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March 24, 2022

VIA EMAIL and RESS

Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Nancy Marconi:

**Re: Enbridge Gas Inc. (Enbridge Gas)
Ontario Energy Board (OEB) File: EB-2021-0248
Coveny and Kimball-Colinville Well Drilling Project
Reply Submission**

Consistent with the OEB's Procedural Order No. 1, enclosed please find the reply submission of Enbridge Gas in the above noted proceeding.

The above noted submission has been filed electronically through the OEB's RESS.

Please contact the undersigned if you have any questions.

Yours truly,

Dave Janisse

Digitally signed by Dave Janisse
Date: 2022.03.24 11:11:23
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Dave Janisse
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IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B; and in particular sections 40(1) and 91 thereof;

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

ENBRIDGE GAS INC.

REPLY SUBMISSION

OEB File No. EB-2021-0248

March 24, 2022

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INTRODUCTION

1. Pursuant to Procedural Order No. 1 issued by the Ontario Energy Board (“OEB”) on February 18, 2022, Enbridge Gas Inc. (“Enbridge Gas” or the “Company”) makes these submissions in reply to the submissions filed by OEB staff, the Ministry of Northern Development, Mines, Natural Resources and Forestry (“MNDMNRF”), and the Chippewas of Kettle and Stony Point First Nation with Southwind Development Corporation (“CKSPFN”) in this proceeding.
2. Enbridge Gas is seeking approval from the OEB to conduct the activities described below as part of its Coveny and Kimball-Colinville Well Drilling Project (“Project”), specifically:
 - 1) pursuant to section 40(1) of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, Schedule B (the “Act”), a favourable report to the MNDMNRF for drilling an injection/withdrawal well in the Kimball-Colinville Storage Pool (“TKC 68”) and an A-1 observation well in the Coveny Storage Pool (“TCV 7”); and
 - 2) pursuant to section 91 of the Act, leave to construct approximately 120 meters of new NPS 10 steel gathering pipeline connecting the above injection/withdrawal well.
3. The Coveny Storage Pool and the Kimball-Colinville Storage Pool are part of Enbridge Gas’s storage operations. The Coveny Storage Pool is located in the geographic Township of Sombra, in the Township of St. Clair, in the County of Lambton, Ontario, which Enbridge Gas understands to be in the lands of the Sombra Township, Treaty No. 7. The Kimball-Colinville Storage Pool is located in the geographic Township of Moore, in the Township of St. Clair, in the County of Lambton, Ontario, which Enbridge Gas understands to be in the lands of the Huron Tract, Treaty No. 29. These storage pools are considered designated storage areas pursuant to section 36.1 of the Act.

4. The Project is required to replace deliverability lost through the abandonment of 6 gas storage wells by drilling a new injection/withdrawal well in the Kimball-Colinville Storage Pool, and to address safety and compliance requirements by drilling an A-1 observation well in compliance with Section 5.5. of the Canadian Standards Association Standard Z341.1-18 *Storage of hydrocarbons in underground formations* (“CSA Z341.1-18”) in the Coveny Storage Pool.
5. With the necessary approvals of the OEB and the MNDMNRF, Enbridge Gas expects to construct the Project between May and September of 2022. To meet the proposed Project construction timelines, Enbridge Gas respectfully requests approval of this application as soon as possible, and not later than the end of April, 2022.¹
6. The Project is supported by both OEB staff and the MNDMNRF, who stated in their respective submissions:

“OEB staff supports Enbridge Gas’s application and request for a favourable report to the Minister subject to ... provision of a letter of opinion from the Ministry of Energy confirming that the procedural aspects of consultation undertaken by Enbridge Gas are satisfactory and ... the conditions that OEB staff has proposed for the well licence and the leave to construct...”²

and

“MNDMNRF has no objection to the approval of the Application, subject to the OEB Staff’s proposed conditions of approval and the suggested inclusions to the conditions of approval...”³

7. Through the balance of this submission, Enbridge Gas summarizes the submissions of OEB staff and MNDMNRF supporting the Project, responds to the specific submissions of CKSPFN, and confirms its acceptance of OEB staff’s proposed conditions of licence and proposed conditions of approval.

