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Sent by RESS

January 29, 2021

Ontario Energy Board
2300 Yonge Street
Suite 2700
Toronto, ON M4P 1E4

Attention: Christine E. Long, Registrar

Dear Ms. Long:

**Re: EB-2020-0198 - Enbridge Gas Inc. NPS 20 Waterfront Relocation Application
Enbridge Gas Inc Notice of Withdrawal**

On January 25, 2021, Enbridge Gas Inc. filed a notice of immediate withdrawal of Application EB-2020-0198. On January 26, 2021 Waterfront Toronto objected to the notice, and on January 28, 2021, Waterfront Toronto asked the board to retain jurisdiction under Rule 20 to address the issue of the Enbridge pipeline on the Keating Rail Bridge over the Don River. The Toronto and Region Conservation Authority (TRCA) supports Waterfront Toronto's request.

The Portland's Flood Protection Project (Portlands Project) is a joint initiative of three levels of government managed by Waterfront Toronto. The Portlands Project will control water flow and manage sediment and debris to resolve flooding problems at the mouth of the Don River. The Enbridge pipe must be relocated by about May 2022 to ensure the Portlands Project can proceed safely. Enbridge's Application and submissions at the Settlement Conference describe alternatives for re-location of Enbridge's pipe. Waterfront Toronto's suggested approach is a natural next step following the Settlement Conference.

TRCA has a regulatory function in relation to flood protection in areas within its jurisdiction. Any solution that involves the relocation of the Enbridge Pipe over the Don River will require permits from the TRCA under the *Conservation Authorities Act*; consultation with TRCA during planning is advised. TRCA has a direct interest in timely planning and development such that it

can discharge its regulatory role effectively, as well as a direct interest in the alleviation of flooding. Flood protection is a public interest as is illustrated by the support of three levels of government. TRCA will be seeking to recover its costs of participating if the Application is withdrawn.

Yours truly,



Julie Abouchar

Partner

*Certified as a Specialist in Environmental Law and in Indigenous Issues
by the Law Society of Ontario*

cc: All parties

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