



February 19, 2021

VIA RESS

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

Dear Ms. Long:

Re: Enbridge Gas Inc. Integrated Resource Planning Proposal Application
Board File No.: EB-2020-0091

We are counsel to Anwaatin Inc. (**Anwaatin**) in the above-noted proceeding. Please find attached Anwaatin's presentation for the February 19, 2021 Presentation Day, which is filed in accordance with Procedural Order No. 8. We apologize for the late filing of the presentation.

Sincerely,

A handwritten signature in black ink, which appears to read "Jonathan McGillivray". The signature is fluid and cursive, with the first name "Jonathan" being more prominent.

Jonathan McGillivray

c. Regulatory Affairs, Enbridge Gas Inc.
Larry Sault, Anwaatin Inc.
Don Richardson

Encl.

Indigenous Rights-holders' Perspectives on IRP



Enbridge Gas Inc. Integrated Resource
Planning Proposal

Presentation Day – February 19, 2021

EB-2020-0091

Larry Sault and Don Richardson

Elder Larry Sault conducting the first ever
smudging ceremony to commence an Ontario
Energy Board Hearing, Thursday May 5, 2016

ANWAATIN

Anwaatin

- An Indigenous not-for-profit that advocates with Indigenous communities in linked energy markets.
- Mission to ensure that Indigenous communities are afforded reliable and affordable energy, and have a central role in energy-related climate change action.
- Indigenous membership for this proceeding includes Aroland First Nation, Animbiigoo Zaagi'igan Anishinaabek Nation and Ginoogaming First Nation (the **Anwaatin First Nations**)
- Anwaatin First Nations have traditional territory, and associated constitutional rights and interests that may be impacted.

One of the Only Indigenous Voices at the OEB



- Elder Larry Sault, Thursday May 5, 2016, conducting the first ever smudging ceremony to commence an Ontario Energy Board Hearing, at a hearing considering the expansion of natural gas service to unserved rural, remote and First Nation communities ([EB-2016-0004](#)).
- The former Grand Chief of the Association of Iroquois and Allied Indians and former Chief of the Mississaugas of the New Credit
- Lisa DeMarco of Resilient LLP is counsel to Anwaatin. Lisa DeMarco has lead counsel for Anwaatin before the Board for numerous proceedings.

This Proceeding

- Enbridge is seeking Board-approval and establishment of an Integrated Resource Planning policy framework to guide its assessment of IRP alternatives (**IRPAs**).
- The evidence includes:
 - proposed IRP guiding principles,
 - IRPA screening/evaluation criteria and assessment processes,
 - IRP cost recovery treatment,
 - IRPA application structure and principles, and
 - IRPA monitoring and reporting.

Anwaatin's View

- The Board should ensure that impacts to First Nations' rights and interests are addressed.
- The **duty to consult and accommodate** is of primary importance to ensuring that First Nations' rights and interests are addressed and protected in Crown decision-making.
- Enbridge's proposed IRP framework may not include sufficient protection of procedural rights for First Nations to be consulted on IRP, IRPAs, and other non-pipe alternatives.
- Consulting with and engaging First Nations produces win-win outcomes, including First Nation commercial investments in sustainable energy projects.

UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

- UNDRIP not just aspirational, it is a codification of minimum standards for Indigenous peoples that Canada ***must*** address.
- Provides that:
 - States shall consult and cooperate with Indigenous peoples to obtain their **free, prior and informed consent** prior to legislative measures or approval of any project.
 - States shall establish a fair, independent, impartial, open and transparent process to recognize **Indigenous rights**.

Free, prior and informed consent

- **Duty to Consult:** legal obligation to consult with Indigenous peoples where Crown decisions or actions that may adversely impact asserted or established Aboriginal or treaty rights are contemplated.
- Positive obligation to reasonably ensure that Indigenous peoples are provided with all necessary information in a timely way so that they have an **opportunity to express their interests and concerns**, and to ensure that their representations are **seriously considered** and, wherever possible, demonstrably integrated into the proposed plan of action.
- Often results in creative economic reconciliation to address impacts on rights and interests – *especially for energy projects*

Reconciliation and Economic Reconciliation

- **Reconciliation** is described as "coming to terms with events of the past in a manner that overcomes conflict and establishes a respectful and healthy relationship among people going forward."
- Canada accepted all recommendations of the TRC, including the call for the "federal, provincial, territorial, and municipal governments to fully adopt and implement [UNDRIP] as the framework for reconciliation" and "to develop a national action plan, strategies, and other concrete measures to achieve the goals of [UNDRIP]".
- **Economic reconciliation** creates meaningful partnerships, mutually beneficial opportunities through finding shared value between energy project proponents and Indigenous communities.



