

BY EMAIL AND RESS

August 12, 2021

Ms. Christine E. Long
Board Secretary
Ontario Energy Board
Suite 2700, 2300 Yonge Street
P.O. Box 2319
Toronto, ON M4P 1E4

Re: UPDATE: Notice of Suspension of Construction Activities – East-West Tie Transmission Project

Dear Ms. Long:

This letter serves as an update to the letter filed on July 22, 2021 regarding the suspension of construction on the East West Tie Transmission Project (“Project”) resulting from wildfires in northwestern Ontario. The Ontario Ministry of Natural Resources and Forestry (“MNRF”) has issued an update and revoked the Implementation Order IO-2021-NWR-02 (attached) that halted construction activities for a portion of the Project. This will allow NextBridge to resume work on the Project. NextBridge will, therefore, be able to construct in Workfronts 3 to 11.

However, an Implementation Order (attached IO-2021-NWR-03) is still in place and that Order affects Workfronts 1 and 2, with some modifications. Construction activities are allowed in Workfronts 1 and 2 if mandated fire prevention measures are in place. Some of these measures include nighttime work and rubber-tire only equipment. The nature of the construction activities that NextBridge needs to perform makes it impractical to meet these measures, and, therefore, we are unable to resume activities in these Workfronts at this time.

The MNRF has indicated that Implementation Order IO-2021-NWR-03 will be lifted when the fires are under control, the timing of which is uncertain. At this point in time NextBridge still does not know what the impacts will be to the Project costs and schedule and will not know until the entire Project is available to resume construction activities. NextBridge will provide an update to the OEB and Independent Electricity System Operator when the Implementation Order suspensions are lifted, and full construction re-commences.

Sincerely,



Digitally signed by
Jennifer Tidmarsh
Date: 2021.08.12
13:56:30 -04'00'

Jennifer Tidmarsh
Project Director, NextBridge

IO-2021-NWR-02

Implementation Order

I, Michael Gluck, Regional Director for the Northwest Region, by authority delegated by the Minister of Northern Development, Mines, Natural Resources and Forestry, hereby revoke implementation Order IO-2021-NWR-02 made on July 21, 2021 pursuant to the Emergency Area Order (EAO) declared on July 14, 2021 under the authority of Section 23(1) of the *Forest Fires Prevention Act*.

Implementation Order IO-2021-NWR-02 is revoked as of 24:00 hrs EST on August 10, 2021.



Michael Gluck
Regional Director
Northwest Region, NDMNRF

2021 / 08 / 10

c: ADM, Regional Operations Division

IMPLEMENTATION ORDER

The actions and orders described below are made pursuant to the Emergency Area Order declared under the authority of Section 23(1) of *the Forest Fires Prevention Act* and described below.

Under the Emergency Area Order EAO 2021-13 declared on July 14, 2021 and the authority delegated to me by the Minister of Northern Development, Mines, Natural Resources and Forestry, I Michael Gluck, Regional Director for the Northwest Region, order the following actions to be taken in Restricted Fire Zones 1, 3, 9, 10 and 11, which I deem necessary for the purposes of public safety and/or effectual fire suppression:

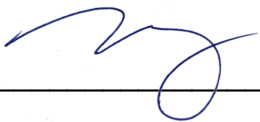
1. The activities listed below which are governed by an approved Forest Management Plan and associated Annual Work Schedule under the *Crown Forest Sustainability Act, 1994* are prohibited unless one of following requirements are met:
 - i) operations occur exclusively on mineral soil, clay or gravel (e.g. roads or landings) where there is no continuous fuel component; or
 - ii) the following mitigation measures are implemented:
 - Operations are not permitted between 06:00 and 20:00, local daylight savings time;
 - A dedicated patrol of the area must be carried out for 2 hours after operations are shut down. Operators conducting the patrol must have the ability to immediately report fires; and
 - Operations must meet the criteria for ‘trained and capable’ as defined in subsection 5 of O. Reg. 207/96.
- a) Road Construction including:
 - Stripping with bulldozer on exposed bedrock or surfaces greater than 15% stoniness
 - Blasting without mats on exposed bedrock or surfaces greater than 15% stoniness
- b) Harvesting using the following equipment:
 - Tracked equipment such as feller-bunchers, or machines with rotary cutting heads
 - Vehicles with tire chains (i.e., forwarders, skidders)
- c) Silviculture:
 - Mechanized site preparation
 - Mechanical tending with chain flails and mowers; hydro-axe; slash piling
- d) Other:

