

14.0 TERM OF THE PLAN

As outlined in Appendix A the term of the plan is ten years from the time of approval of the WMP. With the approval of this WMP, the Planning Team and PAC are replaced by the newly formed SAC, and the Steering Committee remains.

14.1 Implementation of the WMP

The SAC will monitor implementation of the WMP by reviewing the following:

- information received from key gap studies;
- results of the effectiveness monitoring program; and
- issues raised during the implementation of the WMP

In considering this information, the SAC will make recommendations to the Steering Committee on any proposed amendments to the WMP. Final decisions on advice received from the SAC shall rest with the Steering Committee members whose organizations are legally responsible for the management of the water resource.

14.2 Plan Amendments

In order for the Matabitchuan WMP to remain current and to address future issues, the plan may be amended. Prior to the plan review and renewal term, new data, information, or issues may arise. Amendments can be made to the WMP and Operational Plan during the term of the plan provided that the outcomes remain consistent with the goals and objectives of the plan require that the plan development process be followed. The Standing Advisory Committee should review and comment on all new information. When this information indicates that there is merit in considering changes to the operating regime of one or more waterpower facilities or control structures, at the request of the Steering Committee, or following a decision by the MNR, the MNR will issue an order to amend the Plan.

14.2.1 The Amendment Process

14.2.1.1 Amendment Request

Any request for an amendment must be accompanied by sufficient information to allow the MNR Regional Director to determine whether the proposed amendment should proceed, and whether the amendment should be treated as administrative, minor or major.

The amendment request must contain the following information:

- A brief description of the proposed amendment
- The rationale for the proposed amendment and a discussion of its significance
- If new operations are proposed:
 - a) A brief description of the proposed operation and a description of the previously approved operations in the WMP that will be changed by the proposed amendment.
 - b) An outline of the applicable planning requirements for the proposed operations including public consultation, based on the planning requirements for similar operations in the WMP.

14.2.1.2 Review of Amendment Request and Categorization of Amendment

The MNR Regional Director is responsible for determining whether an amendment should proceed and for categorizing the amendment as administrative, minor or major. In making this

determination, the MNR Regional Director, in consultation with the plan proponents, will decide on the appropriate degree of public consultation for the plan amendment.

The MNR Regional Director considers the following factors in determining whether to grant the request for an amendment and in determining the appropriate amendment category:

- Whether there are legitimate time constraints that must be met for reasons of public safety, biological or industrial necessity, or public convenience and necessity
- Whether the amendment is justifiable based on public safety, biological or industrial reasons
- Whether there has been previous notification that the requested amendment will be required, and the degree to which planning and public consultation has taken place previously (e.g. decision deferred in the WMP, or an amendment required after public consultation in other planning processes.
- The number of previous requests for similar amendments.

The decision on the amendment request and on the appropriate category for the amendment will normally be made within 15 days of receipt of the request. The MNR Regional Director will prepare a written decision.

The Standing Advisory Committee will be informed of all amendments and will be given an opportunity to provide comments. The public and First Nations communities will be consulted on any minor and major amendments.

14.2.1.3 Types of Amendments

Administrative Amendments

Administrative amendments will not affect the implementation of the plan (e.g. a change in the presentation of information in the plan) and there are no formal public consultation requirements. There are no formal First Nation consultation requirements.

Documentation requirements for administrative amendments include:

- The amendment request
- Replacement text for the changes to the approved WMP
- A map of the area affected by the amendment, if applicable
- All documentation associated with the planning of operations, if applicable, including any associated supplementary documentation

Minor Amendments

Minor amendments will be changes that are anticipated to affect a small geographic scale (i.e. in the vicinity of one dam) and where MNR and the Steering Committee agree that it will not have significant impact. Public consultation requirements are for a notice of proposed amendment to be issued by MNR. The degree of First Nation consultation will depend on the nature of the amendment but will include notification of local First Nation communities as a minimum.

Documentation requirements for minor amendments include the same requirements as for administrative amendments, as well as documentation of the results of public and First Nation consultation.

One formal public consultation opportunity will be provided for minor amendments. At least 15 days prior to a final decision on approval of a minor amendment, the MNR Regional Director will issue a Notice of Minor Amendment Inspection that indicates that the proposed amendment is available for inspection at the appropriate MNR/industry office location. The degree of First Nation consultation will depend on the nature of the amendment but will include notification of local First Nation communities as a minimum.

