

Millbrook Water Storage and
Water Servicing Expansion
Class Environmental Assessment

APPENDIX A

Notice of Commencement



Millbrook Treated Water Storage and Water Servicing Expansion

Notice of Study Commencement

The Township of Cavan Monaghan has initiated a Municipal Class Environmental Assessment Study to address capacity and reliability issues associated with the existing water storage system. The current water storage capacity and existing watermain network need to be expanded to accommodate the growth forecasted in the Township's new Official Plan.

The project is being planned under Schedule 'B' of the Municipal Class Environmental Assessment October 2000, as amended in 2011. The study will review the need and justification for additional capacity and reliability for the water storage and distribution system. The Class EA process will assess the environmental, social and economic impact of various alternatives to identify a preferred solution for the required system upgrades.

Interested persons are encouraged to bring issues and concerns to the Township at any time during this process. A Public Information Meeting will be held as part of the study at which Township staff and their consultants will be available to provide information and answer questions regarding the project. The first public meeting is tentatively scheduled for Spring 2014.

If you have any questions or comments or require any information about the study or the Municipal Environment Assessment process, you are invited to contact the persons listed below:

**Township of Cavan Monaghan
Public Works**

Mr. Wayne Hancock, P.Eng.
Director of Public Works
988 County Road 10
Millbrook, Ontario L0A 1G0
Tel: (705) 932-9332
Fax: (705) 932-3458
whancock@cavanmonaghan.net

R.V. Anderson Associates Limited

Mr. Reg Andres, P. Eng.
400-2001 Sheppard Avenue East,
Toronto, Ontario M2J 4Z8
Tel: (416) 497-8600
Fax: (416) 497-0342
randres@rvanderson.com

This notice was issued December 5, 2013.