- Hot work: welding, torch cutting and grinding provided that the following additional mitigation measures are implemented:
 - Soak the operational area with water or a fire suppression foam mixture using back pack pumps or another water delivery system prior to commencing the operation;
 - Keep the operational area in a wet condition during the operation;
 - Assign at least one person to monitor the area during the operation to watch for possible fire ignitions and to take action on any fires that do ignite; and
 - After operations are complete, soak the operational area with water or a fire suppression foam mixture using back pack pumps or another water delivery system.
2. The activities listed below, carried out in a forest area as part of an industrial operation as defined under Ontario Regulation 207/96, are prohibited unless one of the following requirements are met:
- i) operations occur exclusively on mineral soil, clay or gravel (e.g. roads or landings) where there is no continuous fuel component; or
 - ii) operations are carried out as part of emergency maintenance or repairs and all mitigation measures under subsection 19(2) of O. Reg. 207/96 are implemented; or
 - iii) the following mitigation measures are implemented:
 - Operations do not occur between 06:00 and 20:00, local daylight savings time;
 - A dedicated patrol of the area must be carried out for 2 hours after operations are shut down. Operators conducting the patrol must have the ability to immediately report fires; and
 - Operations must meet the criteria for 'trained and capable' as defined in subsection 5 of O. Reg. 207/96.
- a) Operation that uses heavy machinery equipped with metal parts that may come into contact with rocks or similar material in the normal course of operation and cause a spark carried out on a stony surface.
 - b) Stripping of the surface vegetation and forest floor with heavy machinery carried out on a worksite with stony surface.
 - c) Blasting of rock or soil without use of blasting mats.
 - d) Operations on a worksite with stony surface using a channel saw where the surface vegetation and forest floor have not been removed up to a distance of at least three metres from the place where the channel saw is being operated on the worksite.
3. The activities listed below, carried out in a forest area as part of an industrial operation as defined under Ontario Regulation 207/96 are prohibited unless one of the following requirements are met:

- i. operations occur exclusively on mineral soil, clay or gravel (e.g. roads or landings) where there is no continuous fuel component; or
- ii. operations are carried out as part of emergency maintenance or repairs and all mitigation measures under subsection 19(2) of O. Reg. 207/96 are implemented; or
- iii. the following mitigation measures are implemented:
 - Operations do not occur between 06:00 and 20:00, local daylight savings time;
 - A dedicated patrol of the area must be carried out for 2 hours after operations are shut down. Operators conducting the patrol must have the ability to immediately report fires;
 - Operations must meet the criteria for 'trained and capable' as defined in subsection 5 of O. Reg. 207/96;
 - Soak the operational area with water or a fire suppression foam mixture using back pack pumps or another water delivery system prior to commencing the operation;
 - Keep the operational area in a wet condition during the operation;
 - Assign at least one person to monitor the area during the operation to watch for possible fire ignitions and to take action on any fires that do ignite; and
 - After operations are complete, soak the operational area with water or a fire suppression foam mixture using back pack pumps or another water delivery system.

- a) Hot work: welding, torch or saw cutting of metal and grinding, operations involving open flame
- b) Thermite welding.
- c) Rail production grinding.
- d) Switch crossing grinding.

This Order is in effect at 12:01am Eastern Standard Time on August 11, 2021 until such time as the order is revoked.



Signature of delegated authority

2021/08/10

Date

Cc: ADM, Regional Operations

APPENDIX A

For reference, “industrial operations” is defined as follows under Ontario Regulation 207/96: Outdoor Fires:

15. (1) In this Part,

“industrial operations” means any of the following operations that are carried out in a forest area as part of an industrial activity described in subsection (2) and not for personal purposes:

1. Harvesting trees and processing them into log lengths, chips, biofuel or lumber.
2. Clearing land of trees or other vegetation.
3. Operation or use, in a forest area, of machinery with metal parts that, in the normal course of operations, may come into contact with rocks or similar material resulting in the creation of a spark or fire.
4. Hot work.
5. Trenching in areas of forest fuels.
6. The use of explosives in or adjacent to forest fuels.
7. Road construction;

(2) The following are the industrial activities referred to in the definition of “industrial operations” in subsection (1):

1. Timber harvesting and timber processing, unless the harvesting or processing is governed by a Forest Management Plan approved under the *Crown Forest Sustainability Act, 1994*.
2. Mechanical site preparations and other silvicultural treatments, other than those that are governed by a Forest Management Plan approved under the *Crown Forest Sustainability Act, 1994*.
3. Construction and maintenance of electrical power generation facilities.
4. Construction and maintenance of utility corridors, including any infrastructure that is part of the corridors.
5. Construction and maintenance on railway rights of way, including any infrastructure on the rights of way.
6. Peat harvesting.
7. Mining and mineral exploration.

APPENDIX B

Measures under subsection 19(2) of O. Reg. 207/96:

1. The worksite must be soaked with water or with a fire suppression foam mixture before the operations begin and after the operations are completed for the day and must be kept in a wet condition during operations.
2. At least one worker must be assigned to monitor the worksite while the industrial operations are being carried out to watch for sparks or other signs that a fire has been ignited and to take immediate actions to halt the spread of fire if it is safe to do so.
3. At least one worker must be employed to actively patrol the worksite for at least one hour after the operations are completed for the day and to extinguish any fires he or she may find if it is safe to do so.
4. Workers engaged in monitoring or patrolling a worksite under paragraph 2 or 3 must be equipped with telephones or other devices capable of immediate two-way communication with the local fire management headquarters and ensure that any fire that may occur and is not kept under control is immediately reported to the Ministry.
5. Workers conducting hot work operations must put in place non-combustible screens designed and able to catch any and all material capable of producing fire ignitions.

APPENDIX C

Criteria for 'trained and capable' as defined in subsection 5 of O. Reg. 207/96:

(5) For the purposes of subsections (3) and (4), an industrial operation is considered to be a trained and capable industrial operation if,

- (a) the operator has prepared a fire prevention and preparedness plan in accordance with section 24, is following the plan and has equipped the worksite with the fire suppression equipment required under section 26;
- (b) at least one person at the operation's worksite is equipped with a telephone or other device capable of immediate two-way communication with the local fire management headquarters and other workers at the worksite are capable of contacting that person at all times; and
- (c) at least 25 per cent of the persons working at the operation's worksite have received forest fire suppression training using training material prepared by the Ministry.