

[REDACTED]

From: BoardSec
Sent: March 16, 2017 5:02 PM
To: [REDACTED]
[REDACTED]
Subject: EB-2016-0310 FW: Henvey Inlet Hydro & Summertime Properties Pin 521190246
Attachments: Henvey hydro project Mar 16, 2017.docx; SCAN0013.PDF

From: Steve Mallory [REDACTED]
Sent: March-16-17 3:41 PM
To: BoardSec
Cc: [REDACTED]
Subject: Henvey Inlet Hydro & Summertime Properties [REDACTED]

Hello

I am sending this package to express some concerns about the way Henvey Inlet Hydro is handling their transmission line process.

This information refers in a small way to the recent application to the board from Henvey Inlet.

I have also been communicating with Mike Lesychyn, the Case Manager of the Henvey Project and he suggested That this package be sent to the board secretary asap.

I am aware that not all of these concerns may be dealt with by the Board. This package has information that I may be Sending out to others and will have information that may not be of interest to the board at this time. I know at this time the board members are dealing with certain issues. I would ask that you pull out of this information what you are able to deal with.

The concerns that I have are important to me and I appreciate anything that can be done to obtain the correct Routing of this hydro line and hopefully direct Henvey how to deal more responsibly with landowners.

Thank You

Steve Mallory, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]

March 16, 2017

From:

Steve Mallory, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Henvey Inlet Wind Project

This is a list to date of events, facts, concerns etc. relating to the above wind project. The portion of our property that is currently affected is [REDACTED]
[REDACTED]

Although there have been several items of concern with this project before the proposed line was moved farther to the east to skirt the Mill Lake waterway, the concerns that are listed here mainly relate to the current "Henvey proposal" which is down the easterly section of our land, on the west side of the road allowance, over and near our travelled roadways and gravel pit areas.

1--I have communicated and shown our concerns to many different Canacre reps. I have met them on site. I have met them in coffee shops and also in motel lobbies. I have given them bigger maps of the area and we marked out where I am confident the route should be, near our property. I have explained the importance of this change and I DID THIS FROM THE BEGINNING OF THIS LATEST ROUTE PROPOSAL. I am very confident that a very ideal alternative route, creating zero increased line distance, has been available and at no time has anyone from Henvey contacted me relating to my concerns. Not a phone call or a letter or a desired meeting from a Henvey person to talk over this major concern. The Canacre people do a good job, but as they say they are just paper movers and they all said they delivered the messages. We have a commercial development in which we have a large investment. Our main roadway is in its finishing stages a mile inland. This road is currently being used by several paying customers. It will eventually be used permanently with easements by as many as 30 or more cottagers to get to their currently boat access only waterfront lots. The Henvey people say that they want a "strong dialogue with property owners". I can tell you that there is no dialogue and in previous agreement offers it is their way or no way.

2--For the record this is the list of Canacre reps that I have spoken to so far. Several at the end are the ones that I have had extensive talks about my serious latest concerns. Andrew Little, Brandon Hester, Larissa Panici, Murray Clark, Jenna (by phone from Sudbury), Andrew Tees. They all were very good. They indicated that they could understand my reasons why there is a very good and much better alternative than travelling through our development and over our important roads. They said they would relay my concerns clearly and my request to talk to Henvey decision makers on site about them. Note here that we do not live near this site. To meet these many times with all of the Canacre representatives I must travel 50 minutes each way just to get to the site for all of these meetings. No replies about this from anyone at Henvey.

3--The route that I have been proposing is this. Starting north of our property the new route leaves the east of the main hydro towers and travels eastward on an angle south east through the Fowler Construction Company property to a North south original 66 ft. road allowance. At that point, instead of staying on the Fowler property and travelling south on the easterly side of that road allowance, they want to travel downward on the west side of the road allowance to our property and want to go through it. If you look on the first re-routing pictures, it looks like the new proposed route was supposed to go down the east side of the road allowance continuing on Fowler property right down to Scullion Road. This is where I think it was supposed to go as it is the better route for many reasons. Again, I want them to stay on the Fowler Company property, who own the property since leaving the main hydro lines. They just need to stay on the Fowler property and travel down the east side of the old road allowance right to the Scullion Road travelled road. This east side of road allowance route is mostly clear of trees, being a gravel pit that is seldom used anymore. They have moved, many years ago, all crushing equipment to the main McDougall pit just down the road. I am the main person that travels through to the old pit and have a roadway with a gate going through to the pit from our property. Through this pit was the main road to our property previous to our building our own roadway. The Fowler Company people are good neighbours and we have a good working relationship.

