APPENDIX 1-B

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ONTARIO REGULATION 234/25

made under the

ENVIRONMENTAL ASSESSMENT ACT

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NORTHEAST POWER LINE PROJECT

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Definitions

1. In this Regulation,

"Hanmer to Mississagi EA" means the document titled "Environmental Assessment Hanmer Transformer Station to Mississagi Transformer Station", dated November 1982 and available from the Ministry; ("évaluation environnementale Hanmer-Mississagi")

"Northeast Power Line Project" means,

(a) establishing, constructing, operating and maintaining a second transmission line from Hanmer Transformer Station to Mississagi Transformer Station within the recommended route shown in Figure 3.1 of the Hanmer to Mississagi EA, and

(b) making changes to the Mississagi Transformer Station and the Hanmer Transformer Station that are associated with the second transmission line, which may include expanding the stations. ("projet de ligne électrique Nord-Est")

Exemptions

2. (1) The Northeast Power Line Project is exempt from the Act if the proponent satisfies the following conditions:

1. Before proceeding with the Northeast Power Line Project, the proponent must,

   i. consult with Indigenous communities in respect of the Northeast Power Line Project in accordance with section 3,

ii. prepare, give notice of and publish a draft report in accordance with section 4,

iii. notify the Director of concerns raised by Indigenous communities in accordance with section 5,

iv. prepare, give notice of and publish a final report in accordance with section 6, and

v. wait to proceed with the Project until at least 30 days, or such other period as may be specified by the Minister under section 12, after publishing the final report.

2. If the proponent wishes to make a change to the Northeast Power Line Project after the final report has been published that would, if made, mean that the proponent would not be proceeding in accordance with the final report and any final addenda, the proponent must carry out the following steps before proceeding with the change:

i. Determine if the proposed change is significant in accordance with section 7.

ii. If the proposed change is not significant,

A. prepare, give notice of and publish a final addendum in accordance with section 8, and

B. wait to make the change until at least 30 days, or such other period as may be specified by the Minister under section 12, after publishing the final addendum.

iii. If the proposed change is significant,

A. consult with Indigenous communities in respect of the proposed change in accordance with section 3,

B. prepare, give notice of and publish a draft addendum in accordance with section 9,

C. notify the Director of concerns raised by Indigenous communities in accordance with section 10,

D. prepare, give notice of and publish a final addendum in accordance with section 11, and

E. wait to make the change until at least 30 days, or such other period as may be specified by the Minister under section 12, after the publication

date of the final addendum.

3. If the proponent proceeds with the Northeast Power Line Project and any change to the Project, the proponent must, subject to subsection 13 (11), do so in accordance with the final report, any final addenda and any mitigation or prevention direction mentioned in subsection 13 (3), as may be amended under subsection 13 (9).

4. The proponent must publish on its website a copy of any consultation direction mentioned in subsection 13 (1), any mitigation or prevention direction mentioned in subsection 13 (3) and any notice given under subsection 13 (9) promptly after receiving the direction or notice.

5. The proponent must maintain a copy of the following documents on its website until the Director notifies the proponent that one or more of the documents may be removed from the website:

i. The final report.

ii. Any final addenda to the final report.

iii. Any consultation direction mentioned in subsection 13 (1).

iv. Any mitigation or prevention direction mentioned in subsection 13 (3).

v. Any notice mentioned in subsection 13 (9).

(2) For greater certainty, a change to the Northeast Power Line Project includes,

(a) a change in how the Project is described in the final report or, if applicable, any final addenda; and

(b) a change in any of the mitigation measures set out in the final report or any final addenda.

(3) Any undertaking that satisfies both of the following criteria is exempt from the Act:

1. The undertaking is for or related to the Northeast Power Line Project.

2. The undertaking is subject to the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on December 11, 2002 under Order in Council 2211/2002, as amended or renamed from time to time.

(4) The acquisition of property or rights in property for or related to the Northeast Power Line Project is exempt from the Act.

Consultation with Indigenous communities

3. (1) The proponent must obtain from the Ministry of Energy and Mines a list of Indigenous communities that have or may have existing aboriginal or treaty rights, as recognized and affirmed in section 35 of the *Constitution Act, 1982* that may be adversely impacted by the Northeast Power Line Project or any proposed change to the Project.

(2) Before publishing the draft report mentioned in subparagraph 1 ii of subsection 2 (1) or a draft addendum mentioned in subsubparagraph 2 iii B of subsection 2 (1), as the case may be, the proponent must,

(a) ensure that every Indigenous community that is identified on the list has been consulted, including by ensuring that each community has been provided with an opportunity to discuss with the proponent,

(i) any existing aboriginal or treaty rights, as recognized and affirmed in section 35 of the *Constitution Act, 1982*, that are identified by the community as potentially adversely impacted by the Northeast Power Line Project or a proposed change to the Northeast Power Line Project, as the case may be, and

(ii) measures for mitigating potential adverse impacts on the rights referred to in subclause (i), including any measures identified by the community; and

(b) comply with any consultation direction mentioned in subsection 13 (1).

