

**Keeping the Land: Seeking Environmental Assessment Act
Coverage for Forest Management on the Whitefeather Forest**

Project Description

February 8, 2007

Prepared by MNR and Pikangikum First Nation

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Preface

In June 2006, Pikangikum First Nation, in partnership with the Ministry of Natural Resources (MNR), completed a community-based land use planning process for the Whitefeather Forest, north of Red Lake in Northwestern Ontario. Direction in the approved strategy, titled '*Keeping the Land*', identifies forest management as a desired and compatible land use that can play a central role in Pikangikum's goal of economic renewal.

Pikangikum wishes to move forward with the forest management opportunity in a timely manner, continuing the partnership with MNR to address the next step in provincial requirements (i.e. Environmental Assessment Act (EAA) coverage).

An Environmental Bill of Rights (EBR) Environmental Registry posting in November 2006 gave notice that MNR and Pikangikum First Nation will seek the required Environmental Assessment Act coverage for forest management on the Whitefeather Forest through a request to the Ministry of Environment (MOE) for a declaration order. The request will be accompanied by supporting information and recommendations for protection of the environment. MNR estimates that one year will be required to prepare the submission in support of the declaration order request, and one year will be required for an MOE decision on MNR's request, and the preparation and approval of a declaration order.

This document has been prepared to provide information and encourage dialogue. MNR and Pikangikum welcome input, and the early identification of issues, to assist in the preparation of a comprehensive submission in support of a declaration order request.

For more information about the Whitefeather Forest Environmental Assessment Project, inquiries can be directed to:

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Additional information on this proposal is also available on the Environmental Registry at <http://www.ene.gov.on.ca/envregistry/028737ex.htm>.

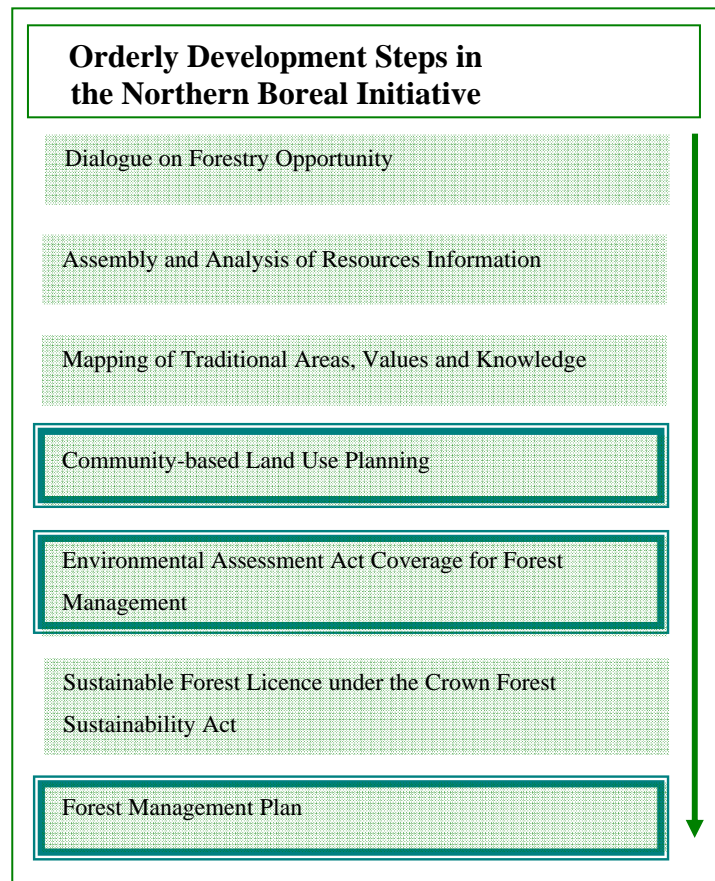
1. Introduction

In September, 2006, the Ministry of Natural Resources (MNR), working in partnership with Pikangikum First Nation, initiated a process to seek Environmental Assessment Act (EAA) coverage for forest management on the Whitefeather Forest in Northwestern Ontario.

Pikangikum, a First Nation community of over 2200 people, is located at the heart of the Whitefeather Forest. Community leaders have been working with MNR since 1996 to pursue a vision of economic renewal through resource development and stewardship based on indigenous knowledge and cultural traditions. Pikangikum's *Whitefeather Forest Initiative* was one of the first projects to become associated with MNR's Northern Boreal Initiative (NBI). The Northern Boreal Initiative set out a series of required steps for First Nations and MNR to work together to achieve new, First Nation-led, resource-based economic opportunities.

Three of the NBI steps - land use planning, environmental assessment and forest management planning – entail comprehensive planning processes which address provincial requirements, including provisions for public and Aboriginal consultation. Key expected outcomes of these three steps, as they pertain to forest management, are:

1. a land use strategy that identifies zones where forest management is a permitted and compatible use, accompanied by Crown Land Use Policy Atlas policy reports;
2. coverage under the EAA to enable forest management to proceed in identified land use zones; and
3. a forest management plan, prepared in accordance with the Crown Forest Sustainability Act (CFSA) and a CFSA-regulated Forest Management Planning Manual that incorporates planning requirements of the EAA coverage.



