

**APPENDICES**  
**PART ONE OF THE**  
**FIRST NATION AND MÉTIS COMMUNITY DISCUSSIONS**  
**RE: TRANSCANADA'S PROPOSED ENERGY EAST PIPELINE**

**JULY 2014**

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## APPENDIX A

### Materials Provided at First Nation and Métis Community Discussions Part One

1. First Nation and Métis Consultation Backgrounder
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Ontario

Ontario Energy Board / Commission de l'énergie de l'Ontario

## OEB Energy East Consultation



# First Nation & Métis Consultation Backgrounder

March/April 2014

## Introduction

In November 2013, Ontario's Minister of Energy asked the **Ontario Energy Board (OEB)** to examine and report on TransCanada PipeLines Limited's proposed Energy East Pipeline from an Ontario perspective. To support the preparation of the report, the Minister asked that the OEB undertake a consultation process. This consultation process will provide a forum for Aboriginal communities to express their views on the proposed Energy East Pipeline. These views will inform the OEB's report to the Minister.

The Government of Ontario intends to participate as an intervenor in the **National Energy Board's (NEB)** review of the proposed Energy East Pipeline and the Minister will use the OEB's report to help formulate the Government's position.

### What's Inside

This Backgrounder serves as an introduction to the OEB's Energy East Consultation process and includes information on:

<b>The Context</b>	<b>Page 1</b>
<b>NEB Review Process</b>	<b>Page 2</b>
<b>The OEB Process</b>	<b>Page 3</b>
<b>Treaty &amp; Aboriginal Rights</b>	<b>Page 4</b>

## The Context

Energy East is a proposal of TransCanada PipeLines Limited (TransCanada), an energy company that has been transporting oil and gas in Canada since 1951. The Energy East Pipeline is an approximately \$12 billion project to transport crude oil from Western Canada through Ontario to New Brunswick and Quebec (see page 2 for a map of the approximate location of the pipeline in Ontario).

In addition to converting approximately 3,000 kilometres (km) of existing natural gas pipeline, the project proposes to build four new oil tank terminals, two marine tanker loading facilities in the Quebec City and Saint-John areas and construct roughly 1,500 km of new pipeline in Alberta, Saskatchewan, Manitoba, Eastern Ontario, Quebec and New Brunswick.

In Ontario, TransCanada plans to convert approximately 1,900 km of existing pipeline, construct about 100 km of new pipeline, and build approximately 30 pump stations. The route of the existing pipeline in Ontario roughly parallels the Trans Canada Highway. The exact route and length of the newly constructed pipeline will only be determined after the NEB's public and regulatory review.

**Want to learn more? Need to get in touch? Visit us at:**

**[ontarioenergyboard.ca/oebenergyeast](http://ontarioenergyboard.ca/oebenergyeast)**

## Map: Approximate Location of Proposed Energy East Pipeline in Ontario

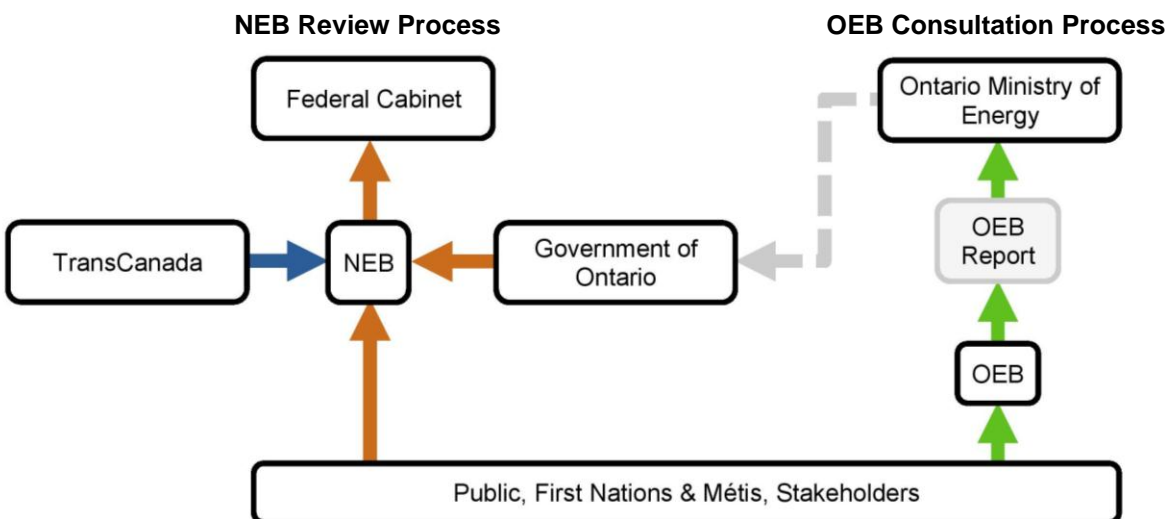


## The NEB Review Process

**TransCanada PipeLines Limited** first proposed the Energy East Pipeline in 2013 and filed a project description with the National Energy Board (NEB) on March 4<sup>th</sup>, 2014 (available on the NEB's Energy East website). TransCanada has indicated that it will file its full application with the NEB in the third quarter of 2014. After it receives this application, the NEB will issue a hearing order which will include details on the hearing process for the proposed Energy East Pipeline. The Government of Ontario intends to intervene in the NEB's hearing process.

The **National Energy Board** is an independent agency established by the Parliament of Canada to regulate and administer international and interprovincial aspects of the oil, gas and electric utility industries in the Canadian public interest. The NEB will analyze the application and make a written report to the federal government that sets out recommendations and conditions regarding the proposed Energy East Pipeline. **The federal government will make the final decision about whether the Energy East Pipeline can proceed.** Individuals who wish to participate in the NEB process should contact them directly.

The **Ontario Energy Board** is not the decision maker on the proposed Energy East Pipeline. It has been asked by the Ontario Minister of Energy to consult with Ontario residents, stakeholders, and First Nation and Métis communities and hire technical advisors to report on the proposed pipeline from an Ontario perspective. Participation in the OEB process does not constitute participation in the NEB process and it does not provide a substitute for any duty to consult with First Nation and Métis communities that may rest with the federal government or others. Ontario's Minister of Energy will use the OEB's report to help formulate the Ontario Government's position.

