



Adam Stiers
Manager, Regulatory Applications
Leave to Construct
Regulatory Affairs

tel 519-436-4558
EGIRegulatoryProceedings@enbridge.com
astiers@enbridge.com

Enbridge Gas Inc.
50 Keil Drive
Chatham, Ontario N7M 5M1
Canada

July 26, 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-2022-0086
Dawn to Corunna Replacement Project
Evidence and Interrogatory Response Updates**

Further to the application and evidence and interrogatory responses filed on March 21 and June 30, 2022 in the above noted proceeding, Enbridge Gas is filing an update to the following exhibits:

Exhibit	Update / New
Exhibit G, Tab 1, Schedule 1, Page 1, Paragraph 4.	Updated description of land rights required for the Project to approximately 95.68 hectares (236.44 acres) of easement and temporary land use.
Exhibit I.CKSPFN.2, parts a) & m) and Exhibit I.CKSPFN.8 part k), line 2.24.	Updated the date of the meeting between Enbridge Gas and CKSPFN representatives to May 30, 2022.
Exhibit I.CAEPLA-DCLC.2, parts b) and c).	Updated the approximate width of easement for both TR 1 and TR 2 to 50 feet.
Exhibit I.SEC.10.	References to pages within the QRA report have been corrected.

Please contact the undersigned if you have any questions.

Yours truly,

(Original Digitally Signed)

Adam Stiers
Manager, Regulatory Applications - Leave to Construct

cc.: C. Keizer (Torys)
R. Murray (OEB Staff)
EB-2022-0086 (Intervenors)

LAND MATTERS

1. The purpose of this section of evidence is to provide an overview of land rights required for the Project, the Enbridge Gas forms of easement and of temporary land use and the status of outreach and negotiations with affected landowners.

2. This Exhibit of evidence is organized as follows:

- A. Land Rights for the Project
- B. Proposed Easement Requirements
- C. Landowner Relations
- D. Construction Monitoring and Follow-up
- E. Authorizations and Permits Required

A. Land Rights for the Project

3. Drawings showing the location of the PR are provided at Attachment 1 to this Exhibit. The names and addresses of landowners have been removed from this Attachment to safeguard landowner privacy.

4. The proposed pipeline is approximately 20 km in length requiring approximately 95.68 hectares (236.44 acres) of easement and temporary land use. 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.

/U

5. Enbridge Gas has initiated meetings with landowners to inform them of the Project, to answer any questions that they may have, and to obtain early access to complete

survey work. At the time of this filing, formal land rights negotiations have not yet commenced.

B. Proposed Easement Requirements

6. A list of the properties and the approximate dimensions of permanent easements and temporary easements required for the Project is outlined in Attachment 2 to this Exhibit. The names and addresses shown on this list have been redacted to safeguard landowner privacy where appropriate.
7. Enbridge Gas's form of Pipeline Easement is included as Attachment 3 to this Exhibit. This agreement was approved by the OEB for use as part of the Company's Greenstone Pipeline Project (EB-2021-0205) on March 17, 2022. This agreement covers the installation, operation, and maintenance of one pipeline. The major restrictions imposed on the landowner by the agreement are that the landowner cannot erect buildings or privacy fencing on the easement. In addition, the landowner cannot excavate on the easement or install field tile without prior notification to Enbridge Gas. The landowner is free to farm the easement or turn the easement into a laneway.
8. The Enbridge Gas form of Temporary Land Use agreement is included as Attachment 4 to this Exhibit. This agreement was approved by the OEB for use as part of the Company's Greenstone Pipeline Project (EB-2021-0205) on March 17, 2022. This agreement typically applies for a period of two years, beginning in the year of construction, allowing Enbridge Gas to return in the year following construction to perform clean-up work as required.

C. Landowner Relations

9. Enbridge Gas is implementing a comprehensive program to provide landowners, tenants and other interested parties with information regarding the Project.

Information was previously distributed through correspondence and meetings with the public. Where formal public meetings were held, in conjunction with the ER (as discussed in Exhibit F), directly affected landowners and agencies were invited to participate by letter, and the general public was invited to participate through newspaper advertisements.

10. Enbridge Gas is in the process of obtaining early access from landowners to conduct preliminary surveys in support of the Project. Preliminary discussions have not identified any strong opposition to the Project.

