

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B, as amended (the “**Act**”);

AND IN THE MATTER OF an Application by Enbridge Gas Inc. (“**EGI**”) for an Order or Orders granting leave to construct natural gas pipelines and ancillary facilities from the Township of Dawn-Euphemia to St. Clair Township;

AND IN THE MATTER OF an Application by EGI for an Order or Orders approving the proposed forms of agreements for Pipeline Easement and Options for Temporary Land Use (the “**Application**”).

EB-2022-0086

INTERROGATORIES

OF

**CHIPPEWAS OF KETTLE AND STONY POINT FIRST NATION WITH SOUTHWIND
CORPORATE DEVELOPMENT INC. (“CKSPFN”)**

June 10, 2022

Introduction

The Chippewas of Kettle and Stony Point First Nation together with Southwind Corporate Development Inc. (“**CKSPFN**”) are pleased to submit the following interrogatories to Enbridge Gas Inc. (“**EGI**”). CKSPFN continues to have outstanding concerns regarding the cumulative effects of EGI’s gas infrastructure across our territory and the very significant fugitive emissions that directly impact all our relatives through ground level ozone exposure.

CKSPFN notes that it submitted the below request for information to EGI via email on May 25, 2022, following discussion during a May 11, 2022 meeting with EGI. The request sought to provide clarity to EGI on CKSPFN’s outstanding concerns. These concerns are both universally applicable to recent projects (e.g., EB-2021-0078 and EB-2021-0248) and directly relevant to this proceeding, EB-2022-0086.

Excerpt from May 25, 2022 email:

“Fugitive Emissions

- A complete inventory of all methane and other greenhouse gases (“**fugitive emissions**”) emitted to the atmosphere through the entire Enbridge Gas Distribution system in CKSPFN Treaty territory, including transportation, underground storage, and above ground infrastructure (e.g., compressor stations and storage wells).
- A methodology explaining whether the inventory is based on modelling, or physical measurements.
- Please explain all assumptions made, including the fugitive leakage rate (%) and global warming potential factor used for methane.
- Please share Enbridge’s plan to reduce fugitive emissions across the Enbridge Gas Distribution system in CKSPFN Treaty territory.

Map

- A GIS shapefile of the entire Enbridge Gas Distribution system in CKSPFN Treaty territory, including transmission pipelines, distribution pipelines, gathering pipelines, production pipelines, and post metering, with large point sources of fugitive emissions clearly identified (e.g., compressor stations, storage wells, and other point sources).”

CKSPFN has not received a response to this request to-date.

As further background, please note that CKSPFN’s 2017 Water Assertion is attached at **Appendix A** to these interrogatories.

Question: 1-CKSPFN-1

- Reference:
- Exhibit B, Tab 1, Schedule 1, pp.1, 31
 - Exhibit B, Tab 1, Schedule 1, Attachment 2, Page 3 of 53

Preamble: EGI requests leave to construct approximately 20 km of NPS 36 pipeline from the Dawn Operations Centre (“**Dawn**”) in the Township of Dawn Euphemia to the Corunna Compressor Station in St. Clair Township (the “**Project**”). EGI notes in the Application that it is proposing to retire and abandon 7 reciprocating compressor units located within the Corunna Compressor Station (“**CCS**”) site. [p.1]

EGI’s conclusions regarding the purpose and need of the Project include, among others, EGI’s forecasted storage requirements based on its 2021 and 2022 Annual Gas Supply Plan Updates.