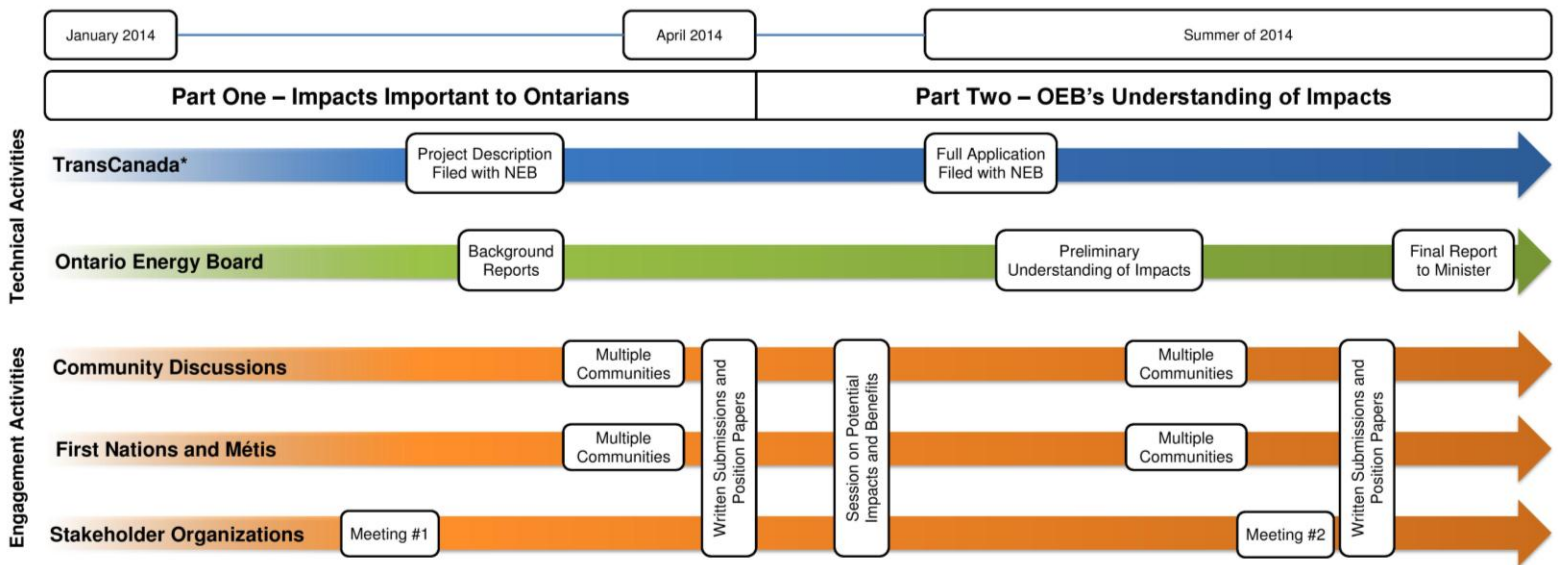


## The OEB Process

Ontario's Minister of Energy has stated that Ontario needs to be fully informed to ensure that it is able to effectively participate in the future NEB hearings on the proposed Energy East Pipeline. The Minister requested that the OEB consider the implications of four areas of potential impact, including:

- The impacts on Ontario natural gas consumers in terms of prices, reliability and access to supply, especially for those consumers living in eastern and northern Ontario
- The impacts on pipeline safety and the natural environment in Ontario
- The impacts on Aboriginal communities in Ontario, in particular how treaty and Aboriginal rights may be affected
- The short and long term economic impacts of the project in Ontario

The OEB consultation process will take place in two parts: Part One – The Impacts Important to Ontarians and Part Two – The OEB's Understanding of the Impacts. In both parts of the consultation process, there will be meetings with the public, **First Nations and Métis**, and stakeholder organizations (see illustration below). The OEB will use the information and perspectives received during both parts of the consultation process to help inform its report on the implications for Ontario of TransCanada's Energy East proposal. The Government of Ontario intends to participate as an intervenor in the National Energy Board's (NEB) review of the proposed Energy East Pipeline and the Minister will use the OEB's report to help formulate the Government's position.



\*The timing of TransCanada's Full Application shown in this graphic is approximate. TransCanada may choose to time their filings differently.

## How Ontarians can learn more about and contribute to the OEB Energy East Consultation...



## Impact on Treaty and Aboriginal Rights

To better understand the potential impact on treaty and Aboriginal rights, there will be specific meetings for First Nation and Métis communities. These meetings will focus on issues that are of particular concern to Aboriginal communities and while they may cover extensive discussions on treaty and Aboriginal rights there will be opportunity to discuss economic impacts on communities that may result from the pipeline project.

We wish to hear from all affected communities in a way that denotes respect for their treaty and Aboriginal rights as well as respect for the communities' view of traditional lands. The discussions that will take place are being done in a way that provides a forum for *prior and informed consent* with regard to a major project that will cross many traditional territories in Ontario.

Once again, we must reiterate that this process is not a substitute for the obligation for consultation and accommodation by the federal Crown.

## Information and Expertise Available to Ontarians

To better understand the four areas of potential impact, the OEB has retained prominent technical advisors to provide advice to the OEB on the potential risks and benefits of the proposed Energy East Pipeline for Ontario.

### **DNV GL (Det Norske Veritas)**

A global provider of consulting services on pipeline engineering, safety and integrity to the maritime and energy sectors.

(Learn more at [dnvgl.com](http://dnvgl.com))

### **TERA Environmental**

A Canadian-based energy firm that provides analyses of socio-economic and environmental risks and considerations associated with pipeline and powerline projects.

(Learn more at [teraenv.com](http://teraenv.com))

### **Ziff Energy**

An international energy consulting firm, providing exploration and production cost benchmarking and North American gas forecasting services to a diverse client base.

(Learn more at [ziffenergy.com](http://ziffenergy.com))

## Facilitation Services

The OEB Energy East Consultation process is designed to be delivered in a transparent and accessible manner that ensures the integrity of the dialogue and the public reporting.

**Swerhun Inc.** will be providing facilitation services for the community discussions and stakeholder forums. Swerhun Inc. is a third-party facilitation firm that works exclusively in the public sector

(Learn more at [swerhun.com](http://swerhun.com))

### **John Beaucage, a Principal of Counsel Public Affairs Inc.**

will be coordinating the efforts and leading discussions with First Nation and Métis communities. Counsel Public Affairs Inc. is a consulting and communications firm.