D. Construction Monitoring and Follow-up

11. Enbridge Gas has a comprehensive and proven landowner relations program in place. Key elements of this program include complaint tracking and assignment of a lands agent to: (i) ensure that commitments made to landowners are fulfilled; (ii) address landowner questions/concerns as promptly as possible; and (iii) act as a liaison between landowners, the Pipeline Contractor and Enbridge Gas Project personnel.

12. When Project cleanup is completed, landowners will be asked by Enbridge Gas to sign a clean-up acknowledgement form if satisfied with the clean-up. This form, when signed, releases the Pipeline Contractor, allowing payment for clean-up on the property. This form in no way releases Enbridge Gas from its obligation for tile repairs, compensation for damages and/or further clean-up as required due to erosion or subsidence directly related to pipeline construction.

E. Authorizations and Permits Required

13. Enbridge Gas's preliminary work on the Project has identified the potential need for authorizations/approvals from and/or compliance with the policies of the following ministries, agencies, municipalities and organizations:

Federal

- Environment Canada
- Fisheries and Oceans Canada ("DFO")

Provincial

- Ontario Energy Board
- Ministry of Environment, Conservation and Parks ("MECP")
- Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI")
- St. Clair Region Conservation Authority ("SCRCA")

Municipal

- Lambton County
- St. Clair Township
- Township of Dawn-Euphemia

Other

- Indigenous engagement
- Utility circulation
- Landowner agreements for easements, temporary working space, and/or storage sites
- Third-party utility crossing agreements including Hydro One

14. Other authorizations, notifications, permits and/or approvals may be required in addition to those identified above. Enbridge Gas will complete all required notifications and will obtain all required authorizations, approvals, permits and land rights prior to the commencement of Project construction.

ENBRIDGE GAS INC.

Answer to Interrogatory from
Canadian Association of Energy and Pipeline Landowner Associations (“CAEPLA”) and
its subcommittee, the Dawn Corunna Landowner Committee (“DCLC”)

INTERROGATORY

Reference:

OEB Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario, 7th Edition 2016, Section 4.3.14, pages 42 et ff., Cumulative Effects

OEB Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario, 7th Edition 2016, Section 6.2.2, page 66, Monitoring Reports

Enbridge Gas Inc. Application, Exhibit B, Tab 1, Schedule 1, Page 1 of 31, Footnote 1, Adobe page 11

Stantec Dawn-Corunna Project: Environmental Report, Cumulative Effects Assessment – Adobe page 85 et ff.

Preamble:

Cumulative Effects Assessment

The OEB Guidelines include the following guidelines and recommendations with respect to the assessment of cumulative effects of a project:

Cumulative 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.

AND

Cumulative effects, when identified as part of the assessment process, should be integrated in the appropriate section of the ER (e.g. soil impacts.)”

“The following is a list that encompasses some of the cumulative effects of pipeline construction:

- a) Incremental increase of easement width when adding new parallel pipelines to reinforce the systems;
- b) Additive effects of vegetation removal including riparian vegetation, forest cover, agricultural crops;
- c) Repetitive disturbance of soils including soil compaction, drainage systems damages, loss of soil fertility, crop yield reduction;
- d) Streams and groundwater degradation and effects on water wells;

Residual effects caused by the removal of forest edge and interior, such as reduced species diversity and other habitat alterations.

AND

The Final Monitoring Report should address any potential cumulative effects which may arise for pipelines, these may include for example, reduced soil productivity over easements which overlap, land-use restrictions due to increased easement widths or additional above ground facilities and/or the repeated construction through sensitive areas.

The Stantec Environmental Report acknowledges the requirement to identify and discuss cumulative effects:

The recognition of cumulative effects assessment as a best practice is reflected in many regulatory and guidance documents. Regarding the development of hydrocarbon pipelines in Ontario, the OEB Environmental Guidelines (2016) notes that cumulative effects should be identified and discussed in the ER.

Building upon the intent of the OEB Environmental Guidelines (2016), the OEB has specified that only those effects that are additive or interact with the effects that have already been identified as resulting from the project are to be considered under cumulative effects. In such cases, it will be necessary to determine whether these effects warrant mitigation measures. The cumulative effects assessment has been prepared with consideration of this direction from the OEB.

Although a number of existing pipelines are in operation on the properties affected by the proposed pipeline (including one or more Union Gas Limited pipelines), the Stantec Environmental Report does not appear to include any consideration of adjacent

pipelines and pipeline easements in its analysis of cumulative effects associated with the proposed project.

