

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.

**BOOK OF REFERENCES OF
BIINJITIWAABIK ZAAGING ANISHINAABEK
MOTION HEARD JUNE 4th and 5th**

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ONTARIO ENERGY BOARD

FILE NO.: EB-2017-0364

Hydro One Networks Inc.

Lake Superior Link Project

VOLUME: Technical Conference

DATE: May 17, 2018

1 terms of the duty to consult and accommodate, but also in
2 terms of the economic participation.

3 If we were to have to start that process all over
4 again, we have very serious concerns, A, about the ability
5 to complete it, particularly in the timelines that have
6 been identified. I think that that's next to impossible.
7 But also there is no guarantee that we are going to
8 actually come out the other end with the benefits for
9 communities that we've been successful in -- that we're on
10 the verge of achieving in our discussions with NextBridge.

11 This will put us back, we believe, at least -- it took
12 us four years to do this work with NextBridge. It's going
13 to take us a very extended period of time to have that kind
14 of deep consultation and engagement with Hydro One.

15 So that would ultimately be -- the impact is starting
16 from scratch again is a real risk for our communities.

17 MS. CRNOJACKI: Thank you very much. These are all
18 our questions.

19 MS. LEA: Thank you. Anyone else with questions for
20 the Métis Nation of Ontario?

21 Thank you very much for taking the time, both those on
22 the phone and yourself here in the room. I really
23 appreciate it. And thank you, Ms. Strachan.

24 So the next group is BZA. Mr. Esquega and Ms.
25 MacDonald, I believe you're on the line.

26 **BIINIJITIWABIK ZAAGING ANISHNAABEK - PANEL 1**

27 **Chief Melvin Hardy**

28 MR. ESQUEGA: Good morning. It's Etienne Esquega

1 here. Molly MacDonald is here with me as well, and so is
2 Chief Melvin Hardy.

3 MS. LEA: Chief Melvin Hardy. Okay, thank you. Does
4 Hydro One have any questions for the BZA?

5 MR. WARREN: No.

6 MS. LEA: Very well, thank you. Then we'll turn to
7 Board Staff -- unless anybody else? No? Board Staff,
8 please.

9 **QUESTIONS BY MS. CRNOJACKI:**

10 MS. CRNOJACKI: Board Staff has several questions for
11 BZA, First Nations.

12 BZA motion evidence indicates that Hydro One made very
13 limited contact with the BZA concerning the LSL project,
14 and that there has been no community engagement.

15 BZA noted that it requires significant consultation
16 and accommodation, and even the consent of BZA with respect
17 to the LSL project.

18 Our first question is -- since the BZA evidence was
19 filed, has there been any communication with Hydro One?
20 And if so, please describe the communication.

21 CHIEF HARDY: This is Chief Mel Hardy. And it's not
22 just BZA. It is Biinjitiwaabik Zaaging Anishinaabek; BZA
23 is just an acronym. Just so you guys know who you're
24 dealing with, we're actually a First Nations -- that's our
25 First Nations language we're talking here.

26 Hydro One did send on April 30th a letter, and that's
27 the only engagement we've had.

28 I did receive a call from an employee of Hydro One,

1 requesting to have a meeting with that staff member. I
2 said I would get back to that member, but it is on the same
3 date as when I got the letter and that's the only
4 engagement I have ever had.

5 MS. CRNOJACKI: Thank you, and my apologies for using
6 the acronym.

7 We know that your evidence raises a number of concerns
8 with respect to Hydro One meeting its duty to consult. In
9 your view, is there a way for Hydro One to meet its duty to
10 consult if Hydro One's leave to construct application is
11 not dismissed?

12 CHIEF HARDY: One of the things I do see is that the
13 45-day window obviously would not be enough time for
14 consultation, because if you look at the consultations
15 we've had with NextBridge since 2013 and in all that time
16 -- and I really believe that there was no true consultation
17 made to our First Nations. And so in order for Hydro One
18 to do this, Hydro One has to develop a relationship of
19 trust with our First Nation. In order to do that, they'd
20 have to engage with our First Nations on the ground and
21 then develop that trust within that relationship, and
22 engagement will follow. But that trust needs to be built
23 first.

24 MS. CRNOJACKI: Thank you. In your view, what would
25 be a reasonable timeframe for Hydro One to discharge its
26 duty to consult?

27 CHIEF HARDY: Well, at this time, it's pretty hard to
28 determine because Hydro One already does some procurement

1 projects on our land right now, and we've inquired about
2 the procurement opportunities and at this point the Hydro
3 One has not reached out to us.

4 So when we look at development of trust, we are
5 looking at a period almost the same as NextBridge or more.
6 It depends how long that NextBridge -- I mean that Hydro
7 One is able to develop that trusting relationship with
8 Biinjitiwaabik Zaaging Anishinaabek members.

9 MS. CRNOJACKI: Thank you. And is there -- do you
10 want to add anything to that response?

11 CHIEF HARDY: Not right now.

12 MS. CRNOJACKI: Our final question is: If you can
13 please describe any impact on your community if the 2020
14 project in-service date is delayed?

15 CHIEF HARDY: One of the things I'd like to add is the
16 proximity of Biinjitiwaabik Zaaging Anishinaabek to the
17 proposed EWT line on the HONI route is that the community
18 is in relation to the proposed route, we are about
19 approximately 58 kilometres by highway, 47 kilometres as
20 the crow flies, on Highway 11. We've also got many members
21 living in Thunder Bay and along as the Highway 17 route as
22 well, so we do have members living there.

23 The traditional territory of BZA, of Rocky Bay or
24 Biinjitiwaabik Zaaging Anishinaabek extends down the
25 reserve and includes lands affected by the proposed route
26 of the project. We do not delineate or speculate as to
27 where the boundaries as to our territory may be.

28 MS. CRNOJACKI: Thank you very much. These are all

1 our questions.

2 MS. LEA: Any other questions for Chief Hardy? If
3 not, Chief Hardy, I want to thank you very much for taking
4 the time to answer questions today. We do really
5 appreciate it, thank you.

6 CHIEF HARDY: Thank you very much.

7 MS. LEA: Mr. Warren, are you ready to empanel your
8 witnesses?

9 MR. WARREN: I have to find one first. But other than
10 that, can we take five minutes to get the last of the
11 witnesses down?

12 MS. LEA: Yes, five minutes. Reconvening at 9:25.

13 --- Recess taken at 9:20 a.m.

14 --- On resuming at 9:30 a.m.

15 MS. LEA: Thank you, Mr. Warren, if you could
16 introduce your panel, please, that would be great.

17 **HYDRO ONE NETWORKS INC. - PANEL 1**

18 **Elise Croll**

19 **Christine Goulais**

20 **Andrew Spencer**

21 **Sanjiv Karunakaran**

22 **Bing Young**

23 **Megdi Ishac**

24 MR. WARREN: Yes, good morning. I'll introduce the
25 panel beginning on my right, Elise Croll from Hydro One
26 Networks. Next to her is Christine Goulais from Hydro One
27 Networks. Next to Christine is --

28 MS. LEA: Is your mic on and pointing at you as much



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1 MR. ESQUEGA: And in Exhibit H we get into a little
2 more detail down below as to some of the participation
3 rights that have been afforded to some of the First
4 Nations, and we heard earlier from today from BLP that they
5 have economic arrangement established with NextBridge; is
6 that right?

7 MR. MAYERS: That's my understanding.

8 MR. ESQUEGA: And if we turn to page 6 of your Exhibit
9 H, we go halfway down the page and it talks about:

10 "NextBridge has taken, and will continue to take,
11 all reasonable steps to provide participation
12 opportunities consistent with the participation
13 options outlined in its participation plan."

14 So my understanding, given that the consultation
15 efforts are still ongoing, is the fact that there may be
16 participation opportunities still available to my client;
17 is that fair to say?

18 MR. MAYERS: Yes, it is.

19 MR. ESQUEGA: And some of these participation options
20 have been set out in your exhibit again, and these include
21 opportunities such as training and skills upgrading; is
22 that right?

23 MR. MAYERS: Honestly, I cannot speak to the level of
24 detail in the participation of, you know, what you are
25 referring to.

26 MR. ESQUEGA: Sure. Well, if you can't speak to the
27 level of detail on this, perhaps we can do this by
28 undertaking and prior to the motion hearing next week you

1 can undertake to provide us with information as to what
2 participation opportunities may still be available to my
3 client, for example, in this process.

4 MR. STEVENS: Thank you, we can provide that
5 undertaking.

6 MS. LEA: So I think we are at JT1.21; is that right?

7 MS. CRNOJACKI: That's correct.

8 MS. LEA: Thank you.

9 MR. CRNOJACKI: That's for NextBridge to provide what
10 participation opportunities may still be available to BZA
11 First Nation.

