

August 24, 2018

**VIA COURIER, RESS and EMAIL**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON  
M4P 1E4

Dear Ms. Walli:

**Re: Upper Canada Transmission, Inc. (“UTC” or “NextBridge”)  
Ontario Energy Board (“OEB” or “Board”) File EB-2017-0182  
New East-West Tie Line Project  
Interrogatory Responses of NextBridge (Development Costs)**

---

In accordance with the Board’s letter dated July 31, 2018, enclosed please find interrogatory responses filed by NextBridge in the above noted proceeding.

For consistency and ease of reference, the questions received from School Energy Coalition (SEC), and one from Board Staff have been re-numbered in order of sequence.

**SEC**

SEC-17 to SEC-20 have been renamed SEC-1 to SEC-4

**Board Staff**

JD1.4-Staff-1 has been renamed I.JD1.NextBridge.STAFF.34

Yours truly,

(Original Signed)

Krista Hughes  
Senior Legal Counsel  
Enbridge Employee Services Canada Inc.

## BOARD STAFF INTERROGATORY #1

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 1, Page 6  
Update Stakeholder Relations Consultation Plan

NextBridge states that the Consultation Plan is part of the Terms of Reference (TOR) and the Environmental Assessment (EA) and is the document that guides NextBridge stakeholder engagement activities. As such, the Consultation Plan needs to be kept up-to-date.

NextBridge further provided that while the actual text edits would not have taken more than a couple days to complete, the time to discuss and develop the modified Consultation Plan and engagement strategy is where the bulk of the time was spent.

NextBridge states that it efficiently managed the time of others by discussing the strategy on already scheduled weekly calls and providing one consolidated draft for review.

Questions:

- a) How many times has the Consultation Plan been updated?
- b) How long did it take for NextBridge to update the Consultation Plan (both the number of hours and the period of days the work extended over)?
- c) Was NextBridge continuously working on the Consultation Plan update between November 2013 and January 2016?
- d) Please provide any meeting minutes that discuss updates to the Consultation Plan.
- e) What are the categories of costs associated with the Consultation Plan update (e.g. consultant costs, internal staff time, etc.), and their percentage of total costs for this Activity?

### RESPONSE

- a) The Consultation Plan was updated once. It was first prepared in November 2013 and was included in the Terms of Reference in May 2014. It was updated in January 2016 after the development schedule was extended.
- b) It took approximately 60 hours in total with inputs from various team members over the course of a month to update the plan. This includes time to edit and review the plan before it was finalized. The draft edits were sent to eight team members for review and input.

- c) No. NextBridge updated the plan once over approximately a one month period after the new development schedule was approved by the OEB in Decision and Order Number EB-2015-0216 on November 19, 2015.
- d) There are no meeting minutes. Discussions regarding the plan were between the stakeholder relations lead and other project team members. Some discussion also took place during team lead calls but minutes were not taken at these meetings.
- e) Costs associated with the update are entirely internal staff time.

## BOARD STAFF INTERROGATORY #2

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 2, Page 7  
One Additional Round of Open Houses

NextBridge provides that open houses are standard practice in the EA process and that NextBridge included three rounds of open houses in the TOR submitted for its EA approval process. NextBridge further explains that during the extended development period, NextBridge held two rounds of open houses and that these extra rounds of open houses were needed to fill the gap during the extended development period and were held in April 2016, which was two years after the original open houses.

Questions:

- a) Please clarify how many rounds of open houses were held in total. Were there three, which included the additional rounds of open houses? How many additional rounds of open houses were held during the extended development period, one or two? Also, did NextBridge hold open house events in all eight locations in each round?
- b) In tabular format, please list all your open house events since the start of the project (i.e. originally planned as well as any additional ones) and provide the month, year, location of each event, as well as the cost of each event and the main reason(s) and/or key message(s) that was communicated in each event. Please also indicate the open house attendance and the number of NextBridge staff at each event.
- c) NextBridge's evidence states that

NextBridge included three rounds of open houses in the TOR submitted to the Ministry of Environment and Climate Change. Once the TOR was approved by that Ministry, the three rounds became mandatory<sup>1</sup>.

Staff's understanding is that the TOR for the EA was approved in August 2014, but the letter from the OPA regarding the delay to the proposed in-service date was not issued until September 2014. Please explain how NextBridge can state that the number of open houses was impacted by the project delay.

- d) Did the former Ministry of the Environment and Climate Change ask that you do any further open houses during the development period? If so, please provide documents related to the request.
- e) In NextBridge's view, was holding additional round(s) of open houses the best way of maintaining contact with stakeholders during the extended development period? Did NextBridge explore other methods, such as issuing communication memos or any less costly alternatives?

- f) How did NextBridge ensure the open houses were held in the most cost effective way?
- g) How did NextBridge determine the number of locations of open houses in each round?
- h) What was the outcome of these additional open houses? In other words, what does NextBridge believe was the impact of these open houses on the project and what did NextBridge achieve after holding the open houses?

**RESPONSE**

- a) NextBridge conducted a total of four rounds of open houses. NextBridge originally planned for three rounds of open houses as indicated in the Terms of Reference (“TOR”). One round was held during the development of the TOR and two rounds were scheduled to take place during the Environmental Assessment. When the development period was extended, it was determined that one additional round of open houses would be added, for a total of four.

The number and locations of open houses were modified as the project progressed. Please see the table below for details on locations for each round. An explanation of how and why the number of locations changed is provided in NextBridge’s response to Board Staff Interrogatory 2 g) below.

- b)

Round	Date	Location	Approx. Cost*	Reason for the Event	Attendance	Approx. # of NB Staff	Originally Planned or Additional?
1	Dec. 2, 2013	Thunder Bay	\$50,000	Project kick-off and overview; Rationale for the project; Information about NextBridge; Regulatory approval process; Land and property matters; How to participate/ provide feedback	86	12-15	Planned
1	Dec. 3, 2013	Nipigon	\$50,000		35	12-15	Planned
1	Dec. 4, 2013	Marathon	\$50,000		16	12-15	Planned
1	Dec. 5, 2013	Wawa	\$50,000		26	12-15	Planned
1	Dec. 10, 2013	White River	\$50,000		5	12-15	Planned
1	Dec. 11, 2013	Terrace Bay	\$50,000		16	12-15	Planned
2	Aug. 18, 2014	Thunder Bay	\$42,000		Project overview; Regulatory approval process; Results of	66	12-15
2	Aug. 19, 2014	Dorion	\$42,000	89		12-15	Planned

2	Aug. 20, 2014	Schreiber	\$42,000	background studies and ongoing studies; Routing considerations and decisions to date; Reference route and preliminary access and construction areas; Land and property matters; Next steps and how to stay involved.	21	12-15	Planned
2	Aug. 21, 2014	Marathon	\$42,000		27	12-15	Planned
2	Aug. 22, 2014	White River	\$42,000		11	12-15	Planned
2	Aug. 23, 2014	Wawa	\$42,000		9	12-15	Planned
3	Apr. 18, 2016	Thunder Bay	\$27,000	Project overview; Regulatory approval process; Updated results of background studies and ongoing studies; Updated routing considerations and decisions to date; Introduction of preliminary preferred route and preliminary access and construction areas; Land and property matters; Next steps and how to stay involved.	110	11-13	Additional
3	Apr. 19, 2016	Dorion	\$27,000		44	11-13	Additional
3	Apr. 20, 2016	Marathon	\$27,000		30	6-7	Additional
3	Apr. 20, 2016	Nipigon	\$27,000		44	6-7	Additional
3	Apr. 21, 2016	White River	\$27,000		12	6-7	Additional
3	Apr. 21, 2016	Wawa	\$27,000		25	6-7	Additional
3	Apr. 22, 2016	Schreiber	\$27,000		16	6-7	Additional
3	Apr. 22, 2016	Terrace Bay	\$27,000		18	6-7	Additional
4	Feb. 6, 2017	Thunder Bay	\$27,000	Draft EA report review; Project overview; Regulatory approval process; Updated results of	76	6	Planned
4	Feb. 6, 2017	Nipigon	\$27,000		19	6	Planned
4	Feb. 7, 2017	Dorion	\$27,000		17	6	Planned

4	Feb. 7, 2017	White River	\$27,000	background studies and ongoing studies; Updated routing considerations and decisions to date; Introduction of preferred route; Updated preliminary access and construction areas update; Land and property matters; Next steps and how to stay involved.	15	6	Planned
4	Feb. 8, 2017	Marathon	\$27,000		17	6	Planned
4	Feb. 8, 2017	Wawa	\$27,000		11	6	Planned
4	Feb. 9, 2017	Schreiber	\$27,000		13	6	Planned
4	Feb. 9, 2017	Terrace Bay	\$27,000		18	6	Planned

\*Costs are approximate, as they were not recorded at the open house level. The cost per event represents an average of the estimated total.

- c) The number of open houses was impacted by the project delay because the letter from the OPA regarding the delay was issued after the TOR was approved. The TOR stated that there would be three rounds of open houses. Two rounds of open houses had already been held so one more round of open houses was required during the EA. After the TOR was approved, the in-service date was delayed and the development schedule extended. With an additional 30 months being inserted into the schedule, the former plan which included three rounds of open houses would have resulted in a large gap between rounds during which the public was not properly engaged. Due to the extended time period, one more round of open houses was added to reduce the gap between the meaningful engagement that is facilitated by open houses.
- d) No, the Ministry did not ask NextBridge to conduct additional open houses. Additional open houses were necessary to maintain relationships with community stakeholders and to provide them with updates during the extended development schedule. Work on the EA continued during this time and the impact of the delay required proper communication and consultation with the public and other interested stakeholders. The delay was not anticipated when NextBridge developed the TOR so the one additional round of open houses were not proposed at that time. With the delay, the plan needed to change and one additional round of open houses was added.
- e) Yes, NextBridge believes it was. As NextBridge updated the Consultation Plan, other alternatives were explored however, given the time period (more than two years),

NextBridge believed the communities would benefit from another round of open houses to allow them the opportunity to ask questions and keep up to date on the project and the delay. Beyond the open houses, NextBridge also continued to use other methods of consultation and engagement including one additional newsletter as outlined in the updated Consultation Plan as well as letters and phone calls throughout the extended development period. In NextBridge's view, one single consultation method alone does not provide proper opportunities for engagement. In particular, face-to-face engagement opportunities allows for more meaningful dialogue and are fundamental to proper process. In fact, NextBridge considered adding two additional rounds of open houses given the length of time of the delay, but decided to only conduct one additional round due to cost considerations.

- f) NextBridge sourced materials and services locally when financially prudent, thereby avoiding significant transport and shipping costs. When possible, NextBridge reused display panels and handout material at multiple open houses to reduce preparation and printing costs.

NextBridge kept staff attendance at a minimum for each round of open houses, while still ensuring there was adequate representation and sufficient staff present at each location to address the volume of attendees and the breadth of topics that was known to be of interest to the communities.

Staff stayed at hotels that offered group or corporate discounts to reduce the cost of accommodation. Also vehicle rentals were kept to a minimum through planning and car-pooling.

Advertising in local newspapers was required when available, however to keep costs down, notices were published at the smallest size possible while still allowing the information and maps to be viewed clearly in each publication.

Venue costs in the communities were reasonable and were not a major component of open house costs.

NextBridge also explored and utilized creative ways to keep costs low such as the use of laptop computers with the EA loaded onto the computer rather than printing multiple hard copies of the EA which would have incurred significant printing and shipping costs.

- g) Initially, the plan was to hold each round of open houses in four locations. This would have allowed staff to participate during one week and not have to fly home and back over a weekend or pay for accommodations over a weekend if they didn't want to travel back and forth. It would have also kept costs lower given that staff time would have been maintained

to the four days plus travel. Unfortunately, four locations did not work for the right of way communities.

Leading up to the first round of open houses, one newspaper notice was issued showing four locations. After publication, NextBridge received feedback from communities that the locations were too far apart. NextBridge took this advice into consideration and added two more locations to the first round of open houses in short order. This required the staging of open houses over a two week period but better met the needs of project stakeholders, communities and groups.

NextBridge again hosted the second round of open houses in six locations. In an attempt to keep costs down, the open houses were held on a Friday night and mid-day Saturday, which are not traditionally days for public open houses. NextBridge attempted to make up for the unique scheduling by offering a fully catered lunch at the Saturday open house. Still, NextBridge received criticism for holding an open house on a Saturday.

NextBridge was now in a position of holding six open houses over two weeks with the associated cost increases that come with weekend travel and/or accommodations. The cost effective solution developed was to have two teams host two open houses each night of a single week. With this solution came the realization that NextBridge could host open houses in eight communities, which was ideal for the communities, instead of just six at a minimal increase in cost. Therefore, for rounds three and four, open houses were held in eight locations.

- h) Attendance at round three open houses totaled 299 people, which was the highest turn out of any round, both in total number and average per location. Also, 22 comment forms were submitted as a result of this round. This too was the largest number of comment forms received after a round of open houses. This illustrates to NextBridge that there was a need to engage and there was an appetite on behalf of stakeholders for an additional round of open houses in the circumstances. It provided NextBridge with an opportunity to present updates to the proposed route which included the introduction of the preliminary preferred route. It also facilitated discussions with local elected municipal officials, First Nations and Métis representatives, hunters, trappers and mining claim holders, landowners and the public. This open house offered key inputs and an opportunity for interested parties to comment on the project and the preferred route before the Draft EA was finalized. This was important for both NextBridge and community stakeholders.

### BOARD STAFF INTERROGATORY #3

#### INTERROGATORY

Ref: Undertaking Response JD1.2, Activities 3 and 25, Page 7 and 25  
Aboriginal capacity funding expenditures; Capacity Funding Agreement

NextBridge described the need and costs of Activity 3 (Aboriginal Capacity Funding Expenditures). It indicated that during the extended development period, it provided 12 additional capacity funding agreements for a total funding of \$1,310,582. Activity 25 (Capacity Funding Agreements) was required as a result of NextBridge identifying the need for a deeper level of consultation. NextBridge spent \$ 69,000 on additional capacity agreements.

Questions:

- a) Please confirm that \$69,000 is not included in the capacity funding costs of \$1,310,582 spent on Activity 3 (Aboriginal capacity funding expenditures).
- b) What is the rationale for separating Activity 3 and Activity 25, and how did NextBridge distinguish the costs associated with these two activities?
- c) In tabular format, please list all the Aboriginal capacity funding expenditures and capacity funding agreement costs— including the Activity, amount of funding and community that the funding was provided to - and show the outcome associated with each expenditure.
- d) Were (i) traditional knowledge studies and (ii) skills development part of the original OEB-approved amount for the “First Nations and Metis Consultation” cost category?
- e) How did NextBridge satisfy itself that the costs associated with Activities 3 and 25 were prudent?
- f) What monitoring/feedback mechanisms did NextBridge have in place to assess the impact of its capacity funding?

#### RESPONSE

- a) Confirmed, \$69,000 is not included in Activity 3.
- b) In the original budget provided in May of 2015, the activities were split into two separate categories – one associated with Project Extension, and the other with a Budget Variance. The activities themselves are the same in nature, but Activity 3 was associated with incremental activities attributable to the OPA’s delay (i.e., Project Extension), whereas Activity 35 related to originally scoped activities that were anticipated to have increased in cost for various reasons (Budget Variance). NextBridge believed that the overall

magnitude of funding provided to each community would need to be increased. However, when the budget during the Extended Development Period was reviewed for this undertaking, it was confirmed that the additional funding amounts identified related to original scope were not needed and NextBridge remained within budget.

- c) The Capacity Funding Agreements between NextBridge and Indigenous communities are confidential (see NextBridge's Undertaking response found at Exhibit JT1.32 of the Technical Conference) and disclosing information related to each community on funding amounts and deliverables is commercially sensitive. This information is competitively sensitive confidential financial information that if publically disclosed could/would harm the competitive position of NextBridge. It would give providers of similar competitive services information useful in making their own decisions, without expending the time and means necessary to gather and develop the data, and would allow providers of these competitive services to profit or otherwise derive benefits at the expense of NextBridge.

Every capacity funding agreement has a set of deliverables and outcomes associated with each cost that furthered the advancement of consulting with the communities to facilitate a mutual understanding of the project and potential impacts to traditional rights. Payments were not made to communities unless evidence of these activities was undertaken. For example, a community meeting was held, or electronic mapping of traditional knowledge was provided.

- d) Yes, a description of the activities associated with Aboriginal Consultation costs can be found in NextBridge's designation application (EB-2011-0140) in Section B, Tab10, at page 149 to 159).
- e) NextBridge was delegated the procedural aspects of Duty to Consult by the Crown (acting as the Ministry of Energy). In order to meet those aspects, NextBridge engaged in activities that furthered the mutual understanding and exchange of information in order to meet that duty.

The Crown outlines the process of Duty to Consult as generally involving:

- providing timely and accessible information to the Aboriginal community on the proposed project, activity or decision
- obtaining information on any potentially affected rights
- listening to any concerns raised by the Aboriginal community
- determining how to address these concerns, including attempting to avoid, minimize and/or mitigate adverse impacts on Aboriginal or treaty right<sup>1</sup>

---

<sup>1</sup> <https://www.ontario.ca/page/duty-consult-aboriginal-peoples-ontario>

NextBridge also signed a Memorandum of Understanding (“MOU”) with the Crown when it was assigned the procedural aspects. This MOU can be found at Schedule E to the NextBridge Monthly Report dated November 21, 2013. As outlined in Section 4 of the MOU, NextBridge had the responsibility to:

(h) offering Aboriginal Communities reasonable assistance, including financial assistance where appropriate and as determined by NextBridge, to participate in consultation on the Project;

The activities that were tied to the Capacity Funding Agreements for each of the 18 communities furthered the process of Duty to Consult and meeting the direction of the Crown in its MOU, and thus were prudent to be spent in meeting the delegated procedural aspects.

- f) NextBridge remained in constant contact with communities and supported the activities outlined in the deliverables of the Capacity Funding Agreements. Whenever one of the deliverables was a community meeting NextBridge was present for the meeting and provided information, and listened to concerns. In order to determine if there had been any feedback from communities, monthly meetings have been continually held with the Ministry of Energy’s Aboriginal relations staff to keep the Crown updated on these activities and progress made to meet the Duty to Consult.

## BOARD STAFF INTERROGATORY #4

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 4 and 37, Page 8 and 36  
Aboriginal Consultation Costs

#### Questions:

- a) What is the rationale for treating Activities 4 and 37 separately, and how did NextBridge distinguish the costs associated with these two activities?
- b) Please advise as to whether any traditional knowledge data collection was performed for the route through Pukaskwa Park? If so, describe the activities undertaken, costs associated with those activities, and when those activities took place. Please also note which cost category these costs correspond to.
- c) Please advise as to whether any traditional knowledge data collection was performed for the remainder of the route (i.e. other than the route through and around Pukaskwa Park)? If so, describe the activities undertaken, costs associated with those activities, and when those activities took place. Please also note which of the 42 activities these costs correspond to.
- d) If no traditional knowledge was done for the route through Pukaskwa Park, what would NextBridge estimate to be the cost savings associated with not having to undertake those studies? Please explain how NextBridge has calculated this number.

### RESPONSE

- a) In the original budget provided in May of 2015, the activities were split into two separate categories – one associated with Project Extension, and the other with a Budget Variance. The activities themselves are the same in nature, but Activity 4 was associated with incremental activities attributable to the OPA's delay (i.e., Project Extension), whereas Activity 37 related to originally scoped activities that were anticipated to have increased in cost since designation (i.e., Budget Variance). NextBridge had thought that the amount of effort needed to consult with communities would need to be increased. However, when the expenditures incurred during the Extended Development Period were reviewed for NextBridge's Undertaking response found at Exhibit JD1.2, it was confirmed that the additional funding amounts identified related to original scope were not needed and NextBridge remained within budget.
- b) NextBridge consulted with communities on the project route as a whole, and up until the

decision was made not to pursue the route through Pukaskwa Park in June 2015, NextBridge consulted on that route and obtained traditional knowledge from communities. However, it must be noted that Aboriginal consultation is not focused on a particular feature, it encompasses the traditional territory of the 18 communities, and although the route was no longer being studied by NextBridge, communities continued to provide information on traditional values in the entire project area and the rights in the Treaty area, which is both the Robinson Superior and the Robinson Huron treaties (see Attachment 1)<sup>1</sup>. Treaties are agreements made between the Government of Canada, Indigenous groups and often provinces and territories that define ongoing rights and obligations on all sides. Ontario, as the Crown, has a legal obligation to consult with Aboriginal peoples where it contemplates decisions or actions that may adversely impact asserted or established Aboriginal or treaty rights<sup>2</sup>. Indigenous communities have rights associated with the signing of these treaties, as well, Métis communities have rights associated with harvesting areas (Attachment 2)<sup>3</sup>. Separating out activities and costs for one section of the route is not possible since Aboriginal rights are associated with broad areas of Northwestern Ontario.

- c) As noted and explained in NextBridge's response to part b) of this Interrogatory, NextBridge consulted with communities on the project route as a whole and obtained traditional knowledge, with included the area outside of Pukaskwa Park and separating out these costs is not possible.
- d) As stated in its Undertaking response found at Exhibit JD1.6 calculating the incremental costs of the major re-routes including Pukaskwa Park, the activity of collecting traditional knowledge would have been included in the 11% of the total \$15.8M in extended development period spend. As mentioned in that Undertaking, NextBridge determined that a conservative straight-line allocation of kilometers around the Park, Dorion and Loon Lake to the total was a reasonable, appropriate approach to estimating the incremental costs related to these re-routes, as opposed to individual allocations by activity which are much more difficult to calculate.

---

<sup>1</sup> <https://www.aadnc-aandc.gc.ca/eng/1100100032297/1100100032309>

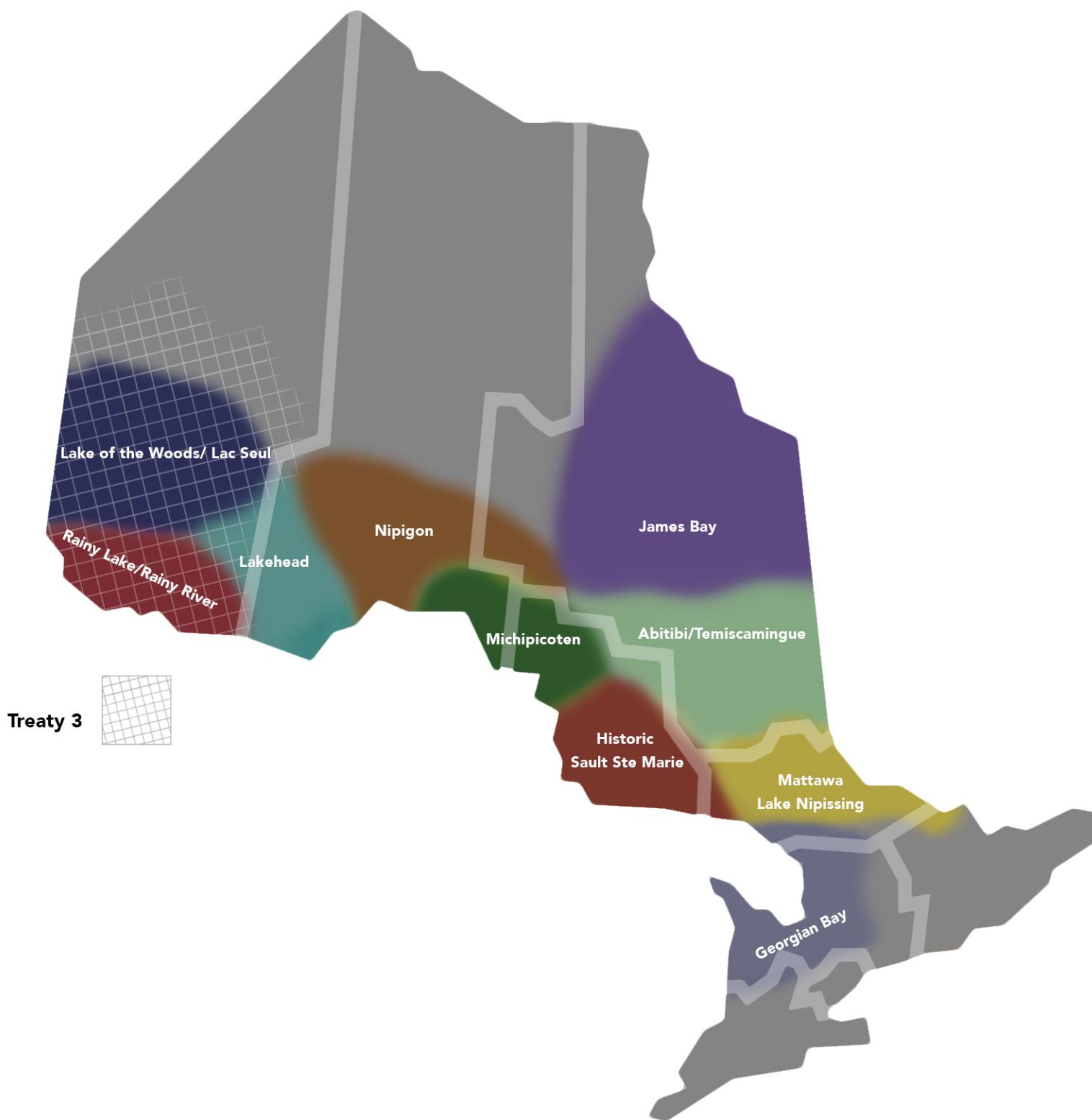
Map illustrating the Pre-1975 Treaties of Canada, Government of Canada, Indigenous and Northern Affairs Canada website.

<sup>2</sup> <https://www.ontario.ca/page/duty-consult-aboriginal-peoples-ontario#section-0>

<sup>3</sup> <http://www.metisnation.org/registry/harvesting/harvesting-map/>

Map illustrating the harvesting area of the Métis Nation of Ontario Métis Nation of Ontario website.





## BOARD STAFF INTERROGATORY #5

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 5, Page 9  
Aboriginal Advisory Board

NextBridge states that during the extended development period, it disbanded the Aboriginal Advisory Board to reduce costs and proposed replacing it with the Aboriginal Community Advisory Board, made up of members from the 18 community members.

Questions:

- a) Please explain what the purpose of establishing the Aboriginal Community Advisory Board would be? What would NextBridge achieve by establishing such a structure?
- b) How would the Aboriginal Community Advisory Board differ in structure, purpose and cost from the Aboriginal Advisory Board?

### RESPONSE

- a) Terms of Reference for the Aboriginal Community Advisory Board (“ACAB”) were filed by NextBridge at Schedule J to its January 23, 2017 report to the OEB. The purpose of the ACAB is:
  - i. To advise NextBridge on the views, needs, and interests of Aboriginal communities and peoples in the EWT Project area as they relate to issues that fall within the parameters of NextBridge’s authority and responsibilities.
  - ii. To report back to individuals, councils, communities, organizations, and networks on the EWT Project based on discussions and information shared at the ACAB.
  - iii. To provide a communication link between First Nation and Métis communities and the EWT Project during all stages of the EWT Project.
  - iv. To provide advice on how the EWT Project work might identify and protect First Nation and Métis heritage, culture and values, and on how to increase involvement of First Nation and Métis communities at all stages of the EWT Project.

NextBridge, as part of its formal commitments to the Ministry of the Environment, Conservation and Parks under its Environmental Assessment, has committed to ensuring

the ACAB is established to meet the ongoing procedural aspects of the Crown's Duty to Consult<sup>1</sup>.

- b) As outlined in its designation application (EB-2011-0140, Section 2, page 24) the Aboriginal Advisory Board:

...is composed of three members who are well-regarded, highly qualified First Nation and Métis individuals, with experience in different disciplines. ... While the AAB will play a critical advisory role, it will not be directly involved with engagement, consultation or participation activities. Rather, it will provide independent oversight of those activities.

This Board provided general oversight to NextBridge during the preparation of the designation application, as well as during the early project development period on appropriate consultation strategies to engage with the 18 communities listed in the MOU with the Crown delegating NextBridge the procedural aspects of the Duty to Consult.

In order to receive more specific project related advice from the communities that NextBridge has built relationships with, the Aboriginal Community Advisory Board will be formed to support NextBridge in engaging with communities and meeting the procedural aspects of the Duty to Consult.

---

<sup>1</sup> NextBridge's Environmental Assessment - Section 2.2.6 Ongoing Engagement Commitment, page 161-162, found on [http://www.nextbridge.ca/project\\_info](http://www.nextbridge.ca/project_info)

## BOARD STAFF INTERROGATORY #6

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 7, Page 10  
Stakeholder Engagement Program

NextBridge states that during the extended development period, it determined that it needed to continue its external stakeholder engagement to ensure transparency and to keep stakeholders informed. NextBridge further provides that costs during this period included updates to NextBridge's project website, site management, database costs, and labour.

Questions:

- a) How did NextBridge's Stakeholder Engagement Program differ from the open houses, particularly with respect to the open houses listed to have taken place in April and December 2016 under Activity 7?
- b) Please explain how NextBridge determined what level of external stakeholder engagement was prudent?
- c) What are other activities (other than project website, site management, database costs and labour) were included in this category?
- d) Was engagement with stakeholders primarily initiated by NextBridge, or were most of the costs associated with this category in reaction to questions and requests for information from stakeholders? Please explain.
- e) Please explain the difference between Activities 7 (Stakeholder Engagement Program) and 38 (Stakeholder Relations Activity).
- f) How did NextBridge determine which Activity (7 or 38) costs should be allocated to?

### RESPONSE

- a) Activity 7 (Stakeholder Engagement Program) considers engagement activities that needed to be conducted as a result of the extension of the development period. As indicated in the description for Activity 7 in NextBridge's Undertaking response found at Exhibit JD1.2, these activities included preparing EWT Line update materials, tracking and responding to inquiries, website and database management and municipal meetings. Although the April 2016 open house occurred within the extended development period and is mentioned in the Activity 7 write up, the cost for this additional open house is not included in this category but is captured in Activity 2 (One additional round of open houses).

- b) With the exception of the additional round of open houses and a newsletter, both of which are discussed in detail in NextBridge's response to Board Staff Interrogatory #2, found at I.JD1.NextBridge.STAFF.2, only originally planned activities, such as holding a round of planned open houses, preparing for review and submission of the draft EA, dealing with stakeholder inquiries and addressing ongoing comments and concerns related to ongoing work, were conducted during the extended development period. The extended period, however, required NextBridge to address more comments and concerns over a longer period of time. This minimum level of engagement was necessary to keep stakeholders informed and meet regulatory commitments. Any lower level of engagement would have put NextBridge relationships and the project at risk.
- c) NextBridge's Undertaking response found at Exhibit JD1.2 lists additional activities that are included in Activity 7. Many if not all of the types of activities that took place during the extended development period were contemplated and budgeted for originally. Other items include those that fall under the banner of "labour." These include but are not limited to: monitoring calls to the project hotline and emails to the project email; responding to inquiries or forwarding to other team members for a response; documenting the interaction in the stakeholder database; managing and updating mailing lists; preparing, printing, and distributing correspondence; and, making calls to stakeholders to maintain relations and provide verbal updates.
- d) The costs associated with this activity are the result of engagement that was both NextBridge driven and stakeholder driven and are roughly even. As part of Activity 7, NextBridge actively engaged with municipalities about the project, stakeholders in relations to route discussions and new stakeholders that were engaged as a result of the Pukaskwa National Park re-route. However, following these NextBridge driven engagements, NextBridge also responded to a lot of stakeholder driven engagement and follow up.
- e) Activity 7 relates to the on-going background engagement activities that would be required for any project but needed to be conducted over the extended development period. These are described in Activity 7 and further in NextBridge's response to Board Staff Interrogatory #6 c) above.

Activity 38 is related to a budget variance to address additional costs to provide the engagement activities contemplated at designation. It does not include activities related to the additional open house round (Activity 2) that was added due to the delay, nor does it include the costs to conduct engagement during the extended development period (Activity 7). Activity 38 relates to increased costs to conduct engagement originally planned for completion in the development period.

- f) As described in NextBridge's response to part e above, activities were allocated based on whether they fit within the descriptions for Activity 7 or 38. At a high level, engagement

activities arising out of the extension of the development period fall within Activity 7, whereas additional costs for originally scoped activities belong to Activity 38.

## BOARD STAFF INTERROGATORY #7

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 8, Page 12  
Ramp-up of LTC Preparation

NextBridge explains that stopping in September 2014 and resuming work in July 2016 on the LTC application required considerable work to coordinate the many components of the application. NextBridge provides that some of the information had changed since the originally scheduled filing date of January 2015, including additional stakeholder feedback, deeper knowledge of Aboriginal involvement and needs, land access, and more detailed engineering specifications.

Questions:

- a) Please describe the amount of work that had been completed in preparation for the January 2015 target LTC filing before the September 2014 letter from the OPA was received.
- b) Given that the OEB's Chapter 4 Filing Requirements was last updated on July 31, 2014, please list all the LTC application sections that required major updates, as well as all the items that required either no update or needed minor modification.
- c) How did NextBridge decide on the LTC filing dates of January 2015 (i.e. original LTC filing date) and July 2017 (i.e. the actual LTC filing date)?
- d) What was NextBridge's legal costs associated with preparing the LTC application? Please also provide the number of hours that the legal team and internal staff worked on preparing the LTC application.
- e) How does the costs in this Activity during the extended development period compare to the originally budgeted costs?

### RESPONSE

- a) Preparation of the NextBridge Leave to Construct ("LTC") application was kicked off in March of 2014. Subject matter experts prepared components of the application and submitted first drafts in July of 2014. The regulatory team consolidated and reviewed the materials, providing feedback in August 2014. In response to the feedback and based on additional development work completed, subject matter experts updated materials and second drafts were submitted mid-September 2014. The NextBridge regulatory team was in the process of reviewing and providing feedback in relation to the second draft LTC

application when the OPA's September 2014 letter was received by NextBridge on September 30, 2014.

- b) The need for updates and modifications to draft LTC application sections were largely the result of the completion of intervening development work, not further OEB filing requirement amendments – changed OEB filing requirements were communicated to NextBridge subject matter experts in August 2014 as part of the feedback related to the first draft. Evaluation of whether the updated OEB filing requirements were properly addressed in each section by subject matter experts did not occur until 2016. With the exception of the Design Specifications and Operational Data section (Exhibit D), all sections of the LTC application required material updates when LTC application preparation was resumed in 2016.
- c) In its designation application, NextBridge had proposed an LTC application filing date of October 2014 in order to achieve the December 2017 in-service date targeted in the OPA June 30, 2011 Long Term Electricity Outlook for the Northwest and Context for the east-West Tie Expansion. The timeline proposed by NextBridge anticipated that the designated transmitter would be declared in May 2013. The Board designated NextBridge to complete development work for the EWT Project in August 2013, approximately 3 months later than initially anticipated. For this reason, NextBridge adjusted the schedule dates to take into account the actual date of the designation decision, revising the LTC application submission date to January 2015.

In response to the OPA September 30, 2014 letter, NextBridge and the OPA worked together to produce a new development schedule, which was submitted to the Board on December 19, 2014. The new development schedule reflected a proposed in-service date of December 2020, which was based on the OPA's most current information regarding the need for the EWT line. December 15, 2017 was proposed as the new target date for filing a leave to construct application.

In 2016, in response to changing circumstances including designation of the EWT Line Project as a priority project by Order in Council, NextBridge began examining the timing related to filing of the leave to construct application. Ultimately, NextBridge pulled the filing date for the leave to construct application forward by approximately six months. NextBridge considered that bringing forward the filing date for the EWT Line made sense with the recent close of the general contractor RFP process in the spring of 2017 allowing price certainty and would, among other things, allow more flexibility for regulatory and other processes to be completed related to project approval and expropriation as well contribute to limiting overall development costs. The NextBridge LTC application was filed in July 2017 after the Board approved a mechanism to record costs relating to the EWT Line Project from and after the date of filing a leave to construct application.

- d) In accordance with the September 26, 2013 Board Decision and Order Regarding Reporting by Designated Transmitter (EB-2011-0140), development costs were recorded on a work stream basis. A WBS code structure was used within the regulatory work stream to track costs on various bases, however LTC application preparation work was not a specific activity represented by an individual WBS code within the regulatory work stream. As such, NextBridge is not in a position to provide NextBridge's legal costs specifically associated with preparing the LTC application, or the number of hours that the legal team and internal staff worked specifically on preparing the LTC application. While NextBridge did not specifically track the hours required to complete the activity, using the methodology described in NextBridge's response to undertaking JD1.2, a total of \$584,000 was incurred by the project team to file the LTC application. Of that \$584,000, one quarter of the amount (approximately \$147,000) relates to external counsel time providing regulatory legal advice in support of EWT Line Project development and the balance (approximately \$437,000) relates to internal staff time from eight different work streams who contributed to filing the LTC application.
- e) The activity included under "Ramp-up of LTC preparation" was not contemplated at the time of designation, as LTC preparation was initially assumed to proceed as a single, continuous, uninterrupted process. As a result of the delay introduced by the OPA September 2014 letter, NextBridge considered that it was most efficient and prudent to stop LTC application preparation altogether, and resume it at a later date. NextBridge identified that when LTC application preparation resumed, "ramp-up" activities not previously needed would be required as a result of the stop/re-start. Specifically, NextBridge estimated that it would need to revisit LTC requirements to ensure no further amendments had been made to the OEB filing requirements in the intervening period, re-establish a schedule for LTC application preparation, complete an additional draft cycle (preparation and review), and liaise with the IESO regarding incremental needs analyses. With hindsight, a more descriptive term for the activity may have been "Ramp-back-up of LTC preparation".

## BOARD STAFF INTERROGATORY #8

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 9, Page 13  
Accounting, Back Office, Internal Reporting and Procurement Support

NextBridge states that the activities in this category include day-to-day back office requirements, including project accounting, accounts payable, sales tax management, cash management, variance analysis, and information technology support. NextBridge further explains that this category additionally supported reviewing audit, tax filings, regulatory filings for accuracy, and preparing the financial statements for the ten quarterly OEB reports.

Questions:

- a) Please explain in detail, what is meant by “internal reporting and procurement support” and list all the activities that are performed under internal reporting and procurement support.
- b) Please provide the number of NextBridge’s full-time employees, the number of full-time employees of NextBridge’s partners and also the number of part-time contractors that were involved or responsible for the tasks in this category. Please also provide the number of hours these resources spent on this Activity.
- c) How did NextBridge ensure costs associated with these activities were prudently incurred?

### RESPONSE

- a) “Internal reporting and procurement support” includes internal monthly financial reporting to senior management and NextBridge partners, procurement support activities, administering purchase orders, tracking and managing completion of purchase orders, ensuring proper preparation of purchase contracts, ensuring best practices across purchase contracts, and working with accounting departments to ensure proper accounting.
- b) There were no NextBridge full-time employees, nor were there any employees of NextBridge’s partners that were exclusively dedicated to the tasks included in this category. NextBridge partners employee time and NextBridge contractor time was charged to the EWT Line Project when those individuals were completing the EWT Line Project tasks related to this category. Details were provided in the Attachment to NextBridge’s Undertaking response found at Exhibit JT1.8 at page 4 with respect to the staff titles and

number of hours charged over the full development period related to project development activity in the Project Controls/Project Management Office work stream.

- c) As outlined in NextBridge's Undertaking response found at Exhibit JD1.2 at page 13 of 41, the employees provided, "as needed" services, to eliminate the need for full time employees dedicated to NextBridge. The NextBridge Project Director also monitors and audits monthly employee time sheets allocated to this function to ensure time was spent appropriately.

## BOARD STAFF INTERROGATORY #9

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activities 10 and 40, Page 13 and 39  
Support Functions for EWT Line Project Work from All Work Streams; Support  
functions for EWT Project development work from all work streams

NextBridge states that the schedule for the development and construction of the East- West Tie Line has many interdependencies and requires the coordination of multiple disciplines. NextBridge says in order to ensure that the project remained on schedule, NextBridge personnel met regularly, either in person or via conference call to align interrelated tasks.

Questions:

- a) Please explain the difference between Activities 10 and 40.
- b) How do Activities 10 and 40 differ from the work of the Project office (Activity 11)?
- c) How did NextBridge determine which Activity (10, 11 or 40) costs should be allocated to?
- d) Other than holding the meetings via conference calls, how did NextBridge ensure costs associated with these activities were prudently incurred?
- e) Please provide meeting minutes for the team meetings referenced above.
- f) How often did Nextbridge hold team lead meeting in (i) 2014; (ii) 2015; (iii) 2016 and (iv) from January-June 2017.
- g) To the extent that NextBridge changed the frequency of these meeting during the extended development period, please advise as to when and why the frequency changed.
- h) What is the rationale for capturing these cost as a stand-alone category (i.e. Activity 40) as opposed to combining it with Activity 10 or even other project management costs?
- i) Please explain why the actual costs for Activity 10 are almost equal to the budgeted estimate from June 2015, but the actual costs for Activity 40 are only a fraction of the budgeted estimate from June 2015.

### RESPONSE

- a) The difference between Activities 10 and 40 was explained in NextBridge's May 15, 2015 Response to OEB January 22, 2015 Decision and Order. Activity 10 relates to multi-disciplinary review of workstream activities in furtherance of EWT Project development occurring over the extended development period (i.e., Project Extension), whereas

Activity 40 relates to additional costs for coordinating project development activities, including additional labour, for activities contemplated at the time of designation (i.e., Budget Variance”).

NextBridge was able to minimize costs during the extended development period, therefore the costs related to Activity 40 were minimal.

- b) Activity 10 relates to the Project office staff participating in project development work with multi-discipline reviews whereas Activity 11 relates to the Project office staff direct costs such as office costs and staff costs not directly assigned or allocated to other activities. Since NextBridge was able to minimize project costs during the extended development period, limited costs were incurred in relation to Activity 40.
- c) Activities 10 and 40 were for activity of the same nature however, Activity 40 was to capture the excess spend or the “Budget Variance” related to original scope, whereas Activity 10 related to extension of existing activities over an extended development period. While Activities 10 and 40 were for team reviews, where several team leads assigned cost based on their participation in multi-disciplinary work, whereas with respect to Activity 11, costs were only recorded by Project office staff.
- d) The majority of the work in this activity was done internally. NextBridge ensured these internal costs were prudently incurred in the methods outlined in Part 3 of NextBridge’s Undertaking response found at Exhibit JT1.10 (EB-2017-0182) - NextBridge staff time is only charged to 40 hours per week; staff worked on other projects for their respective organizations and charge time to those projects accordingly; and there are no fulltime staff assigned to the EWT Line Project. Additionally, the Project Director reviews monthly staff time sheets thoroughly, and if there is a material amount of time charged by staff there are questions on whether time is being used efficiently.
- e) There were no meeting minutes from the team lead meetings.
- f) During the development period, NextBridge held bi-weekly team lead phone calls. NextBridge held in-person team lead meetings over the following periods:
  - i. four in 2014,
  - ii. three in 2015,
  - iii. three in 2016;
  - iv. no meetings from January to June 2017.
- g) NextBridge reduced the frequency of these meetings during the extended development period based on project needs and requirements. For example, the meetings in 2015 were held during the preparation of the extended development period budget and schedule, but

another meeting was not held until the end of the year when the Environmental Assessment work required effort from all team leads.

- h) In its May and June 2015 filings, NextBridge attempted to estimate the cost of Activity 10 as the amount arising out of the delay to the in-service date. NextBridge created Activity 40 as a "Budget Variance" item because there was an expectation of additional coordination being needed between the teams. Since NextBridge was able to minimize costs during the development period, the "Budget Variance" was significantly minimized.
- i) Activity 40 was the extra amount or "Budget Variance" thought to be needed during the extended development period. These costs are only a fraction of what was budgeted because NextBridge was able to keep the costs minimized and did not need the extra "Budget Variance".

## BOARD STAFF INTERROGATORY #10

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 11, Page 14  
EWT Project Office Salary and Overheads

NextBridge states that it reduced its dedicated staff from a Project Director, Project Manager, and an administrative position to a single Project Director position, while leveraging other internal labour as needed. NextBridge also notes that it eliminated its full time office space by utilizing part of a partner's office location at no charge to NextBridge and because these costs efficiencies were maximized during the extended development period, NextBridge was able to perform these duties at lower costs than estimated in the June 2015 filings.

Questions:

- a) In NextBridge's view, could the office space arrangement referenced above have been utilized since the start of the project, rather than during the extended development period only? If not, why not?
- b) Please estimate the costs saved through this arrangement.
- c) When did Nextbridge eliminate its full time office space?
- d) What were the total costs associated with this office space and over what period were these costs incurred?
- e) When (if ever) did NextBridge reacquire a full time office space?
- f) What costs were saved by the elimination of the Project Manager and administrative position in the spring of 2016?
- g) Why were these positions retained for approximately 18 months after the OPA announcement of a delay?
- h) In NextBridge's view, could the Project Manager and administrative position also have been eliminated at the start of the project? Why or why not?
- i) How did NextBridge ensure costs associated with this category were prudently incurred, prior to the extended development period?

### RESPONSE

- a) One of NextBridge's partner organizations had space available to accommodate the NextBridge project staff that fit the size of the project management team starting in August 2013. The partner organization and NextBridge co-located in the space and shared in the lease arrangement for the August 2013-February 2016 period. This arrangement enabled access to an appropriate sized space that would otherwise be difficult to obtain, and was

much more cost effective and prudent than procuring a separate/external office space location. All other team leads were located in offices of their parent companies.

After receipt of the Ontario Power Authority (“OPA”) letter in Fall 2014 delaying the in-service date of the project and elimination of the Project Manager and administrative positions, NextBridge re-assessed its office space and at the end of 2015 decided to cancel this office space arrangement and move into a smaller space made available by another NextBridge partner at no cost. Prior to the reduction in staff, this smaller office space arrangement was not large enough to accommodate the Toronto-based NextBridge project staff.

- b) The estimated costs saved through this arrangement are approximately \$142,000 - 17 months of office space not charged to the project from February of 2016 to filing of the Leave to Construct in July of 2017.
- c) NextBridge eliminated its full time office space on February 12, 2016.
- d) The total costs associated with this office space were \$250,000 (August 2013 to February 2016).
- e) NextBridge has not reacquired a full time office space but shares space with a partner organization at no cost.
- f) The costs saved by the elimination of the Project Manager and administrative position in the spring of 2016 would have been approximately \$180,000 (17 months of 35 hour work weeks).
- g) These positions were retained for approximately 18 months after the OPA announcement of a delay because their functions continued to be important to ensure that the project retained enough momentum to meet a 2020 in-service date during the project spending slow down. For example, the Project Manager led the re-budgeting and rescheduling exercise that led to the May 15, 2015 and June 24, 2015 filings to the OEB.
- h) No, the Project Manager and administrative position could not have been eliminated at the start of the project because in the original development period, NextBridge had a finite amount of time to ensure the Leave to Construct and the Environmental Assessment were filed to meet the 2018 in-service date. The coordination and efforts needed to accomplish this were substantial.
- i) Prior to the extended development period, NextBridge ensured the costs associated with this category were prudently incurred by actively reducing costs wherever possible. For example, NextBridge used a temporary agency to hire the administrative assistant in order

to provide administrative support at lower rates compared to that of a full time employee. NextBridge also made arrangements to only pay for part of the rent on the office space it used, the balance of the office space was covered by the one of the partner organizations and not charged back to the project. There was also a period of time when a Project Director had not yet been hired and partner organization staff covered the role until the position was filled and only billed partial hours to the project.

