

March 18, 2026

VIA RESS AND EMAIL

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

Dear Ritchie Murray:

**Re: Enbridge Gas Inc. (Enbridge Gas)
Ontario Energy Board (OEB) File: EB-2025-0301
Port Colborne Reinforcement Project
Enbridge Gas Reply to Six Nations of the Grand River (SNGR) Request for Leave to
File Evidence**

Enbridge Gas has reviewed the March 10, 2026 letter from counsel for SNGR and the attached affidavit of Peter Graham (Consultation Supervisor of SNGR). Enbridge Gas has some concerns that SNGR has not followed the proper process as outlined in Rules 13.02 and 13.04 of the OEB's Rules of Practice and Procedure. The primary concern is that SNGR appears to have simply presumed leave by preparing and filing the affidavit (together with cost submissions for same) rather than first requesting leave of the OEB as required in the Rules. The secondary concern is that SNGR has asserted relevance rather than addressing the rationale or providing any justification to support the required materiality criteria. In order to preserve regulatory efficiency as well as procedural fairness it is important that parties comply with the Rules accordingly.

Notwithstanding these procedural deficiencies, Enbridge Gas appreciates and values the input of Indigenous groups and would not object to OEB admitting Mr. Graham's affidavit, provided that the OEB take into account the evidentiary record that presently exists when considering this additional evidence as set out below.

To provide assistance to the OEB in understanding some of the statements made and issues raised, Enbridge Gas makes the following comments in respect of the content of Mr. Graham's affidavit, drawing from the existing record.

Regarding early consultation and the need for baseline studies found at paragraphs 8 through 11, Enbridge Gas offers the following:

Enbridge Gas initiated early engagement with SNGR and other Indigenous communities prior to confirming a preferred route. Invitations to participate in consultation meetings and field activities were extended throughout the early stages of the environmental study. A virtual meeting with SNGR was held on June 10, 2025¹ to provide an overview of the Project, the environmental study process, the proposed pipeline routes, upcoming field investigations, and opportunities for Indigenous participation. The purpose of this meeting was to seek feedback and identify any project-specific concerns, including environmental or rights-based considerations that could inform the routing analysis.

¹ Filed: 2025-11-07, EB-2025-0301, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 229 of 482

Prior to that meeting, Indigenous communities were invited to participate in an on-site reconnaissance visit to the study area. The site reconnaissance, which occurred on June 6, 2025, following rescheduling from May 29, included verification of background environmental information through a high-level habitat survey, watercourse assessment, and a Stage 1 archaeological photo inventory. A representative from SNGR attended and participated in this field visit. This early field work was undertaken to confirm environmental features identified through desktop review and to support the ongoing evaluation of route alternatives.²

In addition, a Project Description Report was circulated to SNGR and other Indigenous communities on June 3, 2025. The report summarized the preliminary natural heritage and cultural heritage information identified through the initial environmental study and was provided specifically to facilitate early consultation and enable communities to review the preliminary environmental context prior to further study progression.³

Following the June 10 meeting, Enbridge Gas undertook additional field investigations with opportunities for SNGR participation. SNGR provided a confidential list of culturally significant plant and animal species for consideration in the environmental study. In response, Enbridge Gas arranged targeted vegetation surveys, which were conducted with participation from an SNGR representative on July 14, 15, and 24, 2025.⁴ The results of these investigations were incorporated into the routing analysis, and an updated Project Description Report summarizing how the culturally significant species information was considered was provided directly to SNGR on September 8, 2025.

Accordingly, Enbridge Gas respectfully notes that the environmental assessment process for the Project incorporated both desktop analysis and field verification activities prior to the confirmation of a preferred route, and SNGR was provided multiple opportunities to participate in those activities. These opportunities included participation in early site reconnaissance, targeted field surveys, and the review of preliminary environmental information. The preferred route had not been finalized at the time of the June 10, 2025, meeting. The routes discussed at that meeting were identified as the preliminary preferred routes, alternative route 1 and alternative route 2⁵, and information gathered through consultation, field investigations, and environmental analysis continued to inform the routing evaluation process thereafter.⁶

Regarding the statements that a preferred route was pre-determined at Paragraphs 12 and 16:

Enbridge Gas does not agree with the characterization that a preferred route for the Project was selected prior to consultation with SNGR or that SNGR was not provided opportunities to participate in the environmental study process or associated field investigations, and the record supports Enbridge Gas's and not SNGR's version of events.⁷

² Filed: 2025-11-07, EB-2025-0301, Exhibit H, Tab 1, Schedule 1, Attachment 6, Page 113 of 145

³ Filed: 2025-11-07, EB-2025-0301, Exhibit H, Tab 1, Schedule 1, Attachment 6, Page 123 of 145

