

ENVIRONMENTAL ASSESSMENT ACT

SECTION 17.15

NOTICE OF APPROVAL TO PROCEED WITH THE PART II.3 PROJECT

RE: The Waasigan Transmission Line Project Amended Environmental Assessment

Proponent: Hydro One Networks Inc. (Hydro One)

EA File No.: 03-03-03

EA Reference No.: 16055

Part II.3 of the *Environmental Assessment Act* (the Act) establishes the requirements, authority, and process for preparing, submitting, and deciding an application for approval to proceed with a Part II.3 Project under the Act. An application consists of a proposed terms of reference and environmental assessment. In respect of the Project, the *Proposed Amended Terms of Reference, Waasigan Transmission Line Environmental Assessment* was approved by the minister on February 18, 2022. The Proponent submitted its Environmental Assessment on November 17, 2023, for a decision on the application.

A nine-week comment period followed the submission of the Environmental Assessment to the ministry, during which time any person could submit comments about the Environmental Assessment and the Project. On May 1, 2024, Hydro One submitted an amended Environmental Assessment to the ministry.

The ministry review of the amended Environmental Assessment was completed on June 21, 2024, and notice was provided in accordance with the Act. The ministry review concluded that the amended Environmental Assessment was prepared in accordance with the approved amended Terms of Reference and the Act and contained sufficient information to assess the potential environmental effects of the Project. There were no outstanding issues from the Environmental Assessment process. The public, government agencies and Indigenous communities had an opportunity to comment on the Environmental Assessment, the Project, and the ministry review during the five-week comment period.

The Proponent and ministry provided identified Indigenous communities with opportunities for consultation with respect to the Terms of Reference, the Environmental Assessment and the ministry review.

All comments submitted during the statutory comment periods have been considered. Three requests for a hearing by the Ontario Land Tribunal were submitted. I do not find a hearing necessary in this case, and am not aware of any outstanding issues with respect to the application which suggest that a hearing should otherwise be required.

Having considered the purpose of the Act, the approved amended Terms of Reference, the amended Environmental Assessment, the ministry review of the amended Environmental Assessment and submissions received, I hereby give approval to proceed with the Project, subject to the conditions set out below.

REASONS

My reasons for my decision are:

- (1) The Proponent has complied with the requirements of the *Environmental Assessment Act*.
- (2) The amended Environmental Assessment has been prepared in accordance with the approved amended Terms of Reference.
- (3) Taking into consideration the Proponent's amended Environmental Assessment and the ministry review, the Proponent's conclusion that, on balance, the advantages of this Project outweigh its disadvantages appears to be valid.
- (4) The Proponent has demonstrated that the environmental effects of the Project can be appropriately avoided, managed, mitigated.
- (5) Taken together, the Proponent's amended Environmental Assessment, the Ministry Review and the conditions of approval, the approval of the Project would be consistent with the purpose of the *Environmental Assessment Act*.
- (6) There are no outstanding concerns raised by government agency, public or Indigenous communities that cannot be addressed through commitments in the amended Environmental Assessment, through the conditions set out below or through future approvals that will be required.

CONDITIONS OF APPROVAL

The approval is subject to the following conditions:

1. Definitions

For the purposes of these conditions:

"Act" means the *Environmental Assessment Act*

"Construction" means the physical construction activities, including site preparation works, but does not include the tendering of contracts.

"Date of Approval" means the date on which the Order in Council pertaining to the approval of the Project was signed by the Lieutenant Governor-in-Council.

"District Manager" means the Manager of the Ministry's Thunder Bay and Kenora District Offices.

"Director" means the Director of the Environmental Assessment Branch.

"Environmental Assessment" means the documents titled Amended Environmental Assessment Report for the Waasigan Transmission Line Project.

"Environmental Compliance Approval" means an approval issued under Part II.1 of the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended.

“Indigenous Communities” means the following communities which the Proponent consulted for the proposed Project: Eagle Lake First Nation, Fort William First Nation, Gakijwanong Anishinaabe Nation, Lac Seul First Nation, Ojibway Nation of Saugeen, Seine River First Nation, Nigigoonsiminikaaning First Nation, Wabigoon Lake Ojibway Nation, Lac des Mille Lacs First Nation, Mitaanjigamiing First Nation, Couchiching First Nation, Northwestern Ontario Métis Community (NWOMC) and Region 2, and Red Sky Métis Independent Nation.

“Ministry” means the Ministry of the Environment, Conservation and Parks.

“Program” means the environmental assessment compliance monitoring program.

“Project” means the new overhead Alternating Current 230 kilovolt (kV) transmission lines and associated components (e.g., tower structures) modifications to existing infrastructure at the Lakehead Transformer Station (TS), Mackenzie TS and Dryden TS, and separation of the existing 230 kV transmission lines (circuits F25A and D26A) out of the Mackenzie TS in Atikokan; development of temporary supportive infrastructure associated with construction and, development of associated permanent infrastructure as set out in the amended Environmental Assessment.

“Proponent” means Hydro One Networks Inc. (Hydro One).

“Site” means the 360-kilometre transmission line corridor between the Municipality of Shuniah and the City of Dryden.

