



CITY OF TEMISKAMING SHORES

**NEW WASTE MANAGEMENT CAPACITY
ENVIRONMENTAL ASSESSMENT**

TERMS OF REFERENCE – RECORD OF CONSULTATION

Submitted to:

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1.0 INTRODUCTION

In May 2011, the City of Temiskaming Shores (the City), initiated a study under the *Environmental Assessment Act* to address the City's need for new waste management capacity. As a first step in this process a draft Terms of Reference (ToR) (April 2011) was prepared and presented to the public in an Open House event held on May 9, 2011 and on the City's website (see below). The draft ToR suggested focusing the assessment on the expansion of the New Liskeard Landfill Site. Following receipt of public and government feedback the City has broadened the scope of the assessment and revised the ToR (March 2012) accordingly. The revised ToR now proposes to assess a wider range of alternatives.

The environmental assessment (EA) process involves the development of ToR and the EA itself. The ToR provides the framework and the requirements for the preparation of the EA. Consultation is an integral component of the EA process and a requirement of the Act. In accordance with the *Environmental Assessment Act* and the Ministry of the Environment's (MOE) Code of Practice documents (MOE 2009), the City has developed a Consultation Plan (Plan) (AMEC 2011). This Plan outlines the approach to consultation during the ToR process and the subsequent EA.

This Report provides a record of public, Aboriginal community and government agency consultation conducted on the ToR. It represents the first step in meeting the consultation requirements for the EA and the beginning of an ongoing process of stakeholder involvement throughout the EA. Specifically, this Report:

- Describes the consultation activities undertaken;
- Identifies the government agencies, stakeholders and Aboriginal communities consulted;
- Summarizes any comments received and states the issues and concerns raised by the public, government agencies, Aboriginal communities, and other interested stakeholders; and
- Describes the proponent's responses to comments received and demonstrates how issues and concerns were addressed in the ToR.

2.0 PROGRAM OBJECTIVES

The objectives of the consultation activities on the ToR include:

- Inform the public, government agencies, Aboriginal communities and other interested stakeholders about the proposed Project;
- Introduce interested parties to the ToR;
- Identify ToR related issues of concern;
- Gather feedback on the ToR including additions and refinements;

- Provide opportunities for public engagement in the ToR development process;
- Provide opportunities for government agency engagement in the ToR development process;
- Provide opportunities for engagement of Aboriginal communities in the ToR development process; and
- Document the consultation process, issues and concerns and how issues and concerns were addressed in the ToR.

3.0 PROGRAM COMPONENTS AND ACTIVITIES

The consultation program encompassed the following program components and activities:

- Notification;
- Mailing list and mail outs;
- Project website;
- Review of the April 2011 draft ToR;
- Open House;
- Poster display boards on April 2011 draft ToR;
- Public survey on March 2012 revised draft ToR;
- Review of the March 2012 revise draft ToR; and
- Aboriginal community involvement.

These components and activities are discussed separately in the following sections.

3.1 NOTIFICATION

Public notices have been used to communicate the commencement of the ToR and EA process, the first Open House, and the opportunities to review the draft ToR documents.

The public notices were given through advertisement in local newspapers (Appendix A) and direct letter mail outs (Section 3.2); as well as posted on the Project website (Section 3.3).

Publication dates for the various notices are presented in Table 3-1.

TABLE 3-1: PUBLIC NOTICES AND PUBLICATION DATES

Purpose for Public Notice	Newspaper/Radio	Publication Date
Notice of Commencement of ToR and Invitation to Public Open House	CJTT-FM (104.5 FM)	April 28, 2011
Notice of Commencement of ToR and Invitation to Public Open House	The Temiskaming Speaker	May 4, 2011
Notice of Commencement of ToR and Invitation to Public Open House	The Temiskaming Weekender	May 6, 2011
Notice of Opportunity to Review Environmental Assessment Draft Terms of Reference New Waste Management Capacity	The Temiskaming Speaker	March 28, 2012
Notice of Opportunity to Review Environmental Assessment Draft Terms of Reference New Waste Management Capacity	Northern News	March 30, 2012

3.2 MAILING LIST AND MAIL-OUTS

3.2.1 MAILING LIST

At the on-set of the Project, a mailing list was created containing stakeholders, government agencies, and Aboriginal communities.

The complete list includes the following key parties:

- Federal government agencies;
- Provincial government agencies;
- Local municipalities;
- Non-government organizations (NGOs);
- Environmental non-government organizations (ENGOs);
- Landowners of properties adjacent to the New Liskeard Landfill; and
- Aboriginal communities.

Project participants and interested parties were identified using the following criteria:

- Reference to the MOE Government Review Team list;
- Proximity to the original proposed project (April 2011 draft ToR); if the interested persons were resident in, had jurisdiction over or an interest in the area in which the project is proposed (residents within approximately 500 m were automatically considered);

- Past or current interest in similar projects or developments in the City or region (for example the recent consultation program for the City of Temiskaming Shores' 2008 Waste Management Master Plan);
- The interested persons that could be potentially impacted by possible biophysical and socio-economic environmental effects of the project; and
- Aboriginal communities that historically used or are currently using lands and/or resources potentially affected by the project.

Throughout the course of the Project the mailing list is continuously updated and interested parties and individuals are added to the list as they contact the Project team and others, not desiring to be involved, are removed from the list. This will continue throughout the planning process. The latest mailing list is presented in Appendix B of this Report.

3.2.2 MAIL OUTS

All notices (Section 3.1) were also communicated via letter mail-out to all contacts included in the mailing list. Dates and purpose of the individual letter mail-outs are presented in Table 3-2.

TABLE 3-2: DATES AND PURPOSE OF MAIL-OUT LETTERS TO INTERESTED PARTIES

Purpose for Public Notice	Date of Mail-Out
Notice of Commencement of Terms of Reference and Invitation to Public Open House (April 2011 draft Terms of Reference)	April 29, 2011
Public Notice – Opportunity to Review Draft Terms of Reference (March 2012 revised draft Terms of Reference)	March 23, 2012

The letter mail outs included a cover letter and a copy of the notice as published in the local newspaper. The notice provided a sketch of the project location. Contact information as well as the address of the Project website were included in this information package.

3.3 PROJECT WEBSITE

At the outset of the Project, dedicated web pages on the City's website (www.temiskamingshores.ca/en/municipalservices/LandfillExpansionEA.asp) were established in order to:

- Provide continuous public access to information documents concerning the Project including the ToR (draft) document;
- Communicate Project milestones, progress and upcoming events; and
- Solicit feedback from the public on issues related to the Project.

The web pages were established in a format that is user-friendly and easy to navigate and included the following key information sections:

- Background Information and Terms of Reference;
- Environmental Assessment;

- Community Consultation;
- Links and Documents;
- Schedule; and
- Contacts.

Screen captures of the website pages are presented in Appendix C.

A menu and links within the text of the website provide for easy links to other sections of the website and/or specific documents. All documents presented on the website are presented in PDF format and are available for downloading.

All Open House display boards and information presented at the public meeting, including information sheets, were posted on the website for public review after the Open House.

3.4 OPEN HOUSE

One Open House was held in May 2011 as part of the April 2011 draft ToR review. This Open House was conducted prior to the change in scope of the project (i.e., from a landfill expansion to an evaluation of the alternatives for new waste management capacity). The Open House was held with the objectives to:

- Introduce the Project and relevant studies completed to date;
- Solicit input on the draft ToR and the EA process; and
- Provide an opportunity to meet representatives of the Project team.

The Open House was held on Monday, May 9, 2011, from 4:00 p.m. to 8:00 p.m., at the Dymond Community Hall, in New Liskeard, in the City of Temiskaming Shores. The Open House format was chosen as it was considered the most appropriate format for disseminating information, soliciting feedback, and to provide an opportunity for staff to engage the public in one-on-one or small group dialogue regarding specific issues and concerns.

Upon arrival at the Open Houses, visitors were greeted by staff, invited to sign-in (with the option to request inclusion in the Project mailing list), and were given handout materials and a Comment Form (Appendix D).

Visitors then had the opportunity to view a series of display panels (Appendix E). The display panels addressed the following subjects:

- Purpose of Open House;
- Project History;
- Project Objectives;
- Current Waste Management Practice;

- City's Waste Management Master Plan (Draft);
- New Landfill Capacity – Feasibility Study;
- New Liskeard Landfill Site - Preliminary Regional Study Area;
- Project Description;
- New Liskeard Landfill Site – Preliminary Local Study Area;
- New Liskeard Landfill Site – Expansion Design;
- New Liskeard Landfill Site – Local Setting;
- Project Schedule;
- Purpose of the Environmental Assessment;
- Environmental Assessment Overview and Process;
- Terms of Reference - Overview;
- Terms of Reference - Alternatives To and Alternative Methods;
- Terms of Reference - Evaluation of Alternative Designs;
- Terms of Reference - Consultation Plan; and
- Next steps in the planning process.

A hard copy of the April 2011 draft ToR was also available for review at the Open House. Project team members were available throughout the event to discuss the Project and any issues or concerns, to provide any clarification where needed and to solicit input to the ToR and subsequent planning steps. Team members present at the Open House included:

- Doug Walsh, City of Temiskaming Shores – Director of Public Works;
- Dave Treen, City of Temiskaming Shores – Manager, Environmental Services (Project Manager);
- Tim McBride, AMEC – Hydrogeologist and Project Manager;
- Emily Lemieux, AMEC – Environmental Specialist; and
- Mary Kelly, AMEC – Consultant, Human Environment.

All display information was posted on the Project website (www.temiskamingshores.ca/en/municipalservices/LandfillExpansionEA.asp) during the week of May 9, 2011. The information remains available on the website for the duration of the Project.

A comment area (with tables, seating, and comment forms) was set up to encourage members of the community to make their comments and feedback on the ToR process and content. Refreshments and snacks were provided at the Open House.

3.5 SURVEY AND POSTER

Based on the expanded preliminary Regional Study Area and the limited attendance at the May 2011 Open House, the City opted to engage with communities involved to review the March 2012 revised draft ToR through a survey. Posters identifying the availability of the survey (online and hardcopy) were provided to municipalities, municipal support services, and Aboriginal communities with the Public Notice and March 2012 revised draft ToR. The ToR was provided to the stakeholders listed above with a cover letter, a copy of the Notice as published in the local newspaper, a poster, and ten (10) copies of the public survey with directions to the project website. All distributions also included contact information and Project website address.

4.0 STAKEHOLDER CONSULTATION

4.1 OPEN HOUSE

A total of 14 people attended the May 9, 2011 Open House for the April 2011 draft ToR. For confidentiality, the completed sign-in sheet is saved in the Project file and not presented in this Report.

A Comment Form was given to all visitors upon sign-in at the Open House (Appendix D). The Comment Form also included details about the Project's contact information including fax number, email address, and mailing address.

Two Comment Forms were completed and received by the Project team (Appendix F); one was received at the Open House and one received subsequent to the Open House.

One submission raised concerns related to the ToR planning process and the draft ToR. These comments related to:

- Notification time frames;
- Opportunities for another public review of the draft ToR; and
- Landfill site selection process.

No comment was received on the proposed focus of the EA process on the New Liskeard site expansion. All other concerns addressed in the submitted forms specifically relate to the proposed New Liskeard landfill site expansion and its potential for adverse environmental effects. This includes concerns related to:

- Landfill leachate and potential for contamination of groundwater;
- Potential for surface water contamination;
- Schedule and available time for planning process; and
- Increase in traffic and atmospheric toxins from additional waste due to the landfill expansion.

One submission also included a suggestion to implement recycling programs to reduce further need for landfill expansion in the future.

All comments received are summarized in Table 4-1 together with the Project team's responses. As stated in the response column of the table, a number of comments received resulted in adjustments to the draft ToR. Table 4-1 includes all comments received up to end of April 2012.

Records of all comments are on file, and can be obtained by contacting the proponent's contact person. All personal contact information collected through the Project is strictly confidential and will not be released by the City.

4.2 SURVEY AND POSTER

One survey with letter was received from local residents. No other comments were received from community members.

All comments received are summarized in Table 4-1 together with the Project team's responses.

Records of all comments are on file, and can be obtained by contacting the proponent's contact person. All personal contact information collected through the Project is strictly confidential and will not be released by the City.

TABLE 4-1: SUMMARY OF PUBLIC FEEDBACK AND STUDY TEAM RESPONSE

Comment Format	Date Received	Comments Provided	Study Team Response	Comments Addressed
Comment form	May 9, 2011	<ul style="list-style-type: none"> Increased contamination of groundwater from increased contaminants due to landfill expansion 	<ul style="list-style-type: none"> In response to public and government feedback received on the first draft ToR the proposed approach to the environmental assessment has been broadened. The study no longer focuses on the expansion of the New Liskeard Site. Instead, a broad spectrum of alternatives will be evaluated at the start of the planning process. As such, landfilling will be evaluated as one of a number of possible alternatives. Preliminary evaluation criteria are listed in Table 6.1 of the ToR. These criteria will be reviewed and finalized in consultation with the public and government agencies. The potential for contamination of groundwater has been included in the preliminary criteria list. Should landfilling be identified as the overall preferred approach for providing additional waste management capacity the potential effects on groundwater resources will be one of the key study components of the assessment. To be approved, the EA would need to demonstrate that the landfill design and operation will meet all applicable government regulations and standards. A monitoring plan would be developed to verify the effects predictions, the effectiveness of the mitigation measures, and compliance with approval conditions. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives. The preliminary list of evaluation criteria (Table 6-1) addresses the raised concern.
Included in above	Same as above	<ul style="list-style-type: none"> Increase in daily traffic, atmospheric toxins and wildlife to the area due to landfill expansion 	<ul style="list-style-type: none"> See response above with respect to broadening of the approach to the EA and the development and finalization of evaluation criteria. Potential effects of daily traffic, potential effects on air quality, as well as effects on wildlife and wildlife habitat are expected to be taken into account in the evaluation of the alternatives. This is reflected by the preliminary list of criteria presented in the draft ToR, Table 6.1. Similarly, the preferred design (i.e., the proposed undertaking) will be assessed with respect to its potential effects on the environment. This process too will take into account road traffic, potential effects on air quality, as well as effects on wildlife and wildlife habitat (see draft ToR Table 6.3-1). Should landfilling be identified as the overall preferred approach for providing additional waste management capacity, the EA will need to demonstrate that the landfill design and operation will meet all applicable government regulations and standards pertaining to road traffic, noise and air emissions, and wildlife and wildlife habitat. A monitoring plan will be developed to verify the effects predictions, the effectiveness of the mitigation measures, and compliance with approval conditions. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives. The preliminary list of evaluation criteria (Table 6-1) addresses the raised concern.
Included in above	Same as above	<ul style="list-style-type: none"> Focus on implementing recycling program to reduce future need for more landfill space 	<ul style="list-style-type: none"> The City is committed to intensify its current waste diversion program with the objective of reaching the provincial diversion target of 60%. The planning for new waste management capacity is required to ensure that the City can manage waste that cannot be avoided or diverted from landfilling in a safe and environmentally sound manner. The City's draft Waste Management Master Plan advocates an aggressive waste diversion program but also identified the need for new landfill capacity since the Haileybury Site, the City's only operating landfill site, will likely reach its approved capacity by 2016. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives. Recycling will remain one of the City's key waste management approaches.
Letter	May 3, 2011	<ul style="list-style-type: none"> I hope that in the future the time frames [for notification; note by the author] will be more in line with the Code of Practice established by the Ministry of the Environment. 	<ul style="list-style-type: none"> Comment noted. Future notifications will be issued 10 days to two weeks before the event that is being addressed. The MOE Code of Practice does not establish fixed time periods for notifications but common practice is to provide a one to two week notice period. 	<ul style="list-style-type: none"> Applied in subsequent notifications

Comment Format	Date Received	Comments Provided	Study Team Response	Comments Addressed
Comment form	May 26, 2011	<ul style="list-style-type: none"> For future events, it would be beneficial to have a two to three week notice for the time and date. Also all documentation should be posted on the website well in advance of the meeting to enable participants' time to review and note potential questions and concerns. 	<ul style="list-style-type: none"> See comment above. It is of note that the key project documents were posted in advance of the meeting (28 April 2011). This practice will continue, i.e., relevant information will be posted at the latest when the notice is being issued. 	<ul style="list-style-type: none"> See above
Included in above	Same as above	<ul style="list-style-type: none"> Page 6 -Is there a second Public Review as noted after the submission of the draft ToR before the Minister's decision? 	<ul style="list-style-type: none"> Yes. The City will submit the proposed ToR document to the MOE for review and approval. Prior to the MOE approval a 30-day review period will be provided for all interested parties to review and comment on the proposed ToR. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives. That revised ToR was issued for public review on 23 March 2012;
Included in above	Same as above	<ul style="list-style-type: none"> Figure 1.3-2b - The 500 m offset from the site does not seem adequate especially if you consider the downward gradient and leachate plume movement toward Hwy 65W. All homes along 65 W from the bypass bridge to Pete's Dam Rd should be considered. 	<ul style="list-style-type: none"> See response to the first comment listed in this table. With the broadening of the approach to the EA the site specific study area will need to be defined once a specific site location has been identified. This will be accomplished with input from the public and government agencies. It is envisaged that as part of the EA, each discipline (e.g., hydrogeology, surface water, noise, etc.) will need to determine the likely zone of influence for the identified preferred alternative. This will help establish the local study area. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives. Local study areas will need to be established one specific sites and potential undertakings have been identified.
Included in above	Same as above	<ul style="list-style-type: none"> Page 9 - ToR should include the update note that council deferred Spring clean up collection this year in favour of 3 Amnesty weeks. 	<ul style="list-style-type: none"> Text has been edited accordingly. 	<ul style="list-style-type: none"> Edit in Section 2.1
Included in above	Same as above	<ul style="list-style-type: none"> Page 9 - MRF is noted as not having the capacity to accommodate the volume of recyclables from amalgamation. Could the town not look at another location where it can expand to divert all these materials from the landfill? 	<ul style="list-style-type: none"> While waste diversion can increase the existing and proposed site life, the technology does not currently exist to achieve 100% diversion. The City continues to investigate waste diversion/reduction opportunities. The EA will focus on identifying alternatives for managing waste that cannot be avoided or recycled. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives.
Included in above	Same as above	<ul style="list-style-type: none"> Figure 3.0-1 - The proposed culvert seems to collect surface water and then divert it toward the northeast corner where there are steep ravines. This would channel contaminated water toward Hwy 65W and then flow to the Wabi River. 	<ul style="list-style-type: none"> See response above with respect to broadening of the approach to the environmental assessment and the development and finalization of evaluation criteria. Should landfilling be selected as the preferred alternative to providing additional waste management capacity, surface water management is expected to be one of the key considerations in the assessment of potential effects. Given the importance of surface water resources, Table 6.1 includes several related criteria including fish habitat, surface water quality, and surface water quantity. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives.
Included in above	Same as above	<ul style="list-style-type: none"> Figure 4.1-1 - We would appreciate an explanation of the "Proposed Contaminant Attenuation Zone" versus the "Containment Attenuation Zone" as indicated on this figure. 	<ul style="list-style-type: none"> See response to the first comment listed in this table. Due to the revised approach, Figure 4.1.1 has been removed from the ToR. [The correct wording in Figure 4.1.1 should have been "Contaminant Attenuation Zone". This zone refers to the area within which any leachate derived from a landfill is managed via a natural attenuation process. The area constitutes an integral part of an approved landfill site that relies on natural attenuation.] 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives.
Included in above	Same as above	<ul style="list-style-type: none"> Page 17 - We are hopeful that surface water quality and flow is monitored as well as intensive groundwater monitoring and testing for the leachate plume movement. 	<ul style="list-style-type: none"> Comment noted. The EA process will review current monitoring processes and, if required, will establish further monitoring programs in consultation with regulatory agencies. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives. The preliminary list of evaluation criteria (Table 6-1) addresses the raised concern. Commitments to monitoring are established in Section 7.
Included in above	Same as above	<ul style="list-style-type: none"> Page 20 - We note the word "urgency" for approval in 6.0 and hope this does not pressure council into hasty decisions which may be regrettable in the future. This process is too important for any shortcuts to be taken. 	<ul style="list-style-type: none"> The Haileybury Landfill Site is expected to close in 2016. This provides the City with about four years of time to undertake thorough and comprehensive planning and design work for new waste management capacity and to obtain all necessary government permits and approvals. Given the extensive time periods associated with the planning and approval process, the City is giving this task high priority. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives.

Comment Format	Date Received	Comments Provided	Study Team Response	Comments Addressed
Included in above	Same as above	<ul style="list-style-type: none"> Page 21 - Under section 6.2 we are hopeful that a liner or other means of leachate collection will be considered rather than the natural attenuation zone method which currently seems ineffective. 	<ul style="list-style-type: none"> See response to the first comment listed in this table. Should landfilling be selected as the preferred alternative to providing additional waste management capacity liner requirements are expected to be evaluated as part of the "Alternative Methods" which would look at various ways of designing and operating the landfill site including alternative approaches to leachate management. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives.
Included in above	Same as above	<ul style="list-style-type: none"> Page 26 -In the second last paragraph, we are pleased to note the sentence "Throughout the process the approach will remain flexible and responsive to the needs of participants." 	<ul style="list-style-type: none"> Comment noted. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives. This revised planning process has been designed to remain flexible and responsive to input from the public, stakeholders, government agencies and aboriginal communities.
Included in above	Same as above	<ul style="list-style-type: none"> Page 33 - Under 8.6.2 we would prefer written and email notice rather than "in lieu of". 	<ul style="list-style-type: none"> This preference has been noted in the mailing list. 	<ul style="list-style-type: none"> Applied in subsequent notifications
Included in above	Same as above	<ul style="list-style-type: none"> Section 8.8 - Under Schedule for Public Involvement - as the ToR did not begin in Jan 2011 as indicated, can it not be changed to Spring 2011 to Summer 2011 with the EA process beginning in the fall of 2011 if the ToR is approved by the Minister? 	<ul style="list-style-type: none"> This schedule has been updated. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives. The revised process involves a revised schedule.
Included in above	Same as above	<ul style="list-style-type: none"> Page 38 - Under Section 8.10 We are certainly open to the one-on-one meetings to address and answer specific concerns. 	<ul style="list-style-type: none"> Comment noted. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives. The revised process allows for that format.
Letter	May 26, 2011	<p>1. Site Selection Process</p> <ul style="list-style-type: none"> Three of the sites were very close in ranking in the selection process (all between 14 and 19) as per the ToR report. Those are the New Liskeard Landfill Alternative 1 at 16, the Harley Township Landfill at 14, and the Ramsey Road site in Temiskaming Shores at 19. We question the scores especially for New Liskeard Landfill site due to its very close proximity to residences and private wells, the current movement of the leachate plume and the hydrogeological conditions of the location. The hydrogeological conditions include documented fault zones within the site, a downward gradient toward Hwy 65 West, and steep ravines that carry water to culverts under Hwy 65 and on to the Wabi River. The scores for some of these conditions seem low considering the location and nature of the site. 	<ul style="list-style-type: none"> In response to public and government feedback received on the first draft ToR the proposed approach to the environmental assessment has been broadened. The study does no longer focus on the expansion of the New Liskeard Site. Instead, a broad spectrum of alternatives will be evaluated at the start of the planning process. As such, landfilling will be evaluated as one of a number of possible alternatives. Should landfilling be selected as the preferred alternative to providing additional waste management capacity, the process will involve the identification and evaluation of candidate sites. This will replace the site selection work undertaken by the City in the context of the Feasibility Studies. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives.
Included in above	same as above	<p>2. Leachate Flow and Contamination</p> <ul style="list-style-type: none"> One of our primary concerns is with the leachate at the New Liskeard Landfill. If you look back through documentation on the site, in 1978 there was a first mention of the plume and what could be done to contain it (recommendation to investigate the placement of bentonite barriers). The Earth Tech report to the Town in 2008 also outlines the installation of a leachate collection and treatment system. The town is now planning an expansion at the site with little in the plan to control and contain the leachate other than natural attenuation. Even though this landfill site is a relatively small facility, it is located in a complex physical setting that tends to obscure the identification of obvious impacts on the downward gradient groundwater quality, particularly at distances removed from the disposal area. (Jagger Hims Ltd. 2007, Appendix G letter of May 8,2006.) Most groundwater flow will occur through the overburden and through the shallower bedrock zone, although significant groundwater flow can occur within major fractures in the deeper bedrock, where present. The presence of such fracture systems would not necessarily be encountered during drilling programs, nor would they necessarily be detectable by geophysical methods. (Jagger Hims Ltd. 2001, page 22.) Thus, Jagger Hims acknowledges that significant groundwater flow through deeper bedrock may be occurring but also that detecting impacts associated with discrete fractures in this deep zone might be very difficult. The four nested well sites (OW-16, OW-17, OW-24, OW-25) near the 	<ul style="list-style-type: none"> See response to comment above. With respect to the New Liskeard Landfill Site, Reasonable Use Concept Criteria (RUC) were not exceeded at downgradient wells OW17 or OW23 in 2010 (Story Environmental 2010 Monitoring Report). Where RUC were exceeded for some parameters in OW16, OW24 and OW25, Story Environmental (Story) indicated that these exceeding concentrations were not related to landfill leachate but either geological sources, road salting near Highway 65 or other unknown sources. Story interpreted the leading edge of the groundwater plume to be at OW16. Based on the observed steady or decreasing concentrations in many wells since 2000, the plume appears to be contained within the CAZ. Should the revised planning process result in the identification of landfilling as the preferred alternative to providing additional waste management capacity, the process will also involve an evaluation of "alternative landfill designs". This would include the evaluation of alternative approaches to leachate management. The specific alternatives will be developed as part of the EA process and will take public input into account. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives.

Comment Format	Date Received	Comments Provided	Study Team Response	Comments Addressed
		<p>eastern boundary of the contamination attenuation zone, approximately 500 to 600 m downgradient from the fill area are found to be out of compliance with MOE's Guideline 8-7 reasonable use criteria for a number of parameters.</p> <ul style="list-style-type: none"> There is a component of groundwater flow travelling laterally at depth through the deeper bedrock underlying the plains. There is a suggestion that this flow through the deeper limestone might "well up" into or intersect the till overburden where it tapers toward the Lake Temiskaming West Shore Fault (near monitoring well nests OW-16, OW-24, and OW-25). However, the conceptual model is ambiguous as to whether the horizontal flowpath might also flow beneath the deeper section of overburden. Story Environmental Services believes that slight leachate effects may be observed in chloride concentrations at off-property well OW-23-11, but these effects do not extend to failures of the Reasonable Use concept. OW-23 is approximately 900 m downgradient near HWY 65 West. With slightly elevated concentrations of chloride at OW-25, there does appear to be a fairly clear spatial pattern linking Slightly elevated chloride concentrations in OW-23-11 to higher chloride concentrations in other monitoring wells closer to the landfill namely OW-25-11. It was suggested that there is a convergent horizontal flow toward well OW-23. Sulphate concentrations in monitoring wells located at greater distances from the landfill about 400 m and beyond (OW-16, OW-17, OW-23, OW-24, and OW-25) had values which are elevated above the background average range for sulphate. Thus, there must be a path of groundwater movement whereby elevated sulphate that originates at the landfill bypasses the plains area. The concentration at the further removed distance monitoring wells is comparable to monitors adjacent to the waste fill area. It is apparent that landfill derived sulphate occurs at downgradient locations and cannot simply be discounted as naturally occurring. The containment attenuation zone is inadequate as OW-16, OW-24, and OW-25 are on the property boundary and showing impact by leachate and some concentrations of leachate indicator parameters exceeding reasonable use criteria. <p>Recommendation: leachate be contained on the site by a such means as bentonite cut-off barriers as already suggested to the Town by the MOE and under any expansion through the use of a liner and collection and treatment system.</p>		
Included in above	same as above	<p>3. Surface Water Management Strategy</p> <ul style="list-style-type: none"> Approximately 500 lineal metres of perimeter ditching with a culvert in the northeast corner is proposed in the landfill expansion plan. The surface water would thus flow into the ravine in the northeast corner and proceed to the ditch that crosses Hwy 65 W. Since there is seepage at all landfill sites, this leachate would find its way into the Wabi River by the fore mentioned ditch. <p>Recommendation: all surface water to be contained at the landfill.</p>	<ul style="list-style-type: none"> In response to public and government feedback received on the first draft ToR the proposed approach to the environmental assessment has been broadened. Should the revised planning process result in the identification of landfilling as the preferred alternative to providing additional waste management capacity, the process will involve an assessment of the surface features in the vicinity of the Site as well as an evaluation of "alternative landfill designs". This would include the evaluation of alternative approaches to surface water management. The specific alternatives will be developed as part of the EA process and will take public input into account. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives.

Comment Format	Date Received	Comments Provided	Study Team Response	Comments Addressed
Included in above	same as above	<p>4. Landfill Gas Management Strategy</p> <ul style="list-style-type: none"> The MOE requires that all landfill gas management systems be installed for landfills with capacities larger than 1.5 million m³. Based on the Autodesk AutoCAD Civil 3D analysis of the contours of the existing landfill and assuming an inferred existing base contour based on the surface elevations adjacent to the existing limit of waste, the total site capacity of the existing landfill is approximately 431,000 m³. Given that the total site capacity of the existing landfill is approximately 431,000 m³ and the capacity of the landfill expansion is 884,000 m³, the total existing landfill plus expansion is 1.3 million m³. However, this calculation assumes an inferred existing base contour based on ground surface elevations, but the history of the landfill reveals that it was originally a limestone quarry that operated for approximately 10 years. How far into the limestone ridge did it penetrate and how deep was it? Given the amount of time that it was in operation, considerable limestone was removed before being replaced by landfill. Thus the original cubic metres are potentially much higher, bringing the total very close to the MOE limits if not exceeding them. <p>Recommendation: a landfill gas system be implemented.</p>	<ul style="list-style-type: none"> See response to comment above. Should the revised planning process result in the identification of landfilling as the preferred alternative to providing additional waste management capacity, the process will involve an evaluation of "alternative landfill designs". This would include the evaluation of alternative approaches to gas management. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives.
Included in above	same as above	<p>5. Perimeter Fencing</p> <ul style="list-style-type: none"> We have been remiss in not formally reporting to the Town problems with the landfill, but we did not know that such a mechanism was in place. Also, since the landfill was closing in 2009 we felt the problem would be solved. However, with a possible expansion of the existing landfill we must now inform you of our problem. Bears frequently carried bags of garbage from the landfill onto our property. As well we have picked up numerous bags and debris that has blow our way with the prevailing westerly winds. <p>Recommendation: a chain link fence around the landfill similar to the Haileybury site be installed.</p>	<ul style="list-style-type: none"> See response to comment above. Should the revised planning process result in the identification of landfilling as the preferred alternative to providing additional waste management capacity, the process will involve an evaluation of "alternative landfill designs". This would include the evaluation of the requirements for proper maintenance of the operating site, including perimeter fencing. As part of the operation and maintenance of an operating landfill, minimization of issues such as odour, wildlife intrusion and dust generation are typically key priorities. Fencing is used around the perimeter of most landfill sites to help prevent flying debris and waste from leaving the perimeter and to help prevent wildlife from entering the landfill area. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives
Included in above	same as above	<ul style="list-style-type: none"> In conclusion, we hope that council will take a serious look at our concerns with the New Liskeard Landfill expansion plan. Under a separate letter we have replied to Dave Treen in regards to the Draft Terms of Reference. Although we are understandably concerned about the impact on our own property, we also have reservations about the potential impact on the surrounding lands including the Wabi River valley below the site. It is a very unique and complex geographical area and we encourage you all to have a personal look at the site. 	<ul style="list-style-type: none"> Comment noted. 	<ul style="list-style-type: none"> Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives

Comment Format	Date Received	Comments Provided	Study Team Response	Comments Addressed
Survey	April 25, 2012	<ul style="list-style-type: none"> • Survey and EA ToR: We have concerns that the survey itself does not mirror the new draft ToR's "thinking outside the box" potential for waste management for the City of Temiskaming Shores but rather reverts to directing responses to a narrower choice of strategies. We are hopeful that AMEC, Council and the City do not allow the survey to cloud the broader and possible exciting opportunities for waste management as outlined in your draft ToR. • As per the ToR, the study team has established a preliminary list of "Alternatives to". The City should consider all these alternatives when planning for the new waste management capacity. Another option not mentioned is the potential to contract out the waste management to a firm such as Miller Waste Management. • In the TOR there is no division of landfilling into expansion of existing landfills or development of a new landfill. So why is this distinction made in the survey? What is the purpose of both sections of the question (question re City's approach to the planning for new waste management capacity) when the broader geographical consideration as well as waste management alternatives are laid out in the ToR? • The question on the survey regarding the draft ToR's approach to identifying options, etc is a very broad question for a "yes" or "no" answer. There is no mention of Cobalt and whether they will be joining the City of Temiskaming Shores in this waste management decision. They are currently using the Haileybury Landfil which will close. There is no mention of waste management initiatives with neighbouring towns and townships, in order to minimize the need for multiple waste management sites. There is no mention of the lease of the New Liskeard landfill contamination attenuation zone to Canadian Solar by the City of Temiskaming Shores. When this project proceeds, the drilling required for base supports on this land, as noted in their engineering documents, will further fracture the underlying bedrock and thus impact the integrity of the contamination attenuation zone. We hope both AMEC and the City council members are serious in taking a much broader look at the opportunities mentioned in the ToR. We know it is a challenging decision but a great chance to look forward to the potential new technologies and methods for waste management for our city, now and into the future. • It is a very challenging format to reply to the last question of the survey (What aspects are most important from your perspective) at the initial stage and seems more geared to a possible criteria ranking once specific alternatives are presented. <u>All</u> the factors have you have listed are very important while reviewing the alternatives discussed in the ToR. Some will be more applicable to certain waste management strategies while others are very important when you look at geographical choices. 	<ul style="list-style-type: none"> • Comment on the survey has been noted • The "Alternatives to" listed in the revised TOR are preliminary. Public input will be solicited • Neither the survey text nor the ToR provide final lists of Alternative To. No decisions have been made as to the preferred approach. The survey was meant to solicit input to the revised draft ToR. • The survey also allowed for the description of proposals for changes to the ToR; the suggestions made will be taking into consideration during the EA process when Alternatives To are being developed and evaluated. • Agree. The criteria become more meaningful when specific options and locations are on the table. The survey meant to identify generally broad environmental concerns that may existing in the regional study area. These questions will be brought up again in context of the EA process 	<ul style="list-style-type: none"> • Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives. The revised ToR includes a comprehensive consultation program for implementation during the EA process. The program is designed to solicit comments such as those raised. The comments provided have been recorded and will be brought into the discussion and decision making of the EA process.

5.0 GOVERNMENT AGENCY CONSULTATION

A summary of the input provided from government agencies and the Project team's response is presented in Table 5-1. Copies of the correspondence received from government agencies are available in Appendix G.

TABLE 5-1: SUMMARY OF GOVERNMENT FEEDBACK AND STUDY TEAM RESPONSE

Government Agency	Date Letter Received	Comments Provided	Study Team Response	Comments Addressed
Ministry of the Environment	December 10, 2010	<p>Provided feedback regarding the Public and Aboriginal Involvement Plan.</p> <ul style="list-style-type: none"> The individual EA itself is focused and so the ToR needs to address the reason(s) why the EA will deviate from examining the broader alternatives and how this will address the current need for the project. This point should be present in the general difference when consulting on the ToR compared to EA, especially as this any waste or landfill type of project has the potential to be contentious in nature. The plan speaks to interested persons as identified by proximity, past or current interest, potentially impacted. This area could be better fleshed out. The plan also needs to clarify exactly how the input from the consultation is collected The First Nations on the list that is close is Matachewan First Nation, it would be more appropriately would be Bear Island (Temagami) and Timiskiming First Nation (Quebec) 	Noted.	Proponent generated a revised ToR – Public Consultation Plan (Section 8 of ToR)
Ministry of the Environment	March 18, 2011	<ul style="list-style-type: none"> Section 1.3: Should be changed to use subsections 6(2)(c) and 6.1(3) if there is a more defined planning process and more details of the proposal are already known (for example, the potential alternatives it wishes to evaluate). The elements of the environmental assessment that is prepared under subsection 6.1(3) should not differ drastically from the generic elements outlined in subsection 6.1(2), and the proponent must be clear in the terms of reference about what will be different. Justification for following subsection 6(2)(c) must 	In response to public and government feedback received on the first draft ToR the proposed approach to the environmental assessment has been broadened. The study no longer focuses on the expansion of the New Liskeard Site. Instead, a broad spectrum of alternatives will be evaluated at the start of the planning process. As such, landfilling will	Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives.

TABLE 5-1: SUMMARY OF GOVERNMENT FEEDBACK AND STUDY TEAM RESPONSE

Government Agency	Date Letter Received	Comments Provided	Study Team Response	Comments Addressed
		<p>be provided in the proposed terms of reference and is subject to the Minister's approval.</p> <ul style="list-style-type: none"> • Section 4.3: Should also include/note in the TOR, EAA Section 1 B) and F) under the Interpretation and Application Section of the Act. • Appendix A-3: These appendices are very useful in articulating the need(s) / reason (s) for a focused TOR. If a proponent chooses to rely on previous planning work to limit the discussion of alternatives, then the rationale for doing so must be evaluated for its appropriateness, relevance and accuracy as it relates to provincial plans, policies and interests. The key is that the range and type of alternatives included by the proponent in the terms of reference can vary as long as the justification provided ensures that the terms of reference will produce an environmental assessment that enables the Minister to make an informed decision about the proposed undertaking. Although the Feasibility Assessment Evaluation Tables list the specific indicator factors under each criteria and evaluate them numerically from 0-5, with the Feasibility Ranking System in Table A-1 and written assignment of the ratings, it was unclear as to how/why each specific indicator was assigned it's respective numeric value. (For example, an explanation of what it means to be "Distance to Nearest to Agricultural Lands" rank 2 (low to medium). How was this determined? In proximity of metres, or the number of agricultural lands, etc.?) 	<p>be evaluated as one of a number of possible alternatives.</p>	
MOH	May 6, 2011	<p>Provided name and contact information of local Medical Officer of Health for the area in which the EA is located. Indicated interest in being kept informed about the progress of the EA.</p>	<p>Contact added to mailing list.</p>	<p>Contact added to mailing list.</p>
INAC	May 19,	<p>Provided recommended approach for</p>	<p>The City has reviewed</p>	<p>Letters were</p>

TABLE 5-1: SUMMARY OF GOVERNMENT FEEDBACK AND STUDY TEAM RESPONSE

Government Agency	Date Letter Received	Comments Provided	Study Team Response	Comments Addressed
	2011	determining which First Nation communities to contact and identified where to get information on each community.	each of the links in assessing which communities to contact. Letters were distributed to the identified First Nation communities.	distributed to the identified First Nation communities.
MNR North Bay District	May 25, 2011 (e-mail)	<p>Provided recommendations for scope of / approach to</p> <ul style="list-style-type: none"> • Description of natural environment - Ecology and species (records review of sensitive values within 1 km of site boundary, use of Ecological Land Classification for description of vegetation features; inclusion of all aspects of the natural environment including Species of Special Concern and Species at Risk [SAR]; separate section for SAR; description of survey methods) • Description of natural environment – hydrology (intermittent, poorly defined channels at the northeast corner of the CAZ to be reviewed wrt SAR) • Environmental effects assessment and mitigation incl. water table disruptions within South Wabi Creek and effects on Species at Risk and their habitat • Other: EA to include how SAR will be addressed if encountered during construction activities <p>Also included in the e-mail: SAR known to be in the area of the subject lands and SAR that have the potential to exist in the area based on their ranges</p>	<p>In response to public and government feedback received on the first draft ToR the proposed approach to the environmental assessment has been broadened. The study no longer focuses on the expansion of the New Liskeard Site. Instead, a broad spectrum of alternatives will be evaluated at the start of the planning process. As such, landfilling will be evaluated as one of a number of possible alternatives. A revised set of preliminary evaluation criteria are listed in Table 6.1 of the ToR. The City's specific work program related to the inventory and characterization of species and habitat will be finalized in consultation with MNR once the planning process identifies a specific site location. The preliminary criteria (Table 6.1) explicitly address Species at Risk and their habitat to ensure the adequate consideration in the EA. MNR recommendation with respect to scope and review of data sources will be taken into account in the inventory work and characterization of the natural environment in</p>	Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives.

TABLE 5-1: SUMMARY OF GOVERNMENT FEEDBACK AND STUDY TEAM RESPONSE

Government Agency	Date Letter Received	Comments Provided	Study Team Response	Comments Addressed
			the selection and evaluation of candidate sites.	
Ministry of Aboriginal Affairs	July 5, 2011	Provided information regarding Aboriginal communities that may have existing or asserted rights or claims within the Project area.	The City has reviewed the list of communities and letters have been distributed to the communities identified.	Letters have been distributed to the communities identified.
Canadian Environmental Assessment Agency	July 11, 2011	Provided acknowledgement of the City's April 29 th letter and identifying the role of CEAA under the Canadian Environmental Assessment Act as well as identifying information required should this assessment become federal.	The City will evaluate the requirements provided as applicable in relation to the Project.	Included in Supporting Document 2 of ToR
Ministry of the Environment	July 12, 2011	Provided general comments regarding the draft Terms of Reference and next steps.	Noted.	Not applicable
Transport Canada	July 26, 2011 (email)	Provided information regarding recommended general guidance for the Project.	The City will incorporate the recommended general guidance into the assessment as applicable.	Not applicable
Ministry of the Environment	August 31, 2011	Email from the Project Officer at MOE confirmation their receipt of the Draft Terms of Reference.	Noted.	Not applicable
Ministry of the Environment	October 27, 2011	Provided feedback on the following areas: <ul style="list-style-type: none"> • Alternatives being assessed in the EA - Alternatives to the undertaking. Additional alternatives of exporting waste and of importing waste should also be considered since these have generally been considered in other recently approved EAs and is listed in pg. 17 of the Code of Practice. It is preferable if a few key screening criteria are set before the alternatives to the undertaking are established and that qualitative information/ analysis be used for some of the criteria. • Rationale and description of the undertaking. Additional information should be provided in Section 3.0 of the ToR illustrating how the long-term waste disposal needs of the City of Temiskaming 	In response to public and government feedback received on the first draft ToR the proposed approach to the environmental assessment has been broadened. The study no longer focuses on the expansion of the New Liskeard Site. Instead, a broad spectrum of alternatives will be evaluated at the start of the planning process. As such, landfilling will be evaluated as one of a number of possible alternatives.	TOR was revised to include <ul style="list-style-type: none"> • Expanded list of Alternatives To (Section 5) • Calculation of waste volumes are provided in an Appendix A • Description of the existing environment (Section 4) was edited to reflect the new approach • Public and Aboriginal Consultation Plan (Section 8)

TABLE 5-1: SUMMARY OF GOVERNMENT FEEDBACK AND STUDY TEAM RESPONSE

Government Agency	Date Letter Received	Comments Provided	Study Team Response	Comments Addressed
		<p>Shores and the other municipalities being served were calculated. This would include discussion of the current and planned future waste diversion efforts in the municipality and the service area. References to the particular tables and sections of the supporting documents in which the entire calculations can be examined should also be provided.</p> <ul style="list-style-type: none"> Description of environmental conditions and evaluation criteria. It would be preferable if a greater amount of detail was provided in this section and if the information was at both the municipal level and in more detail for the New Liskeard site area. Public and Aboriginal Consultation Plan. 		<p>was edited as per comments received</p>
Ministry of the Environment	March 1, 2012	Master GRT list provided to project team.	Noted and reviewed. A project-specific list was prepared and provided to MOE.	A project-specific list was prepared and provided to MOE / applied in notification re the ToR revisions.
Ministry of the Environment	March 2, 2012	Comments provided regarding the January 2012 draft Terms of Reference.	Noted and addressed in updated text.	Revised Tor issued in March 2012
Ministry of the Environment	March 18, 2011	<p>Comments provided from the for the draft Terms of Reference:</p> <ul style="list-style-type: none"> Section 1.3: Should be changed to use subsections 6(2)(c) and 6.1(3) if there is a more defined planning process and more details of the proposal are already known (for example, the potential alternatives it wishes to evaluate). The elements of the environmental assessment that is prepared under subsection 6.1(3) should not differ drastically from the generic elements outlined in subsection 6.1(2), and the proponent must be clear in the terms of reference about what will be different. Justification for following subsection 6(2)(c) must be provided in the proposed terms of 	Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives. Revisions clarify/ address all issues raised.	Proponent generated a revised ToR with a broadened approach to the identification and evaluation of alternatives.

