Notice of Addendum, providing for a new comment period of at least 30 days, must be issued within the time period and following any directions specified by the Director in the Notice of Unsatisfactory Response (e.g., post information to MNRF's website). In addition, the information specified in the Notice of Unsatisfactory Response must be provided to the Director for review. If the Director is satisfied with the information provided to the ministry with the new Notice of Completion or Notice of Addendum, the Director will issue a Notice of Satisfactory Response. Once the Notice of Satisfactory Response is given, the Minister will have 30-days to issue an order if the Minister chooses to do so. In this case, the following outcomes could apply:

- If the Minister issues a s.16(1) order, MNRF cannot proceed with the undertaking without first seeking and obtaining approval under Part II.3 of the *EA Act* (which involves the preparation of a comprehensive EA).
- If the Minister issues a s.16(3) order, MNRF must meet the conditions specified in the order in proceeding with their undertaking.
- If the Minister does not issue an order within 30 days of the Director giving a Notice of Satisfactory Response, MNRF can proceed with their undertaking.

However, if the Director remains unsatisfied with the information provided when a new Notice of Completion or a Notice of Addendum is issued or MNRF continues to not provide the requested information, the Director will issue another Notice of Unsatisfactory Response, thereby requiring MNRF to again issue a new Notice of Completion or Notice of Addendum, in accordance any directions specified by the Director and provide the requested information to the Director.

Requests for s.16 orders on the grounds that the order may prevent, mitigate or remedy adverse impacts on Indigenous and treaty rights

In addition, the *EA Act* allows a person to request an order under s. 16 of the *EA Act* only on the grounds that the order may prevent, mitigate or remedy adverse impacts on Aboriginal or treaty rights. Requests that are not made on these grounds will not be considered by the Minister.

MNRF shall provide accurate and detailed information on the s.16 order request process to the public and to Indigenous communities. At a minimum, MNRF must include information on the s.16 order request process in the Notice of Completion and any Notice of Addendum. The information in the notices should include: what the grounds for a request must be (i.e. that the order may prevent, mitigate or remedy adverse impacts on Aboriginal or treaty rights), how to submit a request for a s.16 order, and, timing for

submission of the request, and information that must be submitted to the ministry in making a request.

This includes:

- a. requester contact information, including full name;
- b. undertaking name;
- c. proponent name (MNRF);
- d. the type of order that is being requested;
- e. specific reasons on how an order may prevent, mitigate or remedy potential adverse impacts on Aboriginal and treaty rights;
- f. information about efforts to date to discuss and resolve concerns with MNRF; and
- g. any other information in support of statements in the request.

If a request for a s.16 order is received by the ministry, the ministry will contact MNRF for a response to the concerns raised in the s.16 order request. MNRF must respond in a timely manner with complete information.

For more information on the section 16 order process, please visit: <https://www.ontario.ca/page/class-environmental-assessments-section-16-order>.

5.7 Proceeding with Projects - After Statement of Completion

MNRF may proceed with a project within five years of filing a Statement of Completion. If MNRF 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. MNRF must then provide a notice of intention to proceed with the project. The notice of intention to proceed 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 about how to submit a Section 16 Order Request (see Section 5.6 of this Class EA). A sample format for this notice is provided in Appendix 5. MNRF need not provide a notice of intention to proceed where, following the review and documentation required by this Section 5.7, MNRF proposes a modification to the project and a Notice of Addendum must be provided under Section 5.8 of this Class EA.

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 comment period would be provided. If a Section 16 Order request is received, the process described in Section 5.6 will be followed. The responsible MNRF manager may elect to respond to the request by modifying the project file or ESR as described in Section 5.8.

If no Section 16 Order request is received or Section 16 order is issued, MNRF may proceed with the project.

5.8 Notice of Addendum where there are Modifications to Category B and C Projects

MNRF may wish to modify a Category B or C project after issuing the Notice of Completion. Any proposal for a significant modification to the project which occurs after the filing of the Notice of Completion shall be reviewed by MNRF and MNRF shall prepare an Addendum to the Project File or ESR. A significant modification to the project is where there would be an increase in potential negative environmental effects or level of public or agency concern. The Addendum shall describe the circumstances necessitating the change, the environmental implications of the change, and what, if anything can and will be done to mitigate any negative environmental impacts.

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

A Notice of Addendum will be issued and 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 MNRF believes may be of interest to agencies, groups or individuals that did not previously express interest, these additional parties will be contacted.

The Notice of Addendum will describe the proposed change, the reasons for the change, any changes to the predicted environmental effects, the location where the Addendum can be reviewed, and a contact name. The response period for this notice will be a minimum of 30 days. The notice will include the dates of the beginning and end of the comment period required by the Class EA following the issuance of a notice. It will provide information regarding Section 16 Order requests that must be included in a Notice of Addendum, as set out in Section 5.6 of this Class EA. Other consultation activities may be initiated. A sample format for a Notice of Addendum is provided in Appendix 5.

If no request is received, or if the request is denied or successfully resolved, then the responsible manager will file a Revised Statement of Completion in accordance the requirements under this Class EA for filing a Statement of Completion with any necessary modifications. Where a Section 16 Order request is received, the process described in Section 5.6 will be followed.

Following the expiry of the public comment period provided for in the Notice of Addendum (or any extension of that period by MNRF), section 15.1.1 (5) of the *EA Act* prohibits any person from proceeding with the project for 30-days (or such other number of days as may be prescribed by regulation under the *EA Act*), unless otherwise ordered by the Minister of the Environment, Conservation and Parks under section 15.1.1 (5.1) of the *EA Act*.