EGI notes that CCS has two main modes of operation: injection and withdrawal. “Injection operating mode takes gas from the two twin 30 NPS transmission pipelines from Dawn and flows the gas through CCS to the offsite storage pools. Withdrawal operating mode takes gas from the storage pool pipelines and flows through CCS into the transmission pipelines back to the Dawn facility.” [p.3]

- a) Please explain what “retire and abandon” means and provide a description of the process EGI proposes to undertake in relation to same.
- b) Please discuss EGI’s regional planning and gas supply and demand forecasts for Southwestern Ontario and indicate how the Project supports and is aligned with EGI’s service growth forecasts in the region.
- c) Please indicate whether the 7 compressor units at the CCS site are to be left in place as part of the Project. If yes, please discuss the potential and/or probable environmental or health impacts associated with leaving the compressors in place. If no, please provide details regarding the removal of the compressors.
- d) Has EGI considered non-pipeline alternatives, such as installing new compressors at the CCS?
- e) Please discuss whether new compressors could be powered electrically.
- f) Please indicate how the remaining four compressors will be powered.
- g) Please provide details regarding what will happen to the two pipelines currently running from Dawn to Corunna and indicate whether they will they still transport natural gas or whether they are to be abandoned and purged with nitrogen.

- h) If the two existing pipelines are no longer required, would EGI consider removing them from the right-of-way and re-purposing the right-of-way for the new Dawn to Corunna 36" pipeline?
- i) Please indicate whether EGI has or will consider equity participation of First Nations, including CKSPFN, in relation to the Project. If yes, please discuss what equity participation means to EGI and how First Nations may participate. If no, please explain why not. Please provide all related policies, documents, presentations, or other written materials relating to same.

Question: 4-CKSPFN-2

- Reference:
- Dawn – Corunna Project: Environmental Report - FINAL REPORT - Prepared by: Stantec Consulting Ltd., September 21, 2021 (the “**Environmental Report**”)
 - Ontario Energy Board: Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario (the “**Environmental Guidelines**”)
 - Exhibit F, Tab 1, Schedule 1, Attachment 3, p. 6

Preamble: The Environmental Guidelines state at Section 4.3.14 Cumulative Effects that “[i]n many situations, individual projects produce impacts that are insignificant. However, when these are combined with the impacts of other existing or approved projects, they become important.” Further, the Environmental Guidelines state: “[p]articular attention should be paid to environments of known sensitivity and high eco-value (as defined by provincial policies and public input), to situations where opportunities exist to remedy past negative impacts, and to situations in which a combination of actions may result in identifiable environmental impacts that are different from the impacts of the actions by themselves”. The Environmental Guidelines also indicate that, “[c]umulative impacts may result from pipeline projects which loop existing systems and should be addressed. This may include an examination of areas of known soil erosion, soil compaction or soil productivity problems. It may mean the examination of impacts associated with continued loss of hedgerows and woodlots in the same area. As well, it could mean the increased loss of enjoyment of property because of disruptions caused by the construction of successive pipelines on a landowner's property. There may also be heightened sensitivities as a result of improper or ineffective practices and mitigation measures in the past.”

CKSPFN has identified the proposed project area as an area of known sensitivity and high cultural and ecological importance to the First Nation. CKSPFN has made several requests to EGI via interrogatories and written submissions in OEB proceedings including the 2022 Storage Enhancement Project (EB-2021-0078) and Coveny and Kimball Colinville Well Drilling Project (EB-2021-0248). CKSPFN has also met virtually and in person with EGI representatives, highlighting the issue of cumulative effects and a desire to better understand current and future EGI infrastructure across CKSPFN territory. The cumulative effects issue was also raised by Aamjiwnaang First Nation (“**AFN**”) in their November 16, 2021, comments to EGI.

