



Ontario  
Energy  
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**BY E-MAIL**

November 25, 2019

Chief Veronica Waboose  
Long Lake #58 First Nation  
29 Otter Street  
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Longlac ON P0T 2A0  
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Dear Chief Waboose:

**Re: Request for intervenor status and cost eligibility  
Corporation of the Town of Marathon (Town of Marathon)  
North Shore LNG Project (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 Long Lake #58 First Nation (LL#58FN) in the above referenced application. LL#58FN's intervention request was received by the Ontario Energy Board (OEB) on November 19, 2019, after the date for filing such requests had closed. LL#58FN states that if granted late intervenor status, it is prepared to accept the record as it presently exists and accepts the procedural schedule as set out in the OEB's Procedural Order No. 2, including the deadline for the receipt of interrogatories.

The Corporation of the Town of Marathon (Town of Marathon), Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay and the Municipality of Wawa (the Municipalities) have resolved to form a new natural gas distribution company to distribute natural gas in their respective municipalities. The Town of Marathon, on its own behalf and as a representative of the Municipalities, applied to the OEB on August 2, 2019 under section 90 of the *Ontario Energy Board Act*<sup>1</sup> for approval granting leave to construct approximately 116.5 kilometers of natural gas pipeline for the North Shore LNG project (Project). The Town of Marathon also applied to the OEB under sections 8 and 9 of the *Municipal Franchises Act*<sup>2</sup> for certificates of public convenience and necessity and for approval of a municipal franchise agreement for each Municipality.

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<sup>1</sup> Ontario Energy Board Act, 1998, S.O. 1998, c. 15, (Schedule B)

<sup>2</sup> Municipal Franchises Act R.S.O. 1990, c. M.55

The Town of Marathon also applied for an order or orders for a gas supply plan to serve each Municipality, and for pre-approval, under section 36 of the *Ontario Energy Board Act*, of the cost consequences of a long-term liquefied natural gas supply contract with Nipigon LNG Limited Partnership<sup>3</sup>. On August 15, 2019, the Town of Marathon updated its application and also applied to the OEB under section 97 of the *Ontario Energy Board Act* for approval of the forms of easement agreement.

LL#58FN states that the Project would traverse the southeast portion of LL#58FN's Traditional Territory, and that its members have historically used this area for hunting and fishing camps, travel routes, social events and practicing other cultural pursuits, as well as for fur trade, which its members relied upon as its primary source of income until the 1950s. LL#58FN states that its interest in this proceeding relates to the proposed use of lands within its Traditional Territory and any resulting environmental effects. LL#58FN seeks to ensure that the construction of energy infrastructure and transportation of LNG<sup>4</sup> does not negatively impact the environment. LL#58FN states that it has inherent rights and interests in the protection of its Traditional Territory, which could be impacted at all stages of the Project, including planning, development, construction and operation. LL#58FN also noted that it is a neighbouring community to the Ginoogaming First Nation which has been granted intervenor status through Anwaatin Inc.

The Town of Marathon filed a letter with the OEB on November 21, 2019 advising that it will not be objecting to LL#58FN's intervention request if LL#58FN accepts the record as is, and if LL#58FN accepts the procedural schedule set out in Procedural Order No. 2. The Town of Marathon noted that with respect to LL#58FN's stated interest in the proceeding and its scope of participation, only the impacts from the Town of Marathon's undertaking are at issue in this proceeding (i.e., the natural gas distribution pipelines within the Municipalities), and not Nipigon LNG's undertaking regarding the construction and operation of the LNG plant and LNG depots<sup>5</sup> as well as the trucking and regasification of LNG.

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<sup>3</sup> On November 22, 2018, the OEB granted Nipigon LNG Limited Partnership a certificate of public convenience and necessity to construct a 500-metre, 8-inch diameter pipeline for the sole purpose of obtaining gas from, and connecting its proposed natural gas liquefaction plant (LNG plant), to the nearby TransCanada Mainline (EB-2018-0248). The proposed LNG plant will be located in the unincorporated Township of Ledger.

<sup>4</sup> LNG is created by cooling pipeline sourced natural gas down to its liquefaction temperature of approximately -160°C. The LNG can then be pumped into a cryogenic trailer and transported by truck to another location where it can be re-gasified and used just like pipeline sourced natural gas.

<sup>5</sup> The term LNG depot is used to describe a site where a LNG storage tank as well as re-gasification, odourization, telemetry, pressure regulation and metering equipment is located. As part of its service offerings to the Municipalities, Nipigon LNG will construct, own and operate the LNG depots – one of which will be located in each of the Municipalities.

The OEB is satisfied that LL#58FN 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. The OEB notes, however, that Nipigon LNG is not an applicant in this proceeding and is not seeking any approvals. LL#58FN 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.

Yours truly,

*Original Signed By*

Christine E. Long  
Board Secretary and Registrar

c: Parties in EB-2018-0329