FIRST_NAME	LAST_NAME	TITLE	COMPANY NAME/ADDITIONAL NAME	LOCATION	CITYTOWN	PROVINCE	COUNTRY	PCODE	TEL	FAX	Comments
YVETTE	HURLEY	CHIEF ADMINISTRATIVE OFFICER	TOWNSHIP OF CAVAN MONAGHAN	988 COUNTY ROAD 10	MILLBROOK	ON	CANADA	L0A 1G0	705-932-9328	705-932-3458	
WAYNE	HANCOCK	DIRECTOR OF PUBLIC WORKS	TOWNSHIP OF CAVAN MONAGHAN	988 COUNTY ROAD 10	MILLBROOK	ON	CANADA	L0A 1G0	705-932-9327	705-932-3458	
KYLE	PHILLIPS	CHIEF BUILDING OFFICIAL	TOWNSHIP OF CAVAN MONAGHAN	988 COUNTY ROAD 10	MILLBROOK	ON	CANADA	L0A 1G0	705-932-9319	705-932-3458	
JOHN	FALLIS	MAYOR	TOWNSHIP OF CAVAN MONAGHAN	988 COUNTY ROAD 10	MILLBROOK	ON	CANADA	L0A 1G0		705-932-3458	
SCOTT	McFADDEN	DEPUTY MAYOR	TOWNSHIP OF CAVAN MONAGHAN	988 COUNTY ROAD 10	MILLBROOK	ON	CANADA	L0A 1G0		705-932-3458	
JIM	CHAPLIN	COUNCILLOR	TOWNSHIP OF CAVAN MONAGHAN	988 COUNTY ROAD 10	MILLBROOK	ON	CANADA	L0A 1G0		705-932-3458	
LYNDA	TODD	COUNCILLOR	TOWNSHIP OF CAVAN MONAGHAN	988 COUNTY ROAD 10	MILLBROOK	ON	CANADA	L0A 1G0		705-932-3458	
TIM	BELCH	COUNCILLOR	TOWNSHIP OF CAVAN MONAGHAN	988 COUNTY ROAD 10	MILLBROOK	ON	CANADA	L0A 1G0		705-932-3458	
MEREDITH	CARTER		OTONABEE REGION CONSERVATION AUTHORITY	250 MILROY DRIVE	PETERBOROUGH	ON	CANADA	K9H 7M9	705-745-5791	705-745-7488	email: mcarter@otonabee.com ; www.oto
DIRECTOR, ENVIRONMENTAL ASSESSMENT AND APPROVALS BRANCH			MINISTRY OF ENVIRONMENT	2 ST. CLAIR AVENUE WEST, FLOOR 12A	TORONTO	ON	CANADA	M4V 1L5			
BRIAN	KAYE		MINISTRY OF ENVIRONMENT	1259 GARDINERS ROAD, BOX 22032	KINGSTON	ON	CANADA	K7M 8S5	1800-867-097	613-548-6908	
Jacqueline	Fuller		MINISTRY OF ENVIRONMENT - PETERBOROUGH DISTRICT OFFICE	300 Water St, 2nd floor, South Tower	PETERBOROUGH	ON	CANADA	K9J 8M5	18005580595	7057554321	
Candy	Gibson		MINISTRY OF ENVIRONMENT - PETERBOROUGH DISTRICT OFFICE	300 Water St, 2nd floor, South Tower	PETERBOROUGH	ON	CANADA	K9J 8M5	18005580595	7057554321	
GERRY	MULDER		MINISTRY OF NATURAL RESOURCES	ONTARIO GOVERNMENT BUILDING; BEACHGROVE COMPLEX 51 HEAKES LANE	KINGSTON	ON	CANADA	K7M 9B1			
TAMMY	CHUNG		MINISTRY OF NATURAL RESOURCES	Peterborough District Office; 300 Water St, 1st Floor, South Tower	PETERBOROUGH	ON	CANADA	K9J 8M5			
MARGARET	Bérubé		MINISTRY OF NATURAL RESOURCES	Peterborough District Office; 300 Water St, 1st Floor, South Tower	PETERBOROUGH	ON	CANADA	K9J 8M5			
LINDA	MacWILLIAMS		DEPARTMENT OF INDIAN AFFAIRS	5TH FLOOR, 25 ST. CLAIR AVENUE EAST	TORONTO	ON	CANADA	M4T 1M2			
MONIQUE	MOUSSEAU		TRANSPORT CANADA	4900 YONGE ST SUITE 300	TORONTO	ON	CANADA	M2N 6A5			
Jennifer	Hughes		TRANSPORT CANADA	4900 YONGE ST SUITE 300	TORONTO	ON	CANADA	M2N 6A5			
Communications Branch			Department of Fisheries and Oceans	200 Kent Street, 13th floor, Station 13E228	Ottawa	ON	CANADA	K1A 0E6			
Vicki	Mitchell		Ministry of Environment – Environmental Assessment Coordinator	1259 Gardiners Road, P.O. Box 22032	Kingston	Ontario	CANADA	K7M 8S5			
Jon	Orpana		Ministry of Environment – Environmental Assessment and Planning Coordinator	1259 Gardiners Road, P.O. Box 22032	Kingston	Ontario	CANADA	K7M 8S5			
VICTOR	CASTRO		MINISTRY OF ENVIRONMENT	1259 Gardiners Road, P.O. Box 22032	Kingston	Ontario	CANADA	K7M 8S5	1800-867-097	613-548-6908	
			ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT CANADA	TERRASSES DE LA CHAUDIERE; 10 WELLINGTON, NORTH TOWER	GATINEAU	QUEBEC	CANADA	K1A 0H4	18005679604	18668173977	
KELLY	POWLESS	PROGRAM ADVISOR/COORDINATOR	MINISTRY OF ABORIGINAL AFFAIRS	160 BLOOR ST. EAST, 4TH FLOOR	TORONTO	ONTARIO	CANADA	M7A 2E6	18663815337	4163264017	
CHIEF TRACY	GAUTHIER	CHIEF	MISSISSAUGAS OF SCUGOG ISLAND FIRST NATION	ADMINISTRATION BUILDING; 22521 ISLAND ROAD	PORT PERRY	ONTARIO	CANADA	L9L 1B6	9059853337E	9059858828	
CHIEF SANDRA	MOORE	CHIEF	HIAWATHA FIRST NATION	123 PAUDASH STREET	HIAWATHA	ONTARIO	CANADA	KOL_2G0	7052954423		
CHIEF JAMES R.	MARSDEN	CHIEF	ALDERVILLE FIRST NATION	P.O. Box 46, RR#4	ALDERVILLE	ON	CANADA	K0K 2X0	9053522011	9053523242	
ANDY	SCHOENHOFER	ARCHEOLOGICAL LICENSING AND INFORMATION OFFICER	MINISTRY OF TOURISM, CULTURE AND SPORT	1700-401 BAY STREET	TORONTO	ON	CANADA	M7A 0A7	4163147148	4163147854	
			PETERBOROUGH COUNTY-CITY HEALTH UNIT	10 HOSPITAL DRIVE	PETERBOROUGH	ON	CANADA	K9J 8M1	7057431000	7057432897	
LOCAL RESIDENTS											
SHERYL	HUNTER	PRINCIPAL	MILLBROOK SOUTH CAVAN PUBLIC SCHOOL	47 TUPPER STREET	MILLBROOK	ONTARIO	CANADA	L0A 1G0	7059322789		
		ELDERLY RESIDENCE	CENTENNIAL PLACE	2 CENTENNIAL LANE	MILLBROOK	ONTARIO	CANADA	L0A 1G0	7059324464	7059324473	
CUSTOMER COMMUNICATIONS			HYDRO ONE NETWORKS INC.	P.O. BOX 5700	MARKHAM	ONTARIO	CANADA	L3R 1C8		9059443251	
COMMUNICATIONS BRANCH			ENVIRONMENT CANADA	4905 DUFFERIN STREET	TORONTO	Ontario	CANADA	M3H 5T4	4167394826	4167394776	