If a Section 16 Order request is made, no person can proceed with the modification to the project while a decision by the Minister of the Environment, Conservation and Parks on the request is pending.

If the Director of EAB issues a Notice of Proposed Order under section 16.1 of the *EA Act*, no person can proceed with the modification to the project for the period of time provided for in s. 15.1.1 (7) of the *EA Act* (see Section 5.6 of this Class EA).

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 7 – Revoked Exemption Orders and Relevant Excerpt from
the revoked Regulation 334**

Appendix 1: Glossary of Terms and Acronyms

Class Environmental Assessment: One of the class environmental assessments set out in s.15 of the EA Act.

Comprehensive Environmental Assessment: An environmental assessment prepared in accordance with Part II.3 of the *EA Act*. Previously called an Individual EA.

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 MNRF-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, Conservation and Parks under Section 3.2 of the *EA Act*, removing the need for a proponent to comply with the full requirements of the *EA Act*. It may exempt a proponent or an undertaking entirely or partly from the *EA Act*, regulations, or a matter provided for under the Act and may be subject to 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.

EAB: The Environmental Assessment Branch of the Ontario Ministry of the Environment, Conservation and Parks.

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: Has the same meaning as under Section 1 of the *EA Act*, which 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, 1993*, 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.

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 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.

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.

Project: Means an “undertaking”, as defined in the *EA Act*.

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 MNRF 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. The regulations under the *EA Act* exempt undertakings that are for the purpose of, or that consist of, research from the *EA Act*.

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 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.

Section 16 Order: Means an order issued by the Minister of the Environment, Conservation and Parks or authorized delegate under Section 16 (1) or Section 16 (3) of the *EA Act*.

Work Permit: Means a work permit issued under a regulation 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 activities such as shore land related improvements, trap cabins, boathouses, roads, and trails, among others.

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 and Forestry:

- *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 Part1: Trout stream Rehabilitation
- Community Fisheries Involvement Program Field Manual Part2: 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 Conservation and Parks:

- 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.

Conservation Ontario:

- Class EA for Remedial Flood and Erosion Control Projects

Federal Government (web site www.gc.ca):

Fisheries and Oceans Canada:

APPENDICES

- 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

Impact Assessment Agency:

- Cumulative Effects Assessment Practitioners Guide

Canadian International Development Agency:

- Integrating Indigenous Knowledge in Project Planning and Implementation

Appendix 3: Notification & Consultation

A3.1 Introduction

Consultation with 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, interested parties, agencies and Indigenous communities and organizations to contribute to and influence decisions relating to a project. 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 MNRF 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.

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

This appendix provides a general outline of the role of consultation in project evaluation, and a brief summary of public consultation and dispute resolution techniques. Further guidance may be found in MNR's "Public Involvement Guidelines" (1991) and in current guidelines issued by EAB.

Consultation is intended to achieve the following objectives:

- To provide information to Indigenous communities and organizations, agencies, interested parties and the public 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.
- Indigenous communities and organizations.
- 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, cottages, recreation, and cultural heritage resource conservation and stewardship).
- Project partners. (In some instances, the partner may take the lead in conducting the project evaluation.)

A3.3 Conducting Public and Agency Consultation

MNRF 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, Indigenous 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.
- MNRF 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 Indigenous Communities

Some resource stewardship and facility development projects may affect areas that are traditionally used by Indigenous 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 public lands including those covered by 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 Indigenous 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 MNRF or the local office of the MNRF may have agreements with specific First Nations as to notice, disclosure, or consultation regarding MNRF (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 MNRF is otherwise aware of a potential land claim issue, it is advisable that the proponent or delegate 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	http://www.nativeaffairs.jus.gov.on.ca/	- Ontario's Aboriginal Policy Framework - Information on land claims - Land Claim fact sheets - Links to web sites pertaining to Aboriginal affairs
Indian and Northern Affairs Canada	http://www.inac.gc.ca	- First Nation profiles - Information on land claims - Treaty information - Agreements
Chiefs of Ontario	http://www.chiefs-of-ontario.org	- Tribal Council and District Chiefs contact information
First Nation Information Project	http://www.Aboriginalcanada.com/firstnation	- First Nation directory for Ontario
Ontario First Nations Technical Services Corporation	http://www.ofntsc.org	- Map of Ontario's First Nations - Ontario First Nations and Tribal Council affiliation contact information

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 the mailing list.

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

On-site notices

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

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 focussed meetings are more successful. Where contentious issues are being dealt with, it is advisable to have a facilitator to guide the meeting process.

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

Comment Sheets

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

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

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 MNRF 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.

A3.6 List of Government Agencies and Interested Parties

The following government and other agencies, and other parties may have an interest in MNRF projects, and should be considered in compiling mailing lists for notification and consultation purposes.

Provincial

Management Board of Cabinet 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, Conservation and
Parks
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

Indigenous

Appropriate Indigenous communities and
organizations

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

Appendix 4: Other Relevant Federal and Provincial Legislation

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

A4.1 Federal Legislation

Impact Assessment Act

Sets out requirements for the federal impact assessment process. Copies of the legislation and associated regulations, as well as other reference materials, are found on the Impact Assessment Agency's web site at: <https://www.canada.ca/en/impact-assessment-agency.html>.

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.

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. 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.

A4.2 Provincial Legislation

Aggregate Resources Act

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

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, 1993

The *Environmental Bill of Rights, 1993* is based on the principle that Ontario's environment should be protected, conserved and, where reasonable, restored the integrity of the environment. In the Act, "environment 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 of Ontario.

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, Conservation and Parks administers the *EPA*.

