



# **A Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the *Mining Act***

**Ontario Ministry of Northern Development and Mines**

Mineral Development and Lands Branch

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# TABLE OF CONTENTS

<b>1.0</b>	<b>Introduction .....</b>	<b>6</b>
1.1	Mining in Ontario .....	6
1.2	The Ministry of Northern Development and Mines.....	6
1.3	Ontario's <i>Mining Act</i> .....	6
1.4	Ontario's <i>Environmental Assessment Act</i> .....	7
1.4.1	Class Environmental Assessment .....	8
1.5	MNDM's Class Environmental Assessment.....	8
1.6	Overview of MNDM's Class Environmental Assessment.....	9
<b>2.0</b>	<b>Undertakings Subject to MNDM's Class Environmental Assessment</b>	
	<b>12</b>	
2.1	Non-Discretionary Rights and Activities.....	12
2.2	Discretionary Tenure Decisions and Discretionary Rehabilitation Activities .....	12
2.2.1	Classes of Undertakings.....	12
2.2.2	Discretionary Tenure Decisions.....	18
2.2.2.1	Types of Discretionary Tenure Decisions .....	18
2.2.3	Discretionary Rehabilitation Activities.....	19
2.2.3.1	Prioritization of Abandoned Mine Sites .....	26
2.3	Similarities and Differences among Undertakings .....	27
2.3.1	Similarities among Undertakings .....	27
2.3.2	Differences among Undertakings .....	27
2.4	Proponent.....	28
2.4.1	Third Parties .....	28
2.4.2	Partners.....	28
2.5	Range of Environmental Settings and Effects .....	29

2.5.1	Consideration of Alternatives.....	30
2.5.2	Consideration of Potential Environmental Effects.....	30
2.5.2.1	Considerations for Discretionary Tenure Decisions .....	30
2.5.2.2	Considerations for Discretionary Rehabilitation Activities .....	31
<b>3.0</b>	<b>Screening and Categories .....</b>	<b>32</b>
3.1	Screening .....	32
3.1.1	Screening Criteria.....	32
3.1.1.1	Pre-assigned Projects.....	33
3.1.1.2	Part 1 Screening Criteria.....	35
3.1.1.3	Part 2 Screening Criteria.....	37
3.1.2	Anticipated Level of Public Interest.....	42
3.2	Categories .....	42
3.2.1	Category A: No Potential Environmental Effects .....	43
3.2.1.1	Notification .....	43
3.2.1.2	Project Review .....	43
3.2.2	Category B: Low Potential Environmental Effects .....	44
3.2.2.1	Notification .....	44
3.2.2.2	Project Review .....	44
3.2.3	Category C: Moderate Potential Environmental Effects.....	44
3.2.3.1	Notification .....	45
3.2.3.2	Project Review .....	45
3.2.4	Category D: Significant Potential Environmental Effects .....	45
3.2.4.1	Notification .....	46
3.2.4.2	Project Review .....	46
3.2.5	Individual Environmental Assessment .....	46
<b>4.0</b>	<b>Project Planning and Review Process .....</b>	<b>48</b>

4.1	Category B Project Review and Planning Process .....	48
4.1.1	Technical Requirements.....	48
4.1.1.1	Project Description.....	48
4.1.1.2	Project Documentation.....	50
4.1.2	Consultation Requirements .....	51
4.1.2.1	Notice of Opportunity to Provide Input .....	51
4.1.2.2	Statement of Completion .....	52
4.2	Category C Project Review Process.....	52
4.2.1	Technical Requirements.....	52
4.2.1.1	Project Description.....	52
4.2.1.2	Project Documentation.....	53
4.2.2	Consultation Requirements .....	54
4.2.2.1	Notice of Opportunity to Provide Input .....	54
4.2.2.2	Notice of Completion.....	54
4.2.2.3	Statement of Completion .....	55
4.3	Category D Project Review Process.....	56
4.3.1	Technical Requirements.....	56
4.3.1.1	Project Description and Consultation Plan.....	56
4.3.1.2	Draft Environmental Study Report .....	57
4.3.1.3	Final Environmental Study Report .....	58
4.3.2	Consultation Requirements .....	59
4.3.2.1	Notice of Commencement .....	59
4.3.2.2	Notice of Opportunity to Provide Input on the Draft Environmental Study Report .....	59
4.3.2.3	Notice of Completion of Final Environmental Study Report .....	60
4.3.2.4	Statement of Completion .....	61

4.4	Phases.....	62
4.5	Coordination and Integration with Other Approval Process .....	64
4.6	Mitigation .....	65
4.6.1	Typical Mitigation Measures .....	65
4.7	Effects Monitoring .....	65
<b>5.0</b>	<b>Consultation .....</b>	<b>66</b>
5.1	Consultation with Interested Persons .....	67
5.2	Consultation Methods .....	70
<b>6.0</b>	<b>Aboriginal Consultation.....</b>	<b>71</b>
6.1	Projects undertaken by MNDM .....	72
6.2	Projects with a Third-Party Applicant or Partner .....	73
<b>7.0</b>	<b>Class EA Administrative Procedures .....</b>	<b>74</b>
7.1	Compliance Monitoring and Reporting.....	74
7.1.1	Compliance Monitoring.....	74
7.1.2	Annual Reporting.....	75
7.1.3	Monitoring Projects with Part II Orders .....	76
7.2	Amendments to MNDM's Class EA .....	76
7.2.1	Minor Amendments .....	77
7.2.2	Major Amendments .....	77
7.3	Review of the Class EA .....	78
7.4	Emergencies.....	78
7.4.1	Emergencies Measures Pursuant to Section 148 of the <i>Mining Act</i> 79	
7.4.2	Emergencies when Section 148 is not Applicable .....	79
7.4.2.1	Notification to the Ministry of the Environment and Climate Change 79	
7.4.3	Consultation Requirements for Emergencies .....	80

7.5	Part II Order Process .....	80
7.5.1	Making a Part II Order Request .....	81
7.5.2	MOECC Review of the Part II Order Request .....	82
7.5.3	Minister of the Environment and Climate Change's Decision on the Part II Order Request .....	83
7.6	Changing a Project after the Class EA Process is Complete .....	84
7.6.1	Addendum Procedure .....	84
7.6.2	Lapse of Time .....	85
<b>Appendix 1: Glossary .....</b>		<b>87</b>
<b>Appendix 2: Rehabilitation Methods .....</b>		<b>96</b>
<b>Appendix 3: Heritage Management Process .....</b>		<b>105</b>
<b>Appendix 4: Screening Procedure .....</b>		<b>149</b>
<b>Appendix 5: Templates .....</b>		<b>151</b>
<b>Appendix 6: Examples of Potential Environmental Effects and Mitigation Measures .....</b>		<b>169</b>
<b>Appendix 7: Record of Consultation Template .....</b>		<b>179</b>
<b>Appendix 9: Emergency Incident Report Form .....</b>		<b>183</b>

## LIST OF TABLES

Table 1. MNDM's Discretionary Activities under the <i>Mining Act</i> .....	13
Table 2. Mine Rehabilitation Methods .....	21
Table 3. Discretionary Rehabilitation Activities .....	24
Table 4. Pre-screened Discretionary Activities .....	33
Table 5. Part 1 Screening Criteria .....	36
Table 6. Part 2 Screening Criteria .....	38
Table 7: Phases of the Class EA Planning Process .....	62

## LIST OF FIGURES

Figure 1. Overview of MNDM's Class Environmental Assessment Process .....	11
Figure 2. Project Review Process .....	49

## 1.0 Introduction

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### 1.1 Mining in Ontario

Ontario's mining legacy spans more than two centuries. The mining industry has been, and continues to be, an essential part of Ontario's economy. The mineral sector is a significant contributor to the economic well-being and high standard of living in Ontario and is an especially significant economic base of many small communities, towns, and cities in Northern Ontario, including Sudbury, Red Lake, Timmins, Marathon and Kirkland Lake.

The mineral sector in Ontario pursues mineral *exploration* and *mineral development* (italicized terms are defined in the glossary in Appendix 1). This sector is made up of individual prospectors, junior *exploration* and *mineral development* companies and major mineral producers.

### 1.2 The Ministry of Northern Development and Mines

The Ontario Ministry of Northern Development and Mines (MNDM) delivers programs that help Northern Ontario's economy and communities prosper and grow, regulate Ontario's mineral industry province wide, and ensure *geoscience* information is available and used to support a wide range of public benefits.

MNDM's Mines and Minerals Division works to support responsible land use management and mineral resource development by administering Ontario's *Mining Act* and providing public *geoscience* information and client services.

The Mines and Minerals Division is an acknowledged global leader in the sustainable development of mineral resources, contributing to a robust economy, strong communities, and a healthy *environment*.

### 1.3 Ontario's *Mining Act*

The *Mining Act* encourages *prospecting*, *mining claim staking* and *exploration* for the development of mineral resources in a manner consistent with the recognition and affirmation of existing Aboriginal<sup>1</sup> and treaty rights in Section 35 of the *Constitution Act* (1982), including the duty to consult, and to minimize the impact of these activities on human health and safety and the *environment*. The Mineral

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<sup>1</sup> The word "Aboriginal" is used in accordance with Section 35 of the *Constitution Act* and means "First Nations, Métis and Inuit."

Development and Lands Branch within the Mines and Minerals Division administers the *Mining Act* by:

- providing orderly and fair processes to ensure the availability of *Crown land* for *prospecting*, *exploration* and acquisition for *mineral development* purposes;
- encouraging, promoting and facilitating the sustained economic development of Ontario's mineral resources in an environmentally responsible manner; and
- administering Part VII of the *Mining Act* which deals principally with the rehabilitation of mines and *mining lands* in the province of Ontario.

The Mines and Mineral Division also works through its Ontario Geological Survey Branch to carry out *geoscience* projects across the province that describe Ontario's geology and earth resources, such as mineral, energy and groundwater. The *geoscience* studies are conducted to support key government priorities, including sustainable economic development, land use planning, groundwater opportunity and protection, renewable energy, and public health and safety.

#### **1.4 Ontario's *Environmental Assessment Act***

The *Environmental Assessment Act* is a provincial statute that sets out a planning and decision-making process to evaluate the potential environmental effects of a proposed *undertaking*.

An environmental assessment is a study to assess the potential environmental effects of a project undertaken by or on behalf of the government of Ontario, or by public bodies, municipalities or designated private sector parties.

Private sector (e.g., mineral sector) projects are not subject to the *Environmental Assessment Act* unless the project triggers the environmental assessment requirements of another ministry or agency, or is designated by regulation or through a voluntary agreement with the Minister of the Environment and Climate Change.

The environmental assessment process requires that a reasonable range of *alternatives to* and *alternative methods* for a project are considered. The *Environmental Assessment Act* sets out a planning and decision-making process with the purpose of providing for protection, conservation and wise management of the *environment* in Ontario.



### 1.4.1 Class Environmental Assessment

A Class Environmental Assessment (Class EA) is a document that describes a planning and decision-making process for groups (or classes) of activities for which a *proponent* must conduct an environmental assessment.

The classes of activities eligible for review under a Class EA must be routine in nature, with predictable and manageable environmental effects.

MNDM's Class EA has been prepared in accordance with Section 14 of the *Environmental Assessment Act*. The Class EA is an approved planning procedure for MNDM's applicable activities. The Class EA process provides a decision-making structure that enables the requirements of the *Environmental Assessment Act* to be met.

MNDM's Class EA will contribute to sustainable development by ensuring that MNDM's activities under the *Mining Act* that are subject to the *Environmental Assessment Act* are carried out in a manner that provides for long-term economic and environmental sustainability.

### 1.5 MNDM's Class Environmental Assessment

The purpose of MNDM's Class EA is to provide an effective process for screening, evaluating and mitigating the potential environmental effects of activities within the class and to provide appropriate consultation opportunities to ensure that all potential environmental effects of a project are considered.

For the purposes of this Class EA, a discretionary tenure decision or discretionary rehabilitation activity is an *undertaking* (or project) by MNDM.

The *undertakings* included in MNDM's Class EA were previously covered under the *Environmental Assessment Act* by *Declaration Orders*: MNDM-3 for "discretionary mining land grants" and MNDM-4 for "abandoned mine hazard rehabilitation."

MNDM's Class EA replaces *Environmental Assessment Act* coverage for the activities under the *Declaration Orders*. This document:

- provides long-term *Environmental Assessment Act* coverage for MNDM's activities under the *Mining Act* that have predictable and manageable environmental effects;
- provides clear and consistent direction about assessment and study processes in compliance with the *Environmental Assessment Act*;
- allows MNDM to identify and assess the significance of any potential environmental effects from activities subject to its Class EA;

- allows MNDM to plan, design and amend activities in a consistent manner to mitigate potential negative environmental effects from activities subject to its Class EA; and
- ensures that MNDM is consistent with other Ontario ministries that have long-term *Environmental Assessment Act* coverage.

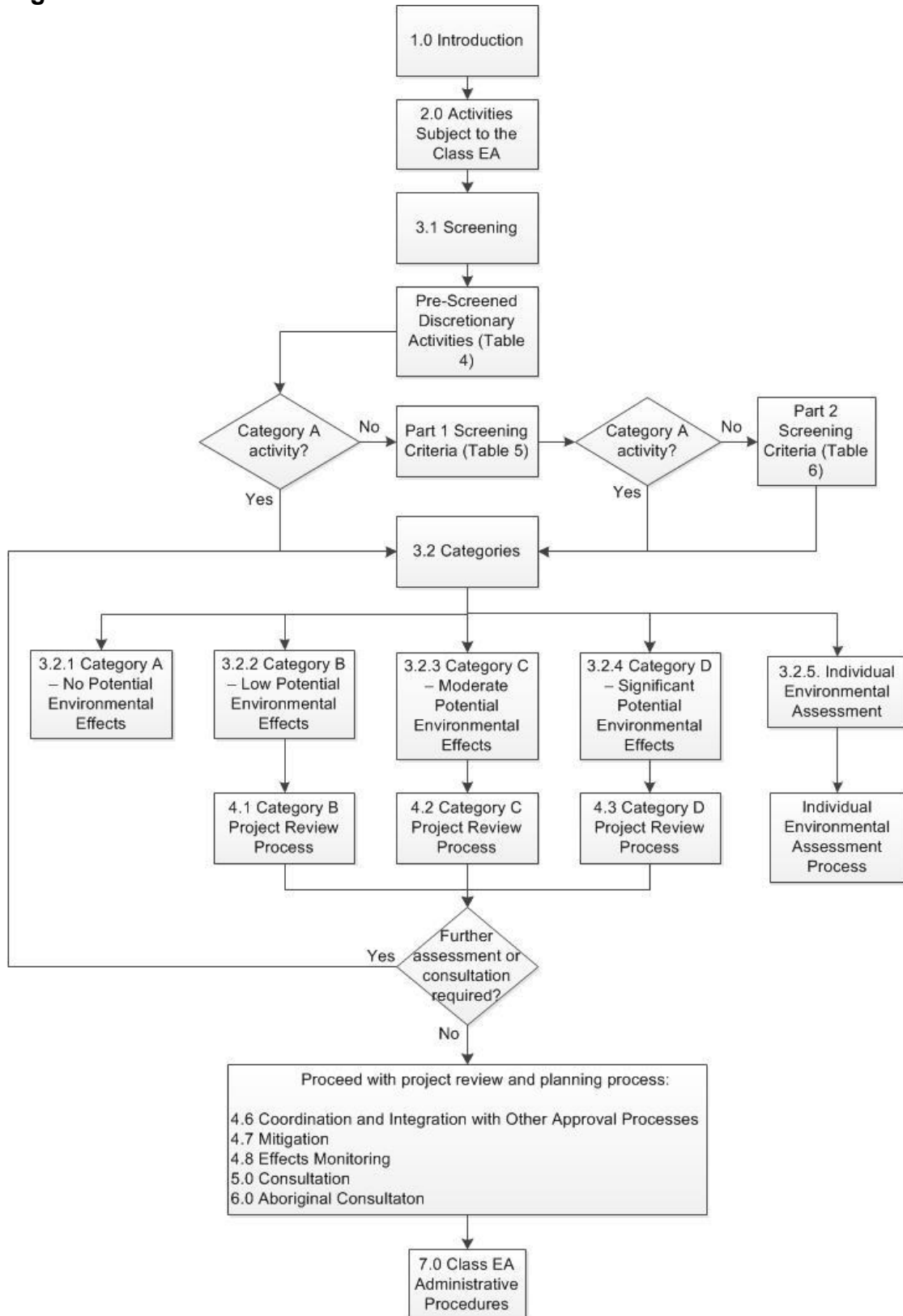
## 1.6 Overview of MNDM's Class Environmental Assessment

As illustrated in Figure 1, this Class EA is organized into the following sections:

- Section 1.0 provides an introduction to the Class EA, describes MNDM's mandate and purpose, and describes the environmental assessment process in Ontario.
- Section 2.0 describes MNDM's *undertakings* that are subject to this Class EA, MNDM's role as the *proponent* of this Class EA, and the environmental settings and effects that are to be considered when using this Class EA.
- Section 3.0 describes the processes for screening and categorizing *undertakings*.
- Section 4.0 describes the project review and planning process for *undertakings* once they have been screened and categorized, and also addresses mitigation and effects monitoring.
- Section 5.0 describes the consultation process for *undertakings* once they have been screened and categorized.
- Section 6.0 describes the Aboriginal consultation process for *undertakings* once they have been screened and categorized, including the *Crown's* duty to consult.
- Section 7.0 outlines the administrative procedures for this Class EA, including compliance monitoring and reporting, amendments, emergencies, the Part II Order process, and proceeding with an *undertaking* after the Class EA process has been completed.
- Appendix 1 contains a glossary of terms.
- Appendix 2 provides a description of methods that may be used to *rehabilitate* different types of *mine hazards*.
- Appendix 3 contains MNDM's Heritage Management Process for the identification, evaluation and assessment of known and potential *cultural heritage resources*.

- Appendix 4 provides a description of the screening procedure.
- Appendix 5 contains templates for the notices required as part of the project review and planning process.
- Appendix 6 provides examples of potential environmental effects and mitigation measures.
- Appendix 7 contains a Record of Consultation template.
- Appendix 8 contains an *Emergency* Incident Report Form.

**Figure 1. Overview of MNDM's Class Environmental Assessment Process**



## 2.0 Undertakings Subject to MNDM's Class Environmental Assessment

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This Class EA encompasses only those *undertakings* over which MNDM has a discretionary decision-making ability. Most *Mining Act dispositions* are non-discretionary in nature.

### 2.1 Non-Discretionary Rights and Activities

The majority of *Crown land* and *Crown-held mining rights* in Ontario are open to *prospecting* and *mining claim staking* with the exception of lands that have been withdrawn from, or are otherwise not open for, *mining claim staking*. The majority of *mining lands* are staked *mining claims* located on *Crown land*, primarily in Northern Ontario.

The statutory entitlements to stake a *mining claim*, and to be issued a *mining lease*, where no decision or approval by MNDM is required, are not subject to the *Environmental Assessment Act* or the requirements of this Class EA.

### 2.2 Discretionary Tenure Decisions and Discretionary Rehabilitation Activities

MNDM's Class EA encompasses only discretionary tenure decisions and discretionary rehabilitation activities by MNDM under the *Mining Act*.

Despite the non-discretionary nature of most *Mining Act dispositions*, MNDM has discretionary decision-making abilities in certain special circumstances to grant rights (i.e., *mining rights* and/or *surface rights*), interests, or title in *Crown lands* for mining and mining-related purposes, or to sell or dispose of mining-related *chattels* and other Crown resources. In certain circumstances, MNDM also undertakes the discretionary rehabilitation of *mine hazards* in Ontario.

#### 2.2.1 Classes of Undertakings

The following classes of *undertakings*, formerly subject to *Declaration Orders* MNDM-3 for Discretionary Mining Land Grants and MNDM-4 for Abandoned Mine Hazard Rehabilitation, are subject to this Class EA:

1. MNDM's discretionary tenure decisions related to *surface rights*, *mining rights* and *chattels*; and
2. MNDM-administered discretionary mine rehabilitation activities.

MNDM's discretionary tenure decisions and discretionary rehabilitation activities under the *Mining Act* are listed in Table 1 and described in the following sections.

**Table 1. MNDM's Discretionary Activities under the *Mining Act***

<b><i>Mining Act</i> Section</b>	<b>Discretionary Activity</b>	<b>Description of Activity</b>
4. (1)	Rehabilitation activities undertaken on public lands	The Minister of Northern Development and Mines ("the Minister") has the authority to administer public lands for mining purposes. This includes the rehabilitation of <i>mine hazards</i> .
29. (1) and (2)	Lands not open for staking without consent of Minister	The following lands are not open for staking, unless the Minister provides consent: <ul style="list-style-type: none"> <li>○ lots within a registered plan of subdivision;</li> <li>○ lands designated by the Ministry of Natural Resources and Forestry as "summer resorts";</li> <li>○ residential/cottage lots less than one hectare each;</li> <li>○ lands within 100 metres of a residential/cottage dwelling or boundary line;</li> <li>○ railway land;</li> <li>○ natural gas, oil or water pipeline corridors;</li> <li>○ airports;</li> <li>○ developed municipal land used for public purposes (e.g., buildings, sports fields, arenas, libraries, parks or skating rinks); and</li> <li>○ lands required for the operation of an artificial reservoir or dam.</li> </ul>
34.	<i>Surface rights</i> for mining operations within 45 metres of a road or highway	Surface mining operations cannot be carried out for a <i>mining claim</i> within 45 metres of a road or highway that is maintained by the Ministry of Transportation unless the Minister of

<b>Mining Act Section</b>	<b>Discretionary Activity</b>	<b>Description of Activity</b>
		Northern Development and Mines gives written consent.
39. (2)	<i>Surface rights</i> for mining operations on agricultural lands	A person who stakes a <i>mining claim</i> does not have any right, title or interest in or to the <i>surface rights</i> . If <i>surface rights</i> are needed to carry out mining operations, the Minister may determine which parts of the <i>surface rights</i> are required for the mining operations and, if they are available, the Minister may sell or award the <i>surface rights</i> to the <i>mining claim</i> holder.
41. (3)	Termination of <i>licence of occupation</i> for rent arrears	<i>Licence of occupation</i> holders must pay annual rent for the <i>licence of occupation</i> . If the rental payment is in arrears for two years or more, MNDM may terminate the <i>licence of occupation</i> .
41. (6)	Exchange of a <i>licence of occupation</i> for a <i>mining lease</i>	The holder of a <i>licence of occupation</i> may apply to the Minister for a lease and surrender their <i>licence of occupation</i> .
52. (1) and (4) <sup>2</sup>	Permission to test or dispose of mineral content ( <i>bulk sample</i> )	The Minister's written permission, subject to such conditions as are prescribed, must be obtained prior to mining, milling, refining or disposing of more than the prescribed quantity of any mineral-bearing substance on an unpatented <i>mining claim</i> .

<sup>2</sup> *Bulk sample* permissions may be subject to the requirement to obtain an *exploration* permit issued under Section 78.3 of the Act or a *closure plan* filed under section 140.(1) of the Act. The Class EA review process for *bulk samples* will be coordinated with the *exploration* permit process in order to meet the requirements of the Class EA.

<b>Mining Act Section</b>	<b>Discretionary Activity</b>	<b>Description of Activity</b>
53. (1) and (2)	Disposition of <i>Crown</i> -owned chattels	If a <i>mining claim</i> , <i>mining lands</i> or <i>mining rights</i> are abandoned, surrendered, cancelled, forfeited or terminated, any buildings, structures, machinery, chattels, personal property, ore, mineral, slimes and <i>tailings</i> must be removed from the land within six months. Otherwise, all <i>chattels</i> at the location automatically belong to the <i>Crown</i> (unless otherwise directed by the Minister within two years). The Minister may sell or dispose of any <i>chattels</i> that have become the property of the <i>Crown</i> .
80. (1)	Reduction in area of claim where less than the prescribed area is necessary	If a <i>mining claim</i> has been staked in an area where the <i>surface rights</i> have already been granted, sold, leased or located to someone other than the staker, the Provincial Mining Recorder <sup>3</sup> may decide to reduce the area of the claim if, in his/her opinion, a smaller area is sufficient for working the mines and minerals.
80. (2)	Exclusion of part of <i>surface rights</i> from <i>mining claim</i>	If a <i>mining claim</i> has been staked in an area where there are pre-existing buildings or improvements, the Provincial Mining Recorder <sup>4</sup> may exclude certain areas of the <i>surface rights</i> that are needed for the occupation and utilization of the buildings or improvements.
81. (10)	Termination of 21-year <i>mining lease</i> for rent arrears	<i>Mining lease</i> holders must pay annual rent for the lease. If the rental payment is in

<sup>3</sup> Note: the Mining and Lands Commissioner may also make a decision under Section 80. (1) and 80. (2) of the *Mining Act* but his/her decisions are not discretionary decisions made by MNDM and are therefore not subject to this Class EA.

<sup>4</sup> Note: same as above.



<b>Mining Act Section</b>	<b>Discretionary Activity</b>	<b>Description of Activity</b>
		arrears for two years or more, MNDM may terminate the lease.
82. (5)	Termination of 10-year <i>mining lease</i> for rent arrears	<i>Mining lease</i> holders must pay annual rent for the lease. If the rental payment is in arrears for two years or more, MNDM may terminate the lease.
83. (1)	Exchange of lease for one or more replacement leases	<i>Mining lease</i> holders may apply to the Minister to exchange their lease for multiple smaller leases.
84. (1)	<i>Surface rights</i> lease	The lessee or owner of <i>mining rights</i> or a holder of a <i>licence of occupation</i> may apply to the Minister for a lease of available <i>surface rights</i> for the purpose of mining or <i>exploration</i> inside or outside the lands covered by their <i>mining rights</i> .
93.	Correction of error on title document	If a mining title document (i.e., letters patent, lease, licence or other instrument of title) contains any errors, the Deputy Minister of Northern Development and Mines ("the Deputy Minister") may direct the document to be cancelled and a correct one to be issued.
94.	Annulment of survey or subdivision and issuance of revised description	Where the Minister of Natural Resources has annulled a survey or subdivision, in whole or in part, under Section 7. (1) of the <i>Public Lands Act</i> , the Deputy Minister of Northern Development and Mines may cancel the related mining title document (i.e., letters patent, lease, licence or other instrument of title) and direct that a document be issued with the revised description of the land or <i>mining rights</i> .

<b>Mining Act Section</b>	<b>Discretionary Activity</b>	<b>Description of Activity</b>
97. (2)	Correction of mining title for lands accidentally omitted at time of staking	If two or more claims are intended to be adjacent but upon being surveyed reveal that a piece of land (known as a “fraction” or a “gore”) was accidentally omitted in either of the original <i>mining claims</i> , the Minister may award the fraction or gore to the recorded claim holder or holders as he or she sees fit.
145. (2) and (5); 153.2 (4)(a) and (b)	Realization of <i>financial assurance</i> /security to carry out rehabilitation measures	The Director of Mine Rehabilitation (“the Director”) may have the <i>Crown</i> or an agent of the <i>Crown</i> rehabilitate a <i>mine hazard</i> . If applicable, the <i>Crown</i> may use any <i>financial assurance</i> that was submitted with a <i>closure plan</i> to carry out the rehabilitation measure.
147. (2)	<i>Crown</i> intervention to <i>rehabilitate a mine hazard</i>	If person or company that is responsible for a <i>mine hazard</i> does not comply with a Director’s order to file a <i>closure plan</i> to <i>rehabilitate a mine hazard</i> , the Director may, after having given notice to the person or company, have the <i>Crown</i> (or an agent of the <i>Crown</i> that has been contracted by MNDM) <i>rehabilitate</i> the mine hazard.
176. (3)	Issuance or validation of <i>mining lease(s)</i> , <i>licence(s) of occupation</i> , patents, etc., under an Order-in-Council	In special circumstances the Minister may, subject to the approval of the Lieutenant Governor in Council, issue or validate unpatented <i>mining claims</i> , or a <i>licence of occupation</i> , lease or patent of any <i>mining land</i> or <i>mining rights</i> on such terms and conditions as the Minister considers appropriate.

<b>Mining Act Section</b>	<b>Discretionary Activity</b>	<b>Description of Activity</b>
183. (1)	Voluntary surrender of <i>mining lands</i>	The owner, lessee or holder of any <i>mining rights</i> or <i>mining lands</i> may surrender their lands and rights to the <i>Crown</i> only upon such terms as may be acceptable to the Minister.
184. (4)	Transfer of forfeited “interest” to co-owner of mining rights	Where <i>mining lands</i> or <i>mining rights</i> have been forfeited to or become the property of the <i>Crown</i> as described above, a co-owner with a partial interest in the <i>mining lands</i> or <i>mining rights</i> may apply to the Minister for a transfer of the forfeited interest to the co-owner. The Minister may do so if the co-owner pays an appropriate price per hectare as established by MNDM.
197. (3)	Forfeiture of <i>mining patent</i> for tax arrears	<i>Mining patent</i> holders must pay annual taxes on the patent. If the tax payment is in arrears for two years or more, MNDM may terminate the patent.

## 2.2.2 Discretionary Tenure Decisions

MNDM’s discretionary tenure decisions in this Class EA are related to: *surface rights*, *mining rights* and *chattels*. The majority of *Mining Act* dispositions are not discretionary.

### 2.2.2.1 Types of Discretionary Tenure Decisions

There are three general types of discretionary tenure decisions that are made by MNDM under the *Mining Act* and which are subject to the *Environmental Assessment Act*:

1. *disposition* of *Crown* resources;
2. conversion of existing land tenure; and
3. forfeiture or surrender of land title.

## 1. Disposition of Crown Resources

MNDM has discretion to grant certain or all rights to *Crown land* in some circumstances, including where the rights are not otherwise available by statutory entitlement under the *Mining Act*.

Examples of *dispositions* include: an *exploratory licence of occupation* for lands that are not open to claim staking; giving permission to remove bulk minerals or ores for testing purposes (*bulk samples*); a *surface rights* lease for mining purposes where the *mining rights* are already privately held; and disposing of or selling *chattels* such as buildings, rock piles or *tailings* areas that have become the property of the *Crown* when *mining rights* have been forfeited or surrendered to the *Crown*.

## 2. Conversion of Existing Land Tenure

A person or a company with mining interests in land may submit a request to MNDM to convert or change their mining land tenure. These conversions of title are often related to the *exploration* and *mineral development* needs of the relevant person or company.

Conversions of existing tenure include: converting a *licence of occupation* to a *mining lease*; converting a *mining lease* to an unpatented *mining claim*; converting a *mining lease* to a *mining patent*, converting a single large-sized *mining lease* into multiple small-sized *mining leases*; or converting multiple small-sized *mining leases* to a single large-sized *mining lease*.

## 3. Forfeiture or Surrender of Title

Forfeitures of title include the forfeit of *mining rights* where the *mining rights* holder is in non-compliance with statutory or contractual obligations to the *Crown* or is in arrears for *mining land* tax payments. Surrender of title includes voluntary surrender of title because the *mining rights* holder may not wish to use the land for mining purposes and therefore does not want to pay mining land taxes.

MNDM makes decisions regarding the forfeiture or surrender of *mining rights* to the *Crown* based in part on whether or not there is a *mine hazard* at the location. MNDM may decide to not accept surrender, termination or forfeiture to ensure that the responsibility of rehabilitating a *mine hazard* remains with the *mining rights* holder.

### 2.2.3 Discretionary Rehabilitation Activities

Ontario has been an international leader in mine rehabilitation since 1991. *Mine hazards* are typically *rehabilitated* in accordance with the *Mine Rehabilitation Code of Ontario* (Ontario Regulation 240/00) – which applies to all persons engaged in the rehabilitation of mines and *mine hazards* – and other applicable

legislation. The code was developed by MNDM in the mid-1990s – based on existing guidelines developed by MNDM specialists – and has been used as the basis for mine rehabilitation legislation in other jurisdictions.

Discretionary rehabilitation activities in this Class EA are related to *mine hazard* rehabilitation measures undertaken by MNDM (or by an agent of the *Crown* that has been contracted by MNDM to undertake rehabilitation measures). The goal of rehabilitation is to restore the land on which a *mine hazard* is located to its former use or condition or make it suitable for some other use; all aspects of the *environment*, as defined in the *Environmental Assessment Act* (see Section 2.5), are considered prior to the rehabilitation of a *mine hazard*.

In 1991 the *Mining Act* was amended to require previous or current owners to *rehabilitate mine hazards*; however, prior to this amendment, Ontario was left with a legacy of thousands of *abandoned mine* sites.

The majority of MNDM discretionary rehabilitation activities take place on *Crown land* on *abandoned mine* sites. Under certain circumstances, such as a situation where intervention by the *Crown* is needed to rehabilitate a privately-held *mine hazard*, MNDM (or an agent of the *Crown* that has been contracted by MNDM to undertake rehabilitation measures) may enter private land to undertake rehabilitation measures (e.g., Crown intervention to rehabilitate a *mine hazard* on private land under Section 147.2 of the *Mining Act*).

