



The Joint Board

THE CONSOLIDATED HEARINGS ACT, 1981

ONTARIO HYDRO

EASTERN ONTARIO

TRANSMISSION SYSTEM EXPANSION

REASONS FOR DECISION

ROUTE STAGE (EAST SECTION)

Before: D.S. Colbourne
B.E. Smith
D.H. McRobb

January 14, 1986

5th Floor,
1 St. Clair Avenue West
TORONTO, Ontario
M4V 1K7

IN THE MATTER OF Sections 2 and 3 of the (Consolidated Hearings Act, 1981 (S.O. 1981, c.20)

- and -

IN THE MATTER OF Section 12(2) and (3) of the Environmental Assessment Act (R.S.O. 1980, c. 140)

- and -

IN THE MATTER OF Sections 6, 7 and 8 of the Expropriations Act (R.S.O. 1980, c. 148)

- and -

IN THE MATTER OF an undertaking of Ontario Hydro consisting of the planning of, selection of locations for, acquisition of property rights for, and the design, construction, operation and maintenance of additional bulk electricity system facilities in Eastern Ontario consisting of switching and transformer stations, communications and control facilities, transmission lines and related facilities

APPEARANCES:

Bruce Campbell and Laura Formosa – for Ontario Hydro

Janet Pounder – for the Ministry of Energy

Ernest L. McArthur – for the Regional Municipality of Ottawa-Carleton

Dr. Lois K. Smith – Agent, on her own behalf

REASONS FOR DECISION

These Reasons for Decision concern the second and final phase of the hearing in the second or "route stage" of the process adopted for considering the proposed Ontario Hydro undertaking in Eastern Ontario.

This phase deals with the selection of a route between Hawthorne T.S. at Ottawa and St. Lawrence T.S. at Cornwall (East Section). The various alternative routes including Hydro's preferred route are shown graphically on Exhibits 291, 297, 310, 320, 321, 322, 331, 333, 336, 337, 338 and 340.

Route Selection (East Section Hawthorne T.S. to St. Lawrence T.S.)

The methodology employed with respect to alternative corridor and route selection and evaluation and ultimately the selection of a preferred route is the same as that used in the West Section route selection and which the Joint Board found to be appropriate and acceptable.

Three main east-west corridors were identified: the Highway 417 corridor running from Hawthorne T.S. along the highway to Point E just east of Casselman; the 230 KV line corridor paralleling the existing 230 RV line from Hawthorne T.S. to St. Lawrence T.S., and the 115 KV corridor following the existing 115 KV line from Hawthorne T.S. to St. Lawrence T.S. Six north-south corridors were identified to provide links between the three main east-west corridors. One other east-west corridor linking two north-south corridors was also identified.

The corridors were reviewed by the Regional Committee, a group of regional and local organizations and municipalities, and by the public through a series of eleven Municipal Participation Centres.

The east-west 230 KV line corridor, two north-south corridor links, and the east-west corridor linking the two easterly north-south corridor links were eliminated from further study. The existing 230 KV line is one of the critical bulk power transmission lines supplying the Ottawa area, and to ensure system security a new 500 KV line could not be consolidated with the 230 KV line but would have to parallel it. As the existing 230 KV line is located on high quality agricultural land on a 36-metre easement diagonal to the property fabric, a new 500 KV line running parallel would require an additional right-of-way of 47 metres, resulting in the removal of more land from agricultural production and additional towers mid-field. Also, farm homes and buildings would be removed. The replacement of the existing 115 KV line to the south was considered by Hydro to be a more favourable alternative. With the elimination of the 230 KV corridor, two of the north-south corridors (CHL and DIM) became less important, and were thus eliminated. The east-west corridor link (JK) was eliminated as it would require a new easement, and the alternative corridor (JNJ) was considered to be superior as it utilizes an existing right-of-way along NO. Routes were located in each of the remaining corridors.

The routes were reviewed by the Regional Committee and by the public through a series of Municipal Participation Centres and comments received were considered by Hydro. The 115 KV route was generally preferred.

With the comments received during the public review and the base data already used to identify alternative routes and new detailed information obtained as a result of specific locational concerns, Hydro undertook an evaluation of the routes. The criteria used to evaluate the routes included the effects of the line on land use and the environment and on the socio-economic base of the community, together with cost/technical considerations, public comments and the utilization of existing transmission line facilities. This process involved firstly an evaluation of sub-routes in three areas. Two sub-routes in the Ottawa area, AFG and ABG were compared with ABG being preferred. Three sub-routes in the Cornwall area, PP₁Q₁R, PP₁R and PQQ₁R were compared with PP₁Q₁R being preferred. Three sub-routes in the Casselman to Cornwall area, ENOR, ENQQ₁R and EOR were compared with ENQQ₁R being preferred. The two main east-west routes, the Highway 417 route (ABENQQ₁R) and the 115 KV route (ABGPP₁Q₁R), were then compared with the 115 KV route selected as the preferred route and thus Hydro's recommended route.

Telecommunications Facilities

A terminal microwave station is required at St. Lawrence T.S. and one repeater station between Hawthorne T. S. and St. Lawrence T.S. is necessary. No alternative sites were identified for the station required at St. Lawrence T.S. because of technical considerations. Eight alternative sites were identified for the repeater station. Site C1 at Chesterville T.S. was selected. It is on Hydro-owned property and considered to have excellent site conditions as well as being the lowest cost.

Transformer Stations

The terminal points for the transmission line are the existing Hawthorne T.S. and St . Lawrence T.S. No additional property rights are required other than those at Hawthorne T.S. which were approved by the Joint Board in the west section route stage decision.

The Regional Municipality of Ottawa-Carleton

The Region again strongly supports the need for new transmission facilities into the Ottawa area. It also supports Hydro's preferred route.

Site Specific Concerns

National Capital Commission

At the hearing on September 12, 1985, counsel for the National capital Commission (N.C.C.) informed the Joint Board that Hydro' s preferred and alternative route, utilizing the AB link through the N.C.C. lands was not acceptable to the N.C.C. executive. The executive is unwilling to recommend to the Governor in Council that an easement be granted to Hydro for either route in that location. Although Hydro and N.C.C. have had discussions with respect to the preferred route and N.C.C.'s concerns, apparently at no time prior to this late stage of the hearing had N.C.C. actually informed Hydro of its intransigent position with respect to the AB portion of the preferred route. There is no objection by N.C.C. to Hydro's alternative link AF as it does not cross N.C.C. lands to any extent.

