

**IN THE MATTER OF** sections 70 and 78 of the *Ontario Energy Board Act*, S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie Line.

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**INTERROGATORIES OF  
OJIBWAYS OF PIC RIVER FIRST NATION (“PRFN”)  
FOR THE APPLICANT, ALTALINK ONTARIO L.P. (“AOLP”)**

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**1. Reference: Part A, Overview, Section 2.4, p. A-4, para. 18**

AOLP notes that it has an impressive history of working together with aboriginal communities. Is AOLP or any of its affiliates/ partners aware of any outstanding claims, applications, reviews or other proceeding brought against it (them), as transmitter or otherwise, by a First Nation or Métis community adverse in interest who disputes the use or proposed use of land, including disputes related to consultation or accommodation, compensation, mitigation, remedial measures, or other similar claims? If so, please identify same.

**Reference: Part A, Overview, Section 2.5, p. A-4, 5 paras. 19-20**

- a. When, approximately, did AOLP determine that it was going to participate in any designation process developed by the Board in relation to the East-West Tie? When did AOLP first attempt to “reach out” to aboriginal communities who might be affected by such development? Over what period of time did those efforts continue? Did AOLP maintain an engagement log for these interactions? If so, please provide a copy of same.
- b. AOLP has advised that the communities approached provided input on a number of issues. What was the nature of that input received, from which communities and how was it taken into account in the development of this Application?

2. **Reference: Part A, Overview, Section 2.5, p, A-4-5, paras. 19-20; Part B, Section 3, “First Nation and Métis Participation Framework”, pp. B-19-22** (the following series of questions “a. – j.” relate generally to Part A, Overview, Section 2.5, p, A-4-5, paras. 19-20; Part B, Section 3, “First Nation and Métis Participation Framework”, pp. B-19-22. Further specific references will be noted where applicable)
- a. Will all aboriginal communities identified in the OPA’s letter be given equal opportunity to seek economic benefits and become participants during the project application and development processes? (p. B-20)
  - b. Will Aboriginal communities not currently identified as being affected by the Project be given the opportunity seek to benefits and become participants during the Project application and development process?
  - c. In terms of identifying Aboriginal participants, please respond to the following questions:
    - i. What does AOLP mean by “relevant Aboriginal communities” in para. 4, p. B-21 of its Application?
    - ii. What is the rationale for the Applicant’s Aboriginal participation plan?
    - iii. Will AOLP establish a link between direct impacts (environmental, cultural, land use, socio-economic, etc.) to the communities and the economic participation opportunities made available? (p. B-21, paras. 4-5)
    - iv. If AOLP differentiates between the various Aboriginal participants, how does it do so? (p. B-21, paras. 4-5)

- v. What are the “different levels of participation” envisioned? Assuming the communities all have an equal appetite for participation, would the participation level which can be obtained directly relate to nature/extent of impact?
  - vi. Has the Applicant developed detailed methods and criteria for evaluating requests for economic benefits and participation from potentially affected aboriginal communities, businesses and members within those communities?
  - vii. Is there a time limit for aboriginal communities and individuals to seek economic benefits and enter into participation arrangements with the Applicant? For example, can benefits and arrangements be sought throughout all phases of the project (development, construction, and operation)?
  - viii. How much time does the Applicant believe would be required to effect aboriginal participation? If the Applicant is not able to secure participation arrangements within the timeline proposed, how would the Applicant proceed and what impact would the delay have on project costs and timelines?
  - ix. Will community members be employed to liaise and provide input into economic development opportunities?
- d. AOLP has indicated it will make up to 49% ownership of the Project available to 14 First Nations and 4 Métis communities: *“AOLP will make provision for different levels of participation depending on the nature of the potential impact and the participation appetite of the community”* (p.A-5, para 20). In terms of becoming an equity participant in the partnership with AOLP, please clarify the following:

- i. Please clarify the rationale for engaging the communities as equity participants.
- ii. Is there a proposed limit on the total equity position any one aboriginal community can acquire?
- iii. Is there a proposed minimum equity position an individual community can hold?
- iv. What is the financial contribution a community must make to acquire the minimum equity position?
- v. What is the expected rate of return on equity participation? What is the timeframe for realizing the return?
- vi. Would the equity position confer board/voting authority to the community?
- vii. Given AOLP's strategy that ALOP will be the general partner, how will the aboriginal partner(s) be involved in a meaningful way in the development, management, and operation of the Project? (p. B-21, para. 2)
- viii. Has any strategy for aboriginal representation on the board been developed or discussed, if so, what is it? What protections, if any, would be afforded to the Participating communities, to ensure their influence and control over the development of the Project in their traditional territory would be taken into account by AOLP? For instance, how would the Applicant propose to handle certain issues of vital importance to the aboriginal interest(s) in their minority position? (p. B-21, para. 2)

- ix. How will First Nations and Métis communities obtain equity for their participation? How does AOLP propose to assist a prospective First Nation and/or Métis partner in arranging financing? ( p.B-21, para. 3)  
Will AOLP affiliates be financing aboriginal participation or is it expected this will be arranged through an independent financial institution or loan program?
- x. As the Crown presumably, will not be involved in an agreement between the parties, how will “nature of the potential impact” be assessed as between the various potential equity participants?
- xi. Will AOLP undertake an assessment to quantify the potential impacts on the affected First Nations and Métis communities and if so, please confirm if this amount will be considered in lieu of or as a credit toward an equity contribution? (p. B-21, para. 3)
- xii. How much time does AOLP believe would be required to strike a deal for aboriginal participation that was broadly accepted or achieved “greater acceptance of the East West Tie Line? (p. A-5, para. 20)  
What this level of acceptance mean?
- xiii. If AOLP was not able to achieve consensus amongst all potential aboriginal participants, what is an acceptable level of acceptance/participation? Does AOLP view any of the aboriginal participants as vital to its plan to develop the EWT and if so, who are these potential participants?
- xiv. Has AOLP identified the risk of disputes arising between Aboriginal communities or internally amongst the membership in participation discussions? If so, does the Applicant have a plan to mitigate this risk and what is the likely impact on the Project cost and schedule?

- e. In addition to equity, AOLP indicates it will make other forms of economic participation available to First Nation and Métis communities. Please respond to the following questions pertaining to the type and level of economic participation being offered by the Applicant:
- i. Will participation be limited to those identified in the Application (employment, development, training, and contracting)?
  - ii. How specifically does the Applicant expect to implement specific economic participation programs/opportunities – such as accommodation, job training, employment, contracting, and procurement – in aboriginal communities in each of the designated project phases (development, construction, and operation)?
  - iii. Has AOLP developed detailed methods and criteria for evaluating service contracts and selecting qualified individuals and businesses to participate as contractors, or employees to third party contractors? (p. B-22, para. 7)
  - iv. Will the Applicant offer benefit sharing arrangements tied to economic performance of the Project?
  - v. Will the Applicant offer some form of financial remuneration for environmental, land-use, socio-economic, etc. impacts resulting from development, construction, and operation of the EWT? If so, how will it be funded? What warranty or mechanism will the Applicant utilize to ensure these payments continue to be funded through the life of the project? Is it anticipated that such remuneration will be dependent on the success or some other similar metric of the Project?

- vi. If, during the course of Project it becomes obvious that there will not be any impacts on a potentially affected community, either because no link can be established between the Project area and where their members exercised rights or otherwise, what is the Applicant's strategy for proceeding?
  
- f. How will negotiations regarding partnerships and other economic opportunities be conducted with potential participants? For example, will negotiations proceed in a transparent fashion with all interested and potential partners sitting at the same table or does the Applicant anticipate having confidential discussions with each community given they are unique? Will this strategy vary depending on the type of participation being negotiated (i.e. equity vs. other arrangements)? (p. B-20)
  
- g. AOLP has not identified a separate plan for implementing its Participation Framework. What is AOLP's strategy for engaging the aboriginal communities in economic participation discussions?
  
- h. Who will lead the participation engagement? Does the Applicant distinguish between the consultation and the participation strategy or does the Applicant envision that the two processes will be carried on simultaneously and in the same manner? If there are differences between the consultation and engagement approach, please describe.
  
- i. Please respond to the following questions related to the benefits and costs associated with economic participation:
  - i. Has AOLP attempted to quantify the benefits associated with specific forms of economic participation? If so, please provide the estimates associated with each specific opportunity as well as over what time frame and during which project phase the benefits will be disbursed. Also indicate whether the benefits will be disbursed as a one-time,



lump sum payment, or whether they will accrue annually (and what the annual value of the benefit is).

- ii. Has AOLP attempted to quantify the costs of implementing specific forms of economic participation opportunities? If so, please provide the estimates associated with each specific opportunity as well as the time frame and during which Project phase these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
- iii. Has AOLP estimated the costs associated with mitigating environmental, land-use, socio-economic, etc. resulting from the development, construction, and operation of the EWT? If so, please provide the estimates associated with the specific mitigation activities to be carried out in each phase of the Project and over what time frame these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
- iv. Does AOLP expect any ongoing maintenance and or/implementation costs associated with economic participation? If so, please provide estimates as well as the time frame and during which Project phase these costs will be incurred.
- i. What is the “reasonable funding component for Aboriginal capacity building.... to facilitate [First Nations and Métis] equity participation in the Project”? Do these costs include independent evaluations of the proposed benefits and associated costs/risks? If not, then please describe proposed funding commitments. How does the Applicant

propose to distribute these funds across aboriginal communities in the Project area? (p. B-22, para. 8)

**3. Reference: Part A, Overview, Section 2.7 “AOLP’s Approach”, p. A-7, paras. 25-27**

AOLP has noted that the participation framework will have a very limited impact on Ontario ratepayers due to the significant equity ownership opportunities as a means of participating in the project “compared to other approaches which would have resulted in much greater cost impacts to ratepayers.”

Has AOLP quantified this “limited impact”? To what other approaches is AOLP referring? Please clarify what these “greater costs to ratepayers” are and explain why the other approaches identified would result in these greater costs. Have these costs been quantified? If so, please provide estimates.

**4. Reference: Part A, Overview, Section 3.2, “Combined Environmental Expertise”, p. A-8, para. 31**

Are any of the “in house environmental and heritage resources professionals” First Nation or Métis ---what are their qualifications to speak to First Nation and Métis issues in Ontario?

**5. Reference: Part A, Overview, Section 3.6: “Alberta First Nation Partnerships”, p. A-13, paras. 51-53**

AOLP described a partnership established between AltaLink and the Blood and Piikani First Nations which arrangements “were fundamental to right of way land acquisition”. Please advise as to the length of time required to reach the arrangements described with the 2 communities involved and provide specifics with respect to the following:

- a. Governance structure and whether the First Nations' interest confers board/voting authority.
- b. ROE and length of time to materialize.
- c. If AltaLink is responsible for ongoing operations- to what extent are the First Nations included, what provisions are there to build capacity in operational aspects of transmission business within First Nations (administration, engineering, maintenance, etc.).

**6. Reference: Part A, Overview, Section 4.2: "Route Selection", p. A-21, paras. 88-90**

- a. AOLP has identified its proposed route. Was the preferred route developed with the input of First Nations and if so, please advise how that input was accounted for in the Application?
- b. Did AOLP review any Traditional Land Use Studies or Native Values maps prior to proposing the route in its Application?
- c. If AOLP has identified a preferred route without first consulting with aboriginal communities, has AOLP identified the risk that such action might alienate the very groups AOLP is required to engage and the impact this might have on Project schedule and costs?
- d. If AOLP is required to change the preferred route or any part thereof as a result of First Nation or other stakeholder input, has AOLP determined how this might affect schedule, timing, and costs of the Project?

7. **Reference: Part A, Overview, Section 4.7: “Environmental Assessment”, p. A-25, paras. 107-109**

AOLP has developed draft Terms of Reference (“ToR”) and study plans for the individual EA study components. To what extent, if any, were First Nation and Métis involved in the development of these documents and how was their input taken into account?

8. **Reference: Part A, Overview, Section 5.5, p. A-34, paras. 136-138, Part B, Section 10: “First Nation and Métis Consultation”, pp. B-131-143, paras. 356-359 and p. B-132, “Traditional Ecological Knowledge and Land Use Study Plans”**

- a. AOLP has described the potential use of Traditional Ecological Knowledge (“TEK”) and Traditional Land Use (“TLU”) Studies to facilitate aboriginal input in the development of the EWT line. At p. B-134 AOLP lists the 18 aboriginal communities potentially impacted and at p. B-135 notes its intention to have a TEK/TLU study done in all the identified “*First Nations*” communities. Can AOLP clarify its intentions with respect to where and with whom it intends conduct TEK/TLU studies?
- b. Will the scope of the TEK and TLU study be the same for all the communities or does AOLP have a rationale for a more limited approach? If so, please explain.
- c. That is, will a TEK/TLU coordinator be hired for every community regardless of extent of potential impact or asserted rights?
- d. Did AOLP received input from the communities identified specifically on the TEK/TLU plans before putting together its study approach, methodology and key tasks described in these plans? If not why not and if not, how have these plans been developed?