Fish and Wildlife Conservation Act, 1997

The *Fish and Wildlife Conservation Act, 1997* 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 and Forestry's 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 and Forestry.

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, Conservation and Parks. 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, Conservation and Parks administers this Act. Permits and licences may be required, for example, for chemical control of nuisance species.

Provincial Parks and Conservation Reserves Act, 2006

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; 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 remains the property of the Crown until the issuance of letters patent, whereupon the property in such trees passes to the patentee.

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: Notice of Commencement (per Section 4.2 - Step 2)
3. Category B: Notice of Completion – Disposition Application (per Section 4.2 - Step 4)
4. Category C: Notice of Opportunity to Inspect Draft ESR – disposition application (per Section 4.3 - Step 3)
5. Category C: Notice of Completion (per Section 4.3, Step 5)
6. Notice of Intention to Proceed Following Expiry of Project Approval (per Section 5.7)
7. Notice of Addendum (per Section 5.8)
8. Statement of Completion - Category B or C (per Section 4.2 - Step 5, or Section 4.3 - Step 6)
9. Project Monitoring Record (per Section 4.5)

1. Public Notice Requesting Input to Screening

Invitation to Comment on a Proposed Road at [Location]

Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects

The Ministry of Natural Resources and Forestry (MNRF) is inviting comment on the screening of a proposed road in [name of District Office]. The Long Lake Cottagers Association is seeking approval from MNRF to construct an access road across Crown land to cottages on the west side of Long Lake. These lots, located in Short Township, are currently only accessible by water. The proposed road is intended to improve access for convenience and safety. The proposed road would involve constructing eleven kilometres of road, including one bridge to cross Cold Creek and two culverts to cross unnamed streams.

[Note: Staff may want to include a map]

A project screening is being conducted under the Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects (Class EA) to assign the proposed road to a category for further evaluation. The assigned project category determines the level of detail of evaluation and consultation that will be undertaken. This project has been tentatively assigned to Category B, on the basis that some level of concern is anticipated with the project. MNRF is requesting public input from interested persons, government agencies, and Indigenous communities on this category assignment before proceeding further. Comments must be received within the 30-day comment period, which expires on _____.

If MNRF decides that this is a Category B project, this notice will serve as the mandatory public notice. The second notice - a Notice of Completion - will be issued.

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

MNRF Contact Person Name, position
Ministry of Natural Resources and Forestry
Address
Phone/Fax/E-mail address

All personal information included in your request – such as name, address, telephone number and property location – is collected under the authority of section 30 of the *Environmental Assessment Act* and is collected and maintained for the purpose of creating a record that is available to the general public. As this information is collected for the purpose of a public record, the protection of personal information provided in the *Freedom of Information and Protection of Privacy Act* (FIPPA) does not apply (s.37). Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential.

Notice Issued: Date



2. Category B Notice of Commencement

Proposed Site Remediation at [Location]

Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects

The Ministry of Natural Resources and Forestry (MNRF) is proposing a site remediation project at the former radar site in _____, geographic township in MNRFs' _____ District. The proposed site remediation would include [describe removal of building and tower materials, emptied fuel containers, etc., purpose of clean up, duration, mitigation measures]. No significant adverse environmental effects from the site remediation project are anticipated as the source of contaminants and decommissioned facility will be removed and [mitigation measures] will be used during remediation activities.

[Note: Staff may want to include a map]

This project is being evaluated as a Category B project under the Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects (Class EA). Upon completion of the project evaluation, MNRF will issue a Notice of Completion.

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

MNRF Contact Person Name, Position
Address
Phone/Fax/E-mail Address

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

All personal information included in your request – such as name, address, telephone number and property location – is collected under the authority of section 30 of the *Environmental Assessment Act* and is collected and maintained for the purpose of creating a record that is available to the general public. As this information is collected for the purpose of a public record, the protection of personal information provided in the *Freedom of Information and Protection of Privacy Act* (FIPPA) does not apply (s.37). Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential.

Notice issued: Date



3: Category B Notice of Completion – Disposition Application**Project Name at [Location]****Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects**

The Ministry of Natural Resources and Forestry (MNRF) has completed a project evaluation for a proposed access road on Crown land requested by _____. Approval of the application submitted by _____ would be considered a “disposition” of rights to Crown resources subject to the Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects (Class EA).

The proposed road is in _____ geographic township in MNRFs' _____ District, from ___ to ___, ___ km in length and _____ has requested it to [specify purpose]. A previous notice was issued on [specify date].

[Note: Staff may want to include a map]

A project evaluation and consultation process was carried out according to the Category B requirements of the Class EA. The evaluation indicated that potential environmental effects can be addressed through avoiding the [specify any significant environmental feature, eg. wetland] and [specify mitigation measures]. A copy of the project evaluation is available at the MNRF _____ District office during normal business hours (or by appointment). (Add an internet option, if available)

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

MNRF Contact Person Name, Position
Ministry of Natural Resources and Forestry
Address
Phone/Fax/E-mail Address

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

In addition, a request to the Minister of the Environment, Conservation and Parks for an order imposing additional conditions or requiring a comprehensive environmental assessment may be made on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests should include your full name and contact information.

Requests should specify what kind of order is being requested (additional conditions or comprehensive environmental assessment), explain how an order may prevent, mitigate or remedy potential adverse impacts, and can include any supporting information.