Discretionary rehabilitation activities range from being small in size with minimal potential environmental effects to large-scale engineering and design activities that involve the disposal of hazardous materials and containment and treatment of acidic and metal-laden discharges.

Each mine hazard is unique (e.g., size, location, age, proximity to other mine hazards, condition of the surrounding environment, amount of past disturbance) and the method(s) used to rehabilitate them, including mitigation and monitoring methods, must be tailored to their individual characteristics and the requirements of the Mine Rehabilitation Code of Ontario (Ontario Regulation 240/00). Table 2 lists various methods MNDM (or an agent of the *Crown* that has been contracted by MNDM to undertake rehabilitation measures) may use to rehabilitate different types of mine hazards. This list is not exhaustive; there may be other rehabilitation methods available now and new methods may be used in the future.

**Table 2. Mine Rehabilitation Methods**

Rehabilitation Method	Description
A Backfill with aggregate	Use mine rock, or other aggregate material, to completely fill a mine feature.
B Concrete cap or plug	Construct a concrete cap or plug that meets or exceeds the requirements of the <i>Mine Rehabilitation Code of Ontario</i> (“the Code”) to close a mine opening.
C Bat-friendly gate	Construct a structure to close a mine opening permanently, which stops access to humans but allows access to bats.
D Blast in	Completely fill/remove a mine feature by drilling off the surrounding and/or overlaying rock and then using explosives to collapse the mine feature.
E Remove, relocate or demolish	Take away, remove, tear down, or raze, buildings and/or other infrastructure, including pipelines, tramways and electrical lines.
F Fill with concrete	Use concrete to completely fill a mine feature.
G Fence	Construct a barrier of chain-link “hydro-standard” fencing material that meets or exceeds the requirements of the Code around the perimeter of a mine feature to prevent access.
H Berm	Construct a mound or wall of aggregate material (e.g., rock, earth or sand) to meet or exceed the requirements of the Code to prevent access.
I Flood	Fill a mine feature with water to meet or exceed the requirements of the Code.

Rehabilitation Method	Description
J Post signs	Install warning signs around the perimeter of a mine feature to warn of its hazardous nature and discourage access. Posting signs is only a “first response” by MNDM to address health and safety concerns and is not a permanent measure.
K Wet cover	Construct a barrier layer of water or water-saturated aggregate material over <i>tailings</i> or waste rock to limit the migration of oxygen to the underlying materials and reduce the generation of acidic drainage and metal leaching as specified in the Code.
L Dry cover	Construct a barrier layer comprised of one or more aggregate and/or synthetic materials over tailings or waste rock to limit the migration of oxygen to the underlying materials and to reduce the generation of acidic drainage and metal leaching as specified within the Code.
M Boulder fence	Construct a barrier of large pieces of rock that meets or exceeds the requirements of the Code around the perimeter of a mine feature to prevent access.
N Other uses	Use a mine feature (typically, but not limited to, buildings) for a purpose for which it was not originally designed for. Examples include headframes or adits used for tourism, mine buildings used as warehouses, offices, etc.
O Bury	Use mine rock or other aggregate material to completely cover a mine feature, such as a building or other infrastructure. Also, place material resulting from various rehabilitation measures into a landfill (e.g., broken concrete pieces, fibreglass or other inert waste products).

Rehabilitation Method	Description
P Recycle	Relocate scrap material (e.g., steel, glass or various other metals) from a demolished mine feature such as a building or other infrastructure to a recycling facility where it can be reused for other purposes.
Q Long-term monitoring	Periodically keep track of, test, sample, or check on a mine hazard, which can be a physical hazard or feature (e.g., <i>tailings dam</i> ) or an environmental hazard or feature (e.g., water quality near <i>tailings</i> area). Mine hazards are monitored in order to determine/predict environmental toxicity and/or physical stability.
R Breach	Break, rupture, cut or tear an opening in a mine feature, such as a <i>tailings</i> impoundment dam.
S Incinerate	Burn flammable materials such as wood and various types of fuels and oils at high temperature in compliance with all applicable legislation.
T Vegetate	Grow plant material on the surface of a mine feature, such as a tailings or waste rock area, to stabilize the material.
U Do nothing	Leave as is.
V Process (e.g., mill, and/or smelt)	Extract useful and/or valuable commodities from toxic materials, thereby making those materials less toxic.
W Impound	Enclose or contain a material to prevent its migration to the surrounding <i>environment</i> .
X Collect and treat	Gather and/or accumulate contamination from a mine feature (e.g., acidic run-off) and process or decontaminate it to reduce its toxicity.



Rehabilitation Method	Description
Y Stabilize	Make a <i>mine hazard</i> stable by revegetating, shoring (supporting), and/or otherwise correcting unsafe or deteriorating conditions (e.g., revegetate a <i>tailings</i> area to prevent erosion).
Z Disposal	The removal of material to an appropriate location or facility for its destruction or long-term storage.

Table 3 lists of the types of *mine hazards* that MNDM typically *rehabilitates* and the methods listed in Table 2 that can be used individually, or in combination, to *rehabilitate* them. Again, this list is not exhaustive; there may be additional types of *mine hazards*, and new rehabilitation methods may be developed in the future.

See Appendix 2 for a more detailed version of Table 3.

**Table 3. Discretionary Rehabilitation Activities**

Hazard Grouping	Type of Hazard	Rehabilitation Method
Openings to surface	Adits	A, B, C, D, J, Y
	Areas of subsidence	A, B, D, F, G, J, M, Y
	Exploration shafts	A, B, C, G
	Mine shafts	A, B, C, G
	Open cuts	A, B, D, F, G, Y
	Open pits	A, D, G, H, I, J, M, Y
	Portals, declines or ramps	A, B, C, D, J
	Raises to surface	A, B, C, G
	Stopes to surface	A, B, D, F, G, J, M, Y
	Stripping	A, G, J, M, Y
Trenches	Trenches	A, B, D, F, G, Y

Hazard Grouping	Type of Hazard	Rehabilitation Method
Buildings	Administrative building	E, N, O
	Explosives building	E, J, Z
	Head frame	E, N
	Hoist room	E
	Housing	E, N, O
	Laboratory	E, N, Z
	Mill / mill foundation	E, O, Z
	Miscellaneous structures	E, O, Z
	Other infrastructure	E, N, O, Z
	Smelter / refinery	E, Z
	Smoke stack	E, Z
	Water tower	E, N
Equipment	Electrical substations	E, N, O, P, Z
	Equipment	E, N, O, P
	Tramways	E, N, O, P
Drainage control structures	Decant tower	Q
	Drainage control structure	K, Q
	<i>Tailings dam</i>	Q, R, T
Chemical storage facilities	Chemical storage facilities	J, Q, Z
	Chemical wastes	J, P, S, Z
	Fuel storage	J, N, P, Q, S, Z
	Polychlorinated biphenyl (PCB) storage	J, P, S, Z
Other underground workings	Lateral workings	A, B, D, F, I, Q
	Stope	A, B, D, F, G, H, J, M, Q, U
	Winze	A, Q, U
Mine subsidence (crown pillars)	Areas of subsidence	B, D, G, H, J, M, Q, U

Hazard Grouping	Type of Hazard	Rehabilitation Method
Stockpiles	Ore stockpiles	G, H, J, K, L, M, O, Q, T, U, V, X, Y, Z
	Overburden stockpiles	G, H, J, K, L, M, N, O, Q, T, U, X, Y, Z
	Waste-rock dumps	G, H, J, K, L, M, N, O, Q, T, U, X, Y, Z
Tailings	Confined <i>tailings</i>	E, I, K, L, Q, T, U, V, W, X, Y, Z
	Unconfined <i>tailings</i>	E, I, K, L, Q, T, U, V, W, X, Y, Z
Acid / neutral mine drainage	Acid-generating <i>tailings</i>	E, G, H, I, J, K, L, M, Q, T, V, W, X, Y, Z
	<i>Heap leach</i>	E, G, H, J, K, L, M, Q, T, U, V, X, Y, Z
	Roasting yards	E, G, H, J, K, L, M, Q, T, U, V, X, Y, Z
	Treatment plants	E, J, N, P, Q, U, Z

### 2.2.3.1 Prioritization of Abandoned Mine Sites

MNDM *rehabilitates abandoned mines* in Ontario, most of which are on *Crown land*. In 2008, MNDM categorized *abandoned mine* sites in order to evaluate and prioritize human health and safety risks and environmental contamination risks. The highest priority sites are those that pose the biggest threats to human health and safety and environmental contamination.

There are over 4,000 *abandoned mine* sites in Ontario over which MNDM has some form of authority. Fewer than 20 sites fall into the category with the highest risk of potential human health and safety or environmental contamination risks (e.g., major past-producing mine sites with extensive infrastructure and large *tailings* ponds or waste rock piles with acid rock drainage concerns).

Approximately 115 sites fall into the category with the potential for limited environmental contamination risks and moderate human health and safety risks (e.g., dilapidated buildings, mine workings open to the surface, and minor amounts of *tailings*, waste rock or other potential chemical contaminants).

Approximately 1,600 of the sites contain only physical hazards (e.g., *mine shafts*, *raises* and *adits*). The remaining 2,300 sites have minimal or no significant physical hazards (e.g., shallow trenches or pits).

## **2.3 Similarities and Differences among Undertakings**

This Class EA covers a variety of activities that are generally related to *prospecting*, *mining claim staking* and *exploration* for mineral resources, as well as post-mining rehabilitation.

Categorization is based on a screening process that evaluates potential environmental effects. Only those projects that are administrative in nature or which do not change land use that is already permitted under existing *mining rights* are considered to have no environmental effects (see Section 3.2.1).

### **2.3.1 Similarities among Undertakings**

The discretionary tenure decisions and discretionary rehabilitation activities made by MNDM in accordance with this Class EA:

- will help the Mines and Minerals Division achieve its mandate to be an acknowledged global leader in the sustainable development of earth and mineral resources and to contribute to a robust economy, strong communities, and a healthy *environment*;
- will take place on former or existing *mining lands*; and
- will be connected with past or present *exploration* and mining industry activities.

### **2.3.2 Differences among Undertakings**

The discretionary tenure decisions and discretionary rehabilitation activities in this Class EA:

- have varying levels of effects on the *environment*;
- range from being administrative decisions with no impact on the *environment* to large-scale mine rehabilitation activities that ultimately result in positive environmental effects and/or improved human health and safety when the rehabilitation work is finished;
- include MNDM-administered mine rehabilitation activities that deal with a variety of methods and *mine hazards* that vary in description, size, scale, and environmental settings; and

- have site-specific characteristics and considerations that have different (or unique) assessment and consultation requirements.

MNDM will ensure that a proposed project's unique characteristics are appropriately assessed, planned for and consulted on.

## **2.4 Proponent**

As the *proponent*, MNDM will proceed with discretionary tenure decisions and discretionary rehabilitation activities subject to this Class EA in accordance with the process and requirements this document sets out.

MNDM is responsible for:

- screening all proposed projects in accordance with Section 3.0 and tables 4 to 6 of this Class EA, as applicable, including applications to MNDM by third parties requesting a discretionary tenure decision or proposing a partnership for rehabilitating an *abandoned mine* site;
- assigning projects to the appropriate category; and
- fulfilling the terms and conditions of this Class EA.

MNDM may require third parties and partners to undertake certain procedural aspects of the Class EA process such as *technical cultural heritage studies* or consultation.

### **2.4.1 Third Parties**

MNDM receives applications requiring discretionary tenure decisions related to the *disposition* of *Crown* resources. A “third party” is any person, other than an employee of MNDM, who applies to MNDM for a discretionary tenure decision.

Upon receipt of a written request from a third party for a discretionary tenure decision, MNDM will review the request to determine if more information is required and if the proposal is in compliance with policy and legislation. Terms, conditions and/or restrictions may be added to the *disposition* approval, if it is granted.

### **2.4.2 Partners**

MNDM may work with one or more partners to jointly *rehabilitate a mine hazard*. A “partner” is any person, other than an employee of MNDM, who wants to help MNDM rehabilitate a mine site.

If MNDM is approached by a potential partner to jointly *rehabilitate a mine hazard*, a partnership agreement must be reached before final decisions are made on funding and site selection.

## 2.5 Range of Environmental Settings and Effects

When evaluating the potential environmental effects of MNDM's discretionary tenure decisions and mine rehabilitation activities, MNDM will consider all aspects of the *environment*, described in Section 1. (1) of the *Environmental Assessment Act* as:

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

The potential environmental effects of MNDM's activities vary based on the location, history, and environmental setting of a particular site. The proposed project may occur within an undisturbed setting or it may occur within a previously disturbed site. There may also be unknown factors (e.g., undocumented underground mine infrastructure) that MNDM is unaware of.

The consideration of the potential environmental effects of an *undertaking* includes consideration of cultural conditions; *cultural heritage resources* are important components of those cultural conditions. MNDM's Class EA process includes consideration of the potential effects an *undertaking* may have on all aspects of the *environment*, including known or potential *cultural heritage resources*.

Assessment of the impact of proposed projects on the *cultural heritage resources* helps to inform the decisions that may affect them. MNDM's heritage management process (Appendix 3) describes how MNDM identifies, evaluates, and addresses known and potential *cultural heritage resources*.

### 2.5.1 Consideration of Alternatives

As part of the Class EA planning process, MNDM will consider a reasonable range of *alternatives*, as much as possible. The consideration of *alternatives* include *alternatives to the proposed project* and *alternatives methods* (including the “do nothing” or “null” alternative) of carrying out the proposed project. Depending on the project, there may be a limited number of appropriate *alternatives* MNDM can consider. The consideration of *alternatives* is related to the complexity of the proposed project and will be analyzed on a case-by-case basis.

### 2.5.2 Consideration of Potential Environmental Effects

The potential environmental effects of MNDM’s discretionary tenure decisions and discretionary rehabilitation activities can only be assessed on a site-by-site basis. The size, scale, nature and setting of a project need to be individually considered.

The majority of discretionary tenure decisions should result in either nil or low potential environmental effects (e.g., correction on mining title of small slivers of land accidentally omitted at time of *mining claim staking*).

Evaluation and research is required when it is necessary to identify and understand potential negative effects on the *environment*. MNDM will engage the appropriate technical experts (e.g., persons with expertise in species at risk or conservation of *cultural heritage resources*), including those within commenting government agencies, to ensure the appropriate evaluation of project proposals and to identify potential negative environmental effects and appropriate *mitigation measures*. MNDM will also engage and consult with *interested persons*, including government ministries and agencies, Aboriginal communities (i.e., First Nation or Métis communities) and members of the public to identify all relevant information and concerns prior to decision-making.

Environmental criteria that are used to screen and evaluate the potential environmental effects of a proposed project will include economic uses and impacts, public or private uses, species at risk, sensitive habitats, human health and safety, *cultural heritage resources*, and existing and asserted Aboriginal and treaty rights (see Section 3.0 and Table 6).

#### 2.5.2.1 Considerations for Discretionary Tenure Decisions

*Mineral deposits* occur in a particular location. As a result, the evaluation of a potential discretionary tenure decision about mineral tenure is limited to the *disposition* of the land in which the deposit is presumed to exist. Notwithstanding this restriction, a number of *alternatives* will be considered, including: limiting or relocating components of the proposed project (e.g., access roads, *overburden* stockpiles); using *alternatives methods*; altering the timing of the proposed

project: and restricting access or use to parts or even the entire site to avoid impacts to sensitive features. Terms and conditions, including *mitigation measures*, may be applied to MNDM's discretionary tenure decision.

#### **2.5.2.2 Considerations for Discretionary Rehabilitation Activities**

Due to the beneficial intent of discretionary rehabilitation activities (i.e., the rehabilitation of *mine hazards*), there should always ultimately be either a positive overall environmental effect and/or improved human health and safety when rehabilitation is finished.

As described in Section 2.2.3, MNDM has prioritized the rehabilitation of *abandoned mine* sites based on threats to human health and safety and environmental contamination risks.

Each *mine hazard* is unique and the method(s) used to *rehabilitate* a hazard must be tailored to its individual characteristics. The consideration of *alternatives* for mine rehabilitation activities includes: limiting or relocating components of the proposed project (e.g., access roads, new *tailings* impoundment structures); using *alternatives methods* such as *alternative* technologies and mitigation techniques; altering the timing of the proposed project; and avoiding alterations or impacts to sensitive features. When rehabilitating a *mine hazard*, MNDM will apply, where possible, a minimum intervention approach which avoids or minimizes environmental effects as much as possible.



## 3.0 Screening and Categories

MNDM's Class EA screening and categorization process enables MNDM to consider the potential environmental effects – positive or negative, direct or indirect, short- or long-term – of its discretionary tenure decisions and discretionary rehabilitation activities, as well as the potential *mitigation measures* required to reduce or avoid negative effects.

Based on the screening process for potential environmental effects (Section 3.1) and the anticipated level of public interest, MNDM will assign a proposed project to one of five categories (Section 3.2). *Mitigation measures* can be used to reduce or avoid potential negative effects (e.g., by applying terms and conditions to an approval) or to bring the effect within legislated limits. The consideration of *mitigation measures* is included in MNDM's evaluation of potential environmental effects (see Section 4.5 for information on *mitigation measures*).

MNDM will document the screening process and decision-making rationale for every proposed project and include it in the project file and/or Environmental Study Report.

### 3.1 Screening

MNDM's Class EA screening process is used to assess the level of potential environmental effects of the discretionary tenure decisions and discretionary rehabilitation activities described in Section 2.2 and listed in Table 1. The screening process is illustrated in Figure 1 and described in Appendix 4.

Defining the boundary of the project area is the initial step in the screening process. For discretionary tenure decisions the entire area of the proposed land *disposition* is to be screened. For discretionary rehabilitation activities the immediate area of the *mine hazard(s)*, including all areas to be impacted by rehabilitation, plus an appropriate buffer around the rehabilitation activity, is to be screened. The buffer is determined by MNDM based on the nature of the hazard, the specific rehabilitation measures being considered, and the magnitude of any potential environmental effects.

#### 3.1.1 Screening Criteria

Discretionary activities that are strictly “administrative” in nature and that do not change the land uses that are permitted under existing *mining rights* are listed in Table 4; these decisions are considered to have no environmental effects and are pre-assigned to Category A. MNDM's *emergency undertakings* (see Section 7.4) and *maintenance* activities are also pre-assigned to Category A.

The screening process for all other projects is made up of two sequential parts that are used to determine the level of effect on the *environment* (tables 5 and 6, and sections 3.1.1.2 and 3.1.1.3).

The screening process for most discretionary activities starts at the Part 1 screening criteria (Table 5) and, if necessary, proceeds to the Part 2 screening criteria (Table 6). The screening process for permissions to test mineral content (*bulk samples*) and discretionary rehabilitation activities that are not emergencies or maintenance activities starts at the Part 2 screening criteria (Table 6).

For a list of MNDM's discretionary activities subject to the *Environmental Assessment Act* see Table 1.

### 3.1.1.1 Pre-assigned Projects

Table 4 lists all discretionary activities for which there is no environmental effect and for which no further screening is required. These decisions are “administrative” projects of a routine nature that do not change the land use and, therefore, have no impact on the *environment*. These decisions include correcting errors on mining title documents, exchanging one large lease for multiple smaller leases, and other paper- or electronic-based decisions.

The discretionary tenure decisions listed in Table 4 are Category A activities. MNDM may proceed immediately with notification and implementation of Category A projects (see Section 3.2.1).

MNDM applies the Part 1 screening criteria (Table 5) to discretionary activities that are not listed in Table 4.

**Table 4. Pre-screened Discretionary Activities**

<b><i>Mining Act</i> Section</b>	<b>Description</b>	<b>Administrative Undertaking</b>
41. (3)	Termination of <i>licence of occupation</i> for rent arrears	Where payment of rental is in arrears two years or more, the licence may be terminated.
41. (6)	Exchange of a <i>mining licence of occupation</i> for a <i>mining lease</i>	A <i>mining licence of occupation</i> is exchanged for a <i>mining lease</i> with no change in <i>mining rights</i> .

<b>Mining Act Section</b>	<b>Description</b>	<b>Administrative Undertaking</b>
80. (1)	Reduction in area of claim where less than the prescribed area is necessary	<i>Surface rights</i> within a <i>mining claim</i> are removed from the claim.
80. (2)	Exclusion of part of <i>surface rights</i> from <i>mining claim</i>	Previously-held <i>surface rights</i> are removed from a <i>mining claim</i> .
81. (10)	Termination of 21-year <i>mining lease</i> for rent arrears	Where payment of rental is in arrears of two years or more, the lease may be terminated.
82. (5)	Termination of ten-year lease for rent arrears	Where payment of rental is in arrears of two years or more, the licence may be terminated.
83. (1)	Exchange of lease for one or more replacement leases	A single <i>mining lease</i> is exchanged for one or more <i>mining leases</i> within the same area, with no new <i>mining rights</i> being issued.
93.	Correction of error on title document	An error on the mining title document is corrected, with no change in <i>mining rights</i> .
94.	Annulment of survey or subdivision and issuance of revised description	The legal description on the mining title document is amended to remove the reference to the annulled survey, with no change in <i>mining rights</i> .
97. (2)	Correction on mining title of lands accidentally omitted at time of staking	The mining title document is corrected to accurately reflect the lands that are part of the <i>mining claim</i> , with no change in claim size or <i>mining rights</i> .

<b>Mining Act Section</b>	<b>Description</b>	<b>Administrative Undertaking</b>
145. (2); 153.2 (4)(a)	Realization of <i>financial assurance</i> /security to carry out rehabilitation measures	The <i>financial assurance</i> or security that was provided as part of a <i>closure plan</i> is used by MNDM to carry out rehabilitation measures.
164. (10)	Failure to comply with an order	The Minister may take such action as he or she considers appropriate to rehabilitate a mine hazard.
183. (1)	Voluntary surrender of <i>mining lands</i>	The owner, lessee or holder of any <i>mining rights</i> or <i>mining lands</i> may surrender their lands and rights to the Crown subject to the terms set by the Minister.
184. (4)	Transfer of forfeited “interest” to co-owner of <i>mining rights</i>	Even though the <i>mining lands</i> or rights have been forfeited to the <i>Crown</i> , the existing co-owner can continue to exercise <i>mining rights</i> while applying to MNDM for the forfeited “interest.”
197. (3)	Forfeiture of <i>mining patent</i> for tax arrears	Where payment of taxes is in arrears of two years or more, the <i>mining patent</i> may be forfeited.

### 3.1.1.2 Part 1 Screening Criteria

MNDM uses the Part 1 screening criteria (Table 5) to determine if a discretionary tenure decision has any potential environmental effects. These screening criteria are applied to all discretionary activities listed in Table 1, but not listed in Table 4. The screening may indicate that there will be no environmental effects because these decisions are “administrative” projects of a routine nature that do not change the land uses that are already permitted under existing *mining rights*.

Discretionary activities that require no further screening after MNDM has completed the Part 1 screening are Category A activities. MNDM may proceed immediately with notification and implementation of Category A projects (see Section 3.2.1).

MNDM applies the Part 2 screening criteria (Table 6) to discretionary tenure decisions that are determined have environmental effects.

**Table 5. Part 1 Screening Criteria**

Part 1 Screening Criteria				
Question		Yes	No	Comments
1	Is the decision related to a section of the <i>Mining Act</i> listed in Table 4 (Pre-screened Discretionary Activities)?			If yes, no further screening is required – Category A (see Section 3.2.1); if no, proceed to question 2.
2	Is the decision related to <i>emergency</i> measures being undertaken by MNDM?			If yes, no further screening is required – Category A (see Section 7.4); if no, proceed to question 3.
3	Is the decision related to the <i>maintenance</i> of a <i>mine hazard(s)</i> on Crown land?			If yes, no further screening is required – Category A (see Section 3.2.1); if no, proceed to question 4.
4	Is the decision related to an issuance of a <i>surface rights only lease</i> (Section 84. (1) of the <i>Mining Act</i> )?			If yes, proceed to question 5; if no, proceed to Part 2 screening criteria (Section 3.1.1.3).
5	Is the proposed <i>surface rights only lease</i> located within the applicant's existing <i>mining rights</i> lease?			If yes, no further screening is required – Category A (Section 3.2.1); if no, proceed to Part 2 screening criteria (Section 3.1.1.3).

### 3.1.1.3 Part 2 Screening Criteria

The Part 2 screening criteria (Table 6) are used by MNDM to assess the potential environmental effects of a discretionary tenure decision or discretionary rehabilitation activity and identify any *mitigation measures* that may be necessary. MNDM applies the Part 2 screening criteria when the Part 1 screening indicates that there may be potential environmental effects. For any criterion where there is a potential negative effect, the cause, degree of effect, and *mitigation measures* that can be used to eliminate or reduce the effect are considered and documented.

The screening process for permissions to test mineral content (*bulk samples*) and discretionary rehabilitation activities that are not emergencies or *maintenance* activities is initiated at the Part 2 screening criteria (Table 6).

The results of the Part 2 screening and consideration of the anticipated level of public interest (Section 3.1.2) will enable MNDM to assign the proposed project to the appropriate category. All projects that undergo this screening are, at a minimum, assigned to Category B (see Section 3.2.2).

If the Part 2 screening indicates that:

- all identified potential negative effects can be mitigated and there are no unknown environmental effects, the proposed project is assigned to Category B (see Section 3.2.2);
- there is at least one potential negative effect that cannot be readily mitigated, or if there is at least one unknown environmental effect that may require MNDM (or a third party) to gather additional information and/or undertake further research, the proposed project is assigned to Category C (see Section 3.2.3);
- there are multiple negative effects that cannot be readily mitigated, or if there are multiple unknown environmental effects, the proposed project is assigned to Category D (see Section 3.2.4); or
- there are one or more significant potential negative or unknown environmental effects that are not predictable or manageable, the proposed project will require an *individual environmental assessment* (see Section 3.2.5).

Table 6. Part 2 Screening Criteria

Part 2 Screening Criteria	Potential Environmental Effects <sup>5</sup>									Description of Positive, Negative or Unknown Effect	Description of Mitigation Measures / Studies Required to Address Negative or Unknown Effects		
	1. Is there an effect?			2. Is the known effect positive or negative?			3. Can the effect be mitigated using standard measures?						
	Yes	No	Unk.	Pos.	Neg.	Unk.	Yes	No	Unk.				
<b>Physical Environment</b>													
Protected areas / Areas of Natural and Scientific Interest (ANSIs) (overlapping or adjacent)													
Proximate First Nation Reserves / Aboriginal communities													
Noise impacts													
Vibration impacts													
Views or aesthetics													
Other (specify)													
<b>Biological Environment</b>													
Aquatic species or habitat													

<sup>5</sup> Note on screening terminology: "Unk." means "unknown;" "Pos." means "positive;" and "Neg." means "negative."

Part 2 Screening Criteria	Potential Environmental Effects <sup>5</sup>									Description of Positive, Negative or Unknown Effect	Description of Mitigation Measures / Studies Required to Address Negative or Unknown Effects		
	1. Is there an effect?			2. Is the known effect positive or negative?			3. Can the effect be mitigated using standard measures?						
	Yes	No	Unk.	Pos.	Neg.	Unk.	Yes	No	Unk.				
Terrestrial species or habitat													
Endangered species / species at risk or habitat													
Migratory bird species													
Ground water quality or quantity													
Surface water quality / quantity													
Soils - contaminants, sedimentation, erosion													
Wells or drinking water sources													
Drinking Water Source Protection Region or Area													
Air quality													
Other (specify)													



Part 2 Screening Criteria	Potential Environmental Effects <sup>5</sup>									Description of Positive, Negative or Unknown Effect	Description of Mitigation Measures / Studies Required to Address Negative or Unknown Effects
	1. Is there an effect?			2. Is the known effect positive or negative?			3. Can the effect be mitigated using standard measures?				
	Yes	No	Unk.	Pos.	Neg.	Unk.	Yes	No	Unk.		
<b>Built / Structural Environment</b>											
Infrastructure (roads, power lines, pipelines, etc.)											
Navigation routes											
Seasonal or permanent residences											
Natural or human-made hazards											
Other projects or activities (adjacent)											
Other (specify)											
<b>Social / Economic / Cultural Environment<sup>6</sup></b>											
Built heritage resources /											

<sup>6</sup> MNDM's Heritage Management Process in Appendix 3 describes how MNDM identifies, evaluates, and addresses known and potential *cultural heritage resources*. MNDM identifies known and/or potential *cultural heritage resources* by completing the screening checklists in Schedule A ("Screening for Built Heritage Resources and Cultural Heritage Landscapes") and Schedule B ("Screening for Archaeological Resources") of the appendix. The results of the screening checklists will inform the completion of the Part 2 screening criteria and will be documented on the project file by MNDM. Activities that may have an effect on known or potential cultural heritage resources require *technical cultural heritage studies* by *qualified persons*.

Part 2 Screening Criteria	Potential Environmental Effects <sup>5</sup>									Description of Positive, Negative or Unknown Effect	Description of Mitigation Measures / Studies Required to Address Negative or Unknown Effects
	1. Is there an effect?			2. Is the known effect positive or negative?			3. Can the effect be mitigated using standard measures?				
	Yes	No	Unk.	Pos.	Neg.	Unk.	Yes	No	Unk.		
cultural heritage landscapes											
Archaeological resources											
Site(s) of Aboriginal cultural significance											
Aboriginal interest in study area											
Land claims or claims in litigation against Ontario											
Recreational uses											
Agricultural or forestry uses											
Tourism uses											
Industrial uses											
Local / regional economies or businesses											
Public health and safety											
Other (specify)											

### 3.1.2 Anticipated Level of Public Interest

The results of the Part 2 screening, and consideration of the anticipated level of public interest, will enable MNDM to assign the proposed project to the appropriate category.

A component of the Part 2 screening process is the consideration of the anticipated level of public interest in, or response to, the proposed project. When assigning a project to a category consideration will be given to the following:

- Category B: little or no anticipated public interest or response for this project (see Section 3.2.2);
- Category C: moderate level of anticipated localized public interest or response for this project (see Section 3.2.3);
- Category D: high level of anticipated public interest or response for this project (see Section 3.2.4); and
- *Individual Environmental Assessment*: high level of anticipated widespread public interest or response for this project (see Section 3.2.5).

MNDM will provide notification to other government ministries and agencies, members of the public, Aboriginal communities and organizations, and other interested groups or individuals to advise them of MNDM's discretionary tenure decisions and discretionary rehabilitation activities. Based on the category that a discretionary tenure decision or discretionary rehabilitation activity has been assigned to, a greater level of notification and/or consultation may be required (see sections 3.2.2, 3.2.5 and 3.2.6).

Should the level of public interest or response be different than what was anticipated, MNDM may reassign the proposed project to a higher category.

## 3.2 Categories

Discretionary tenure decisions and discretionary rehabilitation activities are assigned to categories based on the screening process described in Section 3.1.

The categories described in MNDM's Class EA require different levels of evaluation, planning and decision-making. The purpose of the categories is to provide a streamlined planning and project review process for projects that is appropriate for their potential environmental effects. The projects are assigned to the categories as follows:

- no potential environmental effects and *emergency* activities (Category A);

- low potential environmental effects (Category B);
- moderate potential environmental effects (Category C);
- significant potential environmental effects (Category D); or
- requires an *individual environmental assessment*.

Projects in categories that have no or low potential for environmental effects require less consultation and evaluation than categories with a higher potential for environmental effects.

Mandatory consultation requirements, including Aboriginal consultation, are described in sections 5.0 and 6.0. The contact points (i.e., notification) described in the sections below are a minimum level of effort that MNDM will undertake or direct a third-party applicant or partner to undertake. Additional notification and consultation, including extending the consultation or review time period, with *interested persons* or groups and/or Aboriginal communities, including extending the consultation or review time period, may be required, especially for controversial, long-term (i.e., multi-year) or complex projects.

### **3.2.1 Category A: No Potential Environmental Effects**

Projects in this category are either *emergency undertakings* on Crown land or they have no effect upon the *environment*.

MNDM will follow Section 7.4 for *emergency undertakings* and sections 3.2.1.1 and 3.2.1.2 for all other Category A projects.

Projects with no potential environmental effects may either be administrative in nature or do not change the land uses that are already permitted under the existing *mining rights* (e.g., correction of an error on a title document). This category will encompass *maintenance* activities and discretionary tenure decisions for which no further assessment is required prior to implementation.

#### **3.2.1.1 Notification**

Consultation for Category A projects is not required; however, notice of the project is provided to the government ministries and agencies as appropriate.

#### **3.2.1.2 Project Review**

MNDM will review the input received and, if necessary, address concerns by imposing appropriate conditions on the discretionary approval. If necessary, MNDM will also consider reassigning the proposed project to Category B. Implementation of these projects will proceed without further assessment requirements.

### **3.2.2 Category B: Low Potential Environmental Effects**

Projects in this category have low potential environmental effects. The purpose of Category B projects is to ensure some type of public notification for these types of projects.

Environmental effects for Category B projects are minor and short-term in nature, well-understood and predictable. Where necessary, these effects are easily managed or mitigated (e.g., capping an abandoned mine shaft that has existing road access).