(Learn more at [counselpa.com](http://counselpa.com))

**To stay up to date with the consultation process and to check for new information, as well as the dates of upcoming meetings, visit [ontarioenergyboard.ca/oebenergyeast](http://ontarioenergyboard.ca/oebenergyeast)**



Ontario Energy Board / Commission de l'énergie de l'Ontario

## OEB Energy East Consultation



## First Nation & Métis Discussion Guide

March/April 2014

In November 2013, Ontario's Minister of Energy asked the Ontario Energy Board (OEB) to examine and report on TransCanada PipeLines Limited's proposed Energy East Pipeline from an Ontario perspective.

To support the preparation of the report, the Minister asked the OEB to consult with Ontarians. This consultation process will provide a forum for Ontarians to express their views on the proposed Energy East Pipeline. These views will inform the OEB's report to the Minister.

The Government of Ontario intends to participate as an intervenor in the **National Energy Board's (NEB)** review of the Energy East Pipeline project and the Minister will use the OEB's report to help formulate the Government's position.

The decision to approve the proposed Energy East Pipeline is entirely the responsibility of the NEB and the federal cabinet.

### The OEB Consultation Process

Ontario's Minister of Energy requested that the OEB consider the implications of four areas of potential impact, including:

- The impacts on Ontario natural gas consumers in terms of prices, reliability and access to supply, especially for those consumers living in eastern and northern Ontario
- The impacts on pipeline safety and the natural environment in Ontario
- The impacts on Aboriginal communities in Ontario, in particular how treaty and Aboriginal rights may be affected
- The short and long term economic impacts of the project in Ontario

The OEB consultation process will take place in two parts: Part One – The Impacts Important to Ontarians and Part Two – The OEB's Understanding of the Impacts. In both parts of the consultation process, there will be meetings with the public, First Nations and Métis, and stakeholder organizations. The information and perspectives received during both parts of the consultation process will be used to help inform the OEB's report on the implications of TransCanada's Energy East proposal for Ontario.

### What's Inside

This Discussion Guide includes:

<b>Information &amp; Expertise</b>	<b>Page 2</b>
<b>Key Considerations</b>	<b>Page 3</b>
<b>Questions for You</b>	<b>Page 4</b>

### First Nation and Métis Meeting Schedule

There will be 7 First Nation and Métis meetings in Part One of the consultation process. All of these meetings will take place in communities along the route of the proposed Energy East Pipeline. The dates for these meetings are as follows:

<b>Kenora</b>	<b>Mar. 25, 12:30-4pm</b>
<b>Thunder Bay</b>	<b>Mar. 26, 12:30-4pm</b>
<b>Nipigon</b>	<b>Mar. 28, 9:30am-1pm</b>
<b>Timmins</b>	<b>April 1, 12:30-4pm</b>
<b>North Bay</b>	<b>April 2, 12:30-4pm</b>
<b>Kanata</b>	<b>April 7, 12:30-4pm</b>
<b>Akwesasne</b>	<b>April 8, 12:30-4pm</b>

There will also be 7 community discussions and a province-wide stakeholder forum in Part One of the consultation process. For more information on all the meetings, please visit [ontarioenergyboard.ca/uebenergyeast](http://ontarioenergyboard.ca/uebenergyeast)



## Information and Expertise Available to Ontarians

To better understand the four areas of potential impact, the OEB has retained prominent technical advisors to provide advice to the OEB on the potential risks and benefits of the proposed Energy East Pipeline for Ontario. These technical advisors will work closely together to ensure a full understanding of the areas of potential impact, particularly where they are interrelated (e.g. pipeline safety and environmental considerations). Their reports will be publicly available and will include analysis and input on the following topics:

- P** Pipeline engineering and safety
- E** Environmental and socio-economic considerations
- N** Natural gas pricing and supply

Drawing on their specific areas of expertise, the technical advisors will each write two reports – a Background and a Final Report – outlining the potential positive and negative impacts of the proposed project. These reports together with input received from the public, First Nations and Métis, and stakeholders will be considered by the OEB in preparation of its report to the Minister.

All three Background Reports will provide a preliminary, high-level view of the key considerations and the potential impacts of TransCanada’s Energy East proposal in Ontario. Each report will focus on one of the three topics (pipeline engineering and safety; environmental and socio-economic considerations; natural gas pricing and supply).

**Map: Approximate Location of Proposed Energy East Pipeline in Ontario**



The full background reports are available at  
[ontarioenergyboard.ca/oebenergyeast](http://ontarioenergyboard.ca/oebenergyeast)

## Key Considerations

The technical advisors have identified several key considerations for the OEB and Ontarians to consider as they evaluate the opportunities, risks and impacts of the Energy East proposal. These are listed below.

### **P** Pipeline Engineering and Safety

**DNV GL (Det Norske Veritas)** is a global provider of consulting services on pipeline engineering, safety and integrity to the maritime and energy sectors. DNV GL will analyze all engineering and safety aspects of the proposed Energy East Pipeline project.

Key pipeline engineering and safety considerations include:

- Pipeline integrity
- Leak detection
- Emergency Management
- Quality Management (design, manufacture and construction)

### **E** Environmental & Socio-Economic Considerations

**TERA Environmental** is a Canadian-based energy firm that provides analyses of socio-economic and environmental risks and considerations associated with pipeline and powerline projects. TERA Environmental will analyze the proposed Energy East Pipeline in terms of its potential impacts on Ontario's natural environment as well as its potential socio-economic benefits to Ontario.

Key environmental and socio-economic considerations include:

- physical environment (landscape and morphology)
- soil and soil productivity
- vegetation (e.g., rare plants, old growth forests)
- water quality and quantity (surface water and groundwater resources)
- wetlands
- fish and fish habitat
- wildlife and wildlife habitat
- atmospheric environment (air quality)
- acoustic environment (noise)
- human occupancy and resource use (land use)
- heritage resources (i.e., historical, archaeological or palaeontological resources)
- traditional land and resource use
- social and cultural well-being
- human health
- infrastructure and services
- employment and economy

### **N** Natural Gas Pricing and Supply

**Ziff Energy** is an international energy consulting firm, providing exploration and production cost benchmarking and North American gas forecasting services to a diverse client base. Their role in the consultation process will be to provide an overview of the potential impact that the proposed Energy East Pipeline project could have on natural gas prices for Ontarians.

