

December 22, 2017

EMAIL

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Attention: Ms. Nancy Marconi, Manager, Supply & Infrastructure Applications

Dear Ms. Marconi:

**Re: Decision and Order Granting Leave to Construct to Henvey Inlet Wind LP
(EB-2016-0310) - CONFIDENTIAL**

We are counsel to Henvey Inlet Wind GP Inc. and Henvey Inlet Wind LP (together, “Henvey”). On May 18, 2017 the Ontario Energy Board (the “Board”) issued a Decision and order in the above-referenced proceeding granting Henvey leave to construct certain transmission lines and related facilities. This letter is to inform the Board of certain minor changes in the planned transmission line and access road routing. There are three types of planned changes:

- modifications to access roads affecting parcels/landowners already affected by the project,
- modifications to transmission line routing affecting parcels/landowners already affected by the project, and
- modifications to transmission line routing affecting new parcels/landowners.

Most of the changes fall within the first category and all of these affected landowners have agreed in writing to the changes. The second category includes modifications in approximately 25 locations. In one of these locations, the line is being shifted off of one landowner’s property entirely and onto two adjacent properties that were already affected by the project. All landowners affected by changes in this category have agreed in writing to the changes. The third category involves shifting the line off of an MTO highway and onto adjacent Crown lands and three privately owned parcels that are under common ownership. Although the owner of these parcels was not already affected by the project, they were involved in the leave to construct proceeding (the “LTC”), the use of their properties is in response to their request and they have entered into an agreement with Henvey using the Board-approved form of easement.

Henvey does not regard any of the modifications to be material in nature. Therefore, in accordance with section 4.4.3.1 of Chapter 4 of the Board’s *Filing Requirements for Electricity Transmission Applications*, it is Henvey’s understanding that no prior approval from the Board is required for these minor changes to be implemented and that no involvement of the Board is required to implement these modifications. The changes are described in greater detail below.

1. Modifications to Access Roads Affecting Existing PINs/Landowners

Henvey has made minor changes to many of the access roads that it plans to use for the project. These minor changes include additions to or reductions in the length of access roads, or the relocation or realignment of access roads or portions thereof. These changes have been driven by final engineering, observations in the field and consultations with the affected landowners. In many of these instances, the change consists of Henvey shortening access roads so that they end at the edge of the transmission line right-of-way (rather than the middle of the right-of-way) in order to avoid overlapping interests.

For all of the changes in this category, the affected parcel/landowner is already an affected parcel/landowner that was included in the landowner line list in the leave to construct proceeding. Moreover, for all of these changes affecting existing parcels/landowners, the affected landowner has agreed to and executed their easements based on those changes. In one instance, a change in the alignment of an access road requires Henvey to obtain an additional entrance permit from the Ministry of Transportation. Since the changes are minor in nature, no new landowners are affected and the affected landowners have agreed to the changes, Henvey considers the access road modifications in this category to be immaterial.

2. Modifications to Transmission Lines Affecting Existing PINs/Landowners

This category includes approximately 25 minor changes to the planned transmission line routing for the project. These changes are largely driven by final engineering, observations in the field and consultations with the affected landowners. None of these changes affect parcels or landowners that were not already included in the landowner line list in the LTC proceeding. Rather, the changes involve minor shifting of the transmission line routing within the already-affected properties. Nine of the changes occur on privately owned parcels, thirteen on Crown owned parcels and five of the changes occur on First Nation Reserve lands.

For all of the changes in this category, the affected parcel/landowner is already an affected parcel/landowner that was included in the landowner line list in the LTC proceeding. Moreover, for all of these changes affecting existing parcels/landowners, the affected landowner has agreed to and executed their easement based on those changes. Since the changes are minor in nature, no new landowners are affected and the affected landowners have agreed to the changes, Henvey considers the transmission line routing modifications in this category to be immaterial.

Hull Modifications

One set of changes in this category is more significant and is therefore described in greater detail, as follows. This modification involves shifting the approved transmission corridor entirely off of one property (PIN 52119-0021), which is owned by Jeffrey Todd Hull. Mr. Hull was an intervenor in the LTC proceeding and has actively opposed Henvey's project through the environmental assessment process. Despite repeated efforts by Henvey, Mr. Hull continues to refuse to grant the easement rights that Henvey requires over a small (0.155 ha) portion of his property. Consequently, this parcel is the subject of an application, currently before the Board, for authority to expropriate.

No new landowners are affected by Henvey's decision to shift the transmission corridor off of the Hull property. However, the alignment of the transmission corridor on certain properties around the Hull property, which were already directly affected (and were thereby included in

the landowner line list in the LTC proceeding), has changed. In particular, the alignment of the transmission corridor is modified on two private parcels, PIN 52119-0020 and PIN 52119-0002. Also affected is the location of a water crossing over Haines Creek. Henvey has reached agreement with each of the two affected private landowners, and has consent from the Ministry of Natural Resources and Forestry ("MNRF") for the water crossing, so as to permit these changes in the alignment of the transmission corridor. Assuming Board staff concur that this change is not material and requires no further review or approval, it would be Henvey's intention to withdraw the Hull property from the expropriation application. As the Hull property is the only property remaining in that application, that application would therefore be withdrawn completely.

The location of the Hull modification is referenced in the materials that are currently on the record in this proceeding at Exhibit C, Tab 2, Schedule 1, Figure 3(a).29 and in Appendices 'A' to 'C' of Henvey's March 23, 2017 letter to the Board. Copies of the map and the confidentially filed version of that letter are attached hereto at **Appendix 'A'** and **Appendix 'B'**. The modified routing at this location is shown in the map attached hereto at **Appendix 'C'**.

3. Modifications to Transmission Lines Affecting New PINs/Landowners

This category includes one set of minor changes to the transmission line routing for the project. Specifically, these changes involve shifting the approved transmission corridor off of the Ministry of Transportation's ("MTO") proposed new Highway 69 corridor in one area, and onto adjacent Crown lands (under authority of MNRF) as well as onto three adjacent privately owned parcels (PINs [REDACTED]), all of which are owned by Richard and Anne Kaster.

During the LTC proceeding, Henvey advised the Board that it designed the transmission line so as to be entirely within the MTO corridor adjacent to the Kaster properties in an effort to accommodate the wishes then expressed by the Kasters. As confirmed in the Board's Decision and Procedural Order No. 3 in the LTC proceeding, issued April 20, 2017, the Kasters were therefore denied intervenor status on the basis that they were not directly affected landowners and did not raise any issues relevant to the scope of the Board's authority.

Subsequent to the LTC proceeding, the Kasters expressed a desire to enter into an agreement with Henvey for the granting of easements on, and the subsequent sale of, their properties. The parties have concluded the easements agreements based on the form of easement approved by the Board in the LTC proceeding and intend to close on the sale of the properties in 2018. The MNRF is also agreeable to this change. As a result, Henvey is in a position to shift this portion of the line off of the MTO corridor and onto the adjacent Crown lands and Kaster properties.