Question:

- a) For each CAEPLA-DCLC property affected by the proposed project, please provide a property map or diagram showing the location of the new proposed pipeline, easement and temporary land use area as well as the location of all existing pipelines on the lands, including the location of pipes and the boundaries of the easements for each pipeline.
- b) For each of the existing pipelines located along the proposed route for the new project, please provide the pipe material and grade, depth of cover at time of construction, wall thickness, and operating pressure.
- c) Please provide a detailed chronology of pipeline development each of the CAEPLA-DCLC properties affected by the proposed project including: dates of construction, widths of individual easements obtained or acquired, total width of corridor, projected economic life of each pipeline.
- d) Please provide copies of interim and final monitoring reports for the existing pipelines located on the CAEPLA-DCLC properties affected by the proposed project.
- e) Please provide details of damage caused to soils by previous pipeline construction projects and pipeline operations and maintenance on the CAEPLA-DCLC properties affected by the proposed project.
- f) What is Enbridge Gas Inc. doing to investigate and remediate residual damage from past projects on the CAEPLA-DCLC properties affected by the proposed project?
- g) What are the cumulative effects on soil capability of carrying out construction activities on and in soils previously disturbed by pipeline construction?
- h) Has Enbridge Gas Inc. or its predecessor(s) studied crop yield effects from previous pipeline constructions in the Project corridor, including on the lands to be affected by the new construction? Please provide any reports, data, results, conclusions, analyses, etc. in connection with such study.
- i) Will Enbridge Gas Inc. agree to strip and store topsoil from areas not affected by previous pipeline constructions separately from topsoil stripped from areas affected by previous pipeline constructions? If not, please explain why not.

- j) Will Enbridge Gas Inc. agree to restore soils affected by previous pipeline constructions to a condition comparable to soils on adjacent lands not affected by previous pipeline constructions? If not, please explain why not.
- k) Please explain what provision is made by Enbridge Gas Inc. for post-construction crop yield monitoring on the construction areas for the Project. If no provision is made, will Enbridge agree to implement post-construction yield monitoring? If not, please explain why not.
- l) What are the cumulative effects that would result from the abandonment or discontinuance of operation of one or more of the pipelines within the corridor?
- m) Why do neither the Environmental Report nor the Application include a cumulative effects assessment of the interaction between existing pipelines and the proposed pipeline?

Response

a) Enbridge Gas is currently finalizing the route plans for individual properties affected by the Project. Once these plans are completed, they will be provided to affected landowners. Since filing its Application and pre-filed evidence, Enbridge Gas has made certain advancements to the design of the proposed Project. Accordingly, the updated alignment drawings set out at Attachment 1 to this response represent best available information (including existing pipelines and easements) as of the time of this filing.

b) & c) The existing Enbridge Gas pipelines located along the proposed route for the Project are NPS 30 steel pipelines designated TR 1 and TR 2.¹ These pipelines have the following material characteristics: /U

TR 1 –

- 1964 original construction /U
- Steel Grade 414 MPa
- Wall Thickness 8.26 mm
- Typical operating pressure ranges from 650 – 850 Psig
- Anticipated to be fully depreciated in 2030
- Approximate width of easement is 50 feet

¹ TR 1 and TR 2 are shown in Exhibit B, Tab 1, Schedule 1, Figure 1 and are discussed in Exhibit C, Tab 1, Schedule 1, Paragraph 49.

TR 2 –

- 1977 original construction
- Steel Grade 414 MPa
- Wall Thickness 9.27 mm
- Typical operating pressure ranges from 650 – 850 Psig
- Anticipated to be fully depreciated in 2043
- Approximate width of easement is 50 feet

/U

The easements for TR 1 and TR 2 overlap, the approximate combined width of the easements is 50 feet (15.24 m).

/U

The Company was unable to produce records confirming depth of cover at the time of construction.

- d) According to the E.B.L.O. 50 (Tecumseh Gas Storage Limited Application for TR 1) Reasons for Decision and the E.B.L.O. 182 (Tecumseh Gas Storage Limited Application for TR 2) Reasons for Decision, there was no condition of approval issued by the OEB for Enbridge Gas to produce an interim monitoring or final monitoring report for either pipeline.²

- e) f) & j)

Enbridge Gas was not able to find any record of damage caused to soils or residual damage having been caused by previous Enbridge Gas pipeline construction projects on these properties.

