

1 **Ontario Energy Board (Board Staff) INTERROGATORY #1 List 1**

2
3 **Interrogatory**

4 *References: (1) Exhibit A, Tab 1, Schedule 1, Page 5, Par. 11*

5 *(2) Decision From the Niagara Escarpment Hearing Office, dated July 12,*
6 *2010*

7
8 **Preamble**

9
10 In Reference (1), Hydro One advised that the Niagara Escarpment Commission's
11 ("NEC") decision to grant a development permit for the Project is currently under appeal.
12 As a result, 13 properties within the Niagara Escarpment Planning Area (the
13 "Properties") have not been included in the application. Hydro One further submitted,
14 that depending on the timing and outcome of this appeal, Hydro One will advise the
15 Board of whether revisions will be made to the application or if a separate application for
16 expropriation authority in respect of such properties will be necessary.

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18 On July 13, 2010, Hydro One filed with the Board, a written decision (Reference (2))
19 from the Niagara Escarpment Hearing Office (the "NEC Decision"), dated July 12, 2010,
20 concerning motions that requested, among other things, adjournment of the NEC appeal
21 process. In that decision, the proposed motions were dismissed.

22
23 Board staff requires clarification regarding the status of the above, including Hydro
24 One's expected process and timing for acquiring the property/easement rights for the
25 Properties.

26
27 **Questions / Requests**

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29 Since the motions mentioned in the preamble have been dismissed, what is the current
30 status of the NEC's appeal process regarding the Properties? When is this expected to
31 be resolved?

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33 **Response**

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35 The hearing regarding the requests to appeal the Niagara Escarpment Commission's
36 approval of Hydro One's development permit ended on April 6, 2010. It is Hydro One's
37 understanding that the Hearings Officer is in the process of preparing his report. Hydro
38 One does not know the precise timing of the release of the Hearings Officer's report.

APPENDIX

Hydro One Networks Inc.
H/S/2008-2009/269

CONDITIONS OF APPROVAL

1. Non-fulfilment or breach of any one of the conditions shall render the Development Permit void.
2. A site inspection(s) to the property may be undertaken by the Niagara Escarpment Commission to ensure that the development complies with the conditions of the Development Permit. Persons may accompany the Commission representative on the site inspection(s) who possess expert or special knowledge related to the conditions of the Development Permit.
3. No building permit or other licence, certificate, permit or other similar permission relating to development shall be issued or be considered to be in force unless a Development Permit is in effect.
4. The Development Permit shall expire three years from its date of issuance unless the construction has been completed and the hydro transmission line is in place.
5. Development shall take place only in accordance with the site plan(s) and development permit application submitted (except where special conditions are to apply as noted below).
6. No grading of the existing contours of the lot in the area of the development is permitted, with the exception of that which is required for the installation of the 500 kV hydro transmission line in the widened transmission corridor, construction of tower foundations and necessary work space associated with the construction, conductor and wire installation, any proposed new accesses, vegetation clearing and trimming exercises, vegetation re-planting, and post-development rehabilitation and site stabilization.
7. No trees other than dead or diseased trees shall be cut or removed from the lot in the area of the development except those absolutely necessary for the installation of the 500 kV hydro transmission line in the widened transmission corridor, construction of tower foundations and necessary work space associated with the construction, conductor and wire installation, any proposed new accesses, vegetation clearing and trimming exercises, vegetation re-planting, and post-development rehabilitation and site stabilization.
8. Screening, landscaping and rehabilitation shall be completed by the end of the growing season immediately following the completion of the development (see Conditions 9 and 10).

NOTE: The Commission recommends that for major trees, species native to the area shall be used rather than exotic species.

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CONDITIONS OF APPROVAL

9. **Prior to the issuance of a Development Permit**, the applicant shall submit for the review and approval of the Niagara Escarpment Commission (NEC), a Vegetation Inventory, Impact Assessment and Preservation Plan to be prepared by a qualified Landscape Architect or Arborist. At minimum, the Plan shall refer to and require the following:
- i. Subsequent to the completion of the works, including mitigation, a letter certifying the work has been completed in accordance with the approved plan is to be provided to the NEC by the consulting Landscape Architect or Arborist;
 - ii. Prior to commencement of construction, protective fencing shall be installed and inspected by the consulting Landscape Architect or Arborist and a confirmation letter to be provided to the NEC;
 - iii. Any vegetation that is noted for preservation but is damaged from the construction process shall be replaced. All trees shall be replaced on a per caliper basis.

Once approved this Plan shall form part of this Development Permit.

10. **Prior to the issuance of a Development Permit**, the applicant shall submit landscape construction drawings for the review and approval of the Niagara Escarpment Commission (NEC). The drawings shall address all plantings associated with project screening and mitigation requirements consistent with the Sensitive Natural Features Mitigation Plan, as approved by the NEC, and be prepared by a qualified Landscape Architect or Arborist. At minimum, the drawings shall include and require the following:
- i. Installation of all planting materials shall be completed within the first growing season (May to October) following completion of the transmission line;
 - ii. All planting materials shall be guaranteed for a minimum of 24 months following installation. During this period, any material that is found to be dead or dying shall be replaced with a size and species satisfactory to the Commission.
 - iii. Subsequent to the completion of the works, the consulting Landscape Architect or Arborist shall provide a letter to the NEC certifying that the work has been completed in accordance with the approved Plan.