12 **UNDERTAKING NO. JT1.21: (A) TO PROVIDE WHAT**
13 **PARTICIPATION OPPORTUNITIES MAY STILL BE AVAILABLE TO**
14 **BZA FIRST NATION; (B) TO ADVISE WHETHER OR NOT EQUITY**
15 **OR REVENUE-SHARING OPPORTUNITIES MAY STILL BE**
16 **AVAILABLE TO THEM.**

17 MR. ESQUEGA: And in particular, as a sub-undertaking
18 to that, whether or not equity or revenue-sharing
19 opportunities may still be available to them.

20 MR. STEVENS: We can add that.

21 MR. ESQUEGA: Thank you.

22 Now, the next series of my questions are just to
23 confirm my understanding as to some of the budget
24 allocations that have been shared in your leave to
25 construct application again. And I'm referring now to
26 Exhibit B, tab 9.

27 We've heard some questions about budgetary issues
28 concerning First Nation participation and consultation, but

1 specifically in this tab I note that as of January --
2 sorry, July 31st 2017 you have set out specific amounts as
3 to what those costs will be.

4 Are you familiar with that, or do you have it in front
5 of you?

6 MR. MAYERS: If you are referring to Table 2, I do
7 have that in front of me.

8 MR. ESQUEGA: That's right, so I just want to confirm
9 for the record what those numbers were as of July 31, 2017,
10 and from my understanding with reference to Table 2 is the
11 First Nation and Métis participation amount was earmarked
12 at \$7 million; is that right?

13 MR. MAYERS: That's correct.

14 MR. ESQUEGA: And that hasn't all been expended yet,
15 right?

16 MR. MAYERS: Honestly, I can't answer that.

17 MR. ESQUEGA: Okay, could I get an undertaking to
18 verify whether or not that's all been expended yet?

19 MR. STEVENS: Yes, we can provide an answer as to
20 whether all those funds have been spent.

21 MS. CRNOJACKI: That's JT1.22, NextBridge to confirm
22 whether the participation budget has been expended.

23 **UNDERTAKING NO. JT1.22: (A) TO CONFIRM WHETHER THE**
24 **PARTICIPATION BUDGET HAS BEEN EXPENDED. (B) TO**
25 **CONFIRM WHETHER FIRST NATION AND MÉTIS CONSULTATION**
26 **BUDGET HAS BEEN EXPENDED.**

27 MR. ESQUEGA: With respect to the line item right
28 below the participation amount we have the consultation

1 amount for First Nation and Métis consultation, and that
2 line item is \$13,211,000; is that right?

3 MR. MAYERS: That's correct.

4 MR. ESQUEGA: And I would also ask for the same
5 undertaking to let me know whether or not -- whether or not
6 that amount has been expended.

7 MR. STEVENS: We can add that to JT1.22.

8 MS. CRNOJACKI: So --

9 MS. LEA: It's the same undertaking.

10 MS. CRNOJACKI: The same undertaking, to provide
11 whether First Nation and Métis consultation budget has been
12 expended.

13 MR. ESQUEGA: That's right.

14 MS. CRNOJACKI: Thanks.

15 MR. ESQUEGA: Now, in terms of this budget, I
16 understand, was there an additional budget submitted more
17 recently that talked about additional funds that had been
18 expended in addition to that or expected to be added to
19 that? Or are those the budget numbers that still stand
20 today?

21 MR. MAYERS: I honestly can't say.

22 MR. ESQUEGA: I'd be satisfied if you could answer
23 that by undertaking as well.

24 MS. LEA: One moment, please.

25 MR. STEVENS: We will provide an undertaking as to
26 whether the numbers in Table 2 have been updated within the
27 leave to construct application.

28 MS. CRNOJACKI: That's JT1.23.

1 UNDERTAKING NO. JT1.23: TO ADVISE AS TO WHETHER THE
2 NUMBERS IN TABLE 2 HAVE BEEN UPDATED WITHIN THE LEAVE
3 TO CONSTRUCT APPLICATION.

4 MR. ESQUEGA: Thank you. Those are my questions.

5 MS. LEA: Thank you very much, sir.

6 That takes us to the IESO. Here we are. Mr. Zacher.

7 **QUESTIONS BY MR. ZACHER:**

8 MR. ZACHER: Good afternoon, panel. My name is Glenn
9 Zacher, counsel for the IESO, and I just have a couple of
10 questions, and I think, Mr. Bolbrock, these may be for you.

11 The specific question I have is with regards to
12 NextBridge's assertion that its two double-circuit design
13 is preferable from a reliability perspective to the Hydro
14 One design in, at least insofar as that Hydro One design
15 that goes through the park and is a four circuit design,
16 which I understand from your evidence exposes the length
17 between northwest Ontario and the rest of Ontario to sort
18 of a single point of failure. Have I sort of characterized
19 it correctly?

20 MR. BOLBROCK: Yes, you have.

21 MR. ZACHER: And I understand from the responding
22 evidence that Hydro One has filed that they've sought to
23 refute that on the grounds that the sort of extreme
24 contingency that would make that portion of its design
25 exposed to that sort of risk would likewise cause the loss
26 of all four circuits on the two line double circuit
27 NextBridge design, which are located in the same corridor.
28 So it's sort of a commensurate risk.

UNDERTAKING JT1.21

UNDERTAKING

TR 1, page 120

(a) To provide what participation opportunities may still be available to BZA First Nation; (b) to advise whether or not equity or revenue-sharing opportunities may still be available to them.

RESPONSE

- a) NextBridge has had discussions with BZA First Nation representatives in which NextBridge has indicated that it intends to provide economic participation opportunities through the economic development organization SuperCom. These opportunities could include employment and contracting. NextBridge is also aware that four BZA community members are currently being trained for immediate construction positions under SuperCom's employment and training program.
- b) NextBridge is not offering equity or revenue-sharing opportunities to other communities besides the six First Nations in Bamkushwada.

UNDERTAKING JT1.22

UNDERTAKING

TR 1, page 121

(a) To confirm whether the participation budget has been expended. (b) To confirm whether First Nation and Métis consultation budget has been expended.

RESPONSE

a) & b) The construction budget for both First Nation and Métis participation and consultation has not yet been expended. The budget was prepared in consideration of the discussions and agreements undertaken to date with various First Nation and Métis communities.

UNDERTAKING JT1.23

UNDERTAKING

TR 1, page 123

To advise as to whether the numbers in Table 2 have been updated within the leave to construct application.

RESPONSE

The construction cost estimate found at Exhibit B, Tab 9, Schedule 1, Table 2 of the NextBridge Leave to Construct Application in EB-2017-0182 remains the most current construction cost estimate for the NextBridge East West Tie Line Project.



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1 MS. LEA: You will need to speak up, because it is
2 very difficult to hear you at this point.

3 MR. ESQUEGA: Can you hear me now?

4 MS. LEA: Sort of. The louder you can make it and if
5 you cannot use a speaker-phone, these two things seem to
6 help.

7 MR. ESQUEGA: Unfortunately, I don't have a regular
8 handset handy here, so I am on a speaker phone.

9 MS. LEA: You are a bit louder now, sir, so keep that
10 up, please.

11 **QUESTIONS BY MR. ESQUEGA:**

12 MR. ESQUEGA: Okay. So I'll continue on with -- just
13 to remind you I, represent Biinjitiwaabik Zaaging
14 Anishinaabek, one of the intervenors in this proceeding.

15 And just to follow-up on the budgetary discussions
16 that we've been having here for a while now today, I want
17 to follow-up specifically with respect to with respect to
18 the consultation budget that you set out in your materials,
19 in your application evidence, Exhibit B, tab 7, schedule 1,
20 pages 3 and 5.

21 Actually, if we start at page 1 of that schedule,
22 schedule 1, it talks about the total project costs for this
23 project is going to be \$636 million; is that right,
24 referring to table number 1.1?

25 MS. GOULAIS: That's correct.

26 MR. ESQUEGA: And that's still the number that's being
27 used today.

28 And if we turn over to page 3, we have table 2, and

1 this is the development cost table, right?

2 MS. GOULAIS: Correct.

3 MR. ESQUEGA: And there is a line item there
4 specifically for First Nation and Métis consultations; do
5 you see that?

6 MS. GOULAIS: Yes.

7 MR. ESQUEGA: My understanding is that that line item
8 is 1.1 million, approximately.

9 MS. GOULAIS: Correct.

10 MR. ESQUEGA: On the next page, we go over to page 5,
11 we have another line item about halfway through table 3,
12 and this includes construction costs. And again for First
13 Nation and Métis, it is 1.1 million again.

14 MS. GOULAIS: Correct.

15 MR. ESQUEGA: So if we add those two numbers up, then
16 we get to about 2.2 million that has been earmarked for
17 First Nation and Métis for this project, is that right?

18 MS. GOULAIS: That's correct.

19 MR. ESQUEGA: Okay. And out of that amount, is there
20 -- has there been any other funds set aside for
21 participation specifically?