Ziff Energy's Background Report will provide information on how gas markets in Ontario react to the pressures of supply and demand. It will also provide:

- An overview of the Ontario natural gas market in the context of the North American market
- A high-level discussion of the potential impacts of the project on forecasted natural gas prices in Ontario

## **We want to hear from you**

**What impacts and/or opportunities are created for Aboriginal communities by TransCanada's proposed Energy East Pipeline project?**

**What are the impacts that you think the Ontario Energy Board should focus on most closely in its report to Ontario's Minister of Energy?**

**Are there adverse impacts on traditional territories, and/or treaty and Aboriginal rights?**

**Please send us your completed Discussion Guide by April 30<sup>th</sup>**

**Send your completed Discussion Guide to John Beaucage, third-party facilitator by:**

**Email** [energyeast@counselpa.com](mailto:energyeast@counselpa.com) **Mail** 95 St. Clair Ave. W, Suite 1606, Toronto, ON, M4V 1N6

**Fax** 416-352-6069



Ontario

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## OEB Energy East Consultation



### First Nation & Métis Meeting Agenda

<b>12:30 pm</b>	<b>Lunch Served</b> <i>Welcome participants to meeting.</i>
<b>1:00</b>	<b>Opening Prayer</b> <i>Prayer offered by Elder.</i>
<b>1:05</b>	<b>Welcome, Introductions &amp; Agenda Review</b> <i>John Beaucage, Counsel Public Affairs</i>
<b>1:15</b>	<b>Overview Briefing</b> <i>Aleck Dadson, Ontario Energy Board</i> <i>John Beaucage, Counsel Public Affairs</i>  <i>Three part presentation: 1) Context, 2) Key Points from Background Reports prepared by Technical Consultants, 3) Overview of Discussion Guide and Focus Questions</i>
<b>1:45</b>	<i>Questions of Clarification</i>
<b>2:00</b>	<b>Plenary Discussion</b>  <u>Focus Questions</u> <ol style="list-style-type: none"><li>1. What impacts and/or opportunities are created for Aboriginal communities by TransCanada's Energy East Pipeline project?</li><li>2. What are the impacts that you think the Ontario Energy Board should focus on most closely in its report to Ontario's Minister of Energy?</li><li>3. Are there adverse impacts on traditional territories, and/or treaty and Aboriginal rights?</li></ol>
<b>2:30</b>	<b>Breakout Discussion</b> <i>The participants will divide into smaller groups for discussion to be led by a facilitator. Groups will discuss the three main issues as they see fit.</i>
<b>3:15</b>	<b>Wrap-Up Plenary</b> <i>The groups of participants will be asked to reconvene and the facilitator from each group will share highlights of the discussions. Participants will be asked to weigh in with any further thoughts or comments.</i>
<b>3:45</b>	<b>Next Steps</b> <i>Aleck Dadson/John Beaucage</i>
<b>3:55</b>	<b>Closing Prayer and Adjourn</b>

## **Focus questions**

**What impacts and/or opportunities are created for Aboriginal communities by TransCanada's proposed Energy East Pipeline project?**

**What are the impacts that you think the Ontario Energy Board should focus on most closely in its report to Ontario's Minister of Energy?**

**Are there adverse impacts on traditional territories, and/or treaty and Aboriginal rights?**

## APPENDIX B

### OEB Energy East Consultation Plan



Ontario Energy Board  
Commission de l'énergie  
de l'Ontario

## OEB Energy East Consultation



# Consultation Plan

Created: March 3<sup>rd</sup>, 2014

## 1. Foreword

This consultation plan provides an introduction to the OEB Energy East Consultation, the principles that inform this consultation process, and an overview of the two-part approach. It also includes a list of the key audiences that will be engaged through the consultation process, details of the various engagement activities, and the process by which input received through these activities will be summarized and documented.

***This consultation plan is intended to be a living document*** – the Ontario Energy Board will seek feedback from the public, First Nations and Métis, and stakeholders regarding the consultation process and may modify the consultation plan in order to respond to feedback received or changing conditions. The timing of the consultation activities will be responsive to the availability of information provided by the proponent of the Energy East Pipeline, TransCanada PipeLines Limited, as part of its application to the National Energy Board.

## 2. Introduction to the OEB Energy East Consultation

In November 2013, Ontario's Minister of Energy asked the Ontario Energy Board (OEB) to examine and report on TransCanada PipeLines Limited's proposed Energy East Pipeline from an Ontario perspective.

The Minister has asked that the OEB consider the implications of four areas of potential impact of TransCanada's proposed Energy East Pipeline:

- The impacts on Ontario natural gas consumers in terms of prices, reliability and access to supply, especially for those consumers living in eastern and northern Ontario
- The impacts on pipeline safety and the natural environment in Ontario
- The impacts on Aboriginal communities in Ontario, in particular how treaty and Aboriginal rights may be affected
- The short and long term economic impacts of the project in Ontario

The Government of Ontario intends to participate as an intervenor in the **National Energy Board's (NEB)** review of the Energy East Pipeline project and the Minister will use the OEB's report to help formulate the Government's position.

The decision to approve the proposed Energy East Pipeline is entirely the responsibility of the NEB and the federal cabinet.

To support the preparation of the report, the Minister asked the OEB to consult with Ontarians. This consultation process will provide a forum for Ontarians to express their views on the proposed Energy East Pipeline. These views will inform the OEB's report to the Minister.

### 3. The Principles that Inform the OEB Energy East Consultation

The OEB Energy East Consultation process will be driven by the following principles:

#### ***Accountability***

Accountability to participants will be maintained by providing accurate, timely information through the consultation process and by demonstrating how participants' views and perspectives have informed the report of the Ontario Energy Board.

#### ***Clarity***

The purpose and scope of the consultation process will be clearly communicated and roles and responsibilities will be clearly defined, including:

- those of the public, First Nations and Métis, and stakeholders, and others in sharing their thoughts and perspectives on the proposed Energy East Pipeline
- those of the Ontario Energy Board in listening to participants' feedback and crafting a report to the Ministry of Energy informed by this input.

#### ***Openness and Inclusivity***

The consultation process will be open to any member of the public, member of a First Nation or Métis community, or stakeholder group that wants to be involved. The consultation process will be broadly representative, encouraging a broad cross-section of Ontarians to share their views and perspectives, and hear those of others. Consultation materials and information will be made publicly available through the project website and other appropriate means.