Although unnecessary in light of the foregoing, N.C.C. presented evidence in support of its position against the preferred route and also with respect to its recommended route. The N.C.C. lands crossed by AB include farms, woodlots and conservation areas. Of particular concern is the visual impact of the towers as seen from the Ramseyville Marsh and the Mer Bleu Interpretation Centre.

It was N.C.C.'s evidence that their recommended route AZY would be shorter, have less effect on the environment and, as the existing 230 KV right-of-way would be used for a short distance, less land would be required for increased right-of-way. It was also N.C.C.'s position that where this route follows the existing 230 KV line within their area of control, the new line must be located on the south side of the existing right-of-way.

Faced with this N.C.C. position, Hydro had to identify and evaluate new alternative routes to get from Point Y (exit point from N.C.C. lands) to its preferred route along BG and to the alternative 417 route. Additional notice to affected property owners of these new alternatives was given. On September 25, 1985, Hydro presented three alternative routes to connect Point Y to its preferred route and one to connect to the 417 route. These routes were evaluated and compared using the same methodology employed to evaluate and compare the alternative routes originally identified. Alternative A from Y to Y₁ was selected as the preferred link back to the preferred 115 KV route and, as well, this route was preferred over the 417 route as realigned by the link Y Y₂ B₁ 8₃. These routes and the detailed evaluation are contained in Exhibit 321. Two of the newly analyzed alternatives,

A and B, require two residential removals - Bendaruk and Donald Patterson. Alternative C requires only Bendaruk. Mr. Hearty (originally a removal, now in proximity after a more detailed survey) and Mr. Anderson, both adjacent to Mr. Bendaruk, and Mr. Donald Patterson, objected to these realignments and to N.C.C.'s position which they see as the instrument of their loss.

Ontario Land Corporation

The Ontario Land Corporation (O.L.C.) owns considerable land which was originally acquired for a new community. The future use has not yet been determined but it may be disposed of or developed. If developed, the proposal under review is a core rural village with surrounding farms. The existing 230 KV line goes through the lands but avoids the proposed village area. The existing 230 KV line goes through the lands but avoids the proposed village area. The originally preferred Hydro route (the BG link) cuts through the proposed village area, and was therefore not acceptable to the Corporation. It would prefer that the 230 KV line be paralleled or another route off its lands be selected.

The alternative A selected by Hydro to connect from Y to Y₁, as a result of the N.C.C. position, would follow the 230 KV line through O.L.C. lands and avoid the proposed village area. The alternatives that would cause a problem for O.L.C. would be the selection of C or the 417 route whose link Y₂B₁ would run through the area of the proposed village core.

Final Route Selection

Following announcement of N.C.C.'s position on link AB September 12, 1985, an adjournment was granted to allow Hydro to determine possible routes from Point Y to join that point with the balance of its preferred route (115 KV) and the balance of the alternative route (Hwy. 417). As well, although notice had been duly given, the Board instructed Hydro to give additional notice by mail to owners affected by the altered routes.

Hydro returned with three alternatives A, B, and C to link Point Y (exit from N.C.C. lands) to the 115 KV line alignment. The link Y2B1 utilized in Alternative C is also utilized in the new connection to the Highway 417 alternative between Points YY₂B₁B₃.

From Point Y and through the N.C.C. lands, Alternative A is to be located on the south side of the 230 KV line and it will continue along through Point Y2 to Point Y1, the point of intersection with the original 115 KV proposal, north and west of Point G.

From the same point, Alternative B is to be located on the north side of the 230 KV line. Its most significant difference from Alternative A, other than perhaps changing some proximity situations, ("in proximity", by Hydro's definition, means those residential buildings situated within 250 feet of the proposed right-of-way and also situated on property crossed by the proposed right-of-way), is

that it crosses the 230 KV line at two points, Y and Y1, and for that reason it was rejected on a comparison with Alternative A. The board accepts that selection between those choices for that reason.

Alternative C follows the south side of the 230 KV line from Point Y to Point Y2. At this point it swings northeasterly to Point B1, to intersect with the original 115 KV link BG.

The new route for the Highway 417 alternative utilizes the Y2B1 link involved in C and thereafter proceeds to intersect with the old 417 alternative at Point B3. The comparison of A to C, since it involves the same link Y to B1 integral to the Highway 417 route, involved consideration of the following. Submissions concerning the new alternatives were heard from Messrs. Kloepfer, Jutea, Anderson, Hearty, Pitman, Bendaruk, D. Patterson and C. Patterson. Hydro's originally preferred and alternative routes utilized a common link between Points A to B. The alternatives now share link AZYY2. The relevant changes in the analysis of the 115 KV and 417 routes result from the differences between points Y2 and Y1 for the former and Y2B1B3 for the latter.

The new evidence with respect to impacts heard during the last two weeks in respect of this comparison (Y2Y1 and Y2B1B3) would appear to pit the interests of the Ontario Land Corporation against the Pattersons, Backes, and Mr. Pitman. O.L.C., which originally opposed the preferred route since it was to proceed through the proposed

village centre area, now opposes the 417 route which utilizes the link common to Alternative C, and the 417 route which proceeds through the proposed village centre.

In respect of individual concerns, those of the Backes' appear capable of solution through the acquisition of a building lot from O.L.C. and moving their dwelling to that new site. The Donald Patterson situation, a residential removal, now appears solved by an option to purchase to be exercised by Ontario Hydro in the event the preferred route is selected. The solution for Donald Patterson would therefore not in any way require alteration of Hydro's proposal, and thereby would not differently impact Charles Patterson as relief for Donald Patterson might entail.

The foregoing reasons concerning link Y2B1 and the necessity to cross the 230 W line at Point Y, in our view, supports Hydro's selection of A as the most appropriate alternative for the 115 KV line in this location.

These same concerns of link Y2B1 now apply to the Highway 417 route. Additionally, the final analysis of the routes indicates fewer numbers of properties affected by the 417 (179 versus 241). The selection of the 417 alternative would involve more newer impacts as against those of the 115 route whose impacts are additions to present ones. The 115 KV route is now proposed to be adjacent to the 230 KV line from Highway 417 to Point Y1, and from Point G to Cornwall, and for the majority of that latter distance it will replace the 115 KV line. This feature of added rather than new impacts was one of the

major reasons for the selection of the preferred route. Nothing in any of the evidence during the entire proceedings challenged Hydro's preference for the overall 115 KV route. In our opinion the evidence of those row affected between Points Y2 and Y1 has not altered that preference over the 417 route.