Draft report

4. (1) The draft report mentioned in subparagraph 1 ii of subsection 2 (1) must include the following information:

1. A description of the Northeast Power Line Project.

2. A description of the purpose of the Northeast Power Line Project.

3. A description of the proponent's assessment of the potential negative impacts within the recommended route of the Northeast Power Line Project on the following:

i. Archaeological resources.

ii. Terrestrial and wetland vegetation.

iii. Turtle overwintering.

iv. Wetland birds and breeding birds.

v. Amphibian breeding habitat.

vi. Bats and bat habitat, including maternity roosting habitat.

vii. Fish and fish habitat.

viii. Any other matter identified by the proponent.

4. A description of each measure to be taken to mitigate the potential negative impacts identified under paragraph 3.

5. A consultation record, including,

i. a summary of consultations carried out by the proponent with Indigenous communities and interested persons in respect of the Northeast Power Line Project since March 1, 2024,

ii. a summary of any information provided to the proponent by Indigenous communities and interested persons in respect of the Northeast Power Line Project since March 1, 2024, and

iii. a summary of the responses given by the proponent in relation to any concerns expressed by Indigenous communities and interested persons since March 1, 2024.

(2) After preparing the draft report, the proponent must give written notice of it to the following:

1. Every Indigenous community on the list obtained under subsection 3 (1) in respect of the Northeast Power Line Project and any other Indigenous community that, in the opinion of the proponent, may be interested in the Project.

2. Any persons who, in the opinion of the proponent, may be interested in the Project.

3. The Director.

(3) The notice of the draft report must include the following information:

1. The address of the website on which a copy of the draft report is available and information about any other method of obtaining a copy of the report.

2. The date by which comments in respect of the draft report are to be submitted and information about how to submit comments.

(4) The date mentioned in paragraph 2 of subsection (3) must be at least 45 days after the date on which the last notice is given.

(5) No later than the day that the first notice of the draft report is given, the proponent must publish the following documents on its website:

1. A copy of the draft report.

2. A copy of the notice.

Notice to Director, Indigenous communities' concerns

5. The notice mentioned in subparagraph 1 iii of subsection 2 (1) must be provided after the date mentioned in paragraph 2 of subsection 4 (3), be in writing, and include the following information:

1. A description of any concerns raised since the first notice of the draft report was given regarding potential adverse impacts of the Northeast Power Line Project on existing aboriginal or treaty rights, as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

2. An explanation of how the proponent has addressed or intends to address each concern mentioned in paragraph 1.

Final report

6. (1) The final report mentioned in subparagraph 1 iv of subsection 2 (1) must contain the information set out in subsection 4 (1), updated to reflect any changes made to the content of the report since the draft report was published on the proponent's website.

(2) In preparing the final report, the proponent must,

(a) consider all comments and information submitted in respect of the draft report during the period for providing comments as set out in the notice of the draft report, and

(b) comply with any consultation direction mentioned in subsection 13 (1) or mitigation or prevention direction mentioned in subsection 13 (3).

(3) After preparing the final report, the proponent must give written notice of it to every Indigenous community and person mentioned in subsection 4 (2) and must include in the notice the address of the website on which a copy of the final report is available and information about any other ways a copy of the report may be obtained.

(4) No earlier than 30 days after providing the notice mentioned in section 5 to the Director, but no later than the day that the first notice of the final report is given under subsection (3), the proponent must publish the following documents on its website:

1. A copy of the final report.

2. A copy of the notice.

Changes to project, whether significant

7. (1) Before preparing an addendum with respect to a proposed change to the Northeast Power Line Project, the proponent must determine if the change is significant as described in subsection (2).

(2) A proposed change mentioned in subsection (1) is significant if the proponent is of the opinion that,

(a) the change has the potential to cause a negative impact on the environment and the impact was not identified in the final report or any final addenda;

(b) the change has the potential to cause a negative impact on the environment that is identified in either the final report or any final addenda and the final report, any final addenda and any mitigation or prevention direction mentioned in subsection 13 (3) do not include a measure that would mitigate the negative impact; or

(c) the change has the potential to worsen a negative impact on the environment that is identified in the final report or any final addenda but the final report, any final addenda and any mitigation or prevention direction mentioned in subsection 13 (3) do not identify a measure that would mitigate the potentially worsened impact.

Final addendum, insignificant change

8. (1) A final addendum mentioned in subsubparagraph 2 ii A of subsection 2 (1) must include the following information:

1. A description of the change.

2. An explanation of how the proponent made the determination under section 7 and the information the proponent relied upon in making the determination.