Typically, when notified by a landowner that potential residual damage from an Enbridge Gas project exists, the Company conducts an investigation to confirm whether or not its past construction or maintenance activities are the cause. If confirmed, the Company works directly with affected landowners to reach a resolution.

- g) Since 1976, Enbridge Gas (formerly Union Gas Limited) has compiled a database on assessed soil properties, quality, and crop yield for various properties on agricultural land affected by construction and for adjacent lands (not affected by construction). It has been found that reduced crop yields are more pronounced where construction workspace overlaps with previous construction easements. As a result of these studies, as well as improved construction practices (e.g. soil monitoring, wet soil shut down practice, and subsoil decompaction) and mitigation

² E.B.L.O. 50, January 23, 1964, Reasons for Decision and E.B.L.O. 182, June 10, 1977, Reasons for Decision.

measures implemented on agricultural lands, Enbridge Gas has observed significant improvements in soil properties and crop yield over time.

- h) Enbridge Gas is not aware of, nor has it conducted, any crop yield studies from previous pipeline construction within the Project corridor.
- i) No, Enbridge Gas has processes in place to minimize any admixing of topsoil and therefore separation of topsoil piles is not necessary.
- k) Enbridge Gas currently has not made provisions for post-construction crop yield monitoring. Enbridge Gas agrees to develop and implement a post-construction crop yield monitoring study.
- l) The effects of pipeline abandonment would be determined at the time of such action being taken, in accordance with regulations and policy guidance available at that time.
- m) Developments already in place are assessed as existing conditions, which is provided in Section 4: Impact Identification, Assessment and Mitigation of the Environmental Report. Where residual effects from impacts on these existing conditions remain after mitigation, they are carried forward to the cumulative effect assessment.

ENBRIDGE GAS INC.

Answer to Interrogatory from
Chippewas of Kettle and Stony Point First Nation together with Southwind Corporate
Development Inc. ("CKSPFN")

INTERROGATORY

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]

EGI 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 EGI’s reply submission to CKSPFN comments on the 2022 Storage Enhancement Project (Filed: 2022-02-25, EB-2021-0078, p.9), EGI 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 EGI’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 EGI's reply submission to CKSPFN interrogatories on the Coveny and Kimball-Colinville Well Drilling Project (EB-2021-0248), EGI 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." EGI 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.

Question:

- 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.

Response

a) & m)

Please see response b) to l) below for a discussion of how the specific concerns identified in this information request are addressed.

Enbridge Gas continues to provide CKSPFN with information regarding its projects that may potentially impact CKSPFN and to offer the opportunity to meet with Enbridge Gas representatives to discuss the impact of its projects on CKSPFN rights and interests. During such meetings, specific concerns regarding a project and the associated cumulative effects can be discussed. In addition, CKSPFN has the opportunity to comment on the related Environmental Reports, including the cumulative effects assessment. Enbridge Gas considers such comments to determine whether concerns have been appropriately addressed, through, for example, project design or the implementation of mitigation measures. Details of the communications with the CKSPFN related to this Project can be found in the Indigenous Consultation Report filed with the Company's pre-filed evidence at Exhibit H, Tab 1, Schedule 1, Attachment 6.

Enbridge Gas met with CKSPFN representatives on May 30, 2022, and the parties discussed cumulative effects within CKSFPN's traditional territory. CKSPFN expressed that cumulative effects would be a multi-party discussion and CKSPFN would be engaging with the provincial government in this regard. Enbridge Gas expressed support for the ongoing discussion on cumulative impacts within the traditional territory with government and industry.

/U

Enbridge Gas is committed to continuing to engage with CKSPFN regarding cumulative effects.

Generally, Enbridge Gas instructs and relies upon its environmental consultants to conduct environmental studies of proposed projects, including assessments of cumulative effects, in consideration of the guidance outlined in the OEB's Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario (2016) (the "Guidelines"). The Company provides the environmental consultants relevant supporting information as necessary/appropriate in support of the completion of any assessment of cumulative effects.

