



Subject Waterpower New Site Release and Development Review		Procedure PL 4.10.05	Revised
Compiled by Lands and Waters	Section Water Resources	Date Issued November 10, 2004	
Replaces Directive Title Waterpower Program Guidelines	Number -----	Dated April 6, 1990	Page 1 of 28

1.0 PROGRAM GUIDELINES

1.1 Purpose

To provide procedural direction to implement Policy Directive PL 4.10.05 titled "Waterpower New Site Release and Development Review". This procedure should be read in conjunction with that policy.

1.2 Procedural Flexibility

A high degree of conformity to this procedure is required to ensure a consistent approach in dealing with potential waterpower developers and other applicants operating across the province.

1.3 Crown Owned Facilities

The Ministry of Natural Resources (MNR) will make existing Crown owned facilities (e.g. MNR water control dams) available through existing processes.

2.0 PROCEDURE

2.1 Competitive Site Release

2.1.1 Initiating a call for Expressions of Interest

- a) The Lands and Waters Branch, through the Waterpower Site Release Coordinator, will issue a call for Expressions of Interest (EOI) for potential waterpower opportunities as outlined in the policy under section 4.1.1.
- b) The EOI will be posted on the waterpower extranet site and any other media (e.g. national and aboriginal newspapers) deemed appropriate by the site release coordinator usually for a period of 30 days. Where known, the site release coordinator will post information regarding the next call for expressions of interest on the extranet site.
- c) Applicant will submit a completed Expression of Interest Response Document as described in Appendix A to the address indicated in the EOI document. to the attention of the Waterpower Site Release Coordinator, Waterpower
- d) Applicants can submit up to three separate Expression of Interest Response Documents as long as they are not currently considered the Applicant of Record (AR) for any waterpower site. In the event that the applicant currently retains an AR status for a site(s), the applicant can only submit EOI response(s) where the number of sites for which the applicant is considered the AR plus the submitted EOI response(s) total three.

Procedure No.	Date Issued	Revised	Page 2 of
---------------	-------------	---------	--------------

- e) Responses submitted to MNR District Offices are to be forwarded immediately to the attention of the Waterpower Site Release Coordinator for processing.
- f) All responses will be date and time stamped. All responses must be received at the address designated no later than the time set in the call for EOI on the final day of the EOI period.

2.1.2 Site Release

2.1.2.1 Verification: Responses will be reviewed in the following manner. The Waterpower Site Release Coordinator will:

- a) Following the closure of the EOI period, review the Expression of Interest Response Documents to ensure that the site qualifies for the Competitive Site Release Process.
- b) If a site does not qualify for the Competitive Release Process, advise the applicant of the reason for disqualification to help avoid future submission errors.
- c) Ensure the site is located on provincial Crown land and does not conflict with existing policy or land use direction.
- d) Consult with the Ontario Regions of the Federal Department of Fisheries and Oceans and Environment Canada to ensure the site does not conflict with federal legislation, such as the *Species at Risk Act*, where appropriate.
- e) Following the initial screening in (a) above, provide an initial list to the Regional Waterpower Coordinators and seek additional information regarding the identified sites. The Regional Waterpower Coordinators will review the site list with the assistance of the potentially affected District Offices and remove any sites that conflict with legislation, land use or resource management policies (e.g. parks or protected areas) or are not located on Crown land. The Regional Waterpower Coordinators will provide the amended list and the reasons for excluding sites to the Waterpower Site Release Coordinator.
- f) Decide if the potential sites and any additional information provided by the Regional Waterpower Coordinators should be presented to the cross ministry Renewable Energy Committee for advice and direction the Renewable Energy Committee is an inter-ministerial committee, co-chaired by the Ministry of Natural Resources and the Ministry of Energy that may be called upon to provide advice to MNR on selecting potential waterpower sites for release.
- g) Following any discussions with the Renewable Energy Committee, submit a list of potential sites to the Regional Waterpower Coordinators and request additional information to assist in site selection.

Procedure No.	Date Issued	Revised	Page 3 of
---------------	-------------	---------	--------------

2.1.2.2 Competitive Release Team (CRT)

Once potential sites have been identified for release, the Waterpower Site Release Coordinator will convene the Competitive Release Team. This team will be comprised of the Waterpower Site Release Coordinator, the appropriate Regional Waterpower Coordinator(s) and appropriate representation from the affected MNR District(s). In cases where parks and protected areas may be impacted, the CRT should seek the input from the local Ontario Parks Zone Office. In certain circumstances, the CRT may include members from Potentially Affected Local Aboriginal Communities.

Roles and Responsibilities of the Competitive Release Team (CRT)

- a) The CRT will consult with Potentially Affected Local Aboriginal communities on all potential sites for release. This consultation should occur as soon as possible following the identification of potential sites for release.
- b) Based on the outcome of discussions with the local aboriginal community, the CRT will select sites to be released.
- c) After site selection has occurred, the responsible MNR District Office representative on the CRT will ensure that a request is sent to the appropriate Provincial Mining Recorder to have the surface rights withdrawn from staking.
- d) The CRT will prepare the Competitive Release Package (CRP). The local District Office, with Regional Office support, will develop a Site Description Package to be included in CRP. The Site Description Package includes information contained within the Natural Resources Value Information System, identification of resource interests, any known operation restrictions (e.g. minimum flows) identify known information gaps that can be used by the applicant in developing the POD. Further information about developing the Site Information Package can be found in Appendix C "Site Description Package Guideline". The Site Description template can be found in Appendix D.
- e) The CRP for each opportunity will be posted on the waterpower extranet site and any other media (e.g. national and aboriginal newspapers) deemed appropriate by the Waterpower Site Release Coordinator. All relevant material will be posted on the MNR website. The applicant will have 120 days from the date the CRP is posted on the waterpower extranet site to provide a complete application.
- f) To apply, an applicant must prepare a Plan of Development (POD) as outlined in Appendix E. MNR will identify the date and location, if Site Release Information Session(s) are to be held. The manner in which the sessions will be held it is at the discretion of the CRT which will determine if one session will be held to cover all released sites or if individual meetings are more appropriate.
- g) The Waterpower Site Release Coordinator will be responsible for posting the sites to be released and the associated CRP on the MNR website.

Procedure No.	Date Issued	Revised	Page 4 of
---------------	-------------	---------	--------------

Site Release Information Session

If Site Release Information Session(s), are to be held, this will occur as soon as possible after the sites have been posted on the MNR extranet site. The purpose of the Site Release Information Session is to help applicants understand the process, address any site specific issues or information gaps and have an opportunity to have questions answered, in an open forum, regarding the site, the CRP or the POD evaluation process.