⁴ Filed: 2025-11-07, EB-2025-0301, Exhibit H, Tab 1, Schedule 1, Attachment 6, Page 127 of 145

⁵ Filed: 2026-03-02, EB-2025-0301, Exhibit I.SNGR-1, Attachment 3, Page 13 of 30

⁶ Application, Exhibit H, Tab 1, Schedule 1, Attachment 6, Line-item Attachment 3.1 Page 113 and 114 of 145

⁷ EB-2025-0301, Exhibit H, Tab 1, Schedule 1, Attachment 6, Page 128 of 145
Line-item attachment 3.21

As outlined in EB-2025-0301, Exhibit I.SNGR-1 and associated attachments, SNGR was provided with preliminary desktop natural heritage and cultural resource information and invited to participate in field verification surveys across the proposed route alternatives prior to the selection of a preferred route. These materials were provided to support early engagement and to enable SNGR to identify any environmental, archaeological, or treaty rights considerations relevant to the route evaluation process.

Specifically, invitations were extended to SNGR and other Indigenous communities to participate in field verification surveys undertaken as part of the environmental assessment process. These surveys included ecological field investigations and work associated with the Stage 1 Archaeological Assessment. The purpose and scope of the planned surveys were communicated in advance, including through correspondence from Stantec outlining the high-level scopes of work to be undertaken during the field activities.⁸ The surveys were intended to verify baseline environmental conditions identified through desktop review and to inform the routing evaluation process.

In correspondence to SNGR, Enbridge Gas emphasized the importance of these early opportunities for communities to share knowledge related to treaty rights, traditional land use, and environmental features within the project area. As noted in the record⁹, communities were advised that participation in these surveys would support early and meaningful engagement and assist in ensuring that community rights, values, and perspectives could be considered in the assessment of potential route options. The surveys contributed to both the natural heritage review and the Stage 1 archaeological assessment undertaken for the Project.

Further, the June 10, 2025, meeting with SNGR provided an overview of the Project, the environmental assessment process, and the routing alternatives under consideration. At that time, Enbridge Gas advised that no final preferred route had been selected. The presentation outlined the environmental assessment framework, including the phased approach to baseline information collection, field verification surveys, and route evaluation.

Accordingly, Enbridge Gas respectfully submits that baseline information gathering, field verification activities, and consultation opportunities were undertaken in advance of confirming a preferred route, consistent with the OEB's Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Projects and Facilities in Ontario. The record demonstrates that SNGR was provided opportunities to review preliminary baseline information, participate in field studies, and share community knowledge to inform the evaluation of routing alternatives.

Regarding SNGR's request for an Environmental Impact Statement/Environmental Impact Survey (EIS) at Paragraph 15:

As outlined in the November meeting minutes¹⁰ provided to SNGR for review and comment, "SNGR's initial stance was they prefer Environmental Impact Surveys (EIS) during route selection, however after receiving additional information on the Environmental Assessment (EA) process, accepted this as an adequate process."

⁸ EB-2025-0301, Exhibit H, Tab 1, Schedule 1, Attachment 6, Line-item Attachment 3.9 Page 117 of 145

⁹ EB-2025-0301, Exhibit H, Tab 1, Schedule 1, Attachment 6, Line-item Attachment 3.5

¹⁰ Exhibit I.STAFF-1, Attachment 1, Updated Indigenous Consultation Report, line-item attachment 3.49

During that meeting, Enbridge Gas explained the EA process applicable to the Project under the OEB regulatory framework, including how the EA process is intended to identify, assess, avoid, and minimize environmental and socio-economic impacts through a structured evaluation of route alternatives, consultation activities, and mitigation planning. Following this discussion, SNGR acknowledged that the EA process could serve as an appropriate mechanism for environmental assessment, provided that additional commitments discussed at the meeting were incorporated into the process.

Enbridge Gas remains willing to continue discussions with SNGR to identify any specific areas of concern related to aboriginal or treaty rights and to consider whether additional project-specific information or studies may be appropriate to address those concerns.

Regarding the use of software to generate a meeting transcript at paragraph 30:

Enbridge Gas would like to note that the transcript captured by the MEM during the October 9 meeting incorrectly noted Peter Graham's speaking contributions as being attributed to Tayler Hill as that was the computer profile used to log in to the Microsoft teams meeting and therefore was identified whenever verbal contributions were made from that profile¹¹.

Regarding the statement that Enbridge Gas did not take SNGR issues seriously at paragraph 31:

Enbridge Gas respectfully disagrees with the characterization that it "failed to take seriously" SNGR's request for baseline studies or that Enbridge Gas refused to conduct additional environmental work solely on the basis that such studies were not required by regulation.

