

GWAYAKOCCHIGEWIN

Limited Partnership

July 20, 2021

Eagle Lake First Nation
Fort William First Nation
Lac La Croix First Nation
Lac Seul First Nation
Nigigoonsiminikaaning First Nation
Seine River First Nation
Wabigoon Lake Ojibway Nation
Ojibway Nation of Saugeen

Ontario Energy Board

2300 Yonge Street, 27th floor

P.O. Box 2319

Toronto, ON M4P 1E4

IndustryRelations@oeb.ca, boardsec@oeb.ca

Re: Waasigan Transmission Project – Risk of Imprudently Incurred Costs

To whom it may concern:

Gwayakocchigewin LP (GLP) is owned by and represents 8 First Nations directly impacted by the proposed Waasigan Transmission Project. These First Nations are:

- Eagle Lake First Nation
- Fort William First Nation
- Lac La Croix First Nation
- Lac Seul First Nation
- Nigigoonsiminikaaning First Nation
- Seine River First Nation
- Wabigoon Lake Ojibway Nation
- Ojibway Nation of Saugeen

An Order-in-Council was issued December 11, 2013 directing the OEB to amend the Hydro One Electricity Transmission Licence to require Hydro One to develop and seek approvals for the Waasigan Transmission Project. In 2018, the IESO issued a letter to Hydro One which provided an update on the need and scope for the Project and a recommendation for Hydro One to proceed with development work on Phases One and Two of the Project.

Hydro One has been advancing development work for the Project, including submission of the EA Terms of Reference to the Ministry of Environment. Gwayakocchigewin LP and its partner First Nations have objected to the EA Terms of Reference, and raised concerns directly with the Crown (through the Ministry of Energy and MECP) over Hydro One fulfilling its responsibilities under the delegated Duty to Consult and potential impacts to Section 35 rights.

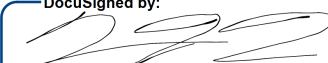
The First Nations' concerns with the EA Terms of Reference have been stated repeatedly and in detail and remain unaddressed as of writing. As such, the First Nations have not been accommodated and the Duty to Consult and Accommodate (which requires all good faith efforts to substantially address the concerns of the affected indigenous parties per Supreme Court of Canada decisions) has not been fulfilled.

Hydro One has decided to proceed with EA work (see attached Field Study notice) and other Project activities, while the EA Terms of Reference has not been approved and the Duty to Consult concerns have not been addressed by the Crown. In our view, this breaches the constitutional Duty and is contrary to the Environmental Assessment Act regime. Gwayakocchigewin LP and its partner First Nations have thus objected to the field studies commencing under these conditions.

As such, Hydro One is taking a risk and may incur incremental development and capital costs based on decisions to proceed under these circumstances. Gwayakocchigewin LP recommends that Hydro One and the Ontario Energy Board track these incremental costs in order to quantify them in the event there is a determination on whether they are prudently incurred, or otherwise borne by Hydro One.

We look forward to your response on this matter.

Miigwech,

DocuSigned by:

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Tom Johnson
Seine River First Nation
President of Gwayakocchigewin LP

CC:

Eagle Lake First Nation Chief and Council
Fort William First Nation Chief and Council
Lac La Croix First Nation Chief and Council
Lac Seul First Nation Chief and Council
Nigigoonsiminikaaning First Nation Chief and Council
Seine River First Nation Chief and Council
Wabigoon Lake Ojibway Nation Chief and Council
Ojibway Nation of Saugeen Chief and Council
Kate Kempton, OKT Law
Patrick Boileau, Implementation Officer, GLP
Jason McCullough, Senior Advisor, Indigenous Energy Policy, MENDM
Eryn MacKinnon, Regulatory Affairs, Hydro One



PROJECT NOTICE

Waasigan Transmission Line



JULY 2021

Hydro One wants to ensure that opportunities are made available for Indigenous communities to meaningfully participate in the Environmental Assessment (EA) for the Waasigan Transmission Line Project. Field surveys are an important aspect of the EA and will be implemented at several stages of the assessment over the next few years. For all field surveys, Hydro One will work proactively with Indigenous communities to maximize input into the field work planning and to promote employment opportunities.

Environmental Assessment Terms of Reference

Today, Hydro One is waiting for approval of the Terms of Reference (ToR) for the EA for the Waasigan Transmission Line Project. The ToR sets out the work plan for how the EA will be conducted over several years. As described in the ToR, natural heritage field surveys are an important part of the EA process and are needed to collect baseline data. The first part of the field program will collect data along the alternative transmission line routes. This data will be used to help inform the selection of a preferred transmission line route.

2021 Preliminary Field Work Plan

Hydro One has retained Golder Associates Ltd. (Golder) to provide support for the EA. The work includes the completion of the 2021 alternative route field surveys as well as the future field program to collect data on the preferred route. Field surveys proposed for 2021 include:

- Surveying for candidate wildlife species at risk habitat and significant wildlife habitat values or features;
- Bat habitat visual and acoustic assessments; and
- Surveying for the presence of waterbodies and fish habitat, including species at risk and sensitive features.

The above work is planned to be completed between August and October 2021, with the first survey to start at the beginning of August in order for it to occur during the appropriate season for bat assessments. We are seeking your input on the field work plan, and are interested in gathering any information that could help inform and improve these survey activities.



These proposed surveys are described in detail in the field work plan provided for your review.

**CLICK HERE TO DOWNLOAD
THE FIELD WORK PLAN**

Additional notification of the surveys, including specific dates, will be shared with you prior to the planned surveys. If you have any questions or comments regarding the planned scope, proposed timing or requested protocols for notification to your community in advance of or during the surveys, please contact Tausha Esquega at (807) 346-3830 or Tausha.Esquega@HydroOne.com by July 30, 2021. The field work plan for the surveys will be finalized based on your community input and other applicable agencies.

A summary of the survey findings will be provided later in 2021. As well, these findings will be included in information materials to be developed and shared with Indigenous communities as part of the engagement plan for the EA. This will roll out later in 2021, following ToR approval.

Apply for a Field Team Member Position

Golder is seeking applicants from Indigenous communities for field team members. We invite members of your community to apply to join the Golder team for the alternative routes field surveys. The field surveys will provide opportunities for the hired community member(s) to share ecological knowledge that can inform and be incorporated into the alternative route evaluation and the effects assessment. Please see the attached job description for further information, including how candidates can apply for the position. Qualified candidates will be contacted between July 19, 2021 and August 13, 2021.

More opportunities to participate in field work will be available in 2022 when the ground-based biophysical surveys are conducted for the preferred route (e.g., wildlife, vegetation, surface water and aquatics surveys). Additional information regarding the 2022 field surveys, including employment opportunities, will be provided at a later date.

If you have any questions, or would like additional information regarding the Waasigan Transmission Line project, please feel free to contact Tausha Esquega at (807) 346-3830 or Tausha.Esquega@HydroOne.com.

INDIGENOUS KNOWLEDGE

We acknowledge and respect that Indigenous peoples have unique knowledge and historic relationships with their lands. Receiving input on how the Project could affect traditional uses of the land is an essential aspect of Hydro One's engagement with Indigenous communities.

Hydro One is providing support and capacity for communities to collect and share Indigenous Knowledge, in a way that works for the community, so it can be considered and incorporated into the Project.

For more information, please see the Terms of Reference at www.HydroOne.com/Waasigan.