For the *Whitefeather Forest Initiative*, the first comprehensive planning step was completed in June, 2006, when Pikangikum First Nation and MNR approved *Keeping the Land*, A Land Use Strategy for the Whitefeather Forest and Adjacent Areas. *Keeping the Land* confirms community support to move forward with a forest management opportunity, and provides strategic direction to guide where, and in what manner, a forest management opportunity will be carried out, pending EAA coverage. For the purpose of this project, the 'Whitefeather Forest' refers to the

entire planning area described in the land use strategy.

Coverage under the EAA is required because the Whitefeather Forest is outside the existing area of the undertaking (AOU) for MNR's Forest Management Class Environmental Assessment (EA) approval. EAA coverage will set out planning and operational requirements to provide for protection of the environment, based on demonstrated understanding of the environment affected; the environmental effects of forest management; and the measures that will be taken to prevent, minimize and mitigate adverse environmental effects.

As described in the November 1, 2006 Information Notice on the Environmental Registry, Pikangikum First Nation and MNR will seek the required EAA coverage for forest management on the Whitefeather Forest via a request for a declaration order, pursuant to the provisions of Section 3.2 of the EAA.

A submission will be prepared to support MNR's request to MOE for a declaration order. In the submission, MNR will demonstrate that a declaration order is:

- an appropriate and acceptable approach for EAA coverage for forest management on the Whitefeather Forest;
- consistent with the purpose of the EAA; and
- in the public interest.

The submission will build on Ontario's 30 years of history and experience with environmental assessment requirements for forest management. It will address the same undertaking of forest management that has been approved under the EAA, and is currently being carried out under Declaration Order MNR-71 in the AOU for MNR's Forest Management Class EA approval.

The submission will describe how the potential environmental effects of forest management can be addressed through requirements in conditions of a declaration order and MNR's forest management planning process in a Forest Management Planning Manual regulated under the CFSA.

The remainder of this document provides information on the consultative process and the contents of the submission.

**Declaration Orders: Excerpt from
Environmental Assessment Act (i.e. Section
3.2(1))**

3.2 (1) With the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may by order,

- (a) declare that this Act, the regulations or a matter provided for under the Act does not apply with respect to a proponent, a class of proponents, an undertaking or a class of undertakings;
- (b) suspend or revoke the declaration;
- (c) impose conditions on the declaration; or
- (d) amend or revoke conditions imposed on the declaration,

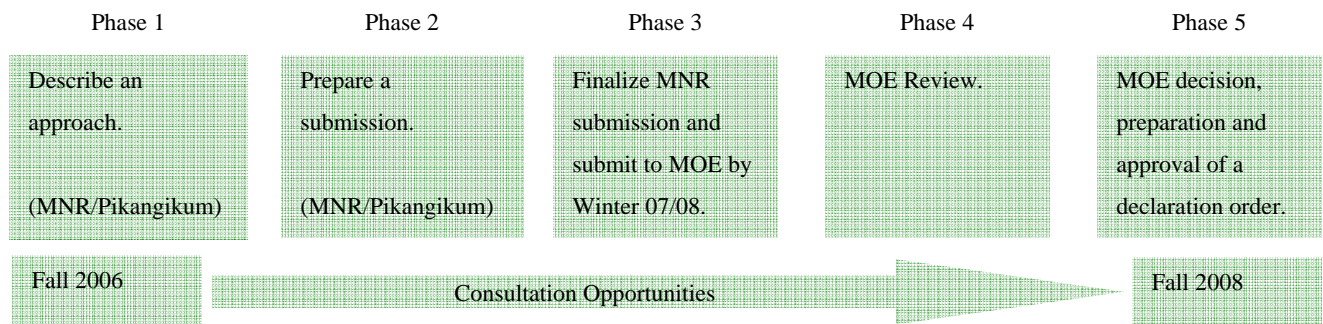
if the Minister considers that it is in the public interest to do so having regard to the purpose of this Act and weighing it against the injury, damage or interference that might be caused to any person or property by the application of this Act to the undertaking or class. 1996, c. 27, s. 2.

2. Process for the Declaration Order Request

Process

The process by which MNR will seek a declaration order involves five phases, as outlined in the following graphic.

Phases in Seeking EAA Coverage



The first three phases will be completed by MNR, working in partnership with Pikangikum First Nation. The final two phases will be addressed by MOE to complete the process. MOE will review MNR's submission, make a decision on the declaration order request, and prepare the declaration order, which will be approved by the Lieutenant Governor in Council and Cabinet. MNR estimates that one year will be required to prepare the submission in support of the declaration order request, and one year will be required for an MOE decision on MNR's request, and the preparation and approval of a declaration order.

Consultation

MNR provided notice of project initiation in an Information Notice on the Environmental Registry (Registry Number XB06E2022) on November 1, 2006. As the project proceeds, MNR and Pikangikum will provide opportunities for public and Aboriginal consultation, including the following:

- public comment period(s) associated with update(s) to the Information Notice as draft submission materials become available; and
- focused consultation* opportunities at two intervals:
 - in February 2007, to describe the project and the assembly of supporting information; and
 - in Spring 2007, to provide an opportunity for review of preliminary submission materials.

