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BY EMAIL

June 18, 2026

Mr. Ritchie Murray
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Registrar@oeb.ca

Dear Mr. Murray:

**Re: Ontario Energy Board (OEB) Staff Submission
Enbridge Gas Inc. – Humber Station Community Expansion Project –
Application for Exemption from Leave-to-Construct (LTC) Requirement
OEB File Number: EB-2025-0270**

Please find attached OEB staff's submission in the above referenced proceeding, pursuant to Procedural Order No. 3.

Yours truly,

Arturo Lau
Senior Advisor, Natural Gas Applications

Encl.

c: All Parties



ONTARIO ENERGY BOARD

OEB Staff Submission

Enbridge Gas Inc.

**Humber Station Community Expansion Project –
Application for Exemption from Leave-to-Construct
(LTC) Requirement**

EB-2025-0270

June 18, 2026

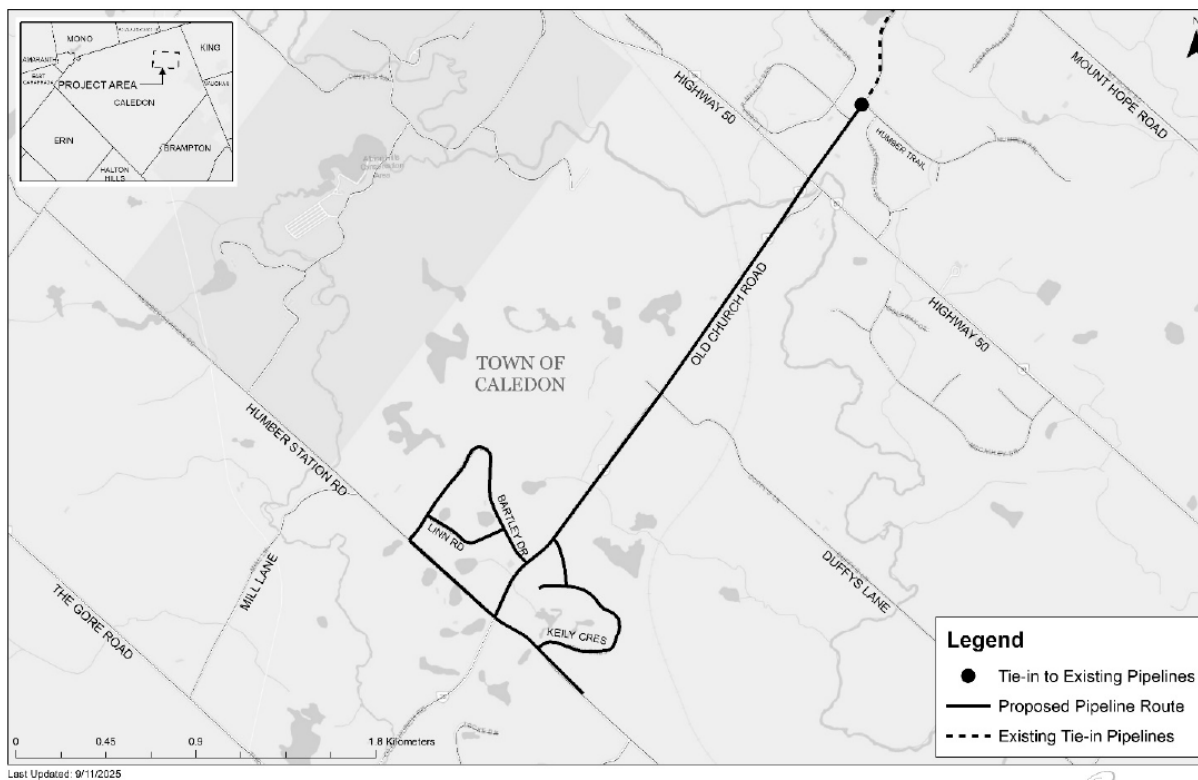
INTRODUCTION

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on September 29, 2025, under subsection 95(2) of the *Ontario Energy Board Act, 1998* (OEB Act) for an order exempting Enbridge Gas from the requirement to obtain leave to construct natural gas pipelines and facilities (Project) in the Town of Caledon near the intersection of Humber Station Road and Old Church Road, Ontario.