The request should be sent to:

Minister of the Environment, Conservation and Parks

777 Bay Street, 5th Floor
Toronto ON M7A 2J3
minister.mecp@ontario.ca

and

Director, Environmental Assessment Branch

APPENDICES

Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto ON M4V 1P5
EABDirector@ontario.ca

Requests should also be sent to MNRF District Office by mail or e-mail. Please visit the ministry's website for more information on requests for orders under section 16 of the *Environmental Assessment Act* at: <https://www.ontario.ca/page/class-environmental-assessments-part-ii-order>

Prior to making such a request, however, concerned parties are encouraged to speak to MNRF to seek a resolution of their concerns.

If no Section 16 Order request is submitted, MNRF may proceed to implement the disposition project, without further public notice, 30 days following the end of the comment period.

All personal information included in your request – such as name, address, telephone number and property location – is collected under the authority of section 30 of the *Environmental Assessment Act* and is collected and maintained for the purpose of creating a record that is available to the general public. As this information is collected for the purpose of a public record, the protection of personal information provided in the *Freedom of Information and Protection of Privacy Act* (FIPPA) does not apply (s.37). Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential.

Notice issued: [Date]

4. Category C: Notice of Opportunity to Inspect Draft ESR – Disposition Application

Proposed Disposition at [Location]

Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects

The Ministry of Natural Resources and Forestry (MNRF) [name of District office] invites interested persons, government agencies and Indigenous communities to inspect the Draft Environmental Study Report (ESR) in respect of an application by [Applicant] for an access road on Crown land in _____ geographic township. Applicant has requested that the MNRF dispose of certain rights to public lands and other resources in the [location] to enable it to construct, install and use:

- an access road of approximately 20 km in length situated on Crown land and within an environmentally significant wetland;
- an access gate; and
- a freespan bridge over Birch River built to forestry standards.

The purpose of the access road is for [Applicant] to begin the advanced exploration phase of [name of project e.g. X Mine]. The preferred location of the road would minimize disruption to wildlife and [specify mitigation measures] would be used during construction.

The public lands on which the road would be situated would not be available for other uses during the proposed five-year term of the land disposition, with the possibility of extension. [Applicant] has indicated that it wishes to commence road construction activities [timing e.g. in the autumn of 2023].

[Note: Staff may want to include a map]

The disposition of certain or all rights to Crown resources by MNRF is subject to the Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects (Class EA). The Draft ESR for the proposed disposition in respect of the access road, gate, and bridge has been prepared in accordance with the requirements for Category C projects under the Class EA. The Draft ESR describes the process for the selection of a preferred road location, the development of a site plan, the evaluation of environmental effects and the identification of mitigation measures.

To obtain a copy of the Draft ESR, to discuss the requested disposition, to provide comments, to request future notifications, or to inspect the Draft ESR during normal office hours (or by appointment), please contact either:

Applicant Contact	MNRF Contact Person Name, position
Address	Address
Phone/Fax/E-mail Address	Phone/Fax/E-mail address

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

Notice issued: [Date]

5. Category C: Notice of Completion

Project Name and Location

Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects

The Ministry of Natural Resources and Forestry (MNRF) [name of District office] and the Metro Conservation Authority (MCA) invite interested persons, government agencies and Indigenous communities to inspect the Final Environmental Study Report (ESR) for a proposed restoration project of the Lower Don River Wetland Complex. The proposed restoration project includes four restoration options for nine wetland areas in the Lower Don River Valley south of Bank Street in [city/township]. The preferred option would include:

- erosion control through planting vegetation (bioengineering);
- removing and managing invasive species; and
- removal of four weirs and construction of nine bioengineered wetlands.

MNRF and MCA wish to commence construction activities of the restoration project in the [timing e.g. autumn of 2023].

[Note: Staff may want to include a map]

This project is subject to the Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects (Class EA). The Final ESR for the proposed restoration project has now been completed in accordance with the requirements for Category C projects under the Class EA. The Final ESR describes the process for the selection of a preferred alternative, the development of a site plan, the evaluation of environmental effects and the identification of mitigation measures.

To obtain a copy of the Final ESR, to discuss the project, to provide comments, or to inspect the Final ESR during normal office hours (or by appointment), please contact:

MNRF Contact Person Name, Position
Ministry of Natural Resources and Forestry
Address
Phone/Fax/Email

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

In addition, a request to the Minister of the Environment, Conservation and Parks for an order imposing additional conditions or requiring a comprehensive environmental assessment may be made on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests should include your full name and contact information.

Requests should specify what kind of order is being requested (additional conditions or a comprehensive environmental assessment), explain how an order may prevent, mitigate or remedy potential adverse impacts, and can include any supporting information.

The request should be sent to:

Minister of the Environment, Conservation and Parks

777 Bay Street, 5th Floor
Toronto ON M7A 2J3
minister.mecp@ontario.ca

and

Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto ON M4V 1P5
EABDirector@ontario.ca

Requests should also be sent to MNRF District Office by mail or e-mail. Please visit the ministry's website for more information on requests for orders under section 16 of the Environmental Assessment Act at: <https://www.ontario.ca/page/class-environmental-assessments-part-ii-order>

Prior to making such a request, however, concerned parties are encouraged to speak with MNRF to seek a resolution regarding their concerns.

If no Section 16 Order request is submitted, MNRF may proceed to implement the project, without further public notice, 30 days following the end of the comment period.

All personal information included in your request – such as name, address, telephone number and property location – is collected under the authority of section 30 of the *Environmental Assessment Act* and is collected and maintained for the purpose of creating a record that is available to the general public. As this information is collected for the purpose of a public record, the protection of personal information provided in the *Freedom of Information and Protection of Privacy Act* (FIPPA) does not apply (s.37). Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential.