22 MS. GOULAIS: Mr. Esquega, it is Christine Goulais.
23 I'm going to answer your question, but I just want to make
24 sure I am being respectful.

25 Is the Chief on the phone?

26 MR. ESQUEGA: No, he is not present any longer.

27 MS. GOULAIS: Okay. Thank you. So your question was
28 about the cost, the 2.23 -- 2.2 million that you've

1 identified, which is the correct math. There are also
2 other embedded costs in our construction costs that would
3 be dedicated to First Nations and Métis participation as
4 well. They are just not identified as such when you look
5 at these two tables.

6 MR. ESQUEGA: Okay. So perhaps, could I get an
7 undertaking from you to identify exactly all costs that
8 have been allocated towards First Nation consultation and
9 participation specifically?

10 MS. GOULAIS: So Mr. Esquega, that would be difficult
11 to do, only because there's not -- I was just -- the pause
12 was because I was having a bit of a discussion with our
13 construction partner, SNC-Lavalin.

14 When I said that there are some embedded costs in the
15 -- in the construction -- on the construction side from the
16 First Nations and Métis participation perspective, you
17 know, there -- we are intending and dedicated to looking at
18 maximizing Indigenous opportunities from a contracting and
19 procurement perspective, and so there isn't a particular
20 amount that we would allocate to that, because we would
21 want to maximize what those opportunities could look like,
22 so it would be difficult for us to put an amount around
23 what that would look like, given we haven't really had an
24 opportunity to fully understand who, for example, those
25 Indigenous businesses and contractors are that we could
26 work with and what they could provide on this particular
27 project, but what we can say is that we have every
28 intention of maximizing the participation of those

1 Indigenous businesses on this project.

2 MR. ESQUEGA: Okay, I just asked this question because
3 yesterday I spent some time with the witness from
4 NextBridge, and in their materials, as you are likely
5 aware, they have been able to specifically earmark a
6 consultation budget of \$13 million in total for their
7 project, and for your project I see 1.1 million.

8 Can you explain why there would be such a disparity --
9 there's a difference between those two budgets --

10 MS. GOULAIS: So in --

11 MR. ESQUEGA: -- consultation specifically?

12 MS. GOULAIS: Sure, on the consultation piece, as
13 we've talked -- or discussed -- took quite some length over
14 the last couple of days, Hydro One's time frame is much
15 shorter, and the consultation aspect of our project we
16 budgeted within those time frames that we've identified in
17 our evidence.

18 Again, you know, as Ms. Croll and I have shared over
19 the last couple days, we are intending to utilize
20 information that is available to us both on the
21 environmental assessment as well as on the consultation.
22 We are not looking to duplicate efforts, resources, costs,
23 or people's time. We really do want to make sure that we
24 are utilizing, of course in a respectful way, all of the
25 information available to us.

26 And again, I just want to reiterate that the First
27 Nation and Métis participation costs that are embedded in
28 our construction costs, although we don't have a specific

1 number to share, we can -- we can say that those -- we --
2 our construction partner, SNC, as well as Hydro One, is
3 looking to maximize those opportunities, which could go
4 above -- could go above what we -- what we would ever
5 imagine them to be, so it would be really hard to put some
6 parameters around what that would look like.

7 MS. CROLL: If I could add to that, I think we have to
8 understand too that of the 400-kilometre route that Hydro
9 One is proposing, 80 percent of that -- almost 80 percent
10 of that is shared with the NextBridge route, and there has
11 been significant consultation completed.

12 Now, we're not suggesting we rely on all of that. We
13 do plan to undertake our own consultation even on the
14 shared portions of the route, but when it comes to impacts
15 and accommodation, we would expect that because our impacts
16 are considerably less, whether it is the footprint area or
17 the tower design, that what we're really looking for is
18 anything different than what's identified as a mitigation
19 or accommodation in the existing EA, so we would be,
20 through using that EA, committing to follow any mitigation
21 measures or agreements that are made and then really
22 looking for differences in the scope where we may have more
23 of an impact.

24 And in fact, we expect to have significantly less,
25 especially in the footprint area which we've heard from our
26 Indigenous communities, the land that they value, and we
27 hope that there would be a value proposition in showing
28 that we could reduce the footprint we are using for our

1 project.

2 MR. ESQUEGA: We've heard in this proceeding from
3 several witnesses, including my client, Chief Hardy, who is
4 here, and also the other Chiefs and the other
5 representatives for the Métis Nation, that consultation is
6 going to require a big effort from Hydro One, and they
7 don't expect you to not show up and simply review documents
8 and say that you've -- that's for a job you usually
9 consult, so how can you reconcile that position from the
10 First Nations from your proposed approach of relying upon
11 information that may be available on the public record?

12 MS. CROLL: So to be clear, we would be fully
13 consulting on the portions of the route that are new, and
14 that would be the park and approaches, keeping in mind that
15 our impacts in the park are quite minimal because we are
16 not widening the corridor or undertaking any cutting.

17 That said, we'll certainly be doing the same study
18 that we would in approaches to the park, and we're not
19 suggesting that we just -- all we have to do is review a
20 few documents, but what we would expect is that we wouldn't
21 want to create an unnecessary resource strain on
22 regulators, interested parties, Indigenous communities,
23 redoing from scratch everything that has already been
24 discussed before. That is not to say we won't still
25 consult on the entire line.

26 MR. ESQUEGA: And we've also heard from many of the
27 representatives that there has been some negotiations that
28 have gone on and some of this is strictly confidential, so

1 how do you propose to get around the confidentiality issue
2 to get access to the information in order to fulfill your
3 duty to consult?

4 MS. GOULAIS: So again, we are, you know, we are not
5 privy to what those confidentiality agreements look like.
6 What we can say and can commit to is sharing information on
7 our project, offering to meet, and undertaking that
8 consultation and having those discussions around what the
9 accommodation measures may look like.

10 You know, there -- we fully appreciate that it's not a
11 matter of reviewing existing information and taking what's
12 available to us. We fully appreciate that we need to be
13 not only working with the elected officials such as the
14 Chiefs in the communities, but spending time in
15 communities, understanding what their questions and
16 concerns are. You know, looking at supporting community
17 consultation coordinators in each of the communities to
18 help with the burden that we know many First Nations
19 experience from a capacity perspective.

20 We know that communities like yours or like Chief
21 Hardy's community gets 100 letters a month from various
22 proponents and just really doesn't have the resources or
23 capacity to sift through those.

24 You know, opportunities of having a consultation
25 coordinator in each community to help not only Hydro One
26 but the community to be able to fully engage and consult on
27 this project is something that we would really like to
28 initiate with each and every community.

1 We understand that communities are under-resourced
2 from a capacity perspective when it comes to having the
3 appropriate legal or other advisory services, and, you
4 know, we would be looking to support communities in that
5 nature, so I just want to expand on Ms. Croll's comment
6 around, we -- although there are -- should be information
7 available to us, we don't -- we fully appreciate that
8 there's additional ongoing consultation that has to happen
9 with each and every community, and we do have every
10 intention of -- and have offered that, and would really
11 welcome the opportunity to sit down and have a conversation
12 with leadership as well as community members about how we
13 can work together going forward and what resources and
14 capacity the community would require that Hydro One can
15 offer.

16 MR. ESQUEGA: I believe in this proceeding you've been
17 directed to consult with 18 First Nation communities; is
18 that right?

19 MS. GOULAIS: That's correct.

20 MS. ESQUEDA: Plus the Métis Nation of Ontario?

21 MS. GOULAIS: Yes, so we've been directed by the Crown
22 to consult with 18 communities and to keep the Métis Nation
23 of Ontario informed on what we're doing with the Métis.

24 MR. ESQUEGA: And when we add up those numbers and
25 divide that by the 2.2 million we only get to 115,000 per
26 community and you are talking about wanting higher capacity
27 for each First Nation. You are going to need to attend
28 meetings, you are going to need to spend money to get

1 people together.

2 I don't see how you can make \$115,000 work with 19
3 communities, with all due respect, and I'd like to hear how
4 you plan on doing that in such a short timeframe as well.

5 MS. GOULAIS: So again I think what I -- my answer to
6 that is understanding what each community's needs are, how
7 they want to be consulted and how we can move forward
8 together, I think is probably the best place for us to
9 start. And what we'd hoped to have initiated by sending
10 notification letters -- we understand that the timelines
11 are shorter and those are concerns that the communities
12 have, and we do want to work with communities. I think
13 making assumptions about what each community needs is
14 probably not the best thing. But based on my experience, I
15 can share that I think the capacity funding that we've
16 considered for communities allows us some flexibility to
17 have those conversations around what their needs are, and
18 to be able to fully understand those.

19 MR. ESQUEGA: It appears that just from what we see
20 here, that the ratepayers' interests are taking priority
21 over the duty to consult and accommodate First Nations and
22 Métis people. Wouldn't you agree that that's the
23 appearance we get here from this type of budget?