¹ Exhibit I.STAFF.1 part 1c).

² OEB Staff Submission, p. 1.

³ MNDMNRF Submission, p. 5.

NEED FOR THE PROJECT

8. On the issue of Project need, Enbridge Gas explained that TKC 68 is required to replace the deliverability lost in the Kimball-Colinville Storage Pool due to the recent abandonment of 6 natural gas storage wells. Upon completion of drilling of TKC 68, Enbridge Gas will need to construct approximately 120 m of NPS 10-inch steel pipeline to connect the well to the existing Kimball-Colinville Storage Pool gathering pipeline.⁴ The Company explained that TCV 7 is needed to comply with Section 5.5. of CSA Z341.1-18. TCV 7 will improve Enbridge Gas's ability to effectively manage inventory by providing more accurate measurement of gas pressures in the A-1 Formation of the Coveny Storage Pool.⁵ OEB staff has no concerns with Enbridge Gas's rationale that the Project is needed.⁶ MNDMNRF and CKSPFN made no submissions regarding the Project need.

PROJECT ALTERNATIVES

9. On the issue of Project alternatives, for TCV 7, Enbridge Gas explained that the Company is not aware of any comparable alternative facility or non-facility solution that would enable the Company to monitor the actual movement of natural gas between the Guelph Formation and the A-1 Formation, nor is the Company aware of any such solution that would provide the ancillary benefit of an A-1 observation well in terms of improving inventory management.⁷ For TKC 68, Enbridge Gas identified and assessed facility and non-facility alternatives for replacing deliverability lost from the abandoned wells. These alternatives included increasing the size of the existing pipelines in the Kimball-Colinville Storage Pool and purchasing natural gas for delivery to Enbridge Gas's system during peak periods. The Company concluded that, based on its assessment of alternatives, drilling TKC 68 is the optimal solution to replace

⁴ Exhibit B, Tab 1, Schedule 1, p. 1 – 3.

⁵ Exhibit B, Tab 1, Schedule 1, p. 3 – 4.

⁶ OEB Staff Submission, p. 4.

⁷ Exhibit C, Tab 1, Schedule 1, p. 2.

the deliverability lost from the abandoned wells.⁸ OEB staff submitted the Project is “cost-effective, reliable, and minimizes the impact on landowners and the environment as compared to other alternatives considered by Enbridge Gas.”⁹ MNDMNRF made no submissions regarding Project alternatives. CKSPFN expressed concern that no non-gas alternatives were assessed,¹⁰ but did not refute the Company’s rationale that no non-gas alternatives exist that meet the stated Project need.¹¹

PROJECT COST

10. On the issue of Project costs, Enbridge Gas explained that the total cost of the Project is estimated to be approximately \$5.1 million. While Enbridge Gas is not seeking cost recovery of the Project as part of this application, upon rebasing, Enbridge Gas expects the capital costs associated with the Project will be included within rate base, as the Project solely benefits Enbridge Gas’s regulated storage business.¹² OEB staff submitted that the cost estimates for the Project seem reasonable given their similarity to other well drilling projects approved by the OEB.¹³ MNDMNRF and CKSPFN made no submissions regarding Project cost.

ENVIRONMENTAL IMPACTS

11. On the issue of environmental impacts, in accordance with the OEB’s *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario, 7th Edition, 2016* (“Guidelines”), Enbridge Gas has worked with Stantec Consulting Ltd. to conduct a comprehensive environmental and socio-economic impact study, the details of which are documented in an extensive Environmental Report (“ER”). The ER identifies the environmental impacts associated with the construction

⁸ Exhibit C, Tab 1, Schedule 1, p. 2 – 4.

⁹ OEB Staff Submission, p. 4.

¹⁰ CKSPFN Submission, p. 4.

¹¹ Exhibit I. CKSPFN.18 d).