Other than through the Site Release Information Session, applicants must submit questions to the CRT through the MNR website. All questions and answers submitted through the MNR website will be posted on the MNR website to ensure the same information is available to all applicants.

2.1.2.3 Identification of an Applicant of Record

- a) An applicant has 120 days from the date the CRP was posted on the MNR website to submit a complete Plan of Development (POD) that responds to the CRP. A POD template is supplied in Appendix E.
- b) Applicants must follow the template provided or the application will be deemed incomplete.
- c) Applicants must submit five (5) copies of their completed POD, one (1) original copy of the completed POD clearly marked "Original Copy", and one (1) unstapled copy for photocopying along with a signed original of the declaration found in Appendix B. This package must reach the address identified in the CRP, to the attention of the Waterpower Site Release Coordinator, by the time stated in the CRP on the final day of the 120 day CRP period.
- d) The Waterpower Site Release Coordinator will review each application for completeness and will check to determine that the applicant is eligible and has not exceeded the maximum number of three active applications. If any applicant is deemed ineligible, the Waterpower Site Release Coordinator will contact the applicant and advise accordingly.
- e) The CRT will convene a meeting to evaluate each POD submitted through the competitive site release process. This meeting will be held at a mutually agreeable location. See (i) below for direct inclusion of representatives from Potentially Affected Aboriginal Communities on the CRT.
- f) The CRT will evaluate each POD in accordance with the evaluation process identified in Appendix F.

Procedure No.	Date Issued	Revised	Page 5 of
---------------	-------------	---------	--------------

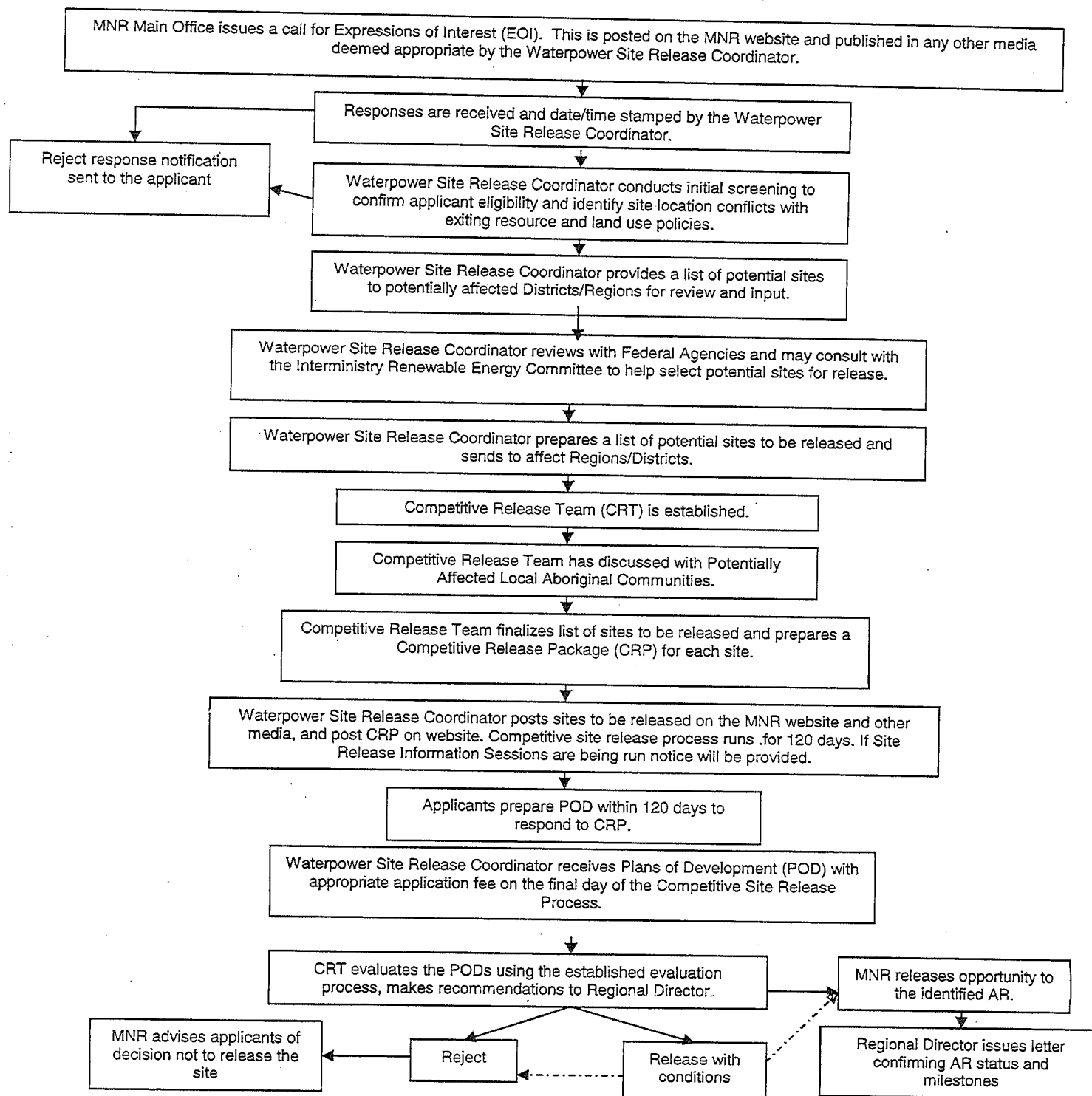
- g) All applications will be evaluated by the CRT to ensure they meet the specific minimum criteria for eligibility. These minimum criteria include (but are not limited to) Financial Capability and Technical Expertise and Feasibility. Only those applications that meet these minimum requirements will move forward for more detailed evaluation and scoring. Evaluation and scoring of individual PODs will be based on:
 - i) Potentially Affected Local Aboriginal Community Participation
 - ii) Response to the Competitive Release Package
 - iii) Consultation, Permitting and Approvals Planning
- h) All PODs will be evaluated by the core members of the CRT. Generally, this will include the Waterpower Site Release Coordinator and the Regional Waterpower Coordinators. District Office representatives will evaluate PODs for sites found within their Districts.
- i) Evaluation of the aboriginal participation component of the PODs will vary depending on the situation. Where all Potentially Affected Aboriginal Communities are the applicant or are partners to the application, the CRT will assign a score of 25 for the aboriginal participation component. To obtain full points in this category all Potentially Affected Aboriginal Communities must be involved as partners. A partnership with only one community if more than one community(ies) is identified as Potentially Affected Local Aboriginal Communities will score zero in this category. For sites where the local aboriginal community(ies) is not an applicant or a partner to the application, the CRT will invite a member of each local aboriginal community(ies) to participate in the evaluation of the POD. The other members of the CRT will not evaluate the aboriginal participation component of these PODs.
- j) Based on the results of the evaluation process, the CRT will make a recommendation to the appropriate MNR Regional Director regarding the outcome of the Competitive Release Process. The CRT may recommend:
 - i) That a potential site be released to the applicant with the highest overall score; or
 - ii) That the site not be released at this time.
- k) If the Regional Director chooses to release the site, the Regional Director can, based on recommendations from the CRT, choose to:
 - i) Release the site to the applicant to pursue development approval (AR); or
 - ii) Release the site subject to conditions, where there are deficiencies noted in the POD that must be addressed (AR with conditions).
- l) If the Regional Director recommends releasing a site to an applicant with conditions, the applicant will not attain unconditional AR status until all of the conditions have been met.
- m) If the Regional Director rejects all applications and declines to release a site, the basis for this decision will be provided to the applicant(s).
- n) When AR with condition has been identified the Regional Director will send a letter to the applicant informing them that they have been selected as the AR with conditions. The letter will identify the conditions that must be met and the date by which they must be met.