The Project is expected to cost \$6 million and serve approximately 62 customers in the Town of Caledon. The Project was approved to receive funding assistance under Phase 2 of the Government of Ontario's [Natural Gas Expansion Program](#).

The proposed project consists of approximately 3 kilometres (km) of Nominal Pipe Size (NPS) 4 polyethylene (PE) natural gas pipeline and approximately 5 km of NPS 2 PE natural gas pipeline (Project). A general location of the Project is shown in the map below¹.

Caledon - Humber Station Community Expansion Project



Exemption from Leave to Construct Requirement

¹ Application, Exhibit A, Tab 2, Schedule 1, Attachment 1, page 1 of 1

Enbridge Gas relies on section 3.0.1(1) of O. Reg. 328/03, for its application. This provision authorizes the OEB to make an order under subsection 95 (2) of the OEB Act that exempts a person from the requirement to obtain leave from the OEB under subsection 90 (1). The exemption shall be granted if:

- a) leave is required only by virtue of clause 90 (1) (b) of the OEB Act;
- b) the proposed hydrocarbon line is projected to cost more than the amount specified (\$2 million) in section 3 for the purposes of that clause but not more than \$10 million; and
- c) the OEB makes a determination that the Crown's duty to consult, if it applies in respect of the application, has been adequately discharged.

OEB staff notes that the Project is projected to cost more than \$2 million and less than \$10 million.

As a result, the central issue for the OEB to consider is whether the Crown's duty to consult has been adequately discharged.

Duty to Consult

The duty to consult, and where appropriate, accommodate, is a duty that stems from the Honour of the Crown and the Constitutional recognition of Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*. The scope and content of the duty continues to evolve within Canadian jurisprudence. At a high level, the duty is triggered in instances where (1) the Crown has knowledge of a potential Aboriginal claim or right, (2) the Crown contemplates conduct, (3) there is the potential that the contemplated conduct may adversely impact the Aboriginal claim or right. Canadian courts have also confirmed that regulatory boards and tribunals may be responsible for assessing the duty to consult, where they are empowered to consider questions of law or are otherwise given that responsibility through legislation or regulation.

In order to ensure that the OEB has all the information it requires to make a determination on the duty to consult, the OEB has developed a process to ensure that all relevant concerns and evidence can be placed before it through the hearing process. This process is set out in the OEB's *Environmental Guidelines for Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario* (Environmental Guidelines)², and also through the procedural steps established by the OEB in this proceeding. The process includes:

² OEB Environmental Guidelines, pages 16-18 Chapter 3.2 Indigenous Consultation

- Early (i.e. pre-application) identification of potentially impacted Indigenous communities by the Ministry of Energy and Electrification - now the Ministry of Energy and Mines (the Ministry) and delegation of the procedural aspects of the duty to consult to the applicant.
- The requirement that the applicant engage with potentially impacted Indigenous communities and prepare and file an Indigenous Consultation Report (ICR) that describes the consultation activities that were undertaken, provides copies of all communications and a summary of any rights-based concerns raised by Indigenous communities, and describes any accommodations that are proposed.
- The provision of notice by the OEB to all potentially impacted Indigenous communities once the application is filed, including a statement that “[t]he OEB will also assess whether the duty to consult with Indigenous nation or communities potentially affected by the proposed pipeline has been discharged with respect to the application.”
- The testing of the application through the OEB interrogatory process, including any questions with respect to the duty to consult as it relates to the project.
- The opportunity for OEB staff, intervenors (including any Indigenous communities that choose to intervene) and the applicant to file written submissions with the OEB.

HEARING PROCESS

On March 6, 2025, by way of a Delegation Letter, the Ministry identified the following potentially impacted Indigenous communities that Enbridge Gas should consult:

- Alderville First Nation
- Beausoleil First Nation
- Chippewas of Georgina Island First Nation
- Chippewas of Rama First Nation
- Curve Lake First Nation
- Hiawatha First Nation
- Wendat Nation (formerly Huron-Wendat Nation)
- Kawartha Nishnawbe First Nation
- Mississaugas of the Credit First Nation
- Mississaugas of Scugog Island First Nation

The Delegation Letter specifies roles and responsibilities it delegated to Enbridge Gas as well as roles and responsibilities assumed by the Crown and scope and content of consultation record.³

The OEB served each potentially impacted community a Notice of Hearing on October 24, 2025. The Notice of Hearing provided each potentially impacted Indigenous community until December 8, 2025, 2025 (45 calendar days) to become an intervenor, comment or ask to follow the hearing as a monitor.