Wayne Blaby of Computer Solutions Plus delivers the new laptop computer to Kim McLeod, treasurer of the Millbrook & Cavan Historical Society. The purchase of the laptop was made possible through a grant from the Cavan Monaghan and Millbrook Legacy Fund.

Photo by Ceila Hunter

Our History: Building with Local Bricks

Ric Wilson, Stewart Line, Cavan

Our red clay brick farmhouse on Stewart Line was built circa 1856 using bricks that were kilned at a brick deposit not far east of us on Lot 22, Concession 12, Cavan. The area was settled in the 1820s and '30s, before any roads were built along the surveyed road allowance. At that time the properties were connected only by a trail through the blazed forest.

When the road was constructed, settlers kept to the

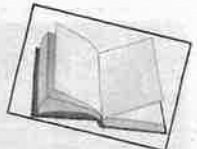
higher ground to avoid water courses, swales and dense cedar bush. It was at one of these swales that an exposed clay outcrop was discovered. The owner realized that this type of clay could be kilned into bricks. In 1854, he made enough bricks to build his own house which was on Lot 22.

By that year, the 12th Line of Cavan had been constructed from what is now County Road 10 (the former Bobcaygeon Colonization Road)

east to meet the road to Peterborough. Now it was possible to transport bricks by cart or wagon to other properties. In 1856 our Georgian house was constructed, using these locally made bricks. A brick bake oven and other outbuildings were added later.

Other buildings in the area built using the same brickyard include the Presbyterian Church manse, Fairmount Methodist Church, SS No. **BRICKS...** Continued on Page 9

SHELF LIFE



Strikingly familiar.... The Cuckoo's Calling by Robert Galbraith (aka J.K. Rowling)

Terri Beardow

You can quite see why J.K. Rowling wanted to keep her little cuckoo a secret. There is no way of being totally unbiased once you know this book is hers and I only wish I had had the luck to read it when it first came out and before the balloon went up. I think the title, though entirely apt for the story, indicates also a slyly-hidden egg laid in the nest of book critics. There were clues that this book was written neither by an ex-commando (as the jacket cover says) nor even by a man, but of course, after the fact, that is easy for me to say.

Save for being a down-and-out PI, Cormoran Strike is rather unusual. He is ex-military police; one-legged due to a bomb blast in Afghanistan; very large and hairy—Hagridian one might say—and the illegitimate son of a famous rock star. His physical capabilities are not really tested too much in this first outing in what is touted to be a series, unless walking great distances through the streets of London counts. Whatever happened to the ubiquitous London cab?

Robin, Cormoran's new but temporary assistant, is a wannabe-sleuth and is endearingly breathless about her job and her assignments, although assignments may be too elegant a term. She is extremely self-motivated and eager to be part of what she sees as her dream job, responding enthusiastically before her strange boss can even put together a request. Possibly, left to his

own devices, not much would get done at all, as he is still trying to recover from a break-up with his supermodel girlfriend and bivouacs in general squalor in his office. Robin, in fact, looks more and more like his guardian angel and she is definitely the more energetic of the two. Frankly, she turns out to be the better investigator as well.

In quite a divergence from the usual popular police procedurals, this book is more cerebral and less action, the crime scenes are without excess violence and gratuitous gore; there is a visit to the mortuary but no detailed forensics done by overly-eager scientists examining body cavities; there are drugs and drink and all the vices usually present in such novels, but no depressing glimpse of the sordid aftermath of such. Instead, this story is carried by character and J.K. Rowling, as we are well aware, has a particular talent with character.

Aside from a tendency to equate Cormoran Strike with some Harry Potter-y character and the book's slightly fantastic view of the world, this breakout novel is a hugely enjoyable read. It cannot in any way be called a gripping novel, but what it does have is interesting personalities and writing which makes the pages turn—and it has the deliciously-named Doom Bar, Cormoran's favourite ale, the sales of which should rise exponentially since the publication of this book.