#### ***Flexibility***

The consultation process will accommodate the needs of participants taking into account their different abilities, areas of expertise, geographic distribution, and availability. The timing of consultation activities will be responsive to the availability of information provided by the proponent of the Energy East Pipeline, TransCanada PipeLines Limited, as part of its application to the National Energy Board.

#### ***Evaluation***

Throughout the OEB Energy East Consultation, the Ontario Energy Board will seek feedback from the public, First Nations and Métis, and stakeholders regarding the consultation process and may modify the consultation plan in order to respond to feedback received or changing conditions.

### 4. The Consultation Approach

The OEB Energy East Consultation will take place in two parts. In Part One – ***The Impacts Important to Ontarians*** – the OEB will do two things:

- seek the views of Ontarians on the types of impacts (both positive and negative) that are important to them;
- share a high-level view of the key considerations and the potential impacts of TransCanada's Energy East proposal in Ontario, drawing on existing documentation related to other pipeline projects and the professional expertise of a small team of technical advisors.

Participants' views and perspectives in this part of the consultation process will help inform the work undertaken in preparation for Part Two of the consultation process.



In Part Two of the consultation process – *The OEB’s Understanding of the Impacts* – the OEB will do two things:

- share its preliminary understanding of the impacts, informed both by participants’ Part One feedback and by a technical assessment of TransCanada’s proposed Energy East Pipeline based on information that will be filed with the NEB;
- seek participants’ input on this preliminary understanding.

The input during this second part will assist and inform the OEB in the completion of its report to the Minister of Energy regarding the matters outlined in the Minister’s November 2013 Letter. The Government of Ontario intends to participate as an intervenor in the National Energy Board’s (NEB) review of the Energy East Pipeline project and the Minister will use the OEB’s report to help formulate the Government’s position.

## 5. Key Audiences

In order to provide a forum in which all Ontarians can be engaged and to ensure that a broad range of views and perspectives are heard, the consultation process has identified a number of key audiences, including:

- The public, and in particular those communities located along the route of the proposed Energy East Pipeline
- First Nations and Métis
- Province-Wide Stakeholders

## 6. Engagement Activities

### ***Community Discussions***

One of the four areas of potential impact that the Minister of Energy requested the OEB examine is the impacts on local communities. These impacts will be assessed in part by holding community discussions along the path of the existing pipeline, and where new construction is proposed.

### ***First Nation and Métis Meetings***

To better understand the potential impact on treaty and Aboriginal rights, there will be specific meetings for First Nation and Métis communities. These meetings will focus on issues that are of particular concern to Aboriginal communities and while they may cover extensive discussions on treaty and Aboriginal rights there will be opportunity to discuss economic impacts on communities that may result from the pipeline project. This process is not a substitute for the obligation for consultation and accommodation by the federal Crown.

### ***Province-Wide Stakeholder Forum***

Organizations representing a variety of sectors from across Ontario have been asked to participate in a series of stakeholder forums. The sectors include: the academic community, agriculture, business, construction, electricity utilities, environment, industrial and institutional gas consumers, landowners, mining, municipalities, the oil and gas industry, public health, residential gas consumers, social action and tourism.

Stakeholder forums will provide a forum where these organizations can provide the OEB Energy East team with their perspectives and advice. Province-wide stakeholders will be asked for their advice on the consultation process and the sufficiency of the information that will be provided to all participants in the consultation process, as well as for their perspectives on the potential impacts of TransCanada’s Energy East proposal.

### ***Stakeholder Session on Potential Impacts and Benefits***

Between Part One and Part Two of the consultation process, the OEB will be organizing an opportunity for stakeholders to make presentations to the OEB, reflecting stakeholders' perspectives on the potential impacts (both positive and negative) of TransCanada's proposed Energy East Pipeline. Other stakeholder organizations, members of the public, and First Nation and Métis representatives will be able to attend these presentations.

### ***Project Website***

The project website ([www.ontarioenergyboard.ca/oebenergyeast](http://www.ontarioenergyboard.ca/oebenergyeast)) will play a key role in enabling public, First Nations and Métis, and stakeholder engagement by hosting information and materials (e.g. presentations, background reports, discussion guides, etc.), providing updates, and providing an online feedback mechanism for Ontarians to provide comments during both parts of the consultation process. The project website will also host the summary reports of all public, First Nations and Métis, and stakeholder forums as they become available.

### ***Discussion Guides/Conversation Toolkits***

In both Part One and Part Two of the consultation process, discussion guides will be used to provide the objectives of the process, a concise summary of information related to the process, and to elicit the views and perspectives of Ontarians through a series of focus questions. These discussion guides will be used at all public, First Nations and Métis, and stakeholder forums; will be distributed to those who have signed up for e-updates; and will be available on the project website.

A conversation toolkit will accompany each discussion guide. This toolkit will contain a set of suggestions on how Ontarians can use the information and focus questions in the discussion guide to initiate and document their own conversations with friends, neighbours and colleagues.

