

December 4, 2023

Ms. Nancy Marconi
Registrar
Ontario Energy Board
P.O. Box 2319,
2300 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**RE: EB-2023-0313 – Mohawks of the Bay of Quinte Community Expansion
Motion for Review
Our File No.: 57658**

I am writing on behalf of the Mohawks of the Bay of Quinte ("MBQ").

We write to inform the Board that these proceedings as commenced by the intervenor, Environmental Defence ("ED"), have needlessly prejudiced the MBQ.

The prejudice stems from the Ontario Energy Board's (the "Board's") decision to consolidate the MBQ Project with two other projects, the Selwyn Community Expansion and the Hidden Valley Community Expansion, two projects which are substantially different than the MBQ Project and that contain no First Nations participants.

As of November 28, 2023, Enbridge Gas Inc ("Enbridge") has halted its construction of the MBQ Project, citing ongoing regulatory uncertainty.

Given that all three projects are lumped together, ED's motion to appeal the decision of the OEB has resulted in the cessation of all three projects, uniquely prejudicing the needs and interests of the MBQ, a First Nation community.

ED reiterates in their November 29, 2023 Reply Submissions that "where any relief requested herein conflicts with the relief requested by the First Nation, the latter should prevail, including the First Nation's request that construction proceed".

We respectfully submit that the MBQ's wish is to proceed with construction and the relief sought by ED does conflict with those wishes. As such, there is simply no basis for this appeal as it relates to the MBQ Project and it should therefore be dismissed.

Importantly, ED has written to us and Enbridge separately on November 29, 2023 stating that **“Environmental Defence is not asking Enbridge to halt construction on that project and is not seeking that relief from the Ontario Energy Board”**. Nevertheless, the result of their objection has extended to the MBQ Project.

While we are disappointed that ED has not written directly to the Board withdrawing their motion as it relates to the MBQ Project, it is our position that based on the OEB’s submissions the Board has the power and authority to remove MBQ Project (EB-2022-0248) from these proceedings.

We reiterate that the MBQ Project is unique in that it is located on the actual territory of the MBQ as established by treaty and as such plays a critical role in the community’s rights to self-determination and ability to govern themselves.

The MBQ is a proud, self-governing First Nation which has long advocated for the needs and security of its members. The MBQ has consistently maintained its support for the MBQ Project, citing ongoing community need, public support and its satisfaction with Enbridge’s consultation duties. Yet the consolidation of these three projects into one has prejudiced the MBQ as a First Nation and has effectively diluted the constitutional duty that is owed to them.

We note that after nine months, two sets of submissions, support from OEB staff and the Board’s approval to construct, the MBQ Project remains uncertain and stalled on the basis of an aggrieved intervenor’s ability to file evidence.

We, therefore, request that the MBQ Project be distinguished from the other two expansion projects and that the wishes and sovereignty of the MBQ be respected through a direction to Enbridge to resume its construction as soon as possible.

Should you have any further questions, please contact the writer.

Yours very truly,

TEMPLEMAN LLP



HAROLD VAN WINSEN
HVW/nc