



Ontario

**Executive Council of Ontario
Order in Council**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

**Conseil exécutif de l'Ontario
Décret**

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

WHEREAS section 3.2 of the *Environmental Assessment Act* provides that where the Minister of Environment, Conservation and Parks considers that it is in the public interest, having regard to the purpose of the Act and weighing it against the injury, damage or interference that might be caused to any person or property by the application of the Act to any undertaking or class of undertakings, the Minister, with the approval of the Lieutenant Governor in Council, may by order amend conditions of an order that declares that the Act or the regulations or a matter provided for under the Act does not apply with respect to a proponent, a class of proponents, an undertaking or a class of undertakings subject to such conditions as the Minister may impose;

WHEREAS the attached order amends the declaration order made under subsection 3.2 (1) of the Act entitled "Declaration – Projects and Activities being considered for inclusion in the Algonquin Land Claim Settlement", dated July 23, 2007 and approved by Order in Council 1900/2007, (Algonquin Land Claim Declaration Order) to align that Order with a proposed regulation that unconditionally exempts certain Crown projects and activities (undertakings) to which that order applies;

WHEREAS the Minister has considered that it is in the public interest to make the amending order, having considered the purpose of the Act and weighing it against the injury, damage or interference that would have resulted from the Act applying to the class of undertakings to which the Algonquin Land Claim Declaration Order applied, which are set out in the recitals in that Order and continue to apply to the undertakings to which the amended Order applies;

THEREFORE, pursuant to the provisions of the *Environmental Assessment Act*, the attached order amending the Algonquin Land Claim Declaration Order be approved.

ATTENDU QUE l'article 3.2 de la *Loi sur les évaluations environnementales* prévoit que s'il estime qu'il est dans l'intérêt public de le faire compte tenu de l'objet de la Loi et après avoir pesé celui-ci par rapport aux préjudices, aux dommages ou aux inconvénients que l'application de la Loi à l'entreprise ou à la catégorie d'entreprise pourrait causer à des personnes ou à des biens, le ministre de l'Environnement, de la Protection de la nature et des Parcs (le « ministre »), peut, par arrêté, avec l'approbation du lieutenant-gouverneur en conseil, modifier une condition dont il a assorti sa déclaration selon laquelle la Loi, les règlements ou une question prévue par la Loi ne s'appliquent pas à l'égard d'un promoteur, d'une catégorie de promoteurs, d'une entreprise ou d'une catégorie d'entreprise, sous réserve des conditions que le ministre imposerait;

ATTENDU QUE l'arrêté ci-joint modifie la déclaration prise en vertu du paragraphe 3.2 (1) de la Loi, intitulée « Déclaration - Projets et activités qui pourraient être inclus dans le règlement de la revendication territoriale des Algonquins » (« Declaration – Projects and Activities being considered for inclusion in the Algonquin Land Claim Settlement »), datée du 23 juillet 2007 et approuvée par le décret 1900/2007 (la « Déclaration relative à la revendication territoriale des Algonquins »), afin d'aligner cette déclaration sur un projet de règlement qui exempte inconditionnellement certains projets et activités de la Couronne (entreprises) auxquels la déclaration s'applique;

ATTENDU QUE le ministre estime qu'il est dans l'intérêt public de prendre l'arrêté modificateur, compte tenu de l'objet de la Loi et après avoir pesé celui-ci par rapport aux préjudices, aux dommages ou aux inconvénients que pourrait causer l'application de la Loi à la catégorie d'entreprise à laquelle s'applique la Déclaration relative à la revendication territoriale des Algonquins, ces préjudices, dommages ou inconvénients étant énoncés dans les attendus de cette déclaration et continuant de s'appliquer aux entreprises auxquelles s'appliquera la déclaration modifiée;

EN CONSÉQUENCE, en vertu des dispositions de la *Loi sur les évaluations environnementales*, l'arrêté ci-joint qui modifie la Déclaration relative à la revendication territoriale des Algonquins est approuvé.



Recommended: Minister of the Environment, Conservation and Parks

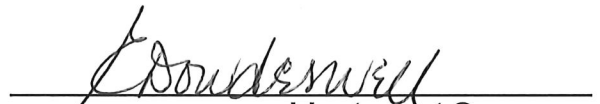
Recommandé par : Le ministre de l'Environnement, de la Protection de la nature et des Parcs



Concurred: Chair of Cabinet

Appuyé par : Le président/la présidente du Conseil des ministres

Approved and Ordered: JUL 20 2023
Approuvé et décrété le :



Lieutenant Governor
La lieutenant-gouverneure

**ORDER MADE UNDER THE
ENVIRONMENTAL ASSESSMENT ACT**

**Declaration Order Amending
Declaration Order – Projects and Activities being considered for inclusion in the
Algonquin Land Claim Settlement**

Having considered a proposed regulation to unconditionally exempt certain Crown projects and activities (undertakings) being considered for inclusion in a settlement agreement which resolves the Algonquins of Ontario Aboriginal rights and title claim against the Crown, including any interim agreements which are intended to be incorporated into or superseded by a final agreement (“the Algonquin Land Claim Settlement Agreement”) and that are subject to the declaration order made under subsection 3.2 (1) of the Act entitled “Declaration – Projects and Activities being considered for inclusion in the Algonquin Land Claim Settlement”, dated July 23, 2007 and approved by Order in Council 1900/2007, (Algonquin Land Claim Declaration Order) which includes the process attached as Appendix A to that order;

Having regard to the importance of aligning the projects and activities to which the order applies to the undertakings proposed to be exempted by the above noted regulation, in order to avoid confusion and to support transparency;

