



## SUMMARY

### Draft Land Law 2017/18-003:

### Environmental Permitting and Protection – Henvey Inlet Wind Transmission Line

A Draft Land Law entitled “Environmental Permitting and Protection – Henvey Inlet Wind Transmission Line” is enclosed for your review as part of this Notice Package. This proposed Land Law will be included in the ratification vote.

#### What's the reason for this Land Law?

Shawanaga First Nation is considering entering into an agreement with Henvey Inlet Wind GP Inc. ("HIW") to lease a portion of its Reserve Lands and to allow HIW to develop, construct, operate and decommission electrical transmission facilities (the "T-Line"). The T-Line is part of a transmission line that is proposed to deliver electricity from HIW's wind energy centre, extending from the eastern boundary of Henvey Inlet First Nation to Parry Sound.

Under the *First Nations Land Management Act* ("FNLMA"), Shawanaga First Nation are obliged to develop and implement an environmental assessment and protection regime if the T-Line is to proceed on the Reserve Lands. A draft Environmental Protection and Permitting Land Law ("EPP Land Law") has been prepared to address these obligations, as described below. The EPP Land Law will be subject to a meeting of Members and a Community ratification vote. Costs related to this regime will be compensated by HIW.

#### Environmental Assessment

The Individual Agreement entered into by Shawanaga First Nation under the FNLMA (Annex "F") sets out requirements for the environmental assessment process before a project may proceed. In particular, the First Nation is required to determine that:

- (i) the project is not likely to cause significant adverse environmental effects; or
- (ii) any significant adverse environmental effects likely to be caused by the project are justified in the circumstances.

Consistent with these requirements, the EPP Land Law provides details on whether the required environmental assessment is acceptable. HIW has prepared an Environmental Review Report (September, 2015) and Environmental Effects Determination Report (June, 2017) to provide information that addresses these requirements. A technical review of the reports is presently being completed by Shared Value Solutions, in the capacity of environmental peer reviewer jointly retained by both Shawanaga and Magnetawan First Nations.

Pursuant to the EPP Land Law, Council will provide the Community with an opportunity to raise questions and comments regarding the environmental assessment.



## Issuance of an Environmental Permit

Council must decide whether the environmental assessment is acceptable by making one of the two determinations set out above. Where Council decides that the impacts described in the environmental assessment are acceptable, it will issue an environmental permit authorizing HIW to proceed with the construction, operation and decommissioning of the T-Line, in compliance the terms and conditions for the protection of the environment set out in permit.

## Environmental Protection

The HIW transmission line will be subject to provincial approvals and environmental laws for the majority of its route. However, in addition to issuing an environmental permit, Shawanaga First Nation must create and implement a comparable environmental protection regime for the T-Line on its Reserve Lands. To do this, the EPP Land Law sets out standards and punishments with at least the same effect as Ontario's environmental laws, such as:

- Requirements similar to Ontario's renewable energy approvals as they relate to transmission lines;
- Discharge prohibitions comparable to Ontario's *Environmental Protection Act*; and
- Prohibitions against harming species under Ontario's *Endangered Species Act*.

As well, the EPP Land Law requires adherence to any requirements of Canada applicable to the Reserve Lands (such as permits issued under the *Species at Risk Act*).

The Shawanaga First Nation environmental protection regime will be administered by a Commissioner with environmental and administrative expertise. The Commissioner will be retained by the First Nation and would have inspection and enforcement powers (including powers to issue orders and impose fines for non-compliance).

[End]