### ***Written Submissions***

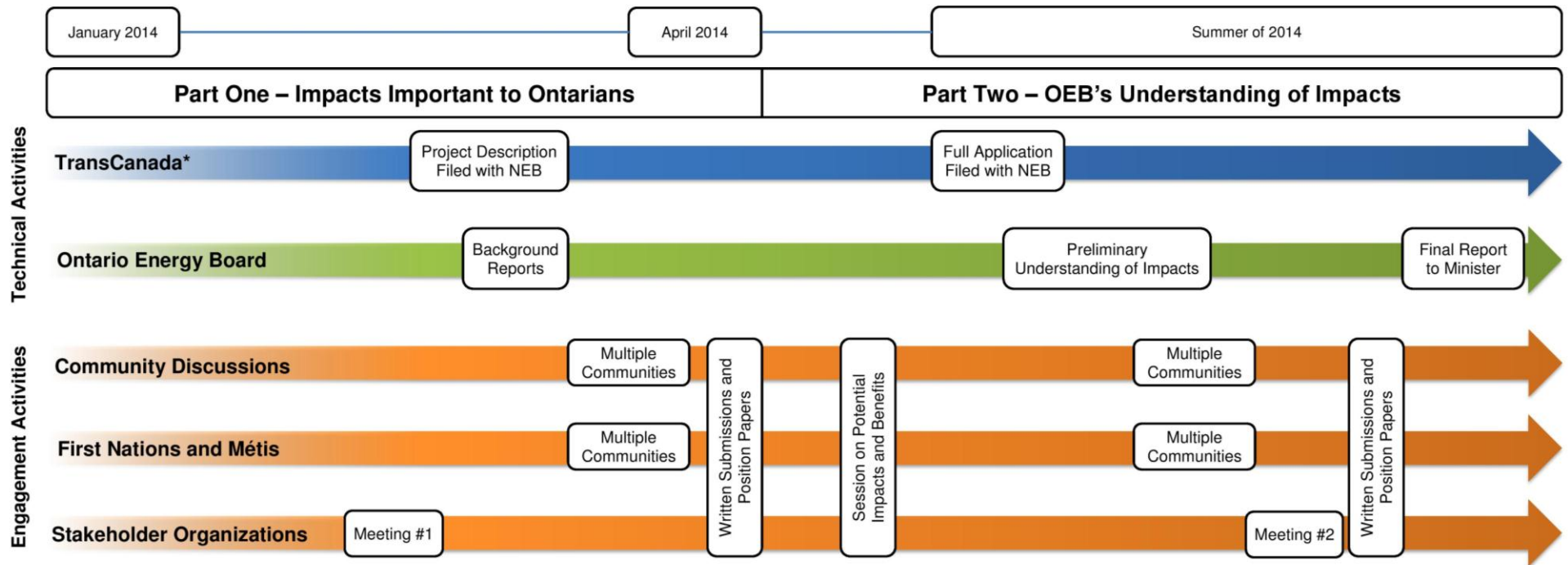
Another way for Ontarians to provide their views and perspectives on TransCanada's proposed Energy East Pipeline is through written submissions or position papers. In Part One of the consultation process the OEB Energy East team will be seeking written submissions or positions papers on the types of impacts – both positive and negative – that are important to Ontarians. In Part Two of the process, written submissions and position papers will be sought in response to the OEB's Understanding of the Impacts.

## **7. Reporting**

In order to ensure that all Ontarians have the opportunity to help inform the OEB's report to the Ministry of Energy, all of the above engagement activities will be comprehensively and rigorously documented as follows, and posted online at [ontarioenergyboard.ca/oebenergyeast](http://ontarioenergyboard.ca/oebenergyeast):

- Reports summarizing the views and perspectives shared by participants at each respective meeting will be prepared.
- A consultation summary report will be prepared following the conclusion of both Part One and Part Two of the consultation process. These reports will summarize the views and perspectives shared by participants in all of the engagement activities that have occurred in each part of the process.
- These reports will highlight the range of perspectives, where perspectives converged and where they differed. The reports will organize views and perspectives under the four areas of potential impact identified by the Minister of Energy. Views and perspectives that fall outside of these four areas will also be included in the reports.
- The reports will be posted online on the project website, and distributed directly to those who participated at meetings and those who have signed up for e-updates through the project website.

## 8. Consultation Process Graphic



\*The timing of TransCanada's Full Application shown in this graphic is approximate. TransCanada may choose to time their filings differently.

## APPENDIX C

### Biography of John Beaucage

## Biography of John Beaucage

John Beaucage is one of Canada's most respected First Nation leaders. He was elected as Grand Council Chief of the 42-member First Nations of the Anishinabek Nation (Union of Ontario Indians) in 2004, after serving four consecutive terms as Chief of Wasauksing First Nation.

As Grand Council Chief, John played an instrumental role in the First Ministers' Meeting which took place in Kelowna, BC in November of 2005. Leading up to the First Ministers' Meeting, he served as the Co-chair for First Ministers' Working Groups for both Housing and Relationships.

Since leaving his position as Grand Council Chief in 2009, John has served on a number of boards, is CEO of the Lake Huron Anishinabek Transmission Company and is working on green energy projects with several First Nations across the country.

In April 2010, John was appointed as Ontario's first Aboriginal Advisor to the Minister of Children and Youth Services for a one year term. He currently provides advice on Aboriginal child welfare issues, facilitates discussions between the Minister and Aboriginal leaders on Aboriginal child welfare issues, and provides advice on Aboriginal child welfare policy matters. He is also an expert resource to the Commission to Promote Sustainable Child Welfare.

Among his many public service roles, John has been a strong advocate for First Nations health and environmental responsibility and sat on the Premier's Cabinet for Smoke-Free Ontario, Ontario's Expert Panel on Climate Change and the Ontario Biodiversity Council.

An Economist by education, John worked for the Canada Mortgage and Housing Corporation (CMHC) for over 25 years in Ottawa, Thunder Bay, Toronto, Regina and Saint John, New Brunswick. He held the Ontario Portfolio for Housing and Infrastructure and previously co-chaired the National Portfolio for Housing for the Assembly of First Nations' Chiefs Committee on Housing. In May of 2008, he was appointed Chairperson of the \$300 million First Nations Market Housing Fund announced in as a new and innovative way to give First Nations citizens the opportunity to own their homes on reserve.

A graduate of the University of Western Ontario, with a combined degree in English and economics, he has done post-graduate work in First Nation planning at the University of British Columbia. John has been awarded an Honourary Doctorate from Nipissing University.

Eyaabay (his traditional name) is a Pipe Carrier from the Bear Clan. A band member of Wasauksing First Nation, he was raised on the Shawanaga First Nation and has extended family in Nipissing First Nation.

John and his wife Bonnie have been married for 38 years and have four children and eight grandchildren.

## APPENDIX D

Top-Line Summary of Input Received at OEB Energy East  
First Nation and Métis Community Discussions Part One

**ONTARIO ENERGY BOARD  
ENERGY EAST COMMUNITY DISCUSSIONS: PART ONE  
TOP-LINE SUMMARY OF INPUT RECEIVED AT  
FIRST NATION/ MÉTIS COMMUNITY DISCUSSIONS  
(March 25 to April 8, 2014)**

## **Background**

In November 2013, Ontario's Minister of Energy asked the Ontario Energy Board (OEB) to examine and report on TransCanada PipeLines Limited's (TCPL) proposed Energy East Pipeline from an Ontario perspective.

The decision to approve the proposed Energy East Pipeline is entirely the responsibility of the NEB and the federal cabinet. The Government of Ontario intends to participate as an intervenor in the National Energy Board's (NEB) review of the Energy East Pipeline project and the Minister will use the OEB's report to help formulate the government's position.