- b) The project inclusion list for the cumulative effects assessment is provided in Section 6.3, Project Inclusion List of the Environmental Report. Infrastructure already in place are assessed as existing conditions, which is provided in Section 4, Impact Identification, Assessment and Mitigation of the Environmental Report. Where residual effects from impacts on these existing conditions remain after mitigation, they are carried forward to the cumulative effect assessment. The current project and any known future projects within the spatial study boundary were considered in the cumulative effects assessment.
- c) Section 4.4.2, Designated Natural Areas and Vegetation of the Environmental Report provides an overview of the various types of wetlands, and whether they are traversed by the Project. The Environmental Report assesses impacts of the project on all wetland types, and the mitigation for wetlands as provided in Table 5.1, Potential Impacts and Recommended Mitigation and Protective Measures apply to all wetland types.
- d) Infrastructure already in place are assessed as existing conditions, which is provided in Section 4, Impact Identification, Assessment and Mitigation of the Environmental Report. Where residual effects from impacts on these existing conditions remain after mitigation, they are carried forward to the cumulative effect assessment.
- e) Knowledge of historical impacts on soil of pipeline construction will be gathered and determined through conversations that Enbridge Gas will undertake with landowners prior to construction. Enbridge Gas has retained a Professional Agrologist (P. Ag.) for the Project and a full-time soils inspector will be on-site during construction, and for post-construction monitoring as appropriate to help inform the Company's conclusions regarding the impacts of construction on soils.

- f) Vegetation, regardless of feature, is assessed in Section 6.4, Analysis of Cumulative Effects of the Environmental Report.
- g) The cumulative effects assessment in the Environmental Report considers residual effects, as outlined in Section 6.1, Methodology. As no residual effects are anticipated on watercourses, no cumulative effects assessment occurred.
- h) Infrastructure already in place are assessed as existing conditions, which is provided in Section 4, Impact Identification, Assessment and Mitigation of the Environmental Report. Known or potentially foreseeable projects are listed in Section 6.3, Project Inclusion List of the Environmental Report. As outlined in Section 6.4.2, Operations and Maintenance of the Environmental Report, potential future pipeline construction and maintenance activities are considered in the cumulative effects assessment.
- i) As outlined in Section 6.1, Methodology of the Environmental Report, accidents or emergency events have not been assessed as they are extreme in nature when compared to the effects of normal construction and operational activities and require separate response plans.

Enbridge Gas has performed a Quantitative Risk Assessment (“QRA”) to assess the cumulative risk of adding the proposed TR7 pipeline to the existing pipeline corridor between the Dawn and Corunna facilities. This assessment has been filed as part of the response at Exhibit I.SEC.10. The QRA considers the risk of accidents or emergency events which could be a result of various threats including corrosion and third-party damage and evaluates the cumulative impact of these outcomes to public Health and Safety in the surrounding population, including added conservatism to account for possible population growth near the corridor. This assessment concludes that the cumulative risk of all pipelines in the corridor, with the addition of the proposed TR7 pipeline, is at an acceptable level when compared to Enbridge Gas’s risk evaluation thresholds (which are consistent with industry best practices and risk acceptance levels recommended by the proposed CSA Z662-23 Annex B - 2023 draft standard).

- j) & k) The cumulative effects assessment and the associated study area was delineated in accordance with Section 4.3.14 of the OEB’s Guidelines. The 100m boundary is

considered appropriate for the limited residual Project effects (i.e., those that remain after mitigation) that are anticipated to be interactive with other concurrent, unrelated projects. Section 6.2, Study Boundaries of the Environmental Report notes that the 100m is an approximate boundary, and therefore in practice, impacts and projects that are beyond that distance may be considered. The methodologies used to conduct the cumulative effects assessment are the same as those used in other Enbridge Gas projects approved by the OEB in the past.

- l) The methodology employed for the cumulative effects assessment is outlined in Section 6.1 of the Environmental Report.

ENBRIDGE GAS INC.

Answer to Interrogatory from
Chippewas of Kettle and Stony Point First Nation together with Southwind Corporate
Development Inc. ("CKSPFN")

INTERROGATORY

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.

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.

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).

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.

Question:

- 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.

⁶ [United Nations Declaration on the Rights of Indigenous Peoples Act](#) S.C. 2021, c. 14.

- 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.

