



September 18, 2023

VIA RESS AND EMAIL

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

Dear Ms. Marconi:

Re: EB-2023-0175 Leave to Construct – Municipality of Brooke-Alvinston and the Township of Warwick, in the County of Lambton

We are counsel to Three Fires Group Inc. (“**Three Fires Group**”) in the above-mentioned proceeding. Further to the Board’s Notice of Hearing issued August 25, 2023, please find enclosed Three Fires Group’s Notice of Intervention in the above-mentioned proceeding.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, sweeping horizontal stroke that ends in an arrowhead pointing to the right.

Lisa (Elisabeth) DeMarco

c. Enbridge Gas Inc.
Don Richardson
Larry Sault

Encl.

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c.15, Schedule. B; and in particular section
90(1) and section 97 thereof;

AND IN THE MATTER OF an Application by Enbridge Gas
Inc. for an order granting leave to construct natural gas
pipelines in the Municipality of Brooke-Alvinston and the
Township of Warwick, in the County of Lambton.

EB-2023-0175

NOTICE OF INTERVENTION

THREE FIRES GROUP INC.

September 18, 2023

A. Application for Intervenor Status

1. Three Fires Group Inc. (“**Three Fires**”) hereby requests intervenor status in the matter of the application of Enbridge Gas Inc. (the “**Applicant**” or “**EGI**”) to the Ontario Energy Board (the “**OEB**” or the “**Board**”) for an order granting leave to construct natural gas pipelines in the Municipality of Brooke-Alvinston and the Township of Warwick, in the County of Lambton (the “**Application**”). This notice of intervention is filed pursuant to Rule 22 of the Board's *Rules of Practice and Procedure*.

B. Three Fires and Its Interest in the Proceeding

2. Three Fires is an Indigenous business corporation that jointly represents the interests of Chippewas of Kettle and Stony Point First Nation (“**CKSPFN**”) and Caldwell First Nation (“**Caldwell**”) (collectively, the “**Three Fires First Nations**”).
3. CKSPFN is located in southern Ontario along the shores of Lake Huron, 35 kilometres from Sarnia, Ontario and has 1,000 members who live on-reserve and 900 who live off-reserve.
4. For decades Caldwell First Nation was the only federally recognized “Indian band” in southern Ontario without reserve land of its own. Caldwell has been working towards establishing a reserve, which will finally give members the land base. In November 2020, Caldwell took possession of an 80-hectare property in Leamington Ontario, for a reserve.
5. Both CKSPFN and Caldwell are part of the Three Fires Confederacy, comprising peoples of the Potawatomi, Odawa and Ojibwa, and treaty lands covering southwestern Ontario from including Pelee Island, Leamington and Windsor to Sarnia, Goderich, London, St. Thomas, and Stratford.
6. The Three Fires First Nations’ Aboriginal and Treaty rights, land use, cultural heritage, and other rights and interests are potentially affected by this Application. The Three Fires First Nations each have traditional territory, and associated rights and interests protected by the *Constitution Act, 1982*, that may be impacted by the outcomes of this proceeding.
7. The Applicant’s proposed project would take place on and around the Three Fires First Nations’ treaty territories, as well as the treaty territories of other Three Fires Confederacy

Nations including Aamjiwnaang First Nation, the Chippewas of the Thames First Nation, and Walpole Island First Nation.¹

8. The expanded Warwick landfill facility where the Applicant proposes to generate RNG is approximately 30 kilometres from the CKSPFN community. It is anticipated that the Applicant's pipelines would begin at that facility and traverse the traditional territory of the Three Fires First Nations.
9. The Ministry of Energy identified CKSPFN, Aamjiwnaang First Nation, Bkejwanong (Walpole Island First Nation), Chippewas of the Thames First Nation, and Oneida Nation of the Thames as Indigenous communities that should be consulted in relation to the Application in a letter dated November 10, 2022, which is included at Exhibit H, Tab 1, Schedule 1, Attachment 2 of the Application.
10. Three Fires may, if granted intervenor status in this proceeding, address the following:
 - (i) the need for the project;
 - (ii) the purpose of the project;
 - (iii) project alternatives;
 - (iv) project cost and economics;
 - (v) environmental impacts;
 - (vi) cumulative impacts;
 - (vii) social impacts;
 - (viii) cultural heritage impacts;
 - (ix) project approvals
 - (x) assessing systemic inequalities (gender, gender diverse people, race, ethnicity, religion, age, mental or physical disability); and
 - (xi) land matters;

¹ These other impacted First Nations may wish to join with the Three Fires Group as an intervenor in the future.

