

Provincial Advice RecordResponse requested by: **November 12, 2019****Gazoduq Project**

Canadian Impact Assessment Registry Reference No.: 80264

All comments should be submitted via the **submit a comment** feature on the Project's page in the Canadian Impact Assessment Registry Internet site (<https://iaac-aeic.gc.ca/050/evaluations/proj/80264>). Letters and forms can be uploaded using this feature. If you have any difficulties submitting this way, please contact the Agency at IAAC.GazoduqProjectprojGazoduq.AEIC@canada.ca.

Provincial Organization (e.g. Ministry):	Natural Resources and Forestry (MNRF)		
Contact Name:	Rick Gordon, A/District Planner	Telephone:	<contact information removed>
Address:	<contact information removed>	Fax:	<contact information removed>
Email:	<email address removed>		

1. Please confirm whether your organization would like to participate in the federal impact assessment process for this project, and if yes, please provide a contact person who would work with the Agency.

- In past dealings with the then Canadian Environmental Assessment Act, we generally found that the Federal and Provincial environmental assessment approval processes were very similar in scope and application.
- It appears from the IAAC website that the impact assessment process will be very similar to past practices and that the Ministry will likely not carry out separate environmental assessment process(es) under the Ontario Environmental Assessment Act for the gas transmission line corridor.
- Our Ministry has a duty to consult with Indigenous groups for any approvals or permissions it contemplates granting related to the project (see potential list in Question 2). As it is likely that Gazoduq will not have detailed project plans, and will not seek specific approvals or permissions from MNRF for many of the components of the project until 2021, MNRF will not have the detailed information during the IAAC review period. If proponent representatives wish to address future items such as aggregates, roads, forest clearing, water crossings etc. during the initial indigenous consultations; it could be beneficial to obtain a letter of support from area indigenous groups for the undertakings that will occur.

2. What technical analysis would you be undertaking? Would you be willing to cooperate with the Agency on this analysis?

As a Provincial Ministry, regulator, and administrator of Provincial Crown land there is the possibility that one or more approvals, licenses, permits, or permissions may be required by for various activities associated with the construction and development of the gas transmission corridor including undertakings within and outside of the corridor right of way. Ministry requirements respecting a particular form of authorization or permission may differ, and may require assessment or analysis related to the following matters:

- 1) Authorization under the *Crown Forest Sustainability Act, 1994* (CFSA) or other permission for the harvest or removal of Crown timber within the project right of way (ROW) and any necessary new access routes;
- 2) Authorization under the *Public Lands Act* (PLA) or other permission for the construction of road or water crossings located outside of the gas transmission corridor ROW;
- 3) Authorization under the *Public Lands Act* (PLA) or other permission Authorization under the PLA or other permission for activities related to laydown yards or worker camps located outside of the corridor ROW;
- 4) A disposition of Crown land (e.g. lease) for the transmission corridor ROW;
- 5) Compliance with the Forest Fire Protection Act or other requirements and adherence to industrial operation protocols including calling the operations line when conducting high fire risk activities within forested areas during the designated forest fire season;
- 6) Authorization under the *Aggregate Resources Act* or other permission for extraction of aggregate related to the project;
- 7) Authorization under the Lakes and Rivers Improvement Act or other permission for any temporary in water dam or construction work including water crossings (please note that Department of Fisheries and Oceans approval/comments/self-assessment maybe required prior to issuance of this type of permit);
- 8) Authorization under the *Fish and Wildlife Conservation Act, 1998* or other permission for the collection of fish associated with construction of coffer dams and dewatering of sections of waterbodies for transmission line crossings in rivers or streams;
- 9) An approval to remove a beaver dam maybe necessary dependent on site specific conditions at the time and location of construction in waterbodies;
- 10) Compliance with in-water working timeline restrictions under the *Fisheries Act*;
- 11) The granting of an authorization or other permission by the MNRF related to the project may engage the Crown's has a duty to consult Indigenous communities. Where the duty to consult is engaged, the Ministry may request that the proponent provide a consultation record for assessment by MNRF prior to granting such authorization or permission.

MNRF expects that the proponent will not seek any specific authorization or permission from MNRF related to the project until the federal Impact Assessment for the project by the IAAC is complete.