In the Board's view one of the most critical comparisons in light of the later evidence is that between AF and the worst case scenario of AZYY2Y1G, (the now preferred route created by N.C.C.'s position). Indeed if this comparison supported AFG in light of the new environmental and other conditions applicable to the altered preferred route AYG, then the concerns of individuals on alignment YY2Y1 would be solved. N.C.C. never objected to the AFG proposal. We have described Hydro's alternative as the worst case scenario having reference to its impacts on those persons at Leitrim Road as opposed to the three alternatives to A, suggested by them to avoid the impacts on their properties. In the Board's view the Hearty, Bendaruk and Anderson proposals and the Hearty shift (Hydro's addition) are and should be considered as potential relief from Hydro's Alternative A and only in that light in a final comparison with A, if necessary.

The summaries and analysis applicable to the comparison AFG and the new AYG are those contained on pages 7, 8 and 9 in Exhibit 321, as altered by page 10 of Exhibit 340. These exhibits indicate that the major alterations to the original comparisons between AFG and ABG (now AZY2Y1G) which favoured ABG has added the unfavourable impacts of two residential removals, and two residential and one farm proximities.

The new alternative retains the original advantages in respect of recreational resources, especially those applicable to the N.C.C. foot trail impacts. The areas of impact on residential development do not change. The cultural landscape and biological resource impacts are further reduced for the new proposal. In addition to the continuing concern of the airport beacon, there would be added the potential for the Department of National Defense (DND) concerns of proximity to Canadian Forces Base (CFB) Leitrim. In addition to others there was another last minute arrival in the process in the form of DND who put forward the position that a minimum distance separation was required from CFB Leitrim. This position was altered subsequently at that same hearing by Lieutenant Colonel G.L. Mowry. The preference of DND is for the AZYY2Y1G route, new 115 KV route over the AFG alignment for reasons of distance separation. This was subsequently confirmed by letter to the Joint Board dated October 20, 1985.

The factors of agriculture and appearance of the landscape indicate added unfavourable impacts for the new preferred route. In respect of agriculture, the balance in favour still remains with the new proposal for reason of the greater potential for lessening impacts in paralleling the 230 KV line and its greater distance as against paralleling the 115 KV line between points F and G. As well, that area between A and F is a new impact as against added impact between 417 Highway and Point Y1. The area of N.C.C. public lands is greater in the diagonal ZY than in the link AF and thereby the impacts are on more public rather than private lands. Overall, in our opinion in view of these points, the selection of AZY2Y1G is reasonable and appropriate.

The Board, having agreed to the ultimate selection by Hydro of the new 115 KV alignment, must then deal with the alternatives which were submitted by Messrs. Hearty, Bendaruk and Anderson in respect of their properties situated on Leitrim Road. Although this input was late in the proceedings, the presentation was one of the most extensive given. These submissions are briefly highlighted in the Summary of Evidence of Participants. At that time Mr. Hearty, in addition to the initial concern of loss of home, recommended an alternative route. A further adjournment was granted for the purpose of allowing Hydro to analyze that suggestion. On resumption on October 10 at Metcalfe, Messrs. Hearty, Bendaruk and Anderson proposed three alternatives (Exhibit 330) to Hydro's preferred Alignment A.

Two of their alternatives involve Alignment A1. The recommendations analyzed by Hydro dealt firstly with placing the new 500 KV line on the A1 alignment . Another alternative recommended transfer of the existing 230 KV line onto wooden poles on the A1 alignment, while placing the new 500 KV line within the present 230 KV right-of-way, utilizing higher towers, if necessary, to remain within the present right-of-way.

Their third recommendation involved utilization of an abandoned railway right-of-way from its point of departure from the Canadian National (C.N.) main line just east of Hawthorne T.S. to its intersection with Anderson Road (south of Leitrim Road). This proposal would then go easterly to join Hydro's A alignment.

Hydro, in its review of these proposals, also suggested and provided an analysis of an adjustment to their Alternative A which they described as the Hearty shift. This shifts the new right-of-way slightly to the north at Leitrim Road. This was suggested in response to the initial requirement to remove the Hearty residence. This proposal either trades impact from Hearty to Anderson or merely adds the Anderson impact. The fact that in the ultimate it accomplishes nothing but adds cost, in our view, supports its elimination as a choice.

All of the foregoing proposals presented by the residents on Leitrim Road were for the specific purpose of avoiding additional tree cutting in the Pine Grove Forest Reserve and the removal of one residence. As well, it would avoid the proximity impacts on the Hearty residence.

The proposal for utilization of the railway right-of-way, other than the advantages which were applicable to all the other alternatives, was suggested as being appropriate because it was understood to be presently, at least partially, used by another utility, and thereby would create a utility corridor and its alignment was indeed a straight one.

The Board was not afforded the position of N.C.C. with respect to the utilization of the alignment of the railway right-of-way and can only point to a possible concern when this proposal places a second line through the N.C.C. lands. This was, as the Board understood it, part of the rationale for N.C.C. preferring the paralleling of the 230 KV right-of-way.

In response Hydro suggests that at or close to Hawthorne T.S. the crossing of Highway 417 would require several severe angles, thereby involving larger towers and greater visual impact because of the bulk and number of the towers required for the crossing. In addition, these angles would be on agricultural lands in that area. The proposal Hydro suggests would also, in some way, affect or diminish the ability to use the railway right-of-way used presently for the purpose of a hiking trail.

In our opinion, the uncertainty of ownership of the right-of-way, the conflict suggested between utilities, the unresolved position of N.C.C., the additional adverse impacts on agriculture and the visibility factor, rules against the utilization of the railway right-of-way alternative.

With respect to the utilization of the A1 alignment in either fashion, it is suggested the rerouting of the 230 KV line onto wooden poles would somewhat reduce the new impacts on the agricultural lands which would be additionally impacted with either choice. Of the two proposals Hydro prefers the routing of the 500 KV onto the A1 alignment leaving the 230 KV on its present alignment. This would not require any crossovers of lines. This proposal would have the greater added agricultural impact and increase the cost by about \$1,000,000 to the base cost. The transfer of the 230 KV line onto the A1 alignment, retaining the present right-of-way for the 500 KV line, would add \$600,000 in costs to the project.

With respect to the Pine Grove Forest Reserve concerns, that is the responsibility of N.C.C., and their initial response indicated no special concern as to the impacts on that forest.

The evidence of Hydro regarding utilization of the A1 alignment in addition to the matters already set out indicated greater visual impact by the islanding effect, that is, certain lands would be surrounded on all sides in a fairly narrow area by Hydro lines and those lands within and surrounding would have a greater and wider visibility of several lines.

In argument, it was suggested by Hydro that the added cost of either A1 alignment is not warranted considering the impacts on those residences on Leitrim Road. Although cost has always been an ingredient in these hearings, this Board has never considered it to be necessarily an overriding concern. However, in these circumstances, although the reality of a loss of dwelling for Mr. Bendaruk and the impacts to be experienced by Mr. Hearty were only recent, they are not the first removals or properties to be impacted that have had to be considered in the overall hearing.