#### **3.2.2.1 Notification**

Category B notification processes are described in Section 4.1. The mandatory contact point for Category B projects is:

1. Notice of Opportunity to Provide Input (minimum 30-day comment period).

#### **3.2.2.2 Project Review**

MNDM will implement these discretionary tenure decisions and discretionary rehabilitation activities by following established prescriptions and regulations to apply appropriate terms and conditions on MNDM's approval.

MNDM will review the input received and, if necessary, address concerns by imposing additional conditions on the discretionary approval.

If the *mitigation measures* cannot address the concerns, MNDM will consider providing additional consultation opportunities and undertaking appropriate studies. If necessary, MNDM will also consider reassigning the proposed project to Category C.

### **3.2.3 Category C: Moderate Potential Environmental Effects**

Projects in this category have moderate potential environmental effects (e.g., rehabilitation of an acid-generating or metal-leaching waste rock pile).

Specific planning, design and *mitigation measures* tailored to the requirements of the project may be developed where established regulations or prescriptions are not sufficient to mitigate potential negative environmental effects.

The process by which an interested person(s) can make a request to the Minister of the Environment and Climate Change (or delegate) that a Category C project be made subject to an *individual environmental assessment* is described in Section 7.5.

### 3.2.3.1 Notification

A more comprehensive consultation process is required for projects assigned to Category C than for projects assigned to lower categories. As such, MNDM will consider consultation methods such as newspaper advertisements and open houses. Other consultation methods may be considered where appropriate (see Section 5.0 and 6.0).

Category C notification processes are described in Section 4.2. The mandatory contact points for Category C projects are:

1. Notice of Opportunity to Provide Input (minimum 30-day comment period); and
2. Notice of Completion (minimum 30-day comment period).

### 3.2.3.2 Project Review

Since these projects have moderate potential environmental effects, more information and analyses may be needed to identify these effects and potential *mitigation measures*.

MNDM will review the input received and, if necessary, address concerns by imposing additional conditions on the discretionary approval.

If the *mitigation measures* cannot address the concerns, MNDM will consider providing additional consultation opportunities and undertaking appropriate studies. If necessary, MNDM will also consider reassigning the proposed project to Category D.

### 3.2.4 Category D: Significant Potential Environmental Effects

Projects that have known or unknown and potentially substantial environmental effects (e.g., the rehabilitation of a large area of *tailings*) are classified as Category D. This category will involve extensive and detailed planning processes, including the preparation of a consultation plan and an analysis of *alternatives methods*. Projects assigned to this category will consist of MNDM's large-scale discretionary rehabilitation activities.

The process by which an interested person(s) can make a request to the Minister of the Environment and Climate Change (or delegate) that a Category D project be made subject to an *individual environmental assessment* is described in Section 7.5.

#### **3.2.4.1 Notification**

Public concern or interest in these projects may be high; as such, comprehensive consultation with other government ministries and agencies, members of the public, Aboriginal communities and organizations, and other *interested persons* will be required. MNDM will prepare a consultation plan that includes consultation methods such as newspaper advertisements, meetings, and open houses. The consultation plan will be posted on MNDM's Class EA web page. Other consultation methods may be considered where appropriate (see Section 5.0 and 6.0).

Category D notification processes are described in Section 4.3. The mandatory contact points for Category D projects are:

1. Notice of Commencement;
2. Notice of Opportunity to Provide Input on the Draft Environmental Study Report (minimum 30-day comment period); and
3. Notice of Completion of the Final Environmental Study Report (minimum 30-day comment period).

#### **3.2.4.2 Project Review**

Since these projects have significant potential environmental effects, a more comprehensive study and analysis process and the preparation of an Environmental Study Report is required to address environmental effects and the concerns of government agencies, members of the public, Aboriginal communities and organizations, and other *interested persons*.

MNDM will review the input received and, if necessary, may address concerns by developing additional *mitigation measures* for the discretionary rehabilitation activity.

If the *mitigation measures* cannot address the concerns, MNDM will consider providing additional consultation opportunities and undertaking appropriate studies. If necessary, MNDM will also consider initiating an *individual environmental assessment* for the proposed project.

#### **3.2.5 Individual Environmental Assessment**

If MNDM determines that a discretionary tenure decision or discretionary rehabilitation activity is outside of the scope of its Class EA, or has significant potential environmental effects that are not predictable or manageable, it will be made subject to *Environmental Assessment Act* requirements for an *individual environmental assessment*. MNDM may decide to undertake an *individual environmental assessment* based on the results of the screening process or as a

result of concerns expressed by government ministries and agencies, members of the public, Aboriginal communities and organizations, and/or other interested groups or individuals.

MNDM will notify the Minister of the Environment and Climate Change in writing of MNDM's intent to do an *individual environmental assessment*.



## 4.0 Project Planning and Review Process

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This section describes the project review and planning process for discretionary tenure decisions and discretionary rehabilitation activities assigned to categories B, C and D (see Figure 2). The process for an *individual environmental assessment* is set out in Part II of the *Environmental Assessment Act*.

The project review process for each category is structured into two sections: technical requirements and consultation requirements. MNDM will apply the requirements of this section to the discretionary tenure decision or discretionary rehabilitation activity, or will instruct a third party, if applicable, to meet the requirements and provide the necessary documentation to MNDM for review and approval. See sections 5.0 and 6.0 for information on MNDM's consultation requirements.

MNDM will document the project review process for every proposed project and include it in the project file that was created at the start of the screening process.

Templates for the notices referred to in this section are provided in Appendix 5.

### 4.1 Category B Project Review and Planning Process

Category B discretionary tenure decisions and discretionary mine rehabilitation activities are described in Section 3.2.2.

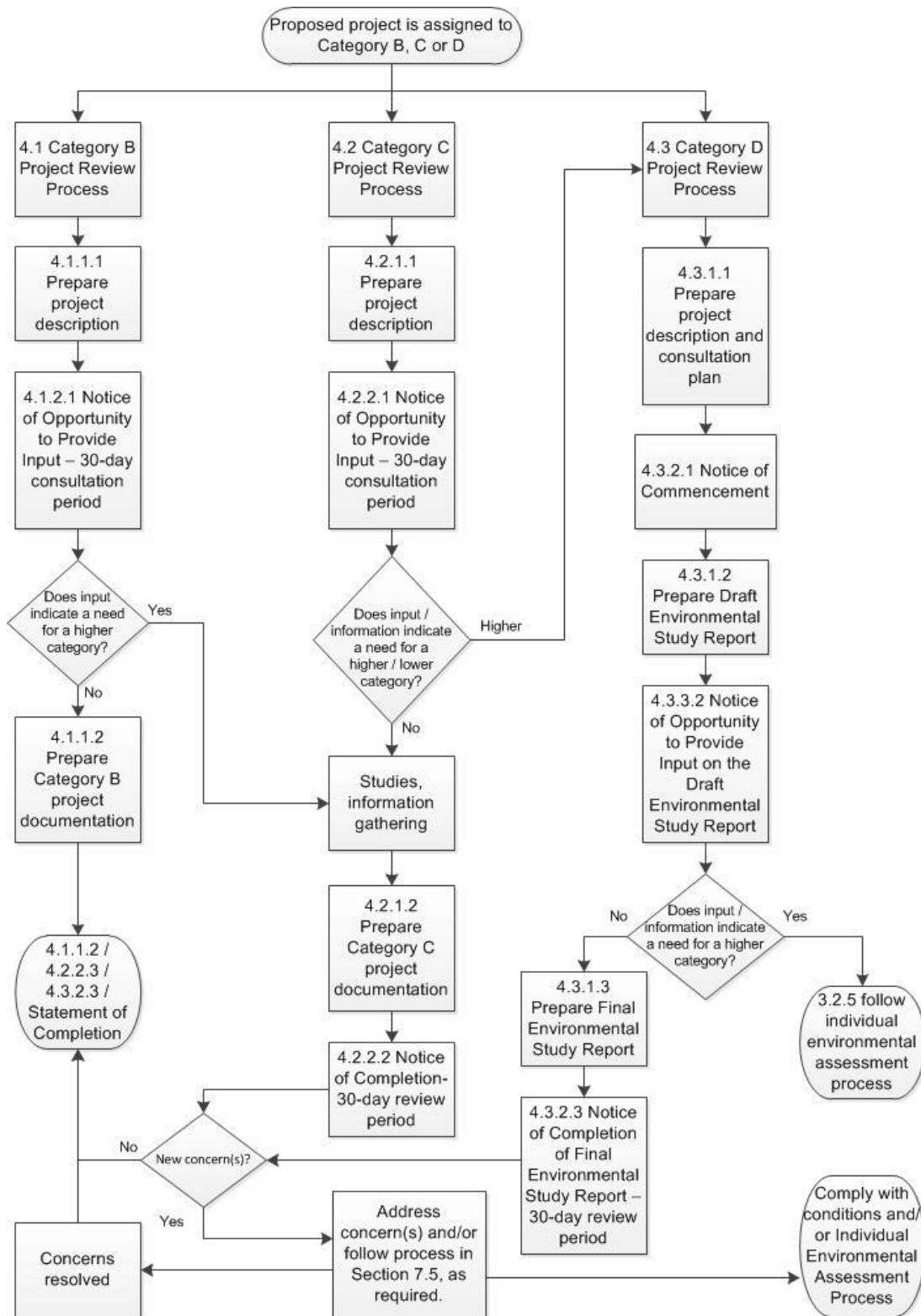
#### 4.1.1 Technical Requirements

##### 4.1.1.1 Project Description

A project description will be prepared for the discretionary tenure decision or discretionary rehabilitation activity. The project description will include:

- the title of the project;
- a summary of the discretionary tenure decision or discretionary rehabilitation activity, including a detailed description of all known information (e.g., relevant mining history and existing studies and documentation) about the discretionary tenure decision or discretionary rehabilitation activity;

**Figure 2. Project Review Process**



a map indicating the location and boundary (see Section 3.1) of the discretionary tenure decision or discretionary rehabilitation activity, as well as other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;

- a description of the screening results, including any information that led to the determination of potential environmental effects;
- a description of any *mitigation measures* being considered;
- all other documentation related to how the category was assigned; and
- next steps in the documentation and consultation processes, including an estimated time line for completion of the proposed project.

#### **4.1.1.2 Project Documentation**

The following information will be documented for MNDM's project file:

- the project description, including changes to the original proposal, if any;
- the purpose or rationale for the proposed project
- a description of the consultation that was undertaken, including Aboriginal consultation;
- a summary of the input that was received and how it was considered and addressed;
- a description of the potential environmental effects, both positive and negative;
- a description of the advantages and disadvantages of the project;
- an analysis of *mitigation measures* being evaluated, if applicable;
- an analysis of *alternatives methods* being evaluated, if applicable;
- an analysis of any studies that were undertaken, if applicable;
- an analysis of any future effects monitoring or studies that may be required;
- a description of how Category B requirements were met;
- a summary of planned construction, post-monitoring construction plans, and/or an estimation of the start and completion dates of the project, if applicable;

- any technical reports prepared for the project (as appendices); and
- a list of approvals and permits required for the project.

#### **4.1.2 Consultation Requirements**

##### **4.1.2.1 Notice of Opportunity to Provide Input**

Notice of the proposed project will be provided to the appropriate government agencies (including the Ministry of the Environment and Climate Change (MOECC) Regional Director, Air, Pesticides and Environmental Planning Supervisor and the Director of the Environmental Assessment and Permissions Branch), members of the public, Aboriginal communities and other *interested persons*, with a minimum 30-day (i.e., calendar days) comment period to provide input and express concerns. The notice will include:

- the title of the project;
- a summary of the project description, including potential environmental effects and *mitigation measures*;
- a map indicating the location and boundary (see Section 3.1) of the discretionary tenure decision or discretionary rehabilitation activity, as well as other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;
- an invitation to comment on the proposed project, including the end date of the comment period;
- a description of the next steps in the process;
- contact information for the person who will provide additional information, answer questions and receive comments; and
- a statement regarding the collection, use and disclosure of information collected during the comment period as governed by the *Freedom of Information and Protection of Privacy Act*.

At a minimum, notification will consist of a letter to government ministries and agencies, Aboriginal communities and persons that MNDM considers may be impacted by and/or interested in the proposed project. The notice will also be posted as an Information Notice on the Environmental Registry and on MNDM's Class EA web page. Additional notification and consultation methods, including newspaper advertisements, meetings and open houses, will be provided if necessary.

#### **4.1.2.2 Statement of Completion**

A Statement of Completion will be prepared, added to the project file, and posted on MNDM's Class EA web page after the 30-day comment period if no new comments or information require the proposed project to be reassigned to a higher category. The Statement of Completion will include:

- a brief summary of the project description, including a map of the location and boundary (see Section 3.1) of the project, as well as other relevant details, including existing mine hazards, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;
- a description of how Category B requirements were met; and
- a hard copy or electronic approval of the Statement of Completion by the responsible manager, including the date.

### **4.2 Category C Project Review Process**

Category C discretionary tenure decisions and discretionary rehabilitation activities are described in Section 3.2.3.

#### **4.2.1 Technical Requirements**

##### **4.2.1.1 Project Description**

A project description will be prepared for the discretionary tenure decision or discretionary rehabilitation activity. The project description will include:

- the title of the project;
- a summary of the discretionary tenure decision or discretionary rehabilitation activity, including a detailed description of all known information (e.g., relevant mining history and existing studies and documentation) about the discretionary tenure decision or discretionary rehabilitation activity;
- a map indicating the location and boundary (see Section 3.1) of the discretionary tenure decision or discretionary rehabilitation activity, as well as other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;
- a description of the screening results, including any information that led to the determination of potential environmental effects;

- a description of any potential negative or unknown environmental effect(s) that require MNDM to gather additional information and/or undertake further research (e.g., archaeological assessments, engineering reports);
- all other documentation related to how the category was assigned; and
- next steps in the documentation and consultation processes, including any research that is required and an estimated time line for completion of the proposed project.

#### **4.2.1.2 Project Documentation**

The following information will be documented for the project file:

- a project description, including changes to the original proposal, if any;
- the purpose or rationale for undertaking the project;
- a description of the consultation that was undertaken, including Aboriginal consultation;
- a summary of the input that was received and how it was considered and addressed;
- a description of the potential environmental effects, both positive and negative;
- a description of the advantages and disadvantages of the project;
- an analysis of *mitigation measures* being evaluated, if applicable;
- an analysis of *alternatives methods* being evaluated, if applicable;
- an analysis of any studies that were undertaken, if applicable;
- an analysis of any future effects monitoring or studies that may be required;
- a summary of planned construction, post-monitoring construction plans, and/or an estimation of the start and completion dates of the project, if applicable,
- any technical reports prepared for the project (as appendices);
- a list of approvals and permits required for the project; and
- a description of how Category C requirements were met.

## **4.2.2 Consultation Requirements**

### **4.2.2.1 Notice of Opportunity to Provide Input**

Notice of the proposed project will be provided to the appropriate government ministries and agencies (including the MOECC Regional Director, Air, Pesticides and Environmental Planning Supervisor and the Director of the Environmental Assessment and Permissions Branch), members of the public, Aboriginal communities and other *interested persons*, with a minimum 30-day (i.e., calendar days) comment period to provide input and express concerns. The notice will include:

- the title of the project;
- a summary of the project description, including potential environmental effects and *mitigation measures*;
- a map indicating the location and boundary (see Section 3.1) of the discretionary tenure decision or discretionary rehabilitation activity, as well as other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;
- an invitation to comment on the proposed project, including the end date of the comment period;
- a description of the next steps in the process;
- contact information for the person who will provide additional information, answer questions and receive comments; and
- a statement regarding the collection, use and disclosure of information collected during the comment period as governed by the *Freedom of Information and Protection of Privacy Act*.

At a minimum, notification will consist of a letter to government ministries and agencies, Aboriginal communities and persons that MNDM considers may be impacted by and/or interested in the proposed project. The notice will also be posted as an Information Notice on the Environmental Registry and on MNDM's Class EA web page. Additional notification and consultation methods, including newspaper advertisements, meetings and open houses, will be provided if necessary.

### **4.2.2.2 Notice of Completion**

All government ministries and agencies and persons that submitted comments, the MOECC Regional Director, Air, Pesticides and Environmental Planning

Supervisor and the Director of the Environmental Assessment and Permissions Branch, and all Aboriginal communities that were contacted, will be notified by MNDM of the result the Class EA planning process (i.e., MNDM's decision), with a minimum 30-day comment period for new concerns to be raised (including Part II Order requests to the Minister of the Environment and Climate Change). The notice will include:

- a summary of the project description, including any revised details regarding *mitigation measures*;
- a map indicating the location and boundary (see Section 3.1) of the discretionary tenure decision or discretionary rehabilitation activity, as well as other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;
- a description of how Category C requirements were met and whether the project will proceed or not proceed;
- a description of the purpose of the 30-day comment period (i.e., to receive additional comments, information and Part II Order requests);
- contact information for the person who will provide additional information, answer questions and receive comments; and
- directions about how to access a hard or electronic copy of the project file.

At a minimum, notification will consist of a letter to government ministries and agencies, Aboriginal communities and persons that MNDM considers may be impacted by and/or interested in the proposed project. The notice will also be posted as an Information Notice on the Environmental Registry and on MNDM's Class EA web page. Additional notification, including newspaper advertisements, will be provided if necessary.

#### **4.2.2.3 Statement of Completion**

A Statement of Completion is prepared, added to the project file and posted on MNDM's Class EA web page after the 30-day comment period if no Part II Order requests are received, no new comments or information require the proposed project to be reassigned to a higher category, and no *individual environmental assessment* requirements are granted by the Minister of the Environment and Climate Change. The Statement of Completion will include:

- a brief summary of the project description, including a map of the location and boundary (see Section 3.1) of the project, as well as other relevant details, including existing mine hazards, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;



- a description of how Category C requirements were met;
- confirmation that no Part II Order requests were received or that any Part II Order requests that were received were withdrawn or were denied by the Minister of the Environment and Climate Change; and
- a hard copy or electronic approval of the Statement of Completion by the responsible manager.

### **4.3 Category D Project Review Process**

Category D discretionary mine rehabilitation activities are described in Section 3.2.4.

#### **4.3.1 Technical Requirements**

##### **4.3.1.1 Project Description and Consultation Plan**

A project description and a consultation plan will be prepared for the discretionary rehabilitation activity. The project description will include:

- the title of the project;
- a summary of the discretionary rehabilitation activity, including a detailed description of all known information (e.g., relevant mining history and existing studies and documentation) about the proposed project;
- a map indicating the location and boundary (see Section 3.1) of the discretionary rehabilitation activity, as well as other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;
- a description of the screening results, including any information that led to the determination of potential environmental effects;
- a description of any potential negative environmental effect(s) or unknown environmental effect(s) that require MNDM to gather additional information and/or conduct further research (e.g., archaeological assessments, engineering reports);
- all other documentation related to how the category was assigned; and
- next steps in the documentation and consultation processes, including the preparation of the Environmental Study Report and an estimated time line for completion of the proposed project.

The consultation plan will describe:

- the general consultation methods proposed at each step of the Class EA planning process;
- how input from government ministries and agencies, members of the public, Aboriginal communities, and other interested groups or individuals will be obtained;
- how comments and concerns will be considered and how they inform decision(s);
- milestones and sequence of events in the Class EA planning process, including when consultation will occur and when decisions will be made;
- how consultation will meet the requirements of the Class EA planning process; and
- other details as necessary.

The consultation plan will be posted on MNDM's Class EA web page.

#### **4.3.1.2 Draft Environmental Study Report**

A Draft Environmental Study Report will be prepared for the discretionary rehabilitation activity. The Draft Environmental Study Report will include:

- a project description, including a map of the location and boundary (see Section 3.1) of the proposed project, as well as other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;
- the purpose or rationale for the proposed project;
- a description of *alternatives methods* of carrying out the proposed project, if applicable;
- a description of the *alternatives to* the proposed project, if applicable;
- a description of the environmental setting that will be potentially affected by the proposed project;
- a description of the potential environmental effects of the proposed project;
- a description of *mitigation measures* that are being considered;
- an evaluation of the *alternatives to* proceeding with the proposed project; and

- an evaluation of the *alternatives methods* for carrying out the proposed project.

#### **4.3.1.3 Final Environmental Study Report**

MNDM will consider input from government ministries and agencies, members of the public, Aboriginal communities, and other *interested persons* in deciding whether and how to proceed with the project.

The preferred *alternatives* will be selected and described in the Final Environmental Study Report. This report will follow the same format as described for the Draft Environmental Study Report and will also include the following:

- the project description, including any changes to the original proposal, the selected alternative(s) and, if required, a description of the final design;
- engineering diagrams and other information that describes the project, if required;
- a description of anticipated project phases, if required;
- a description of the consultation that was undertaken, including Aboriginal consultation;
- a description of the input received and how it was addressed;
- a description of the potential environmental effects, both positive and negative;
- a description of the advantages and disadvantages of the project;
- a description of the *mitigation measures* to be applied;
- a description future effects monitoring that is required;
- a summary of planned construction or post-monitoring construction plans, and an estimation of the start and completion dates of the project;
- any technical reports prepared for the project (as appendices);
- a list of approvals and permits required for the project; and
- a description of how Category D requirements were met.

### 4.3.2 Consultation Requirements

#### 4.3.2.1 Notice of Commencement

Notice of the proposed discretionary rehabilitation activity will be provided to the appropriate government ministries and agencies (including the MOECC Regional Director, Air, Pesticides and Environmental Planning Supervisor and the Director of the Environmental Assessment and Permissions Branch), members of the public, Aboriginal communities and other *interested persons*. The notice will include:

- the title of the project;
- a summary of the project description, including potential environmental effects, *mitigation measures* and *alternatives*;
- a map indicating the location and boundary (see Section 3.1) of the discretionary rehabilitation activity, as well as other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;
- an invitation to express interest the proposed project, including the end date of the comment period;
- a description of the next steps in the process, including open houses and other consultation opportunities;
- contact information for the person who will provide additional information, answer questions and receive comments; and
- a statement regarding the collection, use and disclosure of information collected during the comment period as governed by the *Freedom of Information and Protection of Privacy Act*.

At a minimum, notification will consist of a letter government ministries and agencies, Aboriginal communities and persons that MNDM considers may be impacted by and/or interested in the proposed project. The notice will also be posted as an Information Notice on the Environmental Registry and on MNDM's Class EA web page. Additional notification and consultation methods, including newspaper advertisements, meetings, open houses, steering committees and working groups, will be considered.

#### 4.3.2.2 Notice of Opportunity to Provide Input on the Draft Environmental Study Report

Notice of the proposed discretionary rehabilitation activity will be provided to the appropriate government ministries and agencies (including the MOECC Regional

Director, Air, Pesticides and Environmental Planning Supervisor and the Director of the Environmental Assessment and Permissions Branch), members of the public, Aboriginal communities and other *interested persons*, with a minimum 30-day (i.e., calendar days) comment period to provide input and express concerns. The notice will include:

- the title of the project;
- a summary of the project description, including potential environmental effects, *mitigation measures* and *alternatives*;
- a map indicating the location and boundary (see Section 3.1) of the discretionary rehabilitation activity, as well as other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;
- an invitation to comment on the proposed project, including the end date of the comment period;
- a description of the next steps in the process;
- contact information for the person who will provide additional information, answer questions and receive comments; and
- a statement regarding the collection, use and disclosure of information collected during the comment period as governed by the *Freedom of Information and Protection of Privacy Act*.

At a minimum, notification will consist of a letter the aforementioned government ministries and agencies, Aboriginal communities and persons that MNDM thinks may be impacted by, and/or interested in, the proposed project. The notice will also be posted as an Information Notice on the Environmental Registry and on MNDM's Class EA web page. Additional notification and consultation methods, including newspaper advertisements, meetings, open houses, steering committees and working groups will be considered.

#### **4.3.2.3 Notice of Completion of Final Environmental Study Report**

All government ministries and agencies and persons that submitted comments, the MOECC Regional Director, Air, Pesticides and Environmental Planning Supervisor and the Director of the Environmental Assessment and Permissions Branch, and all Aboriginal communities that were contacted, will be notified by MNDM of the result the Class EA planning process (i.e., MNDM's decision), with a minimum 30-day comment period for new concerns to be raised (including Part II Order requests to the Minister of the Environment and Climate Change). The notice will include:

- confirmation that the Final Environmental Study Report has been completed;
- a summary of the project description, including potential environmental effects, *mitigation measures* and *alternatives*;
- a map indicating the location and boundary (see Section 3.1) of the discretionary rehabilitation activity, as well as other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;
- a description of how Category D requirements have been met;
- a description of the purpose of the 30-day comment period (i.e., to receive additional comments, information and Part II Order requests);
- contact information for the person who will provide additional information, answer questions and receive comments; and
- directions about how to access a hard or electronic copy of the project file.

At a minimum, notification will consist of a letter to government ministries and agencies, Aboriginal communities and persons that MNDM considers may be impacted by and/or interested in the proposed project. The notice will also be posted as an Information Notice on the Environmental Registry and on MNDM's Class EA web page. Additional notification, including newspaper advertisements, will be provided if necessary.

#### **4.3.2.4 Statement of Completion**

A Statement of Completion is prepared, added to the project file and posted on MNDM's Class EA web page if, during the 30-day comment period, no Part II Order requests are received, no new comments or information require the project to be reassigned to a higher category, and no *individual environmental assessment* requirements are granted by the Minister of the Environment and Climate Change. The Statement of Completion will include:

- a brief summary of the project description, including a map of the location and boundary (see Section 3.1) of the project, as well as other relevant details, including existing mine hazards, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;
- a description of how Category D requirements were met;
- confirmation that no Part II Order requests were received, or that any Part II Order requests that were received were withdrawn or were denied by the Minister of the Environment and Climate Change; and

- a hard or electronic approval of the Statement of Completion by the responsible manager.

#### 4.4 Phases

The Class EA project review and planning process described in the previous sections can be broken down into four general phases. The components of each phase described below are flexible and can be adjusted to suit the project category and the needs of the project. The phases for each category are described in Table 7.

**Table 7: Phases of the Class EA Planning Process**

Phase	Category B	Category C	Category D
Phase 1 – project identification and preliminary planning	Screen and categorize proposed project		
	Prepare project description	Prepare project description	Prepare project description and consultation plan
			Release Notice of Commencement and post consultation plan on MNM's Class EA web page
Phase 2 – project evaluation	Gather information and evaluate alternatives, methodology, and mitigation measures	Gather information and evaluate alternatives, methodology, and mitigation measures	Prepare Draft Environmental Study Report
	Release Notice of Opportunity to Provide Input (minimum 30-day comment period)	Release Notice of Opportunity to Provide Input (minimum 30-day comment period)	Release Notice of Opportunity to Provide Input on Draft Environmental Study Report (minimum 30-day comment period)

Phase	Category B	Category C	Category D
Phase 3 – project documentation	Prepare documentation for project file	Prepare documentation for project file	Prepare Final Environmental Study Report
		Notice of Completion (minimum 30-day comment period)	Notice of Completion (minimum 30-day comment period)
Phase 4 – project implementation	Prepare Statement of Completion, implement, monitor and evaluate project		

### Phase 1 – Project identification, categorization and preliminary planning

- Determine if the Class EA and/or *Environmental Assessment Act* applies to the proposed project.
- Consider if previous planning work (e.g., studies, engineering plans) can be used and incorporated into the project.
- Identify the study area and determine preliminary category based on screening process.
- Prepare a project description and a consultation plan (if required).
- If required, release Notice of Commencement and post consultation plan on MNDM's Class EA web page.

### Phase 2 – Project evaluation

- Describe baseline conditions of the *environment* in the study area.
- Evaluate *alternatives*, including predictions of positive and negative environmental effects of alternatives and identification of mitigation and monitoring measures.
- Identify preferred alternative, including mitigation and monitoring measures.
- Release Notice of Opportunity to Provide Input for a (minimum) 30-day comment period.



- Reassess project status to determine if level of planning and review (i.e., category) is still appropriate.

### **Phase 3 – Project documentation**

- Prepare documentation for project file and/or Environmental Study Report.
- Release Notice of Completion for a (minimum) 30-day comment period, if required.

### **Phase 4 – Project implementation**

- Prepare Statement of Completion.
- Implement project as described in the documentation.
- Monitor and evaluate project.

## **4.5 Coordination and Integration with Other Approval Process**

Under certain circumstances, discretionary tenure decisions or discretionary rehabilitation activities being planned under MNDM's Class EA may require approvals under other federal, provincial and/or municipal legislation. Where appropriate, MNDM will coordinate or integrate the Class EA planning process with the other legislation or planning processes. This means that the planning for the proposed project must be undertaken at the same time as another regulatory approval and meet regulatory requirements jointly. Coordination or integration involves reducing duplication and notification, and sharing consultation and documentation so that the entire process is more timely and efficient.

Occasionally there may be discretionary tenure decisions or discretionary rehabilitation activities that are also subject to another government agency's environmental assessment requirements (e.g., MNDM may need to apply for a land use permit from the Ministry of Natural Resources and Forestry to construct a temporary access road to an *abandoned mine* site). There may also be circumstances where there is more than one *proponent* and each *proponent* has a Class EA that applies. Proposed projects that need to be assessed under MNDM's Class EA and another Class EA will be coordinated in a manner that ensures the fulfillment of all Class EA requirements, including consultation and documentation requirements.

Where MNDM is the *proponent* of the proposed project, MNDM will follow its Class EA. Where the project of a third party is subject to another Class EA or equivalent approval process, and the third party's project is conditional upon a *grant* or transfer from MNDM, MNDM will ensure that the requirements of its Class EA are met, where possible, by the equivalent approval process and that the *grant* or transfer by MNDM not be made until the other approval process is

complete. If there is no other Class EA or equivalent process, the project will be assessed under MNDM's Class EA.

Some of MNDM's projects may also be subject to the requirements of the *Canadian Environmental Assessment Act*. For projects that may be subject to the Act, MNDM (or a third party applicant) will notify the Ontario Regional Office of the Canadian Environmental Assessment Agency.

## **4.6 Mitigation**

Mitigation is the process of avoiding, eliminating, offsetting or reducing to an acceptable level the potential environmental effects of a project. It can include restoration or enhancement where feasible.

The majority of discretionary tenure decisions and discretionary rehabilitation activities covered by MNDM's Class EA should be either administrative in nature or produce negative effects that are easily mitigated by applying terms and conditions and/or by following regulations.

Potential negative environmental effects will be identified early in the Class EA screening and planning process in order to develop specific *mitigation measures*, if possible.

All *mitigation measures* will be documented in the project file and/or Environmental Study Report.

### **4.6.1 Typical Mitigation Measures**

Generally, *mitigation measures* may include modifications to the project design or implementation techniques; a change in timing or location; a change in methods used; the addition of terms, conditions or restrictions on MNDM's approval; or other measures to minimize potential negative environmental effects.

See Appendix 6 for examples of typical *mitigation measures* that MNDM could use to address potential negative environmental effects.

## **4.7 Effects Monitoring**

Effects monitoring refers to monitoring that may be required as part of the implementation of a discretionary tenure decision or discretionary rehabilitation activity. This is different from compliance monitoring (Section 7.1.1), which is a monitoring program that determines whether MNDM's Class EA is meeting its intended purpose.

Certain discretionary tenure decisions and rehabilitation activities may require effects monitoring before, during and after the project has been implemented. For example, MNDM will periodically keep track of, test, sample, or check on a *mine*

*hazard*, which can be a physical hazard or feature (e.g., *tailings dam*) or an environmental hazard or feature (e.g., water quality near *tailings* area) in order to determine or predict environmental toxicity and/or physical stability.

Effects monitoring allows MNDM to assess whether the predictions of potential environmental effects were accurate, and to determine the effectiveness of *mitigation measures*. Effects monitoring allows action to be taken when unintended or unanticipated environmental effects occur.

Requirements for effects monitoring should be considered throughout the Class EA planning process for Category B, C and D projects. The level of effects monitoring required, if any, will depend on the project.

If no effects monitoring is required, then the rationale for this should be included in the project file and/or Environmental Study Report. If effects monitoring is required, a monitoring program will be developed during the Class EA planning process.

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## 5.0 Consultation

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Effective and meaningful involvement of *interested persons*, including government ministries and agencies, members of the public and Aboriginal communities, is an integral part of MNDM's Class EA process. Participants in consultation often play a significant role in determining the outcome of a project by providing input and information and raising concerns about the proposed project. The Class EA process is not a consensus-building exercise but the information provided by *interested persons* will assist MNDM in considering all issues while making decisions.

Some projects may affect Aboriginal communities who have asserted or established Aboriginal and treaty rights as protected by Section 35. (1) of the *Constitution Act, 1982*. The requirement to consult with these potentially affected Aboriginal communities is commonly referred to as the *Crown's* "duty to consult". This is a distinct requirement in addition to any consultation with *interested persons* and is discussed in more detail in Section 6.0.