The Environmental Guidelines clearly outline the approach to Cumulative Effects Assessment:

“The first step in assessing cumulative effects is to define appropriate study area boundaries. It is critical not to restrict the study area to a proposed pipeline easement and temporary work areas. The applicant is required to

consider four distinctive cumulative effects pathways when delineating the study area and analyzing and assessing the cumulative effects:

1. additive effects of pipeline construction occurring slowly over time (e.g. erosion of the easement due to inadequate grading);
2. interactive or magnifying effects from pipeline construction (e.g. soil fertility loss and soil drainage degradation due to compaction during construction);
3. additive effects of pipeline construction and other existing and future projects in the area (e.g. additive forest cover losses due to tree clearing for pipeline construction and subdivision development);
4. interaction of pipeline construction with other existing and future projects in the area (e.g. cold stream fish habitat degradation, as an interactive effect of increased erosion and sedimentation due to pipeline stream crossing and floodplain development downstream).”
[p.47]

EGL has repeatedly held that 100m is a sufficient boundary to assess cumulative effects. CKSPFN has repeatedly rejected the idea that a 100m boundary around proposed project locations is appropriate. 100m is an arbitrary boundary of which natural ecosystems and all living relatives do not know the borders. We have raised this issue in previous OEB filings, without an appropriate remedy. CKSPFN notes that nowhere in the Environmental Guidelines does the OEB state that 100m is an appropriate boundary for cumulative effects assessment.

In EGL’s reply submission to CKSPFN comments on the 2022 Storage Enhancement Project (Filed: 2022-02-25, EB-2021-0078, p.9), EGL stated, “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 EGL’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.”

In EGL’s reply submission to CKSPFN interrogatories on the Coveny and Kimball-Colinville Well Drilling Project (EB-2021-0248), EGL responded to our outstanding cumulative effects concerns by once again writing, “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.” EGL then added, “Enbridge Gas would like to have a discussion with CKSPFN to determine funding requirements for a study of this nature. 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.”

CKSPFN has clearly stated that it is extremely difficult for the First Nation to assess the cumulative effects of EGI activities on CKSPFN’s Aboriginal or Treaty Rights when projects are filed and assessed on a piecemeal basis. To truly assess cumulative effects in our territory, CKSPFN must be able to consider the larger picture of existing and planned gas infrastructure and the residential, commercial, and industrial development that may be enabled by expanded gas services in the region.

- a) Please outline what steps EGI has taken to address CKSPFN’s outstanding concerns about the cumulative effects of gas infrastructure and expansion across CKSPFN territory.

Please provide the instructions EGI provides to its environmental consultants for assessing cumulative effects for this Project; for other projects commenced or undertaken in the past three years in the Three Fires treaty territory.

- b) Please discuss whether EGI has considered all past, present, and future conditions in the cumulative effects assessment, including existing projects, the current project, and any future projects. Please note that p.28 of the Environmental Guidelines states that, “[c]umulative effects that may result from the interaction between the effects of the proposed project and the effects of other developments already in place or planned within or near the study area, are expected to be addressed.”
- c) Does EGI agree that non-provincially significant wetlands should be included in the Environmental Report methodology alongside “Provincially Significant Wetlands” and unevaluated wetlands? If not, please explain why not considering CKSPFN’s water assertion and the cultural significance of wetlands other than those deemed “Provincially Significant Wetlands”.
- d) Please indicate and provide details of whether EGI assessed the cumulative effects of the existing two natural gas pipelines running from the Dawn Hub to the Corunna Compressor Station and the expansion/brand new right-of-way for the Dawn to Corunna pipeline project.
- e) Please indicate and discuss whether EGI assessed the state of soil erosion, soil compaction or soil productivity problems at both the existing right-of-way and the preferred route right-of-way. If yes, did EGI also assess the cumulative effects of expanding the land taken up for pipeline right-of-way?
- f) Please indicate and discuss whether EGI assessed the cumulative effects associated with continued loss of hedgerows and woodlots in the Project area.