Having regard for the options now available to Mr. Hearty, as set out in Hydro's letter of October 3, 1985, and having considered all the impacts with or without those options, we are of the view that the extra costs involved in either A1 proposals are not warranted. We therefore reject the A1 alignments as alternatives.

Acceptance of the Environmental Assessment

As set out in the Plan Stage Reasons for Decision, the evidence and submissions presented at the hearing, as well as the documents entitled "The Environmental Assessment", are considered in enabling the Joint Board to reach a conclusion as to whether the environmental assessment is satisfactory to enable the decision to be made on whether approval to proceed with the undertaking should or should not be given, and whether or not a condition or conditions should be imposed.

The submission by N.C.C. required a major change in the alternatives to be considered. These further evaluations were made and filed as exhibits. Participants in the hearing also made certain site specific recommendations. These were also evaluated by the proponent. All of this evidence is part of the assessment process as transcribed and in our view, as such, it forms part of the written record. It is unnecessary, in our view, to modify the assessment documents to reflect the changes made at the hearing since the evidence and the exhibits in total form the environmental assessment. It is our opinion that the environmental assessment, as presented, is satisfactory to enable us to make a decision.

Approval to Proceed with the Undertaking

The issues at this stage of the eastern segment were a consideration of the constraint methodology applicable to the alternatives originally and subsequently proposed by the proponent in its selection of the preferred route. We accept the proponent's basis of selecting routes having regard for environmental concerns as were

used in the original corridor determination, together with a consideration of the socio-economic and cost technical concerns and public participation. We have considered the evaluations and comparisons made by the proponent in response to specific realignments proposed at various locations.

The logical progression of and the rationale for the staging of these hearings from those of the plan stage, and now the route stage hearings, was stressed by the Board in its earlier Reasons for Decision. At that time we considered that the approval then granted in our selection of Plan M3 was without constraint to future decisions. Having regard for that condition we are now of the opinion that there was nothing in the evidence and submissions provided during the route stage hearings (East Section) to prompt the Board to alter its earlier decision. In all of those circumstances therefore, the proponent's undertaking, its preferred route, now described as from Hawthorne T.S. through points Z, Y, Y2, Y1, and G thence along the existing 115 KV alignment (GPP1Q1R) to St. Lawrence T.S. is approved. The telecommunication sites and stations as submitted are approved as part of the undertaking.

Ontario Hydro shall prepare and submit to the Board a map showing the location of the route approved by these Reasons for Decision.

The Expropriations Act

Pursuant to the provisions of the Expropriations Act, we have concluded that in view of all the evidence, the taking of the lands is fair, sound and reasonably necessary to enable the undertaking to proceed.

As submitted during argument by counsel on behalf of the proponent, and in view of the issuance for all other purposes of the Reasons for Decision and the Decision of the Joint Board, the Joint Board defers to itself the exercise of its jurisdiction both as the Inquiry Officer in delivering its report to the Approving Authority, and as the Approving Authority when granting approval for the expropriations required for this undertaking. This is necessary in order to ensure that the three-month period set out in Section 9(1) of the Expropriations Act does not commence to run before the proponent has had sufficient time to complete the survey of the final right-of-way alignment and to prepare expropriation plans in a registrable form.

Terms and Conditions

The Joint Board shall issue its decision granting approval to proceed with this undertaking subject to terms and conditions with respect to the alteration of the centre-line of the right-of-way, compliance with the conditions of the environmental assessment, the property rights to be acquired by the proponent, the removal of the existing 115 KV line, the tower types and right-of-way widths, modification and relocation of existing facilities, and the decision of the approving authority under the Expropriations Act.

Costs

Costs were not requested at this stage of the hearing. There will be no order as to costs except the costs of transcribing the

proceedings. The costs of reporting will be apportioned with Ontario Hydro paying 75 percent, and the Joint Board absorbing the balance of the costs.

Dated at **TORONTO** this 14th day of **JANUARY, 1986**.

D.S. Colbourne,
Chairman

B.E. Smith,
Vice-Chairman

D.H. McRobb,
Member

APPENDIX

CH-81-01

Route Stage (East Section)

SUMMARY OF EVIDENCE OF PARTICIPANTS

(Other than National Capital Commission, Ontario
Land Corporation and Department of National Defence)

David John Wilson (representing Dibblee Construction Limited)

The company owns lands in Concession 7, lots 8 and 9, Osgoode Township which have been approved in principle by the Township for residential development. Sub-route AFG would go through these lands; therefore, the company supports Hydro's preferred route which follows sub-route ABG.

Leo Marion

Mr. Marion owns 50 acres, including a pit in Concession 4, Russell Township. The existing 115 KV line goes through his property and the preferred route would do likewise. He is concerned that the lines might affect his present operation and reduce future potential for the lands such as the development of a lake, beach and camping facility.

Ken Kingsbury

Mr. Kingsbury owns 250 acres across from Russell D.S. The existing 115 KV line crosses his property and the sub-route AFG would do likewise. However, if Hydro's preferred route, using sub-route ABG is selected, his property would not be affected. He therefore supports Hydro's preferred route.

Andre Quirouette (representing Russell Federation of Agriculture)

Opposes the 417 route as the farmers have recently been disrupted with the highway construction and this route would require more farm land. Supports the use of existing right-of-way.

Ron Schell

Owns Poplar Grove Golf Course located on the AFG sub-route. He therefore opposes this sub-route.

James Poushinsky

His property is located between sub-routes AFG and ABG. He considers that the preferred route would disrupt fewer people. He is concerned about spraying.

Peter D. Broadhead (representing Metcalfe and District Citizens Association)

Concerns re impact on farm land, spraying, health and quality of life. Considers the preferred route to have the least impact if a route is required at all.

John Van Dongen

Concerned with loss of trees for shade for his cows.

James Pendergast (representing Ontario Archaeological Society)

Interested in conservation of archaeological heritage. Hydro has agreed to conduct surveys in accordance with an understanding reached with the Ontario Ministry of Citizenship and Culture.

Ronald Drysdale

Owns property near Cornwall and believes that the proposed line will go through his property in the area of his garage. Would prefer that Hydro buy his entire property.

Willie M. Gillingham

Opposed to the easterly sub-route on the 417 route as it would be more expensive and affect more farm land and inhabitants. Also concerned about the effect of the lines on humans, animals and ham radios.