¹² Exhibit D, Tab 1, Schedule 1, p. 1

¹³ OEB Staff Submission, p. 5.

of the Project and describes how the Company intends to mitigate and manage these impacts.¹⁴ OEB staff submitted that it has no concerns with the environmental aspects of the Project, given that Enbridge Gas is committed to implementing the proposed mitigation measures.¹⁵ MNDMNRF made no submissions regarding environmental impacts of the Project. CKSPFN made several submissions regarding environmental impacts which are discussed below.

12. First, CKSPFN expresses concerns regarding the fugitive emissions resulting from the Project and Enbridge Gas's existing natural gas infrastructure within CKSPFN's treaty territory. CKSPFN provides an estimate of the fugitive emissions from Enbridge Gas's wells located in the Dow A, Dow Moore, Corunna, Seckerton, Payne, Kimball-Colinville, and Ladysmith Storage Pools and expresses concerns with the associated cost of these fugitive emissions to ratepayers.¹⁶ CKSPFN goes on to request that the OEB make its approval of the Project conditional upon Enbridge Gas undertaking an assessment of all fugitive emissions across its current and proposed natural gas infrastructure in CKSPFN treaty lands and development of an action plan to reduce these fugitive emissions.
13. Enbridge Gas is unable to comment on the accuracy of CKSPFN's submissions on fugitive emissions beyond those identified by Enbridge Gas as directly related to the Project, as Enbridge Gas has not been provided an opportunity to question the CKSPFN assumptions and calculations. In any event, CKSPFN's submissions on fugitive emissions extend well beyond the impacts of the Project and the scope of this proceeding. Enbridge Gas has provided an estimate of the fugitive emissions arising from the two new wells to be drilled as part of the Project. Enbridge Gas further notes that there would be no

¹⁴ Exhibit F, Tab 1, Schedule 1

¹⁵ OEB Staff Submission, p. 6

¹⁶ CKSPFN Submission, p. 3.

fugitive emissions associated with the six abandoned wells that this Project partially replace.¹⁷ The estimated net impact on fugitive emissions is therefore negative at this time.

14. The OEB must consider any environmental impacts in the context of the undisputed need for the project and economic feasibility. Over an estimated 50-year Project lifespan, the fugitive emissions from the Project are immaterial, and equate to approximately 2,000 tCO₂e.¹⁸ Since fugitive emissions are not subject to carbon pricing, there are no carbon costs related to the Project. Furthermore, the potential cost of gas lost because of leaked natural gas over the life of the Project would be negligible. Even at a cost of \$5/GJ, the potential cost of natural gas lost from leaks would be less than \$25,000 over a 50 year term.¹⁹ As outlined in the Company's evidence, the immediate cost to ratepayers of not proceeding with the Project in favour of one of the alternatives will exceed \$2 million.²⁰ Furthermore, the cost of delaying the Project even a single year is expected to result in additional Project costs of up to \$1 million.²¹ CKSPFN has not provided any evidence to support that its request to make the OEB's approval of the Project conditional upon a broad assessment of fugitive emissions is in the best interests of ratepayers, and evidence on the record in this proceeding suggests that it is not.

15. CKSPFN also makes submissions regarding the cumulative impacts of energy infrastructure development on CKSPFN's treaty lands. CKSPFN requests that the OEB make its approval of the Project conditional upon completion of a comprehensive cumulative effects assessment on all historic, current, and proposed natural gas infrastructure in CKSPFN treaty lands.²² Pursuant to the Guidelines, Enbridge Gas has completed a cumulative effects assessment, the

¹⁷ Exhibit I.CKSPFN.4 parts c) and d).

¹⁸ 20 tCO₂e x 2 wells x 50 years = 2,000 tCO₂e.

¹⁹ \$5/GJ x ~50 GJs/year x 2 wells x 50 years = \$25,000

²⁰ Exhibit C, Tab 1, Schedule 1, p. 3.

²¹ Exhibit I.STAFF.1 part 1a).

²² CKSPFN Submission, p. 9.

results of which are detailed in section 5.0 of the ER.²³ As explained in the response to Exhibit I.CKSPFN.17, the cumulative effects assessment and the associated study area was delineated in accordance with Section 4.3.14 of the Guidelines. The methodologies used to conduct the cumulative effects assessment are the same as those used in other Enbridge Gas projects approved by the OEB.

