

April 6, 2017

Ontario Energy Board
P.O. Box 2319
2300 Young Street, 27th Floor
Toronto, ON M4P 1E4
Attention: Board Secretary

Subject: EB-2016-0310
Henvey Inlet Wind GP Inc.
Decision and Procedural Order No. 2

Dear Ms. Walli,

Re: Torys LLP Letter of March 23, 2017

This letter is in response to Henvey Inlet Wind LP's counsel's letter of March 23, 2017, as allowed by paragraph 5 of the above noted order.

We offer the following comments:

1. [REDACTED]
With regard to our claim that the above noted mapping clearly indicates the use of our property for the proposed power transmission line, the Applicant has acknowledged that "unfortunately, these aspects of the map do not accurately reflect the proposed routing and land rights needed for this portion of the proposed transmission facilities. Henvey apologizes for any confusion this may have caused." The Applicant therefore acknowledges that incorrect information was provided in their Leave to Construct Application.
The Applicant further refers to Plan and Profile Drawing at [REDACTED] original application ([REDACTED]) as showing the correct transmission routing that avoids the undersigned's property.
After reviewing both of the above noted official submissions, one could conclude that the Applicant is as confused as the undersigned with regard to the appropriate transmission corridor width.
2. In the paragraph commencing with [REDACTED] the Applicant states that the orange line indicating permanently affected land on the map shown on [REDACTED] the original application, crosses two of the Kastars' parcels. In fact the orange designation crosses over three parcels owned by the Kastars.
3. The Applicant has stated on page 2 of their response that "The landowner line list accurately reflects the applicant's intention to avoid the Kaster properties in accordance with the landowner's wishes." The undersigned wish to correct this misunderstanding. Over the past two years, the Applicant has proposed various routings for the line that went through our parking lot, over our building, within a township road allowance and most recently just skirting our property and encroaching deeply into the [REDACTED] The Kastars are not in favour of a routing for the transmission line that has its corridor conveniently narrowed to skirt along the boundaries of their property in order to technically avoid it and to avoid the Applicant's true obligations. Skirting our property does not change the impact of the line, given the line's proximity to our residence and business. This has been made abundantly clear to the Applicant's representative Mr. Brandon Hester of CanACRE commencing in September of 2015. While Mr. Hester conducted a meeting at the [REDACTED] it was explained that the only satisfactory conclusion to locating the transmission line between [REDACTED] and [REDACTED] was a total buy-out of [REDACTED] this was also made clear to CanACRE Manager of Field Services, Mr. Larry Berto in July of 2016, during a telephone conversation. This avenue of resolution has never been seriously pursued by the Applicant.

4. Map [REDACTED]:

The Applicant has advised that the routing of the transmission line on this drawing is accurate. Along with the transmission line routing, this document also gives specific coordinates for the support poles of the line. The undersigned has used the Universal Transverse Mercator (UTM) coordinates [REDACTED] [REDACTED] as shown on the drawing, to get a better understanding of the location of [REDACTED]. This pole is to be located just to the north of the Kaster's northerly access to the [REDACTED]. Plotting of the coordinates on an aerial photograph, using Google Earth programming, found that the post is to be placed directly beside the easterly paved shoulder of the existing highway [REDACTED] (see Henvey Pole Location-attached). To further confirm this suspicion, a survey team from Tulloch Engineering arrived at [REDACTED] [REDACTED] on April 5, 2017 to locate several of the proposed transmission line poles near the undersigned's property. The survey team had apparently been contracted by the Applicant. Photos are attached that show the surveyor's locations for pole [REDACTED] as described above and also [REDACTED], which is located just beyond the northernmost section of the Kaster property ([REDACTED]). [REDACTED] was confirmed that the surveyors were working with the coordinates as specified by the Applicant on the above noted drawing.

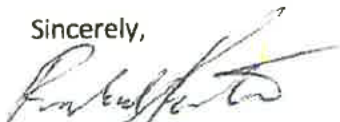
It is strongly believed by the Kaster's that the Ministry of Transportation of Ontario (MTO) will not permit these poles to be located at the coordinates specified by the Applicant, due to their close proximity to highway 69. If the MTO in fact deny the Applicant this pole location, the Applicant's transmission line and corridor locations will need to be revised in the area adjacent to [REDACTED]. The undersigned therefore feel that it is premature for the Applicant to determine that its power corridor is avoiding the Kaster properties, as its current proposal for the transmission routing may be founded on a presumption that still requires the approval of MTO.

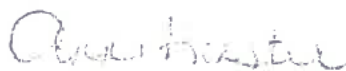
Conclusion:

It would appear to the undersigned that the Applicant has based their proposed transmission line location and subsequent land requirements at [REDACTED] the premise that it will be allowed to enter deeply into the MTO [REDACTED] corridor, possibly without first gaining the necessary approval. It would seem that this approval should be confirmed prior to making land requirement decisions, so that those requirements might be accurate. It is our feeling that this issue should be highlighted and addressed prior to the issue of a Leave To Construct, rather than it becoming an issue later, as encroachments are requested from MTO.

It is the feeling of the undersigned that if the transmission line is permitted to be routed anywhere between [REDACTED] [REDACTED] that they will indeed be affected landowners due to the close proximity to the 230,00 volt line.

Sincerely,


Richard Kaster


Anne Kaster

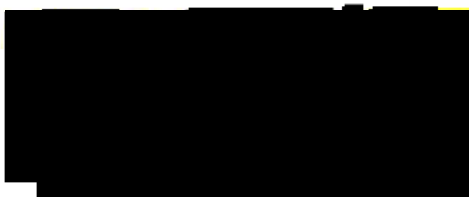




Image © 2016 DigitalGlobe

Google Earth

feet
meters