Vernon Brown

Owns 360 acres on the south side of Highway 401. The existing 115 KV line goes through his lands as would either the preferred 115 KV route or the 417 route. He prefers the 115 KV route as it is closer to Highway 401 through a wooded area.

Aurele Lamothe

The existing 115 KV easement is at the corner of his house. His concern was that the required right-of-way widening would mean the removal of his house; however, this is apparently not so as the right-of-way widening would be away from his house.

Amelia Legue

The existing 115 KV line is now some 200 feet west of her property and she does not want the new line any closer. Apparently the new line will actually be farther away from her property.

Michael Kloepfer

Prefers AFG sub-route.

Michael Hearty

Opposes route realignment required because of N.C.C. position with respect to a line across N.C.C. lands. On an initial review Mr. Hearty's house would be removed. This was altered to be in proximity after preparation of a survey (Exhibit 337). He suggested an alternative route which was evaluated by Hydro.

Philip Pitman

His 100 acre farm would be in proximity to the alternative routes made necessary by the N.C.C. position; however, his main concern would be the loss of buildings and apparently removals will not be required.

Eugene Bendaruk

The existing 230 KV line crosses within 200 feet of his cottage. The alternative routes made necessary by the N.C.C. position will affect his property and his plans to retire to this home.

Donald Patterson

The existing 230 KV line is now in front of his property and he is concerned that the alternative routes made necessary by the N.C.C. position may require the removal of his home.

Charles Patterson

Prefers the "C" route alternative made necessary by the N.C.C. position as it will affect fewer properties.

High Pearson

Presented a submission on behalf of Mr. and Mrs. Backes. In their submission (Exhibit 332), they indicate a preference for Route C which leads to the 417 route or a jog around their property in the 8th and 9th Concession.



The Joint Board

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ONTARIO HYDRO

EASTERN ONTARIO

TRANSMISSION SYSTEM EXPANSION

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APPEARANCES

1. Bruce Campbell and Laura Formusa – for Ontario Hydro
2. Janet Pounder – for Ministry of Energy
3. E. MacArthur – for Regional Municipality of Ottawa-Carleton
4. Dr. Lois Smith – on her own behalf

Pursuant to the Reasons for Decision delivered in connection with this matter, the Decision of the Joint Board is as follows:

DECISION

Route Stage (East Section)

The Joint Board accepts the environmental assessment submitted by the proponent, finds that the taking of lands is fair, sound and reasonably necessary to enable the undertaking to proceed, and grants approval to the proponent to acquire land for the undertaking by expropriation or otherwise and to proceed with the undertaking in accordance with the terms and conditions of approval set out in this Decision.

TERMS AND CONDITIONS OF APPROVAL

1. This acceptance and approval is in respect of the east section facilities to be located between Hawthorne Transformer Station (TS) and St. Lawrence T.S..

2. The centre line of the right-of-way for the east section 500 KV transmission line from Hawthorne T.S. to St. Lawrence T.S. shall be located along the recommended route identified as the revised 115 KV route. Specifically, the centre line shall be located within the boundaries shown on Exhibit 322 and, for those areas not shown on Exhibit 322, on Exhibit 300.

For illustration purposes only, the location of the approved route is shown on the map appended hereto as Appendix "A".

3.
 - i) If the proponent concludes that the centre line of the right-of-way ought to be located beyond the boundaries specified herein, it may file with this Joint Board the consent of each landowner on whose land the right-of-way is proposed to be located (referred to herein as a "directly affected landowner"), and the consent of any additional landowner whose lands are located within 120 metres of the amended right-of-way location (referred to herein as an "abutting landowner"), in which case the amended right-of-way location shall be deemed to have been determined by this Decision.
 - ii) When requesting the consent of any abutting landowners to an amended right-of-way location, the proponent shall advise such abutting landowners
 - a) that they have the option of either consenting to that realignment or, if they oppose the realignment, to have a Joint Board hearing convened to determine the final location of the right-of -way;

b) that their right to a hearing before a Joint Board expires unless the Hearings Registrar receives their request for a hearing by a specified date (which date shall be specified as the 21st day following the mailing of the request for consent); and

c) that if they do nothing, and the directly affected landowners consent to the realignment, then the realignment will be used for the right-of-way location

If the abutting landowners consent to the amended right-of-way or do not request a hearing, and if the directly affected landowners consent to the amended location, then the amended right-of-way location shall be deemed to have been determined by this Decision.

iii) In the event:

a) that consents from all directly affected landowners are not received by the proponent within 21 days of the date of mailing of the requests for such consents; or

b) that a request for a hearing is received by the Hearings Registrar from an abutting landowner within 21 days of the date of the mailing by the proponent of the request for consent to that abutting landowner;

and the proponent wishes to seek the realignment, then, on the notion of the proponent to the Hearings Registrar, a Joint Board shall be

convened and shall provide an opportunity for all "directly affected landowners", including those landowners located within the original boundaries specified herein, abutting landowners if any, and Ontario Hydro, to make representations as to the appropriate location for the right-of-way, the final location to be determined by a further Joint Board decision. The Joint Board hereby defers to itself, or such other Joint Board as may be constituted for the purpose by the Chairman of the Environmental Assessment Board and the Chairman of the Ontario Municipal Board, that part of this matter relating to any further decision required by this term and condition.

4. Except as provided by subsequent terms and conditions herein, the proponent shall comply with all of the filing, survey, construction, mitigation and related obligations set out in the environmental assessment document prepared by it. The staging of the construction of the facilities shall be at the discretion of the proponent.
5. With respect to the approved transmission line right-of-way, the property rights to be acquired by the proponent shall be the easement rights set out in Appendix "B" hereto, save and except that in any location where buildings or other structures are required to be removed from the right-of-way the proponent may acquire by expropriation the fee simple (full ownership) rights for the area of land bounded by a line drawn around and at a distance of 15 metres from such buildings or structures. Following the removal of such buildings or structures, the proponent is authorized hereby to dispose of all rights within such area other than the said easement rights on the right-of-way.

6. The proponent shall remove the existing 115 KV line between Russell D.S. and Point G and shall have the right to dispose of the property rights currently held in respect of that line segment.
7. With respect to the microwave facilities included in the undertaking, the microwave facilities to be constructed at Chesterville T.S. and St. Lawrence T.S. are hereby approved.
8. For the purposes of the Expropriations Act, in respect of each affected property this decision shall be deemed to have been received by the Approving Authority as of the receipt by the Joint Board of an expropriation plan in registrable form relating to that property. Also for expropriation purposes, the decision of the Approving Authority for each affected property shall be deemed to be made as of the execution by the Joint Board of the certificate of approval on an expropriation plan in registrable form relating to that property. Although issuing this Decision for all other purposes, the Joint Board by this term and condition hereby defers the exercise of its jurisdiction both as the Inquiry Officer when delivering the report to the Approving Authority, and as the Approving Authority when granting approval for the expropriations required for this undertaking. This deferral is required in order to ensure that the three-month period set out in Section 9(1) of the Expropriations Act, a section outside the scope of the Consolidated Hearings Act, 1981, does not commence to run before the proponent has had sufficient time to complete the survey of the final right-of-way alignment and to prepare expropriation plans in registrable form.