The location of this set of modifications is referenced in the materials that are currently on the record in this proceeding at Exhibit C, Tab 2, Schedule 1, [REDACTED] and in Appendices 'D' to 'F' of Henvey's March 23, 2017 letter to the Board. A copy of the map is attached hereto at **Appendix 'D'**. The confidentially filed version of the letter is provided in Appendix 'B'. The modified routing at this location is shown in the map attached hereto at **Appendix 'E'**.

Please let me know if you require any further information. Otherwise, we look forward to your confirmation that no further involvement of the Board is required to implement these changes.

Yours truly,



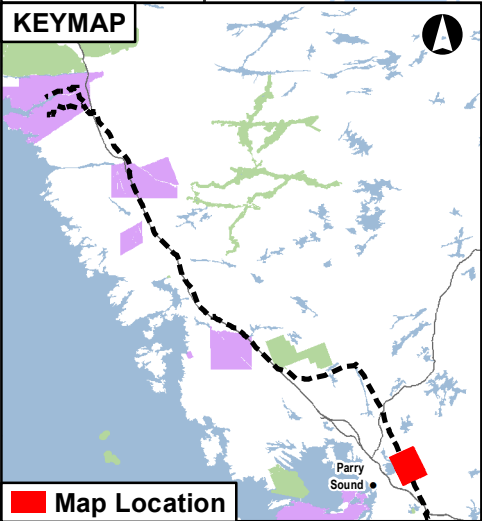
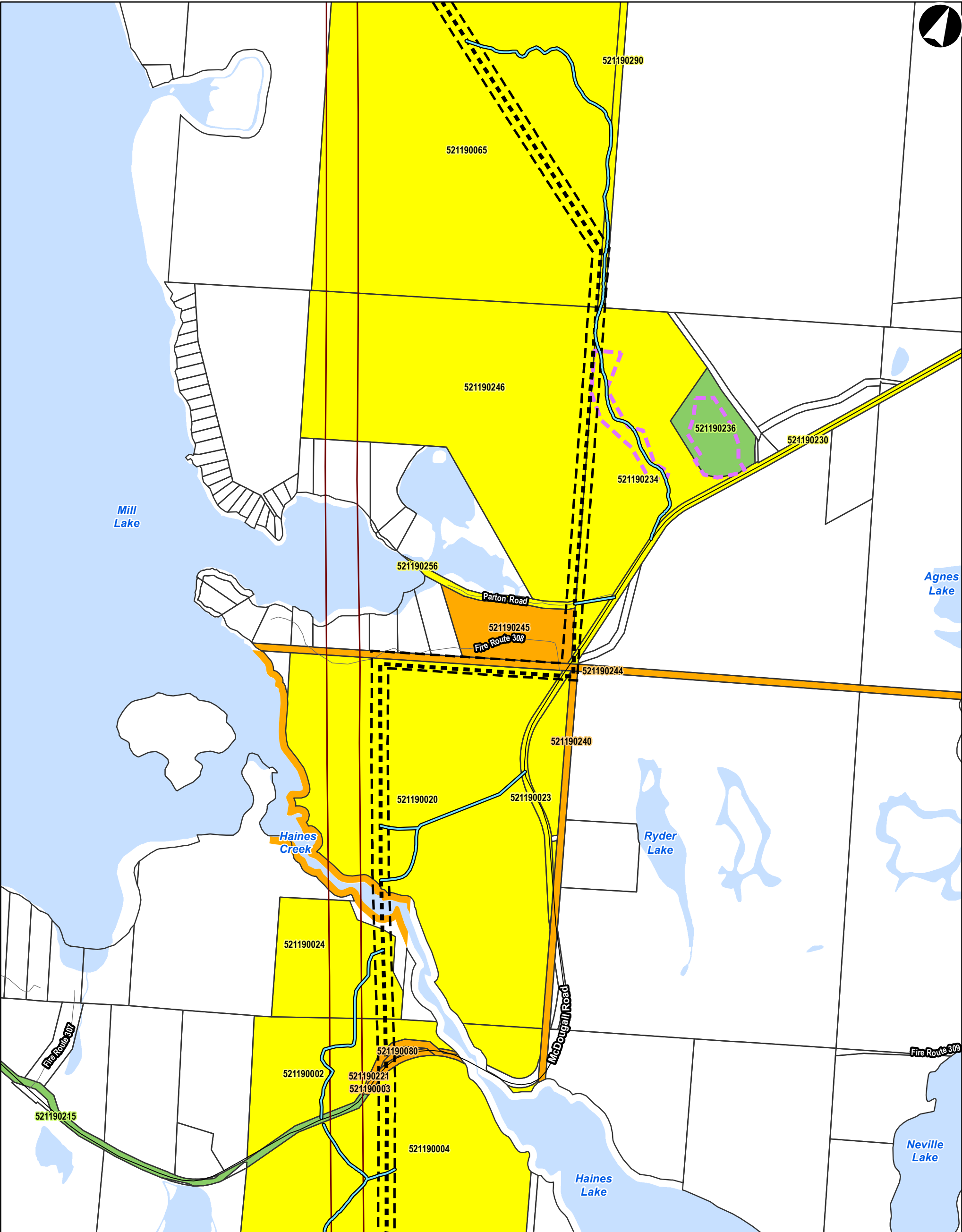
Jonathan Myers

Tel 416.865.7532
jmyers@torys.com

cc: Mr. J. Law, Henvey

APPENDIX 'A'

Copy of Exhibit C, Tab 2, Schedule 1, Figure 3(a).29



Directly Affected Lands*

- Permanent
- Permanent and Temporary
- Temporary

Base Layers

- HONI Corridor
- MTO Proposed Hwy 69 Corridor
- Private Land
- Aboriginal Land

Roads

- Major Road
- Local Road
- Railway

Transmission Line Infrastructure

- Project Substations
- Parry Sound Transformer Station & Point of Interconnection
- Proposed Transmission Route
- Construction Access Route
- Proposed Transmission Route Easement
- Construction Laydown Area
- Switching Station

**Note: Directly Affected Lands include Road Allowance and Shore Allowance Parcels which do not have Parcel Identification Numbers assigned to them.*

0 100 200 400

Metres

Henvey Inlet Wind Project
Leave to Construct

Proposed Transmission Facilities Directly
Affected Lands

September
2016

1:10,000

Datum: NAD 1983 UTM Zone 17N
Source: AECOM, MNRF, MTO

**C-2-1
Figure 3a.29**

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APPENDIX 'B'

Copy of Henvey's March 23, 2017 Letter to the Board

March 23, 2017

RESS, EMAIL & COURIER

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Re: Henvey Inlet – Application for Leave to Construct Transmission Facilities
(EB-2016-0310) – Kaster Email**

We are counsel to Henvey Inlet Wind GP Inc. and Henvey Inlet Wind LP (together, “Henvey”) in respect of the above-referenced proceeding. This letter is filed in response to paragraph 4 of Procedural Order No. 2, issued by the Board on March 20, 2017. Paragraph 4 requires Henvey to provide information that clearly illustrates the location of the proposed transmission line in relation to the properties owned by Mr. Hull and the Kastars.