- g) Please indicate whether EGI considered the cumulative effects of multiple pipeline right-of-ways crossing the waters included in CKSPFN's 2017 Water Assertion (attached at **Appendix A**). If yes, please provide details and all related reports, presentations or other documents. If no, please explain why not.
- h) Please explain why Table 6.1: Project Inclusion List for Cumulative Effects (PDF p. 87 of the Environmental Report) does not consider any existing, currently under construction, or future projects being conducted by EGI.
- i) Section 6.1 of the Environment Report outlines methodology for the cumulative effects assessment. Please explain why accidents or emergency events were not considered in the cumulative effects assessment and discuss whether EGI believes that constructing numerous pipelines in close proximity to each other amplifies the risk of accidents and emergency events.
- j) Please provide all analysis performed by EGI (and all related documents) to determine that 100m is an appropriate boundary for cumulative effects assessment? If no such analysis was undertaken, please explain why not.
- k) Please explain how EGI considered each of the four distinctive cumulative effects pathways listed on PDF p. 47 of the Environmental Guidelines when delineating the cumulative effects study area of 100m.
- l) Please explain and provide details of how EGI considered each of the four distinctive cumulative effects pathways listed in the Environmental Guidelines when analyzing and assessing the cumulative effects of the proposed project.
- m) Please explain how EGI has made progress on its commitment to "engag[e] 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". Although this commitment was made during EB-2021-0078 and again at EB-2021-0248, please explain how CKSPFN's outstanding concern regarding cumulative effects has been considered in EGI's evaluation of the Project and in the present Application.

Question: 4-CKSPFN-3

Reference: • Exhibit B, Tab 1, Schedule 1, pp.3-4

Preamble: EGI indicated in the Application that the Project will have negligible impacts on the environment and there are no environmental concerns that cannot be mitigated and there are no significant cumulative impacts resulting from the Project.

- a) Please identify and describe all data sources available to EGI on fugitive methane emissions associated with EGI's infrastructure in southwestern Ontario.
- b) Please confirm whether EGI has access to, and uses, high-resolution satellite data to identify, measure and monitor point sources methane across EGI's infrastructure in southwestern Ontario. If yes, please describe the data available and explain how it is used. If no, please explain why not.
- c) Has EGI modelled the fugitive methane emissions that will be released by the proposed Project, including at the CCS, pipe connection at the CCS, along the pipeline right-of-way, and at the connection with the Dawn Hub? If yes, please describe the modelling that was undertaken and provide all related results. If not, please explain.
- d) Please indicate whether EGI considered fugitive emissions and the resulting increase in ground level ozone in the cumulative effects assessment? If EGI has not considered the cumulative effects of such fugitive emissions, please explain why not.
- e) Please provide information on EGI's leak detection, repair and reporting protocol for related infrastructure, including accounting for fugitive emissions.
- f) Canada has committed to developing a plan to reducing oil and gas methane emissions by at least 75 percent below 2012 levels by 2030, pursuant to the Global Methane Pledge (see **Appendix B**).¹ Please explain EGI's understanding of Canada's commitments under the Global Methane Pledge and describe how:
 - (i) EGI's operations contribute to or detracts from those commitments; and
 - (ii) The Project contributes to or detracts from those commitments.

¹ Government of Canada, News Release, "Canada confirms its support for the Global Methane Pledge and announces ambitious domestic actions to slash methane emissions" (October 11, 2021), available online at: <https://www.canada.ca/en/environment-climate-change/news/2021/10/canada-confirms-its-support-for-the-global-methane-pledge-and-announces-ambitious-domestic-actions-to-slash-methaneemissions.html>

Question: 4-CKSPFN-4

- Reference:
- Exhibit F, Tab 1, Schedule 1, Attachment 4, p. 1
 - Dawn – Corunna Project: Environmental Report - FINAL REPORT - Prepared by: Stantec Consulting Ltd., September 21, 2021, p.86
 - Enbridge Inc. “Net Zero by 2050: Pathways to reducing our emissions”² (The “**Net Zero Plan**”), pp. 2 and 9-11
 - Ontario’s “Low-Carbon Hydrogen Strategy: A Path Forward” (see **Appendix E**)
 - Ontario “Discussion Paper: Geological Carbon Storage In Ontario”³

Preamble: The Environment Report lists Operation and Maintenance of the pipeline to occur between 2024-2074, but an asterisk to those dates explains, “Fifty years of operation is used as an assumption, although the pipeline may be operational beyond fifty years”.

