



October 31, 2023

VIA RESS

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

Dear Ms. Marconi,

**Re: Enbridge Gas Inc. ("EGI")
Leave to Construct – Municipality of Brooke-Alvinston and the Township of
Warwick, in the County of Lambton
Board File Number: EB-2023-0175**

We are counsel to Three Fires Group Inc. ("**Three Fires**") in the above-noted proceeding. Please find enclosed the interrogatories of Three Fires to EGI, pursuant to Procedural Order No.1.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Vollmer".

DT Vollmer

- c. Eric VanRuymbeke, EGI
Gury Pannu, Enbridge Gas Distribution Inc.
Philip Lee, TFG
Chief Mary Duckworth, Caldwell First Nation
Don Richardson, TFG
Larry Sault, Caldwell First Nation

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

INTERROGATORIES

OF

**THREE FIRES GROUP INC.
("THREE FIRES")**

October 31, 2023

Question: Exhibit B-Three Fires-1

Reference: Exhibit B, Tab 1, Schedule 1
Exhibit C, Tab 1, Schedule 1

Preamble: Enbridge Gas Inc. ("**EGI**") describes that Waste Management of Canada Corporation's ("**WM**") plans to construct and operate new renewable natural gas ("**RNG**") facilities, giving rise to a need and a request for new pipeline facilities to facilitate injection of RNG supply volumes.

EGI states that there are currently no EGI pipelines in the vicinity of WM's planned facility.

- a) Please ask WM to describe any other alternatives the company considered to facilitate injection of RNG supply volumes. If no alternatives were considered, please explain why not.
- b) Please ask WM to describe with particulars any efforts the company made to seek out a company other than EGI for the purposes of constructing new facilities. If no other companies were considered, please explain why not.
- c) Does EGI accept that there are other companies capable of constructing the new pipeline facilities that WM requires? If not, please explain why not.
- d) Please ask WM whether it accepts that there are other companies capable of constructing the new pipeline facilities that WM requires. If it does not, please explain why not.
- e) Are there existing pipelines in the vicinity of WM's planned facility that are not owned by EGI? Please provide particulars if there are, including whether they could serve the needs of WM's planned facility.
- f) Please confirm what consideration of project alternatives not involving EGI stand behind the statement in Exhibit C, paragraph 3, that no other feasible facility alternatives exist to serve WM's need?

Question: **Exhibit B -Three Fires-2**

Reference: Exhibit B, Tab 1, Schedule 1, Attachment 1

Preamble: EGI includes letters of support from Brooke-Alvinston, Warwick, and Samia-Lambton Economic Partnership.

The letters include virtually identical statements concerning RNG as “a carbon-neutral energy supply, which can reduce emissions. RNG can be created by capturing methane emissions from organic waste, landfills and wastewater treatment plants, and other sources that would otherwise be burned off or released into the air....”

- a) Please confirm whether EGI and/or WM participated in drafting the letters of support in any way. If so, please provide particulars. If not, please provide EGI’s explanation as to why the letters of support contain virtually duplicative language.
- b) Please produce any emails or other correspondence that EGI has in its possession relating to the drafting and circulation of the three letters of support.
- c) Does EGI take the position, included in the letters of support, that:
 - 1. RNG is a carbon-neutral energy supply?
 - 2. RNG can help reduce emissions?
 - 3. RNG has an emissions-reduction impact?

Please provide particulars for any positions, including any evidence upon which EGI relies for the position.

- d) Does EGI take the position that the RNG processed by WM:
 - 1. Will be a carbon-neutral energy supply?
 - 2. Will help reduce emissions?
 - 3. Will have an emissions-reduction impact?

Please provide particulars for any positions, including any evidence upon which EGI relies for the position.

Question: **Exhibit H-Three Fires-3**

Reference: Exhibit H, Tab 1, Schedule 1

Preamble: EGI describes its Indigenous consultation process as well as its related communications with the Ontario Government. It states that its engagement was based on OEB guidelines as well as EGI's Indigenous Peoples Policy ("**IPP**").

- a) Please produce Enbridge's *Indigenous Reconciliation Action Plan* ("**IRAP**").

- b) Please describe how EGI has applied the principles, policies and commitments set out in its IRAP and IPP in the context of the current Application.

- c) Please provide specific comment on how the following items from the IPP apply in the context of the current Application:
 - EGI's recognition of the importance of the United Nations Declaration on the Rights of Indigenous Peoples in the context of existing Canadian law (Exhibit H, paragraph 5)
 - Recognizing the legal and constitutional rights possessed by Indigenous Peoples in Canada and the importance of the relationship between Indigenous Peoples and their traditional lands and resources (Exhibit H, paragraph 5)
 - EGI's stated principle to "engage early and sincerely through processes that aim to achieve the support and agreement of Indigenous nations and governments for our projects and operations that may occur on their traditional lands" (IPP at page 2, and Exhibit H, paragraph 5)
 - EGI's stated principle that it seeks "the input and knowledge of Indigenous groups to identify and develop appropriate measures to avoid and/or mitigate the impacts of our projects and operations that may occur on their traditional lands." (IPP at page 2)
 - EGI's statement that it will "provide ongoing leadership and resources to ensure the effective implementation of the above principles, including the development of implementation strategies and specific action plans..." (IPP at page 3)
 - EGI's stated corporate principle of aligning the company's interests with those of Indigenous communities through meaningful, direct Indigenous economic activity in projects corresponding to community capacity and needs, where possible (Exhibit H, paragraph 5)

- d) Please provide specific comment on how the following items from the IRAP apply in the context of the current Application:
 - Pillar 2 concerning community engagement and relationships