No one requested intervenor status in the proceeding.

On December 18, 2025, the OEB issued Procedural Order No. 1 set out a schedule for written discovery on Enbridge Gas's evidence and directed Enbridge Gas to file an updated ICR and any correspondence to Enbridge Gas from the Ministry regarding Enbridge Gas's consultation activities.

In accordance with Procedural Order No. 1, Enbridge Gas filed an updated ICR on January 16, 2026. OEB staff filed interrogatories on January 30, 2026, and Enbridge Gas filed interrogatory responses on February 13, 2026.

On February 25, 2026, the OEB issued Procedural Order No. 2 setting the dates for the filing of written submissions from OEB staff by March 13, 2026, and any reply submissions from Enbridge Gas by March 27, 2026.

On March 12, 2026, OEB Staff filed a Letter of Comment, requesting that the Application be placed into abeyance until the Ministry's Letter of Opinion is filed.

On March 13, 2026, the OEB issued a letter placing the Application into abeyance until the earlier of April 27, 2026 or when the Ministry's Letter of Option is filed to the OEB. On April 28, 2026, the OEB issued a letter extending the abeyance until May 27, 2026.

On May 28, 2026, the OEB issued Procedural Order No. 3 taking the Application out of abeyance and setting procedural steps for submissions by OEB staff and reply submissions by Enbridge Gas.

On May 29, 2026, Enbridge Gas updated the Application to include the Ministry's Letter of Opinion.

INDIGENOUS CONSULTATION

³ Application, Exhibit H, Tab 1, Schedule 1, Attachment 2-Delegation Letter, March 6, 2025, Appendix: Roles and Responsibilities of the Proponent and the Crown Related to the Duty to Consult with Indigenous Communities

Evidentiary Record

As required by the Environmental Guidelines, Enbridge Gas prepared the ICR describing and documenting the Indigenous consultation it has been conducting. During the course of this proceeding, Enbridge Gas has provided multiple updates to the ICR in response to the OEB's procedural orders.⁴ The ICR is part of Enbridge Gas's evidence in support of the Project.

Information Enbridge Gas Provided to Consulted Indigenous Communities

The evidence filed by Enbridge Gas indicates that it has provided the following information to the Indigenous communities identified by the Ministry:⁵

- The Notification Letter provided an overview of the proposed Project, a list of potential authorizations required, and contact information for the Ministry of Energy and Mines
- Notice of Upcoming Project
- Maps of the Project location
- Notice of Study Commencement Letter, and open house and Virtual Open House information for the Project
- Environmental Report (ER), providing information about the potential effects of the Project on the environment
- Draft Stage 1 Archaeological Assessment
- Information in response to questions and/or concerns raised by Indigenous communities

Capacity Funding

Enbridge Gas offered capacity funding to each Indigenous community identified as potentially impacted by the Project to support timely activities such as technical review of project documents and engagement in meaningful consultation.⁶

Enbridge Gas noted as of January 7, 2026, Alderville First Nation, Wendat Nation, and Mississaugas of Scugog Island First Nation have accepted the offer for capacity funding by Enbridge Gas for the Project. Capacity funding has been provided to Wendat Nation and Mississaugas of Scugog Island First Nation. Capacity funding has not yet been provided to Curve Lake First Nation as Enbridge Gas is waiting for the related invoice.

⁴ Updated Application dated January 16, 2026, Exhibit H-1-1, Attachment 7. Exhibit H-1-1, Attachment 8 and EGI IRRs

⁵ Application, Exhibit H, Attachment 7

⁶ Application, Exhibit H, Tab 1, Schedule 1, Attachment 7

Enbridge Gas may wish to confirm in its reply submission if the capacity funding for other Indigenous Communities has been accepted and provided, and if so, include a description of the activities supported by the capacity funding that was provided.