In their December 9, 2021, comments on the Environment Report, Walpole Island First Nation (“**WIFN**”) stated, “[t]here is currently no consideration for climate changes in terms of both adaptation and mitigation. Please include an assessment of greenhouse gas (GHG) emissions for the lifespan of the Project. Please also provide information on EGI’s leak detection, repair and reporting protocol for related infrastructure, including accounting for fugitive emissions. This information will better inform WIFN of EGI’s efforts to mitigate and reduce GHG emissions from its infrastructure.”

In March 2022, EGI published the Net Zero Plan which includes targets of reducing the intensity of GHG emissions from their operations by 35% by 2030 and achieving net zero greenhouse gas (“**GHG**”) emissions from their business by 2050 (the “**Commitments**”).

- a) Please indicate and provide details of how Enbridge Inc. and EGI intend to reach the Commitments as it relates to the Application and the Project. Please comment on, and file any and all analysis EGI has performed in connection with, how the shipping and burning of methane gas across CKSPFN territory into 2074 and beyond will, or is anticipated to, affect the Commitments.
- b) Please discuss whether EGI considered a “no-go” alternative where the compressors presenting a danger to EGI employees are retired and abandoned

² Enbridge Inc. “Net Zero by 2050: Pathways to reducing our emission” (March 2022), available online at: https://www.enbridge.com/~/_media/Enb/Documents/About%20Us/Net_Zero_by_2050.pdf?la=en.

³ Government of Ontario, Discussion Paper, “Geologic Carbon Storage in Ontario” (January 2022), available online at: https://prod-environmental-registry.s3.amazonaws.com/2022-01/Geologic%20Carbon%20Storage%20Discussion%20Paper%20-%20FinalENG%20-%202022-01-04_0.pdf.

and the Project does not proceed. If EGI did not consider such an alternative, please explain why not in light of the Commitments.

- c) Please provide a detailed outline of EGI's consultation with First Nations and Indigenous Communities on the alternatives studied and considered to the Project.
- d) Please discuss and provide details regarding any revisions to the Project by EGI resulting from the comments put forward by AFN on November 16, 2021 and WIFN on December 9, 2021.
- e) Please file any and all analysis EGI has performed to assess GHG emissions over the lifespan of the Project. If EGI has not undertaken any such analysis, please explain why no such analysis has been undertaken, in light of the Commitments.
- f) Ontario has identified the Dawn Hub storage facilities and the potential to blend hydrogen with natural gas to lower its carbon footprint as an important part of its Low-Carbon Hydrogen Strategy and meeting Ontario's emission reduction targets of 30 percent below 2005 levels by 2030. Please explain EGI's understanding of Ontario's Low-Carbon Hydrogen Strategy and describe how:
 - (i) EGI's operations support and are aligned with the strategy; and
 - (ii) The Project contributes to or detracts from the strategy.
- g) Ontario has released a discussion paper on the geologic storage of carbon in Ontario and is currently considering amendments to the *Oil, Gas and Salt Resources Act* and the *Mining Act* to allow and support the geological storage of carbon dioxide in deep underground geologic storage projects. Please explain EGI's understanding of Ontario's discussion paper and proposed regulatory amendments and please file any and all analysis EGI has performed to assess the potential for any deep underground geological storage projects in Ontario, including in relation to the Project.

Question: **5-CKSPFN-5**

Reference: • Exhibit G, Tab 1, Schedule 1, p. 1

Preamble: “The proposed pipeline is approximately 20 km in length requiring approximately 95.68 hectares (236.44 acres) of permanent easement. Enbridge Gas plans to acquire the land rights to 42.14 hectares (104.13 acres) of the required permanent easement. Enbridge Gas will also require approximately 53.54 hectares (132.31 acres) of temporary land use for construction and topsoil storage purposes.”