- Pillar 3 concerning economic inclusion and partnerships
 - Pillar 5 and in particular its objectives relating to sustainability
 - Pillar 6 concerning governance and leadership
- e) Please produce any additional internal or public documents that set out any EGI policies applicable to EGI's interactions with Indigenous customers or groups for the purposes of the matters at issue in this Application.
- f) Please confirm whether the database referenced in paragraph 7 of Exhibit H has been produced in this Application. If it has not, please produce it.
- g) What are the costs incurred to date and what are the anticipated costs to the ratepayers for operationalizing the IRAP in EGI's Ontario franchise areas? In your answer, please provide the following:
1. A general answer for both past and future anticipated costs
 2. A breakdown for both costs already incurred by franchise area
 3. Detailed annual projections of anticipated costs by franchise area for the next 5 years
- h) What are the costs incurred to date and what are the anticipated costs to the ratepayers for operationalizing the IPP in EGI's Ontario franchise areas? In your answer, please provide the following:
1. A general answer for both past and future anticipated costs
 2. A breakdown for both costs already incurred by franchise area
 3. Detailed annual projections of anticipated costs by franchise area for the next 5 years
- i) Please describe Enbridge's plans to apply the IRAP to enable Indigenous ownership and operation of Enbridge's infrastructure. In particular, what are its plans to work with Indigenous communities, not only in stewarding the environment, but also in owning and operating critical energy infrastructure?¹
- j) Please describe how the IRAP applies to current and future regulated and unregulated RNG assets and provide specific comment with respect to Indigenous ownership and operation of these assets.
- k) Please provide any applicable updates to the information set out in the one-page summaries describing the status of the IRAP's pillars found at pages 12, 16, 19, 23, 26 and 30 of the IRAP.

¹ See, for example, the company's statement at <https://www.prnewswire.com/news-releases/indigenous-communities-and-enbridge-announce-landmark-equity-partnership-301634930.html>.

- l) Did EGI engage with or attempt to engage with Indigenous historians, local elders and/or knowledge keepers for the purposes of this Application or the matters this Application addresses?
- m) Does EGI recognize Chippewas of Kettle and Stony Point First Nation's ("CKSPFN") assertion of continuing title to, jurisdiction over, and rights to occupy and use the subsurface areas set out in **Appendix "A"**? Please provide particulars of EGI's position.
- n) What is EGI's position concerning the implications of CKSPFN's assertion of subsurface rights for the purposes of this Application and/or the project?
- o) Was Dillon Consulting Ltd. ("**Dillon**") aware of CKSPFN's assertion of subsurface rights at the time it finalized its Environmental Report. If the answer is yes, please provide Dillon's position as to why there is no reference to CKSPFN's claim in its report. If the answer is no, please provide Dillon's position as to which sections of the report are affected by the assertion of subsurface rights and provide particulars.
- p) Please indicate whether EGI has or will consider equity participation of First Nations, including CKSPFN and Caldwell First Nation ("**Caldwell**") (together, the "**Three Fires First Nations**"), 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.
- q) What agreements, authorizations, and or approvals with and/or from First Nation governments, including the Three Fires First Nations, does EGI envision needing or entering into to support the Project?
- r) Please discuss and provide any updates, as it pertains to each of the Three Fires First Nations, to the descriptions of Indigenous consultations set out in the Application.
- s) 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?
- t) 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 each of the Three Fires First Nations as part of the (i) Application, generally, and (ii) the Environmental Report. Did EGI perform any analysis prior to contacting potentially impacted First Nations and Indigenous customers? If no analysis was performed, please explain why not.

Question: **Exhibit F-Three Fires-4**

Reference: • Exhibit F, Tab 1, Schedule 1, Attachment 2

Preamble: The summary document Environmental Review Report Comments notes that the Ministry of Energy had questions about specific interests and concerns raised by Indigenous communities, and that these matters would be addressed in meetings with EGI.

- a) Please provide details of the matters raised by the Minister of Energy ("**MOE**"), as well as EGI's response to MOE's questions.

Question: Exhibit F-Three Fires-5

Reference: Environmental Report, Project Purpose and Rationale, p. 2-3

Preamble: EGI is proposing to accept RNG at the Twin Creeks Environmental Centre. Landfill gas generated will be captured and transformed into RNG that will be processed to remove any compounds necessary to inject clean methane into the local natural gas distribution system. The RNG facilities are expected to supply enough renewable natural gas to heat the equivalent of 35,000 Ontario homes.

- a) Who will be the primary consumers of RNG?
- b) Will the construction of RNG pipelines and injection stations impact residential natural gas rates? If yes, are rates anticipated to increase or decrease?
- c) How will EGI include RNG production, specifically the supply and demand of RNG, into its existing rate evaluation process?
- d) Will EGI consumers in Ontario have a choice to purchase RNG?
- e) Please provide further details concerning the expectation that the RNG facilities will provide enough renewable natural gas to heat the equivalent of 35,000 Ontario homes. Among any other details, please clarify whether the number is meant as an annual figure or otherwise, when and for how long the number might be achieved, the likelihood of achieving the number, and any obstacles that may exist towards achieving the number.

Question: Exhibit F-Three Fires-6

Reference: Environmental Report, Other Potential Permits, p. 6

Preamble: The Environmental Report states that, in addition to OEB approval, other approvals, permits and notifications may be necessary. These are set out in Table 1-1.

Table 1-1 lists nothing that references consultations with First Nations or any form of First Nation approval.

- a) Please explain why Table 1-1 does not include any reference to any required approvals from First Nations.
- b) Please explain why Table 1-1 does not include any reference to the United Nations Declaration on the Rights of Indigenous Peoples (“**UNDRIP**”) or any related obligations?
- c) Please reconcile the absence of any reference to UNDRIP in Table 1-1 with EGI’s Indigenous Peoples Policy.
- d) Does EGI recognize a duty to consult with CKSPFN? If it does, what approvals, permits, and/or notifications arise from that duty?
- e) Does EGI recognize a duty to consult with Caldwell? If it does, what approvals, permits, and/or notifications arise from that duty?
- f) What approvals and/or permits does EGI believe are necessary from CKSPFN? What notifications are owing to CKSPFN?
- g) What approvals and/or permits does EGI believe are necessary from Caldwell? What notifications are owing to Caldwell?
- h) Does EGI recognize CKSPFN’s Band Council Resolution #2851 and #3121 (“**Band Council Resolutions**”), which requires a company that uses or plans to use any part of the applicable subsurface area and/or water to seek express permission from the government of the First Nation for the proposed usage?
- i) Please explain EGI’s position as to how the Band Council Resolutions apply (or do not apply) to its current Application.
- j) Please reconcile the table’s silence concerning required approvals from First Nations with CKSPFN’s assertion of subsurface rights?