Response

- a) Please see the Project notification letter, which Enbridge Gas provided to CKSFPN on April 13, 2021 and February 7, 2022, (set out at Exhibit H, Tab 1, Schedule 1 Attachment 6, attachments 2.16 and in the response to part k) below). The letter contains the contact information for the Ministry of Energy ("MOE") in relation to the Project. Recently, the specific MOE contact assigned to the Project has changed. Enbridge Gas communicated the new contact information to the Indigenous groups identified in the MOE's delegation letter. The Ministry of Energy contact for the Project is Rosalind Ashe.
- b) Enbridge Gas acknowledges CKSFPN was identified by the MOE as a First Nation that should be consulted on the basis that they have or may have constitutionally

protected Aboriginal or Treaty rights that may be adversely affected by the Project and confirms the receipt of the 2017 Water Assertion on June 10, 2022.

Enbridge Gas would like to work with CKSPFN to better understand CKSPFN's rights and views on best practices in water and water-related mitigation approaches.

- c) On February 11, 2021, Enbridge Gas and CKSPFN met to discuss Enbridge Gas projects and a CKSFPN representative asked about Crown land on the Project. An Enbridge Gas representative advised that the preferred proposed route was on private and Enbridge Gas owned lands, with a small portion located within a Hydro One Corridor (please see line item 2.17 set out in the response to part k) below).
- d) The ER addressed the potential impacts and recommended mitigation and protective measures on environmental features, including aquatic features. This information can be found in Table 5.1 of the Environmental Report (Exhibit F, Tab 1, Schedule 1, Attachment 1, p. 68).

Enbridge Gas would like to engage further with CKSPFN to understand how CKSPFN views its established or asserted Aboriginal or treaty rights as being impacted by the Project in light of the mitigation measures and protective measures identified in the Environmental Report.

- e) Enbridge Gas provided AFN with its response to their comments on the Environmental Report on January 18, 2022. This correspondence can be found in pre-filed evidence at Exhibit F, Tab 1, Schedule 1 Attachment 3, and at Exhibit H, Tab 1, Schedule 1, Attachment 6, attachment 1.15.
- f) Enbridge Gas provided WIFN with its response to their comments on the Environmental Report on February 4, 2022. This correspondence can be found in the pre-filed evidence at Exhibit F, Tab 1, Schedule 1, Attachment 4, and at Exhibit H, Tab 1, Schedule 1, Attachment 6, attachment 5.21. The WIFN representative responded on April 11, 2022, to acknowledge Enbridge Gas's comments and requested that WIFN receive updates on Enbridge Gas's ESG goals moving forward and that WIFN be provided with an opportunity to review the Natural Heritage Report when complete. Enbridge Gas follows the procedural consultation guidelines set out by the MOE which are consistent with the *Environmental Guidelines for the Location, Construction, and Operation of Hydrocarbon Pipelines and Facilities in Ontario, 7th Edition (2016)*. For example, the MOE sets out the requirements for Proponents in Schedule A to the delegation letter, which Enbridge Gas follows.
- g) Enbridge Gas outlined the provincial and federal approvals that may be required for the Project to proceed in the proposed Project notification letter sent to CKSPFN on

April 13, 2021 and on February 7, 2022 (set out at Exhibit H, Tab 1, Schedule 1, Attachment 6, line item 2.1 and in the response to part k) below). The Environmental Report, which was provided to Indigenous communities, contains further details of such approvals within Table 1.1 (Exhibit F, Tab 1, Schedule 1, Attachment 1).

- h) Enbridge Gas has offered capacity funding to all Indigenous groups identified as being potentially impacted by the Project and has entered into a number of capacity funding agreements to support engagement on the Project.
- i) Enbridge Gas completed an analysis of the potential Project impacts on physical, bio-physical and socio-economic environmental features, which would include features within lands that are the subject of Treaties. This analysis includes recommended mitigation and protective measures. This information can be found in Table 5.1 of the Environmental Report (Exhibit F, Tab 1, Schedule 1, Attachment 1, p. 59).

Enbridge Gas would like to continue to engage with the CKSPFN to further understand any specific concerns regarding potential impacts on Treaty lands.

- j) Enbridge Gas commits to meaningful engagement on projects with Indigenous communities and endeavors to provide information about its projects as early as possible in the project design phase. In addition to providing relevant information, Enbridge Gas offers to conduct meetings with Indigenous groups with a view to discussing how Aboriginal or treaty rights, and any other community interests, may be impacted by its projects. Enbridge Gas acknowledges that capacity support may be required to enable Indigenous groups to engage in timely technical reviews of documents, participation in field work associated with proposed projects, and to engage in meaningful consultation. As is Enbridge Gas's approach on all projects, Enbridge Gas has offered capacity funding to support engagement. Through its engagement, Enbridge Gas aims to secure the free, prior and informed consent of Indigenous groups potentially affected by a project.