16. Nevertheless, Enbridge Gas is committed to engaging with CKSPFN regarding cumulative effects to better understand how CKSPFN's Aboriginal or treaty rights may be impacted by Enbridge Gas's ongoing development and operations in the Project area, how the Project may further contribute to this impact, and what may be done to avoid, offset, or minimize the impact. Enbridge Gas has requested a discussion with CKSPFN to determine funding requirements for a study of this nature but has not received any response from CKSPFN to this request. While the Company commits to further engagement with CKSPFN regarding this matter, Enbridge Gas maintains that it has appropriately followed the Guidelines for this Project. And even though beyond the scope of the Project, Enbridge Gas noted that it has initiated a Facility GHG Emissions Reduction project to identify and review potential GHG emission reduction opportunities and strategies in support of enterprise targets, more details about which will be provided as part of the Company's upcoming rebasing application.²⁴

17. Finally, CKSPN expressed concerns about Enbridge Gas's approach to managing potential impacts of the Project to amphibian habitat.²⁵ CKSPFN goes on to request that the OEB's approval of the Project be conditional upon field investigations and mitigation/monitoring plans regarding impacts to amphibians, reptiles, and their habitat. Enbridge Gas explained in its response

²³ Exhibit F, Tab 1, Schedule 1, Attachment 1.

²⁴ Exhibit I.CKSPFN.18 part a)

²⁵ CKSPFN Submission, p. 6.

to Exhibit I.CKSPFN.9 that no suitable habitat exists for amphibians in the areas that will be directly impacted by the Project and potential indirect impacts of sensory disturbance and spills will be mitigated through the measures outlined in the ER. The Project will be constructed on lands that are continuously disturbed by agricultural activities, including cultivation of the lands on a regular basis. Based on these facts, Enbridge Gas has determined further field investigations are unnecessary and would not be a prudent use of resources, the cost of which will ultimately be borne by ratepayers.

LANDOWNER IMPACTS

18. On the issue of landowner impacts, Enbridge Gas explained that the land use requirements for the Project consist of construction of gravel pads, temporary work space, and access lanes, located on both privately-owned and Company-owned lands. In the case of TCV 7, the Company explained that it owns the property on which the well will be drilled and that the lands are leased to a local farmer who has been notified of, and has expressed no concerns regarding the Project.²⁶ In the case of TKC 68 and the related gathering pipeline, Enbridge Gas explained that the Company has a Gas Storage Lease on the land on which the well will be drilled and the pipeline installed, and the third-party landowner has been notified of the Project and has confirmed their support for the Project and Enbridge Gas's related communication efforts.²⁷ OEB staff submitted that there are no outstanding land-related concerns arising from the Project.²⁸ MNDMNR and CKSPFN made no submissions regarding landowner impacts.

INDIGENOUS CONSULTATION

19. On the issue of Indigenous consultation, Enbridge Gas explained that the Company has been delegated the procedural aspects of consultation with

²⁶ Exhibit G, Tab 1, Schedule 1, p. 3.

²⁷ Exhibit G, Tab 1, Schedule 1, p. 3; Exhibit I.STAFF.7, Attachment 1.

²⁸ OEB Staff Submission, p. 5.

impacted Indigenous groups by the Ministry of Energy (“MOE”). In accordance with the Guidelines, an Indigenous Consultation Report outlining consultation activities Enbridge Gas has conducted has been prepared and provided to the MOE and filed with the OEB.²⁹ OEB staff submitted that Enbridge Gas appears to have made efforts to engage with affected Indigenous communities and no concerns that could materially affect the Project have been raised through its consultation to date.³⁰