- e. At p. B-134, AOLP has identified that there must be a balance struck between protecting and respecting a community's information and the need to identify to the public that certain areas are of significance to a community. Has AOLP developed the protocols to protect the confidentiality and sensitivity of certain information that may be shared with the designated transmitter?

**9. Reference: Part A, Section 4.6: "First Nation and Métis Consultation", p. A-24, paras. 101-103**

- a. Ishkonigan has been retained to provide advice on the aboriginal consultation and engagement plan. Please identify whether there are any advisors with Ishkonigan who are members of any of the First Nations or aboriginal communities potentially affected by the project. Will any aboriginal representatives from the affected communities be identified to assist Ishkonigan Inc. and AOLP?
- b. Will Ishkonigan also be involved in the participation process? If so, in what capacity?
- c. Please advise what specific input was obtained from the Aboriginal communities with respect to the development of a consultation plan and participation framework, and how that input was incorporated into the plan/framework? (para. 102, 103)

**10. Reference: Part B, Section 8: "Costs", p. B-109, Table 8.2.1**

AOLP has estimated \$2,150,000.00 for "Consultations and Participation" during the development phase.

- a. What is the amount estimated for consultation activities and how does AOLP anticipate distributing costs across the aboriginal communities? What is the rationale for the proposed distribution?
- b. What is estimated for participation costs and how does AOLP anticipate distributing resources across the aboriginal communities. What is the rationale for the proposed distribution?

**11. Reference: Part B, Section 8: “Costs”, p. B-112, Table 8.7-1**

- a. What is the amount estimated for consultation activities during the construction phase and how does AOLP anticipate distributing resources across aboriginal communities. What is the rationale for the proposed distribution?
- b. Does AOLP have a long term strategy for engaging First Nation and Métis following the construction of the Project? If so, what is that strategy and what are the costs associated with same?

**12. Reference: Part B, Section 8: “Costs”, p. B-114, paras. 310-311**

Does AOLP anticipate any costs with respect to monitoring/implementing the Participation agreements with the First Nation and Métis communities? If so, what are these expected costs, are they included in the annual O&M figures provided?

**13. Reference: Part B, Section 9: “Landowner, Municipal and Community Consultation”, pp. B-115-117**

- a. AltaLink has identified standard principles it adheres to for landowner compensation. Appreciating that reserve land is unique, will any of the

non-reserve landowner compensation principles apply to reserve land? If some principles will be applied to reserve land, please identify which ones.

- b. Does AltaLink have standard policies and metrics with respect to compensating First Nations and its residents when a project affects reserve land? If so, please provide a copy or specifics of same.
- c. Does AltaLink have experience negotiating with First Nations and Aboriginal and Northern Affairs Canada (or its predecessor) for permits authorizing the use of reserve land? If so, please identify the circumstances under which such permits were required.
- d. Given that it has identified a preferred route which will transverse First Nation reserve land, has AltaLink conducted any investigation into whether there are individual Certificate of Possession holders whose land may be affected? If so, what were the results of this investigation, has AltaLink identified any risk associated with same and if so, what is the risk to Project schedule or costs?
- e. Has AltaLink undertaken any investigation into whether there are any trap lines affected in the area of their proposed routes?
- f. Has AltaLink ever provided compensation to First Nations in respect of transmission lines or AltaLink facilities which are situated on traditional or Treaty territory? If so, please identify these circumstances and any principles for compensation associated with the use of traditional lands. (p. B-22 para. 7) Please confirm that these such payments (for the use of either *reserve or traditional lands*) will be distinct from any participation arrangement which might be struck and NOT part of the Participation framework contemplated.

**14. Reference: Part B, Section 10: “First Nation and Métis Consultation”, p. B-127, 129**

- a. Has AOLP identified a specific team to lead consultations? If so, who populates this team?
- b. Is the Applicant proposing to hire First Nations and Métis members of the affected communities to assist with consultation efforts? If so, please provide further specifics:
  - i. How many members and in what capacity(ies)?
  - ii. In which communities?
  - iii. Over what period of time?
  - iv. What is the cost associated with same?

**15. Reference: Part B, Section 10: “First Nation and Métis Consultation”, p. B-128**

How does AOLP anticipate developing a collaborative approach with communities where it has already identified a preferred route and it has done so prior to undertaking consultation with the affected aboriginal communities?

**16. Reference: Part B, Section 10: “First Nation and Métis Consultation”, p. B-129, 131**

- a. How does the Applicant propose to engage First Nations and Métis and provide them with the opportunity to have input in the **consultation** plan?
- b. In Section 3: Does the Applicant have a strategy to identify “First Nation and Métis” representatives? Will new positions associated with consultation on this Project be created within communities?



- c. In section 3: “Introductory Meetings and Strategy Collaboration” on p. B-129 the Applicant makes reference to “ratify[ing] proposals.” To which proposals is it referring?
- 17. Reference: Part B, Section 10: “First Nation and Métis Consultation”, p. B-129-130, para. 4 and p. 131**
- a. The Applicant has indicated it would offer to hold Project Information Sessions. Can the Applicant provide further specifics? Where would these sessions be held, in each affected community or otherwise? How many Sessions and when would these Information Sessions be offered/occur? Would they coincide with specific phases in the development of the Project?
  - b. Has AOLP estimated the costs associated with the consultation activities in each phase of its consultation plan? If so, please provide the estimates associated with the specific activities to be carried out in each phase of the plan and over what time frame these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
  - c. Has AOLP identified any risk associated with disagreements between the Applicant and aboriginal communities regarding potential impacts and the proposed strategies for managing/mitigating these impacts? Please respond to the following questions pertaining to potential disagreements related to impacts and mitigation:
    - i. If so, how will the Applicant mitigate such risk?
    - ii. What are the anticipated impacts such disagreements would have on project costs and timelines?

- d. What guarantee or evidence does the Applicant offer that the commitment to take into account environmental, land-use, cultural, and socio-economic issues will be honored via the consultation process.

**18. Reference: Part B, Section 10: “First Nation and Métis Consultation”, p. B-141, para. 12**

Who would populate the Aboriginal Review Group and would this group be established with or within each affected community?

**IN THE MATTER OF** sections 70 and 78 of the *Ontario Energy Board Act*, S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a Board-initiated proceeding to designate an electricity transmitter to undertake development work for new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie Line.

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**INTERROGATORIES OF  
OJIBWAYS OF PIC RIVER FIRST NATION (“PRFN”)  
FOR THE APPLICANT, NEXTBRIDGE**

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**1. Reference: Introduction, p. 5**

Is NextBridge or any of its affiliates/ partners aware of any outstanding claims, applications, reviews or other proceeding brought against it as, as transmitter or otherwise, where it is adverse in interest to a First Nation or Métis community disputing NextBridge's use or proposed use of land, including disputes related to consultation or accommodation, compensation, mitigation, remedial measures, or other similar claims? If so, please identify same.

**2. Reference: Introduction, p. 9**

Please advise whether the alternative forecasts for construction costs purported to offer construction cost reductions ranging between 25% to 30% are the alternatives evaluated in Appendix 11 of NextBridge's Application.

**3. Reference: Introduction, p. 11**

The Application refers to "significant contributions to the ratepayers" that will result from NextBridge being designated as the project developer. Has NextBridge attempted to quantify these contributions? If so, what contributions are anticipated and what are the elements of NextBridge's Application which set it apart and account for same?

**4. Reference: Introduction, p. 11**

NextBridge's cost forecast estimates \$4.4 million for annual OM&A. Is there any part of this cost attributable to the monitoring or implementation of aboriginal participation agreements? If so, please identify what that amount is.

**5. Reference: Introduction, p.15**

NextBridge notes that its evaluations took into account First Nation and Métis participation and consultation. Please advise whether any aboriginal input from the potentially affected communities was sought in the development of this Application and if so, the nature of that input and how it was taken into account.

**6. Reference: Section A: Tab 2, “Organization”, p. 24**

Do any of the members of the Aboriginal Advisory Board (AAB) represent aboriginal communities from within the Project area? If not, will there be opportunities for representatives from aboriginal communities within the Project area to be appointed to the AAB? What were the selection criteria for the AAB?

**7. Reference:** The following series of Questions 7(a)-(d) relate generally to **Section A: Tab 3, “First Nation and Métis Participation”, p. 41 pp. 41-46 and Appendix 5** (specific references will be supplied where available)

- a. NextBridge has stated it is “committed to seeking alignment between its interests and the interests of affected First Nations and Métis communities through meaningful, direct participation, including as economic partners in the Project.” (Introduction, p.13) Does NextBridge have a formal approach and methods for engaging aboriginal communities as potential participants in the Project?
- b. In term of identifying aboriginal participants to the Project please respond to the following questions:
  - i. What is the rationale for engaging potential participants?

- ii. Is there a link established between direct impacts (environmental, cultural, land use, socio-economic, etc.) to the communities and participation opportunities?
  - iii. Does NextBridge differentiate between the various aboriginal communities? If so, how does it do so?
  - iv. Are all potentially affected aboriginal communities identified by the OPA in its letter dated May 31, 2011 (the OPA letter) given equal opportunity for all forms of economic participation in the Project? Will aboriginal communities not identified in the OPA's letter be given the opportunity to seek economic benefits and participation?
  - v. Does NextBridge view any of the potential aboriginal participants as vital to its plan to develop the EWT and, if so, who are these participants?
  - vi. Is there a time limit for aboriginal communities, businesses and members to seek economic benefits and enter into participation arrangements with NextBridge ? Is so, what is it?
  - vii. Will community members be employed to liaise and provide input into economic development opportunities?
- c. Please respond to the following questions pertaining to economic participation being offered by NextBridge:
- i. Are different levels, limits, and/or parameters for participation envisioned? If so, please describe what these are and provide a rationale for the same

- ii. Is there a targeted level of participation among the aboriginal communities?
  - iii. Will participation be limited to those identified in the Application (specifically, education and training, employment, contracting, and procurement, community investment?) (pp. 42-43)
  - iv. Will NextBridge offer benefit sharing arrangements tied to economic performance of the Project?
  - v. Will the Applicant offer some form of financial remuneration for environmental, land-use, socio-economic, etc. impacts resulting from development, construction, and operation of the EWT? If so, how will it be funded? What warranty or mechanism will the Applicant utilize to ensure these payments continue to be funded through the life of the project? Is it anticipated that such remuneration will be dependent on the success or some other similar metric of the Project?
  - vi. Will NextBridge establish a link between direct impacts (environmental, cultural, land-use, socio-economic, etc.) to the aboriginal participants and the type and level of compensation offered?
  - vii. Does NextBridge have a preferred strategy(ies) for structuring non-equity participation initiatives? If so, please identify the strategy(ies)?
  - viii. Has NextBridge developed methods and criteria for evaluating requests for economic benefits and participation from potentially affected aboriginal communities, business or members within those communities?
- d. If, during the course of Project, it becomes obvious that there will not be any impacts on a potentially affected community, either because no link

can be established between the Project area and where their members exercised rights or otherwise, what is the Applicant's strategy for proceeding?

**8. Reference: Section A: Tab 3, "First Nation and Métis Participation", pp. 40-43 and Appendix 5: "Approaches to Economic Participation"**

- a. Where an Aboriginal community wishes to acquire an equity position, please clarify:
  - i. What is the total equity position (preferred and common), in the aggregate, aboriginal communities could acquire?
  - ii. What is the total equity position (preferred and common) any one aboriginal community can acquire?
  - iii. What is the minimum equity position (preferred and common) an individual community can hold?
  - iv. What is the financial contribution (preferred and common) a community must make to acquire the minimum equity position?
  - v. Is there a time limit for entering as an equity participant? For instance, could a First Nation or Métis community seek equity participation in the construction phase?
  - vi. What is the expected rate of return on equity participation? What is the timeframe for realizing the return?
- b. Assuming aboriginal participants did acquire an equity interest and the interest governance rights, please clarify the NextBridge's intentions in terms of partnership structure:



- i. With respect to both preferred and common equity participation, how will NextBridge determine whether the equity holder has governance rights?
  - ii. Will the aboriginal partner(s) be involved in a meaningful way in the development, management, and operation of the Project?
  - iii. Has any strategy for aboriginal representation on the board been developed or discussed? If so, what is it?
  - iv. How does NextBridge propose to ensure aboriginal partners are adequately represented? For instance, how would NextBridge propose to handle certain issues of vital importance to the aboriginal interest(s) even if they were in a minority position?
- c. In addition to government sponsored financing programs (p.44) are there any other way in which NextBridge contemplates aboriginal communities can access assistance to fund the acquisition of an equity position? Does NextBridge propose to assist a prospective First Nation and/or Métis partner in arranging financing? Will NextBridge affiliates make financing available for aboriginal equity participation or is it expected that financing will be arranged solely through independent financial institutions or loan programs?
- d. Will NextBridge undertake an assessment to quantify the potential impacts on the affected First Nations and Métis communities and if so, would this amount be considered in lieu of or as a credit toward an equity contribution?