Question: Exhibit F-Three Fires-7

Reference: Environmental Report, Identification of Study Area and Environmental Inventory, p. 14-30

Preamble: The Environmental Report states that the first step in its study was to identify a “Study Area”, which the report never expressly defines.

The Study Area boundaries were determined based on the pre-established start and end points of the pipeline and included areas that are most likely to be directly or indirectly affected by the project.

To address potential adverse effects on indirectly affected Indigenous communities, stakeholders and landowners, Dillon conducted desktop studies that encompassed 125 metres on each side of the potential routes. To confirm potential adverse effects on directly affected Indigenous communities, stakeholders and landowners, Dillon undertook a field program that encompassed 30 metres on each side of the potential routes (centreline).

- a) Please provide the definition for “Study Area” as used in the Environmental Report.
- b) Does EGI recognize CKSPFN’s jurisdiction over its territory and over the territories that form the subject of the Environmental Report? Please explain why or why not, as well as the implications in the current Application.
- c) Does EGI recognize CKSPFN’s responsibility to care for the lands, waters, and all of creation as it relates to the territories that form the subject of the Environmental Report? Please explain why or why not, as well as the implications in the current Application.
- d) Please provide the reasoning behind selection of the distances of 125 metres (in the case of the desktop studies) and 30 metres (in the case of the field programs), including:
 - What is standard industry practice?
 - What is the company’s typical practice in comparable situations?
 - Are there any applicable guidelines and, if so, what are they and how were they applied for the purposes of the Environmental Report?
 - How did the unique features of the project and the project area affect the selection of the two distances?
 - Any other factors that influenced the two program distances.
- e) Please describe the differences between a field and a desktop study, including any advantages to a field program as compared with a desktop study in the context of what information the studies can generate for the purposes of an environmental report like the one at issue in this Application.

Question: Exhibit F-Three Fires-8

Reference: Environmental Report, Physical, Natural, and Socio-Economic Environment Setting p. 48-145.

Preamble: The Environmental Report provides a description of the Study Area's characteristics. The section includes no reference to the history or interests of First Nations, including the unceded status of relevant territories.

- a) Please provide any details as to how Indigenous consultations informed Section 4 and Section 7 of the Environmental Report.

Please provide specific comment, as relevant, for sections:

- 4.1.1.2 (Soils)
- 4.1.2 (Bedrock)
- 4.1.3 (Ground water)
- 4.2.1.1 (Climate)
- 4.2.1.2 (Air Quality and Greenhouse Gases)
- 4.2.2 (Aquatic Environment)
- 4.2.2.1 (Surface Water)
- 4.2.5.1 (Ecological Land Classification)
- 4.2.5.2 (Woodlands)
- 4.2.6.4 (Wildlife Habitat)
- 4.2.7.2 (Potential for Species at Risk in the Study Area)
- 4.3.6 (Indigenous Community Land and Resource Use)
- 4.3.7.1 (Archaeology)
- 7.0 (Cumulative Effects Assessment)

- b) Please provide details of any other efforts undertaken towards understanding the history of First Nations in the area that informed Section 4 and Section 7 of the Environmental Report.

Please provide specific comment, as relevant, for sections:

- 4.1.1.2 (Soils)
- 4.1.2 (Bedrock)
- 4.1.3 (Ground water)
- 4.2.1.1 (Climate)
- 4.2.1.2 (Air Quality and Greenhouse Gases)
- 4.2.2 (Aquatic Environment)
- 4.2.2.1 (Surface Water)
- 4.2.5.1 (Ecological Land Classification)
- 4.2.5.2 (Woodlands)

- 4.2.6.4 (Wildlife Habitat)
 - 4.2.7.2 (Potential for Species at Risk in the Study Area)
 - 4.3.6 (Indigenous Community Land and Resource Use)
 - 4.3.7.1 (Archaeology)
 - 7.0 (Cumulative Effects Assessment)
- c) Please explain why further efforts towards understanding the history of First Nations in the area were not undertaken and incorporated into Section 4 and Section 7 of the Environmental Report.
- d) In addition and in particular, please explain the absence of the following items from Section 4 and Section 7 of the Environmental Report, as well as from the Environmental Report in general:
- The project's location on the unceded territory of CKSPFN, as well as other Anishinaabeg First Nations;
 - The area's history of colonization, including policies such as the *Drainage Act*, which favoured agricultural expansion, and the displacement of First Nations peoples from their lands.
- e) Please provide EGI's position as to the relevance of the area's colonial history and the unceded status of CKSPFN's traditional territory for the purposes of Section 4 and Section 7 of its Environmental Report.
- f) Please explain the absence of the following items from Section 4.1.2 (Bedrock) of the Environmental Report and from the Environmental Report in general:
- The Kettle Point Formation geology located within the study area is of significance to CKSPFN, as it is unique to only three locations in the entire world;
 - The uniqueness of the shale land formations within CKSPFN makes their preservation a high priority for CKSPFN.²
- g) Please provide EGI's position as to the relevance of the shale land formations within the study area, as well as their significance to CKSPFN, for the purposes of Section 4 of its Environmental Report and specifically Section 4.1.2.
- h) Please explain the absence of CKSPFN's assertion of subsurface rights from the Environmental Report.

² See <https://kettlepoint.org/history-culture/>.

Question: Exhibit F-Three Fires-9

Reference: Environmental Report, Physical, Natural, and Socio-Economic Environment Setting, Groundwater, p. 51.

