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April 26, 2019

Filed on RESS and Sent via Courier

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Enbridge Gas Inc. Application for Leave to Construct a Natural Gas Pipeline in the Municipality of Chatham-Kent
Board File No.: EB-2018-0188**

We are counsel to Anwaatin Inc. (**Anwaatin**). Please find enclosed Anwaatin's interrogatories to Enbridge Gas Inc. in the above-noted proceeding, filed pursuant to Procedural Order No. 1 and the Board's correspondence dated April 24, 2019.

Sincerely,

A handwritten signature in black ink that reads "Jonathan McGillivray". The signature is fluid and cursive.

Jonathan McGillivray

- c. W.T. (Bill) Wachsmuth, Enbridge Gas Inc.
R.K. Joe Miskokomon, Anishinabek Nation Southwest Region
Larry Sault, Anwaatin Inc.
Don Richardson, Shared Value Solutions Ltd.

Encl.

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, Sched. B, as amended (the **Act**);

AND IN THE MATTER OF an application by Enbridge Gas
Inc. for an order granting leave to construct a natural gas
pipeline and ancillary facilities in the Municipality of
Chatham-Kent.

EB-2018-0188

INTERROGATORIES FROM

ANWAATIN INC.

April 26, 2019

Question: **Anwaatin.1**

Reference: • Application (updated March 14, 2019), paras. 8, 80–88
 • Application (updated March 14, 2019), Schedules 19 and 20

Preamble: Assessment of alternatives is a core principle of the *Environmental Assessment Act*, RSO 1990, c E.18 and most environmental assessment processes applicable to pipelines and pipeline project approvals. “Alternatives assessment” in Canada generally includes (i) evaluating impacts on Indigenous rights and interests and (ii) assessing impacts of construction and operation on environmental and cultural heritage features, prior to determining a preferred alternative.

- a) Please provide all evidence that Enbridge Gas Inc. (**Enbridge Gas**), Union Gas Limited (**Union**), and/or their consultant(s) considered and developed — and the results of any and all — assessments of alternative routes, including, but not limited to, (i) evaluating impacts on Indigenous rights and interests and (ii) assessing impacts of route evaluation and selection, construction, and operation on environmental and cultural heritage features.

Question: Anwaatin.2

- Reference:
- Application (updated March 14, 2019), paras. 8, 80–88
 - Application (updated March 14, 2019), Schedules 19 and 20

Preamble: Indigenous governments commonly provide proponents of infrastructure and resource development projects with principles and procedures for conducting consultation and accommodation, and similar guidance for archaeological assessment processes on their traditional territories.

- a) Please provide the Indigenous consultation policy or policies of Enbridge Gas and/or Union that were followed in relation to this project.
- b) Please provide all information on or related to Enbridge Gas and Union's consideration and implementation of any principles and/or procedures of Indigenous governments for conducting consultation and accommodation on their traditional territories.
- c) Please provide all information on or related to Enbridge Gas and Union's consideration and implementation of any principles and/or procedures of Indigenous governments for conducting archaeological assessment processes on their traditional territories.

Question: **Anwaatin.3**

Reference: • Application (updated March 14, 2019), paras. 4–6

Preamble: The majority of First Nations in Ontario do not have access to natural gas, and many First Nations are interested in accessing natural gas for energy cost savings and low-emission heating. The recently enacted *Access to Natural Gas Act, 2018*, SO 2018, c 15 (Bill 32) provides a framework for regulations to deliver rate protection for consumers or prescribed classes of consumers with respect to costs incurred by natural gas distributors in making a qualifying investment for the purpose of providing access to a natural gas distribution system to those consumers by reducing the rates that would otherwise apply in accordance with the prescribed rules.

Enbridge Gas notes that \$8.0 million of funding would be available as a result of Bill 32 and O.Reg. 24/19 (Expansion of Natural Gas Distribution Systems).

- a) What impacts will the project have on the provision of natural gas to First Nation reserve communities and off-reserve First Nation members in the region?
- b) What impacts will the project have on the cost of natural gas to First Nation reserve communities and off-reserve First Nation members in the region?

Question: Anwaatin.4

Reference: • Application (updated March 14, 2019), Schedules 22 and 23

- a) Please describe and provide evidence for how Enbridge Gas and Union determined, interpreted, and applied:
- (i) their procedural requirements;
 - (ii) the Crown's procedural requirements; and
 - (iii) the Ontario Energy Board's procedural requirements;
- in assisting the Crown in fulfilling its duty to consult and accommodate the First Nation and Métis communities listed in the Letter of Delegation of Authority to Union Gas (Schedule 23, page 15), with all supporting evidence.

Question: Anwaatin.5

Reference: • Application (updated March 14, 2019), Schedules 23 and 24

Preamble: On February 2, 2018, Enbridge Gas (then Union) received correspondence from the Ministry of Energy, Northern Development and Mines (then the Ministry of Energy) (the **Ministry**) that the duty to consult had been delegated to Enbridge Gas (Schedule 23, page 15).

On March 4, 2018, Enbridge Gas received correspondence from the Ministry indicating the Ministry's expectation that Enbridge Gas will continue its consultation activities with the communities throughout the life of the project.

- a) Please describe and provide copies of any and all communications and responses between Enbridge Gas and/or Union and the Ministry with respect to the delegated duty to consult and accommodate First Nations and Métis communities.
- b) Please provide any and all records of consultation activities not reflected in the Indigenous consultation reports in Schedules 22 and 23 prepared as of June 5, 2018.

Question: **Anwaatin.6**

Reference: • Application (updated March 14, 2019), Schedules 22 and 23

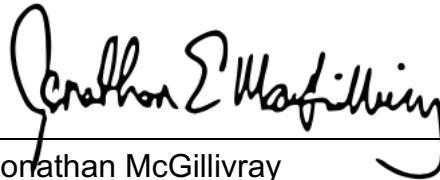
- a) Has Enbridge Gas and/or Union made plans to or considered entering into an agreement (or similar) with First Nation or Métis communities in the region with respect to those communities' treaty rights?

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS

26th day of April, 2019



Lisa (Elisabeth) DeMarco
DeMarco Allan LLP
Counsel for Anwaatin



Jonathan McGillivray
DeMarco Allan LLP
Counsel for Anwaatin