2. General Requirements

- 2.1 The Proponent shall implement the Project in accordance with the amended Environmental Assessment, which is hereby incorporated into this Notice of Approval by reference, except as provided in the conditions of this Notice of Approval and as provided in any other approval, permit or authorization that may be issued for this site or Project.
- 2.2 Should the Proponent wish to make changes to any document required by these conditions after the document has been accepted or approved by the Ministry, the Proponent shall obtain written approval for the proposed changes from the Ministry decision-maker in the condition requiring the document.
- 2.3 For any document required by these conditions to be prepared, submitted and/or posted publicly by the Proponent, the Director may provide written notice to the Proponent that they no longer need to prepare, submit and/or post the document at the Director’s discretion.
- 2.4 For any program or plan required by these conditions to be developed or implemented by the Proponent, the Director may provide written notice to the Proponent that the program or plan need no longer be developed or implemented in the Director’s sole discretion.
- 2.5 The Director, in their sole discretion, may change a deadline provided for in a condition in this Notice of Approval where the Director determines it is

appropriate to do so and it is consistent with the purpose of the Act. The Director must provide notice to the Proponent in writing of any such changes.

- 2.6 The Proponent shall fulfill all commitments made in the amended Environmental Assessment and the commitments outlined in Appendix 10.0-A Commitments for the Waasigan Transmission Line Project.
- 2.7 The conditions of the Notice of Approval do not prevent more restrictive conditions being imposed under other statutes.

3. Public Record and Submission of Documents

- 3.1 Where a document is required for the public record, the Proponent shall post the document on the Proponent's website and shall provide one hardcopy and one electronic copy of the document to the Director.
- 3.2 The Environmental Assessment Reference Number 16055 and File Number 03-03-03 shall be quoted on all documents in any form submitted to the Ministry pursuant to this Notice of Approval.
- 3.3 For every document submitted to the Ministry in every form, the Proponent shall clearly identify which condition of approval the document is meant to fulfill.

4. Compliance Monitoring Program

- 4.1 The Proponent shall prepare and submit to the Director for approval and for the public record a compliance monitoring program.
- 4.2 The compliance monitoring program shall be submitted to the Director within 90 days of the Date of Approval, or such other date agreed upon by the Director in writing.
- 4.3 The compliance monitoring program shall include a description of how the Proponent will:
 - a. ensure the Project is implemented in accordance with the amended Environmental Assessment, including with respect to mitigation measures, public consultation, and additional studies and work to be carried out;
 - b. monitor compliance with the conditions in this Notice of Approval; and,
 - c. ensure all commitments made in the amended Environmental Assessment, including with respect to the Environmental Protection Planning document, mitigation measures, public consultation, and additional studies and work to be carried out.
- 4.4 The compliance monitoring program shall include an implementation schedule for planned monitoring activities.
- 4.5 The Director may require the Proponent to amend the compliance monitoring program at any time and shall provide notice of the required amendment and deadline for completion in writing to the Proponent.

- 4.6 The Proponent shall submit the amended compliance monitoring program to the Director by the deadline specified in the written notice.
- 4.7 The Proponent shall implement the compliance monitoring program, including any amendments to it.

5. Compliance Reporting

- 5.1 The Proponent shall prepare an annual compliance report outlining the results of the compliance monitoring program (Condition 4) and the report shall be included as part of the public record.
- 5.2 The first compliance report shall be submitted to the Director for review and for the public record no later than one year following the Date of Approval. Each subsequent annual compliance report shall be submitted to the Director for review and for the public record on the date that is the anniversary of the Date of Approval thereafter or such other date as agreed to by the Director. Each report shall cover the period since the last report.
- 5.3 Compliance reports are no longer required to be submitted following the earlier of: (i) all conditions in this Notice of Approval are satisfied, or (ii) the Director gives notice pursuant to Condition 2.3.
- 5.4 The Proponent shall notify the Director in writing when the final annual compliance report is being submitted.. Upon receiving confirmation from the Director that all compliance reporting requirements have been fulfilled, the Proponent shall no longer be required to prepare or submit annual compliance reports.
- 5.5 The Proponent shall retain, either in the Proponent's office or in another location approved by the Director, copies of each annual compliance report for each reporting year and any associated documentation of compliance monitoring activities. The Proponent shall post the annual compliance reports for each reporting year on its website.
- 5.6 The Proponent shall make the compliance reports and associated documentation available to the Director or designate in a timely manner when requested to do so by the Ministry.

6. Complaint Protocol

- 6.1 The Proponent shall prepare and implement a complaint protocol for dealing with and responding to inquiries and complaints related to the Project. The complaint protocol shall include a procedure for notifying the Ministry's Thunder Bay District and Kenora District Managers of any complaints received by the Proponent.
- 6.2 The Proponent shall submit the complaint protocol to the Director for approval and for the public record at least 30 days before the start of construction or such other date that is agreed upon by the Director in writing.