## BOARD STAFF INTERROGATORY #11

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 13, Page 15  
Supplemental Socio-Economic Assessment

NextBridge states that the submission of a complete EA, including the socio-economic assessment, in July of 2017, was necessary in order to have the EA reviewed on a project schedule that provided for construction of the East-West Tie Line to begin in late 2018, so NextBridge could meet the 2020 in-service date. NextBridge further explains that three bidders were invited to bid on the RFP proposal to complete the EA in Fall of 2015, which included finalizing the socio-economic assessment, and Golder Associates was awarded the contract in November 2015, as it was the lowest cost bidder with the required experience.

Questions:

- a) When was the initial data for the socio-economic assessment collected?
- b) When was the supplemental data for the socio-economic assessment collected?
- c) Why was there a need to collect the supplemental data?
- d) Did the former Ministry of the Environment and Climate Change require the supplemental data? Please provide all relevant correspondence from the former Ministry of the Environment and Climate Change.
- e) Please provide a percentage comparison of Golder Associates' costs to costs offered by two other bidders.
- f) Were the other bidders deemed to have the required experience?
- g) What have been the costs for change orders from Golder Associates?
- h) What steps has NextBridge taken to ensure that the costs associated with any change orders are reasonable?

### RESPONSE

- a) The initial data was collected in 2014 by Dillon Consulting Ltd ("Dillon").
- b) The supplemental data was collected in 2016 by Golder Associates ("Golder").
- c) The draft socio-economic assessment for the Environmental Assessment was prepared by Dillon. Golder completed a gap analysis of existing data collection and reporting after the balance of Project EA work was awarded to Golder to confirm whether, in the circumstances, the socio-economic baseline reporting was in line with Ontario Individual

Environmental Assessment (“EA”) requirements. Supplemental data was required because Golder determined that the draft socioeconomic assessment required more detailed and more current information in order to be in line with the Ontario Individual EA requirements.

- d) No, the Ministry of the Environment and Climate Change did not identify the need for the supplemental data. This was identified by NextBridge’s consultant Golder.
- e) Please refer to NextBridge’s response to Board Staff Interrogatory #18 a), found at Exhibit I.JD1.NextBridge.STAFF.18.
- f) Two of the three other bidders were deemed to have the required experience.
- g) The amount of change orders from Golder through July 31, 2017 related to environmental assessment scope is approximately \$1,465,000. The additional scope would have been incurred regardless of which consultant was contracted.
- h) NextBridge uses its procurement management tools and process to review and manage costs, including change orders. NextBridge asks its consultants to provide a cost estimate, which is reviewed for efficiencies and then consultants are requested to look for areas that cost efficiencies can be found and implemented.

## BOARD STAFF INTERROGATORY #12

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activities 14 and 15, Page 16  
Preparation of Revised EWT Schedule and Budget and May 15, 2015 Submission Costs

NextBridge states that it has grouped together the costs for Activity 14 and 15, due to the similar nature of work completed. It also notes that unlike the other activities in the May 15, 2015 budget, NextBridge specifically recorded these costs under a separate cost code so that they could be tracked and the costs managed.

Questions:

- a) How do the costs and staffing for these activities differ from the costs associated with Activity 10 (Support Functions for EWT Project Development Work from All Work Streams), Activity 11 (EWT Project Office Salaries and Overheads) and Activity 40 (Support Functions for EWT Line Project Development Work)?
- b) How did NextBridge determine which Activity (10, 11, 14, 15 or 40) costs should be allocated to?
- c) How did NextBridge ensure costs associated with this category were prudently incurred?
- d) Why did NextBridge specifically record these costs under a separate cost code and then group them together?
- e) Please provide separate budgeted and actual costs for Activity 14 and Activity 15.

### RESPONSE

- a) Activities 14 and 15 were for the re-budget and re-scheduling activity of the EWT project for the delay of in-service date and the May 2015 submission of costs as ordered by the OEB. Activities 10 and 40 were related to multi-disciplinary work done during the extended development period to continue progressing the project development to completion. As the descriptions reflect, the staffing and costs differ because they were accomplishing completely different tasks. As stated in NextBridge's response to Board Staff Interrogatory #9, found at Exhibit I.JD1.NextBridge.STAFF.9, Activity 11 is only related to the Project office while Activities 10, 14, 15 and 40 relate to costs from all functions for the work performed under those descriptions.
- b) As described in the Undertaking response found at Exhibit JD1.2, the costs for Activities 14 and 15 were able to be directly captured when they were performed and therefore not

based on allocations. Please see NextBridge's response to Board Staff Interrogatory #9, found at Exhibit I.JD1.NextBridge.STAFF.9 for a description of allocating costs for Activity 10, 11 and 40.

- c) NextBridge ensured costs associated with this category (Activity 14 and 15) were prudently incurred by directly capturing the costs, reviewing project time records and external vendors invoicing for the work completed on these Activities.
- d) NextBridge did not group Activity 14 and 15 together after the fact. Because the costs were similar in nature, the actual costs were tracked together.
- e) As provided in NextBridge's May 15, 2015 Response to OEB January 22, 2015 Decision and Order at Schedule C, p.3 , the budgets for activities 14 and 15 were \$890,000 and \$310,000 respectively. Actual costs for Activity 14 and 15 were \$952,000. Since NextBridge specifically recorded these costs together, a further breakout in respect of actuals was not developed.

## BOARD STAFF INTERROGATORY #13

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 16, Page 17  
Pursuit of Authorization to Study Route Through Pukaskwa Park

NextBridge states that it retained an external government relations firm through a request for proposal process to engage with Parks Canada regarding the possibility of going through Pukaskwa National Park. NextBridge further explains that there were eight bidders and that NextBridge chose the firm based on a combination of the lowest bid price and qualifications. NextBridge says the contract was terminated in mid-June 2015 when Parks Canada confirmed that NextBridge was unable to go through Pukaskwa National Park in May 2015.

Questions:

- a) Please provide a percentage comparison of costs proposed by the successful bidder to the costs offered by the other bidders.
- b) How many hours were billed by the external government relations firm to engage with Parks Canada on this matter?
- c) How did NextBridge determine that engaging an external government relations firm was the best way to pursue a route through Pukaskwa National Park? Were other options considered?

### RESPONSE

- a) NextBridge has not been able to locate RFP materials from other bidders in order to complete the requested cost comparison. NextBridge recollects that the selected bidder was the least cost and had considerable experience in the bidding criteria.
- b) The external government relations firm billed 81.35 hours to engage with NextBridge to help determine an appropriate strategy for pursuing the route through the Park. Of these hours, not all were in direct engagement with Parks Canada. The majority of the hours were determining and writing strategy to approach Parks Canada and reviewing previous materials on Parks Canada's decision.
- c) NextBridge's internal governmental relations team members' collective experience recommended the need for a specialized and focused approach to work with Parks Canada to route through Pukaskwa National Park. Specific expertise with Parks Canada, provincial

and federal Environmental Assessments related to parks, and Ontario's electricity sector was needed.

Routing through the Park was a priority task and a determination was needed expediently for the OEB to approve NextBridge's development schedule as outlined in the OEB's Decision and Order of January 22, 2015 (EB-2011-0140, page 3) that stated:

Given the uncertainty regarding routing and access to the national park, the Board is not prepared at this time to approve the revised development schedule proposed by UCT. The Board will await further information from UCT.... If UCT has not received a decision regarding the Pukaskwa Park access by April 30, 2015, or for some other reason requires further time to complete its revised development schedule, UCT must request an extension for the update proposed to be filed on May 15, 2015.

Thus, NextBridge hired an external government relations firm to enhance and supplement NextBridge's efforts to pursue a route through the Park.

BOARD STAFF INTERROGATORY #14

INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 17, Page 19  
Proponent Information Tax Returns

NextBridge states that it utilized an existing vendor of a partner to prepare the statutory required partnership information returns during the extended development window. NextBridge says it was able to use the pre-negotiated rates of the larger partner company resulting in the returns being prepared with minimal cost to NextBridge.

Questions:

- a) Please provide a breakdown of costs for (i) 2016 and (ii) 2017 tax filings.
- b) How did NextBridge ensure costs associated with this category were prudently incurred, in the absence of a competitive process?
- c) Why could NextBridge not prepare the returns using internal resources?

RESPONSE

- a) The costs for 2016 and 2017 tax filings are made up of internal costs only. Accounting and tax internal teams support both activities 17 and 18 (tax returns and audits). The internal staff time costs for those activities were included together and were approximately \$49,000 during the extended development period. NextBridge did not incur third party incremental expenses for tax filings because completion of an additional return for NextBridge was de minimis in relation to the size of the overall Partner's third party scope of work.
- b) NextBridge did not incur any third party costs for the completion of the tax returns and only internal resource support was incurred. Given that the partner organizations already prepare tax filings for other entities within their companies, the incremental work for the internal teams is not as much as it otherwise would be had NextBridge been the sole company requiring the service
- c) NextBridge could and did use internal resources to support the preparation of tax return filings.

## BOARD STAFF INTERROGATORY #15

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 18, Page 19  
Annual Audit of EWT Project Financials

NextBridge states that, as part of the regulatory reporting requirements of the OEB, two additional audits were performed during the extended development period. NextBridge says that in order to conduct the audit in a cost effective manner, NextBridge reached out to several audit firms to gather bids and NextBridge selected the lowest bidder.

Questions:

- a) Please provide a percentage comparison of costs proposed by the successful bidder to the costs offered by the other bidders.
- b) How did NextBridge determine which firms to invite to bid on the work?
- c) It seems NextBridge has grouped costs in Activity 17 and 18. Please provide the cost associated with Activity 18, i.e. Annual Audit of EWT Project Financials separately for (i) 2016 and (ii) 2017.
- d) Please describe the scope of the audits performed.

### RESPONSE

- a) The other bid costs proposed were (a) 55% and (b) 72% higher than the costs proposed by the successful bidder.
- b) NextBridge used its partner organization and contacts in the industry to invite audit firms with industry experience and strong reputations to bid.
- c) External costs for the 2016 audit were \$51,407 and the 2017 audit were \$52,797. As similar groups (accounting and tax) supported both Activity 17 and Activity 18 (tax returns and audits), the internal staff time costs for those activities were included together and were approximately \$49,000 during the extended development period.
- d) The purpose of the audits performed was to fulfill NextBridge financial requirement for reporting and recording keeping requirements and assess the risk of a material misstatement in the financial statements. The audit was performed by Deloitte in accordance with Canadian generally accepted auditing standards. The scope of the audit

was for the auditor to perform activities that allow them to provide an opinion on the correctness of the financial statements including the amounts and disclosures included in the financial statements. The activities include selecting samples and testing processes and procedures used by the company as well as reviewing the supporting documentation underlying the financial statement including the footnotes. The audit also includes evaluating the appropriateness of accounting policies and the reasonableness of accounting measures used by the company in the preparation of the financial statements.

BOARD STAFF INTERROGATORY #16

INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 19, Page 20  
OEB Quarterly Reporting

During the extended development period, NextBridge made necessary filings to comply with the OEB's reporting filing requirements. NextBridge requested that the reporting frequency be reduced from monthly to quarterly in its May 15, 2015 filing to the OEB. This reduced the amount of time spent on creating and filing these reports.

Questions:

- a) In tabular format, please provide the categories of costs and amounts associated with reports filed with the OEB, both monthly and quarterly.
- b) How many hours of staff time went into each report to the OEB?

RESPONSE

- a) All reports filed during the extended development period were quarterly reports. The table below provides the categories of costs and approximate amounts associated for a quarterly report filed with the OEB.

Category	Cost per report (k\$)
Internal labor	16.5
External services	5.8

- b) The amount of hours across all work functions to complete the quarterly reporting is estimated at 86 hours per report. Typically, there were seven separate work functions that contributed to the reports. This corresponds to an average of 12 hours per work group per report, although in practice contributions toward OEB report deliverables vary in accordance with the development work completed in the relevant period.

BOARD STAFF INTERROGATORY #17

INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 20, Page 21  
Expanded alternatives assessment

NextBridge provided that the cost in this Activity are included in total cost for the EA (done by Golder Associates).

Questions:

- a) Please confirm that Expanded Alternatives Assessment is an assessment that would have had to be done prior to filing the EA.

RESPONSE

- a) Confirmed. An Alternatives Assessment was requested by MNRF in 2014 during consultation on the Terms of Reference for the Environmental assessment. Please refer to NextBridge's response to HONI Interrogatory #15 found at ExhibitI.JD1.NextBridge.HONI.15 for more information on the Alternatives Assessment.

## BOARD STAFF INTERROGATORY #18

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activities 21-24, Page 22-25

Incremental field studies and access route assessment; Incremental environmental permits; Establish incremental study area and required activities; and Incremental socio-economic assessment

Activities 21 to 24 are all incremental studies or field surveys related to the environmental assessment and are conducted as a result of requests by the Ministry of Natural Resources and Forestry (MNR), Fisheries and Oceans Canada (DFO) and Lakehead Conservation Authority. The actual cost of these Activities is \$2,952,000. NextBridge explained that cost management was achieved through an invitation for three bidders to bid on the RFP to complete the EA in Fall 2015. Golder Associates was the successful bidder as the lowest cost bidder with the required experience.

Page 23 of JD1.2 states

Bruce to Milton EA was used as a template for the designation application EA scope of work. Assumptions were made that the reference route that paralleled the existing East- West Tie Line would be assessed with desktop data collection of the project area and field data collection in approximately 10% of the assessment area.

Questions:

- a) Please provide a percentage comparison of Golder Associates' costs to the costs offered by the other two bidders for the EA work.
- b) How did NextBridge determine who to invite to bid on the RFP?
- c) Have Golder Associates' actual costs been less than or equal to those bid in the RFP? If not, please explain why incremental costs were required and who has borne responsibility for these costs.
- d) Were the incremental developmental Activities 21, 22, 23, 24 only associated with the 10% of the project area that was assumed to have been able to be assessed with desktop data collection? Please explain.
- e) Please explain NextBridge's rationale for utilizing the Bruce to Milton EA as a template. What analysis was done to compare the Bruce to Milton project and the East-West Tie, prior to utilizing the Bruce to Milton EA?
- f) Did NextBridge consider adding additional contingency costs in its original EA scope of work/budget in case its assumptions were not correct? Why or why not?

## RESPONSE

- a) NextBridge's Undertaking response found at Exhibit JD1.2 at page 25 of 41 mistakenly states that three bidders were invited to bid on the RFP proposal to complete the EA in Fall of 2015. A total of four bidders participated in the environmental assessment work RFP. Below is a percentage comparison of Golder Associates' costs to the costs offered by the other bidders for the EA work:
- Golder 100%
  - Bidder A 88.6%
  - Bidder B 186.4%
  - Bidder C 101%
- b) NextBridge selected reputable, capable consultants known to the NextBridge team to invite to bid on the EA RFP.
- c) Golder's actual costs were higher than those bid in the RFP. Golder's RFP estimate assumed that certain information would be available within a specific timeline. Incremental expenditures were incurred as a result of additional inquiries or information requests for specific data when the information was not available. These incremental costs would have been incurred regardless of the consultant because they were not anticipated by any party.
- d) No. The incremental developmental scope represented by Activities 21, 22, 23, and 24 was partly associated with the fact that the MNRF wanted NextBridge to do more than 10% ground truthing and partly a result of new routes resulting from the alternatives assessment.
- e) The HONI Bruce to Milton EA was used as a template for the EWT EA because it was the most recent large transmission project built in Ontario. NextBridge has not been able to locate copies of internal written studies, reports or analyses that served as the basis for the decision to use Bruce to Milton as a template for EWT Line Project EA work scope.
- f) Yes, NextBridge did consider adding additional contingency costs in its original EA scope of work budget as it is a common project management practice to do so. Ultimately, EA-specific contingency was not incorporated into the EWT Line Project budget as a standalone line item for the development period. As discussed in Section 8.3 of the NextBridge January 4, 2013 Application for Designation to Develop the East-West Tie Line, the Development Phase budget was determined using a 'bottom-up' methodology, with each activity being assessed at its expected cost without a specific amount set aside for "contingency", with the exception of Engineering and Design.

## BOARD STAFF INTERROGATORY #19

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 26, Page 26  
Archaeology Stage 2 study

Stage 2 Archeological Assessment is subsequent to Stage 1 Archeological Assessment. Results of the Stage 1 Archeological Assessment indicated that the Stage 2 was required. The cost of this Activity is \$1.27 million. NextBridge considered five bids for this assessment and selected Stantec Consulting Ltd.

Questions:

- a) Please provide a percentage comparison of Stantec's costs to costs offered by the four other bidders for Activity 26 (Archaeology Stage 2 study).
- b) Was Stantec the lowest cost bidder? If not, please explain what other criteria, in addition to cost, NextBridge considered in selecting the bidder for the Stage 2 Archeological survey.
- c) How did NextBridge determine who to invite to bid on the RFP?
- d) Did NextBridge consider adding additional contingency costs in its original Archeological Assessment budget in case a Stage 2 assessment was required? Why or why not?
- e) What other projects did NextBridge examine when determining that it was prudent to only budget for a stage 1 assessment in its development costs? Is it NextBridge's position that the entire \$1.012 million amount for this Activity would not have been incurred but for the major re-routes? If yes, please explain why. If no, please quantify the incremental amount of the \$1.012 million total that is directly attributable to the major re-routes and how that amount was arrived at.
- f) Please advise as to whether any of these expenses relate to the route through Pukaskwa Park? If so, how much of this Activity related to the major re-routes as opposed to other parts of the line? Please describe the activities undertaken, costs associated with those activities, and when those activities took place? If not, what are NextBridge's cost savings for not having to undertake these activities in the route through Pukaskwa Park and how has NextBridge calculated the cost savings?

### RESPONSE

- a) Percentage comparisons of Stantec's costs to costs offered by the four other bidders for Archaeological Stage 2 studies work are as follows:

- a. Stantec – 100%
  - b. Bidder A – 301%
  - c. Bidder B – 166%
  - d. Bidder C – 133%
  - e. Bidder D - 433%
- b) Yes, Stantec was the lowest cost bidder.
- c) NextBridge invited known qualified archaeological firms to bid on the RFP.
- d) No, NextBridge did not consider adding in additional contingency costs to its original Archaeological Assessment budget for Stage 2 assessments within the development period.
- e) NextBridge did budget for stage 2 archaeological assessment work. No, it is not NextBridge's position that the entire \$1.012 million amount would not have been incurred but for the major re-routes. As explained in NextBridge's May 15, 2015 submission at p.10, better information regarding archaeological potential made available through the Stage 1 archaeological assessment coupled with incorporation of a variety of methodologies to provide construction flexibility increasing ground disturbance in the EWT Project area resulted in the stage 2 archaeological work being estimated to increase by approximately \$1.2 million. Using the methodology described in NextBridge's Undertaking response found at Exhibit JD1.2, incremental stage 2 archaeological study amounts of \$1.012 million were incurred during the development period. NextBridge is not able to quantify the proportion of the incremental amount directly attributable to major re-routes.
- f) The initial Stage 1 report did include the route through Pukaskwa Park; however, no stage 2 assessments were conducted related to a route through the Park. Although NextBridge avoided the need of doing stage 2 assessments on a route through the Park, it had to incur costs to do stage 2 archaeological assessments on the re-route. The difference in cost of the stage 2 assessments of the two routes has not been quantified as NextBridge did not calculate the stage 2 assessment costs for a route (through the Park) it knew it was no longer able to pursue.

## BOARD STAFF INTERROGATORY #20

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 27, Page 27  
Timber valuation

NextBridge explained that timber valuation was required in order to determine the level of compensation for landowners affected by right-of-way (ROW) clearing.

Questions:

- a) Please provide a percentage comparison of the costs for the selected bidder, Green Forest Management Inc., to costs offered by the three other bidders for Activity 27.
- b) How did NextBridge determine who to invite to bid on the RFP?
- c) Did NextBridge identify the requirement to value timber as part of its original development cost budget? If not, why not?
- d) Are there other projects where similar compensation has been provided to landowners?
- e) Please explain how this Activity was affected by major re-routes, in particular given that the RFP was issued more than 6 months after NextBridge knew that it was not going to be able to go through Pukaskwa Park.
- f) Is it NextBridge's position that the entire \$71,000 for this Activity would not have been incurred but for the major re-routes? If yes, please explain why. If no, please quantify the incremental amount of the \$71,000 total that is directly attributable to the major re-routes and how that amount was arrived at.

### RESPONSE

- a) The selected evaluator's costs were approximately 10.5% lower than bidder A and 18% lower than bidder B for Activity 27. The third bidder did not submit a proposal for this bid.
- b) NextBridge sought proposals from prospective bidders who were registered professionals with experience in forestry services in Ontario. Additionally, companies with services offered in proximity to the project footprint and experience working in the vicinity, were considered an asset for the project

- c) Yes, NextBridge identified the requirement to value timber as part of its original development cost budget. As the project progressed, field surveys determined the extent of timber evaluations that would be needed were greater than what was initially anticipated.
- d) Compensating landowners for the value of timber loss on their land is a standard component of a fair compensation offering for affected landowners. NextBridge is aware of similar compensation being provided to landowners on Hydro One's Bruce to Milton Transmission Reinforcement Project as well as other past and current Hydro One projects. As outlined in the description of this activity (Exhibit JD1.2, page 27), it is recognized that the removal of timber resources, required for the construction and operation of the project, could result in a loss of potential income to affected landowners. As such, a value for timber is required to inform a fair compensation package for easement rights payable to affected landowners.
- e) Due to other major re-routes, namely Loon Lake, NextBridge was required to commission a revised timber valuation for the project in February of 2017. This increased the cost for this activity during the extended development phase.
- f) It is NextBridge's position that a portion of the cost for this activity would not have been incurred if the Loon Lake re-route did not occur. \$6,554, inclusive of HST represents the approximate cost of completing the revised timber valuation referenced in response (e) which is directly attributable to a major re-route. The remaining cost for this activity pertains to assessment of the entire project route, including the other two major re-routes, prior to the Loon Lake re-route occurring, and the commissioning of an updated valuation report in 2017.

BOARD STAFF INTERROGATORY #21

INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 28, Page 28  
Engineering Review

The Engineering Review involved design validation, cost estimate valuation and project readiness performed by an independent expert, i.e. Mr. Bob Nickerson. The actual cost was \$95,000.

Questions:

- a) Did NextBridge issue an RFP for the selection of an independent expert for the Engineering Review?
- b) Please describe the rationale for selecting Mr. Nickerson for the Engineering Review.
- c) How did NextBridge determine that the cost of the Engineering Review by Mr. Nickerson was reasonable and prudent?
- d) When did NextBridge hire Mr. Nickerson?
- e) Please explain how this Activity was affected by major re-routes?
- f) Is it NextBridge's position that the entire \$95,000 for this Activity would not have been incurred but for the major re-routes? If yes, please explain why. If no, please quantify the incremental amount of the \$95,000 total that is directly attributable to the major re-routes and how that amount was arrived at.

RESPONSE

- a) No. NextBridge did not issue an RFP for the selection of an independent expert for the Engineering Review because there are very few experts with the requisite experience and qualifications to conduct an independent review of lattice and steel tower design and testing results. Mr. Bob Nickerson came highly recommended by Burns and McDonald, an industry leading design and engineering firm, and Dr. Jerry Wong, also an independent expert in transmission design. Due to the critical nature of the tower design to the reliability of the East West Tie Line, NextBridge needed an industry expert who could review and validate the design in a timely manner and provide assurance that the design met all the valid requirements. Therefore, NextBridge contracted directly with Mr. Nickerson who is a well-known, highly credentialed, and highly regarded

industry expert with decades of experience to review its tower designs and testing results. A copy of Mr. Nickerson's curriculum vitae is available at Attachment C to NextBridge's Additional Material filed April 30, 2018 in EB-2017-0364.

- b) Please see NextBridge's response to part (a) above.
- c) Based upon NextBridge's professional experience, third party independent reviews of new and unique tower designs can take weeks and cost well over \$100K. Mr. Nickerson's work product was based upon his completion of and attention to the scope of work that he was assigned, which included (i) whether NextBridge's tower design was appropriate, given the terrain; (ii) whether the design towers was correct and reliable; and (iii) that the failure containment methodology was reasonable. This scope of work required Mr. Nickerson to review NextBridge's tower designs, the in-field tower testing results, all applicable codes, conduct interviews with various subject matter experts and finally draft a memorandum documenting his results. The memorandum was produced as Attachment 10 to NextBridge's Undertaking response found at Exhibit JD1.2.

NextBridge received detailed invoices from Mr. Nickerson which compared his planned scope of work against his work product, and it was determined that the amount of time spent during the review and subsequently the cost and quality of his work product as represented in the final memorandum were reasonable and prudent. Mr. Nickerson's total invoice to NextBridge was approximately \$69,000. The additional \$26,000 of expenditures was charged by NextBridge subject matter experts who interacted with Mr. Nickerson.

- d) Mr. Nickerson was hired in July of 2016.
- e) Mr. Nickerson's work was not affected by major re-routes.
- f) No, Mr. Nickerson's work did not relate to the major re-routes.

## BOARD STAFF INTERROGATORY #22

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 29, Page 29  
Land Title Activity

The actual cost was \$248,000. NextBridge explained that it managed these costs by using a third party consultant who was procured through a competitive RFP.

Questions:

- a) Please describe the competitive procurement process and compare the cost of the selected consultant relative to other bidders that submitted proposals.
- b) How did NextBridge monitor the consultant's work and determine that the consultant's hours were appropriate?
- c) Is it NextBridge's position that the entire \$248,000 amount for this Activity would not have been incurred but for the major re-routes? If yes, please explain why. If no, please quantify the incremental amount of the \$248,000 total that is directly attributable to the major re-routes and how that amount was arrived at.
- d) Please advise as to whether any of these expenses relate to the route through Pukaskwa Park. If so, how much of this Activity related to the major re-routes as opposed to other parts of the line? Please describe the activities undertaken, costs associated with those activities, and when those activities took place? If none of these activities relate to the route through Pukaskwa, what would have been the cost savings associated with not having to undertake these activities for that route and how has NextBridge calculated that number?

### RESPONSE

- a) NextBridge undertook a formal Request for Proposal ("RFP") process in early 2014 and invited three established land consulting firms in the province to participate in a time and material proposal bid in the initial bid for the land consulting work. A summary of the proposal requirements and evaluation process is provided below:

#### RELEVANT PROPOSAL REQUIREMENTS

- At a minimum, your proposal should include all applicable labor classifications and corresponding hourly rates, travel, mileage, Per Diem, and office expenses. In addition to hourly rates, discounted full time daily rates may be provided.

- Incentive Option: Pricing by tract or land owner is welcome. (Include break-out of assumptions for pricing)
- Supplier may submit alternative proposals in accordance with the RFP letter, describing proposed modifications to the Scope of Work and identifying the potential cost savings or efficiencies which may result from utilizing such alternative.
- Written exceptions, if any, to technical specifications or any other documentation in this RFP including the terms and conditions shall be clearly outlined and attached with your proposal.

### EVALUATION PROCESS AND SPECIAL CONSIDERATIONS

Proposals will be evaluated based upon completeness of RFP response, bid pricing, technical qualifications, willingness to utilize the terms and conditions included with the RFP, Bidders proposed incentive program, and other relevant considerations.

For the Project, NEXTBRIDGE expects to engage a variety of consultants including geotechnical, engineering, environmental, geomatics, public relations and others. Cooperation and coordination will be essential to the successful completion of this Project. All Proposals will be evaluated on the basis of their approach to completing the work and past experience in successful teamwork on similar projects. Individual key team members may be interviewed by NEXTBRIDGE prior to selection of the successful Contractor.

The following criteria will be used by NEXTBRIDGE to evaluate the bids.

- Organization, Experience and Qualifications: project management experience, sufficient resources, recent team experience in OEB projects, staff knowledge and experience in relation to similar OEB projects in Ontario, and quality of team (experience, training, level of skill).
- Land and ROW Work Plan resourcing, schedule and budget: demonstration of knowledge related to the project and overall OEB processes and deliverables. The quality and appropriateness of proposal, schedule of work plan and approach.
- Company Experience and Qualifications: experience in transmission land consultation both private and public lands. Consideration will be made primarily to those in Ontario, but consideration for similar scale and scope of projects in other Canadian jurisdictions will be made.

A set of criterion for the above requirements and associated weighting of the same was developed to evaluate the bids based on technical requirements and budget. A comprehensive review of the proposals was completed and Final Score of Each was determined.

Cost Comparison		
Bidder		Cost Comparison (Percentage) formula: (lowest costs Proposal / Proponent's Proposal cost) x 20
Land Company A – Selected		100%
Land Company B		196%
Land Company C		250%

- b) NextBridge monitored the consultant’s work by regularly holding meetings with the consultant to review the project budget and discuss status reporting for various activities. NextBridge also routinely reviewed and approved monthly invoices submitted by the consultant, to ensure the hours of work were consistent with the activities undertaken, as well as the direction provided by NextBridge, which is standard practice for projects.
- c) It is NextBridge’s position that a portion of the cost for this activity would not have been incurred if the major re-routes did not occur. NextBridge estimates that seven additional parcels are directly affected by having to route around Pukaskwa National Park. On a relative basis and assuming that each title review conducted took a similar amount of time to complete, this equates to 5% of parcels directly affected by the route, representing \$12,400.00 of property title review.
- d) Title due-diligence was not completed for the route through Pukaskwa National Park. The cost savings associated with not having to undertake this activity for this route is approximately \$11,160.00. NextBridge calculated this amount by determining the number of parcels directly affected by the route through Pukaskwa National Park and calculating the proportional cost of title review (on a per parcel basis) based on the total cost for this activity which included all parcels for the entire route. This calculation assumes that title review cost (time and expenses) was equivalent for each directly affected parcel.

BOARD STAFF INTERROGATORY #23

INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 30, Page 30  
Legal Support for Land Activity

These costs were incurred to get a legal review and execution of the land agreements “particularly in relation to Crown disposition rights holders” such as mining leasehold interests. The actual cost is \$96,000.

Questions:

- a) How many hours were billed by external legal counsel for this Activity?
- b) Was an RFP undertaken to select NextBridge’s external legal counsel?
- c) Is it NextBridge’s position that the entire \$96,000 amount for this Activity would not have been incurred but for the major re-routes? If yes, please explain why. If no, please quantify the incremental amount of the \$96,000 total that is directly attributable to the major re-routes and how that amount was arrived at.
- d) Please advise as to whether any of these expenses relate to the route through Pukaskwa Park. If so, how much of this Activity related to the major re-routes as opposed to other parts of the line? Please describe the activities undertaken, costs associated with those activities, and when those activities took place? If none of these activities relate to the major re-routes, what would have been the cost savings associated with not having to undertake these activities for the route through Pukaskwa Park and how has NextBridge calculated that number?

RESPONSE

- a) 143 hours were billed by external legal counsel for this Activity.
- b) Yes, an RFP process in late 2013 resulted in Aird & Berlis being selected as NextBridge’s external legal counsel.
- c) No, it is not NextBridge’s position that this entire activity cost would not have been incurred but for the major re-routes. The identified legal costs related to support for Land Activity would have been incurred whether there was a re-route or not. NextBridge is unable, based on available information, to quantify the incremental cost for this activity that is directly attributed to major re-routes.

- d) Costs for this activity were not incurred in relation to the route through Pukaskwa National Park specifically. NextBridge is unable, based on available information, to quantify the cost savings associated with not having to undertake this activity for this route.

## BOARD STAFF INTERROGATORY #24

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 31, Page 31  
Compliance tracking and safety coordination & monitoring

The actual cost for this Activity was \$39,000. NextBridge stated that compliance was an obligation required in the designation process. NextBridge stated that the costs were kept below those originally budgeted because the tasks were performed in conjunction with other administrative tasks and health and safety was the primary responsibility of vendors doing field work (e.g. EA).

Questions:

- a) Please describe and itemize the \$39,000 costs spent on this Activity.
- b) How did the costs associated with this Activity differ from other project management Activity costs (e.g. Activities 10, 11 and 40)?

### RESPONSE

- a) The costs related to the \$39,000 are completely internal labour costs by the majority of team leads to complete the activities outlined in the undertaking, specifically tracking compliance with commitments made by NextBridge over the course of the designation and development phases of the East West Tie Line Project, as well as to tailor safety processes and compliance monitoring for the East West Tie Line Project.
- b) In the original budget provided in May of 2015, this activity was associated with Budget Variance. NextBridge had thought that the amount of effort needed for compliance tracking and safety coordination and monitoring would be an incremental cost to those that had been budgeted at Designation. The costs associated with this activity are a subset of the project management discipline (Activities 10, 11 and 40) but captured separately.

BOARD STAFF INTERROGATORY #25

INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 32, Page 32 and Attachment 1 Community Investment

NextBridge states that no costs were incurred. In response to OEB staff IR 21, this Activity cost was noted to have been \$40,000.

Questions:

- a) Please explain the difference between the statement in JD1.2 that no actual costs were incurred, the \$7,000 noted in Attachment 1 of JD1.2 for this Activity, and NextBridge's response to OEB Staff IR 21, where a cost of \$40,000 was reported for the same Activity?
- b) If no costs were incurred for this Activity, what is the reason NextBridge did not spend any funds on community investment as originally planned?
- c) If costs were incurred for this Activity, how did NextBridge determine that the costs were prudent?

RESPONSE

- a) The \$40,000 amount referenced in NextBridge's response to Board Staff Interrogatory #21, found at Exhibit I.JD1.NextBridge.STAFF.21 is the budgeted amount for this activity which correlates to the "Extended Development Budget" column in Attachment 1 of NextBridge's Undertaking response found at Exhibit JD1.2, and represented anticipated amounts to be disbursed pursuant to the Community Investment program. As explained in the narrative related to Activity 32 in NextBridge's Undertaking response found at Exhibit JD1.2, no actual costs were incurred. In other words, no funding was provided to other parties as part of the Community Investment program during the period. Costs in the amount of \$7,000 were incurred during the extended development period to consider and develop a community investment plan that would work into the future, however the \$7,000 related to labour to develop the community investment program was mistakenly recorded in relation to Activity 32, rather than being allotted to Activity 7 Stakeholder Engagement Program.
- b) NextBridge did not spend any funds on community investment as initially anticipated as there were challenges in implementing the community investment program for the project, in part due to the complexities of a bi-national limited partnership, and in part because it was not implemented as early as NextBridge had anticipated or desired. Some time was

spent considering how to implement the program but it was not implemented during the extended development period.

- c) No costs were incurred for this activity.

## BOARD STAFF INTERROGATORY #26

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 33, Page 32  
Data management/technical figure production

This Activity involves additional costs for preparation of technical figures for the reports in the EA. NextBridge used internal resources for this Activity. The actual cost was \$42,000.

Questions:

- a) What is the rationale for NextBridge applying for cost recovery of internally-sourced work? Was the work completed by NextBridge staff who are on regular full-time payroll? Please explain.
- b) Is it NextBridge's position that the entire \$42,000 for this Activity would not have been incurred but for the major re-routes? If yes, please explain why. If no, please quantify the incremental amount of the \$42,000 total that is directly attributable to the major re-routes and how that amount was arrived at.

### RESPONSE

- a) NextBridge used internally sourced resources instead of out-sourcing this work to its vendors as a cost saving measure. Also, there is a need for a central resource to manage the maps that are used and modified by many of the team leads for many different purposes. The staff member who manages this process is not a full time NextBridge employee and allocates only the time worked on the project to NextBridge.
- b) NextBridge's position is that this cost would have existed regardless of the major re-routes. As stated in its Undertaking response found at Exhibit JD1.6 calculating the incremental costs of the major re-routes, this activity would have been included in the 11% of the total \$15.8M in extended development period spend. As mentioned in that Undertaking response, NextBridge determined that a conservative straight-line allocation of km around the Park, Dorion and Loon Lake to the total was a reasonable, appropriate approach to estimating the incremental costs related to these re-routes, as opposed to individual allocations by activity which are much more difficult to calculate.

## BOARD STAFF INTERROGATORY #27

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 34, Page 32  
Land access and optioning activities

NextBridge spent \$227,000 over the budgeted amount on this Activity. NextBridge explained that rerouting around the Pukaskwa Park, Dorion and Lune Lake and additional requests from MNR and others all impacted the increase in costs for this Activity.

Questions:

- a) Please explain the rationale for NextBridge's advancing with the land optioning activities prior to filing the leave to construct application. Could this Activity be postponed or paced so that it took place after the leave to construct application was filed? If not, why not?
- b) What is meant by the statement "These activities are independent of land optioning arrangements due to timing of when the alternative accesses were identified relative to the initial acquisition of the project"? Please explain how the statement above aligns with NextBridge's route and access request management process, which is stated to identify modifications prior to contacting landowners.
- c) How is this Activity related to Activity 42 (Incremental land optioning negotiations)?
- d) How did NextBridge determine which Activity (34 or 42) costs should be allocated to?
- e) Is it NextBridge's position that the entire \$1.367 million amount for this Activity would not have been incurred but for the major re-routes? If yes, please explain why. If no, please quantify the incremental amount of the \$1.367 million total that is directly attributable to the major re-routes and how that amount was arrived at.
- f) Please advise as to whether any of these expenses relate to the route through Pukaskwa Park? If so, describe the activities undertaken, costs associated with those activities, and when those activities took place? If none of these activities relate to the route through Pukaskwa, what would have been the cost savings associated with not having to undertake these activities for that route and how has NextBridge calculated that number?

### RESPONSE

- a) To clarify, as outlined in the description of this activity in the Undertaking response found at Exhibit JD1.2 page 33 and 34 this activity pertained to obtaining access to lands to support alternative route reconnaissance, including investigative studies (geotechnical, soil,

environmental, archaeological), as well as consultation with landowners and communities to finalize the route for land acquisition. NextBridge pursued land access clearance agreements and/or permits, not Option Agreements, with landowners to enable this due-diligence to be completed.

- b) Further to response (a), securing access to lands was managed by NextBridge as a separate activity from land optioning. Securing access to lands entailed obtaining access clearance agreements and/or permits from landowners which permitted access to lands for the purposes of investigative studies and/or alternate route and access reconnaissance. Land optioning involved negotiating Option Agreements to secure land rights required for the construction and operation of the project. The statement “These activities are independent of land optioning arrangements due to timing of when the alternative accesses were identified relative to the initial acquisition of the project” is in alignment with NextBridge’s route and access request management process as the route and access request management process identifies the alternative accesses which are then reviewed by project team members that would be impacted by the requested change. Risks are identified by the respective team members, and if deemed to be an acceptable level of risk, the change request is accepted and approved by those impacted. Once the change request is approved, and incorporated into the project master access plan, NextBridge would proceed with contacting landowners.
- c) Please refer to response (b). Activity 42 is specific to negotiating Option Agreements whereas this activity pertains to obtaining land access clearance agreements and/or permits.
- d) Costs for activity 34 included payments to landowners associated with access clearance agreements and/or permits as well as consultant and NextBridge time and expenses to execute these agreements. Costs for activity 42 included payments to landowners associated with Option Agreements along with consultant and NextBridge time and expenses to execute these agreements.
- e) It is NextBridge’s position that a portion of these costs are attributable to the major re-routes. NextBridge is not in a position to breakdown the amount directly attributable to major re-routes.
- f) Yes, a portion of these expenses relate to the route through Pukaskwa Park. Activities undertaken are consistent with the description of this activity in the Undertaking response found at Exhibit JD1.2 page 33 and 34 and took place between January and June 2015.

BOARD STAFF INTERROGATORY #28

INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 35, Page 34  
Market Valuation

This Activity involved additional costs for assessment of land market value to establish fair compensation. Land valuation was conducted by a firm hired in a competitive bidding process. The evaluator was the lowest cost bidder.

Questions:

- a) Please provide a percentage comparison of selected evaluator costs to costs offered by other bidders for Activity 35.
- b) Is it NextBridge's position that the cost for this Activity would not have been incurred but for the major re-routes? If yes, please explain why. If no, please quantify the incremental amount of the total cost that is directly attributable to the major re-routes and how that amount was arrived at.

RESPONSE

- a) The selected evaluator's costs were approximately 400% lower than costs offered by the other bidder.
- b) It is NextBridge's position that a portion of the cost for this activity would not have been incurred but for the major re-routes. Following the initial market valuation for the project completed in 2014, an updated market valuation was required in 2016 considering revised routing to refresh market value rates for land directly affected by the project. \$6000.00 represents the approximate cost of completing the revised market valuation which is directly attributable to major re-routes.

BOARD STAFF INTERROGATORY #29

INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 36, Page 35

External general legal support for review and negotiations of documents and Aboriginal capacity funding agreements

Cost for this Activity was noted as “zero”. NextBridge noted that Activities 3 and 4 captured costs for Activity 36, therefore no cost was assigned to this Activity.

Questions:

- a) What was the rationale for classifying this Activity as a separate development activity from Activities 3 and 4?

RESPONSE

- a) In the original budget provided in May of 2015, NextBridge believed that it would need more funding associated with the legal support for review and negotiations of documents and Aboriginal capacity funding agreements and specifically broke out this activity in Activity 36 as an anticipated Budget Variance item. However, when expenditures during the Extended Development Period were reviewed for this undertaking, it was confirmed that the additional funding amounts not related to extension of the development period were de minimis, and incorporated into Activity 4 amounts for convenience.

## BOARD STAFF INTERROGATORY #30

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 38, Page 37  
Stakeholder relations activity

The need for additional open houses (three rounds vs one round) was determined in the TOR for the EA approved by the former Ministry of Environment and Climate Change. NextBridge stated the cost management was through scheduling two events per day over three or more days as a cost efficient practice. Actual cost of conducting one round of open houses (per Activity 2) is \$216,000. Actual cost for holding two more rounds (Activity 38) is \$299,000.

Questions:

- a) Please explain the differences between the costs incurred for Activity 2 (one round) and Activity 38 (adding two rounds)
- b) Please reconcile the statement “NextBridge included three rounds of open houses in the TOR...” with the statement “...after the second round the security was eliminated for rounds three and four [emphasis added]”.
- c) Please advise as to what the original security detail was for round one of the open houses and the costs associated with that.

### RESPONSE

- a) For clarification, Activity 38 was not the addition of two rounds of open houses. As noted in NextBridge’s response to Board Staff Interrogatory #6 e), found at Exhibit I.JD1.NextBridge.STAFF.6, Activity 38 is related to a budget variance to address additional costs to provide the level of engagement necessary compared to the designation budget. It does not include activities related to the additional open house round that was added due to the delay (Activity 2), nor does it include the costs to conduct additional engagement during the extended development period arising out of delay (Activity 7). Activity 38 captured the additional costs to conduct proper engagement for the originally planned development period and scope.
- b) Please refer to NextBridge’s response to Board Staff Interrogatory #2 a), b) and c), found at Exhibit I.JD1.NextBridge.STAFF.2 for details on how many open houses were held. In short, the TOR identified three rounds but the project was delayed after the TOR was

approved. NextBridge added one more round due to the delay so there were four rounds in total.

- c) Two security personnel assessed risks and attended each open house during the first round of open houses. This is a safety precaution and is particularly important the first time open houses are held in a project area as the reaction of the community to the project is not well known. Total cost for the first round open house security was \$30,688.55. This included time for services, cost for travel, meals, and accommodation in relation to six open houses at six different locations.

## BOARD STAFF INTERROGATORY #31

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 39, Page 38  
Regulatory and accounting matters

This Activity involved preparation of the OEB application to use US GAAP to streamline EWT accounting, to prepare the OEB's *Electricity Reporting and Record keeping Requirement* (RRR) and to consider deferral account matters arising from the designation decision, PBR and other regulatory matters. NextBridge stated that as a licenced transmitter, it is required to comply with the OEB's RRR.

Questions:

- a) Please explain the difference between Activities 9 (Accounting, Back Office, Internal Reporting and Procurement Support) and 39 (Regulatory and accounting matters).
- b) How did NextBridge determine which Activity (9 or 39) costs should be allocated to?
- c) How did NextBridge ensure that costs associated with this Activity were prudent?

### RESPONSE

- a) "Accounting, Back Office, Internal Reporting and Procurement Support" relates to day-to-day responsibilities and activities of a financial, reporting, project management, and procurement nature undertaken by NextBridge project management team members. "Regulatory and accounting matters" relates to one-off or annual regulatory responsibilities and activities completed by NextBridge regulatory team members, including preparation of an OEB application for authorization to use US GAAP, preparation of RRR submissions, preparation of an OEB application related to extension of (or alternatively creation of a new) deferral account for expenditures incurred post-LTC application filing and corresponding process.
- b) In accordance with NextBridge's response to Board Staff Interrogatory #31(a), NextBridge allocated activity costs between these two categories based on the nature of the activity undertaken as well as the workstream/individual responsible for completing the activity.
- c) NextBridge ensured that cost associated with "Regulatory and accounting matters" activity was prudently incurred in two ways: First, NextBridge limited the activities to those things that NextBridge was either required to complete such as RRR submissions and deferral

account management, or that NextBridge saw afforded an opportunity for savings to the ultimate benefit of both NextBridge and ratepayers. Had NextBridge been required to maintain two different accounting frameworks, day-to-day accounting activity costs would be higher than they otherwise were due to the increased cost of maintaining two ledgers. The use of US GAAP also allows for some administrative costs to be capitalized and recovered over time at lower depreciation rates. Further, the use of US GAAP will be administratively simpler and will eventually benefit rate payers and NextBridge as a transmitter and will allow for comparison and benchmarking with other entities using US GAAP for regulatory purposes. Second, in addition to being selective about the work to be undertaken, NextBridge used internal resources to prepare the submissions, and very limited external counsel support to complete the work.

## BOARD STAFF INTERROGATORY #32

### INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 41, Page 39  
Environmental Assessment review participation

NextBridge noted that the review of responses and comments on the draft EA was conducted by Golder Associates which was selected as a successful bidder among three that were invited.

Questions:

- a) Please compare the cost of work completed by Golder Associates to the pricing offered by two other bidders.
- b) Did this work go through a different procurement process than other EA work? If so, why? Could NextBridge have expected cost efficiencies if it had lumped all the EA work together?
- c) What steps has NextBridge taken to ensure that the costs associated with these activities are reasonable?
- d) Please advise to as why responding to comments from public was not completed in NextBridge's original budget for environmental work.

### RESPONSE

- a) NextBridge's Undertaking response found at Exhibit JD1.2 at page 40 of 41 mistakenly states that three bidders were invited to bid on the RFP proposal to complete the EA in Fall of 2015. A total of four bidders participated in the environmental assessment work RFP. Below is a percentage comparison of Golder Associates' costs to the costs offered by the other bidders for the EA work:
  - Golder 100%
  - Bidder A 88.6%
  - Bidder B 186.4%
  - Bidder C 101%

Note, Bidder A did not demonstrate that they were experienced and qualified to do the work and therefore only Golder, Bidder B and Bidder C were considered.

