



Ontario
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BY E-MAIL

November 15, 2019

Chief Dean Sayers
Batchewana First Nation
Administration Office 236 Frontenac Street
Rankin Reserve 15D
Batchewana First Nation ON P6A 6Z1
chiefdeansayers@batchewana.ca

Dear Chief Sayers:

**Re: Request for intervenor status and cost eligibility
Corporation of the Town of Marathon (Town of Marathon)
North Shore LNG Project
Ontario Energy Board File Number: EB-2018-0329**

This letter is in response to your request for late intervenor status and cost eligibility on behalf of the Batchewana First Nation (BFN) in the above referenced application. BFN's intervention request was received by the Ontario Energy Board (OEB) on November 13, 2019, after the date for filing such requests had closed. BFN states that it undertakes to be bound by the record as it exists and as developed by the parties and the OEB from time to time, that it shall comply with all directions made and dates set by the OEB, and that it shall take no steps nor bring any motions that would cause or contribute to any delay in the proceedings.

BFN states that it is part of the Ojibway, or Anishnabek, and have traditionally and actually occupied lands from the rapids at Sault Ste. Marie to Otter Head on Lake Superior northwest of Wawa and inland at least to the height of land. BFN continues to use the area for traditional purposes including hunting, gathering and fishing as per its treaty rights. BFN states that its direct interest relates specifically to LNG transport in the context of environmental protection and safety, liability for adverse effects upon BFN aboriginal and treaty rights, and indigenous consultation.

The Town of Marathon filed a letter with the OEB on November 14, 2019 advising that it will not be objecting to BFN's intervention request if BFN accepts the record as is, and if BFN accepts the procedural schedule set out in Procedural Order No. 2.

The OEB is satisfied that BFN has a "substantial interest" in the proceeding within the meaning of Rule 22.02 of the OEB's *Rules of Practice and Procedure* and is approved as an intervenor. BFN is eligible to apply for an award of costs under the OEB's *Practice*

Direction on Cost Awards. Cost awards are made by way of OEB order at the end of a hearing.

BFN states that it intends to submit written interrogatories. However, BFN's intervention request was received after the deadline for interrogatories had passed. BFN is required to accept the procedural schedule set out in Procedural Order No. 2, and as such will not be given the opportunity to ask interrogatories.

Yours truly,

Original Signed By

Christine E. Long
Board Secretary and Registrar

c: EB-2018-0329 Parties