Background

In Procedural Order No. 1, dated February 16, 2017, the Board denied requests for intervenor status from Mr. Hull and the Kastars on the basis that (a) neither raised any issues related to price, reliability or quality of electricity service, and (b) neither Mr. Hull or the Kastars are directly affected landowners that will be offered land agreements, the form of which will be reviewed as part of the application. A Notice of Motion was filed on March 8, 2017 on behalf of Mr. Hull arguing that he should have been granted intervenor status because the proposed transmission line does affect his property directly. In addition, an email was submitted to the Board from the Kastars on March 9, 2017 objecting to the denial of intervenor status on the basis that the map on p. 61 of the application indicates that the Kastars’ property is within the boundaries of the proposed transmission corridor and has orange markings to indicate a permanent easement will be required. The Kastars did not contest the Board’s finding that they have not raised any issues relevant to the scope of the Board’s jurisdiction in the leave to construct proceeding.

On March 17, 2017, Henvey filed a letter advising that it had recently obtained historical information upon which it was able to determine that the ServiceOntario PIN Map previously relied upon contained an error and that Mr. Hull is in fact a directly affected landowner. Henvey further advised that it would offer a land agreement to Mr. Hull in the standard form it has used for other affected landowners.

In Procedural Order No. 2, the Board granted intervenor status to Mr. Hull and provided him with an opportunity to file interrogatories by March 27, 2017. By that same date, the Board has invited the Kastars to file any new information to support their request for intervenor status. In addition to being granted the opportunity to respond to each of the foregoing by April 3, 2017, Henvey has been asked to provide information that clearly illustrates the location of the proposed transmission line in relation to the properties owned by Mr. Hull and the Kastars.

Location of the Proposed Facilities Relative to Hull and Kaster Properties

Hull Property

To illustrate the location of the proposed transmission line in relation to the Hull property, please see the maps provided in Appendices 'A', 'B' and 'C' attached hereto.

Appendix 'A' contains an excerpt of the mapping from p. 78 of the original application (p. 60 of the amended application), as well as a detail of the portion of this map that shows the Hull property. The Hull property is shown in white, indicating that it was not considered to be a directly affected property.

Appendix 'B' contains a map, obtained from Teraview (a proprietary software from Teranet that provides electronic land registration information from the Government of Ontario's land records database). The areas shaded in blue depict the portions of the Hull property that Henvey previously understood to comprise the full extent of Mr. Hull's ownership of the lands shown. The area shaded in red depicts the additional lands that, based on historical information recently obtained, Henvey has confirmed do form part of the property owned by Mr. Hull.

Appendix 'C' contains a map, prepared by Henvey's land advisor CanACRE, based on review of the historical information, showing the proposed location of the transmission line, as well as existing Hydro One transmission lines, in relation to the Hull property (inclusive of the additional lands that Henvey now understands to be part of the property owned by Mr. Hull).

Kaster Properties

To illustrate the location of the proposed transmission line in relation to the Kaster properties, please see the maps provided in Appendices 'C', 'D' and 'E' attached hereto.

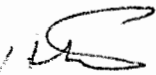
Appendix 'D' contains an excerpt of the mapping from [REDACTED], as well as a detail of the portion of this map that shows the Kaster properties. The Applicant acknowledges that this mapping appears to depict the proposed transmission corridor as crossing a portion of the Kastars' property [REDACTED] and showing highlighting that could suggest that a permanent easement may be required over certain portions of their property [REDACTED]. The Applicant has determined that, unfortunately, these aspects of this 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. As demonstrated by Exhibit E-1-1, Appendix 'A' of the application (filed confidentially), the landowner line list does not include any parcels owned by the Kastars. The landowner line list accurately reflects the applicant's intention to avoid the Kaster properties in accordance with this landowner's wishes. Further evidence of the

Applicant's intentions for the location of the transmission line in this location can be found in the Plan and Profile Drawing at Exhibit C-2-1, Figure 4(a), [REDACTED]. This technical drawing, a copy of which is provided in **Appendix "D.1"**, shows the routing of the transmission line going around and not across the Kaster properties.

Appendix 'E' contains a map, obtained from Teraview, which identifies the property boundaries for a number of parcels in the vicinity of the Kaster properties. Note that not all of the PINs shown are owned by the Kasters.

Appendix 'F' contains a map, prepared by CanACRE, showing the Kaster-owned parcels outlined in black with their respective PIN numbers. Also shown in relation to those parcels is Henvey's proposed transmission easement area, the currently planned pole locations within that easement area, the MTO corridor and other properties parcels (not owned by the Kasters). This map further shows that, consistent with the landowner line list and the plan and profile drawing referred to above, Henvey does not require and therefore does not plan to obtain any land rights from the Kasters for purposes of the proposed transmission facilities. For greater certainty, as indicated in response to Board Staff Interrogatory #2, the applicant confirms that its planned alignment of the transmission line within the proposed corridor in this location, as shown, will meet all applicable technical standards, including for clearances and setbacks and having regard for sag or swing.

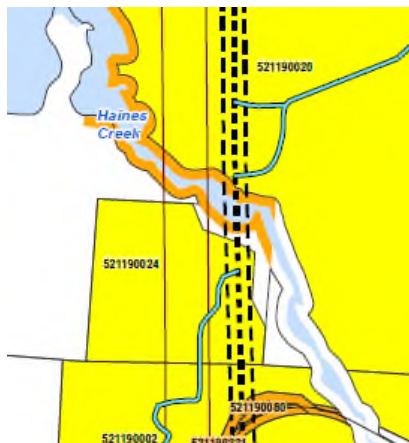
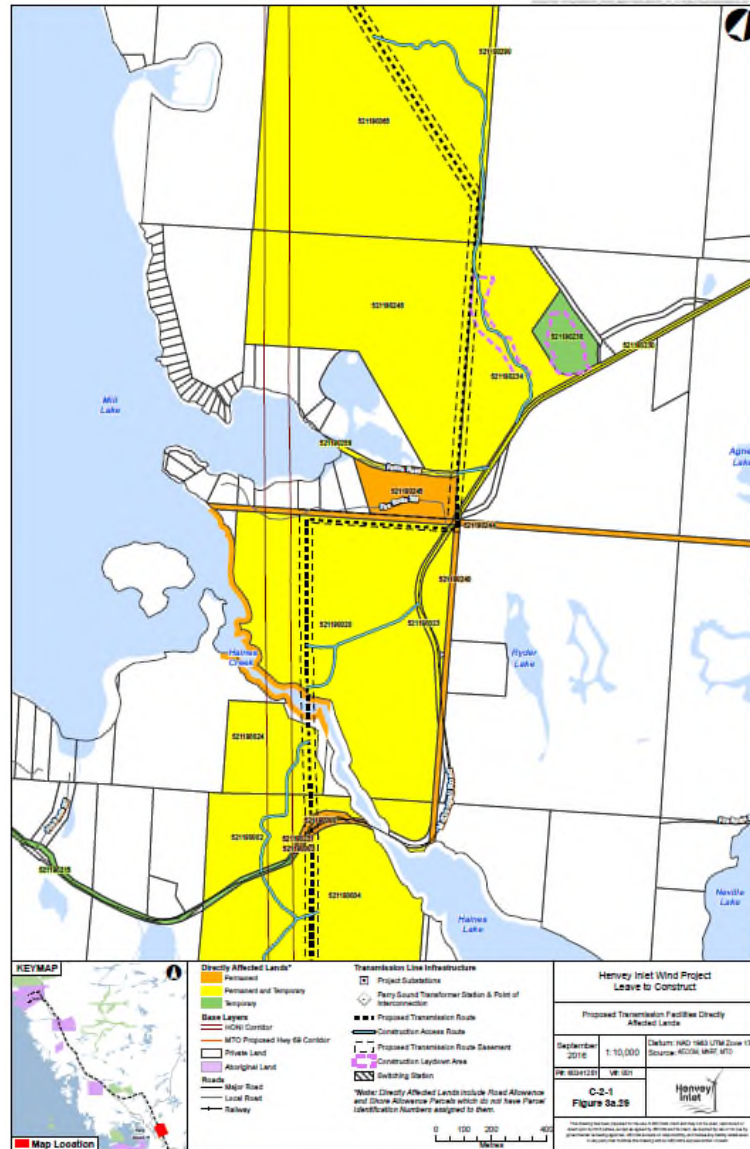
Yours truly,