24 MS. GOULAIS: I would not agree with that.

25 MR. ESQUEGA: And the whole package is being sold as a
26 ratepayers savings, but yet you are not even coming close
27 to what NextBridge has spent and has committed to spend
28 here.

1 MS. CROLL: I would just add that it is not just about
2 the economic savings. Again, I would emphasize the much
3 lower environmental footprint and across the entire
4 project, a reduction of 50 percent in the land area
5 affected, which we think is significant, and especially the
6 ability to twin our existing corridor on the approaches to
7 the park and to not have to widen that corridor is a
8 significantly less environmental impact, which is also a
9 consideration when evaluating a project and we hope is of
10 value to Indigenous peoples as well.

11 MR. ESQUEGA: But the Indigenous peoples' rights
12 extend beyond the park. Their traditional lands are all
13 the way along that corridor.

14 MS. CROLL: That's correct, I'm speaking about the
15 entire corridor. So for the entire area of the project,
16 again, when I talk about a 50 percent reduction in the
17 footprint, I'm talking about the entire route comparison.

18 Within the park itself, it's 100 percent reduction
19 because we are not widening the corridor at all. So that's
20 what I was referring to.

21 And we're not just suggesting that the interest is
22 within the park area; we realize the interest is along the
23 entire project route.

24 MR. ESQUEGA: Would you agree that your budget is
25 perhaps a little bit short in terms of the consultation
26 budget?

27 MS. GOULAIS: Again, as I said, there are some
28 embedded costs in our construction cost analysis that makes

1 it a little bit difficult, I think, to do an apples to
2 apples comparison.

3 MR. ESQUEGA: Now, with respect to consultation with
4 BZA specifically, we know that there's at least -- the
5 chief makes reference to one letter in his affidavit. And
6 earlier today in his testimony, he said that's the only
7 letter that he's received with respect to consultations; is
8 that right?

9 MS. GOULAIS: The April 30th letter addressed to Chief
10 Hardy is the only letter that's been sent to date, correct.

11 MR. ESQUEGA: Today we heard some testimony and some
12 questions with respect to a letter of April 18th to Ms.
13 Kate Kempton. Do you recall those discussions?

14 MS. GOULAIS: I do.

15 MR. ESQUEGA: In her letter, on the second page, there
16 is reference to communities that are you are going to
17 engage with that are less directly affected.

18 MS. GOULAIS: Yes, I'm aware of the letter.

19 MR. ESQUEGA: Have you defined BZA as a community that
20 is less directly affected?

21 MS. GOULAIS: Well, I would say that we are
22 undertaking our consultation based on direction from the
23 Crown, which indicates all 18 communities as rights-based
24 communities.

25 And so we are undertaking consultation with those
26 communities as such.

27 MR. ESQUEGA: Has the Crown defined my client as being
28 less directly affected by this line?

1 MS. GOULAIS: No.

2 MR. ESQUEGA: In fact, you would never be able to
3 determine that without consulting with them, right?

4 MS. GOULAIS: Determination of impacts of a project
5 are made through the consultation process, and that's the
6 purpose of the consultation process, you are absolutely
7 right, is understanding what the impacts are of a
8 particular project.

9 MR. ESQUEGA: That's right. And even though BZA is
10 not directly beside the power line or adjacent to it, we
11 know from Chief Hardy's evidence that they are quite close.
12 In fact, they're 50 or 60 kilometres away, and that would
13 certainly suggest that this is perhaps in their traditional
14 territories. Would you agree?

15 MS. GOULAIS: I'm not -- I'm somewhat familiar with
16 the traditional territory of Chief Hardy's community, but
17 I'm not exactly sure what those boundaries are.

18 But I would say that, you know, Hydro One does intend
19 to undertake consultation with your community, based on the
20 delegation of Crown consultation -- sorry, the Crown's
21 delegation of consultation.

22 MR. ESQUEGA: But you have nothing to dispute the
23 evidence of Chief Hardy that this is within his traditional
24 territory?

25 MS. GOULAIS: That's correct.

26 MR. ESQUEGA: Now, you've mentioned in the package
27 here and the evidence that this economic incentive can be
28 superior or better for the First Nations if they go with

1 you as opposed to NextBridge, right?

2 MS. GOULAIS: Yes, we did file that as part of our
3 evidence, yes.

4 MR. ESQUEGA: At least for the BLP First Nations, we
5 see that they have a better deal from your perspective; is
6 that right?

7 MS. GOULAIS: The equity offer to the Bamkushwada
8 First Nation are identified in our evidence, yes.

9 MR. ESQUEGA: And Mr. Henderson asked you a number of
10 questions earlier today about a letter that his client
11 received, which didn't talk about economic benefits per se.
12 Do you remember that?

13 MS. GOULAIS: I do.

14 MR. ESQUEGA: When we look at the letter to Chief
15 Hardy, Chief Hardy's letter is very, very similar to what
16 Mr. Henderson's client received. It doesn't talk about
17 economic benefits either; is that right?

18 MS. GOULAIS: It doesn't explicitly say "economic
19 benefits."

20 MR. ESQUEGA: Not like the other communities who did
21 receive those types of comments in their letters?

22 MS. GOULAIS: So I think I'd answer your question the
23 same way I answered Mr. Henderson's questions around our
24 letter that you are referring to of April 30th, I
25 believe -- I'm just going to check here. Yes, April 30th.

26 You know, we talk about benefits to our project that
27 include, but are not limited to things like capacity
28 funding, contracting and employment opportunities, which

1 I've sort of talked a little bit about, you know.

2 Economic participation from Hydro One's perspective,
3 and based on my experience, can take many, many forms. We
4 talked a little bit about training employment earlier
5 today, and I'm not sure if you were on the phone yesterday
6 when the Bamkushwada chiefs were talking about the current
7 and ongoing training for over 250 members of various
8 Indigenous communities. I'm assuming some of them are from
9 your community, you know.

10 So economic benefits can be in the form of continuing
11 those training opportunities, hiring those folks to do some
12 work, if not only on this project, but other Hydro One-
13 related projects. Contracting, of course, I talked a
14 little bit about today, maximizing opportunities for those
15 Indigenous businesses that have supplies, resources, and
16 opportunities -- and ways in which they can support this
17 project.

18 So, those are various forms of economic participation
19 that we would be -- that Hydro One is prepared to offer and
20 have conversations with First Nations like your community
21 on this particular project.

22 MR. ESQUEGA: I guess my question gets back to you
23 very specifically, as Mr. Henderson put it to you, that in
24 the other letters, they talk about these specific economic
25 benefits and when you refer to the letter to Chief Hardy,
26 it doesn't get into that type of language.

27 And I'm just wondering, and perhaps you could
28 undertake to let me know, whether or not those other

1 economic benefits you are talking about right now would be
2 available to BZA. And specifically, we want to know
3 whether or not equity and revenue sharing economic benefits
4 will be available to BZA, as they have been presented to
5 the BLT communities, for example.

6 MR. GOULDEN: I'll answer your question in two parts.

7 The first answer with relation to training, employment,
8 procurement opportunities, capacity funding, those
9 opportunities will be made available to all impacted
10 communities on this project.

11 In terms of the equity participation, that is an
12 undertaking that we will have to take in terms of
13 understanding whether or not that is an opportunity that
14 would be available to communities outside of the
15 Bamkushwada communities.

16 MR. ESQUEGA: I am just curious, why wouldn't it be if
17 it is in -- the project's in BZA's traditional territory?

18 MS. GOULAIS: So the -- in the initial 2013
19 designation proceeding, the Bamkushwada communities were
20 identified as the mostly-impacted communities and being in
21 the most close proximity to the project, which was the
22 rationale for including them as -- or having an equity
23 participation opportunity for them, given that they are in
24 such close proximity to the project. So that was the
25 initial rationale for that -- for that distinction.

26 Again, we had understanding that those communities --
27 those six communities are in the most close proximity to
28 the project, also influenced our decision to reach out to

1 them in -- in -- sorry, the day after we filed our section
2 92 to make them aware of that.

3 So as I mentioned, I think we had committed to an
4 undertaking earlier today. It sounds like the same
5 undertaking as we had committed to for the Métis Nation of
6 Ontario as to whether or not equity participation would be
7 made available to any other community impacted by this
8 project.

9 MR. ESQUEGA: What made that determination in 2013?

10 MS. GOULAIS: I'm sorry, I didn't hear the question.

11 MR. ESQUEGA: You said in 2013 a determination was
12 made as to what communities were most adversely affected
13 and who should be offered equity. Who made that
14 determination?

15 MS. GOULAIS: I would have to go and look for that
16 information. I don't know. I wasn't -- I mean, I'd have
17 to take it as an undertaking to understand how that
18 determination was made.

19 MR. ESQUEGA: Was it Hydro One who made that
20 determination?

21 MS. GOULAIS: I don't know.

22 MR. ESQUEGA: Yes, I would like that undertaking,
23 please. Let me know who, in 2013, made the determination
24 as to who was most adversely affected and who was entitled
25 to an equity portion of this project.