Notice issued: [Date]



6 Notice of Intention to Proceed following Expiry of Project Approval

PROPOSED NEW WALKING TRAIL SYSTEM: FRASERDALE, ONTARIO

**Notice of Intention to Proceed
Following Expiry of Project Approval
Class Environmental Assessment for MNRF Resource Stewardship and Facility Development
Projects**

The Ministry of Natural Resources and Forestry (MNRF) 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 MNRF 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

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

In addition, a request to the Minister of the Environment, Conservation and Parks for an order imposing additional conditions or requiring a comprehensive environmental assessment may be made on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests should include your full name and contact information.

Requests should specify what kind of order is being requested (additional conditions or a comprehensive environmental assessment), explain how an order may prevent, mitigate or remedy potential adverse impacts, and can include any supporting information.

The request should be sent to:

Minister of the Environment, Conservation and Parks

777 Bay Street, 5th Floor
Toronto ON M7A 2J3
minister.mecp@ontario.ca

and

Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West, 1st Floor

Toronto ON M4V 1P5
EABDirector@ontario.ca

Requests should also be sent to MNRF District Office by mail or e-mail. Please visit the ministry's website for more information on requests for orders under section 16 of the Environmental Assessment Act at: <https://www.ontario.ca/page/class-environmental-assessments-part-ii-order>

Prior to making such a request, however, concerned parties are encouraged to speak with MNRF to seek a resolution regarding their concerns.

If no Section 16 Order request is submitted, MNRF may proceed to implement the project, without further public notice, 30 days following the end of the comment period.

All personal information included in your request – such as name, address, telephone number and property location – is collected under the authority of section 30 of the Environmental Assessment Act and is collected and maintained for the purpose of creating a record that is available to the general public. As this information is collected for the purpose of a public record, the protection of personal information provided in the Freedom of Information and Protection of Privacy Act (FIPPA) does not apply (s.37). Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential.

Notice issued: [Date]

7 Notice of Addendum

Project Name and Location

Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects

The Ministry of Natural Resources and Forestry (MNRF) [name of District office] and the Metro Conservation Authority (MCA) invite interested persons, government agencies and Indigenous communities to comment on the proposed change to the restoration project of the Lower Den River Wetland Complex. The MCA and the MNRF are proposing to reduce the construction of nine wetlands to four wetlands in order to spread the project costs over a longer time period.

[Note: Staff may want to include a map]

An Addendum has now been completed to the ESR issued [date]. The project was planned through the Category C Class Environmental Assessment for Resource Stewardship and Facility Development Projects (Class EA) process. The Addendum contains details of the revised [include what was altered]. The predicted environmental effects are [environmental effects/changes e.g. the restoration impacts of the five wetland areas being postponed to a future date, pending adequate funding].

[Include if appropriate: The Addendum is available for review at [website]].

The MCA and the MNRF are seeking comments on the proposed changes as outlined in the Addendum. Comments must be received within the 30-day comment period, which expires on _____.

To provide comments on the proposed change to this project, please contact:

MNRF Contact Person Name, Position
Ministry of Natural Resources and Forestry
Address
Phone/Fax/Email

In addition, a request to the Minister of the Environment, Conservation and Parks for an order imposing additional conditions or requiring a comprehensive environmental assessment may be made on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests should include your full name and contact information.

Requests should specify what kind of order is being requested (additional conditions or a comprehensive environmental assessment), explain how an order may prevent, mitigate or remedy potential adverse impacts, and can include any supporting information.

The request should be sent to:

Minister of the Environment, Conservation and Parks

777 Bay Street, 5th Floor
Toronto ON M7A 2J3
minister.mecp@ontario.ca

and

Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks

135 St. Clair Avenue West, 1st Floor
Toronto ON M4V 1P5
EABDirector@ontario.ca

Requests should also be sent to MNRF District Office by mail or e-mail. Please visit the ministry's website for more information on requests for orders under section 16 of the *Environmental Assessment Act* at: <https://www.ontario.ca/page/class-environmental-assessments-part-ii-order>

Prior to making such a request, however, concerned parties are encouraged to speak with MNRF to seek a resolution of their concerns.

If no Section 16 Order request is submitted, MNRF may proceed to implement the project, without further public notice, 30 days following the end of the comment period.

All personal information included in your request – such as name, address, telephone number and property location – is collected under the authority of section 30 of the *Environmental Assessment Act* and is collected and maintained for the purpose of creating a record that is available to the general public. As this information is collected for the purpose of a public record, the protection of personal information provided in the *Freedom of Information and Protection of Privacy Act* (FIPPA) does not apply (s.37). Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential.

Notice issued: [Date]

8 Statement of Completion

Statement of Completion (Category B or C)

Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects (Class EA)

1. Project Name:

2. Project Description: Provide a 2 – 3 sentence summary of what the project is.

3. Project Type: (check one of the following that best represents the project)

Disposition:

- Aggregates
- Fish culture – egg collection
- Vegetation management
- Access – road, water crossing, bridge
- Access – trail, boardwalk
- Access point – road, parking lot, shoreline clearing
- Land – occupation of Crown land
- Land – sale of Crown land
- Land – lease of Crown land
- Land – shoreline stabilization, erosion control
- Land – dredge, fill, or water-related excavation
- Land – marina, harbour, large dock, or boat launch
- Dam and/or dyke
- Solid waste disposal / management
- Transmission lines / utilities
- Infrastructure for resource extraction (not otherwise listed)
- Other (specify):

MNRF-conducted:

- Fish culture – facility
- Fish culture – stocking
- Vegetation management
- Access – road, water crossing, bridge
- Access – trail, boardwalk
- Access point – road, parking lot, shoreline clearing
- Site remediation
- Acquisition of land
- Capital construction

- Fish passage or fishway

- Dam and/or dyke
- Solid waste disposal / management

- Other (specify):

4. Project Location:

Name of Municipality, County or Township (or other significant location if in unorganized areas):
Name of MNRF District:

5. Project Evaluation and Category: (check one)

- Category B project - with newspaper notice
- Category C project

6. Monitoring: (check one)

The need for monitoring has been considered, as per section 5.6 of the Class EA, as follows:

- Monitoring is not required.
- Monitoring is required.