The notice will normally contain the following information in concise non-technical language:

- A statement that the proposed minor amendment will be approved by a specified date unless concerns are raised
- A statement that further public consultation may be required if concerns are raised
- A map of the area affected by the amendment
- A description of the subject matter of the proposed amendment
- The method by which the public may obtain additional information on the proposed minor amendment
- A request for comments
- The names of appropriate contact people
- A brief explanation of how comments received will be dealt with according to the relevant provisions of the Freedom of Information and Privacy Act
- A statement of the relevant opportunities for resolution of issues

At the end of the comment period, the MNR Regional Director may choose to a) approve b) deny c) reclassify as a major amendment

Major Amendments

Major amendments may involve a significant geographical scale or have a significant impact on the balancing of the environmental, social and economic attributes. Public consultation requirements are for an information centre and a notice of proposed major amendment inspections to be issued by MNR. The degree of First Nation consultation will depend on the nature of the amendment but will include notification of local First Nation communities as a minimum.

Documentation requirements for major amendments include the same requirements as for administrative amendments, as well as documentation of the results of public and First Nation consultation.

Formal public consultation opportunities will be provided at two stages for major amendments. The MNR Regional Director will issue public notices at each stage of the public consultation process.

Notices will normally contain the following information in concise, non-technical language:

- A statement of the purpose of the notice and the public consultation opportunity
- A map of the area affected by the amendment
- A description of the subject matter of the proposed amendment
- The particulars and schedule of any additional public consultation opportunities
- The method by which the public may obtain additional information on the proposed major amendment
- A request for comments
- The names of appropriate contact people
- A brief explanation of how comments received will be dealt with according to the relevant provisions of the Freedom of Information Act and the Privacy Act
- Statement of the relevant opportunities for resolution of the issues

Stage One of the public consultation process for a major amendment will begin by issuing a Notice of an Information Centre at least 30 days before the date of the information centre.

A 30-day period is provided after the information centre for interested persons to provide comments on the proposed amendment. The required documentation for the major amendment is then produced and submitted to MNR for review. After the review, the major amendment may be recommended for approval by the MNR Regional Director.

Stage Two of the public consultation process for major amendments will begin by issuing a Notice of Major Amendment Inspection. The notice will be issued upon MNR approval of the major amendment and will provide direction on how to obtain access to the major amendment documentation.

If an issue arises during the preparation of a major amendment, the issue resolution procedure described in the WMPGW Appendix F will apply, with whatever modifications are necessary under the circumstances.

14.2.1.4 Amendment Records and Distribution

All approved amendments will form part of the approved WMP. A copy of each approved amendment will be filed with the approved WMP at the appropriate MNR Office upon approval. A record of all amendment requests and all approved amendments will also be maintained in a master list at the front of each of the MNR copies of the WMP.

14.3 Annual Report

Each year the SAC will prepare an annual report that will provide an overview of system operations, document any new issues and associated actions, highlight ongoing implementation, monitoring and assessment activities. The annual report will be sent to all key system stakeholders and First Nation communities, and will be made available to the public.

14.4 Mid Term Status Report

In the fifth year of the plan, a Five Year Water Management Status Report will be prepared by the SAC that will summarize progress on plan implementation and recommend any additional actions necessary to meet plan objectives. System stakeholders and the general public will be invited to inspect the report through notice on the Environmental Bill of Rights Registry, notices placed in local newspapers throughout the system and through direct mailing. Copies of the report will be provided directly to all First Nation communities. The SAC will consider any comments received on the Report and may make recommendations to waterpower operators and MNR on the need for additional monitoring or assessment activities or for minor changes to facility operating regimes. Plan amendments will be initiated where required to address these changes. If the SAC determines there are significant unresolved issues, a recommendation may be made to undertake an early review of the plan.

14.5 End-of-Term Review

In the beginning of the ninth year of the plan, a comprehensive review of the WMP will be initiated. The plan review process will mirror the steps involved in the initial plan preparation, as appropriate, with new data and information considered as a basis for continuing with the status quo or recommending changes.

14.6 Compliance Monitoring Activities

During the term of the plan, compliance monitoring activities will be undertaken by the facility operators. This includes annual reporting by facility operators outlining actual operations compared to the WMP, with descriptions, rationales and proposed remediation for any out-of-compliance occurrences.