26 MR. LAVAE: That would be Undertaking JT2.27.

27 **UNDERTAKING NO. JT2.27: HYDRO ONE TO ADVISE WHO, IN**
28 **2013, MADE THE DETERMINATION AS TO WHO WAS MOST**

1 ADVERSELY AFFECTED AND WHO WAS ENTITLED TO AN EQUITY
2 PORTION OF THIS PROJECT.

3 MS. LEA: Anything further, Mr. Esquega?

4 MR. ESQUEGA: And the other undertaking that was given
5 just before we got into that was with respect to whether or
6 not BZA would be entitled to have any equity or revenue-
7 sharing opportunities in this project as well.

8 MS. LEA: Was that included in a previous undertaking
9 that you gave, which was to indicate, in general, whether
10 other communities besides BLP were to be offered equity
11 participation? Was that a general undertaking that you
12 gave to Ms. Strachan?

13 MS. GOULAIS: I believe the undertaking was
14 specifically for the Métis Nation of Ontario.

15 MS. LEA: So this -- an undertaking -- I'm sorry?

16 MR. ESQUEGA: That's right, and Mr. Henderson asked
17 for the specific undertaking for Batchewana, and now I'm --

18 MS. LEA: Okay.

19 MR. ESQUEGA: -- asking for the same undertaking with
20 respect to Biinjitiwaabik Zaaging Anishinaabek.

21 MS. LEA: Is that an undertaking then that you will
22 agree to provide?

23 MS. GOULAIS: Yes.

24 MS. LEA: Thank you. If we could have a number.

25 MR. LAVAEE: So that would be JT2.28.

26 **UNDERTAKING NO. JT2.28: HYDRO ONE TO LIST**
27 **OPPORTUNITIES AVAILABLE TO BIINJITIWAABIK ZAAGING**
28 **ANISHINAABEK, AS MR. HENDERSON EARLIER ASKED FOR WITH**

1 **RESPECT TO BATCHEWANA.**

2 MS. LEA: Thank you. Anything further, sir?

3 MR. ESQUEGA: Thank you.

4 Another issue that has come up in this proceeding is
5 with respect to declaration orders and how it could be used
6 to overcome a full environmental assessment process, and I
7 guess one of the issues I've seen that arise from your
8 material at page 8 of your May 7 submission is the fact
9 that you assert that any environmental impacts will be
10 minimal, as one of your [audio dropout]

11 MS. CROLL: All right, so I think we were referring to
12 that in terms of -- as compared to the NextBridge
13 undertaking, so we're not suggesting that the project
14 itself has minimal impacts. What we're saying is that the
15 effects of our change in routing would be minimal. In
16 fact, we expect they would provide less impact to the
17 environment and be of benefit.

18 MR. ESQUEGA: But my understanding is that in order to
19 get such a declaration from the minister, the minister is
20 not looking at apples and oranges, the minister is looking
21 at everything to see whether or not the project itself will
22 be minimal, the impacts would be minimal.

23 MS. CROLL: So when the ministry would evaluate our
24 declaration order request, we would expect to have prepared
25 information for them to demonstrate that the impacts of the
26 shared route area, the 313 kilometres that are common to
27 NextBridge and Hydro One, would have already been assessed
28 and impacts and mitigation measures in place, and the

1 change to that would be, again, a much narrower footprint
2 and a different tower design, so that would be a reduced
3 environmental impact of that portion.

4 Now, our studies through the park at that point and
5 consultations would also need to demonstrate that we have
6 an understanding of the environmental impacts of the
7 project.

8 So keep in mind that the notes on page 8 support our
9 assertion that we are a good candidate for a declaration
10 order. Keep in mind there are four criteria that the MOECC
11 and the Minister would look at to determine whether we're a
12 good candidate for a declaration order, and we've discussed
13 three of those here.

14 MR. ESQUEGA: So in effect, you're going to try to
15 suggest that the -- that the environmental impacts are
16 minimal without actually doing the environmental study work
17 to prove that it's going to be minimal?

18 MS. CROLL: I think what I'm suggesting is that we
19 expect, given our proposed route and specifically the area
20 through the park where we're not widening the corridor at
21 all or undertaking any cutting, we would demonstrate that
22 the environmental effects of the project are already well-
23 understood.

24 So the reason behind a declaration order, as I
25 discussed earlier, it isn't to allow a proponent to not
26 conduct the studies or consultation that are required; it
27 is a procedural measure that would really, from my
28 understanding, be put in place when we've demonstrated that

1 we've fulfilled the requirements of the project, so that
2 being demonstrating that it's in the public interest,
3 showing that the environmental effects of our change to the
4 project are minimal, and demonstrating that the impacts of
5 the project overall have already been adequately assessed.

6 So we're suggesting that there's been a lot of work
7 already to adequately assess this project in the areas that
8 are shared with NextBridge on that shared route, but we do
9 recognize that we still have to conduct all of our own
10 studies and consultation essentially from the start for the
11 new area and then supplement what's been done by re-
12 consulting with communities, interested parties, Indigenous
13 communities along the route, to understand if there are any
14 additional concerns based on our changes to the project.
15 And again, those changes are not as wide a route and a
16 different tower design.

17 MR. ESQUEGA: Thank you. Those are my questions.

18 MS. LEA: Thank you very much, Mr. Esquega.

19 I'd just like to see where we're at. Mr. Zacher, are
20 you still looking at 30 minutes?

21 MR. ZACHER: I hope not.

22 MS. LEA: I'm not sure that --

23 MR. ZACHER: I promise I won't be 30 minutes.

24 MS. LEA: All right, and Mr. Murray, any thoughts on
25 how long you might be?

26 MR. MURRAY: I actually think my colleague Mr.
27 Lesychyn is going to have most of the questions, and I
28 think we still have a bit of time, but I'm not -- I don't

UNDERTAKING – JT 2.27

Undertaking

Hydro One to advise who, in 2013, made the determination as to who was most adversely affected and who was entitled to an equity portion of this project.

Response

It is the responsibility of the Crown to determine whether a Duty to Consult has been triggered on a proposed project, and if so, the appropriate depth of consultation to be undertaken. In a letter dated May 31, 2011 the Ministry of Energy delegated procedural aspects of consultation to the Ontario Power Authority with regards to the East-West tie project. The letter is provided as Attachment 1. The list of Indigenous communities identified in the letter included:

- Animbiigoo Zaagi'igan Anishinabek First Nation (Lake Nipigon Ojibway)
- Biinjitiwaabik Zaaging Anishinabek First Nation (Rocky Bay)
- Bingwi Neyaashi Anishinabek (Sand Point First Nation)
- Fort William First Nation
- Ginoogaming First Nation
- Long Lake No. 58 First Nation
- Michipicoten First Nation
- Missanabie Cree First Nation
- Ojibways of Batchewana
- Ojibways of Garden River
- Ojibways of Pic River (Heron Bay First Nation)
- Pays Plat First Nation
- Pic Mobert First Nation
- Red Rock Indian Band
- Greenstone Métis Council
- Red Sky Independent Métis Nation
- Superior North Shore Métis Council
- Thunder Bay Métis Council

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Transmission and Distribution Policy Branch

May 31, 2011

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal and Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, ON M5H 1T1

Dear Mr. Lyle:

Re: East-West Tie

Further to our discussions on the above-referenced project, this letter is to confirm the Crown and Ontario Power Authority (OPA) roles in any duty to consult on the proposed East-West tie project during the period prior to any Ontario Energy Board (Board) transmitter designation.

The Crown has decided to delegate certain procedural aspects of consultation to the OPA since the OPA is establishing the rationale, scope and timing of the East-West tie project and will be submitting a report on the project to the Board by the end of June. We understand that the OPA is already conducting a consultation process on the Integrated Power System Plan (IPSP) which will include all of the Aboriginal communities that may be affected by the East-West tie project. If timing requirements associated with the preparation of the report permit the coordination of discussions on the East-West tie project with IPSP consultations, this approach may facilitate rational use of Crown and Aboriginal community resources.

Crown Role

A list of communities (List) to consult on the East-West tie project has been provided to the OPA previously and is attached. Should the OPA determine that discussions on the East-West tie project can be coordinated with its consultations on the IPSP, the Crown will send letters to the relevant communities indicating that the OPA process for carrying out any duty to consult on the IPSP will include the process through which the Crown consults on the East-West tie project prior to any Board transmitter designation decision.

.../cont'd

Ministry officials, as appropriate and required, will accompany OPA staff in meetings on the East-West Tie project.

OPA Role

In meetings with communities on the List, we understand that the OPA will ensure the agenda provides for discussion of the Project and any Board transmitter designation process.

Community representatives should be offered the opportunity to provide input on the Project and the Board's possible designation of a transmitter. Community representatives should also be advised on how to obtain more information from the Board on the transmitter designation process and how they can participate in it.