TABLE 5-1: SUMMARY OF GOVERNMENT FEEDBACK AND STUDY TEAM RESPONSE

Government Agency	Date Letter Received	Comments Provided	Study Team Response	Comments Addressed
		<p>reference and is subject to the Minister's approval.</p> <ul style="list-style-type: none"> • Section 4.3: Should also include/note in the ToR, EAA Section 1 B) and F) under the Interpretation and Application Section of the Act. • Appendix A-3: These appendices are very useful in articulating the need(s) / reason (s) for a focused ToR. If a proponent chooses to rely on previous planning work to limit the discussion of alternatives, then the rationale for doing so must be evaluated for its appropriateness, relevance and accuracy as it relates to provincial plans, policies and interests. The key is that the range and type of alternatives included by the proponent in the terms of reference can vary as long as the justification provided ensures that the terms of reference will produce an environmental assessment that enables the Minister to make an informed decision about the proposed undertaking. Although the Feasibility Assessment Evaluation Tables list the specific indicator factors under each criteria and evaluate them numerically from 0-5, with the Feasibility Ranking System in Table A-1 and written assignment of the ratings, it was unclear as to how/why each specific indicator was assigned it's respective numeric value. 		
Aboriginal Affairs and Northern Development Canada	April 2, 2012	Letter from AANDC identifying additional Aboriginal communities based on the expanded scope in the revised draft ToR.	The City reviewed the letter and added the identified additional communities to the contact list.	Letters were issued to these additional communities.
Ministry of the Environment	April 5, 2012	<p>Comments from a waste approval perspective.</p> <ul style="list-style-type: none"> • Noise should be added to the Table 4-1 as a typical concern for the landfill, thermal treatment option and energy from waste option. • For the landfilling option, the City should identify whether they are considering an expansion of an existing, considering a new site or 	<p>Comments have been reviewed; the ToR text was edited as follows</p> <ul style="list-style-type: none"> • Noise has been added to Table 4-1 • Section 5.1 states that both expansion as well as a new landfill are part of the Alternative To 	Edited ToR text has been re-issued as the Proposed ToR and submitted to MOE for review and approval

TABLE 5-1: SUMMARY OF GOVERNMENT FEEDBACK AND STUDY TEAM RESPONSE

Government Agency	Date Letter Received	Comments Provided	Study Team Response	Comments Addressed
		<p>will be looking at both options. For an expansion, the City will need to clearly state the approved capacity for the New Liskeard LFS and the Haileybury LFS. The approved capacity is the starting point for the expansion. The approved capacity for an expansion will be the existing approved capacity in addition to the volume of capacity the City is seeking. The City will need to provide this capacity prior to the EA being approved.</p>	<p>evaluation</p> <ul style="list-style-type: none"> Agreed that details on capacity of existing site are to be considered should landfilling be identified as the preferred "Alternative To". 	
Ministry of the Environment	April 11, 2012	<p>Comments from an air quality perspective.</p> <ul style="list-style-type: none"> Landfill Gas: One of the Waste Management Alternatives includes waste disposal in landfill. Considering that this would be a landfill that accepts municipal waste, production of significant amounts of landfill gas is expected. While the necessity to collect and manage gas was mentioned in Section 5.0 "Alternatives to the Undertaking" (page 22), this was not carried forward to Table 6-1 that summarizes the preliminary criteria for evaluation of environmental effects. Additionally the production and management of landfill gas was not listed as a typical concern in Table 4-1. It is recommended that landfill gas issues be reflected in both Tables 4-1 and 6-1 and the discussions related to them. Odour and Dust: In Section 4.5 (page 17) odour and dust have been referred to as nuisance effects. While dust and odour can be considered nuisances in some cases, they may be linked to or cause other adverse effects including impacts on health. Therefore odour and dust should not be classified as only a nuisance. 	<p>Comments have been reviewed; the ToR text was edited as follows</p> <ul style="list-style-type: none"> Landfill gas has been added to Table 4-1 Odour and dust are no longer described as nuisance effects 	<p>Edited ToR text has been re-issued as the Proposed ToR and submitted to MOE for review and approval</p>
Ministry of the Environment	April 18, 2012	<p>Comments from a surface water perspective.</p> <ul style="list-style-type: none"> The proponent should commit in the final TOR to the items 	<p>Comments have been reviewed; the ToR text was edited as follows</p> <ul style="list-style-type: none"> Landfill gas has 	<p>Edited ToR text has been re-issued as the Proposed ToR</p>

TABLE 5-1: SUMMARY OF GOVERNMENT FEEDBACK AND STUDY TEAM RESPONSE

Government Agency	Date Letter Received	Comments Provided	Study Team Response	Comments Addressed
		<p>identified as impact management measures (Table 4-1 of draft TOR); these should be adhered to when choosing the technology and developing the site. Similarly, a commitment should be made in the final TOR to use the criteria in Table 6-1 of TOR for evaluating environmental impacts. It should also be noted that in order to properly evaluate impacts, commitment should be made to collect base line data on the items identified in Table 6-1 related to aquatic environment, surface water and other users, before commencement of site development. During and post site development a suitable monitoring program should be implemented to gather data on the same items, over the long term.</p> <ul style="list-style-type: none"> Depending on site and technology selected as the best option, additional information and assessments may be required, to what is listed in the draft TOR, to allow for proper evaluation of site characteristics, and potential impacts to fish, fish habitat, surface waters and other users of water resources. 	<p>been added to Table 4-1</p> <ul style="list-style-type: none"> Odour and dust are no longer described as nuisance effects Section 6.3 states that criteria from Table 6-1 will be used in the evaluation Commitment to noise baseline data collection is being mentioned in Section 4.4 and 6.4 A commitment to monitoring is made in Section 7 with reference to criteria in Table 6-1 Agree on the potential necessity for additional information. That is reflected in Section 4.2 and 6.4 	<p>and submitted to MOE for review and approval</p>
Ministry of the Environment	April 27, 2012	<p>Comments from a noise perspective.</p> <ul style="list-style-type: none"> In Section 4.5 "Potential Environmental Effects and Mitigation" and Table 4-1, "Typical Concerns and Impact Management Features", there are several references to "traffic" as an environmental effect, where it appears that "traffic" is used as a proxy term for "noise". Since haul route noise should be a topic of the EA that will be reviewed by this office, noise from traffic should be referenced explicitly in the ToR. In Table 5-1, "Evaluation of Alternatives to - Preliminary List of Criteria", which listed a number of typical environmental criteria, noise was not, and should have been included, 	<p>Comments have been reviewed; the ToR text was edited as follows</p> <ul style="list-style-type: none"> Noise associated with haul traffic has been added to Table 4-1 Odour and dust are no longer described as nuisance effects Noise has been moved for inclusion under "Social Environment" Reference to "Noise Guidelines for Landfill Sites, October 1998" has been added 	<p>Edited ToR text has been re-issued as the Proposed ToR and submitted to MOE for review and approval</p>

TABLE 5-1: SUMMARY OF GOVERNMENT FEEDBACK AND STUDY TEAM RESPONSE

Government Agency	Date Letter Received	Comments Provided	Study Team Response	Comments Addressed
		<ul style="list-style-type: none"> • In Table 6-1, " Preliminary Criteria For Evaluation of Environmental Effects", noise was included, but under the unusual and arguably inappropriate heading of "Natural Environment" (and the subheading of Atmospheric Environment), It is also noted thnt in Section 4.3 "Natural Environment" there is no discussion of noise or noise receptors (nor is there mention of noise in Section 4.4, "Social, Economic and Cultural Environment"), As Points of Reception for noise arc defined in Ontario in terms of the effect upon current or potential living areas for people, rather than upon flora, fauna and natural features, noise is more usually categorized under Social or Socio-Economic (and sometimes Cultural) Environment. • It was noted that there is no reference in the document to the guidelines of the Ministry of the Environment by which noise is assessed, either for industrial sources in general or for landfills in particular. The ToR's list of References (Section 12.0) should include the MOE document "Noise Guidelines for Landfill Sites, October 1998", • This review endorses the reference in Section 6.4 "Concept Design, Environmental Effects of the Undertaking" for the need for noise modelling. 	(Section 4.4 and Section 12)	
Ministry of the Environment	April 27, 2012	<p>Comments from a hydrgeologist perspective.</p> <ul style="list-style-type: none"> • It is recommended that the groundwater resources of the area be included in the evaluation criteria of the "alternatives to" and "alternative methods". Suggested hydrogeological criteria that could be considered in the evaluations are: potential to impact wellhead protection areas of municipal supply wells; potential impact on groundwater use (private and municipal); and, consideration of future water resources 	<p>Comments have been reviewed; the ToR text was edited as follows:</p> <ul style="list-style-type: none"> • Ground water has been added to Table 5-1; potential for impacts on well head protection areas etc. has been added to Table 6.1 	<p>Edited ToR text has been re-issued as the Proposed ToR and submitted to MOE for review and approval</p>

TABLE 5-1: SUMMARY OF GOVERNMENT FEEDBACK AND STUDY TEAM RESPONSE

Government Agency	Date Letter Received	Comments Provided	Study Team Response	Comments Addressed
		development potential.		
Ministry of the Environment	April 30, 2012	<p>Comments from a wastewater perspective.</p> <ul style="list-style-type: none"> The draft ToR is acceptable with respect to the mandate of the Wastewater Unit, Environmental Approval Services Section, EAB, under the Ontario Water Resources Act (OWRA). 	Comment noted	Not applicable
Ministry of the Environment	April 30, 2012	<p>Comments from a planning perspective.</p> <ul style="list-style-type: none"> Under the Heading "Land Use" in Section 4.4 Social, Economic and Cultural Environment, there is a very general description of the land uses that occur throughout the study area. There could be a more detailed description of the various alternative sites currently under consideration and the local and provincial land use planning documents and policies that will apply (i.e., Official Plans, Provincial Policy Statement, MOE guidelines). The Preliminary Regional Study Area appears to encompass municipalities/planning boards that are not on the Preliminary List of Project Participants in Appendix A: Many or all of these local planning authorities may have local planning documents (i.e., Official Plans and zoning by-laws) in place. These documents will likely have requirements for separation distances and studies that are consistent with the requirements of MOE's D-4 Guideline "Land Use On or Near Landfills and Dumps" or the requirement for an Official Plan Amendment or zoning by-law amendment to locate a new site or expand an existing. The requirements of the D-4 guideline should be incorporated into the screening and studies conducted in satisfying Sections 5 and 6 of the Terms of Reference. 	<p>Comments have been reviewed; the ToR text was edited as follows:</p> <ul style="list-style-type: none"> With the broadened approach to the EA, no alternative sites have been pre-selected/identified; this will be accomplished as part of the EA, which will include a detailed description of all candidate sites. MOE's D-4 Guideline "Land Use On or Near Landfills and Dumps" AND THE Provincial Planning Policy have been referenced now in the text (Section 6.3.1) Agree to incorporation of the requirements of the D-4 guideline. Text therefore acknowledges the importance of these documents for the site selection process (Section 6.3.1) 	Edited ToR text has been re-issued as the Proposed ToR and submitted to MOE for review and approval
Ministry of the Environment	April 30, 2012	<p>Comments from the EASS, including editorial and organization recommendations.</p> <ul style="list-style-type: none"> Section 1.0, clarify figure 	<p>Comments have been reviewed; the ToR text was edited as follows</p> <ul style="list-style-type: none"> all clarifications, 	Edited ToR text has been re-issued as the Proposed ToR

TABLE 5-1: SUMMARY OF GOVERNMENT FEEDBACK AND STUDY TEAM RESPONSE

Government Agency	Date Letter Received	Comments Provided	Study Team Response	Comments Addressed
		<ul style="list-style-type: none"> • Section 1.4, include simplified figure of EA process • Section 2.2, include the details of the calculations, including underlying assumptions, for the estimates of landfill capacity and waste generations you provided or please provide the entire feasibility study as supporting documentation for this ToR • Section 5.1, expand on the rationale for including “waste import” as a preliminary Alternative To • Section 5.2, at the end of the first paragraph, please include the same commitment regarding the rationale for each criterion, the indicators to be applied, and the data sources to be used, that was provided in sixth paragraph of Section 6.3 of the draft ToR. • Section 5.2, the description of the “reasoned argument method” and “arithmetic evaluation method” provided in the second paragraph of this section is somewhat ambiguous. This paragraph should be revised to include the description of the “reasoned argument method” and “arithmetic evaluation method” as provided in the last two paragraphs of Section 6.3. The description used in Section 6.3 is preferred because it is clear and concise. 	<p>additions, edits have been made as stated in the comments</p>	<p>and submitted to MOE for review and approval</p>

6.0 ABORIGINAL COMMUNITY CONSULTATION

Aboriginal communities that may have an interest were identified through communications with Aboriginal Affairs and Northern Development Canada, Ontario Ministry of Aboriginal Affairs, MOE, and a review of available information on government websites.

6.1 NOTIFICATION

Aboriginal communities that have been notified through introductory letters and notices, as well as copies of the March 2012 revised draft ToR include:

- Algonquin Anishinabeg Tribal Council;

- Algonquin Nation Secretariat;
- Barrière Lake First Nation;
- Beaverhouse First Nation;
- Communauté anicinape de Kitcisakik;
- Conseil de la Première nation Abitibiwinni;
- Eagle Village First Nation – Kipawa;
- Kitigan Zibi Anishinabeg;
- Long Point First Nation;
- Matachewan First Nation;
- Mattagami First Nation;
- Nation Anishnabe du Lac Simon;
- Temagami First Nation;
- Timiskaming First Nation;
- Wahgoshig First Nation;
- Métis Nation Ontario;
- Temiskaming Métis Council; and
- Wolf Lake First Nation.

As part of the initial April 2011 draft ToR, letters were mailed to Aboriginal communities, including Beaverhouse First Nation, Matachewan First Nation, Mattagami First Nation, Métis Nation of Ontario, Temagami First Nation [Bear Island], Temiskaming Métis Council, Timiskaming First Nation, and Wahgoshig First Nation.

Following the revision of the April 2011 draft ToR document, letters were mailed to Aboriginal communities, including Beaverhouse First Nation, Matachewan First Nation, Mattagami First Nation, Métis Nation of Ontario, Temagami First Nation [Bear Island], Temiskaming Métis Council, Timiskaming First Nation, and Wahgoshig First Nation. This mailing referenced notice for the opportunity to review the March 2012 revised draft ToR.

Based April 2, 2012 letter from Aboriginal Affairs and Northern Development Canada, and because of the expanded preliminary Regional Study Area, additional letters (including copy of the March 2012 revised draft ToR in English (with option to translate) and related notice in English and French) were also distributed to the following Aboriginal communities: Algonquin Anishinabeg Tribal Council, Algonquin Nation Secretariat; Barrière Lake First Nation, Communauté anicinape de Kitcisakik, Conseil de la Première nation Abitibiwinni, Eagle Village First Nation – Kipawa, Kitigan Zibi Anishinabeg, Long Point First Nation, Nation Anishnabe du Lac Simon, and Wolf Lake First Nation.

6.2 MEETINGS

No meetings have occurred to date.

6.3 ISSUES AND CONCERNS

No issues or concerns have been identified to date.

7.0 NEXT STEPS

A final version of the ToR was submitted to the MOE in June 2012 for review and approval. This version has been posted on the Project website and made available through the City of Temiskaming Shores and its libraries, as well as the MOE office in Toronto and district offices in North Bay and Sudbury. As required, a Notice of Submission has been placed in the local newspaper and sent to the Project mailing list.

If approved, it is anticipated that two subsequent public consultation events will be held during the EA. This event will be scheduled to coincide with key points of the Project where public input will be the most meaningful. In the meantime the public will be able to comment on the Project or ask questions by telephone, fax, email, or via the Project website. The Project Team will also continue to consult with various government agencies, Aboriginal communities, and other stakeholders as the Project progresses.

8.0 REFERENCES

The Ministry of the Environment. 2009. *Code of Practice – Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario*. Accessed on May 17, 2011, from: http://www.ene.gov.on.ca/environment/en/resources/STD01_076111.html

AMEC Environment & Infrastructure. 2012. Revised Draft Terms of Reference - City of Temiskaming Shores New Waste Management Capacity Environmental Assessment.

AMEC Environment & Infrastructure. 2011. Consultation Plan - City of Temiskaming Shores New Waste Management Capacity Environmental Assessment.

APPENDIX A

NOTICES



TEMISKAMING SHORES PUBLIC LIBRARY

"Wills, Estate Planning and Reducing Taxes on Death" presented by LEAVE A LEGACY™ Temiskaming

Halleybury Branch: Tuesday, May 10, 2011 at 12:00 Noon
Bring your lunch, light refreshments will be provided.
New Liskeard Branch: Tuesday, May 17, 2011 at 6:30 p.m.
Light refreshments will be provided.
Please call (705) 672-3707 or (705) 647-4215 for more information.

TENDER PW-TEN-009-2011

SUPPLY AND DELIVERY OF GRANULAR MATERIALS

Objective
The City of Temiskaming Shores is desirous to procure the supply and delivery of granular materials for its Public Works Department maintenance operations according to the specifications detailed in this tender.

Sealed Tenders must be received by the Municipal Office, 325 Farr Drive, Halleybury no later than 2:00 p.m. on:

Thursday, May 19th, 2011

To receive consideration, Tenders must be submitted on the tender forms and in an envelope PLAINLY MARKED

City of Temiskaming Shores
P.O. Box 2050, 325 Farr Drive, Halleybury, ON P0J 1K0
Attn: Sue Weiss - Municipal Clerk
PW-TEN-009-2011 "Granular materials"

Tender documents may be obtained from the Public Works Operations Division at 200 Lakeshore Road, New Liskeard, ON P0J 1P0 (705) 647-6220

Any questions or concerns directly related to tender documents should be directed to J. Sheppard - Manager of Operations, City of Temiskaming Shores, 200 Lakeshore Road, New Liskeard, ON (705) 647-6220 Fax # (705) 647-9632

This tender shall remain valid for a period of thirty (30) days from the closing date.

The lowest or any tender not necessarily accepted.

QUOTATION PW-RFQ-006-2011

SUPPLY AND DELIVERY OF C.S.P. CULVERT

Objective
The City of Temiskaming Shores is desirous to procure miscellaneous corrugated steel pipe culvert and related hardware.

Submissions
To receive consideration, quotations must be submitted on the quotation forms and in an envelope PLAINLY MARKED submitted to the following address
City of Temiskaming Shores
P.O. Box 2050, 325 Farr Drive, Halleybury, ON P0J 1K0
Attn: Sue Weiss - Municipal Clerk
PW-RFQ-006-2011 "C.S.P. culvert"

The closing date for submission of quotations will be at 2:00 p.m. local time on **Thursday, May 19th, 2011**

A public opening of the quotations will take place on the same day at 2:05 p.m. at the Municipal Office at 325 Farr Drive, Halleybury, ON.

Quotation documents may be obtained from the City of Temiskaming Shores, Public Works division at 200 Lakeshore Road, New Liskeard, ON P0J 1P0 (705) 647-6220.

Quotations shall be in ink, late quotations will not be accepted;
Quotations by fax will not be accepted;
Partial quotations are not accepted;

The City reserves the right to accept or reject any or all quotations;
The lowest quotation will not necessarily be accepted;

The City reserves the right to enter into negotiations with a supplier and any changes to the quotation that are acceptable to both parties will be binding.

The quotations shall be valid for 30 (thirty) days from submission date.

Questions
Any questions or concerns directly related to quotation document should be directed to James Sheppard - Manager of Operations, City of Temiskaming Shores, 200 Lakeshore Road, New Liskeard, ON (705) 647-6220 Fax # (705) 647-9632

Notice of Commencement
Terms of Reference - Open House
Environmental Assessment - New Liskeard Landfill Site
Expansion - City of Temiskaming Shores

The Study
The City of Temiskaming Shores (the City), has initiated a study under the Environmental Assessment Act to examine the expansion of the New Liskeard Landfill Site (the Site). The Site is located approximately 3 kilometres west of the former Town of New Liskeard off of Rockley Road and has been used for landfilling since 1916. The operation was suspended in 2009 when the Site reached its approved capacity. Currently, the City's waste is disposed of at the Halleybury Site, the City's only other landfill site. This site will reach its capacity in 2016. The City places emphasis on intensifying its waste reduction and recycling efforts but also identified the need for new landfill capacity by 2016. In a prefeasibility study, the City concluded that the expansion of the New Liskeard Site is the preferred approach. This site expansion is now undergoing a comprehensive Environmental Assessment (EA) process.

The Process
The EA will be carried out in accordance with the requirements of the Environmental Assessment Act. The first step in the process is the preparation of a Terms of Reference (TOR). The TOR addresses such things as the study area, the approach to the evaluation of alternatives, criteria for the assessment of potential impact, and the proposed Consultation Program. If approved by the Minister, the TOR will provide the framework and requirements for preparation of the EA.

Consultation
Members of the public, government agencies, Aboriginal communities, and interested persons are encouraged to actively participate in the development of the TOR. To introduce the project, present work completed to date, and to discuss the draft TOR, the City invites you to attend a Public Open House.

Public Open House
Monday, May 9th, 2011; 4:00 pm to 8:00 pm
Dymond Community Hall, 181 Drive-In-Theatre Road

Interested parties are requested to forward their comments on the draft TOR before 30th May, 2011. Other opportunities for involvement in the TOR process are offered via the City's web site or direct contact (see below). Upon finalization and formal submission of the proposed TOR to the MOE, a 30-day public review period will be provided. Upon approval of the TOR, the City will commence with the actual EA study. That process will continue the opportunities for involvement. Specific events will be communicated through notices and the Project website (see below).

Comments
To download a copy of the draft TOR, provide comments, to obtain further information and/or to be added to the mailing list for this study please visit the Project website at (<http://www.temiskamingshores.ca>) or contact:

Dave Treen, CET
Manager, Environmental Services
CITY OF TEMISKAMING SHORES
325 Farr Drive, P.O. Box 2050, Halleybury, Ontario P0J 1K0
Phone (705) 672-3363 Ext. 4136 dtreen@temiskamingshores.ca

Under the Freedom of Information and Protection of Privacy Act and the Environmental Assessment Act, unless otherwise stated in the submission, any personal information such as name, address, telephone number and property location included in a submission will become part of the public record files for this matter and will be released, if requested, to any person.

FOR MORE IN
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Notice of Commencement
Terms of Reference - Open House
Environmental Assessment - New Liskeard Landfill Site
Expansion - City of Temiskaming Shores

The Study
The City of Temiskaming Shores (the City), has initiated a study under the Environmental Assessment Act to examine the expansion of the New Liskeard Landfill Site (the Site). The Site is located approximately 3 kilometres west of the former Town of New Liskeard off of Rockley Road and has been used for landfilling since 1916. The operation was suspended in 2009 when the Site reached its approved capacity. Currently, the City's waste is disposed of at the Halleybury Site, the City's only other landfill site. This site will reach its capacity in 2016. The City places emphasis on intensifying its waste reduction and recycling efforts but also identified the need for new landfill capacity by 2016. In a prefeasibility study, the City concluded that the expansion of the New Liskeard Site is the preferred approach. This site expansion is now undergoing a comprehensive Environmental Assessment (EA) process.

The Process
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Consultation
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Public Open House
Monday, May 9th, 2011; 4:00 pm to 8:00 pm
Dymond Community Hall, 181 Drive-In-Theatre Road

Interested parties are requested to forward their comments on the draft TOR before 30th May, 2011. Other opportunities for involvement in the TOR process are offered via the City's web site or direct contact (see below). Upon finalization and formal submission of the proposed TOR to the MOE, a 30-day public review period will be provided. Upon approval of the TOR, the City will commence with the actual EA study. That process will continue the opportunities for involvement. Specific events will be communicated through notices and the Project website (see below).

Comments
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FOR MORE IN
Write to The City of Temiskaming Shores, P.O. Box 2

Public Notice

Opportunity for Review

Environmental Assessment Draft Terms of Reference New Waste Management Capacity City of Temiskaming Shores

The Study

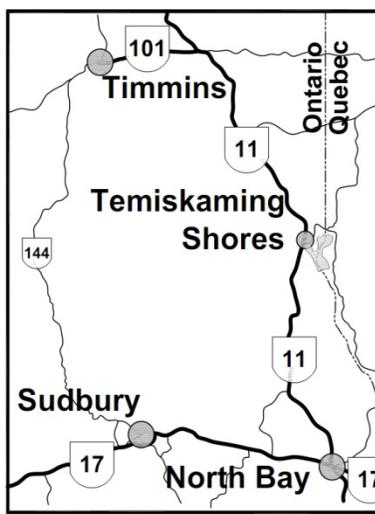
In May 2011, the City of Temiskaming Shores (the City), initiated a study under the *Environmental Assessment Act* to address the City's need for new waste management capacity. As a first step in this process a draft Terms of Reference (ToR) was prepared and presented to the public in an Open House event held on May 9, 2011 and on the City's website (see below). The draft ToR suggested to focus the assessment on the expansion of the New Liskeard Landfill Site. Following receipt of public and government feedback the City has broadened the scope of the assessment and revised the draft ToR accordingly. The draft ToR now proposes to assess a wider range of alternatives.

The Process

The EA will be carried out in accordance with the requirements of the *Environmental Assessment Act*. The ToR addresses such things as the study area, the range of alternatives, the approach to the evaluation of alternatives, assessment criteria, and the proposed Consultation Program. If approved by the Minister, the ToR will provide the framework and requirements for preparation of the EA.

Consultation

Members of the public, government agencies, Aboriginal communities, and interested persons are encouraged to actively participate in the development of the ToR and to review and comment on the revised draft ToR. A copy is now available for review on the City's website. Hard copies of the draft ToR are made available for review at City Hall (325 Farr Drive, Haileybury) and the two branches of the Temiskaming Shores Public Library (Haileybury Branch: 545 Lakeshore Rd South; New Liskeard Branch: 50 Whitewood Ave.). Copies of the ToR have also been distributed to the Clerk's Office of all communities identified by the preliminary Regional Study Area (please see the website for additional details).



Please complete the survey on the website and/or forward your comments before April 30, 2012. Upon finalization and formal submission of the ToR to the MOE, a 30-day public review period will be provided. Upon approval of the ToR, the City will commence with the actual EA study. That process will continue the opportunities for involvement. Specific events will be communicated through notices and the Project website.

Comments

To download a copy of the revised draft ToR, provide comments, complete the survey, to obtain further information and/or to be added to the mailing list for this study please visit the Project website at or contact:

www.temiskamingshores.ca/en/municipalservices/LandfillExpansionEA.asp

Dave Treen
Manager, Engineering & Environmental Services
CITY OF TEMISKAMING SHORES
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Notice of Commencement Terms of Reference Open House

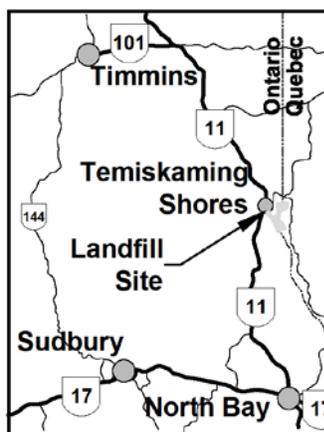
Environmental Assessment – New Liskeard Landfill Site Expansion, New Liskeard, City of Temiskaming Shores

The Study

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The Process

The EA will be carried out in accordance with the requirements of the *Environmental Assessment Act*. The first step in the process is the preparation of a Terms of Reference (TOR). The TOR addresses such things as the study area, the approach to the evaluation of alternatives, criteria for the assessment of potential impact, and the proposed Consultation Program. If approved by the Minister, the TOR will provide the framework and requirements for preparation of the EA.



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Interested parties are requested to forward their comments on the draft TOR before 30th May 2011. Other opportunities for involvement in the TOR process are offered via the City's web site or direct contact (see below). Upon finalization and formal submission of the proposed TOR to the MOE, a 30-day public review period will be provided. Upon approval of the TOR, the City will commence with the actual EA study. That process will continue the opportunities for involvement. Specific events will be communicated through notices and the Project website (see below).

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Phone (705) 672-3363 Ext. 4136
dtreen@temiskamingshores.ca

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TEMISKAMING SHORES PUBLIC LIBRARY

"Wills, Estate Planning and Reducing Taxes on Death"

James Sheppard - Manager of Operations, City of Temiskaming Shores, 200 Lakeshore Road, New Liskeard, ON (705) 647-6220 Fax # (705) 647-9632.

Notice of Commencement Terms of Reference - Open House Environmental Assessment - New Liskeard Landfill Site Expansion - City of Temiskaming Shores

The Study

The City of Temiskaming Shores (the City), has initiated a study under the Environmental Assessment Act to examine the expansion of the New Liskeard Landfill Site (the Site). The Site is located approximately 3 kilometres west of the former Town of New Liskeard off of Rockley Road and has been used for landfilling since 1916. The operation was suspended in 2009 when the Site reached its approved capacity. Currently, the City's waste is disposed of at the Haileybury Site, the City's only other landfill site. This site will reach its capacity in 2016. The City places emphasis on intensifying its waste reduction and recycling efforts but also identified the need for new landfill capacity by 2016. In a prefeasibility study, the City concluded that the expansion of the New Liskeard Site is the preferred approach. This site expansion is now undergoing a comprehensive Environmental Assessment (EA) process.

The Process

The EA will be carried out in accordance with the requirements of the *Environmental Assessment Act*. The first step in the process is the preparation of a Terms of Reference (TOR). The TOR addresses such things as the study area, the approach to the evaluation of alternatives, criteria for the assessment of potential impact, and the proposed Consultation Program. If approved by the Minister, the TOR will provide the framework and requirements for preparation of the EA.



Consultation

Members of the public, government agencies, Aboriginal communities, and interested persons are encouraged to actively participate in the development of the TOR. To introduce the project, present work completed to date, and to discuss the draft TOR, the City invites you to attend a Public Open House.

Public Open House Monday, May 9th, 2011; 4:00 pm to 8:00 pm Dymond Community Hall, 181 Drive-In-Theatre Road

Interested parties are requested to forward their comments on the draft TOR before 30th May, 2011. Other opportunities for involvement in the TOR process are offered via the City's web site or direct contact (see below). Upon finalization and formal submission of the proposed TOR to the MOE, a 30-day public review period will be provided. Upon approval of the TOR, the City will commence with the actual EA study. That process will continue the opportunities for involvement. Specific events will be communicated through notices and the Project website (see below).

Comments

To download a copy of the draft TOR, provide comments, to obtain further information and/or to be added to the mailing list for this study please visit the Project website at (<http://www.temiskamingshores.ca>) or contact:

Dave Treen, CET
Manager, Environmental Services
CITY OF TEMISKAMING SHORES
325 Farr Drive, P.O. Box 2050, Haileybury, Ontario P0J 1K0
Phone (705) 672-3363 Ext. 4136 dtreen@temiskamingshores.ca

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will continue to be used for rural and residential purposes.

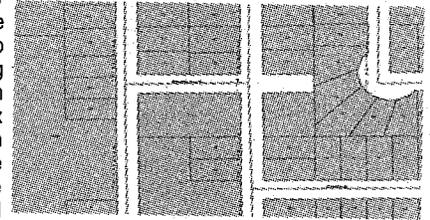
The subject land is designated Rural Areas in the Town of Haileybury Official Plan, and zoned RU-Rural in the Town of Haileybury Zoning By-law 85-27.

2. Consent Application No.: B-2011-03(D)

Owner: Loach Asphalt Ltd.

Subject Land: 227 Raymond St. E.; Plan M32T, Lot 7; Parcel 16398 SST; formerly in the Township of Dymond, now in the City of Temiskaming Shores.

Purpose of the application for Consent: The applicant is proposing to divide the lot in half to which will create one new residential building lot that is 22.8m x 45.7m = 1041.95 m² (75' x 150' = 11,250 s.f.). The retained parcel will also be a residential building lot that is 22.8m x 45.7m = 1041.95 m² (75' x 150' = 11,250 s.f.). Both lots will front on Laurette Street and will be serviced by municipal water and sanitary sewer.



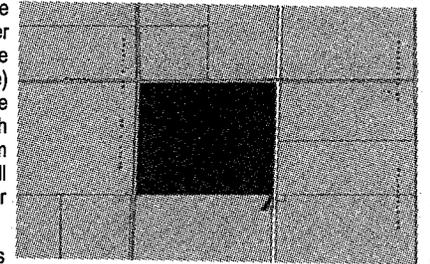
The subject land is designated Rural Settlement Area in the Township of Dymond Official Plan, and Zoned R1 - General Residential in the Township of Dymond Zoning By-law 984.

3. Consent Application No.: B-2011-04(D)

Owner: Robert Joseph and Rose Marie Légris

Subject Land: 138389 Peters Road; Concession 5 North Half Lot 11; Parcel 3407 NND; PIN 61336-0023; and Concession 5 South Half of Lot 11; Parcel 7708 SST; PIN 61336-0031; formerly in the Township of Dymond, now in the City of Temiskaming Shores.

Purpose of the application for Consent: The applicant is proposing to sever a 60.9 ha (150.4 acre) parcel of land which will be consolidated with another farm operation. The retained 5.4ha (13 acre) parcel contains a residence and farm buildings which are surplus to the farm consolidation and will continue to be used for agricultural purposes.



The subject land is designated Agriculture in the Township of Dymond Official Plan, and zoned A1-Agriculture in the Township of Dymond Zoning By-law 984. The subject land is also designated Prime Agricultural Land by the Province of Ontario.

FOR MORE INFORMATION CALL (705) 672-3363

Write to The City of Temiskaming Shores, P.O. Box 2050, Haileybury, ON P0J 1K0



CITY BULLETIN



municipal budget at the Regular Council meeting on April 3rd, 2012 at 6:00 p.m. in the Council Chambers.

Council will answer questions put forward by the ratepayers of the City of Temiskaming Shores after the budget has been presented and passed by Council.

SUMMER EMPLOYMENT OPPORTUNITIES

The Corporation of the City of Temiskaming Shores offers a variety of summer employment opportunities for both Secondary and Post Secondary students.

Labourers

Parks, Roads, and Building Maintenance

Leisure Services

Lifeguarding and Swim Lesson Instructing

Engineering and Planning

Office Administration

Applications can be found on our website, City Hall or the Pool and Fitness Centre.

APPLICATIONS ARE TO BE SUBMITTED TO:
Shelly Zubyc, Director of Corporate Services
City of Temiskaming Shores

Box 2050, Haileybury, ON P0J 1K0
Email: szubyc@temiskamingshores.ca

DEADLINE FOR SUBMISSIONS:
March 31, 2012 at 4:30 p.m.

PLEASE NOTE: In order to apply for a summer student position, you must currently be enrolled in full-time studies and returning to full-time studies in the fall of 2012. All applicants must complete an application form. We thank all applicants, however, only those candidates selected for an interview will be contacted.

The Waterfront Pool and Fitness Centre is hosting a NATIONAL LIFEGUARD SERVICE Course

National Lifeguard Service (NLS) is the only nationally recognized lifeguard training program. This program consists of core materials plus material specific to the working environment. NLS certification is valid in all provinces and is recognized as the only legal certification for lifeguard alone, throughout the country. (Minimum of 10 participants - Maximum of 15)

Pre-requisites: Bronze Cross, Standard First Aid & 16 years of age.

Dates: Friday 4:00 pm - 9:00 pm
Saturday 8:00 am - 6:00 pm
Sunday 8:00 am - 4:00 pm
April 13, 14, 15, 20, 21, 22

Cost: \$225.00 per participant.

Please register prior to April 4th, 2012
PLEASE SEE THE FRONT DESK FOR MORE INFORMATION OR CALL 705-647-5709.

DISTRICT TIMISKAMING SOCIAL SERVICES ADMINISTRATION BOARD

Name	Position	Remuneration	Travel (Accom.)	Total
Jelly, Doug	Councillor	\$4,575.00	\$424.00	\$4,999.00
Morrow, Jamie	Councillor	\$4,500.00	\$445.72	4,945.72
		\$9,075.00	\$869.72	\$9,944.72

POLICE SERVICES BOARD

Name	Position	Remuneration	Benefits	Conference /Travel	Total
Beal, Ken	Appointee	\$650.00	\$42.86	\$0.00	\$692.86
Cambridge, Tom	Appointee	\$450.00	\$33.85	\$0.00	\$483.85
Moore, Gail	Appointee	\$600.00	\$62.59	\$0.00	\$662.59
Jelly, Doug	Councillor	\$125.00	\$0.00	\$1,797.95	\$1,922.95
Whalen, Danny	Councillor	\$125.00	\$0.00	\$1,192.38	\$1,317.38
		\$1,950.00	\$139.30	\$2,990.33	\$5,079.63

Date: March 2, 2012

Signature: Laura-Lee MacLeod
Treasurer

NOTICE GARBAGE COLLECTION

Residents of the City of Temiskaming Shores please take notice that effective **Monday, April 2, 2012**, the residential garbage collection schedule will change to weekly collections. A two container/bag limit will apply to all residential units. Additional Bag Tags may be obtained from City Hall at a cost of \$2.00 per tag.

Note:

- Proper receptacles must be placed at the curb for collection
- The Municipality supports and encourages recycling through the use of depot sites at different locations throughout the Municipality
- Maximum bag size acceptable shall be 36 in. high x 24 in. diameter
- Maximum weight shall be no more than 23 kgs. (50 lbs.)

Municipal landfill site in Haileybury will be closed for all statutory holidays. When statutory holiday falls on a Monday, the landfill is also closed on Tuesday in lieu of.

TEMISKAMING SHORES PUBLIC LIBRARY (Haileybury Branch)

One-on-one Computer Tutoring at the Haileybury Library

Every Tuesday in April and May from 5:00 p.m. - 7:30 p.m.

Topics include Microsoft Office, Facebook, Email and Skype

Call the Library at (705) 672-3707 for session schedule and to sign up for a 30-minute, one-on-one session.

Pre-registration is required so call soon to book your preferred time!

Public Notice

Opportunity for Review

Environmental Assessment Draft Terms of Reference New Waste Management Capacity City of Temiskaming Shores

The Study

In May 2011, the City of Temiskaming Shores (the City), initiated a study under the *Environmental Assessment Act* to address the City's need for new waste management capacity. As a first step in this process a draft Terms of Reference (ToR) was prepared and presented to the public in an Open House event held on May 9, 2011 and on the City's website (see below). The draft ToR suggested to focus the assessment on the expansion of the New Liskeard Landfill Site. Following receipt of public and government feedback the City has broadened the scope of the assessment and revised the draft ToR accordingly. The draft ToR now proposes to assess a wider range of alternatives.

The Process

The EA will be carried out in accordance with the requirements of the *Environmental Assessment Act*. The ToR addresses such things as the study area, to the range of alternatives, the approach to the evaluation of alternatives, assessment criteria, and the proposed Consultation Program. If approved by the Minister, the ToR will provide the framework and requirements for preparation of the EA.

Consultation

Members of the public, government agencies, Aboriginal communities and interested persons are encouraged to actively participate in the development of the ToR and to review and comment on the revised draft ToR. A copy is now available for review on the City's website. Hard copies of the draft ToR are made available for review at City Hall (325 Farr Drive, Haileybury) and the two branches of the Temiskaming Shores Public Library (Haileybury Branch, 245 Lakeshore Rd. South, New Liskeard Branch, 50 Whitewood Ave.) Copies of the ToR have also been distributed to the Clerk's Office of all communities identified by the preliminary Regional Study Area (please see the website for additional details).

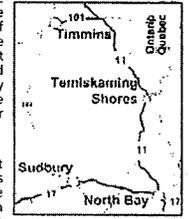
Please complete the survey on the website and/or forward your comments before April 30, 2012. Upon finalization and formal submission of the ToR to the MOE, a 30-day public review period will be provided. Upon approval of the ToR, the City will commence with the actual EA study. That process will continue the opportunities for involvement. Specific events will be communicated through notices and the Project website.

Comments

To download a copy of the revised draft ToR, provide comments, complete the survey, to obtain further information and/or to be added to the mailing list for this study please visit the Project website or contact:

www.temiskamingshores.ca/en/municipalservices/andfill/ExpansionsEA.asp
Dave Treen
Manager, Engineering & Environmental Services
CITY OF TEMISKAMING SHORES
325 Farr Drive, P.O. Box 2050, Haileybury, Ontario P0J 1K0
Phone (705) 672-3363 Ext. 4136
dreetn@temiskamingshores.ca

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FOR MORE INFORMATION CALL (705) 672-3363

Write to The City of Temiskaming Shores, P.O. Box 2050, Haileybury, ON P0J 1K0 or Visit our Website: www.temiskamingshores.ca

General Employment A800

BRENDA
(705) 567-5321

Coming Events A940

Friday & Saturday Night at The BELLEVUE Tavern
welcomes, from Sudbury
"Under 6 Feet"
featuring KL'er
"Pascal Boucher"
Join all your friends in welcoming this talented trio and enjoy some great tunes, all at "The Vue"

Garage Sales G100

HUGE CRAFT / YARD SALE
FEDERAL PUBLIC SCHOOL
80 TWEEDSMUIR ROAD
SATURDAY, MARCH 31st
10:00 am - 2:00 pm
Many crafts and vendors on hand.
LARGE YARD SALE SECTION
Concession Stand
Live Draw for our "Spring Fling" Raffle that day
For more information, please contact
Alison Fanfin, Principal,
Federal Public School (705-567-5288) or
Margaret Jennings (705-567-5954).

General Employment A800

AZ TRUCK DRIVERS!
Westcan has openings for SEASONAL, ROTATIONAL & FULL-TIME professional truck drivers to join our teams in:
Edmonton/Calgary/Lloydminster/Saskatoon & Moose Jaw. You have: Min. 2 yrs AZ experience and/or Ammonia/Asphalt or other bulk product experience. Clean driving/criminal record. Pre employment medical/drug screen. Westcan provides: Competitive wages, travel to/from employment location, bonuses and more!
Interested? APPLY ONLINE AT:
www.westcanbuk.ca
under the "Join our Team" link, fax 780-472-6909 or phone toll free 1-888-NBT-HIRE for further details.
Committed to the principals of employment equity.

Drivers A830

Notices A910

Notices A910

Toronto couple looking to privately adopt newborn child through an approved domestic adoption licensee. Either open or closed adoption. We are a loving, fun yet responsible couple who have always wanted a child to love, nurture and watch grow into an incredible human being. Please contact lovingfamily@hotmail.ca

IT WORKS FOR YOU!
classifiedextra.ca
Helping People Buy and Sell Everyday!
1-866-541-6757

Community Services

Person to Person A956

A CRIMINAL RECORD PREVENTING YOU FROM TRAVELLING?
ExpressPardons.com
Canada's fastest pardon and waiver services can help. Solutions from \$49/mo. Apply online/toll free at 1-866-416-6772 now!

Personals

Adult Personals A974

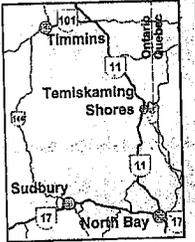
FREE To Try!
1-855-732-0070
LIVE GIRLS!
Call #7878
1-888-628-6790
You Choose! Livell
1-877-544-0199
Hot Live Conversation!
Call #9015 or
1-877-290-0553 18+

Notices

Public Notice
Opportunity for Review
Environmental Assessment
Draft Terms of Reference
New Waste Management Capacity
City of Temiskaming Shores

The Study
In May 2011, the City of Temiskaming Shores (the City), initiated a study under the *Environmental Assessment Act* to address the City's need for new waste management capacity. As a first step in this process a draft Terms of Reference (ToR) was prepared and presented to the public in an Open House event held on May 9, 2011 and on the City's website (see below). The draft ToR suggests to focus the assessment on the expansion of the New Lakeview Landfill Site. Following receipt of public and government feedback the City has broadened the scope of the assessment and revised the draft ToR accordingly. The draft ToR now proposes to assess a wider range of alternatives.

The Process
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Consultation
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Please complete the survey on the website and/or forward your comments before April 30, 2012. Upon finalization and formal submission of the ToR to the MOE, a 30-day public review period will be provided. Upon approval of the ToR, the City will commence with the actual EA study. That process will continue the opportunities for involvement. Specific events will be communicated through notices and the Project website.

Comments
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www.temiskamingshores.ca/en/municipalservices/landfill/extensionEA.asp
Dave Treen
Manager, Engineering & Environmental Services
CITY OF TEMISKAMING SHORES
325 Fair Drive, P.O. Box 2050
Halleybury, Ontario P0J 1K0
Phone (705) 572-3363 Ext. 4136
dtreen@temiskamingshores.ca

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STRETCH YOUR DOLLARS

Find exactly what you're looking for in the CLASSIFIEDS

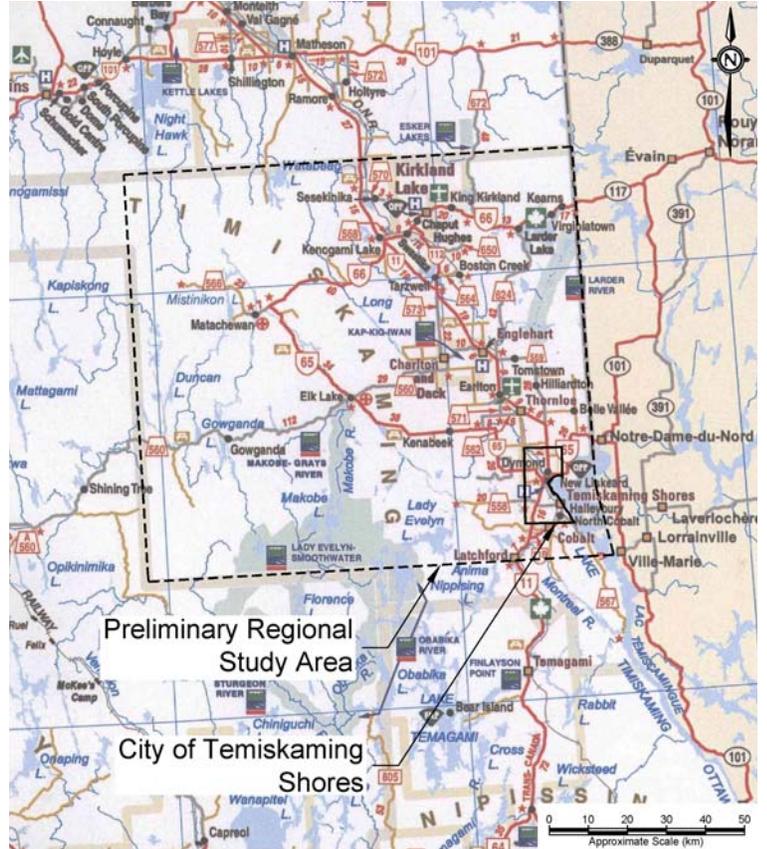
MacPHERSON, John - Born June 4, 1926 and having lived a full life in Englehart, Ontario, John Donald MacPherson passed on March 28, 2012. John suffered a major stroke just days after the fabulous surprise 80th birthday party at which he laughed and danced with many friends and loved ones. The stroke rendered the left side of his body with very limited movement. For a heavy duty equipment mechanic whose hobbies involved building things like steam engines and repairing everything from tractors to toasters, this physical impediment was extremely annoying. However, in typical John fashion, he continued to make the best of each day and lived the "AA creed" one day at a time. John will be remembered for his humour and good will, his skill on the dance floor, his amazing mechanical mind and abilities, his love of music and all things steam powered. He never hesitated to look for the best in others, help those in need or find the silver lining in any cloud. He will also be remembered for calling every woman in his life "Honey" because it would take a couple of attempts to get the right name otherwise. And, his expressions will live on "Listen here Peaches" when a reprimand was in order, "Pull up your socks" when encouragement and a little push were required and "Dirty dying old dog-hair" to describe any somewhat sketchy situation. John was the son of Barbara (nee Hughes) and JP MacPherson and is also predeceased by sisters Helen (Draper), Barbara (Howie), Ethel and by brothers Randolph and Jim. His surviving sister Jean Barton lives in Huntsville. With Ethel Purbrick (nee Blackburn) John fathered four remarkable daughters: Kerrie (David Gatchell), Bonnie (Rick Schubert), Heather and Jaye (Tarik Dean) who live in New York, Toronto, Calgary and Las Vegas respectively, all having inherited John's spirit of adventure and love of new places. For the past 30+ years Tillie Wylie has been at John's side and her children and their spouses Mark and Jill, Rob and Kim, Jo and Ellen, Susie and Kirk Fletcher were a important part of his family. It was here that John got to be a grandfather. He was also an uncle, a neighbour and a sponsor to many. He will be sadly missed. In accordance with John's wishes, his remains will be cremated and a Memorial Service will be held at a later date. For those who wish to honour John's memory by way of gift, cheques payable to the Englehart Community Centre Elevator Fund or the Wheelchair Bus fund will be collected at McDonald Funeral Home, 4th Avenue Englehart, Ontario P0J1H0 or donation may be made on line to City Harvest: https://giving.cityharvest.org/MacPherson But, the best thing one could do to hon John's memory is to call someone important to you today and tell them that you to them. John did that a lot, and we'll miss it most of all.

