

AGENDA	
Item No.	<u>06-03</u>
Meeting Date:	<u>26/09/13</u>
	D M Y

Ministry of Transportation

Northwestern Region
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Thunder Bay, Ontario P7E 6P6
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Ministère des Transports

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Ontario

Monday, September 16, 2013

Mrs. Cecile Kerster
Municipal Manager Clerk/Acting Treasurer
Municipality of Manitouwadge
1 Mississauga Drive
Manitouwadge, Ontario POT 2CO

[via email: ckerster@manitouwadge.ca]

Dear Mrs. Kerster,

Re : Caramat Industrial Road

Further to your August 1, 2013 conversation with my manager Dale Willis, I wanted to follow up with a letter restating our position and intentions with respect to the Caramat Industrial Road.

When 686860 Ontario Incorporated withdrew from the Industrial Road agreement for this private forestry access road in November of 2012, the ministry's legislative authority to cost-share the maintenance for the road ended and jurisdiction over the road reverted to the Ministry of Natural Resources from 686860 Ontario Inc. Without an industrial partner as required by the *Public Transportation and Highway Improvement Act*, the ministry has no mechanism to provide funding for the private road and the Industrial Road designation is hollow and inappropriate. What is more, the designation may hinder the Ministry of Natural Resource's authority over the road given wording in the Public Lands Act. Consequently, it is our intention to pursue the revocation of the Industrial Road designation by the Minister.

Rest assured though that removal of the Industrial Road Designation will have no impact on the road – it is more of an administrative exercise – and if a new industrial partner comes forward, having the designation reinstated is not a difficult matter.

I would like to note that in light of the reliance some individuals and organizations have on the road, we did explore the various legislative options available to us to provide funding. However, no workable alternatives are currently evident. Indeed, for the portions of the road that lie within municipal boundaries, which is the case for the southern-most section, certain funding options are specifically *excluded* by our legislation.

As Dale mentioned though, we do remain committed to talking with other ministries regarding creative solutions to this road and may ask the Municipality of Manitowadge to participate in future discussions. Also, I have included the relevant excerpt for the *Public Transportation and Highway Improvement Act* for Industrial Roads as promised in your call with Dale.

If you have any questions or would like to discuss the matter further, please don't hesitate to contact me. Alternatively, the Ministry of Natural Resources may have more to add regarding the road. Bill May, Area Supervisor for the Wawa District for the Ministry of Natural Resources, can be reached at 705-856-4746.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'J. McClelland', with a long horizontal flourish extending to the right.

John McClelland
Regional Operations Officer, Northwestern Region
807-473-2137

Public Transportation and Highway Improvement Act

R.S.O. 1990, CHAPTER P.50

Last amendment: 2008, c. 22.

PART VI INDUSTRIAL ROADS

Industrial roads, designation

43. (1) The Minister may designate as an industrial road a private road that he or she considers necessary for the development or operation of the lumbering, pulp or mining industry but which in his or her opinion should also be used by the public for road purposes other than those of the industry. R.S.O. 1990, c. P.50, s. 43 (1).

Maintenance

(2) The Minister and the owner of an industrial road may enter into an agreement for the maintenance of the industrial road by the owner, and as long as the owner permits the public to use the industrial road the Minister may direct payment out of the money appropriated therefor by the Legislature of such proportion of the cost of maintenance as he or she considers requisite. R.S.O. 1990, c. P.50, s. 43 (2).

Jurisdiction and control

(3) Despite any other Act, an industrial road remains a private road under the jurisdiction and control of the owner, but subject to the use of the public as described in subsections (1) and (2). R.S.O. 1990, c. P.50, s. 43 (3).

Designation not regulation

(4) A designation under this section is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2006, c. 21, Sched. F, s. 128 (11).