(2) After preparing the final addendum, the proponent must give written notice of it to the following:

1. Every Indigenous community on the list obtained under subsection 3 (1) with respect to the change and any other Indigenous community that, in the opinion of

the proponent, may be interested in the change.

2. Any persons who, in the opinion of the proponent, may be interested in the change.

3. The Director.

(3) Notice of the final addendum must contain the following information:

1. A description of the change.

2. The address of the website on which a copy of the final addendum is available and information about any other method of obtaining a copy of the addendum.

(4) No later than the day that the first notice of the final addendum is given, the proponent must publish the following documents on its website:

1. A copy of the final addendum.

2. A copy of the notice.

Draft addendum, significant change

9. (1) A draft addendum mentioned in subsubparagraph 2 iii B of subsection 2 (1) must include the following information:

1. A description of the proposed change.

2. A description of the reasons for the proposed change.

3. A description of the proponent's assessment of the potential negative impacts of the change on the environment.

4. A description of each measure to be taken to mitigate the potential negative impacts identified in accordance with paragraph 3.

5. A consultation record, including,

i. a summary of any consultation carried out by the proponent with Indigenous communities and persons interested in the proposed change,

ii. a summary of any information provided to the proponent by Indigenous communities and persons interested in the proposed change, and

iii. a summary of the responses given by the proponent in relation to any concerns expressed by Indigenous communities and persons interested in the proposed change.

(2) After preparing the draft addendum, the proponent must give written notice of it to the following:

1. Every Indigenous community on the list obtained under subsection 3 (1) for the purpose of consultations with respect to the proposed change and any other Indigenous community that, in the opinion of the proponent, may be interested in the proposed change.

2. Any persons who, in the opinion of the proponent, may be interested in the proposed change.

3. The Director.

(3) The notice of the draft addendum must include the following information:

1. A description of the proposed change.

2. The address of the website on which a copy of the draft addendum is available and information about any other method of obtaining a copy of the addendum.

3. The date by which comments in respect of the addendum are to be submitted and information about how to submit comments.

(4) The date mentioned in paragraph 3 of subsection (3) must be at least 45 days after the date on which the last notice is given.

(5) No later than the day that the first notice of the draft addendum is given, the proponent must publish the following documents on its website:

1. A copy of the draft addendum.

2. A copy of the notice.

Notice to Director, Indigenous communities concerns

10. The notice mentioned in subsubparagraph 2 iii C of subsection 2 (1) must be provided after the date mentioned in paragraph 3 of subsection 9 (3), be in writing, and include the following information:

1. A description of any concerns raised since the first notice of the draft addendum was given regarding potential adverse impacts of the change to the Northeast Power Line Project on existing aboriginal or treaty rights, as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

2. An explanation of how the proponent has addressed or intends to address each concern mentioned in paragraph 1.

Final addendum, significant change

11. (1) A final addendum mentioned in subsubparagraph 2 iii D of subsection 2 (1) must contain the information set out in subsection 9 (1), updated to reflect any changes made to the content of the addendum since the draft addendum was published on the proponent's website.

(2) In preparing a final addendum, the proponent must,

(a) consider all comments and information submitted in respect of the draft addendum during the period for providing comments as set out in the notice of the draft addendum; and

(b) comply with any consultation direction mentioned in subsection 13 (1) or mitigation or prevention direction mentioned in subsection 13 (3).

(3) After preparing a final addendum, the proponent must give written notice of it to every Indigenous community and person mentioned in subsection 9 (2) and must include in the notice the address of the website on which a copy of the final addendum is available and information about any other ways a copy of the addendum may be obtained.

(4) No earlier than 30 days after providing the notice mentioned in section 10 to the Director, but no later than the day that the first notice of the final addendum is given under subsection (3), the proponent must publish the following documents on its website:

1. A copy of the final addendum.

2. A copy of the notice.

Different waiting periods

12. (1) If the Minister has information that, during a comment period mentioned in a provision set out in Column 1 of the Table to this section, an Indigenous community has raised a concern regarding potential adverse impacts of the Northeast Power Line Project or any proposed change to the Project on existing aboriginal or treaty rights, as recognized and affirmed in section 35 of the *Constitution Act, 1982*, the Minister may, by

written notice, extend the waiting period mentioned in the provision set out opposite that comment period in Column 2 of the Table.

(2) If the Minister has information that, during the 30-day waiting period mentioned in subsubparagraph 2 ii B of subsection 2 (1), an Indigenous community has raised a concern regarding potential adverse impacts of the Northeast Power Line Project or any proposed change to the Project on existing aboriginal or treaty rights, as recognized and affirmed in section 35 of the *Constitution Act, 1982*, the Minister may, by written notice, extend the waiting period mentioned in that subsubparagraph.