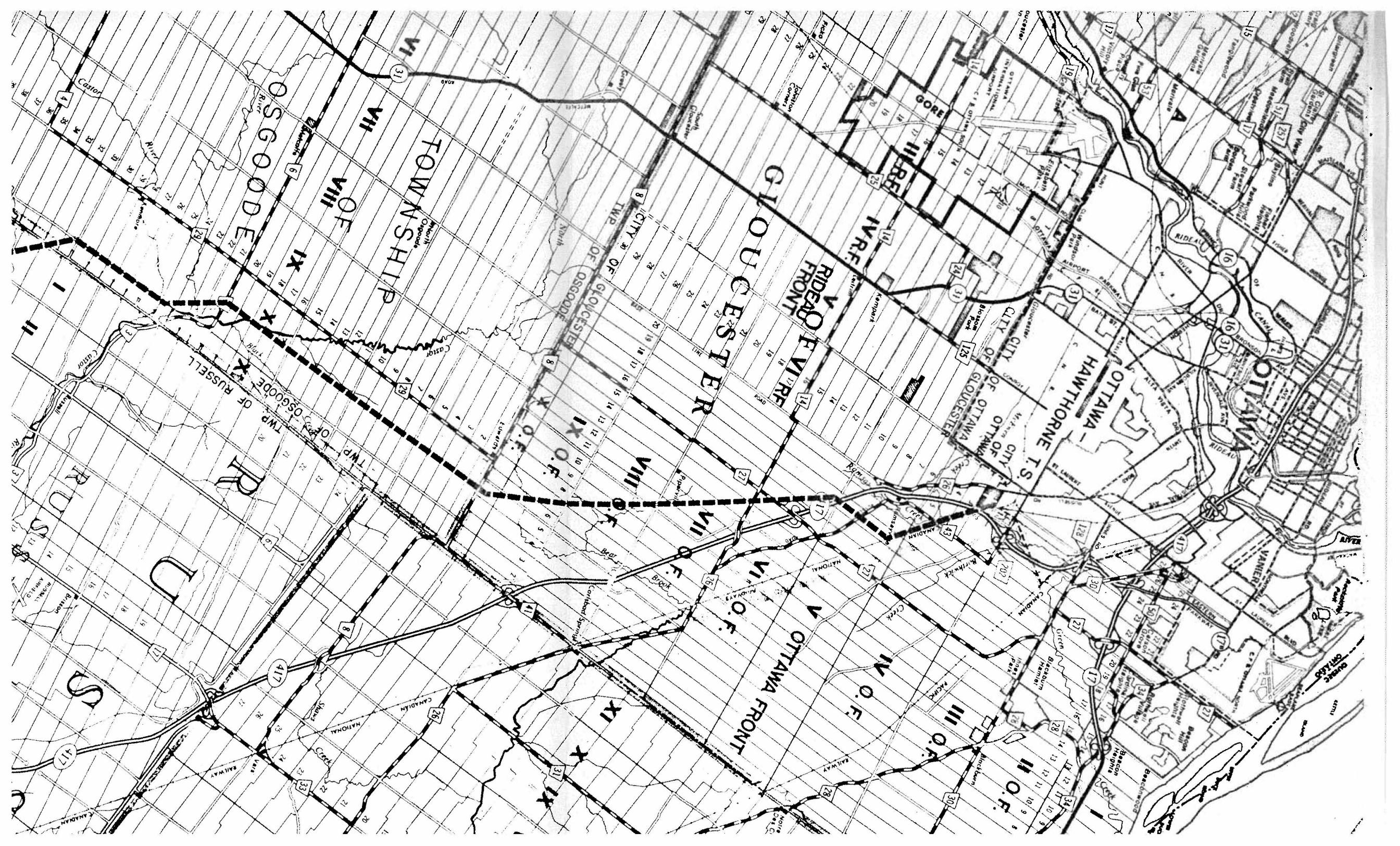
9. In all cases where easement rights are required by the proponent for this undertaking, the proponent shall have the further right to acquire fee simple (full ownership) rights should the owner of the land in question wish to convey such rights to the proponent, provided that any resulting severance would not contravene local planning policies applicable to such severances.
10. The layout and design of the additional facilities required for this undertaking at the various existing station locations shall be as determined by the proponent.
11. The tower types and right-of-way widths shall be as specified on Exhibit 322, and for those areas not shown on Exhibit 322, on Exhibit 300.
12. This approval extends to the modification and relocation of existing facilities, but only to the degree necessary for the construction, operation and maintenance of the undertaking.

THE FOREGOING IS THE DECISION OF THE Joint Board, delivered on the **29th** day of **JANUARY, 1986.**