Notice of Submission of Terms of Reference New Waste Management Capacity Environmental Assessment

As part of the planning process for the New Waste Management Capacity, a terms of reference was submitted to the Ministry of the Environment for review as required under the *Environmental Assessment Act*. If approved, the terms of reference will serve as a framework for the preparation and review of the environmental assessment for the proposed undertaking.

In May 2011, the City of Temiskaming Shores (the City), initiated a study under the *Environmental Assessment Act* to address the City's need for new waste management capacity. Currently, the City's waste is disposed of at its Haileybury Landfill Site. This site will reach its capacity in 2016. The City places emphasis on intensifying its waste reduction and recycling efforts but also identified the need for new waste management capacity by 2016.

You may inspect the proposed terms of reference during normal business hours at the following locations:



1. Ministry of the Environment
 Environmental Approvals Branch
 2 St. Clair Avenue West, Floor 12A
 Toronto, Ontario M4V 1L5
 416-314-8001/1-800-461-6290
2. Ministry of the Environment
 North Bay Area Office
 191 Booth Rd, Unit 16 & 17
 North Bay, Ontario P1A4K3
 705-497-6865/1-800-609-5553
3. Ministry of the Environment
 Sudbury District Office
 199 Larch Street, Suite 1101
 Sudbury, Ontario P3E 5P9
 705-564-3237/1-800-890-8516
4. Proponent's office
 City Hall - 325 Farr Drive, Haileybury, Ontario P0J 1K0
5. Other public viewing locations:
 Public Library: Haileybury Branch - 545 Lakeshore Road South, Haileybury, Ontario P0J 1K0
 Public Library: New Liskeard Branch - 50 Whitewood Avenue, New Liskeard, Ontario P0J 1P0
6. Website address where the terms of reference is posted:
www.temiskamingshores.ca/en/municipalservices/LinksDocuments.asp

Your written comments about the terms of reference must be received before **July 3, 2012**. All comments should be submitted to:

Antonia Testa, Project Officer
 Ministry of the Environment
 Environmental Approvals Branch
 2 St. Clair Avenue West, Floor 12A
 Toronto, Ontario M4V 1L5
 Tel: 416-325-5500/1-800-461-6290
 Fax: 416-314-8452

A copy of all comments will be forwarded to the proponent for its consideration.

For further information on the proposed study please contact:

Dave Treen
 Manager, Engineering & Environmental Services
 CITY OF TEMISKAMING SHORES
 325 Farr Drive, P.O. Box 2050
 Haileybury, Ontario P0J 1K0
 Phone: (705) 672-3363 Ext. 4136
 Email: dtreen@temiskamingshores.ca
 Website: www.temiskamingshores.ca/en/municipalservices/LinksDocuments.asp

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APPENDIX B
PROJECT MAILING LIST

Aboriginal communities

Algonquin Anishinabeg Tribal Council
Algonquin Nation Secretariat
Barrière Lake First Nation
Beaverhouse First Nation
Communauté anicinape de Kitcisakik;
Conseil de la Première nation Abitibiwinni
Eagle Village First Nation – Kipawa
Kitigan Zibi Anishinabeg
Long Point First Nation
Matachewan First Nation
Mattagami First Nation
Nation Anishnabe du Lac Simon
Temagami First Nation
Timiskaming First Nation
Wahgoshig First Nation
Métis Nation Ontario
Temiskaming Métis Council
Wolf Lake First Nation

Provincial Agencies

Ministry of Agriculture, Food and Rural Affairs
Ministry of Aboriginal Affairs
Ministries of Citizenship and Immigration
Ministry of Energy
Ministry of the Environment
Ministry of Health and Longterm Care
Ministry of Health Promotion
Ministry of Infrastructure
Ministry of Municipal Affairs and Housing
Ministry of Natural Resources
Ministry of Tourism and Culture: Culture Division
Ministry of Transportation

Federal Agencies

Aboriginal Affairs and Northern Development Canada
Canadian Environmental Assessment Agency
Environment Canada
Fisheries and Oceans Canada
Transport Canada

Municipal Agencies

City of Temiskaming Shores
Chamberlain Township
Municipality of Charlton and Dack

Town of Cobalt
Town of Elk Lake - Township of James
Town of Englehart
Town of Kirkland Lake
Town of Latchford
Township of Armstrong
Township of Black River-Matheson
Township of Brethour
Township of Casey
Township of Chamberlain
Township of Coleman
Township of Ewanturel
Township of Gauthier
Township of Harley
Township of Harris
Township of Hilliard
Township of Hudson
Township of Kerns
Township of Larder Lake
Township of Matachewan
Township of McGarry
Village of Thornloe

Community/Business

Black River – Matheson Chamber of Commerce
Business Improvement Association
Central Temiskaming Planning Board
Charlton Agricultural Society
Earlton-Timiskiming Regional Airport
Elk Lake & Area New Prospects Club
Elk Lake Recreation committee
Elk Lake Ski Club
Elk Lake Trail Blazers
Englehart & District Agricultural Society
Englehart & District Chamber of Commerce
Englehart Nordic Ski Club
Haileybury Golf Club
Harley Community Improvement Committee
Information Centre New Liskeard Golf Club
Information Timiskaming
Ontario Federation of Agriculture
Ontario Federation of Snowmobile Clubs
Ontario's Wilderness Region
Ontario Provincial Police - North East Region
Mount Kanasuta Ski Centre

New Liskeard Golf Club
Kirkland Lake & District Community Development Corporation
Kirkland Lake Airport
Kirkland Lake District Chamber of Commerce
Kirkland Lake Fire Services
Larder Lake Ski Club
Timiskaming Abitibi Trail Association, Golden Corridor Snow Drifters Club
Timiskaming District Housing Corporation
Timiskaming Forest Alliance Inc
Temiskaming Development Fund Corporation
Temiskaming Federation of Agriculture
Temiskaming Shores and Area Chamber of Commerce
Temiskaming Shores Fire Department
Temiskaming Shores Haileybury Business Group
Temiskaming Shores Tourism
Town of Kirkland Lake Snowmobile Club (Golden Corridor Snowdrifters)
Shining Tree Trail Plan – Snowmobile Club
South Temiskaming Active Travel Organization
South Temiskaming Community Futures Development Corporation

Non-Governmental Organizations (Environmental)

Ducks Unlimited Canada – Englehart
Nipissing Environment Network
Northwatch
Ontario Environment Network
Responsible Environmental and Economic Prosperity Assoc.
Temiskaming Environmental Action Committee
Temiskaming Wildlife Centre
Wildlife North

Residents, Businesses, Land Owners

Residents/land owners within approximately 500 m of New Liskeard Landfill Site
Businesses within approximately 500 m of New Liskeard Landfill Site

APPENDIX C

WEBSITE SCREEN CAPTURES

- MUNICIPAL SERVICES
- Community Growth and Planning
- Corporate Services
- Education
- Emergency Services
- Finance Services
- Health Services
- Leisure Services
- Public Works
- Garbage Collection & Landfill Operation
- New Waste Management Capacity Project
- Environmental Assessment
- Community Consultation
- Links & Documents
- Schedule
- Survey
- Contacts
- Recycling
- Transit & Transportation
- Water & Sewer
- Frequently Asked Questions

NEW WASTE MANAGEMENT CAPACITY PROJECT

Background Information

The City of Temiskaming Shores has two existing landfill sites, the New Lakeside and the Halesbury Landfill Sites. The New Lakeside Site began operation in 1918 but reached its Ministry of the Environment (MOE) approved capacity so that the City suspended its operation in June 2009. The Halesbury Landfill Site, which began operation in 1975, is currently the City's only operational landfill and is expected to reach approved capacity in 2016.

In 2005 and in response to the limited future waste disposal capacity, the City generated a [Solid Waste Management Master Plan \(WMSMP\)](#) which provided a comprehensive review of the City's waste management practices, approaches and needs for the future. In its conclusions, the Plan places emphasis on intensifying the City's waste reduction and recycling efforts but also identified the immediate need for providing additional landfill capacity to facilitate the City's long-term waste disposal.

The City retained AMSC Environment & Infrastructure (AMSC) to undertake a Landfill Feasibility Study which was conducted under the guidance of the City's Technical Advisory Committee (TAC). The Study evaluated the feasibility of either expanding the City's existing landfill sites (New Lakeside Landfill and Halesbury Landfill) and options for developing a new site (Greenfield sites) within the municipal boundaries. The results were published in two reports: [Options Study Report](#), March 2010, and [Site Sites Report](#), March 2010. The final report [Landfill Feasibility Study](#), December 14, 2010 was approved by City Council on December 14, 2010.

The Feasibility Study examined numerous landfill alternatives on the basis of a comprehensive set of criteria related to natural environment, public health, socio-economic/cultural factors, technical issues, and cost. The Study concluded that the overall preferred option for providing new landfill capacity is the expansion of the existing New Lakeside Landfill Site.

In 2011, to gain approval for the expansion of the New Lakeside Landfill from the MOE, the City had initiated an Environmental Assessment (EA) under the Environmental Assessment Act to examine the environmental effects of the proposed expansion of the New Lakeside Landfill. The EA process involves two stages, the preparation of Terms of Reference (TOR) and the Environmental Assessment. Following receipt of public and government feedback the City has broadened the scope of the assessment and revised the draft TOR accordingly. The draft TOR now proposes to assess a wider range of alternatives.

Terms of Reference

The TOR provides the structure and requirements for preparation of the EA. The TOR will be submitted to the MOE for review and a decision regarding approval. The TOR addresses such things as the Study Area, the approach to the evaluation of alternatives, criteria for the assessment of potential impact, and the proposed Consultation Program. If approved by the Minister, the TOR will provide the framework and requirements for preparation of the EA.

At this point in the study process, the City has prepared a revised draft TOR. The document has been prepared in accordance with the MOE's Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario (MOE 2007b) and Section 8 (2)(k) of the Act. Members of the public, government agencies, Aboriginal communities and interested persons are encouraged to review and provide input on the draft TOR.

Public feedback received on the draft TOR will be used to finalize and formally submit the proposed TOR for approval to the MOE. At that point, another opportunity for public review and comment will be provided.

In the draft TOR, the preliminary Regional Study Area has been defined as outlined in the image below (click on the image to view a full size PDF). It is anticipated that the preliminary Regional Study Area will be refined as the process evolves. The final Study Area boundaries and the reasons for its delineation will be provided in the final EA document.



Preliminary Regional Study Area

- MUNICIPAL SERVICES
- Community Growth and Planning
- Corporate Services
- Education
- Emergency Services
- Finance Services
- Health Services
- Leisure Services
- Public Works
- Garbage Collection & Landfill Operation
- New Waste Management Capacity Project
- Environmental Assessment
- Community Consultation
- Links & Documents
- Schedule
- Survey
- Contacts
- Recycling
- Transit & Transportation
- Water & Sewer
- Frequently Asked Questions

ENVIRONMENTAL ASSESSMENT

The Draft Environmental Assessment Act (EA) and the associated regulation and guidance documents on waste management projects (2-Pag 19-07, MOE 2007a), require that an Environmental Assessment (EA) pursuant to Part 1 of the Act be completed for the development of a new landfill with a proposed capacity of more than 100,000m³. The EA process involves two steps:

1. Preparation of Terms of Reference, and
2. Environmental Assessment

The image to the right presents the EA Process from the image to view a full PDF. The EA is contained based on the TOR as approved by the Minister. The EA will:

- Identify alternatives;
- Assess the environmental effects;
- Determine the preferred alternative and its environmental effects;
- Develop measures to avoid, minimize or mitigate adverse effects of the alternative; and
- Provide detailed information on the alternative.

The EA process, associated studies, evaluations, and consultations as well as conceptual landfill designs will be documented in the EA Report. The EA also provides transparency in the decision-making and administrative opportunities for public consultation and involvement of Aboriginal Communities in the planning process. See the [Community Consultation](#) section for additional details.



- MUNICIPAL SERVICES
- Community Growth and Planning
- Corporate Services
- Education
- Emergency Services
- Finance Services
- Health Services
- Leisure Services
- Public Works
- Garbage Collection & Landfill Operation
- New Waste Management Capacity Project
- Environmental Assessment
- Community Consultation
- Links & Documents
- Schedule
- Survey
- Contacts
- Recycling
- Transit & Transportation
- Water & Sewer
- Frequently Asked Questions

COMMUNITY CONSULTATION

Public involvement is an integral part of the Environmental Assessment (EA) process and key to the success of the New Waste Management Capacity Project. As such, the public and Aboriginal people will be encouraged to participate through the development of the EA's Terms of Reference (TOR) and in the EA Report.

The approach to be followed aims at a two-way communication between the City and interested parties. All involvement activities will be documented and issued as part of the TOR document and the EA report. Details on the various proposed activities and opportunities for involvement are presented in the draft TOR.

Through involvement in the preparation and review of the TOR, interested parties have an early opportunity to be involved in the EA process and to obtain information about the Project proposed that may affect them. It also allows the community to provide early in the planning process about the level of their concern and their need for continued participation in the process. Specific opportunities for involvement include:

- The Project website;
- Public meetings;
- Community Consultation for reviews of reports, and
- Open House with City staff.

Public Meetings

Members of the public, government agencies, Aboriginal communities and other interested persons are encouraged to participate in public information sessions that are being held during the course of the project. To date, the following activities have occurred:

- First Open House held Monday, May 8, 2011
- Revised [public TOR](#), open until April 30, 2012

Detailed notification of future involvement activities will be provided to those who express an interest in being involved. To be added to our mailing list, please complete the [Public Access Request Form](#).

- MUNICIPAL SERVICES
- Community Growth and Planning
- Corporate Services
- Education
- Emergency Services
- Finance Services
- Health Services
- Leisure Services
- Public Works
- Garbage Collection & Landfill Operation
- New Waste Management Capacity Project
- Environmental Assessment
- Community Consultation
- Links & Documents
- Schedule
- Survey
- Contacts
- Recycling
- Transit & Transportation
- Water & Sewer
- Frequently Asked Questions

LINKS & DOCUMENTS

The following provides links to information related to the Landfill Expansion Environmental Assessment.

Hard copies of these materials are available for review at City Hall.

- [Draft Terms of Reference \(March 2010\)](#)
- [Draft Waste Management Master Plan \(August 2009\)](#)
- [Feasibility Study - Existing Sites Report \(March 2010\)](#)
- [Feasibility Study - New Sites Report \(March 2010\)](#)
- [Feasibility Study - New Sites Landfill Expansion Strategy - Final Report \(2010\)](#)
- [New Lakeside public Site Group Meeting Report \(May 2010\) - Volume 1 \(PDF\)](#). Due to its size, Volume 2 is available for review in person at City Hall.

News

- [Link & Documents - Terms of Reference - Open House](#)
- [TOR Review - Opportunity to Review and Survey](#)

Presentations

- [May 2011 Open House Presentations](#)

Information Sheets

- [Site 20 Information Sheet](#)

City of Temiskaming Shores
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MUNICIPAL SERVICES | CITY HALL | BUSINESS DEVELOPMENT | TOURISM ATTRACTIONS

Home / New Waste Management Capacity Project / Schedule

SCHEDULE

This section of the project website is being frequently updated and provides information on specific upcoming events and project milestones.

- Next Public Meeting: **Monday, May 9th, 2011, 4:00pm to 8:00pm**
- **Draft Terms of Reference**: Now available; comments and/or **surveys** to be submitted prior to April 30, 2012

The preliminary overall project schedule aims at the following timelines:

- Terms of Reference Process: Spring/Summer 2012
- Environmental Assessment: Fall 2012/Spring 2013
- Design and Engineering: 2013
- Final Approvals: 2013/2014

The overall project schedule will be refined and defined as the project unfolds. Schedule updates will be communicated on this website.

Upcoming
 05/25/2012
 06/22/2012
 06/25/2012
 07/01/2012

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CONTACT

For more information on City's Landfill Expansion Environmental Assessment please contact:

David B. Treen, Manager of Environmental Services
 City of Temiskaming Shores
 328 Fair Drive, P.O. Box 2000
 Malabar, ON P0J 1W0
 Phone: 705-672-3383
 Facsimile: 705-672-2911
 Email: David.Treen@temiskaming.ca

To be added to our mailing list, please complete the [Mailing List Addition Request Form](#).

Upcoming
 05/25/2012
 06/22/2012
 06/25/2012
 07/01/2012

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APPENDIX D

OPEN HOUSE HANDOUTS AND COMMENT FORM

Fact Sheet New Liskeard Landfill Expansion

Spring 2011

Background

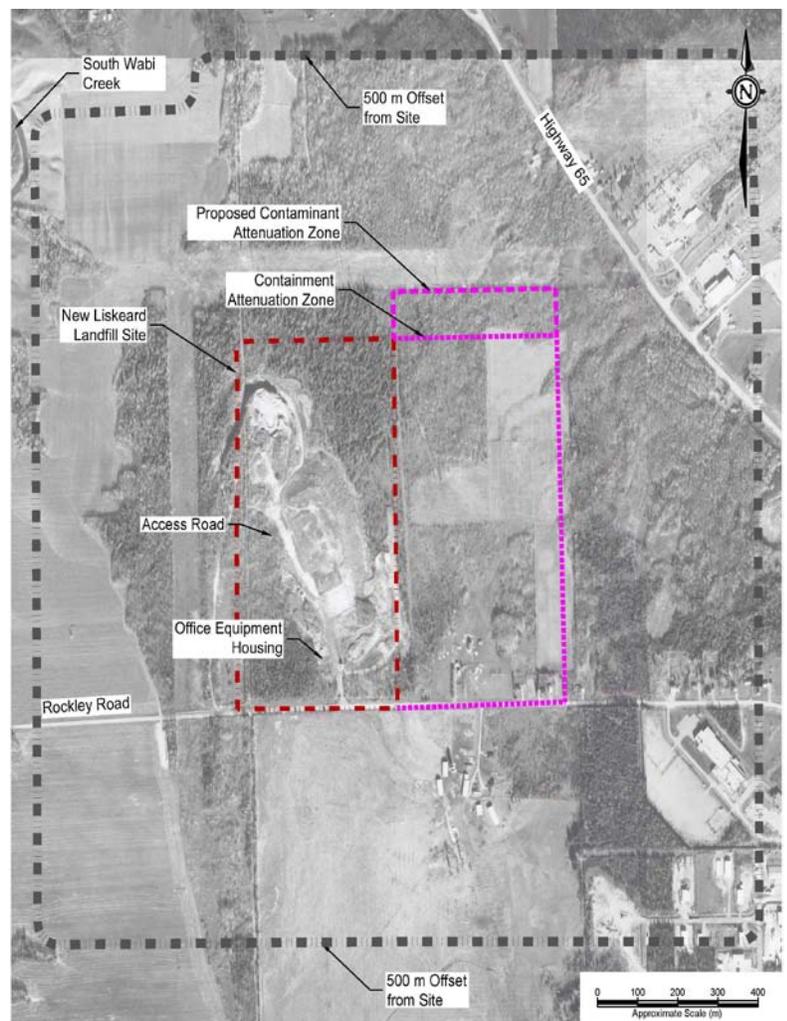
The City of Temiskaming Shores has two existing landfill sites, the New Liskeard and the Haileybury Landfill Sites. The New Liskeard Site began operation in 1916 but reached its Ministry of Environment (MOE) approved capacity so that the City suspended its operation in June 2009. The Haileybury Landfill Site, which began operation in 1975, is currently the City's only operational landfill and will reach approved capacity in 2016.

In 2008, and in response to the limited landfill capacity, the City generated a Draft Solid Waste Management Master Plan (WMMP) that provided a comprehensive review of the City waste management practices, approaches and needs for the

The City undertook a Landfill Feasibility Study to evaluate landfill options including expanding the City's existing landfill sites (New Liskeard Landfill and Haileybury Landfill) or developing a new site ("greenfield sites") within the municipal boundaries. The Study concluded that the

overall preferred option for providing new landfill capacity is the expansion of the existing New Liskeard Landfill Site that will serve the City until the year 2039.

New Liskeard Landfill Site



Environmental Approval for the Landfill Expansion

To gain approval for the expansion of the New Liskeard Landfill from the Ministry of Environment, the City is required to conduct an Environmental Assessment (EA) to examine the environmental effects of the expansion. The EA process involves two steps, the preparation of Terms of Reference (TOR) and the Environmental Assessment.

The TOR serves as a guiding document for the EA. If approved by the Minister of Environment, the TOR will provide the framework and requirements for preparation of the EA. A draft TOR is now available for public review. Later, the EA will also be available for public review.

As part of the draft TOR, the City of Temiskaming Shores outlined its proposed Consultation Plan. This plan describes the process and the specific activities that the City intends to undertake to consult with and

involve the public, government agencies, stakeholder groups, and Aboriginal Communities. The plan proposes the consultation activities for both, the development of the TOR and the subsequent EA process.

Feedback

The City would like to hear your suggestions, issues and concerns related to the draft TOR, the proposed landfill expansion and the Consultation Plan. You may review a copy of the draft TOR, the Consultation Plan and other project details at City Hall or download them from the City's website (see contact information below). Your feedback will be used to prepare the proposed TOR that will be submitted to the Minister of Environment for further public review and approval. Once the proposed TOR is approved, the City can start preparing the EA.

Need more information?

Dave Treen, Manager of Environmental Services
CITY OF TEMISKAMING SHORES
325 Farr Drive, P.O. Box 2050
Haileybury, Ontario POJ 1K0

Telephone: (705) 672-3363 x 4136
Fax: (705) 672-2911
Email: dtreen@temiskamingshores.ca

www.temiskamingshores.ca

COMMENT FORM

**Public Meeting (Open House)
Environmental Assessment, Draft Terms of Reference
New Liskeard Landfill Expansion
9th May 2011, Dymond Community Hall, City of Temiskaming Shores**

Your comments on the proposed New Liskeard Expansion and environmental assessment are important to us and will be used in the planning and development of this Project. Please use the back of this page if more space is needed.

1. Do you have any comments, interests or suggestions related to the New Liskeard Landfill expansion in general?

2. Do you have any comments, interests or suggestions related to the draft Terms of Reference for the environmental assessment of the Landfill expansion?

3. How did you hear about the Community Meeting?

- Newspaper advertisement
- Invitation Letter
- Website
- From a neighbour / friend
- Other: _____



4. Were the location and time of the Open House good for you?

- Yes Somewhat No Don't know / no opinion

Suggestions for improvement:

5. What did you like about the event?

6. What can be improved at future events?

Name (optional): _____

Organization or Affiliation (if applicable): _____

Personal information is protected under authority of the Freedom of Information and Protection of Privacy Act, Section 32, and is used solely for the purpose of evaluating and improving the Project assessment. Individuals will not be identified in any public documents or used for any purpose other than this project.

Thank you for your input!

Completed forms can be left with a member of our team or faxed/mailed to:

Dave Treen, Manager, Environmental Services

CITY OF TEMISKAMING SHORES, 325 Farr Drive, P.O. Box 2050, Haileybury, Ontario P0J 1K0

E-mail: dtreen@temiskamingshores.ca; Fax: (705) 672-2911



APPENDIX E

OPEN HOUSE DISPLAY BOARDS

Open House

Environmental Assessment

Expansion of New Liskeard Landfill Site

Draft Terms of Reference

Monday, May 9th, 2011
4:00pm to 8:00pm
Dymond Community Hall
165 Drive-In-Theatre Road

Purpose of Open House

Introduction to Project

- To explain background / need
- To explain work completed to date
- To outline the proposed site expansion

Discuss the Planning Process

- To obtain your input to the draft Terms of Reference for the Environmental Assessment

Issues, Concerns, Opportunities for Involvement

- To hear about your issues and concerns
- To outline future opportunities for your involvement

Recent Developments

- **2009:** The City's Draft Waste Management Master Plan (WMMP) promotes increased recycling and waste diversion and identifies need for new landfill capacity
- **2009:** New Liskeard Landfill site operation is suspended (Site reached capacity)
- **2009/2010:** City's feasibility study proposes New Liskeard Site expansion
- **2016:** Haileybury Landfill Site expected to reach capacity

Project Objectives

The City's Objectives

- To establish new landfill capacity by 2016
- To obtain approval under the Environmental Assessment Act for the New Liskeard Landfill Site



Current Waste Management Practice

Recycling Waste Diversion

- Material Recovery Facility (MRF)
- Collection of recyclable materials

Solid Waste Collection

- Residential waste
- Industrial, commercial and institutional solid waste
- Special waste
- Hazardous waste (at landfill , e.g. old/used paint, oils, batteries, etc.)

Waste Disposal

- New Liskeard Landfill
(operation suspended in June 2009)
- Haileybury Landfill services the entire City as well as the Town of Cobalt

Current Waste Management Practice

The New Liskeard Landfill

- Used for waste deposition since about 1916
- Landfilling suspended in June 2009
- Located approx. 3 km west of the former Town of New Liskeard
- Total property area is 32 ha
- Approx. 5 ha have been landfilled
- Contaminants managed through natural attenuation
- On-going groundwater monitoring – no contamination off site



Waste Management Master Plan (Draft)

Objectives

- Identify long-term approach to solid waste management

Approach

- Review of waste management practices and infrastructure
- Review of waste generation (waste streams; existing/future waste generation rates)
- Review of approved landfill capacity
- Review of market conditions

Recommendations

- Aim for 60% waste diversion and recycling
- Requirement for new landfill capacity

New Landfill Capacity – Feasibility Study

Objectives

- Identify most feasible option for establishing new capacity for long-term solid waste disposal

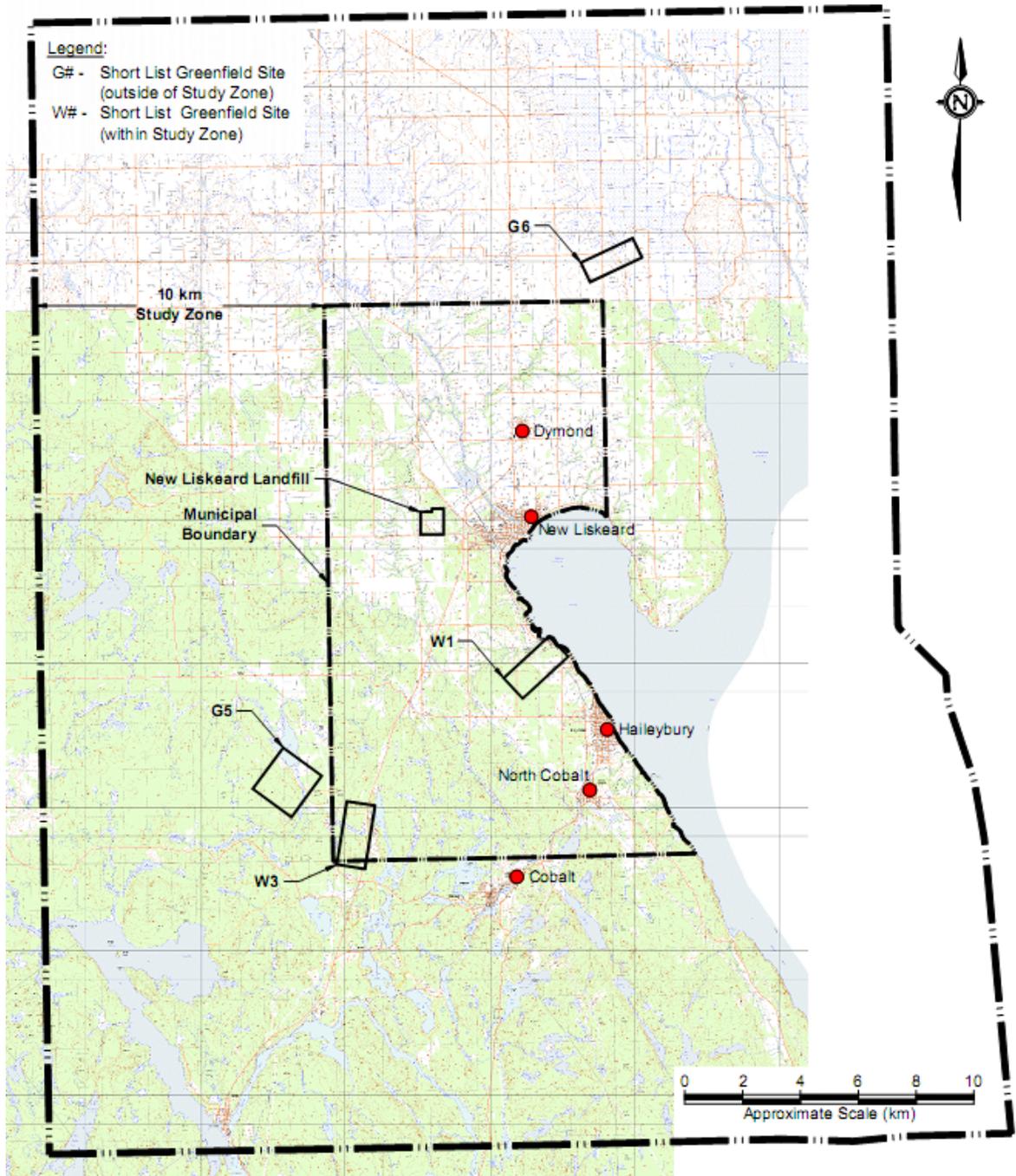
Approach

- Assessment of existing sites
- Assessment of new sites
- Comparison of the preferred existing vs. a preferred new site
- Determination of the overall preferred site

Results

- The expansion of the existing ***New Liskeard Landfill Site is the City's preferred location*** for providing new landfill capacity

New Liskeard Landfill Site - Preliminary Regional Study Area



Project Description

The “Proposed Project” is the expansion of the existing New Liskeard landfill

Proposed Project Rationale

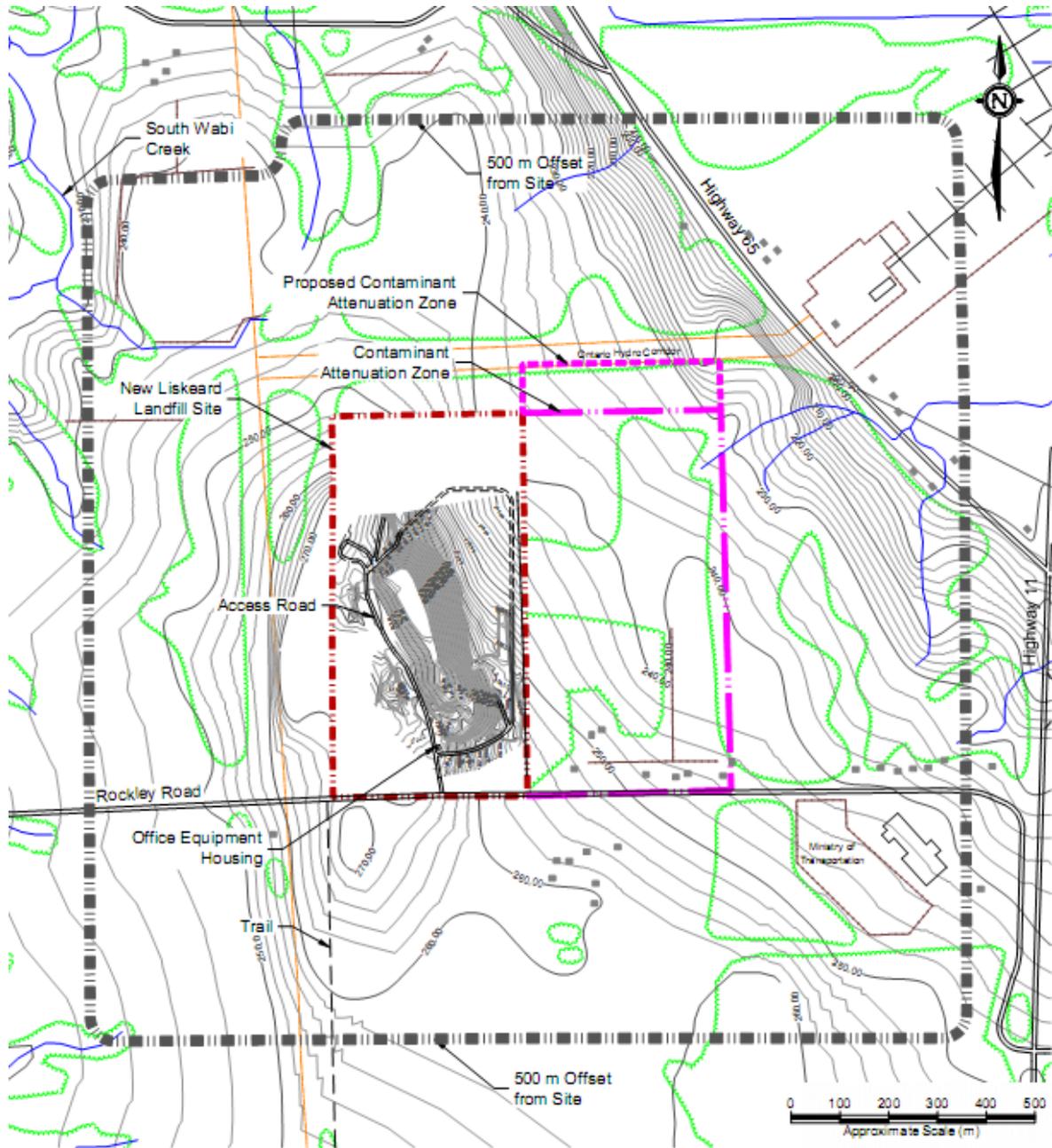
- Municipal recycling/diversion efforts aiming at 60% diversion
- No approved municipal landfill capacity beyond 2016
- City identified need for new landfill capacity in addition to waste diversion and recycling efforts in place
- Feasibility Study recommends expansion of New Liskeard Site
- City Council approved proceeding with the proposed project

Project Description

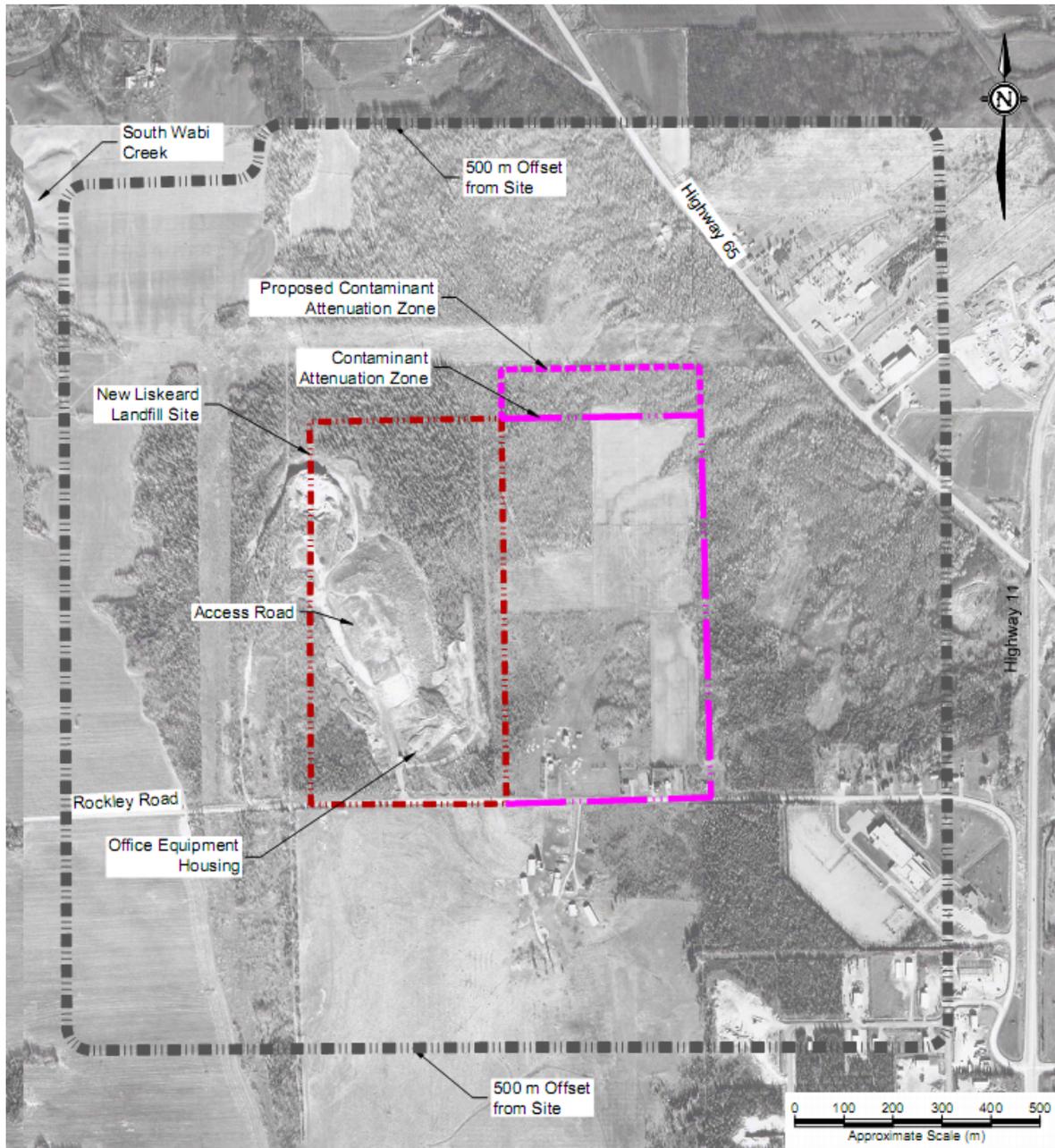
Proposed Undertaking

- Provision of max. 685,000 m³ (estimated waste volume over 30-year time span)
- Landfill expansion to the east
- Additional footprint area 2.61 ha
- Height above base elevation 26 m
- Continuation of Contaminant Attenuation Zone (zone within which contaminants are managed)
- Landfill to be developed sequentially in separate cells
- Each cell is to be immediately closed and landscaped once it has been filled to capacity

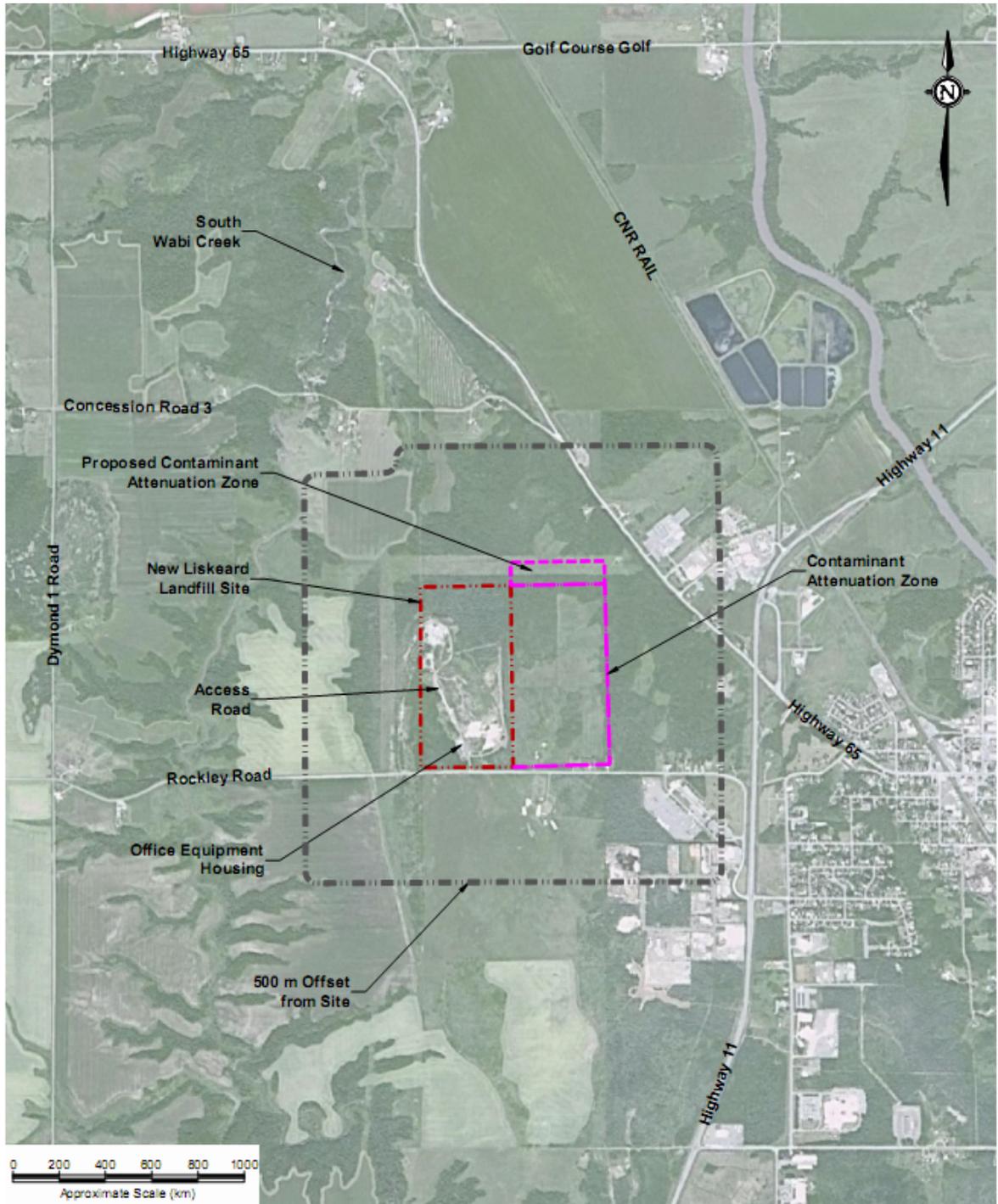
New Liskeard Landfill Site - Preliminary Local Study Area



New Liskeard Landfill Site Local Setting



New Liskeard Landfill Site Local Setting



Schedule

Planning Steps and Preliminary Project Schedule

Activities / Quarter Year	Year 2011				Year 2012				Year 2013	
	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd
Terms of Reference Process										
Environmental Assessment										
Design and Engineering										
Permits and Approvals										
Construction (Start)										★



Environmental Assessment – Why?