Preamble: The Environmental Report provides description of groundwater in the area. It states, among other things, that construction activities, such as excavation, have the potential to interact with groundwater.

- a) Please describe all efforts that have gone towards consideration of any risk that the Application's proposed construction or operation activities will affect water in the area, including drinking water.
- b) Please describe all efforts that have gone towards consideration of the specific risk that the Application's proposed trenching for pipeline infrastructure will affect surface or groundwater in the area.
- c) Please confirm whether Section 4.1.3 includes all risks to water or groundwater identified either by EGI or its consultants. If any additional risks exist, please provide particulars.
- d) Please elaborate on the statement from page 52 that construction activities, such as excavation, have the potential to interact with groundwater.

Question: Exhibit F-Three Fires-10

Reference: Environmental Report, Physical, Natural, and Socio-Economic Environment Setting, Atmospheric Environment, Climate, p. 68.

Preamble: The Environmental Report presents of summary of climate data for the project, setting out figures for the period from 1981-2010 from a nearby climate station .

- a) Does EGI acknowledge that climate change has affected and will likely continue to affect temperatures, precipitation patterns and extreme weather events in Ontario?
- b) What is EGI's position in light of the impact of climate concerning the currency of the climate data used in section 4.2.1.1 of the Environmental Report, as well as its predictive capacity for the duration of the project's anticipated operations?
- c) Why does the Environmental Report in section 4.2.1.1 not include more recent data and/or any inputs concerning the likely effects of climate change going forward?
- d) Why does the Environmental Report in general not include more recent data and/or any inputs concerning the likely effects of climate change going forward?
- e) What other climate characteristics does ECCC track for the region and why did Dillon choose not to include those other climate characteristics in the Environmental Report?

Question: Exhibit F-Three Fires-11

Reference: Environmental Report, Physical, Natural, and Socio-Economic Environment Setting, Atmospheric Environment, Air Quality and Greenhouse Gases, p. 70.

Preamble: The Environmental Report provides a description of air quality in the region, including a summary of a recent air quality report from the Ontario Government. The description includes the acknowledgement that in 2020 there were exceedances of the provincial Ambient Air Quality Criteria (“**AAQC**”) and/or Canadian Ambient Air Quality Standard (“**CAAQS**”) for ground-level ozone, fine particulate matter, and sulphur dioxide in some Ontario communities.

- a) Please provide particulars of the exceedances of the AAQC and/or Canadian Ambient Air Quality standard of which Dillon and/or EGI is aware.
- b) Please describe the efforts that Dillon has undertaken to identify and/or familiarize itself with exceedances of the AAQC and/or CAAQS in the vicinity of the project.
- c) Do EGI and Dillon acknowledge that the AAQC is regularly exceeded in the project area throughout the summer months? Please elaborate on your answer.
- d) Please comment on the impact that climate-related events, such as wildfires, have and will likely have on the frequency of AAWC and CAAQS exceedances in the vicinity of the project?
- e) Please describe Dillon’s and EGI’s familiarity with each of the following reports and assertions concerning Sarnia in general and Aamjiwnaang First Nation (“**AFN**”) in particular:
 - Serious concerns have been raised about air pollution in and around AFN, residents of AFN may face “a higher risk of cancer from the toxic substance benzene in the air”, and that “more research should be done on cumulative effects of pollution over time, the effects of chemicals interacting with each other in humans, and other health problems associated with air pollution, such as asthma, respiratory infections, heart disease and stroke”;³
 - An Ontario Government study looking into the health effects associated with air pollution in Sarnia was expected in late 2021;⁴
 - Children in Sarnia are at a higher risk of developing Asthma;⁵

³ <https://anishinabeknews.ca/2020/01/13/new-study-in-aamjiwnaang-finds-residents-may-face-higher-health-risks-caused-by-toxic-substance-in-air/>.

⁴ <https://www.theobserver.ca/news/local-news/air-pollution-study-results-expected-in-late-2021>.

⁵ <https://london.ctvnews.ca/pollution-in-this-southwestern-ontario-city-may-be-why-more-children-there-develop-asthma-1.5413154>; <https://globalnews.ca/news/7832435/sarnia-born-children-asthma-lawson-study/>.

- f) Please describe Dillon's and EGI's familiarity with reports from Global News that serious concerns have been raised concerning benzene and sulfur dioxide levels in and around AFN, and that concerns have resulted in a government health study that the community had been requesting for a decade.⁶ Please provide a general comment on the descriptions of air quality concerns provided in the article and explain why there is no mention of these concerns or others like them in the Environmental Report.
- g) Is Dillon or EGI aware of the status of the Ontario Government's health study concerning air quality in the Sarnia area? If so, please describe the status.
- h) Please describe all efforts that Dillon and/or EGI have undertaken towards identifying specific areas of concern that work against the general trends described in the Environmental Report's section on air quality.
- i) Please describe any specific areas of concern that Dillon and/or EGI are familiar with, in addition to the concerns that we have identified in these interrogatories in the vicinity of AFN, that work against the general trends described in the Environmental Report's section on air quality but are absent from the Environmental Report.

⁶ <https://globalnews.ca/news/8369470/ontario-first-nation-air-pollution-cancer-causing-chemicals-new-data/>.

Question: Exhibit F-Three Fires-12

Reference: Environmental Report, Physical, Natural, and Socio-Economic Environment Setting, Aquatic Environment, p. 72.

Preamble: The Environmental Report provides a description of existing surface water features and the potential for fish habitat in the Study Area.

- a) What are the advantages and disadvantages to the fact that Dillon conducted its aquatic habitat assessments during October and February?
- b) Do EGI and Dillon accept that completing aquatic habitat assessments in October and February will not capture the full range of biodiversity, especially species that have distinct life cycles, such as breeding amphibians?
- c) What measures, if any, have EGI and Dillon undertaken and/or what measures do they propose to undertake to mitigate any disadvantages arising from the timing of the aquatic habitat assessments?
- d) Do EGI and Dillon accept that there are Northern Sunfish and endangered mussel species in the Brown Creek (PPR-Crossing 7) area?
- e) Do EGI and Dillon accept that Hardy Creek is attached to Brown Creek, and that Hardy Creek hosts numerous SAR freshwater mussels?
- f) Is EGI willing to conduct aquatic habitat assessments over three additional seasons, being spring, summer and fall, and publicly report the results?
- g) What feedback and reporting mechanisms exist for TFG and others to report ongoing or future concerns relating to aquatic matters in the context of the proposed project?

