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May 9, 2018

VIA ELECTRONIC FILING and EMAIL

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

RE: Upper Canada Transmission Inc. (“Nextbridge”) & Hydro One Networks Inc.
OEB File No. EB-2017-0182/ OEB File No. EB-2017-0194
Biiijitiwaabik Zaaging Anishinaabek Intervenor Request Letter

We are legal counsel for Biiijitiwaabik Zaaging Anishinaabek (“BZA”) with respect to the above matter, OEB File No. EB-2017-0182/OEB File No. EB-2017-0194 (the “East West Tie Line Project” or “Project”). We are writing on behalf of BZA to request intervenor status pursuant to **Rule 22.05** of the Ontario Energy Board’s Rules of Practice and Procedure, and to request costs so that my client can meaningfully participate in these proceedings. We further reserve the right to make further submissions with respect to this matter.

BZA has been granted intervenor status in Hydro One Network Inc.’s Lake Superior Link Project EB-2017-0364, which is effectively tied to this proceeding. As such we request that BZA be allowed to participate as fully as possible in both the Lake Superior Link, and East West Tie Line Project proceedings.

As this is a late application for intervenor status, BZA accepts the record of these proceedings to date and has no intention of disrupting or unduly delaying the proceedings by applying for intervenor status. BZA has submitted evidence in the related Lake Superior Link application EB-2017-0364 which is relevant to this proceeding, however does not at this time anticipate submitting any further evidence with respect to this application.

Reason for Late Application

Biiijitiwaabik Zaaging Anishinaabek acknowledges and regrets that this request for intervenor status is being submitted well past the October 30, 2017 deadline provided in the OEB Notice of October 12, 2017. The reason for the lateness of the Application is largely due to BZA’s limited capacity to engage in the proceedings – part of which is due to past turnovers in staff and leadership of BZA.

Biiijitiwaabik Zaaging Anishinaabek’s Interest in the Proceedings

BZA is an Indian Band pursuant to the *Indian Act* and is a party to the Robinson Superior Treaty of 1850. Biinjitiwaabik Zaaging Anishinaabek has over 650 members, who are represented by an elected Chief and Council. Many members live on the Rocky Bay 1 Indian Reserve, located in the municipality of Greenstone; however the traditional territory of BZA extends throughout Northwestern Ontario and includes areas which will be directly impacted by the East West Tie Line Project.

The Project has the potential to impact the rights, interests, lands, claims and practices of BZA, which include but are not limited to hunting, fishing, trapping, harvesting, ceremonies, and other cultural practices throughout BZA's traditional territory. These rights are protected by section 35 of the *Constitution Act* 1982, and as such, the Crown has a fiduciary obligation to consult with BZA. BZA is a necessary intervenor in the proceedings with respect to the East West Tie Line Project if Ontario intends to rely on the Board's proceedings to discharge its constitutional duty.

Nextbridge and BZA are engaged in ongoing consultation. In correspondence dated November 21, 2017, Nextbridge indicated to BZA that specific environmental concerns, questions and issues raised by BZA in its technical review report of the draft Environmental Assessment Report would be addressed through the regulatory process. Consultation between these parties has continued, however BZA must be an intervenor in these proceedings if BZA's specific questions concerning the Environmental Assessment Report will be addressed in this forum.

Nature and Scope of Intended Participation

Biinjitiwaabik Zaaging Anishinaabek intends to participate as actively and responsibly as an intervenor in the proceedings as necessary to determine relevant issues. Where necessary, BZA reserves the right to make written or oral submissions, submit evidence, argument, or interrogatories and may cross examine witnesses.

Where Biinjitiwaabik Zaaging Anishinaabek lacks the internal capacity to review and assess any aspects of the Project proposal and documents which may be filed into relation thereto, the First Nation requests the resources required to adequately assess the Project and so that its participation as an intervenor will be meaningful and productive.

BZA requests copies of written evidence related to this matter, and that they be directed to our firm, whose contact information is provided herein.

Request for Costs

Biinjitiwaabik Zaaging Anishinaabek is seeking costs in order to participate as an intervenor in the proceedings. BZA fulfills the eligibility criteria for costs as set out in Section 3 of the OEB's Practice Directions on Cost Awards. Biinjitiwaabik Zaaging Anishinaabek primarily represents an interest and policy perspective relevant to the Board's mandate and the proceedings related to this Project. Additionally, the proposed project traverses the traditional territory of BZA, and as such the First Nation has an interest in the land that is affected by the Project.

Contact Information

Biinjitiwaabik Zaaging Anishinaabek request that the Board and Parties to these proceedings direct correspondence to our office and use the following contact information:

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Mailing address: Biinjitiwaabik Zaaging Anishinaabek
501 Spirit Bay Road,
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Should you have any questions or concerns please do not hesitate to contact me.

Yours very truly,

ESQUEGA LAW OFFICE



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CC. Biinjitiwaabik Zaaging Anishinaabek Chief and Council;
Zora Crnojacki, Case Manager; and
Lawren Murray, Ontario Energy Board Counsel