The OPA will include a record of these discussions in its report on the preliminary assessment of need for the Project, which the Board has requested be submitted no later than June 30th, 2011.

I trust that this reflects our discussions regarding the respective roles of the Ministry and the OPA in addressing any duty to consult on the East-West tie project.

Sincerely



Jon Norman
Director

- c. MaryAnn Aldred, General Counsel, Ontario Energy Board
Peter Landmann, Counsel, Ministry of Energy
Kaili Sermat-Harding, Director, Strategic Policy Branch, Ministry of Energy

Attachment: FIRST NATION AND MÉTIS COMMUNITY CONSULTATION LIST
East-West Tie Transmission Project, 2011

First Nation	Address
1. Animbiigoo Zaagi'igan Anishinaabek First Nation (Lake Nipigon Ojibway)	PO Box 120 Beardmore, ON P0T 1G0
2. Biinjitiwaabik Zaaging Anishinaabek First Nation (Rocky Bay)	501 Spirit Bay Road MacDiarmid, ON P0T 2B0
3. Bingwi Neyaashi Anishinaabek (Sand Point First Nation)	146 Court Street South Thunder Bay, ON P7B 2X6
4. Fort William First Nation	90 Anemki Drive, Suite 200 Thunder Bay, ON P7J 1L3
5. Ginoogaming First Nation	PO Box 89 Longlac, ON P0T 2A0
6. Long Lake No. 58 First Nation	PO Box 609 Longlac, ON P0T 2A0
7. Michipicoten First Nation	RR 1, PO Box 1, Site 8 Wawa, ON P0S 1K0
8. Missanabie Cree First Nation	174B Highway 17 East, Bell's Point Garden River, ON P6A 6Z1
9. Ojibways of Batchewana	236 Frontenac Street Sault Ste Marie, ON P6A 5K9
10. Ojibways of Garden River	RR4, 7 Shingwauk Street Garden River, ON P6A 6Z8
11. Ojibways of Pic River (Heron Bay First Nation)	PO Box 193 Heron Bay, ON P0T 1R0
12. Pays Plat First Nation	10 Central Place Pays Plat, ON P0T 3C0
13. Pic Mober First Nation	PO Box 717 Mober, ON P0M 2J0
14. Red Rock Indian Band	PO Box 1030 Nipigon, ON P0T 2J0

Métis Organization	Address
1. Greenstone Métis Council	PO Box 825, 205 Clarke Avenue Geraldton, ON P0T 1M0
2. Red Sky Independent Métis Nation	406 East Victoria Avenue Thunder Bay, ON P7C 1A5
3. Superior North Shore Métis Council	26 Princess Street Terrace Bay, ON P0T 2W0
4. Thunder Bay Métis Council	226 May Street South Thunder Bay, ON P7E 1B4

UNDERTAKING – JT 2.28

Undertaking

Hydro One to list opportunities available to Biinjitiwaabik Zaagin Anishinaabek, as Mr. Henderson earlier asked for with respect to Batchewana.

Response

Hydro One has been delegated the procedural aspects of the legal duty to consult by the Provincial Crown via the Ministry of Energy for the LSL project. As per this delegation, Hydro One is fully committed to undertake meaningful consultation and accommodation with all impacted Indigenous communities as identified by the Crown. The Biinjitiwaabik Zaagin Anishinaabek First Nation has been identified by the Crown for the purpose of undertaking the procedural aspects of the legal duty to consult on the LSL project. Hydro One would like to meet with all impacted Indigenous communities to discuss potential project impacts, accommodation and opportunities including economic such as procurement, training and employment resulting from the LSL project. Once engaged on the Project, Hydro One would consider accommodation measures such as, and without being limited to, equity participation with Indigenous communities as identified by the Crown, as well as capacity funding to participate in the engagement process, procurement and subcontracting opportunities, job training, and employment opportunities.

Hydro One understands that there are members of Indigenous communities who are currently completing project related skills training. Hydro One is committed to maximizing the employment of members from local Indigenous communities including those who have received or who are currently completing project related skills training. In addition, Hydro One is in a unique position to provide lasting employment opportunities throughout its network across the province for skilled Indigenous workers beyond the construction of the Lake Superior Link Project.

Hydro One and its construction partners SNC-Lavalin recognize the importance of having involvement and participation of Indigenous communities and businesses in the execution of the Lake Superior Link Project. Hydro One and SNC have a proud history of inclusion through employment and procurement of its projects and will be actively including qualified Indigenous suppliers and companies who have strong relationships with local Indigenous communities and businesses in its procurement of goods and services.

Hydro One is also committed to offering capacity for Indigenous communities to meaningfully participate in consultation; for example, hiring a community consultation

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EB-2017-0364

Exhibit JT 2.1

Page 2 of 2

- 1 coordinator in each community to assist the community with coordinating consultation
- 2 activities, and legal/other required advisory services.

Indigenous Communities

1.0 INTRODUCTION

Hydro One recognizes the importance of engagement with Indigenous (First Nations and Métis) communities in connection with the Lake Superior Link Project. The following sets out Hydro One's process for engaging with Indigenous communities who may be affected by the Lake Superior Link Project.

2.0 IDENTIFICATION AND CONSULTATION WITH INDIGENOUS COMMUNITIES

Hydro One confirms that the Crown has a duty to consult, and where appropriate, accommodate Indigenous peoples whenever a Crown decision or activity could impact established or asserted Indigenous and treaty rights. Procedural aspects of the Crown's duty to consult Indigenous peoples can be delegated by the Crown to Hydro One.

By a letter dated November 7, 2017, Hydro One sought direction from the Crown (Ministry of Energy) regarding the scope of Indigenous consultation on the Lake Superior Link Project. Hydro One has not yet received a response from the Ministry of Energy.

Hydro One asked the Ministry of Energy to consider whether the Project will require consultation with Indigenous communities and, if so, whether the Crown will delegate the procedural aspects of its constitutional duty to consult to Hydro One. If the Crown does the delegation, Hydro One requested the Ministry of Energy to provide an exhaustive list of Indigenous communities that must be consulted on the Project and to indicate the depth of consultation required for each community. For reference, Hydro One understands that the following list of communities was previously identified by the Crown in relation to the Project:

- 1 1. Animbiigoo Zaagi'igan
- 2 2. Biinjitiwaabik Zaaging
- 3 3. Bingwi Neyaashi
- 4 4. Fort William First Nation
- 5 5. Ginoogaming First Nation
- 6 6. Long Lake No.58 First Nation
- 7 7. Michipicoten First Nation
- 8 8. Missanabie Cree First Nation
- 9 9. Ojibways of Batchewana
- 10 10. Ojibways of Garden River
- 11 11. Ojibways of Pic River
- 12 12. Pays Plat First Nation
- 13 13. Pic Mobert First Nation
- 14 14. Red Rock Indian Band
- 15 15. Greenstone Métis Council
- 16 16. Superior North Métis Council
- 17 17. Thunder Bay Métis Council
- 18 18. Red Sky Independent Métis Nation
- 19 19. Métis Nation of Ontario

20

21 Hydro One expects the Ministry of Energy to confirm whether the Indigenous
22 communities listed above will change as a consequence of Hydro One's proposed
23 approach to parallel or utilize Hydro One's existing transmission line rather than to
24 create a new corridor through relatively undisturbed lands.

25

26 Hydro One entered into a Memorandum of Understanding (MOU) with the Ministry of
27 Energy in 2016 regarding the delegation of the duty to consult. The purpose of the MOU
28 is threefold:

29

- 1 1. Formalize the delegation of certain procedural aspects of consultation for
- 2 identified projects;
- 3 2. Specify the roles and responsibilities of the Crown and Hydro One with respect
- 4 to consultation; and
- 5 3. Provide mechanisms for effective communication and coordination between the
- 6 Crown and Hydro One relating to consultation on identified projects.

7

8 Presently, the only project identified in the MOU is the Northwest Bulk Transmission

9 Line Project. If necessary, the parties will need to amend the MOU to include the

10 Project.

11

12 **3.0 ENGAGEMENT PROCESS FOR INDIGENOUS COMMUNITIES**

13

14 Hydro One's Indigenous engagement process is designed to provide relevant project

15 information to Indigenous communities proximate to the Project and identified by the

16 Crown in a timely manner. The process enables affected Indigenous communities to

17 review, consider and raise issues, concerns and questions they may have with the

18 Project. The process also allows Hydro One to respond to any concerns or questions

19 raised in a clear and transparent manner throughout the EA review processes.