Procedure No.	Date Issued	Revised	Page 6 of
---------------	-------------	---------	--------------

- o) When the Applicant of Record (AR) or AR with conditions who has met the conditions has been identified, the Waterpower Site Release Coordinator will record this information and forward the AR's application fee to the Ministry of Finance. The Waterpower Site Release Coordinator will then issue a letter to the AR that identifies:
- 1) The applicant in the Applicant of Record ;
 - 2) Milestones that the applicant is required to meet to maintain AR status;
 - 3) District Office contact and the need to set a meeting date to discuss the project and coordination opportunities; and
 - 4) Requirement for an Application for Crown land to be completed and submitted to the identified MNR District Office contact.
- l) The Site Release Coordinator will post a notice on the MNR website identifying the Applicant of Record.

Figure One outlines the Competitive Release Process.

Figure One: Competitive Site Release Process



Procedure No.	Date Issued	Revised	Page 8 of
---------------	-------------	---------	--------------

2.2 Direct Site Release: Sites eligible for the direct site release process as outlined in the policy will be released as follows.

- a) The applicant must submit a Direct Site Release Application together with the application fee of \$1000. The application fee is to be made payable to the Minister of Finance and must be accompanied by an original signed Declaration as identified in Appendix B.
- b) The District Office will receive and date/time stamp all Direct Site Release Applications. Applications must be sent to the District Office where the potential site is located otherwise they will not be accepted. Once an application has been submitted to MNR for Direct Site Release, the District Office will not accept any other applications for the site until that application has been dealt with.
- c) The District Office will provide information to the Waterpower Site Release Coordinator to ensure the application is recorded as received and to check that the applicant is eligible to be considered for direct site release. A potential proponent cannot have more than 3 active files under consideration by the MNR at any given time. This includes any sites where the proponent is currently an Applicant of Record on a potential site.
- d) The District Office will review an application to ensure the site qualifies for the Direct Site Release Process. Applications being considered for direct site release based on a threshold (<1MW or 25MW or less) will be reviewed by an MNR Regional Engineer to ensure that the development will fall within the direct site release thresholds. In the case of sites <1MW, the site will be reviewed by the Regional Engineer to ensure the site could not support a larger waterpower development.
- e) The District Office will review the site to determine if the site is available for waterpower development. District staff will review existing land use and resource management policies to identify whether or not there would be policies that would prohibit waterpower development at the proposed site. The district may consult with the Ontario Region of the Department of Fisheries and Oceans and Environment Canada to determine if there are concerns related to the *Species at Risk Act*.
- f) In cases where parks and protected areas may be impacted, the District should seek the input of the local Ontario Parks Zone Office as part of its review
- g) Applications that are not eligible will be refused by the District Manager and the \$1000 application fee will be returned. Applicants may be encouraged to participate in the Competitive Site Release Process, if appropriate.
- h) If the local District Office determines that the site is available for potential waterpower development they will send a copy of the site application to the appropriate Provincial Mining Recorder to have the surface rights withdrawn.

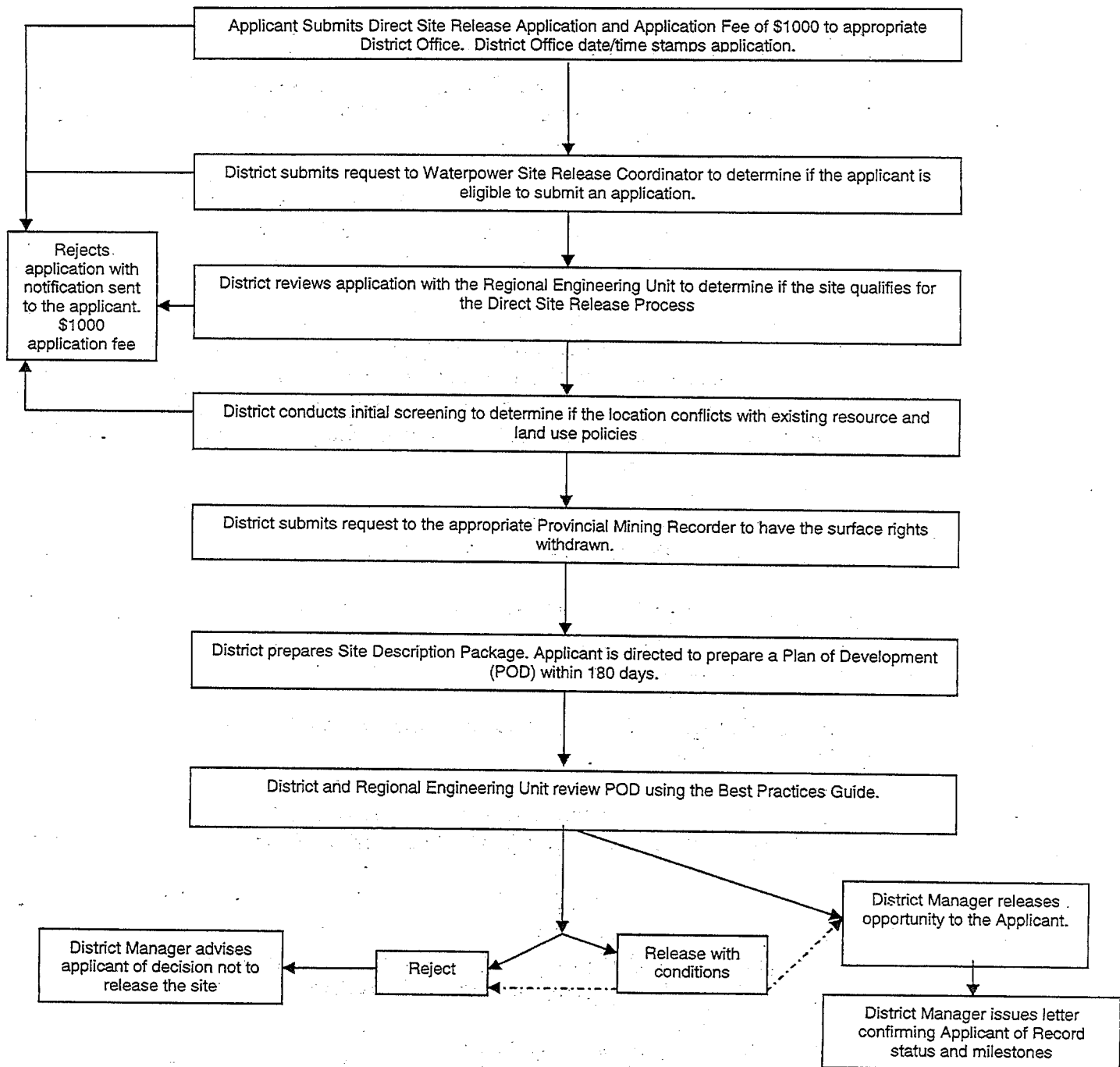
Procedure No.	Date Issued	Revised	Page 9 of
---------------	-------------	---------	--------------