- b) No, this work did not go through a different procurement process than the RFP and formed part of the Environmental Assessment scope of work.
- c) NextBridge uses their procurement tools and process to review and manage costs. NextBridge asks its consultants to provide a cost estimate, reviews it to find efficiencies and then requests that the consultant look for areas that cost efficiencies can be found and implemented.
- d) Responding to comments from the public was a component of NextBridge's original environmental work budget, however there were more comments than anticipated and budgeted for on the draft EA.

BOARD STAFF INTERROGATORY #33

INTERROGATORY

Ref: Undertaking Response JD1.2, Activity 42, Page 40  
Incremental land optioning negotiations

The actual cost of incremental land optioning negotiations was \$1.439 million. According to NextBridge, at the time of filing the LTC application in July 2017, NextBridge reached agreements with 73% of private landowners, reducing the risk of expropriation.

Questions:

- a) Have payments already been made to the 73% of directly affected private landowners where agreements have been negotiated? If the LTC approval is granted to NextBridge, what compensation can these 73% of directly affected private landowners expect and when would the compensation be provided?
- b) Prior to the delay, what portion of costs to acquire land options were previously going to be pursued in the construction phase?
- c) Prior to the delay, what portion of costs to acquire land options were previously going to be pursued in the development phase?
- d) Please provide the percentage of private landowners for which NextBridge had reached agreement by the end of January 2015.
- e) Why were the actual costs for this Activity approximately \$1 million more than had been estimated in the extended development budget?
- f) Please provide a comparison of the activities that were contemplated by the June 2015 estimate of \$460,000 and compare those against activities actually undertaken for \$1.439 million?
- g) To the extent that NextBridge undertook activities beyond those contemplated by the June 2015 estimate, please provide an explanation for each additional activity and the costs associated with that activity (including how those costs were calculated).
- h) Did any of the \$1.439 million costs relate to negotiations/agreements for land that is not part of NextBridge's current route? If so, please provide any information that you have to quantify the costs associated with those negotiations/agreements.
- i) Has NextBridge undertaken any analysis to show that the additional land optioning negotiations will result in lower expenditures in the construction phase and the estimated net savings resulting from the additional land optioning negotiations? If so, please provide copies of this analysis.

## RESPONSE

- a) As outlined in Exhibit E, Tab 4, Schedule 1, Attachment 2 of NextBridge's application, an offer of compensation associated with an Option Agreement includes the following: the option payment, the review payment, the price per acre value and total dollars being paid for the area of the proposed right-of-way ("Easement Payment"), and a value for merchantable timber loss within the area of the right-of-way ("Timber Payment"). To-date, where NextBridge has executed an Option Agreement with a landowner, an option and review payment has been made. NextBridge intends to exercise Option Agreements following Leave to Construct approval. At that time, an Easement Payment and Timber Payment will be made to the landowner to secure an easement interest on the lands required for the construction and operation of the project. Specific compensation formulas were provided in response to Board Staff Interrogatory #32, found at Exhibit I.B.NextBridge.STAFF.32, Attachments 1 through 4.
- b) Prior to the delay, 100% of the cost to acquire land options were going to be pursued in the construction phase.
- c) Prior to the delay, 0% of the cost to acquire land options were going to be pursued in the development phase.
- d) By the end of January 2015, NextBridge had reached an agreement with 0% of private landowners.
- e) NextBridge initiated land optioning activities in March of 2016. After preparing the extended development budget for the May and June 2015 filings, material changes in the assumptions used to calculate the cost of the land acquisition component for the project occurred, namely to the number of parcels anticipated for acquisition and the point at which a preferred route and project footprint would be identified. When NextBridge commenced this activity, the number of affected parcels and consequently Option Agreement negotiations that took place was greater than that assumed in the preparation of the extended development budget.
- f) The activities contemplated in the June 2015 estimate are consistent with the description of activities for work undertaken as described in NextBridge's Undertaking response found at Exhibit JD1.2 at page 40. Per NextBridge's response to part (e) of this Interrogatory, the difference between the budgeted amount and actual costs for this activity can be attributed to an increase in volume of requirements rather than a change in the scope of work.

- g) NextBridge did not undertake activities beyond the description of work contemplated in the June 2015 estimate.
- h) Yes, a portion of the costs for this activity included costs to acquire Option Agreements for land that is no longer directly affected by the route or proposed access included in NextBridge's leave to construct application. Of the 135 Option Agreements executed by July 31, 2017, 14 Option Agreements were entered into with landowners no longer impacted by the project at the time of NextBridge's leave to construct application. If we assume that the cost for this activity can be represented by the number of agreements executed, taken on a relative basis, approximately 10% or \$143,900 of the cost of this activity was for negotiations/agreements for land no longer affected by the route or proposed access included in NextBridge's leave to construct application. This was due to route and/or access amendments throughout the extended development period. NextBridge maintains that landowner engagement regarding the route and access alternatives was essential input to finalizing a route that reduced the risk of potential expropriations and ensured land rights were secured to keep the project on track to meet the 2020 in-service date.
- i) NextBridge has not undertaken the type of analysis described however maintains that undertaking this activity during the development phase was critical to meeting the 2020 in-service date and overall provided the opportunity to potentially limit costly expropriation procedures in the construction phase.

BOARD STAFF INTERROGATORY #34

INTERROGATORY

Ref: Undertaking Response JD1.4, Cost of Pic River Appeal, Page 1

NextBridge provided a draft budget for the legal costs associated with the Pic River Appeal ranging from \$141,000-179,000.

Questions:

- a) Please described in detail all steps that NextBridge took to verify that the draft budget was, in fact, an appropriate estimate of what it would cost to participate in the pic river appeal.
- b) Please confirm whether NextBridge compared the budget to the costs of any other (i) statutory appeals to the divisional court; and/or (ii) judicial review applications to the Divisional. If so, please provide specific details of those appeals/judicial reviews, when they occurred and a detailed breakdown of the various stages and associated costs for those matters.
- c) Please advise as to whether the lead counsel for NextBridge on the designation process was the counsel of record for the Pic River appeal? If not, please advise as to whether NextBridge sought proposals from other lawyers to handle the Pic River appeal.

RESPONSE

- a) The budget was discussed internally first amongst the owners of NextBridge and then with external counsel. All three of the owners of NextBridge are frequent participants in litigation and arbitration proceedings in Ontario and it was partly on that basis that they determined that the amount was appropriate. That said, the appeal involved novel issues (First Nations challenge to a new OEB process) and there were many “known unknowns” and the range/amount reflected that fact.
- b) No, the budget was not explicitly “compared to the costs” of other statutory appeals/judicial reviews. Please see NextBridge’s response to part a) of this interrogatory.
- c) Gowlings was NextBridge’s counsel of record for the designation process. The Gowlings lawyer during designation was Ian Mondrow; however, he was not a litigation/appellant lawyer, so the Pic River Appeal was handled by other lawyers at Gowlings who specialized in litigation. NextBridge did not seek proposals from other lawyers to handle the Pic River

Appeal. Gowlings was familiar with the proceeding and could use Ian Mondrow's knowledge to support the litigation staff, thus reducing costs to get another firm up to speed on the case. The Pic River Appeal was a priority for NextBridge and the OEB had indicated to NextBridge that a speedy conclusion was desired, thus there was little time to go through a process related to engaging a new firm.

## CCC INTERROGATORY #1

### INTERROGATORY

REF: Exhibit JD1.2 page 21 and Attachment 1; Exhibit JD1.6, page 3.

The Hydro One Inc. Bruce to Milton EA was used as a template for the designation application EA scope of work, which did not include the need for an alternatives assessment. Ministry of Natural Resources and Forestry (MNR) and Ministry of Environment Conservation and Parks (MECP, formerly Minister of the Environment and Climate Change) indicated in the spring of 2014 that an alternatives assessment would be required as part of the EA during consultation on the TOR for the EA. They indicated NextBridge must include information originally analyzed by NextBridge during their initial review of potential routes during the OEB bid submission. As well, the MNR indicated that an assessment of alternative routes around provincial parks and conservation reserves was required to allow the Project to cross these lands. The alternatives assessment was then added to the TOR to be completed during the EA. The allocation for these routes is approximately 11% of the total \$15.8 MM described in this undertaking (see Table 3 of JD.1.2), as it correlates with the approximately 50 km of the total route of 450 km. Accordingly, the calculation of costs for the route change around Pukaskwa Park is \$1.7 MM, which is a subtotal of the actual cost incurred during the extended development period – \$15.8 MM.

- a) Please confirm that the total actual incremental costs attributed to activities 20-24 in Exhibit JD1.2 is \$2.952M. If not confirmed please provide the actual incremental costs for each of activities 20-24 individually.
- b) Please confirm that the implication of the allocation exercise performed by Nextbridge at Exhibit JD1.6 is that of the \$2.952M in actual incremental costs within activities 20-24, approximately 11% of those costs are attributable to the required rerouting of the proposed line relative to the reference route that was assumed in the Designation proceeding, and that approximately 89% of those costs are attributable to increases in the costs associated with portions of the proposed line unaffected by rerouting. If that is not the case, please provide an estimate as to how much of the \$2.952M for activities 20-24 would have been incurred even if no reroute had been necessary, including an explanation as to how the estimate was arrived at.
- c) Please explain why the Bruce to Milton EA did not require an alternatives assessment, whereas the East West Tie line proposed by Nextbridge did require an alternatives assessment. In providing the explanation, please

explain how it is that Nextbridge failed to forecast the need for an alternatives assessment when forecasting the EA process costs in the designation proceeding.

## RESPONSE

- a) Yes, the total actual incremental costs attributed to activities 20-24 in the Undertaking response found at Exhibit JD1.2 is \$2.952M.
- b) Yes, 11% of the \$2.952 MM was attributable to the required rerouting.
- c) NextBridge is not able to comment on the reasons why Hydro One Networks Inc. was not required to complete an alternatives assessment in relation to the Bruce to Milton project as part of the environmental assessment scope. NextBridge received advice from its environmental consultant that it did not anticipate NextBridge would need to prepare an alternatives assessment in relation to the EWT Line project. The Bruce to Milton project was the most recent large transmission project in Ontario at the time of preparing for the EWT Line Project designation proceeding. Because the EWT Line Project was to parallel an existing transmission line in accordance with the Provincial Policy Statement under the Planning Act similar to the Bruce to Milton project, was to tie into existing transformer stations, was identified as a priority project in provincial long term energy plans and had been the subject of a government-mandated designation proceeding coordinated by the Ontario Energy Board with an indicative reference route, NextBridge assumed that a comprehensive alternatives assessment would not be required in relation to the EWT Line Project.

## CCC INTERROGATORY #2

### INTERROGATORY

REF: JD1.5

NextBridge did not include First Nation and Métis participation costs in its designation budget. NextBridge conveyed that it was not in a position to estimate the costs associated with First Nation and Métis participation until further engagement had been initiated with communities.

- a) Please provide cites from the designation proceeding wherein Nextbridge conveyed to the Board that it was not in a position to estimate the costs associated with First Nations and Métis participation.
- b) Please provide cites from the designation proceeding wherein Nextbridge conveyed to the Board that its development cost forecast notionally included the costs associated with First Nation and Métis participation, even though those costs were not quantified.
- c) Please compare the First Nation and Métis participation costs included in the development costs budgets for the other proponents in the Designation proceeding that are comparable to the costs actually incurred by Nextbridge.
- d) Please confirm that at least some proponents in the designation proceeding incurred most if not all of their First Nation and Métis participation costs as part of the designation proceeding as opposed to during a development phase.
- e) Please confirm that it is possible to obtain a leave to construct decision for a project prior to incurring material First Nation and Métis participation costs; if Nextbridge does not agree that that is possible, please explain why not.

### RESPONSE

a) and b)

NextBridge conveyed to the Board that it was not in a position to estimate the costs associated with First Nations and Métis participation and that these costs were not included in its designation budget at pages 46 and 116 of Upper Canada Transmission, Inc. operating as NextBridge Infrastructure Application for Designation to Develop the East-west Tie Line dated January 4, 2013 (EB-2011-0140), and in Upper Canada Transmission, Inc. ("UCT") Response to Board Interrogatory 26 to all Applicants, at Attachment 1. At numerous places in the

designation record NextBridge highlighted the potential wide range of participation choices available that could not be appropriately narrowed or committed to in advance of consultation with identified First Nation and Métis groups – see NextBridge responses to Board Interrogatories 8 and 9 to all Applicants; NextBridge May 7, 2012 Phase 1 Submission at paras 23 and 36b; NextBridge April 18, 2013 Argument in Chief at paras 159, 160 and 184; and NextBridge June 3, 2013 Reply at paras 124-138. In NextBridge’s Phase 1 Submission at para 36b, NextBridge expressed its position that it was not appropriate to require applicants to include First Nation and Métis participation costs to be specified as part of the designation proceeding. Finally, starting with the first report to the OEB dated October 21, 2013, UCT clearly identified in each report to the OEB the unbudgeted costs incurred in the relevant period, including First Nations and Métis participation costs.

- c) The table below presents First Nation and Métis participation costs estimates contained in the development costs budgets for the other proponents in the Designation proceeding as presented in each proponent’s response to Board Interrogatory 26 to all Applicants.

Proponent	First Nation and Métis Participation (direct and indirect costs, including impact mitigation if applicable)
Icon Transmission, Inc. and TransCanada Power Transmission (Ontario) LP (Icon/TPT)	\$9,021,000
RES Canada Transmission LP (RES)	\$290,000 <sup>1</sup>
Canadian Niagara Power Inc.	\$976,000
ELP	Zero <sup>2</sup>
AltaLink Ontario, L.P.	\$510,000

NextBridge’s actual development costs related to First Nation and Métis participation are \$3,415,388<sup>3</sup>. While NextBridge considers that there is limited value in comparing the estimates of other proponents to actual expenditures by NextBridge given the variety of approaches to First Nation and Métis participation proposed by the various proponents, if one takes the RES estimate of \$290,000 as the low end of the spectrum and Icon/TPT’s estimate of \$9,021,000 as the high end of the spectrum, NextBridge’s actual First Nation and Métis participation development costs fall well below the midpoint of the spectrum.

<sup>1</sup> Amount consistent between RES Preferred Design & Preliminary Preferred Route and Reference Design & Reference Route estimates.

<sup>2</sup> Although described as zero, not actually zero, as amounts were “included as cost in relevant activity”.

<sup>3</sup> NextBridge Development Costs evidence at Exhibit B, Tab 16, Schedule 1, Attachment 10 at p.1.

- d) Not confirmed. NextBridge does not have information available to it to confirm that at least some proponents in the designation proceeding incurred most if not all of their First Nation and Métis participation costs as part of the designation proceeding as opposed to during a development phase.
- e) Not confirmed. First Nation and Métis participation is an important factor in the public interest determination to be made by the Board in relation to a Leave To Construct application to the extent that it impacts the prices, reliability and quality of service to be experienced by customers. NextBridge considers that any First Nation and Métis participation plan devised in the absence of engagement with impacted First Nations would not likely be a plan in which parties could place much reliance or confidence. Engagement with First Nation and Métis groups in developing participation proposals is critical to ensuring that plans proposed are achievable, successful and in the public interest.

Further, even if it were possible for a Leave to Construct to proceed without First Nation and Métis participation, it is against Ontario government policy and inappropriate from a project development and corporate responsibility perspective.

As outlined in NextBridge's Leave to Construct Application (Exhibit H, Tab 1, Schedule 1, page 4 of 6) policy direction regarding First Nation and Métis participation in major transmission projects can be found in Ontario's 2013 Achieving Balance – Ontario's Long-term Energy Plan ("2013 LTEP")<sup>4</sup>. In addition to setting out consultation expectations for energy projects in Ontario, the 2013 LTEP identifies that First Nation and Métis communities have an interest in sharing in the economic benefits from future transmission projects crossing through their traditional territories.

The 2013 LTEP notes that there are a number of ways in which First Nation and Métis communities could participate in transmission projects, and encourages transmission companies to enter into partnerships with First Nation and Métis communities, where commercially feasible and where those communities have expressed interest. Also, in the OEB Decision and Order for the New EWT Line Project designation<sup>5</sup> it states Ontario will presume that the proponent will explore opportunities for economic participation.

This provincial policy was reflected in the decision criteria used by the OEB in the transmitter designation process for the New EWT Line project (i.e., inclusion of First Nation and Métis participation as distinct from, and in addition to, First Nation and Métis consultation).

---

<sup>4</sup> Published December 2013, available at [http://www.energy.gov.on.ca/en/files/2014/10/LTEP\\_2013\\_English\\_WEB.pdf](http://www.energy.gov.on.ca/en/files/2014/10/LTEP_2013_English_WEB.pdf).

<sup>5</sup> EB-2011-0140 August 7, 2013 Decision and Order, Page 15  
[http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/search/rec&sm\\_udf10=eb-2011-0140&sm\\_udf16=\\*decision\\*&bool=and&sortd1=rs\\_dateregistered&rows=200](http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/search/rec&sm_udf10=eb-2011-0140&sm_udf16=*decision*&bool=and&sortd1=rs_dateregistered&rows=200)

HONI INTERROGATORY #1

INTERROGATORY

Reference: JD 1.2

In JD1.2, NextBridge writes that the total spend on development activities up to filing the Leave to Construct application was \$35.7M. In Attachment 1 of JD1.1, the \$35.7M has been labeled as “budgeted” costs with an additional \$4.4M being labeled as “unbudgeted”.

Questions:

- a) Regardless of the classification of costs, whether “budgeted” or “unbudgeted”, is NB now seeking approval for an additional \$17.7M over the designated development costs of \$22.4M?
- b) On page 6 to this response NextBridge writes that “these savings of \$7.0 MM are permanent because the total construction phase project budget remains the same as filed in the Leave to Construction as \$737 MM.” Please confirm that NextBridge was designated based on a development budget of approximately \$22M and a construction budget of approximately \$400M for a total Project cost of approximately \$422M. NextBridge is now estimating the total cost of the Project to be approximately \$777M. Please explain how this results in \$7M of permanent savings?
- c) NextBridge wrote that the original designated budget amount of \$22.4M included costs that were forecast for items such as third parties performing engineering work, Leave to Construction preparation and Crown and Public Entities permitting and consultation. NextBridge identifies that these costs were not included in the May and June 2015 filings. Please confirm that these costs total the \$2,952K, as shown in Table 3.
- d) At the end of paragraph 1, on page 3 of JD1.2, NextBridge writes “using this approach to understand the extended development period spend, NextBridge categorized \$15.8MM into the 42 categories, more than just the requested \$13.3MM”. Please confirm that NB is not seeking recovery of an additional \$13.3M over its designated amount of \$22.4M, but in fact is seeking recovery of an additional \$17.7M?

RESPONSE

a) Yes, NextBridge is seeking the approval of \$17.7 MM above the \$22.4 MM. The breakdown of \$17.7 MM includes \$13.3 MM of budgeted costs and \$4.4 MM of unbudgeted costs.

b) NextBridge was designated based on a development budget of \$22.4 MM.

The budgeted incremental development period costs (estimated in 2015) were \$20.3M. The actual incremental development period costs were only \$13.3M. NextBridge was able to save the difference between the estimate and budget of \$7.0M in permanent savings related to an in-service date of 2020.

The \$397 MM original construction estimate is irrelevant to the extended development period savings.

c) The total of the costs associated with the original development costs of \$22.4 MM in Table 3 is \$2,953 K and not \$2,952 K.

d) Please see NextBridge's response to part a) of this Interrogatory.

## HONI INTERROGATORY #2

### INTERROGATORY

#### References:

- I) EB-2011-0140 – NextBridge Interrogatory Response to Board Staff 26 – March 28, 2013
- II) EB-2011-0140 – NextBridge Request For Recovery of Additional Development Costs - May 15, 2015
- III) EB-2017-0182 – JD 1. 6

#### Question:

JD1.6 identifies \$4.4M as “unbudgeted amounts at designation”. NextBridge in reference i) had allocated \$1.3M to contingency and in reference ii) a further \$2.0M to contingency. Is it not the purpose of the contingency to cover this type of unknown expense?

### RESPONSE

No, the purpose of the contingency was not to cover unbudgeted expenses. The unbudgeted expenses at the time of designation were not unknown expenses. They were known items that NextBridge was not in a position to provide an estimated budget for at the time of designation. These items were defined as not being included in the designation application as well as NextBridge’s response to Board #26 to all applicants. When the OEB asked NextBridge to outline individual costs in Board Interrogatory #26 to all applicants, NextBridge clearly summarized the unbudgeted expenses that were not included. The contingency was included to account for variances in the defined costs.

HONI INTERROGATORY #3

INTERROGATORY

Reference: JD 1.2

Question:

For clarification purposes, please confirm what is meant by the “Affected by Project Delay” and “Affected by Major Re-Route”. Does this tag mean the activity was affected by the Project delay and/or the major re-route? For example, “Activity 1) Update Stakeholder Relations Consultation Plan”, was this activity affected by both the Project Delay and the Major Re-Route

RESPONSE

Yes, “Affected by Project Delay” and “Affected by Major Re-Route” means that the referenced activity was affected by the Project delay and/or a major re-route. In relation to Activity 1) Update Stakeholder Relations Consultation Plan specifically, this activity was mistakenly identified in NextBridge’s Undertaking response found at Exhibit JD1.2 as being affected by both the Project Delay and a Major Re-Route. Stakeholder Relations Consultation Plan updating was affected by Project Delay only.

## HONI INTERROGATORY #4

### INTERROGATORY

#### References:

- I) JD 1.2 – Figure 1
- II) In February 2014, Parks Canada denied NextBridge's request to study the route, indicating that it did not support the project routing through Pukaskwa National Park – JD 1.2 Page18
- III) NextBridge has identified approximately \$2.9 million in activities required to effectively study a route through the Park, including development of Park-specific Aboriginal and non-Aboriginal consultation activities and open houses, additional field study planning and assessment activity, and additional engineering studies... If access to the Park is not granted, then the identified Park Study funds are not necessary and the Extended Development Period Incremental Costs will be reduced accordingly to \$20.3M – EB-2011-0140 May 15,2015 NextBridge Letter Page 12 to 13

#### *Preamble:*

In Figure 1 of JD 1.2 NextBridge provides a chronology of NextBridge's spend over the entire development period with an original LTC file date of January 2015. Since leave to construct approval of the OEB is for a specific route, Hydro One presumes that NextBridge's leave to construct application, that was to be filed in January 2015, would have been for a route around Pukaskwa National Park since NextBridge was explicitly forbidden from studying a route through the Park as of February 2014.

#### Questions:

- a) Please confirm how much of the original designation budget of \$22.4M was earmarked for studying the route through PNP, and how much of that was unspent in February 2014?
- b) Please confirm that NextBridge had the opportunity to redirect these unused budgeted funds to study the route alternative around PNP.
- c) In JD1.6, NextBridge wrote:  
"Note, major re-routes do not take into consideration the over 90 alternative change requests to route around certain landowners or environmentally sensitive areas"  
Please confirm that these "90 alternative change requests" would have occurred regardless of the route change. How many of these 90 alternative change requests are situated in the 50 km route bypass around PNP and Dorion and Loon Lake bypasses?

- d) In JD1.6, NextBridge has determined that the route change amounted to an 11% increase in the study area. Please show the detail of the calculations to arrive at 11%.
- e) Why was the 11% applied to all 42 activities listed, versus an individual analysis of each activity to determine if in fact the route change impacted these costs? For example, why would activities 3, 4, 10, and 11 be impacted by route change and contribute to 11% of route costs? If only 11% of the route changed, and consultation was supposed to have been completed to meet a January 2015 Leave to Construct filing date, why should any consultation costs that incurred after that time be allowed?

## RESPONSE

- a) NextBridge's original designation budget of \$22.4MM was categorized in a manner consistent with Designation Phase Staff Interrogatory #26 which was to study an entire route and was not segmented into specific sections i.e., going through Pukaskwa National Park. Therefore, NextBridge is unable to determine what was earmarked specifically for studying the route through Pukaskwa National Park.

As at January 30, 2014 and as reported in its report to the OEB filed on February 24, 2014, NextBridge had spent a total of \$3,550,323 (5.9% of the Designation Budget).

- b) Since NextBridge is unable to determine specific funding earmarked for the route through Pukaskwa National Park ("PNP"), NextBridge is also unable to determine if Park-related study funds were directed elsewhere. However, when the route through the park was denied by Parks Canada, NextBridge focused its efforts on studying the route around the park and did not continue environmental studies, land acquisition or engineering work through the park.
- c) The \$1.7MM cost cited in NextBridge's Undertaking response found at Exhibit JD1.6 refers only to the major route changes, which include PNP, the Township of Dorion and Loon Lake. For clarity, the \$1.7MM associated with the major route changes does not include the cost of smaller route changes.

Approximately one third (29) of the 90 smaller route change requests are situated in the 50 km route bypasses around PNP, Dorion and Loon Lake bypasses. Had the major route changes not occurred, the aforementioned 29 change requests would not have been required.

- d) The additional kilometers of the major re-routes totaled approximately 50km. The length of the line is approximately 450km. This additional 50km represents 11% of the total line ( $50/450 = 11\%$ ).

- e) As outlined in NextBridge's Undertaking response, found at Exhibit JD1.2, NextBridge made best efforts to recast its budget from the format that it had been directed to use to track costs, consistent with Designation Phase Staff Interrogatory #26 and the Board's September 26, 2013 Decision and Order Regarding Reporting By Designated Transmitter, to the format it used in its May 15, 2015 and June 24, 2015 filing when it was asked by the OEB to provide, among other things, the "[b]reak down the incremental development costs by activity." OEB Order EB-2011-0140, January 22, 2015, Appendix A.

Although indications were made on which of the 42 activities would have been affected by the major re-routes, NextBridge was unable to specifically determine how much cost for each activity was used since the project was developed on the entire route and not segmented into specific sections (i.e., going through Pukaskwa National Park). When the decision was made to no longer pursue a certain route, NextBridge focused its efforts and budget on the alternates.

In regards to Aboriginal consultation activities, NextBridge made the determination in its May 15, 2015 filing that in order to continue to meet the delegated Duty to Consult, specific consultation activities would be carried out during the entire length of the extended development period. As outlined in the response to Board Staff Interrogatory #4, found at Exhibit I.JD1.NextBridge.STAFF.4, Aboriginal consultation is not done on a specific location (such as the route through Pukaskwa Park), it has a broader mandate to ensure that Aboriginal rights and treaty rights are considered in the development of the project. NextBridge prudently spent these funds to meet this obligation.

## HONI INTERROGATORY #5

### INTERROGATORY

#### References:

- I) "NextBridge has secured Option Agreements with 73% of private landowners to date."  
Exhibit E, Tab 1, Schedule 1 - Page 3
- II) The initiation of land optioning during the development phase was critical to maintaining the project schedule. At the time of the Leave to Construct application filing, NextBridge had reached agreements, through the execution of 135 Option Agreements, with 73% of private landowners impacted by the project reducing the risk of expropriation. – JD 1.2  
Page 40
- III) Exhibit I.E.NextBridge.HONI.5
- IV) "MS. VELSHI: Mr. Stevens, a quick question for you: Is the OEB approval a critical path activity for NextBridge?  
We heard this morning from Hydro One that if the OEB decision wasn't until October or so, or November, that it really shouldn't impact your schedule because you need the critical path activities, your EA approval. I just wanted confirmation on that.  
MR. STEVENS: I think the answer is -- well, I know that the answer is that both are critical path activities. The leave-to-construct approval is important for land acquisition reasons." - EB-2017-0364 – June 5th Transcript – Page 92-93
- V) JD 1.1 Attachment 1

#### Questions:

- a) Are the costs associated with the acquisition of the remaining 27% of land option agreements included in the \$17.7M of additional development costs. If not, where will they be captured?
- b) Per reference II and IV above, is NextBridge intending to pursue expropriation activities on these lands?
- c) Has NextBridge budgeted any dollars for expropriation activities in their development costs provided at Reference V?

### RESPONSE

- a) No. Per the description of activity 42 "incremental land optioning negotiations" included in the Undertaking response found at Exhibit JD 1.2 at page 40, the shift in cost related to

incremental land optioning negotiations from the construction phase into the development phase was intended to capture only a portion of the anticipated cost of the overall land optioning activity. The remaining cost associated with this activity resides in the construction phase budget.

- b) Per the description of activity 42 “incremental land optioning negotiations” included in the Undertaking response found at Exhibit JD 1.2 at page 40, and at Exhibit E, Tab 4, Schedule 1, Attachment 2 of NextBridge’s application, NextBridge desires to enter into voluntary, mutually acceptable agreements with landowners, and, where possible, avoid relying on a potentially prolonged, costly, and less certain outcome associated with the legislated expropriation process. If a mutually acceptable resolution with an affected landowner is not possible, NextBridge will proceed with obtaining land rights for the project pursuant to section 99 of the *Ontario Energy Board Act, 1998* or other appropriate process. While NextBridge maintains that pursuing land optioning in the development phase has substantially minimized the need for expropriations, NextBridge is not able to confirm at this time whether this need has been eliminated altogether.
- c) No. NextBridge did not budget and has not included any amounts for expropriation activities in the development costs provided at Reference V.

## HONI INTERROGATORY #6

### INTERROGATORY

#### References:

- I) The Hydro One Inc. Bruce to Milton EA was used as a template for the designation application EA scope of work, which did not include the need for an alternatives assessment – JD 1.2 Page 21
- II) Additional field surveys would be required to meet the permitting requirements for the MNRF, DFO, and the LRCA based on the comments received – JD 1.2 Page 24

#### Questions:

- a) Why was Bruce to Milton considered an appropriate template for the EA work?
- b) Please provide copies of all internal studies, reports, and analyses that served as the basis for the decision to use the Bruce to Milton EA as a template for the designation application EA scope of work.
- c) In making the decision to use the Bruce to Milton EA as a template, did NextBridge seek the advice of external environmental consultants? If not, why not? If so, please provide copies of all reports, studies and analyses of the external environmental consultant on the use of the Bruce to Milton EA as a template.
- d) How were the comments provided by the MNRF, DFO, and/or the LRCA unique or unusual for this type of project such that the information requested was unable to have been included in the original EA document?
- e) Did NextBridge commence any significant consultation activities before the initiation of the EA? If so, when and with whom?

### RESPONSE

- a) The Hydro One Inc. (“Hydro One”) Bruce to Milton EA was used as a template for the EWT Line Project EA work because it was the most recent large transmission project built in Ontario.
- b) NextBridge has not been able to locate copies of internal written studies, reports or analyses that served as the basis for the decision to use Bruce to Milton as a template for EWT Line Project EA work scope.

- c) Yes. Dillon Consulting (“Dillon”) was retained to assist in developing the scope and cost estimate for the EWT Line Project designation proceeding EA scope. Dillon completed the Bruce to Milton project EA work for Hydro One. NextBridge has not been able to locate copies of Dillon reports, studies or analyses on the use of Bruce to Milton EA as a template.
- d) Comments provided by regulators were not unique or unusual, they were simply not anticipated because the scope had not been required for the Bruce to Milton project, and the EWT Line Project parameters were relatively prescriptive with the government-initiated designation proceeding including a reference route paralleling existing linear infrastructure in accordance with provincial policy and with prescribed interconnections and transformer stations. As a result of the close paralleling of the existing EWT line previously studied corridor, NextBridge estimated that some project information or assessments would not be needed.
- e) No, NextBridge did not commence significant consultation activities before the initiation of the EA work scope.

HONI INTERROGATORY #7

INTERROGATORY

References:

- I) JD 1.2
- II) JD 1.6

Questions:

- a) Please confirm the total value of activities 20-40 equals \$6.4M
- b) Please confirm of those activities, 11% of those costs have been attributed to the \$1.7M of re-route costs.
- c) In calculating the NextBridge suggested cost of delay, Hydro One calculated the total cost as \$8.3MM. This was calculated by starting at \$15.8M then removing the cost associated with activities 20-40 that are not driven by the route change, (\$5.7M = \$6.4M less 11%), and then less the route change costs of \$1.7M. Hydro One has calculated the total costs of the project delay to be \$ 8.3M. Which number is correct - \$8.3M or \$7.6M provided by NextBridge in JD 1.6?
- d) Of the \$8.3M, did NextBridge do a detail line-by-line analysis of whether each activity was actually impacted by the Project delay? For instance:
  - i) for activities 3 and 4, relating to aboriginal capacity and funding costs, what additional information needed to be communicated in person with these communities that required NextBridge to incur an additional \$2M in development costs over the extended development period. Could this information not have been communicated through a letter?
  - ii) For activity 42, does NextBridge concur that the land option costs could have been delayed until the construction phase of the Project and that NextBridge elected to move these costs forward.
  - iii) For activity 9, 17 and 18, does NextBridge agree that these types of costs would have been incurred regardless of a 2018 or 2020 ISD. Did NextBridge originally budget these costs in their construction cost estimate?

## RESPONSE

- a) Confirmed. As shown in the subtotal on the table in NextBridge's Undertaking response found at Exhibit JD 1.2, activities 20 through 40 total \$6.4MM.
- b) Confirmed. 11% of the \$15.8 MM has been attributed to the \$1.7MM.
- c) NextBridge was asked in Undertaking request JD1.6 to make best efforts to approximate the cost of the major re-routes and delay. NextBridge believes the \$7.6MM was the best effort to estimate the delay costs however NextBridge also sees how the HONI method could be applicable as well. Therefore, an approximation of delay costs could be between \$8.3MM and \$7.6MM depending on the method utilized to approximate costs.
- d) No, NextBridge did not do a line-by-line analysis of delay costs in NextBridge's Undertaking response found at Exhibit JD1.6 as that was not the interrogatory request.
  - i. NextBridge was delegated the procedural aspects of Duty to Consult by the Crown (acting as the Ministry of Energy). In order to meet those aspects, NextBridge engaged in activities that furthered the mutual understanding and exchange of information in order to meet that duty.

The Crown outlines the process of Duty to Consult as generally involving:

- providing timely and accessible information to the Aboriginal community on the proposed project, activity or decision
- obtaining information on any potentially affected rights
- listening to any concerns raised by the Aboriginal community
- determining how to address these concerns, including attempting to avoid, minimize and/or mitigate adverse impacts on Aboriginal or treaty right<sup>1</sup>

NextBridge also signed a Memorandum of Understanding ("MOU") with the Crown when it was assigned the procedural aspects. This MOU can be found at Schedule E to NextBridge's Monthly Report to the OEB dated November 21, 2013. As outlined in Section 4, NextBridge had the responsibility to:

- explain to Aboriginal Communities the regulatory and approval process that apply to the Project;
- take all reasonable steps to foster positive relationships with Aboriginal Communities;

---

<sup>1</sup> <https://www.ontario.ca/page/duty-consult-aboriginal-peoples-ontario>

- offer Aboriginal Communities reasonable assistance, including financial assistance where appropriate and as determined by NextBridge, to participate in consultation on the Project;
- meet with, and 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;

Simply providing a letter to a community does not meet the procedural aspects of Duty to Consult or NextBridge's responsibilities as outlined in the MOU with the Crown.

- ii) Per the description of activity 42 "incremental land optioning negotiations" included in NextBridge's Undertaking response found at Exhibit JD1.2 at page 40 and response to Board Staff Interrogatory # 5 (b) found at Exhibit I.JD1.NextBridge.STAFF.5, NextBridge maintains that shifting a portion of land optioning activities to the development phase was critical to reducing schedule risk and ensuring land would be available for construction access in a timeframe acceptable to meeting a 2020 in-service date.
- iii) No, NextBridge does not agree. These costs were calculated for only the extension of the development period due to the delayed in-service date. Only the costs incurred through the original development period would have been included in the original estimate and therefore these costs were for extension of these responsibilities beyond the original development period.

## HONI INTERROGATORY #8

### INTERROGATORY

Reference: JD 1.2, p. 4 of 41

NextBridge states that “each activity was reviewed to determine if incremental development period costs were incurred (i.e. costs from February 2015 to July 2017) or if the originally identified activities were no (sic) completed”.

Question:

Please identify which “originally identified activities were not completed”. Please indicate what the cost of those activities, actual or forecast is.

### RESPONSE

The activities not completed are identifiable by the \$0 actual costs associated with them in Table 1 of NextBridge’s Undertaking response found at Exhibit JD 1.2 and summarized as follows:

- Activity 5 Aboriginal Advisory Board,
- Activity 6 Additional performance-based ratemaking (“PBR”) consultation,
- Activity 12 Update System Impact Assessment (“SIA”) and Customer Impact Assessment (“CIA”).

## HONI INTERROGATORY #9

### INTERROGATORY

Reference: JD 1.2, p. 5 of 41

NextBridge refers to “certain costs, such as land optioning and Indigenous participation, that could have been delayed to the construction phase”.

Question:

Please identify all activities, and related costs, that could have been delayed to the construction phase but were pursued during the development phase.

### RESPONSE

For clarity, the entire sentence referred to is as follows:

“Thus, while it may appear that certain costs, such as land optioning and Indigenous participation, could have been delayed to the construction phase, as will be shown in the descriptions of the 42 activities, prudent project management dictated that these activities be pursued prior to the filing of the Leave to Construct to maintain a 2020 in-service date.”

NextBridge maintains that the activities such as land optioning, the review of the Environmental Assessment, and finalizing Indigenous Participation could not be pursued in the construction phase of the project and still maintain a 2020 in-service date.

As outlined in NextBridge’s Undertaking response found at Exhibit Undertaking JD1.2, page 42 to 44, Activities 41 and 42 were continued during the extended development period.

#### Activity 41 – Environmental Assessment review participation

Project planning and consultation on the Environmental Assessment continued during this period and NextBridge also received additional environmental data, stakeholder input and traditional knowledge that resulted in updates to the Project footprint, Project description, and the final EA Report, which was submitted in July 2017. This ensured that the Environmental Assessment was comprehensive and contained current information which will be used to construct the project.

Activity 42 - Incremental land optioning negotiations

Shifting a portion of land optioning activities to the development phase was a prudent project management measure to reduce schedule risk by ensuring that land would be available for construction access in a timeframe acceptable to meeting a 2020 in-service date.

Using the methodology described in NextBridge's Undertaking response found at Exhibit JD1.2, costs attributed to activities 41 and 42 are \$460,000 and \$1,439,000 respectively.

NextBridge has also outlined the need to engage with Indigenous communities on securing economic participation arrangements prior to construction in the Undertaking response found at Exhibit JD1.5. By pursuing these arrangements prior to Leave to Construct filing, NextBridge (1) ensured costs in the Leave to Construct budget reflect these activities, (2) provided communities the time to train and employ community members for jobs before the commencement of the construction period and (3) prepare Indigenous businesses to participate in procurements for construction contracts to maximize economic opportunities.

## HONI INTERROGATORY #10

### INTERROGATORY

Reference: JD 1.2, p. 7 of 41

NextBridge refers to multiple rounds of open houses undertaken during the development period.

Question:

Please provide copies of all information that was provided at the open houses.

### RESPONSE

Copies of information provided at each round of open houses is available in the following reports:

- NextBridge Monthly Report dated December 20, 2013 at Schedule A;
- NextBridge Monthly Report dated August 22, 2014 at Schedule B;
- NextBridge Report dated April 21, 2016 at Schedule A; and
- NextBridge Report dated January 23, 2017 at Schedule B.

Copies of all information presented at the open houses are also available on the project web site at the following link [http://www.nextbridge.ca/project\\_info](http://www.nextbridge.ca/project_info). Each open house is listed under a separate heading and material available at the open house is available for download by clicking the appropriate links.

Please note that large format table maps showing the routes under consideration at the time of the open houses were also presented for people to review and mark up with pertinent information, however copies of these maps were not provided to attendees or posted to the project web site due to the extremely large file size of the maps.

HONI INTERROGATORY #11

INTERROGATORY

Reference: JD 1.2, p. 7 of 41

NextBridge refers to “the enhancement of traditional knowledge studies and skills development”.

Question:

What is meant by the “enhancement of traditional knowledge studies and skills development”?

RESPONSE

Traditional knowledge refers to information about the traditional practices and/or skills (such as hunting and trapping) and traditional land uses in which the communities currently engage and the sharing of any of this information that has been mapped or collected by the community that may contribute to both the environmental assessment process, and a greater understanding of the potential EWT Project impacts. If this information has to be enhanced to specifically focus on the area of the EWT Project, then support was provided for its development.

HONI INTERROGATORY #12

INTERROGATORY

Reference: JD 1.2, p. 8 of 41

NextBridge indicates that it “provided an additional 12 capacity funding agreements to communities, and provided a total of \$1,310,582 during that period (the extended development period)”.

Question:

Please identify why the extension of the development period caused the need for this additional expenditure.

RESPONSE

During the extended development period of 30 months, communities were continually kept apprised of development activities (such as environmental field studies) that were occurring in their traditional territories. Community meetings were held and traditional knowledge was continuously collected and shared as the project developed. NextBridge determined that completely halting these activities over the extended development period would not be in the spirit of meeting its delegated Duty to Consult by the Crown and would cause harm to relationships with communities and therefore the need for this additional expenditure was required.

### HONI INTERROGATORY #13

#### INTERROGATORY

Reference: JD 1.2, p. 8 of 41

NextBridge indicates that approximately \$1.02 million was spent on “aboriginal consultation costs” during the extended development period.

Question:

How do the activities under the heading “Aboriginal Consultation Costs” differ from “Aboriginal Capacity Funding Expenditures”?

#### RESPONSE

Activities included in the “Aboriginal Consultation Costs” include NextBridge staff time and expenses for consulting with communities and coordinating the exchange of information on the project. It also includes Aboriginal consultant costs that supported the project in the area, as well as assisted NextBridge with consultation related activities. Additionally, legal fees for negotiating Capacity Funding Agreements are included. “Aboriginal Capacity Funding Expenditures” refer only to costs provided directly to communities through capacity funding agreements.

## HONI INTERROGATORY #14

### INTERROGATORY

Reference: JD 1.2, p. 25 of 41

NextBridge states that “during the course of these engagements with Aboriginal communities, NextBridge learned that a deeper level of consultation was needed on the traditional territories of the communities”.

Questions:

- a) What is meant by a “deeper level of consultation”?
- b) What are “these engagements” and when did they occur?

### RESPONSE

- a) The original East West Tie was built in the 1960s in a time where there was no Aboriginal consultation done on large infrastructure projects. Subsequent to the original building of the line, the communities felt that they had not been properly consulted over the years and had concerns and questions that had not been answered. Due to this, NextBridge started from a deficit position with regards to consultation and engagement with First Nation and Métis communities in the project area.
- b) As previously stated in NextBridge’s response to Board Staff Interrogatory #41 at Exhibit I.H.NextBridge.STAFF.41, a Record of Consultation capturing all consultation undertaken with First Nation and Métis communities up to the filing of the Environmental Assessment (EA) was included as part of the EA and can be found here [http://www.nextbridge.ca/project\\_info](http://www.nextbridge.ca/project_info) under “Appendix 2-IX: Indigenous Consultation and Engagement Record Log”. This log includes activities during the extended development period.

## HONI INTERROGATORY #15

### INTERROGATORY

Reference : JD 1.2, p. 34 of 41

NextBridge refers to “land owner engagement, environmental and engineering field studies that have been requested by MNRF”.

Question:

Please provide copies of all requests by the MNRF for “land owner engagement, environmental and engineering field studies”.

### RESPONSE

In NextBridge’s Undertaking response found at Exhibit JD1.2, NextBridge states at page 34 of 41 that “ land access and optioning activities increased over the development period in response to the re-routes around Pukaskwa Park, Dorion and Loon Lake, as well additional requests from stakeholder and landowner engagement, environmental and engineering field studies that have been requested by MNRF.”

Additional land access was required during the development period because there were environmental and engineering studies required related to the exploration of re-routes around Pukaskwa Park, Dorion and Loon Lake, arising out of stakeholder and landowner engagement as well as for the Alternatives Assessment to support the EA as requested by MNRF.

An Alternatives Assessment was requested by MNRF in 2014 during consultation on the Terms of Reference for the Environmental assessment. Reference to MNRF requests for completion of an alternatives assessment are available in the Addendum to the Record of Consultation for the Amended Terms of Reference at Attachment 1 to this response, including at pages 49, 52 – 54, 66 – 67, and 79. In MNR’s Review of NextBridge’s Natural Environment Field Program for the EWT Individual EA and corresponding cover later dated June 9, 2014 at Attachment 2 to this response, in several places MNRF directs more data collection and/or assessment be completed, including at pages 9, 13 and 14.