Regulatory Requirements

- Ontario Regulation 101/07 (Waste Management Projects): Landfill Expansions exceeding 100,000 m³ require an Environmental Assessment
- Ontario Environmental Assessment Act requirements include
 - Terms of Reference (TOR)
 - Environmental Assessment (EA)



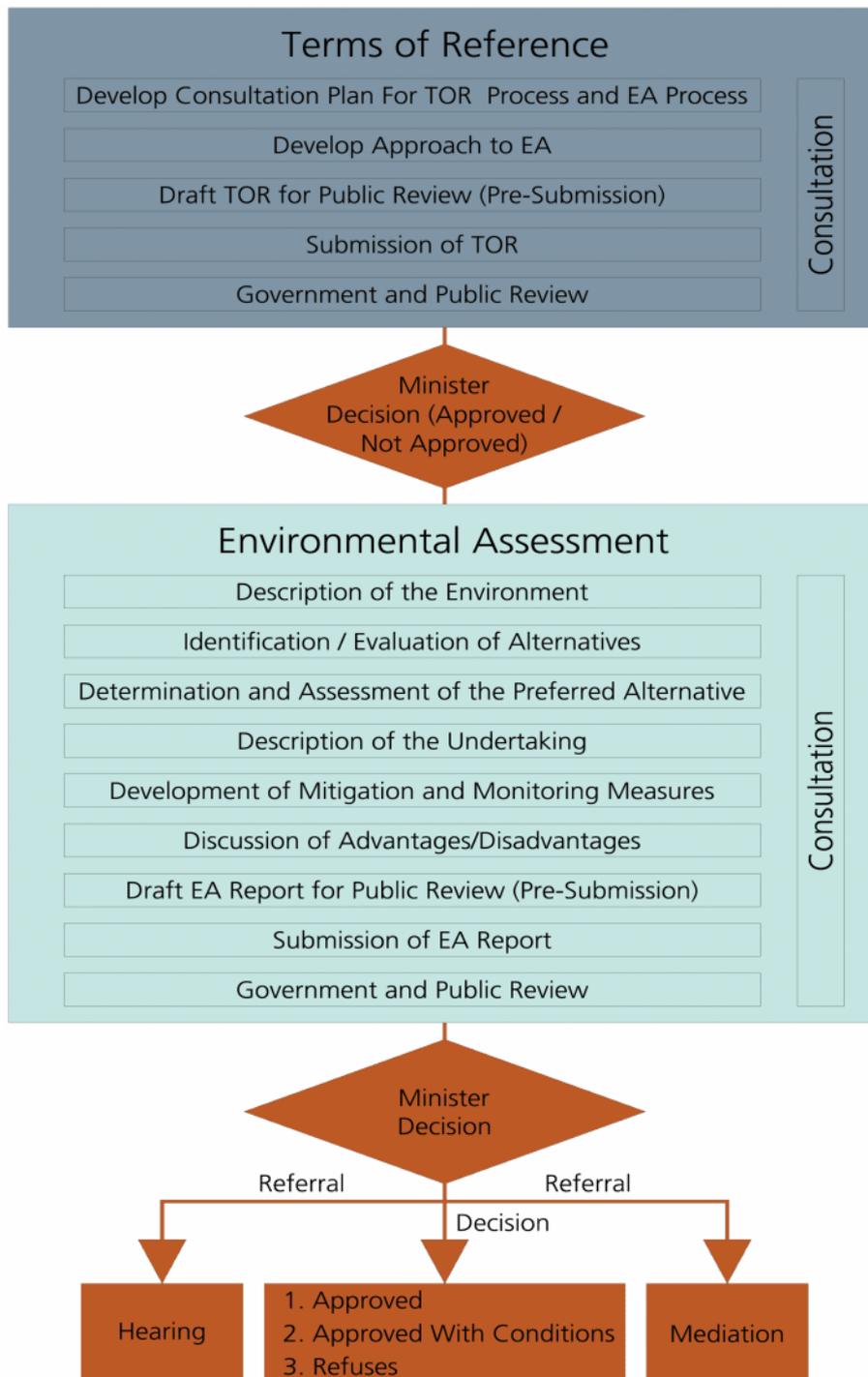
Environmental Assessment – Overview

Key Elements

- Description of the Project
- Environmental characterization of the project area
- Identification / evaluation of alternatives
- Assessment of environmental effects
- Development of mitigation and monitoring measures
- Consultation and engagement (public, stakeholders, government agencies, Aboriginal communities)



Environmental Assessment – Process



Terms of Reference Overview

Purpose

- Provide framework and requirements for EA
- Provide opportunity for public involvement in study design

Key Content

- Approach to identification / evaluation of alternatives
- Approach to selection of the preferred alternative (the Project)
- Approach to assessment of environmental effects
- Approach to mitigation / monitoring measures
- Approach to consultation
- Record of consultation

Terms of Reference “Alternatives To”

"Alternatives To"

- *Definition:* functionally different ways of addressing the identified problem

Screened "Alternatives To"

- Do nothing
- Landfilling as currently practiced
- Thermal Treatment
- Recycling / Waste Reduction Program
- Energy from Waste Technologies

Proposed EA Focus:

***Continued recycling/waste
reduction and
new landfill capacity***

Terms of Reference “Alternative Methods”

“Alternative Methods”

- *Definition:* different ways of implementing the preferred “Alternative To”

“Alternative Methods”

- Alternative site locations
- Alternative designs

Proposed EA Focus:

***Alternative designs for
New Liskeard Site Expansion***

Terms of Reference Evaluation of Alternative Designs

Criteria for Evaluation

- **Natural Environment and Resources**
 - Effects on air quality (incl. Greenhouse Gas Emissions)
 - Effects on groundwater
 - Effects on freshwater quality
 - Effects on wildlife and wildlife habitat (including wetlands)
 - Effects on aquatic environments and species
- **Social and Cultural Environment (incl. Public Health & Safety)**
 - Effects on road safety
 - Effects on water supply
 - Nuisance effects (e.g., litter, odour, visual aesthetics)
 - Effects on land use (incl. traditional uses of land and resource)
 - Effects on heritage resources
 - Effects on existing infrastructure
- **Economic Factors**
 - Effects on local economy; municipal economics (capital cost, operating cost, closure and post closure cost)
 - Implementation time/potential for disruption of operation
 - Technical and operational Aspects
 - Suitability of technology (e.g., is it a proven technology? How well does it operate under existing environmental conditions and in light of the waste characteristics)
 - Flexibility with respect to waste quantities and characteristics
 - Compatibility with City and provincial programs, plans and policies

Terms of Reference Consultation Plan

Consultation Plan Purpose

- Define consultation objectives
- Outline process for identifying interested parties and Aboriginal communities
- Determine consultation activities
- Define consultation schedule



Terms of Reference Consultation Plan

Proposed Consultation Activities

- Public meetings
- Direct mail outs
(add your name to the mailing list!)
- Public Notices
- Project website:
www.temiskamingshores.ca
- (Draft) Report reviews (pre-submission review; to be announced)
- Involvement of Aboriginal communities

Contact:

David Treen
Manager of Environmental Services
City of Temiskaming Shores
325 Farr Drive
P.O. Box 2050
Haileybury, Ontario P0J 1K0
www.temiskamingshores.ca

Terms of Reference

Next Steps

- On-going public review of Draft TOR (May 2011)
- Submission of Proposed TOR to Ministry of Environment (May 2011)
- 30-Day public review of proposed TOR (May/June 2011)
- Minister's decision (Summer 2011)

Upon Approval of Terms of Reference

- Commencement of EA (Summer /Fall 2011)



APPENDIX F
COMPLETED COMMENT FORM

COMMENT FORM

Public Meeting (Open House) Environmental Assessment, Draft Terms of Reference New Liskeard Landfill Expansion

9th May 2011, Dymond Community Hall, City of Temiskaming Shores

Your comments on the proposed New Liskeard Expansion and environmental assessment are important to us and will be used in the planning and development of this Project. Please use the back of this page if more space is needed.

1. Do you have any comments, interests or suggestions related to the New Liskeard Landfill expansion in general?

In my opinion there is a problem, and yes expansion of this landfill would be the easiest. However as a stakeholder, and NEIGHBOUR to the dump my concern is that there are many added factors to re-opening this landfill that directly affects our household i.e. increase in daily traffic, air toxins, water contaminants, wildlife attraction. Being on a dug well, the water is our biggest concern. There have

2. Do you have any comments, interests or suggestions related to the draft Terms of Reference for the environmental assessment of the Landfill expansion?

Implement recycling program!! Door to door pick up!
-Green Bin, Blue Bin. Clear plastic bags so that if contents aren't appropriate, they're left behind. Raise taxes if need be. All the environmentalists will thank you for it. Plus it would increase your 60% waste diversion.

3. How did you hear about the Community Meeting?

- Newspaper advertisement Invitation Letter Website
 From a neighbour / friend Other: _____

been removed from our road, due to the landfill site. Living at the bottom of the well, our well will only be filled with water running downstream!

4. Were the location and time of the Open House good for you?

Yes Somewhat No Don't know / no opinion

Suggestions for improvement:

5. What did you like about the event?

Refreshments, well organized. Clarification. Layout. (walk through)
on

6. What can be improved at future events?

Maybe someone walking from group to group, to clarify further questions or direct any concerns in person, rather than having me try and explain myself on paper. (Both would be better).

Name (optional): _____



Organization or Affiliation (if applicable): N/A.

Personal information is protected under authority of the Freedom of Information and Protection of Privacy Act, Section 32, and is used solely for the purpose of evaluating and improving the Project assessment. Individuals will not be identified in any public documents or used for any purpose other than this project.

Thank you for your input!

Completed forms can be left with a member of our team or faxed/mailed to:

Dave Treen, Manager, Environmental Services

CITY OF TEMISKAMING SHORES, 325 Farr Drive, P.O. Box 2050, Haileybury, Ontario P0J 1K0

E-mail: dtreen@temiskamingshores.ca; Fax: (705) 672-2911

COMMENT FORM

**Public Meeting (Open House)
Environmental Assessment, Draft Terms of Reference
New Liskeard Landfill Expansion
9th May 2011, Dymond Community Hall, City of Temiskaming Shores**

Your comments on the proposed New Liskeard Expansion and environmental assessment are important to us and will be used in the planning and development of this Project. Please use the back of this page if more space is needed.

1. Do you have any comments, interests or suggestions related to the New Liskeard Landfill expansion in general?

See attached letter to Carman Kidd, Mayor and Council dated May 27, 2011.

-
2. Do you have any comments, interests or suggestions related to the draft Terms of Reference for the environmental assessment of the Landfill expansion?

See attached "Comments and Suggestions" for the draft ToR

-
3. How did you hear about the Community Meeting?

- | | | |
|--|--|----------------------------------|
| <input type="checkbox"/> Newspaper advertisement | <input type="checkbox"/> Invitation Letter | <input type="checkbox"/> Website |
| <input type="checkbox"/> From a neighbour / friend | <input checked="" type="checkbox"/> Other: <u>email from D. Treen.</u> | |

4. Were the location and time of the Open House good for you?

- Yes Somewhat No Don't know / no opinion

The short notice did not allow us time to rearrange our plans to attend.

5. What did you like about the event?

N/A

6. What can be improved at future events?

For future events, it would be beneficial to have a two to three week notice for the time and date. Also all documentation should be posted on the website well in advance of the meeting to enable participants' time to review and note potential questions and concerns.

Name (optional):



Organization or Affiliation (if applicable): - adjacent landowner

Personal information is protected under authority of the Freedom of Information and Protection of Privacy Act, Section 32, and is used solely for the purpose of evaluating and improving the Project assessment. Individuals will not be identified in any public documents or used for any purpose other than this project.

Thank you for your input!

Completed forms can be left with a member of our team or faxed/mailed to:

Dave Treen, Manager, Environmental Services

CITY OF TEMISKAMING SHORES, 325 Farr Drive, P.O. Box 2050, Haileybury, Ontario P0J 1K0

E-mail: dtreen@temiskamingshores.ca; Fax: (705) 672-2911

Comments and Suggestions for the draft ToR

- Page 6 – Is there a second Public Review as noted after the submission of the draft ToR before the Minister's decision?
- Figure 1.3-2b – The 500m offset from the site does not seem adequate especially if you consider the downward gradient and leachate plume movement toward Hwy 65W. All homes along 65 W from the bypass bridge to Pete's Dam Rd should be considered.
- Page 9 – ToR should include the update note that council deferred Spring clean up collection this year in favor of 3 Amnesty weeks.
- Page 9 – MRF is noted as not having the capacity to accommodate the volume of recyclables from amalgamation. Could the town not look at another location where it can expand to divert all these materials from the landfill?
- Figure 3.0-1 – The proposed culvert seems to collect surface water and then divert it toward the northeast corner where there are steep ravines. This would channel contaminated water toward Hwy 65W and then flow to the Wabi River.
- Figure 4.1-1 – We would appreciate an explanation of the "Proposed Contaminant Attenuation Zone" versus the "Containment Attenuation Zone" as indicated on this figure.
- Page 17 – We are hopeful that surface water quality and flow is monitored as well as intensive groundwater monitoring and testing for the leachate plume movement.
- Page 20 – We note the word "urgency" for approval in 6.0 and hope this does not pressure council into hasty decisions which may be regrettable in the future. This process is too important for any shortcuts to be taken.
- Page 21 – Under section 6.2 we are hopeful that a liner or other means of leachate collection will be considered rather than the natural attenuation zone method which currently seems ineffective.
- Page 26 – In the second last paragraph, we are pleased to note the sentence "Throughout the process the approach will remain flexible and responsive to the needs of participants."
- Page 33 – Under 8.6.2 we would prefer written and email notice rather than "in lieu of".
- Section 8.8 – Under Schedule for Public Involvement – as the ToR did not begin in Jan 2011 as indicated, can it not be changed to Spring 2011 to Summer 2011 with the EA process beginning in the fall of 2011 if the ToR is approved by the Minister?
- Page 38 - Under Section 8.10 We are certainly open to the one-on-one meetings to address and answer specific concerns.



Mayor Carman Kidd and Council
City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury, ON
P0J 1K0

May 26, 2011

Subject: New Liskeard Landfill Expansion

We realize that the former mayor and council made the decision in Dec 2010 to select the closed New Liskeard Landfill as the site for the expansion over other potential alternative locations. This letter, to the current Mayor and Council, is to present our questions with the site selection made as well as highlight our concerns with the New Liskeard Landfill expansion planned. We have explained our key concerns under five main areas as noted below.

1. Site Selection Process

Three of the sites were very close in ranking in the selection process (all between 14 and 19) as per the ToR report. Those are the New Liskeard Landfill Alternative 1 at 16, the Harley Township Landfill at 14, and the Ramsey Road site in Temiskaming Shores at 19. We question the scores especially for New Liskeard Landfill site due to its very close proximity to residences and private wells, the current movement of the leachate plume and the hydrogeological conditions of the location. The hydrogeological conditions include documented fault zones within the site, a downward gradient toward Hwy 65 West, and steep ravines that carry water to culverts under Hwy 65 and on to the Wabi River. The scores for some of these conditions seem low considering the location and nature of the site.

2. Leachate Flow and Contamination

One of our primary concerns is with the leachate at the New Liskeard Landfill. If you look back through documentation on the site, in 1978 there was a first mention of the plume and what could be done to contain it (recommendation to investigate the placement of bentonite barriers). The Earth Tech report to the Town in 2008 also outlines the installation of a leachate collection and treatment system. The town is now planning an expansion at the site with little in the plan to control and contain the leachate other than natural attenuation.

Even though this landfill site is a relatively small facility, it is located in a complex physical setting that tends to obscure the identification of obvious impacts on the downward gradient groundwater quality, particularly at distances removed from the disposal area. (Jagger Hims Ltd. 2007, Appendix G letter of May 8, 2006.)

Most groundwater flow will occur through the overburden and through the shallower bedrock zone, although significant ground water flow can occur within major fractures in the deeper bedrock, where present. The presence of such fracture systems would not necessarily be encountered during drilling programs, nor would they necessarily be detectable by geophysical methods. (Jagger Hims Ltd. 2001, page 22.) Thus, Jagger Hims acknowledges that significant groundwater flow through deeper bedrock may be occurring but also that detecting impacts associated with discrete fractures in this deep zone might be very difficult.

The four nested well sites (OW-16, OW-17, OW-24, OW-25) near the eastern boundary of the contamination attenuation zone, approximately 500 to 600 meters downgradient from the fill area are found to be out of compliance with MOE's Guideline B-7 reasonable use criteria for a number of parameters.

There is a component of groundwater flow travelling laterally at depth through the deeper bedrock underlying the plains. There is a suggestion that this flow through the deeper limestone might "well up" into or intersect the till overburden where it tapers toward the Lake Temiskaming West Shore Fault (near monitoring well nests OW-16, OW-24, and OW-25). However, the conceptual model is ambiguous as to whether the horizontal flowpath might also flow beneath the deeper section of overburden.

Story Environmental Services believes that slight leachate effects may be observed in chloride concentrations at off-property well OW-23-11, but these effects do not extend to failures of the Reasonable Use concept. OW-23 is approximately 900 meters downgradient near HWY 65 West. With slightly elevated concentrations of chloride at OW-25, there does appear to be a fairly clear spatial pattern linking slightly elevated chloride concentrations in OW-23-11 to higher chloride concentrations in other monitoring wells closer to the landfill namely OW-25-11. It was suggested that there is a convergent horizontal flow toward well OW-23.

Sulphate concentrations in monitoring wells located at greater distances from the landfill about 400 meters and beyond (OW-16, OW-17, OW-23, OW-24, and OW-25) had values which are elevated above the background average range for sulphate. Thus, there must be a path of groundwater movement whereby elevated sulphate that originates at the landfill bypasses the plains area. The concentration at the further removed distance monitoring wells is comparable to monitors adjacent to the waste fill area. It is apparent that landfill derived sulphate occurs at downgradient locations and cannot simply be discounted as naturally occurring.

The containment attenuation zone is inadequate as OW-16, OW-24, and OW-25 are on the property boundary and showing impact by leachate and some concentrations of leachate indicator parameters exceeding reasonable use criteria.

Recommendation: leachate be contained on the site by a such means as bentonite cut-off barriers as already suggested to the Town by the MOE and under any expansion through the use of a liner and collection and treatment system.

3. Surface Water Management Strategy

Approximately 500 lineal meters of perimeter ditching with a culvert in the northeast corner is proposed in the landfill expansion plan. The surface water would thus flow into the ravine in the northeast corner and proceed to the ditch that crosses Hwy 65 W. Since there is seepage at all landfill sites, this leachate would find its way into the Wabi River by the fore mentioned ditch.

Recommendation is: all surface water to be contained at the landfill.

4. Landfill Gas Management Strategy

The MOE requires that all landfill gas management systems be installed for landfills with capacities larger than 1.5 million cubic meters. Based on the Autodesk AutoCAD Civil 3D analysis of the contours of the existing landfill and assuming an inferred existing base contour based on the surface elevations adjacent to the existing limit of waste, the total site capacity of the existing landfill is approximately 431,000 cubic meters. Given that the total site capacity of the existing landfill is approximately 431,000 cubic meters and the capacity of the landfill expansion is 884,000 cubic meters, the total existing landfill plus expansion is 1.3 million cubic meters.

However, this calculation assumes an inferred existing base contour based on ground surface elevations, but the history of the landfill reveals that it was originally a limestone quarry that operated for approximately 10 years. How far into the limestone ridge did it penetrate and how deep was it? Given the amount of time that it was in operation, considerable limestone was removed before being replaced by landfill. Thus the original cubic meters are potentially much higher, bringing the total very close to the MOE limits if not exceeding them.

Recommendation: a landfill gas system be implemented.

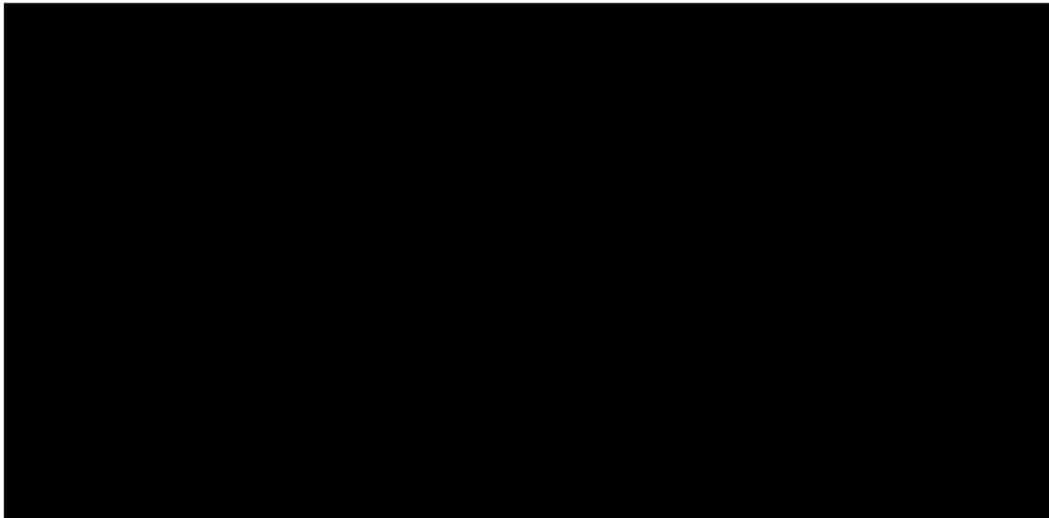
5. Perimeter Fencing

We have been remiss in not formally reporting to the Town problems with the landfill, but we did not know that such a mechanism was in place. Also, since the landfill was closing in 2009 we felt the problem would be solved. However, with a possible expansion of the existing landfill we must now inform you of our problem. Bears frequently carried bags of garbage from the landfill onto our property. As well we have picked up numerous bags and debris that has blow our way with the prevailing westerly winds.

Recommendation: a chain link fence around the landfill similar to the Haileybury site be installed.

In conclusion, we hope that council will take a serious look at our concerns with the New Liskeard Landfill expansion plan. Under a separate letter we have replied to Dave Treen in regards to the Draft Terms of Reference. Although we are understandably concerned about the impact on our own property, we also have reservations about the potential impact on the surrounding lands including the Wabi River valley below the site. It is a very unique and complex geographical area and we encourage you all to have a personal look at the site.

Thank you for your time. If you have any further questions or comments, we would appreciate any feedback you can provide.



Copies: Larry McCormick, Senior Environmental Officer, MOE, North Bay

David Treen , City of Temiskaming Shores, Environmental Services Manager

APPENDIX G

LETTERS FROM GOVERNMENT AGENCIES

April 2, 2012

David B. Treen
Manager of Engineering and
Environmental Services
City of Temiskaming Shores
325 Farr Drive
P.O. Box 2050
Hailybury, Ontario P0J 1K0
dtreen@temiskamingshores.ca

Dear Mr. Treen,

Thank you for your letter of March 23, 2012 regarding your request for information held by Aboriginal Affairs and Northern Development Canada (AANDC) on established or potential Aboriginal and treaty rights in the vicinity of the New Waste Management Capacity Project in Temiskaming Shores, Ontario.

Consulting with Canadians on matters of interest or concern to them is an important part of good governance, sound policy development and decision-making. In addition to good governance objectives, there may be statutory or contractual reasons for consulting, as well as the common law duty to consult with First Nations, Métis and Inuit when conduct that might adversely impact rights Aboriginal or treaty rights (established or potential) is contemplated.

It is important to note that the information held by AANDC is provided as contextual information and may or may not pertain directly to Aboriginal or treaty rights. In most cases, the Aboriginal community remains best positioned to explain their traditional use of land, their practices or claims that may fall under section 35, including claims they may have put before the courts.

The Department has recently developed a new information system, the Aboriginal and Treaty Rights Information System (ATRIS), which brings together information regarding Aboriginal groups such as their location, related treaty information, claims (specific, comprehensive and special) and litigation. Using ATRIS and a 100 km radius surrounding the project location, information regarding potentially affected Aboriginal communities is presented in the attached report in the following sections for each community:

Aboriginal Community Information includes key contact information and any other information such as Tribal Council affiliation.

Treaties, Claims and Negotiations includes Historic Treaties, Specific, Comprehensive and Special Claims. Self-Government may be part of Comprehensive claims or stand-alone negotiations.

Litigation usually refers to litigation between the Aboriginal Group and the Crown, often pertaining to section 35 rights assertions or consultation matters.

Also included, where available, is a section entitled **Other Considerations**. This may include information on Métis rights, consultation-related protocols or agreements and other relevant information.

Should you require further assistance regarding the information provided, or if you would prefer that a smaller or greater buffer be used to gather information, please do not hesitate to contact me.

Regards,

Allison Berman
Regional Subject Expert for Ontario
Consultation and Accommodation Unit
Aboriginal Affairs and Northern Development Canada
300 Sparks Street, Ottawa
Tel: 613-943-5488

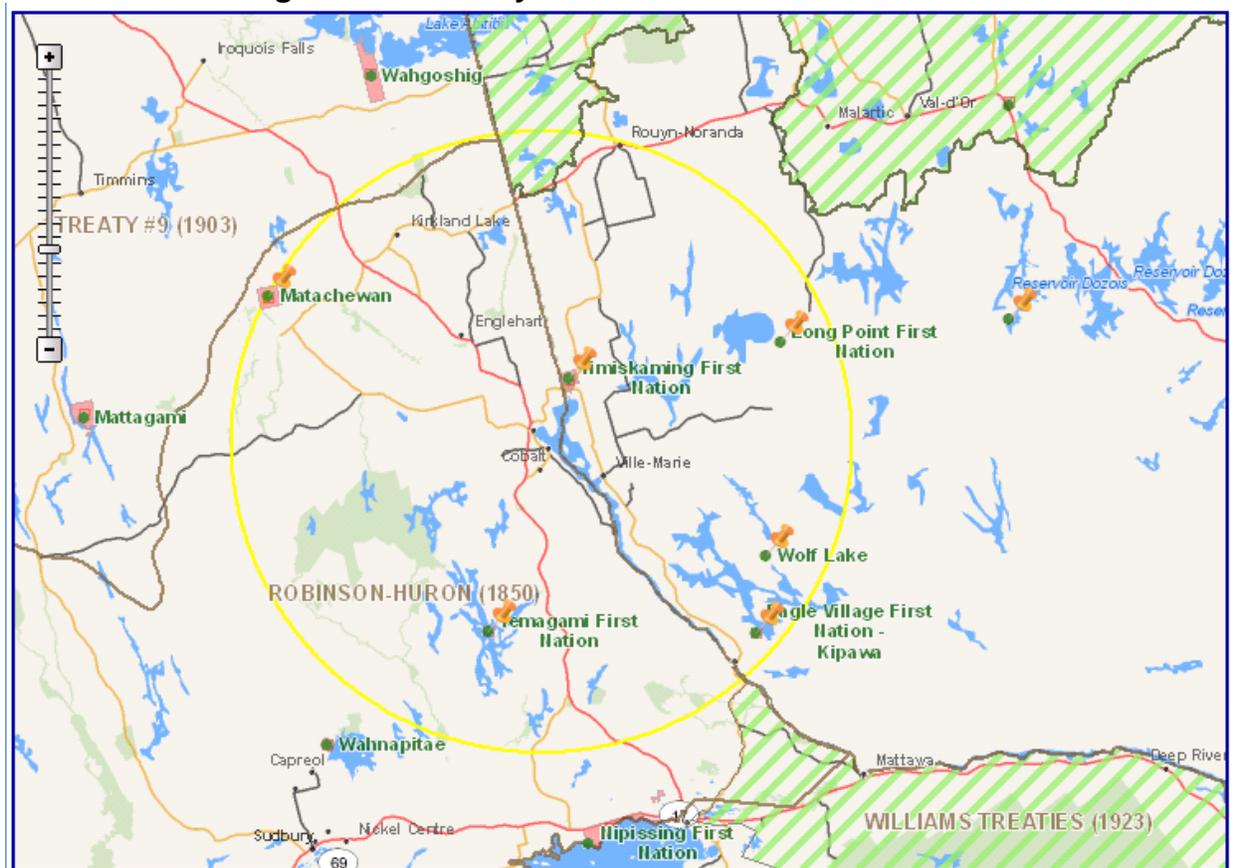
Disclaimer

This information is provided as a public service by the Government of Canada. All of the information is provided "as is" without warranty of any kind, whether express or implied, including, without limitation, implied warranties as to the accuracy or reliability of any of the information provided, its fitness for a particular purpose or use, or non-infringement, which implied warranties are hereby expressly disclaimed. References to any website are provided for information only shall not be taken as endorsement of any kind. The Government of Canada is not responsible for the content or reliability of any referenced website and does not endorse the content, products, services or views expressed within them.

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First Nation/Aboriginal Community Information



Within a 100 km radius of your project there are the Algonquin in Quebec, along with the Matachewan First Nation and Temagami First Nation communities. In your letter you also indicated that several other communities have been identified. These are Mattagami First Nation, Wahgoshig First Nation (listed with the Algonquin in Quebec), and Beaverhouse First Nation (listed in “Other Considerations”). The following information should assist you in planning any consultation that may be required.

In general, where historic treaties have been signed, the rights of signatory First Nation’s are defined by the terms of the Treaty. In many cases, however, there are divergent views between First Nations and the Crown as to what the treaty provisions imply or signify. For each First Nation below, the relevant treaty area is provided.

In areas where no historic treaty exists or where such treaties were limited in scope (i.e. where only certain rights were addressed by the treaty, such as the Peace and Friendship Treaties), there may be comprehensive claims that are asserted or being negotiated. Comprehensive claim negotiations are the means by which modern treaties are achieved.

Specific claims refer to claims made by a First Nation against the federal government related to outstanding lawful obligations, such as the administration of land and other First Nation assets, and to the fulfillment of Indian treaties, although the treaties themselves are not open to re-negotiation. The below response provides summaries of relevant claims that are current to the

date of the response. As the claims progress regularly, it is recommended that the status of each claim be reviewed through the Reporting Centre on Specific Claims at: <http://pse4-esd4.aic-inc.ac.gc.ca/SCBRI/CASCC/CascLoginPage.aspx?ReturnUrl=%2fSCBRI%2fMain%2fReportingCentre%2fIndexExternal.aspx%3flang%3deng&lang=eng>

Self-government agreements set out arrangements for Aboriginal groups to govern their internal affairs and assume greater responsibility and control over the decision making that affects their communities. Many comprehensive claims settlements also include various self-government arrangements. Self-government agreements address: the structure and accountability of Aboriginal governments, their law-making powers, financial arrangements and their responsibilities for providing programs and services to their members. Self-government enables Aboriginal governments to work in partnership with other governments and the private sector to promote economic development and improve social conditions.

Claims and Negotiation History of the Algonquins of Quebec

In 1985, the Algonquin communities of Kitcisakik and in 1986, Kitigan Zibi, submitted each a comprehensive claim. In 1987, Canada refused to accept the claims of both bands and required that the Algonquins of Quebec take a coordinated approach as well as additional research.

In 1989, five Algonquin communities of Quebec (Kitigan Zibi, Lac Simon, Eagle Village – Kipawa, Wolf Lake and Timiskaming), representing the majority of Algonquins submitted their comprehensive claim which included the territory of western Quebec and eastern Ontario. In 1990, Canada proposed to the Algonquins that they submit a joint claim. In 1991, some bands withdrew their submission in order to work on creating one joint submission; this claim never was brought forward.

In 1994, the Kitigan Zibi First Nation submitted a modified claim which comprised of 48 000 km² in Quebec only. The claim was never officially refused, however in 1998 Canada decided not to enter into negotiation with Kitigan Zibi. Several issues had been raised in their claim, in particular obtaining from them certainty of their rights and titles, specifically should other Algonquin nations make a claim on the same territory.

On April 21, 2010, the Algonquin Anishinabeg Nation Tribal Council, representing the Abitibiwinini, Eagle-Village, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point and Wahgoshig (the latter being on Ontario First Nation) asserted their traditional territory and defined the limits. However, AANDC has not yet received a formal comprehensive claim submission. Furthermore, the Algonquin Nation Secretariat (ANS), represented by Wolf Lake and Timiskaming, are also preparing a comprehensive claim. The Barriere Lake community is no longer a member of the ANS since 2008.

Contact information

There are nine Quebec First Nations and one Ontario First Nation (located in Quebec) who have asserted claims to territory in the Quebec National Capital region. The Algonquins have published a map of their asserted territory which can be found at: <http://lafrontiere.canoe.ca/webapp/sitepages/content.asp?contentid=139338&id=288>

It is recommended that consultation should include the two underlined organizations of the Algonquin of Quebec, along with the ten individual First Nation communities which may or may not be represented by these organizations. A potential right or Aboriginal title may exist for all the Algonquin communities that are indicated below:

Non-represented First Nation

Barrière Lake First Nation

Council: Ms. Anida Descoursay, Mr. Hector Jerome, Mr. Chad Thusky, Mr. Steve Wawatie
P.O. Box 74, General Delivery
Rapid Lake, Quebec, J0W 2C0
Phone: (819) 435-2181

Algonquin Nation Secretariat

Peter Di Gangi, Director of Research and Policy
Norman Young, Grand Chief
24 Algonquin Avenue, Timiskaming First Nation
P.O. Box 367
Notre-Dame-du-Nord, Quebec, J0Z 3B0
Phone: (819) 723-2019
Fax: (819) 723-2345
www.algonquinnation.ca

Wolf Lake First Nation

Harry St. Denis, Chief
P.O. Box 998 Hunter's Point
Témiscaming, Quebec, J0Z 3R0
Phone: (819) 627-3628

Timiskaming First Nation

Kim McLaren, Vice Chief
24 Algonquin Avenue, P.O. Box 336
Notre-Dame-du-Nord, Quebec, J0Z 3B0
Phone: (819) 723-2335

Algonquin Anishinabeg Nation Tribal Council

Norm Odjick, Director General
Marlène Jérôme, Vice Grand Chief (acting until August 2012)
81 Kichi Mikan
Maniwaki, Quebec, J9E 3C3
Phone: (819) 449-1225
Fax: (819) 449-8064
www.anishinabenation.ca

Nation Anishnabe du Lac Simon

Salomé MacKenzie, Chief
1026 Boul CICIP, P.O. Box 139
Lac Simon, Quebec, J0Y 3M0

Phone: (819) 736-4361

Long Point First Nation

Leonard Polson, Chief
P.O. Box 1
Winneway River, Quebec, J0Z 2J0
Phone: (819) 722-2441

Communauté anicinape de Kitcisakik

Adrienne Anichinapéo, Chief
P.O. Box 5206
Val D'Or, Quebec, J9P 7C6
Phone: (819) 736-3001

Eagle Village First Nation – Kipawa

Jimmy Constant Sr., Chief
P.O. Box 756, Eagle Village First Nation
Témiscaming, Quebec, J0Z 3R0
Phone: (819) 627-3455

Conseil de la Première Nation Abitibiwinni

Alice Jérôme, Chief
45 Migwan
Pikogan, Quebec, J9T 3A3
Phone: (819) 732-6591

This community is located within the province of Quebec, but are Treaty 9 signatories. Treaty 9 territory does not extend into the province of Quebec.

Wahgoshig

David Babin, Chief
RR #3
Matheson, Ontario, P0K 1N0
Phone: (705) 273-2055

This community is Anishanaabe (Algonquin and Ojibwe) and Cree First Nation. Along with the Pikogan of Quebec, the Wahgoshig First Nation was historically part of the Lake Abitibi Band. Thus they are signatories to Treaty 9 of 1905. Their reserve is located in Ontario. Since 2000, they have been a member of the Algonquin Anishinabeg Nation Tribal Council and involved in the 2010 traditional territory assertion. They are the only members of this council located in Ontario.

Kitigan Zibi Anishinabeg

Gilbert Whiteduck, Chief
P.O. Box 309
Maniwaki (QC) J9E 2C9
Phone: (819) 449-5170
Fax: (819) 449-5673

Specific Claims and litigation filed by Kitigan Zibi Anishinabeg

Name: Grant to Oblats – 1868

Status: under assessment – Justice Department preparing legal opinion

Description: The Plaintiff alleges a breach of fiduciary duty by granting \$1000 of their money to the Pères Oblat de l'Immaculée Conception, to the detriment of the First Nation.

Name: Road Allowances Lot 1, 2, 3 and 4 Desert Front Range & lot 32, 33 and 34 Gatineau Front Range

Status: in negotiations

Description: The Plaintiff alleges road allowances located inside Lots 1 to 4 Desert Front Range and Lot 32 to 34 Gatineau Front Range were never surrendered.

Name: Shore Allowance Along the Desert and Gatineau Rivers

Status: in negotiations

Descriptions: The Plaintiff alleges the shore allowance was not included in Surrenders 134,136,369 and 408.

Name: Surrender 134 Lot B Gilmour – Timber licences

Status: in negotiations

Description: The Plaintiff alleges an invalid surrender due to falsification of signature and breach of fiduciary obligation in obtaining sufficient timber revenues and rents from farmland.

Name: Surrender 238 Lot 4 Desert Front Range

Status: in negotiations

Description: The Plaintiff alleges invalid surrender and illegal payment of proceeds to individuals from the lease of reserve land.

Name: Surrender 257 Lot 3 Desert Front Range

Status: in negotiations

Description: Alleges that the surrender of 10, 000 square feet of Lot 3 Desert Front Range is invalid.

Name: Surrender 276 Lot 3 Desert Front Range

Status: in negotiations

Description: The Plaintiff alleges that the surrender for lease of one half acre of Lot 3 Desert Front Range is invalid.

Name: Surrender 277 Lot 4 Desert Front Range

Status: in negotiations

Description: The Plaintiff alleges that the surrender for lease of 1 acre was invalid.

Name: Surrender 291 Lot 3 Desert Front range

Status: in negotiations

Description: The Plaintiff alleges an invalid surrender and alleged illegal payment of proceeds to individuals from the lease of reserve land.

Name: Surrender 292 Lot 3 Desert Front range

Status: in negotiations

Description: The Plaintiff alleges that the surrender of $\frac{3}{4}$ of an acre is invalid.

Name: Surrender 324 Lot 51,52 and 53

Status: in negotiations

Description: The Plaintiff alleges that this surrender for lease is invalid.

Name: Surrender 330 Lot 3 Desert Front range

Status: in negotiations

Description: The Plaintiff alleges that the surrender for lease of 1.13 acres was invalid, and payment of proceeds to individuals was illegal.

Name: Surrender 337 Lot 4 Desert Front range

Status: in negotiations

Description: The Plaintiff alleges an illegal sale of reserve land – unsurrendered portion of Lot 4, Desert Front range (20.5 acres).

Name: Surrender 369 Lot 5 Desert Front range

Status: in negotiations

Description: The Plaintiff alleges the forgery of the signatures and other irregularities concerning the surrender.

Name: Surrender 373 Lot 1 to 4 Desert Front Range

Status: in negotiations

Description: The First Nation alleges that the surrender was invalid.

Name: Surrender 388 – 100 acres

Status: in negotiations

Description: The Plaintiff alleges that Surrender 388 is invalid, and that the Crown failed in its fiduciary duty by allowing alienation of reserve lands by virtue of an illegal surrender.

Name: Surrender 389 Lot 18B, 19B and 20 Gatineau Front Range and Lot 18 to 21

Status: in negotiations

Description: The Plaintiff alleges that the surrender is invalid because of the fraudulent nature.

Name: Surrender 392 Lot 10, 11 Desert Front Range and Lot 25 Range 4,5.

Status: in negotiations

Description: The Plaintiff alleges the improper surrender for sale of approximately 30 acres in lots 10 and 11 Desert Front Range and 25 acres in lot 4 and 5.

Name: Surrender 395 Lot 14 Range 7

Status: in negotiations

Description: The Plaintiff alleges an improper surrender of reserve land which resulted in loss of use and revenue.

Name: Surrender 396 Lot 11 road range east

Status: in negotiations

Description: The Plaintiff alleges an improper surrender of reserve land.

Name: Surrender 403 Lot 14 Road Range west

Status: in negotiations

Description: The Plaintiff alleges an improper surrender of reserve land.

Name: Surrender 405 Lot 1, 2 and 3 South Desert Front Range

Status: in negotiations

Description: The Plaintiff alleges that the 1898 surrender was invalid.

Name: Surrender 408 Lot 32 to 34 Gatineau Front Range

Status: in negotiations

Description: The Plaintiff alleges an invalid 1899 surrender of Lot 32, 33 and 34 Gatineau Front Range, which involves approximately 64.4 acres.

Name: Surrender 430 Lots 14 and 15 Road Range west

Status: in negotiations

Description: The Plaintiff alleges an improper surrender of reserve land.

Name: Surrender 504 Corbeau Dam Lots 4,5 and 6 Gatineau Front Range and ROW on Lot 1 to 4

Status: in negotiation

Description: The Plaintiff alleges that the 1905 surrender was invalid, and that there was a lack of consent obtained by the First Nation for a 1925 right of way.

The following claims have been concluded with no lawful obligation by the Crown found.

Name: Timber fees and rentals

Description: The Plaintiff alleged that DIAND failed to discharge its fiduciary obligation to the First Nation by not properly carrying out its responsibilities in relation to the management and accounting of Indian funds from timber fees.

Name: Surrender 360 Lot 29 Road range

Description: The Plaintiff alleges that the surrender for lease of 1 acre of Lot 29 Road Range West was invalid.

Name: Surrender 136 Lot 1-2 &3

Description: The First Nation alleged an invalid surrender and illegal payment of proceeds to individuals from the lease of reserve land lot 1, 2 and 3, Desert Front Range.

Name: Surrender 256 Lot 4 Desert Front Range

Description: The Plaintiff alleged a transgression during the surrender for lease of Lot 4.

Litigation

Name: Kitigan Zibi Aanishnabeg Band (Whiteduck et al) v. HMTQ

Status: abeyance - pleadings

Court No: T-2884-96

Description: The Plaintiffs claim that Canada has breached its trust, fiduciary, equitable, statutory and common law obligations in regard to a series of surrenders of tracts of land on the reserve, they claim, were done fraudulently. The plaintiffs further claim that the breaches constitute an infringement of their treaty, Aboriginal and constitutional rights. They claim to be entitled to all those certain portions of land forming part of the Reserve and described in the following surrenders: August 1873; September 1873; June 1874; February 1878; June 1893; June 1894; August 1895; June 1897; August 1898; January 1899, and in all other surrenders not yet covered by these proceedings. The plaintiffs are claiming special, punitive and exemplary damages in an amount to be determined by the Court.

Name: Joseph Allen Russell Fraser

Court : Cour provinciale du Québec

Status: active

Description: The Plaintiff alleges that the right to fish for subsistence purposes, has been recognized by the *Côté decision* for members of the First Nation.

Aboriginal Rights and the *Côté decision*

Individuals from the Kitigan Zibi Anishinabeg First Nation were prosecuted for illegally entering a Controlled Harvest Zone of Bras Coupé Desert (the “zone d’exploitation contrôlée, or Z.E.C.). This 1,100 km sq. wilderness zone is located in the Outaouais region of Quebec.

The Supreme Court of Canada rendered its decision in 1996, and determined that there was an Aboriginal right to fish for food. It also determined that section 35 protection of Aboriginal rights was held not to be conditional on proof of Aboriginal title to the land where the activity took place. The Court assumed without deciding the existence of the alleged treaty right, that the provincial regulation did not restrict or infringe the right to fish under the Treaty of Swegatchy. The interpretation of treaty rights by the courts will continue in the future. The link to the decision is: <http://scc.lexum.org/en/1996/1996scr3-139/1996scr3-139.html>

Matachewan

Chief Alex Batisse

P.O. Box 160

Matachewan, Ontario P0K 1M0

Phone: (705) 565-2230

Fax: (705) 565-2285

www.matachewanfirstnation.com

Treaty Area –Treaty 9 (1905)

For more information on treaties, see “Other Considerations” below.

Membership

Chiefs of Ontario

Wabun Tribal Council

For more information, see “Other Considerations” below.

Specific Claims

Name: Treaty Land Entitlement

Status: in negotiations

Description: The First Nation alleges that they received a shortfall of reserve land pursuant to the terms of Treaty 9. See ‘Other Considerations’ for more information on Treaty Land Entitlements.

Self Government Negotiations

Nishnawbe-Aski Nation Self-Government Agreement

For more information, see “Other Considerations” below.

No relevant litigation to report.

Mattagami

Chief Walter Naveau
P.O. Box 99
Gogama, Ontario P0M 1W0
Phone: (705) 894-2072
Fax: (705) 894-2887
www.mattagamifirstnation.myknet.org

Treaty Area – Treaty 9 (1905)

For more information on treaties, see “Other Considerations” below.

Membership

Wabun Tribal Council
Chiefs of Ontario
For more information, see “Other Considerations” below.

Specific Claims

Name: Timber

Status: settled through negotiations

Description: The First Nation alleged that flooding of 1340 acres of Mattagami Indian reserve No. 71, and damage to and loss of use of resources (timber) and graveyard due to flooding caused by the operation of the Mattagami Dam in 1922. They also alleged a breach of lawfull obligation for granting a timber license in 1928 for a period of 5 years although the surrender expired in 1930.

Self Government Negotiations

Nishnawbe-Aski Nation Self-Government Agreement
For more information, see “Other Considerations” below.

Litigation

Name: HMTQ v. Colleen Baulne, Ronald Baulne, Gilles Bond

Status: active

Court No.: not yet available

Description: The Defendant alleged that in 2009 she built a cabin on Flag Lake from which she and her family members engaged in harvesting activities, which she maintains is an exercise of their treaty rights. Prior to constructing, Ms. Baulne and the Chief of Mattagami First Nation provided Ontario’s Ministry of Natural Resouces (MNR) with notice of the cabin’s location, their intention to use the cabin (to facilitate the exercise of treaty rights), and that they had the First Nation’s support for constructing the cabin. Prior to constructing the cabin, Ms. Baulne sought and received funding to build the cabin, and MNR was involved in approving and administering that funding. In September 2010, Ms. Baulne, Mr. Baulne and Mr. Bond were charged for constructing the cabin without a work permit for failing to comply with a stop-work order, and for depositing the trailers on public land.

Temagami First Nation

Chief Roxanne Ayotte
General Delivery
Bear Island, Ontario, P0H 1C0
Phone: (705) 237-8943
Fax: (705) 237-8959
www.temagamifirstnation.ca

Membership

The Teme-Augama Anishnabai (TAA) is a political organization comprised of Temagami First Nation (TFN) members and non status individuals. Together the TAA and the TFN are referred to as the Temagami Aboriginal Community.

Treaty Area - Robinson-Huron Treaty of 1850Treaty implementation

The TAA identifies the n' Dakimenan as the area around Temagami to be their homeland. The TFN has maintained from oral tradition that the Chief never attended the negotiations for the Robinson-Huron Treaty, as he did not believe he was invited. They maintain that the treaty was never signed by someone who represented them. A research paper prepared for the Department on the subject found that the TFN were not present to sign the Treaty, nor receive payments at Manitowaning in September of 1850, which appears to back up the oral tradition.

In 1883, the Department of Indian Affairs decided to add the TFN to the annuity list as they had expressed a wish to come into treaty for protection against settlers. Historians term this event "passive adhesion" as all that occurred was an addition to the annuity list. There appears to be little formal adhesion as was the norm for other Bands entering treaties of the time. However, in 1991, the Supreme Court ruled the TFN had adhered to the treaty.

In 1884 a reserve of 100 sq miles was surveyed for the TFN, however, the province refused to convey the land to the TFN on the grounds that the TFN was not party to the treaty, and therefore not entitled to the reserve. After repeated requests, Bear Island was set aside in 1943, and officially made a reserve in 1971. See "Other Considerations" below for further treaty information.