Question: **Exhibit F-Three Fires-13**

Reference: Environmental Report, Physical, Natural, and Socio-Economic Environment Setting, Vegetation, p. 88.

Preamble: The Environmental Report provides a description of existing vegetation in the Study Area.

- a) What are the advantages and disadvantages to the fact that Dillon conducted its vegetation assessments, including ecological land assessments, for the purposes of Section 4.2.5 during October and February?
- b) Do EGI and Dillon accept that completing ecological land assessments in October and February will not capture the full range of ecological communities, as well as the biodiversity within those communities with distinct life cycles?
- c) What measures, if any, have EGI and Dillon undertaken and/or what measures do they propose to undertake to mitigate any disadvantages arising from the timing of the ecological land assessments?
- d) Is EGI willing to conduct ecological land assessment surveys over three additional seasons, being spring, summer and fall, and publicly report the results?
- e) What feedback and reporting mechanisms exist for TFG and others to report ongoing or future concerns relating to ecological matters in the context of the proposed project

Question: Exhibit F-Three Fires-14

Reference: Environmental Report, Physical, Natural, and Socio-Economic Environment Setting, Wildlife and Wildlife Habitat, p. 107.

Preamble: The Environmental Report provides a description of existing wildlife and wildlife habitat and species at risk in the Study Area.

- a) What are the advantages and disadvantages to the fact that Dillon conducted its wildlife and wildlife habitat assessments for the purposes of Section 4.2.6 and 4.2.7 during October and February? Please provide specific comment regarding the woodland raptor nesting habitat.
- b) Do EGI and Dillon accept that completing wildlife and wildlife habitat assessments in October and February will not capture the full range of relevant details? Please provide specific comment regarding the woodland raptor nesting habitat.
- c) What measures, if any, have EGI and Dillon undertaken and/or what measures do they propose to undertake to mitigate any disadvantages arising from the timing of the wildlife and wildlife habitat assessments?
- d) Is EGI willing to conduct wildlife and wildlife habitat assessments over three additional seasons, being spring, summer and fall, and publicly report the results? Please provide specific comment regarding the woodland raptor nesting habitat.
- e) What feedback and reporting mechanisms exist for TFG and others to report ongoing or future concerns relating to wildlife and wildlife habitat in the context of the proposed project?
- f) Please comment on County of Lambton Official Plan – Map 2 – Natural Heritage System.⁷ In particular, please comment on whether EGI and/or Dillon accepts that the area includes primary corridors, core areas and linkage features, and that “for many species, corridors and the linkages within them are critical for maintaining gene flow, which is linked to their ability to handle stress.”

⁷ <https://www.lambtononline.ca/en/business-and-development/resources/Documents/PlanningandDevelopment/OfficialPlan/Map-2-Lambton-County-Official-Plan---Natural-Heritage-System-Map-2.pdf>.

Question: **Exhibit F-Three Fires-15**

Reference: Environmental Report, Existing Linear Infrastructure, p. 142.

Preamble: The Environmental Report provides a description of existing linear infrastructure in the Study Area.

- a) Please provide the pipeline crossing specifications, including applicable permits.

Question: **Exhibit F-Three Fires-16**

Reference: Environmental Report, Archaeological Resources, p. 144.

Preamble: The Environmental Report provides a description of the archaeological assessments conducted in the Study Area.

- a) Please provide the results of the Stage 2 archaeological assessment
- b) Please confirm whether Stage 3 and/or Stage 4 mitigation is required.

Question: **Exhibit F-Three Fires-17**

Reference: Environmental Report, Route Selection, p. 146.

Preamble: The Environmental Report provides a description of the proposed project route as well as the temporary workspace and laydown areas.

- a) Please provide a description of all temporary workspaces and laydown areas (including detailed plans).
- b) Will EGI undertake to update TFG in a timely way in the event the location of workspaces and/or laydown areas change?

Question: **Exhibit F-Three Fires-18**

Reference: Environmental Report, Effects Assessment and Proposed Mitigation, p. 149.

Preamble: The Environmental Report provides a description of the potential effects associated with the proposed route on the physical, natural, and socio-economic environment, as well as proposed mitigation measures.

- a) Please confirm whether EGI will supply contractors with sheets and/or information pertaining to contamination to ensure compliance with procedures for handling suspect soils.
- b) Please provide all subsurface investigations in the project area.
- c) Please confirm whether EGI will notify TFG if suspect soils are identified during the construction activities.
- d) Please confirm whether EGI will consult with TFG regarding plans to direct excess water away from sensitive natural features before dewatering begins, including but not limited to discussions regarding any impacts on protected and asserted Aboriginal and Treaty rights.
- e) Please provide any permits issued by Ontario's Ministry of the Environment, Conservation and Parks, including the Permit to Take Water.
- f) Please provide EGI's understanding of the applicable regulatory requirements to manage and dispose of contaminated water.

Question: Exhibit F-Three Fires-19

Reference: Environmental Report, Atmospheric Environment and accompanying table, p. 158.

Preamble: The Environmental Report provides a description of the potential effects on the atmospheric environment, including various claims concerning GHG emissions.