- a) Please indicate whether all the land required for permanent easement and temporary land use are held in fee simple? If not, please identify the location of such other lands and indicate the applicable land rights.

Question: **5-CKSPFN-6**

Reference: • Exhibit A, Tab 2, Schedule 1, Attachment 1, p. 1

Preamble: Section 94 of the Act requires applicants for an order granting leave under the relevant part to file a map showing the general location of the proposed work and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the proposed work is to pass.

The map provided in the Application identifies “watercourse”, but not “navigable waters”.

- a) Please indicate whether there are any navigable waters impacted by the proposed project. If yes, please provide details and all analysis undertaken by EGI with respect to the impacts on navigable waters by the Project.

Question: 6-CKSPFN-7

Reference: • Exhibit A, Tab 2, Schedule 1, p. 2

Preamble: EGI states that parties affected by the Application include the (i) owners of lands, government agencies and municipalities over which the pipeline will be constructed and (ii) customers resident or located in the municipalities, police villages, **Indigenous communities and Métis organizations** served by EGI, together with those to whom EGI sells gas, or on whose behalf EGI distributes, transmits, or stores gas. [emphasis added]

a) Please file any and all analysis EGI has performed, that is not already provided in the Application, in connection with how the Application will, or is anticipated to, affect residents and members, including off-reserve members, of CKPSFN:

- (i) that EGI serves;
- (ii) to which EGI sells gas; and
- (iii) on whose behalf EGI distributes, transmits, or stores gas.

If EGI has not undertaken any such analysis, please explain why no such analysis has been undertaken, in light of the above paragraph.

b) Please indicate whether EGI recognizes that the following groups are also affected by this application:

- (i) Indigenous nations whose Aboriginal and Treaty Rights are impacted by the continued expansion of gas infrastructure across Treaty territory and directly impacted by the increased ground level ozone caused by fugitive emissions; and
- (ii) current and future generations who will face the challenges of accelerated anthropogenic climate change.

Question: 6-CKSPFN-8

- Reference:
- Exhibit A, Tab 2, Schedule 1, Attachment 1
 - Exhibit B, Tab 1, Schedule 1, p. 3
 - Exhibit G, Tab 2, Schedule 2, p. 4
 - Exhibit H, Tab 1, Schedule 1, Attachment 2, p. 1
 - Exhibit H, Tab 1, Schedule 1, Attachment 4
 - Exhibit H, Tab 1, Schedule 1, Attachment 5, p. 6
 - Exhibit H, Tab 1, Schedule 1, Attachment 6
 - Truth and Reconciliation Commission of Canada (“**TRCC**”) “Calls to Action”⁴ (**Appendix C**)
 - United Nations Declaration on the Rights of Indigenous Peoples (“**UNDRIP**”)⁵ (**Appendix D**)

Preamble: EGI’s natural gas infrastructure and the proposed natural gas pipeline that EGI is requesting board approval to construct as part of the Application, traverses First Nation Treaty lands, including the lands described in the Huron Tract, Treaty No. 29, 1827, as well as reserve lands impacted by EGI’s natural gas infrastructure.

The then Ministry of Energy, Northern Development and Mines (“**ENDM**”) determined that the Project may have the potential to adversely affect the established or credible asserted Aboriginal or Treaty rights of First Nations in the vicinity of the Project.

Enbridge Inc.’s “Enbridge Indigenous Peoples Policy” recognizes the “importance of [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.”

Section 4(a) of the *United Nations Declaration on the Rights of Indigenous Peoples Act*,⁶ affirms UNDRIP as a universal international human rights instrument with application in Canadian law.

UNDRIP requires that Indigenous Peoples are consulted in good faith in order to obtain their free, prior and informed consent (“**FPIC**”) (i) before measures are adopted that affect them (article 19) or (ii) when undertaking a project that affect their rights to land, territory and resources (article 32).