Millbrook Treated Water Storage and Water Servicing Expansion Notice of Study Commencement Class Environmental Assessment

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This notice was issued December 12, 2013.

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400-2001 Sheppard Avenue East
Toronto, Ontario, M2J 4Z8
Tel: (416)497-8600
Fax: (416) 497-0342
randres@rvanderson.com

This notice was issued December 12, 2013.

PLACE AN AD!

Rika Law

From: Zhaneta Mullisi
Sent: Wednesday, January 29, 2014 9:43 AM
To: Rika Law
Cc: Valera V. Saknenko
Subject: FW: 122670.30 Millbrook Water Tower - Notice of Commencement; MNR File No. 14-CAVA-PET-EAE-1745

Good morning Rika,

See the email below.

Zhaneta

From: Spang, Elizabeth (MNR) [mailto:Elizabeth.Spang@ontario.ca]
Sent: Wednesday, January 29, 2014 9:37 AM
To: Zhaneta Mullisi
Subject: RE: 122670.30 Millbrook Water Tower - Notice of Commencement; MNR File No. 14-CAVA-PET-EAE-1745

Good morning:

MNR Peterborough District has received your notice of commencement dated December 18, 2013 for a Water Servicing Expansion for the Town of Millbrook, Geographic Township of Cavan. Since there does not appear to be a well-defined study area at this time, we provide the general information found below to inform your project. MNR may provide additional information and technical advice if details of the proposed location(s) and design(s) of the proposed works are circulated to our office.

General: MNR Data and Information

We would like to inform you that MNR's natural heritage and natural resources data and information for the study area can be obtained through the Land Information Ontario Warehouse (LIOW) through the Ministry's Land Information Ontario (LIO) website at: http://www.mnr.gov.on.ca/en/Business/LIO/2ColumnSubPage/STDPROD_068994.html.

A data sharing agreement is required to access data within the LIO database. The following link provides information about obtaining an agreement: http://www.mnr.gov.on.ca/en/Business/LIO/2ColumnSubPage/STEL02_167959.html

You can also obtain Species at Risk occurrence information on our Natural Heritage Information Centre website: <http://www.mnr.gov.on.ca/en/Business/NHIC/index.html>. In addition, the Species at Risk in Ontario (SARO) List can be obtained at: http://www.e-laws.gov.on.ca/html/regis/english/elaws_regis_080230_e.htm

We recommend that you use the above-noted sources of information during the review of your project proposal.

Wetlands and Areas of Natural and Scientific Interest (ANSI)

The general area around Millbrook contains the Millbrook Northeast non-provincially significant wetland and the Cavan Till Candidate Earth Science ANSI.

The general area also appears to contain unevaluated wetlands. We recommend contacting the local conservation authority for more information on approvals that may be required. Consideration should be given to completing a wetland evaluation for submission to our office if unevaluated wetlands will be impacted by the proposed project. A wetland evaluator must be certified in the Ontario Wetland Evaluation System (OWES).

Fisheries

The Town of Millbrook contains Baxter Creek, a cold water stream. Our office can be contacted for fisheries management information if any in-water work is expected.

*Please contact the Department of Fisheries and Oceans/local Conservation Authority for any approvals that may be required and/or recommendations on any sediment/erosion control measures that may be required during construction.

Species at Risk

Species listed as endangered or threatened on the Species at Risk in Ontario (SARO) list are protected under the *Endangered Species Act, 2007* (ESA). Section 9(1) of the ESA prohibits a person from killing, harming, harassing, capturing or taking a member of a species listed as endangered, threatened or extirpated on the SARO list. Section 10(1) of the ESA prohibits the damage or destruction of habitat of a species listed as endangered or threatened on the SARO list.

Since comprehensive mapping for most Species at Risk is not available and if the proposal involves site alterations, a site assessment is recommended to identify the presence of any Species at Risk and/or their habitat on the subject lands, as a decision should not be made in the absence of such information. The focus of the site assessment can include a review of the information about known occurrences along with other information sources such as species distributions and habitat requirements as well as field visits using MNR approved protocols during the appropriate seasons by a qualified professional.

It is the responsibility of a person(s) undertaking any proposed activity to ensure they are in compliance with all provincial and federal legislation including the ESA. Therefore a person(s) should ensure their proposed activities will not adversely affect a Species at Risk or its habitat protected under the ESA. If an impact to a Species at Risk or its habitat cannot be avoided, a person(s) may apply for an authorization under the ESA. However, if an authorization is not issued by MNR, the person(s) must comply with the ESA by modifying proposed activities to avoid impacts to Species at Risk and habitat protected under the ESA.