D.S. Colbourne,
Chairman

B.E. Smith
Vice-Chairman

D.H. McRobb
Member



OSGOODE

TOWNSHIP

GLoucester

RIDEAU FRONT

OTTAWA FRONT

OTTAWA

HAWTHORNE

OTTAWA

OTTAWA

OTTAWA

VI

VII

VIII

IX

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A

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OSGOODE

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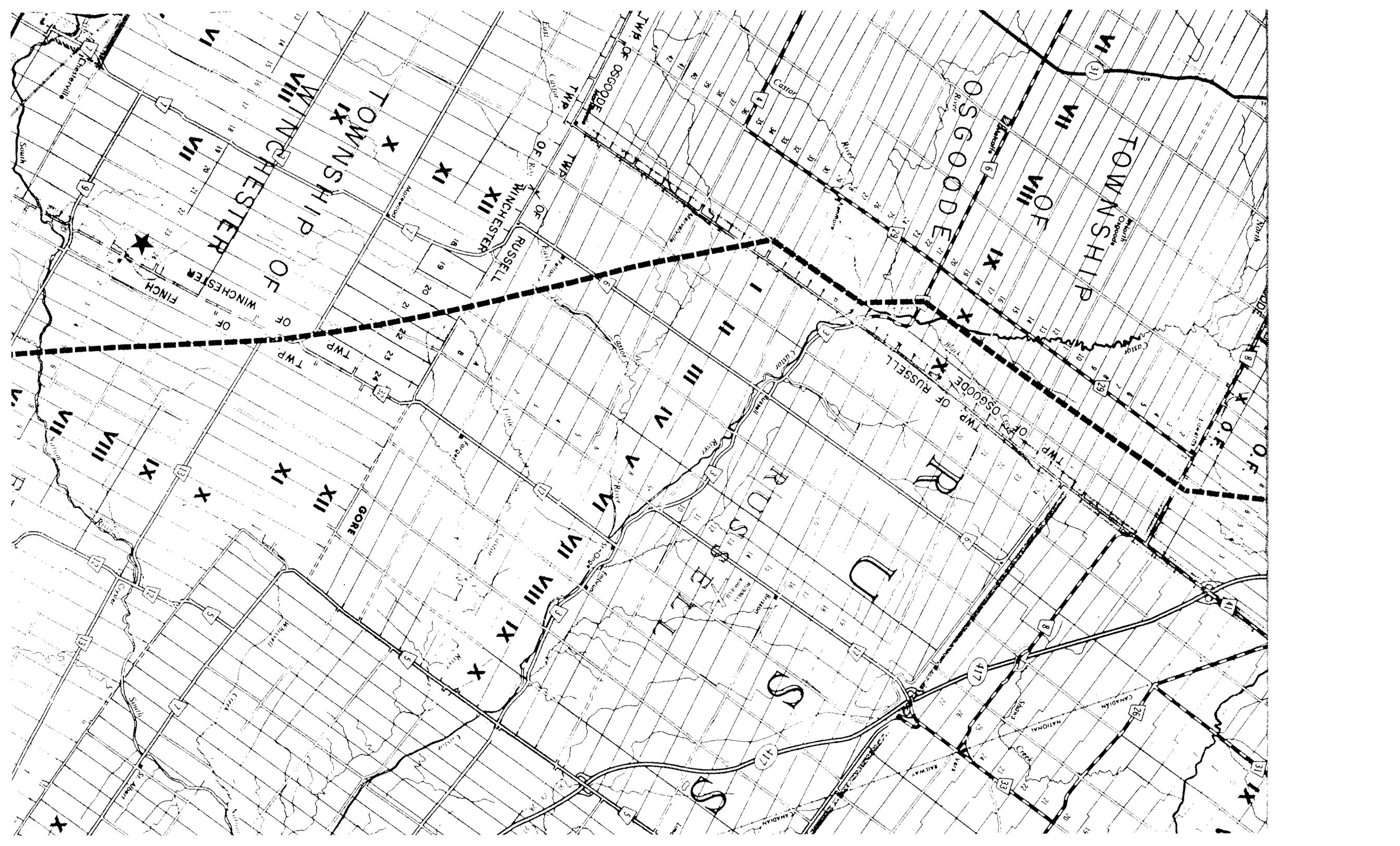
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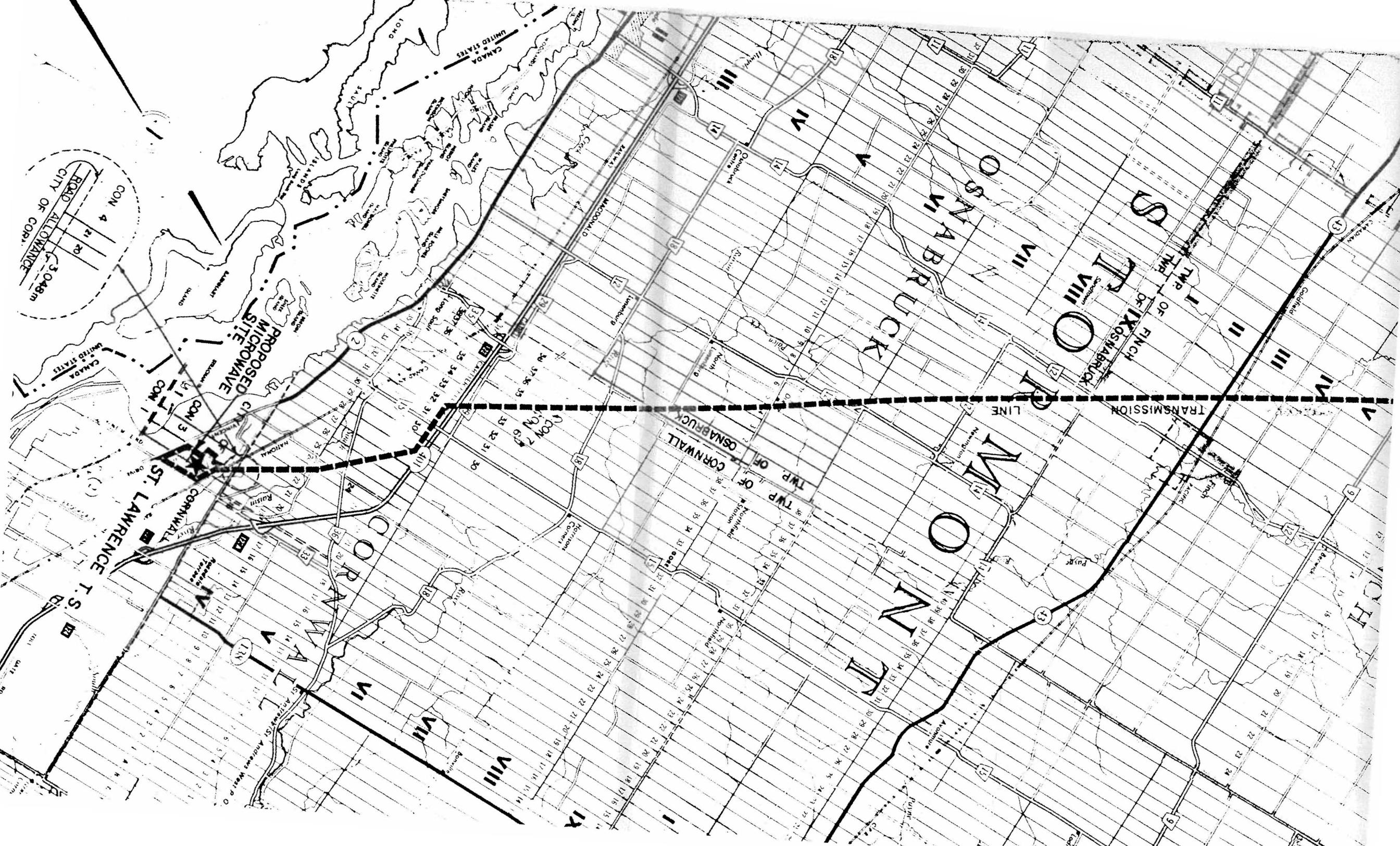
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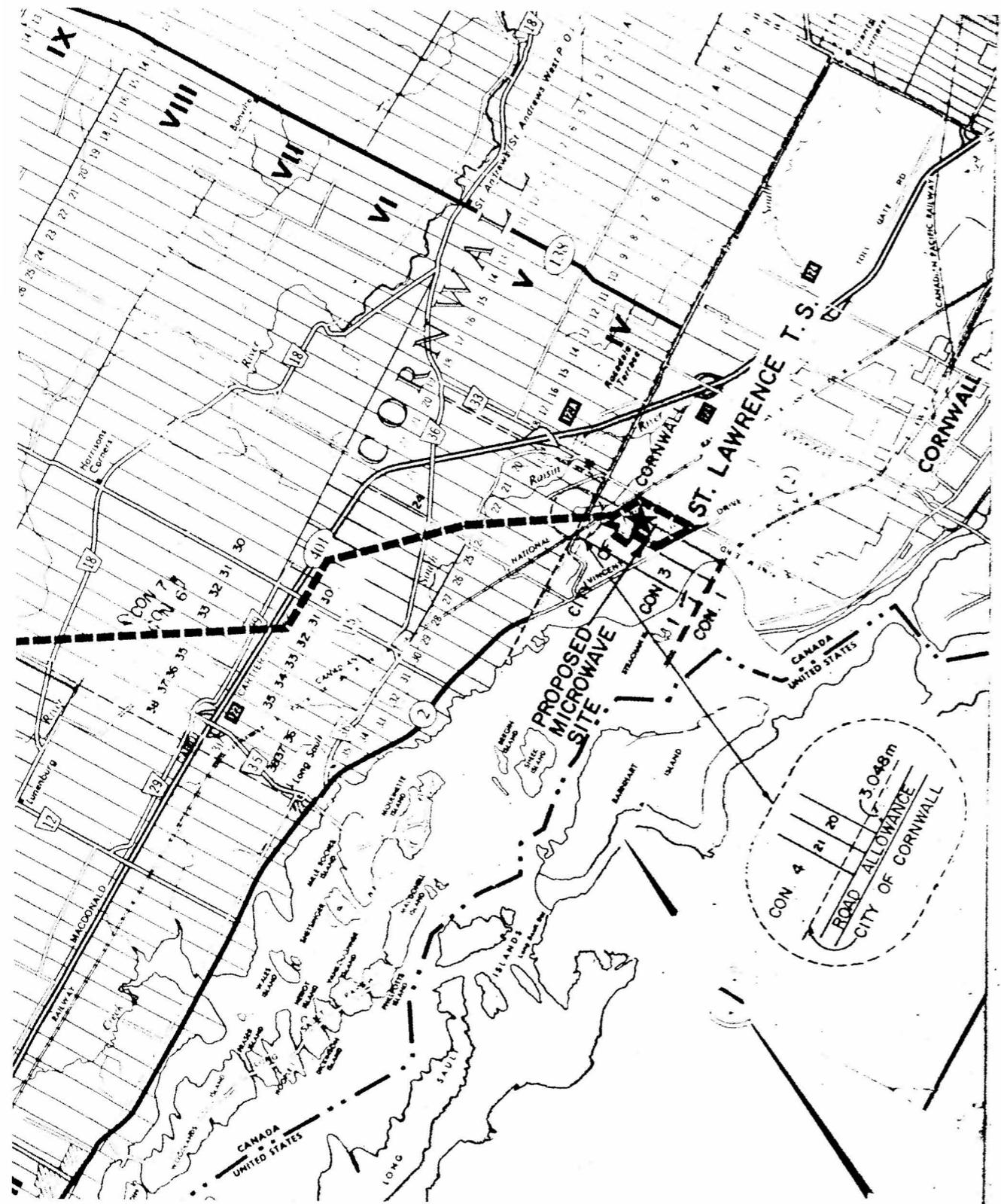
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ROAD ALLOWANCE
CITY OF CORN.