Enbridge Gas stated no concerns from Indigenous Communities have been raised regarding the capacity funding that has been offered in relation to the Project.⁷

Issues and Concerns Raised and Accommodation

Details of Enbridge Gas's Indigenous consultation activities with Indigenous communities were provided in updates to the ICR and in response to OEB staff interrogatories. A summary of the issues and concerns raised by Indigenous communities and Enbridge Gas's response is provided below.

Curve Lake First Nation (CLFN)

On December 4, 2025, CLFN submitted comments on the ER and the Project. Comments included the need for wildlife noise monitoring in certain circumstances, revised Indigenous Land and Resource Use rating, notifications of open-cut methodologies, comprehensive watercourse assessments, expanded CEA buffer, stronger wildlife protection measures, involvement in restoration planning, mapping of laydown areas, integration of wildlife connectivity assessments, support for native seed mixes previously recommended, and requests for additional emissions information.

Enbridge Gas stated that it responded to CLFN comments on February 6, 2026. Enbridge Gas made further commitments, in addition to what is already included in its ER, in response to some of CLFN comments, as summarized below:

- CLFN wanted to be notified if an open cut methodology would be used in watercourse crossings. Enbridge Gas committed to informing CLFN should an open cut approach become necessary.
- CLFN requested maps for identifying all proposed temporary laydown areas including the Ecological Land Classification (ELC) layer. Enbridge Gas committed to share the ELC figures and the figures showing the temporary laydown areas once the targeted natural heritage survey is complete.
- CLFN requested to be included in the development of restoration plans. Enbridge Gas committed to providing additional information to CLFN including post-construction monitoring report, and coordinating post construction field visits.

⁷ Exhibit I.OEB STAFF-7

Based on the discussions with CLFN, Enbridge Gas stated that it is not aware of any further outstanding concerns from CLFN.

Mississaugas of the Credit First Nation (MCFN)

Through the consultation process, MCFN raised several technical and environmental questions related to tree compensation, habitat restoration, watercourse and wetland interactions, trenchless crossing methods, sediment control, and monitoring of wetland function and aquatic connectivity. MCFN also requested copies of environmental training materials for construction contractors, access to the final post-construction monitoring report, and confirmation that they would be notified in the event of any reportable spills.

Enbridge Gas responded to MCFN's questions, including explaining: that tree removal was not anticipated and the process if tree removal became necessary; invasive species would be removed from the Project area; mitigation and restoration measures for habitat; that no impacts to watercourses and wetlands are expected due to trenchless construction methods; the implementation of HDD Contingency Plans and sediment control; and the monitoring of wetland function and aquatic connectivity. Enbridge Gas committed to sharing environmental training materials developed for contractors on the Project and post-construction monitoring results with MCFN and contacting MCFN in the event of a reportable incident.

Enbridge Gas has stated that MCFN has no outstanding concerns following its responses and subsequent engagements.

Wendat Nation (Wendat)

On March 31, 2025, Wendat advised that the Stage 2 Archaeological Assessment (AA) is a valuable source of information that helps assess Project risks impacting rights and heritage and having access to it prior to approval would help Wendat flag concerns related to projects.

On August 22, 2025, Wendat requested in a letter to participate in all Stage 2 archaeological fieldwork and to receive copies of the draft reports for review and comment. Wendat requested any details regarding Stage 2 AA once available. Enbridge Gas provided an invitation to Stage 2 AA fieldwork.

On November 19, 2025, Wendat advised that they would not be able to send a field liaison to participate in the Stage 2 AA fieldwork for the Project but requested that they be kept informed of any findings.

On December 15, 2025, Wendat filed a letter to the OEB stating that it would not accept a Stage 2 AA being carried out after completion and submission of the ER. They also stated, “To ensure that our voice is heard and that our comments are duly taken into consideration in the adjustment of measures, if applicable, we request to receive the Stage 2 AA report when it is under review and to be granted a minimum of 30 days after its receipt to provide our comments. Wendat also reserves the right to request an extension beyond this 30-day period if deemed necessary by our consultations team.”⁸