As of July 1, 2013, there are new regulatory provisions provided under the ESA. This regulatory provision allows eligible activities, such as work undertaken to repair, modify, demolish, replace or general maintenance of a structure or the removal of buildings and/or excavation of land that is considered to be species at risk habitat to proceed without a permit, provided the proponent register with the Ministry of Natural Resources and then follow the specific rules in regulation under the ESA. These rules include, but is not limited to, preparing a mitigation plan and implementing steps to minimize the adverse effects of the activity on the species identified.

Information on the new ESA regulatory provision that come into effect on July 1, 2013 can be found at http://www.mnr.gov.on.ca/en/About/2ColumnSubPage/STDPROD_104342.html.

The amended ESA regulation (O.Reg 242/08) can be found at http://www.e-laws.gov.on.ca/html/reg/english/elaws_regs_080242_e.htm.

If any species at risk are found during assessments or surveys, please contact the Species at Risk Biologist at the Peterborough District MNR office and provide the geographic location (UTM coordinates) as well as photographs of the species occurrences. If you have any questions regarding species at risk or the new regulations, contact the Species at Risk Biologist at the Peterborough District MNR office at 705-755-3104.

Significant Wildlife Habitat

The subject property may contain Significant Wildlife Habitat such as seasonal concentration areas for wildlife species (e.g. snake hibernaculum), rare vegetation communities (e.g. tallgrass prairie), specialized habitats of wildlife (e.g. turtle nesting and over-wintering areas), habitats of species of conservation concern (e.g. Special Concern species as identified on the Species at Risk in Ontario (SARO) list and animal movement corridors (e.g. amphibian movement corridors). The identification of Significant Wildlife Habitat is the responsibility of the respective planning authority.

We refer you to Section 9.3.2 of the Natural Heritage Reference Manual (NHRM) which provides guidance on determining criteria for when Significant Wildlife Habitat should be identified and evaluated. We also refer you to the Significant Wildlife Habitat Technical Guide which was prepared alongside the NHRM to assist planning authorities and other participants in the land use planning system. The most recent Ecoregion 6E Criterion Schedule for the identification of Significant Wildlife Habitat (February 2012) can be found here (http://publicdocs.mnr.gov.on.ca/View.asp?Document_ID=21842&Attachment_ID=45644).

Public Lands Act

Except for federal canals and harbours, the beds of most lakes and streams are public land in Ontario. Please note that you may require a Work Permit under the *Public Lands Act* if you are proposing any work in water or near shore areas below the spring high water mark. If you have any questions about the *Public Lands Act*, please contact the Senior Lands and Waters Technical Specialist in our Kingston office at 613-531-5703.

Lakes and Rivers Improvement Act

Approval may be required under the *Lakes and Rivers Improvement Act* (LRIA) if you are planning to construct, alter, repair or decommission a dam. If you have any questions about the LRIA, please contact the Senior Lands and Waters Technical Specialist at 705-755-3305.

Other Approvals

It is the responsibility of the proponent to acquire all other information and necessary approvals from any other municipal, provincial or federal authority under other legislation. We recommend that you contact your local Conservation Authority, Department of Fisheries and Oceans, Trent Severn Waterway (Parks Canada), Ministry of the Environment, Ministry of Tourism, Culture and Sport, etc.

If you have any questions regarding the above comments, don't hesitate to contact me. Please reference the file number in the subject line for any future correspondence.

Liz Spang, M.Pl

A/District Planner
Peterborough District
Ontario Ministry of Natural Resources
300 Water Street, 1st Floor South
Peterborough, ON K9J 8M5
Tel: (705) 755-3294
Fax: (705) 755-3125
Email: Elizabeth.Spang@ontario.ca

From: Berube, Margaret (MNR)
Sent: December-19-13 11:36 AM
To: Spang, Elizabeth (MNR)
Subject: FW: 122670.30 Millbrook Water Tower - Notice of Commencement

From: Zhaneta Mullisi [<mailto:ZMullisi@rvanderson.com>]
Sent: December 18, 2013 4:30 PM
To: Berube, Margaret (MNR)
Subject: 122670.30 Millbrook Water Tower - Notice of Commencement

Dear Margaret Berube:

Please find attached the Notice of Commencement for the Millbrook Treated Water Storage and Water Servicing Expansion Class Environmental Assessment.

A Notice of Public Meeting will be issued at a later date.

