

Long Lake #58 First Nation

209 Otter Street
P.O. Box 609
Longlac, Ontario
P0T 2A0



Tel: (807) 876-2292
Fax: (807) 876-2757

November 19, 2019

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

Dear Ms. Long:

Re: Corporation of the Town of Marathon - North Shore LNG Project
File Number: EB-2018-0329
Long Lake #58 First Nation Application for Intervenor Status

Please find attached Long Lake #58 First Nation's ("LL#58FN") Application for Intervenor Status and Costs Eligibility in the above noted proceeding.

LL#58FN apologizes for the late submission of this Application for Intervenor Status. LL#58FN is prepared to accept the record as it presently exists and we accept the procedural schedule as set out in the Board's Procedural Order No. 2 dated October 30, 2019, including the deadline for the receipt of interrogatories.

LL#58FN has an interest in the proceedings as its Traditional Territory may be impacted by the proposed project.

We therefore ask for consideration in granting LL#58FN intervenor status.

Sincerely,

FOR
Chief Veronica Waboose
Long Lake #58 First Nation

cc: Ritchie Murray, Case Manager, Ritchie.Murray@oeb.ca
Michael Millar, OEB Counsel, Michael.Millar@oeb.ca

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;

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

APPLICATION FOR INTERVENOR STATUS AND COSTS ELIGIBILITY

LONG LAKE #58 FIRST NATION

November 19, 2019

A. Application for Intervenor Status

Long Lake #58 First Nation ("LL#58FN") requests intervenor status in the matter of the application of the Corporation of the Town of Marathon ("the Corporation"), on its own behalf and as representative of the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay, and the Municipality of Wawa (collectively "the Municipalities"), for certain approvals from the Ontario Energy Board ("the Board") to furnish natural gas service within the Municipalities (the "Application").

This application for intervenor status is filed pursuant to Rule 22 of the Board's *Rules of Practice and Procedure*. It is noted that this application is being filed after the Board's prescribed deadline, pursuant to section 22.05 of the *Rules of Practice and Procedure*.

If granted late intervenor status, LL#58FN agrees to accept the record in this proceeding as it presently exists. Furthermore, LL#58FN accepts the procedural schedule as set out in the Board's Procedural Order No. 2 dated October 30, 2019, including the deadline for the receipt of interrogatories.

LL#58FN respectfully submits that no party should be prejudiced by its late intervention and requests the Board's indulgence in accepting this late Application without the formality of a motion.

B. LL#58FN and its Interest in the Proceeding

LL#58FN is a "band" pursuant to the *Indian Act*, RSC 1985, c-1-5, comprised of over 1400 members, 450 of which live on reserve along the northeast shore of Long Lake adjacent to the town of Longlac, ON. Additional LL#58FN members reside throughout the Municipalities. LL#58FN is governed by an elected Chief and Council.

LL#58FN holds Aboriginal rights, including rights to harvest, hunt, trap, fish and practice other cultural pursuits within its home lands ("Traditional Territory"). It has made continuous use of the lands and resources within its Traditional Territory.

LL#58FN has never ceded, surrendered or in any way relinquished title or rights to its Traditional Territory and continues to hold title, exercise rights and jurisdiction. LL#58FN has never entered into a treaty with the Crown and is not a signatory to either Treaty 9 or the Robinson-Superior Treaty.

The Municipalities' proposed North Shore LNG Project (the "Project") would traverse the south-east portion of LL#58FN's Traditional Territory, a map of which is attached to this application. LL#58FN members have historically used the south-east portion of their Traditional Territory for hunting and fishing camps, travel routes, social events and practicing other cultural pursuits. The area was used extensively for travel between LL#58FN and the Pic Mobert First Nation due to strong familial bonds between the groups. The south-east portion of the Traditional Territory was also used historically for fur trade, which the members of LL#58FN relied upon as their primary source of income until the 1950s. Many families utilized the area to the south of Long Lake and along the Mobert River to pursue this line of work.

LL#58FN's interest in this proceeding relates to the proposed use of lands within its Traditional Territory and any resulting environmental effects. LL#58FN adheres to strict principles regarding the preservation and protection of the land, air and water within its Traditional Territory and seeks to ensure that the construction of energy infrastructure (storage facilities and distribution systems) and the transportation of LNG does not negatively impact the environment.

LL#58FN has inherent rights and interests in the protection of its Traditional Territory, including rights recognized and affirmed by section 35 of the *Constitution Act*, 1982. These rights and interests could be impacted at all stages of the Project, including planning, development, construction and operation.

It should be noted that LL#58FN is a neighbouring community to the Ginoogaming First Nation which has been granted intervenor status through Anwaatin Inc..

C. Nature and Scope of LL#58FN's Intended Participation

LL#58FN has a legitimate interest and intends to participate responsibly in the proceeding. LL#58FN will limit its involvement to the issues that are within the scope of the Application.

LL#58FN does not oppose the Project or the granting of any of the requests of the Municipalities subject to appropriate orders, directions and conditions made or imposed by the Board.

D. Requests for Costs

LL#58FN will seek an award of costs for its participation in this proceeding pursuant to section 3.03(b) of the Board's *Practice Direction on Cost Awards*. If granted intervenor status, LL#58FN will request an award of reasonable costs commensurate with its own level of participation in the proceeding subject to the Board's discretion.

E. Contact Information

LL#58FN requests that documents related to this matter be forwarded to:

Long Lake #58 First Nation
Veronica Waboose
Chief
Email: veronica.waboose@longlake58fn.ca

Henry Waboose
Band Manager
Email: henry.waboose@longlake58fn.ca

AND TO ITS CONSULTANT


Aboriginal Business Network
Attention: Wayne Greer
Email: wayne@abnetwork.ca

AND TO ITS COUNSEL

Virginia Greer Professional Corporation
Attention: Virginia Greer
Email: virginia@abnetwork.ca

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS

19th Day of November 2019

For 
Chief Veronica Waboose
Long Lake #58 First Nation