⁴ Truth and Reconciliation Commission of Canada “Calls to Action” (29 March 2016), available online at: <https://crc-canada.org/wp-content/uploads/2016/03/trc-calls-to-action-english.pdf>.

⁵ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly* (2 October 2007), A/RES/61/295, available online at: https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

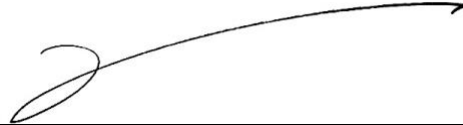
⁶ *United Nations Declaration on the Rights of Indigenous Peoples Act* S.C. 2021, c. 14.

CKSPFN met with EGI on February 11, 2022, to discuss the Project. During that meeting, EGI expressed a commitment to the recommendations of the TRCC, specifically Call to Action #92. Call to Action #92 calls upon the corporate sector in Canada to adopt UNDRIP as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources.

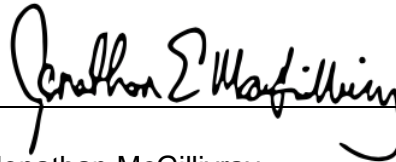
- a) Please indicate whether EGI notified CKSPFN that it may contact the Crown directly, and provide CKSPFN with the relevant ministry's contact details should they have any questions or concerns? If EGI did not provide such notification, please explain.
- b) Does EGI recognize CKSPFN as a rights holder and does it confirm receipt and acknowledgement of the 2017 Water Assertion attached in Appendix A?
- c) Did EGI identify to CKSPFN whether the Project is on privately owned or Crown controlled land?
- d) Did EGI provide information on the potential effects of the Project, including, in particular, any likely adverse impacts on established or asserted Aboriginal or Treaty rights, specifically CKSPFN's 2017 Water Assertion attached at **Appendix A**?
- e) Did EGI inform AFN and WIFN how their concerns were taken into consideration and whether the Project proposal was altered in response to their concerns? If so, please provide this correspondence and documentation. If not, please explain why.
- f) Does EGI believe that all Indigenous consultation requirements from the Environmental Guidelines have been followed? If yes, please explain how they have been followed? If no, please explain why not.
- g) Did EGI provide a description to potentially impacted First Nations of other provincial or federal approvals that may be required for the Project to proceed?
- h) What agreements, authorizations, and or approvals with and/or from First Nation government, including CKSPFN, does EGI envision needing or entering into to support the Application?
- i) Please provide details of any analysis undertaken by EGI to assess and determine the impacts on Treaty lands, generally, and on the Treaty lands of CKSPFN. If no analysis was performed, please explain why not.

- j) Please provide a detailed response to how CKSPFN was consulted with the objective of obtaining their FPIC. In your response, please discuss whether EGI has received CKSPFN's FPIC regarding crossing the water bodies covered by CKSPFN's Water Assertion, passed by Band Council Resolution #2851, in 2017 and as provided in **Appendix A**.
- k) Please discuss and provide any updates, as it pertains to CKSPFN, to the "Indigenous Consultation Report; Log and Project Correspondence" in tabular format.
- l) Please provide details of how EGI has taken steps to implement TRC #92 with respect to CKSPFN over the last 4 months, including as part of the Application.

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS
10th day of June, 2022



Lisa (Elisabeth) DeMarco
Resilient LLP
Counsel for CKSPFN



Jonathan McGillivray
Resilient LLP
Counsel for CKSPFN

Appendix A: CKSPFN Declaration to the Waterways and Lakebeds within its Traditional Territory



Chippewas of Kettle & Stony Point First Nation

6247 Indian Lane
Kettle & Stony Point FN, Ontario, Canada N0N 1J1

Wednesday, May 31, 2017

Minister Carolyn Bennett
Indigenous Affairs and Northern
Development Canada
Terrasses de la Chaudière
10 Wellington, North Tower
Gatineau, Quebec
K1A 0H4



Dear Minister Bennett:

Re: Chippewas of Kettle and Stony Point First Nation Band Council Resolution # 2851

Enclosed please find the Chippewas of Kettle and Stony Point First Nation BCR #2851 regarding the affirmation of the First Nation's declaration of ownership to the lakebeds and waterways located within our traditional land base.