In order to review and assess various issues and impacts within the Ministry's mandate and whether any applicable duty to consult has been satisfied with respect to a particular MNRF authorization or permission related to the project (both within and without the ROW), MNRF may require site and activity specific information from the proponent that is significantly more detailed than the proponent's Initial Project Description submission to the IAAC, dated October 2019.

MNRF expects that the proponent's application(s) and request(s) for MNRF authorization(s) or permission(s) related to the project would be submitted in 2021 (according to the proponent's planning timelines).

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3. Does your organization have any advice on matters that should be included in the Summary of Issues and addressed by the proponent in the Detailed Project Description? Please discuss.

For each issue (or matter) discussed, provide a concise, plain-language summary that is appropriate for inclusion in the Summary of Issues

- No. MNRF has a list of authorizations or permissions, and applicable application forms (see below/enclosed) that the proponent will need to complete once the IAAC's process is completed.
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4. Does your organization have any advice on matters to consider for inclusion in the Tailored Impact Statement Guidelines? Please specify.

- No. MNRF will be able to obtain all necessary information related to undertakings through the Provincial Ministry approvals process.
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5. Do you have any comments about this project in relation to effects as defined in section 2; prohibitions as defined in section 7; and factors as defined in section 22 of IAA¹, including species at risk or impacts to Indigenous peoples? Please discuss.

- The project as described is not expected to trigger any negative effects with regard to Sections 2, 7, and 22 of the IAA. It is expected that once the proponent has determined all required activities that they will submit detailed applications or requests for authorizations or permissions within MNRF's mandate. Please note that the Ontario *Endangered Species Act, 2007* is now administered by the Ontario Ministry of Environment and Climate Change, and comments related to species protected by that Act should be requested from that Ministry.
 - In order to review and assess various issues and potential impacts (within the Ministry's mandate) and whether any applicable duty to consult has been satisfied with respect to a particular MNRF authorization related to the project, MNRF may require site and activity specific information from the proponent that is significantly more detailed than the proponent's Initial Project Description submission to the IAAC, dated October 2019.
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6. Do you have comments related to issues such as health, environment, economic or social conditions that you wish to note for the Agency's consideration (both positive and negative)? Additional topics for consideration include gender-based analysis; alternative means to carry out the Project and / or alternatives to the Project; cumulative effects; and sustainability. Please discuss.

- Any concerns that we may have will be addressed through the permitting and authorizations processes as discussed in Question 2 above.
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7. Please provide the public contact information for your organization. This could be a generic or specific email address for inquiries about your organization's role on the project (e.g. permits, authorizations, guidance or funding within your organization's mandate).

- Rick Gordon, A/District planner, Kirkland Lake District 705-568-3231.
 - Specialists numbers are listed below (Question 8) with the individual permits should the applicant require additional information.
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¹ A link to IAA text can be found here: <https://www.canada.ca/en/impact-assessment-agency/corporate/acts-regulations/legislation-regulations.html>

8. Based on the Initial Project Description, please confirm what project components and activities you would consider relevant in relation to permits, authorizations or guidance within your organization's mandate. For each, provide links or attach the document(s) to this form.