Once approved this Plan shall form part of this Development Permit.

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CONDITIONS OF APPROVAL

11. Prior to the issuance of a Development Permit, the applicant shall submit for the review and approval of the Niagara Escarpment Commission, in consultation with the Credit Valley Conservation and Conservation Halton, a Hydro Corridor Vegetation Maintenance Protocol setting out alternative maintenance practices for the management of the vegetation within the existing and proposed hydro corridor. The protocol shall include, but will not be limited to, the following:

- a) The retention of all existing compatible vegetation as set out in the approved documentation that results from the completion of Condition 9 and Condition 12 herein.
- b) The retention of all new vegetation (planted) as set in the approved drawings that result from Condition 10 and Condition 12 herein.
- c) A detailed prescription setting out, among other matters, compatible species to be retained, maximum brushing out heights, clear cutting prohibitions and applications (mechanical) for Hydro One Inc. or their designate to implement in the maintenance and management of the vegetation within the corridor for life of the Hydro facility.

Once approved this Plan shall form part of this Development Permit.

12. Mitigation for all natural features within the Niagara Escarpment Planning and Development Area shall follow the Sensitive Natural Features Mitigation Plan, submitted for the review and approval of the Niagara Escarpment Commission, in consultation with the Credit Valley Conservation, Conservation Halton and the Ministry of Natural Resources.

Once approved this Plan shall form part of this Development Permit.

13. Prior to commencement of any further construction associated with the project, the applicant shall receive the approval of the Ministry of the Environment on the final Environmental Assessment document currently under review pursuant to the *Environmental Assessment Act*.

The applicant shall adhere to the conditions to be placed on the construction by the Ministry in addition to the conditions to be placed by the Niagara Escarpment Commission on the Development Permit.

The Niagara Escarpment Commission shall be provided with a copy of the final Ministry decision.

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CONDITIONS OF APPROVAL

14. Prior to commencement of any further construction associated with the project, the applicant shall obtain all other regulatory permits, certificates, approvals, as the case may be, including those from the Conservation Authorities (Conservation Halton and the Credit Valley Conservation), and a Permit-to-Take-Water (PTTW) from the Ministry of the Environment if dewatering of more than 50,000 litres (10,998 Imperial gallons) is anticipated.

The Niagara Escarpment Commission shall receive copies of all the other Permits certificates and approvals once issued.

15. Prior to commencement of any further construction associated with the project, the applicant shall provide the Niagara Escarpment Commission with a mitigation and restoration plan of tower site 665 for its review and approval, in consultation with the Credit valley Conservation.

Once approved this Plan shall form part of this Development Permit.

16. The applicant shall obtain all necessary easements, agreements or similar authorizations with the affected property owners.
17. The applicant shall satisfy the Regional Municipality of Halton, Conservation Halton, Credit Valley Conservation, Town of Halton Hills and Town of Milton with respect to the timing preparation and selection of programs pertaining to the Biodiversity Initiative.

NOTE: The Niagara Escarpment Commission (NEC) has an interest in participating in the Biodiversity Initiative review process. The NEC encourages restoration and stewardship projects within the area of the Niagara Escarpment Plan (NEP) that support the purpose and objectives of the NEP. This may include projects that contribute to achieving the objectives of the NEP such as the enhancement of the quality and character of natural streams and water supplies and projects that would provide opportunities for outdoor recreation and public access to the Niagara Escarpment. Hydro One is encouraged to expand the Biodiversity Initiative to include public land securement, including lands that may be needed for the Bruce Trail Corridor.

18. This conditional approval shall be void if a Development Permit is not issued within one (1) year of the date of confirmation of the decision. This date may be extended should there be other hearings, actions or litigation related to the final approval of the project. Such extension shall be for six (6) months beyond the final decision related to other hearings, actions or litigation involving this project.

1 **Ontario Energy Board (Board Staff) INTERROGATORY #4 List 1**

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3 **Interrogatory**

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24 One's expected process and timing for acquiring the property/easement rights for the
25 Properties.

26
27 **Questions / Requests**

28
29 If applicable, does Hydro One intend to revise the current application or file a separate
30 application with the Board, if voluntary settlements are not reached with some or all of
31 the owners of the Properties? Please provide the expected timing.

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33 **Response**

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35 As of the date of filing this response, there are two Niagara Escarpment property owners
36 with which Hydro One does not have a voluntary agreement. Hydro One is continuing its
37 efforts with those owners to secure agreements.

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39 The decision on whether to file a separate application or revise the current one is
40 dependent on the result and timing of the NEC appeal decision.