To support the preparation of the report, the Minister asked the OEB to consult with Ontarians to provide a forum for Ontarians to express their views on the proposal. The input received will inform the OEB's report to the Minister.

The OEB process is taking place in two parts: Part One – The Impacts Important to Ontarians and Part Two – The OEB's Understanding of the Impacts. In both parts of the process, separate meetings are being held with the public, First Nations and Métis, and stakeholder organizations.

## **First Nation/Métis Community Discussions**

Seven meetings with First Nation (FN)/Métis communities were held across Ontario between March 25 and April 8, 2014.

- Tuesday, March 25, 2014; 12:30 - 4:00 p.m. Kenora, Ontario
- Wednesday, March 26, 2014; 12:30 – 4:00 p.m. Thunder Bay, Ontario
- Friday, March 28, 2014; 9:30 a.m. – 1:00 p.m. Nipigon, Ontario
- Tuesday, April 1, 2014; 12:30 – 4:30 p.m. Timmins, Ontario
- Wednesday, April 2, 2014; 12:30 – 4:30 p.m. North Bay, Ontario
- Monday, April 7, 2014; 12:30 – 4:30 p.m. Kanata, Ontario
- Tuesday, April 8, 2014; 12:30 – 4:30 p.m. Cornwall/Akwesasne, Ontario

Led by John Beaucage, Principal of Counsel of Public Affairs Inc. (former Grand Council Chief of the Anishinabek Nation), the discussions provided an opportunity to hear the views of the community to better understand the potential impact on treaty and Aboriginal rights and to identify specific issues that are of particular concern to Aboriginal communities across Ontario.

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The FN/Métis Community Discussions were initiated by three general discussion questions, though input on any areas of concern/interest was encouraged.

***FN/Métis Community Discussion Questions:***

- ***Are there impacts on traditional territories, and/or treaty and Aboriginal rights?***
- ***What are the impacts that you think the Ontario Energy Board should focus on most closely in its report to the Minister of Energy?***
- ***What impacts and /or opportunities are created for Aboriginal communities by TransCanada's Energy East Pipeline project?***

The following chart represents a high-level summary of the issues that were raised at each community meeting. The comments made and issues raised were grouped into general thematic areas.

Each meeting began with opening remarks by John Beaucage, Lead Facilitator, as well as a presentation by the OEB; however, these comments are not reflected in the chart. The summary is not a transcript of the discussions, does not attribute statements to any one individual, and does not provide all the detail that was heard at the meetings.

A comprehensive Draft Report will be prepared by John Beaucage and circulated for feedback as part of Part Two of the FN/Métis Community Discussions.

This top-line summary is being provided to:

- share the input received across the province with all participants; and,
- provide participants with an opportunity to supplement what has been summarized by making a written submission to the OEB's consultation process by no later than May 15, 2014. Written submissions can be sent to [energyeast@counselpa.com](mailto:energyeast@counselpa.com), via fax to 416-352-6069, or by mail to 95 St. Clair Ave. W, Suite 1606, Toronto, ON, M4V 1N6.

It was noted at the beginning of each meeting that the OEB Energy East Consultation Process and the FN/Métis Community Discussions do not fulfil any duty to consult with FN and Métis communities that may rest with the federal government or any other entity to whom that obligation is delegated. Participation in these processes does not preclude any individual or group from intervening at the NEB or in any federal consultation process. Individuals and communities are encouraged to seek information about the NEB process from the "Resources" page at [www.ontarioenergyboard.ca/OEBenergyeast](http://www.ontarioenergyboard.ca/OEBenergyeast).

Part Two of the FN/Métis Community Discussions will be held this summer. Information about when the sessions will be held will be provided shortly. A draft of John Beaucage's report to the OEB will be circulated in advance of those meetings.

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**ONTARIO ENERGY BOARD ENERGY EAST CONSULTATION: PART ONE  
TOP-LINE SUMMARY FROM FIRST NATION/MÉTIS COMMUNITY DISCUSSIONS – (MARCH 25 TO APRIL 8, 2014)**

	<b>Process</b>	<b>Treaty and traditional territory rights and issues</b>	<b>Environmental impacts / concerns</b>	<b>Pipeline Safety &amp; Integrity and Emergency Response</b>	<b>Economic Impact / Benefit</b>	<b>Other</b>
<b>Kenora March 25, 2014</b>	<ul style="list-style-type: none"> <li>• Dissatisfaction with TCPL information sessions</li> <li>• TCPL did not have detailed maps and there is not a good understanding of the maps</li> <li>• Lack of transparency</li> <li>• Need to hear concerns and accommodate</li> </ul>	<ul style="list-style-type: none"> <li>• Rights of Treaty 3 people are not acknowledged or understood; concern about Minister of Energy as intervenor on behalf of First Nations (Treaty signatories agreed to mutuality); First Nations have right to be involved in decision making about the land they agreed to share</li> <li>• Want to know what OEB's understanding of treaty rights is; how does TCPL define the treaty rights and obligations of both parties (Crown and FN); need to know that they understand what FN mean by treaty rights before they can talk about impact on treaty.</li> </ul>	<ul style="list-style-type: none"> <li>• Protect the environment at all costs; extremely concerned about adverse environmental impacts; risks are very great but don't have a full picture of benefits</li> <li>• FN see environmental concerns in a different way; it is of cultural importance to protect the land and its resources, the water and living things</li> <li>• Do not trust that risks will be properly identified and mitigated by TCPL or the NEB/OEB in the way that FN believe they should be (because FN have a sacred obligation to protect the land and the water at all costs).</li> <li>• Oil sands expansion will have an adverse effect on FN people and all people – climate change should be of grave concern to NEB</li> </ul>	<ul style="list-style-type: none"> <li>• Concern about using an aging pipeline to transport a new, heavier material; about pipeline integrity</li> <li>• What will be the ongoing relationship with FN once the project is completed – who will hear and deal with concerns once the pipeline is operational?</li> </ul>		<ul style="list-style-type: none"> <li>• First Nations have provided information to government on many occasions; repeatedly expressing same concerns; frustration with "silos"</li> <li>• There is a grave mistrust of government and corporate interests that is very pervasive</li> </ul>
<b>Thunder Bay March 26, 2014</b>	<ul style="list-style-type: none"> <li>• Want to know about obtaining standing at NEB</li> </ul>	<ul style="list-style-type: none"> <li>• Importance of understanding and respecting rights with</li> </ul>	<ul style="list-style-type: none"> <li>• Any spill would have devastating impacts</li> </ul>	<ul style="list-style-type: none"> <li>• Using an old pipe for a new purpose is concerning</li> </ul>	<ul style="list-style-type: none"> <li>• Economic benefits seen as limited, short-term; perhaps increase in jobs</li> </ul>	<b>Impact on natural gas supply/capacity:</b>