7. Section 16 Order Requests: (check one)

- No section 16 order requests were received. *Proceed to Question #8*
- One or more section 16 order requests were received.
Specify number of requests: _____. *Proceed to (a)*

(a) Section 16 order requests were either: (check one)

- Withdrawn by the concerned party. *Proceed to Question #8*
- Denied by the Minister of the Environment, Conservation and Parks. *Proceed to Question #8*

Date of Request:

Date of Decision:

- Order issued by the Minister of the Environment, Conservation and Parks imposing additional conditions.
List the conditions and briefly describe how the conditions have been or will be fulfilled (provide the information here or as an attachment – no line breaks please):

8. Project Status at the Time of Approving this Statement of Completion (SoC): (check as appropriate)

- MNRF is moving to implementation: (check one)
- (a) This project is a one-time implementation. Estimated completion date: _____
- (b) This is a recurring project.
- MNRF is not moving immediately to implementation but anticipates implementing within the next five years. (Note: project implementation commencement beyond five years of the date of this SoC must be reviewed in accordance with Class EA provisions).
- This is for an Addendum (per section 5.3 of the Class EA).

Name of Staff Contact Person

Position

Date

I certify that the above information is correct and hereby approve this project.

Name/ Signature of MNRF Manager
Position
Address

Date

Retain signed copy on project file, send copy to:

1. MNRF Priorities and Planning Section, Strategic and Indigenous Policy Branch, email: classea.rsfd.mnr@ontario.ca; and
2. Ministry of the Environment, Conservation and Parks
 - a. Director, Environmental Assessment Branch
 - b. MECP Regional Office

9 Project Monitoring Requirement

Note: This sample is intended to generally illustrate an approach to recording monitoring that may be required for a project. Such templates and additional templates that may be useful in assisting field staff in recording on-site measurements or observations may be prepared and amended from time to time.

Project Monitoring Record

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

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

 Signature and Position (responsible manager)

 Date:

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

Item 2: (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**

**Ministère
de
l'Environnement**

Minister

Ministre

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

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,

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

Appendix 7: Revoked MNRF Exemption Orders and the relevant excerpt from the revoked Regulation 334

- 1. Exemption Order MNR-1**
- 2. Section 8.1 (3) of Regulation 334 under the *EA Act***
- 3. Exemption Order MNR-41**
- 4. Exemption Order MNR-42**
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1. Exemption Order MNR-1

MNR-1

THE ENVIRONMENTAL ASSESSMENT ACT, 1975

Exemption Section 30

Having received a request from the Minister of Natural Resources that an undertaking, namely those activities of the Ministry of Natural Resources which consist of forest fire protection and extra fire fighting operations

be exempted from the application of the Act pursuant to Section 30; and

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

1. The Crown and Public will be interfered with by the delay in implementing fire protection services which are needed immediately whenever required.

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

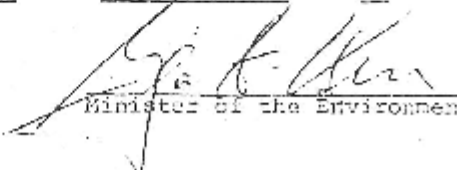
I am of the opinion that it is in the public interest to order and do order that the undertaking is exempt from the application of the Act for the following reason:

Damage to property and valuable natural resources would occur if an environmental assessment were required for this activity before it could be carried out.

This order comes into force and has effect on and after the day upon which section 5 of the Act is proclaimed in force.

Dated at Toronto this 14th day of October, 1976.

Approved by
O.C. No. 2891/76


Minister of the Environment

2. Section 8.1 of Regulation 334 under the EA Act

ENVIRONMENTAL ASSESSMENT ACT

R.R.O. 1990, REGULATION 334

GENERAL

8.1 (1) The undertaking of forest management by or on behalf of Her Majesty in right of Ontario in the area described in subsection (2) is exempt from the Act. O. Reg. 337/20, s. 1.

(2) The area to which subsection (1) applies consists of,

(a) any Crown forest that is,

(i) located within an area that was designated as a management unit pursuant to section 7 of the *Crown Forest Sustainability Act, 1994* as of July 1, 2020, and

(ii) located north of the southern limit of the following management units, as those units existed as of July 1, 2020:

A. Mazinaw-Lanark Forest,

B. Bancroft-Minden Forest,

C. French-Severn Forest; and

(b) any Crown forest that is located in the Cat Lake-Slate Falls planning area depicted in the Cat Lake – Slate Falls Community Based Land Use Plan, entitled “Niigaan Bimaadiziwin” - A Future Life, dated July 11, 2011, prepared and approved under the *Far North Act, 2010*. O. Reg. 337/20, s. 1.