Specific Claims

In 1974, TFN began to assert Aboriginal rights over a large area around Lake Temagami, but this assertion was not formally submitted, and was in limbo for some 20 years while the Bear Island court case went on.

In 1991, the Supreme Court ruled that the Temagami Aboriginal community did not have title to the land it claimed. It also found that the Crown had failed to comply with some of its obligations to the TFN. These obligations (annuities and reserve) arose from arrangements made by the Crown with the Temagami when they adhered to the treaty.

A claim was filed by the TFN in 2001 which concerns the failure to provide an adequate size reserve. In 2007 the claim entered into the Specific Claims process which is a process only

open to First Nations who have past grievances related to Canada's obligations under historic treaties. In 2008, the TFN advised the Specific Claims office not to proceed pending a governance dispute (see litigation below). Claim negotiation is expected to continue in 2012.

Name: Aboriginal Title

Status: concluded- file closed in 1999

Description: The First Nation alleged an unextinguished Aboriginal title to 10, 360 sq. km. in vicinity of Lake Temagami and outstanding annuities. Temagami First Nation, despite occupying an area within the confines of the Robinson-Huron Treaty (1850), was not a signatory due to an oversight.

The Temagami Land Claim

In order to fulfill its outstanding treaty obligations, the provincial government entered into negotiations with the TFN and the TAA. A framework agreement was signed in June 2000, and in early 2001, the federal government joined the negotiations. In 2004, the parties released the details of a proposed settlement agreement. Since then the focus of the parties has been the draft of the final settlement agreement text.

The settlement agreement is proposed to provide the Temagami Aboriginal community with land and funds for economic development initiatives. The land consists of several island lots on Lake Temagami, Rabbit Lake and Herridge Lake, as well as the possibility of Temagami municipal land and the opportunity to acquire two local businesses on a willing buyer-willing seller basis.

A map of the Temagami Land Claim Proposed Settlement Lands as agreed to by the Province of Ontario and the Temagami Aboriginal community can be found at:

www.aboriginalaffairs.gov.on.ca/english/negotiate/temagami/images/map1_030722.gif

Litigation

Name: Temagami First Nation as represented by First Chief Gary Potts, Second Chief Peter McKenzie and Councillors Annette Polson and Thomas Friday Sr. v. Roxane Ayotte; John McKenzie; Jamie Saville; Marty Pridham; Steven Laronde; Arnold Paul

Status: active

Court No.: T-660-09

Description: This is an application for judicial review in respect of the purported impeachment of the first Chief, second Chief and two members of Council of Temagami First Nation. The Applicants seek inter alia a writ of quo warrant against the respondents concerning their claimed right to hold office as Chiefs and Council, as well as a declaration that the results of the June 12, 2008 general election remain valid.

Name: Chief Jim Twain v. HMTQ (Ontario), HMTQ (Canada)

Status: abeyance during land claim negotiations

Court No.: 97-CV-2759

Description: The plaintiffs are alleging that they are not signatories to the Robinson-Huron Treaty, and that any representation of them as treaty members is fraudulent. They also claim that as a sovereign nation, they are afforded the legal rights attributed under international law. Additionally, they are seeking a declaration recognizing that they have not ceded several traditional lands, which they have allegedly occupied since time immemorial.

Name: Ma-Kominising Anishinawbeg v. HMTQ

Status: closed

Court No.: T-2827-94

Description: The plaintiffs claim to be the owners of the lands known as N'aki M'Nan in the Temagami area. They claim the Crown has breached its fiduciary obligation under the Royal Proclamation of 1763, the British North America Act of 1867, and the Constitution Act of 1982 to negotiate a reserve settlement and compensation package for the plaintiffs, which has resulted in the extinguishment and cultural genocide of the plaintiffs.

Name: Attorney General of Ontario v. Bear Island

Status: closed

Court No.: 25196/78

Description: This litigation is based on the Temagami Band's claim to undistinguished Aboriginal title in 130 townships in Northern Ontario on the basis that the Band was missed and therefore not a party to the Robinson-Huron Treaty. The Ontario government initiated this action in 1978, seeking a declaration that approx. 4000 square miles of unpatented lands in Northern Ontario are owned by the province free and clear of the claims by the Temagami Band, save and except for the Bear Island Reserve at Lake Temagami.

Other Considerations

Non-Status Community

Beaverhouse First Nation

Chief Marcia Brown Martel
26 Station Road North
P.O. Box 1022
Kirkland Lake, Ontario P2N 3L1
Phone: (705) 567-2022
Fax: (705) 567-1143

Membership

Wabun Tribal Council
Nishnawbe Aski Nation
Chiefs of Ontario

Location

Beaverhouse First Nation has a settlement on the Misema River system, northeast of Kirkland Lake. Their settlement falls within the boundaries of Treaty 9, however, they are not signatories to this Treaty.

Status

Beaverhouse First Nation is a non-status community with no land base. They may be currently seeking land and recognition as an Indian Act Band from the federal government, however this process is long, and the status of their case is unknown as this time. Their settlement falls within the boundaries of Treaty 9, however, they are not signatories to this Treaty.

Métis Consultation

The inclusion of the Métis in s.35 represents Canada's commitment to recognize and value their distinctive cultures, which can only survive if they are protected along with other Aboriginal communities.

The Office of the Federal Interlocutor for Métis and Non-Status Indians (OFI) is aware that the Métis Nation of Ontario (MNO), its Regions and community councils, have asserted a Métis right to harvest in a large section of the province. However, the best source of information on the nature of these assertions, is from the Métis themselves, who can be contacted via their provincial or national organization.

In 2003, the Supreme Court of Canada affirmed Métis rights under s.35 of the Constitution Act, 1982, in the Sault St. Marie area, in the *Powley* decision. For more information on the Powley decision visit the following link: www.aadnc-aandc.gc.ca/eng/1100100014419

The provincial government has accommodated Métis rights on a regional basis within Métis harvesting territories identified by the MNO. These accommodations are based on credible Métis rights assertions. An interim agreement (2004) between the Métis Nation of Ontario (MNO) and the Ministry of Natural Resources (MNR) recognizes the MNO's Harvest Card system. This means that Harvester's Certificate holders engage in traditional Métis harvest activities within identified Métis traditional territories across the province. For a map of Métis traditional harvesting territories visit the MNO website at: <http://www.metisnation.org/harvesting/harvesting-map.aspx>

Métis Nation of Ontario

In partnership with Community Councils, MNO has established a consultation process. Note however, that this organization does not represent all Métis in Ontario. The Métis Consultation Unit is located within the MNO head office:

500 Old St. Patrick Street, Unit D

Ottawa, Ontario, K1N 9G4

Phone: (613) 798-1488

Fax: (613) 725-4225

For a list of community Councils in the area of your activity, visit the MNO site.

www.metisnation.org/home.aspx

Métis National Council

350 Sparks Street, Suite 201

Ottawa, Ontario, K1R 7S8

Phone: (613) 232-3216

Fax: (613) 232-4262

www.metisnation.ca

For an indication of the population in Ontario who self-identify as Métis, visit the Statistics Canada website. The Ontario map indicates populations as small as 250 up to over 2,000 within its borders.

http://geodepot.statcan.gc.ca/2006/13011619/200805130120090313011619/16181522091403090112_13011619/151401021518090709140112_201520011213052009190904161516_0503-eng.pdf

Métis Litigation in Ontario

Name: HMTQ in Right of Canada v. Michel Blais

Status: active

Court No.: 08-213

Description: The Application is charged with unlawfully harvesting forest resources in a Crown forest without a license contrary to the Crown Forest Sustainability Act, 1994. The Applicant, a Métis, asserts that he is an Aboriginal person within the meaning of s. 35 of the Constitution Act, 1982 and that the alleged harvesting occurred in lands set apart for the Batchewana Band pursuant to the Robinson Treaty of 1850. He claims that the Batchewana First Nation may permit Métis persons to exercise the same Aboriginal and treaty rights as its members pursuant to this treaty.

Name: HMTQ in Right of Canada v. Denis Larabie

Status: active

Court No.: n/a

Description: The defendant has been charged for unlawfully hunting cow and bull moose without a license and possessing killed wildlife contrary to s.6 (1)(a) and s.12 of the Fish and Wildlife Conservation Act. The defendant identifies himself as Métis and claims that he was exercising his Aboriginal and/or treaty right by hunting within his traditional territory in Ontario.

Name: HMTQ in Right of Canada, Laurie Desautels v. Henry Wetelainen Jr.

Status: active

Court No.: CV-08-151

Description: The defendant, Henry Wetelainen Jr., intends to question the constitutional validity of sections 28, 31 and 40 of the Crown Forest Sustainability Act (1994), S.O. 1994, c. 25 and Ontario Regulation 167/95, as amended, in relation to an act or omission of the government of Ontario. The defendant claims that he was exercising Aboriginal and treaty rights afforded by the Adhesion to Treaty 3, by harvesting wood within his traditional territory. He claims that he is a Métis/Non-Status Indian and that the imposition of payment for harvesting or use of the forest resource is an infringement and violates his constitutional rights.

Name: R. v. Laurin, Lemieux, Lemieux

Status: concluded

Court No.: ONCJ 265

Description: Three Métis defendants were charged with fishing violations and claimed that the decision of the Ministry of Natural Resources (MNR) to prosecute them violated the terms of the Interim Agreement (2004) between the MNR and the Métis Nation of Ontario (MNO). As the defendants were indeed Harvester Card holders authorized to fish in the Mattawa/Nipissing territory, therefore, they were entitled to the exemption in the agreement.

The Court concluded that laying of charges against any valid Harvester Card holder who is harvesting in the territory designated on the card within 2 years of the 2004 agreement was a breach. The Interim Agreement itself was silent as to any geographic limitations. There was no mention of the Agreement only applying north and east of Sudbury. Further, the reliance on Harvester Cards, which explicitly contained the territorial designation of the cardholder, signified that the MNR accepted such designations for the purpose of the agreement. The Court was clear to note that this case did not make any ruling regarding the merits of any claim that the Mattawa/Nipissing area contains section 35 rights bearing Métis communities.

Other Relevant Métis Litigation

Name: Harry Daniels v. HMTQ in Right of Canada

Status: awaiting decision

Court No.: T-2172-00

Description: The Plaintiff (several individuals along with the Congress of Aboriginal Peoples CAP) seek judicial declarations that: Métis and non-Status Indians are “Indians” under section 91(24); that the Crown owes a fiduciary duty to Métis and non-Status Indians as Aboriginal peoples; and, Métis and non-Status Indians have the right to be consulted and negotiated with in good faith by the government of Canada, on a collective basis through representatives of their choice.

Membership

First Nations may or may not delegate certain authority and/or powers to tribal councils to administer programs, funding and/or services on their behalf. The best source of information with respect to consultation is through individual First Nations themselves.

Chiefs of Ontario

The Chiefs of Ontario is a coordinating body for 133 First Nation communities in Ontario. The main objective of this body is to facilitate the discussion, planning, implementation and evaluation of all local, regional and national matters affecting its members.

www.chiefs-of-ontario.org

Administrative Office:

111 Peter Street, Suite 804

Toronto, Ontario, M5V 2H1

Phone: (416) 597-1266

Fax: (416) 597-8365

Political Office:

Fort William First Nation

RR 4, Suite 101, 9- Anemki Drive

Thunder Bay, Ontario, P7J 1A5

Phone: (807) 626-9339

Fax: (807) 626-9404

Wabun Tribal Council

This non-profit council administers funds and delivers services to six member First Nations. The council is involved in a governance process with Nishnawbe Aski Nation (NAN).

www.wabun.on.ca

Head Office:

Matachewan First Nation

P.O. Biox 160

Matachewan, Ontario, P0K 1M0

Timmins Branch Office:

313 Railway Street

Timmins Ontario, P4N 2P4

Phone: (705) 268-9066

Fax: (705) 268-8554

Treaty Areas

Treaty 9 of 1905

Also known as the James Bay Treaty, the area is comprised of approximately 90,000 square miles of the provincial lands drained by the Albany and Moose River systems. This area was occupied by the Ojibwa and the Cree.



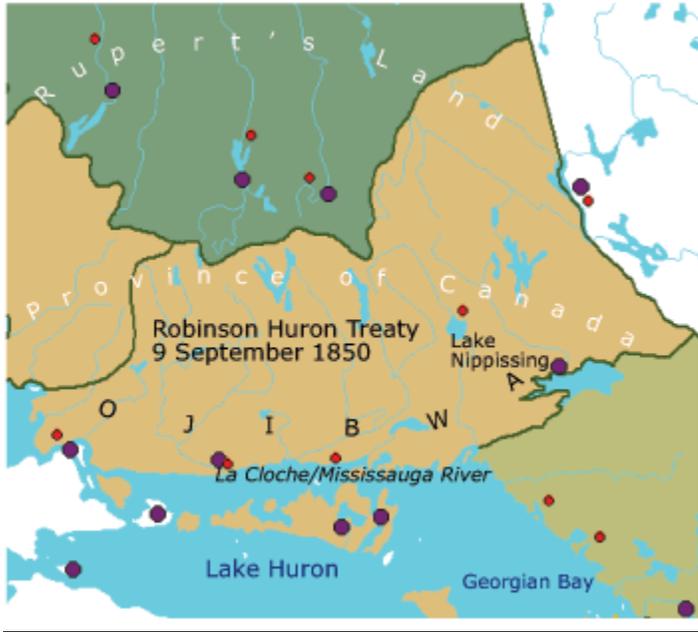
*Atlas of Canada Map

In July 1905, it was agreed in Council by the Government of Canada to admit to treaty any Indian whose hunting grounds cover portions of the Northwest Territories lying between the Albany River, the District of Keewatin and Hudson Bay, and to set aside reserves in that territory. Due to the absence of Aboriginal peoples in the treaty region in 1905, negotiators returned in August of 1906. Additional clauses were added to the treaty along with the inclusion of eight additional reserves.

Signatories and their descendants **retained “the right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered”**. Exceptions to these rights pertain to tracts of land that have been taken up “for settlement, mining, lumbering, trading and other purposes”.

Robinson-Huron Treaty of 1850

This treaty was negotiated by William Robinson with Chief Shingauouse and the Lake Huron Chippewa. The signatories are entitled to **“full and free privilege to hunt over the territory now ceded by them and to fish in the waters thereof as they have heretofore been in the habit of doing...”**. This means that ongoing rights apply to this treaty area (the Lake Huron shoreline, including the islands from Matchedash Bay to Batchewana Bay and inland as far as the height of land).



*Atlas of Canada Map

Currently, the French River is used in maps as the southern boundary of the Robinson Huron treaty. This boundary is under research by AANDC to illustrate its territory south of this river underneath the Williams Treaties of 1923.

It is important to note that not all the Aboriginal people in the area signed the treaties of 1850. In 1991, the Supreme Court ruled in the *Bear Island* decision, that while some bands may not have actually signed the treaty, their subsequent conduct (accepting reserve lands and annuities) constitutes de facto acceptance of the treaties.

Treaty Land Entitlement (TLE)

Treaty Land Entitlement claims are intended to settle the land debt owed to those First Nations who did not receive all the land they were entitled to under historical treaties signed by the Crown and First Nations. Settlement agreements are negotiated among First Nations, the Government of Canada and provincial/territorial governments. According to the terms of the agreement, a specified amount of Crown lands is identified and/or a cash settlement is provided so that a First Nation may purchase federal, provincial/territorial, or private land to settle the land debt. Once selected or purchased, this land can be added to the First Nations' reserve under the Additions to Reserve process.

All selections and acquisitions are proceeding through the TLE and Additions to Reserves processes and are at various stages ranging from initial acquisition/selection to the Federal Order that would set the lands apart as reserve.

For more information on Treaty Land Entitlement, please consult the AANDC website.

www.ainc-inac.gc.ca/enr/lds/tle-eng.asp

Self Government Agreement Negotiations

Nishnawbe Aski Nation (NAN) Stand-Alone Self Government Negotiations

Bilateral framework agreements on governance and education jurisdictions were formally signed between Canada and NAN in 1999. The negotiations are intended to provide the First Nations of NAN with on-reserve jurisdiction over their governance and education systems.

The aggregation of 49 First Nations and communities in northern Ontario who make up NAN signed agreements-in-principle (AIPs) pursuant to the framework agreements. The AIPs represent a step toward a Final Agreement that will lay the foundation for effective and accountable First Nation governance and education jurisdiction.

A requisite number of AIPs have been initialed and the parties are seeking authority to approve signing these documents. At this time, NAN continues to do preparatory work for moving into the Final Agreement stage of the negotiations. This year, NAN will be doing rounds of community consultations to seek input from their First Nations in the development of possible models of government.

Provincial guidelines

Under its responsibility to promote stronger Aboriginal relationships, the Ontario Ministry of Aboriginal Affairs has produced *Draft Guidelines on Consultation with Aboriginal Peoples Related to Aboriginal Rights and Treaty Rights*. These guidelines are for use by ministries who seek input from key First Nations and Métis organizations, all Ontario First Nations and selected non-Aboriginal stakeholders. To review the guidelines, visit:

<http://www.aboriginalaffairs.gov.on.ca/english/policy/draftconsultjune2006.pdf>



**Ministry of
Aboriginal Affairs**

160 Bloor St. East, 9th Floor
Toronto, ON M7A 2E6
Tel: (416) 326-4740
Fax: (416) 325-1066
www.aboriginalaffairs.gov.on.ca

**Ministère des Affaires
Autochtones**

160, rue Bloor Est, 9^e étage
Toronto ON M7A 2E6
Tél. : (416) 326-4740
Télééc. : (416) 325-1066
www.aboriginalaffairs.gov.on.ca



Reference: 3985DRC-2011-232

JUN 14 2011

David B. Treen
City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury, Ontario
POJ 1K0

RECEIVED

JUL 5 2011

**Re: Notice of Commencement-Terms of Reference-Expansion of the New
Liskeard Landfill Site**

Dear: Mr. Treen

Thank you for your inquiry dated April 29, 2011 regarding the above-noted project.

As a member of the government review team, the Ministry of Aboriginal Affairs (MAA) identifies First Nation and Métis communities who may have the following interests in the area of your project:

- reserves;
- land claims or claims in litigation against Ontario;
- existing or asserted Aboriginal or treaty rights, such as harvesting rights; or
- an interest in your project's potential environmental impacts.

MAA is not the approval or regulatory authority for your project, and receives very limited information about projects in the early stages of their development. In circumstances where a Crown-approved project may negatively impact a claimed Aboriginal or treaty right, the Crown may have a duty to consult the Aboriginal community advancing the claim. The Crown often delegates procedural aspects of its duty to consult to proponents. Please note that the information in this letter should not be relied on as advice about whether the Crown owes a duty to consult in respect of your project, or what consultation may be appropriate. Should you have any questions about your consultation obligations, please contact the appropriate ministry.

You should be aware that many First Nations and Métis communities either have or assert rights to hunt and fish in their traditional territories. For First Nations, these territories typically include lands and waters outside of their reserves.

In some instances, project work may impact aboriginal archaeological resources. If any Aboriginal archaeological resources could be impacted by your project, you should contact your regulating or approving Ministry to inquire about whether any additional Aboriginal communities should be contacted. Aboriginal communities with an interest in archaeological resources may include communities who are not presently located in the vicinity of the proposed project.

With respect to your project, and based on the brief materials you have provided, we can advise that the project appears to be located in an area where First Nations may have existing or asserted rights or claims in MAA's land claims process or litigation, that could be impacted by your project. Contact information is below:

Temagami First Nation, Bear Island Lake Temagami, Ontario POH 1C0	Chief Roxane Ayotte (705) 237-8943 (Fax) 237-8959 tfn@temagamifirstnation.ca
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For your information, MAA is aware of Métis communities that have existing or asserted rights near your project. Contact information is below:

Temiskaming Métis Council Box 58, 217 Niven Street Haileybury, ON, P0J 1K0	Liliane Ethier, President (705) 672-3790 lethier@ntl.sympatico.ca website: http://tmcc.iwireweb.com
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Please copy any correspondence to the Métis Nation of Ontario. Contact information is below:

Métis Nation of Ontario Head Office 500 Old St. Patrick Street, Unit D Ottawa, Ontario, K1N 9G4	Métis Consultation Unit Fax: (613) 725-4225
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The Crown has a duty to consult Aboriginal peoples where it contemplates actions that may adversely impact on an existing or asserted Aboriginal or treaty right. Please seek the advice from your Legal Services Branch regarding whether the Crown has a duty to consult with respect to this project.

The Government of Canada sometimes receives claims that Ontario does not receive, or with which Ontario does not become involved. For information about possible claims in the area, MAA recommends you contact the following federal contacts:

<p>Ms. Janet Townson Claims Analyst, Ontario Team Specific Claims Branch Indian and Northern Affairs Canada 1310-10 Wellington St. Gatineau, QC K1A 0H4 Tel: (819) 953-4667 Fax: (819) 997-9873</p>	<p>Mr. Sean Darcy Manager Assessment and Historical Research Indian and Northern Affairs Canada 10 Wellington St. Gatineau, QC K1A 0H4 Tel: (819) 997-8155 Fax: (819) 997-1366</p>
---	--

For federal information on litigation contact:

Mr. Marc-André Millaire
Litigation Team Leader for Ontario
Litigation Management and Resolutions Branch
Indian and Northern Affairs Canada
10 Wellington St.
Gatineau, QC K1A 0H4
Tel: (819) 994-1947
Fax: (819) 953-1139

Additional details about your project or changes to it that suggest impacts beyond what you have provided to date may necessitate further consideration of which Aboriginal communities may be affected by or interested in your undertaking. If you think that further consideration may be required, please bring your inquiry to whatever government body oversees the regulatory process for your project.

The information upon which the above comments are based is subject to change. First Nation or Métis communities can make claims at any time, and other developments can occur that could result in additional communities being affected by or interested in your undertaking.

Yours truly,



Heather Levecque
Manager, Consultation Unit
Aboriginal Relations and Ministry Partnerships Division

Dave Treen

From: Don Boswell [Don.Boswell@ainc-inac.gc.ca]
Sent: Thursday, May 19, 2011 10:02 AM
To: Dave Treen
Subject: Notice of Commencement – Terms of Reference – Expansion of the New Liskeard Landfill Site

I am writing in response to your letter of April 29, 2011 inquiring about claims in the above noted area.

In determining your duty to consult, you may wish to contact the First Nations in the vicinity of your area of interest to advise them of your intentions. To do this you may:

find the Reserves in your area of interest by consulting a map of the region such as the Province of Ontario Ministry of Aboriginal Affairs online map at <http://www.ainc-inac.gc.ca/ai/scr/on/rp/mcarte/mcarte-eng.asp> ; then search for the First Nations located on those Reserves by using the INAC Search by Reserve site at <http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/SearchRV.aspx?lang=eng>.

To determine the First Nations in your area of interest who have submitted claims please consult the Reporting Centre on Specific Claims at <http://pse4-esd4.ainc-inac.gc.ca/SCBRI/Main/ReportingCentre/External/ExternalReporting.aspx?lang=eng>.

It should be noted that the reports available on the INAC website are updated regularly and therefore, you may want to check this site often for updates. In accordance with legislative requirements, confidential information has not been disclosed.

Please rest assured that it is the policy of the Government of Canada as expressed in The Specific Claims Policy and Process Guide that:

“in any settlement of specific native claims the government will take third party interests into account. As a general rule, the government will not accept any settlement which will lead to third parties being dispossessed.”

We can only speak directly to claims filed under the Specific Claims Policy in the Province of Ontario. We cannot make any comments regarding potential or future claims, or claims filed under other departmental policies. This includes claims under Canada’s Comprehensive Claims Policy or legal action by a First Nation against the Crown. You may wish to contact the Assessment and Historical Research Directorate at (819) 994-6453, the Consultation and Accommodation Unit at (613) 944-9313 and Litigation Management and Resolution Branch at (819) 934-2185 directly for more information.

You may also wish to visit <http://www.ainc-inac.gc.ca/ai/mr/is/acp/acp-eng.asp> on the INAC website for information regarding the Federal Action Plan on Aboriginal Consultation and Accommodation.

To the best of our knowledge, the information we have provided you is current and up-to-date. However, this information may not be exhaustive with regard to your needs and you may wish to consider seeking information from other government and private sources (including Aboriginal groups). In addition, please note that Canada does not act as a representative for any Aboriginal group for the purpose of any claim or the purpose of consultation.

I hope this information will be of assistance to you. I trust that this satisfactorily addresses your concerns.

Sincerely,

Don Boswell

Ministry of the Environment

Environmental Approvals Branch

2 St. Clair Avenue West
Floor 12A
Toronto ON M4V 1L5
Tel.: 416 314-8001
Fax: 416 314-8452

Ministère de l'Environnement

Direction des autorisations environnementales

2, avenue St. Clair Ouest
Étage 12A
Toronto ON M4V 1L5
Tél. : 416 314-8001
Télec. : 416 314-8452



February 29, 2012

MEMORANDUM

TO: Uwe Wittkugel
Senior Environmental Planner
AMEC Environment & Infrastructure

FROM: Antonia Testa
Project Officer
Environmental Approvals Branch

RE: Preliminary Review of the Draft Terms of Reference for the City of Temiskaming Shores New Waste Management Capacity Environmental Assessment
EA FILE NO. 03-08-02

Thank you for submitting the above referenced draft Terms of Reference (ToR), which was received by email on February 10, 2012 by the Environmental Assessment Services Section (EASS). EASS is providing these **preliminary** comments primarily to assist in ensuring that the draft ToR submission is as complete as possible prior to review by members of the Ministry of Environment (MOE) review team. The review undertaken was an initial review of the draft ToR for the City of Temiskaming Shores New Waste Management Capacity Environmental Assessment (EA) and does not limit EASS ability to review the report in more detail when a revised draft ToR is submitted.

It is our understanding that once these comments have been addressed, a revised draft ToR will be submitted for review by the EASS, the MOE review team and interested government agencies and stakeholders. Please note that the MOE will be providing technical comments at that time.

The EASS has reviewed the above-noted draft ToR in accordance with the requirements of the Environmental Assessment Act (EAA), its associated regulations, and the MOE's Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario (Code of Practice). The following comments are offered for your consideration as you move towards finalizing the draft ToR.

Title Page

1. The new name for the project, "*City of Temiskaming Shores New Waste Management Capacity Environmental Assessment*", should be reflected on the title page. Please revise accordingly.

Section 1.1

2. Please revise this sentence accordingly: *“The City is located in north-eastern Ontario, near the Quebec border, at the head of Lake Temiskaming (Figure 1.1-1) and has a current population of approximately 10,600 residents.”*

Section 1.2

3. Does the Haileybury Landfill still accept landfill waste from residents of Firstbrook and Lorrain?
4. Please revise the third sentence in the seventh paragraph of this section accordingly: *“The first report ~~was~~ (Existing Sites Report; 8 March 2010) reviewed options for expanding the existing New Liskeard Landfill and Haileybury Landfill sites, which are both owned and operated by the City.”*

Section 1.3

5. Please specify the date that the City issued the Notice of Commencement for the project.
6. To improve clarity, please revise the second paragraph of this section accordingly:

*“...The revised draft TOR (~~this document~~) proposes to review and assess a wider range of options for new waste management capacity without preference for any particular approach. To reflect this new approach the title of the Project has been changed to **City of Temiskaming Shores Environmental Assessment – New Waste Management Capacity – City of Temiskaming Shores Environmental Assessment.**”*

Section 1.4

7. The preferred Alternative To has not been determined yet. As such, reference to the development of new landfill in the first paragraph of this section is misleading. In order to avoid confusion, the first paragraph of this section should be removed.
8. This section should begin with a brief introductory statement on the EAA. It is recommended the second paragraph of this section be revised accordingly:

*“~~In accordance with~~ **Environmental assessment is a decision-making process used to promote good environmental planning. In Ontario, this process is defined and finds its authority in the Environmental Assessment Act (EAA). Proceeding with an undertaking under the Act EAA the EA is a two step process** involving:*

- *Preparation of Terms of Reference; and,*
- ***Preparation of the Environmental Assessment.***”

9. The proper abbreviation for the Environmental Assessment Act is EAA. Please revise accordingly throughout the draft ToR document.
10. The EA involves the evaluation of several alternatives and is not focused solely on landfill expansion. The other Alternatives To may also have EA triggers. Therefore, the third paragraph of this section should be revised accordingly:

“It is of note that the EA process is triggered as one of the potential outcomes is the identification of landfilling as the preferred alternative. Other alternatives however will also be reviewed as part of the process as specified in this TOR. Figure 1.3-1 provides a schematic flow chart of the EA process. Public consultation and involvement of Aboriginal communities is an integral part of both steps and extending over the duration of the entire EA planning process (see also Section 8).”

The City of Temiskaming Shores New Waste Management Capacity EA will involve the evaluation of alternatives that consist of either the establishment of a new facility or the change to an existing landfill

that would add more than 100,000 m³ to the total waste disposal existing volume. As a result, Ontario Regulation 101/07 (Waste Management Projects Regulation) under the EAA, indicates that the project will be subject to Part II of the EAA.”

11. It is actually the EA that will be prepared in accordance with subsection 6(2)(a) and 6.1(2) of the EAA, not the ToR. The fourth paragraph of this section of this section needs to be revised accordingly:

*“The preparation of the ~~EA~~ Terms of Reference (TOR) provides the framework and requirements for preparation **and review** of the EA pursuant to the ~~Environmental Assessment Act~~. Upon completion, the TOR will be submitted to the Minister of the Environment (MOE) for review and a decision regarding approval. This TOR **proposes that the EA will be** ~~subsection 6(2)(a) has been~~ prepared in accordance with **subsection 6(2)(a) and 6.1(2) of the EAA, and** the MOE’s Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario (MOE 2007b) ~~and Section 6(2)(a) of the Environmental Assessment Act.~~”*

12. The new name for the project, “City of Temiskaming Shores New Waste Management Capacity Environmental Assessment”, should be reflected in the title of the Record of Consultation. Please revise the fifth paragraph of this section accordingly.
13. The preferred Alternative To has not been determined yet. As such, reference to an EA being prepared for development of additional landfill capacity is misleading. Please revise the sixth paragraph in this section accordingly:

*“The second step in the planning process, the EA itself, is ~~conducted based on the~~ prepared in accordance with the requirements set out in the TOR as approved by the Minister. In accordance with ~~the general requirements laid out in~~ subsection 6.1(2) of the EAA Act, the EA for ~~developing additional landfill capacity~~ **identifying additional waste management capacity to manage solid waste from the City of Temiskaming** is proposed to consist of:*

- A description of the purpose of the undertaking;
 - A description of and a statement of the rationale for:
 - the undertaking;
 - the alternatives to the undertaking; and,
 - the alternative methods of carrying out the undertaking.
 - A description of:
 - the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly;
 - the effects that will be caused or that might reasonably be expected to be caused to the environment; and,
 - the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment, ~~by the undertaking and identified alternatives.~~
- by the undertaking and identified alternatives**
- An evaluation of the advantages and disadvantages to the environment of the undertaking and identified alternatives; and
 - A description of any consultation about the undertaking by the proponent and the results of the consultation.
 - **Any maps or documents as required under the EAA or based on the provisions of Ontario Regulation 334 under the EAA.”**

14. In accordance with Section 4.2.6 of the Code of Practice, the paragraph regarding the “Preliminary Study Area” would be better placed at the beginning of Section 4.0. This would improve the logical flow and clarity of the ToR.

15. It is our understanding that the preliminary study area for the project has expanded. However, Figures 1.1-1 and 1.3-2 illustrate a smaller study area bordered by the City boundaries. As such, these figures are misleading. Please revise accordingly and clearly state the boundaries of the preliminary study area in the ToR.
16. The preferred Alternative To has not been determined yet. As such, reference to review of the study area to determine the landfill's zone of influence is misleading. Please revise the last paragraph of this section accordingly:

"The rationale for any study area adjustments or delineation of local or site specific study areas will be provided in the EA document and will be subject to consultation as the EA process unfolds. ~~As part of the EA, each discipline (e.g. hydrogeology, surface water, noise) will need to review the study area and determine if it adequately represents the landfill's likely zone of influence. It is envisaged that the various disciplines will apply different (discipline specific) study areas in the effects assessment.~~"

Section 2.2

17. The preferred Alternative To has not been determined yet. As such, reference to a need for a new landfill capacity is misleading. Please revise the first paragraph of this section accordingly:

*"In light of the estimated remaining site capacity of the Haileybury Landfill (approximately 188,691 m³ at the end of 2008), and the estimated average annual waste generation rate of approximately 19,500 m³, the City has established a ~~preliminary need for new landfill~~ **additional waste management** capacity in the order of 685,000 m³."*

18. It is stated in the fourth paragraph of this section that the EA will consider and evaluate a wide range of alternatives to address the need for more waste management capacity. As such, the third paragraph of this section is redundant and should be removed.
19. To improve logical flow and clarity, please revise the fourth paragraph of this section accordingly:

~~"In accordance with EA Act and associated regulations and Codes of Practice, This TOR proposes that the EA process looks beyond earlier studies. The EA will ~~and considers~~ and evaluate a wide range of alternatives as discussed below (Section 4 and 5). In this context, the expansion of New Liskeard Landfill as identified in the Feasibility Study (AMEC, 2010) is expected to represent one of a number of potential options and approaches to address the identified need for more waste management capacity for a 30 year planning period."~~

Section 2.3

20. This section should clearly summarize and state what the purpose of the study is for this EA. Please revise accordingly:

*"In summary, the purpose of the EA Study is to ~~obtain approval for the future management of waste from the City~~ **provide additional waste management capacity for the City of Temiskaming for a 30 year planning period.** ~~beyond the closure of the currently approved~~ **Based on waste generation projections, the Haileybury Landfill Site is expected to reach its approved landfill capacity by mid-2016. The EA process has been initiated to find a solution to this impending waste management problem.***

In particular, the ~~purpose of the EA Study is to~~ will:

- *Identify alternatives to and alternative methods of providing ~~new landfill~~ **additional waste management** capacity for up to 685,000 m³ of non-hazardous solid municipal waste;*

- ~~To~~ Assess the environmental effects associated with the alternatives to and alternative methods;
- ~~To~~ Determine the overall preferred alternative and its environmental effects;
- ~~To~~ Develop measures to avoid, minimize and/or mitigate adverse effect of the proposed undertaking; and,
- ~~To~~ Provide a detailed rationale for and description of the proposed undertaking resulting from the planning process.

~~In accordance with the Environmental Assessment Act, the purpose~~ **Another goal** of the EA Study is to ~~further~~ provide transparency in the decision making **process** and opportunities for public consultation and involvement of Aboriginal communities in the planning process.”

Section 3.0

21. It is already clearly stated that no undertaking has been identified. Reference to the New Liskeard landfill expansion is unnecessary and may be confusing. Please revise the section accordingly:

*“No specific undertaking has been defined at this point in the planning process. The potential options for managing the City’s waste beyond the closure of **the Haileybury Landfill Site** are discussed Sections 5 and 6 of this TOR. ~~No decisions have been made by the proponent to implement the expansion of the currently operating New Liskeard Landfill or any other alternative.~~ The planning process proposed in this TOR ~~aims at~~ **provides for an unbiased** the identification and evaluation of a wide variety of alternatives and the selection of the overall preferred alternative (the undertaking)...”*

Section 4.0

22. To be consistent with wording in the Code of Practice, the title of this section should be changed to “*Description of the Environment and Potential Effects*”
23. It is recommended that a new subsection be created and titled “**Data Collection**”. This new subsection will discuss the potential tools and/or data sources that will be used to provide a more detailed description of the environment in the EA. The following text from Section 4.0 should be included this new subsection:

“Information sources for the detailed description of the existing environment in the EA Report are expected to encompass existing studies and reports as well as the City’s own field investigations and surveys (e.g., hydro-geological drilling and sampling program). If applicable and required for the evaluation of specific site locations, site-specific studies will be undertaken to provide a detailed understanding of potentially affected environments and/or facilitate concept designs. This could involve such studies as groundwater investigations, vegetation and wildlife surveys, or air quality investigations.”

24. In accordance with Section 4.2.6 of the Code of Practice, the ToR should include a list and brief explanation of the tools (for example, studies, tests, surveys, mapping) that will be used to provide a more detailed description of the environment in the EA. Please expand on the information provided in Section 4.0 of the draft ToR. For instance, what are the existing studies and reports that will be used to provide a more detailed description of the environment in the EA?
25. The preferred Alternative To has not been determined yet. As such, references to the proposed landfill expansion are incorrect and misleading. Please revise the last paragraph in this section accordingly: “*The following description of the existing environmental conditions is considered preliminary. **A final detail description of the existing environment will be***”

provided in the EA and is intended to provide a contextual understanding of the proposed landfill expansion and its potential for environmental effects.”

Section 4.1

26. Include a preliminary description of other natural environment components such as climate, air quality, noise, groundwater etc.
27. To improve clarity, replace the heading “*Ecological Setting (Flora and Fauna)*” with “*Terrestrial Environment (Flora and Fauna)*”.
28. To improve logical flow and organization, use subheadings (i.e. vegetation, wildlife and Species at Risk) under “*Terrestrial Environment (Flora and Fauna)*”.

Section 4.2

29. Include a preliminary description of other social/cultural environment components such as recreation, archeology and built heritage etc.

Section 4.3

30. Reference to Section 6.0 in the first paragraph is incorrect. Please revise accordingly.
31. To improve clarity, please revise the fifth and sixth paragraphs of this section accordingly:

“The EA process as defined by the Environmental Assessment Act aims at avoiding and minimizing environmental effects through a number of mechanisms evaluates the potential environmental effects of a proposed undertaking. This involves includes the identification and evaluation of alternatives. This approach The EA process ensures that the identified need is addressed in such a way that it causes, from an overall perspective, the least minimal environmental effects. The proposed approach to the consideration and evaluation of such alternatives is discussed in the subsequent Sections 5 and 6.

Once the EA process has completed the evaluation of alternatives is complete evaluation, the preferred approach (i.e., the proposed undertaking) is defined in detail...”

Section 5.2

32. To improve clarity, the first paragraph of this section should be revised accordingly:

“The preferred Alternative To will be determined based on a comparative evaluation. Given the expected fundamentally different nature of the Alternatives To, each Alternative To is proposed to be examined on a broad set of criteria. (preliminary list): The following are preliminary evaluation criteria and will be finalized in the EA”

33. To improve flow and clarity, it may be more efficient to present the preliminary criteria using a table format. The following is an example for illustrative purposes only:

Category	Example of Criteria
Environmental Considerations	<ul style="list-style-type: none">• Natural environment – what components (air/water/land) may be affected by the alternative and their relative impacts (positive and negative)• Social environment (i.e. transportation)• Cultural environment (i.e. archeological resources)• Economic environment (i.e. land use)
Technical Considerations	<ul style="list-style-type: none">• The alternative addresses the stated problem or identified need

	<ul style="list-style-type: none"> The alternative meets municipal polices with respect to the environment
Economic Considerations	<ul style="list-style-type: none"> Relative costs of the alternative

34. In accordance with Section 4.2.7 of the Code of Practice, sufficient information about criteria, indicators and evaluation methods, or how they will be developed, should be given in the ToR to ensure that they can be understood by interested stakeholders who are then able to provide informed comments. Criteria, indicators and evaluation methods can be identified and described in the EA. If so, please include a commitment to do so in the ToR. However, it is strongly recommended that this be a part of the ToR:

- a) Please expand on the preliminary list of criteria and provide the rationale for the selection of each criterion. For instance, natural environment can be expanded to include air, noise, groundwater, surface water, terrestrial habitat etc.
- b) Each criterion should have one or more indicators which will identify how the potential environmental effects will be measured for each criterion. Please provide the indicators to be considered for each of the criterion.
- c) The ToR should clearly state that the criteria and/or indicators may change and will be further refined in the EA.
- d) The ToR should also state the potential data sources for the criteria and indicators. Please provide a preliminary list of potential data sources (i.e. noise assessments, field surveys, Aboriginal communities and/or government agency input/comments etc.).
- e) It may be more efficient to present the information (based on comments a, b, c, and d) using a table format. The following is an example for illustrative purposes only:

Component	Criteria	Rationale	Indicators	Data Sources
Natural Environment				
Air	Effects on air quality/ air emissions	Waste disposal facilities and associated operations can produce gases.	Proximity of off site receptors potentially affected (sensitive receptors)	<ul style="list-style-type: none"> Air quality monitoring data MOE guidelines
Social/Cultural Environment				
Aboriginal Communities	Impacts to archaeological resources	Resources are non-renewable that can be destroyed by construction and operation of waste disposal site.	Presence/potential of archaeological resources	<ul style="list-style-type: none"> Stage 1 Archeological Assessment study Consultation with the Ministry of Tourism and Culture

35. In accordance with Section 4.2.7 of the Code of Practice, the ToR should either identify the evaluation method(s) to be used and the reason for its selection or outline the general parameters that will be used to identify the evaluation method(s) in the EA:

- a) Please describe the “*comparative evaluation*” or “*reasoned argument method*” that is expected to be used for the evaluation.

- b) What do you mean by “Numeric ranking schemes (arithmetic evaluation method) will only be applied if required”? Will criteria be evaluated by ranking, impact scores, and/or weighting?
36. Consultation on the development and refinement of the evaluation criteria, indicators and methodology should include all interested stakeholders (including Aboriginal communities, government agencies) and not just the public. Please revise accordingly.
37. In accordance with Section 4.2.7 of the Code of Practice, please revised the third paragraph of this section accordingly:

~~“It is recognized that each Alternative To will exhibit its unique set of advantages and disadvantages. At the end of the evaluation process, these advantages and disadvantages will be highlighted. The decision making assessment and evaluation process will be documented in the EA and will provide for each Alternative To:~~

- ~~a clear rationale for the selection;~~
 - ~~advantages and disadvantages; and,~~
 - ~~potential effects on the environment;~~
 - ~~impact management measures;~~
 - ~~net effects; and~~
 - ~~advantages and disadvantages”~~
38. The statement “The Alternative To providing overall the most advantages and least effects on the environment will be carried forward” may be considered limiting in terms of the selection of the preferred Alternative To. Another suggested approach would be to simply state that when selecting the preferred Alternatives To, each alternative will be evaluated for their net environmental effects and their advantages and disadvantages based on the significance/importance of the criteria established. It is recommended the statement above be revised accordingly.

Section 6.2

39. To improve clarity, it should be clearly stated and summarized upfront that the identification of Alternative Methods will be based on the existing environment, input from interested stakeholders, previous experience with waste management projects and the anticipated environmental effects and mitigation measures. This information is scattered throughout Section 6.2 and Section 6.3.
40. Please provide a clear statement that commits to providing the rationale for the Alternative Methods in the EA.

Section 6.3

41. The first paragraph of this section (p.22) should be revised accordingly: “It is envisaged that the evaluation of Alternative Methods will likely involve a site selection process, and the evaluation of alternative ~~site~~ **facility** designs and operational approaches.”
42. In accordance with Section 4.2.7 of the Code of Practice, also include a statement that indicates the evaluation process for Alternative Methods will be documented in the EA and will involve for each Alternative Method an assessment of:
- potential effects on the environment;
 - impact management measures;

- net effects; and
- advantages and disadvantages.

Section 6.3.1

43. For the statement “*In general, the proposed process will employ a greater level of detail in the evaluation as the number of Alternatives To decreases.*” Should this refer to Alternatives To or Alternative Methods? Please revise accordingly (if necessary).
44. In accordance with Section 4.2.7 of the Code of Practice, the ToR should either identify the evaluation method(s) to be used and the reason for its selection or outline the general parameters that will be used to identify the evaluation method(s) in the EA:
- a) What do you mean by “...selection will be conducted in a step-wise fashion involving a screening exercise”?
 - b) Please describe the “comparative evaluation” that is expected to be used for the evaluation. Will criteria be evaluated by ranking, impact scores, and/or weighting?
45. To improve flow and clarity, it may be more efficient to present the preliminary criteria using a table format. The following is an example for illustrative purposes only:

Category	Example of Criteria
Natural Environment	<ul style="list-style-type: none">• Potential impacts on air quality and noise
Technical Considerations	<ul style="list-style-type: none">• Design constraints
Economic Environment	<ul style="list-style-type: none">• Potential Costs of the alternative• Potential displacement of businesses

46. In accordance with Section 4.2.7 of the Code of Practice, sufficient information about criteria, indicators and evaluation methods, or how they will be developed, should be given in the ToR to ensure that they can be understood by interested stakeholders who are then able to provide informed comments. Criteria, indicators and evaluation methods can be identified and described in the EA. If so, please include a commitment to do so in the ToR. However, it is strongly recommended that this be a part of the ToR (please see comment 34 for more detail on what should be a part of the ToR).
47. Consultation on the development and refinement of the evaluation criteria, indicators and methodology should include all interested stakeholders (including Aboriginal communities, government agencies) and not just the public. Please revise accordingly.
48. To improve clarity, please revise the last paragraph of this section accordingly: “***This list is preliminary and will be finalized in the EA. The list will need to be reviewed, detailed and tailored to the specifics Alternative Methods that are to be evaluated (e.g., site alternatives for a thermal treatment facility, site alternatives for landfill facility).***”

Section 6.3.2

49. Consultation on the development and refinement of the Alternative Methods, evaluation criteria, and indicators should include all interested stakeholders. Please revised this section accordingly:

“... This evaluation will follow the same principals as those applied in site selection process (see **Section 6.3.1**). The evaluation criteria will take into account natural, social, cultural and economic criteria as well

as engineering and cost considerations (see minimum list in Section 6.3.1). **Public Input from interested stakeholders** will be solicited for input to the identification of Alternative Methods, evaluation criteria **and indicators**, evaluation ~~approaches~~ **methods**, and the ranking of criteria (if applicable).”