# EAST-WEST TIE TRANSMISSION PROJECT

## Addendum to the Record of Consultation for the Amended Terms of Reference

Prepared by  
Dillon Consulting Limited

**DILLON**  
CONSULTING

For NextBridge Infrastructure

May 2014

*ADDENDUM*  
*TO THE RECORD OF CONSULTATION FOR THE*  
*AMENDED TERMS OF REFERENCE*

*PREPARED FOR:*

**NEXTBRIDGE INFRASTRUCTURE L.P.**

390 BAY STREET, SUITE 1720

TORONTO, ON

M5M 2Y2

*Prepared by:*

**Dillon Consulting Limited**

235 Yorkland Blvd., Suite 800

Toronto, Ontario

M2J 4Y8

May 2014

**Proponent Responses to Comments Received on the Proposed Terms of Reference**

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in <i>italics</i> )
<b>PUBLIC</b>		
<b>Routing</b>		
	<p>This route for the proposed power line has nothing but negative effects for the Dorion community, my family, and myself so I am against this route. When I look at this proposed route, I see an alternative route around two native reserves: Pays Plat First Nation &amp; Michipicoten First Nation as well as Pukaskwa National Park. Why can't there be an alternative route around Dorion? As taxes payers all we ask is the same consideration.</p>	<p>A special meeting, facilitated by the Clerk of the Township of Dorion was held on March 31, 2014. The purpose of the meeting was to better understand concerns of the municipality and a number of residents. Approximately 50 residents attended the meeting. NextBridge was represented by the Project Manager and the Stakeholder Relations representative. Dillon Consulting Limited was also in attendance to discuss the Environmental Assessment process and a representative of CanACRE was in attendance to discuss property-related questions. Numerous residents expressed concern with the location of the Reference Route. NextBridge committed to considering minor route refinements and studying a more significant alternative in the Dorion area. This alternative route would be developed during the Environmental Assessment process jointly between NextBridge and a committee of local residents with the Township Clerk facilitating the meeting.</p>
	<p>The E-W Tie Reference Route runs through our property. We have raised our objection to this plan in person and via email with NextBridge and Standard Lands staff at every reasonable opportunity (at least 5 separate occasions). Most recently we emailed the following points to Cindy Tindell at her invitation to comment.</p>	<p>In accordance with Provincial direction through the Ontario Energy Board's competitive process for selecting a transmitter, the Provincial Policy Statement and other guidelines, NextBridge intends to use the existing East-West Tie to the extent possible in order to minimize environmental and socio-economic impacts. Three Alternative Routes are currently planned to avoid federal lands (i.e., two First Nation reserves and Pukaskwa National Park). Local route refinements may also be considered to avoid other sensitive land</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>uses along the route and these will be identified through additional consultation and field study to be completed as part of the Environmental Assessment process.</p> <p>A special meeting, facilitated by the Clerk of the Township of Dorion was held on March 31, 2014. The purpose of the meeting was to better understand concerns of the municipality and a number of residents. Approximately 50 residents attended the meeting. NextBridge was represented by the Project Manager and the Stakeholder Relations representative. Dillon Consulting Limited was also in attendance to discuss the Environmental Assessment process and a representative of CanACRE was in attendance to discuss property-related questions. Numerous residents expressed concern with the location of the Reference Route. NextBridge committed to considering minor route refinements and studying a more significant alternative in the Dorion area. This alternative route would be developed during the Environmental Assessment process jointly between NextBridge and a committee of local residents with the Township Clerk facilitating the meeting.</p> <p><i>Section 1 Introduction</i>  <i>Section 4.1.1 Reference Route</i>  <i>Justification</i>  <i>Section 6 Identification and Evaluation of Alternatives</i>  <i>Appendices A through C</i></p>
	<p>1. Consideration should be given to importing hydroelectric power from Manitoba before deciding to import nuclear power from S. Ontario.</p> <p>Stephen Fletcher (Member of Parliament from Winnipeg and a Professional Engineer) has stated that this is a reasonable alternative.</p>	<p>Out of scope for the Environmental Assessment. The Ontario Power Authority, through the Long-Term Energy Plan and other policy documents, has determined that a new East-West Tie is the preferred solution.</p> <p><i>Section 1 Introduction</i></p>

**EAST-WEST TIE TRANSMISSION PROJECT  
RECORD OF CONSULTATION – ADDENDUM**

May 2014

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<i>Appendices A through C</i>
	<p>2. Failing that, consider routing the E-W Tie along the TransCanada Pipeline right-of-way to the north of us to avoid impacting any residences between Thunder Bay and Nipigon.</p> <p>A similar proposal (at least as it affects Dorion Township) was made by Ontario Hydro in the early 1990s. At that time we collectively raised our concerns. Ontario Hydro ultimately agreed to route the proposed tower line along the TCP gasline right-of-way but that plan never proceeded.</p>	<p>There are technical difficulties with paralleling a natural gas pipeline relating to increased erosion from induced electrical voltage.</p> <p>NextBridge cannot comment on what Ontario Hydro proposed, or did not propose, in the 1990's and what issues led to those proposals.</p>
	<p>3. Failing that, consider using the more southerly Reference Route Alternative through Dorion Township in order to impact fewer residences.</p> <p>This is us being NIMFYs (Not In My Front Yard) but with good reason. Reasonable alternatives exist.</p>	<p>Concerns were identified with the southerly alternatives from the public at Open Houses during the Terms of Reference phase. As well, these routes were located near areas identified by the Ministry of Transportation for highway improvements.</p> <p>Alternatives were considered but they did not provide the same advantages as paralleling the existing East-West Tie on the north side. There will be opportunities to identify local refinements to the route during the Environmental Assessment.</p>
	<p>4. Failing that, design a loop to the north of the Dorion Fish Hatchery in order to avoid impacting us and several neighbours.</p> <p>At least four concerned residents discussed this option with Oliver Romaniuk at the Nipigon Open House on Dec. 3/13. Mr. Romaniuk promised to investigate but has not responded to-date.</p>	<p>Such a loop would add distance and cost to the Project as well as impacting other environmental and socio-economic features.</p> <p>Alternatives were considered but they did not provide the same advantages as paralleling the existing East-West Tie on the north side. As a result of the recent public meeting held in the Township of Dorion on March 31, 2014, minor route refinements will be explored during the Environmental Assessment.</p>
	<p>5. Failing that, erect the E-W Tie on the south (actually south-east) side of the principal Reference Route. I doubt this is feasible however, due to local topography.</p> <p>If it is constructed on the north-west side, it will come very close to crossing over our home and we will be seeking a buy-out.</p>	<p>An evaluation of the north and south side of the Reference Route identified the north as being preferred.</p> <p><i>Appendix E</i></p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>We can see the existing tower line from our home in wintertime. It affects our reception of internet and radio signals. The proposed line would almost certainly have to be constructed on our side of that tower line. Signal interference would increase. It would be clearly visible from our home year-round, lowering the aesthetic appeal of our property. Despite intrinsik's assurances (intrinsik appears to be a NextBridge consultant in this project), we have health concerns with EMF radiation. Another, closer tower line would more than double our exposure.</p>	<p>Reception of internet or radio signals should not be affected if the signal strength is strong. Weak signals may be affected. The new facilities would not make an appreciable difference due to the existing infrastructure in the area. If your signal strength is not good you should contact your local internet provider or Hydro One to determine if there is anything not technically correct with existing facilities that could be causing the interference.</p>
	<p>We have reviewed the ToR recently posted on the Project website and note that the principal Reference Route has not changed. Before a final location is established, all reasonable route alternatives should be investigated with an eye toward minimizing impacts on residents and residences. This has not been done; NextBridge is bulldozing this project. Please insist that NextBridge to go back and do their homework.</p>	<p>A number of alternatives have previously been identified for the Township of Dorion and none have been found to be better than the Reference Route. A recent meeting held in the Township of Dorion (March 31, 2014) concluded that NextBridge will review possible route refinements in the area during the Environmental Assessment.</p>
	<p>I have read the Terms of Reference. There are 3 transmission lines going near or through my property. Since I have received literature, brochures etc. I assume that the preferred route is through my property? If so, can you tell me if it would go immediately beside the existing line, or might it go a distance away to the north, i.e. with intact forest between the two lines? If the former, would a full 52+ m of forest have to be cleared? OPG was in there the last couple of years replacing wooden poles on a transmission line beside the main steel towers.</p>	<p>In accordance with Provincial direction through the Ontario Energy Board's competitive process for selecting a transmitter, the Provincial Policy Statement and other guidelines, NextBridge intends to use the existing East-West Tie to the extent possible in order to minimize environmental and socio-economic impacts. Local route refinements may also be required to avoid other sensitive land uses along the route and these will be identified through additional consultation and field study to be completed as part of the Environmental Assessment process. NextBridge did consider alternative routes prior to finalizing the Terms of Reference. These were presented at a series of Open Houses. The proposed Terms of Reference only considers one route, parallel to and north of the existing East-West Tie through the</p>

**EAST-WEST TIE TRANSMISSION PROJECT  
RECORD OF CONSULTATION – ADDENDUM**

May 2014

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>Shuniah area. Minor refinements to the route may be considered during the Environmental Assessment.</p> <p><i>Section 1 Introduction</i>  <i>Section 4.1.1 Reference Route</i>  <i>Justification</i>  <i>Section 6 Identification and Evaluation of Alternatives</i>  <i>Appendices A through C</i></p>
	<p>I own a cabin north of the existing power line. I note from the recent notice that the proposed plan calls for an alternate route to the north around the Pays Plat First Nation (PPFN). Owing to the proximity of the PPFN to my cabin and the proposed location of this alternate route, I am potentially concerned, but am unable to determine from the information that has been provided to me, the exact distance of this alternate route to my cabin.</p> <p>Therefore before making meaningful comments on this proposed Terms of Reference, I am requesting that NextBridge provide me with a detailed map which clearly shows the path this alternate route will take, so that I can determine if I have any concerns regarding the proximity of this alternate route to my cabin.</p>	<p>There will be opportunities during the Environmental Assessment to consider routing around the cabin; should this alternative be selected. At this point, no decision has been made on going through Reserve lands or by-passing the Reserves. Detailed maps are not yet available as the route has not been finalized.</p>
	<p>I been trying to contact NextBridge to obtain additional information and to date no one has responded to my request for additional information or contacted me. I have also contacted the Thunder Bay District Office and they checked the hard copy Terms of Reference report and indicated that a map with the detailed information I am seeking is not in this report. Until I receive the detailed map I have requested, I am unable to make meaningful comments on this EBR proposal. I note that the EBR comment period is up shortly. Therefore, I am asking for assistance to obtain this information from the company.</p>	<p>The purpose of the Terms of Reference is not to deal with site specific issues but to provide a mechanism for doing so during the Environmental Assessment. Detailed maps are not yet available as the route has not been finalized. A NextBridge Lands representative provided the commenter with a map of the Reference Route and location of the commenter’s cabin as it was described. The commenter responded and indicated the mapping was incorrect. The NextBridge Lands representative followed up with a telephone call and revised maps were provided. The commenter responded indicating the maps were acceptable and thanked the NextBridge Lands representative for the discussion.</p>
	<p>We have reviewed the ToR recently posted on the Project website and note that the principal Reference Route has not changed, particularly in Dorion. Before a</p>	<p>A number of alternatives have previously been identified for the Township of Dorion and none have been</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>final location is established, all reasonable route alternatives should be investigated with an eye toward minimizing impacts on residents and residences. This has not been done; NextBridge is bulldozing this project. Please insist that NextBridge to go back and do their homework.</p>	<p>found to be better than the Reference Route. A recent meeting held in the Township of Dorion (March 31, 2014) concluded that NextBridge will review possible route refinements in the area during the Environmental Assessment.</p>
	<p>This line should not go through Dorion but be built to bypass Dorion completely.</p>	<p>A special meeting, facilitated by the Clerk of the Township of Dorion was held on March 31, 2014. The purpose of the meeting was to better understand concerns of the municipality and a number of residents. Approximately 50 residents attended the meeting. NextBridge was represented by the Project Manager and the Stakeholder Relations representative. Dillon Consulting Limited was also in attendance to discuss the Environmental Assessment process and a representative of CanACRE was in attendance to discuss property-related questions. Numerous residents expressed concern with the location of the Reference Route. NextBridge committed to considering minor route refinements and studying a more significant alternative in the Dorion area. This alternative route would be developed during the Environmental Assessment process jointly between NextBridge and a committee of local residents with the Township Clerk facilitating the meeting.</p>
	<p>The proposed line in question, from Wawa to Thunder Bay, terminates at a transformer station just East of my property (or so it seems). If this is the case and no further extension is proposed then all is well and good and I am out of the picture. However, if this proposed line continues on West from that transformer station then it will encounter my property, and this property is already chopped up all I can afford to tolerate, by an existing hydro line; land that I pay taxes on but have no use of because of that line, and no benefit from. I hope you can clarify this so I can rest at ease.</p>	<p>The Project as currently proposed is planned to start at the Lakehead Transformer Station near Thunder Bay and travel east to the termination point at the Wawa Transformer Station in Wawa. There are no plans to extend the line further west than the Lakehead Transformer Station at this time.</p> <p>A NextBridge Lands representative contacted the commenter confirming that the proposed transmission line will start at the Lakehead Transformer Station proceed east to the Marathon</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>Transformer Station, continuing east and terminating at the Wawa Transmission Station. A map was provided showing the proposed route exiting the Lakehead TS near Thunder Bay shown in yellow and red. The Lands representative confirmed, based on the commenter’s address, that the property appears to be located north and west of the proposed route. The Lands representative explained that the commenter received the notification, because the property is located within proximity to the proposed route. However the route won’t cross the property based on the location of the address.</p>
	<p>I attended a town hall meeting in Dorion last evening, March 31, and have some comments re the proposed East-West Tie Transmission Project. My major concern is the proposed alignment of the line. It was very clear from the presentation that a preferred route has been decided upon and this route closely parallels a present line through our township. The basic problem with this route is that Dorion already has significant populated areas tied up with rights of way. (Three major power lines, two railroads, trans Canada highway with proposed four lanes, Transcanada Pipeline and fibre optics cable). These all tie up land to some extent for present and future use in the community. Also, the hydro lines bring zero benefit to the municipality in the form of taxes or payment in lieu of taxes. Adding one more right of way through our community is just that much more devastating to our community.</p> <p>There is a relatively easy solution. Bypass the populated area of Dorion. In very rough terms, this means only a re-alignment to the west and north of perhaps 2-5 miles, all through crown land and accessed by forest access roads. It would seem that this would be a very viable option and satisfy all requirements. Some years ago, Ontario Hydro proposed an East-West Line that would also have gone through our populated area. A delegation that represented our community that met with Hydro One officials. They were very open, saw our problem and immediately re-rerouted the potential line out of our way. (I do realize this line</p>	<p>As you are aware, a special meeting, facilitated by the Clerk of the Township of Dorion was held on March 31, 2014. The purpose of the meeting was to better understand concerns of the municipality and a number of residents. Approximately 50 residents attended the meeting. NextBridge was represented by the Project Manager and the Stakeholder Relations representative. Dillon Consulting Limited was also in attendance to discuss the Environmental Assessment process and a representative of CanACRE was in attendance to discuss property-related questions. Numerous residents expressed concern with the location of the Reference Route. NextBridge committed to considering minor route refinements and studying a more significant alternative in the Dorion area. This alternative route would be developed during the Environmental Assessment process jointly between NextBridge and a committee of local residents with the Township Clerk facilitating the meeting.</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>was never built. Not sure why.) Hopefully, NextBridge can see its way to accommodate us in the same way. I am definitely in favour of this line as, hopefully, it will open up opportunities for green energy production, including wind, solar and co-gen using fibres we can grow here. My concern is mostly with the alignment and, if that is resolved to the community's satisfaction, I will be a happy camper.</p>	
<b>Economic Development and Tourism</b>		
	<p>I attended the meeting on March 31, 2014. Dorion is already criss-crossed by 3 transmission lines, the Trans-Canada Highway, ( currently in line for twinning), the Trans-Canada Pipeline, ( currently under study for twinning), one active railway (CPR) and one inactive ( CNR).</p> <p>The suggested routing for the East-West Tie represents another aesthetically detracting incursion into the hamlet and rural farmlands of the community, which is in the throes of recovering from collapse of the forest industry, and working hard to "sell " Dorion as a tourist destination. Their Dorion Birding Festival, for example, now planning for its 6th year, attracts bird-watching enthusiasts to the sold-out event annually from the region and beyond.</p> <p>This economic re-direction is justified by the natural wonders of the area, which includes both Ouimet and Eagle Canyons, Hurkett Cove Bird Sanctuary, the Bat Caves Wilderness Area, and spectacular waterfalls along the Wolf River. In addition, Dorion is a jumping-off point to numerous lakes and rivers which attract hunters, fishermen and outdoor enthusiasts. On behalf of myself, and I believe a township feeling the negative impacts of both existing and looming new utility infrastructure across our increasingly devalued properties, I ask that you consider a route that will bypass the Township.</p>	<p>As you are aware, a special meeting, facilitated by the Clerk of the Township of Dorion was held on March 31, 2014. The purpose of the meeting was to better understand concerns of the municipality and a number of residents. Approximately 50 residents attended the meeting. NextBridge was represented by the Project Manager and the Stakeholder Relations representative. Dillon Consulting Limited was also in attendance to discuss the Environmental Assessment process and a representative of CanACRE was in attendance to discuss property-related questions. Numerous residents expressed concern with the location of the Reference Route. NextBridge committed to considering minor route refinements and studying a more significant alternative in the Dorion area. This alternative route would be developed during the Environmental Assessment process jointly between NextBridge and a committee of local residents with the Township Clerk facilitating the meeting.</p> <p>Response provided by NextBridge via email on March 20, 2014:</p> <p>A NextBridge Lands representative responded to the commenter to confirm that NextBridge will be taking such comments into consideration as they progress through the route determination process, such as during the March 31, 2014, Town Hall meeting.</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		In addition to the Town Hall meeting, NextBridge land agents will be contacting landowners to set up personal meetings to go over your concerns and discuss the project.
<b>Mining Claims</b>		
	I own mining claims that will be affected with the transmission. I have concerns regarding that process. I am currently working these mining claims and cannot be interrupted by your process.	<p>The Ministry of the Environment informed the claim holder that the Ministry of Northern Development and Mines has informed NextBridge how it must engage claim holders along the proposed route in the planning process. If claim holders need any information from the Ministry they can contact them at: Mineral Development &amp; Lands Branch, Ministry of Northern Development &amp; Mines, Toll Free 1-888-415-9845.</p> <p>A NextBridge Lands representative spoke with the claim holder. The claim holder indicated concern regarding the interference of the proposed line with his current and planned operations. The NextBridge Lands representative advised that NextBridge is aware of the process that must occur and plan to meet with the claim holder personally to review concerns. The claim holder was also advised that NextBridge’s field agents would be in contact to set up a meeting and review the project and concerns. The Lands representative also indicated that they are looking for input so as to limit or avoid impact to operations.</p>
<b>Existing Infrastructure</b>		
	Why there are so many transmission lines running parallel to each other in this area?	The Lakehead Transformer Station is strategically located in Shuniah, which connects a variety of power lines that service a large area.
<b>Natural Environment</b>		
	My acreage is a “Managed Forest” and I have done bird and plant surveys on it. Is the EA is interested in the surveys?	NextBridge would be pleased to receive this data and will consider it during the EA.
	I have acreage with mature forest that I appreciate aesthetically and for the animal habitat that it	Comment acknowledged. In accordance with Provincial direction

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>provides. Some of my trees are old growth cedar, white spruce, jackpine and other majestic trees that are fairly uncommon in a largely deforested area. If it is all I am able to ask it would be that this work be carried out with an absolutely minimal footprint. It is bad enough that there will be a swath almost 200 feet wide and half a mile long cut through my wilderness. In addition to this access roads and layout areas will further devastate the property. Will NextBridge share the footprint with the existing Hydro One land and use the existing hydro line for layout? Please acknowledge that you have received my correspondence.</p>	<p>through the Ontario Energy Board’s competitive process for selecting a transmitter, the Provincial Policy Statement and other guidelines, NextBridge intends to use the existing East-West Tie to the extent possible in order to minimize environmental and socio-economic impacts.</p> <p><i>Section 1 Introduction</i> <i>Section 4.1.1 Reference Route Justification</i> <i>Section 6 Identification and Evaluation of Alternatives</i> <i>Appendices A through C</i></p>
<b>Health and Safety</b>		
	<p>Are you aware of the health effects associated with power lines and human health? One only needs to go to the internet and review the information, of the health effects Enviro Canada has highlighted dangers to humans living close to power lines, the magazine "Environment "of November 1978 lists a summary of 45 scientific researches done by various universities &amp; research institutes.</p> <p>All demonstrate adverse effects of power-line radiation on animals as well as humans. Those findings are in line with various other studies carried out not only in North America, but around the world. Power line radiation is dangerous to human health!</p>	<p>We are also not aware of any documented cases of electromagnetic fields having negative effects on human health.</p>
	<p>I strongly object to the high voltage line being erected so close to my residence. The known adverse health implications will destroy the environment for my family and the many other families in Dorion if this line is built here.</p> <p>We have too many high tension lines already going through Dorion affecting the general health of our residents.</p>	<p>We are also not aware of any documented cases of electromagnetic fields having negative effects on human health.</p>
	<p>It was mentioned that most of the structures would be a singly "pole" with guide wires. In remote areas, I have no problem with this structure and, should the company see fit to relocate the route to a satisfactory location, I have no issues. However, I have farmed most of my life around structures in fields. They are a bit of a nuisance but no real hazard. However, these new ones would lend themselves in many ways to problems. It would be much easier to catch one of these guy wires with a machine as compared to the</p>	<p>Guy wires will be covered with coloured sleeves called “guy markers” well above the snow line to make them visible.</p> <p>Detailed engineering work is being completed on an ongoing basis.</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>free standing structures, especially when working at night. I realize these guy wires will be substantial but a 150 horsepower tractor with a heavy implement behind also has a lot of power and I would not like to think of matching the two. Also, in agricultural and populated areas, these rights of way are used by snow machines in the winter. No matter how the guy wires are marked, they are much more hazardous than the free standing structures. I would hope that where there is even a slim chance for local snow machines or agricultural equipment to be involved that the free standing structures would be used.</p>	
<b>Relocation</b>		
	<p>If I have to move my home to the farthest portion on my property to get away from the danger because I don't want to live under power lines and suffer the negative effects, who is going to pay for me to relocate, put a new well in, sewer system, hydro line, make a new road into a new location, open up a lot, buy the permits to do so?</p>	<p>If primary residences, farm buildings, and/or commercial/industrial buildings are located within the Project corridor, NextBridge will offer a one-time option to either acquire the landowner's entire property parcel on which the corridor is situated or to acquire only the portion of the property that is on the corridor and provide compensation for the loss of the primary residence or buildings, including reasonable relocation costs.</p> <p>In cases where a landowner requests an independent market value analysis, the landowner will be reimbursed up to \$7,500 for such an analysis, upon the landowner notifying NextBridge of the request, in writing. The independent appraisal must be completed by an AACI-accredited appraiser and must be in a form that meets the requirements of section 25 of the <i>Ontario Expropriations Act</i>.</p>
<b>Property Value</b>		
	<p>The project will reduce our property value.</p>	<p>The construction of an additional transmission line will not appreciably change the aesthetics nor have any studies that we are aware of been shown to demonstrate a negative influence on property values.</p>
	<p>There is the issue of decreased property value on land with a large power line crossing it. If this goes through I'll have two lines on my property. Who is going to pay for my loss? When you look on the internet on</p>	<p>The construction of an additional transmission line will not appreciably change the aesthetics nor have any studies that we are aware of been</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	property with power lines on or near them, few if any are willing to purchase them. Any land owner who is fortunate enough to sell takes a substantial loss.	shown to demonstrate a negative influence on property values.
	We have too many high tension lines already going through Dorion affecting property values and building sights.	The construction of an additional transmission line will not appreciably change the aesthetics nor have any studies that we are aware of been shown to demonstrate a negative influence on property values.
<b>Public Review and Notification</b>		
	I just received the Terms of Reference Review notification. These documents should have been in my hands months ago. Two days is not enough time to read, evaluate, digest & respond, intelligently regarding this project.	<p>Letters and newspaper notices were developed to advise that the Terms of Reference was being made available for public comment for a period of 31 days beginning February 28, 2014 and ending March 31, 2014 at the following locations:</p> <ul style="list-style-type: none"> <li>Municipal Offices</li> <li>Township of Dorion – 170 Dorion Loop Rd., Dorion</li> <li>Township of Nipigon – 52 Front St., Nipigon</li> <li>Town of Marathon – 4 Hemlo Dr., Marathon</li> <li>Township of Red Rock – 42 Salls St., Red Rock</li> <li>Township of Schreiber – 204 Alberta St., Schreiber</li> <li>Municipality of Shuniah – 420 Leslie Ave., Thunder Bay</li> <li>Township of Terrace Bay – 1 Selkirk Ave., Terrace Bay</li> <li>City of Thunder Bay – 500 Donald St. E., Thunder Bay</li> <li>Municipality of Wawa – 40 Broadway Ave., Wawa</li> <li>Township of White River – 102 Durham St., White River</li> <li>Ministry of the Environment Offices</li> <li>Environmental Approvals Branch – 2 St. Clair Ave. W., Floor 12A, Toronto</li> <li>Thunder Bay District Office – 435 James St. S., Suite 331, Thunder Bay</li> <li>Public Libraries</li> <li>Brodie Resource Library (TBPL), 216 Brodie St. S., Thunder Bay</li> <li>County Park Branch (TBPL), 1020</li> </ul>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>Dawson Rd., Thunder Bay                      Dorion Public Library, 170 Dorion Loop Rd., Dorion                      Nipigon Public Library, 52 Front St., Nipigon                      Red Rock Public Library, 42 Salls St., Red Rock                      Schreiber Public Library, 314 Scotia St., Schreiber                      Terrace Bay Public Library, 13 Selkirk Ave., Terrace Bay                      Marathon Public Library, 22 Peninsula Rd., Marathon                      Wawa Public Library, 40 Broadway Ave., Wawa                      White River Public Library, 123 Superior St., White River                      Proponent’s Office                      NextBridge Infrastructure, 390 Bay St., Suite 1720, Toronto                      Project Website                      The Terms or Reference was also made available on the Project website at <a href="http://www.nextbridge.ca">www.nextbridge.ca</a>.                      A NextBridge Lands representative contacted the commenter to express regret that the documents hadn’t been received earlier.</p>
<b>MUNICIPALITY AND ELECTED REPRESENTATIVE COMMENTS</b>		
	<p>Member of Provincial Parliament, Michael Gravelle, Thunder Bay – Superior North, Letter Dated March 7, 2014 to The Hon. Bob Chiarelli, Ministry of Energy, and Colin Anderson, CEO, Ontario Power Authority</p>	
	<p>Provides a copy of a letter that was sent to his office, a deputation to Dorion Township Council, and a letter from Mr. Ed Chambers, Reeve, Township of Dorion addressed to Ms. Cindy Tindell, Director, NextBridge, as sent by two constituents in Dorion. This literature relates to objections to the proposed Dorion section of the Project. The MPP will be keeping track of the consultation phase and all statements made by Dorion Council and residents.                      1) Attached letter sent by constituents in Dorion – provides notice of Dorion objections to the Project to Minister Gravelle’s office. Indicates that the Reference Route parallels an existing transmission line and crosses almost directly over existing homes in Dorion and Shuniah. Indicates that residents made a</p>	<p>Comment acknowledged.                      In accordance with Provincial direction through the Ontario Energy Board’s competitive process for selecting a transmitter, the Provincial Policy Statement and other guidelines, NextBridge intends to use the existing East-West Tie to the extent possible in order to minimize environmental and socio-economic impacts.                      Local route refinements may also be required to avoid other sensitive land uses along the route and these will be identified through additional consultation and field study to be</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>deputation to Council on February 4 and that Council sent a letter of concern to NextBridge. Requests support from Minister Gravelle.</p>	<p>completed as part of the Environmental Assessment process. A final route will be developed based on consultation and field studies to be completed as part of the Environmental Assessment. A special meeting, facilitated by the Clerk of the Township of Dorion was held on March 31, 2014. The purpose of the meeting was to better understand concerns of the municipality and a number of residents. Approximately 50 residents attended the meeting. NextBridge was represented by the Project Manager and the Stakeholder Relations representative. Dillon Consulting Limited was also in attendance to discuss the Environmental Assessment process and a representative of CanACRE was in attendance to discuss property-related questions. Numerous residents expressed concern with the location of the Reference Route. NextBridge committed to considering minor route refinements and studying a more significant alternative in the Dorion area. This alternative route would be developed during the Environmental Assessment process jointly between NextBridge and a committee of local residents with the Township Clerk facilitating the meeting.</p> <p><i>Section 1 Introduction</i> <i>Section 4.1.1 Reference Route Justification</i> <i>Section 6 Identification and Evaluation of Alternatives</i> <i>Appendices A through C</i></p>
	<p>2) Attached deputation made to Dorion Council February 4, 2014 – Deputation made on behalf of several Dorion residents representing the NOW Energy Working Group, none of whom support the Project through Dorion. Main concerns include: - The plan contains alternative routes to avoid Pays</p>	<p>Alternative Routes to avoid the two First Nation Reserves are required as federal lands cannot be acquired without the consent of the landowner. Minor route refinements can however be considered in Dorion during the Environmental Assessment process. The exact location</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in <i>italics</i> )
	<p>Plat First Nation and Michipicoten/Pukaskwa. Why not Dorion?</p> <ul style="list-style-type: none"> <li>- 3 transmission lines, 2 railway corridors, the TransCanada Pipeline and a planned twinning of Highway 11/17 already bisect Dorion. We’ve done our share toward provincial infrastructure.</li> <li>- We expect Council to strongly represent our objections to NextBridge, our MPP and the media</li> <li>- Council was asked to contact Shuniah to determine level of concern there.</li> </ul>	<p>of the Project will be determined through the Environmental Assessment.</p>
	<ul style="list-style-type: none"> <li>- One family was planning to build a log home in 2014 but are reluctant to proceed. Will this line cross over their new home?</li> <li>- One family was considering selling but now face devaluation due to this limbo</li> <li>- One family already has 2 lines dividing their property and don’t want more</li> </ul>	<p>There is no documentation that we are aware of which demonstrates that transmission lines devalue nearby properties.</p>
	<ul style="list-style-type: none"> <li>- Importing Manitoba power should be investigated before building the East-West Tie</li> </ul>	<p>Out of scope for the Environmental Assessment. The Ontario Power Authority has determined through the Long-Term Energy Plan and other policy documents that a new East-West Tie is the preferred solution.</p>
	<ul style="list-style-type: none"> <li>- NextBridge has not investigated any options beyond their Principal Reference Route</li> </ul>	<p>A number of alternatives have been identified and evaluated and NextBridge will also consider minor route refinements during the Environmental Assessment process to avoid sensitive environmental and/or socio-economic features.</p> <p><i>Section 6 Identification and Evaluation of Alternatives</i></p>
	<ul style="list-style-type: none"> <li>- A similar proposal was abandoned in the early 1990s. At that time it was agreed that the new transmission line would parallel the northern TransCanada Pipeline but it was never constructed.</li> </ul>	<p>Out of scope for the Environmental Assessment. NextBridge cannot comment on what Ontario Hydro proposed in the 1990’s.</p>
	<ul style="list-style-type: none"> <li>- What kind of tax benefit does Dorion receive from all these lines?</li> </ul>	<p>Dorion receives grants in lieu of taxes.</p>
	<ul style="list-style-type: none"> <li>- There are many other issues that can be raised later including electromagnetic wave exposure, property assessment and taxation impact. We reserve the right to add additional issues as discussions continue</li> </ul>	<p>NextBridge is open to discussing residents’ concerns during the Environmental Assessment process.</p>
	<p>3) Attached letter from Dorion Township to NextBridge Infrastructure related to comments on the Draft Terms of Reference including:</p> <ul style="list-style-type: none"> <li>- after listening to a presentation by NextBridge to</li> </ul>	<p>Paralleling the existing East-West Tie has been determined to have the least overall environmental and socio-economic impact. Minor route</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>Council in November 2013, attending an open house in Nipigon in December 2013 and talking to many residents, Council requests that any corridor through Dorion be limited to an area with the absolute minimum impact on our residents and community</p> <ul style="list-style-type: none"> <li>- has another Reference Route alternative north of what is now the Reference Route been considered?</li> <li>- at a Council meeting on February 4, 2014, a group of concerned citizens made a deputation and indicated that they did not support the proposed right-of-way through the Township of Dorion. Please find attached draft minutes of that meeting and an attachment of their deputation. Their concerns and recommendations will be considered by Council. Results of those discussions will be submitted during the Environmental Assessment process.</li> <li>- presently our community is transgressed by 3 main transmission lines, the TransCanada Highway, the TransCanada Pipeline, and one active CPR Railway line, and a decommissioned CNR corridor. A 4 lane highway is scheduled to go through our community within a few years. We are concerned that the proposed East-West transmission line through Dorion will have yet another negative economic impact. We are very determined to protect residential, farm lands, and sensitive areas in our community. Please refer to the attached map.</li> </ul>	<p>refinements, including through Dorion, will however be considered during the Environmental Assessment process. A special meeting, facilitated by the Clerk of the Township of Dorion was held on March 31, 2014. The purpose of the meeting was to better understand concerns of the municipality and a number of residents. Approximately 50 residents attended the meeting. NextBridge was represented by the Project Manager and the Stakeholder Relations representative. Dillon Consulting Limited was also in attendance to discuss the Environmental Assessment process and a representative of CanACRE was in attendance to discuss property-related questions. Numerous residents expressed concern with the location of the Reference Route. NextBridge committed to considering minor route refinements and studying a more significant alternative in the Dorion area. This alternative route would be developed during the Environmental Assessment process jointly between NextBridge and a committee of local residents with the Township Clerk facilitating the meeting.</p>
	<ul style="list-style-type: none"> <li>- Council is reviewing the Terms of Reference and plans to attend the open houses this summer and fall with additional comments.</li> <li>- Council will be facilitating a Town Hall meeting as soon as possible (late February or March 2014). We will be inviting representatives from NextBridge to attend. At this meeting local residents may express their concerns and ask questions. We will also be attending the two open houses later this year. Could one of the two open houses planned for Nipigon be held in Dorion? It is apparent to us that Dorion has more concerns than Nipigon.</li> <li>- We will also be gathering information from other agencies that may have concerns about the East-West Tie going through sensitive areas in Dorion – i.e., the Lakehead Region Conservation Authority and the Thunder Bay Field Naturalists.</li> </ul>	<p>A special meeting, facilitated by the Clerk of the Township of Dorion was held on March 31, 2014. The purpose of the meeting was to better understand concerns of the municipality and a number of residents. Approximately 50 residents attended the meeting. NextBridge was represented by the Project Manager and the Stakeholder Relations representative. Dillon Consulting Limited was also in attendance to discuss the Environmental Assessment process and a representative of CanACRE was in attendance to discuss property-related questions. Numerous residents expressed concern with the location of</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>the Reference Route. NextBridge committed to considering minor route refinements and studying a more significant alternative in the Dorion area. This alternative route would be developed during the Environmental Assessment process jointly between NextBridge and a committee of local residents with the Township Clerk facilitating the meeting.</p> <p>Dorion will be considered as a potential site for a future Open House during the Environmental Assessment.</p>
	Township of Dorion, Ed Chambers, Reeve, Letter Dated April 1, 2014 to David Bell, Special Project Officer, Ministry of the Environment	
	<p>Dorion is a very small community in northern Ontario that has lost a significant tax base within the downturn of the Forest Industry.</p> <p>We are now attracting people that want to enjoy a rural lifestyle and the many attractions in our community such as Ouimet Canyon, Eagle Canyon, Hurkett Cover Conservation Area, the Greenwich Wind Farm, and the Dorion Fish Culture Station.</p> <p>However, a high percent of our residential area is becoming intersected by several corridors – i.e., 3 transmission lines, Trans-Canada Pipeline, CPR Railroad, dismantled CNR corridor, the TransCanada Highway and a proposed 4-lane highway.</p> <p>The proposed reference route for the East-West Tie passes through a residential area and adds to the width of the existing corridor. Residents are expressing their concerns about the negative impact that the new line will have on their health, interest in improving property, and their general rural lifestyle including fishing and bird watching in areas with minimal disturbance.</p> <p>Of course, this attitude will no doubt have a negative impact on our tax base – affecting all of our residents. Council also feels that others will be discouraged to buy property, build homes and settle in this residential area of Dorion.</p> <p>As a result of a well-attended Town Hall meeting last evening, a variety of environmental issues were</p>	<p>As you are aware, a special meeting, facilitated by the Clerk of the Township of Dorion was held on March 31, 2014. The purpose of the meeting was to better understand concerns of the municipality and a number of residents. Approximately 50 residents attended the meeting. NextBridge was represented by the Project Manager and the Stakeholder Relations representative. Dillon Consulting Limited was also in attendance to discuss the Environmental Assessment process and a representative of CanACRE was in attendance to discuss property-related questions. Numerous residents expressed concern with the location of the Reference Route. NextBridge committed to considering minor route refinements and studying a more significant alternative in the Dorion area. This alternative route would be developed during the Environmental Assessment process jointly between NextBridge and a committee of local residents with the Township Clerk facilitating the meeting.</p>

**EAST-WEST TIE TRANSMISSION PROJECT  
RECORD OF CONSULTATION – ADDENDUM**

May 2014

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>discussed. We trust that these will be addressed. Also, the Municipality will collaborate with Dillon Consulting regarding a route that will reduce the impact to our residents. We expect that NextBridge will consider this proposal.</p> <p>In summary, we strongly recommend that the final route passing through Dorion have the absolute minimal impact on our residential area.</p>	
<b>AGENCY COMMENTS</b>		
	Linda Pim, Ministry of Agriculture, Food and Rural Affairs, Email Dated March 12, 2014 to Dave Bell, Special Project Officer, Ministry of the Environment	
	Returned MOE Acknowledgement of Receipt Form indicating that they are satisfied that the proposed Terms of Reference will address their mandate, but wish to be involved in the preparation of the EA an monitor progress by remaining on the circulation list.	Comment acknowledged.
	Ministry of Northern Development & Mines, Brian Laine, Senior Lands Technician (Acting), Letter Dated March 13, 2014 to Dave Bell, Special Project Officer, Ministry of the Environment	
	<p>I am responding to the proposed NextBridge Terms of Reference document dated February 24, 2014. Of particular concern is a statement on page 15 under Table 1: Potential Notifications, Permits and Approvals. The statement in relation to our Ministry indicates that it is a permanent withdrawal of staking rights under the Mining Act. This is not the case. It is a withdrawal of surface rights under Section 35 of the Mining Act for the reasons stated below:</p> <p><i>This area is withdrawn during the assessment of a proposed hydro transmission line corridor under the Environmental Assessment Act and the public land disposition review and approval process by the Ministry of Natural Resources.</i></p> <p>The Withdrawal Order does not affect pre-existing tenure and does not prevent staking of new mining claims as it is only a withdrawal of surface rights during this review and assessment period.</p>	<p>Comment acknowledged and will be incorporated into the Environmental Assessment Report. NextBridge has submitted an amendment to its withdrawal order (April 2, 2014) to include the revised Alternative Route around Pukaskwa Park to the Ministry of Natural Resources (Gary Davies).</p> <p><i>Section 2.5 Other Notifications, Permits and Approvals, Table 1, Page 15</i></p>
	Ministry of Environment, David Bell, Special Project Officer, Letter Dated March 31, 2014 to Carrie Wiklund, Senior Environmental Analyst, Enbridge Pipelines Inc.	
1	Section 2.1.1, Page 8 Draft TOR Change “Once the ToR is approved” ... to “Should the ToR be approved...”	Comment accepted; change made.
2	Section 2.0 Draft TOR	

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>Identify in the ToR that all permits and approvals will be outlined in the EA.</p> <p>Follow-Up MOE understand that some permits may be required for baselines studies to support the EA (cross reference comment 3 and 4).</p> <p>Action: Acknowledge that NextBridge will ensure that stakeholders understand which permits may be needed prior to EA approval and which permits may be required post EA approval.</p>	<p>Comment accepted; change made.</p> <p>NextBridge will continue to appropriately inform stakeholders regarding which permits are required prior to EA approval and which permits may be required following EA approval.</p>
3	<p>Section 2.1.2, Page 8 Other applicable approvals Draft TOR MOE notes that the text indicates that the EA process will be used to fulfil other EA processes.</p> <p>Comment: MOE acknowledges the integrations of potential EA requirements for disposition of Crown land and activities in Provincial Parks. Integration of any MNR comment in this regard is important for the final ToR.</p> <p>Follow-Up Action: Please confirm with the Ministry of Natural Resources and Infrastructure Ontario (IO) that the Individual EA will meet any MNR or IO EA requirements required for the undertaking.</p> <p>Please confirm with the Ministry of Natural that any permits required for studies that may have Class EA requirements will proceed under the Class EA process.</p> <p>Cross reference comment number 2 and 4.</p>	<p>Comment noted; no change required.</p> <p>NextBridge acknowledges that MNR and IO requirements related to the undertaking will be met through the Individual EA.</p> <p>NextBridge will confirm with the Ministry of Natural Resources that any permits required for studies that may have Class EA requirements will proceed under the applicable Class EA process.</p> <p>See response to Comment 2 and 4.</p>
4	<p>Section 2.5, Page 12 Draft TOR The ToR text indicates that: NextBridge may initiate permit and approval activities (including related consultation with interested individuals) and applications concurrently with the EA process to provide government agencies with ample review time and to meet the Project schedule. Where</p>	

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>this is not possible due to not having enough detailed information, or due to other unforeseen events, NextBridge will undertake these activities prior to Project construction.</p> <p>Comment: Does this mean that permits level information and details will be integrated in to the EA or that permits will be submitted or concurrently with the EA? Note- Unless permits are required for specific pre-construction studies, Provincial Ministries have a policy of not granting permits until an EA is approved. Circulating a schedule or a list of these permits and their purpose once the EA commences could help clarify the intentions.</p> <p>Follow-Up Comment: Change noted on Page 13.</p> <p>Action: Acknowledge that NextBridge is aware of the general permitted and restricted activities listed under the EA Act sections 12.2(1) and 12.2(2).</p>	<p>Where possible, permits will be submitted concurrently with the EA. Should this not be possible, they will be submitted for approval prior to construction. Where additional information is required for the permit application, it will be sourced concurrently with EA study, but not necessarily incorporated into the EA. Comment accepted; a list of required permits will be provided in the EA report.</p> <p>NextBridge is aware of the general permitted and restricted activities listed under the EA Act sections 12.2(1) and 12.2(2).</p>
5	<p>Section 3.1.1 Considerations Draft TOR MOE notes that there appears to be two categories of Alternative methods because, alternative methods are mentioned in bullet number 1 and in bullet number 3.</p> <p>Comment: The types of methods being considered in bullets one and three should be clarified.</p> <p>Follow-Up Action: Acknowledge that routes (reference route and the alternative routes) are a type of alternative method.</p> <p>Cross reference Glossary p 71.</p> <p>Cross reference comment 10.1.</p> <p>See MOE comment 15 on the screening and evaluation of alternatives in the EA.</p>	<p>No Response</p> <p>Acknowledge that routes (reference route and the alternative routes) are a type of alternative method.</p> <p>Cross reference Glossary p 71.</p> <p>Cross reference comment 10.1.</p>
6	<p>Section 3.1.1 Draft TOR</p>	

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>The Text correctly identifies that you will need to identify: the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment, by the undertaking and the alternative methods of carrying out the undertaking;</p> <p>Comment: Define this term in the ToR as the text typically mentions mitigation only.</p> <p>Follow-Up Action: Commitment that NextBridge will explain the concept of: preventing, changing, mitigating or remedying effects in the EA.</p> <p>Commitment that while Section 7 refers to “mitigation” NextBridge will consider all ways to address negative environmental effects in the EA.</p> <p>Comment: The glossary (p. 73) defines mitigation broadly in the future you may wish to include the terminology; prevent, change or remedy along with mitigation.</p>	<p>Comment accepted; <i>clarification provided in Section 3.1.1 and cross reference to Section 6 (Alternatives).</i></p> <p>NextBridge is committed to preventing, avoiding, and mitigating effects to the greatest extent reasonably possible. NextBridge will ensure the concept of preventing, changing mitigating or remedying effects is explained in the EA.</p> <p>Comment noted; the EA will include additional potential methods to address negative environmental effects.</p> <p>Comment noted</p>
7	<p>Section 3.2, Page 17 Draft TOR RE supporting documentation to the EA. The last bullet in the list indicates that supporting documentation will be in an appendix.</p> <p>Comment: There are options for including technical reports and other supporting documents in an EA. They can be in an appendix or supporting documents. Note that a list of studies will need to be in the EA in accordance with the EA Regulations (Regulation 334 2(1)).</p>	<p>Comment accepted; a list of studies will be submitted as part of the EA in accordance with applicable Regulations.</p>
8	<p>Section 3.4, Page 18</p>	

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>Flexibility Draft TOR MOE notes that it is beneficial to provide for flexibility in a ToR to allow for alterations to aspects of the proposal without requiring a proponent to start the process over again.</p> <p>Comment: Insert a commitment for in the “Section 9 consultation plans” indicating how you will engage or consult with any person who may be affected by such unforeseen project changes as described in s 3.4.</p> <p>Follow-Up Comment: MOE understand the text on Page 53 and 58 to mean that, should there be unforeseen changes; NextBridge will notify and use the appropriate <u>consultation</u> methods outlined in sections 9.3.1-9.3.10.</p> <p>Action: MOE would like a commitment that NextBridge will <u>consult</u> with any person that is <u>directly</u> affected by a potential change and an assurance that NextBridge will seek their input.</p>	<p>Comment accepted; <i>change made in Section 9.3 and 9.4.</i></p> <p>Confirmed.</p>
9	<p>Section 4.1 Page 19 Draft TOR Re the overview of the proposed undertaking.</p> <p>Comment: This section would benefit from a brief chronology (like a bulleted list) that summarizes the earlier planning in support of the “Purpose” and the proposed reference route selection.</p> <p>Follow-Up MOE meant that for the purpose of the EA this section could be simplified with a chronological list. No Action.</p>	<p>Comment noted; please refer to the bulleted list on pg. 20 of the ToR.</p> <p>Not required.</p>
10	<p>Section 5.3, Page 27 Draft TOR The text indicates the study area will include approximately 500 meters on either side of the reference route.</p> <p>Comments: Please provide a rationale for selecting a 1 kilometer</p>	<p>Comment accepted; clarification</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>study area along the Reference Route and Alternative Routes for the purpose of the ToR. Text indicates that studies may be more focused. Please identify how decision will be made for focused studies. Text indicates that some environmental components may be evaluated based on a different study area like caribou. Please identify any other environmental components that will have different study area.</p> <p>Follow-Up Comment: MOE understands from the text on page 28 that the 500m width on either side of the proposed routes is a preliminary study area based on former unreferenced provincial transmission studies.</p> <p>Action: Confirm that NextBridge intends to adjust the study area where appropriate and will confirm this in the EA with Stakeholder input.</p> <p>Cross reference comment 10.1</p> <p>Additional Follow Up</p>	<p>provided.</p> <p>Comment accepted; clarification provided.</p> <p>Comment accepted; clarification provided.</p> <p>NextBridge will adjust the study area where appropriate and will seek input from stakeholders on such changes.</p> <p>Section 5.3 states: Study area boundaries will be refined as part of the EA based on input from Project stakeholders (i.e., through comments received from agencies, Aboriginal communities and the public related to the draft and proposed ToR), and predicted Project-related environmental and socio-economic effects. See response to Comment 10.1.</p>
10.1	<p>Appendix E Comparative Route analysis February ToR The route analysis in Appendix E was not provided in the original ToR submitted to MOE on January 2014. MOE expects that a range of routes will be selected and evaluated using the criteria and indicators verified in the EA.</p> <p>Action: Respond to the following questions:</p> <p>10.1a What is the purpose of route analysis contained in Appendix E? Was this analysis to determine which side of the existing ROW to focus the baselines studies?</p> <p>10.1b What input was sought on this analysis and what were the comments on the analysis? The ToR text</p>	<p>10.1a) The comparative route analysis was prepared to provide rationale for the determination regarding which side of the existing ROW to focus baseline studies.</p> <p>10.1b) The analysis was conducted by NextBridge and their consultants based</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>indicates that the analysis was done with information provided by government agencies. Which government agencies provided information and what was their input?</p> <p>c10.1c confirm that this is a preliminary analysis that will be revised once criteria and indicators are verified in the EA.</p> <p>10.1d Acknowledge that, as NextBridge indicated in section 3.1.1 of the ToR, the analyses of alternative methods (route analysis) will be part of the EA and will have public, aboriginal, and government input.</p> <p>Cross reference comment 10</p>	<p>on secondary sources including, but not limited to environmental constraint mapping (MNR data); input received through consultation activities (e.g., meetings with Ontario Parks); aerial imagery; and topographic mapping. Government agency input will continue to be sought through the EA.</p> <p>10.1c) This analysis identified a preliminary preferred approach to focus the field program (i.e., side of the existing ROW). As criteria and indicators are refined through the EA, and new information becomes available, this analysis may be revisited and the study area/approach may be modified accordingly if appropriate to do so.</p> <p>10.1d) As identified in Section 3.1.1, alternative methods (i.e., route analysis) will form part of the EA and involve public, Aboriginal, agency and stakeholder input.</p> <p>See response to Comment 10</p>
11	<p>Section 5.3, Page 27 Draft TOR Text indicates that “...input from Project stakeholders...” will be solicited to determine and refine study boundaries. Text says that “Study area boundaries are anticipated to be finalized shortly after the commencement of the EA”</p> <p>Comment: Please identify how this will be done and also include these activities and/or steps in the section 9 Consultation plans.</p> <p>Follow-Up Cross reference Comments 10.1 and 20</p>	<p>Comment accepted; <i>clarification provided in Section 5.3, 9.3 and 9.4.</i></p> <p>See response to Comments 10.1 and 20</p>
12	<p>Section 5.5.1, Page 35 Provincial and Municipal Policy Draft TOR MOE notes that this section references the Crown land Use Policy Atlas (CLUPA).</p>	