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For Illustration Purposes Only

Appendix A
Eastern Ontario Transmission System Expansion
Route Stage - East Section

- ▬▬▬▬▬▬ Approved Route Location
- ★ Approved Telecommunication Site

Scale 1:100,000
 Jan. 20, 1986

RS170-LJEP-MA6-0077



APPENDIX "B"

DEFINITION OF ESTATE, RIGHT OR INTEREST REQUIRED

A limited estate, right or interest is required in the land (herein called "the strip") namely, the right, privilege and easement in perpetuity:

1. Construct, repair, rebuild, replace, maintain and operate electrical and communications transmission line or lines (herein called "the lines") including all necessary or convenient towers, poles, guys, anchors, wires, cross-arms, apparatus, accessories and appurtenances belonging thereto, in, over, along and upon the strip.
2. To cut and prune selectively trees and shrubs on the strip and to keep it clear of all trees, shrubs and brush which may interfere with the safe operation and maintenance of the lines.
3. To clear the strip and keep it clear of all buildings, structures or other obstructions of any nature whatever, including removal of any materials which in the opinion of Ontario Hydro are hazardous to the line. Notwithstanding the foregoing, in all cases where in the sole discretion of Ontario Hydro the safe operation and maintenance of the lines is not endangered or interfered with, the landowner from time to time or the person or persons entitled thereto may, with prior written approval of Ontario Hydro, at his or their own expense, construct and maintain roads, lanes, walks, drains, sewers, water pipes, oil and gas pipelines, and fences on or under the strip or any portion thereof, provided that prior to commencing any such installation the landowner shall give to Ontario Hydro 30-days' notice in writing so as to enable Ontario Hydro to have a representative inspect the site and be present during the performance of the work, and that the landowner complies with any instructions that may be given by any such representative in order that such work may be carried out in such a manner as not to endanger, damage or interfere with the lines.
4. To erect, maintain and use bridges and such gates in all fences which are now or may hereafter be on the strip as Ontario Hydro may from time to time consider necessary.
5. To install below the surface of the strip, at a sufficient depth so as not to interfere with any agricultural operation, and maintain and use an underground conductor or conductors for

ground purposes, with necessary grounding electrodes, when and where required within the strip.

6. To enter on and to pass and repass at any and all times in, over, and along and upon the strip for the servants, agents, contractors and sub-contractors of Ontario Hydro with or without vehicles, supplies, machinery and equipment for all purposes necessary or convenient to the exercise and enjoyment of the right, privilege and easement hereby expropriated subject to payment by Ontario Hydro of compensation for any crop or other damage to the person entitled thereto caused by the exercise of this right of entry and passageway.