Please direct inquiries to Chief Thomas Bressette at your convenience.

Sincerely,

Toni George
Council Assistant

Attach. (1)

c: Ministry of Indigenous Relations & Reconciliation
Ministry of Natural Resources
Ministry of Environment
Municipality of Lambton Shores



FIRST NATION COUNCIL RESOLUTION

REFERENCE NO. 2851	DATE OF DULY CONVENED MEETING: 2017 / 05 / 29 (YEAR/MONTH/DAY)	PROVINCE OF ONTARIO
--------------------	--	------------------------

THE CHIPPEWAS OF KETTLE AND STONY POINT FIRST NATION DO HEREBY RESOLVE:

WHEREAS the "Chippewas Nation of Indians and His Majesty King George IV as represented by the Superintendent of Indian Affairs" entered into the Provisional Agreement of 1825 and Treaty of 1827 regarding a certain tract of land in Southwestern Ontario and which surrendered certain parts of the tract and created the Reserves designated as Kettle Point #44 and Stony Point #43, and,

WHEREAS in neither agreement or Treaty was there a surrender of the waterways known as Lake Huron including the lakebed or any other waterways within the traditional territory; and

WHEREAS under Aboriginal and Treaty Rights, the Chippewas of Kettle and Stony Point First Nation assert ownership and jurisdiction over said waterways to the International Boundary and the land underlying the waterways (lakebed); and

WHEREAS the Chippewas of Kettle and Stony Point First Nation make DECLARATION to the waterways and lakebeds in its traditional territory including the waterway known as Lake Huron to the International Boundary, and including the lands under the waterway of Lake Huron known as the lakebed; and

WHEREAS the Lake Huron waterways are described as the point of intersection of the surrendered lands with Lake Huron as its most northerly point, extending directly out into Lake Huron to the International Boundary, then running along the International Boundary to the southerly limit of the herein described lands at the water's edge of the St. Clair River, and the land underlying this portion of Lake Huron (lakebed) and assert this waterway and lakebed has never been surrendered; and

THEREFORE BE IT RESOLVED THAT the Chippewas of Kettle and Stony Point First Nation hereby notify each government- Federal, Provincial and Municipal, company, individual, or groups of individuals, and any others who use or who plan to use any part or portion of this territory that they must disclose their use to the First Nation, and seek express permission from the government of the First Nation, namely the elected Chief and Council for the proposed usage; and

FINALLY THEREFORE BE IT RESOLVED the Chief and Council of the Chippewas of Kettle and Stony Point First Nation pass and affirm this "DECLARATION TO THE WATERWAYS AND LAKEBEDS WITHIN ITS TRADITIONAL TERRITORY FOR THE MANAGEMENT, USE AND ENJOYMENT OF THE FIRST NATION AND ITS PEOPLES" as confirmed within the First Nation's Aboriginal and Treaty Rights.

QUORUM 6


(COUNCILLOR)


(COUNCILLOR)


(COUNCILLOR)

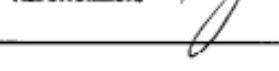

(CHIEF)


(COUNCILLOR)


(COUNCILLOR)


(COUNCILLOR)


(COUNCILLOR)


(COUNCILLOR)

Appendix B: Global Methane Pledge

Appendix C: Truth and Reconciliation Commission of Canada “Calls to Action”

Appendix D: United Nations Declaration on the Rights of Indigenous Peoples

Appendix E: Ontario's Low-Carbon Hydrogen Strategy