4--The east side of road allowance route I am recommending is a **dryer** route with less wetland at the top and, it appears, much less wetland toward the south end. I am not positive, because I cannot walk in that south area due to a pond surrounded by wet flooded land. However, I am confident that the east side route would be dryer in that southerly area.

5--The east side of road allowance route has fewer trees to cut down and harvest as it is mostly the boundary of an old pit. This should be a **less costly route**.

6--The east side of road allowance has direct line-building equipment **access** and future line servicing access via two roads through Fowlers property off McDougall road.

7--The Henvey proposed route on the west of road allowance side travels over 3 different roads that we use or will be using in the future. **Our roadway that travels up the hill** beside the road allowance is the only route we have on all of our property to access the north levels of our property. The proposed Henvey route is directly over this road access. This roadway is started at the bottom but will be finished after our main thoroughfare is finished to the cottages. This upper roadway is necessary because there is a cliff along all of the other areas of that upper level section of our property.

8--Both the east and west of road allowance routes would go over **our other roadway and our gate to the Fowler pit**. This cannot be avoided. Possibly this roadway would not be affected if it was put in the middle of a span. However, I could not count on anything from the history that Henvey has of no personal communication and no indication to co-operate with us on our investment property. I don't know if this roadway will be situated in the middle of a span or a pole will be put in the middle of it. Uncomfortable to not know. This is still an important route from our property to and through the Fowler property often for larger equipment. Height is also a consideration here. Fowlers are bringing large rock trucks and/or dump trucks as well as excavators through this gate and roadway, to our property, this spring of 2017 and likely in the future as we do business together.

9--The west side of the road allowance route over our property runs parallel with our main road to the lake properties. If it doesn't touch it is real close. Our investment of building very expensive access roads to the lakeshore cottages started many years before Henvey initiated this hydro enterprise. My Dad owned this property many years ago before I bought it from him. I would trust that our investment has priority and genuine consideration and respect. I have been building this extensive roadway over rugged Parry Sound terrain for many years at a cost of hundreds of thousands of dollars. I am now renting road travel rights to some but will soon be in a position to sell permanent easements to the cottage owners. These cottage owners live all over Ontario and they currently must go by boat to their cottage lot. I want this roadway that they will purchase to be suitable but also appealing to them. They will not only drive on this easement that they purchase but they will be skiing, atving, walking. I am making it attractive and enjoyable to travel on in any season. I prefer that my customers not travel near or under yet another hydro easement unless there is no alternative and there is one. I want customers to be motivated to buy easements partly because of the valuable esthetics of the bushland route in. If there was no very suitable alternative then we might not have as much to say but we do have one and have portrayed it since the inception of this new route skirting the main lake. It is difficult for us to move this road because of a bay coming in from the main lake. Keep in mind that our road has had and will have full length logging trucks, propane trucks, cement trucks and floats with excavators on them etc. That affected section of our road has had log trucks and floats etc. on it already to that area because it is an active pit area and an ideal unloading area. I say this because it would be expensive to build a new road for this weight.

10--This west of road allowance route on our side also would eliminate an approximate 40 foot wide section of the trees that I have left there as a privacy buffer between the Fowler pit and us along some of the road allowance. It would be fully open in that area. They are there for a purpose. They provide aesthetics but they also keep our equipment and activities out of sight from people walking or atving along the road allowance. I often have equipment parked there because our side is an active gravel pit and log staging area. One year a group did come over, stole items from our dumptruck and vandalized that vehicle extensively. The tree buffer is to reduce those negative possibilities. A portion of new and sight blocking fence would be considered with the buffer gone.

11--The west of road allowance route on our side travels over and adjacent to our main gravel pit. Not having any communication with Henvey about our concerns I do not know exactly how the line on our side would affect this important pit. I don't want to take the chance. If Henvey travels over this main pit area of ours it will be more costly as they would need to compensate us for the cost of purchasing gravel from the main McDougall pit down the road. I don't want to be excavating gravel even close to a live power line. As it is right now, I am counting on that type of material to top off the road when it is completed. It is very costly to purchase and have maybe two hundred loads of gravel delivered from Fowlers quarry. Our road network will be about 2 miles long.