- e. Please respond to the following questions pertaining to the negotiation of partnerships:
- i. In its Preliminary Participation Plan set out at pp. 44-45 of its Application, NextBridge states it will negotiate and finalize a proposal for Economic Participation during this [development] phase that will be put forward as part of the leave to construct process". Does NextBridge propose a specific Participation Plan, distinct from its consultation plan? If so, what is strategy for engaging the First Nations in participation discussions?
  - ii. Does NextBridge intend for negotiations to be conducted in a transparent manner with all interested and potential partners sitting at the same table, or does NextBridge anticipate having confidential discussions with each potential partner?
  - iii. Will the negotiation strategy vary depending on the type of participation being negotiated - i.e. equity vs. other economic benefits?
  - iv. If partnership agreements are contemplated, how much time does NextBridge feel is required to negotiate the agreements and what are the costs associated with this process?
  - v. How much time does NextBridge believe would be required to effect aboriginal participation? If NextBridge is not able to secure participation arrangements within the timeline proposed, how would NextBridge proceed and what impact would such a delay have on project costs and timelines?
- f. In its consultation plan (pp. 153-154) NextBridge has not identified any risk associated with disagreements between aboriginal communities regarding

overlapping claims or the extent of impact on asserted rights. Please respond to the following questions pertaining to potential disagreements related to economic participation:

- i. Does NextBridge consider such disputes to constitute a risk and, if so, how will NextBridge mitigate such risk?
- ii. What are the anticipated impacts such disagreements would have on project costs and timelines?
- g. NextBridge has identified other opportunities for economic participation such as Employment, Education and Training, Procurement, Contracting and Investment (pp. 42-44). How specifically does NextBridge expect to implement specific economic participation programs/opportunities in aboriginal communities in each of the designated project phases (development, construction, and operation)?

**9. Reference: Section A: Tab 3, “First Nation and Métis Participation”, p. 42**

NextBridge notes that engagement with Bamkushwada is the “foundation” of its overall First Nation and Métis Participation Plan. What does this mean? Is NextBridge proposing to give priority opportunity for economic participation to Bamkushwada and/or its member Nations? If so, what is the rationale?

**10. Reference: Section A: Tab 3, “First Nation and Métis Participation”, p. 44**

Were representatives from the aboriginal communities within the Project area present at the first two meetings of the AAB held on November 20, 2012 and December 19, 2012? If so, were they given an opportunity to participate and offer input? What specific topics were discussed at the meeting? Are the meeting minutes available?

**11. Reference: Section A: Tab 3, “First Nation and Métis Participation”, p. 45**

Has NextBridge developed detailed methods and criteria for evaluating service contracts and selecting qualified individuals and businesses to participate as contractors, or employees to third party contractors, in areas such as licensing?

**12. Reference: Section A: Tab 3, “First Nation and Métis Participation”, pp. 40-46 and Appendix 5.**

- a. Has NextBridge attempted to quantify the benefits associated with specific forms of economic participation? If so, please provide the estimates associated with each specific opportunity, as well as over what timeframe and during which project phase the benefits will be disbursed. Also indicate whether the benefits will be disbursed as a one-time, lump sum payment, or whether they will accrue annually (and what the annual value of the benefit is).
- b. Has NextBridge attempted to quantify the costs of implementing specific forms of economic participation opportunities? If so, please provide the estimates associated with each specific opportunity as well as the timeframe and during which project phase these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
- c. Has NextBridge estimated the costs associated with mitigating environmental, land-use, socio-economic, etc. resulting from the development, construction, and operation of the EWT? If so, please provide the estimates associated with the specific mitigation activities to be carried out in each phase of the Project and over what time frame these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).

- d. How, if at all, will the potential adverse impacts be factored into acceptable commercial terms that reflect the fair market value associated with the aboriginal interest in the East-West Tie line? Will there be any effort to quantify these adverse impacts.
- e. Does NextBridge expect any ongoing maintenance and or/implementation costs associated with economic participation? If so, please provide estimates as well as the time frame and during which Project phase these costs will be incurred.
- f. Do the costs assume full funding for the communities' negotiation costs, including independent evaluations of the proposed benefits and associated costs/risks? If not, then please describe proposed funding commitments. How does the Applicant propose to distribute these funds across aboriginal communities in the Project area?

**13. Reference: Section B: Tab 6, "Proposed Design", pp. 79-87**

- a. NextBridge has identified its proposed route. Was the preferred route developed with the input of aboriginal communities within the Project area? If not, what, if any, engagement did NextBridge have with affected aboriginal communities prior to identifying the route?
- b. Did NextBridge review any Traditional Land Use Studies or Native Values maps prior to proposing the route in its Application?
- c. If NextBridge has identified a preferred route without first consulting with aboriginal communities, has NextBridge considered whether such action would alienate the very groups NextBridge is required to engage and the extent of the impact this may have on the project?

- d. If NextBridge is required to change the preferred route or any part thereof as a result of aboriginal or other stakeholder input, has NextBridge determined how this might affect schedule, timing, and costs of the Project?

**14. Reference: Section B: Tab 7, “Proposed Design”, p. 97**

NextBridge indicates its willingness to “share the benefits” of the Project with Ontarians. To what specific benefits is NextBridge referring? Have these benefits been quantified?

**15. Reference: Section B: Tab 8, Figure 21, “Annual Development Phase Cost Estimates”, p. 115**

NextBridge has estimated \$4,210,000.00 for Land acquisition and aboriginal affairs up to October 2014. What portion of this cost is attributable to aboriginal consultation? Does this include the costs of negotiating participation agreements? How does the Applicant propose to distribute resources across the aboriginal communities?

**16. Reference: Section B: Tab 9, “Landowner, Municipal and Community Participation”, p. 126**

- a. NextBridge has identified standard principles it adheres to for landowner compensation. Appreciating that First Nations and their members have a unique interest in reserve land; will any of the non-reserve landowner compensation principles apply to reserve land? If some principles will be applied to reserve land, please identify which ones.
- b. Does NextBridge have standard policies and metrics with respect to compensating First Nations and its residents when a project affects reserve land? If so, please provide a copy of same.

- c. Does NextBridge have experience negotiating with First Nations and Aboriginal and Northern Affairs Canada (or its predecessor) for permits authorizing the use of reserve land? If so, please identify the circumstances under which such permits were required.
- d. Has NextBridge conducted any investigation into whether there are individual Certificate of Possession holders whose land may be affected by a route crossing reserve? If so, what were the results of this investigation and what if any; impact would this have on Project schedule or costs?
- e. Has Next Bridge undertaken any investigation into whether there are any trap lines affected in the area of their proposed routes?
- f. Has NextBridge, its partners/affiliates ever provided land use payments to First Nations in respect of transmission lines NextBridge facilities which transverse or are situated on traditional or Treaty territory? Does NextBridge intend to provide such payments in this case distinct from any participation arrangement which might be struck and if so, are there principles governing the determination of same?

**17. Reference: Section B: Tab 9, “Landowner, Municipal and Community Participation”, p. 129**

NextBridge notes it has developed cost estimates (in Appendix 11) for three route variations as contingencies for avoiding construction of the East-West Tie line in culturally sensitive areas on First Nation and Métis lands. Has NextBridge estimated the incremental land costs associated with delays that might arise as a result of the negotiating and permitting issues associated with siting the East-West Tie line in areas sensitive to the First Nations and Métis?

**18. Reference: Section B: Tab 10, “First Nation & Métis Consultation”, p. 150**

Has the NextBridge retained any advisors from the aboriginal communities in the Project area to provide guidance on consultation?

**19. Reference: Section B: Tab 10, “First Nation & Métis Consultation”, p. 152**

- a. Which specific First Nation and Métis communities has NextBridge contacted through introductory letters describing NextBridge, its three partner organizations, its intent to apply for designation to develop the Project?
- b. NextBridge indicates it requested “self-designated consultation protocols from various First Nation and Métis communities.” From which specific communities has NextBridge made such requests? Is it the intention of NextBridge to adopt these protocols into their community-specific consultation plans?
- c. What method(s) will NextBridge use to “understand and measure the capacity for different First Nation and Métis communities to participate in direct or indirect activities resulting from the project?”
- d. What does NextBridge intend to do with the “key statistical and demographic information” it gathers?
- e. Please advise whether NextBridge has developed any protocols for protecting/safeguarding a community’s sensitive information.

**20. Reference: Section B: Tab 10, “First Nation & Métis Consultation”, p. 153**

Does NextBridge intend to hire First Nation and Métis representatives from communities in the Project area to serve as liaisons?



**21. Reference: Section B: Tab 10, “First Nation & Métis Consultation”, pp. 152-154**

- a. Has NextBridge estimated the costs associated with implementing the engagement strategies each phase of its consultation plan? If so, please provide the estimates associated with the specific strategies to be carried out in each phase of the plan and over what time frame these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
- b. Has NextBridge identified any risk associated with disagreements between the applicant and aboriginal communities regarding potential impacts and the proposed strategies for managing/mitigating these impacts? Please respond to the following questions pertaining to potential disagreements related to impacts and mitigation:
  - i. Does Applicant consider such disputes to constitute a risk and, if so, how will Applicant mitigate such risk?
  - ii. What are the anticipated impacts such disagreements would have on project costs and timelines?
- c. Does NextBridge have a strategy to engage affected aboriginal Nations beyond the construction phase? If so what is that strategy and over what length of time would it be implemented?
- d. What guarantee or evidence does the Applicant offer that the commitment to take into account environmental, land-use, cultural, and socio-economic issues will be honored via the consultation process?

**22. Reference: Appendix 5: Section 4, “First Nation and Métis Adder,” p. 2**

NextBridge notes that through the Ontario Feed-in-Tariff (“FIT”) Program, the Ontario Power Authority has advanced the concept that projects that benefit First Nation or Métis communities can receive a higher return than those that do not. The benefit is expressed as a higher price per Megawatt-Hour adder that is passed through to ratepayers. NextBridge contemplates implementing a similar program for the Project, where the adder would be collected by the project entity and then “could flow through to individual communities or a broader group.” What is the rationale for such a program? Assuming the adder program is advanced, please clarify the following:

- a. What will be the value of the adder in terms of percentage increase to rates? How was the value of the adder determined? By usage? By line size?
- b. What is the overall estimated impact to ratepayers?
- c. Would the adder be applied for the life of the Project, or would it have a sunset provision?
- d. How will NextBridge determine which communities and participants qualify to receive funds collected from the adder? Will only communities directly affected by the Project qualify, or will all communities within the Project area receive funds?
- e. How does NextBridge propose to distribute these funds across aboriginal communities? For example, will funds be distributed in proportion to the level of impact on a community or on the level of participation?

**IN THE MATTER OF** sections 70 and 78 of the *Ontario Energy Board Act*, S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie Line.

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**INTERROGATORIES OF  
OJIBWAYS OF PIC RIVER FIRST NATION (“PRFN”)  
FOR THE APPLICANT, CANADIAN NIAGARA POWER INC. (“CNPI”)**

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**1. Reference: Summary of Application, p. 10 of 160, lines 1-5**

- a. CNPI has identified the proposed route as primarily parallel to the existing 230 kV line. Did CNPI seek input from any of the potentially affected aboriginal communities in developing this Application? If so, describe the nature of that input, which communities attributed and how it was incorporated into this Application?
- b. CNPI does not appear to account for stakeholder input as having an impact on route determination in its summary, rather CNPI notes that “detailed engineering analysis will be required to determine the final route.” To what extent will CNPI take into account stakeholder input when selecting the final route?

**2. Reference: Summary of Application, p. 10, lines 15-18**

What is the Applicant’s reason for waiting until the start of the EA process to develop an aboriginal consultation and engagement plan? Why hasn’t a proposed plan been developed for this Application and why wouldn’t the Applicant begin engaging communities immediately upon designation?

**3. Reference: Part A, Capability, Section 2, “Organization: Third Party Consultants”, p. 18 of 160, lines 15-27**

Has Neegan Burnside worked with Fortis previously in developing and implementing consultation plans? If so, please provide details and advise as to the outcome.