The record of the October¹² meeting demonstrates that Enbridge Gas provided a detailed explanation of the environmental assessment process undertaken for the Project, including the baseline environmental information that had already been collected and analyzed. During the meeting, Enbridge Gas explained that the environmental assessment included a review of published environmental datasets, mapping of environmental features and habitats, and field verification surveys along the proposed routes to confirm environmental conditions such as watercourses, wetlands, vegetation communities, and potential wildlife habitat¹³. These findings were then compiled and summarized in the Environmental Report for the Project.

Enbridge Gas also explained that the scope and methodology of the environmental studies undertaken were informed by the scale, location, and potential impacts of the Project, which involves the installation of approximately 3.1 km of pipeline primarily within an existing municipal road right-of-way that has already been subject to previous disturbance and infrastructure development. As discussed during the meeting, the environmental assessment approach for the Project was therefore tailored to the anticipated footprint and potential effects associated with a road allowance installation rather than a large greenfield development.

¹¹ Filed: 2026-03-02, EB-2025-0301, Exhibit I.SNGR-1, Attachment 2, Page 1 to 28

¹² *ibid*

¹³ *ibid*

The Environmental Report prepared for the Project summarizes the baseline environmental conditions identified through the desktop review and field verification surveys and identifies potential environmental interactions and mitigation measures. Enbridge Gas also explained that where environmental features or habitat conditions warrant further confirmation, additional targeted field studies may be undertaken during detailed design, including species-specific surveys (e.g., bat, breeding bird, or amphibian studies), arborist assessments, or other site-specific investigations.

During the October meeting, Enbridge Gas further clarified that the environmental assessment process also provides multiple opportunities for Indigenous communities to provide information relevant to treaty and Aboriginal rights or environmental interests within the Project study area. These opportunities included early notification of the Project, circulation of project information and route options, invitations to provide information on environmental or rights-based interests within the study area, circulation of the draft Environmental Report for review and comment, and invitations to participate in field verification and targeted studies where applicable.

The discussion during the meeting also identified that the primary point of disagreement between the parties related to the timing and sequencing of certain environmental studies, rather than a refusal by Enbridge Gas to consider additional environmental information. SNGR indicated that it preferred certain studies to be completed earlier in the process (i.e., prior to preparation of the Environmental Report), whereas Enbridge Gas explained that, consistent with the environmental assessment framework applied to the Project, certain targeted studies are typically undertaken following route selection and during detailed design where the potential for site-specific impacts can be more precisely assessed.

Enbridge Gas indicated during the meeting that it was prepared to review any specific study requests that SNGR wished to provide, including information regarding the type of baseline studies SNGR considered necessary for the Project. SNGR advised that it would provide additional information regarding these expectations following the meeting so that the parties could further discuss the matter. Regrettably, SNGR never did follow up with additional information.

Accordingly, the meeting record does not support the assertion that Enbridge Gas refused to undertake baseline environmental studies or that the matter was dismissed on the basis of regulatory requirements alone. Rather, the October discussion reflects a detailed technical explanation of the environmental assessment work completed to date, the methodology used to assess potential environmental effects, and a difference in perspectives regarding the timing and scope of additional studies for a project of this scale and location.

Regarding the statement that the route was “no cause for concern” at paragraph 34:

Enbridge Gas respectfully disagrees with the characterization that the use of a road allowance was presented as a “defence” for a lack of environmental studies.

During the October meeting¹⁴, Enbridge Gas explained that the selection of routes within existing road rights-of-way is a deliberate project planning and mitigation measure intended to avoid or minimize potential environmental impacts wherever feasible. As

¹⁴ Filed: 2026-03-02, EB-2025-0301, Exhibit I.SNGR-1, Attachment 2, Page 1 to 28

discussed, routing the Project within previously disturbed infrastructure corridors reduces the likelihood of impacts to natural habitats, vegetation communities, and wildlife features when compared to routing through undisturbed or “greenfield” areas.¹⁵

Enbridge Gas explained that this routing approach is commonly used for infrastructure projects because road allowances have typically already been subject to grading, vegetation removal, utility installation, and other historical disturbances. As such, selecting these corridors at the outset is a form of impact avoidance, which is the first step in the mitigation hierarchy applied during environmental assessments.

Importantly, Enbridge Gas did not indicate that routing within a road allowance eliminates the need to assess environmental conditions or potential impacts. Rather, Enbridge Gas explained that environmental information was compiled through a combination of desktop data review and field verification surveys along the proposed routes in order to identify environmental features such as watercourses, wetlands, vegetation communities, and potential wildlife habitat within or adjacent to the project footprint. These findings were summarized in the Environmental Report and used to inform route evaluation and the development of mitigation measures.