20

21 The following engagement process will be implemented if Hydro One becomes the

22 designated transmitter with authority to build the line:

- 23 • Written notification to Indigenous communities identified by the Crown at the
- 24 early stage of the Project;
- 25 • Sharing project-related information, including the need and nature of the Project
- 26 and ensuring that all publicly available information is also shared with
- 27 Indigenous communities;

- 1 • Identifying Indigenous community concerns, issues and questions about the
2 Project and responding in a timely manner;
- 3 • Sharing information on the Board's regulatory processes, any applicable
4 environmental assessment requirements and processes, and any other decision-
5 making processes applicable to the Project;
- 6 • Recording all forms of engagement with affected Indigenous communities,
7 maintaining a record of the concerns and issues raised therein regarding the
8 Project and Hydro One's responses thereto; and
- 9 • Advising the Crown of any assertions of potential impacts of the Project on
10 Aboriginal and treaty rights, and seeking appropriate Crown direction.

11
12 Hydro One has not yet engaged with affected Indigenous communities to discuss the
13 details of participation in the Lake Superior Link Project. A transmitter's ability to
14 expeditiously and cost effectively develop and construct a new line in Ontario depends
15 not only on completion of the engineering but also on the ability to build broad-based
16 community support for the project, including with affected Indigenous communities.
17 Over the years, Hydro One has developed respectful working relationships with several
18 Indigenous communities in the Project area. Hydro One invited elected leaders from
19 the First Nation communities it serves in February 2017 and all the Council Presidents of
20 the Métis Nation of Ontario in May 2017, to engagement sessions to discuss matters of
21 mutual interest and processes to address common issues. Hydro One will be hosting its
22 second First Nations engagement session on February 21, 2018 in Chippewas of Rama
23 First Nation and has invited elected officials from the 88 First Nation communities Hydro
24 One serves. These engagement sessions, along with Hydro One's ongoing engagement
25 activities, have strengthened Hydro One's overall relationship with Indigenous
26 communities in Ontario.

1 Once engaged on the Project, Hydro One will explore and discuss various benefits,
2 including, but not limited to, capacity funding to participate in the engagement process,
3 procurement and subcontracting opportunities, job training, employment and equity
4 participation. As part of this Application, Hydro One is requesting to receive a minimum
5 of 45 days to negotiate any necessary agreements with Indigenous Communities upon
6 approval of this Application. Hydro One would be amenable to providing a status report
7 on these negotiations should the Board require the information.

CONSULTATION

Though technically outside the typical purview of the OEB with respect to leave to construct applications, Hydro One has included this evidence for the benefit of directly-affected customers and landowners. Hydro One believes that engaging the local community and understanding local concerns is paramount to the success of a capital project. These consultation efforts will ultimately benefit the project and the ratepayers of Ontario.

Hydro One would initiate a full round of public consultation with all stakeholders. The purpose of consultation would be to introduce the Project and to inform and seek input on the Project. Hydro One would envision utilizing a full slate of communication and consultation methods across the entire study area to inform, engage and solicit feedback on the proposed Project. Public consultation would be conducted in accordance with best practices and the principles outlined in the *MOECC's Code of Practice for Consultation in Ontario's Environmental Assessment Process*. Throughout consultation, Hydro One would engage with community officials and stakeholders to explore ways that the Project could deliver benefits to communities along the proposed route. Opportunities for community investment would also be explored, as would those to partner on initiatives that would enhance biodiversity. Public consultation will include local elected officials, municipalities and their associations, government agencies, affected landowners, local interest groups, and the general public.

A separate and parallel consultation process will be undertaken with Indigenous Communities, described in **Exhibit H, Tab 1, Schedule 1**.

As the primary transmitter and distributor in the project area, Hydro One is well-positioned to leverage existing relationships with local elected officials, Indigenous communities, municipalities and community groups, and is committed to strengthening these relationships during consultation and throughout Project planning, construction and operation.

1
2 Hydro One would commit to working with its construction contractor to maximize economic
3 benefits during construction for local businesses and communities, and to maintain a full and
4 regular communication process to ensure that stakeholders and communities are informed of
5 construction activities.

6
7 Ongoing communication during the construction phase would be achieved using a variety of
8 methods, which may include community open houses, print and social media, presentations to
9 local groups and municipal councils, presence at community events, newsletters, a project
10 website, or other means determined through consultation. Dedicated community relations
11 staff would be available on an on-going basis to respond to questions via email and telephone.

**Ministry of the
Attorney General**

Legal Services Branch
Environment and Climate Change

10th Floor
135 St. Clair Avenue West
Toronto, ON M4V 1P5
Telephone: (416) 314-6589
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**Ministère du
Procureur général**

Direction des services juridiques
Environnement et Action en matière
de changement climatique

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Télécopieur: (416) 314-6579

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Via email (boardsec@oeb.ca and registrar@oeb.ca) and delivery (two hard copies to the Board)

May 31, 2018

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
E-mail: boardsec@oeb.ca
Tel: 1-888-632-6273
Fax: 416-440-7656

Dear Ms. Walli

**RE: Board File No. EB-2017-0364
NextBridge Infrastructure motion to dismiss application
Response to undertaking JT 1.31 given by the intervenor Ministry of
the Environment and Climate Change**

By way of further response to undertaking JT 1.31, please find enclosed a copy of the MOU between Hydro One and the Ministry of Energy which MOECC undertook to provide, if not confidential. As of May 25, MOECC had not been able to obtain a copy of

the MOU. MOECC has now located a copy of the MOU and has confirmed that it is not confidential. Our apologies for the delay in providing the document.

Yours very truly,

A handwritten signature in black ink, appearing to read "Nicholas Adamson". The signature is fluid and cursive, with the first name "Nicholas" being more prominent and the last name "Adamson" written in a more compact, flowing style.

Nicholas Adamson

encl.

cc: Zora Crnojacki, Case Manager (via email to zora.crnojacki@oeb.ca)
Lawren Murray, OEB Counsel (via email to lawren.murray@oeb.ca)
All parties listed in Schedule B of Procedural Order No. 1, issued April 27, 2018
(via email)

MEMORANDUM OF UNDERSTANDING

between

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
AS REPRESENTED BY
THE MINISTER OF ENERGY (the "Minister")

and

HYDRO ONE NETWORKS INC. ("Hydro One")

(Each a "Party" and together, the "Parties")

WHEREAS the Minister of Energy and Hydro One wish to clarify their roles and responsibilities regarding consultation on Projects pursuant to the Duty, as defined;

NOW THEREFORE the Parties agree as follows:

1. DEFINITIONS

1.1. In this MOU, the following terms have the meanings set out below.

- (a) **"Aboriginal Community" or "Aboriginal Communities"** means a First Nation or Métis community identified by the Ministry for consultation pursuant to section 3 of this MOU;
- (b) **"Consultation Plan"** means Hydro One's plan, as may be amended from time to time, respecting the conduct of the procedural aspects of consultation that are delegated under this MOU;
- (c) **"Crown"** means Her Majesty the Queen in right of Ontario;
- (d) **"Duty"** means the constitutional duty to consult and, where required, accommodate that the Crown may owe to Aboriginal Communities with respect to a Project;
- (e) **"Hydro One"** means Hydro One and any successor or authorized designate of Hydro One;
- (f) **"Ministry"** means the Ministry of Energy or any successor thereof;
- (g) **"MOU"** means this memorandum of understanding;

- (h) “**Project**” means a project that the Parties have, from time to time, agreed in writing should be subject to this MOU at which time it will be included or deemed to be included in Schedule A; and
- (i) “**Section 35 Right**” means an established or credibly asserted Aboriginal or treaty right.

2. PURPOSE

2.1. The purposes of this MOU are to:

- (a) formalize the delegation by the Crown to Hydro One of certain procedural aspects of consultation on Projects;
- (b) specify the roles and responsibilities of the Crown and Hydro One with respect to consultation on Projects; and
- (c) provide mechanisms for effective communication and coordination between the Crown and Hydro One relating to consultation on Projects.

2.2. The Parties acknowledge that:

- (a) the Crown bears any Duty that may be owed in relation to a Project;
- (b) Hydro One is responsible for carrying out procedural aspects of consultation that are delegated to it by the Crown under this MOU;
- (c) the Ministry is responsible for carrying out the responsibilities described in section 3 on behalf of the Crown, unless another Crown representative has been given responsibility for that matter; and
- (d) this MOU shall be construed in accordance with the laws of the Province of Ontario and, where applicable, the laws of Canada and, for greater certainty, is subject to all applicable regulations and regulatory regimes.

3. RESPONSIBILITIES OF THE CROWN

- 3.1. The Crown is responsible for determining whether the Duty arises in relation to a Project, and advising Hydro One of its determination.
- 3.2. Where the Crown determines that there is a Duty with respect to a Project and consultation is required, it is responsible for the following:

- (a) advising Hydro One in a timely manner of the Aboriginal Communities to be consulted and the depth of necessary consultation with each Aboriginal Community;
- (b) notifying the Aboriginal Communities that it has delegated procedural aspects of consultation on the Project to Hydro One;
- (c) undertaking any preliminary and ongoing assessment of the depth of consultation required with the Aboriginal Communities;
- (d) reviewing and advising Hydro One of the Crown's requirements in relation to the Consultation Plan;
- (e) receiving reports and information from Hydro One and overseeing consultation by Hydro One pursuant to the Consultation Plan;
- (f) as determined by the Ministry, coordinating Crown activities and sharing with other ministries and agencies the information received from Hydro One;
- (g) satisfying itself that the consultation process in relation to the Project is adequate, which may include contacting the Aboriginal Communities directly to discuss the adequacy of consultation;
- (h) determining whether accommodation of any adverse impacts of the Project on the Section 35 Rights of the Aboriginal Communities is appropriate and if so, to what extent;
- (i) advising Hydro One before the Crown takes positions or appears before judicial, quasi-judicial or regulatory tribunals or decision-makers, or before filing or making written submissions to any such judicial, quasi-judicial or regulatory tribunal or decision-maker, in relation to the fulfillment of the Duty with respect to a Project.