**4. Reference: Part A, Capability, Section 2, “Organization: Third Party Consultants”, pp. 22-24**

Do the Third Party Consultants listed in the Application have existing relationships with the potentially affected communities in the Project Area? If so, please describe.

**5. Reference: Part A, Capability, Section 2.4, “Relevant Experience,” p. 32 of 160 lines 14-20**

Please clarify whether the Joint Venture partner is aboriginal. If so, please provide detail with respect to:

- a. The level of equity participation.
- b. How that equity was financed.
- c. The expected rate of return to the community.
- d. The time to realize same.
- e. An overview of the JV structure and extent to which the aboriginal partners share in the risk, management and operations of the business.

**6. Reference: Part A, Capability, Section 2.4, “Relevant Experience”, p. 34 of 160, lines 13-16 and Section 10.2, “Evidence of Experience”, pp. 151, 152 of 160**

The Applicant has identified that Stz’uminus and Cowichan are limited partners in the Mount Hayes Project and together invested \$12 million in a \$200 million dollar project. Please clarify:

- a. The rate of return to the communities and the time to realize same.

- b. The extent to which the aboriginal partners share in the risk, management and operations of the facilities.
  - c. How long it took to achieve participation agreements with the aboriginal partners.
7. **Reference: Part A, Capability Section 2.4, “Relevant Experience”, p. 35 of 160, lines 14-16**

Please clarify what is meant by “involvement” referred to under “Aboriginal Participation”.

8. **Reference: Part A, Capability, Section 2, “Organization”, p. 5 of 160, line 16; p. 11 of 160, lines 16-21; Section 3.1, “First Nation and Métis Participation”, p. 38 of 160, lines 11-28, p.39, lines 1-25, p. 40, lines 1-30, p. 41, lines 1-25**
- a. The Lake Huron Anishinabek Transmission Company (LHATC) consists of 21 First Nations who are signatories or adherents to the Robinson Huron Treaty Area. None of the 21 communities are within the Robinson-Superior Treaty Area, the Project area, and only 2 of the communities in LHATC have been listed as being potentially affected by the Project. Will all potentially affected aboriginal communities be given the same opportunity for participation as LHATC? Does CNPI have a formal approach and methods for engaging non-LHATC communities as participants in the Project? Specifically, please respond to the following questions:
    - i. What specific steps will CNPI take to identify potentially affected aboriginal participants to the Project?

- ii. What is the rationale for engaging potential participants? Does CNPI establish a link between direct impacts (environmental, cultural, land-use, socio-economic, etc.) to the aboriginal participants and the type of participation opportunities offered?
  - iii. Are all potentially affected aboriginal communities identified by the OPA in its letter dated May 31, 2011 (the OPA letter) given equal opportunity for all forms of economic participation in the Project? Specifically, does CNPI propose to offer equity participation to the Métis? (p. 41 of 160, lines 13-19) If not, why not?
  - iv. If CNPI differentiates between the various aboriginal communities, how does it do so and what is the rationale for this distinction?
  - v. Has CNPI developed detailed methods and criteria for evaluating requests for economic benefits and participation from potentially affected aboriginal communities, businesses and members within those communities?
  - vi. Is there a time limit for aboriginal communities to seek economic benefits and enter into participation arrangements with CNPI? For example, can benefits and arrangements be sought throughout all phases of the project (development, construction, and operation)?
  - vii. Will community members be employed to liaise and provide input into economic development opportunities?
- b. Please respond to the following questions pertaining to economic participation levels and the types of participation being offered by CNPI:

- i. Are different levels, limits, and/or parameters for participation envisioned? If so, please describe what these are and provide a rationale for the same.
- ii. Is there a targeted level of participation among the aboriginal communities? If so, what is it?
- iii. Will the forms of participation offered by CNPI be limited to those identified in the Application? (Those listed at p. 40-41 of 160)
- iv. Will CNPI offer benefit sharing arrangements tied to economic performance of the Project?
- v. Will the Applicant offer some form of financial remuneration for environmental, land-use, socio-economic, etc. impacts resulting from development, construction, and operation of the EWT? If so, how will it be funded? What warranty or mechanism will the Applicant utilize to ensure these payments continue to be funded through the life of the project? Is it anticipated that such remuneration will be dependent on the success or some other similar metric of the Project?
- vi. Does CNPI have a preferred strategy(ies) for structuring participation initiatives? If so, please identify the strategy(ies)?
- vii. How, specifically, does the Applicant expect to implement specific economic participation programs/opportunities – such as accommodation, job training, employment, contracting, and procurement – in aboriginal communities in each of the designated project phases (development, construction, and operation)?



- viii. If, during the course of Project it becomes obvious that there will not be any impacts on a potentially affected community, either because no link can be established between the Project area and where their members exercised rights or otherwise, what is the Applicant's strategy for proceeding?
  - c. Has CNPI identified the risk of disputes arising between aboriginal communities or internally amongst the membership in participation discussions? If so, how does the Applicant propose to mitigate the risk and what is the likely impact on the Project costs and schedule?
9. **Reference: Part A, Capability, Section 3.1, "First Nation and Métis Participation", p. 6 of 160, lines 21-23, p. 38 of 160, line 11 to p. 43 of 160, line 21**
- a. How does CNPI rationalize its approach to include LHATCH as an equity partner? How does this reconcile with the plan in its Application to "offer equity rights to *affected First Nations*"? (p. 39 line 22)
  - b. Please elaborate on the following points relative to the proposed economic partnership:
    - i. The Applicant has entered into a binding MOU with LHATC regarding LHATC's participation in this Project, and has proposed new terms of an MOU between LHATC, CNPI and new participating First Nations (p. 38 of 160 lines 18-28, p. 41 of 160, lines 13-16). What are the terms of LHATC's participation? What are the details of the current arrangement between LHATC and the Applicant and how, if at all, does that current arrangement change if other First Nations participate as equity partners?
    - ii. Without any other participants, does LHATC obtain a 49% interest?

- iii. What is the total equity position LHATC and affected First Nations can acquire, respectively? If there are limits, please describe those limits.
  - iv. What is the proposed minimum equity position an individual community can hold? What is the financial contribution a community must make to acquire the minimum equity position?
  - v. Will all equity holders be given an equal position, or can one community acquire a majority position?
  - vi. What is the expected rate of return on equity participation? What is the timeframe for realizing the return?
- c. Assuming non-LHATC aboriginal participants acquire an equity interest, please clarify CNPI's intention in terms of a governance structure:
- i. Will an equity position confer board/voting authority? To LHATC partners? To non-LHATC partners?
  - ii. How will CNPI determine whether the equity holder has governance rights? For instance, will certain partners be offered common equity shares while others will be offered preferred shares? Would such a determination be made based on the distinction between those communities directly affected by the Project and those which lie outside the Project area?
  - iii. Has any strategy for aboriginal representation on the board been developed or discussed, if so, what is it? How does CNPI propose to ensure aboriginal partners are adequately represented? For instance, how would CNPI propose to handle certain issues of vital importance to the aboriginal interest(s) even if they were in a minority position?

- iv. Will the (LHATC and/or non-LHATC) aboriginal partner(s) be involved in a meaningful way in the development, management, and operation of the Project?
- d. Will aboriginal communities not currently identified in the OPA's letter be given the opportunity to seek equity and/or other economic benefits and become participants during the project Application and development process?
- e. How will the communities obtain equity for their participation? How does CNPI propose to assist a prospective First Nation partner in arranging financing? Will CNPI affiliates be financing aboriginal participation or is it expected this will be arranged through an independent financial institution or loan programs?
- f. Has the Applicant quantified the economic cost to the Aboriginal communities of this Project? Will CNPI undertake an assessment to quantify the potential impacts on the affected aboriginal communities and if so, would this amount be considered in lieu of or as a credit toward an equity contribution?
- g. How much time does CNPI believe would be required to reach participation agreements? Is there an acceptable level of acceptance/participation? Does the Applicant view any of the aboriginal participants as vital to its plan to develop the EWT and if so, who are these potential participants?
- h. If CNPI was not able to secure a participation arrangement in the timeline anticipated, how would CNPI proceed and what impact would have on the Project costs and timelines?

- i. How will negotiations regarding partnerships and other economic opportunities be conducted with potential participants? For example, will negotiations proceed in a transparent fashion with all interested and potential partners sitting at the same table or does the Applicant anticipate having confidential discussions with each community given they are unique? Will this strategy vary depending on the type of participation being negotiated (i.e. equity vs. other arrangements)?

**10. Reference: Part A, Capability, Section 3, “First Nation and Métis Participation”, p. 40 of 160, line 1 to p. 41 of 160, line 8**

- a. CNPI refers to benefits that might be considered in an MOU and notes these benefits are available to “First Nations.” Are these same benefits available to the Métis?
- b. Will preferential consideration be given to those **directly** affected First Nations in the award of material and labour contracts, employment and training opportunities?
- c. Has CNPI developed detailed methods and criteria for evaluating service contracts and selecting qualified individuals and businesses to participate as contractors, or employees to third party contractors, in areas such as licensing?
- d. Has CNPI attempted to quantify the benefits associated with specific forms of economic participation? If so, please provide the estimates associated with each specific opportunity as well as over what time frame and during which project phase the benefits will be disbursed. Also indicate whether the benefits will be disbursed as a one-time, lump sum payment, or whether they will accrue annually (and what the annual value of the benefit is).

- e. Has CNPI attempted to quantify the costs of implementing specific forms of economic participation opportunities? If so, please provide the estimates associated with each specific opportunity as well as the time frame and during which Project phase these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
  
- f. Has the Applicant estimated the costs associated with mitigating environmental, land-use, socio-economic, etc. resulting from the development, construction, and operation of the EWT? If so, please provide the estimates associated with the specific mitigation activities to be carried out in each phase of the Project and over what time frame these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
  
- g. How, if at all, will the potential adverse impacts be factored into acceptable commercial terms that reflect the fair market value associated with the aboriginal interest in the East-West Tie line? Will there be any effort to quantify these adverse impacts
  
- h. Does CNPI expect any ongoing maintenance and or/implementation costs associated with economic participation? If so, please provide estimates as well as the time frame and during which Project phase these costs will be incurred.
  
- i. Do the costs assume full funding for the communities' negotiation costs, including independent evaluations of the proposed benefits and associated costs/risks? If not, then please describe proposed funding commitments. How does the Applicant propose to distribute these funds across aboriginal communities in the Project area?

**11. Reference: Part A, Capability, Section 3, “First Nation and Métis Participation”, pp. 42-43 of 160**

CNPI references various forms of economic participation with the Métis. Could participation in this context include equity participation?

**12. Reference: Part A, Capability, Section 3, “First Nation and Métis Participation”, p. 42 of 160, lines 15-23**

a. Under the paragraph “Métis Participation”, CNPI proposes to support “Aboriginal application for capacity funding under such programs as the Ontario Power Authority *Aboriginal Energy Partnership Program*.” It is not clear whether this is meant to apply only to Métis, please clarify.

b. If the support mechanisms are different as between aboriginal communities, please clarify any distinctions.

**13. Reference: Part A, Capability, Section 3, “First Nation and Métis Participation”, p. 41 of 160, lines 5-6**

CNPI has budgeted for consultation services that the First Nations are to provide.

What are these services and what costs are associated with same?

Has CNPI developed any strategies to maintain long terms relationships with aboriginal communities following construction of the line? If so, please identify these strategies, provide costs related to same and identify how such costs would be treated by the Applicant?

- 14. Reference: Part A, Capability, Section 4, “Technical Capability”, p. 58 of 160, lines 4-8**
- a. Please explain how a commercial agreement between Fortis and LHATC is evidence of Fortis’s ability to carry out the procedural aspects of the Crown consultations in Ontario?
  - b. When did Fortis begin negotiations with LHATC? How long did it take to finalize the MOU with LHATC?
- 15. Reference: Part B, Plan for the EWT, Section 7, “Schedule”, p. 101 of 160, lines 8-14**
- a. CNPI has identified that Neegan Burnside will address environment and “certain” Aboriginal Issues. Are there “certain” aboriginal issues they would not address in the scope of their engagement?
  - b. Has CNPI identified any risk associated with disagreements between the applicant and aboriginal communities regarding potential impacts and the proposed strategies for managing/mitigating these impacts? If so:
    - i. If so, how will the Applicant mitigate such risk?
    - ii. What are the anticipated impacts such disagreements would have on project costs and timelines?
- 16. Reference: Part B, Plan for the EWT, Section 7, “Schedule”, p. 107 of 160, lines 24-26**

Please clarify what CNPI is proposing to have in place prior to initiating TOR. Is CNPI referring to Partnership agreements with LHATC members, affected First Nations or both?

