



Executive Council

O.C. 1900/77

Copy of an Order-in-Council approved
by His Honour the Administrator of the Government
of the Province of Ontario, dated the 13th day of
July, A.D. 1977.

The Committee of Council have had under
consideration the report of the Honourable the
Minister of the Environment, wherein he states that,

Recognizing that major enterprises and related
technologies in that part of Ontario that is north
or generally north of the 50th parallel of north latitude
for the use of natural resources could have significant
beneficial and adverse effects on the environment, as
defined in Schedule A, for the people of Ontario and in
particular those people of Ontario who live north of the
50th parallel.

Recognizing further that any such effects on the
environment are hereby declared to be a matter of public
concern,

Recognizing further that the purpose of The
Environmental Assessment Act, 1975, is the betterment of
the people of the whole or any part of Ontario by providing
for the protection, conservation and wise management in
Ontario of the environment,

The Honourable the Minister of the Environment
recommends that the Honourable Mr. Justice Patrick Hartt,
a Justice of the Supreme Court of Ontario, be appointed
a commission pursuant to the provisions of The Public
Inquiries Act, 1971, effective the 13th day of July, 1977:

1. to inquire into any beneficial and adverse effects on the environment as defined in Schedule A, for the people of Ontario of any public or private enterprise, which, in the opinion of the commission, is a major enterprise north or generally north of the 50th parallel of north latitude, such as those related to harvesting, supply and use of timber resources, mining, milling, smelting, oil and gas extraction, hydro-electric development, nuclear power development, water use, tourism and recreation, transportation, communications or pipelines,
2. to inquire into methods that should be used in the future to assess, evaluate and make decisions concerning the effects on the environment of such major enterprises;
3. to investigate the feasibility and desirability of alternative undertakings north or generally north of the 50th parallel of north latitude, for the benefit of the environment as defined in Schedule A;
4. to report and make such recommendations to the Minister of the Environment from time to time and as expeditiously as possible with respect to the subject matter of the inquiry as the commission deems necessary and desirable to carry out the purpose of The Environmental Assessment Act, 1975.

The Honourable the Minister of the Environment further recommends that

5. all the ministries, boards, agencies and committees of

the Government of Ontario be directed to assist the commission to the fullest extent,

6. the commission be authorized to engage such counsel, research and other staff and technical advisers as it deems proper for the purpose of carrying out the commission at rates of remuneration and reimbursement to be approved by the Management Board of Cabinet;
7. the commission be authorized to distribute funds to such persons as in its discretion, having regard to the criteria in Schedule B, it deems advisable for the purpose of ensuring effective participation by the public in the inquiry.

The Committee of Council concur in the recommendation of the Honourable the Minister of the Environment and advise that the same be acted on.

Certified,


Deputy Clerk, Executive Council.

SCHEDULE A

"Environment" means,

- (i) air, land or water,
- (ii) plant and animal life, including man,
- (iii) the social, economic and cultural conditions that influence the life of man or a community,
- (iv) any building, structure, machine or other device or thing made by man,
- (v) any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from the activities of man,
or
- (vi) any part or combination of the foregoing and the interrelationships between any two or more of them,

in or of Ontario.

SCHEDULE B

CRITERIA FOR FUNDING OR PARTICIPATION IN INQUIRY

These criteria are intended to assist the commission in distributing the available funds in the fairest possible way so as to ensure effective public participation in the inquiry.

1. Representation of Wide Range of Interests

The parties assisted should be representative of the various interests which are directly or indirectly affected by the matters subject to the inquiry. It may not be feasible or practicable to fund representatives of all or any groups to the extent they feel necessary or desirable.

2. Avoidance of Duplication

Consideration may be given to encouraging the coalescence of individuals or groups with similar interests. An incentive could be provided to groups or individuals who are willing to work together and combine their presentations for the inquiry.

3. Representation of Various Geographic Areas

Funding may be allocated to representative of concerned groups or individuals who do not live or work immediately adjacent to the proposed development but who have a substantial and direct interest in the subject-matter of the inquiry.

4. Allocation of Limited Funds

Within the context of the above criteria, in determining which applications for funding should be accepted, the commission may give consideration to the following specific guidelines:

- the applicant for funding should be one who the commission is satisfied has a direct and substantial interest in the subject-matter of the inquiry,
- it should be clear to the commission that separate and adequate representation of that interest will make a necessary and substantial contribution to the hearing,
- those seeking assistance should have an established record of concern for, and should have demonstrated their own commitment to, the interests they seek to represent,
- it should be shown to the satisfaction of the commission that those seeking assistance do not have sufficient financial resources to enable them to represent adequately that interest in the hearing under consideration, and will require the assistance to enable them to do so,
- those seeking assistance should have a clear proposal as to the use they intend to make of the funds, and should be willing to make a commitment to account for the funds.

