

EB-2021-0078 – Enbridge Gas Inc. – 2022 Storage Enhancement Project

ONTARIO ENERGY BOARD

IN THE MATTER OF the Ontario Energy Board Act, 1998, S.O. 1998, c.15,
Schedule B; and in particular sections 40(1), 38(1), and 91 thereof;

AND IN THE MATTER OF an application by Enbridge Gas Inc. for an order or
orders to vary the maximum operating pressure of certain gas storage pools
and for a favourable report to the Ministry of Northern Development, Mines,
Natural Resources and Forestry to support a licence to drill a gas storage well
and for an order or orders granting leave to construct a related gathering
pipeline

**NOTICE OF INTERVENTION
OF**

CHIPPEWAS OF KETTLE AND STONY POINT FIRST NATION WITH SOUTHWIND DEVELOPMENT CORPORATION

February 9, 2022

1. The Chippewas of Kettle and Stony Point First Nation (CKSPFN) with Southwind Development Corporation (Southwind) a wholly owned economic development Corporation of CKSPFN applies for intervenor status in this proceeding.
2. CKSPFN with Southwind acknowledges the deadline to apply for intervenor status was December 6, 2021. This project has only recently come to our attention, due to unforeseen staff changes and the impacts of COVID-19 on our First Nation. We do not anticipate that granting Intervenor status to CKSPFN with Southwind will cause any significant delays in the proceeding.
3. CKSPFN with Southwind seeks the opportunity to file a submission based on the current record, including current interrogatories and responses to interrogatories. We feel this is appropriate, given the Ministry of Energy has yet to issue its letter of opinion (Sufficiency Letter) on the adequacy of Indigenous consultation.
4. CKSPFN with Southwind is a relatively new intervenor in Ontario Energy Board (OEB) proceedings. CKSPFN with Southwind is affected by this Application with respect to potential impacts on treaty rights, land use and cultural heritage.
5. CKSPFN with Southwind intends to participate actively and responsibly in this hearing, and intends to apply for recovery of its costs reasonably incurred in the course of its intervention in this matter. CKSPFN with Southwind believes that it meets the eligibility criteria set out in the Ontario Energy Board's Rules of Practice and Procedure (Section 41) and its' Practice Direction on Cost Awards (Section 3.03).

Issues to be Addressed

6. CKSPFN with Southwind's intended participation will include the following:

- a. issues related to the need for the project, project alternatives, project cost and economics, environmental impacts, and land matters;
- b. whether the duty to consult with Indigenous Communities potentially affected by the proposed project has been discharged with respect to the application; and
- c. generally, to represent the Aboriginal rights interests of CKSPFN and its members, and Southwind.

The Intervenor's Intended Participation

7. CKSPFN with Southwind intends to participate in any oral hearings of this matter, and in written or oral submissions, as well as any other parts of the process that the Board should order. CKSPFN with Southwind reserves the right to file evidence in this proceeding, should the Board agree that such evidence will assist in the determination of whether the procedural aspects of the Crown's Duty to Consult have been appropriately discharged by Enbridge Gas Inc.

8. CKSPFN requests that a copy of all documents filed with the Board by each party to this proceeding be served on the intervenor, as follows:

- a. Chippewas of Kettle and Stony Point First Nation – Southwind Development Corporation (electronic copies only)

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- b. Don Richardson – technical advisor for CKSPFN/Southwind

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