- a) Please provide particulars for the position and any evidence that EGI relies upon for the statement that “the use of landfill gas as a renewable energy input into the existing natural gas system will reduce GHG emissions and contribute to the Municipality’s and the Province’s GHG reduction goals.
- b) What is the expected net decrease in GHG emissions that this project is expected to produce?
- c) What is the expected effect on GHG emissions in TFG’s traditional territories that will result from this project?
- d) Please provide particulars for the position and any evidence that EGI relies upon for the position that residual effects from the project will include a “long-term net decrease in GHG emissions from landfill operations”.
- e) In addition, please confirm the expected GHG emissions impact from the injection station and the new pipeline, including emissions from operations, as well as any changes to the direct and indirect emissions from existing infrastructure, and whether the statement in question (d) above includes consideration of these factors.
- f) What measures will EGI have in place to prevent and monitor fugitive emissions?

Question: Exhibit F-Three Fires-20

Reference: Environmental Report, Table 6-4 Assessment of Potential Effect of the Project on the Aquatic Environment, p. 161.

Preamble: The Environmental Report provides a description of the potential effects on the aquatic environment.

- a) Please confirm whether EGI will complete survival inspections after construction as part of its site restoration efforts to ensure affected areas have been rehabilitated.
- b) Please provide all site-specific water crossing plans.
- c) Please confirm whether TFG will be entitled to comment on the site-specific water crossing plans.
- d) Please confirm that the anticipated time-isolated crossings will not be limited to fish life stages and will be extended to include freshwater mussels.
- e) Please clarify whether it is a qualified fish biologist, a technician, or both that will complete a freshwater mussel salvage prior to and during dewatering where isolated crossings are used.
- f) Please provide full details relating to the pre-determined areas to release captured fish and/or freshwater mussels.

Question: **Exhibit F-Three Fires-21**

Reference: Environmental Report, Wetlands and accompanying table, p. 164-165.

Preamble: The Environmental Report provides a description of the potential effects on wetlands in the project area.

- a) Please confirm whether EGI will sweep for wildlife within 24-48 hours prior to the construction activities referenced in this section of the report.
- b) Please provide details of EGI's plans to allow for natural regeneration in a way that limits the spread of invasive species.

Question: Exhibit F-Three Fires-22

Reference: Environmental Report, Table 6-6 Assessment of Potential Effects of the Project on Vegetation, p. 168.

Preamble: The Environmental Report provides a description of the potential effects on vegetation in the project area.

- a) Please confirm whether EGI will implement tree protection zones adjacent to working areas.
- b) Please confirm whether EGI will commit to sharing tree removal plans prior to removing trees and to consult with TFG to ascertain appropriate measures for tree removals and compensation.
- c) Please confirm whether EGI will review the contractors' equipment cleaning procedures.

Question: Exhibit F-Three Fires-23

Reference: Environmental Report, Table 6-7 Assessment of Potential Effects of the Project on Wildlife and Wildlife Habitat, p. 171.

Preamble: The Environmental Report provides a description of the potential effects on wildlife and wildlife habitat in the project area.

- a) Please confirm whether EGI will commit to sharing with TFG on an ongoing basis details concerning large wildlife encounters or incidents, as well as any discoveries of active wildlife habitat that reasonably raise the question of whether to suspend construction.
- b) Please confirm whether EGI will sweep for nests within 24-48 hours prior to the construction activities referenced in this section of the report.
- c) Please confirm whether EGI will commit to informing TFG in the event a nest is found during construction activities
- d) Please confirm whether EGI will commit to notifying TFG before the removal of potential bat roosting trees, as well as to provide TFG with reasonable capacity funding to complete bat roosting sweeps prior to tree removal.

Question: **Exhibit F-Three Fires-24**

Reference: Environmental Report, Species at Risk and accompanying table, p. 173.

Preamble: The Environmental Report provides a description of the potential effects on species at risk in the project area.

- a) Please confirm whether EGI will commit to conducting three seasonal surveys (spring, summer and fall), given that previous field investigations were completed in October 2022 and February 2023.
- b) Does EGI accept that the Northern Sunfish (Carolinian population) may transect the Study Area, consistent with DFO's Aquatic Species at Risk map?
- c) Please confirm whether EGI will commit to be consulted during the detailed design process to support potential permitting and/or approvals under the ESA and SARA?
- d) Please confirm whether EGI will commit to advising TFG of any encounters with species at risk in the project area?
- e) Please confirm whether EGI will amend work areas to conform with O. Reg. 832/21.

Question: Exhibit F-Three Fires-25

Reference: Environmental Report, Population, Employment and Economic Activities, p. 175.

Preamble: The Environmental Report concludes that the project is in line with the municipal and provincial directions for maintaining safe, liveable, and economically diverse and prosperous communities.

- a) Did EGI or Dillon consider the conclusions and recommendations of the National Inquiry into Missing and Murdered Indigenous Women and Girls set out in the final report of June 3, 2019? If so, how is the report reflected in EGI's plans for the project?
- b) Does EGI recognize that Highway 401 through southwestern Ontario is a key gateway for human trafficking, sex trafficking and labour trafficking?
- c) Does EGI accept that a temporary workforce and the construction activities associated with the proposed project can increase the risk of sex trafficking and labour trafficking in the region? What consideration has EGI given to these issues?
- d) What mitigation measures, if any, will EGI have in place to address the risk of human trafficking, sex trafficking, and labour trafficking?
- e) Will EGI commit to incorporating consideration of sex trafficking and human trafficking as part of its cumulative effects assessment going forward?

Question: **Exhibit F-Three Fires-26**

Reference: Environmental Report, Cultural Heritage Resources and accompanying table,
p. 180.

Preamble: The Environmental Report includes a description of future archaeological
assessments and ongoing monitoring.

- a) Please confirm whether EGI will commit to sharing with TFG on an ongoing basis
details concerning any future discoveries of archaeological resources?

Question: **Exhibit F-Three Fires-27**

Reference: Environmental Report, Cumulative Effects, p. 188.

Preamble: The Environmental Report includes a description of assessments relating to cumulative effects, including treatment of air emissions in sections 7.3 and 7.4, riparian habitat in section 7.4.3.1.