* MNR and Pikangikum First Nation will invite focused consultation with the major participants in the development of the land use strategy for the Whitefeather Forest, and key government ministries and agencies.

The consultation approach is designed to encourage dialogue and the early identification of

issues, to assist in the preparation of a comprehensive submission in support of a declaration order request. A summary of all consultation opportunities provided, and input received, will be included in the submission.

MOE will review MNR's submission in support of the request for a declaration order. Before a final decision on a declaration order is made, MOE will provide a regulation proposal posting on the Environmental Registry, with a public comment period.

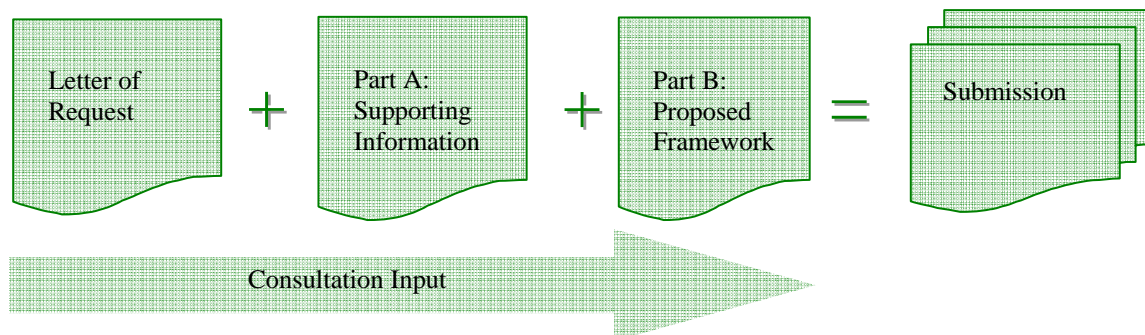
3. Preparation of the Submission

Overview

The submission will provide a discussion of similarities and differences in the environment and environmental effects, for the Whitefeather Forest compared to the northwestern portion of the AOU for the Forest Management Class EA. The submission will then recommend appropriate planning and operational guidance that will ensure protection of the environment through conditions of a declaration order and MNR's forest management planning process.

MNR will prepare the submission to meet the requirements of MOE's *Minimum Information Requirements: Submitting a Declaration Order Request (September, 2005)*. The submission will include a letter of request, and two major components:

- Part A: Supporting Information, and
- Part B: Proposed Framework for a Declaration Order.



In the preparation of the submission, MNR and Pikangikum will assemble and analyze information, seek expert advice, and incorporate input received.

The following discussion describes the proposed contents of Part A and Part B of the submission.

Part A: Supporting Information

In discussions with MOE staff, MNR has established the supporting information requirements to accompany this declaration order request. Those requirements, which address basic information needs, provide rationale for the request for a declaration order, demonstrate understanding of the environment of the Whitefeather Forest, and summarize consultation efforts, include:

- a. A description of the undertaking.
- b. A map(s) of the location of the undertaking.
- c. Identification of the proponent of the undertaking, and the proponent's relationship with the Pikangikum First Nation partner.
- d. A request for the Minister to declare that the provisions of section 3.2 of the Environmental Assessment Act apply to the undertaking.
- e. The reasons for the declaration order request.
- f. A discussion of why the application of section 3.2 of the Act to the undertaking is in the public interest.
- g. A description of the environment affected by the undertaking; the expected range of environmental effects of the undertaking; and the measures that will be taken to prevent, minimize and mitigate adverse environmental effects of the undertaking.
- h. Identification of additional approvals under other legislation that will be required to implement the undertaking, and which will also address adverse environmental effects of the undertaking.
- i. A description of:
 - i. all public, First Nation and government agency consultation that was undertaken with respect to the undertaking and the preparation of the proposed framework for the declaration order;
 - ii. the concerns that were raised about the undertaking and the proposed framework for the declaration order; and
 - iii. how those concerns have been addressed in the preparation of the proposed framework for the declaration order.

Part B: Proposed Framework for a Declaration Order

Following the completion of Part A, MNR and Pikangikum will describe a recommended structure for a declaration order, with proposed conditions (i.e. a 'Proposed Framework'). Pending an MOE decision to grant the request for a declaration order, the formal preparation of a declaration order, and conditions, rests with MOE.

The Proposed Framework will reflect consideration of input provided through public and Aboriginal consultation opportunities. It will build on the demonstrated understanding of the similarities and differences in the environment and environmental effects presented in Part A, and propose conditions to protect the environment. For similarities in the environment and environmental effects, it is reasonable to expect that applicable conditions of Declaration Order MNR-71 can apply equally well to the Whitefeather Forest. For differences in the environment and environmental effects, additional direction to protect the environment may be proposed in modified or new conditions.

4. Your Input

MNR and Pikangikum welcome input, and the early identification of issues, to assist in the preparation of a comprehensive submission in support of a declaration order request.

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Whitefeather Forest Reference Map

