

Ministry
of the
Environment

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de
l'Environnement

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ENV1283MC-2005-3021

AUG 31 2005

The Honourable David Ramsay
Minister of Natural Resources
99 Wellesley Street West
6th Floor, Room 6630 Whitney Block
Toronto ON M7A 1W3

Dear Minister Ramsay:

On March 15, 2005, the Ministry of the Environment received a request on behalf of the Grassy Narrows Trappers Council that the Ministry of Natural Resources (MNR) be required to prepare an individual environmental assessment for the proposed Whiskey Jack Forest 2004-2024 Forest Management Plan (FMP), for the Whiskey Jack Forest Management Unit located in your ministry's Northwestern Region.

I am taking this opportunity to inform you of my decision not to require an individual environmental assessment.

However, despite this decision, I do recognize that the issues that have been raised by the Grassy Narrows Trappers Council in its individual environmental assessment request are complex. Under the circumstances, and having regard for the need to balance all of the various interests involved, I have concluded that it would be appropriate for MNR to provide an additional opportunity to the Grassy Narrows Trappers Council and the Grassy Narrows First Nation to assess the accuracy and completeness of MNR's information regarding native values, so that native values can be more accurately and fully identified, and any appropriate adjustments to forestry operations can be planned for and made.

To this end, as part of my decision, I am imposing the following conditions to encourage the Grassy Narrows Trappers Council and the Grassy Narrows First Nation to provide the information they have not yet provided to MNR, and to require MNR to give prior notice of any adjustments to forestry operations it proposes to make in response to information provided by the Grassy Narrows Trappers Council and Grassy Narrows First Nation pursuant to these conditions:



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1. No later than 15 days after receipt of notification of the decision of which these conditions are a part, the Ministry of Natural Resources (MNR) shall send the President of the Grassy Narrows Trappers Council (President) and the Chief of the Grassy Narrows First Nation (Chief) up-to-date copies of the Native Background Information Report and the Report on the Protection of Identified Native Values prepared for the 2004-2024 Whiskey Jack Forest Management Plan (the Reports).
2. MNR shall invite the President and the Chief to provide information to MNR to address any inaccurate or incomplete information in the Reports that relates to the native values identified as issues of concern in the individual environmental assessment request submitted by the President (letters dated March 15, 2005, and June 24, 2005) and at the July 14, 2005, meeting with staff of the Ministry of the Environment. MNR may specify, in its invitation to provide information, a reasonable time frame within which the information shall be provided.
3. If MNR receives any of the information it has requested from the President and the Chief within the time frame that MNR may specify under condition 2, MNR shall revise the Reports and make any adjustments to forestry operations, as appropriate, in accordance with the applicable approved Forest Management Planning Manual(s). MNR shall give notice to the President and the Chief of any adjustments to forestry operations it proposes to make before making any adjustments in accordance with the applicable approved Forest Management Planning Manual(s).
4. If MNR does not receive the information it has requested from the President and the Chief within the time frame that MNR may specify under condition 2, MNR shall have no obligation to revise the Reports or make any adjustments to forestry operations in accordance with condition 3.
5. Whether or not information is exchanged in accordance with these conditions, harvesting activities within the Whiskey Jack Forest may proceed in accordance with the 2004-2024 Whiskey Jack Forest Management Plan.

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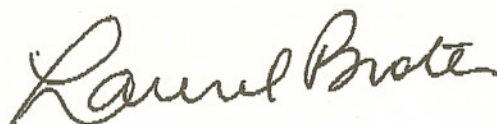
This decision was made after giving careful consideration to the individual EA request and supplementary information provided by the requester, and to MNR's response to the requester's concerns. Among other things, the decision considered the potential impact on the treaty rights asserted by the Grassy Narrows Trappers Council, who are members of the Grassy Narrows First Nation, the efforts by MNR throughout the planning process to consult with the Grassy Narrows First Nation and the socio-economic implications of further preventing forestry operations from proceeding, the provisions of the 1994 *Class Environmental Assessment for Timber Management on Crown Lands in Ontario* (Class EA) under which the FMP was prepared, the Whiskey Jack Forest 2004-2024 FMP documentation provided by MNR (including the measures set out in the plan dealing with the concerns raised), the purpose of the *Environmental Assessment Act*, case law, and other matters relevant to these issues.

The reasons for my decision may be found in the attached letter to the requester.

With this decision having been made, the activities and operations proposed in the FMP can now proceed to implementation, subject to the conditions I have imposed and subject to any other permits or approvals required. In order to facilitate the exchange of information referred to in the conditions, it may be appropriate for MNR to meet with the Grassy Narrows First Nation and the Grassy Narrows Trappers Council, and I would strongly encourage MNR to continue its efforts to engage them as the implementation of the approved plan proceeds and the process for the next plan unfolds.

I would like to ensure that MNR understands that failure to comply with the *Environmental Assessment Act*, the provisions of the Class EA, and the conditions I have imposed, and failure to implement the forest management activities in the manner described in the FMP, are contraventions of the *Environmental Assessment Act* and may result in prosecution under section 38 of the Act. I am confident that MNR recognizes the importance and value of the *Environmental Assessment Act* and will ensure that its requirements and those of the Class EA are satisfied.

Yours truly,



Laurel C. Broten
Minister of the Environment

Attachment