- a) Please confirm whether Dillon’s statement in section 7.4.1 that “air contaminant concentrations will quickly attenuate” takes into consideration the effect of fugitive emissions? If so, please provide details.
- b) Does EGI accept for the purposes of section 7.4.3.1 that riparian vegetation affords safe habitat for freshwater mussels and not only smaller fish?
- c) Will EGI commit to modernizing its habitat, including riparian habitat, recovery strategies and policies (in coordination with First Nations) to advance ecological restoration initiatives and improve ecological connectivity in the area, in part as a result of the Environmental Report’s recognition of the cumulative impacts on riparian habitats?
- d) Will EGI commit to including the cumulative impacts of relocation on previously relocated wildlife as part of an updated cumulative effects assessment arising from the existing analysis in section 7.4.6.3?

Question: **Exhibit F-Three Fires-28**

Reference: Environmental Report, Accidents and Malfunctions, p. 214.

Preamble: The Environmental Report includes a description of potential adverse effects that may result from accidents and malfunctions.

- a) Please confirm whether EGI will commit to sharing annual leak detection surveys with TFG.
- b) Please confirm whether EGI will commit to sharing details of all spills, inadvertent returns, and pipeline failures with TFG.

Question: **Exhibit F-Three Fires-29**

Reference: Environmental Report, Effects of the Environment on the Project, p. 222.

Preamble: The Environmental Report includes a description of potential adverse effects on the environment and recommends that work on the Project be postponed during severe weather events.

- a) Please confirm whether EGI will commit to postponing work on the Project on days with poor Ambient Air Quality Index readings.

Question: Exhibit F-Three Fires-30

Reference: Environmental Report, Inspection and Monitoring, p. 227.

Preamble: The Environmental Report recommends the employment of an Environmental Inspector and various inspection activities.

- a) Please confirm whether EGI will commit to employing an environmental inspector.
- b) Please confirm whether EGI will commit to sharing the relevant job posting or job summary relating to the environmental inspector, and whether TFG will have the opportunity to provide input into the job parameters for and/or the ultimate selection of the environmental inspector.
- c) Please confirm whether EGI will commit to assembling and sharing with TFG a pictorial record of conditions prior to the commencement of construction.
- d) Please confirm whether EGI will commit to provide TFG with updates concerning restoration planning and obligations subsequent to constructions.
- e) Please confirm whether EGI commits to restoring any disturbed areas to a condition superior to their original state.
- f) Please confirm whether EGI commits to eliminate any invasive species in the project area.
- g) Please confirm whether EGI will commit to monitoring reports as recommended in the Environmental Report and to share all such reports with TFG
- h) Please confirm whether EGI will commit to including the subject of fugitive emissions in relation to groundwater, soil, and air in any such monitoring report, and at a frequency that guarantees the absence of such emissions.

Question: Exhibit F-Three Fires-31

Reference: Environmental Report, Stakeholder Engagement and Indigenous Consultation Program, p. 37

Preamble: The stated objectives of the consultation and engagement program include protecting Aboriginal and Treaty rights, making all reasonable efforts to identify the interests and meet the needs of participants, and consider public issues and concerns during project design.

a) Do the stated objectives give rise to a need for EGI or Dillon on its behalf to do any or all of the following as part of the stakeholder engagement and Indigenous consultation program:

- Make all reasonable efforts to identify any applicable First Nations policy, including the Band Council Resolutions;
- Make all reasonable efforts to identify applicable laws and policy documents, including UNDRIP;
- Consider the effect of the Band Council Resolutions on project decisions and the project more generally;
- Consider the effect of UNDRIP on project decisions and the project more generally.

Please provide an explanation of EGI's position for each element of the above.

b) Please reconcile EGI's (and Dillon's) consideration (or lack thereof) of the Band Council Resolutions and UNDRIP with the stated objectives set out in Section 3.1

Question: Exhibit F-Three Fires-32

Reference:

- Environmental Report
- Ontario Energy Board: *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario* (the “**Environmental Guidelines**”), Section 4.3.13 Social Impacts

Preamble: The Environmental Guidelines provides that Social Impact Assessment (“**SIA**”) is an integral component of environmental analysis and ensures that the extent and distribution of the Project’s social impacts are considered in an explicit and systematic way.

The Environmental Guidelines further note that pipeline construction is associated with both real and perceived health and safety risks which may affect people’s lives and how they feel about their homes and communities.

- a) Please discuss whether EGI has considered the social impacts of the proposed project on the Three Fires First Nations. If yes, please provide details and all related reports, presentations, or other documents specific to the Three Fires First Nations. If no, please explain why not.
- b) Please discuss whether EGI has considered the cultural heritage impacts of the proposed project on the Three Fires First Nations. If yes, please provide details and all related reports, presentations or other documents specific to each of the Three Fires First Nations. If no, please explain why not.
- c) Please discuss whether the required SIA considered the Project’s impacts on systemic social inequalities, including gender, gender diverse people, race, ethnicity, religion, age, mental or physical disability. If not, please explain why these identified types of social impacts were not considered as part of the SIA.
- d) Please discuss whether EGI has considered the safety risks of the expected construction workforce on the surrounding communities and vulnerable individuals, including the Three Fires First Nations, including as it relates to safety risks such as potential substance abuse, disproportionate impacts on women in communities, and impacts on the sex trade. If yes, please explain how EGI intends to mitigate the identified safety risks. If no, please explain why not and discuss how EGI intends to mitigate these types of safety risks of the Project in the surrounding communities.

Question: Exhibit F-Three Fires-33

- Reference:
- Environmental Report
 - Environmental Guidelines, section 4.3.14 Cumulative Effects
 - CKSPFN Declaration to the Waterways and Lakebeds within its Traditional Territory (see **Appendix “B”**)

Preamble: The Environmental Guidelines state 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.”

- a) Please outline what steps EGI has taken to address outstanding concerns from the Three Fires First Nations about the cumulative effects of gas infrastructure and expansion across each of their respective territory as it relates to the Project.
- b) Please provide and discuss EGI's instructions to its environmental consultants for assessing cumulative effects for this Project.
- c) 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.

