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May 9, 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 an NPS 8 and NPS 6 Natural Gas Distribution Pipeline to serve the Georgian Sands planned subdivision in Simcoe County
Board File No.: EB-2018-0226**

We are legal 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.

Sincerely,

A handwritten signature in black ink that reads "Jonathan McGillivray".

Jonathan McGillivray

c. Mark Kitchen and Guri Pannu, Enbridge Gas Inc.
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., pursuant to section 90 of the Act, for an order granting leave to construct an NPS 8 and NPS 6 natural gas distribution pipeline and ancillary facilities to service the Georgian Sands planned subdivision in Simcoe County.

EB-2018-0226

INTERROGATORIES FROM

ANWAATIN INC.

May 9, 2019

Question: **Anwaatin.1**

Reference: • Exhibit C, Tab 1, Schedules 1–3

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:
- Exhibit C, Tab 1, Schedule 4
 - Exhibit C, Tab 1, Schedule 3, Attachment 1, Appendix E
 - Exhibit G, Tab 1, Schedule 1, Attachment 3

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.

In Exhibit C, Tab 1, Schedule 4, paragraph 4, Enbridge Gas indicates that at the time of submission of the application (February 27, 2019), the Ministry of Tourism, Culture and Sport (**MTCS**) had not provided comment on MTCS's review of the Stage 1 Archaeological Assessment.

In Exhibit C, Tab 1, Schedule 4, paragraph 5, Enbridge Gas indicates that a Stage 2 Archaeological Assessment is planned for the spring of 2019 and that the results of the Stage 2 Assessment will be filed with the Board upon completion.

- a) Please file any and all correspondence between MTCS and Enbridge Gas, Union, and/or their consultant(s) in relation to the Stage 1 Archaeological Assessment, including, without limitation, any MTCS comments on its review of the Stage 1 Archaeological Assessment. If MTCS's comments on its review of the Stage 1 Archaeological Assessment have not yet been received, please indicate when Enbridge Gas expects to receive the comments of MTCS and confirm that Enbridge Gas will file any such comments with the Board.
- b) Please provide the date by which Enbridge Gas will file the results of the Stage 2 Archaeological Assessment and indicate whether and when Enbridge Gas expects to receive comments of MTCS on the Stage 2 Archaeological Assessment. Please confirm that Enbridge Gas will file any comments from MTCS in relation to the Stage 2 Archaeological Assessment with the Board.
- c) In addition to the two-page "Enbridge Inc. Indigenous Peoples Policy" provided in Exhibit G, Tab 1, Schedule 1, Attachment 3, please provide any and all Indigenous consultation policies of Enbridge Gas and/or Union that were followed in relation to this project.

- d) 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.
- e) 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: • Exhibit B, Tab 1, Schedule 1
 • Exhibit D, Tab 2, Schedule 1

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.

- 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?

- c) What impacts does Enbridge Gas expect Bill 32 will have in relation to this project?

Question: Anwaatin.4

Reference:

- Exhibit G, Tab 1, Schedule 1
- Exhibit G, Tab 1, Schedule 1, Attachment 2

- a) Please describe and provide evidence for how Enbridge Gas, Enbridge Gas Distribution Inc. (**EGDI**) and/or 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 from the Ministry of Energy, Northern Development and Mines (the **Ministry**) delegating procedural aspects of the duty to consult to EGDI (Exhibit G, Tab 1, Schedule 1, Attachment 2), with all supporting evidence.

Question: Anwaatin.5

- Reference:
- Exhibit G, Tab 1, Schedule 1
 - Exhibit G, Tab 1, Schedule 1, Attachment 2

Preamble: On September 10, 2018, EGDI received correspondence from the Ministry that the duty to consult had been delegated to EGDI (Exhibit G, Tab 1, Schedule 1, Attachment 2).

Enbridge Gas indicates in Exhibit G, Tab 1, Schedule 1, paragraph 6 that the information presented in Exhibit G, Tab 1, Schedules 2 and 3 reflects its Indigenous engagement activities for the project up to and including February 27, 2019. Enbridge Gas notes that it “will continue to engage during the regulatory process and throughout the life of the [p]roject.”

- a) Please describe and provide copies of any and all communications and responses between Enbridge Gas, Union, and/or EGDI, 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 Exhibit G, including, but not limited to, those prepared, originating, or otherwise documented after February 27, 2019.

Question: **Anwaatin.6**

Reference: • Exhibit G, Tab 1, Schedule 1

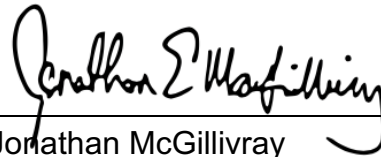
- a) Has Enbridge Gas, Union, and/or EGDI made plans to or considered entering into an agreement (or similar) with First Nation or Métis communities in the region with respect to those communities' treaty rights?

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS

9th day of May, 2019.



Lisa (Elisabeth) DeMarco
DeMarco Allan LLP
Counsel for Anwaatin



Jonathan McGillivray
DeMarco Allan LLP
Counsel for Anwaatin