Consultation, as part of the Class EA process, is intended to:

- identify concerns;
- identify government ministries' and agencies' mandates, involvement and concerns;
- identify relevant information, guidelines, policies and standards;

- identify all required approvals, licences or permits;
- provide guidance to MNDM about the preparation of the project documentation and Class EA process;
- provide relevant information to interested government ministries and agencies, members of the public, Aboriginal communities, and other groups or individuals;
- encourage the submission of requests for further information and analysis early in the Class EA process; and
- enable MNDM to make a fair and balanced decision.

## 5.1 Consultation with Interested Persons

Consultation with government ministries and agencies, members of the public, Aboriginal communities, and other interested groups or individuals is an essential part of planning, designing and implementing projects, as well as a key component of the Ontario environmental assessment process. One element of the decision-making process is ensuring that those with a potential interest in a proposed project are provided with an opportunity to contribute to and influence MNDM's decisions where possible. Consultation helps to ensure that concerns are identified early and addressed appropriately.

The *Environmental Assessment Act* requires *proponents* to consult with *interested persons* about potential effects of a proposed project proceeding under an approved Class EA.

While *proponents* have a responsibility to provide appropriate information to *interested persons* in a timely manner and address project considerations as much as they can, *interested persons* have a responsibility to learn about the project and the process so that they can raise their concerns in an effective manner.

As the proponent of this Class EA, MNDM will determine the approach to consultation that is required for a project. The approach to consultation is based on the type of project, the level of public interest in the process, the existing *environment* and other circumstances.

Consultation requirements for Category B projects, for example, are less than those of Category D projects because Category B projects are considered to be straightforward, have minor, short-term environmental effects that are well understood and predictable, and/or the expected level of public interest is nil or minimal. Consultation requirements for Category D projects, as another example, are greater because the project may be more complex, several *alternatives* may be under consideration, the environmental setting is very sensitive to disturbance, the number, significance and range of potential environmental

effects are high and/or unknown, and/or the expected level of public interest is high or controversial.

For Category D projects, MNDM will prepare (or direct a third party applicant or partner to prepare) a consultation plan that outlines the activities that will take place during the Class EA planning process.

The consultation plan will:

- describe the general consultation methods proposed at each step of the Class EA planning process;
- provide an outline of how input from government ministries and agencies, members of the public, Aboriginal communities, and other interested groups or individuals will be obtained;
- describe how comments and concerns will be considered and inform decision(s);
- describe the milestones and the sequence of events in the Class EA planning process, including when consultation will occur and when decisions will be made; and
- describe how consultation will meet the requirements of the Class EA planning process; and
- include other details as necessary.

The consultation plan will be posted on MNDM's Class EA web page.

MNDM will direct third-party applicants and partners (see Section 2.4), where applicable, to conduct public consultation, including consultation with those who are affected by the project, in a manner that is appropriate for the anticipated environmental effects.

For Category B projects, the opportunity for affected government ministries and agencies, members of the public, Aboriginal communities, and other interested groups or individuals to comment is during the comment period for the Notice of Opportunity to Provide Input. For Category C and D projects, there are multiple opportunities to express concerns, the last being the comment period for the Notice of Completion. The consultation process, including the decisions made, will be documented in a Record of Consultation. A separate Record of Consultation is required for Aboriginal consultation (see Section 6.0 Aboriginal Consultation).

The Record of Consultation will:

- describe how the appropriate government ministries and agencies, members of the public, and other interested groups or individuals were identified by MNDM at the beginning of the Class EA planning process;
- describe all notification activities (including dates and copies of all letters and emails, meeting minutes or notes, and details of follow-up phone calls);
- describe all consultation activities that were delegated by MNDM to a third-party applicant or partner;
- include copies of the notices and information provided;
- describe the concerns raised in correspondence from government ministries and agencies, members of the public, and other interested groups or individuals;
- describe dates of face-to-face meetings, lists of attendees, and concerns raised;
- describe how concerns were addressed;
- describe any outstanding concerns; and
- a description of any changes that were made to the project as a result of consultation.

A Record of Consultation will be completed for Category B, C and D projects and will be added to the project file. A template for the Record of Consultation is included in Appendix 8.

Mandatory contact points are described Section 4.0. The contact points described the minimum level of effort that MNDM will undertake or direct a third-party applicant to undertake. Additional or extended notification and consultation with *interested persons* or groups and/or Aboriginal communities may be required, especially for controversial, long-term (i.e., multi-year) or complex projects.

Communication should continue to play an important role during any further design or implementation stages, while seeking other regulatory approvals, and during construction, operation, decommissioning and monitoring, as required.

## 5.2 Consultation Methods

Consultation, whether to fulfill mandatory consultation requirements described above or to fulfill the constitutional duty to consult, can be achieved by the use of a variety of consultation methods. When selecting appropriate consultation methods, MNDM will consider the nature of the project and the needs of *interested persons* and/or Aboriginal communities. The following is a list of notification and consultation methods that may be used for consulting with *interested persons*:

- direct mail or email;
- newspaper advertisements;
- internet notifications (i.e., MNDM's Class EA web page);
- information notices posted on the Environmental Registry;
- direct correspondence or communication;
- comment forms;
- document viewing locations;
- displays and on-site notices;
- meetings or workshops;
- open houses; and/or
- advisory committees.

This list is not exhaustive; other consultation methods may be considered where appropriate.

For each project, MNDM will determine the appropriate method(s) of consultation to achieve the intent of consultation based on:

- the location and environmental setting of the proposed project;
- interested persons and Aboriginal communities to be contacted; and
- known issues that need to be addressed.

## 6.0 Aboriginal Consultation

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The *Crown* has a duty to consult with an Aboriginal community when a proposed project might adversely affect the community's existing or asserted Aboriginal or treaty rights. The scope of the duty to consult is proportional to a preliminary assessment of the strength of the existing or asserted right, and the seriousness of the potential adverse effect.

Projects that are subject to the Class EA may, in some circumstances, have the potential to affect existing or asserted Aboriginal or treaty rights. In these situations, MNDM is responsible for fulfilling the *Crown's* duty to consult. The Class EA will provide a mechanism for engaging and consulting with Aboriginal communities and could, in many circumstances, provide the means by which MNDM can satisfy its duty to consult, where triggered, regarding a project. The Class EA will not, however, alter or detract from the *Crown's* duty to consult. MNDM recognizes that, in certain circumstances, the Class EA process may not be sufficient to satisfy its duty to consult and MNDM will accordingly supplement the Class EA process where appropriate.

The potential environmental effects of projects in this Class EA vary (see Section 2.5) and the impacts on the rights held by Aboriginal communities may be diverse. The nature of consultation will be tailored to the level of impact on Aboriginal or treaty rights. For example, for projects with minimal negative effects, the amount of consultation, including the exchange of information, will be limited. For projects that are more complex and/or where potential negative environmental effects are significant, increased consultation may be required, including face-to-face meetings and ongoing discussions. Accommodation and/or the mitigation of potential impacts may also be required.

Aboriginal communities may share traditional knowledge with MNDM. Traditional knowledge has many different definitions, not all of which are acceptable to all Aboriginal communities. In general, traditional knowledge refers to indigenous knowledge systems that have been developed and maintained over time. Traditional knowledge, as well as community views and desires regarding the use of Aboriginal traditional knowledge, will be treated with respect by MNDM.

At a minimum, Aboriginal communities will be provided with all required notices described in Section 4.0. The approach to consultation will vary according to the circumstances of each project and will be intended to satisfy MNDM's duty to consult.

The Aboriginal consultation process, including the decisions made, will be documented in a Record of Consultation.



The Record of Aboriginal Consultation will:

- describe how the appropriate Aboriginal communities were identified by MNDM the beginning of the Class EA planning process;
- describe all notification activities (including dates and copies of all letters and emails, meeting minutes or notes, and details of follow-up phone calls);
- describe all consultation activities that were delegated by MNDM to a third-party applicant or partner;
- include copies of the notices and information provided;
- describe the concerns raised in correspondence Aboriginal communities;
- include dates of face to face meetings, lists of attendees, and concerns raised;
- describe how concerns were addressed;
- describe any outstanding concerns; and
- describe any changes that were made to the project as a result of consultation.

A template for the Record of Consultation is included in Appendix 8. This record will be added to the project file and will be made available to Aboriginal communities and MOECC if requested.

## **6.1 Projects undertaken by MNDM**

For each project that MNDM consults on, MNDM's general consultation approach will be to:

- identify which Aboriginal communities should be consulted in respect of the project (in consultation with other government ministries and agencies, if required);
- coordinate or integrate MNDM's Class EA planning processes with other legislation or planning processes, if required;
- determine, based on the anticipated impacts from the project and the strength of any existing or asserted rights, the scope of required consultation with each identified community, including what steps, if any, are appropriate in addition to those otherwise required for the project by the mandatory consultation requirements;

- supply information to the identified communities and provide for sufficient time for the communities to provide their views of the project and whether it may adversely affect their Aboriginal or treaty rights;
- gather information from the identified communities about how or if the proposed projects have the potential to adversely affect the communities' Aboriginal or treaty rights;
- respond to questions from the identified communities and discuss ways to mitigate any concerns they raise regarding the project;
- assess the adequacy of the consultation process; and
- document the process and decisions made in a Record of Aboriginal Consultation.

## **6.2 Projects with a Third-Party Applicant or Partner**

Although the legal duty to consult with Aboriginal communities rests with the *Crown*, courts have recognized that third parties have an important role to play in Aboriginal consultation. Third-party applicants or partners are often in the best position to describe a project and are best placed to discuss potential changes to the project to address concerns. As a result, where there is a third-party applicant or a partner for a project subject to the Class EA, MNDM will require them to undertake certain procedural aspects of the consultation process. In those circumstances, subject to ongoing oversight and direction from the ministry, MNDM will generally expect third-party applicants or partners to:

- inform Aboriginal communities, as identified by MNDM, about the project;
- consult with identified communities in the manner directed by MNDM and gather information about how or if the project has the potential to adversely affect the communities' Aboriginal or treaty rights;
- discuss with the identified communities, and MNDM if appropriate, ways to mitigate any concerns raised regarding the project;
- document the process and decisions made and report to MNDM in the Record of Consultation; and
- seek further direction or advice from MNDM, if needed.

## 7.0 Class EA Administrative Procedures

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The following sections describe administrative processes for MNDM's Class EA, such as compliance reporting and amending the Class EA, the procedure for emergencies on *Crown land*, and the process for the considering Part II Order requests.

### 7.1 Compliance Monitoring and Reporting

Compliance monitoring of the administration of MNDM's Class EA, and periodic review and reporting on its Class EA, are necessary to ensure that projects are being carried out in a manner consistent with the provisions in the Class EA and the Ontario environmental assessment process, and to identify any opportunities to improve this Class EA.

#### 7.1.1 Compliance Monitoring

The purpose of compliance monitoring is to ensure that MNDM meets its legislative and regulatory requirements as set out in the *Environmental Assessment Act*. This is different from effects monitoring (Section 4.7), which is project-specific monitoring that may be required as part of the implementation of a discretionary tenure decision or discretionary rehabilitation activity.

The goals of the compliance monitoring program are to:

- provide a framework for MNDM to evaluate compliance with provisions in its Class EA;
- provide an opportunity for MNDM to identify opportunities for continuous improvement of the Class EA;
- provide MNDM with a better understanding of how to fulfill its *Environmental Assessment Act* obligations;
- provide MNDM with an increased awareness of compliance activities; and
- increase *Environmental Assessment Act* compliance rates.

MNDM will compile and retain project files, including completed screening tables, reports and studies, and consultation documentation (i.e., public notices and consultation results). On an annual basis, compliance reports will be submitted to the Director of MOECC's Environmental Assessment and Permissions Branch to

be included in the public record as part of the annual reporting as described below.

### **7.1.2 Annual Reporting**

A key aspect of the compliance monitoring program is the preparation of an annual compliance report by MNDM.

MNDM will submit an annual report to the Director of MOECC's Environmental Assessment and Permissions Branch at the end of each fiscal year. These reports will be posted electronically on MNDM's Class EA web page with hard copies available by request.

Annual reports will include:

1. a statement of the effectiveness of the Class EA document in providing for an effectual and efficient planning process, and in protecting the *environment*;
2. descriptions of any changes to MNDM's Class EA document or changes to MNDM's practises or procedures that would improve the document or its administration (this could include any changes such as changes to policies or legislation that might have taken place during the year and could affect the administration of the Class EA);
3. the identification of any common problems experienced with Class EA projects that may suggest a problem in the Class EA procedure;
4. actions that MNDM has proposed or will be proposing to address problems, deficiencies and non-compliance with the Class EA;
5. a statement by MNDM on how it has complied with any conditions in the Notice of Approval of the Class EA and the *Environmental Assessment Act*.
6. a copy of the Notice of Approval and any approved amendments to the Class EA document;
7. the findings and recommendations of any internal audits or third-party audits completed during the course of the year;
8. a summary table listing all Category B, C and D projects that were completed during the reporting period and a breakdown by class and category, including:
  - the project name and a brief description of the discretionary tenure decision or discretionary rehabilitation activity;

- the name of the contact person (e.g., Environmental Assessment Coordinator or responsible manager);
  - a description of the location of the project; and
9. a summary and percentage of Class EA projects planned and completed in accordance with the Class EA for which Part II Order requests were made to the Minister of the Environment and Climate Change and MNDM; including:
- the number and percentage of requests that were granted, denied or denied with conditions; and
  - the titles, locations, and brief descriptions of the projects.

### 7.1.3 Monitoring Projects with Part II Orders

For Part II Orders, MNDM will inform the Director of MOECC's Environmental Assessment and Permissions Branch how MNDM or the third party has fulfilled its obligations and complied with any conditions may have been imposed under the Part II Order (see Section 7.5).

## 7.2 Amendments to MNDM's Class EA

There may be times when MNDM may need to amend its Class EA, due to:

- changes to policy, regulations or legislation;
- changes or improvements in processes;
- the addition of new *undertakings*; and/or
- changes to *undertakings*, classes or categories based on experience and results from applying the Class EA.

Amendments can be brought forward by MNDM, MOECC or by other government ministries and agencies, members of the public, Aboriginal communities and organizations, and other *interested persons* or organizations. Written requests for amendments to the Class EA should be submitted to the Director of MOECC's Environmental Assessment and Permissions Branch for minor amendments (see Section 7.2.1) or to the Minister of the Environment and Climate Change for major amendments (see Section 7.2.2).

Before submitting a proposed amendment to MOECC, non-MNDM parties should consult with the Director of MNDM's Mineral Development and Lands Branch regarding the proposed amendment.

Proposed amendments must identify the concern or issue with MNDM's Class EA, the reason for the proposal, and the proposed amendment to the document.

If approved, amendments would be appended to this Class EA or included in the body of the document. The Minister of the Environment and Climate Change may require that consideration of an amendment be postponed until the next comment period, as described in Section 7.3.

The two types of amendments, minor and major, are described in the following sections.

### **7.2.1 Minor Amendments**

Minor amendments may include administrative changes, clarifications, updates, or changes to policies and procedures that, in the opinion of the Director of MOECC's Environmental Assessment and Permissions Branch, do not change the intent of the Class EA.

Requests for minor amendments can be brought forward by MNDM or other government ministries and agencies, members of the public, Aboriginal communities, and/or other *interested persons* or organizations. In consultation with the Director of MOECC's Environmental Assessment and Permissions Branch, MNDM will determine the validity of the request and whether the proposal is a minor amendment. If the Director of MOECC's Environmental Assessment and Permissions Branch agrees that the proposed amendment is valid and is appropriate for a minor amendment, then it will be approved by MOECC without consultation.

### **7.2.2 Major Amendments**

Major amendments would include changes to MNDM's Class EA that would either change the intent of the Class EA or have a significant effect on the screening, categorization and project review processes in the Class EA. Major amendments may include the addition or removal of certain *undertakings* from the Class EA or the addition of a new class of *undertakings*.

Requests for major amendments can be brought forward by MNDM or other government ministries and agencies, members of the public, Aboriginal communities and organizations, and/or other *interested persons*. In consultation with the Director of MOECC's Environmental Assessment and Permissions Branch, MNDM will determine the validity of the request and whether the proposal is a major amendment. If the Director of MOECC's Environmental Assessment and Permissions Branch agrees that the proposed amendment is valid and is appropriate for a major amendment, MNDM will undertake consultation on the proposed amendment.

Consultation will include, at a minimum, an Information Notice posting on the Environmental Registry for 30 days. The notice will also be posted on MNDM's Class EA web page. Government ministries and agencies, members of the public, Aboriginal communities, and other *interested persons* and organizations will be invited to submit comments on the proposed amendment to the Director of the Environmental Assessment and Permissions Branch. Comments will be shared with MNDM by MOECC for consideration.

The Minister of the Environment and Climate Change may require that consideration of an amendment be postponed until the next comment period, as described in Section 7.3.

Based on the comments received and MNDM's response to the comments the Minister of the Environment and Climate Change may approve the amendment, approve the amendment with conditions, or deny the amendment. Notice will be provided to commenters and an Information Notice will be posted on the Environmental Registry and on MNDM's Class EA web page.

### 7.3 Review of the Class EA

This Class EA will be reviewed by MNDM every five years. The five-year review will commence on or before the end of the fiscal year of the fifth anniversary of the date the Class EA went into effect and will occur every five years thereafter. Each review will be submitted to the Director of MOECC's Environmental Assessment and Permissions Branch and placed on the public record.

The review will provide:

- a description of any changes in relevant legislation or policy since the approval of the Class EA or since the last five-year review;
- an analysis of the annual reports submitted during the five-year period; and
- a description of any proposed amendments to the Class EA or improvements to the administration of the Class EA to ensure that it continues to meet the purpose of the *Environmental Assessment Act*.

Proposed amendments to the Class EA will be undertaken in accordance with Section 7.2.

### 7.4 Emergencies

In the case of an emergency, where MNDM has reasonable grounds to believe that a *mine hazard* is causing or is likely to cause an immediate and dangerous adverse effect, MNDM or its agents may be required to take immediate steps to

prevent, eliminate and alleviate the threat as soon as possible. *Emergency* measures are directed at the *mine hazard* that is the cause of the adverse effect; any other *mine hazards* that may be in the vicinity are not included in the *emergency undertaking*. *Emergency* measures are limited to what is required to prevent or stop the adverse effect and ensuring that no additional adverse effects are created. Emergencies may include imminent or actual threats to human life and safety; property loss or damage; erosion or failure of natural features or human-made structures; and chemical spills. Examples of emergencies include catastrophic *tailings dam* breaches, sudden ground subsidence in a populated area, and chemical storage containment failures.

MNDM will consider all aspects of the *environment* when determining the preferred method of *emergency* intervention and will make its best efforts to minimize or mitigate any potential negative effects.

MNDM's procedure for addressing an *emergency* includes internal, high level approvals as well as notification to relevant government ministries and agencies and affected people and communities.

#### **7.4.1 Emergencies Measures Pursuant to Section 148 of the *Mining Act***

Section 148 of the *Mining Act* governs the way in which MNDM addresses emergencies in certain circumstances. In general, Section 148 addresses emergencies that take place on private land. The *Environmental Assessment Act* is not applicable to *emergency* measures undertaken by or on behalf of MNDM pursuant to Section 148. (6) of the *Mining Act*.

#### **7.4.2 Emergencies when Section 148 is not Applicable**

*Emergency* measures undertaken by MNDM when Section 148 of the *Mining Act* is not applicable are subject to the *Environmental Assessment Act* and are included in this Class EA. In general, emergencies where Section 148 is not applicable take place on Crown land. *Emergency* measures are pre-assigned as Category A activities because of their urgent nature.

In the event that MNDM is required to respond to an *emergency* when Section 148 of the *Mining Act* is not applicable, the Ministry will document the need for immediate action and the type of action taken.

##### **7.4.2.1 Notification to the Ministry of the Environment and Climate Change**

MNDM will notify the Director of MOECC's Environmental Assessment and Permissions Branch within 30 calendar days after completing the *emergency* measures. An *emergency* incident report (Appendix 9) will be prepared and will:

- provide the name, location and a description of the *emergency* including, where available, before-and-after photographic documentation;



- include a copy of public notification(s), if any;
- describe the results of the action(s) taken and the resulting environmental effects (if any);
- describe any future remedial actions and monitoring efforts, if required; and
- be sent to the nearest MOECC regional and district office, with a copy to the Director of MOECC's Environmental Assessment and Permissions Branch.

#### **7.4.3 Consultation Requirements for Emergencies**

MNDM will provide notice of the *emergency* projects carried out under this Class EA to potentially affected Aboriginal and local communities, any *surface rights* or *mining rights* holders in the area, municipalities, and the appropriate government ministries or agencies (e.g., MNR district office and MOECC regional office).

Consultation will be carried out prior to and during the course of rehabilitation, if possible, and afterwards. The level and method(s) of consultation required will be determined by the scale of the *emergency*. Consultation methods can range from a phone call to a municipal office or the leadership of an affected Aboriginal community, to a mail-out to local communities, to an open house meeting with community members.

#### **7.5 Part II Order Process**

Class EAs are appropriate for classes of *undertakings* that have predictable and easily mitigated effects that are not of a size or scale that warrant an *individual environmental assessment*. However, Class EA *undertakings* may have potential environmental effects that were not considered when the Class EA was developed or that may have significant government agency, public, and/or Aboriginal community concerns associated with them. In such circumstances, a proposed project can be elevated to an *individual environmental assessment* by a Part II Order made by the Minister of the Environment and Climate Change.

The authority to make a Part II Order is granted by Section 16. (1) of the *Environmental Assessment Act*. Any person may request the Minister of the Environment and Climate Change or delegate to make a Part II Order, or the Minister may make an order under his or her own initiative.

MOECC's *Code of Practice: Preparing, Reviewing and Using Class Environmental Assessments in Ontario* (2014), describes the Part II Order process as an important tool to be used only when there are significant concerns with a proposed project and an *individual environmental assessment* is required in order to conduct a more detailed assessment.

### 7.5.1 Making a Part II Order Request

MNDM's Class EA provides government ministries and agencies, members of the public, Aboriginal communities, and other *interested persons* and organizations with the opportunity to provide input into MNDM's decision-making process. The Part II Order provisions in MNDM's Class EA are applicable after a Notice of Completion has been issued for a proposed project.

After the Notice of Completion has been released, a person with a concern has 30 calendar days (or the length of the comment period) to request that the Minister of the Environment and Climate Change make a Part II Order requiring that the project be made subject to an *individual environmental assessment*.

MNDM recommends that an interested person(s) with a concern about a discretionary tenure decision or discretionary rehabilitation activity should bring their concern to the attention of MNDM within the 30-day comment period after the Notice of Completion has been released, before submitting a Part II Order request.

The concern should be submitted in writing and discussed with MNDM staff. Ideally, the concern should be expressed as early as possible in the Class EA planning process (i.e., well before the Notice of Completion is released) as MNDM may have greater flexibility to accommodate changes to the Class EA planning process at that time.

The Minister of the Environment and Climate Change can issue a Part II Order requiring MNDM to undertake an *individual environmental assessment*. The Part II Order request must be made in writing to the Minister of the Environment and Climate Change with a copy to MNDM, and must be received within the 30-day comment period after the release of the Notice of Completion.

As per MOECC's *Code of Practice: Preparing, Reviewing and Using Class Environmental Assessments in Ontario*, the written request must include the name of the proposed project and the *proponent* (MNDM), and must address the following issues (as they relate to the identified concerns with the Class EA project review and planning process or the potential environmental effects of the proposed project):

- the potential environmental effects of the proposed project and their significance;
- the adequacy of the of the Class EA planning process and compliance with the approved Class EA process;
- the availability of other *alternatives to* the proposed project (where appropriate, since some projects may not have any alternative);

- the adequacy of the consultation program, including Aboriginal consultation, and the opportunities for consultation;
- the involvement of the requester in the planning of the proposed project;
- the nature of the specific concerns which remain unresolved;
- details of the discussions held between the requester and MNDM;
- the benefits of requiring MNDM to undertake an *individual environmental assessment*; and
- any other important matters the requester considers to be relevant.

MNDM will initiate or resume discussions with the requester to attempt to resolve the concern(s) raised in the Part II Order request. MNDM and the requester may also consider some form of dispute resolution process.

If there is any progress in addressing the concern, MNDM and the requester may agree to request the Director of MOECC's Environmental Assessment and Permissions Branch, in writing, to defer the review of the Part II Order request for up to 60 days (i.e., after the 30-day comment period for the Notice of Completion) to allow time for further discussion to take place between MNDM and the requester prior to the Minister of the Environment and Climate Change's decision on the request.

MNDM and the requester will provide MOECC with a written account and outcome of the discussion and its outcomes, and whether the Part II Order request is confirmed or withdrawn. MOECC will acknowledge receipt, in writing, of the account and outcome. It is the responsibility of MNDM and the interested person(s) to resolve concerns raised in the Part II Order request.

### **7.5.2 MOECC Review of the Part II Order Request**

A Part II Order request will be considered by the Minister of the Environment and Climate Change if it is received during the 30-day comment period after MNDM has issued a Notice of Completion. If the Minister receives a Part II Order request before the Notice of Completion has been released, the request will be considered to be premature by MOECC.

When a Part II request is received by the Minister of the Environment and Climate Change, and if MNDM is unable to resolve the concerns raised in the Part II Order request (see Section 7.5.1), the Project Evaluator at the Environmental Assessment and Permissions Branch shall request that MNDM provide a copy of any relevant documentation (e.g., project file, records of public and Aboriginal consultation). MOECC's review of the Part II Order request will commence upon receipt of all required information.

After receiving all of the required information from MNDM the Environmental Assessment and Permissions Branch will review the concerns raised in the Part II Order request and will make recommendations to the Minister of the Environment and Climate Change within 45 calendar days.

### **7.5.3 Minister of the Environment and Climate Change's Decision on the Part II Order Request**

The Minister of the Environment and Climate Change will consider the information and documentation submitted by MNDM, the requester, and any person the Minister chooses to consult with before making a decision. The Minister will also consider the evaluation criteria for Part II Order requests listed in Section 16. (4) of the *Environmental Assessment Act*:

- the purpose of the Act;
- the factors suggesting that the proposed project differs from other *undertakings* in the class to which the Class EA applies;
- the significance of the factors and of the differences mentioned above;
- any reasons given by a person who requests the order;
- the mediator's report, if any, following a referral to mediation (per Section 16. (6) of the Act); and
- such other matters as the Minister considers appropriate.

The Minister of the Environment and Climate Change will make a decision 21 days after receiving the recommendation from the Environmental Assessment and Permissions Branch and will decide to do one of the following:

- issue a Part II Order;
- deny the Part II Order request with or without conditions;
- refer the Part II Order request to mediation before making a decision; or
- advise MNDM to revise its planning where there is evidence that the proposed project has not been prepared in accordance with the Class EA.

The Minister of the Environment and Climate Change's decision is still valid if made after the deadline. MNDM will not proceed with any part of the project, or give consent to a third-party applicant to proceed with any part of the project, prior to the Minister's decision.

If the Minister decides to make a Part II Order, he or she will notify MNDM, the Part II Order requester(s) and other *interested persons*, and provide them with written reasons for that decision. If MNDM still wishes to pursue the project, MNDM will prepare an *individual environmental assessment* in accordance with Part II of the *Environmental Assessment Act*.

If the Minister of the Environment and Climate Change decides to deny the Part II Order request, he or she will notify MNDM, the Part II Order requester(s) and other interested person and provide them with written reasons for that decision. MNDM will then continue to plan and implement the project in accordance with the documentation, including commitments made during the review of the Part II Order request. MNDM will also comply with any conditions that may have been specified by the Minister.

MNDM will document for the project file how MNDM has complied with the Minister of the Environment and Climate Change's decision and will amend any other project documentation (e.g., Environmental Study Report) as necessary.

## **7.6 Changing a Project after the Class EA Process is Complete**

MNDM may proceed with a project within five years of filing a Statement of Completion.

In certain circumstances, a discretionary tenure decision or discretionary rehabilitation activity may not be implemented as it was originally planned. This section describes the process for making changes after a Statement of Completion has been filed.

### **7.6.1 Addendum Procedure**

If MNDM needs to modify a project within five years of filing a Statement of Completion the discretionary tenure decision or discretionary rehabilitation activity will be screened according to Section 3.1.

MNDM will consider:

- why the change is required;
- what are the potential environmental effects of the modification; and
- what *mitigation measures* can be implemented to reduce any potential negative environmental effects.

If there are no changes to any potential negative environmental effects or level of public or agency concern, and if there are no new potential negative or unknown environmental effects, the modification will be considered to be minor and MNDM (or the third-party applicant or partner) can proceed with project implementation.

MNDM's rationale for the minor modification will be documented in the project file and/or the Environmental Study Report.

If there is an increase in potential negative environmental effects or level of public or agency concern, and/or if there new potential negative or unknown environmental effects, the modification will be considered major. Modifications to the project, including MNDM's consideration of the modifications, will be documented as an addendum to the project file and/or the Environmental Study Report.

A Notice of Filing an Addendum (Category B) or revised Notice of Completion (Category C or D) will be provided to other government ministries and agencies (including the MOECC Regional Director, Air, Pesticides and Environmental Planning Supervisor and the Director of the Environmental Assessment and Permissions Branch), members of the public, Aboriginal communities, and other *interested persons* and organizations, including those who expressed an interest in the initial process, with a minimum 30-day opportunity to provide input on the revised project. The Notice will describe the project and its assigned category, note the date when the Statement of Completion was filed, and provide rationale for the intent to proceed with the project. The Notice will also include contact information and, if required, details regarding the opportunity to request a Part II Order.

Sample notices are provided in Appendix 5.

### **7.6.2 Lapse of Time**

If MNDM wants to proceed with a Category B, C or D project after five years has passed, the project shall be reviewed and any changes that may have taken place since the filing of the Statement of Completion will be documented. MNDM will determine if the project review process and any *mitigation measures* are still valid. If yes, a sample format for the notice is provided in Appendix 5. If not, the project will be treated as a new project and will be screened and implemented in accordance with sections 3.0 and 4.0.

If MNDM determines that the project may proceed, a Notice of Intention to Proceed with the project will be sent to government ministries and agencies, the MOECC Regional Director, Air, Pesticides and Environmental Planning Supervisor and the Director of the Environmental Assessment and Permissions Branch, members of the public, Aboriginal communities, and other *interested persons* and organizations, including those who expressed an interest in the initial process. A minimum 30-day response period will be provided. The notice will describe the project and its assigned category, note the date of the filing of the Statement of Completion, and provide rationale for the intent to proceed with the project. Contact information and details regarding the opportunity to request a Part II Order will also be included.

If, during the 30-day comment period, no Part II Order requests are received, and no comments or information are received that require the proposed project to be treated as a new project, then a Revised Statement of Completion will be prepared in accordance with sections 4.1.2.2, 4.2.2.3 and 4.3.2.3, as appropriate, and added to the project file and posted on MNDM's Class EA web page.

Sample notices are provided in Appendix 5.

## Appendix 1: Glossary

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**Abandoned mine:** a site where the mining rights holder has ceased or indefinitely suspended *exploration*, mining, or mine production on a site without rehabilitating it.

**Adit:** an opening driven into the side of a hill to access a mineral deposit.

**Alter:** as defined in the *Ontario Heritage Act*, means to change in any manner and includes to restore, renovate, repair or disturb; “alteration” has a corresponding meaning.

**Alternatives:** defined in MOECC’s *Code of Practice: Preparing, Reviewing and Using Class Environmental Assessments in Ontario* as both *alternatives methods* and *alternatives to* a proposed undertaking.

**Alternatives to:** defined in MOECC’s *Code of Practice: Preparing, Reviewing and Using Class Environmental Assessments in Ontario* as functionally different ways of approaching and dealing with a problem or opportunity.

**Alternative Methods:** defined in MOECC’s *Code of Practice: Preparing, Reviewing and Using Class Environmental Assessments in Ontario* as different ways of doing the same activity. Alternative methods could include consideration of one or more of the following: alternative technologies; alternative methods of applying specific technologies; alternative sites for a proposed undertaking; alternative design methods; and alternative methods of operating any facilities associated with a proposed undertaking.

**Archaeological resources:** include artifacts, archaeological sites, and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*. Refer to Ontario Regulation 170/04 under the Act for definitions of the terms “artifacts”, “archaeological site”, “marine archaeological site” and “archaeological fieldwork”.

**Backfill:** to refill a pit or other excavation, usually with excavated material

**Bulk Sample:** a specified quantity of a mineral bearing substance removed from an unpatented mining claim for the purposes of testing mineral content. Permission to remove the bulk sample is considered pursuant to Section 52 of the *Mining Act*.

**Chattels:** includes any building, structure, machinery, personal property, ore, slimes, *tailings* or other effects not otherwise privately owned and on mining lands that have reverted to the Crown.



**Closure plan:** defined in the *Mining Act* as a plan to rehabilitate a site or mine hazard that has been prepared in the prescribed manner and filed in accordance with the *Mining Act* and that includes provision in the prescribed manner of financial assurance to the Crown for the performance of the closure plan requirements.