Section 6.3.1 & Section 6.3.2 – General Comment

50. To improve logical flow and clarity, a discussion on the preliminary evaluation criteria, methodology etc. (as discussed in Section 6.3.1 and mentioned in 6.3.2) would be better placed under Section 6.3 and should be kept somewhat generic to allow for flexibility since a proposed approach would be applied to all aspects of Alternative Methods (i.e. site selection, facility design, technologies, operational approaches etc).

Section 7.0

51. In accordance with Section 4.2.8 of the Code of Practice, please revise the forth bullet on p. 24 accordingly: “*public consultation and contingency planning; and*”
52. To improve clarity, please revise the fourth and fifth paragraphs of this section accordingly:

“During the EA, a monitoring framework will be developed that will consider all phases of the proposed undertaking (i.e. construction, operation, and decommissioning). As far as monitoring is concerned, it is anticipated that the commitment to monitoring It will entail also include both, compliance monitoring and effects monitoring. The compliance monitoring will aim at monitoring the compliance of the project construction, implementation or operation with the commitments made during in the EA and the conditions of EA approval conditions. The effects monitoring will determine the environmental effects of the undertaking and attempt to aim at verifying the impact predictions made in the EA study report and the effectiveness of impact management and mitigation measures.

All monitoring programs proposed by the EA for the construction, implementation or operation of the undertaking will be summarized in the EA Report including a strategy for program implementation, reporting and communication.”

Section 8.0

53. To be consistent with wording in the Code of Practice, the title of this section should be changed to “*Consultation Plan*”

Section 8.1

54. The consultation plan for the EA involves all stakeholders, including government agencies. As such, reference to “*Public and Aboriginal Involvement Plan*” should be changed to “*Consultation Plan*”. Please revise throughout the draft ToR document.
55. Ensure each item listed on p. 25 has the same title as its corresponding subsection.

Section 8.2

56. The principals and benefits of consultation apply to all interested stakeholders (i.e. public, Aboriginal communities, and government agencies):
- a) The first sentence of this sentence should be revised accordingly: “*The following principles will guide the public and Aboriginal involvement for consultation on the Project*”
 - b) For each of the 7 principals, references to “*public participation*” should be change to “*consultation*”

- c) Under “Honest, open, and transparent communication” revised accordingly: “All pertinent information about the Project will be shared with ~~interested parties~~ **the public, Government Review Team, government agencies, Stakeholder** and Aboriginal communities. Input will be sought, documented, and will be addressed in the ~~Project EA~~. ~~If input is~~ **comments or concerns are** not addressed, justification will be provided **in the EA**. Outstanding concerns will be clearly stated in the EA report.”
- d) Under “Flexibility” revise accordingly: “...An evaluation of the public participation process will be conducted and changes will be made to the program as needed to address ~~public~~ **stakeholder** needs and preferences.”

Section 8.3

- 57. Please use the term “Aboriginal communities” or “Aboriginal community”. Do not use only the word “Aboriginal” or the terms “Aboriginal groups”, “Aboriginal people”. Please revise throughout the draft ToR document.
- 58. To improve clarity, please revise the second paragraph of this section accordingly: “~~The document~~ **consultation plan** will provide a guide for the exchange of information between the Project team and ~~interested parties, the public, the Government Review Team~~ **government agencies** and Aboriginal communities...”

Section 8.4

- 59. To improve logical flow and organization, this section would be better placed after Section 8.5 and re-titled “~~Public and Aboriginal Community Involvement~~ **Consultation Approach**”
- 60. To improve clarity, please revise the first paragraph accordingly:

*“The City considers ~~public and Aboriginal community involvement~~ **consultation** an integral component of the EA process and has prepared and will implement this Plan to meet the requirements and objectives of the EAA and the ~~Minister-MOEs~~ Code of Practice documents (MOE 2007a, b, d and e). As such, the public, ~~and Aboriginal people~~ **communities and government agencies** will be encouraged to participate through various ~~involvement~~ **consultation** activities (Section 8.6) in the development of the draft and proposed TOR as well as the **draft EA and final EA itself**.”*

Section 8.5

- 61. When referring to consultation activities undertaken for the ToR, please use the past tense since these activities have been or will be completed prior the submission of the final ToR. For instance the second paragraph of this section should be revised accordingly: “~~The contact list will be~~ **was** regularly updated and used during the TOR ~~process~~ **and will be regularly updated and used during the** EA process to conduct the mail/email distributions. An initial contact list ~~will be~~ **was** used for distributions of the Notice of Commencement of the TOR and ~~will be~~ **was** established based on input received from...” Please make similar revisions throughout the draft ToR document (in particular Section 8.0 and its subsections).
- 62. The first bullet after the second paragraph would be better placed as part of the list under the first sentence of this section. The bullet should be revised accordingly: “**Reference to the MOE** ~~MOE list of Government Review Team list~~”
- 63. Our Branch name had changed. Reference to the “Environmental Assessment and Approvals Branch” should be changed to “Environmental Approvals Branch”. Please revise throughout the draft ToR document.
- 64. Specify in which appendix the preliminary list of participants can be found.

65. The Government Review Team includes of both federal and provincial agencies, not just provincial agencies. As such, please revise accordingly: *“Provincial government ministries (includes the Government Review Team)”*
66. A Record of Consultation (describes consultation on the ToR and its results) is an additional stand-alone document that is prepared separately from ToR and submitted with the ToR. However, for the EA, a section describing consultation on the EA and its results should be provided within the EA document itself and not in an additional stand-alone document submitted with the EA. Please revise the last paragraph of this section accordingly: *“...Contacts made and the study team’s follow-up steps ~~will be~~ were recorded and documented as part of the Record of Consultation on the ToR and will be recorded and documented as part of the EA (Section 8.9).”*

Section 8.5.2

67. In accordance with Section 4.1 of the Code of Practice, please revise the first four paragraphs of this section accordingly:

“A special relationship exists between Aboriginal Peoples and the governments of Canada and Ontario. As a result of this relationship, the provincial and/or federal government has a legal responsibility to consult with Aboriginal peoples prior to making decisions that may negatively affect Aboriginal and treaty rights.”

Aboriginal rights and treaty rights are protected by section 35 of the Constitution Act, 1982. Aboriginal rights stem from the practices, customs and traditions, which are integral to the distinctive culture of the Aboriginal community claiming the right. Treaty rights stem from the signing of treaties by Aboriginal communities with the Crown.

The Crown may have a duty to consult with Aboriginal communities in order to satisfy the Crown’s responsibilities with potential adverse impacts of undertakings on asserted or established Aboriginal or treaty rights. However, the Crown may delegate the procedural aspects of consultation to proponents, and recognizes a corresponding responsibility of Aboriginal communities to participate in this process, make their concerns known and respond to efforts to address their concerns.

While the duty to consult ~~in good faith~~ rests with the ~~government~~ Crown, the City of Temiskaming Shores will seek to engage Aboriginal peoples’ ~~governments and organizations~~ communities in a manner that provides those communities with an opportunity to receive information about the EA and advances their meaningful input in the development of the EA process. This engagement will be undertaken without prejudice to the treaty and titles relationships between the Government of Canada and the respective Aboriginal groups. Aboriginal engagement will therefore be undertaken within the overall public involvement in accordance with the consultation plan as outlined. It should be noted that whether or not the Crown has a constitutional duty to consult with an Aboriginal community, the community may be an interested person for the purposes of consultation.”

Potentially interested Aboriginal communities will be identified through:

- *Requests of Consultation with the MOE, and Ministry of Aboriginal Affairs and Aboriginal Affairs and Northern Development Canada to assist in identifying those Aboriginal groups with asserted interests in the region communities who have Aboriginal or treaty rights that may be potentially impacted by the Project, and*
- *Review of information provided by Aboriginal Affairs and Northern Development Canada’s Community Profiles website portal, Tribal Councils (Wabun Tribal Council), the Métis Nation of Ontario and individual Aboriginal communities.”*

68. Given the change in scope of the ToR and the expanded preliminary study area, Ministry of Aboriginal Affairs and Northern Development Canada (Specific Claims Branch; Litigation Management and Resolution Branch; and Consultation and Accommodation Unit - Comprehensive Claims) should be contacted once more to assist in identifying Aboriginal communities that should be consulted on the project. Contact details are provided on our website at:
<http://www.ene.gov.on.ca/en/eaab/aboriginal-resources.php>
69. To improve clarity, please revise the last paragraph of this section accordingly:

*“...Subsequent Aboriginal community engagement activities will involve persons identified ~~by~~ **in consultation with the respective organizational decision-makers government agencies**. Follow up steps will be undertaken, including up to two or three phone calls, if necessary, to verify the correspondence was received and has been forwarded to the appropriate person for review. The objective is to obtain written comments on the project or a statement of no concern. Dates and results of these follow up steps will be documented in the ~~Record of Consultation EA~~.”*

Section 8.6

70. To improve logical flow and organization, this section should be re-titled “~~Public Involvement~~ **Consultation** Activities”
71. As a reminder, when referring to consultation activities undertaken for the ToR, please use the past tense since these activities have been or will be completed prior the submission of the final ToR. Revise this section (and its subsections) accordingly.

Section 8.6.1

72. Please specify the date the Notice of Commencement of the ToR was issued.
73. The footnote at the bottom of p. 30 is redundant and should be removed. This information was already provided in Section 8.5.2

Section 8.6.4

74. What does “tracking of public information” mean in the footnote on p. 32? This footnote is confusing and should be removed.

Section 8.6.5

75. Include a statement that the final ToR and final EA was (or will be) circulated to Aboriginal communities and government agencies in addition to the public.

Section 8.6.6

76. Given the change in scope of the ToR and the expanded preliminary study area, it is strongly recommended that another public meeting be held during the ToR process. If another public meeting is not planned, please provide your rationale/justification in the Record of Consultation.
77. References to “public feedback” should be changed to “stakeholder feedback”
78. References to “public interest” should be changed to “stakeholder interest”

Section 8.7

79. This section should be re-titled “Aboriginal Community ~~Involvement~~ **Consultation**”

Section 8.8

80. Include “*Submission of final EA to MOE*” in the list under the second paragraph of this section.

Section 8.9

81. It is recommended that this section be re-titled “*Documentation of Consultation (Record of Consultation)*” and two new subsections titled “**8.9.1 ToR Consultation Documentation**” and “**8.9.2 EA Consultation Documentation**” be included:

- e) “**8.9.1 ToR Consultation Documentation**” – this section will include the information in paragraphs 1-3 of the Section 8.9. As a reminder please change the tense used in the text since the Record of Consultation will be completed prior the submission of the final ToR (i.e. “will be” should be revised to “is” or “are”).
- f) “**8.9.2 EA Consultation Documentation**” – this will include the last paragraph of the Section 8.9. Please revise the last paragraph accordingly: “*The same approach is proposed for the documentation of the ~~public involvement~~ consultation activities and results related to the EA process itself. A section on consultation will be included in the EA report.*”

Section 8.11

82. This section should be re-titled “*Evaluation and Modification of the Consultation Plan*”
83. As a reminder, when referring to activities undertaken for the ToR, please use the past tense since these activities have been or will be completed prior the submission of the final ToR. Revise this section accordingly.
84. Please revise accordingly: “*An evaluation of the **consultation** program will be made using such criteria as outlined in Table 2.*”
85. References to “*public involvement*” should be changed to “*consultation*”
86. Table 8.11-2 should be revised accordingly: “*Table 8.11- 21: Evaluation Criteria for ~~the Public and Aboriginal Involvement~~ Consultation Plan*”
87. Please revise the last sentence of this section accordingly: “*Feedback on the ~~public involvement~~ **consultation** program and activities will also be captured as part of the record on ~~public stakeholder~~ comments together with the team response.*”

Section 9.0

88. To improve clarity, please revise the first paragraph of this section accordingly:

*“The EA will be prepared in accordance with the approved TOR. It is possible, that during the preparation of the EA, **adjustments from this ToR may be required to accommodate new** circumstances **that may be identified as the EA study progresses.** ~~arise that require a diversion from the approach envisaged during the preparation of the TOR.~~ This TOR therefore permits a certain degree of flexibility to provide for a responsive planning process. ~~In particular~~ **For instance**, the study area **and** ~~addressed in Section 1,~~ the range of Alternatives discussed ~~in Sections 5 and 6~~ are considered preliminary since these may change as information on the study area, potential effects, and stakeholder interest and concerns are gathered. It should be noted that although some aspects of the TOR are preliminary and may be flexible, the requirements outlined in the TOR provide the minimum requirements for the preparation of the EA. **Adjustments to this ToR will be undertaken in consultation with the Ministry of the Environment.**”*

89. The second paragraph of this section is redundant and similar information was provided earlier in the ToR. This paragraph of this section should be removed.

Section 10.0

90. Since the other approvals that may be required are ultimately dependent on the preferred alternative, it may be more useful to provide a broad preliminary list in the ToR and include a statement that a more detailed list of other required approvals will be identified in the EA. For instance you can simply list:
- Environmental Project Act
 - Ontario Water Resources Act
91. Note that as of October 31, 2011, Certificates of Approval have been replaced by Environmental Compliance Approvals. For more information please refer to this website: http://www.ene.gov.on.ca/environment/en/industry/assessment_and_approvals/environmental_approvals/index.htm
92. Are there any local approvals that may be required (i.e. Municipal Official Plan and Municipal Zoning By-Laws)?
93. To avoid confusion, the last two bullets and the last paragraph of this section should be removed as it was indicated in Section 1.5 of the ToR that no federal permits were anticipated as the project is not expected to invoke any federal legislation.

Section 11.0

94. To improve clarity, please revise the first paragraph of this section accordingly:

*“The EA process and its results will be presented in a comprehensive EA study report. The report will be prepared in **accordance with subsection 6(2)(a) and 6.1(2) of the EAA** ~~compliance with the Ontario Environmental Assessment Act, in particular the content requirements pursuant to Section 6.1(2) of the Act, and based on the submission requirements defined in provisions of Ontario Regulation 334 (R.R.O. 1990), Section 2(1) under the EAA.~~ Further, the EA study report will comply with the requirements and commitments established by this Terms of Reference document.”*

Section 13.0

95. To improve logical flow and organization, this section would be better placed after the Table of Contents.

Please note that I have **not reviewed** the draft Record of Consultation for the ToR (dated August 2011). Once you have had an opportunity to review and address these comments on the draft ToR, please contact me to discuss a submission date for the revised draft ToR. Upon submission of the revised draft ToR, I would also like to review an **updated** Record of Consultation for the ToR.

If you have any question, feel free to contact me.



Antonia Testa

- c. Rob Young, Associate Environmental Scientist, AMEC Environment & Infrastructure
Mary K. Kelly, Senior Consultant, AMEC Environment & Infrastructure

Apr 11, 2012

MEMORANDUM

TO: Antonia Testa
Environmental Assessment and Approvals Branch

FROM: Julie Bennett
Air Quality Analyst
Technical Support Section
West Central Region

RE: **City of Temiskaming Shores – New Waste Management Capacity
Environmental Assessment Terms of Reference**

I have reviewed the submitted Terms of Reference, prepared by AMEC, and have the following comments.

Landfill Gas

One of the Waste Management Alternatives includes waste disposal in landfill. Considering that this would be a landfill that accepts municipal waste, production of significant amounts of landfill gas is expected. While the necessity to collect and manage gas was mentioned in Section 5.0 “Alternatives to the Undertaking” (page 22), this was not carried forward to Table 6-1 that summarizes the preliminary criteria for evaluation of environmental effects. Additionally the production and management of landfill gas was not listed as a typical concern in Table 4-1. It is recommended that landfill gas issues be reflected in both Tables 4-1 and 6-1 and the discussions related to them.

Odour and Dust

In Section 4.5 (page 17) odour and dust have been referred to as nuisance effects. While dust and odour can be considered nuisances in some cases, they may be linked to or cause other adverse effects including impacts on health. Therefore odour and dust should not be classified as only a nuisance.



Julie Bennett, Ph.D.
Air Quality Analyst

cc: Mark Smithson, Supervisor, APEP, WCR

Ministry of the Environment

Environmental Approvals Branch

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April 30, 2012

MEMORANDUM

TO: Dave Treen
Manager, Engineering & Environmental Services
City of Temiskaming Shores

FROM: Antonia Testa
Project Officer
Environmental Approvals Branch

RE: Review of the March 2012 Draft Terms of Reference for the City of Temiskaming Shores New Waste Management Capacity Environmental Assessment

Review of the April 2012 Draft Record of Consultation for the City of Temiskaming Shores New Waste Management Capacity Terms of Reference

EA FILE NO. 03-08-02

Thank you for submitting the above referenced draft Terms of Reference (ToR) dated March 2012. The draft ToR was received on March 26, 2012 by the Environmental Assessment Services Section (EASS).

Members of the Ministry of the Environment (MOE) review team have provided comments on the March 2012 draft ToR in the attached correspondence which we encourage you to address. In addition, the EASS has reviewed the March 2012 draft ToR in accordance with the requirements of the Environmental Assessment Act (EAA), its associated regulations, and the MOE's Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario (Code of Practice). The following comments are offered for your consideration as you move towards finalizing the ToR for formal submission.

COMMENTS ON THE DRAFT TERMS OF REFERENCE

Section 1.0

1. Figure 1-1 illustrates the City boundaries. However, in accordance with the first paragraph, is it supposed to depict the location of the City's two existing landfills? To improve clarity, please revise accordingly (if necessary).
2. Please remove the extra period at the end of the first sentence in the third paragraph.

Section 1.4

3. In order to provide more detail on the EA process, it is recommended the diagram in Appendix A of the MOE's Code of Practice be utilized instead of the more simplified diagram provided in Figure 1-2.
4. Please revise the fourth paragraph accordingly:

*“The preparation of the ToR provides the framework and requirements for preparation and review of the EA. Upon completion, the ToR ~~will be~~ was submitted to the MOE for review and a decision regarding approval. This ToR proposes that the EA will be prepared in accordance with subsection 6(2)(a) and 6.1(2) of the EAA, and the MOE's Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario (MOE 2007b). **This ToR includes:**”*

5. Please revise the third bullet of the last paragraph accordingly:

- *A description of:*
 - *the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly;*
 - *the effects that will be caused or that might reasonably be expected to be caused to the environment; and,*
 - *the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment, ~~by the undertaking and identified alternatives.~~*
- by the undertaking and identified alternatives*

Section 2.2

6. Please include the details of the calculations, including underlying assumptions, for the estimates of landfill capacity and waste generations you provided or please provide the entire feasibility study as supporting documentation for this ToR (i.e. in the appendix). If the entire feasibility study is provided please reference where the details on these calculations can be found in the document.

Section 4.2

7. Please revise the last sentence of the second paragraph accordingly: *“This could ~~involve such~~ include, but not limited to studies such as surface and groundwater investigations, vegetation and wildlife surveys, or air quality investigations. A list and explanation of the tools (i.e. studies, tests, surveys, mapping etc.) that were used to provide a more detailed description of the environment will be finalized in the EA”*

Section 4.3

8. Under the heading “Wildlife”, there are references to the vegetation species Cloud Sedge (*Carex haydenii*) and Limestone Oak Fern (*Gymnocarpium robertianum*). This information should be placed under the heading “Vegetation”. Please revise accordingly.
9. In order to provide greater clarity and flexibility, under the heading “Other”, please revised accordingly: *“Other natural environment components such as climate characteristics, air quality, noise levels will be presented in the context of the EA ~~as they become relevant for the decision making related to the alternative evaluation (see Section 5 and 6.)~~”*

Section 4.4

10. In order to provide greater clarity and flexibility, under the heading “Other”, please revised accordingly: *“Other social, cultural, and economic environmental features such as archaeologically significant areas, heritage features, and specific recreation infrastructure will be presented in the context of the EA as they become relevant for the decision making related to the alternative evaluation (Sections 5 and 6)”*

Section 4.5

11. Please revise the second sentence of the fifth paragraph accordingly: *“The EA process evaluates the potential environmental effects of a proposed undertaking. This ~~involves~~ includes the identification and evaluation of alternatives.”*
12. Please revise the first sentence of the last paragraph accordingly: *“Once the evaluation of alternatives is complete, the preferred approach (i.e., the proposed undertaking) ~~will be~~ is defined in detail”*

Section 5.1

13. Please expand on the rationale for including “waste import” as a preliminary Alternative To. For instance, how does this Alternative To related to the need for additional waste management capacity?

Section 5.2

14. At the end of the first paragraph, please include the same commitment regarding the rationale for each criterion, the indicators to be applied, and the data sources to be used, that was provided in sixth paragraph of Section 6.3 of the draft ToR.
15. The description of the “reasoned argument method” and “arithmetic evaluation method” provided in the second paragraph of this section is somewhat ambiguous. This paragraph should be revised to include the description of the “reasoned argument method” and “arithmetic evaluation method” as provided in the last two paragraphs of Section 6.3. The description used in Section 6.3 is preferred because it is clear and concise.
16. Please revise the second sentence of the fifth paragraph accordingly: *“In selecting the preferred Alternative To, each alternative will be evaluated on the respective net environmental ~~benefit~~ effects, advantages, and disadvantages based on the criteria established for the evaluation.”*

Section 6.3.1

17. Please revise the last paragraph accordingly:

*“As discussed at the beginning of Section 6.3 the specifics of the evaluations involved in the site selection process (i.e., evaluation method, criteria, indicators, impact scoring, criteria ranks and weights) will be developed in consultation with the public, Aboriginal communities, government agencies and other interested stakeholders. **The details of the evaluations involved in the site selection process and consultation results will be documented in the EA Report**”*

Section 8.0

18. The overall objective of this section is to outline on the consultation plan for the EA. However, throughout this section, the consultation activities undertaken as part of the ToR process are discussed in conjunction with the consultation plan for the EA. As a result, this causes confusion as to what is proposed to be done as part of the EA process and what has

been done as part of the ToR process. In order to improve logical flow and clarity, the following revisions to the subsections of Section 8.0 should be made accordingly (see comments 19, 21-38).

Section 8.1

19. Please revise the first sentence accordingly: *“The Consultation Plan (Plan) outlines the City’s ~~program for~~ consultation and engagement program that will support the development of ~~the Terms of Reference (ToR) for the Environmental Assessment (EA), and the EA itself.~~ This program was also used to support the development of the Terms of Reference (ToR)”*
20. In order to improve logical flow, place the bullets in order of when they will appear in Section 8.0.

Section 8.3

21. Please revise the third paragraph accordingly:

“The following is a list of objectives for the public, Government Review Team, and Aboriginal community involvement during the development of the ~~ToR and EA process:~~

- *Inform interested persons about the proposed project;*
- *Identify project-related interests and concerns;*
- *Gather feedback on the ~~ToR and EA;~~*
- *Provide opportunities for public, stakeholder, Government Review Team, and Aboriginal community involvement;*
- *Document the consultation process, issues and concerns and how ~~public-stakeholder~~ views have been incorporated in project decision making through the ~~ToR and EA;~~ and,*
- *Show how feedback from the public, Government Review Team, and Aboriginal communities has been used to influence the ~~ToR and EA.~~”*

These objectives also pertained to public, Government Review Team, and Aboriginal community involvement during the development of the ToR.”

Section 8.4.1

22. Please revise the first sentence accordingly: *“Project participants and interested parties ~~were will be~~ identified using the following criteria”*
23. Please revise the second and third paragraph accordingly:

“The contact list ~~was will be~~ regularly updated ~~and used during the ToR process and will be regularly updated and used during the EA process to conduct the mail/email distributions.~~ An initial contact list ~~will be was~~ used for distributions of the Notice of Commencement of the ToR and was established based on input received from:

- *Consultation with MOE Environmental Approvals Branch (EAB);*
- *City of Temiskaming Shores Council and staff; and,*
- *AMEC experience with previous EA work in the region and stakeholder involvement.*

The contact list was regularly updated and used during the ToR process.

All notices and mail/email distributions ~~during the EA process will~~ included an invitation to interested parties to have their contact information added to or removed from the mailing list. Mail/email distributions ~~were will be~~ based on the most recent contact list.

24. Please revise the fifth and sixth paragraphs accordingly:

*“The number of interested parties involved in the project ~~was~~ **is** dynamic. Interests and concerns may be addressed and a stakeholder may choose to drop out of a process; conversely, interests or concerns may arise or individuals move and new stakeholders may enter the process at any time. To reflect and manage this dynamism, a record of stakeholders and individuals involved in the project ~~was~~ **will be** maintained and updated regularly **during the EA process**.*

*Follow-up steps (phone calls) to notices and correspondence ~~were~~ **will be** undertaken, in particular with members of the Government Review Team and Aboriginal communities. The objective ~~was~~ **is** to verify the correspondence was received and has been forwarded to the appropriate person for review and to obtain written comments or statements of no concern. Contacts made and the study team’s follow-up steps ~~were~~ **will be** recorded and documented as part of the ~~Record of Consultation on the ToR~~ **and will be recorded and documented as part of the EA** (Section 8.9.2). **The same approach was used during the ToR process and documented as part of the Record of Consultation on the ToR (Section 8.9.1).**”*

Section 8.4.2

25. Please revise the sixth paragraph accordingly:

*“The focus of Aboriginal engagement and consultation activities ~~was on~~ **will be with those Aboriginal communities whom have asserted Aboriginal or treaty rights, and/or are potentially affected/impacted** by the proposed undertaking. Contact ~~was~~ **will be** made with the highest levels of decisions-making within the Aboriginal communities ~~which in the case of First Nations was~~ (i.e. the Band Chief and Council) and correspondence **will include** a personally addressed cover letter. Subsequent Aboriginal community engagement activities **will involve** persons identified in consultation with the respective government agencies. Follow up steps ~~were~~ **will be** undertaken, including up to two or three phone calls, if necessary, to verify the correspondence was received and has been forwarded to the appropriate person for review. The objective ~~was~~ **is** to obtain written comments on the project or a statement of no concern. Dates and results of these follow up steps will be documented in the EA. Once an Aboriginal community indicated ~~is~~ it is not interested in the project, they ~~were~~ **will not be** sent further notices, unless a significant time lapse in the EA process occurs ~~ed~~ or if the preferred undertaking changes ~~ed~~ and potentially impacted ~~ed~~ the Aboriginal community.”*

Section 8.5

26. Please revise accordingly:

“The City considers consultation an integral component of the EA process and has prepared and will implement this Plan to meet the requirements and objectives of the EAA and the MOE’s Code of Practice documents (MOE 2007a, b, d and e). As such, the public, Aboriginal communities and government agencies will be encouraged to participate through various consultation activities (Section 8.6) in the development of ~~the draft and proposed ToR as well as the draft EA and final EA~~.

The approach to be followed aims at a two-way communication between the project team and interested parties. All involvement activities will be documented and issued as part of ~~the ToR document and the EA report~~.

During the development of the ToR, the public, Aboriginal communities and government agencies were encouraged to participate through various consultation activities (Section 8.6). All involvement activities were documented and issued as part of the Record of Consultation on the ToR.

*Through involvement in the preparation and review of the ToR, interested parties ~~have~~ **had** an early opportunity to participate in the EA process and to obtain information about and comment on the project proposal that may affect them. It also allowed ~~ed~~ them to decide early in the planning process about the level of their concern and their need for continued participation in the process.*

Consequently, ~~and as stated above~~, the Plan has been designed to remain flexible and responsive to feedback obtained throughout the EA process. Plan elements can be expanded, supplemented and/or altered if required and identified via participant feedback.

Section 8.6.1

27. Please revise the first and second paragraphs accordingly:

*“Public notices will be issued throughout the ~~ToR and~~ EA process to communicate opportunities for participation and engagement in the study, to solicit stakeholder feedback and to announce milestones in the decision making process. At this point in time the following public notices **have been issued and/or** are foreseen (see also schedule/milestones) for the following activities:*

- Commencement of ToR Process, issued on May 4, 2011;
- Invitation to 1st Open House held on May 9, 2011;
- Opportunity to Review Revised Draft ToR, **issued on March 30, 2012**;
- Submission of the proposed ToR;
- MOE approval of ToR;
- Commencement of EA;
- Invitation to 2nd Open House;
- Invitation to 3rd Open House
- Submission of EA Report; and,
- MOE approval of EA.

*The MOE approval notices will be issued by the MOE. All other notices ~~were~~ **are** issued by the City and ~~were~~ communicated via mail/email distributions, newspaper advertisements, and the project website (see ~~below~~ **Section 8.6.4**). All notices identified ~~by~~ the project, the planning process, contact information, opportunities for involvement and, when applicable, associated timelines.”*

Section 8.6.2

28. Please revise accordingly:

*“Mail/email distributions ~~were~~ **will be** used throughout the ~~ToR and~~ EA process to communicate public notices, milestone events, and public meetings and to solicit feedback on the project, documents and decision making. The distribution ~~was~~ **will be** directed to all addresses identified on the contact list. Where email addresses ~~were~~ **are** available, ~~those were~~ **these will be** used in lieu of regular mail.*

*Correspondence with Aboriginal communities ~~was~~ **will be** via letter unless the community, in response to the City’s first letter mail out, explicitly requests that communication be conducted via e-mail. The format for correspondence with the Government Review Team ~~will~~ **will follow** the preferences of individual team members as communicated on the MOE’s Master Government Review Team list.*

*The mail/email distributions ~~will~~ **will occur** at the same time as the publication of notices in local newspapers and on the project website. All mail/email distributions ~~provided~~ **will provide** the opportunity to request a removal from the mailing list or for the addition of a new party, not yet included in the contact list.*

The same approach was used for mail/email distributions during the ToR process.”

Section 8.6.3

29. Please revise accordingly: *“All notices (see ~~above~~ **Section 8.6.2**) issued during the ~~ToR and~~ EA process ~~were~~ **will be** advertised in one or more local news papers. If possible, the notices ~~were~~ **will** published in the*

issues with the largest circulation (typically Saturday or Wednesday publications). **The same approach was used for all notices issued during the ToR process.**”

Section 8.6.4

30. Please revise accordingly:

*“To facilitate the information exchange over the course of the ~~ToR and~~ EA planning process and to complement the MOE’s information on environmental assessments in the province, the City established a page on their existing website to house information about the project (<http://temiskamingshores.ca/en/municipalservices/LandfillExpansionEA.asp>). The webpage ~~was~~ **is** exclusively dedicated to the proposed undertaking and associated EA approval process. The website ~~was~~ **is** user-friendly and easy to navigate. It containe**d** the following key information sections:*

- *Project description;*
- *Notices;*
- *Documents;*
- *Schedule/events;*
- *Frequently Asked Questions; and,*
- *Contact information.*

*The address of the project website ~~was~~ **will be** included in all published notices and mail/email distributions. The website provide**d** an interactive tool for disseminating information and soliciting feedback from website visitors.*

*~~The ToR were made accessible via the project website. Reports were posted in PDF format to ensure ease of access. To maintain manageable file sizes, figures and photographs may have been~~ **be** posted in separate files rather than integrated within the document files.*

*The content on the website and the system architecture ~~was~~ **will be** reviewed on an on-going basis throughout the life of the EA to ensure that the information provided and technical functions remaine**d** timely and up-to-date.*

*The team recognizes that not all potentially interested parties have access to the internet and may prefer traditional, not internet-based ways of communicating. Therefore, the consultation program ensure**d** that all notices and milestone events ~~were~~ **are** also communicated through the above mentioned notices and mail/email distributions. Timelines for review periods ~~took~~ **will take** into account the increased time requirements for the use of these traditional media. No key information on the project, schedule, and decisions ~~was~~ **will be** communicated exclusively via the project website. The website however, **will** serve**d** as the fastest medium for obtaining and reviewing up-to-date project information.*

***Information related to the ToR was made available during the ToR process via the project website. Reports were posted in PDF format to ensure ease of access.**”*

Section 8.6.5

31. Please revise accordingly:

*“During the planning process, ~~the ToR document and~~ the EA Report ~~were~~ **will be** made available for public review and comment. ~~The draft ToR and A draft EA Report were~~ **will be** issued for stakeholder and public review prior to submission of ~~these documents~~ **the EA** to the MOE for the regulated review periods.*

The ~~ToR documents, and the~~ draft and final EA Reports will be made available for review on the project website. Hard copies of these documents will also be accessible for review in at least two public locations

(e.g., local library, City Hall, MOE District Office). The MOE EAAB office (located in Toronto at 2 St. Clair Avenue West, Floor 12A) will also provide access to hard copies of ~~the proposed and final ToR, and the draft and final EA Reports.~~ The completion of the documents and the locations where these reports can be accessed and reviewed will be communicated via the public notices, mail/email distributions and the project website (see above).

The ~~final ToR and~~ final EA will be circulated to Aboriginal communities and government agencies in addition to the public.

The same approach was used for the review of ToR documents.”

Section 8.6.6

32. Please revise the first paragraph accordingly:

*“Public meetings and stakeholder workshops are considered an effective tool for disseminating information, soliciting feedback and discussing issues, concerns and the proposed undertaking. It is proposed that three public meetings ~~will be~~ **are held during the ToR and EA process.** ~~The A public meetings would occur~~ once during the ToR process and **will occur** twice during the development of the EA (One during EA preparation, one upon completion of the draft EA). Depending on the level of interest and feedback, part of the public meetings may be held in a workshop format for the general public and/or specific to stakeholder groups and Aboriginal communities.”*

33. Please revise the first sentence in the third, fourth and fifth paragraphs accordingly:

*“First public meeting (ToR process) - discussion **focused on**”*

*“Second public meeting (EA process – general approach) - discussion **will focus on**”*

*“Third public meeting (EA process - preliminary results) - discussion **will focus on**”*

Section 8.7

34. Please revise the first, second and third paragraphs accordingly:

“The project team intends to provide opportunities for involvement of Aboriginal communities throughout the ~~ToR and~~ EA planning process. All notices and mail/email distributions will be sent to the leadership of each potentially interested Aboriginal community, unless other forms of engagement are arranged or the City is informed by the community that such an involvement is not desired.

In addition, prior to sending the draft ToR, the City will ~~send out a letter to the leadership of each of the Aboriginal communities (see also Section 8.6.2). The letter will include information on the proposed project, the planning process, and an invitation to participate in the planning process.~~

Provided the interest is expressed, the project team will also engage the Aboriginal communities expressing an interest in the project to discuss:

- Project proposal;
- Aboriginal community interests, issues and concerns; and,
- Preferred ways and level of participation in the ~~ToR and~~ EA process.”

35. Please revise the fifth paragraph accordingly:

The program for involvement of Aboriginal communities will remain flexible over the course of the ~~ToR and~~ EA planning process to permit adjustments should the needs of the participants change. It is expected that, as a

minimum, Aboriginal communities will be included in the all mail/email distributions and the review process for documents and reports pertaining to the ~~ToR and~~ EA process. The mail/email distributions will be followed up with a phone call to determine interest in further participation in the ~~ToR and~~ EA process.

The same approach was used during the development of the ToR. Prior to circulating the draft ToR, the City sent out a letter to the leadership of each of the Aboriginal communities. The letter included information on the proposed project, the planning process, and an invitation to participate in the planning process. ”

Section 8.8

36. Please revise the first paragraph accordingly: *“The implementation of the Consultation Plan will run in parallel to other activities of the planning process. This process is expected to extend over approximately one and a half, to two years. Consultation formally commences with the publication of the Notice of Commencement of the ToR process. The following general timelines are anticipated:*

- *Consultation on the ToR: Spring ~~to~~ 2011 to Spring 2012 ;and,*
- *Consultation on the EA: Fall 2012 to Fall 2013.”*

Section 8.9.2

37. Please revise accordingly: *“The same approach as described in Section 8.9.1 is proposed for the documentation of the consultation activities and results related to the EA process itself. **Instead of a Record of Consultation presented under a separate cover, a section on consultation will be included in the EA report.**”*

Section 8.11

38. Please revise the first, second and third paragraphs accordingly:

*“The study team **will** ~~evaluated~~ this Plan periodically and made adjustments/updates as needed. The first main review took place upon the completion of the first public meeting on the draft ToR. The meeting together with the written responses to the Notice of Commencement of the ToR process, provided the study team with feedback on the adequacy of the:*

- *Consultation Plan specifically on the ToR; and,*
- *Consultation Plan proposed (as part of the ToR) on the subsequent EA process.*

*An evaluation of the **consultation** program ~~was~~ **will be** made using such criteria as outlined in Table 8-1.*

As the planning process and consultation activities unfold, adjustments will be made as a result of continuous process improvement efforts by the project Team. Feedback on the consultation efforts will be captured through comment forms and from informal dialogue with participants during the ~~ToR and~~ EA process on a continuous basis and used to improve future activities and standards.”

Thank you for submitting the April 2012 draft Record of Consultation for the City of Temiskaming Shores New Waste Management Capacity draft ToR. The draft Record of Consultation was received by email on April 5, 2012 by the EASS.

The EASS has reviewed draft Record of Consultation in accordance with the requirements of the EAA, its associated regulations, and the MOE’s Code of Practice. The following comments are offered for your consideration as you move towards finalizing the draft Record of Consultation.

COMMENTS ON THE RECORD OF CONSULTATION

General

39. There are several references throughout this document to draft ToRs. However, over the past year, there have been several versions of the draft ToR. In order to improve clarity and avoid confusion, please use dates when referencing a draft ToR in order to distinguish between them (i.e. “January 2011 draft ToR” or “March 2012 draft ToR”). Revise accordingly throughout the Record of Consultation.
40. Are there any outstanding issues and concerns from the public, government agencies and/or Aboriginal communities not addressed in the ToR? If so, please describe them in Sections 8.0, Sections 10.0 and Sections 11.0.
41. Please included in the Appendix of the Record of Consultation:
 - a) minutes of any meetings held with interested persons.
 - b) copies of written comments received from interested persons.

Section 1.0

42. Please revise the last two paragraphs accordingly:

*“The EA process involves the development of Terms of Reference (ToR) and the EA itself. The ToR provides the framework and the requirements for the preparation of the EA. ~~Public~~ consultation is an integral component of the EA process and a requirement of the Act. In accordance with the ~~Act~~ **Environmental Assessment Act** and the ~~Minister’s~~ **MOE’s** Code of Practice documents (MOE 2009), the City has developed a Consultation Plan (Plan) (AMEC 2011). This Plan outlines the approach to consultation during the ToR process and the subsequent EA.*

*This Report provides a record of public, **Aboriginal community and government agency** consultation conducted on the ToR. It represents the first step in meeting the consultation requirements for the EA and the beginning of an ongoing process of ~~public~~ **stakeholder** involvement throughout the EA. Specifically, this Report:*

- *Describes the consultation activities undertaken;*
- *Identifies the **government** agencies, stakeholders and Aboriginal communities consulted;*
- ***Summarizes any comments received and states the issues and concerns raised by the public, government agencies, ~~stakeholders,~~ and Aboriginal communities, and other interested stakeholders;***
and
- *Describes the proponent’s responses to comments received and demonstrates how issues and concerns were addressed in the ToR.”*

Section 2.0

43. Please include the following bullet to the list of bullets: “Provide opportunities for government agency engagement in the ToR development process;”
44. Please revise the first and last bullet accordingly:

*“Inform ~~stakeholders~~ **the public**, government agencies, **Aboriginal communities** and **other** interested ~~individuals~~ **stakeholders** about the proposed Project;*

*“Document the consultation process, issues and concerns and how ~~public views have been incorporated~~ **issues and concerns were addressed** in the ToR.”*

Section 3.0

45. In order to improve logical flow and clarity, Sections 4.0 to 7.0 would be better organized as subsections of Section 3.0. For instance:

3.0	<i>PROGRAM COMPONENTS AND ACTIVITIES</i>
3.1	<i>NOTIFICATION</i>
3.2	<i>MAILING LIST AND MAIL-OUTS</i>
3.2.1	<i>MAILING LIST</i>
3.2.2	<i>MAIL OUTS</i>
3.3	<i>PROJECT WEBSITE</i>
3.4	<i>OPEN HOUSE</i>

Ensure that any references to these sections found throughout the Record of Consultation are revised (i.e. Section 4.0 is now Section 3.1).

46. Section 3.0 should also include a subsection “3.5 *REVIEW OF THE MARCH 2012 DRAFT TERMS OF REFERENCE*”. This subsection should discuss the approach taken during the review of the March 2012 draft ToR including how the public, government agencies and Aboriginal communities were provided an opportunity to participate in the review (i.e. who were sent notices and/or copies, how were copies were made available etc.)
47. In order to improve clarity, revise the fifth bullet accordingly: “~~Pre-submission review~~ *Review of the March 2012 draft ToR* ; and”

Section 4.0

48. Table 4-1 should include the notice for the review of the March 2012 draft ToR.
49. Ensure copies of all the notices are included in the Appendix of the Record of Consultation.

Section 5.1

50. The description of how project participants were identified in the second paragraph (and corresponding two bullets) of this section is somewhat ambiguous. This paragraph should be revised to include the description of how project participants were identified as provided in the first five bullets of Section 8.4.1 of the draft ToR. The description used in Section 8.4.1 is preferred because it is clear and concise.

Section 5.2

51. Please revise the first sentence of the first paragraph accordingly: “~~All public notices...~~”
52. Did all letter mail outs include a map of the New Liskeard Landfill Site? If not, please revise the second paragraph accordingly. Since the scope of the EA has changed (involving the evaluation of several alternatives and is not focused solely on landfill expansion) any recent mail outs including a map of the New Liskeard Landfill Site is misleading.
53. References to Section 10.0 are incorrect. It should be Section 11.0. Please revise accordingly.
54. The reference to the “Notice of Commencement” in the last paragraph is incorrect. It should be “Notice of Draft Terms of Reference”. Please revise accordingly.
55. Where the Temiskaming Métis Council sent any notices directly? Any future documentation should be sent to Temiskaming Métis Council directly. The Métis Nation of Ontario should be cc’d on any correspondence with Temiskaming Métis Council.

Section 7.0

56. To improve logical flow and clarity, this section should include a discussion explaining that the open house was held prior to the change in scope of the EA. The discussion should also include rationale and justification as to why another open house was not held after the change in scope of the EA, and what alternative approach was taken instead. This section would then be followed by another section describing the review of the March 2012 draft ToR (see comment 45 and 46).

Section 8.0

57. In order to improve logical flow and clarity, Sections 8.0 would be better organized into the following subsections:

8.0	<i>STAKEHOLDER CONSULTATION RESULTS</i>
8.1	<i>OPEN HOUSE</i>
8.1.1	<i>ATTENDANCE</i>
8.1.2	<i>PUBLIC INPUT, ISSUES AND CONCERNS</i>
8.2	<i>REVIEW OF MARCH 2012 DRAFT TERMS OF REFERENCE RESULTS</i>

The new subsection “8.2 Review of March 2012 Draft Terms of Reference Results” should discuss the results of the review of the March 2012 draft ToR (i.e. how many comments were received, how they were received, what were the public input, issues and concerns etc).

Table 8-1

58. Comments from the general public should be arranged by type (i.e. put all water quality comments together etc).
59. As appropriate, the table should note where in the ToR the comments have been addressed.

Section 9.0

60. This section is confusing and more detail is needed to provide context as to what additional consultation took place (i.e. what notices were published, when were they published, what version of the draft ToR was made available, who was provided with a copy, what were the results of this consultation etc.). If this section is referring to the review of the March 2012 draft ToR, it would be better placed under the new subsection 3.5 (see comment 46).

Table 10-1

61. As appropriate, the table should note where in the ToR the comments have been addressed.
62. The last row of this table indicates comments were provided by the MOE on March 18, 2012. However, the most recent comments on the draft ToR were provided by EASS on March 2, 2012. As the one-window MOE contact during the ToR process, I am not aware of any other comments provided by MOE after March 2, 2012. Is the information provided in the table correct? If so, who were these comments provided by? Please advise.

Section 11.0

63. To be consistent with title of Section 8.0 and 10.0, the title of this section should be changed to “*Aboriginal Community Consultation*”

64. Ensure that this section includes a brief description on how interested Aboriginal communities were identified and how they were consulted.
65. If an Aboriginal or treaty right has been asserted, or potential impact identified, clearly outline the scope and nature of the asserted right(s) and the nature of the alleged infringement.
66. Ensure a summary table of comments received from Aboriginal communities is included in this section. Comments should be organized by community rather than by issue type. The table should also describe the proponent's responses to comments received and demonstrates how issues and concerns were addressed in the ToR. As appropriate, the table should note where in the ToR the comments have been addressed.

Section 12.0

67. Reference to the ToR submission should be in past tense because it would have already occurred when the final Record of Consultation is submitted. Please revise the first paragraph accordingly:

*"A final version of the ToR ~~will be~~ **was** submitted to the Ministry of the Environment for review and approval. This version ~~will be~~ **has been** posted on the Project website and made available in public libraries throughout the Project area. As required, a Notice of Submission ~~will be~~ **has been** placed in the local newspaper, radio and sent to the Project mailing list."*

68. According to Section 8.6.6 of the draft ToR, there are two subsequent consultation events planned to be held during the EA, not just one event. Please revise accordingly.

Once you have had an opportunity to review and address these comments, please contact me **at least three weeks prior** to formal submission of the ToR to discuss submission dates and information requirements. Thank you for the opportunity to review and provide comments on the draft ToR. Should you have any questions or require further information, please feel free to contact me.



Antonia Testa

- c. Mary K. Kelly, Senior Consultant, AMEC Environment & Infrastructure
Rob Young, Associate Environmental Scientist, AMEC Environment & Infrastructure Uwe Wittkugel, Senior Environmental Planner, AMEC Environment & Infrastructure

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April 18, 2012

MEMORANDUM

TO: Antonia Testa
Project Officer
Environmental Approvals Branch

FROM: Eva Maciaszek
Surface Water Specialist
Technical Support, Northern Region

RE: Environmental Assessment, New Waste Management Capacity, City of
Temiskaming Shores - Draft Terms of Reference

As requested, I reviewed the *Draft City of Temiskaming Shores New Waste Management Capacity Environmental Assessment Terms of Reference*, prepared by AMEC Environment & Infrastructure, prepared by AMEC Environment & Infrastructure.

The purpose of my review was to ensure that potential impacts to surface waters are adequately assessed, including adequate site characterization and a monitoring program.