- Forestry licences to harvest Crown trees will be required for clearing of the transmission corridor, support areas (e.g. laydown yard, worker camps, pumping or metering stations) and access roads. The Forestry Forms are enclosed. If you have any questions regarding the forms, please call 705-568-3226.
- Work permit for activities outside of the corridor ROW (e.g. road access, water crossing installation). Please use the following link to access forms and instructions: (a form is also enclosed). Should you have any questions please call 705-568-3237.
<https://www.ontario.ca/page/streamlined-crown-land-work-permit>
- A Memorandum of Understanding maybe issued for newly created roads or water crossings to cover responsibility and maintenance for any roads or water crossings that are installed for the intent of permanent access. This will be issued as required.
- A Land Use Permit maybe issued for the duration of temporary activities such as laydown/construction yards or worker camps. This can be applied for with an application for Crown Land (see enclosed). Please call 705-568-3237 should you have any questions.
- Construction activities will need to adhere to industrial operations protocols when working in forested areas during the designated fire season (i.e. annually from April 01 to October 31). Please see the enclosed Industrial Operation Protocols and IOP Field Guide. Please call 705-235-1306 should you have any questions
- If the proponent wished to obtain their own aggregate sources as opposed to obtaining aggregate from approved suppliers, then they will need to apply for an aggregate permit. This is the link: <https://www.ontario.ca/page/application-standards-proposed-pits-and-quarries> and a form is attached
- The work permit form can be used to apply for authorizations for in water work (outside of the corridor ROW) or any required dam construction (including temporary dams) (regardless of location within or outside of the corridor ROW). See previously provided work permit link.
- If temporary dams are required where a section of stream maybe temporarily drained or re-routed, then a permit to collect fish maybe needed. Please call 705-568-3235 should you need to obtain a fish collection licence.
- Please contact the local MNRF office 705-568-3235 if a permit to remove a beaver dam is required.
- In water work timing restrictions may apply. Please contact 705-568-3241 for requirements for any in water work locate within or outside of the gas line transmission corridor.
- Land tenure will be required for occupation of Crown land for the gas line transmission corridor and ROW. An application for Crown land is attached and maybe submitted to the Kirkland Lake District MNRF office (see form for address) for disposition. Please call 705-568-3237 for any questions.
- Please note that upon review of a more detailed project description to be developed by the proponent, MNRF may determine that a particular statutory authorization noted above is not required for the project. Even where that is the case, MNRF may still require the proponent to obtain the Ministry's permission to carry out various aspects of the project on provincial Crown land.

9. Will your organization be issuing a permit, authorization or be involved in this project in a regulatory manner? If yes, please specify.

- See responses in questions 2 and 8. Upon receiving a more detailed project description to be developed by the proponent, MNRF may determine that a particular statutory authorization noted in response to questions 2 and 8 is not required for the project. Even where this is the case, MNRF may still require the proponent to obtain the Ministry's permission to carry out various aspects of the project on provincial Crown land.
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10. For any permits or authorizations that you intend to issue, please provide a short description of each with specific information on the location or component of this project to which the permit or authorization would be applicable.

- The need for authorizations or permissions from MNRF noted in response to questions 2 and 8 will be determined by MNRF after review of a more detailed project description.
 - Generally, there is a 6-8-week turnaround for most MNRF authorizations however, particular circumstances, including considerations related to satisfying any applicable duty to consult, may require additional time. For permits/approvals associated with dam or aggregates work involving engineering and Dept of Fisheries and Oceans review, the proponent can expect approval time frames could be 2-3 times longer (18-24 weeks) dependent on the complexity of the proposed work.
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11. Will there be opportunities for engagement with the public or Indigenous groups as part of the regulatory process within your organization's mandate? If so, when is this likely to occur (e.g. during the impact assessment process, during a specific phase of the impact assessment process such as the impact statement phase, or post-impact assessment, etc.)

- MNRF is committed to satisfying any duty to consult with Indigenous communities we may have, with regard to MNRF decision(s) respecting the project. In a particular case, MNRF may delegate procedural aspects of that duty to consult to the proponent, but this will be assessed based on the circumstances relevant to the particular MNRF decision requested by the proponent.
 - MNRF expects that potential environmental impacts from the project, as well as potential adverse impacts to existing or asserted Aboriginal or treaty rights associated with the project will be consulted on through the Impact Assessment Act process, and that such consultations and records of those consultations, including any letters of support from potentially affected Indigenous communities, would assist MNRF to assess whether consultation has been adequate.
 - MNRF will also assess whether any decision requested of it by the proponent triggers public consultation obligations under applicable provincial legislation.
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12. Will your organization be providing any participant funding in relation to engagement with the public and Indigenous groups? If yes, who is eligible?

- No. We have no available program funds.
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<Signature removed>

District Manager, Kirkland Lake District MNRF

Date

Nov. 8/19.

Please provide your comments on the Summary of the Initial Project Description via the Canadian Impact Assessment Registry Internet site (<https://iaac-aeic.gc.ca/050/evaluations/proj/80264>) using the **submit a comment** feature. Deadline to submit comments is **November 12, 2019**. Letters and forms can be uploaded using this feature. Thank you.

If you have any difficulties, contact the Agency via email at IAAC.GazoduqProjectprojetGazoduq.AEIC@canada.ca