**Consultant Archaeologist:** means a licensed archaeologist who enters into an agreement with a client to carry out or supervise archaeological fieldwork on behalf of the client, produce reports for or on behalf of the client and provide technical advice to the client.

**Crown:** as defined in the *Mining Act*, means Crown in right of Ontario.

**Crown land:** as defined in the *Mining Act*, does not include,

- a) land, the surface rights, mining rights or the mining and surface rights of which are under lease or licence of occupation from the Crown;
- b) land in the actual use or occupation of the Crown, the Crown in Right of Canada, or of a department of the Government of Canada or a ministry of the Government of Ontario;
- c) land the use of which is withdrawn or set apart or appropriated for a public purpose; or
- d) land held by a ministry of the Government of Ontario.

**Crown pillar:** a rock mass of variable geometry that is situated above the uppermost underground workings of a mine and that serves to permanently or temporarily ensure the stability of surface elements and underground workings.

**Cultural heritage resources:** include built heritage resources, cultural heritage landscapes, and archaeological sites.

- Built heritage resources: a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as defined by a community, including an Aboriginal community.
- Cultural heritage landscapes: a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples include heritage conservation districts, villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, railways, viewsheds, natural areas and

industrial complexes of heritage significance, areas recognized by federal or international designation authorities (e.g., a National Historic Site or District designation, or a UNESCO World Heritage Site).

- Archaeological sites: any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest.

**Cultural heritage value or interest:** means the *cultural heritage value or interest* of a property determined in accordance with the “*Criteria for Determining Cultural heritage value or interest*” set out in Ontario Regulation 9/06 made under the *Ontario Heritage Act* or, in respect of properties of provincial significance, determined in accordance with the “*Criteria for Determining Cultural Heritage Value of Provincial Significance*” set out in Ontario Regulation 10/06 made under the *Ontario Heritage Act* and, for archaeological resources, means the *cultural heritage value or interest* of any archaeological resource as determined in accordance with the *Standards and Guidelines for Consultant Archaeologists* prepared and published by MTCS under the *Ontario Heritage Act*.

**Decant tower:** an intake structure used in tailings management that removes clear water from the surface of the tailings.

**Declaration order:** an order that declares an undertaking exempt from the requirements of the *Environmental Assessment Act*, subject to certain terms and conditions.

**Decline:** a sloping underground opening for equipment access from surface to underground or from level to level. Also referred to as a ramp.

**Discretionary grant:** a grant of land or an interest in land over which the ministry has discretion whether or not to issue the grant (e.g., *surface rights* only leases, exploratory licences of occupation, mining lease and fee simple Crown patents issued under special circumstances).

**Disposition (under the *Mining Act*):** the process whereby the Crown disposes of surface and/or mining rights under the *Mining Act*, usually through the issuance of a licence of occupation, a leasehold patent or a fee simple patent

**Emergency:** A circumstance in which a mine hazard is causing or is likely to cause an immediate and dangerous adverse effect and that may require the Ministry to take immediate steps to prevent, eliminate and alleviate the threat posed by the mine hazard. Examples of emergencies include imminent or actual threats to human life and safety, property loss or damage, erosion or failure of natural features or human-made structures (such as tailings dams), sudden or imminent ground subsidence and chemical spills.

**Environment:** defined in the *Environmental Assessment Act* 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.

**Exploration:** any activity pertaining to the search for and investigation of minerals.

**Exploratory Licence of Occupation:** a licence which allows exploration of tracts of land and/or land under water, under specific terms set by the Minister of Northern Development and Mines. The licence is issued at the discretion of the Minister for areas where the lands are not open for mining claim staking, or where mining claim staking is not feasible, etc. The licensee does not have the right to mine.

**Financial assurance:** required as part of a closure plan, it consists of one of the following, and is in the amount specified in the closure plan filed with the Director of Mine Rehabilitation or any amendment to the closure plan:

- a) cash;
- b) a letter of credit from a bank named in Schedule 1 of the *Bank Act* (Canada);
- c) a bond of an insurer licensed under the *Insurance Act* to write surety and fidelity insurance;
- d) a mining reclamation trust as defined in the *Income Tax Act* (Canada);
- e) compliance with a corporate financial test in the prescribed manner; or
- f) any other form of security or any other guarantee or protection, including a pledge of assets, a sinking fund or royalties per tonne, that is acceptable to the Director of Mine Rehabilitation.

**Geoscience:** an all-embracing term for the sciences related to the earth that includes the study of the atmosphere, hydrosphere, oceans and biosphere, as well as the solid earth. Geoscientists use tools from other sciences to build a quantitative understanding of how the earth works and how it evolved to its current state.

**Heap leaching:** the process for extracting metals from crushed ore using leaching solutions that are sprinkled on the top of the ore pile to percolate through the ore and collect on an impermeable liner below. This industrial process is most commonly used to recover precious metals, copper and uranium.

**Heritage attributes:** as defined in the *Ontario Heritage Act*, means the physical features or elements that contribute to a property's cultural heritage value or interest, and may include a site's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting.

**Hoist:** a machine used to raise and lower a cage or other conveyance in a mine shaft.

**Individual Environmental Assessment:** defined in MOECC's *Code of Practice: Preparing, Reviewing and Using Class Environmental Assessments in Ontario* as a study which assesses the potential environmental effects (positive or negative) of an individual proposal. Key components of an environmental assessment include consultation with government agencies and the public; consideration and evaluation of alternatives; and the management of potential environmental effects. Conducting an environmental assessment promotes good environmental planning before decisions are made about proceeding with a proposal.

**Interested persons:** individuals or organizations with an interest in a particular undertaking. Persons with an interest in a particular undertaking often include neighbours and individuals, environmental groups or clubs, naturalist organizations, agricultural organizations, sports or recreational groups, organizations from the local community, municipal heritage committees, ratepayers associations, cottage associations, Aboriginal peoples and businesses.

**Licence of occupation:** a licence of occupation is issued by Order-in-Council, and is for areas that are not open to mining claim staking or where mining claim staking is not feasible. Licenses of occupation are/were issued in two forms under the *Mining Act*: Exploratory Licence of Occupation and Mining Licence of Occupation (see definitions).

**Maintenance:** refers to the upkeep, repair, replacement and/or other actions taken to retard the natural deterioration of a pre-existing control(s) around a mine hazard(s) where the existing footprint remains unchanged and there is little risk for negative environmental effects (e.g., impacts to species at risk or cultural

heritage resources) or public concern. Examples include: replacing fences or shaft caps; backfilling previously filled shafts, trenches, etc. where slumping has occurred; repairing tailings dam structures; clearing debris out of spillways; operation and/or repair of a treatment works; upgrading a fence or a shaft cap barrier through backfilling, etc.

**Mineral deposit:** a mass of naturally occurring mineral material, e.g., metal ores or non-metallic minerals, usually of economic value, without regard to the mode of origin.

**Mineral development:** the underground work carried out for the purpose of reaching and opening up a mineral deposit. It includes shaft sinking, cross-cutting, drifting and raising.

**Mine hazard:** defined in the *Mining Act* as any feature of a mine, or any disturbance of the ground, that has not been rehabilitated to the prescribed standard.

**Mine shaft:** an excavated vertical or sloping passageway for finding or mining ore or for ventilating a mine.

**Mining claim:** defined in the *Mining Act* as a parcel of land, including land under water that has been staked and recorded in accordance with the *Mining Act* and its regulations.

**Mining claim staking:** comprises ground staking and map staking. Ground staking is a physical process and includes actions on the ground to mark out a *mining claim* by erecting and inscribing posts at the corners and along the boundaries, and blazing along the boundaries. Map staking (also called paper staking) is the process of submitting an application form (whether in hard copy or through a digital staking portal) describing the land to be claimed rather than physically staking it.

**Mining lands:** as defined in the *Mining Act*, include

- a) the lands and mining rights patented or leased under or by authority of a statute, regulation or Order-in-Council, respecting mines, minerals or mining;
- b) lands or mining rights located, staked, used or intended to be used for mining purposes; and
- c) surface rights granted solely for mining purposes.

**Mining lease:** A mining lease, for the purposes of this Class EA, is a lease issued by the Crown pursuant to the *Mining Act*. A mining lease may be a lease of both the *surface rights* and the mining rights, or just the mining rights

alone, but in all circumstances the lease confers on the lessee the right to access, enter and occupy the lands for the purpose of extracting the minerals. Note: the definition of mining lease does not include surface rights only leases.

**Mining licence of occupation:** these licenses were issued under section 41 of the *Mining Act* prior to an amendment to the Act in 1964. After the amendment, they were no longer issued. The licences were issued in perpetuity, i.e., they do not expire and renewals are not required. The licensee has the right to mine.

**Mining patent:** for the purposes of this Class EA, means a grant from the Crown in fee simple, also referred to as freehold patents. The patent cannot be terminated by MNDM, except for voluntary surrender or non-payment of mining lands taxes.

**Mining rights:** defined in the *Mining Act* as rights to minerals on, in or under any land.

**Mitigation measures:** measures that eliminate, reduce or control the adverse environmental effects of a project, including restitution for any damage to the environment caused by such effects through replacement, restoration, compensation or other means. The means by which projects can be modified to minimize or eliminate potential negative effects.

**Open cut or open pit:** a pit or other excavation created by the extraction of rock or minerals from the earth.

**Order-in-Council:** a legislative instrument generated by Lieutenant Governor in Council which constitutes a formal recommendation of Cabinet that is approved and signed by the Lieutenant Governor.

**Overburden:** vegetation, soil and waste rock that overlies the mineral deposit of interest.

**Proponent:** defined in the *Environmental Assessment Act* as *person who*,

- a) carries out or proposes to carry out an undertaking, or
- b) is the owner or person having charge, management or control of an undertaking;

**Prospecting:** defined in the *Mining Act* as the investigation of, or search for, minerals.

**Protective measures:** defined in the *Mining Act* as steps taken in accordance with the prescribed standards to protect public health and safety, property and the environment.

**Qualified person:** means an individual having relevant, recent experience in the identification, evaluation of cultural heritage resources. Such individuals may be professional engineers, architects, historians, etc., but may not necessarily be limited to those professions. For archaeological resources, only archaeologists licensed under Part VI of the *Ontario Heritage Act* should conduct archaeological fieldwork.

**Raise:** a vertical or incline underground working that has been excavated from the bottom upward.

**Rehabilitate:** defined in the *Mining Act* as measures, including protective measures, taken in accordance with the prescribed standards to treat a site or mine hazard so that the use or condition of the site is restored to its former use or condition, or is made suitable for some other use that the Director of Mine Rehabilitation sees fit.

**Roasting yard:** a site where a historical process was used to separate nickel and copper from crushed ore by layering crushed ore over wood and igniting it.

**Significant Ground Disturbance:** means to interfere with or alter the existing condition of the ground, whether it's above or below water, through human actions that have the potential to affect cultural heritage resources, and includes altering the existing grade of land, compacting, excavating or removing topsoil, power spraying, dredging, placing or dumping fill, removing vegetation, allowing heavy vehicle traffic, trenching (for services, etc.), drainage ditch construction, trail construction, and scarification, but does not include regular farming practices such as plowing or tilling.

**Sites of Aboriginal Cultural Significance:** a site that is strongly identified with an Aboriginal community's social, cultural, sacred, or ceremonial reasons or because of its traditional use by that community.

**Study Area:** the spatial area within which potential environmental effects are assessed.

**Stope:** a step-like excavation made in a mine to extract ore from steeply inclined or vertical ore zones.

**Stripping:** the process of removing overburden to access a mineral deposit.

**Surface rights:** defined in the *Mining Act* as every right in land, other than the mining rights.

**Surface rights only lease:** for the purposes of this Class EA, a surface rights only lease is a lease issued pursuant to the *Mining Act* that gives the exclusive use of the surface rights for the lands for mining or exploration purposes to an existing lessee or owner of mining rights or a holder of a mining licence of

occupation. This kind of lease is for available surface rights, whether they lie inside or outside the lands covered by an existing mining lease, or fee simple patent or licence of occupation for mining purposes.

**Tailings:** the residual material or byproduct remaining after the ore is milled and the valuable mineral(s) have been separated from the host rock.

**Tailings dam:** an engineered structure designed to hold back and impound the enclosed tailings, as well as any water or other materials that may be located within the tailings dam area.

**Technical cultural heritage studies:** may include archaeological assessments; historic research, site analyses and evaluations of cultural heritage value or interest; heritage impact assessments; heritage conservation plans; or studies of mitigation options appropriate to each.”

**Tramway:** lightly laid railway used for moving rock and waste around the mine.

**Undertaking:** defined in the *Environmental Assessment Act* as

- a) an enterprise or activity or a proposal, plan or program in respect of an enterprise or activity by or on behalf of Her Majesty in right of Ontario, by a public body or public bodies or by a municipality or municipalities;
- b) a major commercial or business enterprise or activity or a proposal, plan or program in respect of a major commercial or business enterprise or activity of a person or persons other than a person or persons referred to in clause (a) that is designated by the regulations; or
- c) an enterprise or activity or a proposal, plan or program in respect of an enterprise or activity of a person or persons, other than a person or persons referred to in clause (a), if an agreement is entered into under Section 3.0.1 of the Act in respect of the enterprise, activity, proposal, plan or program.

**Visual setting:** includes significant views or vistas to or from a heritage property.

**Winze:** an inclined or vertical mine shaft or passage between levels in a mine.



## Appendix 2: Rehabilitation Methods

Below is a descriptive version of the list of rehabilitation methods listed in Table 2 of Section 2.2.3. This list is not exhaustive; there may be other rehabilitation methods available now and new methods may be used in the future.

Hazard Grouping	Type of Hazard	Rehabilitation Method
Openings to surface	Adits	Backfill with aggregate Concrete cap or plug Bat-friendly gate Blast in Post signs Stabilize
	Areas of subsidence	Backfill with aggregate Concrete cap or plug Blast in Fill with concrete Fence Post signs Boulder fence Stabilize
	Exploration shafts	Backfill with aggregate Concrete cap or plug Bat-friendly gate Fence
	Mine shafts	Backfill with aggregate Concrete cap or plug Bat-friendly gate Fence
	Open cuts	Backfill with aggregate Concrete cap or plug Blast in Fill with concrete Fence Stabilize

Hazard Grouping	Type of Hazard	Rehabilitation Method
	Open pits	Backfill with aggregate Blast in Fence Berm Flood Post signs Boulder fence Stabilize
	Portals, declines or ramps	Backfill with aggregate Concrete cap or plug Bat-friendly gate Blast in Post signs
	Raises to surface	Backfill with aggregate Concrete cap or plug Bat-friendly gate Fence
	Stopes to surface	Backfill with aggregate Concrete cap or plug Blast in Fill with concrete Fence Post signs Boulder fence Stabilize
	Stripping	Backfill with aggregate Fence Post signs Boulder fence Stabilize
Trenches	Trenches	Backfill with aggregate Concrete cap or plug Blast in Fill with concrete Fence Stabilize

Hazard Grouping	Type of Hazard	Rehabilitation Method
Buildings	Administrative building	Remove, relocate or demolish Other uses Bury
	Explosives building	Remove, relocate or demolish Post signs Disposal
	Head frame	Remove, relocate or demolish Other uses
	Hoist room	Remove, relocate or demolish
	Housing	Remove, relocate or demolish Other uses Bury
	Laboratory	Remove, relocate or demolish Other uses Disposal
	Mill / mill foundation	Remove, relocate or demolish Bury Disposal
	Miscellaneous structures	Remove, relocate or demolish Bury Disposal
	Other infrastructure	Remove, relocate or demolish Other uses Bury Disposal
	Smelter / refinery	Remove, relocate or demolish Disposal

Hazard Grouping	Type of Hazard	Rehabilitation Method
	Smoke stack	Remove, relocate or demolish Disposal
	Water tower	Remove, relocate or demolish Other uses
Equipment	Electrical substations	Remove, relocate or demolish Other uses Bury Recycle Disposal
	Equipment	Remove, relocate or demolish Other uses Bury Recycle
	Tramways	Remove, relocate or demolish Other uses Bury Recycle
Drainage control structures	Decant tower	Long-term monitoring
	Drainage control structure	Wet cover Long-term monitoring
	<i>Tailings dam</i>	Long-term monitoring Breach Vegetate
Chemical storage facilities	Chemical storage facilities	Post signs Long-term monitoring Disposal
	Chemical wastes	Post signs Recycle Incinerate Disposal

Hazard Grouping	Type of Hazard	Rehabilitation Method
	Fuel Storage	Post signs Other uses Recycle Long-term monitoring Incinerate Disposal
	Polychlorinated biphenyl (PCB) storage	Post signs Recycle Incinerate Disposal
Other underground workings	Lateral workings	Backfill with aggregate Concrete cap or plug Blast in Fill with concrete Flood Long-term monitoring
	Stope	Backfill with aggregate Concrete cap or plug Blast in Fill with concrete Fence Berm Post signs Boulder fence Long-term monitoring Do nothing
	Winze	Backfill with concrete Long-term monitoring Do nothing
Mine subsidence (crown pillars)	Areas of subsidence	Concrete cap or plug Blast in Fence Berm Post signs Boulder fence Long-term monitoring Do nothing

Hazard Grouping	Type of Hazard	Rehabilitation Method
Stockpiles	Ore stockpiles	Fence Berm Post signs Wet cover Dry cover Boulder fence Bury Long-term monitoring Vegetate Do nothing Process (e.g., mill and/or smelt), mill, and/or smelt Collection and treatment Stabilize Disposal
	Overburden stockpiles	Fence Berm Post signs Wet cover Dry cover Boulder fence Other uses Bury Long-term monitoring Vegetate Do nothing Collection and treatment Stabilize Disposal

Hazard Grouping	Type of Hazard	Rehabilitation Method
	Waste-rock dumps	Fence Berm Post signs Wet cover Dry cover Boulder fence Other uses Bury Long-term monitoring Vegetate Do nothing Collection and treatment Stabilize Disposal
<i>Tailings</i>	Confined <i>tailings</i>	Remove, relocate or demolish Flood Wet cover Dry cover Long-term monitoring Vegetate Do nothing Process (e.g., mill and/or smelt), mill and/or smelt Impound Collection and treatment Stabilize Disposal

Hazard Grouping	Type of Hazard	Rehabilitation Method
	Unconfined <i>tailings</i>	Remove, relocate or demolish Flood Wet cover Dry cover Long-term monitoring Vegetate Do nothing Process (e.g., mill and/or smelt), mill and/or smelt Impound Collection and treatment Stabilize Disposal
Acid / neutral mine drainage	Acid-generating <i>tailings</i>	Remove, relocate or demolish Fence Berm Flood Post signs Wet cover Dry cover Boulder fence Long-term monitoring Vegetate Process (e.g., mill and/or smelt), mill and/or smelt Impound Collection and treatment Stabilize Disposal



Hazard Grouping	Type of Hazard	Rehabilitation Method
	<i>Heap leach</i>	Remove, relocate or demolish Fence Berm Post signs Wet cover Dry cover Boulder fence Long-term monitoring Vegetate Do nothing Process (e.g., mill and/or smelt), mill and/or smelt Collection and treatment Stabilize Disposal
	Roasting yards	Remove, relocate or demolish Fence Berm Post signs Wet cover Dry cover Boulder fence Long-term monitoring Vegetate Do nothing Process (e.g., mill and/or smelt), mill and/or smelt Collection and treatment Stabilize Disposal
	Treatment plants	Remove, relocate or demolish Post signs Other uses Recycle Long-term monitoring Do nothing Disposal

## Appendix 3: Heritage Management Process

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### 1.0 Introduction

The conservation, protection and preservation of *cultural heritage resources* are important to the social, economic and cultural well-being of Ontario communities. Assessment of the impact of proposed activities on *cultural heritage resources* helps to inform the Class EA decision-making process.

Across Ontario many properties of *cultural heritage value or interest* have been identified and protected, but many more are not yet recognized; it is important to identify potential *cultural heritage resources* and address possible effects to them through the Class EA process, as this may be the only means through which it can be done.

Proposed projects may affect a *cultural heritage resource* that has not been formally identified. For example, *cultural heritage resources* may exist at properties that are near a spiritual or sacred use site or in an area that may contain *archaeological resources*. In addition, a proposed project may be located at or near sites with known *cultural heritage resources*, such as an Ontario Heritage Trust easement property or a Canadian Heritage River watershed, or may affect a significant view or *visual setting*.

### 2.0 Background

The development of the Heritage Management Process – undertaken by MNDM, in consultation with Ministry of Tourism, Culture and Sport (MTCS) – began as part of the implementation of a Memorandum of Understanding (MOU) between the two ministries which set out a framework to develop a *cultural heritage value* assessment and evaluation process. The MOU was a condition of two declaration orders – MNDM-3 for Discretionary Mining Land Grants and MNDM-4 for Abandoned Mine Hazard Rehabilitation) – issued to MNDM by the Ministry of the Environment and Climate Change (MOECC) pursuant to the *Environmental Assessment Act*. Those declaration orders have been replaced by MNDM's Class EA.

### 3.0 Purpose of Heritage Management Process

This Heritage Management Process includes evaluation and impact assessment for MNDM's Class EA that provides for:

1. the identification of known or potential *cultural heritage resources* that may be impaired, damaged or destroyed by proposed projects;

2. the identification of the type and scope of proposed projects which may have an effect on *cultural heritage resources*;
3. the identification of the interested communities and stakeholders that should be consulted; and
4. the identification of protection and *mitigation measures* to be applied to proposed projects.

#### 4.0 Cultural Heritage Resources

MTCS is responsible for the administration of the *Ontario Heritage Act* and for developing policies and programs for the conservation of the cultural heritage of Ontario.

*Cultural heritage resources* include:

- Built heritage resources: a building, structure, monument, installation or any manufactured remnant that contributes to a property's *cultural heritage value or interest* as identified by a community, including an Aboriginal community.
- Cultural heritage landscapes: defined geographical area that may have been modified by human activity and is identified as having *cultural heritage value or interest* by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples include heritage conservation districts, villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance, areas recognized by federal or international designation authorities (e.g., a National Historic Site or District designation, or a UNESCO World Heritage Site).
- Archaeological sites: any property that contains an artifact or any other physical evidence of past human use or activity that is of *cultural heritage value or interest*.

Two regulations under the *Ontario Heritage Act* set out the criteria for determining whether a property has *cultural heritage value or interest*: Ontario Regulation 9/06 and Ontario Regulation 10/06 under the *Ontario Heritage Act* (see Section 10.0 of this process).

If a proposed project may affect a *cultural heritage resource*, appropriate *technical cultural heritage studies* will be completed to address the presence of the *cultural heritage resource(s)* and the impact of the proposed project on the *cultural heritage value* that may be present. These studies will inform the Class EA planning process.

## 5.0 Project Screening

This section describes the process of screening the site of a proposed project to determine whether there are known (recognized) and/or potential *cultural heritage resources* that may be affected by a proposed project.

The consideration of whether a proposed project may have an impact on *cultural heritage resources* requires an awareness of what has the potential be a *cultural heritage resource* and an awareness of known *cultural heritage resources*. Screening the project site will help to identify if any known and/or potential *cultural heritage resources* exist at the project site or adjacent to the project location.

The initial step in the heritage management process is to determine, through screening, whether a proposed project can proceed without any further assessment, evaluation or consultation. The results of this screening process will be documented on the project file.

The identification of known and/or potential *cultural heritage resources* is determined through the completion of the screening checklists in Schedule A (Screening for Built Heritage Resources and Cultural Heritage Landscapes) and Schedule B (Screening for Archaeological Resources) of this appendix. The results of those screening checklists will inform the completion of the Part 2 screening criteria (Section 3.1.1.3 and Table 6 of the Class EA).

The results of the Part 2 screening, which includes screening for known and/or potential *cultural heritage resources*, as well as consideration of the anticipated level of public interest (Section 3.1.2 of Class EA), enable MNDM to assign a proposed project to the appropriate category (Section 3.2 of the Class EA). All activities that undergo the Part 2 screening are, at a minimum, assigned to Category B (Section 3.2.2 of Class EA).

For MNDM's discretionary rehabilitation activities, project screening and any initial *technical cultural heritage studies* should be done at the earliest stages of work planning for proposed projects. For discretionary tenure decisions, the screening will be undertaken when an application from a third party (Section 2.4.2 of Class EA) is received.

Defining the boundary of the proposed study area is part of the screening process. For discretionary tenure decisions the entire area of the proposed land *disposition* is to be screened. For discretionary rehabilitation activities the immediate area of the *mine hazard(s)*, including all areas to be impacted by rehabilitation, plus an appropriate buffer around the rehabilitation activity, is to be screened. The buffer is determined by MNDM based on the nature of the hazard, the specific rehabilitation measures being considered, and the magnitude of the potential environmental effects.

Any activity – regardless of potential benefits or level of effect – that may affect a known or potential *cultural heritage resource* will require further *technical cultural heritage studies* by qualified persons, as outlined in sections 7.0, 8.0 and 9.0.

If MNDM concludes that a proposed project may affect known or potential *cultural heritage resources*, MNDM will document the potential effect in the Part 2 screening criteria form (provided in Appendix 4 of Class EA). For discretionary rehabilitation activities where MNDM has already undertaken *technical cultural heritage studies*, the study results will be considered as part of the Class EA decision making process.

As noted above, screening for *cultural heritage resources* comprises two parts:

1. screening for built heritage resources and cultural heritage landscapes;  
and
2. screening for *archaeological resources*.

The screening processes are described below. MNDM will only proceed without further cultural heritage screening and evaluation for a project once MNDM has determined that:

1. there are no known and/or potential *cultural heritage resources* present;  
and/or
2. the proposed project will not have an impact on any known and/or potential *cultural heritage resources*.

In order to reduce the risk of potential delays to the proposed project, inadvertent impacts to *cultural heritage resources*, etc., if, after completing the screening checklist, MNDM is uncertain about whether the proposed project may impact known or potential *cultural heritage resources* MNDM will hire (or direct a third party or partner to hire) a *qualified person* to prepare *technical cultural heritage studies*, as outlined in sections 7.0, 8.0 and 9.0.

## **5.1 Screening Checklist for Built Heritage Resources and Cultural Heritage Landscapes**

This screening checklist (Schedule A) is used by MNDM to determine if a proposed project may affect a *built heritage resource* and/or *cultural heritage landscape*.

Once the checklist is complete, MNDM will take the steps outlined in Section 5.1.1 to complete the process.

### **5.1.1 Results of the Screening Process**

For discretionary rehabilitation activities or permissions to test mineral content (*bulk samples*):

- If MNMD concludes that the proposed project may impact **potential cultural heritage resources** MNMD will hire (or will direct a third party or partner to hire) a *qualified person* to prepare a Cultural Heritage Evaluation Report (see Section 7.0).
- If MNMD concludes that the proposed project may impact **known** (i.e., recognized) *cultural heritage resources*, MNMD will hire (or will direct a third party or partner to hire) a *qualified person* to prepare a Heritage Impact Assessment Report (see Section 8.2).

For discretionary tenure decisions other than *bulk samples*:

- If MNMD concludes that there are **potential cultural heritage resources** within the boundary of the proposed project that may be impacted by the activities described in the third party's application MNMD will direct the third party to hire a *qualified person* to prepare a Cultural Heritage Evaluation Report.
- If MNMD concludes that there are **known cultural heritage resources** within the boundary of the proposed project that may be impacted by the activities described in the third party's application MNMD will direct the third party to hire a *qualified person* to prepare a Heritage Impact Assessment.
- If MNMD concludes that there are **known or potential cultural heritage resources** within the boundary of the proposed project that may be impacted by future activities MNMD will advise the third party of this conclusion and will include certain conditions in the approval conditions regarding future activities (e.g., requirement for a Cultural Heritage Evaluation Report and/or a Heritage Impact assessment prior to any direct or indirect impacts).

If MNMD concludes that there is no possibility of the proposed project impacting known or potential *cultural heritage resources*, MNMD will summarize this conclusion and include it in the project file. The summary should include the answers to the relevant questions in the checklists and be supported by documentation such as: a map showing the location and boundary (see Section 5.0) of the proposed study area (as well as other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.), copies of responses received from the appropriate authorities, printouts or screenshots of database query results, and historical source materials.

## 5.2 Screening Checklists for Archaeological Resources

The screening checklist in Schedule B is used by MNMD to determine if a proposed project may have an effect on an archaeological resource.

MTCS is responsible for licensing archaeologists who carry out fieldwork in Ontario, including fieldwork that may be required as part of the project review process of a proposed Class EA project. As a condition of their license, archaeologists must comply with the *Standards and Guidelines for Consultant Archaeologists* (2011) established by MTCS.

Once the checklist is complete, MNDM will take the steps outlined in Section 5.2.1 to complete the process.

### 5.2.1 Results of the Screening Process

If MNDM concludes that the proposed project may impact **known or potential archaeological resources**, MNDM will hire (or will direct a third party or partner to hire) a *consultant archaeologist* to conduct an archaeological assessment (see Section 9.0).

Alternatively, MNDM (or a third party or partner) may avoid impacts to known or potential *archaeological resources* by:

- (for discretionary tenure decisions only) modifying the boundary of the proposed project to exclude the area deemed to have known or potential for *archaeological resources*; or
- redesigning or relocating the proposed project and/or modifying components of the proposed project to avoid impacts to known or potential *archaeological resources*.

If project redesign is an option, MNDM will reassess the modified project boundary against the screening checklist.

If MNDM concludes that there is no possibility of the proposed project impacting known or potential *archaeological resources*, MNDM will summarize this conclusion and include it in the project file. The summary should include the answers to the relevant questions in the checklist and be supported by documentation such as: a map showing the location and boundary (see Section 5.0) of the proposed study area (as well as other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.), copies of responses received from the appropriate authorities, printouts or screenshots of database query results, and historical source materials.

Under the *Ontario Heritage Act* only a licensed archaeologist can alter an archaeological site. Therefore, should MNDM (or a third party, partner or consultant/contractor hired any of these) encounter any *archaeological resources* during project work, all activities resulting in ground disturbance must cease immediately and a *consultant archaeologist* must carry out archaeological fieldwork, in compliance with Section 48. (1) of the Act.

Additionally, in the event that a burial site containing human remains is encountered during project work, the proponent must immediately notify the appropriate authorities (i.e., police, coroner's office and/or Registrar of Cemeteries) and comply with all appropriate legislation (i.e., *Cemeteries Act* and *Funeral, Burial and Cremation Services Act*).

## 6.0 Alternatives for Cultural Heritage Studies in Remote or Hazardous Areas

*Technical cultural heritage studies* may be required for areas that are remote and difficult to access and/or pose an elevated health or safety risk.

For areas that are remote and difficult to access, licensed archaeologists should follow the *Standards and Guidelines for Consultant Archaeologists* (especially Section 1.3.4).

Health and safety should always be a paramount consideration when conducting archaeological fieldwork and site inspections. A location where archaeological fieldwork and site inspections are carried out may be subject to health and safety legislation, including the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1. Licensed archaeologists and other *qualified persons* should also be aware that some former or current mining lands may pose an elevated health risk due to possible contamination from chemicals and metals and/or unstable underground workings. Work should be conducted in accordance with all applicable statutes and regulations governing health and safety.

## 7.0 Cultural Heritage Resource Evaluation

The purpose of the *cultural heritage resource* evaluation is to determine if a site is of *cultural heritage value or interest*.

If MNDM concludes, after filling out the screening checklist for Built Heritage and Cultural Heritage Landscapes (Section 5.1 and Schedule A) that a proposed project may impact potential *cultural heritage resources*, MNDM will hire (or direct a third party or partner to hire) a *qualified person* to undertake a *cultural heritage resource* evaluation which will consist of the following objectives and expectations:

1. preparation of a description of the site:
  - define the boundary of the proposed project (see Section 5.0);
2. research and recording of information about the site sufficient to determine and substantiate its cultural heritage value, if any:
  - conduct a site visit, if possible, and photographically document any building(s) on the property(-ies) as well as its setting (landscape),



- conduct primary and secondary historical research to determine the property's association with significant themes, if any, at the provincial and local levels;
  - identify the architect and builder for the building(s) and their significance in their fields;
  - confirm the date(s) of construction, define the architectural style for the building(s) and identify other examples of this style both at the local and provincial levels;
  - identify the construction technology used for the building(s), noting any methods or materials that are significant at the local and provincial levels;
  - locate and reproduce significant historical drawings and photographs of property(-ies) and building(s) through research at local and provincial institutions;
  - identify properties that have *cultural heritage value or interest*;
3. determine *cultural heritage value or interest* in accordance with the evaluation methodology described in Schedule C, including potential provincial significance, based on the advice of qualified persons and with appropriate community input. Apply the "Criteria for Determining Cultural Heritage Value or Interest" set out in Ontario Regulation 9/06 under the *Ontario Heritage Act* to determine the cultural heritage value or interest of a property; and apply the "Criteria for determining Cultural Heritage Value of Provincial Significance" set out in Ontario Regulation 10/06 to determine whether a property is of provincial significance;
4. consultation with affected communities and stakeholders to assist in determining the Cultural Heritage Value of the Site:
- engage groups and individuals with associations to a property by providing them with opportunities to participate in understanding and describing the property's cultural heritage value (see Section 11.0);
5. preparation of a "Statement of Cultural Heritage Value" and a description of *heritage attributes*:
- if a property is found to have *cultural heritage value or interest*, the *qualified person* should prepare a statement explaining the *cultural heritage value or interest* of the property, similar to what would be required when a property is designated under Section 29 of the *Ontario Heritage Act*;

- the “Statement of Cultural Heritage Value or Interest” prepared by the *qualified person* should identify clearly the physical features or *heritage attributes* that contribute to, or support, the *cultural heritage value or interest*;
  - if the property is found not to have *cultural heritage value or interest*, the *qualified person* will write a summary statement that provides the conclusions of the evaluation;
6. preparation of a Cultural Heritage Evaluation Report describing the above components:
- document the identification process with a written account of the research and the evaluation;
  - write a Cultural Heritage Evaluation Report in accordance with the table of contents listed in Schedule D.