BACKGROUND

The City of Temiskaming Shores is undertaking the Environmental Assessment process for the development of solid waste management capacity (685,000 m³ of waste disposal volume). Options identified to date include expansion of an existing landfill site or development of new sites. A preferred option has not yet been identified. The Terms of Reference (TOR) document, in general terms, outlines steps that will be taken to choose an option and evaluate its impacts.

DISCUSSION AND CONCLUSION

Neither the site nor the preferred waste management option has been identified to date. The descriptions of how the environment at the site will be characterized and how potential effects of the chosen technology will be evaluated are stated in very general terms, with little if any detail. The adequacy of site characterization and impact assessment can not be properly evaluated with the level of detail provided in the TOR document as these are site and technology specific.

The proponent should commit in the final TOR to the items identified as impact management measures (Table 4-1 of draft TOR); these should be adhered to when choosing the technology and developing the site. Similarly, a commitment should be made in the final TOR to use the criteria in Table 6-1 of TOR for evaluating environmental impacts. It should also be noted that in order to properly evaluate impacts, commitment should be made to collect base line data on the items identified in Table 6-1 related to aquatic environment, surface water and other users,

before commencement of site development. During and post site development a suitable monitoring program should be implemented to gather data on the same items, over the long term.

Depending on site and technology selected as the best option, additional information and assessments may be required, to what is listed in the draft TOR, to allow for proper evaluation of site characteristics, and potential impacts to fish, fish habitat, surface waters and other users of water resources.

If you would like further information or wish to discuss these comments, please do not hesitate to contact me.



Eva Maciaszek

EM/EM

- c. Larry McCormack, MOE North Bay Area Office
Paula Allen, MOE Northern Region

(U:\EAs\City of Temiskaming Shores)

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April 27, 2012

MEMORANDUM

TO: Antonia Testa
Project Officer
Environmental Approvals Branch

FROM: Debra Abbott
Hydrogeologist
Northern Region Technical Support Section

RE: Draft Terms of Reference for the City of Temiskaming Shores New Waste Management Capacity Environmental Assessment

As requested, I have reviewed the report entitled *Draft City of Temiskaming Shores New Waste Management Capacity Environmental Assessment Terms of Reference*, dated March 2012, prepared by AMEC Environment and Infrastructure.

This revised Terms of Reference (ToR) outlines the approach that will be taken to review and assess a wide range of options to meet the objective of additional waste management capacity for the Municipality. Given the wide scope of the proposed EA, without preference at the outset to a particular approach (i.e. landfilling), the ToR is necessarily procedural in nature with only preliminary information on constraint and/or evaluation criteria since they are to be developed during the project. At this point, from a hydrogeological perspective, I do not have any specific comments on the ToR; however, in later stages of the project, hydrogeological considerations may become important, depending on the preferred "alternative to" identified.

The towns of New Liskeard, Englehart and Earleton and the township of Dymond (all located within the preliminary study area) are dependant on groundwater for their municipal water supplies. In addition, the rural region of the study area is dependant on individual wells for private residential water supplies. In 2001/2002, the central Temiskaming area undertook a groundwater study to map aquifers within the area, assess groundwater quality, document groundwater use, inventory possible contaminant sources and define well head protection areas for the municipal wells. It is recommended that the groundwater resources of the area be included in the evaluation criteria of the "alternatives to" and "alternative methods". Suggested hydrogeological criteria that could be considered in the evaluations are: potential to impact wellhead protection areas of municipal supply wells; potential impact on groundwater use (private and municipal); and, consideration of future water resources development potential.

If you require further information or clarification, or if you wish to discuss these comments, please do not hesitate to contact me.

A handwritten signature in black ink that reads "Debra Abbott". The signature is written in a cursive style with a large initial 'D' and 'A'.

D.E. Abbott, M.Sc., P.Geo.

cc GW DT DY 01 Temiskaming Shores LF EA TOR
Larry McCormack, Senior Environmental Officer

(U\ABBOTT\Debra\New Liskeard LF EA ToR revised.doc)

Ministry of the Environment

Environmental Assessment and
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April 30, 2012

MEMORANDUM

TO: Antonia Testa
Project Officer
Environmental Assessment Services Section
Environmental Approvals Branch

FROM: Stefanos Habtom
Senior Wastewater Engineer
Environmental Approval Services Section
Environmental Approvals Branch

RE: Review of Draft Terms of Reference- City of Temiskaming Shores New Waste
Management Capacity EA
EA FILE NO. 03-08-02

Pursuant to your memorandum of March 26, 2012, I have completed my review of the draft Terms of Reference (TOR) for the City of Temiskaming Shores New Waste Management Capacity EA and I provide the following comments for your consideration.

The outline provided in the draft TOR is acceptable with respect to the mandate of the Wastewater Unit, Environmental Approval Services Section, EAB, under the *Ontario Water Resources Act (OWRA)*, and I do not have any comments or concerns with the TOR.

If you require any additional information, please do not hesitate to contact me at (416) 314 8298.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Stefanos Habtom".

Stefanos Habtom, P. Eng.

c: Mansoor Mahmood, Supervisor, Wastewater Unit, EAAB



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale

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RECEIVED

JUL 11 2011

July 6, 2011

Mr. David B. Treen
The City of Temiskaming Shores
325 Farr Drive
P.O. Box 2050
Haileybury ON P0J 1K0

Dear Mr. Treen,

Re: Expansion of the New Liskeard Landfill Site

Thank you for your letter of April 29, related to the above-noted project.

Under the *Canadian Environmental Assessment Act* (the Act), an environmental assessment is required before a federal authority can either proceed with a project as the proponent or enable a proposed project to proceed by: 1) providing financial assistance; 2) transferring federal land or any interest in federal land; or 3) issuing an authorization identified in the Act's *Law List Regulations*.

In the case of projects that are subject to the Ontario *Environmental Assessment Act*, if there is uncertainty as to whether the Act may also apply, the Agency can help proponents answer this question. For projects that are subject to the Act, the Agency will act as the federal environmental assessment coordinator and facilitate the involvement of the federal authorities in a coordinated assessment aimed at meeting all agencies' needs simultaneously.

In order for the Agency to undertake either of these roles, it must have a project description that can be distributed to various federal authorities to determine their interest in the project. It is recognized that at the early stages of the planning process, there may not be much detailed information to provide. However, proponents should try to provide some information on:

- the nature of the project and its location;
- federal decisions which may be made in relation to the project;
- whether federal funding is being contemplated or federal lands are required.

.../2



To better assist proponents, the Agency has developed an Operational Policy Statement, which provides guidance in preparing project descriptions. This is available on the Agency's website at:

http://www.ceaa-acee.gc.ca/013/0002/ops_ppd_e.htm

If your purpose in sending us notification of your project is to determine whether the *Canadian Environmental Assessment Act* applies, please be aware that simple notification will not be sufficient. A project description for the preferred alternative will be required.

Important Note: Please be aware that release of documents to the public may be part of the EA process. Information provided by you related to the EA for this project will be part of the Canadian Environmental Assessment Registry and will be made available to members of the public, if requested. A package with additional information will be provided to you upon submission of the project description. Should you provide any documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the undersigned to obtain an Exclusion Form. This Form can be used to identify the information to be considered for exclusion from the Canadian Environmental Assessment Registry and the rationale for the exclusion.

If you have any questions regarding any of the above, please contact the undersigned at 416-954-7334.

Sincerely,



Stephanie Davis, Environmental Assessment Analyst
Canadian Environmental Assessment Agency, Ontario Region

SD/ka

**Ministry of Health
and Long-Term Care**

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Public Health Protection &
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RECEIVED

MAY 6 2011

May 3, 2011

Mr. David B. Treen
Manager, Environmental Services
City of Temiskaming Shores
325 Farr Drive
P. O. Box 2050
Haileybury ON P0J 1K0

Dear Mr. Treen:

Re: Notice of Commencement – Terms of Reference – Expansion of
the New Liskeard Landfill Site

Thank you for your e-mail with regard to the above Environmental Assessment (EA).

Public Health Protection and Prevention Branch is interested in the public health aspects of this EA and wishes to be kept informed of any further developments. The local Board of Health has a more direct role in reviewing these matters and recommend that you advise them of this EA. For your convenience we have provided the contact information for the appropriate local Medical Officer of Health for the area in which the EA is located.

Dr. Pat Logan
(A) Medical Officer of Health
Timiskaming Health Unit
421 Shepherdson Road
New Liskeard ON P0J 1P0

Yours truly

A handwritten signature in black ink, appearing to read "Paul McCue".

Paul McCue
Senior Program Consultant
Environmental Health Section

c: Dr. Pat Logan, (A) Medical Officer of Health, Timiskaming Health Unit

Ministry of the Environment

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October 27, 2011

Uwe Wittkugel, Senior Environmental Planner
AMEC Environment and Infrastructure
131 Fielding Road
Lively ON P3Y 1L7

Dear Mr. Wittlugel:

**RE: August 17, 2011 Draft Proposed Terms of Reference for the City of Temiskaming
Shores Expansion of the New Liskeard Landfill Site Environmental Assessment**

In late August the Environmental Assessment Project Coordination (EAPC) Section received the above-captioned document for formal pre-submission review. EAPC has reviewed the draft Terms of Reference (ToR) to assess how well it meets the requirements set forth in the "Code of Practice: Preparing and Reviewing Terms of References for Environmental Assessments in Ontario" (Code of Practice), approved October 2009. The Code of Practice is used as a basis for deciding whether a Terms of Reference (ToR) will result in an environmental assessment (EA) which will likely meet the requirements of the *Environmental Assessment Act* (EAA). As well, the content of and processes proposed by the ToR has also been compared to those in other recently approved ToRs and EAs.

Informal, high-level e-mail comments were provided by EAPC on an earlier draft of the ToR on March 18, 2011 in response to your January 14, 2011 request for an informal review at that time. The comments provided on March 18 included the following:

- If a ToR is going to limit the range of alternatives to be discussed in an EA, the rationale and justification for doing so must be able to be evaluated for its appropriateness, relevance and accuracy and the ToR must be able to produce an EA that enables the Minister of the Environment to make an informed decision on the proposed undertaking; and,
- In the supporting document "Summary Report of a Feasibility Study for the Development of a Long-term Landfill Disposal Strategy", it is unclear as to how/why each indicator was assigned its respective numeric values (i.e. what criteria, such as proximity in metres, was used and how the values for the criteria were translated into numeric scores).

A review of the ToR does not appear to reveal that any changes have been made to the ToR to address these comments. Therefore, in order to be able to fully assess the information in the ToR and its supporting documents and to assist you with the overall EA process, the following three documents from 2010, which are available on the project website, were also reviewed (these are documents which are summarized in "Summary Report of a Feasibility Study for the Development of a Long-term Landfill Disposal Strategy"):

- Landfill Feasibility Study (Conceptual Assessment) Development of a New Landfill Site (referred to as New Sites Study);
- Landfill Feasibility Study (Conceptual Assessment) Expansion of Existing Landfill Sites (referred to Existing Sites Study); and,
- Feasibility Study for the Development of a Long-term Landfill Disposal Strategy (referred to as Long-term Strategy, a summary of is Appendix 3-A to the draft ToR).

Given the over-arching nature of the comments that are being outlined by EAPC, they are discussed under the broad headings under which they best fit (as set forth below) as opposed to by chronological section-by-section order.

ALTERNATIVES BEING ASSESSED IN THE EA

Section 1.3 of the ToR states that the ToR has been prepared in accordance with Section 6 (2)(a) of the EAA and that the EA will be conducted in accordance with Section 6.1(2) of the EAA. Both of these sections of the EAA are predicated on the EA including a description and rationale for a reasonable range of alternatives to the undertaking and alternatives methods of carrying out the undertaking and then describing the environment expected to be effected, the likely effects on the environment, and the advantages/disadvantages of all alternative. The first bullet point in Section 2.3 of the ToR also suggests that a full assessment of alternatives to the undertaking and alternative methods would be assessed. However, later sections of the ToR seem to contain some contradictions to these statements, which will be outlined below.

Alternatives to the Undertaking

Section 5 of the ToR indicates that on the basis of the findings of City's draft Solid Waste Management Master Plan (WMMP), which was prepared in 2009, the City has screened the alternatives to the undertaking which will be fully considered in the EA down to one alternative combining the promotion of waste diversion and providing additional landfilling capacity. Therefore, it would be Sections 6(2)(c) and 6.1(3) which would apply.

Further, waste diversion is actually a program which needs to be pursued by all municipalities regardless of what option for disposal of waste remaining after diversion they chose to implement and has significant impact on the amount of waste which a municipality needs to find disposal capacity for. As well, waste diversion does not require approval under the EAA and would not be part of the "project" receiving approval under the EAA. Therefore, regardless of which section of the EAA the EA will proceed under, it is preferable if waste diversion is: not listed as a separate alternative to the undertaking; is clearly identified as being something that will be undertaken regardless of which disposal undertaking is selected; and, is clearly taken into consideration as part of the projections of future waste disposal needs. It is also noted that in most EAs the projection of future disposal needs is covered in either the purpose of the EA study or the description and rationale for the undertaking sections of the EA. It would be preferred if that was done in for this EA.

The other alternatives to the undertaking which are listed as having been considered are landfilling, the "do nothing", and thermal treatment. A short one-paragraph discussion is provided for each in which it is explained that the "do nothing" alternative is generally included in an EA in order to compare the environmental effects of the other alternatives to not doing anything. It is also explained, correctly, that in the context of this matter, doing nothing is not

reasonable. Therefore, the only alternative to the undertaking other than landfilling which is truly considered is thermal treatment. It appears to EAPC that the additional alternatives of exporting waste and of importing waste should also be considered since these have generally been considered in other recently approved EAs and is listed in pg. 17 of the Code of Practice.

Further, the short one-paragraph discussion by which thermal treatment is screened out of further consideration without a full assessment compared to the landfilling alternative does not provide adequate rationale for the screening. It is preferable if a few key screening criteria are set before the alternatives to the undertaking are established and that qualitative information/analysis be used for some of the criteria.

Alternative Methods of Carrying Out the Undertaking

Also in contrast to the ToR's stating that Section 6 (2)(a) and 6.1(2) of the EAA are being used, Section 3.0 – Rationale for and Description of the Undertaking and Section 6.1 - Alternative Landfill Sites seem to assert that the EA study will not study alternative landfill sites, either existing or new, other than the New Liskeard Landfill Site. Alternative landfill sites is usually considered to be a key component of the alternative methods of carrying out the undertaking. Section 6.1 explains that an analysis has already been carried out that determined the New Liskeard site was the only feasible site and refers to the supporting document "Summary Report of a Feasibility Study for the Development of a Long-term Landfill Disposal Strategy".

Due to the seemingly contradictory statements, it is unclear whether the EA will be prepared to include the full evaluation of alternative site locations. If the intention is that it will not, the ToR needs to say it has been prepared in accordance with Section 6.2(c) of the EAA and that the EA will be conducted in accordance with Section 6.1(3) of the EAA. However, as is stated on pg. 20 of the Code of Practice, when these sections are chosen to be followed it should be illustrated that a process with similar provisions to the EAA has been followed and that the process should have contained such items as an examination of alternatives and a regard for the environment and environmental effects.

Feasibility Studies

To determine if a process meeting requirements similar to the EAA was carried out, the three Feasibility Studies listed above have now been reviewed and the following comments are provided. It is also noted that one of these studies clearly states "The Feasibility Study does not replace an EA. Instead, it aims at identifying feasible alternatives...." Comments on the Feasibility studies are outlined below.

The specific distance criteria used for the site constraint/opportunities mapping (Section 3.1 of the New Sites Study and Section 4.1 of Existing Sites Study) should have rationale provided, including why the use of specific threshold distances are appropriate for each. In some cases it might be argued that a site that slightly fails the distance thresholds should only be given a lower ranking for that specific criterion as opposed to be screened out of the process altogether.

The "ground-truthing" undertaken with the aim of reducing the sites under study (also Section 3.1) to four should also provide further explanation. In particular, it is unclear why an arbitrary number of four sites was chosen and it is unclear whether the reasons cited for the elimination of two sites should be given the status of screening criteria as opposed to just being considered

as one evaluation criteria out of many. For example, how far away from a municipal road is site G1 and what actual costs for constructing a road would be incurred due to this distance?

It is not explained why only sites within 10 km of the municipality's boundaries were considered. Ten kilometres is a low threshold to assert that additional transportation costs would be large enough to outweigh any and all other environmental impact advantages a particular site may possess. In fact, on pg. 33 of the New Sites Study it is stated that other potential landfill development alternatives may exist.

The factor or key criteria headings set forth in Section 3.2 – Conceptual Landfill Development Alternative Feasibility Assessment Criteria (Section 4.2 of Existing Sites Study), listed in Table 4.2 – Feasibility Assessment Criteria (also 4.2 in Existing Sites Study) and utilized in Section 5 – Evaluation of Landfill Expansion Alternatives (Section 6 of Existing Sites Study) do not reflect the environmental categories set forth in the EAA (social, natural, economic and cultural) and instead appear to have been generated and categorized based on municipal zoning by-law requirements. In addition, the criteria appear to overweight technical considerations and cost estimates and do not contain as much information or explanation as is desirable. In particular:

- None of the criteria cover the cultural environment, a key component set forth in the EAA, which would deal with indicators such as the built heritage environment, archaeological sites and cultural facilities;
- While socio-economic factors is listed as a category, no factors related to economic land use, such as impact on businesses, etc. appears to have been included.
- The distance to residential areas is triple counted as a sub-criteria of its own and then as an indicator within the sensitive land use criterion and then in the landfill gas management indicator under the technical considerations criterion;
- The use of simply raw distance to closest residence may oversimplify the factor since buffer-type features may exist and it is not assessed what type of noise may be generated from a typical landfill and how far it might travel;
- It is unclear why the centre of the landfill is used as the measurement point as opposed to the outer edge of the fill area;
- Criteria such as susceptibility to flooding, drainage to watercourse and distance from watercourses now under the sensitive land uses category are usually considered to fit under the natural environment factor;
- The distance to terrestrial habitat and species at risk indicators seems to presume that only the impact on “significant” habitat or on at risk species needs to be assessed, not the impact on non-significant habitat or on animal species in general. This presumption is questionable – a more fulsome description and assessment of the potential impacts should be provided.
- The rationale for the distance to waste generation source and road/transport access criteria is not provided and in the initial discussion of them the equally valid factors of the suitability of the haulage roads and the land use along the haulage roads are not set forth. Impacts such as the amount of air pollution or carbon dioxide released by additional haulage distance should be discussed and taken into consideration in a numeric manner when the actual level of concern/potential impact rating and the commensurate ranking values are established.
- The criteria of site size, surface water management, and leachate management (using a generic CAZ zone sizing formula since hydrogeological information is not available for

the sites), all under the technical considerations heading, all appear to relate to the ease of implementing a landfill site at a particular site which is related to the costs of implementing the site. These items are listed under technical considerations and are then for the most part considered again under the capital/construction cost heading. In Table 5.2 of the New Sites Study, although no “maximum” score is indicated, the technical considerations and cost criteria end up accounting for two-thirds to three-quarters of the scores of the various alternative sites. A more balanced scoring system with increased weighting given to the four other environmental categories should be devised. As well, it is not clearly explained why certain sites require as much land area as they do and why the site could not be made smaller through certain design measures.

- The information gathered on actual hydrogeological conditions in Section 5.3.4 of the New Sites Study is very general and brings into question the accuracy of the ranking given for this indicator. Any available data from previous geological studies or mapping by any relevant government bodies should be consulted and included where possible.
- The tables related to the capital/construction cost estimates for the New Sites Study were not available at the website and need to be provided so they can be reviewed.
- For cost estimates for regulatory approvals, background information justifying that environmental approval costs are correlated to 5% of the capital/construction costs should be provided.

To address the above concerns, one of two approaches would need to be chosen. The first option would be to make revisions/additions to the Feasibility Studies and submit revised versions of those studies, since those studies appear to be the basis for the ToR proposing to focus the alternatives to be assessed in the EA. A second option would be to verify that the ToR will provide for the preparation of an EA which will assess alternative landfill site locations and to make the necessary changes to the ToR to reflect this. In this latter option, the information in the Feasibility Studies could be used in the preparation of an EA which address each of the concerns listed above.

RATIONALE AND DESCRIPTION OF THE UNDERTAKING

Additional information should be provided in Section 3.0 of the ToR illustrating how the long-term waste disposal needs of the City of Temiskaming Shores and the other municipalities being served were calculated. As outlined before, this would include discussion of the current and planned future waste diversion efforts in the municipality and the service area. References to the particular tables and sections of the supporting documents in which the entire calculations can be examined should also be provided.

DESCRIPTION OF ENVIRONMENTAL CONDITIONS AND EVALUATION CRITERIA

Section 4 of the ToR, which describes environmental conditions, provides municipality-wide information for some components of the environment but mainly information about the New Liskeard site for other components of the environment. As stated previously, it is not clear if the EA is dealing with a full range of alternatives or just the preferred landfill site so it is difficult to assess what is currently provided. However, it would be preferable if a greater amount of detail was provided in this section and if the information was at both the municipal level and in more detail for the New Liskeard site area. Related to this, it is also not clear why some of the information which the ToR indicates will be gathered in the future as part of the EA study would

not have been relevant to the decision on which existing or new landfill site should be selected as the preferred alternative and, therefore, should not have been gathered previously.

As part of the greater amount of detail, it should be ensured that all subcomponents (or criteria) of the main environmental components have a reasonable amount of description provided. For example, the criteria listed in Tables 6.2-1 and Tables 6.3-1 should be dealt with in Section 4.

Some items for improvement in specific subsections can also be pointed out:

- For the hydrogeology subsection, some information on the current water quality monitoring results, both surface and ground, should be provided, along with specific page references to the supporting studies where the full information can be reviewed.
- The hydrology subsection should also have additional current information provided.
- The ecology subsection should have more detailed provided, including on species at risk, although the species at risk subheading seems to fit better within the subheadings of terrestrial and aquatic habitat rather than on its own.
- It would appear more suitable if information on surface water now provided under the land use subsection was provided in the natural environment section.
- In the land use subsection more detail on Pete's Dam Park such as its size and whether it is adjacent to the likely haulage routes should be given.
- A more detailed description of the land uses and other environmental components adjacent to the haulage route should be provided. As well, the impact of the haulage of waste on land uses along the haulage routes needs to be added to the criteria for the assessment of the effects of the alternative designs and the preferred alternative (Section 4.3 and Tables 6.2-1 and 6.3-1).
- Maps showing key features of the municipality's current environment should provided.

It is also advised that some modifications be made to Section 6.2, Table 6.2-1 and Table 6.3-1 in order to make the EA more understandable for members of the public and other readers. Specifically, it is advised that all the environmental components/criteria be organized into/under the main environmental components which are required to be assessed under the EAA, as is suggested on pg. 24 of the Code of Practice. This would mean establishing environment component headings of social, economic and cultural in addition to the already-established natural environment and technical considerations headings. As well, comments previously provided above related to the environmental components assessed in the New Sites and Existing Sites Feasibility Studies should also be fully considered where relevant, including that cost considerations should not given a more balanced level of weighting in the evaluation process. Lastly, the criteria of compatibility with City and provincial programs, plans and policies, would be best dealt with under the particular type of environmental impact which the program, plan or policy deals with (i.e. under the social, economic, natural or cultural environment headings). This would reduce duplication of information in the EA's assessment of alternative sections.

It is unclear why Table 6.2-1 has been established to list criteria for evaluating the alternative landfill designs. It would appear more appropriate if the more detailed list of criteria set forth in Table 6.3-1 was used for the selection of the preferred alternative design rather than only used after the preferred design has been selected. It is also inappropriate that the present text suggests that the effects on Aboriginal communities would not be assessed until after the preferred design has been selected and only for the four criteria listed in Table 6.3-1. It would

be preferable if all the effects on Aboriginal communities were considered throughout the full assessment of alternatives and were incorporated into all the environmental criteria.

PUBLIC AND ABORIGINAL CONSULTATION PLAN

In general, the consultation plan outlined in Section 8 of the ToR is thorough and would likely meet the requirements set forth expected for an EA. However, there are a few areas which are recommended be enhanced to ensure no gaps arise in the consultation on the EA. These are items which EAPC staff normally advise proponents they carry out once the EA process is underway but by identifying them now and having them included in the ToR this step is taken care of early in the process.

First of all, it is strongly recommended that it be clarified, most likely in either Section 5.2 or Section 8.7, that that all correspondence with the highest levels of decision-making within an Aboriginal community (the Band Chief and Council) will include a personally addressed cover letter rather than a "to occupant" address line. As well, it should be clarified that follow-up steps, including up to two or three telephone calls, if necessary, to verify the correspondence was received and has been forwarded to the appropriate person for review should be undertaken with the dates and results of such steps being specifically recorded in the Record of Public Consultation on the EA. It should also be clarified that the goal is to obtain comments or a written statement of no concern from each Aboriginal community. This is the goal in order that the Minister of the Environment can see in writing the position of each Aboriginal community. However, the MOE acknowledges that in some cases the goal may not be achieved. In addition, it may be worth noting in this section that once an Aboriginal community indicates it is not interested in a project they will not be sent further notices, unless a significant time lapse in the EA process occurs or if the preferred undertaking changes and may then potentially impact the Aboriginal community.

The ToR should also clarify in some location that steps similar to these will be undertaken with government agencies identified by the MOE as having a role in reviewing the EA (known as government review team). It is also noted that the first time the government review team (GRT) is mentioned is in Section 8.5 whereas it might be wise to mention the GRT in a few earlier locations of Section 8 where the public or Aboriginal communities are presently mentioned.

There are also a few places where it is recommended that a specific reference to Aboriginal communities be added. These include Section 8.3, second bullet list, sixth bullet, and in Section 8.4's title and first line of text.

As well, it is advised that consideration be given to holding two public meetings during the preparation of the EA, one while the EA study is in preparation, and one after the completion of the draft EA, as this maximizes the public input into the process.

The wording currently used in a couple places of Section 8 leaves it a little uncertain as to whether both the draft and final proposed EA documents will be made available on the project website and at public viewing locations. It should be clarified that both versions will be available in both formats.

Section 8.6.2 indicates that where email addresses are available, they will be used instead of regular mail. In the case of Aboriginal communities, it is generally preferred by the MOE that

email only be used as a secondary method of communication in addition to mailing, such as to verify they received an initial mailout, especially for the first communication with a community. If a community indicates it prefers email to be the primary method of communication then that should be noted and can be used as such, with telephone calls as a back-up follow-up method. As well, members of the GRT have indicated to the MOE, and it is noted on the MOE's Master Government Review Team list, whether they prefer hard copies or electronic copies of documentations. The preferences stated on that list should be respected.

While this is difficult to avoid sometimes, there does appear to be some overlap between different subsections in Section 8 and it appears that in some cases, the full information on a particular item that is presented in one spot may not be presented in another spot. This can sometime lead readers to question whether the higher or lower standard of consultation is what is meant to be undertaken or , if they do not read the other section of the document, to think a certain step will not occur. For example, Table 8.4-1 does not mention that newspaper notices will be used, does not provide details on follow-up efforts with Aboriginal communities, does not specifically mention the availability of a draft EA for review, and does not mention government agencies in its EA portion. The solution may be to focus the information provided under the particular headings so no extraneous information that will not be dealt with in more detail under the heading is present or to uses reference to the subsection where more detail will be provided.

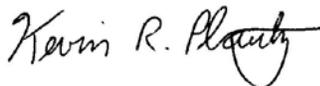
It should be noted that EA matters are not posted on the Environmental Registry under the Ontario Environmental Bill of Rights as noted in the footnote on page 34 of the ToR. Updates on their status are posted on the Environmental Assessment webpage of the MOE's website.

CONCLUSION

The EAPC is of the view that the additions and modification to the ToR and its supporting documents outlined above should be undertaken. Given the substantive nature of the changes recommended, we will circulate a revised ToR and supporting documents to the various relevant MOE technical reviewers once the bulk of the changes have been made and the next draft of the ToR is resubmitted for our further review.

I look forward to hearing back from you indicating how the City of Temiskaming Shores intends to proceed on this matter including the likely timing of changes being made. If you have any questions, please do not hesitate to contact me at 416-314-7184 or kevin.plautz@ontario.ca.

Yours sincerely,



Kevin Plautz, Project Officer
EA Project Coordination Section
Environmental Assessment and Approvals Branch

c: Ross Lashbrook, Supervisor, WestCentral, Southwestern and Northern Unit, EAPC

Kelly, Mary K

Subject: FW: Draft ToR - New Liskeard Landfill Site Expansion
Attachments: MNR_NBay_District_SAR_Table_May_2011.pdf; North Bay District Proponent Information Gathering Form.doc

From: Robinson, Julie (MNR) [<mailto:Julie.Robinson@ontario.ca>]
Sent: Wednesday, May 25, 2011 4:29 PM
To: Dave Treen
Cc: Marchand, Celestin (MNR); Vaillancourt, Valerie (MNR); Mccrudden, Chuck (MNR)
Subject: I: Draft ToR - New Liskeard Landfill Site Expansion

Mr. Treen:

Thank you for providing us with the opportunity to review the Draft Terms of Reference as part of the Environmental Assessment for the proposed New Liskeard Landfill Site Expansion.

The MNR North Bay District provides the following comments for your consideration:

Section 4.1 – Natural Environment

Ecology (Habitat and Species)

- We recommend that a preliminary records review be undertaken to identify sensitive values within a 1 km radius from the proposed site boundary. This will ensure all sensitive features and their associated habitats, which may overlap with the proposed site boundaries, are accounted for (e.g., a raptors nest, deer wintering areas).
- A detailed site description should be provided with either the Ecological Land Classification system or the Forest Ecosystem Classification System used to document and characterize the vegetation communities within the subject lands and adjacent to (120 m from the boundaries of the New Liskeard Landfill site as well as the Proposed & Existing Contaminant Attenuation Zone (CAZ), as shown in Figure 4.1-1).
- All aspects of the natural environment need to be addressed within this section, including Significant Wildlife Habitat (including Species of Special Concern), wetland areas, and Species at Risk (Endangered and Threatened).
- Further, it is suggested that a separate section be developed for 'Species at Risk' (SAR). This section would outline potential SAR habitat in the subject lands and document any SAR occurrences. This is especially important as the landfill has not been active since June, 2009 and SAR are known to utilize natural as well as human-disturbed habitats.
- A clear description of all survey methodologies (e.g., habitat mapping, avian studies, reptile surveys) used will be required in order for our staff to fully evaluate the completeness of the environmental assessment study. For SAR surveys, search effort, time of day, and weather conditions should also be documented.
- Attached is a list of SAR known to be in the area of the subject lands and SAR that have the potential to exist in the area based on their ranges. These species are protected under provisions of the Endangered Species Act. The landfill site as well as the adjacent area (120 m from the boundaries of the New Liskeard Landfill site as well as the Proposed & Existing Contaminant Attenuation Zone (CAZ), as shown in Figure 4.1-1) should be examined for SAR occurrences as well as potential SAR habitat. If SAR species or their habitat is not encountered, a description of how the habitat does not meet the known habitat requirements of the species is required.

Hydrology

- In this section it is noted that there are "one or two intermittent, poorly defined channels at the northeast corner of the CAZ"; please note that these areas may provide suitable habitat for SAR species.

Section 4.3 – Potential Environmental Effects and Mitigation

- It is recommended that other potential environmental effects be considered such as water table disruptions on the adjacent coldwater fishery within South Wabi Creek.
- If SAR are encountered, potential impacts to SAR should be addressed including, but not limited to, increased traffic in area, impacts due to CAZ, alteration of habitat within the landfill as well as in those areas bordering the site.

Other

- Please describe how SAR will be addressed if encountered during construction activities. If individuals encounter any SAR while conducting work they should be encouraged to allow time for the species to disperse on their own, if the specie(s) does not leave the site contact the MNR Species at Risk Biologist. It is also encouraged that any SAR sightings be reported to MNR.

I have also attached an Information Gathering Form which outlines all information required to allow our staff to assess impacts to SAR and facilitate project screening under the Endangered Species Act.

We look forward to participating in the review of this project. Please contact me if you require further information.

Yours truly,

Julie Robinson

Julie Robinson

A/District Planner | Planning and Information Management | Ministry of Natural Resources | North Bay District
Tel: (705) 475-5546 | Fax: (705) 475-5500 | julie.robinson@ontario.ca

Information Gathering Guidelines North Bay District MNR

1.0 Background

This document provides generalized guidelines regarding required project information prior to MNR review.

2.0 How to use the Information Gathering Form

This form has been created to highlight information required by MNR prior to reviewing proposed projects.

The information gathered will assist in:

- the verification of any protected species or habitat present on and/or adjacent to the proposed activity location;
- assess the potential effects of the activity on local species at risk and/or their habitat; and,
- identify ways to avoid any contraventions of the *Endangered Species Act, 2007* (ESA)

This form can be completed through consultation with Ministry of Natural Resources (MNR) District office. Before an activity can be initiated, approvals or authorizations from other agencies or levels of government may be required. It is the proponent's responsibility to ensure that all other approvals and authorizations are acquired from the relevant agency(ies) prior to carrying out the activity.

MNR will review the final information submitted in this form to:

- determine whether the proposed activity will contravene subsections 9(1) and/or 10(1) of the ESA; and,
- identify the next steps for the proponent

3.0 Submission Information

Date:

Individual the final Information Gathering Form was submitted to:

Proposal Title:

Attachments:

4.0 Contact Information

Name:

Legal Name of Company / Organization:

Full Mailing Address:

Phone:

Fax:

Email:

5.0 Activity Description

Primary Activity (check all that apply)

- aggregate
- agriculture
- construction or development
- environmental or conservation group
- forestry
- hunting, fishing and trapping group
- mining
- oil and gas
- private landowner
- renewable energy

Provide a **detailed description** of the activity and its related undertakings associated with the activity. The inclusion of development plans, site plans, or other figures is strongly encouraged. The description should include:

- sequence and methodology of the proposed activity
- any site preparation that will be required (clearing and grading)
- any construction undertakings in the activity (excavation, installation of utilities, roads, dredging)
- any site rehabilitation to be completed
- any important deadlines
- duration of the activity (start and end dates)
- geographic location (UTM, lot and concession, township and municipality)
- maps
 - location and boundaries of proposed activity in relation to waterbodies, roads, natural features
 - topographic information

6.0 Preliminary Data Gathering (Preliminary Data Gathering will determine if a site assessment will be required. This should include at minimum the following steps):

1. Background Information (prior to any site alteration)
 - Describe terrain, setting and slope
 - Describe the drainage of the site including permanent and intermittent streams, wetland areas and connectivity of drainage areas
2. Natural Features (on or adjacent to the work site)
 - Natural vegetation communities
 - Natural landscape features
3. Natural Heritage Features
 - Provincially Significant Wetlands
 - Significant wildlife habitat
 - Fish habitat areas

- Other wetland areas

4. Species at Risk ranges

Determine which species at risk (SAR) occur in the geographic township in which the subject property is located. Species lists and range maps can be found at:

<http://www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/276722.html>
or by contacting the North Bay District Species at Risk Biologist at 705-475-5502.

7.0 Species at Risk Surveys

It is the responsibility of the proponent to identify what species at risk and/or potential habitat are present on or adjacent to the proposed activity location. Species at Risk surveys should be undertaken by a qualified professional familiar with the species and habitat anticipated to be on or adjacent to the proposed activity location. As well, survey methodology(ies) must be appropriate to each SAR and their habitat that is reasonably expected to be found on or adjacent to the proposed activity location. Surveys must occur during the relevant time(s) of the year. Spring and summer tend to be the most relevant times for most species surveys. The local MNR office may be able to assist with this step by providing guidance on appropriate survey methodology(ies).

8.0 Records Review

Proponents are responsible for identifying what species at risk and /or species at risk habitat are present on and/or surrounding the proposed activity location. While the local MNR district office may be able to assist with this step, proponents are expected to conduct a records review and, in almost all cases. Species at risk surveys to acquire this information.

As a first step to assessing what protected species and habitat may be present on and/or surrounding the proposed activity location, please consult the following information sources:

- Natural Heritage Information Centre (NHIC)
- Local MNR office
- Local municipality
- Species at Risk in Ontario (SARO) List (Ontario Regulation 230/08)
- Species specific habitat regulations under ESA (Ontario Regulation 242-08)
- Department of Fisheries and Oceans
- Ontario Breeding Bird Atlas
- Local conservation authorities
- Finalized provincial recovery strategies
- Species status reports and federal species at risk information
- Other knowledge and information sources such as, but not limited to"
 - o Species experts
 - o Species at risk surveys
 - o Scientific literature

9.0 Other Permits and Approvals

Completion of this form does not constitute or guarantee approval under the ESA to carry out all or any part of proposed activity(ies). It is the proponent's responsibility to ensure that all other approvals and authorizations are acquired from the relevant agency(ies) prior to carrying out the activity.

DRAFT

Species at Risk in the North Bay District

Species	SARO List Status (provincial)	COSEWIC Status (federal)	District Status	Species Protection (under ESA 2007)	General Habitat Protection	Habitat Regulation in Force	Description
American Eel	END	SC	Historic	30-Jun-08	June 30, 2013 if no habitat regulation in place	N/A	In Ontario, it occurs mainly along the St. Lawrence River and Lake Ontario and their tributaries. Historically, it was present throughout the Ottawa River drainage system.
American Ginseng	END	END	Possible	30-Jun-08	June 30, 2013 if no habitat regulation in place	N/A	American Ginseng (<i>Panax quinquefolius</i>) is a long-lived, slow-growing perennial herb found in rich, moist, mature deciduous forest. In eastern Canada, the range of American Ginseng extends from southwestern Quebec and eastern and central Ontario.
American White Pelican	THR	NAR	Confirmed	30-Jun-08	30-Jun-08	No	Pelicans nest in colonies, sometimes at quite high densities, on isolated islands in freshwater lakes of central and western North America. The nest is a shallow debris-rimmed depression in the ground, or a low mound of matted vegetation and earth. Flocks of this gregarious waterbird sometimes hunt communally for prey, which consists mostly of fish with little or no sport or commercial value and amphibians. MNR Fact Sheet : http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/stdprod_070891.pdf
Aurora Trout	END	END	Confirmed	30-Jun-08	June 30, 2013 if no habitat regulation in place	N/A	The Aurora Trout (<i>Salvelinus fontinalis timagamiensis</i>) is a unique genetic stock of the Brook Trout. It is so-named because the colours of its sides are purple. It lives in a few, remote, high- elevation lakes in the Temagami District of Ontario.

Species at Risk in the North Bay District

Species	SARO List Status (provincial)	COSEWIC Status (federal)	District Status	Species Protection (under ESA 2007)	General Habitat Protection	Habitat Regulation in Force	Description
Bald Eagle	SC	NAR	Confirmed	none	none	N/A	Typically found living and hunting near water. Their nests are huge stick platforms, usually placed high in a tree, near water. MNR Fact Sheet: http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/stdprod_070892.pdf
Black Tern	SC	NAR	Confirmed	none	none	N/A	Inhabit lake and wetland areas where they build floating nests in loose colonies in shallow marshes, especially in cattails.
Blanding's Turtle	THR	THR	Confirmed	30-Jun-08	June 30, 2013 if no habitat regulation in place	N/A	This medium-sized turtle inhabits a network of lakes, streams, and wetlands, preferring shallow wetland areas with abundant vegetation. It can also spend significant portions of time in upland areas moving between wetlands. In a single season this highly mobile turtle has been known to travel up to seven km in search of food or a mate. MNR Fact Sheet: http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/stdprod_070894.pdf
Bobolink	THR	THR	Confirmed	29-Sept-10	29-Sept-10	N/A	This medium sized song-bird breeds in hayfields and grasslands, and is usually easy to spot because of its bubbly song and conspicuous flight display.

Species at Risk in the North Bay District

Species	SARO List Status (provincial)	COSEWIC Status (federal)	District Status	Species Protection (under ESA 2007)	General Habitat Protection	Habitat Regulation in Force	Description
Butternut	END	END	Confirmed	30-Jun-08	June 30, 2013 if no habitat regulation in place	N/A	The Butternut occurs in eastern North America, ranging from Georgia, Alabama, Mississippi and Arkansas west to Iowa and Missouri, north to southern Ontario and Quebec, and east to New England. In Ontario it is found throughout southwestern Ontario north to the Bruce Peninsula and the edge of the Precambrian shield.
Canada Warbler	SC	THR	Confirmed	none	none	N/A	MNR Fact Sheet: http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/276679.pdf
Chimney Swift	THR	THR	Confirmed	10-Sep-09	10-Sep-09	No	MNR Fact Sheet: http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/276680.pdf
Common Five-Lined Skink (Southern Shield population)	SC	SC	Confirmed	none	none	N/A	The Great Lakes/St. Lawrence populations, which are Special Concern Provincially and Nationally, occur on the southern part of the Canadian Shield. Preferred habitat is on rocky outcrops in mixed coniferous and deciduous forests, where they can seek refuge from the elements and predators in rock crevices and fissures.
Common Nighthawk	SC	THR	Confirmed	none	none	N/A	MNR Fact Sheet: http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/276681.pdf

Species at Risk in the North Bay District

Species	SARO List Status (provincial)	COSEWIC Status (federal)	District Status	Species Protection (under ESA 2007)	General Habitat Protection	Habitat Regulation in Force	Description
Mountain Lion or Cougar	END	DD	Historic	30-Jun-08	30-Jun-08	N/A	Historically, cougars in the east occupied large forested areas that were relatively undisturbed by humans. Cougars in northwestern and northern Ontario are of unknown origin, but may have moved into the province from the west, or may represent remnants of the original population or be escaped pets. Cougars in southern Ontario are considered to be escaped pets.
Eastern Hog-nosed Snake	THR	THR	Confirmed	30-Jun-08	June 30, 2013 if no habitat regulation in place	N/A	They prefer sandy, well-drained habitats such as beaches and dry woods because this is where they lay their eggs in burrows and where they hibernate. But they must have access to wet areas such as swamps to hunt frogs, toads and lizards. MNR Fact Sheet: http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/stdprod_070898.pdf
Eastern Musk turtle	THR	THR	Confirmed	30-Jun-08	June 30, 2013 if no habitat regulation in place	N/A	It frequents shallow, slow-moving water where it typically walks along the bottom rather than swimming, and its diet consists of molluscs and insects. Eastern Musk Turtles hibernate underwater, burying themselves in mud when the water temperature dips below 10C.

Species at Risk in the North Bay District

Species	SARO List Status (provincial)	COSEWIC Status (federal)	District Status	Species Protection (under ESA 2007)	General Habitat Protection	Habitat Regulation in Force	Description
Eastern Ribbonsnake	SC	SC	Confirmed	none	none	N/A	The Eastern Ribbon Snake is usually found close to water, especially in marshes where it hunts for frogs and small fish. A good swimmer, it will occasionally dive in shallow water. At the onset of cold weather, individuals congregate in burrows or rock crevices to hibernate together in what is termed a "hibernaculum."
Eastern Wolf	SC	SC	Confirmed	none	none	N/A	Eastern Wolves live in groups called "packs," which typically number from 3-6 adults and require relatively large areas of unbroken forest. Each pack has a home range that is loosely defended from neighbouring packs and may be as big as 500 km ² .
Flooded Jellyskin	THR	THR	Historic/ Probable	30-Jun-08	June 30, 2013 if no habitat regulation in place	N/A	The Flooded Jellyskin (<i>Leptogium rivulare</i>) is a leaf-like lichen that grows at the base of trees growing around vernal ponds that fill with melt water in spring, then dry up in summer. The ponds it relies on are being threatened by recreational use and housing development. One of the main tree species around the vernal pools that the lichens live on is Black Ash, which is threatened by a recent invader, the Emerald Ash Borer.

Species at Risk in the North Bay District

Species	SARO List Status (provincial)	COSEWIC Status (federal)	District Status	Species Protection (under ESA 2007)	General Habitat Protection	Habitat Regulation in Force	Description
King Rail	END	END	Confirmed	30-Jun-08	30-Jun-08	N/A	The King Rail (<i>Rallus elegans</i>) is a large, chicken-sized marsh bird with a long bill, brown streaked back, rich brown breast and bold barring on the flanks. It inhabits shallow, densely vegetated freshwater marshes but is rarely seen. It is the largest of the six rail species found in North America.
Kirtland's Warbler	END	END	Recovery	30-Jun-08	30-Jun-08	N/A	This bird is critically endangered, owing in large part to its extremely specific habitat requirements. It nests on the ground, on well drained soil, under the low living branches of 8 to 20 year old jack pines. Older trees that have lost their lower branches provide insufficient cover, and are not used.
Lake Sturgeon (Great Lakes – Upper St. Lawrence River population)	THR	THR	Confirmed	10-Sep-09	10-Sep-09	No	Lake Sturgeon is a specialized bottom feeder eating a wide variety of organisms are consumed including insect larvae, crayfish, molluscs and small fish. It usually inhabits the bottoms of shallow areas of large freshwater lakes and rivers, but migrates each year from early May to late June to swift-flowing water to spawn. Individuals usually return to the same spawning rivers year after year.
Least Bittern	THR	THR	Confirmed	30-Jun-08	June 30, 2013 if no habitat regulation in place	N/A	The main threat to Least Bitterns is draining of wetlands for conversion to farmland and urban development. Bitterns generally require large, quiet marshes and as marshes decrease in size and human recreation increases, the population declines in an area.