3.3 Notwithstanding sections 3.2 and 4.1, neither the Crown nor Hydro One shall be taken as having agreed, or conceded, that any matter set out therein is a mandatory aspect or requirement of the Duty, nor that any particular aspect of consultation is an aspect of consultation that cannot be carried out by Hydro One.

4. RESPONSIBILITIES OF HYDRO ONE

4.1. Hydro One is responsible for:

- (a) preparing and executing a Consultation Plan for the Project in accordance with section 6;
- (b) providing Aboriginal Communities with timely notice of the Project so that they can consider possible impacts on their Section 35 Rights;
- (c) providing Aboriginal Communities with information about the Project and the role that Hydro One will play in Crown consultation on the Project;
- (d) following up on the notice and provision of information in paragraphs (b) and (c) immediately above if Hydro One has not received a timely response or acknowledgement from an Aboriginal Community;
- (e) explaining to Aboriginal Communities the regulatory and approval processes that apply to the Project;
- (f) taking reasonable steps to foster positive relationships with Aboriginal Communities in relation to fulfilling any Duty in respect of the Project;
- (g) offering Aboriginal Communities assistance, including financial assistance where appropriate as determined by Hydro One for the purpose of participating in consultation on the Project;
- (h) meeting with, receiving and considering correspondence or other written materials from Aboriginal Communities in order to identify any concerns they may have regarding the potential impact of the Project on their Section 35 Rights;
- (i) where appropriate, discussing with an Aboriginal Community measures to address potential adverse impacts of the Project on its Section 35 Rights;
- (j) where appropriate, developing and proposing to the Crown appropriate accommodation measures;
- (k) maintaining records and providing information to the Crown in accordance with section 5;
- (l) filing documents, attending regulatory hearings, presenting records and other appropriate evidence of activities undertaken by the Crown and Hydro One to fulfill any Duty in relation to the Project, and making both written and oral submissions, as appropriate, to the regulatory entity regarding the fulfillment of the procedural aspects of any Duty; and
- (m) all ancillary activities associated with fulfilling the Consultation Plan for a Project.

- 4.2. Notwithstanding section 4.1 above, a ministry with an approval role for the Project, or any responsible official, agent, decision-maker or regulatory body of the Crown, may assume responsibility for carrying out the matters enumerated therein or participate to the extent deemed necessary by the responsible entity, and the Ministry will so advise Hydro One as soon as reasonably practicable which will relieve Hydro One of its delegated responsibility to that extent, including, for greater certainty, any responsibility for determining and providing appropriate financial assistance under paragraph 4.1(g).

5. RECORD KEEPING AND INFORMATION SHARING

- 5.1. Hydro One will keep records of all of its activities in relation to fulfilling the procedural aspects of consultation that are delegated to it under this MOU.
- 5.2. Hydro One will provide the Ministry with updates, summary reports or briefings on its consultation activities related to the Project as set out in the Consultation Plan.
- 5.3. Upon request from the Ministry, Hydro One will, within a reasonable time of the request, share its records compiled for the purposes of fulfilling its consultation responsibilities under this MOU, to demonstrate that Hydro One has satisfied its responsibilities agreed to in the Consultation Plan, subject to commercial confidentiality restrictions consistent with sub-section 5.7.
- 5.4. Hydro One will advise the Ministry in a timely manner of:
- (a) any actual, potential or asserted adverse impact of the Project on established or asserted Section 35 Rights, whether Hydro One becomes aware of such impact or assertion through its consultation activities or otherwise; and
 - (b) any notice, statement or agreement by any Aboriginal Community that some or all of its Section 35 Rights concerns in connection with the Project have been resolved, or that the Duty has been fulfilled.
- 5.5. Hydro One will notify the Ministry before providing significant funding to an Aboriginal Community for major studies that relate to the Section 35 Rights of the Aboriginal community.
- 5.6. Hydro One will advise the Ministry before taking positions or appearing before judicial, quasi-judicial or regulatory tribunals or decision-makers, or before filing or making written submissions to any such judicial, quasi-judicial or regulatory tribunal or decision-maker, in relation to the fulfillment of the Duty with respect to a Project.

5.7. Hydro One will share with the Ministry the provisions of any agreements between Hydro One and Aboriginal Communities that:

- (a) indicate that the Aboriginal Communities will not oppose the project on the basis of Section 35 Rights;
- (b) are directed at accommodating possible adverse effects of the Project on Section 35 Rights; or
- (c) Hydro One is aware could otherwise potentially affect the obligations of the Crown to the Aboriginal Communities;

but Hydro One is not otherwise required to share details of its commercial or other arrangements.

5.8. In any agreements with Aboriginal Communities relating to the Project, Hydro One will ensure that it can disclose those clauses regarding consultation or accommodation of a Section 35 Right as required to meet its obligations under this MOU.

5.9. Hydro One shall seek to include a clause in any agreement with Aboriginal Communities that falls within section 5.7 requiring the said Aboriginal Communities to advise the Ministry directly, in writing, of any resolution of matters concerning their Section 35 Rights or of any agreement that the Duty has been fulfilled in relation to the Project.

5.10. The Ministry will share information received from Hydro One under this MOU with other Ontario ministries and regulatory agencies, where necessary. Commercially sensitive Hydro One information will be protected in accordance with applicable laws.

5.11. The Ministry, in a timely manner and within the applicable regulatory timeframes, will share with Hydro One records of Crown activities in relation to fulfilling any Duty, as required to ensure that Hydro One can fulfill its obligations pursuant to this MOU.

6. CONSULTATION PLAN

6.1. Hydro One will prepare a Consultation Plan for each Project and present it to the Ministry for its review within a reasonable time of the Ministry's request.

6.2. The Consultation Plan shall set out the manner in which Hydro One proposes to carry out its responsibilities under this MOU, including the identification of significant steps and a timetable for their completion.

6.3. For greater certainty, the Parties acknowledge that where there is a statutory process requiring Crown decisions pertaining to the Project, the requirements for satisfying any Duty in the context of such process are within the jurisdiction of the ministry, board, agency or decision-maker having responsibility to administer that statute, and therefore:

- (a) the content of the Consultation Plan is subject to the procedures and decisions of the responsible ministry, board, agency or decision-maker;
- (b) it is for the responsible ministry, board, agency or decision-maker to satisfy itself in relation to fulfilment of the Crown's Duty within the context of its approval, permit or authorization powers; and
- (c) to avoid duplication, the Consultation Plan may, where feasible, fulfill both the requirements of section 6 and any similar Crown requirements such as the preparation of terms of reference for an environmental assessment.

7. COORDINATION

7.1. The responsibilities outlined in this MOU shall be carried out, to the extent possible, in a coordinated manner so as to avoid duplication of effort by Aboriginal Communities, Hydro One, the Ministry, and provincial ministries, boards and agencies.

7.2. Both the Minister and Hydro One shall undertake their respective responsibilities in a timely manner, respecting regulatory timeframes as may be applicable.

8. GENERAL

8.1 This MOU and Schedule "A" may be amended in writing at any time by agreement of the Parties.

8.2 This MOU may be terminated at any time by the Minister by providing notice in writing, or upon the agreement of the Parties.

Dated this _____ day of _____, 2016.

HYDRO ONE NETWORK INC.

Per: _____

Hydro One Networks Inc.
President and CEO

**HER MAJESTY THE QUEEN IN
RIGHT OF ONTARIO, as represented by
the Minister of Energy**

Per: _____

Bob Chiarelli
Minister of Energy

SCHEDULE "A"

PROJECTS

1. The Northwest Bulk Transmission Line Project is a new 230 kV line between the Thunder Bay and Dryden areas, as defined in Hydro One Networks' Electricity Transmission License and referred to on pages 48-52 of Ontario's 2013 Long Term Energy Plan.

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.

CHIEF MELVIN HARDY

Hydro One Networks Inc.
483 Bay Street
TCT6, South Tower
Toronto, Ontario M5G 2P5
www.HydroOne.com
Derek.Chum@HydroOne.com

Derek Chum
Vice President, Indigenous Relations

April 30, 2018

Chief Melvin Hardy
Biinjitiwaabik 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.
[Signature]
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