- (xii) whether the duty to consult with and accommodate Indigenous communities potentially affected by the proposed project has been discharged with respect to the Application;
- (xiii) the requirements set out in the United Nations Declaration on the Rights of Indigenous Peoples and its impact on the Application;
- (xiv) the project's impact on rates;
- (xv) the project's impact on the ability of EGI customers to purchase RNG;
- (xvi) generally, to represent the constitutionally recognized Aboriginal and Treaty rights and interests of the Three Fires First Nations, and each of their respective members.

11. Three Fires is an active intervenor representing the interests of the Three Fires First Nations before the Applicant's rates application for the period beginning in January 2024 (EB-2022-0200), natural gas pipelines leave to construct applications (EB-2022-0086) and (EB-2022-0157) and in Hydro One Networks Inc.'s ("HONI") Chatham to Lakeshore transmission line leave to construct application (EB-2022-0140). CKSPFN was a Board-approved intervenor in HONI's affiliate transmission projects deferral account application (EB-2021-0169).

C. Nature and Scope of Three Fires' Intended Participation

12. Three Fires intends to be an active participant in this proceeding and will act responsibly to coordinate with other intervenors, where common issues may arise and may be addressed. Three Fires intends to participate to request information, participate in any requisite motions, test evidence through the stipulated processes, submit written interrogatories, if applicable, and provide submissions. Subject to the development of the record in this matter, Three Fires may also submit evidence.

D. Costs

13. Three Fires hereby requests cost eligibility in this proceeding. Three Fires is, in accordance with s. 3.03(b) of the Board's Practice Direction on Cost Awards, eligible to seek an award of costs as Three Fires is a party that primarily represents an interest or policy perspective that is relevant to the Board's mandate and to the proceeding.
14. Three Fires represents the interests of a unique and otherwise unrepresented set of First Nation energy consumers in Ontario and is committed to ensuring that they are served

through access to an affordable, reliable, sustainable, and modern natural gas service. Three Fires requests an award of costs in this proceeding on the basis that its comments and participation serve a direct interest and policy perspective that is relevant to the Board's mandate and pressing for Ontario's energy consumers. The Board has granted Three Fires cost eligibility in several Board proceedings, including each and all of those referred to above in paragraph 11.

15. Three Fires therefore submits that it is appropriate for the Board to award Three Fires costs in the context of this proceeding, and hereby requests cost eligibility.

E. Three Fires' Representatives

16. Three Fires hereby requests that further communications with respect to this proceeding be sent to the following:

Philip Lee

Three Fires Group Inc.
9119 W Ipperwash Rd Unit A,
Lambton Shores, ON N0N 1J3

Email: philip.lee@threefiresgroup.com

Chief Mary Duckworth

Caldwell First Nation
14 Orange Street
Leamington, ON N8H 1P5

Tel: 519-322-1766

Fax: 519-322-1533

Email: ChiefMaryDuckworth@caldwellfirstnation.ca

AND TO ITS CONSULTANTS

Don Richardson

Three Fires Group Inc.
9119 W Ipperwash Rd Unit A,
Lambton Shores, ON N0N 1J3

Tel: 226-820-5086

Email: don.richardson@threefiresgroup.com

Larry Sault

Consultant, Intergovernmental Relations/Major Business

Caldwell First Nation
14 Orange Street
Leamington, ON N8H 1P5

Tel: 226-387-3364
Email: soongikiniw@gmail.com

AND TO ITS COUNSEL

Resilient LLP
Bay Adelaide Centre
333 Bay Street, Suite 625
Toronto, ON M5H 2R2

Attention: Lisa (Elisabeth) DeMarco
Tel: 647-991-1190
Fax: 1-888-734-9459
Email: lisa@resilientllp.com

Attention: Nicholas Daube
Tel: 416-768-8341
Fax: 1-888-734-9459
Email: nicholas@resilientllp.com

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS 18th day of September, 2023

Nicholas Daube
Resilient LLP
Counsel for Three Fires