If the *qualified person* concludes that no built resources and/or landscapes of *cultural heritage value or interest* are present, the cultural heritage evaluation work for the report is complete. There should be a clear rationale and recommendation made in the report specifying that no further assessment or evaluation is required.

If the *qualified person* concludes that built resources and/or landscapes of *cultural heritage value or interest* are present, MNDM will hire, or will direct a third-party or partner to hire, a *qualified person* to complete a Heritage Impact Assessment report (see to Section 8.2).

Any historical research should be provided to the *consultant archaeologist* for the purposes of the archaeological assessment, if one is to be undertaken.

The Cultural Heritage Evaluation Report will be shared with MTCS and made available to the public upon request.

## 8.0 Heritage Impact Assessment

If MNDM concludes that a proposed project may have a direct or indirect impact on **known** *cultural heritage resources*, MNDM will hire (or will direct a third party or partner to hire) a *qualified person* to prepare a Heritage Impact Assessment Report. The report will determine the direct and indirect impact(s) of the proposed project on any identified *cultural heritage resources*, and will determine protection or *mitigation measures* to reduce or avoid impacts on affected *cultural heritage resources*. The report will be used by MNDM to help determine rehabilitation methods for *mine hazards* that are or contain known *cultural heritage resources*.

This may result in the use of rehabilitation<sup>7</sup> methods not listed in Table 2 of the Class EA, such as repair, restoration<sup>8</sup>, salvage, interpretation, etc.

## 8.1 Impacts

For the purposes of this process an impact (either direct or indirect) is a change in an identified *cultural heritage resource* that occurs, during a specified time and within a defined area, as a result of a particular activity.

An example of a direct impact would be a mine rehabilitation project involving construction work within the same footprint of a built heritage resource which would result in the demolition of the built heritage resource.

An example of an indirect impact would be construction of a structure on an abandoned mine site that alters the view of a heritage property from a key vantage point.

In order to make predictions about impacts, assumptions may also have to be made about natural change over time. In order to assess the impact of a proposed project on a *cultural heritage landscape* involving a pond, for example, it may be necessary also to analyze natural changes in the rate of sedimentation in the system over the study period. In contrast, a description of the present state may suffice if the proposed development was situated on a stable-rock coastline.

Examples of direct adverse impacts include:

- destruction or removal of any, or part of any, heritage attributes;
- change in use for a heritage building or cultural heritage landscape which could eventually result in permanent, irreversible damage, e.g., converting a dry goods manufacturing facility to a greenhouse operation;
- continuation and/or intensification of use without the conservation of heritage attributes;

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<sup>7</sup> The term “rehabilitation” can have a different meaning in the context of addressing *cultural heritage resources* than is used in this Class EA. For *cultural heritage resources* “rehabilitation” means: to enable the continued use or a compatible new use of a property or a component. This may be accomplished through the repair or sympathetic alteration of a building, structure or landscape while protecting its *cultural heritage value or interest*.

<sup>8</sup> For *cultural heritage resources*, the term “restoration” means: the action or process of accurately revealing, recovering or representing the state of a building, structure or landscape, as it appeared at a particular period in its history, in order to protect the property’s *cultural heritage value or interest*. Restoration may include the removal of incompatible features or the reconstruction of missing components, but it should always be based on clear evidence and detailed knowledge of the forms and materials being recovered.

- vibration damages to a structure due to construction or activities on adjacent land;
- alteration of a property in a manner that is not sympathetic (i.e., not physically and/or visually compatible) with its *heritage attributes* or *visual setting*, for example:
- changing the character a property through the removal or planting of trees or vegetation where they did not exist; or
- introducing new elements that diminish the integrity of the property, for example: a new building or addition, a noise wall, a fence or a parking lot;
- neglecting to *undertake* actions to prevent the natural deterioration of a property, except where natural deterioration and are recognized attributes, such as in a property of spiritual or cultural significance to an Aboriginal community, or a ruin of *cultural heritage value*.

Examples of indirect adverse impacts include:

- shadows that alter the appearance of a *heritage attribute* or change the visibility of a natural feature;
- isolation of a *heritage attribute* from its surrounding environment or context;
- land disturbance, such as a change in grade that alters historic patterns of topography or drainage; and
- obstruction of significant views or vistas from, within, or to a built heritage resource or a cultural heritage landscape.

Examples of direct positive impacts include:

- any changes that are consistent with Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* (2003) and MTCS' *Heritage Conservation Principles for Land Use Planning*;
- respectful repair or restoration of *heritage attributes* (i.e., repair that returns a *cultural heritage resource* to its prior condition, based on historic evidence and in a manner that does not alter its integrity);
- alteration of heritage resources to fit new uses or circumstances while retaining their *heritage attributes*; and
- public interpretation and commemoration of *cultural heritage value*.

MNDM will make best efforts to conserve identified *cultural heritage resources* that may be impacted by a proposed project. “Conserved” means that the identification, protection, use and/or management of *cultural heritage resources* (including archaeological resources) are undertaken in such a way that their *cultural heritage value*, attributes, and integrity are retained.

## 8.2 Heritage Impact Assessment Report

A Heritage Impact Assessment Report prepared by a *qualified person* will refer to and be consistent with appropriate principles, standards and guidelines for heritage conservation. The report should explain how a proposed project might affect a *cultural heritage resource* and how its *cultural heritage value or interest* will be conserved or enhanced by the proposed project. This may involve stabilization and repair work, restoration, interpretation, reconstruction or redevelopment for a new use (adaptive reuse).

Where a proposed project could result in a negative, irreversible impact to a *cultural heritage resource*, the report should explain why the proposed course of action is the only viable solution and why other *alternatives* that do not involve negative impact are not viable. In addition, the report should describe proposed *mitigation measures* and provide evidence as to why they should be adequate. The specific negative impacts should be listed, with statements made under each as to why they cannot be avoided, and what steps have been planned to mitigate their effects.

A heritage impact assessment will consist of the following activities and expectations:

- examination of the positive or negative impacts the proposed project on the *heritage attributes* of the property and appropriate measure(s), if any, to mitigate the expected impacts;
- review of existing documentation, including but not limited to: background reports about the property and heritage evaluations;
- a site visit;
- consultation and engagement with affected communities and stakeholders, including groups and individuals with associations to the property
- documentation of the activities, research and conclusions in a Heritage Impact Assessment report (see Schedule E for a table of contents)

A copy of the Heritage Impact Assessment Report will be provided to MTCS for its review. MNDM will consult with MTCS prior to any work or *mitigation measures* being undertaken at a proposed site. A copy of the report will be made available to the public upon request.

## 9.0 Archaeological Assessment

If known or potential *archaeological resources* are identified by project screening, an archaeological assessment is required based on consideration of whether the proposed project may have an impact on *archaeological resources*.

In Ontario, archaeological fieldwork must be carried out only by archaeologists licensed by MTCS. MNDM will retain (or direct a third-party or partner to retain) a *consultant archaeologist* to conduct an archaeological assessment. All reports must be in compliance with the *Standards and Guidelines for Consultant Archaeologists* (2011) and the terms and conditions of the archaeological licence.

The *consultant archaeologist* must submit the archaeological assessment report to MTCS for review.

Reports are submitted by the *consultant archaeologist* to MTCS; information on where to send reports is available at MTCS' website.

If MTCS is not satisfied with the information contained in the report, a review letter(s) will be sent to the consultant archaeologist requesting further assessment and/or revisions to the report.

When MTCS is satisfied that the fieldwork and report is consistent with the *Standards and Guidelines for Consultant Archaeologists*, the *consultant archaeologist* will receive a letter from MTCS informing them that the report will be entered into the Ontario Public Register of Archaeological Reports. MNDM, and the third-party or partner if appropriate, will be copied on that letter.

Information about the stages of archaeological assessments can be found at: [http://www.mtc.gov.on.ca/en/archaeology/archaeology\\_assessments.shtml](http://www.mtc.gov.on.ca/en/archaeology/archaeology_assessments.shtml).

Information about MTCS' *Standards and Guidelines for Consultant Archaeologists* can be found at: [http://www.mtc.gov.on.ca/en/archaeology/archaeology\\_s\\_g.shtml](http://www.mtc.gov.on.ca/en/archaeology/archaeology_s_g.shtml).

## 10.0 Provincially Significant Cultural Heritage Resources

If a site or part of a site contains *cultural heritage resources* of provincial significance under Ontario Regulation 10/06 MNDM will notify MTCS in writing before approving any discretionary tenure. MTCS may recommend that the site or the relevant part thereof not be subject of a discretionary tenure decision by MNDM.

If it is determined that a site or part of a site subject to a discretionary rehabilitation activity contains *cultural heritage resources* of provincial significance under Ontario Regulation 10/06 MNDM will notify MTCS in writing. MTCS may recommend to MNDM that the discretionary rehabilitation activity be modified.

## 11.0 Public and Aboriginal Engagement

Understanding *cultural heritage value* is based in two key aspects: respect for the cultural context of a heritage resource and respect for the communities that may have an interest in conserving it or those that already appreciate and care for it.

For this reason an integral aspect of MNDM's Class EA process involves the effective and meaningful involvement of *interested persons* and communities (including Aboriginal communities) as well as local government and other ministries and agencies.

To ensure that there is adequate engagement on cultural heritage matters, Sections 5.0 and 6.0 of the Class EA, which describes MNDM's consultation requirements and obligations for proposed projects, will be supplemented and enhanced with the requirements described here.

MNDM will engage groups, individuals and Aboriginal communities with associations to known or potential *cultural heritage resources* by providing them with opportunities to participate in understanding and articulating its *cultural heritage value* and in making decisions about its future.

Qualified persons working for MNDM in this area should not only bring technical skills, knowledge and understanding of identifying, evaluating and conserving *cultural heritage resources*, but also sensitivity to identifying and engaging communities of interest, to capture the range of knowledge required. Qualified persons may need to meet and have meaningful exchanges with cultural heritage stakeholders in developing their conclusions and recommendations. For many MNDM projects, such as those in the traditional territory of Aboriginal peoples, this implies understanding the worldviews and belief systems of Aboriginal communities as well as the worldviews derived from the Western tradition.

Archaeological sites and other *cultural heritage resources* are often of critical importance to Aboriginal communities. Aboriginal communities may have information about heritage sites that are of special interest to their community.

Efforts to interview heritage stakeholders and Aboriginal communities and the information gathered in the interviews should be documented in the heritage impact assessment report.

Identifying heritage stakeholders may mean looking beyond the immediate vicinity of the proposed activity. While it's possible that local communities will have groups, organizations or recognized individuals that have an interest in the local heritage, it is also possible that a community of interest exists that is spread out over a larger area, or even outside the province. Before preparing a Cultural Heritage Evaluation Report, MNDM will identify and engage the appropriate organizations, individuals and communities with an interest in *cultural heritage resources*, such as:

- local Municipal Heritage Committees;

- historical societies;
- museums;
- local chapters of the Architectural Conservancy of Ontario;
- “Friends of” groups and societies; and
- individuals that have an interest in the known or potential heritage resource.

MNDM will invite individuals and groups such as these to be appropriately involved in research and to participate in the formal evaluation of *cultural heritage value or interest* of sites that will be impacted by MNDM’s activities or decisions. MTCS can assist and advise MNDM on the identification and involvement of stakeholders.

If the presence of a *cultural heritage resource* has been confirmed by MNDM, any plans for the property should include provisions for future involvement with *interested persons*.

## 12.0 Mitigation

As described in Section 4.6 of the Class EA, mitigation is the process of avoiding, eliminating, offsetting or reducing to an acceptable level the potential effects of a project. It can include restoration or enhancement where feasible. Potential negative effects will be identified early in the Class EA screening and planning process in order to develop specific *mitigation measures*, if possible.

Below are some examples of *mitigation measures* that may be applied to reduce or avoid impacts to *cultural heritage resources*:

- the property meets the evaluation criteria under O.Reg. 9/06 or O.Reg. 10/06 of the *Ontario Heritage Act* and is added to the list of provincial heritage properties maintained by MTCS;
- application of strategies described in MTCS’ *Standards and Guidelines for Consultant Archaeologists* for the avoidance and protection, or the excavation, of archaeological sites as recommended by an archaeological assessment report for the property;
- alternative construction, development or rehabilitation approaches, including isolating development and site alteration from the *cultural heritage resource* using separation distances as determined through the impact evaluation;
- sympathetic alteration that respects the *heritage attributes* of the cultural heritage resource;



- alterations or new construction that is reversible, physically and visually compatible with the existing *cultural heritage resource*, and identifiable upon inspection as a new intervention;
- separation distances or compatible visual barriers specified to avoid or reduce visual impact to the identified heritage resource;
- facade retention and/or salvage of *heritage attributes*;
- move and/or relocate a built heritage resource, where its location is not identified as a *heritage attribute*;
- detailed documentation and measured drawings of a heritage resource prior to its alteration or destruction; and
- interpretation and commemoration e.g., plaque, published guide.

See Appendix 6 for examples of typical *mitigation measures* that MNDM could use to address potential negative environmental effects.

### 13.0 Effects Monitoring

As described in section 4.7 of the Class EA, effects monitoring may be required as part of the implementation of a proposed project. Effects monitoring is a component of an overall heritage impact assessment and may be described in a conservation plan for known *cultural heritage resources*. Monitoring programs may be required over a long period of time.

In the monitoring section of the conservation plan, the proponent must either state specifically that a monitoring program is unnecessary and give reasons for this, or must propose a monitoring program and document it as part of the implementation of the conservation plan. The proponent should:

- define the objectives of the monitoring program;
- identify which parameters will be monitored during the operational stages of the project;
- outline the schedule of monitoring and reporting;
- describe the data collection methodology;
- describe the approach to analysis and evaluation; and
- describe the format, content of and specific responsibility for documenting the results of the monitoring program.

## **14.0 Review and Amendment of Heritage Management Process**

The Heritage Management Process will be reviewed and amended in accordance with sections 7.2 and 7.3 of the Class EA.

MTCS may recommend amendments to the Heritage Management Process based on:

- experience and feedback from its stakeholders on MNDM's application of the Class EA and the Heritage Management Process; and
- it's experience and expertise in the area of best practices in the conservation, protection and preservation of the heritage of Ontario.

## Schedule A: Screening Checklist for Built Heritage Resources and Cultural Heritage Landscapes

Project Name:

Project Location:

Have the following information ready when making requests for information on recognized *cultural heritage resources*:

- a map showing the location and boundary (see Section 5.0) of the study area, and other relevant details, including existing *mine hazards*, nearby communities, structures, natural features (e.g., water bodies), sensitive features, etc.;
- the municipal addresses of all properties within the study area when contacting the Ontario Heritage Trust or a municipal clerk; and/or
- the lot(s), concession(s), and parcel number(s) of all properties within the study area when contacting the local land registry office.

The following questions apply to the entire study area.

Answer each question in succession and follow the instructions. Continue until all questions are answered or a definitive conclusion is reached.

Screening Questions	Response
<b>Part A: Screening for Potential Impacts</b>	
1. Is the proposed undertaking consistent with an approved conservation plan, if one exists?  Check with MNDM, MNR, Infrastructure Ontario and/or MTCS staff.	Yes / No
If you answered <b>YES</b> , it is not necessary to complete the remaining questions in the checklist. MNDM will include this information in the project file and follow the recommendations of the conservation plan during project planning and implementation.  If you answered <b>NO</b> continue to question 2.	
2. Will the proposed project result in any of the following potential direct or indirect impacts to the study area or an adjacent property:	

Screening Questions	Response
a) Alteration (which means a change in any manner and includes destruction, removal, relocation, restoration, renovation, repair, or isolation) of a feature or an adjacent resource, i.e., a building or structure, or a feature of a structure, landscape or setting?	Yes / No
<p>b) New direct or indirect obstruction of views or vistas from, within, or to a built or natural feature?</p> <p>For example: the introduction of new elements such as a building or addition, a noise wall, a fence or a parking lot.</p> <p>Depending on the answers to Part B, the answer to this question may need to be revisited.</p>	Yes / No
<p>If you answered <b>YES</b> to any of the above questions, continue to Part B: Screening for Recognized Cultural Heritage Value.</p> <p>If you answered <b>NO</b> to all of the above questions:</p> <ul style="list-style-type: none"> <li>There is low potential for impacts to built heritage or cultural heritage landscapes.</li> <li>For discretionary rehabilitation activities and permissions to test mineral content (<i>bulk samples</i>): it is not necessary to complete the remaining questions in the checklist. MNM will summarize this conclusion and add this checklist to the project file, with appropriate documentation demonstrating that no impacts will occur.</li> <li>For discretionary tenure decisions other than <i>bulk samples</i>: MNM will update the project file as described above. In addition, MNM will determine whether conditions regarding future activities will be included in the approval instrument by continuing to Part B: Screening for Recognized Cultural Heritage Value.</li> </ul>	
<b>Part B: Screening for Recognized Cultural Heritage Value</b>	
<p>3. Does the study area contain a parcel of land that has been evaluated before and found not to be of cultural heritage value?</p> <p>Check with MNM, MNR, Infrastructure Ontario and/or MTCS staff.</p>	Yes / No
<p>If you answered <b>YES</b>, it is not necessary to complete the remaining questions in the checklist. MNM will summarize this conclusion and add this checklist to the project file, with appropriate documentation demonstrating that a cultural heritage evaluation was undertaken.</p> <p>If you answered <b>NO</b>, continue to Question 4.</p>	

Screening Questions	Response
<b>4. Does the study area contain a parcel of land that:</b>	
<p>a) is subject of a covenant or agreement (under parts II or IV of the <i>Ontario Heritage Act</i>) between the owner of the property and a conservation body or level of government registered on title and executed with the primary purpose of preserving, conserving, and maintaining a cultural heritage resource, or preventing its destruction, demolition or loss?</p> <p>Where information can be obtained: Municipal Clerk and Ontario Heritage Trust. Additional information may be found at the local land registry office (title search).</p>	Yes / No
<p>b) is listed on a register or inventory of heritage properties maintained by the municipality?</p> <p>Check with the Municipal Clerk, Municipal Heritage Planning staff, or the Municipal Heritage Committee to determine if the bridge or a parcel of land within the study area is listed on a municipal register.</p>	Yes / No
<p>c) is designated under Part IV of the <i>Ontario Heritage Act</i>?</p> <p>Where information can be obtained: Municipal Clerk and Ontario Heritage Trust. Additional information may be found at the local land registry office (title search).</p>	Yes / No
<p>d) is subject to a notice of intention to designate issued by a municipality?</p> <p>Where information can be obtained: Municipal Clerk.</p>	Yes / No
<p>e) is located within a designated Heritage Conservation District?</p> <p>Where information can be obtained: Municipal Clerk.</p>	Yes / No
<p>f) is an area designated by a municipal by-law made under section 40.1 of the <i>Ontario Heritage Act</i> as a heritage conservation district study area?</p> <p>Where information can be obtained: Municipal Clerk.</p>	Yes / No
<p>g) is included in the Ministry of Tourism, Culture and Sport's list of provincial heritage properties?</p> <p>Where information can be obtained: Heritage Advisor, Ministry of Tourism, Culture and Sport.</p>	Yes / No

Screening Questions	Response
<p>h) is part of a National Historic Site?</p> <p>For more information on National Historic Sites: <a href="http://www.pc.gc.ca/apps/lhn-nhs/index_e.asp">www.pc.gc.ca/apps/lhn-nhs/index_e.asp</a></p>	Yes / No
<p>i) is part of a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site?</p> <p>A UNESCO World Heritage Site is a place listed by UNESCO as having outstanding universal value to humanity. In order to retain the status of World Heritage Site, each site must maintain its character defining features. For more information on World Heritage Sites in Canada: <a href="http://whc.unesco.org/en/statesparties/ca">http://whc.unesco.org/en/statesparties/ca</a></p> <p>Currently, the Rideau Canal is the only World Heritage Site in Ontario.</p>	Yes / No
<p>j) is designated under the <i>Heritage Railway Station Protection Act</i>?</p> <p>For a directory of designated heritage railway stations: <a href="http://www.historicplaces.ca/en/pages/42_train.aspx">http://www.historicplaces.ca/en/pages/42_train.aspx</a></p>	Yes / No
<p>k) is identified as a Federal Heritage Building by the Federal Heritage Buildings Review Office?</p> <p>For more information: <a href="http://pc.gc.ca/en/culture/beefp-fhbro">http://pc.gc.ca/en/culture/beefp-fhbro</a></p>	Yes / No
<p>l) is designated under the <i>Heritage Lighthouse Protection Act</i>?</p> <p>For more information: <a href="http://pc.gc.ca/en/lhn-nhs/pp-hl">http://pc.gc.ca/en/lhn-nhs/pp-hl</a></p>	Yes / No

Screening Questions	Response
<p>m) is the subject of a municipal, provincial or federal commemorative or interpretive plaque?</p> <p>Heritage resources are often recognized with formal plaques or markers. Plaques are erected by municipalities, provincial or federal ministries or agencies, or by local non-government or non-profit organizations through commemorative and interpretive plaque programs.</p> <p>Information can be found at the following sources:</p> <ul style="list-style-type: none"> <li>• municipal heritage committees or local heritage organizations, for the locations of plaques in their community: <a href="http://www.mtc.gov.on.ca/en/heritage/lacac.shtml">http://www.mtc.gov.on.ca/en/heritage/lacac.shtml</a></li> <li>• Ontario Historical Society's Heritage Directory, for a list of historical societies and heritage organizations: <a href="https://www.ontariohistoricalsociety.ca/index.php/services/heritage-directory-map">https://www.ontariohistoricalsociety.ca/index.php/services/heritage-directory-map</a></li> <li>• Ontario Heritage Trust, for a list of plaques commemorating Ontario's history: <a href="http://www.heritagetrust.on.ca/en/index.php/pages/programs/provincial-plaque-program">http://www.heritagetrust.on.ca/en/index.php/pages/programs/provincial-plaque-program</a></li> <li>• Historic Sites and Monuments Board of Canada, for a list of plaques commemorating Canada's history: <a href="http://www.pc.gc.ca/apps/dfhd/default_eng.aspx">http://www.pc.gc.ca/apps/dfhd/default_eng.aspx</a></li> </ul>	Yes / No

Screening Questions	Response
<p>If you answered <b>YES</b> to any of the above questions:</p> <ul style="list-style-type: none"> <li>○ If a Statement of Cultural Heritage Value has previously been prepared, a Heritage Impact Assessment report is required (see Section 8.0 Heritage Impact Assessment).</li> <li>○ If a Statement of Cultural Heritage Value has not previously been prepared, a Cultural Heritage Evaluation Report is required (see Section 7.0 Cultural Heritage Resource Evaluation).</li> <li>○ For discretionary tenure decisions other than <i>bulk samples</i> that may have future direct or indirect impacts (i.e., you answered NO in question 2), MNDM will include this information in the project file, continue with project screening and planning, and will include the appropriate conditions in the approval instrument.</li> </ul> <p>If you answered <b>NO</b> to all of the above questions continue to Part C: Screening for Potential Cultural Heritage Value.</p>	
<p><b>Part C: Screening for Potential Cultural Heritage Value</b></p> <p>5. Does the study area contains a parcel of land that:</p>	
<p>a) is on or adjacent to a known burial site and/or cemetery?</p> <p>The presence of a cemetery can be confirmed through a site visit. Additionally, information on registered cemeteries may be obtained from:</p> <ul style="list-style-type: none"> <li>• the Registrar of Cemeteries, Ministry of Consumer Services' database of registered cemeteries: <a href="http://www.consumerbeware.mgs.gov.on.ca/eseach/cemeterySearch.do?eformsId=0">http://www.consumerbeware.mgs.gov.on.ca/eseach/cemeterySearch.do?eformsId=0</a></li> <li>• the Ontario Genealogical Society (OGS) records of Ontario cemeteries (both currently and no longer in existence), cairns, family plots and burial registers: <a href="http://vitacollections.ca/ogscollections/search">http://vitacollections.ca/ogscollections/search</a></li> <li>• the Canadian County Atlas Digital Project which lists early cemeteries in Southern Ontario: <a href="http://digital.library.mcgill.ca/CountyAtlas/">http://digital.library.mcgill.ca/CountyAtlas/</a></li> </ul>	<p>Yes / No</p>



Screening Questions	Response
<p>b) is in a Canadian Heritage River watershed?</p> <p>The Canadian Heritage River System is a national river conservation program. It promotes, protects and enhances the best examples of Canada's river heritage. Canadian Heritage Rivers must have, and maintain, outstanding natural, cultural, and/or recreational values, and a high level of public support. For more information: <a href="http://www.chrs.ca/">http://www.chrs.ca/</a></p> <p>Questions regarding the boundaries of a watershed should be directed to the applicable Conservation Authority and/or municipal staff.</p>	Yes / No
<p>c) contains structures over forty years old?</p> <p>(e.g., residential structures, farm buildings and outbuildings, industrial, commercial, or institutional buildings, and/or engineering works).</p> <p>The land registry office can provide information on the recent history of a property. Historical source materials can also be helpful in determining the age of structures; these include: directories, photographs, historical atlases, fire insurance maps, and business records.</p>	Yes / No
<p>d) the Ministry of Tourism, Culture and Sport has identified as a property with potential cultural heritage value?</p> <p>Contact the Heritage Advisor, MTCS.</p>	Yes / No
<p><b>Part D: Other Considerations</b></p> <p>6. Is there local knowledge or accessible documentation suggesting that the study area is situated on a parcel of land that:</p>	
<p>a) is considered a landmark in the local community or contains any structures or sites that are important to defining the character of the area?</p> <p>For instance: buildings or landscape features that are accessible to the public or readily noticeable and widely known, complexes or buildings, monuments, or ruins.</p> <p>For more information (on Part D questions) contact: Elders in Aboriginal communities, community researchers, municipal heritage committees, or local heritage organizations (see Ontario Heritage Society's Heritage Directory: <a href="https://www.ontariohistoricalsociety.ca/index.php/services/heritage-directory-map">https://www.ontariohistoricalsociety.ca/index.php/services/heritage-directory-map</a>).</p>	Yes / No

Screening Questions	Response
<p>b) has special association with a community, person, or historical event?</p> <p>For example: Aboriginal sacred site, traditional-use areas, battlefield, birthplace of an individual of importance to the community, etc.</p>	Yes / No
<p>c) contains or is part of a cultural heritage landscape?</p> <p>For example: Aboriginal trail, park, designed garden, historic road or rail corridor that may have been established as a key transportation or trade route, or unique landforms such as waterfalls, rock faces, caverns or mounds that may have connections to a particular event, group or belief.</p>	Yes / No
<p>If you answered <b>YES</b> to one or more of the above questions (parts C and D):</p> <ul style="list-style-type: none"> <li>○ There is potential for <i>cultural heritage resources</i>.</li> <li>○ A Cultural Heritage Evaluation Report is required. MNDM will include this information in the project file and continue with project screening and/or planning as required.</li> <li>○ For discretionary tenure decisions other than <i>bulk samples</i> that may have future direct or indirect impacts (i.e., answered NO in question 2), a Cultural Heritage Evaluation Report is not required at this time. MNDM will include this information in the project file, continue with project screening and planning, and will include the appropriate conditions in the approval instrument.</li> </ul> <p>If you answered <b>NO</b> to all of the above questions, there is low potential for impacts to <i>cultural heritage resources</i>. MNDM will summarize this conclusion and add it and all related documentation to the project file and will proceed with project screening and/or planning as required.</p>	

## Schedule B – Screening Checklist for Archaeological Resources

Project Name:

Project Location:

The following questions apply to the entire study area including temporary storage or work areas as well as temporary roads/detours. See Section 5.0 to define the boundary.

Answer each question in succession and follow the instructions. Continue until all questions are answered or a definitive conclusion is reached.

Screening Question	Response
<p>1. Has an archaeological assessment been prepared for this proposed study area that recommends that there are no further concerns about impacts to archaeological sites <b>and</b> that has been entered into the Ontario Public Register of Archaeological Reports (Register) maintained by MTCS<sup>9</sup>?</p> <p>Where information can be obtained: MNDM files, third-party applicant, and/or MTCS.</p>	Yes / No
<p>If you answered <b>YES</b>, an archaeological assessment is NOT required. Proponents should follow the recommendations from the report(s). It is not necessary to complete the remaining questions in the checklist. MNDM will summarize this conclusion and add this checklist to the project file, with the appropriate documentation (e.g., MTCS acceptance of archaeological assessment report). The summary and appropriate documentation will be maintained by the project proponent.</p>	
<p>If you answered <b>NO</b>, continue to question 2. Documentation to support an answer of YES is not required.</p>	

<sup>9</sup> If an archaeological assessment report complies with MTCS' requirements and makes recommendations that there are no further concerns about impacts to archaeological sites a letter is sent to the *consultant archaeologist* and copied to MNDM, and to the third party or partner if applicable, confirming that MTCS has entered the report into the Register.

Screening Question	Response
<p>2. Are there known archaeological sites within 300m of the proposed project?</p> <p>Where information can be obtained: The Ministry of Tourism, Culture and Sport maintains a database of known archaeological sites in Ontario. Contact the Archaeological Data Coordinator for information about archaeological sites at <a href="mailto:archaeologicalsites@ontario.ca">archaeologicalsites@ontario.ca</a></p> <p>When requesting information regarding archaeological sites included in records by MTCS, both large scale mapping showing the study area boundaries and small scale mapping showing nearby township names for context purposes should accompany the request.</p>	Yes / No
If you answered <b>YES</b> , an archaeological assessment is required (follow process outlined in Section 10.0); it is not necessary to complete the remaining questions in the checklist.	
If you answered <b>NO</b> , continue to question 3. MTCS' response to Question 2 should be used as documentation.	
<p>3. Will the proposed project, decision or activity result in significant ground disturbance?</p> <p>Significant ground disturbance means to interfere with or alter the existing condition of the ground, whether is above or below water, through human actions that have potential to affect cultural heritage resources, and includes, but not limited to, altering the existing grade of land, compacting, excavating, or removing topsoil, power spraying, dredging, placing or dumping fill, removing vegetation, allowing heavy vehicle traffic, trenching (e.g. for services, etc.), drainage ditch construction, trail construction, scarification and soil mechanics studies, but does not include normal, regular farming practices such as ploughing and tilling.</p>	Yes / No
If you answered <b>YES</b> , continue to question 4. Documentation to support an answer of YES is not required.	
If you answered <b>NO</b> , an archaeological assessment is <b>NOT</b> required and it is not necessary to fill out the remainder of the checklist. The proponent will summarize this conclusion and document as part of the EA process. Appropriate documentation demonstrating that no ground disturbance will take place. The summary and all documentation will be added to the project file.	

Screening Question	Response
4. Have all areas to be impacted by ground disturbing activities been subjected to recent (i.e. post 1960) extensive and intensive disturbances and to depths greater than the depths of the proposed activities?  (For example, all areas have been subject to post-1960 construction, road construction, shoreline stabilization/channelization)?	Yes / No
If you answered <b>YES</b> to the preceding question, an archaeological assessment is <b>NOT</b> required. The checklist and any supporting documentation demonstrating that no activities will go deeper than past ground disturbances or will occur in previously undisturbed lands is to be included in the summary.	
If you answered <b>NO</b> , there is potential for archaeological resources at the study areas and an archaeological assessment is required.	

## **Schedule C – MNDM’s Evaluation Methodology for Determining Cultural Heritage Value or Interest**

### **1.0 Cultural Heritage Value or Interest**

This schedule describes MNDM’s process for determining the *cultural heritage value or interest* of a property as part of the preparation of a Cultural Heritage Resource Evaluation (Section 7.0). Ontario Regulation 9/06 under the *Ontario Heritage Act* sets out criteria for determining *cultural heritage value or interest* of a property; Ontario Regulation 10/06 sets out criteria for determining whether a property is of provincial significance.

If a property meets one or more of the criteria of O. Reg. 9/06 it is a provincial heritage property and/or if it meets one or more of the criteria of O. Reg. 10/06 it is a provincial heritage property of provincial significance. A property that does not meet any of the criteria is not a provincial heritage property, i.e., it does not have *cultural heritage value or interest*.