for Jonathan Myers

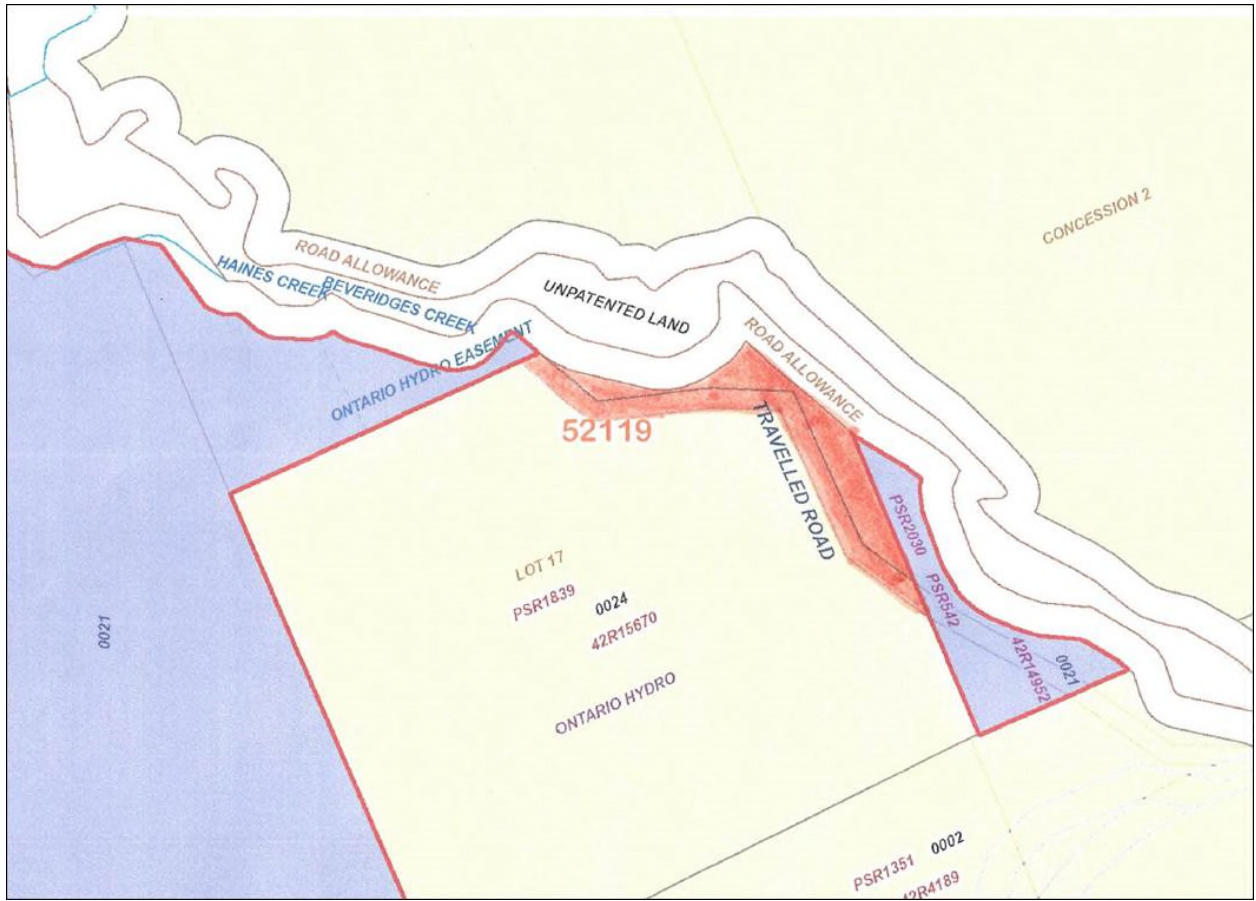
JM/pr

cc: Mr. J. Law, Henvey
Mr. C. Keizer, Torys LLP