On February 13, 2025, Enbridge Gas filed a letter stating that the Stage 1 AA is completed within OEB’s Environmental Guidelines and Ministry of Citizenship and Multiculturalism’s *Standards and Guidelines for Consultant Archaeologists* and, if a combined Stage 1 AA and Stage 2 AA is not feasible, the Stage 2 AA be completed as early as possible. Enbridge acknowledges Wendat’s request to receive Stage 2 AA reports during the draft ER review and to be provided with a minimum 30-day review period, with the possibility of an extension. Enbridge Gas explains that completing the Stage 2 AA prior to the completion of the ER when the final preferred route has not been determined can result in unnecessary or premature ground disturbance. Furthermore, an additional 30-day review period could impose unnecessary constraints on the project schedule. Enbridge Gas does not believe these steps to be necessary or preferred. Additionally, Enbridge Gas states it is committed to early notification of archaeological field programs and to working collaboratively with Wendat to support meaningful participation, including the deployment of field representatives where appropriate and sharing draft Stage 1 and Stage 2 AA reports.

OEB STAFF SUBMISSIONS

Duty to Consult

OEB staff notes that:

- Enbridge Gas initiated consultation with the Indigenous communities identified as potentially impacted by the Project in February 2024
- Enbridge Gas will continue to engage with the Indigenous communities throughout the life of the Project to ensure any impacts on Aboriginal or treaty rights and interests are addressed⁹
- Enbridge Gas has offered capacity funding to each of the Indigenous communities to support their participation in the consultation related to the Project

⁸ Wendat Letter, December 12, 2025, pg. 3

⁹ Application, Exhibit H, Tab 1, Schedule 1, Page 3 to 4

- Enbridge Gas made commitments in response to concerns raised by Indigenous communities

Considering the above observations and the current evidentiary record, OEB staff submits that, to the extent that the duty to consult has been triggered by the Project, the duty to consult has been discharged sufficiently to allow the OEB to approve the exemption to the requirement to seek leave to construct the Project. This submission is made under the assumption that: i) Enbridge Gas will fulfil its commitments to Indigenous communities as described above; and ii) Enbridge Gas will continue to engage with the ten Indigenous communities throughout the life of the Project.

OEB staff further notes that none of the ten potentially impacted Indigenous communities have intervened in this proceeding to raise further concerns about the Project. OEB staff notes that Wendat filed a letter with the OEB requesting Stage 2 AA to be completed before the ER is filed and for them to have an opportunity to review and comment on the Stage 2 AA report.

With respect to Wendat, the Ministry's preliminary assessment was that Enbridge Gas should undertake a level of consultation in the low range. This level of consultation should, at a minimum, include that Enbridge Gas:

Notify the community of the Project; share information about the Project and provide an opportunity for the community to comment. Any issues raised by the communities should be discussed and considered in light of the potential impact to rights, with mitigation or other forms of accommodation identified where appropriate. Enbridge's initial notice of the Project to the community could include a request to confirm whether the community believes the Project will impact their rights and accordingly whether they are interested in being consulted. Should no response be received, Enbridge should continue to provide high-level notifications in accordance with project stage milestones.¹⁰

OEB staff submits that, based on the available evidence, Enbridge Gas's consultation, to date, is generally consistent with the requirements outlined by the Ministry's Duty to Consult Delegation Letter.¹¹ This is also supported by the Ministry's Letter of Opinion, stating that the Ministry is satisfied with the procedural aspects of the Crown's duty to consult delegated and undertaken by Enbridge to date.¹²

However, OEB staff observes that Enbridge Gas stated it remains committed to early notification of archaeological field programs including sharing draft Stage 1 and Stage 2

¹⁰ Application, Exhibit H, Tab 1, Schedule 1, Attachment 2, Page 4 to 5

¹¹ Application, Exhibit H, Tab 1, Schedule 1, Attachment 2

¹² Application, Exhibit H, Tab 1, Schedule 1, Attachment 5

AA reports. OEB staff notes that the draft Stage 1 AA report has been filed with the ER and provided to the Indigenous communities and expects Enbridge Gas to fulfil its commitments to provide a draft Stage 2 AA report to the Indigenous communities for review and comment. OEB staff submits that Enbridge Gas should provide a timeline of when a draft Stage 2 AA report is expected so Indigenous communities have resources to review and provide comments.

-All of which is respectfully submitted-