(3) In this section,

“accessing forest resources” means the construction, maintenance, use or decommissioning of roads that provide or provided access for the purpose of harvesting forest resources, transporting forest resources to wood processing facilities or maintaining and renewing forest resources; (“accès aux ressources forestières”)

“Crown forest” has the same meaning as in the *Crown Forest Sustainability Act, 1994*; (“forêt de la Couronne”)

“forest management” means,

(a) an activity related to accessing forest resources, or to the harvesting, renewal or maintenance of forest resources, in accordance with a forest management plan approved under the *Crown Forest Sustainability Act, 1994*, including a disposition of rights to forest resources,

(b) an activity related to accessing forest resources, or to the harvesting, renewal or maintenance of forest resources, respecting which written direction has been provided pursuant to subsection 42 (2) of the *Crown Forest Sustainability Act, 1994*, including a disposition of rights to forest resources, and

(c) planning conducted in accordance with Part II of the *Crown Forest Sustainability Act, 1994*; (“gestion forestière”)

“forest resources” has the same meaning as in the *Crown Forest Sustainability Act, 1994*. (“ressources forestières”) O. Reg. 337/20, s. 1.

3. Exemption Order MNR-41

MNR - 41

ORDER MADE UNDER THE
ENVIRONMENTAL ASSESSMENT ACT

Exemption - Ministry of Natural Resources

Having received a request from the Minister of Natural Resources that an undertaking, namely:

the planning and implementing of forest management activities south of the Ministry of Natural Resources' Forest Management Units, on Agreement Forests, private land under the Woodlands Improvement Act, and Crown land,

be exempt from the application of the Act pursuant to section 29; and

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

- A. The Ministry of Natural Resources has advised and substantiated that the undertaking has no significant environmental effects and the application of the Act is not warranted.

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

The undersigned is of the opinion that it is in the public interest to order and orders that the undertaking is exempt from the application of the Act for the following reasons:


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- A. The undertaking is comprised of a series of activities aimed at preserving area resources and ensuring that environmental protection and resources management practices are instituted.
 - B. The undertaking is sufficiently regulated in terms of the potential environmental consequences under existing statutes, regulations, policies and guidelines.
 - C. The management responsibility of the Ministry of Natural Resources for woodlot Improvement Act and Agreement Forests is shared with the landowners. The agreements between the landowners and the Ministry of Natural Resources seek to strengthen that management by introducing reforestation and woodlot improvement activities to provide a more balanced management program to the benefit of the landowner and ultimately to all people in Ontario;
 - D. Activities for the purpose of reforestation and woodlot management are now exempt under Regulation 636/77 of the Act for Agreement Forests managed with conservation authorities. Similar activities for municipalities, townships and counties are, however, subject to the Act. These activities should have the same status regardless of the landowner.

This exemption is subject to the following terms and conditions:

1. Where the carrying out of the undertaking by the Ministry of Natural Resources requires that some activity, for which an Environmental Assessment has been done and an approval to proceed received or an exemption granted, be conducted, that activity is not exempt under this order but shall be carried out in accordance with the Environmental Assessment and approval to proceed, or the conditions of exemption whichever is applicable;
2. The Ministry of Natural Resources shall plan, implement and provide for public input for aerial spraying activities in accordance with established policies for herbicides FR-04-40-01, insecticides FR-04-20-01 and the existing guidelines found in the Ministry of Natural Resources' 'Aerial Spraying for Forest Management - An Operational Manual.'

3. When an Environmental Assessment is submitted for an individual project identified as part of the undertaking exempted by this order, that project shall be deemed to be a separate undertaking and not be exempted by this order.

Dated this 22nd day of December, 1982.


Minister of the Environment

Approved by O.C. No. 3385 /82.

O. Reg. No. 12 /83.

Filed with the Registrar of Regulations, Jan. 6, 1983.

Ontario Gazette Jan. 22, 1983.

4. Exemption Order MNR-42

MNR - 42

ORDER MADE UNDER THE
ENVIRONMENTAL ASSESSMENT ACT

Exemption - Ministry of Natural Resources

Having received a request from the Minister of Natural Resources that an undertaking, namely:

Wildlife population and habitat management activities as conducted by MNR, including:

- (a) Population control through the establishment and enforcement of bag limits and hunting seasons for game species;
- (b) Protection of game and non-game species by relocation, controlled access and propagation;
- (c) Habitat improvement including the planting and culling of vegetation;
- (d) That part of the Class Environmental Assessment for Fish Stocking in New Waters which involves the giving of notices to the public and others;

be exempt from the application of the Act pursuant to section 29; and

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

- A. The Crown and the public will be interfered with and damaged by the expense required to prepare an environmental assessment for activities that will have no significant adverse effects on the environment.
- B. The environmental, recreational and economic benefits accruing to the people of Ontario will be reduced in the absence of these wildlife management activities.

- C. If the notices required to be given pursuant to the Class Environmental Assessment for Fish Stocking in New Waters, approved under the Environmental Assessment Act, the 1st day of April, 1982 and published in The Ontario Gazette dated MAY 8, 1982, were to be given, there is a possibility that freshly stocked new waters would be prematurely fished out by persons who became aware of the stocking through such notices thus frustrating the purpose of the activity and injuring the Ministry of Natural Resources.

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

The undersigned is of the opinion that it is in the public interest to order and orders that the undertaking is exempt from the application of the act for the following reasons:

- A. The activities referred to in this order are not expected to have significant harmful effects on the environment;
- B. The activities carried out under this order have direct and indirect recreational and economic benefits to the people of Ontario;
- C. The undertaking is carried out in accordance with accepted wildlife management principles and is designed to meet objectives which are established through projected wildlife population studies and user demand estimates.

This exemption is subject to the following terms and conditions:

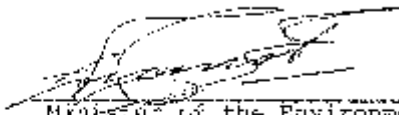
1. Where wildlife population and habitat management activities have, or may have, a significant effect on the environment, MNR shall provide prior notice of that activity to the affected public and government agencies. The notice, which may be in the form of media advertisements, shall specify the location and description of the project, the scheduled project commencement date, the return period for comments and where additional information on the project is available. The notice shall be issued at least 30 days before implementation commences.