**17. Reference: Part B, Plan for the EWT, Section 8, “Costs Summary”, p. 110 of 160**

CNPI has allocated \$5,760,000 to “Consultations and Participation” during Development.

- a. Has CNPI estimated the costs associated with implementing the engagement strategies for each phase of consultation plan? If so, please provide the estimates associated with the specific strategies to be carried out in each phase of the plan and over what time frame these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
- b. How does CNPI anticipate distributing these resources across the aboriginal communities?
- c. What is estimated for participation costs? What is the strategy for engaging the potentially affected aboriginal communities in participation negotiations and how does CNPI anticipate distributing these resources across the aboriginal communities.

**18. Reference: Part B, Plan for the EWT, Section 8, “Costs”, p. 110 of 160**

- a. CNPI has allocated \$1,900,000 to consultations during the construction period. What are the consultation activities anticipated during this period? Does any part of this represent participation costs? If so, in what amount and for what activities?
- b. Please explain how the resources associated with these activities are distributed across the Aboriginal entities?



**19. Reference: Part B, Plan for the EWT, Section 8.12, p. 122 of 160, line 9**

CNPI estimates its annual operation and maintenance costs to be \$974,000.00. Are maintenance/implementation costs associated with participation or accommodation agreements expected? If so, what is the projected amount and how does the Applicant propose to treat such costs?

**20. Reference: Part B, Plan for the EWT, Section 9.1, “Landowner, Municipality and Community Consultation”, p. 123 of 160, line 25**

- a. Does Fortis have experience negotiating with a First Nation and Aboriginal and Northern Affairs Canada (AANDC or its predecessor) for permits authorizing the use of reserve land? If so please identify the circumstances under which such permit(s) were acquired.
- b. Does the applicant have standard policies and metrics with respect to compensating Aboriginal communities and its residents when a project affects reservation land?
- c. Has CNPI conducted any preliminary investigation as to whether there are any certificates of possession holders who may be impacted by facilities crossing reserve land?
- d. Has CNPI conducted any preliminary investigation as to whether there are any aboriginal trap lines affected by their proposed route option?

**21. Reference: Part B, Plan for the EWT, Section 9.1, “Landowner, Municipal and Community Consultation”, p. 125 of 160, lines 23-27**

- a. Can CNPI advise as to why documents, policies and values to obtain easements options, easements and fee simple acquisition have not been developed and provided with its application?

- b. How long will these take to develop and what are the costs associated with same?

**22. Reference: Part B, Plan for the EWT, Section 9.1, “Landowner, Municipal and Community Consultation”, p. 127, lines 25-29**

Please clarify how the participation of LHATC, comprised of First Nations most of whom do not have rights in the Project, will have a “significantly positive impact” on the acquisition of permits to use the reserve land of directly affected First Nations in the Project Area?

**23. Reference: Part B, Plan for the EWT, Section 10, “First Nation and Métis Participation”, p. 147 of 160, lines 6-8, p. 148 of 160, lines 14-16**

- a. The Filing Guidelines required a proposed consultation plan to be filed, please advise why CNPI has chosen not to provide a proposed consultation plan with its application?

- b. What is the “slight variance” to the OPA provided list? (p. 147, lines 14-15)

**24. Reference: Part B, Plan for the EWT, Section 10, “First Nation and Métis Participation”, pp. 147-150**

At p. 148, line 26, CNPI notes that the “study team will endeavor to address all issues raised by Aboriginal communities with regard to potential impacts.” It is not clear what CNPI’s proposed approach for engagement is or how it will accomplish this objective.

- a. Please clarify the following:

- i. Who is the “study team” and does that team include representation from any of the affected First Nation and Métis communities?

- ii. Does CNPI intend to obtain input from the directly affected First Nation and Métis Communities on developing its consultation plan, if so, please indicate the strategy for same?
- iii. Has CNPI reached out to or had any input to date from the affected First Nation and Métis communities on any part of its Application? If so, please describe those efforts and the results of same.

**25. Reference: Part B, Plan for the EWT, Section 10, “First Nation and Métis Consultation” p. 148 of 160, lines 22-27**

- a. CNPI has identified that Traditional Knowledge (“TK”) of the study area will be sought by elders. How will CNPI seek the elders’ assistance and in what communities? Will all First Nation and Métis communities identified by the OPA be equally engaged in such efforts or does CNPI have a rationale for a more limited approach? If so, what is it?
- b. What strategies will CNPI employ to work with the communities to gather and document Traditional Knowledge in a respectful way?
- c. How does CNPI propose to protect the confidentiality and/or sensitive nature of some TK shared and the intellectual property rights of the community?
- d. Are the consultations going to take place in parallel with participation discussions? If not, please outline the engagement strategy for participation and the costs associated with same.

**26. Reference: Part B, Plan for the EWT, Section 10, “First Nation and Métis Consultation”, p. 148 of 160, lines 18-27**

- a. CNPI indicates that the study team will endeavor to address all issues raised by Aboriginal communities with regard to potential impacts

associated with their interests.” What guarantee or evidence does the Applicant offer that the commitment to take into account environmental, land-use, cultural, and socio-economic issues will be honored via the consultation process?

**IN THE MATTER OF** sections 70 and 78 of the *Ontario Energy Board Act*, S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie Line.

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**INTERROGATORIES OF  
OJIBWAYS OF PIC RIVER FIRST NATION (“PRFN”)  
FOR THE APPLICANT, ICCON TRANSMISSION INC. (“ICCON”)  
/TRANSCANADA POWER TRANSMISSION (“TPT”)**

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1. **Reference: Section 3, “First Nations and Métis Participation”, 3.1, p. 1 of 4 lines 13-25; p. 2 of 4, lines 1-5**

- a. The Applicants have reported that meetings took place with a number of First Nation and Métis communities. What input was received from these communities and was it taken into account in preparing this application?
- b. Is there a log or record of these meetings and if so, please produce same.
- c. Do the Applicants have existing relationships with Aboriginal communities in the Project area?

2. **Reference: Section 3, “First Nations and Métis Participation”, 3.1, Plan for First Nations and Métis Engagement, p. 2 of 4, line 19-24, pp. 3-4 also Appendix “A”, Aboriginal Engagement Plan, p. 8-13**

- a. The Applicants’ plan for engaging aboriginal communities on **economic participation** opportunities is not specific.

Specifically, please respond to the following questions:

- i. What specific steps will the Applicant take to identify aboriginal participants to the Project? What is the rationale for engaging potential participants
- ii. Will the Applicants establish a link between direct impacts (environmental, cultural, land use, socio-economic, etc.) to the communities and the participation opportunities available?
- iii. If the Applicant differentiates between the various aboriginal communities, what is the rationale for doing so?

- iv. Will all potentially affected First Nations and Métis identified by the Crown be given equal opportunity for economic participation in the East-West Tie line project?
- v. Will Aboriginal communities not currently identified as being affected by the Project be given the opportunity seek to benefits and become participants during the Project application and development process?
- vi. Are there different levels, limits, and/or parameters for participation envisioned? If so, please describe what these are and provide a rationale for the same
- vii. Is there a targeted level of participation among all aboriginal communities?
- viii. Does The Applicant view any of the potential aboriginal participants as vital to its plan to develop the EWT and, if so, who are these participants?
- ix. Has the Applicant developed detailed methods and criteria for evaluating requests for economic benefits and participation from potentially affected aboriginal communities and individuals or businesses within those communities?
- x. Is there a time limit for aboriginal communities, businesses and/or members to seek economic benefits and enter into participation arrangements with the Applicant? For example, can benefits and arrangements be sought throughout all phases of the project (development, construction, and operation)?

- xi. How much time does the Applicant believe would be required to negotiate participation agreements? If the Applicant is not able to secure participation arrangements within the timeline proposed, how would the Applicant proceed and what impact would such a delay have on project costs and timelines?
- xii. Will community members be employed to liaise and provide input into economic development opportunities?

**3. Reference: Section 3, “First Nations and Métis Participation”, 3.1, Plan for First Nations and Métis Engagement, pp. 3-4 also Appendix A, Aboriginal Engagement Plan, (AEP) pp. 8-13**

- a. Will the broader economic participation opportunities be limited to those identified in the AEP (namely, education and training, employment, contracting and procurement, community benefits? (AEP, pp. 8-11)
- b. Will Applicants offer benefit sharing arrangement tied to the economic performance of the Project?
- c. Will the Applicant offer some form of financial remuneration for environmental, land-use, socio-economic, etc. impacts resulting from development, construction, and operation of the EWT? If so, how will it be funded? What warranty or mechanism will the Applicant utilize to ensure it continues payments through the life of the project? Is it anticipated that such remuneration will be dependent on the success or some other similar metric of the Project?
- d. Does the Applicant have a preferred strategy(ies) for structuring participation initiatives? If so, please identify the strategy(ies).
- e. How specifically does the Applicant expect to implement specific economic participation programs/opportunities in aboriginal communities



in each of the designated project phases (development, construction, and operation)?

- f. If, during the course of Project it becomes obvious that there will not be any impacts on a potentially affected community, either because no link can be established between the Project area and where their members exercised rights or otherwise, what is the Applicant's strategy for proceeding?
- g. What is meant by "partnering" in the Risk Response Plan respecting the Risk Driver of Aboriginal Engagement (Section 7, Appendix D "Risk Register", p. 2)
- h. Will the Applicants offer equity positions as a form of economic participation to Aboriginal communities? **If not, please proceed to subparagraph (k) herein.** If Aboriginal communities can acquire equity positions then please provide some further information regarding the following:
  - i. What is the total equity position an Aboriginal community can acquire?
  - ii. What is the minimum equity position an individual community can hold? What is the financial contribution a community must make to acquire the minimum equity position?
  - iii. Will all equity holders be given an equal position, or can one community acquire a majority position?
  - iv. What is the financial contribution a community must make to acquire the minimum equity position?

- v. Is there a time limit for entering as an equity participant? For instance, could a First Nation or Métis community seek equity participation in the construction phase?
- vi. What is the expected rate of return on equity participation? What is the timeframe for realizing the return?
- i. Assuming aboriginal participants did acquire equity, please clarify the Applicant's intention with respect to governance:
  - i. Would the equity position confer board/voting authority to the community?
  - ii. Will the aboriginal partner(s) be involved in a meaningful way in the development, management, and operation of the Project?
  - iii. What is the Applicant's strategy for ensuring aboriginal partners are adequately represented?
  - iv. How would the Applicant handle issues of vital importance to the aboriginal interest(s) even if the aboriginal partner is in a minority position?
- j. Some communities may not have the financial capacity to acquire an ownership interest in the Project. In such cases, will the Applicant assist a prospective First Nation partner in arranging financing? Will the Applicant's affiliates be financing aboriginal participation, or is it expected this will be arranged through an independent financial institution or loan programs? Will the Applicant undertake an assessment to quantify the potential impacts on the affected First Nations and Métis communities, the

amount of which could be counted toward the participating community's equity contribution?

- k. Many of the "planned benefits" referred to (offering capacity funding to support participation, p. 3 of 4 line 22; formation of aboriginal working group to share information; p. 3 of 4 lines 23-25; participation in Traditional Ecological Knowledge (TK) and Traditional Land Use (TLU) Studies p. 4 of 4, lines 1-2 are activities tied to enabling effective consultation. Please advise why funding for consultation activities has been included in the "Plan for Participation"? Do the Applicants characterize capacity funding for meaningful consultations as a distinct economic benefit from the Project to the Communities?
  - l. Has the Applicant identified any potential risks associated with disagreements between or within aboriginal communities, or between aboriginal communities and the Applicant, regarding potential participation arrangements? If so:
    - i. How will the Applicant mitigate such risk?
    - ii. What are the anticipated impacts such disagreements would have on project costs and timelines?
- 4. Reference: Section 3, "First Nations and Métis Participation", Appendix "A", Aboriginal Engagement Plan ("AEP"), p. 15 of 23**

The Applicants have quantified a range of costs (\$6-\$12 million) associated with "short-term financial benefits".

- a. Over what time frame are these costs disbursed and how are these resources distributed across aboriginal communities?

- b. Has the Applicant attempted to quantify the benefits associated with specific forms of economic participation? If so, please provide the estimates associated with each specific opportunity as well as over what time frame and during which project phase the benefits will be disbursed. Also indicate whether the benefits will be disbursed as a one-time, lump sum payment, or whether they will accrue annually (and what the annual value of the benefit is).
- c. Has the Applicant attempted to quantify the costs of implementing specific forms of economic participation opportunities? If so, please provide the estimates associated with each specific opportunity as well as the time frame and during which Project phase these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
- d. Has the Applicant estimated the costs associated with mitigating environmental, land-use, socio-economic, etc. resulting from the development, construction, and operation of the EWT? If so, please provide the estimates associated with the specific mitigation activities to be carried out in each phase of the Project and over what time frame these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
- e. How, if at all, will the potential adverse impacts be factored into acceptable commercial terms that reflect the fair market value associated with the aboriginal interest in the East-West Tie line? Will there be any effort to quantify these adverse impacts.