The sections below describe how the criteria are to be applied.

### **2.0 Identifying Attributes or Physical Features**

The attributes or physical features of the property, its buildings and/or structures are evaluated based on their contribution to support the property’s *cultural heritage value or interest*. These can include materials, forms, location and spatial configurations that together characterize the *cultural heritage value or interest*.

Their merit will be assessed on the basis of whether the physical features or elements:

- are key components of the *cultural heritage value or interest*;
- the relationship between the attributes and the *cultural heritage value or interest* has been clearly demonstrated; and
- currently exist.

### **3.0 Assessing Integrity**

The integrity of a property is assessed based on whether the attributes and their relationship have not been diminished or irreversibly altered to the point of not supporting the *cultural heritage value or interest*. However, a property does not need to be in its original condition to maintain integrity.

A landscape has dynamic and complex relationships between cultural and natural resources. Where original features and spatial arrangements are intact, the landscape is deemed to have high integrity even though the fences, hedgerows or pathways, for example, may be in poor condition. In contrast, a

well-maintained landscape which has experienced substantial change may have little or no integrity left.

#### **4.0 Determining the Level of Significance**

The research analysis – assessing the historic context, the value to the community/province, and the integrity and physical condition – used to make a decision about the significance of the property will be summarized to provide a rationale that clearly articulates whether the property qualified as a:

- provincial heritage property that meets one or more of the criteria of 9/06; or
- provincial heritage property of provincial significance that meets one or more of the criteria of 10/06.

The analysis and recommendation(s) will be included in the Cultural Heritage Evaluation Report.

#### **5.0 Who Will Be Involved**

The judgement on what information is sufficient to meet the criteria when evaluating a property will be based on the advice of one or more qualified persons, or as a team when appropriate, with community input. A qualified person should have:

- understanding of the ministry or prescribed public bodies' heritage management process;
- expertise, qualifications and/or experience in the identification, evaluation and documentation of cultural heritage resources relevant to the type of resource being considered; and;
- recent experience in the identification, evaluation and conservation of cultural heritage resources (e.g., within the last three to five years).

#### **6.0 Ontario Regulation 9/06 Criteria for Determining Cultural Heritage Value or Interest**

The criteria provided in Ontario Regulation 9/06 (O. Reg. 9/06) are applied to property described in Section 25.2 (2) of the *Ontario Heritage Act* to determine if it has cultural heritage value or interest. If a property meets one or more of the criteria, it is a provincial heritage property of local and/or regional significance.

The following provides guidance on how to apply the criteria.

***Criterion 1: The property has design value or physical value because it:***

***i. is a rare, unique, representative or early example of a style, type, expression, material or construction method***

To satisfy this criterion the property should:

- illustrate or exemplify:
  - a style (shared characteristics that make up a recognizable look or appearance of a building or constructed landscape that is typical of a particular group, time or place);
  - a type (a particular kind or group usually with a common function, activity or use, e.g., schools, hospitals, courthouses, parks, etc., and may include sub-types);
  - an expression (to display, show, embody or be the physical symbol of a way of life, belief, tradition, etc.);
  - a material;
  - construction method; and
- also be:
  - rare (because there were few in number originally, or there are few in number today due to subsequent loss);
  - unique (the only one of its kind or a prototype);
  - representative (serving as a portrayal or symbol); and/or
  - an early example (in the context of time and place).

***ii. displays a high degree of craftsmanship or artistic merit***

The property satisfies this criterion if it currently demonstrates or presents craftsmanship or artistic merit in a greater than normal quality or at an intensity well above an industry standard.

Criterion 1.ii considers the quality of execution in the assembly of materials, construction methods, spatial arrangements, etc.

***iii. demonstrates a high degree of technical or scientific achievement.***

The property satisfies this criterion if it currently displays or presents technical or scientific achievement in a greater than normal quality or at an intensity well above an industry standard.



Criterion 1.iii considers the characteristics and evolution of construction techniques and the use of materials within the local historic context. A property may represent a technical or scientific innovation or a change in techniques or materials as it relates to:

- technical expertise in its construction methods;
- scientific achievement in the use or adaptation of materials, forms, spatial arrangements; and/or
- breakthroughs in design or construction techniques.

***Criterion 2: The property has historical value or associative value because it:***

***i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community***

To satisfy this criterion the property must meet two tests:

1. The association is direct: the property exemplifies or has strong evidence of its connection to a theme, event, belief, person, activity, organization or institution, e.g., the property may be the product of, or was influenced by, or has influenced, or was the site of an event, theme, belief, activity, organization.
2. The property is significant to the community: a theme, event, belief, person, activity, organization or institution has made a strong, noticeable or influential contribution to the evolution or pattern of settlement and development in the community.

A property may satisfy this criterion if little else survives to illustrate a particular aspect of the community's history, e.g., the property is the last of its kind or provides rare early evidence.

***ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture***

Criterion 2.ii considers whether a property provides evidence of one or more notable or influential aspects of a community's history or the history of a culture. The culture may not necessarily be currently associated with the property.

To meet this criterion, the evidence provided by the property should offer new knowledge or a greater understanding of particular aspects of the community's history or the history of the culture or contribute to a comparative analysis of similar properties. The evidence may be demonstrated by the property or by the combination of the property and associated documentary material or artifacts.

***iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.***

To satisfy this criterion the property must:

- display or present the work or ideas of an architect, artist, builder, designer or theorist; and
- be significant to the community because an architect, artist, builder, designer or theorist has made a strong, noticeable or influential contribution that may have been recognized in its day or through subsequent interpretation.

The evidence of the work or ideas needs to be explicitly identified, thoroughly supported in research and essential to understanding or interpreting the importance that the architect, artist, builder, designer or theorist has in the community's history. Incidental association (i.e., minor, casual or subordinate association) does not satisfy this criterion.

***Criterion 3: The property has contextual value because it:***

***i. is important in defining, maintaining or supporting the character of an area***

To meet this criterion the property needs to be in an area that has a unique or definable character and it is desirable to maintain that character. The character of a place need not be attractive for it to be meaningful, e.g, industrial character.

The research needs to consider how much or to what degree the property contributes to determining, establishing or affirming the character, e.g., consider what would happen to the character of the area if the property was considerably altered or lost.

***ii. is physically, functionally, visually or historically linked to its surroundings***

To satisfy this criterion, a property needs to have a relationship to its broader context that is important to understand the meaning of the property and or its context. The relationship may be:

- physical: there is a material connection between the property and its surroundings;
- functional: it is necessary to fulfill a particular purpose;
- visual: there is a visual connection between it and at least one feature in the context, i.e., it is not visually linked merely because adjacent properties can be seen from it; or

- historical: there is a connection to the historic context.

***iii. is a landmark.***

This criterion considers whether the property is or includes a landmark that is meaningful to a community.

The key physical characteristic of a landmark is its prominence within its context, e.g., a well-known marker in the community. Landmarks are usually memorable and easily discernible. They often serve as orientation guides and/or a local or regional tourist attractions.

**7.0 Ontario Regulation 10/06 Criteria for Determining Cultural Heritage Value or Interest of Provincial Significance**

The criteria provided in Ontario Regulation 10/06 (O. Reg. 10/06) are applied to property described in Section 25.2 (2) of the *Ontario Heritage Act* to determine if it has cultural heritage value or interest of provincial significance. If a property meets one or more of the criteria it is a provincial heritage property of provincial significance.

The following section provides guidance on how to apply the criteria.

***Criterion 1: The property represents or demonstrates a theme or pattern in Ontario's history.***

This criterion) considers whether the property exemplifies or has strong evidence of its connection to a theme or pattern. A property may be associated with multiple themes or patterns of varying degrees of significance. At least one theme or pattern must have made a notable or influential contribution to the evolution or development of the province and be supported by evidence.

A property may satisfy this criterion if little else survives to illustrate a particular aspect of Ontario's history, e.g., the property is the last of its kind or provides rare early evidence.

***Criterion 2: The property yields, or has the potential to yield information that contributes to an understanding of Ontario's history.***

This criterion considers whether a property provides evidence of one or more notable or influential aspects of Ontario's history.

To meet this criterion, the evidence provided by the property should offer new knowledge or a greater understanding of particular aspects of Ontario's history or contribute to a comparative analysis of similar properties. The evidence may be demonstrated by the property or by the combination of the property and associated documentary materials or artifacts.

***Criterion 3: The property demonstrates an uncommon, rare or unique aspect of Ontario's cultural heritage.***

A property satisfies this criterion if it illustrates aspects such as a:

- way of life;
- phenomenon;
- process;
- function;
- land use; and /or
- design.

To be significant, these aspects may no longer be practised, are at risk of being lost, or are of exceptional interest. This criterion is concerned with properties that are few in number, embody unique knowledge or are a prototype that influenced a significant type.

***Criterion 4: The property is of aesthetic, visual or contextual importance to the province.***

Visual importance usually involves a feature that many people in the province have a strong interest in seeing because it has symbolic value or evokes an emotional response. The property should contain the vantage points, the view itself and/or is an essential part of the visual setting.

A property may be of contextual importance to the province when its location or setting are linked physically, functionally, visually or historically to its surroundings. The property may also provide a setting to a building or feature that has significantly shaped the evolution and development of the province. The qualities of the property should reflect the historic character and provide a sense of continuity and connectedness to the past.

A property may be of aesthetic importance if it demonstrates any of the following:

- qualities of beauty (including natural beauty);
- picturesque qualities;
- evocative qualities;
- expressive qualities;
- landmark presence;

- symbolic value; and/or
- other aesthetic qualities.

***Criterion 5: The property demonstrates a high degree of excellence or creative, technical or scientific achievement at a provincial level in a given period.***

This criterion considers whether a property has physical features that represent a turning point or a notable and/or transformational accomplishment in a particular historic context. The achievement may be of artistic or technical excellence, innovation, or creative adaptation in a variety of fields which may include art, engineering, architecture, landscape or scientific design, construction or manufacturing techniques.

This criterion is also concerned with properties that demonstrate, in their fabric, aspects of human endeavors that are: influential, firsts, innovations, breakthroughs, advances, original or inventive. Such achievements should be judged in comparison with appropriate contemporary and subsequent developments in the same field.

***Criterion 6: The property has a strong or special association with the entire province or with a community that is found in more than one part of the province. The association exists for historic, social, or cultural reasons or because of traditional use.***

This criterion considers properties that:

- evoke strong and/or special collective emotional responses;
- have important historical, social or cultural attachments; and/or
- have a perceived symbolic or spiritual meaning or embody a moral value.

To satisfy this criterion, the “strong or special association” is essential to understanding or interpreting the importance of the property and must be explicitly identified and thoroughly supported in research.

***Criterion 7: The property has a strong or special association with the life or work of a person, group or organization of importance to the province or with an event of importance to the province.***

This criterion considers whether a property has a strong historical link to the life or work of a person, group or organization that is important to the history of the province. This criterion also considers whether the property is associated with an event of importance to Ontario. The nature of the “special association” needs to be explicitly identified, thoroughly supported in research, and be essential to understanding or interpreting the importance that the person, group, organization

or event has in Ontario's history. Incidental association (i.e., minor, casual or subordinate association) does not satisfy this criterion.

***Criterion 8: The property is located in unorganized territory and the Minister determines that there is a provincial interest in the protection of the property.***

There may be instances when it is necessary to protect a property for its *cultural heritage value or interest*, for reasons outside of those described by the other criteria, e.g., a property that is of significance to an Aboriginal community where, for cultural reasons, the significance may not be possible to reveal to the general public or be easily understood. Criterion 8 would be applied as a last resort in most cases.

It would be the role and responsibility of the Minister of Tourism, Culture and Sport to determine whether there is a provincial interest in the protection of the heritage value of the property. In such cases, MNDM staff would need to engage with MTCS staff.

## **Schedule D – Cultural Heritage Evaluation Report Table of Contents**

### **1. Executive Summary**

- This section is the summary of the evaluation. It describes the arguments for or against its identification as a provincial heritage property and any discussions on its level of significance.

### **2. Introduction**

- This section will set out the context for the report and provide a brief overview of how and why the research was undertaken and who was engaged and or consulted in the process.

### **3. Description of the Property**

- This section will provide an overview of the location of the property and a description of its type, e.g., a farm, a mine site, a transportation route, park, etc. along with a description of the primary features, buildings and/or structures on the property. The description will also include any current heritage recognitions and whether the property is considered a single property, district or part thereof, or a landscape.

### **4. Research**

- This section will describe what type of research was undertaken for the above described property and why. It will record the findings of the research in a logical and chronological order and use maps, photographs, illustrations, etc., to augment the information. It will evaluate the property's integrity, cross-reference the results of the community input, comparative studies and any archaeological reports and/or identify any archaeological potential (e.g., if an archaeological assessment is being done concurrent with the evaluation)<sup>10</sup>. This section will identify, in detail, the findings and summarize those findings in reference to the value and attributes

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<sup>10</sup> Known and/or potential *archaeological resources* are included in this report as part of the "value" of the property and/or as *heritage attributes* to ensure that archaeology has been taken into account even though it may be considered and addressed in a separate (though parallel) process.

identified for the property and the themes and sub-themes as they relate to Ontario's historic context.

## **5. Maps, Drawings, Plans and Images**

- This section will provide a copy of the pertinent maps, images, drawings and plans that will be accurately marked up or described to assist with understanding the general history, chronological construction and/or alterations to the size, features or primary use of the property and its associated buildings or features. Reference materials not used in section 4 are included here. This section may be included as an appendix instead.

## **6. Community Engagement**

- This section will outline what, when and how community engagement was undertaken as part of the research methodology for the property. It will also outline the process used to determine the outcomes of the community input exercise(s) and describe the results.

## **7. Evaluation**

- This section will describe how the criteria in Ontario Regulation 9/06 and Ontario Regulation 10/06 (*Ontario Heritage Act*) were applied in accordance with Schedule C to determine the property's *cultural heritage value* and level of significance, if any. It will cross-reference the historical data that reflects each criterion, present rationale that supports why each criterion was met or not met, and list the attributes that support or contribute to the property's *cultural heritage value or interest*, if any. It will also provide rationale that justifies the identified level of significance.

## **8. Conclusions**

- The conclusion will summarize whether the information and evaluation against the criteria was sufficient to determine the *cultural heritage value* and level of significance of the property.

## **9. Draft Statement of Cultural Heritage Value and Heritage Attributes**

- This section, when required, will describe the *cultural heritage value* of the property and identify its level of significance. It will describe the *heritage attributes* that support the *cultural heritage value* and which need to be conserved in order to protect the significance of the property. This draft statement may be amended by the



approving ministry (i.e., MNDM and/or another ministry that owns or controls the property).

#### **10. Summary of Resources/ Sources Cited**

- This section will list what resources and sources were used to complete the report and the personnel involved in preparing the report indicating their qualifications and their role preparing the report, in the field or in the research.

#### **11. Appendices**

- This section of the report will contain the supporting documentation for the property and the documents used to create the report content, e.g., referenced documents, online resources, etc.

## Schedule E – Heritage Impact Assessment Report Table of Contents

The Heritage Impact Assessment Report will include the following components:

### 1. Historical research, site analysis and evaluation

- This section will contain an explanation of the methodology and the conclusions regarding the significance and *heritage attributes* of the *cultural heritage resource*. It can be completed by reviewing existing documentation such as background reports about the property and heritage evaluations.

### 2. Identification of *heritage attributes* and significance of the site

- This section will provide the statement of *cultural heritage value* and a description of the *heritage attributes*.

### 3. Description of the proposed project, including proposed alterations to the site

- This section will provide the purpose and rationale for the proposed project and, if applicable, the proposed works and graphical layout, and how the development or site alteration fits with the objectives of the municipality or approval authority.
- This section will also include a detailed description of the proposed project including the sequence of construction events and description of facilities, both temporary and permanent, if applicable, and how the project will or may affect the *cultural heritage resource(s)* and any abutting heritage or protected properties.
- It will also include a detailed plan of the proposed project including all construction of new structures and site alteration-related activities, and its context in relation to built heritage resources and/or cultural heritage landscapes within the site. Graphic illustrations such as photomontages, visualizations and visual modelling to further illustrate the relationship between the proposed project and *cultural heritage resources* should be included. The plan may also be accompanied by a written description.

### 4. Measurement of potential impacts

- This section will describe any impact (direct or indirect, physical or aesthetic) of the proposed project on a *cultural heritage resource*. The effectiveness of any proposed conservation or *mitigation*

*measures* must be evaluated on the basis of established principles, standards and guidelines for heritage conservation.

- The possible findings for this section are: no impact, no negative impact or negative impact. The determination of impact must be described, including the effect, the findings and the rationale for the determination (see section 8.1 Impacts).

#### **5. Consideration of potential *alternatives*, *mitigation measures* and conservation options**

- This section will provide a full range of conservation *alternatives* or options and impact mitigation options, in relation to direct and indirect impacts. Where an impact on a *cultural heritage resource* is identified, and the proposed conservation or *mitigation measures*, including avoidance, are considered ineffective, other conservation or *mitigation measures*, or alternative development or site alteration approaches will be recommended.

#### **6. Proposed implementation and monitoring schedules**

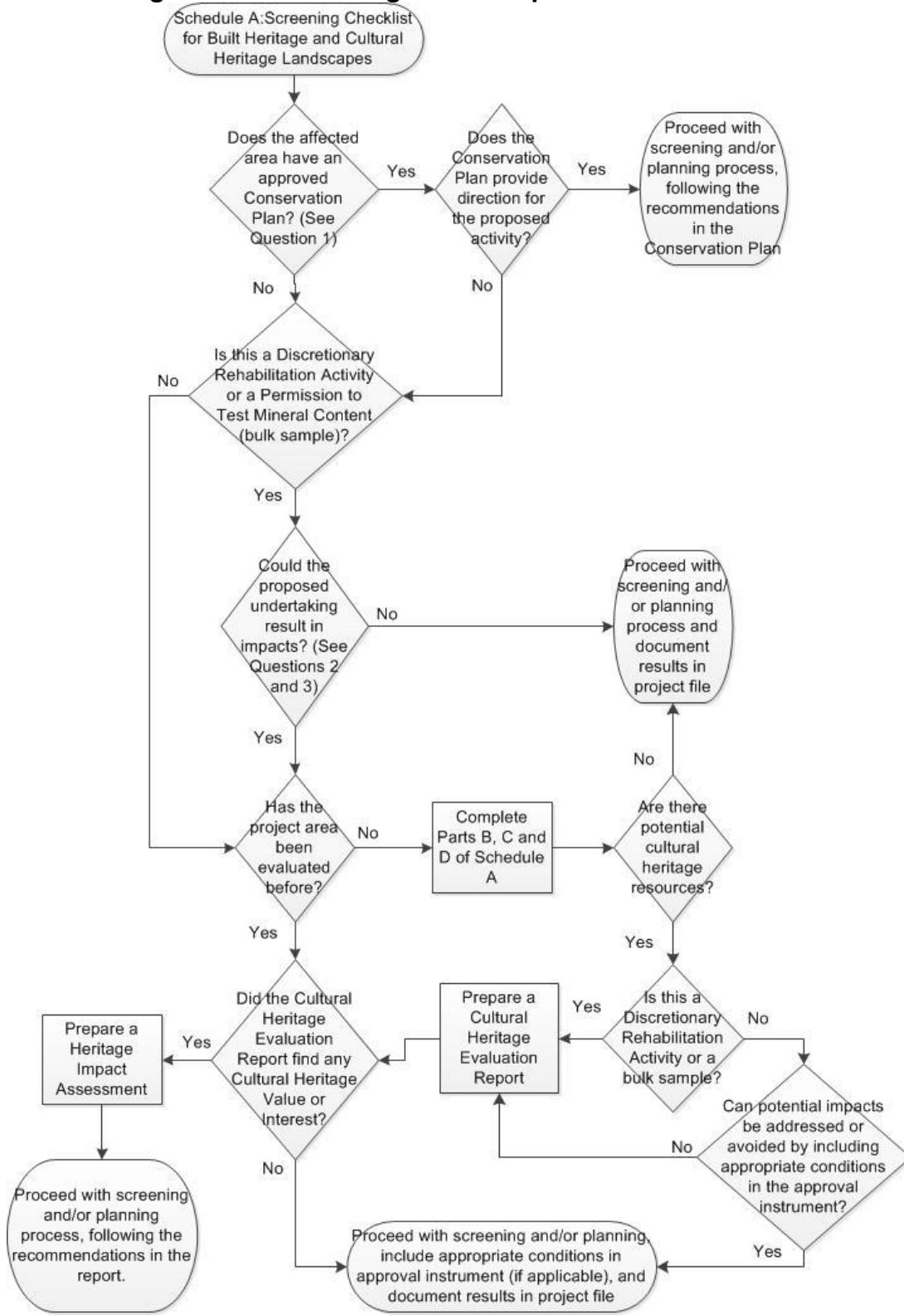
- This section will provide a schedule and reporting structure for implementing the recommended conservation, mitigation or avoidance measures and, if necessary, monitoring the *cultural heritage resource* as the development or site alteration progresses.

#### **7. Summary statement and conservation plan recommendations.**

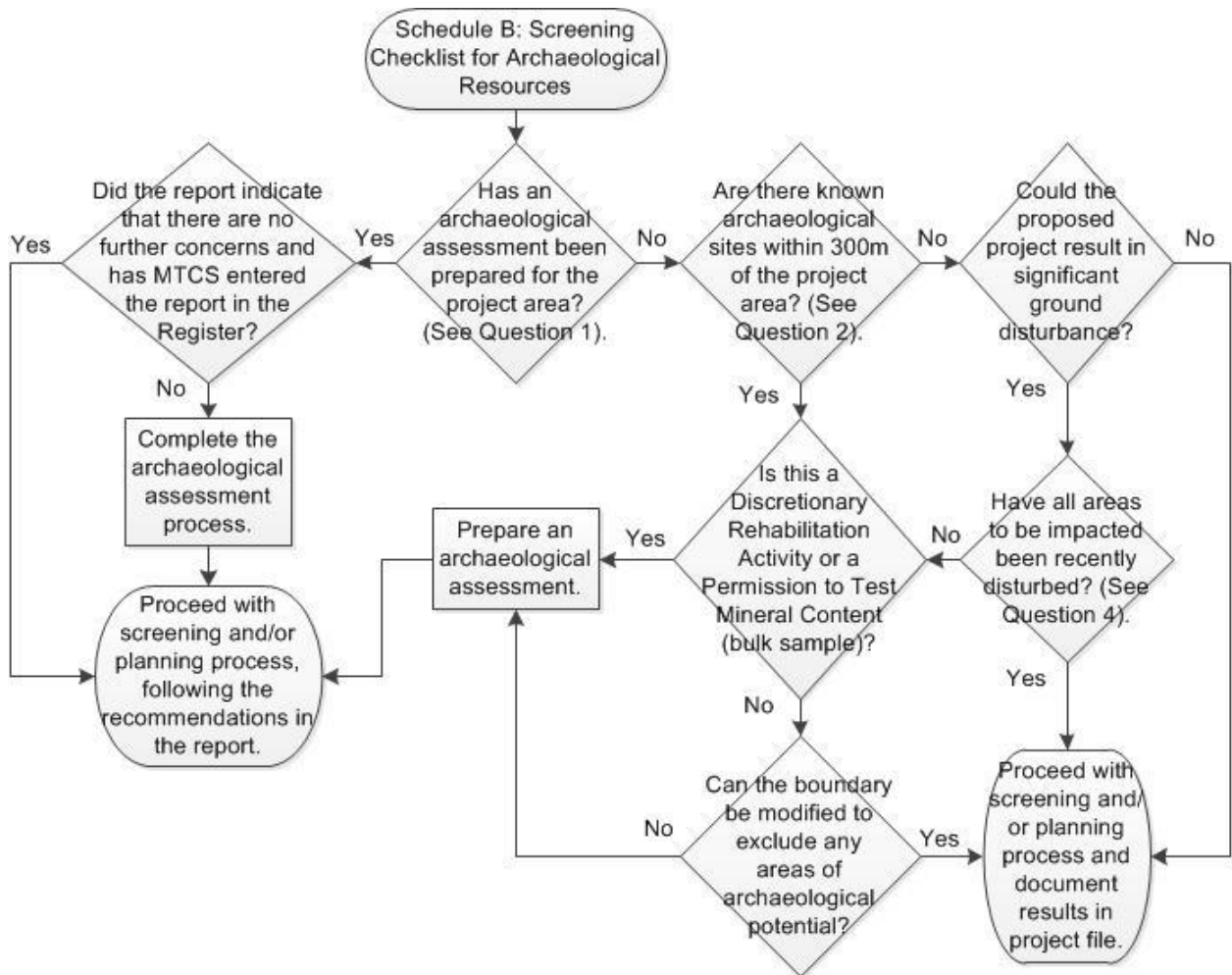
- This section will:
  - describe the significance and heritage attributes of the *cultural heritage resource*;
  - identify any impact that the proposed development will have on the cultural heritage resource; and
  - explain what conservation or mitigation measures, or alternative development or site alteration approaches are recommended to minimize or avoid any impact on the *cultural heritage resource*; and
  - clarify why some conservation or *mitigation measures*, or alternative development or site alteration approaches are not appropriate (if applicable).

## Schedule F – Heritage Management Process

### Built Heritage / Cultural Heritage Landscapes



## Archaeological Resources



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## Appendix 4: Screening Procedure

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MNDM's Class EA screening process is used to assess the level of potential environmental effects of a proposed project. The steps in the screening process (per Section 3.1) are listed below. Section 2.2 and Table 1 list all of MNDM's discretionary activities that are subject to the *Environmental Assessment Act*.

Discretionary activities that are strictly "administrative" in nature and which do not change a land use that is permitted under existing *mining rights* are listed in Table 4; these decisions have no potential environmental effects and are pre-assigned to Category A. MNDM's *emergency undertakings* (see Section 7.4) and *maintenance* activities are also pre-assigned to Category A.

The screening process for all other projects is made up of two sequential parts that are used to determine the level of effect on the environment (tables 5 and 6 and sections 3.1.1.2 and 3.1.1.3). The screening process for most discretionary activities starts at the Part 1 screening criteria (Table 5) and, if necessary, proceeds to the Part 2 screening criteria (Table 6). The screening process for permissions to test mineral content (bulk samples) and discretionary rehabilitation activities that are not emergencies or maintenance activities starts at the Part 2 screening criteria (Table 6).

MNDM will document the screening process and decision-making rationale for every activity and include it in the project file.

### Procedure

1. Cross reference the proposed project with Table 4 to determine if it is a pre-screened project. If so, proceed to step 2. If not, proceed to step 3.
2. Proceed with planning and consultation requirements, per sections 3.2., 4.0, 5.0 and 6.0.
3. Screen the proposed project according to the Part 1 screening criteria in Table 5 of Section 3.1.1.2 to determine if it is a Category A project. If so, proceed to step 2. If it not, further screening is required. Proceed to steps 4 through 8.
4. Prepare a description of the proposed project, with reference to the appropriate section of the *Mining Act*, if applicable.
5. Screen the project according to the Part 2 screening criteria in Table 6 of Section 3.1.1.3. Consultation with internal and external subject-matter experts may be required to complete the screening. Note: MNDM identifies known and/or potential cultural heritage resources by completing

the screening checklists in Schedule A (“Screening for Built Heritage Resources and Cultural Heritage Landscapes”) and Schedule B (“Screening for Archaeological Resources”) of Appendix 3.

6. 6. Assign the project to the appropriate category (Section 3.2.2, 3.2.3 or 3.2.4 as appropriate) and document the decision on the project file.
7. Supervisor or Environmental Assessment Coordinator will confirm or modify category and sign off on the screening form.
8. Proceed with planning and consultation requirements, per sections 3.2, 4.0, 5.0 and 6.0.

## Appendix 5: Templates

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1. Notice of Opportunity to Provide Input on a Category B or C Project
2. Notice of Completion for a Category C Project
3. Statement of Completion for a Category B Project
4. Statement of Completion for a Category C or D Project
5. Notice of Commencement for a Category D Project
6. Notice of Opportunity to Provide Input on the Draft Environmental Study Report
7. Notice of Completion of Final Environmental Study Report
8. Notice of Filing an Addendum on a Category B Project
9. Revised Notice of Completion on a Category C or D Project (Addendum)
10. Notice of Intention to Proceed with a Category B Project after Five Years
11. Notice of Intention to Proceed with a Category C or D Project after Five Years



**Category B or C Notice Template**

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**Notice of Opportunity to Provide Input on a Category <B or C Project >**

***Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act***

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RE: <project name>

The Ministry of Northern Development and Mines (MNDM) invites you to comment on its **OR <applicant's name>**'s proposal to **<summarize project; include reference map >**.

This proposed Category **<B or C>** project is being carried out in accordance with the *Class Environmental Assessment for MNDM's Activities under the Mining Act* (Class EA).

**<For Category C projects describe consultation opportunities, open houses, etc., if appropriate.>**

The project documentation for this proposed project is available at **< insert Class EA web page URL and, if appropriate, viewing location >**.

You are invited to provide input and express any concerns about this proposed project. Comments must be received by **<minimum 30 calendar days>**. For more information, or to submit comments on the project, please contact:

**Name, position, department/section**

**Address**

**Phone number, fax number, email address**

Please note that personal information provided in a submission (such as name, address, and telephone number) and your views and opinions are being collected by MNDM under the authority of the *Environmental Assessment Act* for the purpose of engaging in public consultation and making decisions regarding the project. The personal information may also be shared with the Environmental Assessment and Permissions Branch of the Ministry of the Environment and Climate Change. The collection, use, and disclosure of this information are all governed by the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of this information should be directed to the person listed above.

**Category C Notice of Completion Template**

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**Notice of Completion for a Category C Project**

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***Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act***

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RE: **<project name>**

The Ministry of Northern Development and Mines (MNDM) has completed its assessment of its **OR <applicant's name>**'s proposal to **<summarize project; include reference map>**.

The Category C screening, consultation and planning was carried out in accordance with the *Class Environmental Assessment for MNDM's Activities under the Mining Act* (Class EA).

**<Describe any potential negative environmental effects and the associated mitigation measures>**.

**<Describe consultation opportunities, open houses, etc., if appropriate.>**

The project documentation for this proposed project is available at **< insert Class EA web page URL and, if appropriate, viewing location >**.

You are invited to bring any new information or concerns to MNDM by **<minimum 30 calendar days>**. For any concerns that cannot be resolved in discussion with MNDM, *interested persons* may submit a Part II Order request (see Section 7.5 Part II Order Process of MNDM's Class EA) to the Minister of the Environment and Climate Change requesting that the project be made subject to the individual environmental assessment requirements of the *Environmental Assessment Act*. Requests must be received by the Minister of the Environment and Climate Change by **<date>**, with a copy to MNDM.

To receive additional information, inspect the project file or submit new concerns regarding the project, please contact:

**Name, position, department/section**

**Address**

**Phone number, fax number, email address**

After **<date>**, if MNDM is satisfied that there are no outstanding concerns, the project will be implemented as planned without additional notice.

Please note that personal information provided in a submission (such as name, address, and telephone number) and your views and opinions are being collected by MNDM under the authority of the *Environmental Assessment Act* for the

purpose of engaging in public consultation and making decisions regarding the project. The personal information may also be shared with the Environmental Assessment and Permissions Branch of the Ministry of the Environment and Climate Change. The collection, use, and disclosure of this information are all governed by the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of this information should be directed to the person listed above.

**Category B Statement of Completion Template**

**Statement of Completion for a Category B Project**

***Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act***

RE: <project name>

The Ministry of Northern Development and Mines (MNDM) has completed its assessment on its **OR <applicant's name>**'s proposal to **<summarize project; include reference map>**.

The Category B screening, consultation and project review was carried out in accordance with the *Class Environmental Assessment for MNDM's Activities under the Mining Act* (Class EA).

**<Describe comments received and how they were addressed; describe potential negative environmental effects and the associated mitigation measures>**.

MNDM will proceed with the **<project or disposition>** as planned.

Approved by:

**Name, position (department/section manager)**

**Date (DD/MM/YYYY)**

**Department/section**

**Address**

**Phone number, fax number, email address**

Copies to:

- ☐ Project File
- ☐ Class EA web page
- ☐ Environmental Assessment Coordinator, Strategic Support Unit, Ministry of Northern Development and Mines
- ☐ Regional Director, Regional Office, Ministry of the Environment and Climate Change
- ☐ Air, Pesticides and Environmental Planning Supervisor, Regional Office, Ministry of the Environment and Climate Change
- ☐ Director, Environmental Assessment and Permissions Branch, Ministry of the Environment and Climate Change

**Category C or D Statement of Completion Template**

**Statement of Completion for a Category <C, or D> Project**

***Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act***

RE: <project name>

The Ministry of Northern Development and Mines (MNDM) has completed its assessment on its **OR <applicant's name>**'s proposal to **<summarize project; include reference map>**.