- i) The local District Office, with Regional Office support, will prepare a Site Information Package for the applicant. This includes compiling information contained within the Natural Resources Value Information System, identification of resource interests, any known operation restrictions (e.g. minimum flows) and information gaps to support the applicant's POD development. This will emulate the site description package as outlined in Appendix D.
- j) The applicant will be instructed to prepare a Plan of Development (POD) as outlined in Appendix E. The applicant will have 180 days to submit a complete POD to the local MNR District Office for review by the District Office and Regional Engineering Unit. The POD must be received by the time and at the address set out in the instructions to prepare the POD by the final day of the 180 day period.
- k) If the applicant fails to submit a complete POD within the 180 day timeframe the opportunity to acquire rights to develop that site will be deemed to have expired. The District Manager has the ability to extend the POD timelines, if appropriate.
- l) The District Office will review the completed POD using the best practices guide titled "Best Practices Guideline for the Selection of the Applicant of Record". Applications will be required to meet minimum financial capability and technical feasibility standards and will be reviewed based on their comprehensive response to the Site Information Package. Based on the review of the applicant's POD, the District Manager will make a decision on the release of a site.
- m) The District Manager may:
 - i) Release the site to the applicant, now considered the AR, to pursue development approval;
 - ii) Release the site subject to conditions, where there are noted deficiencies in the POD that must be addressed; or
 - iii) Deny the site release.
- n) If the District Manager declines to release a site, the basis of this decision will be provided to the applicant.
- o) If the District Manager recommends releasing a site to an applicant with conditions, the applicant will not be considered the Applicant of Record (AR) until all of the conditions have been met.
- p) Once the applicant has received AR status, the District Manager will issue a letter to the applicant, using the template provided in Appendix G. A copy of the letter will be sent to the Waterpower Site Release Coordinator, and will identify:
 - i) The Applicant is the Applicant of Record;
 - ii) Milestones that the applicant is required to meet in order to maintain AR status; and
 - iii) District Office contact and the need to set a meeting date to discuss the project and coordination opportunities.

q) The Site Release Coordinator will ensure the central records are updated.

Figure Two outlines the Direct Release Process.

Figure Two: Direct Site Release Process



Procedure No.	Date Issued	Revised	Page 11 of
---------------	-------------	---------	---------------

2.3 RECINDING APPLICANT OF RECORD STATUS

The Waterpower Site Release Coordinator is responsible for:

- (i) keeping track of an AR project status; and
- (ii) ensuring the AR meets the required milestones.

If the Waterpower Site Release Coordinator determines that an AR is in danger of failing to meet a specific milestone, the following action will be taken.

1. The Waterpower Site Release Coordinator will discuss the issue with the appropriate District Office to determine what action should be taken.
2. The District staff will meet with the AR to discuss the project and the potential delay in meeting the milestones.

Competitive Site Release Process

If, in the opinion of the Regional Director, the Applicant of Record has failed to meet any of the required milestones without good and sufficient reason, the Regional Director may rescind the AR status.

Direct Site Release

If, in the opinion of the District Manager, the Applicant of Record has failed to meet any of the required milestones without good reason and sufficient reason, the District Manager may rescind the AR status.

3.0 SITE DEVELOPMENT

3.1 Greenfield Site Development

3.1.1 Information Coordination

Applicants moving through the Direct Site Release or the Competitive Site Release Process will be subject to much the same environmental review and approvals. Applicants are required to ensure that the provisions of all applicable legislation are met. This includes but is not limited to: the *Ontario Environmental Assessment Act*, the *Canadian Environmental Assessment Act*, *Lakes and Rivers Improvement Act*, *Public Lands Act*, *Fisheries Act* etc. The Ministry of Natural Resources will work with the applicant to streamline the process and the associated information requirements where feasible. To facilitate this streamlining:

- a) Applicants of Record (AR) are required to meet with the District Office to discuss coordination of information needs prior to embarking on any process under the *Ontario Environmental Assessment Act*. At this initial meeting, the District Office will provide advice and guidance to the AR regarding options and opportunities to coordinate information.

Procedure No.	Date Issued	Revised	Page 12 of
---------------	-------------	---------	---------------

- b) District Offices are encouraged to involve representatives from various Ministries (e.g. Environment, Department of Fisheries and Oceans, etc.) at this initial meeting to discuss information needs and opportunities for streamlining.
- c) District Offices are encouraged to consult the Regional Engineering Unit for information needs pertaining to approvals under the *Lakes and Rivers Improvement Act*.

3.1.2 Water Management Planning

All waterpower facilities under provincial jurisdiction (e.g. constructed on provincial Crown Land) will be required to prepare a Water Management Plan in accordance with the approved Water Management Planning Guidelines for Waterpower.