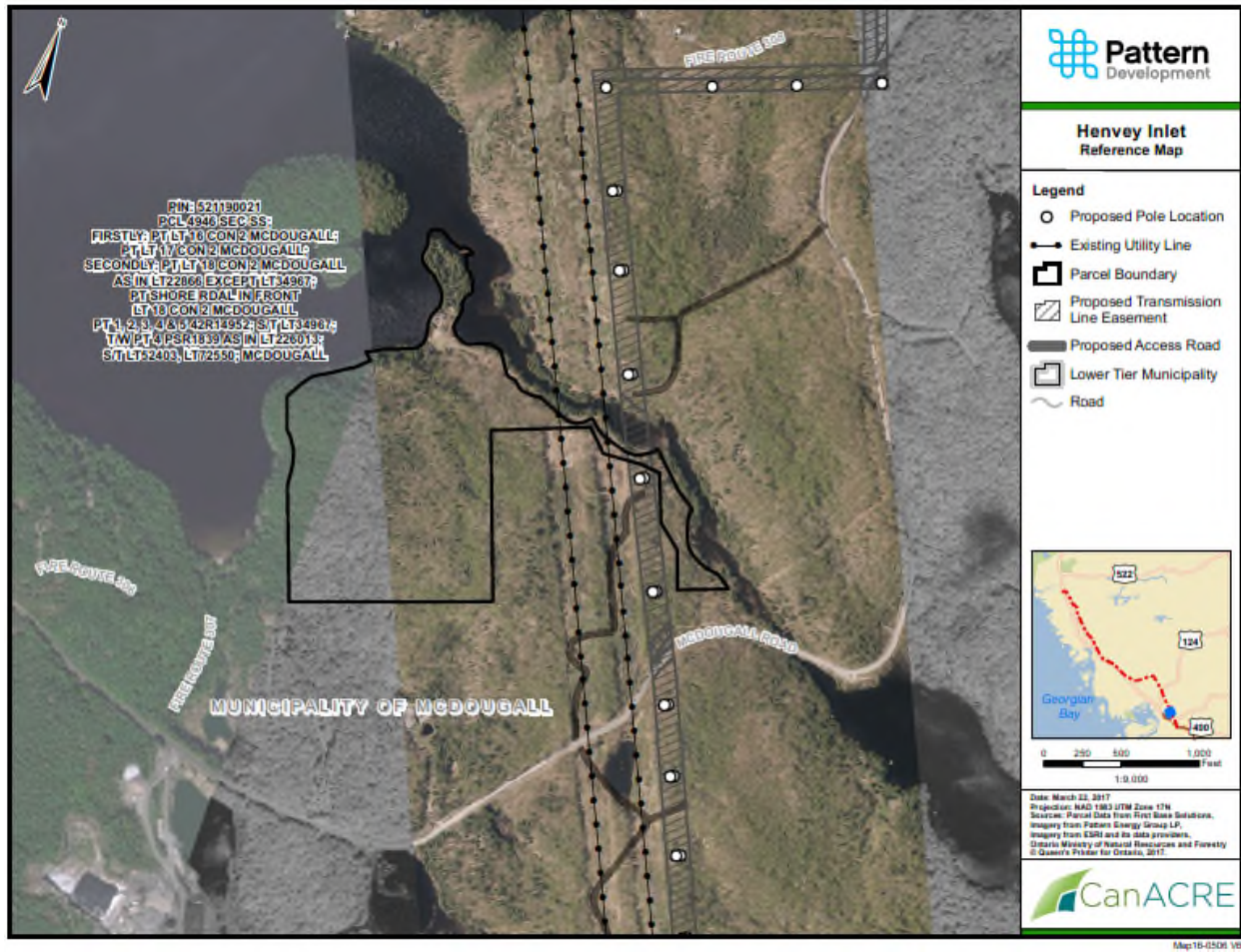
Appendix 'A'



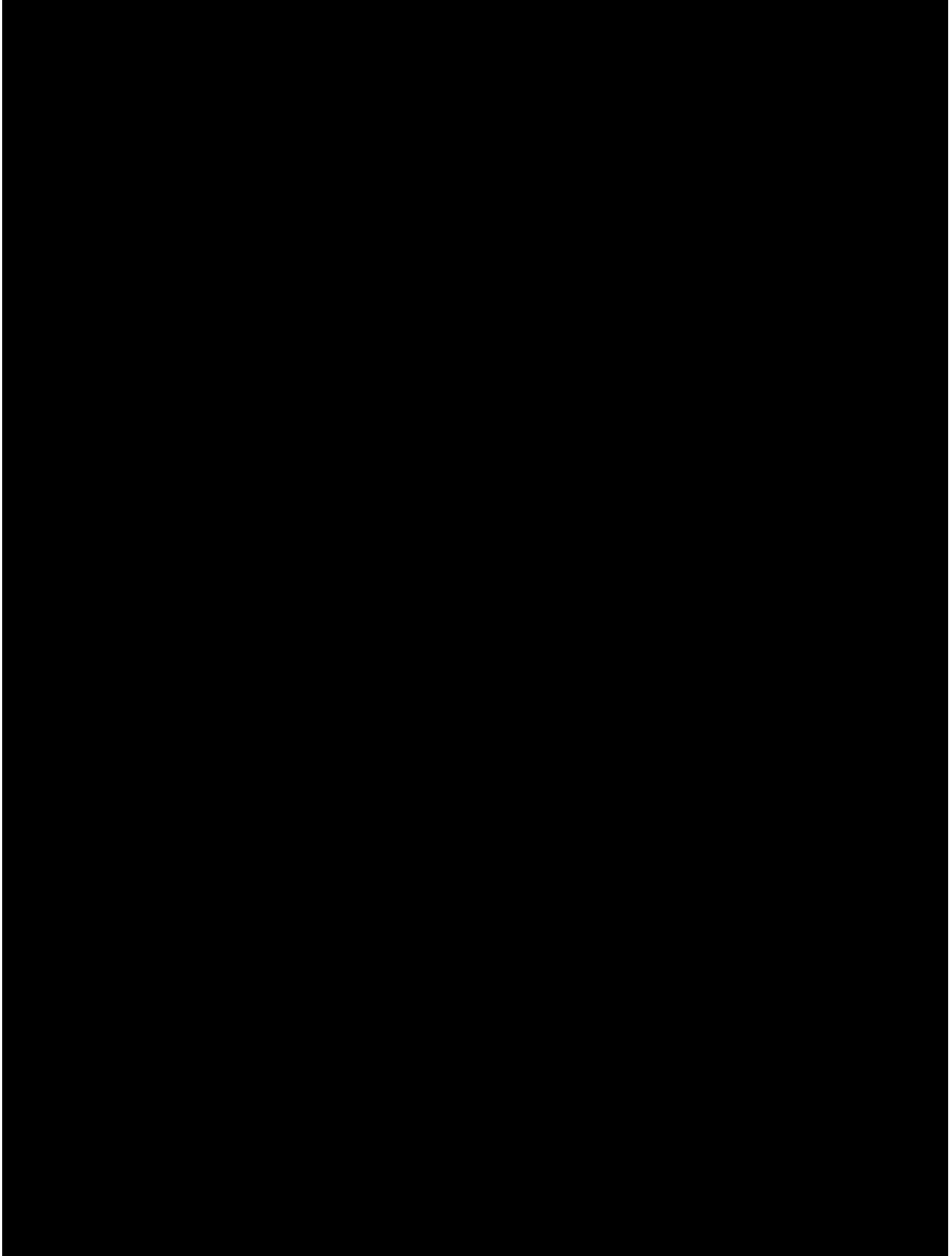
Appendix 'B'