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>Comment: The Reference route and the alternative routes traverses several Province Forest Management Units (FMU) (<a href="http://www.efmp.lrc.gov.on.ca/eFMP/home.do">http://www.efmp.lrc.gov.on.ca/eFMP/home.do</a> ). MOE recommends that NextBridge consult with MNR planners and/or foresters during the EA to identify any further considerations, beyond those in the CLUPA, such as any long term management directions from relevant FMU are appropriately considered in routing evaluation/decisions and where necessary in effects assessment.</p> <p>Comment: This comment also applies to Section 6 Assessment of Alternatives.</p>	<p>Comment accepted; <i>clarification provided in Section 5.5.1 and Section 6.3.</i></p>
13	<p>Section 5.5.6, Page 36 (Cultural and Heritage resources and others) Draft TOR As per the definition of Environment, “cultural heritage values and resources” are broader than archeological resources.</p> <p>Comments: MOE recommends that NextBridge discusses the cultural criteria with the Ministry of Culture Tourism and Sport (MTCS) to ensure that there is appropriate consideration of cultural resources for both the evaluation of alternatives (Section 6) the effects assessment and aboriginal community understanding.</p> <p>The term Cultural Heritage values and resources is used in a number of location throughout the ToR, please ensure that reference to cultural heritage values and resources in Section 6, Section 7 and 9.4 (page 55) are consistent with the EA Act.</p>	<p>Comment accepted; the term “cultural heritage” has been included in the Glossary Section. NextBridge will continue to consult with MTCS regarding the assessment of cultural heritage resources.</p> <p>Comment accepted; <i>clarification provided in Section 6.3, 7.1 and 9.4.3</i></p>
14	<p>Section 6.1 Page 41 Draft TOR Text indicates that the evaluation criteria will be developed during the EA.</p> <p>Comment: Please ensure this activity is identified in your Consultation plans in section 9.</p>	<p>Comment noted; <i>clarification is provided in Section 6.1. No change made to Section 9.</i></p>
15	Section 6.2.1, Page 41	

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>Draft TOR Re the range of alternatives. Comment: How was the range of alternatives selected? Please include a description on how alternative routes were selected or screened. Such as: How were alternative routes selected? Were any other routes identified? Did you exclude any possible routes that did not meet the section 6.2 criteria? Follow-Up Question: Did any stakeholders ask about or identify any alternative routes that NextBridge did not consider?</p> <p>Action: For the EA, please describe any routes that were identified but did not meet the criteria listed in the ToR (example a route along the TransCanada highway).</p> <p>Action: Alternatives screening analysis (routes) should either be in the ToR or a step in the EA with Consultation . ToR Code or Practice p.31</p>	<p>Comments accepted; <i>additional information regarding route selection is incorporated into Section 6.2.1 and 6.2.2.</i></p> <p>During the preparation of the ToR, the Township of Dorion requested an Alternative Route along the TransCanada Pipeline approximately 35 km north of the Reference Route. This Alternative Route was considered, however it was not carried forward. A meeting was held in Dorion following the submission of the ToR, which resulted in a commitment by NextBridge to consider minor route modifications as well as a potential Alternative Route to be identified by the community, represented by the Reeve of the Township. This will be explored through the EA. Ontario Parks has requested that an alternatives assessment around Provincial Parks and Conservation Reserves be conducted as part of the EA. The EA will also identify Alternative Routes that were identified by NextBridge but did not meet the criteria outlined in the ToR_(e.g., the TransCanada Pipeline route).</p>
16	<p>Section 7, Page 45 Potential Affects assessment Draft TOR Comment: Re terminology and clarity, please identify how environmental “features” (p.45) differ from environmental “components” and environmental “criteria”.</p>	<p>Comment accepted. The term “environmental component” has been removed and replaced with “environmental features” throughout the ToR. “Environmental criteria”, noted on page 20, has been replaced by</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>Follow-Up Comment 16 and 17</p> <p>MOE notes that NextBridge is receptive to adding environmental features should they be identified through consultation or field work (p 47).</p> <p>Action: As per Comment 20, MOE recommends that NextBridge include an EA process step to confirm/verify environmental features with the public and Aboriginal communities. This would ensure that additional environmental features are verified and not continually and identified.</p> <p>Cross reference comment 20.</p>	<p>“evaluation criteria” to provide clarity. Appendix D, which includes some environmental features, has been updated to reflect the title “evaluation criteria”.</p> <p>NextBridge intends to confirm/verify environmental features identified, as well as identify new features, through consultation activities throughout the EA. Known environmental features will be identified at public open house meetings (as appropriate based on the sensitivity of the information).</p> <p>See response to Comment 20.</p>
17	<p>Section 7, Page 45 Potential effects assessment Draft TOR Text indicates that environmental features will be confirmed in the EA.</p> <p>Comment: Please indicate in the ToR when environmental features will be confirmed.</p> <p>Follow-Up Cross reference comment 16.</p>	<p>Comment accepted; <i>clarification provided in Section 7.1.</i></p> <p>See response to Comment 16.</p>
18	<p>Section 8, Page 47, Commitments and Monitoring Draft TOR Comment: Please include with the ToR a list of any relevant commitments made during the development of the ToR. This could alternatively be included in Section 9.2 “Consultation during the EA ToR” .</p>	<p>No specific commitments were made during the ToR process regarding Environmental monitoring.</p>
19	<p>Consultation Plan for the EA (Section 9) Draft TOR In accordance with the EA Act, CoP ToR and the CoP Consultation in Ontario’s EA Process (Consultation), the ToR must include a consultation plan for the EA, outlining the proposed consultation methods, committing to undertake consultation related to key decision-making milestones, and identifying how input will be obtained and an issue resolution strategy. Further the EA is to include a description of any consultation about the undertaking and the results of</p>	<p>Comment accepted; a section from the Aboriginal Participation Plan has been added that should clarify the meanings of “consultation” and “participation”. “Engagement” is used inclusive of activities with Aboriginal communities; both consultation and participation. “Consultation” is used to describe activities that are undertaken in order to</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>the consultation.</p> <p>Comment: The terms “consultation”, “participation” and “engagement” are used in section 9. MOE suggests wording be simplified.</p> <p>Follow-Up To what extent does NextBridge plan to use the EA process and EA consultation process to fulfill the procedural aspects of Crown consultation delegated by the Crown? The response makes it appear that there may be more than one consultation process. Is this the intent?</p> <p>MOE would like to ensure that any comments and directions on matters related to EA consultation are received by the appropriate consultation lead(s).</p> <p>Note EA consultation is mandatory. MOE is interested in how any delegated aspects of the Duty to Consult would be integrated into EA consultation. Make sure that when you are in communities you ensure they are aware that EA consultation is not delegated.</p> <p>NB see MOE Code of Practice Consultation</p>	<p>fulfill the delegated Duty to Consult from the Crown. “Participation” is used to describe activities that provide an economic benefit to communities (such as jobs, training, commercial investment etc.)</p> <p>NextBridge views that the EA consultation process becomes an integral part of the overall delegated formal consultation process with Aboriginal communities. Information from EA consultation will also inform and help shape the implementation of economic participation. For example, TEK and TLU data received as part of the EA will be useful in informing the work of Aboriginal personnel employed to monitor archaeological research and analysis along the route.</p>
20	<p>Consultation Plan for the EA (Section 9) Draft TOR MOE notes that there are commitments throughout the ToR to confirm or finalize certain planning tools such as: confirming study boundaries (section 5.3); confirming evaluation criteria (section 6.1); confirming detailed criteria and indicators (section 6.3); and, confirming environmental features (section 7). Comment: Please identify the steps or activities in the Consultation plans so that Government reviewers, the public, Aboriginal communities or persons will know when their input will be sought.</p>	<p>Some of these confirmation activities will be done through ground-truthing and other studies and are not directly related to consultation.</p> <p>Consultation activities and points of contact are outlined in Section 9, such as public participation at open houses or review of EA documentation. Information provided to project staff during these activities that may assist in confirming planning tools will be considered during the EA.</p> <p>Comment noted; no change required. An additional section named</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>Comment: Context the ToR is the framework for the EA and is meant to outline a process to identify issues early and resolve them in the planning of the project.</p> <p>Follow-Up MOE accepts the revision in section 6.1.</p> <p>Action: MOE opinion is that this project will have a high level of public and Aboriginal interest (see figure page 17 Code of Practice Consultation in Ontario’s Environmental Assessment Process). Therefore please address the remainder of the original comments by: identifying the process steps or activities in the Consultation plans when input will be sought on: confirming study boundaries (section 5.3); confirming detailed criteria and indicators (section 6.3); and, confirming environmental features (section 7). If Nextbridge’s opinion differs from MOE’s on the level of interest please provide a rationale.</p> <p>Action Identify the process steps or activities in the consultation plans when (phase) input will be sought on: confirming study boundaries (section 5.3); confirming detailed criteria and indicators (section 6.3); and, confirming environmental features (section 7).</p> <p>See ToR Code of Practice</p>	<p>“Information Exchange” has been added to the Aboriginal section to provide clarity.</p> <p>It is agreed that there will be a high degree of interest in the Project. Feedback received from agencies, the public and Aboriginal communities during the draft and proposed ToR phases, as well as future open houses, will be used to finalize study area boundaries, criteria and indicators and features.</p> <p>This input has been sought on a preliminary basis through the ToR phase and will continue to be through consultation activities during the EA. For example, the public open house meetings in the summer and fall of this year, newsletters, and meetings with agencies, municipalities and interest groups. During the consultation process for the EA, and the overall delegated Duty to Consult, NextBridge will be speaking to communities on an ongoing basis and tailoring outreach based on the needs of each community and their own consultation protocols, where applicable. Communities will be provided with information on project activities related to the EA, as well as opportunities and milestones for input.</p>
21	<p>Section 9.3.3 , Page 53 Draft TOR French Language- Comment MOE notes that you have committed to providing French language notices.</p>	<p>Comment noted; French language notices will be provided as described in the ToR.</p>
22	<p>Sections 9.3 and 9.4 Draft TOR MOE notes that a draft EA will be made available to the public 9.3.11, on p. 60 the text says that Aboriginal communities will also be given an opportunity to</p>	<p>Comment accepted; <i>changes have been made to the 2 sections in order to prove a link to both activities.</i></p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>comment on Draft EA documentation</p> <p>Comment: The Draft Review opportunity is difficult to find in section 9.4, you may wish to parallel the activities in the two consultation plans.</p> <p>Follow-Up Action: Acknowledge that comments received during the EA, including the Draft EA review, will be addressed prior to submitting the Final EA to MOE.</p> <p>Comment Ensure that you provide yourself appropriate time for stakeholders to review, and for NextBridge to incorporate any comments.</p>	<p>NextBridge will endeavour to address comments received during the EA phase prior to submitting the Final EA to MOE.</p>
23	<p>Section 9.4 Draft TOR MOE notes that Energy will be providing additional comments on this section.</p> <p>Follow-Up See Comment 20 above.</p> <p>Question: Will NextBridge be offering to develop consultation plans with each with Aboriginal community? For the EA component/phase what would be in one of these consultation plans.</p> <p>Comment Ensure that any EA consultation protocols you negotiate include all the elements of an EA consultation plan. See Code of Practice Consultation.</p>	<p>Comments were received from the Ministry of Energy, accepted and incorporated into the Terms of Reference.</p> <p>NextBridge will be guided by the consultation protocols and preferences as defined by each community, so each community will have a tailored version of a core consultation approach. For the EA phase, each community is invited to provide relevant TEK/TLU with NextBridge offering capacity funding to support its delineation, compilation and reporting. When deemed appropriate by the community, meetings with Elders, the Council and even full community meetings are being supported as part of the EA/formal consultation process. For example, with one community, NextBridge held both a Council and a community meeting from which flowed agreement with capacity funding to update and share TLU/TEK which is being fulfilled by a special multi-day meeting of community, with Elders and members participating in</p>

**EAST-WEST TIE TRANSMISSION PROJECT  
RECORD OF CONSULTATION – ADDENDUM**

May 2014

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		mid-April to provide NextBridge a written report of their input by the end of May or before. Similar agreements are being discussed with other communities.
24	<p>Section 9.5, Page 62 Draft TOR Issue resolution strategy.</p> <p>Comment: Please identify the point(s) of contact(s) where stakeholders and aboriginal persons or communities can enter the issues resolution strategy (process).</p>	<p>Comment accepted; <i>additional text has been incorporated into Section 9.5.</i></p>
25	<p>Section 9.2 and Record of Consultation Draft TOR Proponents must consult with interested and affected persons in an environmental assessment. The consultation and the results must be described and presented in a “Record of Consultation”. The Record of Consultation must include, among other things, comments raised and the proponent’s responses, details about how comments/issues were considered during the process and incorporated in the ToR and list any outstanding concerns.</p> <p><u>Comments:</u> A ToR Record of Consultation was not reviewed.</p> <p>Ensure that Section 9.2 (p. 50) summarizes what consultation activities occurred during the preparation of the ToR and the results. Section 9.3 mentions Open House round 1. Please describe Round 1, the purpose topics and how input was incorporated into the ToR. Describe any one-on-one activities and any results.</p> <p>In section 9.2 page 50, and the accompanying Record of Consultation, provide a summary of comments raised, the your responses, identifying how issues were considered in the process and any outstanding concerns, including comments received during the review of the draft ToR in the consultation section of the ToR.</p> <p>In the accompanying Record of Consultation,</p>	<p>Comment noted; the RoC will be submitted with the ToR.</p> <p>Comment noted; this information is summarized in the RoC. The ToR describes the consultation plan for the EA. Comment accepted; <i>clarification provided in Section 9.3.10.</i> Comment accepted; this information is summarized in the RoC.</p> <p>Comment noted; this information has been summarized in the RoC. The Code of Practice for Consultation states that, “the RoC is for past consultation that took place during the preparation of the ToR.” To avoid duplication, we have only provided this information in the RoC. The Record of Consultation has</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>comments should be arranged as follows:                      general public should be arranged by type (for example, put all water quality comments together);                      Aboriginal communities, the comments should be organized by the community or organization rather than by issue type; and,                      Regulatory bodies (Government Review Team) the comments should be organized by the Ministry rather than by the issue type.                      A Record of Consultation is required for the EA as well as the ToR.</p> <p>See updated Code of Practice Consultation (2014)</p> <p>Follow-Up                      MOE provided preliminary comments on the ROC on March 24.</p> <p>NextBridge Response on March 27, 2014</p> <p>In general the consultation record should relate to the environmental assessment.</p>	<p>been arranged as requested.                      Comment noted.</p> <p>Comment noted.</p> <p>Comment noted.</p> <p>A Record of Consultation will be prepared for the EA. The ToR has been updated based on the updated Code of Practice</p> <p>Comment noted.</p>
	<p>Lakehead Region Conservation Authority, Mervi Henttonen, General Manager, Letter Dated March 6, 2014 to Carrie Wiklund, Senior Environmental Analyst, NextBridge Infrastructure</p>	
	<p>In response to the Proposed Environmental Assessment Terms of Reference, dated February 2014 regarding the proposed NextBridge Infrastructure East-West Tie Transmission Project in the Township of Dorion and the Municipality of Shuniah, Staff provide the following comments.</p> <p>The proposed project is within the Township of Dorion and the Municipality of Shuniah which are both member municipalities of the Authority. As watershed advisors to our member municipalities, the ability of structures to pass flood flows and potential erosion/sedimentation are components of our input. There are various water crossings (i.e. Wolf River, Spring Creek, Coldwater Creek, Anderson Creek, MacKenzie River, Blind Creek, Wild Goose Creek and various unnamed creeks), as shown on the attached maps, which may be subject to the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations, O. Reg. 180/06. In general, any development (i.e. temporary or permanent water crossings, tower locations, etc.) within or adjacent to</p>	<p>Comment acknowledged.                      The need for permits from the Lakehead Conservation Authority and other regulators will be determined through additional consultation to be undertaken as part of the Environmental Assessment process.                      NextBridge, although a private entity, is conducting an activity under the direction of a Provincial Ministry and /or Agency through a public/private partnership, and therefore may not be bound by the Conservation Authorities Act.</p> <p><i>Section 2.5 Other Notifications, Permits and Approvals</i></p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>the shore-zone and/or river or creek bank may require a permit under the Authority's Regulations.</p> <p>The Conservation Authorities Act does not contain a subsection that specifically "binds the Crown"; therefore, activities of Provincial Ministries, Federal Departments and Crown Agencies or "Crown Corporations" are not bound by the Act. Additionally, as stated in the Conservation Authority Act Section 28 Exceptions (10) no regulation made under subsection (1), (c) "shall interfere with any rights or powers of any board or commission that is performing its function for or on behalf of the Government of Ontario" and (d) "shall interfere with any rights or powers under the Electricity Act, 1998 or the Public Utilities Act, 1998, c. 15, Sched. E, s.3 (8); 1998, c. 18, Sched. I, s. 12".</p> <p>Further review will be required to determine whether or not NextBridge, as a private company, is considered to be conducting an activity of the Provincial Ministry and /or Agency, and therefore not bound by the Act. If the Act does apply and permits are required under the Conservation Authorities Act, then the exceptions would be taken into consideration during the permit review process.</p> <p>It is noted that whether the Act applies to the project or not, voluntary compliance with the review process requirement is a possibility for the Crown and their Agencies; however, they are within their legal rights to refuse to participate in the voluntary review process. As of November 25, 2013 amendments to the Federal Fisheries Act came into force, which have resulted in the previous agreements between Conservation Authorities and the Department of Fisheries and Oceans (DFO) becoming null and void. The Lakehead Region Conservation Authority no longer reviews projects on behalf of the DFO and no longer issues Letters of Advice regarding mitigating impacts to fish and fish habitat. Contact information for the DFO has been attached.</p>	
	<p>Canadian Nuclear Safety Commission, Sarah Watt, Email Dated March 21, 2014 to David Bell, Special Project Officer, Ministry of the Environment</p>	
	<p>CNSC was sent your letter to the Government Review Team in regards to the NextBridge Transmission line project. CNSC has no comments and does not require any further involvement in this</p>	<p>Comment acknowledged. NextBridge will revise the circulation list.</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>proposal. This is based on a review of the project description for the NextBridge New East-West Tie Transmission Project (project) in the Terms of Reference and the Designated Project List under CEAA 2012, the project is not listed in items 31-38 of the schedule and is therefore not linked to the Canadian Nuclear Safety Commission.</p>	
	<p>Ministry of the Environment, Dave Bell, Special Project Officer, Email Dated March 24, 2014 to Carrie Wiklund and Jennifer Tidmarsh, NextBridge Infrastructure</p>	
	<p>1) Delivery of ToR to Aboriginal communities NextBridge indicated that the ToR was to be hand delivered to Aboriginal communities. <i>Action:</i> Please provide records and or a description how this was completed (who did it, when, and who were provided the documents).</p> <p>2) Format of the Record of Consultation When MOE reviewed the Draft ToR, we did not get an opportunity to review the Record of Consultation (comments February 10, 2014). <i>Action:</i> please reorganize Consultation Record (Log) for Aboriginal communities that: - describes NextBridge’s actions since August 2013 up to the submission of the final ToR On February 28. - this log should be organized by Aboriginal community (separate from GRT) and should include: o Who in the community you consulted; o how you consulted the Aboriginal communities (methods times places), o when and how comments were received (ie written, oral both) o NextBridge’s responses to the comments; and, o list of any outstanding issues by each community. This could be submitted as separate tables.</p> <p>3) Content of the Record of Consultation Section 5 of the RoC (page 111) says that NextBridge has not formally consulted with Aboriginal communities. The Environmental Assessment Act (section 5.1) requires that proponent’s consult on the preparation of the ToR. <i>Action:</i> Please clarify this statement.</p>	<p>March 27, 2014: NextBridge provided a response to the Ministry of Environment including interaction logs and an explanation of “consultation.” March 27, 2014: Ministry of Environment indicated the response provided clarity on the questions and asked two follow up questions including: 1) Is NextBridge working to develop a consultation approach/framework (plan) with each Aboriginal community? 2) Would the consultation approach/framework include a provision for the Environmental Assessment phase and activities as well as other permitting? March 27, 2014: NextBridge provides the following response: The answer to your 2 questions can be found in our Aboriginal Consultation Plan (copied here) submitted to the Ontario Energy Board, but in essence the answer is yes to both. We intend to individually tailor plans for each community based on their own protocols, interests and needs. As part of these plans, we will include provisions for support in the Environmental Assessment process as a whole and any other permits.</p>
	<p>Infrastructure Ontario, Lisa Myslicki, Letter Dated March 25, 2014 to NextBridge Infrastructure</p>	
	<p>As you may be aware, Infrastructure Ontario (IO) is responsible for managing real property that is owned by the Ministry of Infrastructure (MOI).</p>	<p>Comments acknowledged. NextBridge has been working with Infrastructure Ontario on an ongoing basis relating to the Project and potential impacts to</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>In order to determine if IO property is within your study area, IO requires that the proponent of the project conducts a title search, which will confirm ownership, or by reviewing the parcel register. Please contact IO if any government lands are known to occur within your study and are proposed to be impacted.</p> <p>Infrastructure Ontario must complete due diligence for any realty activity on IO managed lands and this should be incorporated into all project timelines. IO managed lands can include within the title but is not limited to variations of the following: Her Majesty the Queen/King, Ontario Lands Corporation, Public Works, Hydro One, PIR, MGS, MBS, MOI, MTO, MNR and MEI. <i>Please note that IO has land holdings in the project study area. The proposed activities will impact IO managed properties and/or the activities of tenants present on IO-managed lands. Prior to entering into any realty agreement, all of the due diligence requirements below (some legislated) will be triggered and require to be satisfied.</i></p> <p><b>General Impacts</b> Negative environmental impacts associated with the project design and construction, such as the potential for dewatering, dust, noise and vibration impacts, and impacts to natural heritage features/habitat and functions, should be avoided and/or appropriately mitigated in accordance with applicable regulations best practices and Ministry of Natural Resources (MNR) and Ministry of the Environment (MOE) standards. Avoidance and mitigation options that characterize baseline conditions and quantify the potential impacts should be present as part of the EA project file. Details of appropriate mitigation, contingency plans and triggers for implementing contingency plans should also be present.</p> <p><b>Impacts to Land Holdings</b> Negative impacts to land holdings, such as the taking of developable parcels of IO managed land or fragmentation of utility or transportation corridors, should be avoided. If the potential for such impacts is present as part of this undertaking, you should contact the undersigned to discuss these issues at the earliest possible stage of your study.</p>	<p>Infrastructure owned or managed lands. During the Environmental Assessment, NextBridge will identify Infrastructure Ontario lands that may be impacted by the Project. A draft copy of the Environmental Assessment Report will be circulated to Infrastructure Ontario.</p> <p>Cultural heritage resources will be identified and analyzed as part of the Environmental Assessment (archaeology, cultural heritage landscapes and built heritage). Copies of the technical reports can be provided to Infrastructure Ontario upon completion. It is anticipated that the Environmental Assessment being completed for the Project will meet the requirements of Ministry of Infrastructure’s Class Environmental Assessment.</p> <p>It is acknowledged that the purchase of Ministry of Infrastructure-owned/Infrastructure Ontario-managed lands or disposal of rights and responsibilities (e.g. easement) for Infrastructure Ontario-managed lands triggers the application of the Ministry of Infrastructure Class Environmental Assessment and that if any of these realty activities affecting Infrastructure Ontario-managed lands are being proposed as part of any alternative, that Infrastructure Ontario’s Sales and Marketing Group should be contacted. Peter Reed will be removed from the mailing list and replaced with Lisa Myslicki and Ainsley Davidson if they are not already listed.</p> <p>On April 4, 2014 the NextBridge Lands representative, Rebecca Loosley, spoke with Ainsley Davidson, Senior Planner of Infrastructure Ontario. Infrastructure Ontario had previously been provided with mapping showing the location of lands titled to the Ministry of</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>If takings are suggested as part of any alternative these should be appropriately mapped and quantified within EA report documentation. In addition, details of appropriate mitigation and or next steps related to compensation for any required takings should be present. IO requests circulation of the draft EA report prior to finalization if potential impacts to IO-managed lands are present as part of this study.</p> <p>Heritage Management Process &amp; Class Environmental Assessment (EA) Process Should the proposed activities impact cultural heritage features, on IO managed lands, a request to examine cultural heritage issues which can include the cultural landscape, archaeology and places of sacred and secular value could be required. The IO (formerly Ontario Realty Corporation) Heritage Management Process should be used for identifying and conserving heritage properties in the provincial portfolio (this document can be downloaded from the Heritage section of our website: <a href="http://www.ontariorealty.ca/What-We-Do/Heritage.htm">http://www.ontariorealty.ca/What-We-Do/Heritage.htm</a>). Through this process, IO identifies, communicates and conserves the values of its heritage places. In addition, the Class EA ensures that IO considers the potential effects of proposed undertakings on the environment, including cultural heritage.</p> <p>Potential Triggers Related to MOI’s Class EA The IO is required to follow the MOI Class Environmental Assessment Process for Realty Activities Not Related to Electricity Projects (MOI Class EA). The MOI Class EA applies to a wide range of realty and planning activities including leasing or letting, planning approvals, disposition, granting of easements, demolition and property maintenance/repair. For details on the IO Class EA please visit the Environment and Heritage page of our website found at: <a href="http://www.infrastructureontario.ca/WorkArea/DownloadAsset.aspx?id=2147483686">http://www.infrastructureontario.ca/WorkArea/DownloadAsset.aspx?id=2147483686</a>.</p> <p>Please note that completion of any EA process does not necessarily provide an approval for IO’s EA processes across unless the process incorporates IO’s applicable Class EA requirements.</p>	<p>Infrastructure for their review and comment. Ainsley Davidson indicated that she would be providing her comments in writing. Ms. Loosley provided an outline of the proposed process that NextBridge would be undertaking as far as timing of acquisition. Ms. Davidson indicated she would provide Ms. Loosley with a point of contact in their Real Estate Group. Noted one Radio Station Tower on Mon Abri Lane in Dorion Township to possibly be of concern but would follow up in writing.</p> <p>Pending receipt and review of updated mapping, no concerns other than the Radio Station Tower have been identified.</p> <p>On April, 7, 2014, Ainsley Davidson indicated that Infrastructure Ontario was completing their review of lands from a programming and planning perspective and will forward any additional concerns for NextBridge’s consideration. It was also indicated that Jon Brohman from Infrastructure Ontario will manage any potential transactions associated with the Project.</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p><i>If the MOI Class EA is triggered, and deferral to another ministry’s or agency’s Class EA or individual EA is requested, the alternative EA will be subject to a critical review prior to approval for any signoff of a deferral by the proponent. The alternative EA needs to fulfill the minimum criteria of the MOI Class EA.</i></p> <p>When evaluating an alternative EA there must be explicit <i>reference to the corresponding undertaking in the MOI Class EA</i> (e.g., if the proponent identifies the need to acquire land owned by MOI, then “acquisition of MOI-owned land”, or similar statement, must be referenced in the EA document). Furthermore, sufficient levels of consultation with MOI’s/IO’s specific stakeholders, such as the Ontario Ministry of Natural Resources, must be documented with the relevant information corresponding to MOI’s/IO’s undertaking and the associated maps. In addition to archaeological and heritage reports, a Phase I Environmental Site Assessment (ESA), on IO lands should also be incorporated into the alternative EA study.</p> <p>Deficiencies in any of these requirements could result in an inability to defer to the alternative EA study and require completing MOI’s Class EA prior to commencement of the proposed undertaking. In summary, the purchase of MOI-owned/IO-managed lands or disposal of rights and responsibilities (e.g. easement) for IO-managed lands triggers the application of the MOI Class EA. If any of these realty activities affecting IO-managed lands are being proposed as part of any alternative, please contact the Sales and Marketing Group through IO’s main line (Phone: 416-327-3937, Toll Free: 1-877-863-9672), and contact the undersigned at your earliest convenience to discuss next steps.</p> <p>Specific Comments If an EA for this project is currently being undertaken and the undertaking directly affects all or in part any IO-managed property, please send the undersigned a copy of the DRAFT EA report and allow sufficient time (minimum of 30 calendar days) for comments and discussion prior to finalizing the report to ensure that all MOI Class EA requirements can be met through the EA study. Please remove IO from your circulation list with respect to this project if there are no IO managed</p>	

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>lands in the study area.</p> <p><b>Additional Emailed Dated March 31, 2014:</b> Infrastructure Ontario submitted comments on the ToR on March 25 (attached). Any correspondence regarding the EA can be send to Lisa Myslicki and myself, and Peter Reed can be removed from your distribution list. Please let me know if you have any questions.</p>	
	<p>Ministry of Tourism, Culture and Sport, Joe Muller and Amy Didrikson, Letter Dated March 26, 2014 to David Bell, Special Project Officer, Ministry of the Environment</p>	
	<p>Thank you for providing the Ministry of Tourism, Culture and Sport (MTCS) with the Proposed Terms of Reference Final Notice and Record of Consultation for this project. For the undertaking, it is the mandate of MTCS, under the Ontario Heritage Act (OHA), to conserve, protect and preserve Ontario’s cultural heritage, including:</p> <ul style="list-style-type: none"> <li>- Archaeological resources;</li> <li>- Built heritage resources, including bridges and monuments; and,</li> <li>- Cultural heritage landscapes.</li> </ul> <p>Under the EA process, a determination of the project’s potential impact on these cultural heritage resources is required. As a follow-up to the general comments provided in our correspondence of February 10, 2014, on the draft Terms of Reference for the project, we are providing some supplemental observations on the Record of Consultation as circulated, as they pertain to the Proposed Terms of Reference.</p> <p><b>Comments on the Record of Consultation (and Proposed Terms of Reference)</b></p> <p>We appreciate the proponent for acknowledging our previous comments and incorporating amendments as suggested. The following supplementary observations are made, as they arise in part from these changes.</p> <p><b>P100, MTCS7 – Cultural and Heritage Resources (p38 in Proposed ToR)</b></p> <p>The response states that the retained archaeologist will “ascertain whether there are archaeological, built heritage and cultural heritage resources.” Licensing as an archaeologist by the Province of Ontario does not qualify for accreditation as a heritage consultant specializing in built heritage or cultural heritage</p>	<p>Comments acknowledged and will be incorporated in the Environmental Assessment Report as necessary. A built heritage and/or cultural heritage landscape specialist will be engaged to identify and evaluate built heritage and cultural heritage landscapes during the Environmental Assessment.</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>landscapes. The archaeologist retained to date is a member of the Canadian Association of Heritage Professionals (CAHP) as an Archaeologist/ anthropologist, rather than a built heritage and cultural heritage landscape specialist. Formal acknowledgement that the latter specialist(s) will be retained to identify and evaluate built heritage and cultural heritage landscapes is advised.</p>	
	<p><b>P102 MTCS14 – Glossary (p71 in Proposed ToR)</b> For consistency please include definitions for archaeology and archaeological potential here.</p>	<p>Definitions include the following adapted from the Provincial Policy Statement (2014): Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the <i>Ontario Heritage Act</i>. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the <i>Ontario Heritage Act</i>.</p> <p>Areas of archaeological potential: means areas with the likelihood to contain archaeological resources. Methods to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used.</p>
<p>Environment Canada, Denise Fell, Email Dated March 28, 2014 to David Bell, Special Project Officer, Ministry of the Environment</p>		
	<p>Environment Canada (EC) has reviewed the Terms of Reference (ToR) for the proposed East-West Tie Transmission project in relation to the comments we provided directly to the proponent on the draft ToR on February 10, 2014 (see attached,) and we are generally satisfied that the ToR has been revised accordingly in response to our comments.</p> <p>We note that in Section 5.4.9-Species at Risk it is stated: “consultation with the MNR is being undertaken to determine the need for field studies to be completed during the EA specific to Species at Risk.” Further, Appendix D-Record of Consultation contains discussions between the proponent and the MNR regarding the intended provision of a detailed caribou work plan to MNR at the end of January, 2014 for</p>	<p>Comments acknowledged. A copy of the final caribou work plan will be provided for information purposes.</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>MNR’s review. EC is satisfied with the proponent’s approach of consulting MNR regarding caribou field studies, but given our departmental interest in boreal caribou we would appreciate receiving a copy of the work plan.</p>	
	<p>Ministry of Natural Resources, Grant Ritchie, Manager, Regional Resources Section, Northeast Region, Letter Dated March 31, 2014 to Dave Bell, Special Projects Officer, Ministry of the Environment</p>	
	<p><b>1) Cover Letter</b></p> <p>Overall MNR is concerned about the scoped approach this Terms of Reference (ToR) appears to be taking, and is not confident we will be able to address our mandates and legislative requirements if this project moves forward as described. The attached table outlines MNR’s consolidated comments, to which we would like to highlight the following points.</p> <p>Follow-Up</p> <p>The Bruce-Milton line did not cross crown land. Only one aquatic two tree species at risk were encountered along this line. The projects are significantly different in this regard; as such, MNR concerns about mandates and legislative requirements stand and have not been addressed with this response.</p> <p>Public Lands Act; Provincial Parks and Conservation Reserves Act; and, Species at Risk Act considerations have not been addressed in this TOR.</p> <p>Please describe how major differences (tenure, available values and species at risk -particularly caribou, requiring continuous habitat that is threatened with linear disturbance such as transmission line) will be accommodated in the approach as described in the TOR.</p>	<p>The approach taken in this Terms of Reference is consistent with the approach taken by Hydro One in their approved Terms of Reference for the Bruce to Milton Transmission Line Project. The Ministry of Natural Resources was able to address their mandates and legislative requirements on this project.</p> <p>The scoped approach taken in the ToR is not related to the amount of Crown land crossed by the Project. The scoped approach is a process used to exclude extraneous alternatives from analysis based upon government direction to closely follow the existing East-West Tie between Thunder Bay and Wawa. While not naming them specifically, the requirements of provincial and federal legislation as it relates to the EA are included in the ToR. The specific details will be addressed in the EA. The purpose of the ToR is to provide direction, not specific details on aspects of the natural and socio-economic environment.</p>
	<p><b>Route Selection / Alternatives:</b></p> <p>MNR has not been engaged in discussions regarding potential environmental impacts or other items NextBridge will need to consider when selecting a route; yet, it appears that a preferred route has been selected for confirmation (Section 1.4 Purpose of the Study). Appendix E of the ToR further describes a comparative route analysis from which the preferred route was determined – MNR was not engaged in</p>	<p>In accordance with Provincial direction through the Ontario Energy Board’s competitive process for selecting a transmitter, the Provincial Policy Statement and other guidelines, NextBridge intends to use the existing East-West Tie to the extent possible in order to minimize environmental and socio-economic impacts.</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>discussions leading up to this analysis, as a result our data and local knowledge was not requested, considered or assessed. MNR has significant concerns with this analysis, and resulting decision, taking place outside of the Environmental Assessment (EA) process without opportunity for public, agency or Aboriginal engagement.</p>	<p>Three Alternative Routes are currently planned to avoid federal lands (i.e., two First Nation reserves and Pukaskwa National Park).</p> <p>Local route refinements may also be considered to avoid other sensitive land uses along the route and these will be identified through additional consultation and field study to be completed as part of the Environmental Assessment process.</p> <p>Appendix E contains a comparative route analysis that was completed primarily to focus field work commencing in the spring 2014. As indicated in Appendix E, desktop data obtained by the Project Team from agencies included official plans, orthophotographics, and detailed environmental constraint mapping that included Ministry of Natural Resources data from Land Information Ontario (LIO). A review of the Crown Land Use Policy Atlas was also undertaken as mentioned in Section 5.5.1 of the Terms of Reference. The preferred side of the corridor to be paralleled will be revisited and confirmed during the Environmental Assessment as additional data becomes available.</p> <p>Comments received from the agencies and during public Open Houses held during the Terms of Reference phase were also taken into account as part of the comparative analysis.</p> <p>This process follows the same process used in the completion of the Ministry of Environment approved Terms of Reference for the Bruce to Milton Transmission Line.</p> <p><i>Section 1 Introduction</i></p> <p><i>Section 4.1.1 Reference Route Justification</i></p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>Follow-Up Response does not address comment.</p> <p>The Bruce-Milton line undertook analysis ahead of field work to engage the public, agencies, etc... in analysis of route refinements and possible alternatives (EA appendix C: route refinement analysis). This is not what is being suggested in the East-West TOR as written.</p> <p>The Bruce-Milton TOR notes (Pg28) “Data will be collected and mapped for environmental features within the study area to identify the preferred location for the final route alignment”.</p> <p>Is the same process for the Bruce-Milton (consultation and resulting analysis to identify a route for further study) going to take place as the basis of field work study? When are these discussions scheduled to take place?</p>	<p><i>Section 6 Identification and Evaluation of Alternatives</i></p> <p><i>Appendices A through C</i></p> <p>Six open houses were held to obtain information from agencies, Aboriginal communities, landowners and other stakeholders related to the ToR. NextBridge has also undertaken a number of meetings with the MNR during the ToR process, as it has with other agencies and Aboriginal communities. Feedback received as part of this consultation was taken into account as part of the analysis and also included publicly available desktop information from the MNR and other agencies. NextBridge is using the Reference Route which is based on a planning process completed by the OEB process. Detailed discussion regarding natural environment fieldwork is currently underway with the MNR.</p>
	<p>The ToR describes how the EA will focus on mitigation within the identified 500 m corridor, with alternate routes only identified for Federal lands. On January 28, 2014 MNR sent a letter to NextBridge describing existing management direction and provincial parks policy related to transmission corridors. It appears this information was not considered in the development of this ToR.</p> <p>While the EA Act requires that a reasonable range of alternatives be examined in the EA, MNR also requires consideration of reasonable alternatives when making decisions on the issuance of permits under the Endangered Species Act and Provincial Park and Conservation Reserves Act. This consideration should be completed and documented upfront in the EA planning stage. (Note: there may be other instances where alternatives need to be explored, to be determined as the project details unfold).</p> <p>MNR strongly believes that route identification, selection and confirmation should take place through</p>	<p>To clarify your comment, the identified corridor is not 500 metres wide but rather has an approximate 1 kilometre span (i.e., 500 metres on either side).</p> <p>The information contained in the letter dated January 28, 2014 was taken into account as part of the development of the Terms of Reference. As indicated in the Terms of Reference, local refinements to the Reference Route to avoid sensitive environmental and/or socio-economic features (including provincial parks) will be identified and reviewed during the Environmental Assessment.</p> <p>As indicated in the Terms of Reference, the Project is being completed in accordance with subsections 6(2)(c) and 6.1(3) of the Environmental Assessment Act, also referred to as a “focused”</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>the EA, and would like to participate in this process. To be meaningfully engaged in a route confirmation process, there is a need to look beyond the 500 m corridor as identified within this ToR for assessment of alternatives and a full range of mitigation options.</p> <p>Follow-Up Response does not address the comment.</p> <p>Alternatives must be assessed for protected areas. This includes assessment of alternate routes outside of the protected area as a requirement of legislation.</p>	<p>Environmental Assessment. This Environmental Assessment is proposed to be completed in accordance with subsections 6(2)(c) and 6.1(3) of the Environmental Assessment Act, as it will meet the requirements of subsection 6.1(2), and will not include an assessment of “alternatives to” with the exception of the “do nothing” alternative. The Project Team will however seek Ministry of Natural Resources input on local route refinements that may be necessary to avoid sensitive environmental and/or socio-economic features during the Environmental Assessment.</p> <p>NextBridge is following provincial government direction and the process followed for the Bruce to Milton Transmission Line project. The requirement is to plan a new transmission line that ties into the Lakehead Transformer Station near Thunder Bay, the Marathon Transformer Station and the Wawa Transformer Station using the Reference Route which the provincial government has determined through a planning process and provincial policy that generally paralleling the existing East-West Tie is preferred.</p> <p><i>Section 1 Introduction</i></p> <p><i>Section 3.1 Environmental Assessment Approach</i></p> <p><i>Section 6.2.2 Local Refinements to the Reference Route</i></p> <p><i>Appendices A through C</i></p> <p>The EA will include an alternatives assessment that looks at avoiding (i.e., going around) provincial parks, provincial reserves and other protected areas crossed by the Reference Route.</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>Describe what provincial Parks or Conservation Reserves were crossed for the Bruce-Milton route, provide rationale for route refinement vs. alternative route discussions based on this project.</p>	<p>The Bruce to Milton and East-West Tie are two separate projects and rationale for route refinements versus alternative route discussions will be dependent upon input from agencies, Aboriginal communities and the public, as well as the specifics of the situation.</p>
	<p><b>Impact Assessment and Baseline Data:</b></p> <p>MNR is concerned that the timelines allotted for baseline data collection, interpretation and assessment will not provide enough information and detail for decision making. We have expressed this concern on several occasions and have yet to be engaged in field work discussions for activities that have (in some cases) already started.</p> <p>As described and further outlined in this Terms of Reference, less than one complete season of data collection is scheduled for approximately 10% of the project area size, in order to meet an ambitious EA deadline. MNR would expect the proponent collect at least one complete season of field work to establish baseline information from which to authorize activities and make decisions on a project of this size (more, should extensive uncertainty or sensitive features have the potential to be impacted). MNR is concerned the limited amount of data collection proposed will not provide a robust enough set of information from which to reasonably predict potential environmental impacts and make decisions.</p> <p>As a ministry we are committed to the conservation of biodiversity and associated management of our natural resources in a sustainable manner. To meet MNR's legislative requirements and mandated activities, MNR needs to be engaged more regularly on a project of this scale.</p>	<p>The Project Team has been working with Justin Standeven and Nicole Galambos of the Ministry of Natural Resources as a "one-window" approach to consultation as the Project spans multiple Ministry regions and districts. Note that the Terms of Reference does not make reference to the timing of (i.e., less than one season) or the size of the area (i.e., 10 percent) where the collection of field data is proposed. A Proposed Natural Environment Work Plan, which included proposed field studies and geographic locations of such studies, was submitted to the Ministry of Natural Resources in early 2014 and correspondence with the Ministry has already occurred. Additional supplementary information was also submitted to Nicole Galambos in early March 2014 at her request. Consultation (including additional meetings) is continuing with the Ministry of Natural Resources as it relates to the proposed Natural Environment Work Plan with the first of two meetings scheduled for mid-April 2014. An agreement on the Work Plan is anticipated prior to the 2014 spring field season.</p> <p>The only field work that has been started to date is related to Caribou studies. The scope of work associated with the field component of the Caribou studies was discussed with and agreed to by Ministry of Natural Resources staff in February, 2014, prior to the start of this field work.</p>
	<p>MNR would like to become more engaged in discussions with the proponent and their consultants</p>	<p>The Project Team has attempted to contact local districts on several</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>as this project moves forward. We look forward to participating in the route selection process, as we have extensive local knowledge, data and understanding of the resource. As well, we have current knowledge of planned and occurring activities within the area.</p>	<p>occasions and have been told by the Ministry of Natural Resources to use the “one-window” approach. As such, the Project Team is depending on the circulation of Project-related material and invitations to meetings through the one-window approach, however, as the field work commences we would like to modify the approach to include appropriate district staff on focused discussions. The Project Team looks forward to receiving local knowledge from and engaging in additional discussions with Ministry of Natural Resources’ staff.</p>
	<p><b>2) Comment Table</b> <b>Route Changes:</b> It appears that the routes presented in this version of the Terms of Reference have changed somewhat. The Alternative route crossing White Lake Forest Reserve has been dropped, the Reference route has been moved east such that it will not cross Pukaskwa River Provincial Park near Gibson Lake, and the Alternative route has been dropped such that there will be no crossing of Pukaskwa River Provincial Park near 600 road. Please confirm these changes.</p>	<p>The only change is to the north-south portion of the Alternative Route around Pukaskwa National Park to avoid the constraints identified by the Ministry of Natural Resources. Further refinements to this portion of the Alternative Route may occur in the Environmental Assessment through discussions with the Ministry of Natural Resources and the Forest Management Agreement holders as a significant amount of the area is proposed to be cut by 2018.</p>
	<p>MNR is concerned that this route change (if accurate as per above) was not communicated; as a result MNR is not clear which route we should be considering as we continue to review and comment on other related documents (e.g., field work plans, Geotechnical maps currently being assessed). MNR needs confirmation on the study area moving forward. With these changes, the new route no longer aligns with the mining withdrawal areas that were previously submitted on behalf of the proponent; clarification of the project area is needed.</p>	<p>The Ministry of Natural Resources should focus on the route provided in the proposed Terms of Reference. Mapping and related material provided to the Ministry following submission of the proposed Terms of Reference also includes the revised route.</p> <p>Discussions will be held with the Ministry of Natural Resources related to withdrawal of the surface rights of the new area from mining and release of the previous area where the change has occurred.</p> <p>A letter requesting an amendment to the existing withdrawal order was made on April 2, 2014 and sent via email to Gary Davies, Regional Planning Coordinator, Operations Northwest</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>Region.</p> <p><i>Appendix E: Comparative Route Analysis</i></p>
	<p><b>Timelines:</b></p> <p>There is concern with the proposed timelines to have a complete EA submitted to MOE by January 2015. The reference in the Project Plan to a limited amount of field data collected (one field season) with limited data analysis and discussion is very concerning as there is uncertainty regarding the depth and breadth of the information that will be collected, and the ability of that information to demonstrate the potential impacts of the project and guide mitigation.</p> <p>These concerns were discussed at the initial MNR meeting with NextBridge in the fall 2013; given 300+ water-crossings along the route, it will be difficult for fisheries field work to be completed in a single season, particularly if NextBridge is considering the field season to be spring and summer only, thereby missing the fall migration (this is MNR’s understanding as per information and discussions to date with the proponent). Several years’ of fisheries data collected over all seasons in order to establish a proper baseline is recommended. Other examples requiring comprehensive study:</p> <ul style="list-style-type: none"> <li>- Breeding Bird Surveys – spring to early summer (June/July)</li> <li>- Spawning Surveys – Spring/Fall (species dependent)</li> <li>- ELC Surveys – Season of application (some species used in classification may have early/late blooming seasons); Possible late growing season due to lake effect of Lake Superior.</li> </ul> <p>There is significant concern from MNR that limiting data collection to one field season will fail to capture the scope of potential impacts due to the inability to assess species/environments during appropriate seasons.</p>	<p>The proposed timelines have been established based the Ontario Power Authority’s Project operation date of 2018.</p> <p>The proposed Natural Environment Work Plan, which includes data collection methodology, is currently being reviewed in consultation with the Ministry of Natural Resources. Additional meetings are being arranged with the Ministry during the month of April 2014 through Nicole Galambos. Further, the Project Team will be providing Ministry staff with monthly reporting during the field season.</p> <p>Transmission line effects on the natural and socio-economic environment have been well-documented, as have mitigation measures. NextBridge will follow industry best management practices and consult with the Ministry of Natural Resources at significant points in the process.</p> <p>The field program as proposed will extend to the end of September. Should significant issues be identified, it could extend into October. There is no in-water work proposed for Project construction; therefore, the collection of in-water data is not necessary. Existing access will be primarily used and in rugged areas, access will be via helicopter. Towers will be flown in by helicopter. The access plan will be reviewed by the Ministry of Natural Resources. Should upgrades to bridges or culverts be required, they will follow standard Ministry water crossing guidelines. This Project is not like a mine development, where years of baseline aquatic work are undertaken as a precaution to a change in water</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>Follow-Up Response does not address Concern</p> <p>Please provide the studies on the well-documented effects of transmission lines in comparable areas.</p> <p>Please describe why four seasons (Spring, Summer, Fall and Winter) of data collection was determined deemed necessary for the Bruce-Milton line vs. two seasons (spring and summer) proposed for this (in some places) greenfield development in continuous caribou habitat.</p> <p>Please provided studies and rational to support comment regarding the “major concern”. Are these studies comparable? Did they occur within the aquatic systems in the project area.</p>	<p>chemistry. The major concern with this type of development relates to potential sedimentation/siltation and can be mitigated using standard measures.</p> <p>Hydro One has developed extensive standard mitigation measures for aspects of their construction and operation activities across the province based on anticipated or predicted project effects.</p> <p>NextBridge is proposing four seasons of data collection for areas of the natural environment that may be affected by construction and operation of the Project. A winter caribou field survey was completed in early 2014. The survey also included incidental wildlife observations. Additional field work is planned for spring, summer and fall. A small section of the Project from White River south to the existing East-West Tie crosses an area that is mostly proposed to be logged by 2018 in the forest management plan for the area and as such the Project is planned to follow existing logging roads to the extent possible. It is our understanding that the Project follows an area of discontinuous caribou habitat and as such an aerial survey was completed to document baseline conditions with respect to caribou. Based on field work, potential effects to caribou and associated habitat will be identified along with suitable mitigation measures as part of the EA.</p> <p>Based on extensive experience with similar projects, consultation feedback, existing literature and anticipated Project activities, the major concern referred to is the potential for construction to cause sedimentation on nearby watercourses. This will be mitigated by standard erosion and</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>sedimentation control methods. An effects assessment will be completed during the EA to identify potential effects and associated mitigation measures.</p>
	<p><b>Section 1.0, Page 1</b></p> <p>Text should be clarified that the “alternate route” around Pukaskwa is in fact the reference route (as for further text in the ToR identifying Pukaskwa National Park is not willing to entertain development through the area). As such, the wording needs to be altered to reflect the fact this reference route does not parallel the existing line for a large portion of the project.</p>	<p>As indicated in the Terms of Reference (Section 2.2.1), NextBridge is currently exploring Parks Canada’s decision to not accommodate the construction of a transmission line through Pukaskwa National Park. Until such time that this decision is fully explored, the route through Pukaskwa National Park will form the Reference Route.</p> <p>The east-west portion of the Alternative Route around Pukaskwa National Park, between the Marathon Transformer Station and White River, also follows an existing transmission line.</p> <p><i>Section 2.2.1 Section 67 of Canadian Environmental Assessment Act 2012 – Federal Lands</i></p>
	<p><b>Figure 2, Page 6</b></p> <p>The figure is missing a critical component – long term monitoring and reporting during and post-construction. Please add this as a part of the project. Given the project lifespan of “50 years or longer” (page 6), long term monitoring, assessment and further mitigation will be a critical component of this project. Particularly the maintenance that will include the use of mechanical and chemical vegetation control for an extended period of time (as per discussions between NextBridge and MNR – the use of herbicides is expected for long term vegetation management).</p> <p>Follow-Up Response does not address concern.</p> <p>If this is a standard figure it should be noted as such with additional information about monitoring and reporting.</p>	<p>Figure 2 provides an overview of the Transmission Development Process as provided by the Ontario Power Authority. It is not intended to serve as an overall project schedule.</p> <p>As indicated in Section 8 of the Terms of Reference, the Environmental Assessment Report will include a section related to construction and post-construction monitoring.</p> <p><i>Section 8: Commitments and Monitoring</i></p> <p>See previous comment. The figure was prepared by the OPA. Section 8 of the ToR addresses Commitments and Monitoring.</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p><b>Section 1.4, Page 7</b></p> <p>This ToR, as written, assumes the route has been selected and will be confirmed through the EA. This is not the case as public, agencies and Aboriginal peoples have not yet had the opportunity to discuss impacts, contribute to know values and concerns in the vicinity of the initially proposed route. The EA should be used to select the route, not to confirm a previously selected corridor. There is a need to look beyond the identified (narrow) corridor to select and confirm a route; then to assess the appropriate corridor for impacts.</p> <p>MNR suggests the study purpose be re-written to capture this, suggested purpose: “to select a route and confirm concept design for the project, to identify and develop mitigation measures to address potential environmental and/or socio-economic effects that could result from the construction, operations and long term maintenance of the project”.</p> <p>Follow-Up Response does not address concern.</p> <p>Selection of a possible route location must happen through the EA to be able to assess all known values and information. The assessment of alternative routes (through the EA) will be particularly important for eventual Species at Risk permits, as the route is proposed to create new linear features throughout most of a continuous caribou range – impacts on this</p>	<p>In accordance with Provincial direction through the Ontario Energy Board’s competitive process for selecting a transmitter, the Provincial Policy Statement and other guidelines, NextBridge intends to use the existing East-West Tie to the extent possible in order to minimize environmental and socio-economic impacts.</p> <p>Three Alternative Routes are currently planned to avoid federal lands (i.e., two First Nation reserves and Pukaskwa National Park).</p> <p>Local route refinements may also be considered to avoid other sensitive land uses along the route and these will be identified through additional consultation and field study to be completed as part of the Environmental Assessment process.</p> <p>The study is consistent with the process undertaken for the Bruce to Milton Transmission Line project. Alternative methods are identified in Section 6 of the Terms of Reference.</p> <p><i>Section 1 Introduction</i> <i>Section 4.1.1 Reference Route Justification</i> <i>Section 6 Identification and Evaluation of Alternatives</i> <i>Appendices A through C</i></p> <p>Where Species at Risk are identified within the study area, local refinements to the Reference Route will be considered. The Reference Route parallels the existing East-West Tie for the most part and is located in discontinuous caribou range. Potential effects will be identified and mitigation measures will be developed to address</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	range and the caribou within must be considered.	concerns related to caribou in this area as part of the EA.
	<p><b>Section 2.5, Page 13</b></p> <p>Previous experience has demonstrated moving forward concurrently with permits/approvals and the EA process does not always create efficiencies or permit “ample review time” for government agencies as this paragraph suggests. As an example, MNR has been asked to review Geotechnical and Field Work planning information for this project at the same time as the ToR; however the route in this ToR appears to have changed from that originally proposed, data and background information was not available and the assessment of this ToR and other material has taken longer that it would have if a sequential process were in place. Suggest that this paragraph be removed or reworded to reflect additional timelines concurrent analysis will require.</p> <p>Follow-Up Response does not address concern.</p>	<p>The Project is in the preliminary stages and a detailed schedule of other permits and approvals is not yet available and is subject to further consultation with regulators. As additional information becomes available, timelines associated with other permits and approvals will be refined.</p> <p>The section is open ended in terms of when the permits will be applied for. An early understanding of permit requirements may help to alleviate conflicts with Environmental Assessment review requirements.</p> <p>Timelines for permits will be considered as the EA is undertaken. Most permits cannot be approved until the EA has been approved.</p>
	<p><b>Table 1, Page 13</b></p> <p><i>...if commercial, recreational, or Aboriginal fisheries are impacted...</i></p> <p>MNR’s interpretation of the definition of “fishery” under the Fisheries Act relates to the fact that the recreational fishery in Ontario is open-access; anyone with a fishing licence can fish on any Crown water-body. Therefore, all Crown waters support recreational fisheries.</p> <p>MNR will expect detailed fisheries information and expects to be engaged as the field work plans are developed.</p> <p>Follow-Up Response does not reflect concern.</p> <p>MNR definition of fishery is being described here – noting that the TOR is understating that all crown waters support recreational fisheries.</p>	<p>NextBridge appreciates this information and will mention it in discussions with Fisheries and Oceans Canada should they make a determination that approvals under the Fisheries Act are required.</p> <p>As is being indicated during ongoing meetings with the MNR, the majority of watercourses will not be affected by Project construction or operation. Where a watercourse is proposed to be</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>MNR and DFO have existing agreements in place regarding fisheries, this comment is important.</p>	<p>affected, NextBridge will discuss appropriate mitigation strategies with the MNR including observing appropriate timing windows for construction and use of best management practices for mitigation. This is not a ToR issue and will be addressed during the EA.</p>
	<p><b>Section 2.4, Page 12</b> As previously discussed with MNR, there are requirements for “consent” as a prerequisite for access through several sections of this transmission line, for any initial testing and field work.</p>	<p>NextBridge understands that consent is required for access to several sections of the transmission line for testing and/or field work.</p>
	<p><b>Table 2.5, Page 14</b> In Table 1 under Potential Notification, Permits, or Approvals - for MNR there are references for the needs of provincial park but not conservation reserves. - Bullet 4 says Research Authorization for provincial parks and conservation reserves (for work to be completed in provincial parks). It should also say for work to be completed in conservation reserves. - Bullet 9 says approval to cross provincial parks as per PPCRA. Approval will also be needed to cross conservation reserves. - Bullet 10 refers to amendment to management direction for applicable provincial parks and nature reserves. Conservation reserves will also need to have their management direction amended if there is to be a crossing of them.</p>	<p>Comment acknowledged. Will be incorporated into the Environmental Assessment Report.</p>
	<p><b>The Ministry of Natural Resources provided additional comments April 4, 2014 on the above original comment:</b> The TOR and EA need to clearly document MNR’s disposition requirements In order to avoid further EA requirements under A Class Environmental Assessment for Provincial Parks and Conservation Reserves when permitting stage is reached by the proponent. Therefore the TOR MUST be amended to indicate: - A work permit will be required for construction work carried out in provincial parks and conservation reserves. - A Crown lease or land use permit may be issued under PPCRA for portions of corridor in provincial parks and conservation reserves.</p>	<p>Section 2.1.2 of the Terms of Reference documents other applicable provincial Environmental Assessment processes including the Ministry of Natural Resources’ requirements for disposition of Crown lands for provincial parks and conservation reserves.  The permits list provided in the Terms of Reference (Section 2.5) included input and revision during the draft Terms of Reference stage by the Ministry of Natural Resources. An updated list will be provided as part of the Environmental Assessment.</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<ul style="list-style-type: none"> <li>- A Research Authorization will be required for field work to be completed in provincial parks and conservation reserves.</li> <li>- Approval to cross provincial parks and conservation reserves is required under section 20 and 21 of the PPCRA</li> </ul>	<p><i>Section 2.1.2 Other Applicable Provincial Environmental Assessment Processes</i></p> <p><i>Section 2.5 Other Notifications, Permits and Approvals</i></p>
	<p><b>Section 2.5, Page 14</b></p> <p>This comment was also made on the draft Terms of Reference:</p> <p>Table 1 – A work permit under the Provincial Parks and Conservation Reserves Act will be required for construction work carried out in provincial parks. Crown lease or land use permit may be issued under PPCRA for portions of corridor in provincial parks. This will not affect the EA but proponent needs to be aware of this at permitting stage.</p>	<p>Comment acknowledged. Will be incorporated into the Environmental Assessment Report.</p>
	<p><b>The Ministry of Natural Resources provided additional comments April 4, 2014 on the above original comment:</b></p> <p>The TOR and EA need to clearly document MNR’s disposition requirements In order to avoid further EA requirements under A Class Environmental Assessment for Provincial Parks and Conservation Reserves when permitting stage is reached by the proponent. Therefore the TOR MUST be amended to indicate:</p> <ul style="list-style-type: none"> <li>- A work permit will be required for construction work carried out in provincial parks and conservation reserves.</li> <li>- A Crown lease or land use permit may be issued under PPCRA for portions of corridor in provincial parks and conservation reserves.</li> <li>- A Research Authorization will be required for field work to be completed in provincial parks and conservation reserves.</li> <li>- Approval to cross provincial parks and conservation reserves is required under section 20 and 21 of the PPCRA</li> </ul>	<p>Section 2.1.2 of the Terms of Reference documents other applicable provincial Environmental Assessment processes including the Ministry of Natural Resources’ requirements for disposition of Crown lands for provincial parks and conservation reserves.</p> <p>The permits list provided in the Terms of Reference (Section 2.5) included input and revision during the draft Terms of Reference stage by the Ministry of Natural Resources. An updated list will be provided as part of the Environmental Assessment.</p> <p><i>Section 2.1.2 Other Applicable Provincial Environmental Assessment Processes</i></p> <p><i>Section 2.5 Other Notifications, Permits and Approvals</i></p>
	<p><b>Section 3.1.1, Page 17</b></p> <p>MNR desires this EA contain an evaluation to determine a proposed route (see comments on Appendix E where the proponent attempted to do this without agency or public/Aboriginal consultation - this assessment did not include local information and has not considered any input or values information the</p>	<p>In accordance with Provincial direction through the Ontario Energy Board’s competitive process for selecting a transmitter, the Provincial Policy Statement and other guidelines, NextBridge intends to use the existing East-West Tie to the extent possible in</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>MNR has to provide, as an example). MNR believes a proposed route should be selected through the EA process, including determination of alternate routes/route refinements after field study and consultation (assessment of alternatives is also required as per the Provincial Park and Conservation Reserve Act, and for Endangered Species permits, see below).</p> <p>MNR also believes, given the lifespan and maintenance requirements of this project, the EA should evaluate and consider construction, operation and long term maintenance of the project.</p> <p>Follow-Up Response does not address concern.</p> <p>More supporting rational is required to justify why the Bruce-Milton project and this have the same potential impacts, legislative requirements and mandate considerations of the MNR.</p> <p>The East-West project is largely on crown land where MNR has stewardship responsibilities and mandates that must be upheld. The Bruce project was largely on private lands where authorizations, approvals, permitting and occupation permission from the crown were not required, or not the same.</p>	<p>order to minimize environmental and socio-economic impacts.</p> <p>Three Alternative Routes are currently planned to avoid federal lands (i.e., two First Nation reserves and Pukaskwa National Park).</p> <p>Local route refinements may also be considered to avoid other sensitive land uses along the route and these will be identified through additional consultation and field study to be completed as part of the Environmental Assessment process.</p> <p>The study is consistent with the process undertaken for the Bruce to Milton Transmission Line project. Alternative methods are identified in Section 6 of the Terms of Reference.</p> <p><i>Section 1 Introduction</i></p> <p><i>Section 4.1.1 Reference Route Justification</i></p> <p><i>Section 6 Identification and Evaluation of Alternatives</i></p> <p><i>Appendices A through C</i></p> <p><i>Section 8 Commitments and Monitoring</i></p> <p>The Project is following the planning precedent established by the Bruce to Milton project and government direction. This Project is similar to the Bruce to Milton project as both are new transmission lines. It is understood that this Project includes Crown lands and is located in northern Ontario and as such NextBridge is committed to working with the MNR to address concerns.</p>
	<p><b>Section 4.1, Page 20</b> Paragraph 2 states “Alternative Routes, which do not</p>	<p>Comment acknowledged. The Environmental Assessment will include</p>