Question: **Exhibit F-Three Fires-34**

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

Preamble: EGI notes that it will develop an Environmental Protection Plan (“**EPP**”) prior to construction, which will among other things incorporate mitigation measures recommended in the Environmental Report as well as those recommended by permitting agencies

- a) Will EGI's EPP consider mitigation measures recommended by Indigenous communities including the Three Fires First Nations? If yes, please provide details of how these mitigation measures will be communicated to EGI and how they will be incorporated into the EPP.
- b) Will EGI commit to sharing the EPP prior to its finalization so that the Three Fires First Nations have the opportunity to provide any feedback?
- c) Is EGI's commitment that it will include all mitigation measures recommended in the Environmental Report and those received from permitting agencies?

Question: Exhibit F-Three Fires-35

Reference: • Enbridge Inc. “Net Zero by 2050: Pathways to reducing our emissions”⁸
(The “**Net Zero Plan**”), pp. 2 and 9-11

Preamble: EGI notes that it “is aware of, has reviewed, and is working in conjunction with the municipalities within the Panhandle Market to determine whether the expansion of the Panhandle System impacts their ability to achieve the greenhouse gas emissions (GHG) reduction goals.”

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 Project.
- b) Has EGI modelled the fugitive methane emissions that will be released by the proposed Project? If yes, please describe the modelling that was undertaken and provide all related results. If not, please explain.
- c) Please provide information on EGI’s leak detection, repair and reporting protocol for related infrastructure, including accounting for fugitive emissions.
- d) 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.⁹ Please explain EGI’s understanding of and describe how the Project contributes to or detracts from Canada’s commitments under the Global Methane Pledge.
- 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.

⁸ 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.

⁹ 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: **Exhibit F-Three Fires-36**

Reference: • Environmental Report, sections 4 and 6

Preamble: The Environmental Report notes that there are a number of watercourses within the project area.

- a) Please outline in table format, crossing methods for each of the watercourses impacted by the proposed project, and provide the associated costs for accommodating the crossing methods.
- b) Please outline in table format, how direct impacts to each of the watercourses will be mitigated, and the associated costs of this mitigation.
- c) Please explain whether EGI will seek consent of CKSPFN to cross each of the watercourses within its Traditional Territory, in light of the CKSPFN Declaration to the Waterways and Lakebeds within its Traditional Territory (**Appendix “B”**).

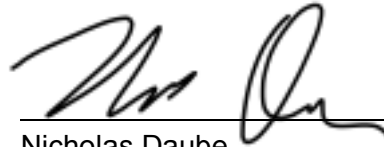
Question: **Exhibit F-Three Fires-37**

Reference: • Environmental Report, Section 6

Preamble: The PPS, implemented under the Planning Act (1990), protects Provincially Significant Wetlands (PSWs) from development and site alteration while regulations under the Conservation Authorities Act (1990) prohibit certain activities within wetlands (MNRF, 2010). The PPS further specifies that a wetland is considered provincially significant if evaluated as such through the OWES (MNRF, 2014). Until categorized by NDMNRF, wetlands are classified as “unevaluated”.

- a) Does EGI acknowledge that “unevaluated” wetlands are often the result of research gaps, and do not always indicate a lack of ecological importance or value?
- b) Will EGI commit to surveying and mitigating effects on both PSWs (classified through the OWES), as well as “unevaluated” wetlands?

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS
31st day of October, 2023

A handwritten signature in black ink, appearing to read "Nicholas Daube", written over a horizontal line.

Nicholas Daube
Resilient LLP
Counsel for Three Fires



FIRST NATION COUNCIL RESOLUTION

REFERENCE NO. 3132	DATE OF DULY CONVENED MEETING: 2023 / 03 / 06 <small>(YEAR/MONTH/DAY)</small>	PROVINCE OF ONTARIO
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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 granted to the Crown certain rights to certain parts of the tract and created the Reserves designated as Kettle Point #44 and Stony Point #43; and

WHEREAS in neither agreement nor Treaty was there a surrender of the subsurface pore space known as the space below the surface of the land in which there were or are natural gas formations, salt formations, salt caverns, oil reserves, minerals and water deposits; and

WHEREAS the Chippewas of Kettle and Stony Point First Nation assert title to, jurisdiction over and rights to occupy and use said subsurface throughout its traditional territory north of the international boundary between Canada and the USA, including all pore space and all natural resources therein, pursuant to its Anishinaabe Law including its customs, international and Canadian constitutional and common law including that of section 35 of the Constitution Act 1982 (“SUBSURFACE TITLE AND RIGHTS”); and

WHEREAS the subsurface title and rights exist in the following territory: the point of intersection of the surrendered lands with the Huron Tract 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, then running along the water’s edge of Lake Erie to the westerly limit of the herein described lands of Treaty No.2, Treaty No.6 and the Huron Tract, and the land underlying this portion of the traditional territory; and

THEREFORE BE IT RESOLVED THAT the Chippewas of Kettle and Stony Point First Nation hereby declare subsurface title and rights as set out herein, and hereby notify each Crown government- Federal, Provincial and Municipal -- , and each company, individual, or groups of individuals, and any others who use or who plan to use any part or portion of the applicable subsurface area, of the need to disclose such intended use to the First Nation, and seek express permission from the government of the First Nation for the proposed usage, failing which such usage shall be deemed by the First Nation as a violation of its rights and title and laws.

QUORUM <u> 5 </u>	 _____ (CHIEF)	 _____ (COUNCILLOR)
 _____ (COUNCILLOR)	 _____ (COUNCILLOR)	 _____ (COUNCILLOR)
 _____ (COUNCILLOR)	 _____ (COUNCILLOR)	 _____ (COUNCILLOR)

Appendix B: 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 Chaudiere
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
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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

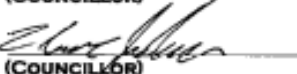

(COUNCILLOR)


(COUNCILLOR)


(COUNCILLOR)


(CHIEF)


(COUNCILLOR)


(COUNCILLOR)


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