3.1.2.1 Greenfield Site Development-No Existing Water Management Plan

In cases of new greenfield development on systems where there is no existing plan it has been determined that the planning process of the Ontario *Environmental Assessment Act* can meet the intent of the Water Management Planning Guidelines. Therefore the portion of the Plans and Specifications approved under section 14 of the *Lakes and Rivers Improvement Act* that sets out the flow and level requirements will be extracted and will be approved and constitute the Water Management Plan under section 23.1 of the *Lakes and Rivers Improvement Act* until the plan is reviewed, usually in 7-10 years.

3.1.2.2 Greenfield Site Development-Existing Water Management Plan

In some instances the development of a new site will require an amendment to an approved Water Management Plan. An amendment to a Water Management Plan would be required if the greenfield development has the potential to impact on flow and level requirements of other facilities within the river extent that are currently subject to an approved Water Management Plan.

In these cases, the District Office will work with the AR to coordinate any water management planning requirements with information and consultation requirements of other permitting and approval processes (e.g. Environmental Assessment).

3.2 Site Redevelopment

The redevelopment of existing waterpower facilities, on Crown or private land, may also require approvals from the Ministry of Natural Resources (*Lakes and Rivers Improvement Act*). Information for these approvals will be coordinated with the proponent's environmental assessment process (reg. 116/01 or MNR's *Resource Stewardship and Facility Development Project Class Environmental Assessment*) where possible.

Procedure No.	Date Issued	Revised	Page 13 of
---------------	-------------	---------	---------------

3.2.1 Water Management Planning

3.2.1.1 Redevelopment- Existing Water Management Plan

In some instances the redevelopment of an existing waterpower facility will require an amendment to an approved Water Management Plan. An amendment to a Water Management Plan would be required if the redevelopment has the potential to impact on flow and level requirements of other facilities within the river extent that are currently subject to an approved Water Management Plan.

In this case, the District Office will work with the proponent to harmonize any water management planning requirements with information and consultation requirements of other permitting and approval processes.

No Environmental Assessment Requirements under the "Electricity Projects Regulation" under the *Environmental Assessment Act*

In the event that there are no environmental assessment requirements in place under the "Electricity Projects Regulation" under the *Environmental Assessment Act* for the proposed redevelopment, MNR will work with the proponent to harmonize any water management planning requirements with information and consultation requirements of other permitting and approval processes.

4.0 TENURE (See Also Policy PL 4.10.05)

4.1 Issuance of a Waterpower Lease Agreement

The WPLA will be used to authorize the "footprint" of the facility. Waterpower Lease Agreements are issued under the authority of Section 42 of the *Public Lands Act*, and at present, all WPLAs are required to have a signed Order-In-Council (O-I-C) approving their terms and conditions.

It should be noted that a survey of the area to be included in the WPLA must be completed and a legal description written before the Order in Council is requested. The survey and description can be completed while the generic WPLA is being reviewed by the proponent.

The process for securing the approved Order in Council is described below.

1. District Office will provide the applicant with a copy of the generic Waterpower Lease Agreement.
2. The Applicant will be asked to review and provide written confirmation that the terms and conditions of the WPLA are acceptable. This generic WPLA was negotiated with and approved by Ontario's Waterpower Industry and in general, no revisions will be permitted to the terms and conditions.

Procedure No.	Date Issued	Revised	Page 14 of
---------------	-------------	---------	---------------

3. Any changes requested by the Applicant must be forwarded to MNR Main Office (Waterpower Site Release Coordinator) for review by Main Office and Legal Services Branch.
4. The Applicant is required to respond in writing confirming that the terms and conditions of the WPLA are acceptable.
5. The process to obtain an Order-In-Council under Section 42 of the Public Lands Act is now initiated. An Explanatory Note to Accompany Documents for signing is prepared. An original copy of the description of the land to be included in the WPLA together with a copy of the agreed-upon WPLA (including a photocopy of the description) should accompany the Explanatory Note. The WPLA should be marked DRAFT at the top of the lease agreement.
6. Once the Order in Council is received (2-6 months), the WPLA can be prepared.

4.1.1 Preparing the Waterpower Lease Agreement:

1. Complete the requisition for issuance of a WPLA and forward it to the District Manager for approval.
2. The requisition and routing, once signed by the District Manager, are forwarded together with the accompanying documents to the Crown Land Registry Office who will prepare the document.
3. Crown Land Registry produces the document and sends it to the MNR District Office.
4. The WPLA is then sent to the applicant for signing and is then returned to the District Office.
5. Under Section 42 of the Public Lands Act, the District Manager is authorized to sign the WPLA. Once the WPLA has been returned to the District Office, it should be signed by the District Manager.
6. Once signed by the District Manager, the WPLA is returned to Crown Land Registry for registration in the appropriate Registry Office.
7. An executed copy of the WPLA together with registration details will be sent to the applicant by the Land Registrar directly.

5.0 CROSS REFERENCES

PL 4.02.01 "Application, Review and Disposition" Policy and Procedure
 PL 4.11.04 "Easements (Grant Of)" Policy
 PL 6.01.02 "Crown Land Rental" Policy
 PL 4.10.03 "Utility Corridor Management" Policy
 PL 4.01.01 "Obtaining Orders In Council" Procedure
 Water Management Planning Guidelines for Waterpower, May 2002
 Lakes and Rivers Improvement Act Technical Guidelines, 2004

Appendix A: Expression of Interest Response Document

Expression of Interest Response Document

A) APPLICANT INFORMATION

Applicant or Corporation Name		Contact Name
Mailing Address		City
Province	Postal Code	Email Address
Business Phone	Fax Number	

B) PROJECT SITE INFORMATION

Purpose of the project: (waterpower development, pumped storage, control dam, etc.)