Enbridge Gas further explained that where environmental features or potential habitat are identified, additional targeted studies may be undertaken during detailed design, including species-specific surveys, arborist assessments, and other investigations where appropriate to confirm potential impacts and refine mitigation measures prior to construction.

Accordingly, the use of an existing road allowance was discussed as an initial mitigation strategy intended to reduce potential environmental effects, rather than as a basis for avoiding environmental assessment work. Environmental baseline information was still compiled and assessed for the Project, and additional targeted studies may be undertaken where site conditions warrant further investigation.

Regarding the statement that the Project would disturb potential SNGR burial areas at paragraph 35 (a):

As explained during the November 25 meeting¹⁶, archaeological assessments are completed for projects undertaken under the EA process regardless of whether the work occurs within a road allowance or other previously disturbed corridor. Enbridge Gas confirmed that a Stage I Archaeological Assessment (AA) is completed for projects subject to the EA process to identify areas of archaeological potential on all potential routes. If archaeological potential is identified within the preferred route, additional field investigations (e.g., Stage II archaeological assessments) may be undertaken as required to further assess and mitigate potential impacts to archaeological resources.

During the meeting, Enbridge Gas also acknowledged that disturbed areas may still contain archaeological potential due to historical land use practices and confirmed that archaeological review is not waived simply because work occurs within a road allowance. Enbridge Gas explained that its archaeological assessment process includes fieldwork and review of archaeological potential within the project area, as well as

¹⁵ Exhibit I.SNRG-1 Attachment 2

¹⁶ Filed: 2026-03-02, EB-2025-0301, Exhibit I.STAFF-1, Attachment 1, Page 214 of 23

contingency procedures should previously unidentified archaeological resources be encountered during construction.

In addition, Enbridge Gas indicated that draft archaeological reporting associated with the Environmental Assessment process is circulated to Indigenous communities for review and comment, and that SNGR representatives are invited to participate in early natural heritage and Stage I archaeological field surveys where feasible so that Indigenous knowledge can be incorporated into the assessment process.

Accordingly, while Enbridge Gas explained that routing projects within an existing road allowance is intended to reduce environmental and land-use impacts where feasible, this routing approach does not replace or eliminate the requirement to assess archaeological potential. Archaeological assessments and associated fieldwork remain a standard component of the Environmental Assessment process to identify and mitigate potential impacts to archaeological resources within the project area.

Regarding the statement that Enbridge Gas attempted to consult through SNGR Field Monitors at paragraph 40:

Enbridge Gas again refers to the responses at the beginning of this letter regarding field studies, including: Exhibit H, Tab 1, Schedule 1, Attachment 6, Page 114 of 145, Line-item attachment 3.5.

Specifically, in the May 15, 2025 email to SNGR, Enbridge Gas impressed the importance of these early opportunities for SNGR to share knowledge with Enbridge Gas on proposed routes:

“To support early and meaningful engagement, Enbridge Gas is inviting communities to participate in upcoming field verification surveys that form part of the environmental assessment process for the Port Colborne Reinforcement Project. These surveys will contribute to the natural heritage review and the Stage 1 archaeological assessment.

This is an important opportunity to share knowledge related to treaty rights and traditional land use. Early participation and input will help ensure that community rights, values and perspectives are meaningfully reflected in the assessment of potential route options.”

SNGR sent field monitors to participate in the field study. Enbridge Gas engaged with these monitors in the capacity that was outlined in the invitation to the field work (contained in the above-noted May 15, 2025 email). Enbridge Gas was advised after the field work involving the field monitors that SNGR did not view those monitors as authorized representatives of SNGR for the purposes of consultation. In no way did Enbridge Gas deputize the field monitors as Consultation representatives or anything else.

Enbridge Gas has continued to appropriately consult with the authorized representatives of SNGR and will continue to do so during the life of the project and beyond.

The customer who has requested gas service through the Project requires service no later than October 1, 2026 in order to complete commissioning, avoid production delays, and avoid additional costs to procure CNG or other energy alternatives. To meet this October 1, 2026 in-

March 18, 2026

Page - 8 -

service date, Enbridge Gas must begin construction in May, 2026. Accordingly, Enbridge Gas requests that the OEB move quickly to release Procedural Order No. 4 with revised dates for submissions as follows:

- March 25, 2026 – written submissions from OEB Staff and Six Nations
- April 7, 2026 – written reply submissions from Enbridge Gas

If you have any questions, please contact the undersigned.

Sincerely,

Patricia Squires

Patricia Squires
Manager, Regulatory Applications – Leave to Construct

Cc: Arend Wakeford (Enbridge Gas Counsel)
Zora Crnojackie (OEB staff)
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