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November 12, 2019

VIA RESS AND COURIER

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Attention: Registrar

Dear Ms. Long:

**Re: Corporation of the Town of Marathon North Shore LNG Project Application
Board File No.: EB-2018-0329**

We are counsel to Anwaatin Inc. (**Anwaatin**). Please find enclosed Anwaatin's interrogatories to the applicant in the above-noted proceeding, filed pursuant to Procedural Order No. 2.

Sincerely,

A handwritten signature in black ink that reads "Jonathan McGillivray". The signature is fluid and cursive, with the first name being the most prominent.

Jonathan McGillivray

- c. Daryl Skworchinski, Town of Marathon
Helen Newland, Dentons Canada LLP
Larry Sault, Anwaatin Inc.
Don Richardson, Shared Value Solutions Ltd.

Encl.

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, SO 1998, c. 15 (Sched B), as amended (the **Act**) and the *Municipal Franchises Act* (the **MFA**), RSO 1990, c. M.55, as amended;

AND IN THE MATTER OF an application by the Corporation of the Town of Marathon under section 8 of the MFA for an order or orders granting Certificates of Public Convenience and Necessity to the Corporation for the construction of works in the Town of Marathon, Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay, and Municipality of Wawa (the **Municipalities**);

AND IN THE MATTER OF an application by the Corporation of the Town of Marathon under section 90 of the Act for an order or order granting leave to construct natural gas distribution pipelines and ancillary facilities to serve the Town of Marathon, Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay, and Municipality of Wawa;

AND IN THE MATTER OF an application by the Corporation of the Town of Marathon under section 97 of the Act for an order or orders approving the form of easement agreements;

AND IN THE MATTER OF an application by the Corporation of the Town of Marathon for an order or orders for a gas supply plan to serve the Town of Marathon, Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay, and Municipality of Wawa;

AND IN THE MATTER OF an application by the Corporation of the Town of Marathon for an order or orders pre-approving the cost consequences associated with a long-term upstream liquefied natural gas contract to serve the Town of Marathon, Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay, and Municipality of Wawa.

EB-2018-0329

INTERROGATORIES OF

ANWAATIN INC.

November 12, 2019

Question: **Anwaatin.1**

Reference: • Exhibit A, Tab 10, Schedule 1, Attachment 1
 • Environmental Reports, Appendix E

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 the Municipalities and/or their consultant(s) considered and developed — and the results of any and all — assessments of alternatives, including, but not limited to, (i) evaluating impacts on Indigenous rights and interests, (ii) assessing impacts of route evaluation and selection, construction, and operation on environmental and cultural heritage features, and (iii) assessing impacts on the potential future expansion of service to other communities — First Nations and other municipalities.

Question: **Anwaatin.2**

Reference:

- Exhibit A, Tab 10, Schedule 1
- Exhibit A, Tab 4, Schedule 5
- Environmental Reports, Appendix E

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 all information on or related to the Municipalities' consideration and implementation of any such principles and procedures.

Question: Anwaatin.3

Reference:

- Environmental Reports, Section 3.5.6
- Environmental Reports, Appendix E

Preamble: The Environmental Reports note that the Project team will engage Red Sky Metis Independent Nation (RSMN) when the Stage 2 AA is scheduled.

- a) Please provide a detailed update on the Municipalities' engagement with affected or potentially affected Indigenous communities.
- b) Please outline the proposed timeline for completion of the various stages of environmental/archaeological assessment related to the project.

Question: **Anwaatin.4**

Reference: • Environmental Reports, Section 3.5.6

Preamble: The Environmental Reports note:

“No refinements to the Project or recommended mitigation or protective measures were necessary as a result of Indigenous input. Additional comments received and a summary of how they are addressed will be provided by the Project team in the LTC application to the OEB.”

- a) Does the application include any additional comments from Indigenous communities and a summary of how they are addressed?
- b) Have the Municipalities provided any additional comments received from Indigenous communities or a summary of how they are addressed in the Application. If so, please provide a summary. If not, please explain.

Question: **Anwaatin.5**

Reference: • Exhibit A, Tab 4, Schedules 3 and 4

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 *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 Municipalities' project have on the provision of natural gas to Indigenous reserve communities and off-reserve members in the region?
- b) What impacts will the Municipalities' project have on the cost of natural gas to Indigenous reserve communities and off-reserve members in the region?
- c) What impacts will the Municipalities' project have on the electrical distribution and transmission systems in the local region, given that natural gas for heating will displace electricity for heating?
- d) What impacts will the Municipalities' project have on have on opportunities for applications of renewables and distributed energy resources (DERs) in the region?

Question: **Anwaatin.6**

Reference: • Exhibit A, Tab 12, Schedule 1
 • Environmental Reports, Section 3 and Appendix B5

- a) Please describe and provide evidence for how the Municipalities 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 Nations and Métis communities in the region, with all supporting evidence.

Question: **Anwaatin.7**

Reference: • Exhibit A, Tab 12, Schedule 1

- a) Have the Municipalities made plans to or considered entering into a franchise agreement (or similar) with any regional Indigenous communities with respect to those communities' treaty rights?

Question: **Anwaatin.8**

Reference:

- Exhibit A, Tab 1, Schedule 2, p. 6
- Exhibit A, Tab 12, Schedule 1

Preamble: The Municipalities engaged the Ministry of Energy, Northern Development and Mines (the **Ministry**) to determine if there is a duty to consult requirement triggered by the project (Exhibit A, Tab 1, Schedule 2, p. 6).

- a) Please describe and provide copies of any and all communications and responses between the Municipalities and the Ministry with respect to the delegated duty to consult and accommodate First Nations and Métis communities.

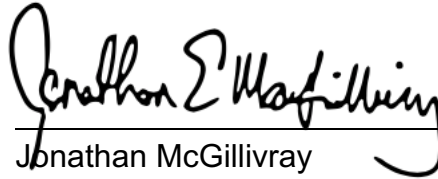
- b) Please indicate whether the Ministry has communicated with the Municipalities with respect to whether it is satisfied that Indigenous consultation and accommodation related to the application is sufficient.

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS

12th day of November, 2019



Lisa (Elisabeth) DeMarco
DeMarco Allan LLP
Counsel for Anwaatin



Jonathan McGillivray
DeMarco Allan LLP
Counsel for Anwaatin