	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p><b>Section 4.1.1, Page 21</b></p> <p>This section has the potential to be misleading given the most recent letter from Pukaskwa National Park that twinning the line through the protected area is not an option moving forward. As a result “greenfield” routes around the park are now being considered as the reference route. This point should be made clear.</p> <p>Perhaps some additional clarifying text can also be added to describe the difference between “local refinement” and “alternative route” – they both seem to be talking about the same thing, moving the presented corridor.</p>	<p>As indicated in the Terms of Reference (Section 2.2.1), NextBridge is currently exploring Parks Canada’s decision to not accommodate the construction of a transmission line through Pukaskwa National Park. Until such time that this decision is fully explored, the route through Pukaskwa National Park will form the Reference Route as indicated in the Terms of Reference.</p> <p>The east-west portion of the Alternative Route around Pukaskwa National Park between the Marathon Transformer Station and White River also follows an existing transmission line.</p> <p>From White River going south to re-connect with the Reference Route, the Alternative Route will pass through an area primarily identified for logging by 2018 in the Forest Management Plan. Discussions are currently being held with the Ministry of Natural Resources and the Forest Management Agreement holders in order to align the route with main haul roads to the extent possible.</p> <p>Alternative routes have been identified in the Terms of Reference. Local refinements will be considered as the result of encountering significant environmental and/or socio-economic constraints.</p> <p>Section 2.2.1 Section 67 of Canadian Environmental Assessment Act 2012 – Federal Lands</p>
	<p><b>Section 4.1.2, Page 22</b></p> <p><i>Access roads and construction laydown areas will be required...Where necessary, new roads would be extended...Watercourse crossing methods will be determined on a case by case basis.</i></p> <p>Given MNRs understanding (from the preliminary meeting with NextBridge in fall 2013), the construction or upgrading of access roads is likely to pose a greater fisheries concern than the hydro line itself, however</p>	<p>The Project is in the preliminary stages and detailed design is not available at this time as it will be based on confirmation of a Preferred Route, completion of the Environmental Assessment and additional consultation with regulators and other interested parties. As additional information becomes available during the</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>there does not seem to be any consideration of in the ToR. The number, type and location of water-crossings, as well as timing of construction, will be affected by the fish species located in these watercourses.</p> <p>Water crossings will be a significant part of this proposed project. Development of new access routes, replacement or establishment of new water crossings and construction of laydown areas are all activities with the potential to impact aquatic species and habitats. Consideration of Impacts to fish and fish habitat, as well as to wetlands and wetland hydrology should reflected in the ToR. Construction protocol is also required (timing of construction, expected types of crossings (culverts, bridges, oversized culverts, spans etc.) some preliminary thought to watercourse crossing methods should be demonstrated in the ToR. Water crossing maintenance and access will also have significant importance in the long-term maintenance of the transmission line, and this should also be reflected in the ToR.</p> <p>Further, MNR is concerned about the effects of new or improved access on previously remote or near-remote fisheries; increased harvest pressure and introduction of non-native species through bait bucket dumping have both been flagged as fisheries issues associated with new access.</p> <p>MNR expects to see more information on how the EA will assess effects of construction and longer term maintenance (e.g., in recent discussions NextBridge indicated the y would be using herbicides and mechanical clearing for long term vegetation management).</p> <p>Follow-Up Comment not addressed</p> <p>Provide rational for not including more information on aquatic impacts and proposed approach to assessing these impacts in the ToR.</p>	<p>Environmental Assessment, it will be made available for review to the appropriate regulators for comment.</p> <p>Consideration of impacts to fish and fish habitat and wetlands was provided in the Terms of Reference (Section 5.4). We acknowledge the importance of providing due consideration to access roads, and changes to watercourse crossings associated with access roads. Information relating to the construction and operational phase are provided in Section 4.2 of the Terms of Reference. Additional information will be provided in the Environmental Assessment Report.</p> <p>The Reference Route parallels existing transmission facilities for most of its length. The only portion where transmission facilities are not paralleled is south of White River. Most of this area is proposed to be logged by 2018. As such, access to this area will be present regardless of Project development.</p> <p>Both construction and operation of the Project will be addressed as part of the Environmental Assessment.</p> <p><i>Section 4.2 Construction, Operation and Abandonment</i></p> <p><i>Section 5.4 Natural Environment</i></p> <p>The ToR provides information relating to baseline conditions, potential effects and the effects evaluation with respect to aquatics. As previously indicated, additional information will be provided in the EA.</p>
	<p><b>Section 4.2, Page 23</b></p> <p>Through previous discussions, MNR understands the</p>	<p>Plans to address long term maintenance of vegetation along the right-of-way</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>long term maintenance of vegetation will occur through the use of chemicals. This should be explicitly noted under “operations” that chemical application will form part of the vegetation management plan. The application of herbicides has the potential to concern stakeholders, transparency and assessment of potential effects is needed.</p>	<p>have not been finalized. This information will be made available upon finalization for comment and will be incorporated into the Environmental Assessment as applicable.</p>
	<p><b>Section 5.1, Page 24</b></p> <p>MNR has not provided NextBridge or their consultants with any data (as indicated). We have attempted to negotiate a data sharing agreement; however one is not in place. This has severely limited MNR’s ability to provide input and engage; there are extensive outstanding data gaps that MNR would like to assist with filling. As a result the text in this section that describes how the use of collected data “assist(s) the project team and stakeholders in understanding the exiting conditions ....and how the environment may be affected...” is misleading. The EA would be used to collect data and understand existing conditions from which project decisions can be made.</p>	<p>Information provided in the Terms of Reference was based on a preliminary background review and was used to preliminarily identify potential project affects. As stated in Section 5.1 of the Terms of Reference, additional data is required, and will be provided in the Environmental Assessment. Sources the Project Team has and will be using throughout the Environmental Assessment are included in (but are not limited to) Section 5.1.1 of the Terms of Reference, Table 2: Key Records Reviewed. This includes Ministry of Natural Resources data obtained through several sources, most notably Land Information Ontario (LIO) and the Natural Heritage Information Centre (NHIC). The Project Team is currently discussing with the Ministry of Natural Resources additional data that may be available for use during the Environmental Assessment.</p> <p>It is recognized that the Ministry of Natural Resources has additional data and information. The Project Team and the Ministry of Natural Resources (through Nicole Galambos) are currently finalizing a data sharing agreement to allow for the Ministry of Natural Resources to provide additional data to the Project Team.</p> <p>Publicly available data provides the majority of desktop data that a proponent requires to complete the Terms of Reference. The additional data that the Ministry of Natural Resources has may be valuable for use in the field study program and in completing the</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>Follow-Up</p> <p>Comment not addressed – request change in the ToR so that it is not misleading. No rationale has been provided to describe response to this concern.</p>	<p>Environmental Assessment.</p> <p>Section 5.1 Data Collection Methodology</p> <p>Section 5.1.1 Records Reviewed as Part of the Terms of Reference</p> <p>The ToR is not misleading. NextBridge has used a large amount of publicly available MNR data to develop the ToR including Land Information Ontario, the Crown Land Use Policy Atlas and the Natural Heritage Information Centre. NextBridge has now negotiated a data sharing agreement with the MNR (approval on the agreement is expected this week). This will allow the MNR to provide additional data to the Project team.</p>
	<p><b>Section 5.1, Page 26</b></p> <p>As described throughout MNRs comments, field work must focus beyond the narrow identified reference route corridor to provide meaningful evaluation and a full range of mitigation options.</p>	<p>As described in Section 5.3 of the Terms of Reference, a preliminary study area has been established for the Project which includes approximately 500 metres on either side of the Reference Route and Alternative Routes (1 kilometre span). The study area generally allows for the documentation of existing baseline conditions, prediction of potential environmental effects, and development of appropriate mitigation measures with a reasonable degree of accuracy. The study area may be expanded in some areas where local route refinements may be required due to environmental or technical constraints (i.e., topography), or for the assessment of specific features such as archaeological resources, cultural landscapes, viewshed analysis and Woodland Caribou. Detailed field work will, however, be more focused and confined to a smaller area. The scope (which include the study area) of</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>proposed natural environment field work is currently being discussed with the Ministry of Natural Resources.</p> <p><i>Section 5.3 Preliminary Study Area</i></p>
	<p><b>Section 5.1.1 Table 2, Page 26</b></p> <p>Records reviewed should include specific Eco-regional Criteria Schedules Reviewed (3E and 4E), as well as additional draft schedules provided by MNR. Should also include assessment of existing cultural heritage assessment guidelines (more information provided in Appendix E comments).</p> <p>It is MNRs understanding that Land Information Ontario (LIO) and the Natural Heritage Information Center (NHIC) were the key records reviewed (digital layers). We would also hope the proponent has reviewed two main on-line crown resources: Crown Land Use Planning Atlas, and CLAIMaps to assess tenure and existing land use planning direction.</p> <p>Follow-Up</p> <p>Note the MNR was not asked for this information prior to submission of the TOR. It was provided as soon as requested, during the review of the ToR.</p>	<p>The Eco-region 3E and 4E Criteria schedules will be considered and included as part of the Environmental Assessment. Note that the 4E schedule was not available to the Project Team until after the submission of the Terms of Reference. Schedules in addition to 3E and 4E have not been provided to the Project Team; however, the Project Team will review them when, and if, they are provided.</p> <p>The Project Team has also reviewed the Crown Land Use Planning Atlas, CLAIMaps and Forest Management Plans.</p> <p>This discussion is more relevant to the fieldwork program to be carried out during the EA, not the actual ToR.</p> <p>Based on MNR direction, NextBridge has, and will continue to, submit data requests to the MNR using the “one window” approach, which includes a regional planner in Timmins as the MNR liaison.</p>
	<p><b>The Ministry of Natural Resources provided additional comments April 4, 2014 on the above original comment:</b></p> <p>Use the Crown Land Use Policy Atlas to confirm all land use designations that may be affected. There may be some proposed or recommended provincial parks or conservation reserves that the proponent should be aware of and consider during EA. There may be some Forest Reserves that the proponent should be aware of and consider during EA. Forest Reserves are areas with natural heritage value that are intended to be added to the adjacent provincial park or conservation reserve</p>	<p>The Crown Land Use Policy Atlas was reviewed as part of the Terms of Reference. Most of the data illustrated in this type of information will be considered during the Environmental Assessment in more detail.</p> <p><i>Section 5.5.1 Provincial and Municipal Policy</i></p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	when the mining tenure lapses through normal processes.	
	<p><b>Section 5.2, Page 27-28</b></p> <p>Project activities identified as potentially affecting the natural and socio-economic environment. This section also needs to include the following as project activities:</p> <ul style="list-style-type: none"> <li>- Long-term maintenance of the transmission line (including the use of mechanical and chemical controls)</li> <li>- Aggregate development</li> <li>- Movement of materials and workers between tower sites</li> </ul> <p>Follow-Up Response does not address comment.</p> <p>MNR indicated these items must be considered, response is discussion through the EA “as necessary”. How are these concerns going to be addressed. What does “as necessary” mean, how are aggregates and the Aggregate Resources Act going to be considered, how will construction activities and their impacts be measured, assessed and resulting mitigation measures or route adjustments be made?</p>	<p>Comments acknowledged. These items will be discussed as part of the Environmental Assessment, as necessary.</p> <p>Potential effects and mitigation measures relating to the operation and construction of the Project will be addressed in the EA. The ToR addresses vegetation management in Section 4.2.</p>
	<p><b>Section 5.3, Page 28</b></p> <p>This comment was also made on the draft TOR: Preliminary study area may need to be larger than “500 m on either side of the Reference Route and Alternative Routes” in situations where the line may be visible (affecting recreation dependent on aesthetics) from more than 500 m away; or to accommodate other sensitive environmental features.</p>	<p>As described in Section 5.3 of the Terms of Reference, a preliminary study area has been established for the Project which includes approximately 500 metres on either side of the Reference Route and Alternative Routes (1 kilometre span). The study area generally allows for the documentation of existing baseline conditions, prediction of potential environmental effects, and development of appropriate mitigation measures with a reasonable degree of accuracy. The study area may be expanded in some areas where local route refinements may be required due to environmental or technical constraints (i.e., topography), or for the assessment of specific features such as archaeological resources, cultural landscapes, viewshed analysis and</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>Follow-Up Does not address concern.</p> <p>How will a broader area be assessed if only a narrow area is going to be studied? This does not address MNRs concerns that a broader study area is required to assess re-location of the line as a mitigation measure.</p>	<p>Woodland Caribou. Detailed field work will, however, be more focused and confined to a smaller area. The scope (which include the study area) of proposed natural environment field work is currently being discussed with the Ministry of Natural Resources.</p> <p><i>Section 5.3 Preliminary Study Area</i></p> <p>Section 6.2.2 of the ToR demonstrates that local refinements to the Reference Route will be considered should environmental or technical constraints that cannot be mitigated be identified. As previously indicated, the study area will be expanded to accommodate the local route refinement.</p>
	<p><b>Section 5.4.3, Page 31</b></p> <p>MNR is interested in how it was determined that Pukaskwa park “is the most significant” protected area along the reference route, as there has not yet been an opportunity to discuss the protected area system and features within the other 15+ protected areas along the route.</p>	<p>All provincial and federal parks and reserves are considered to be significant for the purposes of this Project. However background research has identified Pukaskwa National Park as having the largest geographical extent and includes a significant portion of the Lake Superior shoreline (approximately 75 km) when compared to other provincial parks and reserves along the Reference Route.</p>
	<p><b>Section 5.4.4, Page 31</b></p> <p>This section also identifies candidate ANSIs, and should reflect this. MNR is curious why the Enhanced Management Areas (EMA) and Signature Sites along the reference route are not identified or discussed?</p> <p>It appears the area is located within the Great Lakes Heritage Coast Signature Site, one of 9 such areas featured in the Ontario’s Living Legacy Land Use Strategy (1999); also appears the route may pass through some Enhanced Management Areas.</p> <p>MNR is unclear if the South Michipicoten River-Superior Shoreline Conservation Reserve (C1517) is included in this project area? Please clarify (mapped</p>	<p>Enhanced management areas are a Crown land use designation that is used to provide more detailed land use direction in areas of special features or values. Enhanced management areas and signature sites were reviewed at a high level based on available data however they are too detailed for the general level of discussion undertaken in the Terms of Reference. More detailed information is currently being collected and will be used to inform the Environmental Assessment. If the Ministry of Natural Resources has</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	product may help – map provided is too course to be able to make these determinations).	<p>additional information relating to these features, the Project Team looks forward to receiving it and incorporating it as applicable.</p> <p>Based on a review of available mapping, the South Michipicoten River-Superior Shoreline Conservation Reserve is not located within the Study Area.</p>
	<p><b>Section 5.4.5, Page 33</b></p> <p>MNR would like the focus of ELC/botanical surveys to be on the rare communities – as noted there is potential for these communities to occur throughout the study area. In discussions to date, it is suggested that looking at representation is planned, this approach targets the most populous communities, resulting in sampling that misses the most unique or rare communities. Some discussion about approach to data collection that focuses on identification of unique/rare features is desired.</p>	<p>This detailed level of information is not appropriate for the Terms of Reference but would be considered during the Environmental Assessment. The proposed Natural Environment Work Plan is currently being reviewed in consultation with the Ministry of Natural Resources. Additional meetings are being arranged with the Ministry during the month of April 2014 through Nicole Galambos. It is anticipated that an agreement will be reached prior to the commencement of the 2014 spring field work season.</p>
	<p><b>Section 5.4.6, Page 33-34</b></p> <p><i>Features to be documented include watercourses and waterbodies using desktop and field studies.</i></p> <p>There are 300+ water courses and another 100+ waterbodies being crossed by the project that may experience significant environmental effects as a result of this project. MNR questions whether NextBridge will be able to conduct “desktop and field studies” and have all of their baseline studies completed by the end of this summer.</p> <p>It is already late March, MNR would like to discuss the proposed methodology and site selection, and review applications for Scientific Collectors’ Permits – yet none of these discussions or meetings have taken place. MNR is extremely concerned that the proponent’s quick timelines will affect the quality of baseline fish and fish habitat documentation collected for this project.</p>	<p>The proposed Natural Environment Work Plan is currently being reviewed in consultation with the Ministry of Natural Resources. Additional meetings are being arranged with the Ministry during the month of April 2014 through Nicole Galambos. It is anticipated that an agreement will be reached prior to the commencement of the 2014 spring field work season.</p> <p>NextBridge does not anticipate in-water work associated with the construction of the Project. Any improvements that may be required with respect to access road development (i.e., new bridges or culverts) will be discussed with the Ministry of Natural Resources and follow their guidelines. In these areas we anticipate conducting a habitat assessment and following applicable timing windows for construction.</p>
	<b>Section 5.4.9, Page 34</b>	The list provided in the Terms of Reference is preliminary. A more