Regards,

R.V. Anderson Associates Limited
Valera Saknenko, P.Eng.
Project Manager



2001 Sheppard Avenue East Suite 400 Toronto ON M2J 4Z8
Tel 416 497 8600 Ext 268 Fax 416 497 0342
www.rvanderson.com

Rika Law

From: Francesca M. Willoughby
Sent: Thursday, April 03, 2014 2:46 PM
To: Valera V. Saknenko; Vincent L. Nazareth; Rika Law
Subject: FW: Millbrook treated water storage project
Attachments: Millbrook Treated Water Storage.pdf; Attachment-Aboriginal Consultation Informationmar2014.pdf

FYI

From: Mitchell, Vicki (ENE) [mailto:Vicki.Mitchell@ontario.ca]
Sent: April-03-14 2:37 PM
To: Reg J. Andres
Cc: whancock@cavanmonaghan.net; Pirosko, Rudy (ENE)
Subject: Millbrook treated water storage project

Hi Reg,

Please see the attached MOE comments on the notice of commencement.

*Vicki Mitchell
Regional EA Coordinator
MOE Eastern Region
1259 Gardiners Road, Kingston ON

(613) 540-6852*

Ministry of the Environment

P.O. Box 22032
Kingston, Ontario
K7M 8S5
613/549-4000 or 1-800/267-0974
Fax: 613/548-6908

Ministère de l'Environnement

C.P. 22032
Kingston (Ontario)
K7M 8S5
613/549-4000 ou 1-800/267-0974
Fax: 613/548-6908



Via Email Only

April 2, 2014

R.V. Anderson Associates Limited

Attention: Reg Andres, P.Eng.
randres@rvanderson.com

Dear Mr. Andres:

Re: Millbrook Treated Water Storage and Water Servicing Expansion
Township of Cavan Monaghan

Thank you for sending a copy of the December 18, 2013 Notice of Study Commencement. The Notice indicates that the project will address capacity and reliability issues associated with the existing water storage system. The project is being planned as a schedule B activity in accordance with the Municipal Class Environmental Assessment (Class EA).

Class EA Process

The Eastern Regional Office in Kingston is a mandatory contact for all notices received as part of the *Municipal Class Environmental Assessment (Class EA)* process.

Your letter indicates that the project is a schedule B project. In accordance with the Municipal Class EA, Schedule B projects require that a Project File be prepared. The Project File shall be organized in such a way as to clearly demonstrate that the appropriate steps in Phases 1 and 2 have been followed and explain the following:

- background to the project and earlier studies;
- the nature and extent of the problem or opportunity, to explain the source of the concern or issue;
- description/inventory of the environment;
- the alternative solutions considered and the evaluation process followed to select the preferred solution;
- follow-up commitments, including any monitoring necessary; and
- the public consultation program employed and how concerns raised have been addressed.

ABORIGINAL CONSULTATION INFORMATION

Consultation with Interested Persons under the Ontario Environmental Assessment Act

Proponents subject to the Ontario *Environmental Assessment Act* are required to consult with interested persons, which may include First Nations and Métis communities. In some cases, special efforts may be required to ensure that Aboriginal communities are made aware of the project and are afforded opportunities to provide comments. Direction about how to consult with interested persons/communities is provided in the Code of Practice: Consultation in Ontario's Environmental Assessment Process available on the Ministry's website:

http://www.ene.gov.on.ca/environment/en/resources/STD01_076108.html

As an early part of the consultation process, proponents are required to contact the Ontario Ministry of Aboriginal Affairs' Consultation Unit and visit Aboriginal Affairs and Northern Development Canada's Aboriginal and Treaty Rights Information System (ATRIS) to help identify which First Nation and Métis communities may be interested in or potentially impacted by their proposed projects.

ATRIS can be accessed through the Aboriginal Affairs and Northern Development Canada website:

http://sidait-atris.aadnc-aandc.gc.ca/atris_online/

For more information in regard to Aboriginal consultation as part of the Environmental Assessment process, refer to the Ministry's website:

www.ontario.ca/government/environment-assessments-consulting-aboriginal-communities

You are advised to provide notification directly to all of the First Nation and Métis communities who may be interested in the project. You should contact First Nation communities through their Chief and Band Council, and Metis communities through their elected leadership.

Rights-based consultation with First Nation and Métis Communities

Proponents should note that, in addition to requiring interest-based consultation as described above, certain projects may have the potential to adversely affect the ability of First Nation or Métis communities to exercise their established or credibly asserted Aboriginal or treaty rights. In such cases, Ontario may have a duty to consult those Aboriginal communities.

Activities which may restrict or reduce access to unoccupied Crown lands, or which could result in a potential adverse impact to land or water resources in which harvesting rights are exercised, may have the potential to impact Aboriginal or treaty rights. For assistance in determining whether your proposed project could affect these rights, please refer to the attached "Preliminary Assessment Checklist: First Nation and Métis Community Interest."