Provide a map identifying the Expression of Interest area in relation to local geographic features. This map information will also include details about the following:

- 1) Location of property boundaries
- 2) Stream or river location on the property

Additional Information

Is the Project Site identified in the 1985 Water Powers Inventory?			
If "Yes" enter: Unique Site Number from Inventory (e.g. 2AD27):			
Site Name from Inventory:			
Lot	Concession:	Township:	
Name of affected bodies of water (main lakes, rivers and tributaries):			
Global Position Station (GPS) UTM Coordinates of the site if available:			
Zone	Easting	Northing	Datum
Geographic Coordinates:			
Latitude	d	m	s
Longitude	d	m	s
Local MNR District Office (if known):			

Procedure No.	Date Issued	Revised	Page 16 of
---------------	-------------	---------	---------------

Appendix B: Declaration

DECLARATION

I as authorized signing officer on behalf of (the "Applicant") hereby declare and affirm that the Applicant either directly or indirectly or by its affiliates, principals, partners, agents, shareholders, officers, employees or in any other manner or capacity whatever, except where such principal, partner, or shareholder is an aboriginal community or representative of an aboriginal community whose participation with this Proposal or other Proposal is a result of the MNR 'Waterpower Site Release and Development Review' policy,:

- (a) is not part of a joint venture or consortium with another Proponent submitting a separate Proposal;
- (b) has not coordinated any aspect of its Proposal with any other Proponent ;
- (c) has no knowledge of any Proposal submitted by any other Proponent ;and
- (d) has kept and will continue to keep its Proposal confidential until the successful Proponents are publicly announced.

Signed at.....thisday of, 2004

(Witness)

Procedure No.	Date Issued	Revised	Page 17 of
---------------	-------------	---------	---------------

Appendix C: Site Description Preparation Guidelines

Guidelines to Prepare the Site Description Template

Objectives of the Site Description Package (SDP)

The Site Description template will be used by the Competitive Release Team (CRT) to prepare the information describing the potential waterpower sites to be included in the Competitive Release Package. The information contained in the SDP will be used by Applicants to complete Section IV of the Plan of Development (POD), "Response to the Site Description."

The information provided in the SDP should be specific to the particular waterpower opportunity being released for potential development. The information should also reflect the mandate of the Ministry of Natural Resources (MNR). MNR will provide all available information regarding the site features and site-specific issues, and will indicate where information gaps are known to exist.

Information to provide in the SD

Site features that should be considered for inclusion in the SDP are listed in the site features column labeled "Site Features" in the tables in Section 1 of the CRP template. Site features have been divided into three tables based on categories: general, land-use, and natural environment. For each category, the CRT may also decide to add additional site features where warranted.

Information provided to the Applicants will be provided through maps, data and information sheets. A map product should be created to include general site features such as access road location, transmission lines, tertiary watershed and drainage, settled areas, parks, protected areas and land tenure. Relevant site features in the land-use and natural environment categories should also be placed on this base map. The spatial extent of the map and the scale of the map should be relative to the size of the site being considered and should allow Applicants to adequately assess potential impacts both upstream and downstream of the proposed development. Multiple maps may be created if there is more information than can be accommodated on a single map. The CRT may want to look at the NRVIS data layers as a source for these maps products. The CRT should also review the local control maps and MNDEM M-plans.

Information that cannot be provided on a map should be included as Additional Information (See Section 2 below).

If a particular site feature is considered relevant to the waterpower opportunity being offered, but no information is available on this site feature, the CRT will indicate that an information gap exists (see Section 3 below). An explanation of the extent of the information gap is to be included. If stakeholders or other interested groups or individuals will be affected by the waterpower opportunity, a list of stakeholders, interest groups, agencies, etc. will be included (see Section 4 below).

The CRT may choose to provide information on any site feature in any or all of the four information types: (i) as an attachment, (ii) with additional information, (iii) as a description of an information gap and/or (iv) with a list of potential stakeholders.

Procedure No.	Date Issued	Revised	Page 18 of
---------------	-------------	---------	---------------

Completing the SD Template

The SD template consists of five sections:

1. Section 1: Contents of Site Description
2. Section 2: Additional Information
3. Section 3: Information Gaps
4. Section 4: Potential Stakeholders
5. Section 5: Response Required in POD

The CRP number should be recorded in the SD template header.

Section 1 – Contents of SD Template

Section 1 has a dual purpose. It is to act as a checklist for MNR staff to aid in compiling the contents of the SDP, and to enable Applicants to quickly identify what site information has been included in the SD and must be addressed in the POD.

This section is to consist of the complete list of site features to be considered when developing the SD, divided into three tables: general, land-use and natural environment. Each row in these tables is a required or suggested site information item may be included in the SD. If the CRT considers a site feature not relevant a particular waterpower opportunity, that row should be deleted. The CRT may also add rows as warranted to include other site features not currently listed in the tables.

Each table in Section 1 will consist of five columns. If information regarding a site feature has been included in the SDP, the CRT will indicate in the appropriate column of the table the form of the information. This will show that further information about the site feature (i.e. a map or attachment, additional text information, a discussion of information gaps, a list of stakeholders, or the required response) is available in one of the subsequent sections of the CRP.

Information for site features categorized as 'general' will be provided in the form of a base map. For the land-use and natural environment categories, the site features provided are only suggestions and the CRT should customize these lists to reflect the site features that are relevant to the opportunity being released. All site features in the General table must be responded to in the POD. The CRT should review the site features in the Land Use and Natural Environment Tables and identify those features that must be responded to in the POD (see Section 5).

Column 1: Included as Attachment

If information about the site feature has been included as an attachment, this column records the form in which the information is provided (e.g. for access road location write 'base map', for flow regime characteristics write 'flow metric sheet', and for resource management objectives write 'resource management plan'). These documents are then to be included in the SDP as attachments.

Column 2: Additional Information

Where the CRT has included additional information, place an X in the table beside the respective site feature and in Section 2 explain the type of additional information provided.

Procedure No.	Date Issued	Revised	Page 19 of
---------------	-------------	---------	---------------

Column 3: Information Gap

If the CRT has identified an information gap, place an X in the table beside the respective site feature and explain in Section 3 the data gap identified.

Column 4: Potential Stakeholder

Where potential stakeholders, interest groups, agencies, etc. that have a significant interest in a specific site feature that may be affected by the potential waterpower opportunity are known, place an X beside the respective site feature and in Section 4, identify the stakeholders.

Column 5: Response Required in POD

If the CRT requires that a site feature be responded to in the POD, place an X beside the respective site feature in the table.

Section 2 - Additional Information

Where Section 1 refers to additional information having included for a site feature, write the site feature in a row of the appropriate table (i.e. Required Base Map Information, Land-Use or Natural Environment), and record the additional information in the associated column. Add or delete rows as necessary from each table.

Section 3 - Information Gap

Where Section 1 refers to an information gap that has been identified, write the site feature in the appropriate table and record details of the extent of the information gap in the associated column. Add or delete rows as necessary from each table.

Section 4 - Potential Stakeholders

Where Section 1 refers to potential stakeholders and other interested parties which have been identified, these parties should be listed in the tables in Section 4. The relevant site feature and the name or description of the interested groups, organizations, agencies, etc. should be entered in the table. For FIPPA purposes, names and information about individuals cannot be provided. Add or delete rows as necessary from each table.