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>Some e-mail discussion with consultants and the proponent to date have also noted Lake Sturgeon (threatened) and Little Brown Bat (endangered), yet they are not included in this list. Grey Fox should also be added.</p> <p>Differentiation between Endangered, Threatened and Special Concern species should be made as there are implications under the ESA for each. If special concern species are to be included in this list, the list should be more robust.</p> <p>Discussions with the MNR specific to species at risk have not taken place and this list as presented is likely incomplete.</p> <p>Follow-Up</p> <p>The ToR should describe the known species in the area – vs. preliminary list, as this will have impacts on how the EA is conducted, the types of studies and information that is collected and how the public is engaged.</p> <p>Comment regarding the status of species has not been addressed. There are differences, as noted, that should be made clear.</p>	<p>comprehensive review of background information has occurred since the submission of the Term of Reference. A more detailed list of provincially endangered and threatened species at risk with the potential to occur in the area of the Project (as identified through background information) has since been provided to Ministry of Natural Resources staff since the submission of the Terms of Reference. The Project Team has also identified that restricted records exist in the area of the Project. Meetings with the Ministry of Natural Resources are currently being arranged during the month of April 2014 through Nicole Galambos. It is anticipated that through these meetings, a detailed list of species at risk will be compiled, which will then be included as part of the Environmental Assessment Report.</p> <p>The list contained in the ToR is preliminary. We will expand the list during the EA based on additional information obtained during the consultation program, including meetings currently being held with the MNR.</p> <p>A data sharing agreement with the MNR is now being finalized.</p>
	<p><b>Section 5.4.12, Page 35</b></p> <p>The overview of preliminary potential effects to the natural environment associated with the project during construction, operation and maintenance that will be assessed as part of the EA.</p> <p>Long Term Maintenance of the transmission line will be an integral component of the EA.</p>	<p>Comments acknowledged. This will be addressed in the Environmental Assessment Report, as applicable.</p>
	<p><b>Section 5.4.12, Page 35-36 (Table 4)</b></p> <p>Table 4: Preliminary Potential Effects – Natural</p>	<p>Comments acknowledged. This will be addressed in the Environmental</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>Environment</p> <p>Physiography, Geology, Surficial Geology and Soils – soil erosion</p> <p>Fish and Fish Habitat – access development and increased resource use</p> <p>Wildlife, Wildlife Habitat and Species at Risk – access development and increased resource use</p> <p>As discussed in prior comments, effects associated with creating or improving angler access as a potential effect to fish and fish habitat.</p> <p>Also add effects of long term chemical use to control vegetation.</p>	<p>Assessment Report, as applicable.</p>
	<p><b>Section 5.4.12, Page 36</b></p> <p>This comment was also made on the draft TOR:</p> <p>Table 4 – the effects of construction activities on the acoustic environment will be an important consideration in PPs near recreational use areas. Even if the TOR is not adjusted, the EA must consider this.</p>	<p>Comments acknowledged. This will be addressed in the Environmental Assessment Report, as applicable.</p>
	<p><b>Section 5.5.1, Page 36-37</b></p> <p><i>“In accordance with the PPS, the Project is planned to be located in an existing ROW”</i></p> <p>The Project will not be “in” the existing ROW as noted, it is proposed to be adjacent to the existing ROW increasing the current size of the existing ROW and resulting in new, greenfield development as the project is detouring around Pukaskwa National Park. This statement is misleading and should be altered; as well, a description of the significance of different approaches to assessing greenfield vs. twinning of the project should be added.</p> <p>Follow-Up Concern was not addressed.</p> <p>Statement remains and is misleading. Response does not justify leaving as is. Project does not state “widening” as the purpose (Bruce-Milton ToR describes the project as “widening”), but generally paralleling within 500m of existing, and new development around</p>	<p>The Terms of Reference indicates that the Project will be located “in an existing right-of-way to the extent possible.” This implies some overlap with the existing East-West Tie on Crown land. In areas where this is not possible, the Project will generally parallel the existing right-of-way which will be widened. As previously indicated, the Alternative Route around Pukaskwa National Park follows an existing transmission line for the majority of the route with the exception of the north-south section, a significant portion of which is to be logged by 2018.</p> <p>NextBridge disagrees. Unless there is a specific environmental or technical constraint to require a local route refinement, the Project will parallel the existing East-West Tie to Marathon, parallel an existing 115 kV line to White River (as a result of the refusal by Parks Canada to allow the Project to parallel</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	Pukaswka.	the existing East-West Tie through Pukaskwa National Park) and parallel the existing East-West Tie to Wawa.
	<p><b>Section 5.52, Page 37, 38</b></p> <p>Population and Demographics does not include any mention of Aboriginal populations in the project area. Aboriginal peoples make up a major growing population in the province and many live in proximity to the area of the undertaking.</p>	Aboriginal populations will be described in the Environmental Assessment.
	<p><b>Section 5.5.8 and 6.2.2, Page 41 and 44</b></p> <p>This comment was also made on the draft TOR: Table 5 – provincial policy. On January 28, 2014 a letter was sent to the proponent describing the provincial parks policy related to transmission corridors, and the management direction regarding transmission corridors for each park that will be affected. The proponent should use this to plan where there might need to be local route refinements (sec. 6.2.2). Local route refinements need to be considered for Black Sturgeon River and Ruby Lake. Also, the proponent should be aware that management direction (plan/statement) will need to be amended for the following parks if the new transmission line is constructed in: Kama Hill, Gravel River, Neys, Red Sucker Point. Route refinements are not shown on any maps in final TOR, but “local route refinements” mentioned as consideration in sec.6.2.2. Even if the TOR is not adjusted, the EA must consider this.</p>	Comments acknowledged. This will be addressed in the Environmental Assessment Report, as applicable.
	<p><b>The Ministry of Natural Resources provided additional comments April 4, 2014 on the above original comment:</b></p> <p>Depending on final route selection, management direction of provincial parks and conservation reserves may need to be amended. The amendment process will allow MNR to consult about whether consideration of new utility corridors is appropriate. Consultation requires direct notification to interested and affected parties and First Nations. It also requires posting a notice on the Environmental Bill of Rights registry, for which it takes 6 – 8 weeks to seek approvals. The results of the proposed amendment to management direction MAY be new utility corridors</p>	<p>Comment acknowledged. Section 2.5 of the Terms of Reference indicates that amendment to management direction for applicable provincial parks and nature reserves may be required.</p> <p><i>Section 2.5 Other Notifications, Permits and Approvals</i></p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>should not be considered in some/all provincial parks or conservation reserves. Consultation on the proposed amendment to management direction(s) should be co-ordinated with Nextbridge’s consultation on the EA, therefore Nextbridge needs to keep MNR apprised of timeframes. Also the amendment will need to be approved BEFORE any construction begins.</p> <p><b>Follow-Up</b> MNR wants to make it clear, that amendments to management direction <u>may not</u> go forward if public consultation opposes transmission line construction in protected areas.</p> <p>The proponent should have an alternate route or back up plan identified, as is a requirement of the Act to assess alternatives this shouldn’t be a concern.</p>	<p>The EA will include an alternatives assessment that looks at avoiding (i.e., going around) provincial parks, provincial reserves and other protected areas crossed by the Reference Route. Additionally, in discussion with Ontario Parks, provincial waterway parks allow for transmission facilities should an alternatives assessment determine that paralleling the existing East-West Tie is the most feasible alternative.</p>
	<p><b>Section 6.2, Page 43</b></p> <p>The scoped assessment of alternatives, as presented will likely not provide for the consideration of MNR’s mandate and interests in the final EA. We would like to see alternatives presented around parks, conservation reserves and other environmentally sensitive areas. We have also noted through discussion and elsewhere in these comments that a study area greater than 500 m is needed to assess and establish appropriate “local refinements” and request the reference route be expanded, at a minimum. This is particularly concerning for the new greenfield route by-passing Pukaswka National Park.</p>	<p>To clarify your comment, the study area has an approximate 1 kilometre span (i.e., 500 metres on either side).</p> <p>In accordance with Provincial direction through the Ontario Energy Board’s competitive process for selecting a transmitter, the Provincial Policy Statement and other guidelines, NextBridge intends to use the existing East-West Tie to the extent possible in order to minimize environmental and socio-economic impacts.</p> <p>Three Alternative Routes are currently planned to avoid federal lands (i.e., two First Nation reserves and Pukaskwa National Park).</p> <p>Local route refinements may also be considered to avoid other sensitive land uses along the route and these will be identified through additional consultation and field study to be completed as part of the Environmental Assessment process.</p> <p>The study area may be expanded in some areas where local route refinements may be required due to</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>Follow-Up Response does not address concern.</p> <p>MNR may not be able to authorize the proposed line location unless alternatives are explored. These an exploration of impacts associated with alternative locations/ routes will be required to address provincial park and conservation reserves as per the Act (noted above) and to meet permitting requirements for species at risk – Caribou being a large concern as linear corridors are known to have long term adverse impacts to habitat as populations (increases predation, etc.). There is no mention of these requirements in the TOR.</p> <p><b>If these items are not addressed through the EA, a separate assessment process is likely to be required before MNR would be able to issue authorizations and approvals.</b></p> <p>The TOR should be clear about these requirements, and the EA conducted accordingly. As currently written, the TOR does not meet MNR’s mandated and legislated needs.</p>	<p>environmental or technical constraints (i.e., topography), or for the assessment of specific features such as archaeological resources and Woodland Caribou.</p> <p><i>Section 1 Introduction</i></p> <p><i>Section 4.1.1 Reference Route Justification</i></p> <p><i>Section 6 Identification and Evaluation of Alternatives</i></p> <p><i>Appendices A through C</i></p> <p>The EA will include an alternatives assessment that looks at avoiding (i.e., going around) provincial parks, provincial reserves and other protected areas crossed by the Reference Route.</p>
	<p><b>Section 6.2.1, Page 44</b></p> <p><i>Based on the criteria in Section 6.2, it was determined that an easterly sub-route was preferred....route...refined to minimize environmental, physical, technical and socio-economic effects</i></p> <p>MNR expresses concerns with this type of evaluation taking place outside of an EA, without agency, public or Aboriginal consultation. MNR data and local</p>	<p>The process used to develop the Terms of Reference for the Project closely follows that used for the Bruce to Milton Transmission Line project, which was approved by the Ministry of Environment and subsequently built.</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>knowledge was not utilized by the proponent and was not considered in this evaluation.</p> <p>Follow-Up Response does not address concern.</p> <p>Please respond to concern – why was this study conducted outside of the EA? What Aboriginal information and ministry information was used to guide this? What are the risks associated with not having known information (MNR sensitive values information) assessed through this process?</p> <p>Was more information known in the Bruce-Milton line to conduct this study? Were crown lands involved with little known values information?</p> <p>Habitat schedules and criterion to identify significant habitat – are there differences north to south? How were data gaps addressed,</p>	<p>An Alternative Route was required around Pukaskwa National Park. This alternative was refined slightly to avoid a provincial park and better align it with previously disturbed areas (i.e., logging road development). Publicly available data as well as information obtained from several open house meetings was used during the development of the ToR. The MNR’s focus should be on the Reference Route, Alternative Routes, and local route refinements (which will be identified during the EA). Local route refinements will be used to account for additional environmental features that may be identified.</p> <p>The EA will also include an alternatives assessment that looks at avoiding (i.e., going around) provincial parks, provincial reserves and other protected areas crossed by the Reference Route.</p>
	<p><b>Section 6.2.2, Page 44</b></p> <p>The list provided to develop alternatives is limiting, particularly MNR suggests changing</p> <ul style="list-style-type: none"> <li>- “implemented within the study area” – as previously noted, the study area is too small to provide adequate assessment of options and a suite of mitigation measures</li> <li>- “financially realistic...” – as per the Provincial Park and Conservation Reserve Act, this is not an appropriate evaluation/decision making measure</li> </ul>	<p>The list provided in Section 6.2 of the Terms of Reference is quoted from the Ministry of Environment’s (2014) Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario. The list is not exhaustive and is intended to provide the proponent with guidance when developing alternatives.</p>
	<p><b>The Ministry of Natural Resources provided additional comments April 4, 2014 on the above original comment:</b></p> <p>“Financially realistic” is an appropriate decision-making measure, however as per section 21 of the PPCRA it cannot be the “sole or overriding justification’ in provincial parks and conservation reserves.</p>	<p>Comment acknowledged. This only forms one of several criteria as noted in the Terms of Reference.</p> <p><i>Section 6.2 Alternative Methods for Carrying Out the Undertaking</i></p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p><b>Section 6.2.2, Page 44</b></p> <p><i>In addition to consulting with agencies...NextBridge...gathered information. Based on information gathered from stakeholders and a preliminary review using the criteria in Section 6.2, it was determined that the reference route was preferred in the area between...</i></p> <p>MNR (a stakeholder) was not engaged to provide data to make this assessment, no “consultation” with MNR has taken place. There have been limited opportunities for public or agency input, and no review opportunities on the selection of a reference route location. MNR believes this assessment and ultimate route selection should take place through a transparent and open EA process where consultation on potential routes and alternatives can take place.</p> <p>As an example, Black Sturgeon River Provincial Park falls within this route, however the existing park management plan says new utility corridors will not be permitted, and therefore the refinement route must be moved to avoid the park.</p>	<p>The local refinements between Thunder Bay and Nipigon were identified at the commencement of the Project, were preliminary in nature and followed other existing infrastructure. A high level screening was completed and in combination with input received thus far, it was determined that the Reference Route was more acceptable. This however does not limit the possibility of having additional local route refinements in this area as well as in other areas of the Reference Route to avoid sensitive environmental and/or socio-economic features. Local route refinements will be identified during the Environmental Assessment.</p>
	<p><b>Section 6.2.2, Page 44</b></p> <p>Local Refinements to the Reference Route: MNR hope the E.A. will identify local refinements around the conservation reserves and provincial parks it may be planning to cross. Kama Cliffs and Gravel River Conservation Reserves are fairly large and require a fair bit of planning to locate alternative route around these protected areas.</p>	<p>Local refinements to the Reference Route and Alternative Routes will be identified and evaluated during the Environmental Assessment to avoid sensitive environmental and/or socio-economic features.</p> <p><i>Section 6.2.2 Local Refinements to the Reference Route</i></p>
	<p><b>Section 6.2.2, Page 44</b></p> <p><i>A comparative route analysis of both sides of the reference route and alternative route.... Was undertaken in order to select the preferred side...on which to locate....analysis identifies that locating the reference route on the north side... is generally preferred</i></p> <p>This analysis and any route selection should form a major component of the EA, not be conducted before hand without public, agency or Aboriginal involvement. See notes on Appendix E, this study is missing critical information to be completed accurately.</p>	<p>In accordance with Provincial direction through the Ontario Energy Board’s competitive process for selecting a transmitter, the Provincial Policy Statement and other guidelines, NextBridge intends to use the existing East-West Tie to the extent possible in order to minimize environmental and socio-economic impacts.</p> <p>Three Alternative Routes are currently planned to avoid federal lands (i.e., two First Nation reserves and Pukaskwa National Park).</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>Local route refinements may also be considered to avoid other sensitive land uses along the route and these will be identified through additional consultation and field study to be completed as part of the Environmental Assessment process.</p> <p>Appendix E contains a comparative route analysis that was completed primarily to focus field work commencing in the spring 2014. As indicated in Appendix E, desktop data obtained by the Project Team from agencies included official plans, orthophotographics, and detailed environmental constraint mapping that included Ministry of Natural Resources data from Land Information Ontario (LIO). A review of the Crown Land Use Policy Atlas was also undertaken. The preferred side of the corridor to be paralleled will be revisited and confirmed during the Environmental Assessment as additional data becomes available.</p> <p>Comments received from the agencies and during public Open Houses held during the Terms of Reference phase were also taken into account as part of the comparative analysis.</p> <p>This process follows the same process used in the Terms of Reference approved by the Ministry of Environment for the Bruce to Milton Transmission Line.</p> <p><i>Section 1 Introduction</i></p> <p><i>Section 4.1.1 Reference Route Justification</i></p> <p><i>Section 6 Identification and Evaluation of Alternatives</i></p> <p><i>Appendices A through C</i></p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>Follow-Up Response does not address comment.</p> <p>More justification is needed to explain how this analysis and selection of a preferred route can occur outside of the EA and still meet in intent of the environmental assessment.</p> <p>Consultation through the EA is how a full picture of information and values would be collected for assessment. To complete an assessment without this information has the potential to direct field work and baseline data collection to areas not suitable for a transmission line in the first place.</p> <p>Please provide rational, justification, examples of other studies in this geographic area where this was done. Comments to support this approach from MNR and other agencies with crown resource stewardship mandates.</p>	<p>Please see above and our original response to this question.</p> <p>Perhaps consultation between the MNR, the Ministry of Energy and the OPA is warranted.</p>
	<p><b>Section 7.2, Page 48</b></p> <p>This comment was also made on the draft TOR.</p> <p>Mitigation measures identified at this stage for Pukaskwa National Park in the Parks Canada Project Description will generally suffice for provincial parks, however the following modifications/enhancements will be required: Restoring a vegetation cover in provincial parks must be completed using local plant/seed sources with no non-native or invasive species. To mitigate noise impacts to park users, plan construction to avoid seasons of high use. Locate and/or design the transmission line to mitigate aesthetic impacts to park visitors visiting areas because of the views they offer (e.g. viewpoints on hiking trails, campground beaches, popular fishing lakes). Note that other mitigation measures may be needed once the actual project description/EA including provincial parks is available. Finally, construction and operation/maintenance must not create any new access to a provincial park. Pukaskwa NP Project Description was not provided with the final TOR. The EA must consider these mitigation measures plus the ones identified in the Pukaskwa NP PD for all provincial parks.</p>	<p>Mitigation measures will be developed during the Environmental Assessment and reflect concerns expressed by the Ministry of Natural Resources.</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p><b>Section 8.1, Page 49</b></p> <p>“Continued Aboriginal Community involvement” should be added. Aboriginal Communities are not stakeholders.</p>	<p>Section 8.1 of the Terms of Reference is general and applies to Aboriginal and non-Aboriginal groups. A detailed Aboriginal Engagement and Consultation Plan is provided in Section 9.4 of the Terms of Reference which underscores NextBridge’s commitment to consult with Aboriginal communities.</p> <p><i>Section 8.1 Environmental Commitments</i></p> <p><i>Section 9.4 Aboriginal Engagement and Consultation Plan</i></p>
	<p><b>Section 8.2, Page 50</b></p> <p>Environmental Monitoring: how and where will Nextbridge conserve “an acre of land for every acre of wilderness that is permanently impacted”?</p> <p>Follow-Up Response does not address comment.</p> <p>How and where will this commitment be fulfilled?</p>	<p>The purpose of this statement is to provide an environmental commitment. The monitoring plan to be provided as part of the Environmental Assessment will contain additional detail.</p> <p>The commitment has been made. The location will be determined with the government at a future date.</p>
	<p><b>Section 9.3, Page 53</b></p> <p>This comment was also made on the draft TOR.</p> <p>So far MNR has done 2 mail outs on behalf of the proponent. Will this continue throughout the EA, or is/can the proponent ask recipients to indicate if they want to receive further notices? If this hasn’t occurred yet, but is a possible approach MNR could provide some wording about MNR interests with the project (or possible effects of the projects on MNR’s mandate). This will not affect the TOR or the EA.</p>	<p>On subsequent mail outs, NextBridge will provide wording agreeable to the Ministry of Natural Resources with respect to recipients indicating if they wish to receive subsequent mail outs.</p>
	<p><b>Section 9.4</b></p> <p>The approach being contemplated in the TOR has direct connections to Ontario’s key priorities for Ontario’s Aboriginal Agenda and also for potential resource benefit sharing opportunities. The TOR speaks of these aspects however does not reference any connected to Ontario’s policy in this subject area.</p>	<p>Comment acknowledged. This section of the Terms of Reference has been reviewed by the Ministry of Energy and the Ontario Energy Board.</p>
	<p><b>Glossary, Page 74</b></p>	<p>Comment acknowledged. The definition was taken from the following Ministry of</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>Provincially Significant Wetland – the definition provided here is misleading. There are many wetlands that the province has not identified (with no PSW designation due to lack of evaluation) which are considered valuable. Lack of designation is not an indicator of lesser value provincially.</p>	<p>Natural Resources document: Ministry of Natural Resources. 2013b. Significant Wetlands and the Ontario Wetland Evaluation System. Retrieved November 26, 2013 from: <a href="http://www.mnr.gov.on.ca/stdprodcons/ume/groups/lr/@mnr/@biodiversity/documents/document/stdprod_091597.pdf">http://www.mnr.gov.on.ca/stdprodcons/ume/groups/lr/@mnr/@biodiversity/documents/document/stdprod_091597.pdf</a>.</p>
	<p><b>Glossary, Page 74</b> Species at Risk – designation may be both Provincially (Ontario) and Federally (Canada) Endangered – not engendered</p>	<p>Comment acknowledged.</p>
	<p><b>Appendix D, D-1</b> General Comments What is meant by the term “indicator”? Indicators of what? If this is intended to mean indicators of impacts additional specific information needs to be added to this table to make it more comprehensive rather than “number and length of the route through the feature” Potential Effects – a more descriptive list of potential effects was provided in table 4 page 35 – why are these potential effects not reflected in this table? (Many of these potential effects in Table 4 apply to more than one of the criteria provided in the table in Appendix D)</p>	<p>As per the Ministry of Environment’s (2012) Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments on Ontario, the proponent should develop a preliminary list of criteria to assess the effects of alternatives on the environment. As required, the criteria should have one or more indicators that will identify how the potential environmental effects can be measured. As indicated in both the Terms of Reference and Code of Practice, the list of criteria and indicators is preliminary and will be further refined during the Environmental Assessment as necessary. The Terms of Reference provides a preliminary list of potential effects and should be read as a whole. It is possible and expected that potential effects overlap with respect to environmental and socio-economic features.</p>
	<p><b>Appendix D, D-2</b> Other considerations: - Natural Heritage Features: should have change to function or use as a potential effect - Wetlands: change to function or use as a potential effect - Species at risk: damage or destruction to habitat as</p>	<p>Section 6.3 of the Terms of Reference states that the evaluation criteria will be confirmed during the course of the Environmental Assessment and may include additions or deletions based on new information that is obtained by the Project Team in relation to the areas of</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>potential effect (legislative concerns)</p> <p>- Fish and Fish Habitat and Wildlife and Wildlife Habitat should have access development and increased resource use (fishing/hunting) listed as potential effects.</p>	<p>the route being evaluated. These considerations will be incorporated into the Environmental Assessment, where applicable.</p> <p><i>Section 6.3 Evaluation of Alternative Methods</i></p>
	<p><b>Appendix E, 1.0, E-1</b></p> <p><i>Alternative routes...were reviewed from a natural, socio-economic, physical and technical perspective, and were refined as a result of this analysis</i></p> <p>How could this assessment have taken place when the complete picture of natural, socio-economic and physical picture remains unknown? The MNR has not provided information on values or known environmental features in the area. The public and Aboriginal communities have not had the opportunity to input or review this work and their local knowledge remains unknown. The route should be determined through consultation, as a part of the EA process, not beforehand.</p> <p>Follow-Up</p> <p>As per above notes – provide rationale for following Bruce-Milton approach in significantly different landscape.</p>	<p>The evaluation was based upon a certain level of information being available and follows the format of that used by Hydro One in the Bruce to Milton Transmission Line project. The public and Aboriginal communities have had an opportunity to participate and in some cases (i.e., Township of Dorion) have provided comments that will result in a further evaluation of which side of the existing East-West Tie the Project should be built on and whether a better option exists. The Terms of Reference leaves the Environmental Assessment open to consider minor refinements to the Reference Route and Alternative Routes.</p> <p>Local knowledge will be incorporated into the Environmental Assessment, as applicable. Should local knowledge result in a change to the Reference Route, the Terms of Reference was developed to accommodate this.</p> <p>The MNR’s focus should be on the Reference Route, Alternative Routes, and local route refinements (which will be identified during the EA). Local route refinements will be used to account for additional environmental features that may be identified.</p>
	<p><b>Appendix E, 2.0</b></p> <p>Section states the method of this study was to selected criteria based on available data and a desktop analysis. MNR does not have a data sharing agreement in place with the proponent or consultants, as such a complete</p>	<p>Section 6.3 of the Terms of Reference states that the evaluation criteria will be confirmed during the course of the Environmental Assessment and may include additions or deletions based on</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>picture of available data was not considered – affecting the stated methods. Desktop data does not include the (often) more important local knowledge; the methodology for this assessment is incomplete without the complete picture.</p>	<p>new information that is obtained by the Project Team in relation to the areas of the route being evaluated. These considerations will be incorporated into the Environmental Assessment, where applicable.</p> <p>The evaluation was based upon a certain level of information being available and follows the format of that used by Hydro One in the Bruce to Milton Transmission Line project. The public and Aboriginal communities have had an opportunity to participate and in some cases (i.e., Township of Dorion) have provided comments that will result in a further evaluation of which side of the existing East-West Tie the Project should be built on or whether a better option exists. The Terms of Reference leaves the Environmental Assessment open to consider minor refinements to the Reference Route and Alternative Routes.</p> <p>Local knowledge will be incorporated into the Environmental Assessment, as applicable. Should local knowledge result in a change to the Reference Route, the Terms of Reference was developed to accommodate this.</p> <p><i>Section 6.3 Evaluation of Alternative Methods</i></p>
	<p><b>Appendix E, 2.0, E-3</b></p> <p>Why hasn't lake sturgeon (threatened) been included as an indicator under Species At Risk? The project route crosses several known lake sturgeon rivers, including the Black Sturgeon and the Pic; this particular reproductive population of sturgeon has been identified as "disproportionately important" to the conservation of sturgeon in Lake Superior.</p> <p>The only species at risk identified was caribou, although several species are known within the study area – it is unclear why this was the only species selected. Again, this type of analysis should take place</p>	<p>Section 6.3 of the Terms of Reference states that the evaluation criteria will be confirmed during the course of the Environmental Assessment and may include additions or deletions based on new information that is obtained by the Project Team in relation to the areas of the route being evaluated. These considerations will be incorporated into the Environmental Assessment, where applicable.</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>through a process where knowledge and values can be shared – MNR suggests this analysis be redone through the EA process.</p> <p>Follow-Up Response does not address comment.</p> <p>Why was lake sturgeon not included as an indicator under Species at Risk?</p>	<p><i>Section 6.3 Evaluation of Alternative Methods</i></p> <p>The criteria and indicators provided in the ToR include Species at Risk. A preliminary list of Specific at Risk that may be present in the study area has been provided to the MNR and is currently being discussed. The list will be further developed based on field work and specific Species at Risk will be provided in the EA along with information relating to potential effects and mitigation.</p>
	<p><b>Appendix E, E-4</b></p> <p>Table 2: Comparative Analysis Reference Route - This table gives a very specific land area for Area of Conservation Reserves within the proposed ROW (ha) 59.30 (North side of existing ROW) and 48.10 (South side of existing ROW). This would mean there is a specific detailed corridor to calculate these figures. However, they are not shown or mapped in these terms of reference. In contrast, Section 5.4.4 on page 31 is very vague about the locations of the routes that are looked at. The text states “there are provincial parks, conservation reserves, and Areas of Natural and Scientific Interest (ANSIs) located in, or in proximity to, the study area...” These terms of reference should include some detailed maps of the right of way that is being considered close to protected areas.</p>	<p>As indicated in Section 2 of the Comparative Route Analysis (Appendix E), an approximately 56 metre wide right-of-way located directly adjacent to the existing transmission facilities was used for the purposes of the analysis. This was multiplied by the area crossed to come up with an approximate area.</p> <p>The Terms of Reference was prepared according to the Ministry of Environment’s (2012) Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments on Ontario and other Ministry of Environment guidance documents. The Code of Practice indicates that a map should be provided (on its own 8.5 inches by 11 inches page). In keeping with the intent of the Code of Practice, as well as other recently submitted Terms of Reference documents for other projects, a map in this format was submitted.</p> <p><i>Appendix E Comparative Route Analysis</i></p>
	<p><b>Appendix E, 4-8</b></p> <p>Summary of comments from both Table 1 and 3: There may be no scenic viewpoints within the ROW but</p>	<p>Section 6.3 of the Terms of Reference states that the evaluation criteria will be confirmed during the course of the Environmental Assessment and may</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>a more useful indicator would be the number of scenic viewpoints from which the E-W Tie will be visible; or the “impact” as a result of this project.</p> <p>It does not appear that an assessment of potential cultural/archeological potential was complete, has Ministry of Culture been engaged?</p> <p>“n/a” is not an accurate representation of the number of archeological sites within the proposed area. This is unknown until further consultation and data gathering moves forward. As noted above, it can be expected that there would be a high potential to encounter these areas given the proximity to water and historical fur trade routes.</p> <p>Tables indicate that the “area of traditional land uses/harvest areas within the proposed ROW” is “n/a”, this statement is inaccurate and misleading. The entire route on crown land will be allocated to uses like trapping, baitfish harvesting, bear management area and possibly commercial fishing therefore it is unclear how the indicator results can be “n/a” instead of some area (hectares). The MNR could provide more details on this.</p> <p>Section 5.4.4 identifies several ANSI and candidate ANSIs in the study area – yet this table is showing “n/a”, this is conflicting information, the proper values should be listed.</p> <p>“Area of mapped unevaluated wetlands” is an indicator, however the text of the ToR stated these areas would be treated as significant wetlands because the evaluation has not yet been completed. MNR agrees these wetlands should be treated as significant if there are no plans to complete the evaluation. Table has potential to be misleading with these areas listed separately.</p> <p>Seed collection lands – has the seed orchard layer been accessed to assess this? Have discussions with the many Sustainable Forest License holders taken place to determine if there are significant seed collection investments or genetic trials within this area? What does “n/a” mean? Are these features present or not?</p> <p>Updates are required to the area of mapped potential significant wildlife habitat; as discussed with the consultants – there was no assessment of significant habitats as per draft MNR guidance while the ToR and this analysis took place. MNR has since provided some</p>	<p>include additions or deletions based on new information that is obtained by the Project Team in relation to the areas of the route being evaluated. These considerations will be incorporated into the Environmental Assessment, where applicable.</p> <p>The evaluation was based upon a certain level of information being available and follows the format of that used by Hydro One in the Bruce to Milton Transmission Line project. The Terms of Reference leaves the Environmental Assessment open to consider minor refinements to the Reference Route and Alternative Routes as well as additional data received as a result of ongoing discussions with applicable agencies and field work.</p> <p>As indicated in Appendix E, “n/a” means that complete desktop data was not available at the time of undertaking the analysis. Should more pertinent detailed data become available during the course of the Environmental Assessment, it will be incorporated, as applicable.</p> <p><i>Section 6.3 Evaluation of Alternative Methods</i></p> <p><i>Appendix E Comparative Route Analysis</i></p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>draft guidance and is providing additional criterion schedules for the majority of the route.</p> <p>Habitat for other species at risk should also be provided.</p> <p>Follow-Up Response does not address concerns.</p> <p>Has Min of culture data been assessed? Why are ANSI areas identified not included as mapped area? Has seen orchard data or SLF data been used?</p> <p>If not – why? What might the impacts been of excluding this known information.</p>	<p>Ministry of Culture data has been accessed in relation to the Stage 1 Archaeological Assessment undertaken for the Project.</p> <p>The detailed data referred to by the MNR will be considered in more detail during the EA as indicated in the ToR and as applicable (i.e., whether there is potential to affect it).</p>
	<p><b>Appendix E, Section 4, Page 10</b></p> <p>With regard to the Gravel River Conservation Reserve, the text states “More of this reserve is located on the north side of the Reference Route however the most significant area of the reserve (i.e., Gravel River) is located on the south side of the Reference Route.” What analysis has been carried out to determine the most significant area of this reserve and where it is?</p> <p>Follow-Up Comment not addressed – what was the analysis to determine the most significant area of the conservation reserve?</p>	<p>As indicated in Appendix E, desktop data obtained by the Project Team from agencies included official plans, orthophotographics, and detailed environmental constraint mapping that included Ministry of Natural Resources data from Land Information Ontario (LIO). This data was used to support the analysis. The side of the corridor will be revisited and confirmed during the Environmental Assessment if additional pertinent data becomes available. One of the objectives of the analysis was to maximize the distance between the Project and significant environmental and socio-economic features including the Gravel River to the extent possible.</p> <p><i>Appendix E Comparative Route Analysis</i></p> <p>This was determined based upon the most significant meanders being located on the south side of the Reference Route which, from a biology standpoint, are more significant.</p>
	<p><b>Appendix E, Section 5, Page E-13</b></p> <p><i>Comparative analysis determined....north side of the</i></p>	<p>Appendix E contains a comparative route analysis that was completed</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p><i>reference route.... Was slightly preferred from an environmental, socio-economic and technical perspective</i></p> <p>MNR feels strongly that this analysis is not complete and should not form the basis of any determination in regard to impacts on environmental or socio-economic factors. An assessment of environmental impacts like this should take place through the Environmental Assessment process, where members of the public, special interests, users, Aboriginal peoples and crown agencies can contribute their knowledge and local understanding of the environment. To complete this analysis without engagement or consultation outside of the EA process is not transparent, misses inclusion of critical information and available data.</p> <p>MNR has not had the opportunity to comment or become involved in this analysis. Our local knowledge, existing data and understanding about resource uses and the local environment was not assessed. MNR would like to become involved in a thorough analysis of potential social, environmental and economic impacts associated with selection of a study route for the East-West Tie project.</p> <p>Follow-Up</p> <p>Concern is not addressed. No compelling justification has been provided as to why it is appropriate to conduct this assessment outside of the EA.</p> <p>At a minimum the MNR would expect to be engaged in this type of analysis – as it guides the rest of the EA.</p>	<p>primarily to focus field work commencing in the spring 2014. As indicated in the Appendix E, desktop data obtained by the Project Team from agencies included official plans, orthophotographics, and detailed environmental constraint mapping that included Ministry of Natural Resources data from Land Information Ontario (LIO). The side of the corridor will be revisited and confirmed during the Environmental Assessment if additional pertinent data becomes available. Comments received from the agencies and during public Open Houses held during the Terms of Reference phase were also taken into account as part of the comparative analysis. The Project Team looks forward to receiving local knowledge from and engaging in further discussions with Ministry of Natural Resources staff.</p> <p>Appendix E Comparative Route Analysis</p> <p>Please refer to the precedent established by the Bruce to Milton EA. MNR data was used to complete this analysis. As indicated, the side of the corridor will be revisited and confirmed during the EA if additional pertinent data becomes available.</p>
	<p><b>Appendix 4, Page 11</b></p> <p>Sec 4 – other considerations. Information about White Lake PP and Nimoosh PP is not clear.</p>	<p>It is unclear what this comment refers to as there is no Appendix 4 however we have assumed this comment refers to Appendix E and as such additional information is provided as follows for clarification purposes:</p> <p>Nimoosh Waterway Provincial Park – a section of the Nimoosh River parallels the Reference Route on the south side for approximately 1 kilometre. This compares with an approximate 25</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	<p>Follow-Up Concern is not addressed.</p> <p>There is no possible way that a provincial park can be a section of a national park.</p> <p>Provincial parks are provincial jurisdiction; national parks are Federal Jurisdiction.</p> <p>Tenure should be clear. MNR is not clear what this is saying.</p>	<p>metre span of the same watercourse on the north side of the Reference Route in this area.</p> <p>White Lake Provincial Park – a section of Pukaskwa National Park is located along the south side of the Reference Route approximately 30 kilometre southwest of White Lake Provincial Park. Use of the north side of the existing East-West Tie will maximize distance between the Project and the Park.</p> <p><i>Appendix E Comparative Route Analysis</i></p> <p>Correct, White Lake Provincial Park is north of Pukaskwa National Park. Provincial parks are provincially managed and national parks are federally managed.</p>
	<p><b>3) Letter Dated January 28, 2014</b></p>	<p>Comments noted and will be taken into account during the Environmental Assessment as applicable.</p>
<p>NAV CANADA, Alex Trandafilovski, Land Use Specialist, Aeronautical Information Services, Email dated May 4, 2014 to Dave Bell, Special Projects Officer, Ministry of the Environment</p>		
	<p>In order to assess this file we would need more information. Can you or somebody from NextBridge fill out the attached spreadsheet with the following? Geographical coordinates, ground elevations and heights above the ground for major structures along the proposed route including the substations.</p>	<p>The permit application will be submitted prior to construction.</p>
<p>Ministry of Transportation, Cindy Brown, Head of Corridor Management, Letter dated May 15, 2014 to Dave Bell, Special Projects Officer, Ministry of the Environment</p>		
	<p>In Section 2.5 Table 1, Notifications, Permits and Approvals, the Ministry of Transportation (MTO) was listed as one of the agencies from whom permits and approvals were to be obtained.</p>	<p>The permit application will be submitted prior to construction.</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>These permit requirements under the <i>Public Transportation and Highway Improvement Act</i> are outlined below.</p> <p>The <i>Public Transportation and Highway Improvement Act</i> sets out various requirements for access to a provincial highway and for development adjacent to it. These requirements are as follows:</p> <ul style="list-style-type: none"> <li>• An Entrance Permit is required for any entrance onto a provincial highway, including a temporary entrance to construct or service such a proposed development.</li> <li>• A Building and Land Use Permit is required for:               <ul style="list-style-type: none"> <li>○ Any development/construction occurring within 45 m of the right-of-way limit of any provincial highway, and also within 180 m of the intersection of a side road with a Kings highway and 395 m of the intersection of a side road with a controlled access highway.</li> <li>○ To erect or alter any power line, pole line, or other transmission line within 400 m of the limit of a controlled access highway (e.g. Highway 17).</li> </ul> </li> <li>• An Encroachment Permit is required for any work within, under, or over a provincial highway right-of-way.</li> <li>• A Sign Permit is required for all signage erected within 400 m of the limit of a provincial highway.</li> </ul>	
	<p>In the second paragraph of Section 5.5.6 Infrastructure Services, states that the required setback for transmission lines is 14 m for Class I and II highways and 0.3 m from all other highway classifications. MTO would like to clarify that since the transmission line consists of towers, the required set back will be 14 m from all class of highway to the nearest encroaching part such as a guy wire, concrete anchors or overhanging structure.</p>	<p>Comments noted and will be taken into account during the Environmental Assessment as applicable.</p>
<b>FIRST NATIONS AND MÉTIS COMMENTS</b>		
	<p>Métis Nation of Ontario, Aly Alibhai, Director, Lands, Resources and Consultations, Letter Dated March 19, 2014 to Michael Power, Project Director, NextBridge Infrastructure</p>	
	<p>The MNO has been identified as having interests in the NextBridge East-West Tie project area that may be affected by the Project. As part of the EA process for</p>	<p>Once the Stage 1 archaeological assessment is received by the Ministry of Tourism, Culture and Sport and the</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	<p>the EWT Project, NextBridge will be completing a Stage 1 Archaeological Assessment as required by the Ontario Heritage Act, 1990. Based on the conclusions of the Stage 1 assessment, additional study assessments may be required.</p> <p>The MNO requests that NextBridge share its timelines for the archaeological assessment process with MNO, and requests that NextBridge share the results of all stages of its archaeological assessment with MNO by providing copies of the completed assessment to us in the a timely fashion.</p>	<p>Ministry has placed the document on the public registry, then NextBridge can make a copy available. NextBridge supports making public information widely available and this can be shared with the Métis Nation of Ontario.</p>
	<p>Métis Nation of Ontario, Christopher Graham, PST Law (acting for Métis Nation of Ontario) and Aly Alibhai, Director of Lands, Resources and Consultations, Letter Dated March 31, 2014 to Dave Bell, Special Projects Officer, Ministry of the Environment</p>	
	<p>Submitted comments including three supporting documents (summarized below):                      Written comments on the Terms of Reference dated March 31, 2014, prepared by Aly Alibhai;                      Written comments on the proposed Terms of Reference dated March 30, 2014, prepared by the Calliou Group; and                      Métis Nation of Ontario Report on Potential Evaluation Criteria for the Project’s Environmental Assessment based on a Métis Nation of Ontario community workshop.</p>	<p>See below</p>
	<p><i>Summary of written comments on the Terms of Reference dated March 31, 2014, prepared by Aly Alibhai:</i></p> <p>1. Project timelines: We have previously raised concerns about the Project’s timelines being exceedingly ambitious. MNO’s concern over timelines is driven by the importance of the EA to discharging the Crown’s duty to consult.</p>	<p>1. Project timelines are based on the Ontario Energy Board milestones. Ontario Power Authority reporting (October 2013) acknowledges that an early 2018 in-service date is appropriate for the East-West Tie Project (was originally targeted for 2017). The overall Project schedule, including the Environmental Assessment, is driven by this in-service date.</p> <p><i>Section 5.5.4 Traditional Land and Resource Use</i>  <i>Section 9.4 Aboriginal Engagement and Consultation Plan</i></p>
	<p>2. Quality of consultation: The proponent’s consistent responses to the MNO’s comments are concerning. Rarely does the proponent provide any reasons for rejecting the MNO’s comment or suggestion, and when the proponent does provide reasons there are, at best, perfunctory.</p>	<p>2. NextBridge is currently negotiating a Memorandum of Understanding and funding agreement on consultation with the Métis Nation of Ontario, which responds to the Métis Nation of Ontario’s expressed views and addresses fully the request of the Métis</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>Nation of Ontario for full and complete input and participation in the development and completion of the Terms of Reference and the Environmental Assessment itself.</p> <p><i>Section 5.5.4 Traditional Land and Resource Use</i></p> <p><i>Section 9.4 Aboriginal Engagement and Consultation Plan</i></p>
	<p>3. Approach to the ToR: The submissions from Calliou Group refer to a specific commitment from the proponent to the MNO to include a placeholder in the ToR for Métis-specific VCs. The MNO is concerned, however, that this commitment has not been incorporated into the ToR and that it may only be addressed by the proponent through mention in the RoC.</p>	<p>3. A “Traditional Land and Resource Use” criterion has been provided in the Terms of Reference, which applies to First Nation and Métis communities. This is the placeholder for Métis-specific values, which will be addressed in the Environmental Assessment along with those of First Nations. NextBridge has also committed to consulting with Aboriginal communities, including Métis communities, in Section 9.4 of the Terms of Reference.</p> <p><i>Section 5.5.4 Traditional Land and Resource Use</i></p> <p><i>Section 9.4 Aboriginal Engagement and Consultation Plan</i></p>
	<p>4. Coordination of consultation: The MNO has sought clarification on how Crown consultation in relation to the Project would be dealt with between the MOE and the Ministry of Energy. The MNO remains concerned that the ToR does not clarify how Crown consultation will occur for the Project.</p>	<p>4. This comment should be addressed by the Ministry of Environment and Ministry of Energy. It is not the purpose of the Terms of Reference to clarify how Crown consultation will occur for the Project.</p> <p><i>Section 5.5.4 Traditional Land and Resource Use</i></p> <p><i>Section 9.4 Aboriginal Engagement and Consultation Plan</i></p>
	<p><i>Summary of written comments on the proposed Terms of Reference dated March 30, 2014, prepared by the Calliou Group:</i></p> <p>1. NextBridge did not substantively alter the ToR to</p>	<p>1. The “Traditional Land and Resource Use” criterion addresses this. The Environmental Assessment will detail Métis and First Nation values and assess</p>

	<b>Comment Received</b>	<b>Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)</b>
	include placeholders for MNO valued ecological components, or what are termed “evaluation criteria” in the Code of Practice.	the transmission facilities against these, as applicable.  <i>Section 5.5.4 Traditional Land and Resource Use</i> <i>Section 9.4 Aboriginal Engagement and Consultation Plan</i>
	2. MNR has now undertaken an internal workshop to identify Métis-specific evaluation criteria. MNO requires NextBridge and the regulator to include these in the final ToR.	2. These will be incorporated into the Environmental Assessment, as applicable. See #2 above.  <i>Section 5.5.4 Traditional Land and Resource Use</i> <i>Section 9.4 Aboriginal Engagement and Consultation Plan</i>
	3. The proponent’s statements do not address MNO’s comment on the lack of evaluation criteria which are necessary to identify effects to the Métis way of life. Traditional land and resource use is only one component of this. Suggested wording is provided.	3. The Terms of Reference includes flexibility to development additional evaluation criteria during the Environmental Assessment, for example to address the Métis way of life.  <i>Section 5.5.4 Traditional Land and Resource Use</i> <i>Section 9.4 Aboriginal Engagement and Consultation Plan</i>
	4. MNO members will be impacted differently than other land users because MNO members have constitutionally protected Aboriginal rights which the EWT Project will affect. This is why it is crucial that the proponent follow through on its commitment to work with MNO to identify project interactions with Métis-specific interests, and why this commitment must be reflected in the ToR.	4. The Terms of Reference has made the commitment to do so through the “Traditional Land and Resource Use” criterion.  <i>Section 5.5.4 Traditional Land and Resource Use</i> <i>Section 9.4 Aboriginal Engagement and Consultation Plan</i>
	5. The proponent must identify MNO-specific criteria and indicators for inclusion in the assessment and the ToR must be updated to reflect this commitment. Indicators used in the effects assessment must include species relevant to MNO members.	5. The criteria and indicators identified in the Terms of Reference do not represent a final list. Section 7.1 states that “The final list of environmental and socio-economic features to be assessed will be confirmed in the Environmental Assessment.” See #2 above.  <i>Section 5.5.4 Traditional Land and Resource Use</i>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<i>Section 9.4 Aboriginal Engagement and Consultation Plan</i>
	6. MNO requests amendment to Table 7 to ensure evaluation criteria and indicators specific to Métis rights and interests are assessed.	6. Table 7 includes Traditional Land and Resource Use, which covers First Nation and Métis community interests for the purposes of the Terms of Reference. The Environmental Assessment will incorporate detailed Aboriginal criteria and indicators, as applicable.  <i>Section 5.5.4 Traditional Land and Resource Use</i> <i>Section 9.4 Aboriginal Engagement and Consultation Plan</i>
	7. The proponent must explicitly commit to using appropriate criteria and indicators in its assessment to give MNO confidence that the proponent takes MNO rights seriously and that it will produce a credible assessment of Project effects on those rights. MNO would be more confident in the proponents approach if the ToR committed to develop and include evaluation criteria and indicators reflective of specific Métis interests. MNO requires a placeholder that reflects this commitment in Appendix D for Métis-specific information.	7. See responses above.  <i>Section 5.5.4 Traditional Land and Resource Use</i> <i>Section 9.4 Aboriginal Engagement and Consultation Plan</i>
	<i>Summary of Métis Nation of Ontario Report on Potential Evaluation Criteria for the Project:</i> The report included information pertaining to general Métis rights and interests and evaluation criteria; summaries of meetings held with members to establish MNO-specific criteria, including applicable themes and categories; and an overview of two criteria selected including 1) Métis way of life; and 2) Harvesting.	A Traditional Land and Resource Use criterion has been provided in the Terms of Reference, which applies to First Nation and Métis communities. NextBridge has also committed to consulting with Aboriginal communities in Section 9.4 of the Terms of Reference. The Traditional Land and Resource Use criterion provides flexibility to incorporate new information that is received by stakeholders through the Environmental Assessment process. It is anticipated that Aboriginal interests will be incorporated in this section (both Métis Nation of Ontario and First Nation interests) to the extent possible. The Métis Nation of Ontario have provided two criteria: (1) Way of Life; and (2) Harvesting. Once we have similar criteria and indicators from potentially affected First Nations they

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>will be incorporated into the Traditional Land and Resource Use section for the purposes of the Environmental Assessment, as applicable.</p> <p><i>Section 5.5.4 Traditional Land and Resource Use</i></p> <p><i>Section 9.4 Aboriginal Engagement and Consultation Plan</i></p>
<b>INTEREST GROUP COMMENTS</b>		
	Ontario Waterpower Association, Paul Norris, President, Letter Dated March 11, 2014 to Dave Bell, Special Projects Officer, Ministry of the Environment	
	<p>Thank you for the opportunity to provide input to the Draft Terms of Reference for the Environmental Assessment of the NextBridge Infrastructure East-West Tie Transmission Project. The Ontario Waterpower Association (OWA) has been actively engaged in a number of transmission proposals in northern Ontario (e.g. Watay, Sagatay). Most recently, with support from the Ministries of Energy and Natural Resources and the Ontario Power Authority, the OWA commissioned an evaluation and assessment of waterpower potential in Far North Ontario, linked to the proposed extension of transmission infrastructure to connect remote communities and the Ring of Fire. Given the inherent relationship between grid expansion and the potential liberation of new waterpower development opportunities, it is imperative, in my view, that the ToR and subsequent Environmental Assessment specifically include waterpower potential as a “value” to be considered in the process, as has been the case in other northern transmission projects. The draft ToR refers to “the ability to remove barriers to renewable generation” and speaks to NextBridge’s corporate commitment to “generating a kilowatt of renewable energy for every kilowatt consumed during operation”, however makes no reference to waterpower potential as a socioeconomic or environmental value to be assessed. There are known active development proposals in reasonable proximity to the proposed transmission line(s) and, as illustrated in the Figure below, significant untapped potential that could become commercially viable.</p> <p>The OWA strongly recommends that “waterpower potential” be included as a value to be considered in</p>	<p>Comment acknowledged.</p> <p>Existing waterpower facilities and potential waterpower sites will be incorporated into the data collection undertaken during the Environmental Assessment, to the extent possible. In order for facilities to connect with the Project, they will need to be of a size (number of megawatts) that is economic to build a transformer station and switching yard. While the new facilities should provide capacity to incorporate these developments, proponents will require discussion with the Ontario Waterpower Authority and other applicable regulators.</p>

**EAST-WEST TIE TRANSMISSION PROJECT  
RECORD OF CONSULTATION – ADDENDUM**

May 2014

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
	the EA process. I would be pleased to provide the proponent with additional information in this regard to facilitate appropriate analysis.	
	Northwatch, Brennain Lloyd, Letter Dated April 15, 2014 to Dave Bell, Special Project Officer, Ministry of the Environment	
	<b>Recommendation # 1:</b> The Environmental Assessment for the East-West Tie Transmission Project must include a clear description of the “need” for the project, and this statement of need must be supported by evidence that goes beyond hearsay or hypothesis.	No response required. MOE to address.
	<b>Recommendation # 2:</b> The Environmental Assessment for the East-West Tie Transmission Project must include a detailed discussion of alternative means of meeting the established ‘need’ for the project.	No response required. MOE to address.
	<b>Recommendation #3:</b> The Environmental Assessment for the East-West Tie Transmission Project must include a clear description of the “need” for the project, which is supported by evidence brought forward by the proponent and that evidence must be tested prior to its acceptance or rejection by a responsible decision-maker	No response required. MOE to address.
	<b>Recommendation #4:</b> The proponent should include a full examination of alternative means (methods) of carrying out the undertaken in their Environmental Assessment study.	<p>Section 6.2 of the Proposed ToR (Alternative Methods for Carrying Out the Project) indicates that alternative methods to be identified, assessed and evaluated in the EA will include alternative designs, as well as Alternative Routes and local refinements of the Reference Route.</p> <p>Section 6.2.3 of the Proposed ToR (Alternative Designs) further indicates that alternative designs may be required to accommodate specific landowner, First Nation, Métis, individual, community, or other stakeholder concerns, or to minimize Project effects on an environmental or socio-economic feature (i.e., as a mitigation tool). Typical alternative designs which may be explored further in the EA, if warranted, include:</p> <ul style="list-style-type: none"> <li>▪ type of transmission line towers;</li> <li>▪ specific siting of transmission line towers including: <ul style="list-style-type: none"> <li>▪ establishing height</li> </ul> </li> </ul>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>requirements to minimize potential adverse effects to aesthetics in the area;</p> <ul style="list-style-type: none"> <li>▪ determining tower span lengths to avoid, or minimize, adverse effects to sensitive natural or socio-economic features; and,</li> <li>▪ location, alignment, and potential future use of access roads.</li> </ul>
	<p><b>Recommendation #5:</b> The examination of alternative means (methods) of carrying out the undertaken in their environmental assessment study should include consideration of a number of different design options, including single-circuit designs</p>	<p>As described in Section 1.2 of the Proposed ToR (Background on the Project), the OPA considered a series of design options and concluded that the Project should include the construction of a new double-circuit 230 kV overhead transmission line.</p> <p>NextBridge cannot comment on “different design options” put forward in other bids by other applicants.</p>
	<p><b>Recommendation #6:</b> The Environmental Assessment should include a vegetation management plan, a plan for the decommissioning or abandonment of the transmission line, include an expanded study area along the reference route and alternative routes, and include a must include a thorough examination of the potential socio-economic effects of alternatives to the project and alternative means of carrying out the project</p>	<p><b>Transmission Vegetation Management Program and Facility Abandonment</b> Section 4.2 of the Proposed ToR (Construction, Operation and Abandonment) provides information relating to the Transmission Vegetation Management Program and facility abandonment. Additional information relating to both of these items will be provided during the EA.</p> <p><b>Expanded Study Area</b> As described in Section 5.3 of the Proposed ToR (Preliminary Study Area), a preliminary study area has been established for the Project which includes approximately 500 m on either side of the Reference Route and Alternative Routes (1 km span). The study area generally allows for the documentation of existing baseline conditions, prediction of potential environmental effects, and development of appropriate mitigation</p>

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in <i>italics</i> )
		<p>measures with a reasonable degree of accuracy. The study area may be expanded in some areas where local route refinements may be required due to environmental or technical constraints (i.e., topography), or for the assessment of specific features such as archaeological resources, cultural landscapes, viewshed analysis and Woodland Caribou.</p> <p>Required buffers from sensitive environmental features will be determined based on secondary information sources (i.e., published data sources, electronic databases, aerial photographs, published literature and journals, and map interpretation), primary sources (i.e., field reconnaissance, field surveys), past project experience, as well as agency, and other stakeholder input.</p> <p><b>Socio-Economic Assessment</b> Section 5.5 of the Proposed ToR (Socio-Economic Environment) indicates that a Socio-Economic Impact Assessment will be conducted as part of the EA to further investigate details of population and demographics, existing and designated land uses, settlements, economic development interests, as well as cultural heritage values and traditional land and resource uses.</p> <p>Further, Section 6.3 of the Proposed ToR (Evaluation of Alternative Methods) identifies the general socio-economic routing considerations that will be taken into account when making decisions regarding the route evaluation and selection.</p> <p>Appendix D of the Proposed ToR also provides a list of detailed socio-economic criteria and indicators that will be used to evaluate alternative</p>

**EAST-WEST TIE TRANSMISSION PROJECT  
RECORD OF CONSULTATION – ADDENDUM**

May 2014

	Comment Received	Response, Actions Taken or Pending (Applicable Sections of the Terms of Reference in italics)
		<p>methods of carrying out the Project.</p> <p>As indicated in Section 3.1 of the Proposed ToR (EA Approach) the “Alternatives To” the Project will not be reviewed as part of the EA with the exception of the “Do Nothing” alternative as a separate, more defined planning process was already undertaken by the OPA.</p>



Northwest Region  
Ontario Government Building  
435 South James Street, Suite 221a  
Thunder Bay, Ontario P7E 6S8

Ministry of  
Natural Resources

Ministère des  
Richesses naturelles

Tel: (807) 475-1261  
Fax: (807) 473-3023

June 9, 2014

Carrie Wiklund  
Senior Environmental Analyst  
NextBridge Infrastructure  
10130 103rd Street  
Edmonton, AB  
T5J 3N9

**Re: Proposed Work Plan for the Natural Environment Field Program for the East-West Tie Transmission Project Individual EA**

Dear Carrie:

Thank you for the opportunity to comment on NextBridge's proposed field work plan for the East-West Tie Individual EA. The Ministry of Natural Resources (MNR) has reviewed the work plan, and provides detailed comments in the enclosed table. A summary of key considerations is provided below.

*Alternative Routes*

It appears as though field data will not be gathered to inform alternative route selection. MNR requests additional information on when, and with what criteria, a preferred route will be identified. The attached comments provide a few suggestions regarding approach to alternatives analysis.

*Extent and Timing of Studies*

All components of the project footprint should be included within the Project Study Area. This includes, but is not limited to new and/or upgraded access corridors and water crossings, laydown areas, aggregate areas/gravel pits, and other construction/operation/maintenance related impacts that may occur outside the proposed corridor.

Please note it is particularly critical to conduct surveys at the appropriate locations at the appropriate time of year. Surveys conducted outside of candidate habitat and/or appropriate timing windows cannot be relied on to determine the presence of a species or its habitat.

Level of detail

MNR would like the field program to be designed to meet the requirements of the *Environmental Assessment Act*. The focus of the EA should be on determining the potential impacts to the environment, and putting the appropriate mitigations in place. If existing conditions are not adequately described, potential impacts and associated risks cannot be measured, and environmental protection cannot be ensured. Any additional data or information collected to support subsequent permit and approval requirements should be to provide further detail for implementing the project design and mitigation measures established through the EA.

Access Restrictions

Please note, there are a number of access restrictions on existing roads and trails within Wawa District, including restrictions on motorized vehicles and remote tourism lakes. Please contact MNR as soon as possible (at a minimum 2 weeks prior to any work beginning) to ensure that any access restrictions are known well in advance and appropriate passes are requested for accessing these areas.

Thank you again for the opportunity to comment. In commitment to our One-Window service, MNR will continue to coordinate all internal input on the project. Please contact Emily Hawkins ([emily.hawkins](mailto:emily.hawkins) or 807-475-1242) if you require clarification, or to follow up on, any of the comments provided.

Yours truly,

*Londa Mortson*

for

John Sills  
Regional Resources Manager  
Northwest Region  
Ministry of Natural Resources

cc: David Bell, Ministry of the Environment

Ecosystem Topic	Report Reference	Summary Comment	Rationale	Proposed Action
1	1.1 Purpose of This Document	Definition of the Project Study Area (PSA)	The PSA is scoped very narrowly, a 50 m boundary on either side of the existing 56 m ROW results in 50 m of field data for whichever side (north or south) of the ROW is ultimately selected for the transmission line. This 50 m also does not include considerations for alternatives outside of the 50 m boundaries that are set for field work. MNR is concerned this may limit the flexibility with which NextBridge can respond to issues and plan the project.	Consider widening the extent of the PSA.
2	1.1 Purpose of this document	Consideration of alternatives	During the Terms of Reference stage, NextBridge committed to considering additional alternatives routes. These are not identified in the field plan. At what stage in the EA process does NextBridge propose to do this, and based on what information and criteria? How will NextBridge evaluate potential effects of the alternative routes to sensitive features such as Provincially Significant Wetlands and Endangered Species habitat?	Please outline when and how alternative routes will be evaluated, based on what information and criteria. Please discuss how sensitive natural features will be included in this consideration.
3	Figure 2	Natural Environment Framework	As discussed above, MNR is concerned about how alternative routes will be factored into project planning.	Please clarify where in this Natural Environment Framework work flow the selection of preferred alternative will be made.
4	1.1 Purpose of this document	Definition of the Project Study Area (PSA)	The area of the PSA is also not scoped to adequately assess the impacts of all components of the project.	Please amend the extent of the PSA to include all components of the project footprint, including but not limited to: <ul style="list-style-type: none"> <li>• New and/or upgraded access corridors and water crossings</li> <li>• Laydown Areas</li> <li>• Aggregate Areas/gravel pits</li> <li>• Other construction/operation/maintenance related impacts that may occur outside the proposed corridor</li> <li>• Alternative routes</li> </ul>
5	1.1 Purpose of This	Definition of the Project	There is no rationale provided for	Please provide a description and rationale for the PSA for greenfield portion of

6	General	1.2 The Provincial EA Process 4.0 Schedule	Study Area (PSA) "Where this is not possible due to not having enough detailed information, or due to unforeseen events, Next Bridge will undertake these activities following completion of the EA but prior to Project construction"	the size of the PSA for the proposed greenfield development around White River. Will the size of the PSA for this greenfield site be the same (156 m?) as the remainder of the project? If so, will this area be sufficient enough to identify impacts along this part of the corridor?	the line.
7	Access General		Access Restrictions	The objective of the field work required to develop an Environmental Assessment is to adequately describe the environment so that the ecosystem condition can be benchmarked prior to development, impacts as a result of development can be predicted or anticipated, a plan to mitigate those impacts can be developed if they cannot be avoided, and post-construction monitoring can assess changes compared to the benchmarked condition described in the EA. If this is done appropriately, additional work should not be expected once the EA has been submitted. It is within the best interest of the proponent to set sound objectives for field work that meet the information requirements outlined in the Environmental Assessment Process.	Please design the field program to meet the requirements of the Environmental Assessment Act.  To reference the Code of Practice in Preparing and Reviewing Individual EAs in Ontario, "the level of detail presented in an environmental assessment should be sufficient to fulfil the requirements of the Environmental Assessment Act and to assure interested persons that the proposed undertaking is technically feasible and achieves environmental protection." The Code further states the level of detail should be commensurate with (in part) the potential for environmental effects.
7			Access Restrictions are in place on	Throughout the project area, more information on access of road and trails is needed to determine if road passes are necessary and where.	Please contact the Wawa District office at least 2 weeks prior to any work beginning to confirm if access restrictions will need to be crossed and to request road passes to cross access restrictions. Motorized vehicles will not be permitted to access any remote tourism lakes.  When contacting Wawa District to request road passes, you will need to provide the following information:

			roads and trails throughout the Wawa District. Information on how sites will be accessed is needed for road passes. Vehicles beyond restriction signs without road passes on hand will be charged  Guidance: Wawa District Tourism Strategy.	<ul style="list-style-type: none"> <li>• Vehicle type</li> <li>• License plate number</li> <li>• Names of people who will be working</li> <li>• Period of time the road pass is required</li> <li>• Specific planned area (maps)</li> </ul>
8	General	Figure: Proposed Field Survey Locations and Page 11 in the text.	Waterways and man-made features used as field survey locations  The ELC mapping provided with the work plan identify a number of waterways, lakes, roads, and other obvious man made features as unidentified polygons, and include them in the proposed field survey locations. This influences the total number of plots sampled and the overall coverage of the study. Fig 37 and 38 in the Proposed Field Survey Locations show examples of this.	Please remove any polygons that are obviously lakes, rivers, roads, man-made features.
9	General	Figure: Proposed Field Survey Locations and Figure: Ecological Land Classification	Two figures "Proposed field survey locations" and "Ecological Land Classification" do not match. There are polygons ID on one that do not show on the other. For example, in Inset 35 there is a small lake north of Soulier Lake that is labelled as unidentified polygon on one figure, and unlabelled in the other.	Please ensure figures match and convey accurate information.
10	General	Table 1	Conservation management plans are not listed in this table.	Please review Conservation Management Plans for provisions relative to the project.
11	General	Section 2.3	Monthly meetings with MNR district and program staff.	What is the proposed intent of these meetings?
12	Access	General	Portage Routes  Throughout the project area. The project crosses Dog River, White River and Magpie River.  Disturbances of portages are not permitted; other setbacks and	No action at this time. However, NextBridge should be aware of this.