20. Enbridge Gas has not yet received a letter from the MOE confirming sufficiency of Indigenous consultation activities on the Project (“Sufficiency Letter”). OEB staff submitted that if the MOE provides a Sufficiency Letter, that OEB staff would support Enbridge Gas’s application and request for a favourable report to the Minister. Enbridge Gas would accept the OEB imposing the standard requirement to file the Sufficiency Letter as a condition of approval. OEB staff submits this proceeding should be placed in abeyance until the Sufficiency Letter is received.³¹ Enbridge Gas submits that placing the proceeding in abeyance is not necessary in this case as it is recognized that the timing of the OEB’s decision will be impacted by the filing date of the Sufficiency Letter. Further, it would be extraordinary for the OEB to allow additional submissions from any parties in relation to the filing of a standard Sufficiency Letter and this should not be necessary given the parties have had adequate opportunity to make submissions and further delays and increased Project costs may result.

21. MNDMNRF made no submissions regarding Indigenous consultation for the Project. CKSPFN made several submissions regarding Indigenous consultation which are discussed below.

²⁹ Exhibit H, Tab 1, Schedule 1, Attachments 5 and 6; Exhibit I.STAFF.8 Attachment 1

³⁰ OEB Staff Submission, p. 7.

³¹ *ibid*

22. First, CKSPFN submits that Enbridge Gas has not complied with the Guidelines related to Indigenous consultation since the Company has not updated the Indigenous consultation log for the Project beyond February 11.³² Contrary to this submission, the consultation log provided at Exhibit I.STAFF.8 Attachment 1 was updated to March 3, 2022. CKSPFN erroneously accuses Enbridge Gas of omitting details of consultation occurring between February 11 and March 9. Examples of missing information provided by CKSPFN are emails sent by CKSPFN to Enbridge Gas sharing follow-up items of the February 11 meeting and emails with requests for further information. The February 11 meeting was documented in the consultation log in Exhibit I.STAFF.8 Attachment 1 and Enbridge Gas notes that the follow-up items requested by CKSPFN were not specific to this Project. Further, Enbridge Gas's response to these information requests was sent to CKSPFN on March 10, 2022, after the date on which the consultation log was updated and interrogatory responses were filed. The only information shared with CKSPFN specific to this Project was the budget for the Project, which is already on the record in this proceeding.³³ Since all of the other content of this communication relates to matters that are not relevant to this Project, and in some cases pertain to commercially sensitive, unregulated business matters, Enbridge Gas does not intend to file this communication within this proceeding.

23. CKSPFN also submits that Enbridge Gas has not provided any information it has obtained regarding how the Project may adversely affect Aboriginal or treaty rights.³⁴ Enbridge Gas explained in its response to Exhibit I.STAFF.8 part 5 that no Project-specific concerns or impacts on Aboriginal or treaty rights were identified during its consultation activities, aside from an ongoing land claim matter detailed in part 2 of the same response. It should be noted that the Project is being constructed on land owned or leased by Enbridge Gas and

³² CKSPFN Submission, p. 4.

³³ Exhibit D, Tab 1, Schedule 1.

³⁴ CKSPFN Submission, p. 5.

farmed by third parties and CKSPFN has not provided any evidence that it uses this land to exercise its Aboriginal or treaty rights.

24. CKSPFN also makes several submissions about the adequacy of Enbridge Gas's engagement activities with CKSPFN. Specifically, CKSPFN states that despite requests made by CKSPFN (as part of its interrogatories submitted on March 2, 2022), Enbridge Gas did not provide maps of the Project during a February 11, 2022 meeting with CKSPFN. CKSPFN also states that the Stage 1 and 2 Archaeological Assessment was not shared by Enbridge Gas in time for CKSPFN to include any interrogatories on archaeological matters. CKSPFN submits that Enbridge Gas offered capacity funding on March 10, 2022, which was too late to support any archaeological work on the Project. Finally, CKSPFN submits that it is yet to see the full Project application, including maps of Project infrastructure as they relate to CKSPFN treaty territory.³⁵