If there is likely to be an adverse impact to Aboriginal or treaty rights, accommodation may be required to avoid or minimize the adverse impacts. Accommodation is an outcome of consultation and includes any mechanism used to avoid or minimize adverse impacts to Aboriginal or treaty rights and traditional uses. Solutions could include mitigation such as

adjustments in the timing or geographic location of the proposed activity. Accommodation may in certain circumstances involve the provision of financial compensation, but does not necessarily require it.

For more information about the duty to consult, please see the Ministry's website at:

www.ontario.ca/government/duty-consult-aboriginal-peoples-ontario

The proponent must contact the Director, Environmental Approvals Branch if a project may adversely affect an Aboriginal or treaty right, consultation has reached an impasse, or if a Part II Order or an elevation request is anticipated; the Ministry will then determine whether the Crown has a duty to consult.

The Director of the Environmental Approvals Branch can be notified either by email with the subject line "Potential Duty to Consult" to EAASIBgen@ontario.ca or by mail or fax at the address provided below:

Email:	EAASIBgen@ontario.ca Subject: Potential Duty to Consult
Fax:	416-314-8452
Address:	Environmental Approvals Branch 12A Floor 2 St Clair Avenue W Toronto, ON M4V1L5

Delegation of Procedural Aspects of Consultation

Proponents have an important and direct role in the consultation process, including a responsibility to conduct adequate consultation with First Nation and Métis communities as part of the environmental assessment process. This is laid out in existing environmental assessment codes of practice and guides that can be accessed from the Ministry's environmental assessment website at:

www.ontario.ca/environmentalassessments

The Ministry relies on consultation conducted by proponents when it assesses the Crown's obligations and directs proponents during the regulatory process. Where the Crown's duty to consult is triggered, various additional procedural steps may also be asked of proponents as part of their delegated duty to consult responsibilities. In some situations, the Crown may also become involved in consultation activities.

Ontario will have an oversight role as the consultation process unfolds but will be relying on the steps undertaken and information you obtain to ensure adequate consultation has taken place. To ensure that First Nation and Métis communities have the ability to assess a project's potential to adversely affect their Aboriginal or treaty rights, Ontario requires proponents to undertake certain procedural aspects of consultation.

The proponent's responsibilities for procedural aspects of consultation include:

- Providing notice to the elected leadership of the First Nation and/or Métis communities (e.g., First Nation Chief) as early as possible regarding the project;

- Providing First Nation and/or Métis communities with information about the proposed project including anticipated impacts, information on timelines and your environmental assessment process;
- Following up with First Nation and/or Métis communities to ensure they received project information and that they are aware of the opportunity to express comments and concerns about the project. If you are unable to make the appropriate contacts (e.g. are unable to contact the Chief) please contact the Environmental Assessment and Planning Coordinator at the Ministry's appropriate regional office for further direction.
- Providing First Nation and/or Métis communities with opportunities to meet with appropriate proponent representatives to discuss the project;
- Gathering information about how the project may adversely impact the relevant Aboriginal and/or Treaty rights (for example, hunting, fishing) or sites of cultural significance (for example, burial grounds, archaeological sites);
- Considering the comments and concerns provided by First Nation and/or Métis communities and providing responses;
- Where appropriate, discussing potential mitigation strategies with First Nation and/or Métis communities;
- Bearing the reasonable costs associated with these procedural aspects of consultation, which may include providing support to help build communities' capacity to participate in consultation about the proposed project.
- Maintaining a Consultation Record to show evidence that you, the proponent, completed all the steps itemized above or at a minimum made meaningful attempts to do so.
- Upon request, providing copies of the Consultation Record to the Ministry. The Consultation Record should:
 - summarize the nature of any comments and questions received from First Nation and/or Métis communities;
 - describe your response to those comments and how their concerns were considered;
 - include a communications log indicating the dates and times of all communications; and
 - document activities in relation to consultation.

Successful consultation depends, in part, on early engagement by proponents with First Nation and Métis communities. Information shared with communities must be clear, accurate and complete, and in plain language where possible. The consultation process must maintain sufficient flexibility to respond to new information, and we trust you will make all reasonable efforts to build positive relationships with all First Nation and Métis communities contacted.

If you need more specific guidance on Aboriginal consultation steps in relation to your proposed project, or if you feel consultation has reached an impasse, please contact the Environmental Assessment and Planning Coordinator at the Ministry's appropriate regional office.