12--We received a registered mail with "Henvey inlet" noted on the return address corner. No mention of our concerns just pushing their way in with no consideration for what I have said from the beginning. I filed it with the other Henvey generic materials. After a period of time our legal counsel discovered that this envelope from "Henvey Inlet" was actually from the Ontario Energy Board with the return label indicating Henvey. I would have payed more attention if the return label had indicated Ontario Energy Board. I also have been very busy in the settling of my father's estate. They had included a copy of the Application to the OEB to build. This application also requested approval of "land agreements it has offered or will offer to directly affected landowners"(section # 7). There were no copies of any land agreements in this package. The land agreements they have offered in the past, for the first over the lake route, were unacceptable as written and required extensive changes resulting in considerable personal time and

legal counsel time. I recommend that their agreements are not approved if they are written similar to the previous ones presented for the original route over the other end of our property by the Hydro one towers. The balance of the Henvey build application does not appear to affect me. The location of the line does, and potentially the "easement option agreement and the transmission easement agreement". I would be very concerned if these easement agreements are written as they have been before without a renewed interest in communicating and considering the landowner.

13--If you read the above number 12 and notice the investment that we have, just try to put a price on the time and stress involved to have something pushed on you this way and the effort and time to go over unacceptable contracts along with the time to write this correspondence respectfully and accurately.

14--On Mar 2, 2017 Andrew Tees, the most recent Canacre rep called for the first time and wanted to bring in an appraiser of our property. I told him the same as I have told previous reps. I mentioned that I have never heard from anyone about my concern and you now want to bring in an appraiser! I told him not to bring in any appraiser but I am still waiting, since the beginning of this line re-location, for line location engineer to come on site to show him why the line needs to be installed on the east side of the old road allowance. Andrew was the first person to achieve a technical person meeting on site which has been an important on-going request. Chris Gatien, Andrew Tees and myself met on site Mar 9, 2017. Both these men were good fellows. The problem right from the onset that day was that Chris Gatien's focus was not to see what I have been talking about re-routes. He was there to say that he has been told that it is too late to make any changes! I made it very clear that lateness is not my fault but fully Henvey's fault. Time is not a factor as I have told them from the very first about this concern of routes. He was there to point out the easement on our side & to tell me about spans on our property and a little bit about poles. I most emphatically told him that I needed someone like him to look at the east side route concern a long time ago. I told them that I appreciate them coming but that someone like him should have come to look at where the line should go and not to tell me it's too late and here is the trees we must cut down on our 40 foot buffer. It is very frustrating but understandable when dealing with an organization that has no concern for others particularly those like us with major investments in our land. Chris did not mention to me any problems with the route on the east side of the road allowance but his main focus was to say he was told that it was too late.

15--In the past we have seen Henvey easement agreements.

Some concerns: A--One aspect of those previous agreements that is particularly important is the clarity of "exclusive easement". It needs to be real clear that they have an easement to travel through but not an exclusive easement to travel through etc. The exclusive part needs to be clear that their exclusivity is for the construction & maintenance of hydro transmission lines. I must have no ambiguity in that respect because I am in the process of selling many other customers the right to travel over that easement area of our property.

B--During the "option", Henvey must agree to maintain workers compensation along with liability insurance covering any and all Henvey directed staff entering the easement. A copy to be available if requested.

C-- Their agreement must not indicate that they can travel through the "Property" at any time. The Property is the whole PIN. With this new route, road agreements will now not be used. In the previous agreements it just has said "Property" instead of easement area. They do not have the right to travel through all of the property at any time.

D--There must not be any restriction on us selling the entire property, if so desired, during the option period.

It has been some time since studying the previous agreements and further comments may arise if the new agreements would be presented.

I trust that they will not be needed when the planned route is moved to the east road allowance side. If however, in the process of time, they are actually successful in negotiating a route through our property, I hope they have a renewed desire to formulate an agreement that is mutually beneficial. The best way in this situation is to have decision making Henvey people and myself and legal counsels sit down and get it done in one day. It needs to be appreciated that our property development is not the same as others that are recreational private bush lots.

Thank You to any that have read these concerns.

Steve Mallory

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]