

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B, as amended (the **Act**); and in particular subsection 95(2) thereof;

AND IN THE MATTER OF an application by Enbridge Gas Inc. for an order granting an exemption from the requirement to obtain leave to construct natural gas distribution pipelines and ancillary facilities that make up a Community Expansion Project to serve the community of Boblo Island in the Town of Amherstburg.

EB-2024-0249

NOTICE OF INTERVENTION

CALDWELL FIRST NATION

October 25, 2024

A. Application for Intervenor Status

1. Caldwell First Nation (“**CFN**”) hereby requests intervenor status in the matter of the application (the “**Application**”) of Enbridge Gas Inc. (the “**Applicant**” or “**EGI**”) to the Ontario Energy Board (the “**OEB**” or the “**Board**”) for an order granting an exemption from the requirements to obtain leave to construct natural gas pipelines and facilities, as part of the Boblo Island “Community Expansion Project” in the Town of Amherstburg, Ontario (the “**Project**”). This notice of intervention is filed pursuant to Rule 22 of the Board's *Rules of Practice and Procedure*.

B. CFN and Its Interest in the Proceeding

Caldwell First Nation

2. CFN’s traditional lands and territories include lands and water in Southern Ontario from the Detroit River along the north shore of Lake Erie to Long Point, including Point Pelee and Pelee Island. CFN has a membership that consists of approximately 385 registered members. CFN’s laws require CFN to preserve and even enhance a mutually respectful relationship with the Environment, to co-exist with Mother Earth, and to protect this relationship. CFN has the responsibility to care for its Traditional Territory for future generations, to preserve and protect wildlife, ecosystems, lands, waters, air, and resources.

CFN’s Interest in the Proceeding

3. The Ministry of Energy and Electrification (the “**Ministry**”) identified CFN as an Indigenous community whose Aboriginal or treaty rights may be adversely impacted by the Project.
4. CFN’s Aboriginal and Treaty rights, land use, cultural heritage, and other rights and interests are potentially impacted by the Application. CFN has asserted and recognized traditional territory, Aboriginal Title, and associated rights and interests protected by the *Constitution Act, 1982*, that will be impacted by the outcomes of this proceeding.
5. CFN intends to address the following:
 - whether the duty to consult with and accommodate CFN has been discharged with respect to the Project;

- how concerns and issues identified by CFN were considered and responded to, including with respect to traditional land use and Traditional Ecological Knowledge;
 - land impacts;
 - environmental impacts;
 - cumulative impacts;
 - social impacts;
 - cultural heritage impacts; and
 - generally, to represent the constitutionally recognized Aboriginal and Treaty rights and interests of CFN's membership for this proceeding.
6. CFN has been active in representing various Indigenous interests before the Board in several proceedings, including the Board's generic proceeding on cost of capital and other matters (EB-2024-0063), EB-2022-0068, and EB-2022-0157.

C. Nature and Scope of CFN's Intended Participation

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

D. Costs

8. CFN hereby requests cost eligibility in this proceeding. CFN is, in accordance with s. 3.03(b) of the Board's Practice Direction on Cost Awards, eligible to seek an award of costs as CFN is a party that primarily represents an interest or policy perspective that is relevant to the Board's mandate and to the proceeding.
9. CFN requests an award of costs in this proceeding on the basis that its comments and participation serve a direct interest and policy perspective that is relevant to the Board's mandate and ensuring the duty to consult and accommodate is discharged. The Board has granted CFN cost eligibility in several Board proceedings, including those referred to above in paragraph 6.

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

E. CFN's Representatives

11. CFN hereby requests that further communications with respect to this proceeding be sent to the following:

Chief Nikki van Oirschot

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

Email: Chief@caldwellfirstnation.ca

John Wladarski

Northwind Business Development Inc.
33 Princess St., Suite 301
Leamington, ON N8H 5C5

Email: CEO@northwindbusiness.com

AND TO ITS COUNSEL

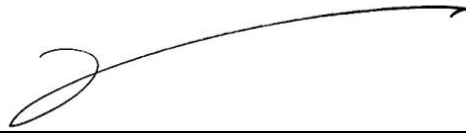
Resilient LLP

119 Baby Point Road
Toronto, ON M6S 2G7

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

Attention: DT Vollmer
Tel: (647) 993-6338
Facsimile: 1-888-734-9459
Email: daniel@resilientllp.com

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS 25th day of October, 2024

A handwritten signature in black ink, consisting of a stylized 'L' followed by a long, sweeping horizontal stroke that ends in an arrowhead.

Lisa (Elisabeth) DeMarco
Resilient LLP
Counsel for CFN