- 6.3 The Director may require the Proponent to amend the complaint protocol at any time and shall provide notice of the required amendment and deadline for completion in writing to the Proponent. The Proponent shall submit an amended complaint protocol to the Director by the deadline specified in the notice.
- 6.4 The Proponent shall implement the complaint protocol and any amendments to it.
- 6.5 The approved complaint protocol and any amended complaint protocol shall be included as part of the public record.
- 6.6 The Proponent shall include a summary of the complaints received and how they were addressed in each of the annual compliance reports required to be submitted by Condition 5.

7. Consultation with Indigenous Communities

- 7.1 The Proponent shall prepare, in consultation with the Indigenous Communities, an Indigenous consultation plan that sets out:
 - a. how, during the implementation of the Project, the Proponent will consult with Indigenous Communities and provide them with opportunities to be involved in the environmental monitoring activities and archeological assessments;
 - b. how, during the implementation of the Project, the Proponent will consult with Indigenous Communities in regard to the development of the Environmental Protection Planning document and any amendments to it;
 - c. how the Proponent will notify Indigenous Communities if archaeological resources are encountered during the implementation of the Project, including in the Dawson Trail Area;
 - d. how the Proponent will consider any additional traditional knowledge and traditional land and resource use information that Indigenous Communities may provide during implementation of the Project;
 - e. how the Proponent will issue notices and updates to Indigenous Communities on key steps during the implementation of the Project; and,
 - f. how changes to the Indigenous consultation plan may be made, if needed.
- 7.2 The Proponent shall submit the Indigenous consultation plan to the Director for approval together with a summary of how the Proponent consulted with the Indigenous communities and any concerns an Indigenous community has identified for the Indigenous consultation plan at least 30 days prior to construction, or by such other date as may be agreed to in writing by the Director.
- 7.3 Once the Director has accepted the Indigenous consultation plan, the Proponent shall implement the Indigenous consultation plan.
- 7.4 The Director may require the Proponent to amend the Indigenous consultation plan at any time. Should an amendment be required, the Director shall notify the

Proponent in writing of the amendment required and when the amendment must be completed.

- 7.5 The Proponent shall submit the amended Indigenous consultation plan(s) to the Director by the deadline specified by the Director and include them as part of the public record.

8. Indigenous Traditional Land and Resource Use

- 8.1 The Proponent shall consider and address, as appropriate, any additional traditional knowledge and traditional land and resource use information that Indigenous Communities may provide during implementation of the Project.

9. Environmental Protection Planning Document

- 9.1 Prior to the commencement of construction of the Project, the Proponent shall prepare an Environmental Protection Planning document to supplement the information in the amended Environmental Assessment, as described in Section 10.2 of the amended Environmental Assessment.
- 9.2 The scope of the Environmental Protection Planning document shall encompass construction activities, from pre-construction planning through decommissioning and reclamation of the temporary components. The Environmental Protection Planning document shall include contingency, management and construction execution plans, as described in Section 10.2.2 of the amended Environmental Assessment, and a biodiversity initiative plan as described in Section 10.0 of the amended Environmental Assessment.
- 9.3. The Proponent shall provide a minimum of 90 days for review of the Environmental Protection Planning document by Indigenous communities prior to carrying out the construction activities covered by the Environmental Protection Planning document.
- 9.4. As part of the compliance monitoring program required in Condition 4, the Proponent shall submit the Environmental Protection Planning document and schedule summarizing the Indigenous community and agency consultation on the Environmental Protection Planning document to the Director for review within 30 days of the date of approval and every three months thereafter until the Director gives notice to the Proponent pursuant to Condition 2.3 that the Environmental Protection Planning document and schedules are no longer required to be submitted.
- 9.5 The Environmental Protection Planning document will be updated as required prior to carrying out relevant construction activities, and the most current version of the document will be posted on the Proponent's website prior to commencement of those activities.

10. Shebandowan Lake Management Plan

- 10.1 The Proponent shall work with the Ministry of Natural Resources to obtain the necessary approvals and permissions for the Project, including those required under the Shebandowan Lake Management Plan to proceed with construction of the transmission line.

11. Changes/Amendments

- 11.1 The Proponent shall notify the Director in writing of any proposed change to the Project that is outside of the Limits of Work, as described in section 11.3.1.2. of the amended Environmental Assessment or that could result in greater adverse environmental effects than were identified in the amended Environmental Assessment. The Proponent shall follow the requirements set out in Part II.2 of O.Reg. 50/24 Part II.3 Projects Designations and Exemptions where applicable. If the proposed change is not subject to the requirements of the Act, the Proponent shall follow the process outlined in section 11.3.2. of the amended Environmental Assessment.
- 11.2 The Proponent shall notify the Director in writing of any proposed change to the Project that is within the Limits of Work, as described in section 11.3.1.2. of the amended Environmental Assessment or that could result in greater adverse environmental effects than were identified in the amended Environmental Assessment. The Proponent shall follow the notification process outlined in section 11.3.1.3. of the amended Environmental Assessment.

Dated the 9th day of September 2024 at TORONTO.



Minister of the Environment, Conservation and Parks
777 Bay Street, 5th Floor
Toronto, Ontario
M7A 2J3

Approved by O.C. No. 1279/2024

Date O.C. Approved SEP 26 2024