13	Ecological Land Classification Wetlands	2.5 Ecological Land Classification 2.6 Wetlands	"Approximately 10% of the PSA will be field truthed with ELC survey plots, spaced out along the length of the PSA, with a focus on rare vegetation communities as defined by the Significant Wildlife Habitat Technical Guide and Ecoregion Criterion Schedules"	<p>zones may be required.</p> <p>Guidance: Wawa District Tourism Strategy</p> <p>What was the process used to determine the number of polygons allocated to each ELC/FEC type for ground-truthing? Was a weighting given based on % of area within the PSA? If so, why (in Appendix A) are some polygons not allocated for ground truthing (e.g. B007X, B127Tt, B128TI) and polygons with a smaller % of area by comparison within the PSA are allocated polygons for ground truthing? (e.g. B010S, B035Tt, B140N)</p>	Please describe the methods used in selecting ELC/FEC polygons for sampling. How many plots are proposed within each polygon?
14	Ecological Land Classification	Sec 2.5		<p>MNR uses landform/vegetation associations (landforms/FRI) as the basis for analysing representation of landscapes in protected areas. One role of protected areas is to protect representative (of the ecodistrict) landform-vegetation (LV) units. Within an ecodistrict the target is to have a minimum of 1% or 50ha (whichever is greater) within protected areas. LVs are considered to be critical within a protected area if only 1% or 50 ha of their total area within an entire ecodistrict is contained in a protected area (because this target would not be achieved if the protected area did not exist).</p> <p>MNR has prepared maps of "critical" landform/vegetation associations and has done a direct overlay of the Project Study</p>	Use critical LV information to identify alternative route locations, as well as appropriate locations for survey plots, and to consider the effects of various route alternatives. Contact Louis Chora, Senior Resource Analyst with the Parks and Protected Areas Policy Section, for critical LV shape files. Louis.chora@ontario.ca or 705-755-5965.

			<p>Area on a map of critical landform/vegetation types. This identifies where the NextBridge proposal would negatively impact the critical landform/vegetation associations within the protected areas. If the NextBridge proposal were to damage or destroy these critical L/Vs, MNR would fall below the minimum representation targets.</p> <p>See maps below. Critical LVs are not "no-go areas", but should be avoided if possible. This information is another piece to be used in considering alternative route locations, the effects of various route alternatives, as well as appropriate locations for survey plots.</p>	<p>The Significant Wildlife Habitat (SWH) Technical Guide provides direction on how to identify candidate significant wildlife habitat that may be of ecoregional/ecodistrict significance. This technical guide provides instruction as to how to develop criteria for candidate SWH if criteria do not exist. Sections of the guide that are relevant to assist in the identification of SWH include:</p> <ul style="list-style-type: none"> <li>• Sections 4.0-7.0</li> <li>• Section 8.0</li> <li>• Table 10.0</li> <li>• Appendix Q, G, J, M and N</li> </ul> <p>Provincial Parks also uses a LV (landform-vegetation) classification system to identify rarity in order to establish</p>	<p>The SWH Technical Guide provides direction to examine other documents, talk to experts and search for additional resources that contain local information which may provide criteria for SWH. Additional documents have been provided along with these comments in order to assist with the identification of rare habitat within the PSA and LSA.</p> <ul style="list-style-type: none"> <li>• Bakowsky 2002 Rare Vegetation of Ontario – Diabase Cliffs of Northwestern Ontario</li> <li>• Bakowsky 1998 Rare Communities of Ontario – Great Lakes Arctic-Alpine Bedrock Shoreline</li> <li>• Ecosite mapping Pukaskwa – Crofts 1999.</li> <li>• Fire Management Plan Pukaskwa 2007</li> <li>• <a href="http://www.natureconservancy.ca/en/what-we-do/resource-centre/conservation-blueprints/">http://www.natureconservancy.ca/en/what-we-do/resource-centre/conservation-blueprints/</a></li> </ul> <p>In addition, discussions with MNR rare plant specialists recommends the following plant communities as rare within the proposed project area (Ecoregions 3W, 3E and 3E – Lake Superior Coast):</p> <ol style="list-style-type: none"> <li>1) Basic Open Cliff Type (e.g. diabase cliffs like the Nor'westers)</li> <li>2) Great Lakes Arctic-Alpine Basic Open Bedrock Shoreline Type (shoreline communities with many relict arctic-alpine plants present, may be found away from Lake Superior as well).</li> <li>3) Basic Open Glaciere Talus Type</li> </ol>
15	Ecological Land Classification Botanical Surveys	2.5 Ecological Land Classification 2.7 Botanical Surveys	<p>"Approximately 10% of the PSA will be field trued with ELC survey plots, spaced out along the length of the PSA, with a focus on rare vegetation communities as defined by the Significant Wildlife Habitat Technical Guide and Ecoregion Criterion Schedules"</p> <p>"Sampling effort will be focused in areas where rare plant species are likely to occur, such as rare vegetation communities (as defined by the Significant Wildlife Habitat Technical Guide and Ecoregion Criterion Schedules".</p>		

				<p>candidate protected areas. This tool is also used to develop management plans for Parks. Identification of rare LV types would also be an excellent source of information to assist in defining what is rare within the PSA.</p>	<p>4) Maritime Mountain Ash Communities</p>
16	<p>Ecological Land Classification Wetlands</p>	<p>2.5 Ecological Land Classification 2.6 Wetlands</p>	<p>"In addition, vegetation communities that occupy 1% or less of the PSA are considered rare, and efforts will be made to survey polygons within these ecosites"</p>	<p>Please describe the rationale used to define rarity (vegetation communities that occupy 1% or less of the PSA). Why was 1% used as a threshold for rare vegetation communities?</p>	<p>Please describe the rationale used to define rarity (vegetation communities that occupy 1% or less of the PSA). Methods must be transparent and replicable.</p>
17	<p>Ecological Land Classification</p>	<p>2.5 Ecological Land Classification</p>	<p>"Polygons mapped as "unknown" within the PSA on the ELC figure that are not waterbodies or cultural areas will also be surveyed in the field"</p>	<p>Unknown polygons are identified within the ELC/FEC ecosite classification. How many of these unknown polygons (also identified in Appendix A) will be visited? Will these sites be assigned an ecosite classification? If so, what will the protocol be for classifying these polygons to an ELC ecosite? Will a complete ELC profile be conducted at each site? (For appropriate classification this should be the case.)</p>	<p>Please provide requested information. Methods must be transparent and replicable.</p>
18	<p>Ecological Land Classification Purpose of this document</p>	<p>Sec 2.5 Sec 1.1</p>	<p>Assessing rare ELC communities/ecosites within the PSA</p>	<p>Assessment of rare ELC communities/ecosites is proposed only within the preferred corridor.</p>	<p>You may wish to use rare ELC/FEC ecosites within the context of an Ecodistrict as information that can be used to assess alternative route locations as well as appropriate locations for survey plots within the PSA. By scoping the study area to the Ecodistrict and looking for rare/uncommon ecosites at the ecodistrict level an informed assessment of alternatives can be made, and refining ecosites that are to be field surveyed would be more informed and representative of what is rare on the landscape rather than only what is rare within the 156 m PSA corridor.</p>
19	<p>Ecological Land Classification Wetlands Breeding Birds</p>	<p>2.5 Ecological Land Classification p 10, p 11 2.6 Wetlands p 11 2.7 Breeding Birds</p>	<p>"subject to access and safety considerations"</p>	<p>MNR acknowledges that safety is a priority in the field and that access to some sites may be difficult due to the remote nature of the project. Remoteness, however, is an unavoidable aspect of the project. As such,</p>	<p>Efforts should be made to describe the ecosystem of the PSA. Remoteness is an unavoidable aspect of the project, and therefore a contingency plan should exist to ensure commitments made to describe the condition of the environment are completed. Methods must be transparent and replicable.</p>

<p>20</p>	<p>Ecological Land Classification Botanical Surveys</p>	<p>2.5 Ecological Land Classification 2.7 Botanical Surveys</p>	<p>"While conducting ELC surveys, the dominant species for each ecosite or community type will be identified in the field and visual estimates of species abundance will be obtained. <b>Where permissible</b>, soil profiles will be examined with the use of a standard 120 cm hand auger"</p>	<p>As described in this document, the "ELC results represent the baseline data required to assess the presence of potential natural features, potential significant wildlife habitat, and potential for Species at Risk". As such, the methodology for ground-truthing ELC sites needs to be clearly defined to ensure that the process is transparent and replicable. ELC and FEC ecosite classification both rely on a soil profile (depth, texture and moisture regime) as the foundation for application of the keys to identify overstory and species composition. Because there can be many S-types or V-types within an Ecosite, a soil profile is critical. Soils are required for ground-truthing at all ELC/FEC polygons, and are also required if application of the ELC/FEC cross tables will occur.</p>	<p>efforts should be made to describe the complete ecology of the PSA so as to benchmark the condition and provide sufficient information to be able to describe impacts as well as propose mitigative measures if impacts cannot be avoided. In cases where polygons are not able to be ground-truthed, a contingency plan should be in place (e.g. return to sites when access is easier, sample other comparable sites) so as not to compromise the sample size and under-represent the habitats that exist within the PSA.</p>	<p>Methods must be transparent and replicable. Ensure the appropriate protocols are being applied.</p>
-----------	---	---	--	--	--	--

	Ecological Land Classification Wetlands	2.5 Ecological Land Classification 2.6 Wetlands	"As outlined in MNR's Ecosites of Ontario Manual (2009) the appropriate season for applying the ecosite classification is from late May to late September for forested conditions, bogs and fens, and late June to early September for marshes."	<p>Site verification of ELC plots only require soil profiles and application of the key (overstory/shrub species composition) to key to an ELC ecosite. The keys are designed to look at the proportion of species within the polygon, not the plot. (FEC classification used plots to identify vegetation types or v-ground truth existing ELC classifications is acceptable and entirely appropriate (soil profile + key for overstory species composition and application of the guide).</p> <p>As discussed during the NextBridge/MNR meetings (April 10<sup>th</sup>, April 25<sup>th</sup>, April 29<sup>th</sup> and May 8<sup>th</sup>) the MNR Ecosite of Ontario Manual is a provincial guide. As such, guidelines provided for sampling during appropriate seasons need to also consider regional variations in climate (e.g. number of Growing Degree Days). The field season of 2014 is a particularly late year, as such timing of field work should be considered to ensure relevant data is being collected within the appropriate season.</p> <p>The update eFRI for the Lakehead Forest is now available and efforts are being made to send that information to NextBridge as of May 30<sup>th</sup> 2014. The updated eFRI comes with the provincial ELC ecosite names to replace Northwestern codes that were previously applied.</p>	Ensure data is being collected in the season appropriate to the species and region. Focus effort on collecting seasonally dependent data now.
21	Ecological Land Classification Wetlands	2.5 Ecological Land Classification 2.6 Wetlands	"The project team has the MNR's crosswalk table; however there is an inherent error when paring a provincial ecosite code to one of the Northwestern codes, as some of the Northwestern codes have several "best-fit" provincial	Use of the updated eFRI would remove the uncertainty of applying the cross walk tables if comparison between the provincial ELS ecosites and FEC ecosites was desired across the PSA.	
22	Ecological Land Classification Wetlands	2.5 Ecological Land Classification 2.6 Wetlands			

23	Ecological Land Classification Wetlands	2.5 Ecological Land Classification 2.6 Wetlands	<p>codes. As a result, the Project team has used the ecosite names from the Northwestern codes outside of the Marathon area and the new provincial ELC codes within the Marathon area".</p> <p>Ground Truthing ELC ecosites</p>	<p>If ELC ground-truthing conducted by Dillon on behalf of NextBridge does not arrive at the same ELC ecosite codes that were originally assigned to polygons within the PSA, what is the direction that NextBridge intends to take in order to verify those polygons? Will an additional site visit be required to confirm the classification? This is particularly important due to the intent to visit the rarer ecosites within the PSA as there is less confidence in the remote classification of those sites.</p>	<p>MNR data on ecosite ground-truthing should be available in addition to the eFRI imagery. MNR conducts routine ground-truthing exercises in order to verify remote classification of ELC ecosites. Detailed data on polygons that have been ground-truthed by the MNR can be accessed to assist in the verification of sites within the PSA. Additional site visits may be required to polygons that have contradictory classifications to verify rarity. MNR can assist with any information that may be required or to discuss methods for moving forward if a contradiction in classification occurs.</p>
24	Botanical Surveys	2.7 Botanical Surveys	<p>"surveys completed in addition to ELC sample plots will consist of wandering transects that cover the variations of the ecosite being sampled"</p>	<p>Will there be a pre-determined unit effort allocated to completing incidental botanical surveys (e.g. standard minimum time for searches, standard reporting processes/requirements, standard transect lengths).</p>	<p>Please describe the methods intended to complete botanical surveys. Methods must be transparent and replicable.</p>
25	Breeding Birds	2.8 Breeding Birds	<p>"The same locations may not be surveyed twice during the breeding bird season, rather it is proposed that locations be surveyed once in an effort to collect more information over a larger area".</p>	<p>Repeat visits are included in many breeding bird surveys (including the Forest Breeding Bird Survey). This is because birds do not continuously vocalize, so detection is imperfect. Many species have a detection probability of &lt; 0.5, which means there is only a 50% probability of detecting presence of a species, given it actually occupies the</p>	<p>Having at least one repeat visit would reduce the number of false-negative observations.</p>

26	Breeding Birds	2.8 Breeding Birds	Additional bird species and monitoring protocols	<p>site. Use of autonomous acoustic recorders (Songmeters), and collection of more than one ten minute recordings at each site increases detection probability. Having at least one repeat visit would avoid false-negative observations.</p> <p>Incidental observations are key for bird species that are not vulnerable to detection through a standard breeding bird survey.</p> <p>Will other bird monitoring protocols be applied to identify breeding birds that are not vulnerable to detection through the Forest Bird Monitoring Protocol? If not, what is proposed in order to capture information about the presence/absence of these species?</p> <ul style="list-style-type: none"> <li>• Marsh monitoring</li> <li>• Owl Surveys</li> </ul>	Please amend the plan to include the requested information.
27	Wildlife	Section 2.9, Page 13	NextBridge recently indicated (in an email received on May 23, 2014) they will be starting field studies in Thunder Bay and ending in Wawa.	<p>How will NextBridge ensure breeding bird surveys are completed during the appropriate timing window in the east? The timing window in the east closes on July 10<sup>th</sup>.</p> <p>Further, what % of the PSA will be surveyed for the breeding bird survey? Note the Forest Bird Monitoring Program Guide states "Visit one should take place between May 24 - June 17 and visit two between June 13 - July 3."</p>	Conduct breeding bird surveys across the whole PSA during the appropriate timing window.
28	Wildlife	2.9 Wildlife and Habitat Observations Appendix C: Criteria for Defining	A list of potential habitats is included that is referenced from the Significant Wildlife Habitat	In Appendix C most of the proposed field work states that SWH will be considered through a desktop application ("Dillon has	Please provide details regarding how candidate significant wildlife habitat verification will occur, and under what conditions verification would not be possible. Please describe the methods that will be applied to verify presence/absence of SWH.

		<p>Significant Wildlife Habitat in Ecoregions 4E, 3E and 3W and Proposed Field Work.</p> <p>This comment applies to most criteria described in Appendix C. (see comment on Amphibian Breeding Habitat and Amphibian Movement Corridor as an example).</p>	<p>Technical Guide and the Ecoregional Criterion Schedules for Ecoregions 3E and 4E.</p> <p>Habitat descriptions are provided for Ecoregions 3E and 4E (where Ecoregional Criterion Schedules exist) and are also provided for 3W (application of Ecoregional Criterion Schedules from 3E and 4E as well as the Significant Wildlife Habitat Technical guide). Proposed field work for most criteria state the following:                  "Dillon has mapped this habitat type in the PSA and LSA based on the habitat definitions for Ecoregions 4E, 3E and 3W. Mapping for this habitat type is shown in XXXX figure".                  "While conducting field work in the PSA, suitable habitat (as described in this table) will be mapped as potential XXXX habitat. Further the candidacy of previously mapped habitat units will be verified, where possible."</p>	<p>mapped this habitat type ... as potential habitat").</p> <p>Appendix C states for many SWH that "the candidacy of previously mapped habitat units will be verified, where possible". MNR would like details on how verification will occur, and under what conditions would verification not be possible.</p> <p>Does NextBridge intend to implement monitoring protocols: E.g. for amphibians – will amphibian breeding surveys take place (see additional comment on Amphibian Habitat)? Do you intend to conduct some bat monitoring? Marsh monitoring for wetland breeding birds?.</p>	<p>If the intent is to assume the presence of candidate SWH identified through desktop application if verification does not occur in the field then this should be clearly stated.</p> <p>Additional discussions on the verification of SWH can be had with MNR (e.g. checklist of criteria on field data sheets, verification based on ELC/vegetation descriptions, verification through surveys/monitoring). Methods need to be described and must be transparent and replicable.</p> <p>NextBridge can also refer to guidelines for SWH provided in the Natural Heritage Assessment Guide for Renewable Energy Projects for direction on the verification of SWH.</p>
<p>29</p>	<p>Wildlife</p> <p>Appendix C:                  Page C13 Amphibian Breeding Habitat (Wetlands)                  Page C13 Amphibian Breeding Habitat (Woodlands)                  Page C16 Amphibian</p>	<p>Dillon has mapped this habitat type in the PSA and LSA based on the habitat definitions for Ecoregions 4E, 3E and 3W. Mapping for this habitat type is shown on the XXXX figure.</p>	<p>MNR is unsure of the protocol that will be used to identify suitable habitat and verify the candidacy of previously mapped habitats as no protocol has been provided. Will amphibian breeding surveys be conducted to assess these criteria?</p>	<p>Please describe methods. Methods must be transparent and replicable.</p>	

<p>30</p>	<p>Wildlife</p>	<p>Movement Corridor</p>	<p>"While conducting field work in the PSA, suitable habitat (as described in this table) will be mapped as potential Amphibian Breeding Habitat. Further, the candidacy of previously mapped habitat units will be verified, where possible."                   " Potential corridors as described in this table will be determined after amphibian breeding habitats are identified"</p>	<p>Habitat of Special Concern species / species of conservation concern is considered Significant Wildlife Habitat.</p>	<p>Information on criteria for SWH should be included for Peregrine Falcon on the table in Appendix C as the PSA will be within proximity to a number of Peregrine Falcon Nests. Nests outside of the PSA are still vulnerable to impacts associated with the project due to the sensitivity of nesting birds and the large territorial range that a pair occupies. The same considerations will apply to other large nesting raptors (bald eagle).</p> <p>Other SC species with the potential to occur in the PSA should also be given consideration for field work (Canada Warbler, Black Tern, Common Nighthawk, Northern Brook Lamprey, Olive-sided Flycatcher, Short-eared Owl, Sliver Lamprey, Yellow Rail). MNR recognizes that some of these species have been incorporated into Habitat for Species of Special</p>	<p>Please include species of special concern in the consideration of SWH, and include criteria used. Methods must be transparent and replicable. Additional discussions can be had with MNR.</p>
-----------	-----------------	--------------------------	--	---	---	--

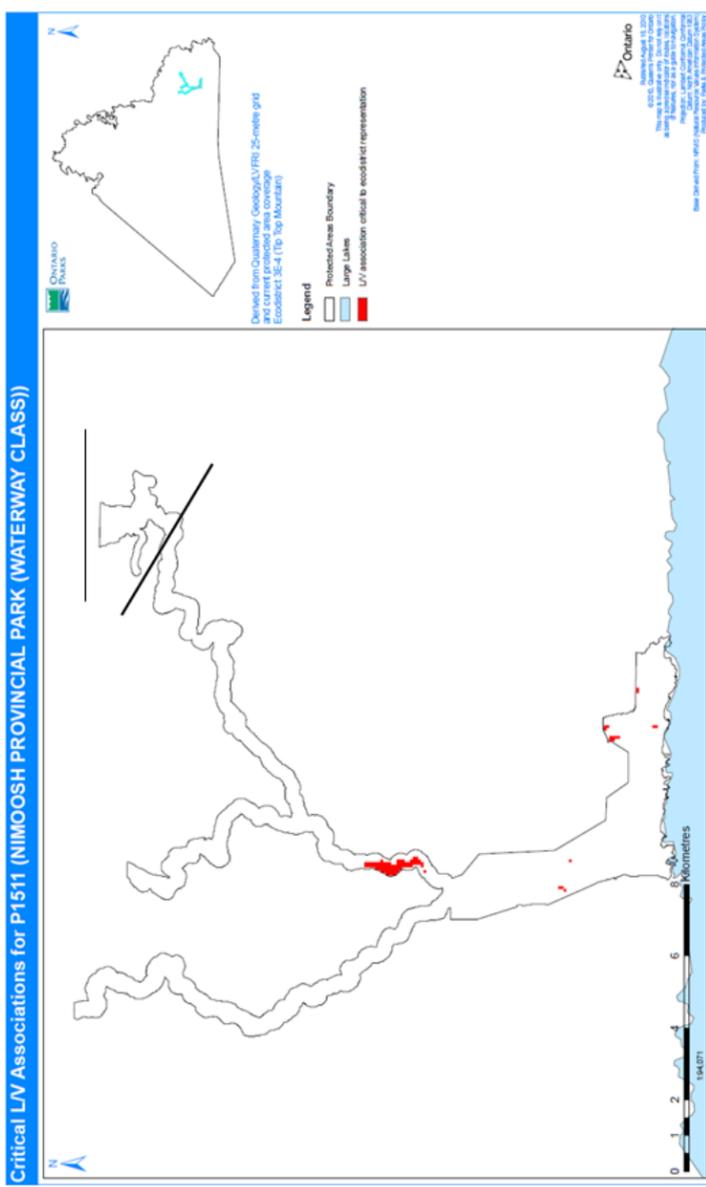
					Concern as criteria for SWH (e.g. marsh breeding bird habitat, open country breeding bird habitat), however other SC species are not mentioned in the field work plan (Northern Brook Lamprey, Silver Lamprey, Peregrine Falcon).	
31	Aquatic Resources	Section 2.10	Inventory of species present for each waterway and waterbody crossed		Knowledge of which species are present in a water way is needed to determine the appropriate in-water work timing for each crossing.	As you have noted, in the absence of this information, the most restrictive timing window is applied. MNR wants to make sure NextBridge is aware that this would mean in-water work construction could only be done between June 15 and September 1.
32	Aquatic Resources	Section 2.10	Timing of field studies		Field studies to determine fish presence/absence need to be done at the appropriate time of year for each species.	If you choose to conduct field investigations regarding presence/absence of fish, please ensure you consider both spring and fall spawners.
33	Aquatic Resources	Section 2.10	Coaster Brook Trout		Coaster brook trout spawning habitat is located within, but is not limited to, Nipigon Bay.	Be aware these tributaries will likely require the most restrictive timing window.
34	Aquatic Resources	Section 2.10	Brook Trout Triangle		This is a group of brook trout lakes which support a high quality remote fishery.	Please design project to ensure that improved access is not facilitated via the right of way. Follow up with MNR if you need more detail regarding the location of these lakes.
35	Aquatic Resources	Section 2.10	Access corridors		Access corridors may require water crossings.	Where will new/upgraded access corridors be? Will new culverts be put in? Please consider the sizing, timing windows, and BMPS for installing them.
36	Species at Risk	Table D1	Potential Species at Risk		There may be some species in this table that do not have the potential to occur within the PSA.	Confirm with MNR which species may potentially occur. Please provide a separate table for species are considered but determined not to be present in the area.
37	Species at Risk	General	Potential Species at Risk		Some species (i.e. bobolink, Golden Eagle, Flooded Jellyskin) have very specific habitat requirements. If the route(s) is not proposed to be in the area of the known or suspected habitat, targeted surveys may not be required.	Survey only the areas that have the potential to be impacted. A desktop exercise could determine potential areas for bobolink, in addition to the MNR documented sites.
38	Species at Risk	Table C1	Bat hibernacula		If there are known or suspected hibernacula sites within proximity to the proposed corridors, there is a potential that the proposal could impact the immediate use	Please use Ministry of Northern Development and Mines' abandoned mine site database to identify sites with probability of bat use, and discuss with MNR the locations of naturally occurring caves with potential habitat.

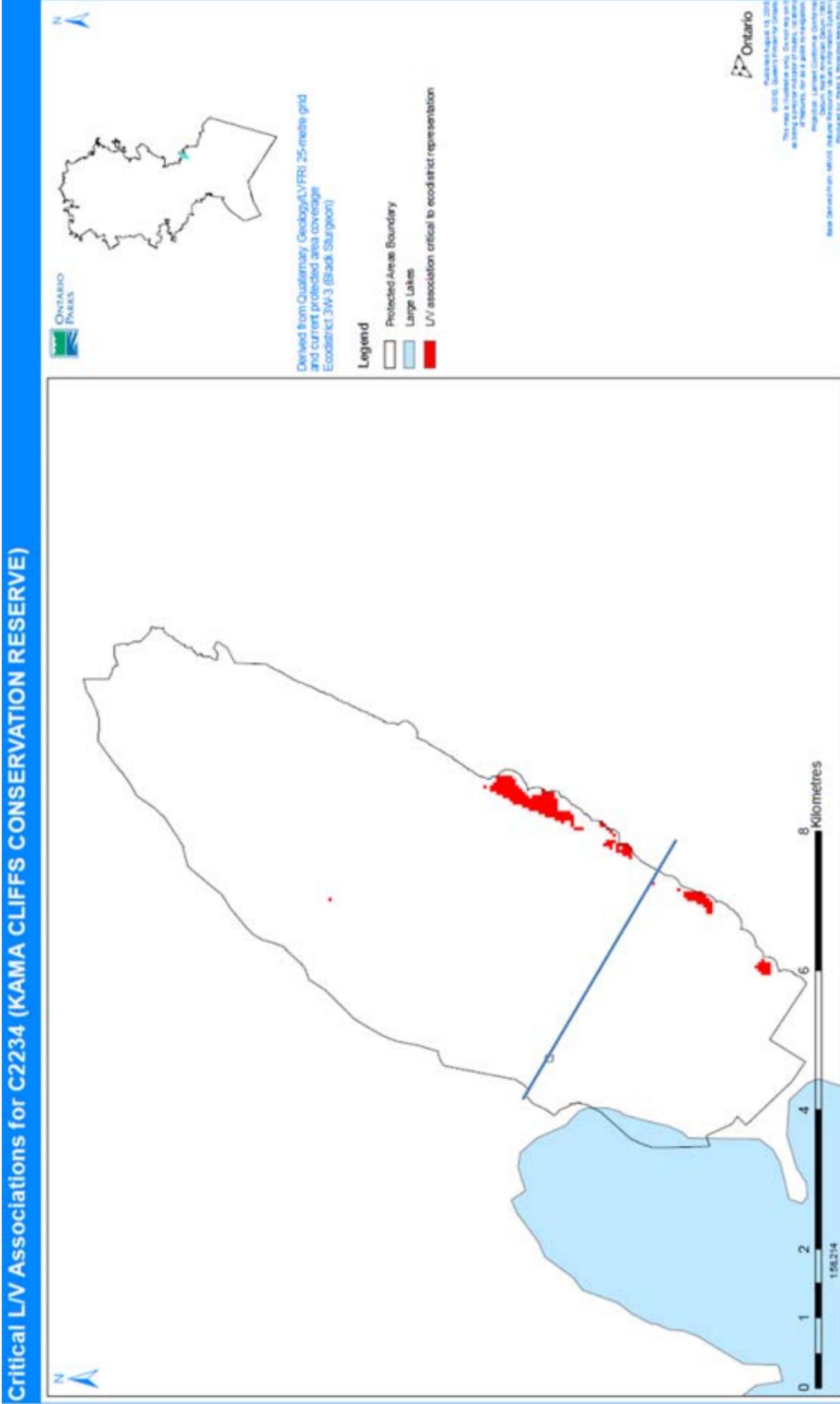
39	Species at Risk	Table C1	Wood turtle and Blanding's turtle	<p>of the area, migration to/from it, as well as swarming activities.</p> <p>Although wood turtle and Blanding's turtle have been identified as species that have the potential to occur (Appendix D), they have not been identified under "Turtle Nesting areas". Report sections are inconsistent.</p>	Please confirm whether NextBridge will be considering these species or not.
40	Species at Risk (THR, END)	Table D1	Flooded Jellyskin	<p>Will NextBridge be using the Flooded Jellyskin protocol for field surveys?</p>	Please use the Flooded Jellyskin protocol provided.
41	Species at Risk	Table D1	Whip-poor-whil (EWPW)	<p>Three days of survey time does not seem sufficient to cover potential habitat within the PSA. The timing of these surveys around the full moon is particularly critical.</p> <p>Please note occurrences of EWPW have also been reported in Wawa District.</p> <p>The areas identified for field investigation are not targeting EWPW.</p>	<p>Please ensure surveys for EWPW are conducted in potential EWPW habitat, and that they are done at the appropriate times.</p> <p>The provincial EWPW protocol is not regionally appropriate. MNR suggests conducting a desktop exercise to determine potential habitat, and working with MNR staff to determine additional types of habitat within which EWPW may be found locally.</p> <p>Use known occurrences to figure out where suitable habitat (habitat suitability exercise), and then focus survey effort in those types of areas (where possible recognizing limitations of access).</p>
42	Species at Risk	General	Habitat mapping methodology	<p>Much of the proposed survey effort is "incidental" or "will be mapped as potential habitat". How will potential habitat be considered through the EA? Will these areas be avoided, or will further follow up work be completed?</p>	Please describe how NextBridge proposes to verify SAR habitat.
43	Species at Risk	Table D1	"Targeted surveys to confirm the presence or absence of this species and/or its habitat may be required for the purpose of permitting under the Endangered Species Act."	<p>This sentence is used consistently to describe follow-up for SAR. When in the EA will the "may" be determined?</p> <p>MNR expects the work completed during the EA to be able to determine whether or not a Species at Risk (or its habitat) will</p>	Please design the field program to allow you to determine which species at risk and/or its habitat will be affected during the EA.

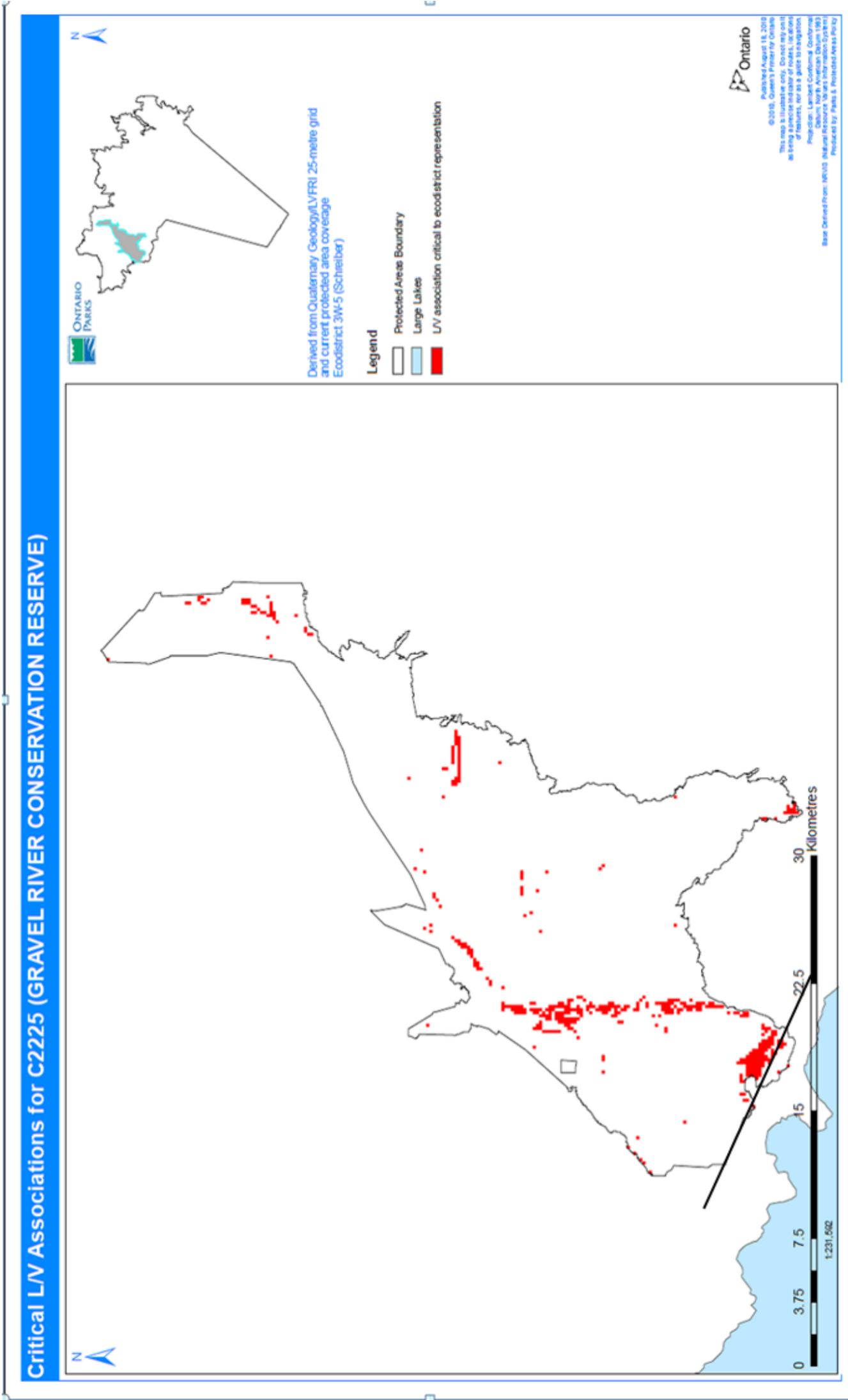
44	Species at Risk	Table D1	Caribou	<p>be impacted, and consequently whether or not ESA permitting will be required.</p> <p>“Caribou studies were undertaken by Northern Bioscience. Potential impacts, mitigation measures, and permitting requirements will be discussed with MNR.”</p> <p>The work completed to date is not sufficient to address caribou requirements. Further field work may be required. Work completed to date has been limited.</p>	<p>Please provide a description of further work and analysis proposed. How will you address caribou impacts in the EA? Further discussion with the MNR is required.</p>
45	Species at Risk	Table D1	Grey Fox	<p>Data is not current. There has been a recent occurrence of Grey Fox in the Dorion area.</p>	<p>Work with MNR staff to determine where the occurrences are, and what the potential impacts may be.</p>
46	Species at Risk	Page 18	Proposed Species at Risk surveys	<p>MNR is confused as to whether and when surveys will be conducted for species at risk. Will NextBridge be conducting them, or will they only conduct them if they find evidence of SAR presence during their other surveys?</p>	<p>Please clarify the scope of the proposed work.</p>
47	Additional Information	Page 27	Request for additional information from MNR		<p>Please be advised MNR does not have a protocol for Pitcher's Thistle, as previously discussed. A copy of the Flooded Jellyskin protocol is attached, along with a number of documents to assist in the identification of rare habitats within the Project Study Area.</p> <p>The Hurkett Cove PSW Evaluation was sent to NextBridge on May 28, 2014.</p> <p>Please note, all MNR Species at Risk and Significant Wildlife Habitat data that has been collected by MNR staff is located in Land Information Ontario.</p> <p>In commitment to our One-Window service, MNR will coordinate all internal input on the project. Please raise any particular questions on specific issues with Emily Hawkins, who will coordinate amongst the appropriate staff.</p>
48	Other	N/A	Recreational aesthetics	<p>MNR would like to see a viewscape analysis in greenfield corridor areas with high</p>	<p>If necessary, collect field information in order to assess the effects of the project on viewscape in high use recreational areas.</p>

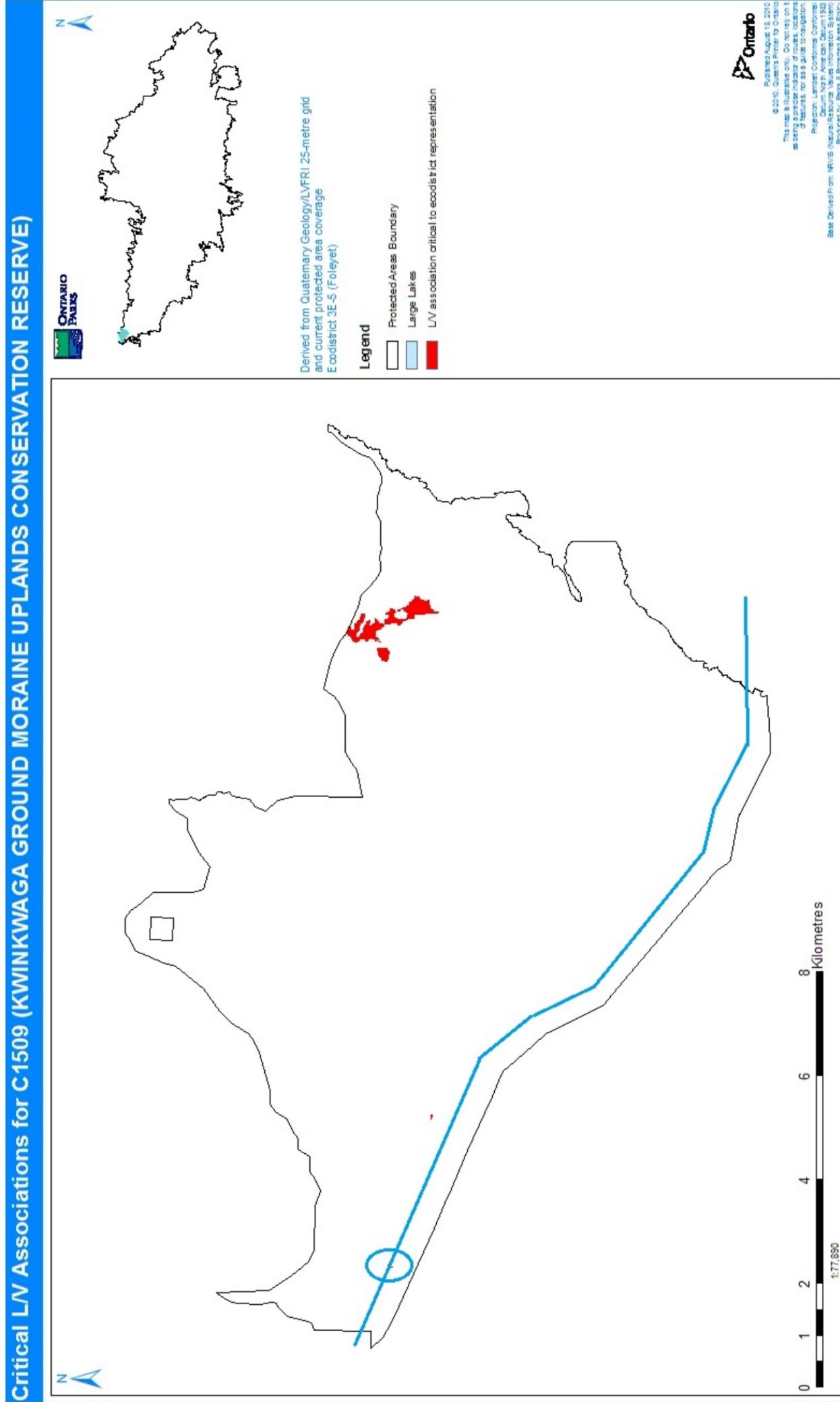
				<p>recreation and/or tourism value. For example (not a complete list), Gibson Lake in Pukaskwa River PP is popular for recreation (including fly-in fishing and for starting canoe trips). Also, if the transmission corridor is built along Hwy 17 near White Lake PP it may be visible from the campground, day-use areas or lake. Also consider any values within Lake Superior Shoreline EMA.</p>	
--	--	--	--	---	--











HONI INTERROGATORY #16

INTERROGATORY

Reference: JD 1.2, Attachment 1

Questions:

- a) What is meant by “Budget Variance”?
- b) Please identify the activities which are encompassed by the term “scope change”?

RESPONSE

a) and b)

The definition of “budget variance” and the activities encompassed in “scope change” are provided in NextBridge’s May 15, 2015 response to OEB January 22, 2015 Decision and Order. Budget variance activities are defined as those that had materially increased in cost since the 2013 designation proceeding. Scope change activities are those required as a result of project scope changes. The activities categorized as “scope change” were identified in Schedule C of NextBridge’s May 15, 2015 response. Specifically, each of the following activities were categorized as “scope change”:

- Activity 20) Expanded alternatives assessment
- Activity 21) Incremental field studies and access route assessment
- Activity 22) Incremental environmental permits
- Activity 23) Establish incremental study area and required activities
- Activity 24) Incremental socio-economic assessment.

## HONI INTERROGATORY #17

### INTERROGATORY

Reference:

- I) JD 1.2, Attachment 1
- II) JD 1.6, Table 1

Questions:

- a) In Attachment 1 to JD 1.2, the term “Project Extension” is used, and encompasses 19 items. In JD1.6, the term “Project Delay” is used. Are the terms synonymous? If not, what are the differences and what categories of activities and costs are included in each?
- b) In Attachment 1 to JD1.2, the term “Scope Change” is used. In JD 1.6, the term “Major Reroute” is used. Are the terms synonymous? If not, what are the differences and what categories of activities and costs are included in each?
- c) Please reconcile the categories and amounts listed in JD1.2 Attachment 1 and JD1.6, Table 1.

### RESPONSE

- a) No, the terms are not synonymous. “Project Delay” is a subset of “Project Extension”.

The calculation of “Project Delay” (Exhibit JD1.6) was explaining the actual amount spent above designation of \$13.3 MM while “Project Extension” (Exhibit JD1.2) was explaining a subset of the larger amount of \$15.8 MM.

In Attachment 1 of the Undertaking response found at Exhibit JD1.2, the term “Project Extension” from the May 15, 2015 filing is the group of activities NextBridge considered would be needed to address the new in-service date of 2020. The category of activities and actual costs are provided in the Undertaking response found at Exhibit JD1.2.

In the Undertaking response found at Exhibit JD1.6, “Project Delay” is what NextBridge was asked to make best efforts to calculate based on actual costs and associated with the delay of in-service of the EWT. It is calculated by using the amount of \$15.8 MM, and removing the cost of the major reroute and the scope change and budget variance amounts

(Activities 20 to 40). The categories associated with this calculation were not broken down by individual activity and a comparison to the Undertaking response found at Exhibit JD1.2 is not possible.

- b) No, the terms are not synonymous. "Scope change" was defined in the May 15, 2015 filing as activities expected to be required as a result of project scope change. The categories of activities is located in the May 15, 2015 filing and in the Undertaking response found at Exhibit JD1.2. "Major reroute" was defined in the Undertaking response found at Exhibit JD1.6 as major route changes to include Pukaskwa Park, the Town of Dorian and Loon Lake. Since "scope change" and "major reroute" have very different definitions, a direct comparison of costs is not possible.
- c) The values for the terms from parts a) and b) of this interrogatory as well as their references in the evidence are provided below for the purposes of reconciliation:
- Project Extension - \$7.4M (Exhibit JD1.2)
  - Project Delay - \$7.6M (Exhibit JD1.6)
  - Scope Change - \$6.4M (from Exhibit JD1.2) A sum of the categories 20 to 40
  - Major Reroutes - \$1.7 MM (Exhibit JD1.6 at Table 1)

SEC INTERROGATORY #1

INTERROGATORY

REF: [JD1.6]

Please reconcile Nextbridge's ascribed cost of the delay of \$7.6M referenced in Table 1 with the \$7.7M referenced on p.3.

RESPONSE

The \$7.6M in Table 1 of the Undertaking response found at Exhibit JD1.6 is correct. The text on page 3 contained a typographic error and should have been \$7.6M.

## SEC INTERROGATORY #2

### INTERROGATORY

REF: [JD1.6, Table 1] With respect to Table 1:

- a. Please breakout the 'All other drivers (including escalation)' line item into the following sub-categories:
  - i. Actual cost of 'all other drivers'
  - ii. Escalation of designation amount (\$August 2013)
- b. Please explain where the Phase Shift category of expenses (Items 41 and 42 in JD1.2, Attachment 1) are included in the table.

### RESPONSE

- a) The "All other drivers (including escalation)" line item was calculated based on NextBridge's best effort to identify the main delay components (major route changes and delayed in-service) as requested in the Undertaking response found at Exhibit JD1.6. This was done by calculating the major route changes and the delay cost first and then the remaining spend was categorized as one category "all other drivers". Escalation costs are built into the prices and therefore are challenging to isolate from the "All other drivers (including escalation)" category. NextBridge therefore did not attempt to break down "All other drivers" further.
- b) The Phase Shift category of expenses is in the Project Delay costs line item in Table 1 of NextBridge's Undertaking response found at Exhibit JD1.6.

SEC INTERROGATORY #3

INTERROGATORY

REF: [JD1.6]

Please provide the total incremental development costs (costs in addition to the approved designation amount of \$22.398M) incurred related to the following three categories only, a) major re-route (Pukaskwa Park, Township of Dorion and Loon Lake), b) Project delay (OPA decision to delay in-service date), and c) escalation of approved designation amount. Please provide the basis for calculation of the amount with direct reference to the evidentiary record.

RESPONSE

- a) Major re-routes cost was \$1.7M. Table 1 of the Undertaking response found at Exhibit JD1.6.
- b) Project delay cost was \$7.6M. Table 1 of the Undertaking response found at Exhibit JD1.6.
- c) Escalation costs are part of the \$4,034,000 in Table 1 of the Undertaking response found at Exhibit JD1.6 "All other drivers (including escalation)". Please also refer to NextBridge's response to SEC Interrogatory #2 found at Exhibit I.JD1.NextBridge.SEC.2 for further information regarding escalation costs.

SEC INTERROGATORY #4

INTERROGATORY

REF: [JD1.6]

Please explain how the escalation amount was calculated.

RESPONSE

Please refer to NextBridge's response to SEC Interrogatory #2, found at Exhibit I.JD1.NextBridge.SEC.2.