- f. Do the Applicants expect any ongoing maintenance and/or implementations costs associated with the participation agreements? If so what are those costs and advise as to their expected duration.
  - g. Do the costs assume full funding for the communities' negotiation costs, including independent evaluations of the proposed benefits and associated costs/risks? If not, then please describe proposed funding commitments. How does the Applicant propose to distribute these funds across aboriginal communities in the Project area?
- 5. Reference: Section 3, "First Nations and Métis Participation", 3.1, Plan for First Nations and Métis Engagement, p. 3, lines 15-18 and Appendix "A", AEP, pp. 8-13**
- a. Please respond to the following questions pertaining to the negotiation of participation agreements:
    - i. If participation agreements are contemplated, how much time do the Applicants feel is required to negotiate these agreements and what are the costs associated with this process?
    - ii. How will negotiations regarding partnerships and other economic opportunities be conducted with potential participants? For example, does the Applicant intend for negotiations to be conducted in a transparent manner with all interested and potential partners sitting at the same table, or does the Applicant anticipate having confidential discussions with each potential partner?
    - iii. Will the negotiation strategy vary depending on the type of participation being negotiated – i.e. equity versus other economic benefits?
    - iv. Will negotiations for participation arrangements be carried out simultaneously with the consultation activities? If not, please identify

how the economic engagement strategy will differ from the consultation strategy?

- v. What are the costs associated with pursuing participation agreements? What costs are associated with consultation? What part of the \$5-\$7 million (referenced at p.15 of 23, "Costs" Appendix A) is attributable to securing participation agreements?

**6. Reference: Section 3, "First Nations and Métis Participation", Appendix A, Aboriginal Engagement Plan, pp. 2-3 of 23**

- a. The Applicants have identified an "Aboriginal Relations Team". What is the relevant experience of team members? Does the Team include aboriginal advisors and/or community representatives?
- b. Will this team be responsible for overseeing and implementing both the participation and consultation strategies? .
- c. The Applicants intend to obtain input from the directly affected First Nation and Métis Communities on developing its engagement plan. Please describe how this will be accomplished.
- d. The Applicants state that they intend to "proactively engage Aboriginal communities and stakeholders" (p. 6). The Consultation Plan provided at pp.17-19 identifies steps for engagement, but no detail is provided. Please clarify the strategy for proactive engagement?
- e. How are the funds identified at p.15 of 13 of the AEP distributed across the First Nation and Métis communities?
- f. Has the Applicant estimated the costs associated with implementing the engagement strategies during each phase of its consultation plan? If so, please provide the estimates associated with the specific strategies to be

carried out in each phase of the plan and over what time frame these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).

- g. Have the Applicants identified the potential risks associated with disagreements arising between and Aboriginal communities during consultations? If so:
  - i. How will Applicant mitigate such risk?
  - ii. What are the anticipated impacts such disagreements would have on project costs and timelines?
- h. What guarantee or evidence does the Applicant offer that the commitment to take into account environmental, land-use, cultural, and socio-economic issues will be honored via the consultation process?

**7. Reference: Section 3, “First Nations and Métis Participation”, Appendix A, Aboriginal Engagement Plan, pp.15, 23 of 23**

- a. How will aboriginal input into the proposed route be accounted for in Project if the Aboriginal engagement team is only configured after finalization of the Project route?
- b. Over what period of time do the Applicants anticipate carrying out consultation activities and what objectives do they hope to achieve during the various stages of consultation?
- c. The Applicants have indicated that they will support participation in TK and TLU studies (p. 5, pp. 18-19). How will the Applicants’ work with the communities to gather and document TK in a respectful way? Will all First Nation and Métis communities identified by the Crown be equally engaged

or do the Applicants have a rationale for a more limited approach? If so, what is it?

- d. How do the Applicants propose to protect the confidentiality and/or sensitive nature of some TK shared and the intellectual property rights in the TK shared?

**8. Reference: Section 3, “First Nations and Métis Participation”, Appendix A, Aboriginal Engagement Plan, p. 22 of 23**

- a. Apart from potential impacts and cumulative effects have the Applicants identified further specific environmental, cultural, land use, socio-economic impacts that may result from development and operation of the East-West Tie line project?

**9. Reference: Section 4.3.2, Sample Project, pp. 15-22**

Have the Applicants or any of their partners/affiliates engaged in Aboriginal partnerships or economic benefit sharing arrangements with any aboriginal groups in Canada?

**10. Reference: Section 4.4, Route Analysis and Selection**

Did the route analysis prepared by Golder and submitted as part of this Application seek input from First Nation and Métis communities and if so, how was that input taken into account?

**11. Reference: Section 10.2, Experience of First Nations and Métis Consultation; AEP, p.15 of 23**

- a. Regarding the Applicants’ statement that they “will rely on a team who are subject matter experts with respect to Aboriginal and Stakeholder Engagement...” Do the Applicants have experience negotiating with a



First Nation and Aboriginal and Northern Affairs Canada (AANDC or its predecessor) for permits authorizing the use of reserve land? If so please identify the circumstances under which such permit(s) were acquired.

- b. Do the Applicants have standard policies and metrics with respect to compensating Aboriginal communities and its residents when a project affects reservation land? If so, please provide a copy of same.
- c. Have the Applicants conducted any investigation into whether there are individual Certificate of Possession holders whose land may be affected by a route crossing reserve? If so what were the results of the investigation and what if any, impact would this have on Project schedule or costs?
- d. Are the Applicants, or any of its affiliates/ partners aware of any outstanding claims, applications, reviews or other proceeding brought against it as, as transmitter or otherwise, where it is adverse in interest to a First Nation or Métis community disputing the use or proposed use of land, including disputes related to consultation or accommodation, compensation, mitigation, remedial measures, or other similar claims? If so, please identify same.

**IN THE MATTER OF** sections 70 and 78 of the *Ontario Energy Board Act*, S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie Line.

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**INTERROGATORIES OF  
OJIBWAYS OF PIC RIVER FIRST NATION (“PRFN”)  
FOR THE APPLICANT, RES CANADA TRANSMISSION LP (“RES”)**

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**1. Reference: Exhibit B, Tab 1, Schedule 1, p. 6 of 35, lines 15-18**

Please identify what input was received from the affected aboriginal communities and clarify how the input received was incorporated into the Application.

**2. Reference: Exhibit B, Tab 1, Schedule 1, p. 6 of 35, lines 21-24**

RES is prepared to offer as much as a \$50 million investment opportunity to “affected and interested First Nation and Métis communities”. Must a First Nation or Métis community satisfy both: “*affected and interested*” or will equity participation be offered to any aboriginal community so long as it is interested and has an ability to participate?

**3. Reference: Exhibit B, Tab 1, Schedule 1, p. 12 of 35, lines 4-13**

The Applicant has identified two potential routes for the Project. Please advise what, if any, aboriginal input was received with respect to the routing options and whether such input was taken into account in preparing this Application. If no First Nation and Métis input was received prior to selecting the preferred route please explain the Applicant’s assessment of risk associated with route selection to be “unlikely” and the severity to be “minor”. (Exhibit P, Tab 5, Schedule 1, p. 2 of 12)

**4. Reference: Exhibit B, Tab 1, Schedule 1, pp. 21-22 of 35**

With respect to permitting, please advise whether the Applicant sought and received First Nation and Métis input into its proposed environmental assessment plan. If so, please describe the nature of that input and how that input was accounted for in the plan.

**5. Reference: Exhibit B, Tab 1, Schedule 1, pp. 25-35, Figure B-3: Project Schedule**

- a. The Applicant's project schedule appears to provide that the outreach/consultation with First Nations and Métis will conclude at approximately the same time construction commences. Does the Applicant intend to continue its engagement with First Nations and Métis during construction?
- b. Does the Applicant have a long term strategy to maintain relationships with the First Nation and Métis affected by the Project following construction and if so, please identify that strategy and advise as to the annual estimated costs associated with same.

**6. Reference: Exhibit D, Tab 1, Schedule 1, p. 1 of 3, lines 1-7, 14-24; Exhibit D, Tab 2, Schedule 1, "First Nations and Métis Participation Plan Report (FNMPP), pp. 2-3, 5**

- a. Are all potentially affected aboriginal communities identified by the OPA in its letter dated May 31, 2011 (the OPA letter) given equal opportunity for all forms of economic participation in the Project?
- b. Will Aboriginal communities not currently identified in the OPA's letter be given the opportunity seek equity and/or other economic benefits and become participants during the project application and development process?
- c. (The following questions arise generally from the FNMPP pp. 1-10, unless otherwise specifically noted.) RES notes that "each First Nation and Métis community is expected to participate in a manner commensurate with their interest in the Project" (FNMPP, p. 1). Please respond to the following questions:

- i. What specific steps will RES take to identify aboriginal participants to the Project? What is the rationale for engaging potential participants?
  - ii. Does RES establish a link between direct impacts (environmental, cultural, land-use, socio-economic, etc.) to the aboriginal communities and participation opportunities?
  - iii. Are different levels, limits, and/or parameters for participation envisioned? If so, please describe what these are and provide a rationale for same.
  - iv. If RES differentiates between the various aboriginal communities, what is the rationale for doing so?
  - v. Does RES view any of the potential aboriginal participants as vital to its plan to develop the EWT and, if so, who are these participants?
  - vi. Is there a time limit for aboriginal communities and individuals to seek economic benefits and enter into participation arrangements with RES? For example, can benefits and arrangements be sought throughout all phases of the project (development, construction, and operation)?
  - vii. Will community members be employed to liaise and provide input into economic development opportunities?
- d. Please respond to the following questions pertaining to economic participation levels and the types of participation being offered by RES:
- i. Is there a targeted level of participation among all aboriginal communities?

- ii. Are the forms of participation limited to those identified in the FNMPP?
- iii. Will RES offer benefit sharing arrangements tied to the economic performance of the Project? (FNMPP, p.6)
- iv. Will the Applicant offer some form of financial remuneration for environmental, land-use, socio-economic, etc. impacts resulting from development, construction, and operation of the EWT? If so, how will it be funded? What warranty or mechanism will the Applicant utilize to ensure payments continue to be funded through the life of the project? Is it anticipated that such remuneration will be dependent on the success or some other similar metric of the Project?
- v. Will RES establish a link between direct impacts (environmental, cultural, land-use, socio-economic, etc.) to the aboriginal participants and the type and level of compensation offered? (FNMPP, p.6)
- vi. Does RES have a preferred strategy(ies) for structuring the various participation initiatives? If so, please identify the strategy(ies)?
- vii. Has RES developed detailed methods and criteria for evaluating requests for economic benefits and participation from potentially affected aboriginal communities and individuals or businesses within those communities?
- viii. If, during the course of Project it becomes obvious that there will not be any impacts on a potentially affected community, either because no link can be established between the Project area and where their members exercised rights or otherwise, what is the Applicant's strategy for proceeding?

**7. Reference: Exhibit D, Tab 1, Schedule 1 p. 2 of 3, lines 26-28**

- a. RES advises that the Applicant will identify parties who are interested in equity positions through consultation and through a “negotiation team”. Will members from both the affected communities and the Applicant sit on the team? Please clarify how this team is expected to operate.
- b. Will there be a time limit to negotiate partnership terms throughout all phases of the Project (Development, Construction and Operation)? When would the window to negotiate an equity arrangement close? Does this differ for the broader forms of economic participation?

**8. Reference: Exhibit D, Tab 1, Schedule 1, p. 3 of 3, lines 6-10**

- a. RES has advised that it would be prepared to offer, in the aggregate, to an aboriginal partner(s), \$ 50 million in total, representing no more than a 20% ownership stake in the Project. What is the rationale for making this particular level of ownership available? How was the dollar value of ownership derived? Was any input from the affected aboriginal communities incorporated into this proposal?
- b. Is the Applicant able to clarify the following in respect to equity participation: (FNMPP pp. 6-8).
  - i. What is the total equity position any one aboriginal community can acquire?
  - ii. What is the minimum equity position an individual community can hold? What is the financial contribution a community must make to acquire the minimum equity position?