Enbridge Gas has not received a formal communication or resolution indicating that CKSPFN consents to the Project. Enbridge Gas's engagement activities with CKSPFN are detailed in its pre-filed evidence at Exhibit H, Tab 1, Schedule 1, Attachment 6 and in the response to part k) below.

Enbridge Gas understands CKSPFN is still evaluating the Application, as is evident from its participation in this proceeding. Enbridge Gas is committed to further engagement with CKSPFN to discuss and address the concerns of CKSPFN, including with respect to the crossing of water bodies.

k) As of February 7, 2022

Chippewa of Kettle and Stony Point First Nation ("CKSPFN")					
Line Item	Date	Method	Summary of Enbridge Gas Inc. ("Enbridge Gas") Engagement Activity	Summary of Community's Engagement Activities	Outstanding Issues of Concerns
2.16	February 7, 2022	Telephone and email	<p>An Enbridge Gas representative and a CKSPFN representative spoke to discuss Project consultation. A third party will be engaged with CKSPFN going forward and Enbridge Gas is to work with them on Projects.</p> <p>An Enbridge Gas representative emailed the third party representing CKSPFN to advise that Enbridge Gas planned to file the Project application with the OEB that week and provided a link to the environmental report for their review. An Enbridge Gas representative also provided the CKSPFN consultation log and the notification letter for this Project</p>		
				<p>A CKSPFN representative responded to acknowledge the email and asked for an overview of Enbridge Gas's projects and a call to discuss future projects.</p>	
			<p>On February 8, 2022, an Enbridge Gas representative responded to the email providing a list of upcoming projects and availability for a meeting. The parties agreed to February 11, 2022.</p>		
2.17	February 11, 2022	Virtual Meeting	<p>An Enbridge Gas representative had a virtual meeting with the CKSPFN representatives regarding the Project. Topics of discussion included supply chain</p>	<p>During the meeting, the CKSFPN representative requested information regarding the value/estimated cost of the Project as well as a</p>	

		<p>management participation and the scope of the Project.</p> <p>The Enbridge Gas representative noted capacity funding would be available. The presentation was provided via email following the meeting.</p>	<p>schedule for the Project. An Enbridge Gas representative advised that they would get back to the CKSFNP representative with the project cost.</p> <p>A CKSPFN representative asked about the easement on the Project. An Enbridge Gas representative advised that the easement would follow existing infrastructure however, there would be one spot of micro routing.</p> <p>A CKSPFN representative asked about water crossings. An Enbridge Gas representative advised that Bear Creek would be a horizontal directional drill due to species at risk and critical habitat. The other water crossings would be dam and pump ensuring all permits are in place.</p> <p>A CKSPFN representative asked if there would be field surveys completed. An Enbridge Gas representative advised surveys would be ongoing this spring and into the fall. The first survey would be for snakes in March.</p> <p>A CKSPFN representative asked if Enbridge Gas was acquiring land rights from land owners. An</p>	
--	--	--	--	--

				<p>Enbridge Gas representative advised that this was being completed when necessary.</p> <p>A CKSPFN representative asked whether the Project traversed any Crown land. An Enbridge Gas representative advised that the only Crown land being considered was a Hydro One corridor in the proposed route.</p> <p>A CKSFPN representative asked which archaeology firm was being used. An Enbridge Gas representative advised that Stantec would be completing the field survey work on this project.</p>	
2.18	February 17, 2022	Email	An Enbridge Gas representative emailed the CKSPFN representatives providing an overview of topics of discussion from their February 11, 2022 meeting. The Enbridge Gas representative advised capacity funding was available for engagement related to the Project.		
2.19	March 10, 2022	Email	An Enbridge Gas representative sent an email to the CKSFPN representatives to provide updates to action items from the February 11 meeting. The Enbridge Gas representative provided the proposed budget and timelines for the Project as well as information on the Project value. The Enbridge Gas representative requested		