Species at Risk in the North Bay District

Species	SARO List Status (provincial)	COSEWIC Status (federal)	District Status	Species Protection (under ESA 2007)	General Habitat Protection	Habitat Regulation in Force	Description
Loggerhead Shrike	END	END	Historic	30-Jun-08	30-Jun-08	N/A	Loggerhead Shrikes hunt from perches in open country, and prefer a combination of pasture or other grassland with scattered low trees and shrubs.
Massasauga	THR	THR	Confirmed	30-Jun-08	June 30, 2013 if no habitat regulation in place	N/A	The Massasauga lives in a range of open habitats, where it hunts for small mammals and birds. It shifts its home range seasonally, spending the summer in dry, upland sites, and the rest of the year in swamps (forested wetlands). In winter, snakes hibernate underground in damp or even wet sites such as caves, tree root cavities, and animal burrows.
Milksnake	SC	SC	Confirmed	none	none	N/A	It lives in a wide range of habitats, especially old fields and farm buildings where rodents are common. It is more likely to be encountered at night when it is hunting, since during the day it is secretive and usually hides under objects.
Monarch	SC	SC	Confirmed	none	none	N/A	The Monarch Butterfly (<i>Danaus plexippus</i>) can be found in Ontario wherever there are milkweed plants for its caterpillars and wildflowers for a nectar source. Monarchs are often found on abandoned farmland and roadsides, but also in city gardens and parks. MNR Fact Sheet: http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/stdprod_070901.pdf

Species at Risk in the North Bay District

Species	SARO List Status (provincial)	COSEWIC Status (federal)	District Status	Species Protection (under ESA 2007)	General Habitat Protection	Habitat Regulation in Force	Description
Northern Brook Lamprey	SC	SC	Confirmed	none	none	N/A	The Northern Brook Lamprey prefers warm water. The species persists in untreated streams, above barriers and in backwater areas, which are not affected by the treatments. Water drawdowns and siltation are also potential threats.
Olive-sided Flycatcher	SC	THR	Confirmed	none	none	N/A	MNR Fact Sheet: http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/276684.pdf
Peregrine Falcon	THR	THR	Confirmed	30-Jun-08	N/A	18-Feb-10	MNR Fact Sheet: http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/270948.pdf
Red-headed Woodpecker	SC	SC	Historic	none	none	N/A	This medium-size bird (20cm) lives in open woodland and woodland edges, especially in oak savannahs and riparian forest, which can often be found in parks, golf courses and cemeteries. These habitats contain a higher density of dead trees, which they commonly use for nesting and perching. It is an omnivorous species, feeding on insects in the summer and nuts in the winter.

Species at Risk in the North Bay District

Species	SARO List Status (provincial)	COSEWIC Status (federal)	District Status	Species Protection (under ESA 2007)	General Habitat Protection	Habitat Regulation in Force	Description
Short-eared owl	SC	SC	Confirmed	none	none	N/A	The Short-eared Owl (<i>Asio flammeus</i>) lives in open areas such as grasslands, marshes and tundra where it hunts for small mammals, especially voles. Short-eared Owls nest on the ground and the female sits tight on the eggs while the male brings food to her over the four week incubation period.
Shortjaw Cisco	THR	THR	Confirmed (*DNA analysis)	30-Jun-08	None	N/A	The Shortjaw Cisco (<i>Coregonus zenithicus</i>) lives in deep waters of lakes where it can grow to a length of up to 35 centimetres and attain a weight of up to one kilogram. Ciscoes feed primarily on small items such as insect larvae, crustacea and shrimps. Prior to the collapse of the commercial Great Lakes fishery in the 1950s, ciscoes (also known as <i>chub</i>) were an important part of the smoked fish industry.
Snapping Turtle	SC	SC	Confirmed	none	none	N/A	MNR Fact Sheet: http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/276687.pdf
Whip-poor-will	THR	THR	Confirmed	10-Sep-09	10-Sep-09	No	MNR Fact Sheet: http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/276687.pdf

Species at Risk in the North Bay District

Species	SARO List Status (provincial)	COSEWIC Status (federal)	District Status	Species Protection (under ESA 2007)	General Habitat Protection	Habitat Regulation in Force	Description
Wolverine	THR	SC	Historic	30-Jun-08	June 30, 2013 if no habitat regulation in place	N/A	Wolverines live in the boreal forest where they are a predator and scavenger.
Wood Turtle	END	SC	Probable	30-Jun-08	N/A	18-Feb-10	MNR Fact Sheet: http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/270952.pdf
Yellow Rail	SC	SC	Confirmed	none	none	N/A	The Yellow Rail (<i>Coturnicops noveboracensis</i>) is seldom seen, as it lives deep in the reeds and marshes of shallow wetlands.

Kelly, Mary K

Subject: FW: Expansion of New Liskeard Landfill Site, City of Temiskaming Shores (NEATS 30552)
Attachments: NWP_App_Guide_EN.pdf

From: EnviroOnt [<mailto:EnviroOnt@tc.gc.ca>]
Sent: Tuesday, July 26, 2011 12:16 PM
To: Dave Treen
Subject: Expansion of New Liskeard Landfill Site, City of Temiskaming Shores (NEATS 30552)

Hello,

Thank you for the information regarding the above referenced project. Please in future forward correspondence on this project to the undersigned.

We have reviewed the information, and note the following:

Transport Canada is responsible for the administration of the *Navigable Waters Protection Act* (NWP), which prohibits the construction or placement of any “works” in navigable waters without first obtaining approval. If any of the related project undertakings cross or affect a potentially navigable waterway, the proponent should prepare and submit an application in accordance with the requirements as outlined in the attached Application Guide. Any questions about the NWP application process should be directed to the Navigable Waters Protection Program at **1-866-821-6631** or NWPontario-PENontario@tc.gc.ca.

Please note that certain approvals under the *Navigable Waters Protection Act* trigger the requirement for a federal environmental assessment under the *Canadian Environmental Assessment Act* (CEAA). The proponent may therefore wish to consider incorporating CEAA requirements into the project.

Transport Canada is concerned with the risks posed by impacts between aircraft and birds. For this reason, waste facility proposals are reviewed to determine their potential to influence the probability, frequency, and severity of this problem. It is our position that all waste facility projects should include the implementation of a bird management plan which addresses aviation safety criteria, and that these facilities should commit to operating as bird-free sites.

We recommend that the project considers the following general guidance:

- Seek to avoid developments that would attract birds into proximity with airports. Specifically, Transport Canada recommends against the siting or expansion of landfills within 15 km of an airport, where risks are highest. One of the compliance criteria included in Transport Canada’s new Airport Wildlife Planning and Management regulation is based on waste disposal facilities situated within 15 km of the airport geometric center. These airports will be required to conduct a risk assessment and have in place a wildlife management plan.
- Since birds are known to travel up to 60 km between roosting and feeding sites, strict bird hazard management plans may need to be developed for waste facilities within this zone.
- Risks are greatest where an airport lies between a water body and a landfill, as this may cause bird flight paths to cross aeronautical flight paths.
- Once a preferred alternative is known, Transport Canada suggests that the proponent follows the advice of a consultant with experience in conducting bird hazard assessments for projects of a similar nature.

Please contact us if there are any questions or concerns.

Thank you,

Environmental Assessment Coordinator

Transport Canada, Ontario Region

Environment & Engineering (PHE)

4900 Yonge St., 4th Fl., Toronto, ON M2N 6A5

Email: EnviroOnt@tc.gc.ca



Introduction

The ***Navigable Waters Protection Act (Act)*** protects the public right to boat freely on waterways in Canada. The Act and its regulations:

- Require the pre-approval of structures (known as **works**) to be placed in, on, over, under, through, or across any navigable waters; and
- Provide a legal framework for dealing with obstacles and obstructions to navigation.

The Act was updated on March 12, 2009. You can find the Act and its regulations online at:

<http://laws.justice.gc.ca/en/N-22/>

Transport Canada's (TC) **Marine Safety, Navigable Waters Protection Program** works to:

- Protect the public right of navigation
- Ensure safety for the shared use of Canada's waterways; and
- Consider any impacts proposed works might have on the environment.

Navigable Waterways are any natural or man-made bodies of water (rivers, lakes, canals, etc.) that can be used by vessels to work, move freight, travel or enjoy pleasure activities – even if they were created for purposes other than navigation.

Get the Facts

What is a Minor Water?

Before starting construction, repairs or changes, owners should find out if their work is on a minor water or a navigable waterway. To determine if the waterway is minor you may refer to the *Minor Works and Waters (Navigable Waters Protection Act) Order* at <http://www.tc.gc.ca/marinesafety/oep/nwpp/minorworks/menu.htm>.

What is a work?

A work includes:

- Any man-made structure, device or thing, temporary or permanent, that may limit or prevent boating; and
- Any fill dumped into, or materials being dug from, the bed of navigable water that may limit or prevent boating.

What is a minor work?

Some works, called minor works, that **will not limit or prevent boating**, do not require TC approval. However, they must be placed, built and maintained according to the Minor Works and Waters (NWPA) Order. If they aren't, owners may be fined.

Minor works include:

- Winter Crossings
- Water Intakes
- Pipeline Crossings
- Docks & Boathouses
- Submarine (underwater) Cables
- Aerial Cables
- Erosion Protection Works
- Dredging



Get Your Project Approved

All works, except those listed as minor works under the *Order*, must be approved by Transport Canada. TC approval is proof that your planned work will not limit or prevent boating.

Contact TC for approval **well before your desired start date**. This will give us time to review your project and respond.

Remember: You must request and get any local building or other permits you may need **before** you begin your work.

Approval process

Step One: Apply.

1. Prepare a letter or application form that includes the information set out in Table 1, below;
2. Include a map and directions indicating the exact location of the worksite;
3. Include onsite, upstream and downstream photos of the waterway.
4. Mail your letter and supporting documents to:

Transport Canada, Navigable Waters Protection Office
100 Front Street South,
Sarnia, Ontario N7T 2M4



Table 1 - Information and Application Requirements

Please provide as much of the following information as possible as missing information may delay your review. Pay particular attention to the mandatory information listed in Section D - Summary of Supporting Documents.

<p>Application Section A:</p>	<ul style="list-style-type: none"> Your name and address, phone, number, fax and email address. Contractor/consultant/agent (if any) address, phone, number, fax and email addresses
<p>Application Section B</p> <p>Work Site Location and Description:</p>	<ul style="list-style-type: none"> Legal site description (lot, concession, county/township or city/town, etc) and 911 address (if any). Name of the owner(s) of property immediately upland to the work site (note that you may require written consent to do the work). <u>Six copies</u> of a key map showing the exact location of the work site. <u>One copy</u> of written directions to the site. The latitude and longitude of the work site, if known. Legal and/or local name of waterway. Photos taken at, upstream and downstream of the work site. Canadian Hydrographic Service (CHS) navigation chart number (if known). National Traffic System (NTS) topographic map numbers (if known). A photocopy of your water lot lease or permit. The ordinary high water mark, the normal summer water elevation or chart datum at the work site (if known). Average width and depth of the waterway at the work site. Known boating uses of the waterway, i.e. traveling, moving freight, work or pleasure.
<p>Application Section C</p> <p>Description of Work:</p>	<ul style="list-style-type: none"> A detailed description of the work, including: <ul style="list-style-type: none"> method of construction; equipment and material used; operating plans; debris management plans; and any temporary works (berm, cofferdam, road, signage, portage, etc) required for the project. <u>Six copies</u> of drawings of the work (top-down plan view and side-on profile view) including: <ul style="list-style-type: none"> structure dimensions; shoreline shape; water depths; and near by structures. Any Environmental Assessment documents and information you have. Your proposed building or project schedule (with start and end dates). Status of the work at the time of application (existing, proposed, rebuilding, repairs, etc). Original date the existing work was constructed, if this is a repair or rebuild, and the date of any previous approvals. Name of any other agencies you have submitted these plans to.
<p>NOTE</p>	<p>Transport Canada must receive at minimum the following information to process your application. Missing information may lead to delays.</p>

(Continued)



Table 1 - Information and Application Requirements

<p>Application Section D</p> <p>Summary of Supporting Documents:</p>	<ul style="list-style-type: none"> ❑ Your name, address, phone, number, fax and email address. ❑ If an agency is acting on your behalf, provide Agency Applicant and name, address, phone, number, fax and email address. ❑ Legal site description (lot, concession, county/township or city/town, etc). If the work site has been assigned a 911 address, provide this as well. ❑ <u>Six copies</u> of a key map showing the exact location of the work site. ❑ A photocopy of your water lot lease or permit. ❑ Photos taken at, upstream and downstream of the work site. ❑ The ordinary high water mark, the normal summer water elevation or chart datum at the work site. ❑ A detailed description of the work, including method of construction, equipment and material used, operating plans, debris management plans and any temporary works (berm, cofferdam, road, signage, portage, etc) required for the project. ❑ <u>Six copies</u> of drawings of the work (top-down plan view and side-on profile view) including structure dimensions, shoreline shape, water depths and near by structures.
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Step Two: Wait for a response.

Transport Canada reviews proposed works based on information you provide, on-site assessment of the waterway and potential impacts to navigation. Once its review is complete, TC may issue an approval if the impacts to navigation can be lessened. The approval may include conditions you must meet.

The complete Transport Canada review can take some time because you may be asked to:

- Provide more information;
- Meet a Transport Canada official on site;
- Deposit plans after confirmation to proceed,
- Notify the public of the proposed work and allow one month for comments, and
- Support an environmental assessment of the work as per the under *Canadian Environmental Assessment Act (CEAA)*.

Step Three: Receive a response.

If / When you receive an Approval Document, you must:

- Read it carefully. It may include conditions that you must meet or time limits you must respect.
- Keep a copy of the Approval Document on the work site at all times.
- Meet all conditions of approval.
- Expect a TC official inspect your site to make sure you are meeting all conditions of approval.
- Write to TC when your work is done.



Table 2 – The Approval Process – Step by Step

1. Verify if the waterway is subject to the *Minor Works and Waters (Navigable Waters Protection Act) Order* or is a navigable waterway.
 2. Verify if the work is subject to the *Minor Works and Waters (Navigable Waters Protection Act) Order* or is subject to application and review under the Act.
 3. Complete and sign the application form and send it to Transport Canada with supporting documents listed in Table 1 (above) to the following address:

Transport Canada, Navigable Waters Protection Office
100 Front Street South, Sarnia, Ontario N7T 2M4
- Include six copies of the drawings and key map showing location of the work site.
4. Be prepared to attend an on-site meeting with Transport Canada officials, or if asked, to provide more information.
 5. If notified by Transport Canada, deposit one set of drawings and the supporting documents at the nearest Land Registry or Land Titles Office. Have one set of drawings certified by the Registrar and return it to Transport Canada with the Registrar's certificate, signature and deposit number.
 6. If notified by Transport Canada, advertise your work project in the legal section, if possible. We will send you a sample ad, complete instructions and a blank Statutory Declaration of Advertising. When you have advertised your project:
 - Have the "Statutory Declaration of Advertising" witnessed by a Commissioner of Oaths and return it to Transport Canada with 1 copy of the advertisements.
 - Allow one month for comments from the public before starting to build.
- NOTE: The advertising process may have to be repeated if done too soon, if information is missing or if project plans change.**
7. If asked, provide Transport Canada with any additional information needed for the environmental assessment.
 8. When you receive your Approval from Transport Canada, read it carefully and note any conditions of approval. Also, look for any time limits for starting and completing the work as well as how long the Approval Document is valid.
 9. Build your work, fulfilling all conditions of the Approval Document. Keep a copy of the Approval on the work site at all times during construction. Transport Canada officials may conduct on-site inspection(s) to ensure conditions are being met.
 10. Notify Transport Canada in writing when the work is completed.
 11. TC officials may inspect your finished work to make sure that it is built according to plan and meets the conditions of approval. **You** must:
 - Meet all conditions of approval;
 - Take any measures required by the environmental assessment.
 - Make sure to keep the work up to the standard of its approved plans.

Notes: You are responsible to:

- a. Complete the work according to plans approved by Transport Canada;
- b. Fulfill conditions of approval, as set out in the Approval Document issued by Transport Canada;
- c. Implement any environmental protection measures identified under *Canadian Environmental Assessment Act*.

NOTE: This guide explains the Navigable Waters Protection Act application and approval process. If anything in this Guide differs from the Act, comply with the Act.

Navigable Waters Protection Act Request for Project Review

This is my first request for a NWPP review for this project.

Yes

No

Section A	Your Contact Information	
	Your full name:	
	Mailing Address:	
	Street Address (if not the same):	
	City/Town:	Province/Territory: Postal Code:
	Tel. No. (Home):	Tel. No. (Work): Tel. No.: (Other)
	Fax No:	E-mail Address:
	Name of Contractor/Consultant/Agent (if any):	
	Mailing Address:	
	Street Address (if not the same):	
City/Town: Province/Territory: Postal Code:		
Tel. No. (Home) Tel. No. (Work): Tel No. (Other)		
Fax No: E-mail Address:		
Section B	Site location and description	
	Name of Nearest City, Town, Village:	Municipality / District / County:
	Legal site description (lot, concession, county/township, city/town, etc.) and 911 address, if any:	
	Access road or directions to Proposed Work Site (route number, highway series number or street name/number if urban area, etc.)	
	Legal and/or local name of waterway:	Description of waterway (Note: Enclose photographs):
	CHS navigation chart and NTS topographic map numbers (if available):	Water lot Lease or Permit (if any):
Average width and depth of waterway at or near the project site:	Known navigation and waterway use (recreational and commercial):	
Section C	Basic Project Description	
	What is the proposed project? (<i>dock, dam, bridge, aquaculture site, etc.</i>) Note: <u>You must attach detailed description and plans of work.</u>	
	Proposed project Start and End dates:	Status of the Project (circle <u>one</u>): New Existing Addition Repair Other (explain)
Building plans (describe methods, temporary works, etc.):		
Section D	Required Supporting Documents and Information	
	Documents:	Information:
	<ul style="list-style-type: none"> A detailed written description of your project A Map showing exactly where the project site is. Drawings – plan view (top down) and profile view (side on) including structure dimensions, shoreline shape and any nearby structures. Environmental Assessment documents and information. Onsite, upstream and downstream photos. 	<ul style="list-style-type: none"> Description of any temporary works related to the project (i.e. portage, signage, berms, cofferdams, roads, etc.). Original building date of an existing work and any previous approvals. Latitude and Longitude of the work site. Upland property owner's name (if you are not the upland property owner, you may need their written consent) Names of other agencies you have submitted plans to.
	Date:	Signature:
For NWPP Use only:		
NWPA #:		



Ministry of the Environment

Environmental Assessment and
Approvals Branch

2 St. Clair Avenue West
Floor 12A
Toronto, ON M4V 1L5
Tel.: 416 314-5138
Fax: 416 314-8452

Ministère de l'Environnement

Direction des évaluations et des
autorisations environnementales

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Tél. : 416 314-5138
Télééc. : 416 314-8452



MEMORANDUM

April 5, 2012

To: Antonia Testa, Project Officer
Environmental Assessment Services - Project Coordination Section
Environmental Approvals Branch

From: Dale Gable, P.Eng.
Senior Review Engineer – Team 1
Approval Services Section
Environmental Approvals Branch

Re: Review of the Proposed Draft Terms of Reference for the City of
Temiskaming Shores New Waste Management Capacity EA
EA File No. 03-08-02

I have reviewed the draft document dated March 2012 entitled "City of Temiskaming Shores New Waste Management Capacity Environmental Assessment" prepared for the City of Temiskaming Shores (City) by AMEC Environment & Infrastructure (AMEC) located in Lively, Ontario. The following comments are provided in response to your request to the Environmental Approval Branch's (EAAB) – Approval Services Section to provide comments on the Terms of Reference (ToR) from a waste approval perspective .

Background

The City has two existing landfills as a result of the Towns being amalgamated in 2004. The two landfills are referred to as the following in the report:

- i. New Liskeard LFS; and
- ii. Haileybury LFS.

The report indicates that the New Liskeard Landfill Site reached its approved capacity in 2009. The report indicates that the Haileybury Landfill Site is expected to reach its approved capacity in 2016.

The report indicates that additional landfill capacity is the second key objective in establishing a sustainable solid waste management program. The first being a recycling program. In the draft ToR, the City provides a summary of a waste management options and identifies potential evaluation criteria in which to assess the proposed options.

The potential waste options that the City will consider include:

- i. Waste Disposal in Landfill;
- ii. Thermal Waste Treatment;
- iii. Energy from Waste Facility;
- iv. Waste export; and
- v. Waste import.

The City estimates that it needs to manage approximately 19,500 cubic meters of waste each year. The City indicates that for a 30 year planning period, their long-term plan will need to address 685,000 cubic meters of waste. The report did not provide any supporting calculations to support this estimate for the City's requirement. Based on the estimated waste annual waste volume and the planning period, there seem to be a calculation error in the estimate. Assuming that there is no population growth and that there is no reduction in waste generation; the City would require only 585,000 cubic meters of disposal capacity over the 30 year period. The City should provide a discussion and calculations on population growth, estimated waste generation rate per person, and recycling estimates to justify the proposed volume in the report or supply the entire feasibility report in the appendix.

Terms of Reference - Evaluation for Environmental Compliance Approval issued the Environmental Protection Act

Based on the document submitted, I have reviewed the submitted report to provide comments from an Environmental Compliance Approval – waste component. The following comments are provided:

The information provided is considered in the initial stages of the Environmental Assessment process. Sections 4 through 7 of the main document provide an overview of the process and evaluation criteria to be considered in the process. From a waste perspective, the information provided in these sections are preliminary technical and operational information and do not provide sufficient information for the approvals process. However, the list does identify areas of concerns that are of typical interest during an EAB review process.

For the information that was provided in the Terms of Reference that can be used in a Environmental Protection Act review, the following comments are provided to assist the Town in the Environmental Assessment and future Section 27 approval process:

1. Noise should be added to the Table 4-1 as a typical concern for the landfill, thermal treatment option and energy from waste option.
2. For the landfilling option, the City should identify whether they are considering an expansion of an existing, considering a new site or will be looking at both options. For an expansion, the City will need to clearly state the approved capacity for the New Liskeard LFS and the Haileybury LFS. The approved capacity is the starting point for the expansion. The approved capacity for an expansion will be the existing approved capacity in addition to the volume of capacity the City is seeking. The City will need to provide this capacity prior to the EA being approved.

In general, when considering a new landfill or expanding an existing landfill, the City should consult the document entitled "*Landfill Standards: A Guideline to the Regulatory and Approval Requirements for New and Expanding Landfills (MOE June 2010)*", specifically Section 6, to identify the assessments that are required to be addressed in the supporting documentation should the ToR be approved. These include the following:

1. Hydrogeological Assessment;
2. Leachate Assessment;
3. Landfill Gas Assessment'
4. Landfill Capacity Assessment;
5. Geotechnical Assessment;
6. Noise Assessment;
7. Contaminated Life Expectancy; and
8. Contingency Plans

Summary

The information provided in the document at this time is considered preliminary for the Environmental Protection Act approval. Additional information and/or scope of any investigation for the proposed alternative(s) will need to be provided during the later EA stages.

Ministry of the EnvironmentEnvironmental Assessment and
Approvals Branch2 St. Clair Avenue West
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Fax: 416 314-8452**Ministère de l'Environnement**Direction des évaluations et des
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Télééc. : 416 314-8452

April 27, 2012

TO: Antonia Testa
Project Officer
Environmental Approvals Branch

FROM: Thomas Shevlin, P. Eng.
MOE Environmental Approval Services

RE: NOISE COMMENTS CONCERNING;
City of Temiskaming Shores New Waste Management Capacity
Environmental Assessment Terms of Reference
Draft
March 2012

This office was requested by Antonia Testa, Project Officer, EAB, MOE, to review the noise aspects of the above-referenced document (“the Draft ToR”) which was produced by Amec.

In Section 4.5 “Potential Environmental Effects and Mitigation” and Table 4-1, “Typical Concerns and Impact Management Features”, there are several references to “traffic” as an environmental effect, where it appears that “traffic” is used as a proxy term for “noise”. Since haul route noise should be a topic of the EA that will be reviewed by this office, noise from traffic should be referenced explicitly in the ToR.

In Table 5-1, “Evaluation of Alternatives to - Preliminary List of Criteria”, which listed a number of typical environmental criteria, noise was not, and should have been included.

In Table 6-1, “Preliminary Criteria For Evaluation of Environmental Effects”, noise was included, but under the unusual and arguably inappropriate heading of “Natural Environment” (and the subheading of Atmospheric Environment). It is also noted that in Section 4.3 “Natural Environment” there is no discussion of noise or noise receptors (nor is there mention of noise in Section 4.4, “Social, Economic and Cultural Environment”). As Points of Reception for noise are defined in Ontario in terms of the effect upon current or potential living areas for people, rather than upon flora, fauna and natural features, noise is more usually categorized under Social or Socio-Economic (and sometimes Cultural) Environment.

It was noted that there is no reference in the document to the guidelines of the Ministry of the Environment by which noise is assessed, either for industrial sources in general or for landfills in particular. The ToR's list of References (Section 12.0) should include the MOE document "Noise Guidelines for Landfill Sites, October 1998".

This review endorses the reference in Section 6.4 "Concept Design, Environmental Effects of the Undertaking" for the need for noise modelling.

Should you have any questions regarding our comments and recommendations please contact the undersigned at 416-314-8302.



T. Shevlin, P.Eng.
Senior Noise Review Engineer
Environmental Approval Services Team 3
MOE EAB



I. Greason, P. Eng.
Supervisor, Approval Services
MOE EAB

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Fax: (705) 564-4180
Direct Line: (705) 564-3205

April 30, 2012

MEMORANDUM

To: Antonia Testa
Project Officer, EAB

From: Laurie Brownlee
Environmental Planner/EA Coordinator, NR

Re: **Review of Proposed draft Terms of Reference for the City of Temiskaming
Shores New Waste Management Capacity EA
EA FILE NO. 03-08-02**

Antonia:

Thank-you for the opportunity to review the above noted Terms of Reference. I have reviewed the document dated March 2012 prepared by AMEC entitled "Draft City of Temiskaming Shores New Waste Management Capacity Environmental Assessment Terms of Reference" and have the following comments to make with respect to land use compatibility.

Under the Heading "Land Use" in Section 4.4 Social, Economic and Cultural Environment, there is a very general description of the land uses that occur throughout the study area. There could be a more detailed description of the various alternative sites currently under consideration and the local and provincial land use planning documents and policies that will apply (i.e., Official Plans, Provincial Policy Statement, MOE guidelines).

The Preliminary Regional Study Area appears to encompass the following municipalities/planning boards that are not on the Preliminary List of Project Participants in Appendix A: Townships of Armstrong, Brethour, Casey, Coleman, Evanturel, Gauthier, Hilliard, and Kerns, the Town of Latchford, the Village of Thornloe, and the Central Temiskaming Planning Board.

Many or all of these local planning authorities may have local planning documents (i.e., Official Plans and zoning by-laws) in place. These documents will likely have requirements for separation distances and studies that are consistent with the requirements of MOE's D-4 Guideline "Land Use On or Near Landfills and Dumps" or the requirement for an Official Plan Amendment or zoning by-law amendment to locate a new site or expand an existing.

The Provincial Policy Statement, which would be applied to any amendment to local planning documents, also has requirements for the appropriate location of waste management systems with which any approval would need to be consistent. The following sections support this policy outcome:

- 1.1.1 c) Healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns;

1.6.8 Waste Management

- 1.6.8.1 Waste Management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives.

Waste management systems shall be located and designed in accordance with provincial legislation and standards.

- 1.7.1 e) Long-term economic prosperity should be supported by planning so that major facilities (such as airports, transportation/transit/rail infrastructure and corridors, intermodal facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries and resource extraction activities) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

In order to ensure that potential impacts are adequately assessed as part of the environmental assessment for this project, and in order to integrate the requirements of the EAA as much as possible with any required Planning Act approvals, the requirements of the D-4 guideline should be incorporated into the screening and studies conducted in satisfying Sections 5 and 6 of the Terms of Reference.

This concludes my comments at this time. Please feel free to contact me if you have any questions.

Sincerely,

Laurie Brownlee
EA Coordinator
Ministry of the Environment
Northern Region

Kelly, Mary K

Subject: FW: Draft Terms of Reference MOE review comments

From: Berenkey, Andrea (ENE) [<mailto:Andrea.Berenkey@ontario.ca>]
Sent: Friday, March 18, 2011 06:04 PM
To: Dave Treen <dtreen@temiskamingshores.ca>
Cc: Carman Kidd <ckidd@temiskamingshores.ca>; Doug Jelly <djelly@temiskamingshores.ca>; Chris Oslund <coslund@temiskamingshores.ca>; McBride, Tim I (Sudbury); McCormack, Larry (ENE) <Larry.McCormack@ontario.ca>
Subject: RE: Draft Terms of Reference MOE review comments

Dear Dave,

Thank-you very much for your patience it is much appreciated. As requested, the Draft Terms of Reference (TOR) has been reviewed. The TOR was well focused and easy to read. It addressed all the necessary components for under the *Environmental Assessment Act* (EAA). As such, there are only a few minor comments to be noted. The alternatives section of the focused TOR was well defined, and all the necessary elements were included in the appendices (however with one note below).

Section 1.3: Should be changed to use subsections 6(2)(c) and 6.1(3) if there is a more defined planning process and more details of the proposal are already known (for example, the potential alternatives it wishes to evaluate). The elements of the environmental assessment that is prepared under subsection 6.1(3) should not differ drastically from the generic elements outlined in subsection 6.1(2), and the proponent must be clear in the terms of reference about what will be different. Justification for following subsection 6(2)(c) must be provided in the proposed terms of reference and is subject to the Minister's approval.

Section 4.3: Should also include/note in the TOR, EAA Section 1 B) and F) under the Interpretation and Application Section of the Act.

Appendix A-3: These appendices are very useful in articulating the need(s) / reason (s) for a focused TOR. If a proponent chooses to rely on previous planning work to limit the discussion of alternatives, then the rationale for doing so must be evaluated for its appropriateness, relevance and accuracy as it relates to provincial plans, policies and interests. The key is that the range and type of alternatives included by the proponent in the terms of reference can vary as long as the justification provided ensures that the terms of reference will produce an environmental assessment that enables the Minister to make an informed decision about the proposed undertaking. Although the Feasibility Assessment Evaluation Tables list the specific indicator factors under each criteria and evaluate them numerically from 0-5, with the Feasibility Ranking System in Table A-1 and written assignment of the ratings, it was unclear as to how/why each specific indicator was assigned its respective numeric value. (For example, an explanation of what it means to be "Distance to Nearest to Agricultural Lands" rank 2 (low to medium). How was this determined? In proximity of metres, or the number of agricultural lands, etc.?)

The public consultation portion and waste diversion portions of the TOR were strong with respect to EAA requirements. Thank-you for a great draft submission as it was well thought out which it made a pleasure to review.

Please let me know if you have any questions or need clarification on any of the above. I look forward to working with you on the official submission to MOE.

Best regards,

Andrea

Andrea Berenkey, M.Env.Sc.

Project Officer - Environmental Assessment Coordination Section

Environmental Assessment and Approvals Branch

Ontario Ministry of the Environment

2 St. Clair Avenue West, Floor 12A

Toronto, ON M4V 1P5

Tel.: (416) 314-1181

Fax.: (416) 314-8452

Email: andrea.berenkey@ontario.ca

Kelly, Mary K

Subject: FW: NL Landfill Expansion, Public and Aboriginal Involvement Plan

From: Berenkey, Andrea (ENE) [<mailto:Andrea.Berenkey@ontario.ca>]
Sent: Friday, December 10, 2010 4:29 PM
To: Berenkey, Andrea (ENE); McBride, Tim I (Sudbury); Chris Oslund; Dave Treen
Cc: McCormack, Larry (ENE); Buck, Kevin (ENE); Lashbrook, Ross (ENE)
Subject: RE: NL Landfill Expansion, Public and Aboriginal Involvement Plan

Hello again,

Being fresh to EAAB, I should clarify on my comment below regarding First Nation consultation requirements.

It is generally best practice to consult with those First Nations within the vicinity of the project, however the Temiskaming First Nation (Quebec) is outside of Ontario and I need follow-up with you on the requirements for the purpose of the TOR and EA. I will also look into if there may be consultation requirements relating to the Metis or not.

Thanks and have a great weekend.

Andrea

Andrea Berenkey, Project Officer, EAAB
Ontario Ministry of the Environment
Tel.: (416) 314-1181

From: Berenkey, Andrea (ENE)
Sent: December 10, 2010 3:47 PM
To: 'McBride, Tim I (Sudbury)'; 'Chris Oslund'; 'Dave Treen'
Cc: McCormack, Larry (ENE); Buck, Kevin (ENE); Lashbrook, Ross (ENE)
Subject: RE: NL Landfill Expansion, Public and Aboriginal Involvement Plan

Hello Tim,

Thanks for allowing ample time for a through review of the Draft New Liskard Landfill Site Expansion Project Individual Environmental Assessment Public and Aboriginal Involvement Plan.

The Draft is fairly robust according to consultation requirements laid into the Consultation in Ontario's Environmental Assessment Process (June 2007). There are some general areas that could be fleshed out a little better due to the nature of the focused nature project itself, (having the broader alternatives already examined in previous studies and the current city council on board).

- The individual EA itself is focused and so the TOR needs to address the reason(s) why the EA will deviate from examining the broader alternatives and how this will address the current need for the project. This point should be present in the general difference when consulting on the TOR compared to EA, especially as this any waste or landfill type of project has the potential to be contentious in nature. (I'm not sure if this helps, but perhaps you may want to consider sharing at a high level the scoring criteria and prior feasibility studies that helped to shape the project as part of the consultation process may help educate the public on how this project was selected.)
- The plan speaks to interested persons as identified by proximity, past or current interest, potentially impacted. This area could be better fleshed out. For example, say all property owners will be individual contacted who are: adjacent to the project site, along major travel routes, property within 500 meters of the site, 1000m in the identified down gradient ground water flow direction, municipal postal codes area for mass mailings, etc.

- The plan also needs to clarify exactly how the input from the consultation is collected, such as: through questionnaires, website; meeting notes from key stakeholder organization focus groups, etc.
- The First Nation on the list that is close is Matachewan FN it would be more appropriately would be Bear Island (Temagami) and Temiskaming First Nation (Quebec).

Please let me know if you have any questions regarding the above general feedback, or feel free to call me to clarify any finer points during revision.

All the best to you during the busy holiday season,

Andrea

Andrea Berenkey, M.Env.Sc.

Project Officer - Environmental Assessment Coordination Section

Environmental Assessment and Approvals Branch

Ontario Ministry of the Environment

2 St. Clair Avenue West, Floor 12A

Toronto, ON M4V 1P5

Tel.: (416) 314-1181

Fax.: (416) 314-8452

Email: andrea.berenkey@ontario.ca

Kelly, Mary K

Subject: FW: Draft Review NL Landfill

From: Berenkey, Andrea (ENE) [<mailto:Andrea.Berenkey@ontario.ca>]

Sent: August-31-11 12:11 PM

To: Wittkugel, Uwe

Subject: RE: Draft Review NL Landfill

Hello Uwe,

I confirming that I received the draft TOR copies in my mailbox.

Thanks,

Andrea Berenkey, M.Env.Sc.

Project Officer - Environmental Assessment Coordination Section

Environmental Assessment and Approvals Branch

Ontario Ministry of the Environment

2 St. Clair Avenue West, Floor 12A

Toronto, ON M4V 1P5

Tel.: (416) 314-1181

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Email: andrea.berenkey@ontario.ca

APPENDIX H
PUBLIC SURVEY AND POSTER



Opportunity for Review – Survey Environmental Assessment Draft Terms of Reference New Waste Management Capacity City of Temiskaming Shores

The City of Temiskaming Shores would like your feedback as part of their planning process for new waste management capacity for the City. Your feedback will be used to finalize the draft Terms of Reference for the Environmental Assessment. The Terms of Reference guides what needs to be addressed in the Environmental Assessment.

To assist you with completing the questionnaire, it is recommended that you take some time to review the draft Term of Reference. This and other project details can be viewed at various locations and downloaded from the City's website:

www.temiskamingshores.ca/en/municipalservices/LandfillExpansionEA.asp

The following questions will assist the City in developing its Consultation Plan for the Environmental Assessment process.

Would you like to be involved in the planning process for new waste management capacity for the City of Temiskaming Shores?

Yes (if yes, please provide contact details below) No

Name: _____

Business/Organization: _____
(if applicable)

Civic Address: _____

City/Town: _____

Prov: _____

Postal Code: _____

Phone No.: _____

E-mail address: _____

How would you like to be involved?

Receive project information

Participate in meetings and/or workshops

Other: _____

The following questions will assist the City in developing its approach to the planning for new waste management capacity.

Which geographic areas should be included in the Regional Study Area?

- City of Temiskaming Shores
- District of Temiskaming
- Areas beyond Temiskaming District
- Other: _____

The City intends to continue and expand its current recycling programs. Beyond that, what principally different types of waste management alternatives should the City consider when planning for new waste management capacity?

- Expansion of the existing landfill(s)
- Development of a new landfill
- Transportation of waste materials to existing facilities outside of the municipality
- Other: _____

The following questions will assist the City in determining the draft Terms of Reference is appropriate for your community.

Do you think the draft Terms of Reference outlines a good approach to identifying options, assessing impacts, and determining the preferred alternative of new waste management capacity for the City of Temiskaming Shores? **Yes** **No**

What do you like? What changes would you like to see incorporated?

A key component of the planning process is the evaluation of alternatives and environmental effects. What aspects (criteria) are most important from your perspective?

Please mark your preferences in the boxes below or add additional factors that you consider significant (Please note, there will opportunities for further input on this issue once specific alternative are presented during the Environmental Assessment process).

Criteria	Very Important	Important	Less Important	No Opinion
Aboriginal Community Interests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic (water) environments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Archaeological or historic resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Continued service to customers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural heritage resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Effects from truck traffic along access roads	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Effects on cost of service to customers /neighbours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Effects on current and planned future land uses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Effects on occupational health of the workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Effects on/benefits to local community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Groundwater quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Odour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surface water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terrestrial (land) ecosystems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Visual impact of the facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please send completed survey by April 30, 2012 to the following:

David B. Treen, CET
 Manager, Engineering & Environmental Services
 CITY OF TEMISKAMING SHORES
 325 Farr Drive, P.O. Box 2050
 Haileybury, Ontario P0J 1K0
 Phone (705) 672-3363 Ext. 4136
dtreen@temiskamingshores.ca

Seeking Your Input

The City of Temiskaming Shores has begun a study under the Environmental Assessment Act to address the City's need for new waste management capacity and will assess a wide range of alternatives. Members of the public, government agencies, Aboriginal communities, and interested persons are encouraged to actively participate in the development of the Terms of Reference (the document that guides the Environmental Assessment).

Please visit the City's website or any of the locations below to review a draft Terms of Reference. Take the online survey and/or provide comments by April 30, 2012.



Discover a whole new Ontario • Découvrez un tout nouvel Ontario

To provide comments, to obtain further information and/or to be added to the mailing list for this study please visit the Project website at:

www.temiskamingshores.ca/en/municipalservices/LandfillExpansionEA.asp

Locations

You can review a hard copy of the terms of reference at these locations.

City of Temiskaming Shores 325 Farr Drive Haileybury	Town of Elk Lake - Township of James P.O. Box 10 Elk Lake	Township of Harley 903303 Hanbury Road, R.R. 2 New Liskeard	Township of Hudson 903303 Hanbury Road, R.R. 2 New Liskeard
Haileybury Branch Library 545 Lakeshore Rd South Haileybury	Town of Englehart P.O. Box 399 Englehart	Township of Harris 782156 Balls Road New Liskeard	Township of McGarry 27 Webster Street Virginiatown
New Liskeard Branch Library 50 Whitewood Ave New Liskeard	Town of Kirkland Lake 3 Kirkland St Kirkland Lake	Township of Black River-Matheson P.O. Box 601 Matheson	Township of Chamberlain 467501 Chamberlain Road Chamberlain
Town of Cobalt 18 Silver Street, Box 70 Cobalt	Town of Larder Lake P.O. Box 40 Larder Lake	Township of Matachewan P.O. Box 177 Matachewan	The Municipality of Charlton and Dack 287237 Sprucegrove Road Englehart

Or Contact:

Dave Treen
Manager, Engineering &
Environmental Services
CITY OF TEMISKAMING SHORES
325 Farr Drive, P.O. Box 2050
Haileybury, Ontario P0J 1K0
Phone (705) 672-3363 Ext. 4136
dtreen@temiskamingshores.ca

Under the Freedom of Information and Protection of Privacy Act and the Environmental Assessment Act, unless otherwise stated in the submission, any personal information such as name, address, telephone number and property location included in a submission will become part of the public record files for this matter and will be released, if requested, to any person.

APPENDIX I

PUBLIC SURVEY RESULTS

Del and Val Fuller
884048 Hwy 65 W, RR #1
New Liskeard, ON, P0J 1P0

RECEIVED
APR 26 2012

April 25, 2012

Dave Treen
Manager, Engineering and Environmental Services
City Of Temiskaming Shores
325 Farr Drive, Box 2050
Haileybury, ON P0J 1K0

Subject: Survey and Environmental Assessment Draft Terms of Reference

Please find attached our reply to the Draft Terms of Reference survey.

We have concerns that the survey itself does not mirror the new draft Terms of References' "thinking outside the box" potential for waste management for the City of Temiskaming Shores but rather reverts to directing responses to a narrower choice of strategies.

We trust that the purpose of the survey is not to limit the final Terms of Reference since, if this was the case, it should have been stated up front.

We are hopeful that AMEC , Council, and yourself do not allow the survey to cloud the broader and possible exciting opportunity for waste management as outlined in your draft Terms of Reference.

Thank you,



Del and Val Fuller

cc Carmen Kidd and Council members



**Opportunity for Review – Survey
Environmental Assessment
Draft Terms of Reference
New Waste Management Capacity
City of Temiskaming Shores**

The City of Temiskaming Shores would like your feedback as part of their planning process for new waste management capacity for the City. Your feedback will be used to finalize the draft Terms of Reference for the Environmental Assessment. The Terms of Reference guides what needs to be addressed in the Environmental Assessment.

To assist you with completing the questionnaire, it is recommended that you take some time to review the draft Term of Reference. This and other project details can be viewed at various locations and downloaded from the City's website:

www.temiskamingshores.ca/en/municipalservices/LandfillExpansionEA.asp

The following questions will assist the City in developing its Consultation Plan for the Environmental Assessment process.

Would you like to be involved in the planning process for new waste management capacity for the City of Temiskaming Shores?

Yes (if yes, please provide contact details below)

No

B

A large black rectangular redaction box covering the contact details provided by the respondent.

How would you like to be involved?

Receive project information

Participate in meetings and/or workshops

Other: _____

The following questions will assist the City in developing its approach to the planning for new waste management capacity.

Which geographic areas should be included in the Regional Study Area?

- City of Temiskaming Shores District of Temiskaming
 Areas beyond Temiskaming District Other: _____

The City intends to continue and expand its current recycling programs. Beyond that, what principally different types of waste management alternatives should the City consider when planning for new waste management capacity?

- Expansion of the existing landfill(s) Development of a new landfill
 Transportation of waste materials to existing facilities outside of the municipality Other: _____

As per the Terms of Reference, the study team has established a preliminary list of "Alternatives To" that includes but is not limited to

a) Do nothing b) Thermal technology (waste incineration) c) Energy from waste d) Waste export e) Waste import and f) Landfilling. The city should consider all these alternatives when planning for the new waste management capacity. Another option not mentioned is the potential to contract out the waste management to a firm such as Miller Waste Management.

Questions

In the TOR there is no division of landfilling into expansion of existing landfills or development of a new landfill. so why is this distinction made in the survey? .

What is the purpose of both sections of the above question when the broader geographical consideration as well as waste management alternatives are laid out in the Terms of Reference?

The following questions will assist the City in determining the draft Terms of Reference is appropriate for your community.

Do you think the draft Terms of Reference outlines a good approach to identifying options, assessing impacts, and determining the preferred alternative of new waste management capacity for the City of Temiskaming Shores? Yes No

What do you like? What changes would you like to see incorporated?

This is a very broad question for a "yes" or "no" answer. The following reflect our comments on the draft TOR.

There is no mention of Cobalt and whether they will be joining the City of Temiskaming Shores in this waste management decision. They are currently using the Haileybury Landfil which will close.

There is no mention of waste management initiatives with neighbouring towns and townships, in order to minimize the need for multiple waste management sites.

There is no mention of the lease of the New Liskeard landfill contamination attenuation zone to Canadian Solar by the City of Temiskaming Shores. When this project proceeds, the drilling required for base supports on this land, as noted in their engineering documents, will further fracture the underlying bedrock and thus impact the integrity of the contamination attenuation zone.

We hope both AMEC and the city council members are serious in taking a much broader look at the opportunites mentioned in the TOR. We know it is a challenging decision but a great chance to look forward to the potential new technologies and methods for waste management for our city, now and into the future.

A key component of the planning process is the evaluation of alternatives and environmental effects. What aspects (criteria) are most important from your perspective?

Please mark your preferences in the boxes below or add additional factors that you consider significant (Please note, there will be opportunities for further input on this issue once specific alternatives are presented during the Environmental Assessment process).

Criteria	Very Important	Important	Less Important	No Opinion
Aboriginal Community Interests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Aquatic (water) environments	<input type="checkbox"/>	<input type="checkbox"/>		
Archaeological or historic resources	<input type="checkbox"/>			
Continued service to customers				
Cultural heritage resources				
Effects from truck traffic alone				
Effects on cost of				
Effects on				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terrestrial (land) ecosystems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This is a very challenging format to reply to at the initial stage and seems more geared to a possible criteria ranking once specific alternatives are presented.

All the factors you have listed are very important while reviewing the alternatives discussed in the TOR. Some will be more applicable to certain waste management strategies while others are very important when you look at geographical choices.

Please send completed survey by April 30, 2012 to the following:

David B. Treen, CET
 Manager, Engineering & Environmental Services
 CITY OF TEMISKAMING SHORES
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 Haileybury, Ontario P0J 1K0
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