25. Enbridge Gas understands there have been unique circumstances related to CKSPFN's engagement on this Project and other Enbridge Gas projects that have resulted in the current representatives of CKSPFN only beginning to engage with the Company in early 2022. These circumstances were referenced by CKSPFN in their late intervention request in Enbridge Gas's 2022 Storage Enhancement Proceeding³⁶ and were acknowledged by the OEB in their approval of that request. However, the fact that CKSPFN's current representatives were not present throughout all the engagement activities conducted for the Project, which date back to the summer of 2021, does not mean that engagement has not occurred. Contrary to CKSPFN's submissions, Enbridge Gas has provided maps of the Project on several occasions dating back to summer of 2021, has shared details of the ER, including archaeological assessment activities, on October 18, 2021, and has offered capacity funding to CKSPFN on September 20, 2021, October 25, 2021, January 25, 2022,

³⁵ CKSPFN Submission, p. 8 - 9.

³⁶ EB-2021-0078.

February 7, 2022, and February 11, 2022, all of which is indicated within the consultation log filed at Exhibit H, Tab 1, Schedule 1, Attachment 6 and Exhibit I.STAFF.8 Attachment 1. The full Project application has been available to CKSPFN since it was filed with the OEB in December 2021.

26. CKSPFN described its concern about the cumulative impact of industrial development, including Enbridge Gas's infrastructure, within its territory and referred to the decision of Justice Burke of the British Columbia Supreme Court in *Yahey v. British Columbia*, 2021 BCSC 128 ("Yahey Decision").³⁷ In her decision, Justice Burke analyzed whether the Province of British Columbia had breached Treaty 8 by allowing industrial development on such an extensive scale in Blueberry River First Nations's territory.³⁸ As the CKSPFN pointed out the Yahey Decision is a reminder about the importance of considering cumulative impacts to Aboriginal and treaty rights; however, it is also important to keep the decision in context and Enbridge Gas notes the following:

- The Yahey Decision assessed British Columbia's processes for considering cumulative impacts, but did not assess processes in any other province so the decision cannot be used to draw any conclusions about Ontario's processes;
- The Yahey Decision assessed whether British Columbia breached Treaty 8, but did not assess any other treaties so the decision cannot be used to draw any conclusions about other treaties. Justice Burke noted, interpreting treaties is "done by considering the treaty in its unique historical and cultural context"³⁹.

³⁷ CKSPFN Submission, p. 7.

³⁸ Blueberry River First Nations is a party to Treaty No. 8 ("Treaty 8"). The territory of the Blueberry River First Nations people is located in the upper Peace River region of northeastern British Columbia and the main reserve community today is located approximately 65 kilometers north of what is now the modern-day city of Fort St. John. Blueberry River First Nations alleged that the Province of British Columbia infringed their treaty rights, by authorizing industrial development without regard for Blueberry River First Nations's Treaty 8 rights over the past 180 years.

³⁹ Yahey Decision, para 77.

- The action relates to breach of a treaty and infringement of rights due the cumulative effects of the Province of British Columbia's actions and is not set in the regulatory context so the assessment in the Yahey Decision is not easily transferrable to assessment of a single project,⁴⁰ like this one.
- The Yahey Decision focused on whether the Province of British Columbia's taking up of lands breached Treaty 8.⁴¹ There is no taking up of lands in this Project. The Project will occur on land already owned or leased by Enbridge Gas.
- The Yahey Decision considered the question of whether Blueberry First Nations's treaty rights (in particular, their ability to hunt, fish and trap within their territories) have been significantly or meaningfully diminished.⁴² CPSKFN has not provided any evidence on how this Project could impact its ability to hunt, fish and trap or exercise any other treaty rights within its territory.
- The decision assessed the tools the Province of British Columbia developed for decision-makers to assess cumulative impacts on treaty rights. No assessment of cumulative impacts is required if there are no residual impacts of the Project on treaty rights. As already noted, CPSKFN has not provided any evidence on how this Project could impact its ability to hunt, fish and trap or exercise any other Aboriginal or treaty right within its territory. As such, a cumulative impacts assessment on Aboriginal and treaty rights is not necessary, although as discussed above, a cumulative impacts assessment was completed for the Project.

