
DRAFT
OF THE
PROPOSED TERMS OF REFERENCE
FOR THE
HARTT INQUIRY

THIS DRAFT FOR
DISCUSSION PURPOSES ONLY

PROPOSED TERM OF REFERENCE

FOR HARTT INQUIRY

Preamble

1. A Memorandum of Understanding, signed October 26th, 1976, between Her Majesty The Queen in right of Ontario (as represented by the Minister of Natural Resources) and Reed ^{Ltd.} ~~Limited~~ indicated the intention of the Ontario Government and the Reed firm to study the feasibility ^{and environmental acceptability} of developing the timber resources in a 19,000 square mile area of northwestern Ontario.
2. The Premier announced in the Legislature on October 28th, 1976, that the Reed undertaking would be subject to full scrutiny and public hearings under The Environmental Assessment Act and that an objective person with a judicial background would be appointed to the Environmental Assessment Board for purposes of conducting the hearings on the Reed undertaking.
3. The Premier announced in a statement to the Legislature on December 10th, 1976, that Mr. Justice Patrick Hartt of the Supreme Court of Ontario had agreed to be Chairman of the environmental hearing into the Reed proposal.

4. On December 13th, 1976, in accordance with the Memorandum of Understanding, Reed ^{Ltd.} ~~limited~~ made public a document

titled "Environmental Assessment and Site Recommendation -

Integrated Forest Products Complex Ear Falls/Red Lake Area".

This study dealt with environmental impact considerations relative to the proposed wood-using manufacturing, including socio-economic
~~This dealt mainly with the location of the proposed wood-using manufacturing, including socio-economic~~
~~using manufacturing and a review of this document has led~~
~~to the proposed wood-using manufacturing, including socio-economic~~
~~matter. A review of this document has led the Government to the~~
~~the Government to the conclusion that it cannot be considered~~
~~conclusion that it cannot be considered an environmental assessment~~
~~an environmental assessment submitted under the Environmental~~
~~submitted under the Environmental Assessment Act with respect to~~
~~Assessment Act.~~

the undertaking as defined in Ontario Regulation 1009/76.

5. Ontario Regulation 1009/76, effective January 16th, 1977,

defined and designated the Reed proposal, including both

~~the location of the wood-using manufacturing and the harvest-~~

ing and supply of timber, as an undertaking subject to The

Environmental Assessment Act.

6. In recognition that the timetable outlined in the Memorandum

of Understanding for completion of the forest inventory,

feasibility report, and draft management and operating plans

means that a complete environmental assessment for the des-

ignated undertaking cannot be completed and submitted before

completion in 1979 at the earliest

¹ ~~1979~~, the Premier announced on February 10th, 1977, that an

amendment would be introduced to The Environmental Assessment

Act during the next session of the Legislature to enable Mr.

Justice Hartt to start an inquiry as soon as possible.

expand

7. The Premier's February 10th statement indicated that when the environmental assessment is submitted the normal procedure under The Environmental Assessment Act will be followed.

Recommendation and Terms of Reference

For the purpose of these Terms of Reference, "environment" is defined herein as under Section 1(c) of The Environmental Assessment Act and "undertaking" is defined herein to mean the undertaking described in Ontario Regulation 1009/76 (see Attachment).

The Minister of the Environment therefore recommends that:

1. Mr. Justice Patrick Hartt be appointed with Terms of Reference, under authority of The Environmental Assessment Act as amended to inquire into the concerns of the people of Ontario and more specifically the *and other residents of the area* native peoples regarding the environment which may be affected by the proposed Reed undertaking giving, without limiting the generality of the foregoing, specific attention to the following matters:

- (a) [the social, economic and cultural implications for the people of Ontario, particularly the residents of northern Ontario, of the proposed undertaking and other strategies for the use of the environment, *protection and preservation* present and future;
- (b) the features of the environment which are likely to

be most significant to the various parties involved in the preparation of the environmental assessment for the undertaking, the review of the environmental assessment, and in deciding whether or not the undertaking should be approved;

(c) forest management practices;

(d) [the potential benefits, both social and economic, of the undertaking to the peoples of Ontario as compared with the probable ^{social, environmental and economic costs to the} costs in public and private investments required:] ^{peoples of Ontario, both direct and indirect, short term and long term.}

(e) the preparation of such reports and recommendations, from time to time, as the appointee believes would be useful to the various parties likely to be involved in:

(i) preparing the environmental assessment,

(ii) the process established by The Environmental Assessment Act for reviewing the environmental assessment, and

(iii) determining whether the undertaking should be approved, approved with conditions, or refused approval.

2. The appointee will have the discretion to provide funds to enable effective participation in the inquiry to parties meeting the criteria in Appendix # 2.

3. In light of the importance of this inquiry to the people of Ontario, the final report of the appointee should be completed as expeditiously as possible.

No! This is not a case of immediate necessity. The people of the North have been living without the project & there is no need to rush into a decision.

This inquiry is so important as it affects the whole of northern development is important to everyone since there is a government policy controlling northern development & there should be

But insofar as the inquiry concerns the Reed proposal, it is more important to the people of the area and to the U.S. - which will be the market for a lot of the paper products and to Reed. There is no need to hurry a final report on this proposal.

"Environment" is defined herein as under Section 1(c) of The Environmental Assessment Act:

"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";

"Undertaking" is defined herein as described in Ontario Regulation 1009/76:

1.-(1) The enterprise or activity of Reed Ltd. or any company related to it by ownership or contract consisting of,

- (a) the location, establishment and operation of integrated wood using manufactories, including a pulpmill, to be supplied with timber from a tract of land measuring approximately 18,983 square miles located in the territorial district of Kenora, Patricia Portion and Thunder Bay; and
- (b) the harvesting and supplying of timber from the tract referred to in clause a,

is defined as a major commercial or business enterprise or activity and the proposal, plan or program in respect thereof is designated as an undertaking to which the Act applies.

(2) The manufactories and the tract referred to in subsection 1 are referred to and described in a Memorandum of Understanding made the 26th day of October, 1976 between Her Majesty the Queen in right of Ontario as represented by the Minister of Natural Resources and Reed Ltd., a corporation amalgamated under the laws of Ontario and tabled in the Legislative Assembly on the 26th day of October, 1976.

CRITERIA FOR FUNDING OF PARTICIPATION IN INQUIRY

These criteria are intended to assist the appointee in dispersing the available funds in the fairest possible way, so that there will be no charges of bias and so that the input from the public will provide a positive contribution to 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 representatives of concerned

groups or individuals who do not live or work immediately adjacent to the proposed development but who have an interest in the matters subject to the inquiry.

4. Allocation of Limited Funds

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

- there should be a clearly ascertainable interest that ought to be represented at the inquiry,
- it should be clear to the appointee 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 appointee 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 appointee 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.