**Preliminary Assessment Checklist:
First Nation and Métis Community Interests and Rights**

In addition to other interests, some main concerns of First Nation and Métis communities may pertain to established or asserted rights to hunt, gather, trap, and fish – these activities generally occur on Crown land or water bodies. As such, projects related to Crown land or water bodies, or changes to how lands and water are accessed, may be of concern to Aboriginal communities.

Please answer the following questions and keep related notes as part of your consultation record. “Yes” responses will indicate a potential adverse impact on Aboriginal or treaty rights.

Where you have identified that your project may trigger rights-based consultation through the following questions, you should arrange for a meeting between you and the Environmental Assessment and Planning Coordinator at the Ministry's appropriate regional office to provide an early opportunity to confirm whether Ontario's duty to consult is triggered and to discuss roles and responsibilities in that event.

	YES	NO
<p>1. Are you aware of concerns from First Nation and Métis communities about your project or a similar project in the area?</p> <p>The types of concerns can range from interested inquiries to environmental complaints, and even to land use concerns. You should consider whether the interest represents on-going, acute and/or widespread concern.</p>		
<p>2. Is your project occurring on Crown land, or is it close to a water body? Might it change access to either?</p>		
<p>3. Is the project located in an open or forested area where hunting or trapping could take place?</p>		
<p>4. Does the project involve the clearing of forested land?</p>		
<p>5. Is the project located away from developed, urban areas?</p>		
<p>6. Is your project close to, or adjacent to, an existing reserve?</p> <p>Projects in areas near reserves may be of interest to the First Nation and Métis communities living there.</p>		
<p>7. Will the project affect First Nations and/or Métis' ability to access areas of significance to them?</p>		
<p>8. Is the area subject to a land claim?</p> <p>Information about land claims filed in Ontario is available from the Ministry of Aboriginal Affairs; information about land claims filed with the federal government is available from Aboriginal Affairs and Northern Development Canada.</p>		
<p>9. Does the project have the potential to impact any archaeological sites?</p>		

The Project File must contain a complete record of all activities associated with the planning of the Project and shall include:

- correspondence;
- copies of notices, letters, bulletins relating to public consultation;
- memoranda to file explaining the proponent's rationale in developing stages of the project; and
- copies of reports prepared by consultants and others.

The project documentation must be maintained in such a way that it is suitable for easy review by the public at any time.

Once the Project File is finalized a Notice of Completion is required to be issued, allowing the public at least a 30 calendar day period during which documentation may be reviewed and comment and input submitted to the Municipality. The Notice of Completion shall advise the public of their rights to contact the Minister of the Environment and request a Part II Order.

Consultation with First Nation and Métis Communities

Your proposed project may have the potential to affect Aboriginal communities who hold or claim Aboriginal or treaty rights protected under Section 35 of Canada's *Constitution Act* 1982. The Crown has a duty to consult First Nation and Métis communities when it knows about established or credibly asserted Aboriginal or treaty rights, and contemplates decisions or actions that may adversely affect them.

Although the Crown remains responsible for ensuring the adequacy of consultation with potentially affected Aboriginal communities, it may delegate procedural aspects of the consultation process to project proponents.

The environmental assessment process requires proponents to consult with interested persons and government agencies, including those potentially affected by the proposed project. This includes a responsibility to conduct adequate consultation with First Nation and Métis communities.

The Ministry relies on consultation conducted by proponents when it assesses the Crown's obligations and directs proponents during the regulatory process.

Where the Crown's duty to consult is triggered in relation to your proposed project, the Ontario Ministry of the Environment is delegating the procedural aspects of rights-based consultation to you through this letter.

Steps that you may need to take in relation to Aboriginal consultation for your proposed project are outlined in the attached "Aboriginal Consultation Information" document. Please complete the checklist contained there, and keep related notes as part of your consultation record. Doing so will help you assess your project's potential adverse effects on Aboriginal or treaty rights.

You must contact the Director, Environmental Approvals Branch if you have reason to believe that your proposed project may **adversely affect an Aboriginal or treaty right, consultation has reached an impasse**, or if an elevation request is anticipated. The Ministry will then assess the extent of any Crown duty to consult in the circumstances, and will consider whether additional steps should be taken and what role you will be asked to play in them.

Thank you for the information you have provided, and please continue to keep us informed of the progress of the project. If you have questions or concerns about the above comments or this Ministry's information requirements, please contact me at (613) 540-6852.

Yours sincerely,



V. Mitchell
Environmental Assessment Coordinator
Technical Support Section
Eastern Region
VM/gl

ec: Wayne Hancock, Cavan Monaghan Township, whancock@cavanmonaghan.net
Rudy Pirosko, MOE