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May 9, 2018

VIA ELECTRONIC FILING and EMAIL

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

Dear Ms. Walli:

RE: EB-2017-0364 Hydro One Networks Inc. Lake Superior Link Project;
Nextbridge Motion returnable May 24, 2018
Affidavit Evidence of Intervenor- Biinjitiwaabik Zaaging Anishinaabek

We are counsel for the intervenor Biinjitiwaabik Zaaging Anishinaabek ("BZA") in the above noted proceeding.

Yesterday we wrote to the Board Secretary requesting leave to file written evidence in the form of an Affidavit of Chief Melvin Hardy of BZA. We have not yet received a response from the Board, however please find the enclosed evidence of BZA, which we are submitting in light of the immediate timelines involved in this proceeding.

BZA intends to participate in the technical conference scheduled May 16th and 17th 2018 via teleconference.

Please do not hesitate to contact me to discuss this matter.

Yours very truly,

ESQUEGA LAW OFFICE


ETIENNE ESQUEGA

Encl.

Cc. All parties listed in Schedule B of Procedural Order No. 1, EB-2017-0364.

ONTARIO ENERGY BOARD

IN THE MATTER OF the Ontario Energy Board Act, 1998;

AND IN THE MATTER OF an Application by Hydro One Networks Inc. pursuant to s.92 of the Act for an order or Orders granting leave to construct new transmission facilities ("Lake Superior Link") in northwestern Ontario;

AND IN THE MATTER OF an Application by Hydro One Networks Inc. pursuant to s.97 of the Act for an Order granting approval of the forms of the agreement offered or to be offered to affected landowners.

AFFIDAVIT OF CHIEF MELVIN HARDY

I, CHIEF MELVIN HARDY of Biinjitiwaabik Zaaging Anishinaabek First Nation in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:


1. I am a member of Biinjitiwaabik Zaaging Anishinaabek ("BZA") and was elected Chief in July 2016. As such I have knowledge of the matters to which I herein depose, except for those matters that are stated on information and belief, and where so stated, I have provided the source of the information and I believe it to be true.
2. I am providing this affidavit as evidence as part of BZA's intervention in this proceeding.
3. HONI's proposed Lake Superior Link Project is a competing application with Upper Canada Transmission Inc. operating as Nextbridge Infrastructure ("Nextbridge")'s application to build the East West Tie line project, EB-2017-0812 ("East West Tie").
4. Hydro One Network Inc's ("HONI") proposed Lake Superior Link project, the subject of these proceedings, traverses the traditional territory of BZA. Our members continue to engage in our traditional practices throughout this territory through hunting, fishing, trapping, harvesting

and ceremonies. These traditions and practices may be affected by the proposed Lake Superior Link Project. However, the extent to which they may be affected is uncertain as HONI has not yet consulted our community with respect to this project.

5. BZA has an unextinguished aboriginal title claim and includes areas affected by the Lake Superior Link Project and as such there is a heightened obligation on the Crown to fulfil the duty to consult. It is my understanding that the Ministry of Energy has delegated the procedural aspects of consultation to HONI with respect to this project, and that this consultation is in addition to the consultation requirements imposed under the *Environmental Assessment Act*.
6. To my knowledge, HONI has made very limited contact with BZA concerning the Lake Superior Link Project and there has been no community engagement to date. A letter dated April 30th, 2018, addressed to myself from HONI and attached hereto as **Exhibit A**, advises that HONI is seeking to begin the consultation process immediately. However, this is the only correspondence BZA has had with HONI with respect to this application.
7. BZA requires significant consultation and accommodation with respect to the transmission line project. HONI may even require the consent of BZA with respect to the Lake Superior Link application. BZA submits that this consultation is required prior to any development which will affect the rights, title or interests of the BZA.
8. Since 2013, BZA has engaged with Nextbridge with respect to the East West Tie application. Consultation with Nextbridge is ongoing, however the consultation process with respect to that application is not complete.
9. BZA retained Shared Value Solutions to assist them reviewing Nextbridge's Environmental Assessment in the East West Tie application. Shared Value Solutions provided a technical

10. If HONI will be relying on the Nextbridge's Environmental Assessment and similarly will be relying on this regulatory process to address ongoing concerns, BZA has not been advised as to how HONI will address the concerns that BZA has raised with respect to the transmission line construction.
11. BZA has an interest in whether the Environmental Assessment for the East West Tie is transferrable to the Lake Superior Link Project.
12. I make this affidavit with respect to the above proceeding and for no improper purpose.