The Category **<C or D>** screening, consultation and project review was carried out in accordance with the *Class Environmental Assessment for MNDM's Activities under the Mining Act* (Class EA).

**<Describe comments received and how they were addressed; describe potential negative environmental effects and the associated mitigation measures>**.

A Notice of Completion was issued on **<date>**. The comment period ended on **<date>**.

**<Indicate if any Part II Order requests were received and if they were withdrawn, denied, etc>**.

MNDM will proceed with the **<project or disposition>** as planned.

Approved by:

**Name, position (department/section manager)**

**Date (DD/MM/YYYY)**

**Department/section**

**Address**

**Phone number, fax number, email address**

Copies to:

- ☐ Project File
- ☐ Class EA web page
- ☐ Environmental Assessment Coordinator, Strategic Support Unit, Ministry of Northern Development and Mines
- ☐ Regional Director, Regional Office, Ministry of the Environment and Climate Change
- ☐ Air, Pesticides and Environmental Planning Supervisor, Regional Office, Ministry of the Environment and Climate Change

- ☐ Director, Environmental Assessment and Permissions Branch, Ministry of the Environment and Climate Change

**Category D Notice of Commencement Template**

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**Notice of Commencement**

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***Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act***

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RE: **<project name>**

The Ministry of Northern Development and Mines (MNDM) invites you to participate in its proposal to **<summarize project>**.

**<Insert map>**

The proposed Category D project is being carried out in accordance with the *Class Environmental Assessment for MNDM's Activities under the Mining Act* (Class EA).

**<Describe consultation opportunities, open houses, etc.>**

You are invited to provide input and express any concerns about this proposed project. To be added to the project mailing list and/or receive additional information or to share information on the project, please contact:

**Name, position, department/section**

**Address**

**Phone number, fax number, email address**

The consultation plan for this proposed Category D project is available for review at **<insert Class EA web page URL>**.

Please note that personal information provided in a submission (such as name, address, and telephone number) and your views and opinions are being collected by MNDM under the authority of the *Environmental Assessment Act* for the purpose of engaging in public consultation and making decisions regarding the project. The personal information may also be shared with the Environmental Assessment and Permissions Branch of the Ministry of the Environment and Climate Change. The collection, use, and disclosure of this information are all governed by the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of this information should be directed to the person listed above.

***Category D Notice (Draft Environment Study Report) Template***

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**Notice of Opportunity to Provide Input on the Draft Environmental Study Report**

***Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act***

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RE: **<project name>**

The Ministry of Northern Development and Mines (MNDM) invites you to review and comment on the Draft Environmental Study report for its proposal to **<summarize project; state purpose of Draft Environmental Study Report>**.

**<Insert map>**

The Category D Draft Environmental Study Report is being carried out in accordance with the *Class Environmental Assessment for MNDM's Activities under the Mining Act* (Class EA).

**<Describe consultation opportunities, open houses, etc.>**

The project documentation for this proposed project is available at **< insert Class EA web page ULR and, if appropriate, viewing location>**.

You are invited to provide input and express any concerns about this proposed project. Comments must be received by **<minimum 30 calendar days>**. To receive additional information or a copy of the Draft Environmental Study Report, or to submit comments on the project, please contact:

**Name, position, department/section**

**Address**

**Phone number, fax number, email address**

Please note that personal information provided in a submission (such as name, address, and telephone number) and your views and opinions are being collected by MNDM under the authority of the *Environmental Assessment Act* for the purpose of engaging in public consultation and making decisions regarding the project. The personal information may also be shared with the Environmental Assessment and Permissions Branch of the Ministry of the Environment and Climate Change. The collection, use, and disclosure of this information are all governed by the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of this information should be directed to the person listed above.



**Category D Notice (Final Environment Study Report) Template**

**Notice of Completion of Final Environmental Study Report**

***Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act***

RE: **<project name>**

The Ministry of Northern Development and Mines (MNDM) has completed its assessment of its proposal to **<summarize project>**. A Final Environmental Study Report has been developed in order to **<purpose of Final Environmental Study Report>**.

**<Insert map>**

The Category D Final Environmental Study Report was carried out in accordance with the *Class Environmental Assessment for MNDM's Activities under the Mining Act* (Class EA).

**<Describe any potential negative environmental effects, the associated mitigation measures and alternatives considered>**.

**<Describe consultation opportunities, open houses, etc.>**

The project documentation for this proposed project is available at **< insert Class EA web page URL and viewing location>**.

You are invited to bring any new information or concerns to MNDM by **<minimum 30 calendar days>**. For any concerns that cannot be resolved in discussion with MNDM, *interested persons* may submit a Part II Order request (see Section 7.5 Part II Order Process of MNDM's Class EA) to the Minister of the Environment and Climate Change requesting that the project be made subject to the individual environmental assessment requirements of the *Environmental Assessment Act*. Requests must be received by the Minister of the Environment and Climate Change by **<date>**, with a copy to MNDM.

To receive additional information or a copy of the Final Environmental Study Report, or to submit new concerns regarding the project, please contact:

**Name, position, department/section**

**Address**

**Phone number, fax number, email address**

After **<date>**, if MNDM is satisfied that there are no outstanding concerns, the project will be implemented as planned without additional notice.

Please note that personal information provided in a submission (such as name, address, and telephone number) and your views and opinions are being collected by the MNDM under the authority of the *Environmental Assessment Act* for the purpose of engaging in public consultation and making decisions regarding the project. The personal information may also be shared with the Environmental Assessment and Permissions Branch of the Ministry of the Environment and Climate Change. The collection, use, and disclosure of this information are all governed by the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of this information should be directed to the person listed above.

***Category B Notice of Filing an Addendum Template***

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**Notice of Filing an Addendum on a Category B Project**

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***Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act***

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RE: <project name>

The Ministry of Northern Development and Mines (MNDM) completed its environmental assessment on its **OR <applicant's name>**'s proposal to **<summarize project; include reference map if appropriate>** on **< date of filing Statement of Completion>**.

**<Describe rationale for change/delay.>**

MNDM has determined that there are no changes to any potential negative environmental effects, level of public or agency concern, and no new potential negative or unknown environmental effects, **<Add additional details as necessary>**.

The project documentation for this proposed project is available at **< insert Class EA web page URL and, if appropriate, viewing location>**.

Comments must be received by **<minimum 30 calendar days>**. To receive additional information, inspect the project file, or submit comments, please contact:

**Name, position, department/section**

**Address**

**Phone number, fax number, email address**

After **<date>**, if MNDM is satisfied that there are no outstanding concerns, the project will be implemented as planned without additional notice.

Please note that personal information provided in a submission (such as name, address, and telephone number) and your views and opinions are being collected by MNDM under the authority of the *Environmental Assessment Act* for the purpose of engaging in public consultation and making decisions regarding the project. The personal information may also be shared with the Environmental Assessment and Permissions Branch of the Ministry of the Environment and Climate Change. The collection, use, and disclosure of this information are all governed by the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of this information should be directed to the person listed above.

***Category C or D Revised Notice of Completion Template (Addendum)***

**Revised Notice of Completion for a Category <C or D > Project**

***Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act***

RE: <project name>

The Ministry of Northern Development and Mines (MNDM) completed its assessment of its **OR <applicant's name>**'s proposal to **<summarize project; include reference map>** on **<date of filing Statement of Completion>**.

**<Describe rationale for change>**

MNDM has determined that there are no changes to any potential negative environmental effects, level of public or agency concern, and no new potential negative or unknown environmental effects, **<Add additional details as necessary.>**

The project documentation for this proposed project is available at **< insert Class EA web page URL and, if appropriate, viewing location>**.

You are invited to provide input and express any concerns about this proposed project. Comments must be received by **<minimum 30 calendar days>**. To receive additional information, inspect the project file **OR** a copy of the revised Final Environmental Study Report, or submit comments, please contact:

**Name, position, department/section**

**Address**

**Phone number, fax number, email address**

For any concerns that cannot be resolved in discussion with MNDM, *interested persons* may submit a Part II Order request (see Section 7.5 Part II Order Process of MNDM's Class EA) to the Minister of the Environment and Climate Change requesting that the project be made subject to the individual environmental assessment requirements of the *Environmental Assessment Act*. Requests must be received by the Minister of the Environment and Climate Change by **<date>**, with a copy to MNDM.

After **<date>**, if MNDM is satisfied that there are no outstanding concerns, the project will be implemented as planned without additional notice.

Please note that personal information provided in a submission (such as name, address, and telephone number) and your views and opinions are being collected by MNDM under the authority of the *Environmental Assessment Act* for the purpose of engaging in public consultation and making decisions regarding the

project. The personal information may also be shared with the Environmental Assessment and Permissions Branch of the Ministry of the Environment and Climate Change. The collection, use, and disclosure of this information are all governed by the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of this information should be directed to the person listed above.

***Category B Notice of Intention to Proceed with Project Template***

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**Notice of Intention to Proceed with a Category B Project after 5 Years**

***Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act***

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RE: **<project name>**

The Ministry of Northern Development and Mines (MNDM) completed its assessment of its **OR <applicant's name>**'s proposal to **<summarize project; include reference map>** on **<date of filing Statement of Completion>**.

The Category B screening, consultation and project review was carried out in accordance with the *Class Environmental Assessment for MNDM's Activities under the Mining Act* (Class EA).

MNDM's Class EA requires that a new notice be issued if more than five years have passed since the completion of the assessment. MNDM **OR <applicant's name>** intends to proceed with the project **<state rationale for proceeding>**.

MNDM has determined that there are no changes to any potential negative environmental effects, level of public or agency concern, and no new potential negative or unknown environmental effects, **<add additional details as necessary>**.

The project documentation for this proposed project is available at **< insert Class EA web page URL and, if appropriate, viewing location>**.

You are invited to provide input and express any concerns about this proposed project. Comments must be received by **<minimum 30 calendar days>**. To receive additional information, inspect the project file, or submit comments, please contact:

**Name, position, department/section**

**Address**

**Phone number, fax number, email address**

After **<date>**, if MNDM is satisfied that there are no outstanding concerns, the project will be implemented as planned without additional notice.

Please note that personal information provided in a submission (such as name, address, and telephone number) and your views and opinions are being collected by MNDM under the authority of the *Environmental Assessment Act* for the purpose of engaging in public consultation and making decisions regarding the project. The personal information may also be shared with the Environmental Assessment and Permissions Branch of the Ministry of the Environment and

Climate Change. The collection, use, and disclosure of this information are all governed by the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of this information should be directed to the person listed above.

***Category C or D Notice of Intention to Proceed with Project Template***

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**Notice of Intention to Proceed with a Category <C or D > Project after 5 Years**

***Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act***

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RE: **<project name>**

The Ministry of Northern Development and Mines (MNDM) completed its assessment on its **OR <applicant's name>**'s proposal to **<summarize project; include reference map>** on **<date of release of Notice of Completion or date of filing Statement of Completion>**.

The Category **<C or D>** screening, consultation and project review was carried out in accordance with the *Class Environmental Assessment for MNDM's Activities under the Mining Act* (Class EA).

MNDM's Class EA requires that a new notice be issued if more than five years have passed since the completion of the assessment. MNDM **OR <applicant's name>** intends to proceed with the project **<state rationale for proceeding>**. The environmental effects of the project are unchanged.

The project documentation for this proposed project is available at **< insert Class EA web page URL and, if applicable, viewing location>**.

You are invited to provide input and express any concerns about this proposed project. Comments must be received by **<minimum 30 calendar days>**. To receive additional information, inspect the project file **OR** a copy of the Final Environmental Study Report, or submit comments, please contact:

**Name, position, department/section**

**Address**

**Phone number, fax number, email address**

For any concerns that cannot be resolved in discussion with MNDM, *interested persons* may submit a Part II Order request (see Section 7.5 Part II Order Process of MNDM's Class EA) to the Minister of the Environment and Climate Change requesting that the project be made subject to the individual environmental assessment requirements of the *Environmental Assessment Act*. Requests must be received by the Minister of the Environment and Climate Change by **<date>**, with a copy to MNDM.

After **<date>**, if MNDM is satisfied that there are no outstanding concerns, the project will be implemented as planned without additional notice.



Please note that personal information provided in a submission (such as name, address, and telephone number) and your views and opinions are being collected by MNDM under the authority of the *Environmental Assessment Act* for the purpose of engaging in public consultation and making decisions regarding the project. The personal information may also be shared with the Environmental Assessment and Permissions Branch of the Ministry of the Environment and Climate Change. The collection, use, and disclosure of this information are all governed by the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of this information should be directed to the person listed above.

# Appendix 6: Examples of Potential Environmental Effects and Mitigation Measures

## 1.0 Discretionary Activities

This appendix provides examples of potential environmental effects and *mitigation measures* associated with MNDM's discretionary tenure decisions and discretionary rehabilitation activities. MNDM's *undertakings* are listed in tables 1 and 3 of the Class EA.

As discussed in Section 2.5 of the Class EA, the potential environmental effects of an activity will vary based on the location, history, and environmental setting of a particular site, as well as the size, scale and nature of the project itself. MNDM's *undertakings* range from having nil to very minor potential negative effects (i.e., Category A or B activities) to moderate or significant potential negative effects (i.e., Category C or D activities) that need to be considered.

As noted in Section 4.6 of the Class EA, the majority of MNDM's *undertakings* covered by the Class EA should be either administrative in nature or produce short-term negative effects that are easily mitigated by regulatory requirements and other instruments. Category A activities will not require the application of *mitigation measures*. These activities include the pre-screened discretionary tenure decisions listed in Table 4 of the Class EA and activities that screen to a Category A by applying the Part 1 screening criteria in Table 5 of the Class EA.

Activities that may have environmental effects and which may require the application of *mitigation measures* are listed in the table below.

**Table 1: Non-Category A Discretionary Activities**

Discretionary Activity	Outcome
All discretionary rehabilitation activities by MNDM other than emergency undertakings and maintenance activities.	Depending on the site, any number and combination of rehabilitation activities listed in Table 3 of the Class EA.
Section 29. (1) and (2) – lands not open for staking without consent of Minister.	Physical ground staking.

Discretionary Activity	Outcome
Section 34 – <i>surface rights</i> for mining operations within 45 metres of a road or highway.	Surface rights for any purpose that is essential for mining or mining exploration within 45 metres of a road maintained by the Ministry of Transportation.
Section 39. (2) – <i>surface rights</i> for mining operations on agricultural lands.	Surface rights for any purpose that is essential for mining or mining exploration on land that is suitable for disposition for agricultural purposes.
Section 52. (1) – permission to test mineral content ( <i>bulk sample</i> ).	Removal of between 100 to 1,000 tonnes of Crown-held mineral-bearing substance on an unpatented <i>mining claim</i> for testing purposes.
Section 53. (1) and (2) – disposition of Crown-owned <i>chattels</i>	Sale or disposal of any <i>chattels</i> (e.g., buildings, machinery, tailings, ore, etc.).
Section 84. (1) – <i>surface rights</i> lease.	<i>Surface rights</i> for any purpose that is essential for mining or mining exploration.
Section 147. (2) – Crown intervention to <i>rehabilitate a mine hazard</i>	Depending on the site, any number and combination of rehabilitation activities listed in Table 3 of the Class EA.
Section 176. (3) – Issuance or validation of <i>mining lease(s)</i> , <i>licence(s) of occupation</i> , patents, etc., under an Order-in-Council.	Mining and/or surface rights that are necessary for mining or mining exploration.
Section 183. (1) – Voluntary surrender of <i>mining lands</i>	<i>Mining lands</i> or <i>mining rights</i> are surrendered to the Crown.

## 2.0 Potential Environmental Effects and Mitigation Measures

In general, where MNDM's *undertakings* may result in potential negative effects MNDM will consider *mitigation measures* that will include those listed in the table below. MNDM will determine the actual environmental effects for a proposed

project by applying the Part 1 and Part 2 screening criteria (see Section 3.1 of the Class EA). The mitigation methods considered for a project will be based on the number and nature of environmental effects caused by a particular *undertaking*. Due to the varied nature and scope of MNDM's *undertakings* (see Section 2.5 of the Class EA) environmental effects and *mitigation measures* in the table below will not apply to every proposed project, and may not even apply to an entire class of activities.

The list below is not exhaustive; it is intended to represent typical environmental effects and common *mitigation measures*. Alternatives to the measures listed below may be considered and/or implemented. MNDM will determine specific potential environmental effects and possible *mitigation measures* on a case-by-case basis.

Potential negative effects can also be mitigated by meeting the relevant requirements of provincial and federal legislation including, but not limited to:

- the *Mining Act* (including the *Mine Rehabilitation Code of Ontario*);
- the *Endangered Species Act*;
- the *Public Lands Act*;
- the *Ontario Heritage Act*;
- the *Fisheries Act*;
- the *Environmental Protection Act*;
- the *Funeral, Burial and Cremation Services Act*;
- the *Provincial Parks and Conservation Reserves Act*;
- the *Public Transportation and Highway Improvement Act*; and
- municipal by-laws.

As it is presumed that MNDM, third parties and partners will comply with all applicable legislation, *mitigation measures* that are required under provincial and federal legislation are not included in the list below.

**Table 2: Examples of Potential Environmental Effects and Mitigation Measures**

Environmental Effect	Mitigation Measures
Physical / Biological Environment	
Air quality	<ul style="list-style-type: none"> <li>• Avoid unnecessary engine idling of equipment and vehicles.</li> <li>• Ensure appropriate respiratory and/or personal safety gear is used for handling noxious substances.</li> </ul>

Environmental Effect	Mitigation Measures
	<ul style="list-style-type: none"> <li>• Ensure motorized vehicles and construction equipment are maintained in good working condition and have functioning exhaust and/or pollution control systems.</li> </ul>
Odours	<ul style="list-style-type: none"> <li>• Use standardized measures to minimize odours.</li> <li>• During warmer seasons, spread biosolids when wind direction will not blow odours towards residences, e.g., less than 500 metres away.</li> <li>• Follow best practices for biosolids management, e.g., avoid spreading biosolids when temperatures exceed 25°C.</li> <li>• Avoid stockpiling biosolids higher than two metres for more than two weeks prior to spreading.</li> </ul>
Dust and mud	<ul style="list-style-type: none"> <li>• Use of tarps on trucks transporting materials to and from site.</li> <li>• Use blasting mats.</li> <li>• Wet down dry soils or use approved dust suppression methods as required.</li> <li>• Use standard measures to minimize dust and mud.</li> <li>• Contain drilling mud and keep it greater than 30 metres from a waterway.</li> <li>• Clean vehicles in an appropriate on-site location that will minimize tracking materials off-site.</li> </ul>
Change to views or aesthetics	<ul style="list-style-type: none"> <li>• Removal or disposal of refuse from site as appropriate.</li> <li>• Maintain vegetation or physical buffers (e.g., berms) along roads and water bodies.</li> <li>• Contouring to existing topography.</li> </ul>
Noise and/or vibration	<ul style="list-style-type: none"> <li>• Reduce haul truck speed.</li> <li>• Use mufflers on equipment.</li> <li>• Maintain equipment exhaust systems.</li> <li>• Limit construction, blasting, etc., to daylight hours.</li> <li>• Select transportation routes to minimize noise and avoid residential streets.</li> </ul>

Environmental Effect	Mitigation Measures
	<ul style="list-style-type: none"> <li>• Prevent the use of engine-assisted breaking in sensitive areas.</li> </ul>
Soil contamination	<ul style="list-style-type: none"> <li>• Use proper fuel handling practices.</li> <li>• Ensure availability of spill control material.</li> <li>• Properly store and dispose of hazardous materials such as chemicals and petroleum products.</li> </ul>
Soil erosion / compaction / mixing	<ul style="list-style-type: none"> <li>• Schedule construction activities to minimize soil disturbance (e.g., during winter months, low water conditions).</li> <li>• Avoid rutting by vehicles.</li> <li>• Maintain vegetative buffers along water bodies and on steeper slopes.</li> <li>• Use vehicles with low ground pressure tires.</li> <li>• Cease activities when ground conditions will cause severe soil profile disruption.</li> <li>• Plough or cultivate soil to relieve compaction.</li> <li>• Backblade or grade surface.</li> <li>• Use standard erosion control measures and structures.</li> <li>• Minimize vegetation removal.</li> <li>• Avoid trenching parallel to the fall of a slope.</li> <li>• Avoid access road grades of greater than 12 percent (or 5 percent near shorelines).</li> <li>• Restore soils to a stable condition.</li> <li>• Minimize overburden disturbance.</li> <li>• Stockpile topsoil for later use.</li> <li>• Re-seed to establish an environment for revegetation by native volunteer plants.</li> <li>• Implement a soil and sediment control program.</li> <li>• Stockpile native organics and use as a seed bed.</li> </ul>
Disturbance to or loss of terrestrial species or their habitat	<ul style="list-style-type: none"> <li>• Use low impact methods (for physical ground staking, trails, etc.)</li> <li>• Avoid damaging breeding habitat, seasonal concentration areas, etc.</li> </ul>

Environmental Effect	Mitigation Measures
	<ul style="list-style-type: none"> <li>• Conduct work outside of breeding and nesting seasons or other critical periods in a species' life cycle.</li> <li>• Promote natural revegetation and habitat restoration.</li> <li>• Modify project design to minimize impacts to habitat.</li> </ul>
Disturbance to migratory bird species or their habitat	<ul style="list-style-type: none"> <li>• Avoid damaging breeding habitat, seasonal concentration areas, etc.</li> <li>• Time construction activities to avoid disturbance.</li> </ul>
Disturbance to or loss of species at risk or their habitat  (Note: these <i>mitigation measures</i> are listed in addition to the <i>mitigation measures</i> for species and habitat listed elsewhere.)	<ul style="list-style-type: none"> <li>• Avoid damaging habitat of sensitive species.</li> <li>• Apply techniques and best practices to protect species and/or their habitat (e.g., bat gates).</li> </ul>
Disturbance to or loss of aquatic species or their habitat	<ul style="list-style-type: none"> <li>• Avoid damaging habitat.</li> <li>• Use standard erosion or sediment control devices, such as silt curtains and straw bales.</li> <li>• Minimize stream bank erosion by retaining shrubby bank vegetation.</li> <li>• Minimize erosion from cleared area by maintaining cover vegetation.</li> <li>• Avoid filling in small wetlands.</li> <li>• Maintain vegetation buffers along water bodies and steep slopes.</li> </ul>
Change to ground and/or surface water quality	<ul style="list-style-type: none"> <li>• Develop plan(s) for accidental spills.</li> <li>• Ensure availability of spill control material and procedures.</li> <li>• Use proper fuel handling techniques.</li> <li>• Use standard sediment control devices, such as silt curtains and straw bales.</li> </ul>

Environmental Effect	Mitigation Measures
	<ul style="list-style-type: none"> <li>• Maintain vegetative buffers near water bodies, steep slopes and drinking water sources.</li> <li>• Cap and seal drill holes.</li> <li>• Store fuel, oil and chemicals at least 150 metres away from water bodies.</li> <li>• Prevent cut vegetation from entering watercourses.</li> </ul>
Shoreline erosion or disturbance	<ul style="list-style-type: none"> <li>• Conduct work in winter (i.e., when water/land is frozen).</li> <li>• Retain buffer strip of bank vegetation.</li> <li>• Implement a soil and sediment control program.</li> </ul>
Water sedimentation	<ul style="list-style-type: none"> <li>• Use standard mechanical and vegetative sediment control devices, such as silt curtains and straw bales.</li> <li>• Contain material when working in the vicinity of water bodies.</li> <li>• Use sediment traps or settling ponds.</li> <li>• Retain bank vegetation.</li> </ul>
Built / Structural Environment	
Additional road traffic	<ul style="list-style-type: none"> <li>• Select transportation routes and their usage/timing to minimize effects on community traffic patterns and levels.</li> <li>• Construct transportation routes that avoid creating permanent access to remote areas.</li> <li>• Install access controls (e.g., gate).</li> </ul>
Damage or disturbance to existing infrastructure (roads, power lines, pipelines, etc.)	<ul style="list-style-type: none"> <li>• Seek input on transportation routes with owners of roadways, pipelines and transmission lines to ensure protection.</li> <li>• Install apron on paved or surface-treated roads to prevent damage to road surface.</li> </ul>
Disruption of agricultural uses	<ul style="list-style-type: none"> <li>• Make access and timing arrangements with owner to minimized interference with operations.</li> <li>• Construct gates/barricades as required to avoid livestock losses/escapes.</li> </ul>



Environmental Effect	Mitigation Measures
Disruption of forestry uses	<ul style="list-style-type: none"> <li>• Make access and timing arrangements with operator to minimize interference with operations.</li> </ul>
Disruption of hunting and trapping uses	<ul style="list-style-type: none"> <li>• Inform hunters/trappers of timing of activities, schedules and progress and consider recommendations.</li> <li>• Make access and timing arrangements with trappers and outfitters.</li> <li>• Schedule activities to avoid hunting season.</li> <li>• Minimize harassment to wildlife populations.</li> <li>• Contain disturbed areas to minimize off-site effects.</li> <li>• Remove temporary access roads.</li> </ul>
Disturbance of natural or human-made hazards	<ul style="list-style-type: none"> <li>• Recognize and avoid natural hazards.</li> <li>• Avoid disturbing rehabilitated mine workings.</li> </ul>
Disturbance to navigable waterways	<ul style="list-style-type: none"> <li>• Maintain buffers along navigable waterways routes.</li> <li>• Prevent blockages to navigable waterways.</li> </ul>
Social / Economic / Cultural Environment	
Disruption of Aboriginal traditional land uses	<ul style="list-style-type: none"> <li>• Apply timing restrictions to avoid disruption of activities during certain times of the year (e.g., hunting, fishing, trapping, medicine harvesting).</li> <li>• Consult with affected Aboriginal communities and consider recommendations.</li> </ul>
Disruption to local Aboriginal communities	<ul style="list-style-type: none"> <li>• Consult with affected Aboriginal communities and consider recommendations.</li> <li>• Maintain buffers near community/residences.</li> </ul>
Disruption to seasonal or permanent residents	<ul style="list-style-type: none"> <li>• Maintain buffers near residences.</li> <li>• Notify residents of activities and consider recommendations.</li> </ul>

Environmental Effect	Mitigation Measures
Disruption of recreational or tourism uses	<ul style="list-style-type: none"> <li>• Apply timing restrictions to avoid disruption of activities during certain times of the year.</li> <li>• Maintain/add visual and/or vegetative buffers.</li> </ul>
Disturbance or destruction of <i>archaeological resources</i>	<ul style="list-style-type: none"> <li>• Undertake an archaeological assessment(s) to identify and evaluate <i>archaeological resources</i>.</li> <li>• Include conditions in the discretionary tenure approval instrument to require an archaeological assessment should future activities potentially impact <i>archaeological resources</i>.</li> <li>• Endeavor to conserve archaeological sites in their original location through documentation, protection and avoidance of impacts.</li> <li>• During construction: include provisions in contracts (discretionary rehabilitation activities) and in approval instruments (discretionary tenure decisions) to stop construction in areas where <i>archaeological resources</i> are discovered during construction.</li> <li>• During construction, protect <i>archaeological resources</i> that are being conserved in their original location through the use of protective fences and/or barriers and by hiring a <i>consultant archaeologist</i> to monitor the work as appropriate.</li> </ul>
Disturbance, destruction or isolation of built heritage resources or cultural heritage landscapes	<ul style="list-style-type: none"> <li>• Identify, evaluate and manage <i>cultural heritage resources</i> as per MNDM's Heritage Management Process (Appendix 3).</li> <li>• Avoid impacts by modifying boundary of the disposition (discretionary tenure decision only) or by redesigning, relocating and/or modifying components of the proposed project.</li> <li>• Maintain buffer around built heritage.</li> <li>• Add property to list of provincial heritage properties maintained by Ministry of Tourism, Culture and Sport.</li> </ul>

Environmental Effect	Mitigation Measures
	<ul style="list-style-type: none"> <li>• Endeavor to retain and maintain the visual settings and other physical relationships that contribute to the <i>cultural heritage value</i> or interest.</li> <li>• Endeavor to find an alternate use for an existing heritage property (i.e., adaptive reuse).</li> <li>• Mothball<sup>11</sup> the heritage property or transfer care and control of it to the appropriate provincial ministry and, in so doing, ensuring the receiving ministry is aware of the property's <i>cultural heritage value or interest</i> including its level of value.</li> <li>• Relocation, salvage, or documentation of a built heritage resource prior to demolition.</li> <li>• During construction: protect built heritage resources that are being conserved in their original location through the use of access restrictions, reduction of noise and vibrations and dust control.</li> </ul>
Disturbance of site(s) of Aboriginal cultural significance	<ul style="list-style-type: none"> <li>• Recognize and avoid sites</li> <li>• Work with Aboriginal communities to identify and protect sites.</li> </ul>

<sup>11</sup> Mothball means to remove a resource from active use and apply long-term stabilization intended to safeguard it from deterioration or damage over an extended period. Mothballing should provide for adequate safety, security and regular monitoring.

## Appendix 7: Record of Consultation Template

The Class EA consultation process (Section 5.0 of the Class EA) for a proposed project will be documented in a Record of Consultation. A separate Record of Consultation will be required for Aboriginal consultation (Section 6.0 of the Class EA).

This appendix is a template for the components that will be included in the Record of Consultation.

### 1.0 PROJECT DESCRIPTION

Provide a description of the purpose / rationale of a proposed project (see Section 4.2.1.1 for Category C projects and Section 4.3.1.1 for Category D projects).and other relevant details.

### 2.0 CONSULTATION PLAN

If a consultation plan was prepared for the project, describe the details of the consultation plan and include it as an appendix to the Record of Consultation.

### 3.0 INTERESTED PERSONS or ABORIGINAL COMMUNITIES

Provide a description of the appropriate Aboriginal communities or government ministries and agencies, members of the public, and other interested groups or individuals that were identified by MNDM at the beginning of the Class EA planning process and how they were identified (Table 1).

**Table 1: Interested Persons or Aboriginal Communities**

Type	List	Rationale for inclusion
Federal, Provincial, and Municipal government	<i>Names of ministries and agencies</i>	<i>E.g., scope / details / location of project requires input</i>
Aboriginal community or organization		
Interested persons and organizations		

Non-Governmental Organizations		
Other		

## 4.0 CONSULTATION AND ENGAGEMENT ACTIVITIES

Provide a description of all notification, consultation and engagement activities, including, but not limited to, the categories described below.

### 4.1 Delegation of Engagement and Consultation Activities

Provide a description of all notification, consultation, and engagement activities that were delegated by MNDM to a third party or partner.

### 4.2 Notices

Provide a description of the notices that were prepared for the project. Copies of the notices, letters, advertisements, etc., should be added to the appendices of the consultation record. Describe how notices were shared or distributed, e.g., Information Notice on the Environmental Registry, direct mailing to community members, etc., advertisements in local newspapers (Table 2), posting on MNDM Class EA website, list of viewing locations, etc.

**Table 2: Newspaper Advertisements**

<b>Newspaper / Magazine / Other Publication</b>	<b>Language</b>	<b>Notice</b>	<b>Issue Date</b>
<i>Publication name</i>	<i>English, French, and/or other language</i>	<i>E.g., Notice of Commencement for a Category D project</i>	<i>DD/MM/YYYY</i>

### 4.3 Meetings

Provide a details of any meetings (Table 3) that were held, and details of any follow-up conversations or activities. Include any meeting minutes or notes in an appendix, if appropriate.

**Table 3: Meetings**

<b>Name</b>	<b>Location / Method of Communication</b>	<b>Date</b>	<b>Comments</b>
<i>E.g., Aboriginal community, government ministry or agency, company, organization, interested person(s), etc.</i>	<i>E.g., meeting location, teleconference, follow-up conversation, etc.</i>	<i>DD/MM/YYYY</i>	<i>E.g., attendees, concerns raised, follow-up required, etc.</i>

## 5.0 COMMENT SUMMARY TABLE

Provide a description of the comments received in correspondence from Aboriginal communities, government ministries and agencies, and other interested groups or individuals (Table 4). The description will include MNDM's (or the third party or partner's) response to the comments and how concerns were addressed.

**Table 3: Comment Summary**

<b>Commenter</b>	<b>Summary of Comments</b>	<b>MNDM's / Third Party's (name) / Partner's (name) Response</b>	<b>Status</b>
<i>Name of commenter</i>	<i>Comments</i>	<i>Response to comment, and how it was addressed, if appropriate.</i>	<i>For projects by a third party or partner, MNDM will indicate if they are satisfied or not with the response in column three.</i>

## **6.0 APPENDICES**

Include the following information and documents as appendices, as well as other relevant information:

- Consultation plan, if prepared;
- Letters, notices, newspaper advertisements, etc.;
- Meeting minutes or notes, if appropriate;
- Written comments received; and
- Other relevant information.

## Appendix 9: Emergency Incident Report Form

<b>Project Name:</b>	<b>Location:</b>
<b>Description:</b>	
<b>Actions Taken:</b>	
<b>Future remediation or monitoring required:</b>	
<b>Prepared by:</b>	<b>Date:</b>
<b>Approved by:</b>	<b>Date:</b>