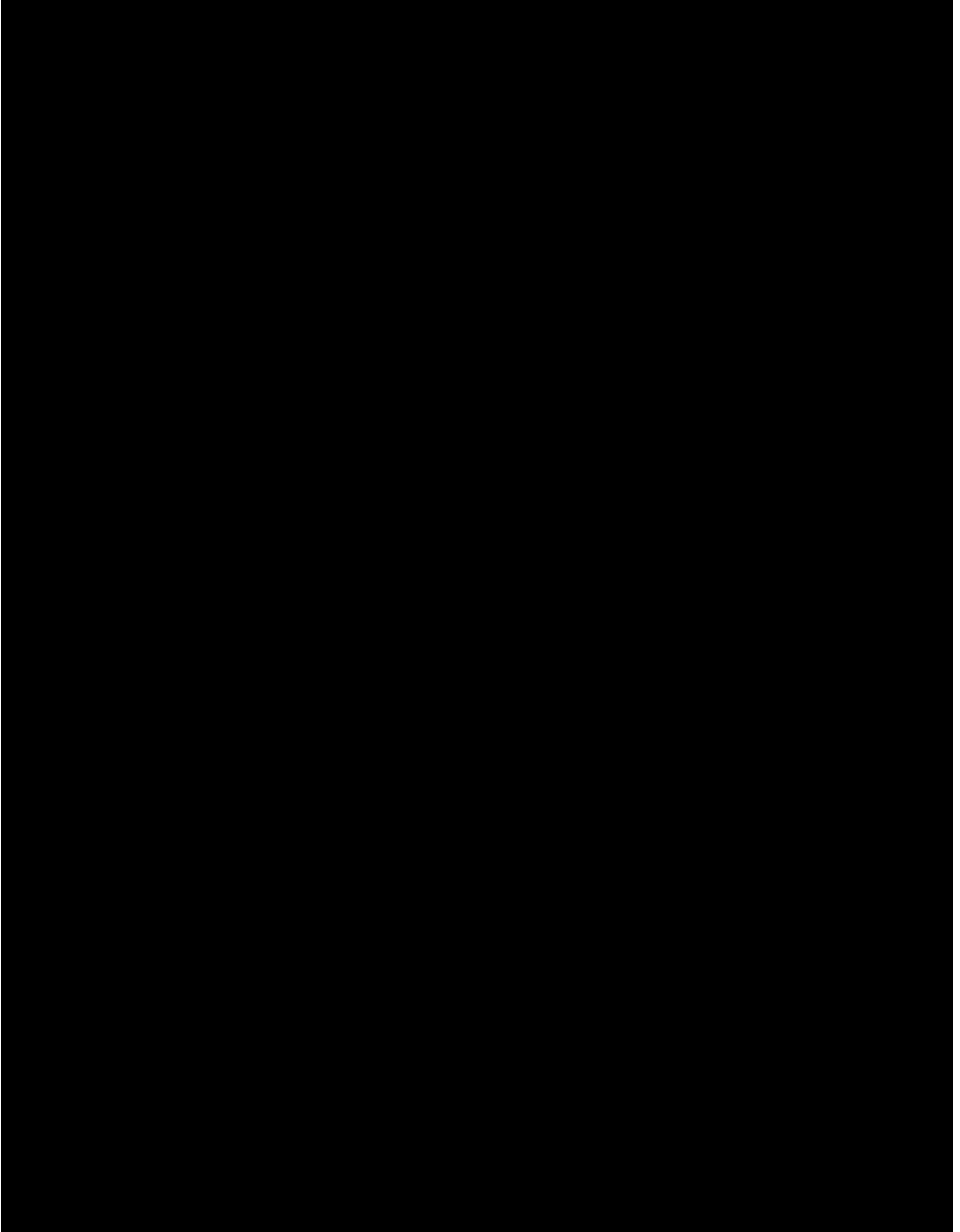
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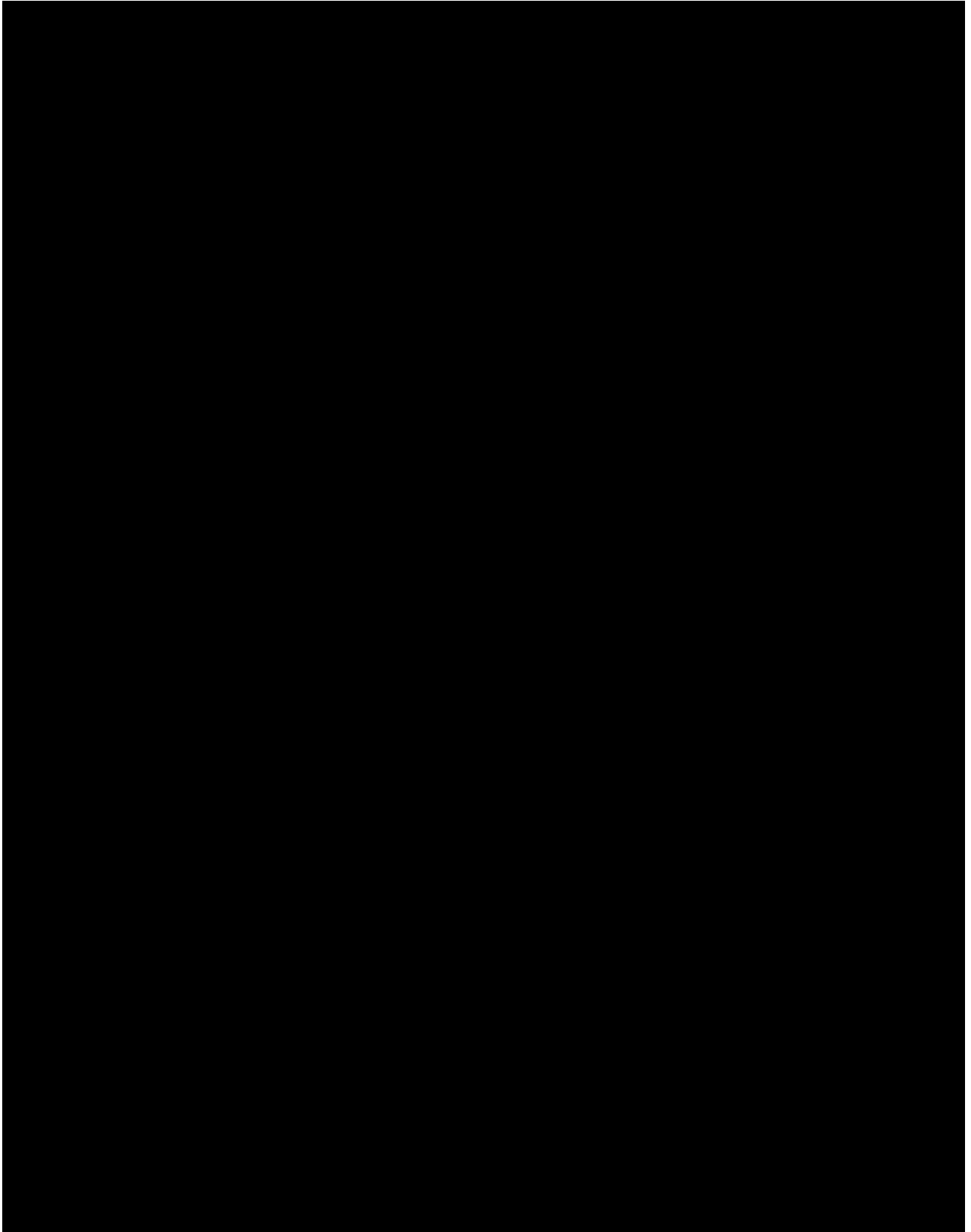
Appendix 'D'