CONDITIONS OF APPROVAL

27. In its submissions, OEB staff supports the application subject to proposed conditions of approval.⁴³ Appendix A and Appendix B of OEB staff's submission

⁴⁰ Yahey Decision, para 100.

⁴¹ Yahey Decision, paras. 1059 -1077.

⁴² Yahey Decision, paras 1115 – 1116.

⁴³ OEB Staff Submission, p. 9.

provide proposed draft conditions of licence for the well drilling licenses and proposed draft conditions of approval for leave to construct, respectively.

28. Enbridge Gas hereby confirms its intention to satisfy the conditions as described by OEB staff in its submission and will comply with the final conditions of approval and conditions of license established and recommended by the OEB, respectively.

29. In addition to the OEB staff's proposed conditions of approval, MNDMNRF noted that Enbridge Gas has committed to developing a Project-specific Spill Response Plan prior to the start of well drilling operations and that following the installation of the Project facilities, the location of the facilities will be added to Enbridge Gas's Emergency Response Plan. MNDMNRF submitted that it would be appropriate to include these future actions in the conditions of approval.⁴⁴ Should the OEB determine that confirmation that these commitments have been honored is necessary to approve the Project, Enbridge Gas has no concerns with these additional conditions of approval suggested by MNDMNRF.

30. In addition to the standard conditions of approval, CKSPFN submitted that the OEB provide a series of additional conditions of approval,⁴⁵ summarized below:

- 1) The OEB require Enbridge Gas to undertake a comprehensive cumulative effects assessment on all historic, current, and proposed natural gas infrastructure in CKSPFN treaty lands.
- 2) The OEB require Enbridge Gas to collaborate with CKSPFN on field investigations and mitigation/monitoring plans regarding impacts to amphibians, reptiles, and their habitat.

⁴⁴ MNDMNRF Submission, p. 5.

⁴⁵ CKSPFN Submission, p. 9.

- 3) The OEB require Enbridge Gas to undertake in collaboration with CKSPFN an assessment of all fugitive emissions across its current and proposed natural gas infrastructure in CKSPFN treaty lands and develop an action plan to reduce fugitive emissions.
 - 4) The OEB require Enbridge Gas to provide CKSPFN with a map and access to GIS shapefiles for all Enbridge Gas infrastructure west of London, Ontario.
31. Enbridge Gas is opposed to each of CKSPFN's proposed conditions of approval. To reiterate, the Company's position that the first three proposed conditions are not appropriate for the OEB's approval of the Project is detailed within the "Environmental Impacts" and "Indigenous Consultation" sections above. CKSPFN's fourth proposed condition of approval is not applicable to the scope of the Project for which Enbridge Gas is seeking approval. Maps of the proposed Project infrastructure have been provided throughout the evidence to this proceeding.⁴⁶ Enbridge Gas has previously indicated that the Company is willing to engage in further discussions with CKSPFN to assist with CKSPFN's understanding of the Company's infrastructure in and around CKSPFN's treaty territory, however, the content of these discussions and the information requested by CKSPFN extend far beyond the scope of the Project for which Enbridge Gas is seeking approval. Consequently, conveyance of this information should not be included as a condition to approval.

CONCLUSION

32. Considering the Enbridge Gas evidence as summarized above, the clear need for the Project, the support for the Project from both OEB staff and the MNMNR and Enbridge Gas's commitment to continue to engage with CKSPFN in relation to the Project, the OEB should conclude that the Project is

⁴⁶ Maps of the proposed Project infrastructure and applicable Designated Storage Areas can be found in Exhibit A, Tab 2, Schedule 1, Attachment 1; Exhibit B, Tab 1, Schedule 1, Attachment 1; Exhibit C, Tab 1, Schedule 1, Attachment 1, 2, and 5; Exhibit F, Tab 1, Schedule 1, Attachment 1; and Exhibit I. CKSPFN.16 Attachment 1.

needed and issue a report to the MNDMNRF recommending approval of the requested well drilling licences and issue an order granting leave to construct the gathering pipeline, subject to the conditions of approval and conditions of license proposed by OEB staff plus the required filing of the Sufficiency Letter, as applicable.