(3) If the Minister has information that, during a comment period mentioned in a provision set out in Column 1 of the Table to this section, no Indigenous community has raised a concern regarding potential adverse impacts of the Northeast Power Line Project or any proposed change to the Project on existing aboriginal or treaty rights, as recognized and affirmed in section 35 of the *Constitution Act, 1982*, the Minister may, by written notice, shorten the waiting period mentioned in the provision set out opposite that comment period in Column 2 of the Table.

(4) A Minister's notice under subsection (1), (2) or (3) must specify the number of days by which the applicable waiting period is extended or shortened, as the case may be.

(5) The Minister may extend a waiting period under subsection (1) or (2) more than once.

TABLE

Item	Column 1 Provision setting out comment period	Column 2 Provision setting out waiting period
1.	Paragraph 2 of subsection 4 (3)	Subparagraph 1 v of subsection 2 (1)
2.	Paragraph 3 of subsection 9 (3)	Subsubparagraph 2 iii E of subsection 2 (1)

Minister's directions

13. (1) A consultation direction may be issued by the Minister if the Minister is of the opinion that additional consultations in respect of the matters mentioned in subclauses 3

(2) (a) (i) and (ii) must be carried out before the proponent may proceed with the Northeast Power Line Project.

(2) A consultation direction may direct the proponent to take one or more of the following actions:

1. Carry out consultations in addition to any consultations already carried out in respect of the Project or a proposed change to the Project.

2. Carry out consultations with Indigenous communities in relation to potential impacts on rights identified by a community.

3. Report to the Minister on any additional consultations required pursuant to the direction, including on the results of that consultation.

(3) A mitigation or prevention direction may be issued by the Minister if the Minister is of the opinion that the direction is necessary to mitigate or prevent a potentially adverse impact of the Northeast Power Line Project or a proposed change to the Project, as the case may be, on existing aboriginal or treaty rights, as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

(4) A mitigation or prevention direction may direct the proponent to take one or more of the following measures:

1. Measures respecting the manner in which the Project or proposed change is to be carried out.

2. Measures to protect or conserve archaeological or cultural heritage resources.

3. Measures related to habitat protection, conservation, restoration or improvement.

4. Measures related to vegetation protection, conservation, restoration or improvement.

5. Measures related to monitoring the Project or proposed change.

(5) For greater certainty, the measures mentioned in subsection (4) may include consultations and further studies to be carried out by the proponent.

(6) The measures mentioned in subsection (4) may include measures that are not mentioned in a draft report, final report, draft addendum or final addendum or that are different from or in addition to measures mentioned in a draft report, final report, draft addendum or final addendum.

(7) A direction mentioned in subsection (1) or (3) may direct the proponent to describe in the final report or any final addenda how the proponent has complied with or intends to comply with the direction.

(8) In forming the opinion mentioned in subsection (1) or (3), as the case may be, the Minister may consider,

(a) any comments from Indigenous communities related to potential adverse impacts of the Northeast Power Line Project or any proposed change to the Project on existing aboriginal or treaty rights, as recognized and affirmed in section 35 of the *Constitution Act, 1982* and measures to mitigate or prevent adverse impacts on those rights;

(b) any responses the proponent has provided respecting the comments mentioned in clause (a);

(c) if prepared, the draft or final report;

(d) any draft or final addenda; and

(e) any notice given to the Director under section 5 or 10.

(9) The Minister may, at any time, give the proponent a notice amending a mitigation or prevention direction mentioned in subsection (3) and the notice may set out any transitional requirements related to the amendment.

(10) The Minister may give a notice under subsection (9) only if the Minister is of the opinion that the amendment will appropriately address the adverse impact that the direction was issued to address.

(11) In the event of a conflict between a mitigation or prevention direction mentioned in subsection (3) and the final report, or if applicable, any final addenda, the direction prevails.

(12) A consultation direction mentioned in subsection (1) or a mitigation or prevention direction mentioned in subsection (3) may be issued at any time before,

(a) the expiry of the waiting period mentioned in subparagraph 1 v of subsection 2 (1) in the case of a direction respecting the Northeast Power Line Project but not respecting a change mentioned in clause (b) or (c);

(b) the expiry of the waiting period mentioned in subsubparagraph 2 ii B of subsection 2 (1) in the case of a direction respecting a change to the Northeast

Power Line Project that the proponent determines is not significant under section 7; or

(c) the expiry of the waiting period mentioned in subsubparagraph 2 iii E of subsection 2 (1) in the case of a direction respecting a change to the Northeast Power Line Project that the proponent determines is significant under section 7.

Commencement

14. This Regulation comes into force on the day it is filed.