Energy Projects and Economic Reconciliation

- The history of economic reconciliation around energy projects in Canada demonstrates that **the Duty to Consult has been a primary driver** of win-win sustainable energy project investments that also address Indigenous energy poverty – for example:
 - EB-2015-0026 Bruce-to-Milton Transmission Line – major equity investment by Saugeen Ojibway Nation via B2M Limited Partnership in a section of electricity transmission line owned by Hydro One Networks Inc.
 - EB-2011-0140, EB-2015-0216 – East-West Tie Transmission Line – major equity investment by six First Nations impacted by the project.
 - EB-2013-0185 – Giiwedin Noodin FN Energy Corporation and Northland Power – 100 MW wind project near Grand Bend, Ontario.
 - Six Nations Natural Gas – originally a partnership between Union Gas and Six Nations Natural Gas Company Limited: created the first natural gas utility owned and built by a First Nation community in Canada supplying 2,400 customers in Six Nations and Mississaugas of the Credit First Nation.

Economic and Energy Reconciliation - Example

Mississaugas of the Credit First Nation:

- EG-2018-0128 - Nanticoke Solar – First Nation equity investment with OPG - built on the site of Ontario's largest coal-fired generating station, in partnership with the Mississaugas of the Credit First Nation and Six Nations of the Grand River Development Corporation - facility will result in a long-term revenue stream for the Six Nations of the Grand River and the Mississaugas of the Credit First Nation.
- EB-2020-0225 - Niagara Reinforcement Line - Hydro One, with Six Nations of the Grand River Development Corporation, a community owned corporation of the Six Nations of the Grand River First Nation, and Mississaugas of the Credit First Nation

Economic and Energy Reconciliation - Example

- Aroland First Nation, Ginoogaming First Nation, and Animbiigoo Zaagi'igan Anishinaabek First Nation – Minodahmun Development LP
- Currently advancing plans for a First Nation owned 65 MW combined heat & power plant to power a major new gold mine in Geraldton, Ontario



Greenstone Gold Mines project site, Geraldton, Ontario

Economic and Energy Reconciliation - Example

Minodahmun Development LP plans for 65 MW CHP:

- Fueled by natural gas.
- Mine project includes planned construction of approximately 10 km of new natural gas pipeline from the TransCanada main line, located north of Geraldton, to the mine
- A heat exchanger & greenhouse to sequester CO₂, grow fresh vegetables.
- Looking at providing additional CHP energy to the region increase energy reliability on one of Ontario's least reliable transmission lines.
- Considering additional Distributed Energy Resources projects based on experience with the battery energy storage system (BESS) at Aroland First Nation, the result of the Anwaatin and Hydro One Settlement Proposal regarding energy reliability improvements filed with the Board on June 15, 2018 in EB-2017-0335
- Considering options for participating in new natural gas distribution and energy supply opportunities that may be connected to the new natural gas pipeline and other area projects such as the liquefied natural gas (LNG) project approach outline in the Corporation of the Town of Marathon project - EB-2018-0329.

Enbridge Indigenous Peoples Policy

Enbridge recognizes the diversity of Indigenous Peoples who live where we work and operate. We understand that the history of Indigenous Peoples in both Canada and the United States has had destructive impacts on the social and economic wellbeing of Indigenous Peoples. Enbridge recognizes the importance of reconciliation between Indigenous communities and broader society. Positive relationships with Indigenous Peoples, based on mutual respect and focused on achieving common goals, will create constructive outcomes for Indigenous communities and for Enbridge.

Enbridge commits to pursuing sustainable relationships with Indigenous Nations and groups in proximity to where Enbridge conducts business. To achieve this, Enbridge will govern itself by the following principles:

- We recognize the importance of the United Nations Declaration on the Rights of Indigenous Peoples in the context of existing Canadian law and the legal and constitutional obligations governments in both Canada and the US have to protect those rights.
- We recognize the importance of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) within the context of existing Canadian and U.S. law and the commitments that governments in both countries have made to protecting the rights of Indigenous Peoples.

- We engage in forthright and sincere consultation with Indigenous Peoples about Enbridge's projects and operations through processes that seek to achieve early and meaningful engagement so their input can help define our projects that may occur on lands traditionally used by Indigenous Peoples.
- We commit to working with Indigenous Peoples to achieve benefits for them resulting from Enbridge's projects and operations, including opportunities in training and education, employment, procurement, business development, and community development.
- We foster understanding of the history and culture of Indigenous Peoples among Enbridge's employees and contractors, in order to create better relationships between Enbridge and Indigenous communities.

This commitment is a shared responsibility involving Enbridge and its affiliates, employees and contractors, and we will conduct business in a manner that reflects the above principles. Enbridge will provide ongoing leadership and resources to ensure the effective implementation of the above principles, including the development of implementation strategies and specific action plans.

Enbridge commits to periodically reviewing this policy to ensure it remains relevant and meets changing expectations.

- At minimum, the commitments of Enbridge's Indigenous Peoples Policy should be reflected in its proposed IRP framework and applied if the framework is approved

Regulated Facilities – Improve Access to Capital

- The history of Indigenous energy investment in Ontario, and elsewhere, demonstrates that regulated facilities:
 - Improve opportunities for Indigenous investment groups to access capital.
 - Reduce the “cost of money”.
 - Enable Indigenous investment groups to work with established, high-quality investment partners and project development partners.
 - Improves the overall rate of return and risk context for Indigenous investment groups.

Thank you.