5. Determination of Specific Requirements

In determining whether to provide assistance and the amount of assistance to provide, the commission may consider:

- the length of time required for preparation of the presentation,
- non-monetary subsidies or other monetary inputs available to the individual or group applying for assistance,
- the number of paid employees who will be participating in the preparation of the presentation,
- the number of people represented by the group.

MEMO

TO: HARTT FILE

DATED: Aug. 4/77

I met with John Laskin and Gaylord on Aug. 3rd for lunch. They indicated to me that they are interested in having preliminary talks with all the interested groups in an attempt to establish the areas that the Commission should be looking into. John will within the next week send out a letter to all the interested groups ^{he can} ~~and~~ identify and request them to make a preliminary identification of their areas of interest. At this time, a meeting will be arranged for late September or early October at which time the groups can have an informal discussion among themselves with Commission Counsel present to solidify their ideas about what the Commission should be investigating.

Attached is a copy of the final terms of reference. Although they have not been given, ~~submitting approval~~ ~~change it~~ they are not expected to change.

AL:mm



ONTARIO

MINISTRY OF THE ENVIRONMENT

TO HER HONOUR

THE LIEUTENANT GOVERNOR IN COUNCIL:

Recognizing that major enterprises and related technologies in that part of Ontario that is north or generally north of the 50th parallel of north latitude for the use of natural resources could have significant beneficial and adverse effects on the environment, as defined in Schedule A, for the people of Ontario and in particular those people of Ontario who live north of the 50th parallel.

Recognizing further that any such effects on the environment are hereby declared to be a matter of public concern,

Recognizing further that the purpose of The Environmental Assessment Act, 1975, is the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment,

The undersigned has the honour to recommend that the Honourable Mr. Justice Patrick Hartt, a Justice of the Supreme Court of Ontario, be appointed a commission pursuant to the provisions of The Public Inquiries Act, 1971, effective the 13th day of July, 1977:

1. to inquire into any beneficial and adverse effects on the environment as defined in Schedule A, for the people of Ontario of any public or private enterprise, which, in the opinion of the commission, is a major enterprise north or generally north of the 50th parallel of north latitude, such as those related to harvesting,

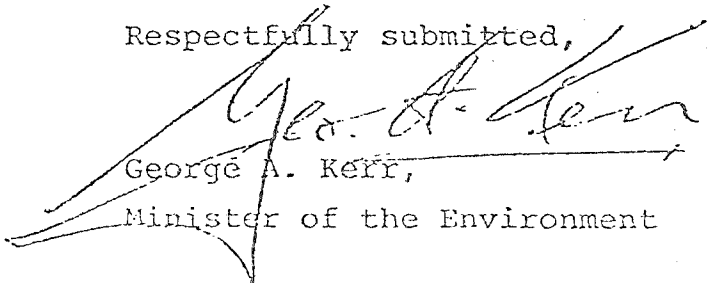
supply and use of timber resources, mining, milling, smelting, oil and gas extraction, hydro-electric development, nuclear power development, water use, tourism and recreation, transportation, communications or pipelines,

2. to inquire into methods that should be used in the future to assess, evaluate and make decisions concerning the effects on the environment of such major enterprises;
3. to investigate the feasibility and desirability of alternative undertakings north or generally north of the 50th parallel of north latitude, for the benefit of the environment as defined in Schedule A;
4. to report and make such recommendations to the Minister of the Environment from time to time and as expeditiously as possible with respect to the subject matter of the inquiry as the commission deems necessary and desirable to carry out the purpose of The Environmental Assessment Act, 1975.

And the undersigned further recommends that:

5. all the ministries, boards, agencies and committees of the Government of Ontario be directed to assist the commission to the fullest extent,
6. the commission be authorized to engage such counsel, research and other staff and technical advisers as it deems proper for the purpose of carrying out the commission at rates of remuneration and reimbursement to be approved by the Management Board of Cabinet;
7. the commission be authorized to distribute funds to such persons as in its discretion, having regard to the criteria in Schedule B, it deems advisable for the purpose of ensuring effective participation by the public in the inquiry.

Respectfully submitted,


George A. Kerr,

Minister of the Environment

Dated at Toronto
this 13th day of
July, 1977.

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- (i) air, land or water,
- (ii) plant and animal life, including man,
- (iii) the social, economic and cultural conditions that influence the life of man or a community,
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