Appendix D: Site Description Package Template

Site Description Package (SDP)

Competitive Release Process Number: (e.g. CRP-01-04)

1. Contents of Site Description Package

The map product(s) included as an attachment to this Site Description Package will include the tertiary watershed and drainage and other site features as indicated in the examples shown in the tables below.

Site Feature	Land-Use				
	Included as Attachment	Additional Information (Sec. 2)	Information Gap (Sec. 3)	Potential Stakeholders (Sec. 4)	Response Required in POD
Aboriginal Values and Traditional Activities					
Access Points					
Access Road Location					
Canoe Routes/Portages					
Campsites					
Cottages					
Existing Mining Tenure or Claims					
Forest Access Roads					
Land Tenure					
Other Industrial/ Commercial Activities					
Parks and Protected Areas					
Settled Areas					
Tourism					
Trails (snowmobiling, skiing, hiking)					
Transmission Line Route Location					
Trapping Activities					
Wild Rice Harvesting					
Resource Management Plans					

Natural Environment					
Site Feature	Included as Attachment	Additional Information (Sec. 2)	Information Gap (Sec. 3)	Potential Stakeholders (Sec. 4)	Response Required in POD
Aquatic Resource Area Data					
Fish Habitat					
Fish Species Present					
Flow Regime Characteristics					
Vulnerable/Threatened/Endangered Species (Aquatic/Terrestrial)					
Water Quality					
Wetlands (Provincially Significant)					
Wildlife Habitat					
Wildlife Species Present					

2. Additional Information

Land-Use	
Site Feature	Additional Information

Natural Environment	
Site Feature	Additional Information

3. Information Gaps

Land-Use	
Site Feature	Information Gap

Natural Environment	
Site Feature	Information Gap

4. Potential Stakeholders

Land-Use	
Site Feature	Potential Stakeholders
	1.

Procedure No.	Date Issued	Revised	Page 22 of
---------------	-------------	---------	---------------

Appendix E: Template for Plan of Development

TEMPLATE FOR PLAN OF DEVELOPMENT

Background

The Template for the Plan of Development (POD) is to be completed by Applicants who are responding to the Competitive Release Package for a Site which has been released for potential waterpower development. Guidance on completion of this POD Template can be found in the 'Outline of Plan of Development' in the CRP.

It is expected that all submissions will be provided in the order of the subtitles below. Space for individual answers may be adjusted as needs arise.

1. Cover Page

To include CRP Number, name of Applicant, and date of submission.

2. Name and Contact Information Associated with Application

2.1 Name of Applicant:

2.2 Primary Contact Name:

2.2 Mailing Address:

(a) For Primary Contact:

Street No. or R.R. No.:
City, Town or Village:
Province and Postal Code:
Telephone (Business):
Fax no.:
E-Mail address:

(b) For Back-Up Contact:

Information as per above for primary contact

2.3 Names of All Parties to the Application:

2.3.1 A summary of business arrangements (e.g. corporate search, ...)

2.5 Description of Entities: Short description of all entities involved in the development, construction, financing and operation of the proposed project.

2.6 Description of Key Personnel: Short description of both the key personnel involved in the preparation of the POD and those who will be involved in the construction and operation of the proposed project.

2.7 Organization Chart: An organization chart that provides a schematic representation of ownership and contractual links among all entities or individuals involved in the development, construction, financing, and operation of the proposed project.

Procedure No.	Date Issued	Revised	Page 23 of
---------------	-------------	---------	---------------

3.0 Project Site Information

3.1 **Description of Proposed Project/ Purpose of Project:** This to be a 'high level' description of the proposed Site development.

3.2 **Location of Site:**

3.2.1 Property boundaries

3.2.2 Municipality or Township, Lot and Concession

3.2.3 Global Position Station UTM Coordinates of the site (if available): Zone, Easting, Northing, Datum

1. Geographic Coordinates: Latitude (d,m,s), Longitude (d,m,s)

2. Drainage area (km²)

3. Name(s) of Affected bodies of Water (main lakes, rivers, and tributaries)

3.3 **Maps:** Provide a series of detailed maps identifying the project site in relation to local geographic features. Maps should be drawn at a scale of no less than 1:10,000 (OBM) and no greater than 1:50,000, and having a size of at least 15 cm by 15 cm.

3.3.1 Map showing the location of the Site in relation to neighbouring roads, lands, and water bodies. This must include:

- Lake, stream and river locations, including but not limited to the tertiary watershed boundary in which proposed project is found; and
- Location of property boundaries.

3.4.2 Map of the proposed project. This should include:

- Location of powerhouses, dams, water conduits, water impoundments, and other works and structures, as applicable to the proposed project;
- Area to be flooded, if any, by the proposed project.
- Access road location to the project site; and
- Anticipated transmission line route from the Site to the grid

4.0 Technical and Operational Details for the Site Development

Requested information regarding the technical and operational details for the Site.

4.1 **Estimate of Installed capacity:**

4.2 **Estimated the Annual Energy Output:** Estimate of the energy output of the facility (in MWh).

4.3 **Methodology for calculating the Estimated Annual Energy Output:** An explanation of the methodology used to translate expected head and flow rate into the estimate of annual energy output.

4.4 **Interconnect Requirements:** Indications of interconnect requirements, voltage, etc. associated with the proposed project.

4.5 **Access Roads:** Need for access roads, length, etc.

4.6 **Area of inundation:** Describe any flooding that might reasonably be expected.

4.7 **Operating Strategy for Project:**

4.7.1 **Type of Proposed Project:** (e.g. cascading, peaking, intermediate, run-of-river)

4.7.2 **Operating Strategy:** Provide details on the intended operating strategy for the Site, including river and reservoir management (if any). This should include descriptions of the following:

- Anticipated operating ranges;
- Degree, frequency and timing of water level fluctuation;

1. Flow information:

- Maximum annual flow
- Minimum annual flow
- Mean annual flow
- Source of flow information (stream gauge number)
- Length of stream flow record
- Design flow rate (m/s³)

4.9 Water Management Plan - Is there a Water Management Plan for this river?
If yes, name of Water Management Plan

4.10 Interaction Between Sites - Will the operation of the project site (hydrologically) affect any other existing waterpower development(s) or water control structure?
If yes, which ones:
Ownership:
Magnitude of impact:

5. RESPONSE TO CATEGORIES I THROUGH V

Category I: Financial Capability

Description of financial capability being provided, as per Outline of Plan of Development document.