- iii. Will all equity holders be given an equal position, or can one community acquire a majority position?
  - iv. Is there a time limit for entering as an equity participant? If so, what is it?
- c. Assuming aboriginal participants do acquire an equity interest, please clarify RES's intention in terms of a governance structure:
- i. Will the equity position confer board/voting authority? How will RES determine whether the equity holder has governance rights? For instance, will certain partners be offered common equity shares while others will be offered preferred shares?
  - ii. Has RES considered and/or developed any proposals for aboriginal representation on the board been developed or discussed, if so, please advise.
  - iii. How does RES propose to ensure aboriginal partners are adequately represented? For instance, how would RES propose to handle certain issues of vital importance to the aboriginal interest(s) even though they are in a minority position?
  - iv. Will the aboriginal partner(s) be involved in a meaningful way in the development, management, and operation of the Project? If so, how?
- d. Some communities may not have the financial capacity to acquire an ownership interest in the Project. In such cases, how will the communities obtain equity for their participation? Res has noted it will support a prospective First Nation partner in arranging financing (FNMPP, p.7). Will RES affiliates be financing aboriginal participation, or is it expected this will be arranged through an independent financial institution or loan programs?



- e. How, if at all, will the potential adverse impacts (respecting reserve and/or traditional territories) be factored into acceptable commercial terms that reflect the fair market value associated with the aboriginal interest in the East-West Tie line? Will there be any effort to quantify these adverse impacts and if so, would this be counted toward an equity contribution in the project?  
(FNMPP, p.7)

**9. Reference: Exhibit D, Tab 1, Schedule 1, p. 3 of 3, lines 11-19**

- a. Does the assembled participation team include any aboriginal representative(s) from the Project area or the affected aboriginal communities?

**10. Reference: The following questions in this paragraph 10 refer to Exhibit D, Tab 2, Schedule 1, “FNMPP”**

**a. P. 2, Section 2, “Flexibility, Transparency and Accountability”**

- i. How will negotiations regarding partnerships and other economic opportunities be conducted with potential participants? Does RES intend for negotiations to be conducted in a transparent manner with all interested and potential partners sitting at the same table, or does RES anticipate having confidential discussions with each potential partner?
- ii. Will the negotiation strategy vary depending on the type of participation being negotiated – i.e. equity versus other economic benefits?
- iii. If partnership agreements are contemplated, how much time does RES feel is required to negotiate the agreements and what are the costs associated with this process?

**b. P. 2, Section 3, “Identifying Potential Participating Communities”**

- i. The Applicant notes Kiashke Zaaging Anishinaabek (Gull Bay) may have a possible interest in the Project. Has the Applicant identified any other potential Aboriginal communities for participation in this project as of this date?

**c. P. 5, Section 4, “Nature of Participation”**

- i. RES has identified other opportunities which would provide economic benefits such as job training, employment, contracting and procurement. How would the Applicant implement such programs in and with the communities?
- ii. Has RES attempted to quantify the benefits associated with specific forms of economic participation? If so, please provide the estimates associated with each specific opportunity as well as over what time frame and during which project phase the benefits will be disbursed. Also indicate whether the benefits will be disbursed as a one-time, lump sum payment, or whether they will accrue annually (and what the annual value of the benefit is).
- iii. Has RES attempted to quantify the costs of implementing specific forms of economic participation opportunities? If so, please provide the estimates associated with each specific opportunity as well as the time frame and during which Project phase these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).

- iv. Has RES estimated the costs associated with mitigating environmental, land-use, socio-economic, etc. resulting from the development, construction, and operation of the EWT? If so, please provide the estimates associated with the specific mitigation activities to be carried out in each phase of the Project and over what time frame these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
- v. Does RES expect any ongoing maintenance and or/implementation costs associated with economic participation? If so, please provide estimates as well as the time frame and during which Project phase these costs will be incurred.
- vi. Have additional economic opportunities and benefits of the transmission lines such as laying fiber optic cable along the same route been considered?

**d. P. 6, Section 4.1.1, “Impact Benefits Agreements”**

- i. The Applicant has noted that the IBA will be negotiated with the First Nations and Métis leadership; however, the leaders will seek a mandate/support for negotiations and any ultimate arrangement from their members. Does the Applicant have a strategy to build broad based community support? If so, what is that strategy?

**e. Pp. 6-7, Section 4.1.2, “Equity Contribution”**

- i. What is the expected rate of return on equity participation? What is the timeframe for realizing returns on equity?

- ii. The Applicant refers to “eligible parties”. Please delineate the criteria for participation as an equity partner?
- iii. Is there a difference between the Participation Implementation Team and the Negotiations Team? If so, what is it? Will the Participation Implementation Team oversee the implementation of the other aspects of economic participation or is it solely responsible for assisting those communities wishing to acquire an equity ownership? How will input from the First Nation and Métis communities be obtained and taken into account by the Implementation team?

**f. P. 11, Section 5, “Schedule of Participation Plan”**

- i. Where participation details are not finalized by communities in the time frame anticipated, how does RES propose to proceed and what is the risk to the Project schedule and costs?

**g. P. 11, Section 4.2.1, “First Nation and Métis Participation Costs”**

- i. Do the costs budgeted assume full funding for the communities negotiation costs including independent evaluations of the proposed benefits and associated costs/risks? If not, then please describe proposed funding commitments.
- ii. How does the Applicant propose to distribute these funds across aboriginal communities?

**h. P. 12, Section 6, “First Nation Participation Costs”**

- i. How did the Applicant arrive at its estimated annual cost of \$400,000.00 to implement the IBAs? Is this amount anticipated over the life of the project?

**i. P. 12, Section 7, “Participation Implementation Team”**

- i. Has the RES group **concluded** equity participation agreements with First Nations and/or Métis in Ontario or elsewhere?

**11. Reference: Exhibit K, Tab 4, Schedule 1, p. 3 of 3, lines 65-70**

- a. Does RES have experience negotiating with a First Nation and Aboriginal and Northern Affairs Canada (AANDC or its predecessor) for permits authorizing the use of reserve land? If so please identify the circumstances under which such permit(s) were acquired.
- b. Does the applicant have standard policies and metrics with respect to compensating Aboriginal communities and its residents when a project affects reservation land?
- c. Please identify which policies (if any) in the Applicant’s Land Valuation and Acquisition Plan (Tab K-4-2) may apply in negotiations for the use of reserve land?

**12. Reference: Exhibit M, Tab 1, Schedule 1, pp. 7-8 of 9**

- i. Has RES identified any risk associated with disagreements between the applicant and aboriginal communities regarding potential impacts and the proposed strategies for managing/mitigating these impacts?

Has RES identified the risk associated with disagreements between communities over competing claims to land use? If so, how does the Applicant propose to mitigate such risk(s)?

- ii. What are the anticipated impacts such disagreements would have on project costs and timelines?

**13. Reference: Exhibit M, Tab 3, Schedule 1, “First Nation and Métis Consultation Plan”**

- a. The Applicant has noted in its Application that this First Nation and Métis Consultation Plan may form part of the MOU it intends to sign with the Minister of Energy upon Designation (p. 2.2). Did the Applicant receive input into its proposed plan for consultation from any of the potentially affected communities and if so, how was that input incorporated into the Plan?
- b. How, if at all will the First Nations and Métis be able to provide input on the Consultation Framework filed?
- c. What guarantee or evidence does the Applicant offer that the commitment to take into account environmental, land-use, cultural, and socio-economic issues will be honored via the consultation process?
  - i. **Page 8.2, “Methods of Consultation”**
    - a. The Applicant has indicated it would attend meetings, workshops. Can the Applicant provide further specifics as to the nature of these meetings? For instance is the Applicant proposing a certain number of community meetings in prescribed locations or will the Applicant attend each community as requested?

**ii. Pp. 8.2-8.3, “Methods of Consultation: Funding”**

- a. The Applicant acknowledges that requests for capacity funding will be made. Please clarify how the Applicant proposes to fund the consultation process and how RES expects capacity funding for consultation to be distributed across the affected communities.
- b. Is the Applicant proposing to hire First Nations and Métis members of the affected communities to assist with consultation efforts? If so, please provide further specifics.

**iii. Pp. 4.1-4.2, “Overview of Relationship Building”**

- a. The Applicant has noted the significance of Traditional Ecological Knowledge (“TEK”). If the Applicant intends to incorporate TEK, how does it propose to work with the communities to gather and document TEK in a respectful way? Will all First Nation and Métis communities identified by the OPA be equally engaged in such efforts or does RES have a rationale for a more limited approach? If so, what is it?
- b. How does the Applicant propose to protect the confidentiality and/or sensitive nature of some TK shared? Has the Applicant developed any protocols in this regard?
- c. The Applicant has proposed continuing contact with First Nation and Métis throughout the life of the Project. What form would this take and is the Applicant prepared to continue to fund associated consultation costs throughout the life of the Project? If
- d. Has RES estimated the costs associated with implementing the engagement strategies each phase of its consultation plan? If so,

please provide the estimates associated with the specific strategies to be carried out in each phase of the plan and over what time frame these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).

**14. Reference: Costs Charts at: Exhibit D, Tab D-2-1, pp. 11-12; Exhibit P, Tab 3, Schedule 1, pp. 3-4; Exhibit P, Tab 3 Schedule 2, p. 1, Exhibit P, Tab 4, Schedule 1, pp. 2-4, Exhibit P, Tab 4, Schedule 2, pp. 3-6**

In Exhibit D, TAB D-2-1, pages 11-12, RES provides an estimate of \$1.06 million for implementation of the First Nation and Métis Participation Plan through Q4 2016.

Exhibit P, TAB 3, Schedule 1, pages 3-4, RES indicates the combined Consultation and First Nation and Métis Participation costs during the Development phase will total \$2.2 million. Of the \$2.2 million, \$291,039 is associated with Consultation, as per the table in Exhibit P, Tab3, Schedule 2, p. 1. Presumably, the roughly \$1.9 million remaining can be attributed to implementation of the Participation Plan, although the table in Exhibit P, Tab 4, Schedule 1, p. 1 contains no line item for participation.

At Exhibit P, tab 4, Schedule 1, pp. 2-4, RES notes the Consultation and First Nation and Métis Participation costs during the Construction phase will total \$2.0 million.

According to the Tables at Exhibit P, Tab 2, Schedule 2, pp. 3-6, Consultation costs total \$348,420, which implies approximately \$1.7 million can be attributed to implementation of the Participation Plan during Construction. With respect to this information, please clarify the following:

- a. How does RES reconcile its Participation cost estimate of \$1.6 million in Exhibit B with the \$3.6 it appears to budget for Participation it presents in Exhibit P?



- b. Please clarify this discrepancy given the estimates in Exhibit P assume Participation costs are only incurred through Q2 2015, whereas estimates in Exhibit D indicates expenditures will continue through Q4 2016.
- c. Why aren't Participation-related costs included in the tables at Ex. P-3-2 and Ex. P-4-2?
- d. In the tables in Ex. P-3-2 and Ex. P-4-2, approximately \$91,000 and \$98,000 are allocated for legal costs associated with Consultation during Development and Construction, respectively. Please indicate how these estimates were derived based on the types of legal services provided in addition to the assumed billing hours and rates.
- e. In the tables in Ex. P-3-2 and Ex. P-4-2, \$200,000 and \$250,000 are budgeted for general Consultation activities during Development and Construction, respectively. Please confirm that the Applicant has estimated these amounts for consultation with 19 potentially affected aboriginal communities. Please indicate with which specific Consultation activities these costs are associated and how these estimates were derived.

**IN THE MATTER OF** sections 70 and 78 of the *Ontario Energy Board Act*, S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie Line.

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**INTERROGATORIES OF  
OJIBWAYS OF PIC RIVER FIRST NATION (“PRFN”)  
FOR THE APPLICANT, EWT LP**

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**1. Reference: Summary, p. 7 of 14, lines 14-20, Part A, Exhibit 3, “First Nations and Métis Participation”, pp. 1-11**

EWT LP states it will give priority with respect to other economic forms of participation such as employment, training and commercial opportunities to Participating First Nation community members and to businesses owned or controlled by a Participating First Nation or its members. Specifically, please respond to the following questions:

- a. What is the rationale for engaging potential participants?
- b. Does EWT LP establish a link between direct impacts (environmental, cultural, land-use, socio-economic, etc.) to the aboriginal participants and participation opportunities?
- c. If EWT LP differentiates between the various aboriginal communities, how does it do so?
- d. Has EWT LP developed detailed methods and criteria for evaluating requests for economic benefits and participation from potentially affected aboriginal communities, businesses and/or members within those communities?
- e. Is there a time limit for aboriginal communities and individuals to seek the broader economic benefits and enter into participation arrangements with the Applicant? (described in Ex. B pages 7-11) For example, can benefits and arrangements be sought throughout all phases of the project (development, construction, and operation)?
- f. Will community members be employed to liaise and provide input into economic development opportunities?