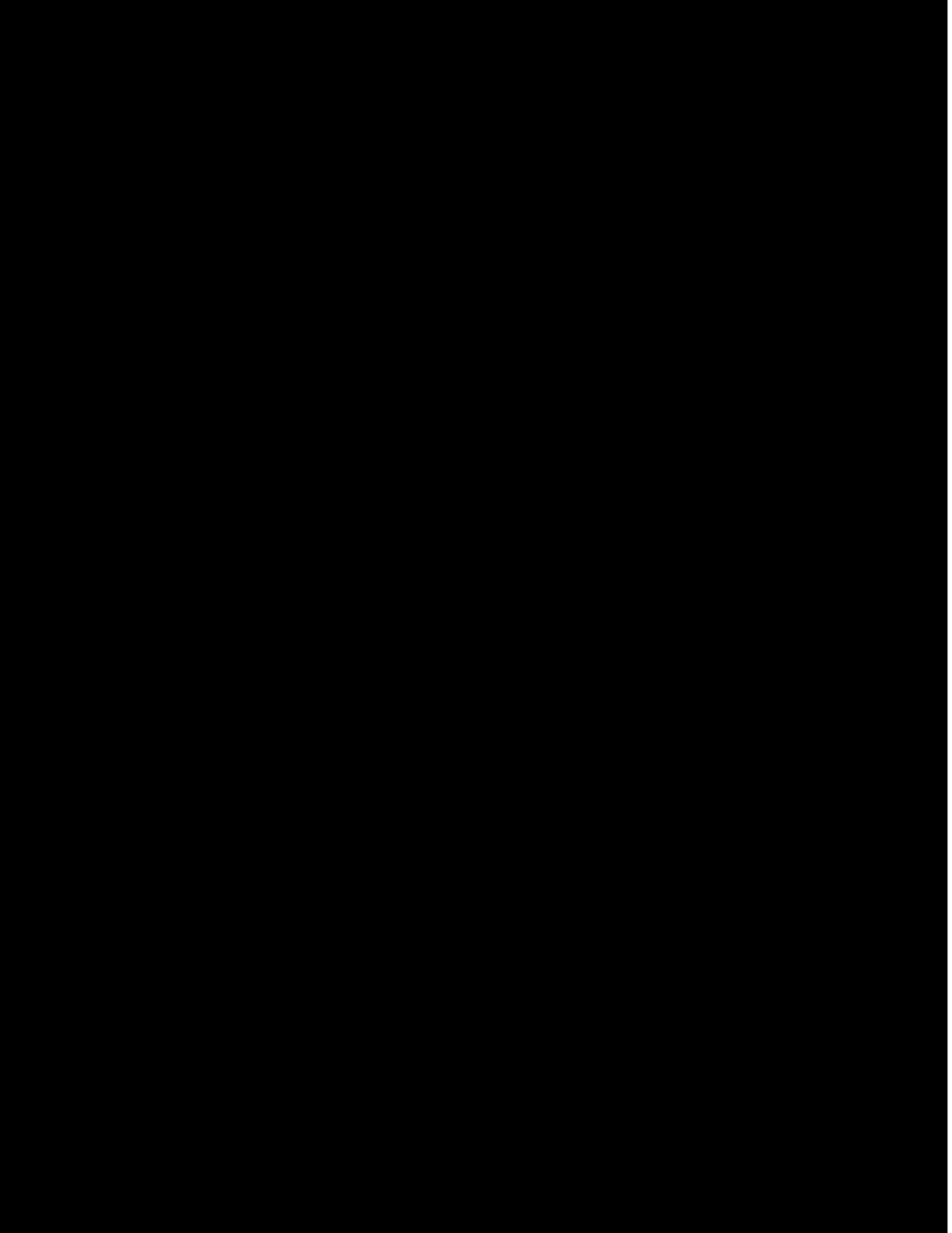
Appendix 'D.1'



Appendix 'E'

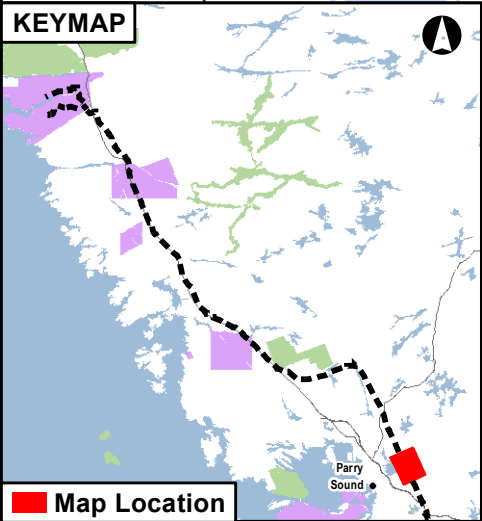
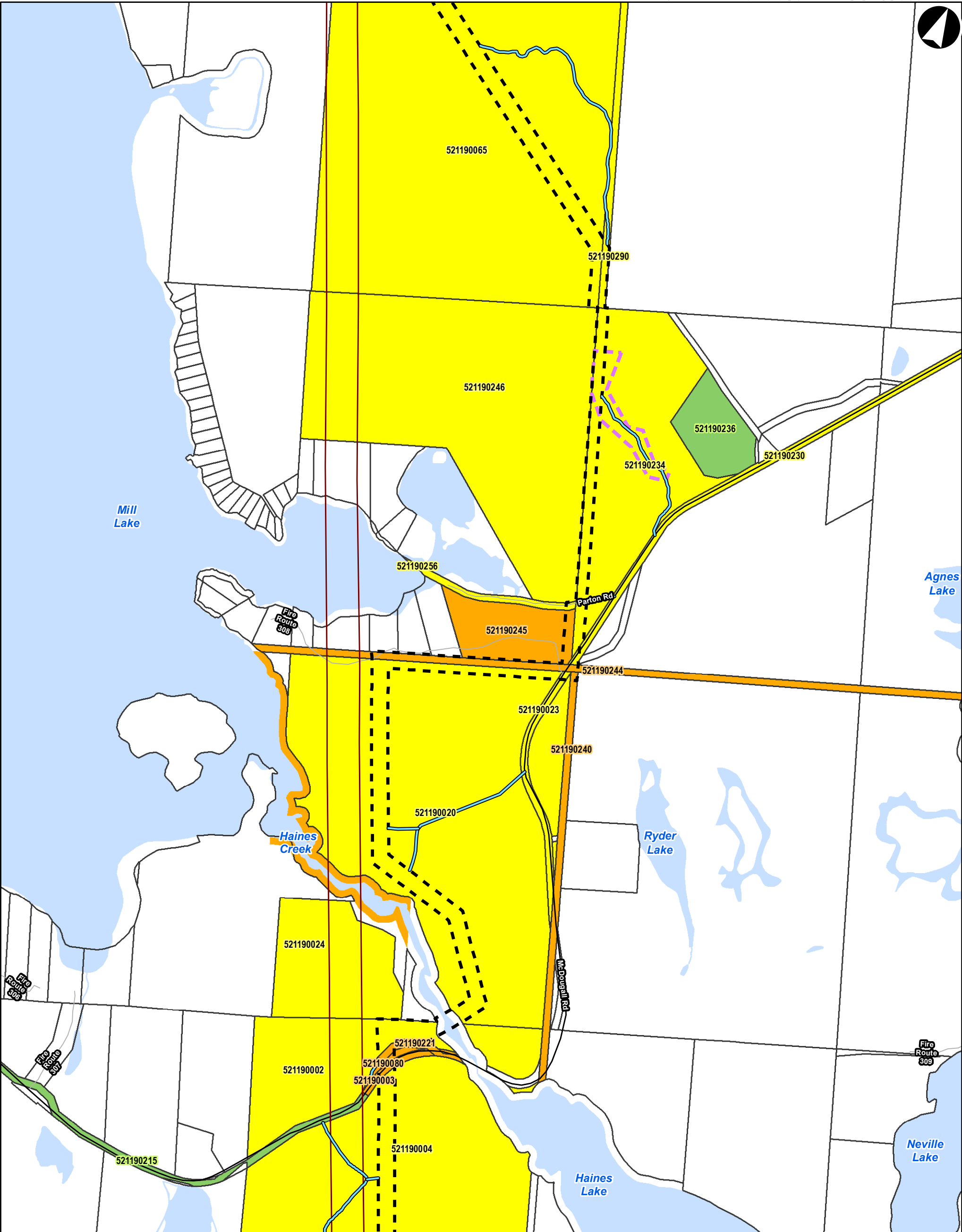