			a meeting to discuss other areas of interest outside of the Project process and suggested to meet in April to discuss.		
2.20	March 30, 2021	Email	An Enbridge Gas representative emailed the CKSPFN representatives to advise that the Project Application had been filed with the OEB. The Enbridge Gas representative indicated fieldwork would commence in the spring and AFN would be contacted. The Enbridge Gas representative expressed they would be available to meet in spring 2022 to discuss the Project.		
2.21	April 8, 2022	In person Meeting	An Enbridge Gas representative met in person with a CKSPFN representative to discuss supply chain management and possible business opportunities for Indigenous Nations on the Project.		
2.22	May 6, 2022	Email	An Enbridge Gas representative emailed the CKSPFN representatives providing a monthly update on all the Leave to Construct Enbridge Gas projects and the status of these projects.		
				The CKSFPN representative, on the same day, acknowledged receipt of the email.	
2.23	May 11, 2022	Virtual Meeting	Enbridge Gas and CKSFPN representatives had a virtual meeting to discuss issues of ongoing engagement, fugitive emissions and cumulative impacts.	A CKSFPN representative referenced a water assertion within CKSFPN traditional territory.	
2.24	May 30, 2022	In person meeting	Enbridge Gas and CKSFPN representatives met to discuss ongoing engagement, which included a discussion of cumulative effects.		

2.25	June 8, 2022	Email		A CKSPFN representative emailed the Enbridge Gas representative to advise they were wrapping up comments on the Project.	
			On June 9, 2022, an Enbridge Gas representative acknowledge the email.		
2.26	June 9, 2022	Email	An Enbridge Gas representative emailed the CKSPFN representatives providing a monthly update on all the Leave to Construct Enbridge Gas projects and the status of these projects.		

Enbridge Gas has engaged in meaningful consultation and has been working toward building a respectful relationship with CKSFPN over the last four months. Multiple meetings have been held to discuss the Project, cumulative effects and issues of concern to CKSFPN. Capacity funding has been offered and conditionally accepted by CKSFPN to allow for meaningful Project engagement. Enbridge Gas continues to offer to meet with CKSFPN and is committed to ongoing engagement to address issues and concerns of CKSFPN. The next meeting between the parties will occur on July 11, 2022.

ENBRIDGE GAS INC.

Answer to Interrogatory from
School Energy Coalition (“SEC”)

INTERROGATORY

Reference:

[B-1-1, p.23, para. 47]

Question:

Please provide all reports and materials consulted and produced for the QRA referenced therein.

Response

Please see the response at Exhibit I.CME.1, Attachment 1.

Materials and references used in the QRA include:

- Corunna Compressor Station (CCS) Flow Diagram Main Gas Systems – Refer to QRA Report Exhibit I.CME.1, Attachment 1, Page 14 of 71 /U
- CCS Piping and Instrumentation Diagram (P&ID) – Refer to QRA Report Exhibit I.CME.1, Attachment 1, Page 18 of 71 Section 3.1
- CCS Shutdown Philosophy – Refer to QRA Report Exhibit I.CME.1, Attachment 1, Page 16 of 71 Section 2.3
- Compressor run hours record and operating conditions – Refer to QRA Report Exhibit I.CME.1, Attachment 1, Page 15 of 71 Section 2.2 and Exhibit I.CME.1, Attachment 1, Page 22 of 71 Section 5.4
- DNV GL’s Failure Frequency Guidance – Refer to QRA Report Exhibit I.CME.1, Attachment 1, Page 28 of 71 Section 6.3
- Risk Assessment Data Directory – Process Release Frequencies” report 434-01, International Association of Oil & Gas Producers (IOGP) 2019 – Refer to QRA Report Exhibit I.CME.1, Attachment 1, Page 28 of 71 Section 6.3 and Exhibit I.CME.1, Attachment 1, Page 32 of 71 Section 6.4
- 10th Report of the European Gas Pipeline Incident Data Group (EGIG) – Refer to QRA Report Exhibit I.CME.1, Attachment 1, Page 33 of 71 Section 6.4

- Company internal data on occupancy and manning at the CCS – Refer to QRA Report Exhibit I.CME.1, Attachment 1, Page 58 of 71 Section 8.1
- Enbridge Framework Standard – Risk Management – Refer to QRA Report Exhibit I.CME.1, Attachment 1, Page 19 of 71 Section 4
- CAN/CSA-Z767-17 Process Safety Management – Refer to QRA Report Exhibit I.CME.1, Attachment 1, Page 64 of 71 Section 9.1
- Risk-based Inspection API Recommended Practice 580. 3rd Ed. (2016). Washington, DC: American Petroleum Institute – Refer to QRA Report Exhibit I.CME.1, Attachment 1, Page 30 of 71 Section 6.3