- g. Please respond to the following questions pertaining to the broader economic participation being offered by EWT LP:
- i. Is there a targeted level of participation among all aboriginal communities?
  - ii. Will the forms of participation be limited to those identified in the Application (specifically, education and training, employment, contracting, procurement, and community benefits)?
  - iii. Have additional economic opportunities and benefits of the transmission line such as laying fiber optic cable along the same route been considered? If so, how have these opportunities been accounted for?
  - iv. Will EWT LP offer some form of financial remuneration for environmental, land-use, socio-economic, etc. impacts resulting from development, construction, and operation of the EWT including to the Participating First Nations? If so, how will it be funded? What warranty or mechanism will EWT LP utilize to ensure payments continue to be funded through the life of the project? Is it anticipated that such remuneration will be dependent on the success or some other similar metric of the Project?
  - v. Will EWT LP establish a link between direct impacts (environmental, cultural, land-use, socio-economic, etc.) to the aboriginal participants and the type and level of compensation offered?
  - vi. Does EWT LP have a preferred strategy(ies) for structuring the broader participation opportunities? If so, please identify the strategy(ies).

- vii. How, specifically, does EWT LP expect to implement specific economic participation programs/opportunities – such as accommodation, job training, employment, contracting, and procurement – in aboriginal communities in each of the designated project phases (development, construction, and operation)?
- viii. How will negotiations regarding other economic opportunities be conducted with potential participants? For example, will negotiations proceed in a transparent fashion with all interested and potential partners sitting at the same table or does the Applicant anticipate having confidential discussions with each community given they are unique? Will this strategy vary depending on the type of participation being negotiated?
- ix. If, during the course of Project, it becomes obvious that there will not be any impacts on a potentially affected community, either because no link can be established between the Project area and where their members exercised rights or otherwise, what is EWT LP's strategy for proceeding?

**2. Reference: Part A, Exhibit 2, "Organization," p. 3 of 28, lines 9-13**

EWT LP has advised that "Participating First Nations will add efficiency to the development process, resulting in savings to ratepayers." Has EWT LP attempted to quantify these resulting savings? If so, please provide such estimates. If not, what is the basis for making this statement?

**3. Reference: Part A, Exhibit 3, "First Nation and Métis Participation", pp. 5-6 of 11, 7-10 of 11**

- a. Has the Applicant attempted to quantify the benefits associated with specific forms of economic participation? If so, please provide the estimates associated with each specific opportunity as well as over what

time frame and during which project phase the benefits will be disbursed. Also indicate whether the benefits will be disbursed as a one-time, lump sum payment, or whether they will accrue annually (and what the annual value of the benefit is).

- b. Has the Applicant attempted to quantify the costs of implementing specific forms of economic participation opportunities? If so, please provide the estimates associated with each specific opportunity as well as the time frame and during which Project phase these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
  - c. Has the Applicant estimated the costs associated with mitigating environmental, land-use, socio-economic, etc. resulting from the development, construction, and operation of the EWT? If so, please provide the estimates associated with the specific mitigation activities to be carried out in each phase of the Project and over what time frame these costs will be incurred. Also indicate whether the costs will be incurred as a one-time cost, or whether they will recur annually (and what the annual value of the cost is).
4. **Reference: Part A, Exhibit 2, “Organization”, pp. 21-22 of 28, lines 1-5 and Part A, Exhibit 3, “First Nation and Métis Participation”, p. 9 of 11**

EWT LP had identified a number of ways in which consultation can be facilitated by the involvement of BLP and its experience in implementing consultation processes. How will the initiatives discussed (retaining project coordinators and community liaisons, human resource requirements and preparing traditional value inventories) be implemented in and/or across the potentially affected aboriginal communities?

**5. Reference: Part A, Exhibit 2, “Organization”, p. 23 of 28 lines 11-21**

EWT LP describes Shared Valued Solutions (“SVS”) role in assisting in the consultation process. Does SVS have aboriginal members on its team of consultants it intends to use for this project? If not, does SVS intend to retain or engage any individuals from the potentially affected communities to assist and if so, in what capacity(ies)?

**6. Reference: Part A, Exhibit 2, “Organization”, p. 25 of 28**

EWT LP intends to employ a “Stakeholder Relations Manager” during the construction phase. Does EWT LP have a plan or mechanism to continue dialogue/relations with Aboriginal communities after construction is finished? If so what is that plan and please note its anticipated duration and associated costs.

**7. Reference: Part A, Exhibit 3, “First Nation and Métis Participation”, p. 4 of 11, lines 6-22**

- a. What protections, if any, are afforded to the Participating First Nations, through BLP, to ensure their influence and control over the development of the Project in their traditional territory is not restricted by the other two limited partners, Hydro One Inc. and Great Lakes Power Transmission EWT LP? More specifically:
  - i. How is the aboriginal partner in EWT LP involved in a meaningful way in the development, management, and operation of the Project?
  - ii. How does EWT LP handle issues of vital importance to its aboriginal partner even though the aboriginal partner is in a minority position?

8. **Reference: Part A, Exhibit 3, “First Nation and Métis Participation”, p. 5 of 11, line 19**

Does EWT LP, its affiliates/partners have existing relationships with non-participating aboriginal communities in the project area in addition to the Participating First Nations?

9. **Reference: Part A, Exhibit 3, “First Nation and Métis Participation”, p. 6 of 11**

Has the Proposed Consultation Plan been developed with the input of potentially affected communities?

10. **Reference: Part A, Exhibit 3, “First Nation and Métis Participation,” p. 6 of 11, lines 8-10**

Will EWT LP seek a review of its Consultation Plan from aboriginal communities in the Project area? If so, please explain how it intends to undertake that review and how aboriginal input as to the consultation process will be implemented.

11. **Reference: Part A, Exhibit 4, Appendix 4E, “Hydro One Land Acquisition Compensation Principles”**

- a. Will the Applicant be adopting these Land Acquisition Compensation Principles for this Project? If not, can EWT LP confirm what principles will be adopted?
- b. If it is expected that the Project will transverse the reserve land of a First Nation, please advise whether any of the Land Acquisition Compensation Principles will apply to the use of reserve land.
- c. Please indicate whether EWT LP has developed distinct standard policies/metrics with respect to compensating First Nations and its residents for the use of reserve land and if so, what are they?



- d. Please indicate whether EWT LP has developed standard policies/metrics with respect to compensating aboriginal communities for interference with the pursuit of traditional activities in their traditional territories?
- e. How, if at all, will the potential adverse impacts be factored into acceptable commercial terms that reflect the fair market value associated with the aboriginal interest in the East-West Tie line? Will there be any effort to quantify these adverse impacts.

**12. Reference: Part B, Exhibit 8, “Costs”, p. 5 of 31**

EWT LP has estimated Public Consultation costs during the development stage to be \$4.1 million dollars. What is the specific amount allocated for aboriginal consultation activities and how are these amounts resourced across the communities? Will the approach to consultation/consultation activities be the same across all potentially affected aboriginal communities and specifically identify how the approach to be adopted is expected to achieve the “efficiencies in the development process”. (Part A, Exhibit 2 “Organization,” p. 3 of 28, lines 9-13)

**13. Reference: Part B, Exhibit 8 “Costs”, p. 14 of 31, Row 2; Part B, Exhibit 10, “First Nation and Métis Consultation”, p. 8**

EWT LP has noted that the most likely source of delay is consultation with the Aboriginal communities, landowners and local communities. Does the Applicant have a strategy to mitigate such risk? What are the anticipated impacts such disagreements would have on the development and construction of Project?

**14. Reference: Part B, Exhibit 8, “Costs”, p. 17 of 31, Row 1**

Please clarify EWT LP’s plans for conducting “five rounds of open house in each of six locations. There will be an open house for local consultation and an open house for Aboriginal consultation at each location”. Have the locations of each open house been identified? If so, where are they? What is the rationale for this approach?

**15. Reference: Part B, Exhibit 8, “Costs”, p. 23 of 31**

EWT LP had advised that it intended to carry on consultations with stakeholders during the construction phase of the Project. There are no costs allocated for this activity in the chart provided. Please identify these costs and advise whether such costs are incorporated into the factors already identified or would these costs be in addition to those set out?

**16. Reference: Part B, Exhibit 8, “Costs”, p. 30 of 31**

In the draft annual Operations and Maintenance budget prepared by EWT LP, there are no costs associated with monitoring and/or implementing economic participation or accommodation agreements reached with First Nation and Métis communities. Does EWT LP expect that there will be costs associated with same? If so what are these projected costs?

**17. Reference: Part B, Exhibit 8, Appendix 8A, “Detailed Development Budget”**

- a. EWT LP estimates the costs associated with aboriginal consultation during development stage to be \$1.71 million dollars. What specific activities are included in this amount? For instance, is this amount inclusive of all Aboriginal consultation activities (i.e., hiring six part-time staff to assist on

the project, open houses, orientation, training, communication, conducting Traditional Knowledge (“TK”) studies, newsletters, independent technical reviews, hiring other experts to facilitate participation) or are some of the costs associated with facilitating aboriginal consultation captured elsewhere?

- b. Does this amount include the costs associated with SVS’s engagement?
- c. Does this amount include the costs associated with investigating opportunities for economic benefits to First Nation and Métis communities? If not, what are the estimated costs associated with this activity?

**18. Reference: Part B, Exhibit 9, “Landowner Municipal and Community Consultation”, p. 11 of 37, lines 1-8**

- a. If the route ultimately chosen crosses reserve land, does EWT LP, its partners/affiliates have existing relationships/ protocols in place with Aboriginal Affairs and Northern Development Canada in relation to the acquisition of a s.28 (2) *Indian Act* permit?
- b. Although a preferred route has not been chosen at this juncture, has the Applicant investigated whether individual Certificate of Possession holders might be affected and if so, what risk does that present to the Project and how does EWT LP propose to address that risk?

**19. Reference: Part B, Exhibit 9, “Landowner, Municipal and Community Consultation”, p. 19 of 37 lines 3-7**

To what extent have potentially aboriginal communities been consulted in siting potential routes to date?

**20. Reference: Part B, Exhibit 9, Appendix 9A, “Environmental Assessment Process”, p. 23, lines 20-24**

- a. Who are the “aboriginal leaders” involved in preparing TK Agreements?
- b. Will TK Agreements be conducted for every potentially affected aboriginal community? If not, what factors will determine the need and/or scope of TK Agreements?
- c. Does EWT LP draw a distinction between the TK Agreements noted and the Land Use and Occupancy Agreement referenced in SVS’s Consultation Plan (Consultation and Communications Plan, p. 25)? If so, please explain.
- d. Who will populate the Aboriginal Steering Committee?

**21. Reference: Part B, Exhibit 10, “First Nation and Métis Consultation”, p. 7 of 16**

- a. Are requests for funding for community participation in consulting programs part of development costs?
- b. EWT LP indicates it will provide “access” to funding and programs for “appropriate” training and capacity development. Please advise what EWT LP means by “access” and “appropriate”.

**22. Reference: Part B, Exhibit 10, pp. 6 - 7 of 16; Part B, Exhibit 10, Appendix 10A, “First Nations, Métis and Public Consultation Plan”**

- a. Who will populate the team engaging in aboriginal consultation activities? Does this team differ from the team responsible for undertaking consultation with non-aboriginal stakeholders? If so, please explain.

- b. Please clarify the respective roles of the Aboriginal Steering Committee, Community Project Liaisons, SVS, Bamshukwada and any others who are involved in developing and implementing consultation plans and how these various participants will work together? Does the membership of the consultation team differ depending on which community is being engaged?
  - c. Will the Six Project Liaisons be involved in reaching out to all potentially affected communities (aboriginal or otherwise)?
23. **Reference: Part B, Exhibit 10, Appendix 10A, First Nations, Métis and Public Consultation Plan, pp. 11-12**

What is the “Project Team” in the context of the Consultation Plan and who is on it?

24. **Reference: Part B, Exhibit 10 “First Nation and Métis Consultation”, p. 8- 9 of 16**

Has EWT LP developed protocols to protect sensitive information and /or to preserve confidentiality of TK where appropriate? If yes, please describe.  
Who will have ownership over the studies conducted and the data compiled?

25. **Reference: Part B, Exhibit 10, Appendix 10A, “First Nations, Métis and Public Consultation Plan”, p. 23**

Describe how the Aboriginal Relations Policy will be developed?

26. **Reference: Part B, Exhibit 10, “First Nation and Métis Consultation”, p. 1 of 16, lines 5-13, 19-24**

What guarantee or evidence does the Applicant offer that the commitment to take into account environmental, land-use, cultural, and socio-economic issues of vital

importance to the First Nations and Métis communities will be honored via the consultation process?