Appendix 'F'



APPENDIX 'C'

Modified Routing at Location of Modification #1



Directly Affected Lands*

- Permanent
- Permanent and Temporary
- Temporary

Base Layers

- HONI Corridor
- MTO Proposed Hwy 69 Corridor
- Private Land
- Aboriginal Land
- MTO Proposed Hwy 69 Corridor
- Major Road
- Expressway / Highway
- Local / Street
- Resource / Recreation
- Railway

Transmission Line Infrastructure

- Project Substations
- Parry Sound Transformer Station & Point of Interconnection
- Proposed Transmission Route
- Construction Access Route
- Proposed Transmission Route Easement
- Construction Laydown Area
- Switching Station

**Note: Directly Affected Lands include Road Allowance and Shore Allowance Parcels which do not have Parcel Identification Numbers assigned to them.*

0 100 200 400

Metres

Henvey Inlet Wind Project

Leave to Construct

Proposed Transmission Facilities Directly Affected Lands

December 2017

P#: 60341251

1:10,000

V#: 001

Datum: NAD 1983 UTM Zone 17N

Source: AECOM, MNRF, MTO

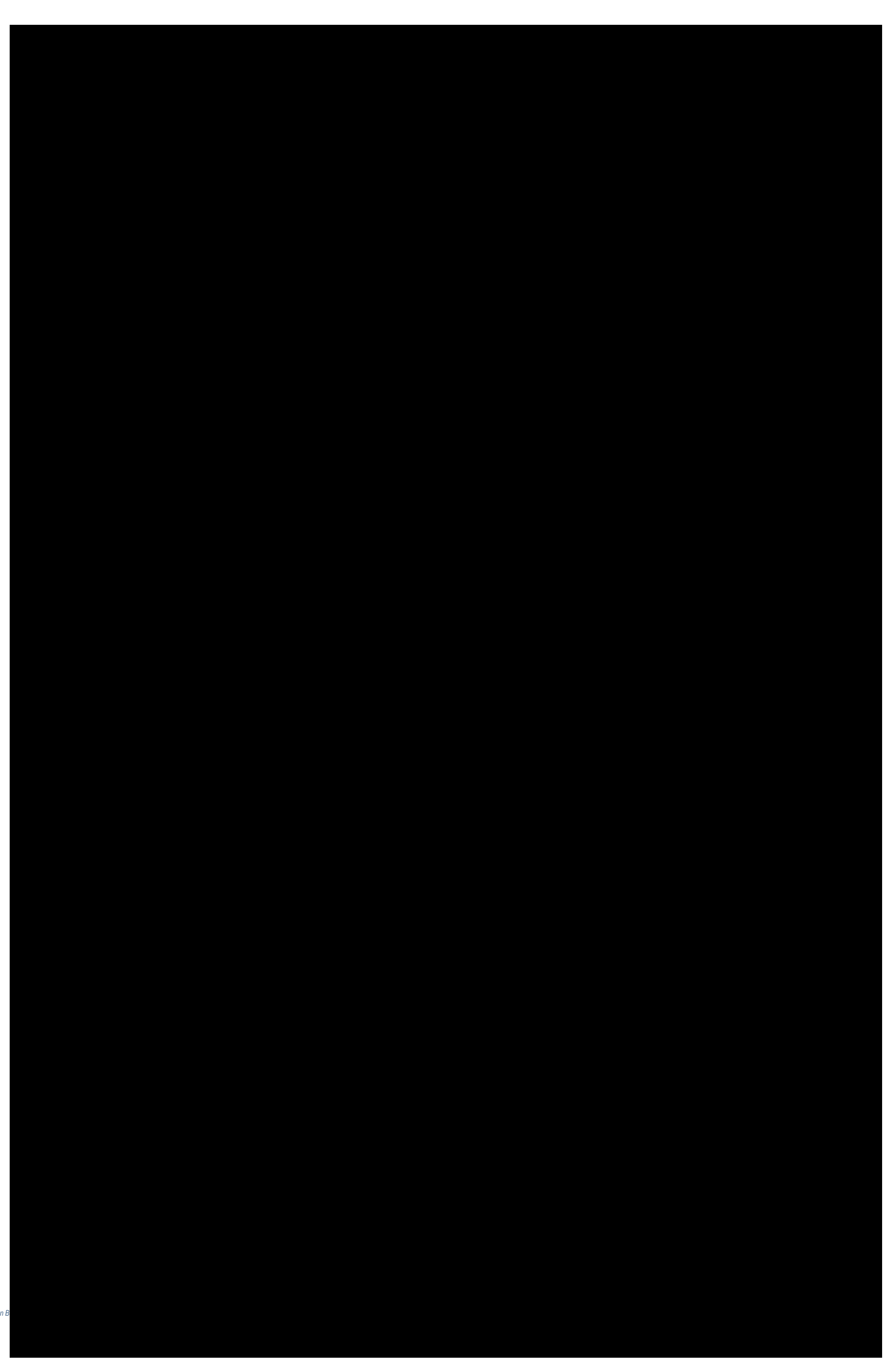
C-2-1

Figure 3.29

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APPENDIX 'D'

Copy of Exhibit C, Tab 2, Schedule 1, [REDACTED]



APPENDIX 'E'

Modified Routing at Location of Modification #2