Category II: Technical Expertise and Feasibility of Project

Description of technical expertise and feasibility of project being proposed, as per Outline of Plan of Development document.

Category III: Aboriginal Participation

Description of aboriginal participation component of project being proposed, as per Outline of Plan of Development document.

Category IV: Response to the Competitive Release Package

Description of potential impacts, associated mitigation strategies being proposed and the magnitude of impact taking into consideration the proposed mitigation, as per Outline of Plan of Development document.

Included below is matrix format expected in terms of the submitted information, including format.

Table 1 Impacts and Mitigation Matrix

Site Feature :

Impact No.	Type of Impact (Descriptive Term)	Significance of Impact (Scale from -10 to +10)	Mitigation Strategy (Description of Intended Undertakings)	Magnitude of Impact after Mitigation Strategy (Scale from -10 to +10)
1				
2				
3				
4				

Procedure No.	Date Issued	Revised	Page 25 of
---------------	-------------	---------	---------------

Category V: Consultation, Permitting and Approvals

Description of permits, permissions and approvals, how these will be integrated and an outline of the proposed consultation strategy as per Outline of Plan of Development document.

DECLARATION TO BE SIGNED BY APPLICANT

1. In preparing the Proposal, no member of its Applicant Team has discussed or communicated any information relating to its Proposal with any other Applicant Team, except where the member of the Applicant Team is a representative of an Aboriginal Community whose participation in the Proposal is a result of the MNR 'Waterpower Site Release and Development Review' policy.
2. The Applicant:
 - a. is not a member of another Applicant Team;
 - b. has no knowledge of the contents of a Proposal submitted by any other Applicant; and
 - c. has kept and will continue to keep the Proposal confidential until the Successful Applicants are publicly announced.
1. No member of the Applicant Core Team has provided advice or assistance in the preparation of the Proposal(s) of any other Applicant.
2. No member of the Applicant Team who is not a member of the Applicant Core Team has provided any advice or assistance in the preparation of the Proposal(s) of any other Applicant. In the alternative, if such person has provided such advice or assistance to another Applicant Team, or if such person will be privy to information relevant to any other Applicant's Proposal(s), the Applicant has taken and/or put in place (or caused to be taken and/or put into place) appropriate measures or protections to ensure that such person does not serve as a conduit for the exchange, sharing or comparison of information relating to any Proposal between multiple Applicant Teams.
3. Only one Proposal has been entered by this Applicant for this project.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at the ● of ●, in
the [County/Region] of ●, on ●.

Commissioner for taking affidavits

Name

Appendix F: Competitive Site Release Evaluation Process

The POD Template (Appendix E) contains five evaluation categories which must be completed by the Applicant for a Site proposal. Review of the Applicant's POD will be undertaken by the Competitive Release Team (CRT).

Each member of the Competitive Release Team (CRT) will examine the POD submitted by each Applicant and assign a score in each of the five evaluation categories except for the Aboriginal Participation component that may vary depending on the presence or absence of aboriginal community members. The scores for each of the categories will then be averaged over the entire CRT membership, to determine average scores which in turn will be used in selecting the Applicant of Record for the Site.

The evaluation will proceed in two stages.

Stage 1 involves assessing the Proposal to determine that minimum thresholds are obtained with respect to:

- Category I - Financial Capability
- Category II - Technical Expertise and Feasibility

Stage 2 incorporates the scores from Categories I and II in combination with the scores from Categories III through V:

- Category III - Aboriginal Community Participation
- Category IV - Response to the Competitive Release Package
- Category V - Consultation, Permitting & Approval

The Applicant's submission must score at least the minimum threshold in both Categories I and II to move from Stage 1 evaluation to Stage 2 evaluation. Submissions that do not meet the minimum threshold in both Categories I and II will be disqualified from further consideration. Submissions that move on to Stage II will be assigned scores (but with no threshold) in the remaining three categories (Categories III through V) on the basis of the POD.

Table 1 Score Ranges for Each of the Categories

Category	Category Title	Range of Scores for Individual Categories	Threshold (if applicable)
I	Financial Capability*	0-25	20
II	Technical Expertise & Feasibility*	0-25	20
III	Aboriginal Participation	0-25	not applicable
IV	Response to the Site Description Package	0-15	not applicable
V	Consultation, Permitting & Approvals	0-10	not applicable

* Failure to attain the threshold in both Categories I and II will result in the submission being disqualified.

Procedure No.	Date Issued	Revised	Page 27 of
---------------	-------------	---------	---------------

Appendix G: Applicant of Record Letter for Direct Site Release

Date

Dear (*Applicant Name*);

Subject: Direct Site Release Application for (*Site Identification*)

Please be advised that you have been selected as the Applicant of Record for the above noted site. Your Applicant of Record status will become official seven (7) days from the date of this letter.

As the Applicant of Record you have been awarded the opportunity to apply for the necessary approvals to construct and operate a waterpower facility at this site. There are no rights or tenure associated with this opportunity. While you are the Applicant of Record for this site, MNR will not receive or accept applications for this location. Your Applicant of Record status is not transferable and applies only to you as the successful applicant identified through the Direct Site Release Process. You will be considered the Applicant of Record from the date your Applicant of Record status becomes official until the facility's in-service date.

As the Applicant of Record you are required to complete the *Environmental Assessment Act* requirements for the proposal prior to any authorizations or approvals being issued. As the Applicant of Record for this site you must issue a *Notice of Commencement* under the Ontario *Environmental Assessment Act* within twelve (12) months of the date your Applicant of Record status became official. Failure to issue a *Notice of Commencement* under the Ontario *Environmental Assessment Act* within twelve (12) months will result in the opportunity to seek approvals to develop this site being withdrawn.

As the Applicant of Record you have twenty-four (24) months from the date your Applicant of Record status became official to seek location approval under the *Lakes and Rivers Improvement Act*. As the Applicant of Record you have twelve (12) months from the date approvals are issued under the *Lakes and Rivers Improvement Act* and *Public Lands Act* to initiate construction. Any failure to comply with these timelines will result in this opportunity being withdrawn.

It is important for you to set up a meeting with staff at the local MNR District Office to discuss the project and harmonization and coordination opportunities that may be available to you. Your contact at the local MNR District Office is (*Name of Contact*) who can be reached at (*contact details*). Please get in touch with (*Name of Contact*) to set up a meeting and to discuss any questions or concerns.

Yours sincerely,

District Manager