Having been advised that the injury, damage or interference to the persons and property that would have resulted from the Act applying to the class of undertakings to which the Algonquin Land Claim Declaration Order applied and that are set out in the recitals in that Order, continue to apply to the undertakings to which the Order, as amended, will apply; and,

Having considered the purpose of the Act and the public interest;

The undersigned is of the opinion that it is in the public interest to amend the above referenced declaration order and pursuant to s.3.2 of the Act the order, including Schedule A to the order, is amended as follows:

1. The description of the projects and activities (the undertakings) to which the Algonquin Land Claim Declaration Order applies and that is set out in the first paragraph of the opening flush of that order, is revoked and replaced with the following description:

A project or activity (undertaking) that is being considered for inclusion in the settlement agreement which resolves the Algonquins of Ontario Aboriginal rights and title claim against the Crown (“Algonquin Land Claim Settlement Agreement”), in respect of which:

- (i) one of the following notices was issued prior to the coming into force of an unconditional exemption from the Act in respect of any project or activity (undertaking) that relates to the Algonquin Land Claim Settlement Agreement.
 - a. A Public Notice issued under Step 2 of Section 2.3 (Evaluation and Consultation Process for Category B Projects and Activities) of Schedule “A” to the Algonquin Land Claim Declaration Order.
 - b. A Notice of Opportunity to Inspect the Draft Environmental Evaluation Report issued

under Step 3 of Section 2.4 (Evaluation and Consultation Process for Category C Projects and Activities) of Schedule "A" to the Algonquin Land Claim Declaration Order.

and,

- (ii) one or more of the following approved class environmental assessments, as amended or renamed from time to time, applies to the undertaking:
 - a. Class Environmental Assessment for Provincial Transportation Facilities approved by the Lieutenant Governor in Council on October 6, 1999 under Order in Council 1653/1999.
 - b. 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.
 - c. Class Environmental Assessment Process for Management Board Secretariat and Ontario Realty Corporation approved by the Lieutenant Governor in Council on April 28, 2004 under Order in Council 913/2004.
 - d. Class Environmental Assessment for Provincial Parks and Conservation Reserves approved by the Lieutenant Governor in Council on September 23, 2004 under Order in Council 1900/2004.
 - e. Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act approved by the Lieutenant Governor in Council on December 12, 2012 under Order in Council 1952/2012.

The term undertakings and the term projects and activities are used interchangeably throughout this amending order and the Algonquin Land Claim Declaration Order.

2. The declaration in paragraph 2 of the opening flush of the Algonquin Declaration Order is revoked and replaced with the following:

Be declared not subject to the Act

3. Condition 1 of the Algonquin Land Claim Declaration Order is revoked and replaced with the following:

For any undertaking to which this order applies, the ministry or agency that is responsible for the undertaking shall carry out a review of the potential environmental effects of the undertaking in accordance with the process described in Schedule "A" of this order. For greater certainty, the review process described in Schedule "A" applies solely to that period of time prior to the Crown and the Algonquins entering into a Settlement or Interim agreement.

4. Conditions 2, 3 and 4 of the Algonquin Land Claim Declaration Order are revoked.

5. The following condition is added to the Algonquin Land Claim Declaration Order as a new condition 2:

This order ceases to apply to an undertaking subject to this order when a Statement of Completion in relation to the undertaking is submitted to the Director of the Environmental Assessment Branch and the appropriate Regional Director of the Ministry of Environment Conservation and Parks under,

(a) Step 5 of Section 2.3 (Evaluation and Consultation Process for Category B Projects and Activities) of Schedule "A" to the Algonquin Land Claim declaration order; or

(b) Step 6 of Section 2.4 (Evaluation and Consultation Process for Category C Projects and Activities) of Schedule "A" to the Algonquin Land Claim declaration order.

6. The following amendments are made to Schedule A of the Algonquin Land Claim Declaration Order:

(i) Section 1.2 Class of Undertakings is revoked and replaced with the following:

The undertakings that are subject to the following process are those described in paragraph 1 of the Declaration Order to which this schedule is attached including:

- the transfer of publicly held (patented) land;
- the transfer of Crown land, rights and interests including the release of Crown reservations;
- the transfer through disposition, disposal or granting of certain or all rights to Crown resources through such means as permits, licenses, approvals, permissions, consents, leases, licenses of occupation or sale;
- the transfer of Crown assets;
- the amending and rescinding in whole or in part, boundary regulations for provincial parks and conservation reserves;
- the acquisition of private lands for the purpose of transfer; and/or
- projects and activities which the Algonquin Land Claim Settlement Agreement provides to be on settlement lands before the transfer of the settlement lands to the Algonquins.

Private property will only be acquired for purposes of a settlement on a willing seller, willing buyer basis.

(ii) Section 2.0 (The Process) is amended to remove the following bullet:

- modifications to projects and activities (Section 2.6)

(iii) Section 2.6 (Modifications to Project Evaluations and Environmental Evaluation Reports) is revoked.

(iv) Section 3.4 (Other Approvals) is amended to replace the references to "the Canadian Environmental Assessment Act" with "the federal Impact Assessment Act".

- (v) References to the “Director of the Environmental Assessment and Approvals Branch” are replaced with “the Director of the Environmental Assessment Branch and references to “Ministry of Environment” are replaced with “Ministry of Environment, Conservation and Parks”.

7. This amending order applies upon the coming into force of an unconditional exemption from the Act in respect of any project or activity (undertaking) that relates to the Algonquin Land Claim Settlement Agreement.

Dated the 7 day of July 2023 at TORONTO.



Minister of the Environment, Conservation and Parks

Approved by O.C. No. _____/2023

Date O.C. Approved _____

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