2. Where the Minister of the Environment determines, after consultation with the Minister of Natural Resources, that a proposed activity:
 - a) may generate an unusual amount of public or Government concern;
 - b) may have unusual or significant potential environmental impacts not adequately treated in the pertinent planning exercise; or
 - c) would otherwise warrant an environmental assessment,

the Minister of the Environment may, by written notice to the Minister of Natural Resources, direct that an environmental assessment be prepared for the activity in which event the activity will not be exempt under this Order.

3. Where the Minister of the Environment has given written notice to the Minister of Natural Resources that he is considering the application of condition 2 to an activity, MNR shall not implement the activity until 45 days have elapsed from the giving of notice or the Minister of the Environment gives written notice to the Minister of Natural Resources that it is not proposed to require an environmental assessment.
4. This Exemption Order does not apply to any activity:
 - a) involving the introduction into the Province of Ontario of a species of animal, fish or vegetation not already present in the Province of Ontario;
 - b) which is likely to affect the habitat of a species designated under the Endangered Species Act (except for protecting the species); or
 - c) which is being carried out in recommended or existing provincial parks;
5. This exemption will not be used for the establishment of new wildlife management areas.

6. Where an activity which would otherwise be exempt under this Order is being carried out as or is part of an undertaking with respect to which MNR has an approval under the Act, the activity shall be carried out in accordance with the terms and conditions of that approval. This condition does not apply to the undertaking respecting the giving of notice to the public or others required by the approval date April 1, 1982 for the Stocking of Fish in New waters.
7. Where an activity which otherwise would be exempt under this order is being carried out with another proponent and that proponent has an approval under the Act for that activity, it shall be carried out in accordance with the terms and conditions of that approval and shall not be exempt under this order.



Minister of the Environment

Approved by O.C. No. 305 /85

C. Reg. No. 109 /85

Filed with the Registrar of Regulations, March 5, 1985

Ontario Gazette Mar. 23, 1985

5. Declaration Order MNR-62

Filed as O. Reg.	520 195
On	DEC 14 1995
Proposed Ontario Gazette date	Dec. 30 1995
REGISTRAR OF REGULATIONS	

MNR-62

ORDER MADE UNDER THE ENVIRONMENTAL ASSESSMENT ACT

Exemption - Ministry of Natural Resources, Ministry of Health and Ministry of Agriculture, Food and Rural Affairs

Having received a request from the Minister of Natural Resources, the Minister of Health and the Minister of Agriculture, Food and Rural Affairs that an undertaking, namely:

The carrying out of the Wildlife Rabies Control Program to control and seek to eliminate rabies from wildlife in Ontario, through the vaccination of wildlife species that spread the disease;

be exempt from the application of the Act pursuant to section 29; and, having been advised that if the undertaking is subject to the application of the Act, the following injury, damage or interference with persons or property will occur:

- A. The Crown and the public will be interfered with and damaged by the expense required to prepare an environmental assessment for activities that will not have significant adverse environmental effects;
- B. The Crown and the public will be interfered with by the delay in carrying out an activity which is principally a public health and safety and environmental protection measure;
- C. The Crown and the public will be damaged by the loss of anticipated benefits associated with undertaking this program;

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

The undersigned is of the opinion that it is in the public interest to order and orders that the undertaking be exempt from the application of the Act for the following reasons:

- A. Five years spent developing the Wildlife Rabies Control Program have shown that the significant environmental effects are positive, i.e., the program is successful.
- B. Prior to commencing a wildlife rabies control activity, the affected public will be notified;
- C. The Wildlife Rabies Control Program is important to the continued health and safety of Ontario's natural, social and economic environment;

- D. Vaccines used must be licensed by Agriculture and Agri-food Canada.
- E. The objectives of the wildlife rabies control program are consistent with the protection, conservation and wise management of Ontario's environment.

This exemption is subject to the following terms and conditions:

1. At least 30 days prior to commencing a wildlife rabies control activity, either through aerial baiting, hand baiting or trapping, vaccinating and releasing, the public and the Director of the appropriate regional office of the Ministry of Environment and Energy shall be notified of the project by the Ministry of Natural Resources (MNR).
2. The effects and effectiveness of the rabies vaccination program will be monitored by MNR. A summary of the monitoring findings and the activities carried out under the Wildlife Rabies Control Program will be submitted by MNR to the Director of the Environmental Assessment Branch of the Ministry of Environment and Energy on June 30 of each year of this approval. Each summary will be based on data from the previous year. Copies of this summary shall be available for examination by the public, upon request, from the MNR, the Ministry of Health and the Ministry of Agriculture, Food and Rural Affairs.
3. Where any activity which is subject to this order, is carried out as, or is part of, another undertaking which is subject to an exemption order or approval under the Environmental Assessment Act, the activity exempt under this order shall be carried out in accordance with any terms or conditions in the other exemption order or approval, as well as the terms or conditions in this order. In the event of a conflict between any term or condition in this exemption order and any terms or condition in another exemption order or approval, the term or condition of this exemption order shall prevail to the extent of the conflict.
4. This order expires ten years from the date of the approval of this exemption order or on such later date as is determined by the Minister of Environment and Energy and published in the Ontario Gazette.



Minister of Environment and Energy

Approved by O.C. No. 3243 /95. Nov 29/95

O. Reg. No. 520 /95.

Filed with the Registrar of Regulations, 14/12/ 1995.

Ontario Gazette 30/12/ 1995.

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