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CHIEF MELVIN HARDY

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Toronto, Ontario M5G 2P5
www.HydroOne.com
Derek.Chum@HydroOne.com

Derek Chum
Vice President, Indigenous Relations

April 30, 2018

Chief Melvin Hardy
Bünjitiwaabik Zaaging Anishinaabek
501 Spirit Bay Rd
MacDiarmid, ON P0T 2B0

Dear Chief Hardy:

Hydro One seeks approval to construct new East-West Tie transmission line

Designing, building, and operating transmission infrastructure has been a core competency of Hydro One for many decades. Our teams bring their best each day and are working to deliver a transmission capital portfolio that has more than 200 projects at any given time.

With this in mind, and given our long history of service and ongoing commitment to northern Ontario, Hydro One has submitted an application to the Ontario Energy Board (OEB) seeking approval to construct a new transmission line between our Lakehead Transformer Station (TS) and our Wawa TS, as shown on the attached map. The new line will provide the additional power transfer capability to ensure the future electricity needs and growth of northern Ontario can be met.

Our proposed project, which we are calling the Lake Superior Link, is a 400 kilometre double-circuit 230 kilovolt transmission line that would primarily be built on or adjacent to Hydro One's existing East-West Tie transmission corridor. Hydro One's proposal is the most cost-effective solution for Ontario electricity consumers.

By maximizing use of existing infrastructure, our route is approximately 50 km shorter than the other proponent's proposal, reducing the amount of relatively undisturbed land that would need to be cleared. A major benefit of our project would be realized in Pukaskwa National Park, where Hydro One's existing transmission line can be upgraded without widening the corridor. Outside of the Park, our project can be constructed on a narrower corridor; overall, the Lake Superior Link will require approximately 50% less corridor land than the other proponent's route, thereby minimizing environmental impacts and disturbance to local communities.

This is Exhibit "A" referred to in the
affidavit of Chief Melvin Hardy
sworn before me, this 8th day of May, 2018.
Molly A. MacDonald
A COMMISSIONER FOR TAKING AFFIDAVITS

MOLLY A. MACDONALD
BARRISTER AND SOLICITOR



This is Exhibit.....
affidavit of.....
sworn before me this.....
day of.....
20.....
A COMMISSIONER FOR TAKING AFFIDAVITS

MOLLY A. MACDONALD
BARRISTER AND SOLICITOR

Hydro One received a letter from the Ministry of Energy delegating procedural aspects of Consultation to Hydro One regarding its proposed Lake Superior Link Project. Hydro One recognizes the importance of consultation with Indigenous communities. We are very excited about our proposal and its ability to maximize value for Ontario electricity customers, and look forward to discussing how this project can deliver tangible benefits to Indigenous communities in the project area. These tangible benefits include, but are not limited to, capacity funding, contracting and employment opportunities.

Hydro One together with its engineering and construction partner SNC-Lavalin not only recognizes the importance of having involvement and participation of Indigenous communities and businesses in the execution of the Lake Superior Link Project, we also have a proud history of inclusion through employment and procurement of our projects. For the Lake Superior Link Project, we will actively procure goods and services from qualified Indigenous suppliers and with companies who have strong relationships with local Indigenous communities and businesses. We will continue these relationships offering participation throughout the construction phase. Similarly, we will seek to maximize the employment of members from local/regional Indigenous communities, including additional skills training for those enrolled in the Anishinabek Employment and Training Services (AETS) program, which would be beneficial to the Lake Superior Link Project as well as future projects and employment with Hydro One.

Hydro One is prepared to begin the consultation process immediately and would like to begin scheduling meetings with you and your community as soon as possible. Hydro One's Indigenous Relations team will be following up with you shortly to schedule a meeting. In the interim, I would be pleased to answer any questions you may have. Please also feel free to contact Christine Goulais, Senior Manager, Indigenous Relations, at 416-345-4390 or Tausha Esquega, Senior Advisor, Indigenous Relations, at 807-346-3830.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derek Chum', with a long horizontal flourish extending to the right.

Derek Chum

Attachment