

## **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 orders 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.

## **SUBMISSIONS OF THE INTERVENORS**

**RED ROCK INDIAN BAND &**

**BINGWI NEYAASHI ANISHINAABEK**

January 6, 2020

## OVERVIEW

1. Red Rock Indian Band ("**RRIB**") and the Bingwi Neyaashi Anishinaabek First Nation ("**BNA**") have intervened in this application proceeding before the Ontario Energy Board because each of their populations would be affected by the relief sought by the five applicant municipalities (together, the "**Municipalities**"). The Municipalities' application seeks to develop, construct, own and operate a regional natural gas distribution pipeline system to supply liquid natural gas ("**LNG**") to the Municipalities (the "**Project**"). In order to give effect to the Project, it is contemplated that a local gas distributor would be created for the distribution of LNG within the Municipalities (the "**Utility**"). The Utility, in turn, would enter into a long-term LNG Services Agreement with Nipigon LNG LP ("**Nipigon LNG**").
2. RRIB and BNA have each had a dialogue about the scope and nature of the Project with the Municipalities and Nipigon LNG. To the extent that the Project will strengthen economic development in the region, which can responsibly bring economic opportunity and other benefits to RRIB's and BNA's populations, RRIB and BNA are supportive of it. RRIB and BNA are also supportive of the Project insofar as it will make natural gas available to off-reserve RRIB and BNA members who do or may in future reside in the Municipalities from time to time.

3. RRIB and BNA wish to emphasize the importance of respectful dialogue on the part of corporate actors in achieving the goal of reconciliation with First Nations. In the absence of respectful dialogue, there is no prospect of achieving reconciliation. RRIB and BNA have each had a respectful dialogue with Nipigon LNG regarding the supply of LNG to the Project.

#### **RED ROCK INDIAN BAND**

4. RRIB is an Ojibwe First Nation in Northwestern Ontario. RRIB's traditional land is located directly adjacent to the town of Nipigon. As of May 2019, the population of the Red Rock Indian Band was 1,932. Of that population as of that date, 1,667 members resided off-reserve, including in Nipigon, Thunder Bay, and to a lesser extent in the Municipalities, as well as elsewhere along the North Shore of Lake Superior.
5. The population of RRIB will be significantly impacted by any project that will affect the supply of, and access to, natural gas along the North Shore of Lake Superior, as well as any projects that affect RRIB's traditional land.

## **CERTARUS**

6. The intervenor Certarus Ltd. ("**Certarus**") has a compressed natural gas ("**CNG**") facility that is located on the traditional land of RRIB (the "**Certarus Facility**"). As Chief Marcus Hardy made clear in his letter to the Board of September 27, 2019 requesting intervenor status for RRIB in this proceeding, RRIB was not consulted by the Crown or by Certarus prior to the erection of the Certarus Facility on RRIB's traditional land. Regrettably, RRIB is not able to say that it has had a respectful dialogue with Certarus regarding the Certarus Facility or the impact of Certarus's activities on RRIB or its traditional land.

## **THE POSITION OF RED ROCK INDIAN BAND**

7. RRIB has had a dialogue about the scope and nature of the Project with the Municipalities and Nipigon LNG. To the extent that the Project will strengthen economic development in the region, which can responsibly bring economic opportunity and other benefits to RRIB's population, RRIB is supportive of the Project. RRIB is also supportive of the Project insofar as it will make natural gas available to off-reserve RRIB members who are or may in future reside in the Municipalities from time to time.

8. In RRIB's view, it would be counterproductive to the goal of reconciliation with First Nations if this Project – which has been advanced through respectful dialogue between Nipigon LNG and RRIB and with the interests of RRIB's population in mind – were derailed by the intervention of a direct competitor (Certarus) who has not engaged with RRIB in a manner that has advanced the goal of reconciliation.

#### **BINGWI NEYAASHI ANISHINAABEK FIRST NATION**

9. BNA is an Ojibwa First Nation in Northwestern Ontario. BNA's traditional land is located on the shores of Lake Nipigon. BNA is dedicated to serving its generations by creating a self-sustaining and healthy community for today and tomorrow. BNA's off-reserve members live or have lived along the North Shore of Lake Superior and elsewhere, including in Nipigon, Thunder Bay, and to a lesser extent in the Municipalities.
10. The population of BNA will be significantly impacted by any project that will affect the supply of, and access to, natural gas along the North Shore of Lake Superior, as well as any projects that affect BNA's traditional land.

#### **THE POSITION OF BINGWI NEYAASHI ANISHINAABEK FIRST NATION**

11. BNA has had a dialogue about the scope and nature of the Project with the Municipalities



and Nipigon LNG. To the extent that the Project will strengthen economic development in the region, which can responsibly bring economic opportunity and other benefits to BNA's population, BNA is supportive of the Project. BNA is also supportive of the Project insofar as it will make natural gas available to off-reserve BNA members who are or may in future reside in the Municipalities from time to time.

ALL OF WHICH IS RESPECTFULLY  
SUBMITTED THIS 6<sup>th</sup> DAY OF JANUARY  
2020.



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Bingwi Neyaashi Anishinaabek