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<b>Thunder Bay</b> <b>March 26, 2014</b> <b>Cont'd</b>	<ul style="list-style-type: none"> <li>• Want to know more about where the oil will originate from</li> <li>• Want to know likelihood of project being approved with conditions and what measures will be in place to ensure these are met</li> </ul> <hr/> <p><b>Capacity of First Nations and Metis communities:</b></p> <ul style="list-style-type: none"> <li>• Need support to absorb volumes of scientific/technical data and to understand them so as to provide a meaningful and informed response.</li> <li>• Need support to understand the many positions and opinions that have been published; can OEB be of assistance to them in separating “fact from fiction” on issues? <ul style="list-style-type: none"> <li>○ Want to understand how much of the oil that will be transported is for domestic refineries and consumption and how much for foreign markets?</li> <li>○ Want to understand implications of Free Trade Agreement</li> </ul> </li> </ul>	<p>respect to Treaty and traditional lands and what the treaties mean.</p> <ul style="list-style-type: none"> <li>• Nation-to-Nation dialogue is very important</li> <li>• Communities are extremely protective of the land and the environment; some only got their land back recently, or new land because their land was damaged – ever more important to protect it.</li> <li>• Concern that there is not enough time for some communities to get the input of their members who are dispersed; or that if a community decides it is opposed to the project, that it will be discounted.</li> </ul>	<ul style="list-style-type: none"> <li>○ What is the impact on fish, wildlife that ingest poisoned water? Is there any effect on humans who eat these? Even if there is a perception that it is harmful to humans is not good.</li> </ul>	<ul style="list-style-type: none"> <li>○ Concern that more attention will be paid where there will be new pipe laid and not enough where it is perceived to be a “simple” change in purpose</li> <li>○ Recommendation that there be an independent study to look at pipeline safety.</li> <li>○ Has there been any consideration of extreme winter conditions on the oil pipeline?</li> </ul> <hr/> <p><b>Emergency Response</b></p> <ul style="list-style-type: none"> <li>• Distance between safety valves is important; capacity to respond to spill warnings quickly is important; ensuring capacity in the vicinity for emergency response is important</li> <li>• Concern that unlike natural gas explosions, oil leaks can go undetected for a long time.</li> </ul>	<p>and economic activity during construction of pump stations, but once monitoring is established remotely, benefit ends.</p> <ul style="list-style-type: none"> <li>• Where access to land is required for testing the pipeline or building pump stations, and this is beyond the existing right of way, compensation should be considered.</li> </ul>	<ul style="list-style-type: none"> <li>• Significant for industry (e.g. iron ore mining) which has potential to provide thousands of jobs</li> <li>• Need to study impact on natural gas capacity and want to know how they plan to service needs</li> <li>• There should be a comprehensive national energy plan</li> </ul>

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<b>Thunder Bay March 26, 2014 Cont'd</b>	<ul style="list-style-type: none"> <li>○ Want to know if Ontario has any jurisdiction to implement additional safety and environmental protections; if so must exercise this authority.</li> </ul>			<ul style="list-style-type: none"> <li>● Recommendation that consideration be given to a long-term clean-up fund</li> </ul>		
<b>Nipigon March 28, 2014</b>	<ul style="list-style-type: none"> <li>● Lack of clarity as to role of OEB, technical experts, Minister of Energy, etc.</li> <li>● Feel very strongly that TCPL should be going directly to the FN communities and speaking with them individually, both to provide information and answers to questions as well as to talk about negotiation.</li> <li>● Dissatisfied with the response of TCPL when they did visit (Open House and community visits in February) <ul style="list-style-type: none"> <li>○ TCPL did not provide detailed maps and there is not a good understanding of the maps</li> </ul> </li> <li>● TCPL provided some capacity funding (in February) to conduct Traditional Ecological Knowledge studies by end</li> </ul>	<ul style="list-style-type: none"> <li>● Great desire to be well informed and involved in discussions so as to be able to better protect the Treaty rights; decisions will have impact for generations to come <ul style="list-style-type: none"> <li>○ Request for more detailed maps showing all waterways</li> </ul> </li> <li>● Must protect traditional lands – used to fish, hunt, pick berries and medicines, etc.</li> <li>● No real consultation when the pipeline first went in</li> <li>● If there is not already a Right of Way (ROW) Agreement, this should be negotiated now. Where there is already a ROW, it should be revisited – example of Navaho Ute people who</li> </ul>	<ul style="list-style-type: none"> <li>● Great concern about safety of water – any leak along the pipeline flows downstream. <ul style="list-style-type: none"> <li>○ Rivers flow into Lake Nipigon and then into Lake Superior</li> <li>○ Concern is amount of current in Lake Nipigon – will make it very difficult to contain a spill – would take less than 30 minutes for the spill to get to Lake Superior.</li> <li>○ Speckled trout in Red River – sacred fish; vital for food; Sturgeon in Nipigon River</li> <li>○ Concern for animals and plant that would be at risk in event of a spill</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● Concern about use of an old pipeline that was designed for moving gas to now moving heavy liquid</li> <li>● Want highest frequency of inspections possible, and highest caliber of technology and notification systems possible <ul style="list-style-type: none"> <li>○ Included questions about in-line inspection process, pressure cycling, chemical make-up of product, placement of shut-off valves, etc.</li> </ul> </li> <li>● Want definition of “significant water crossing” – this is important; different depending on who you ask</li> <li>● A small, undetected spill over a long time can be</li> </ul>	<ul style="list-style-type: none"> <li>● Would like to see some opportunities for FN to participate in any construction</li> <li>● Would like to be part of a training program to get Anishnabe kids ready to work for that pipeline</li> <li>● Would like to see sharing of revenue</li> </ul>	<ul style="list-style-type: none"> <li>● There is a sense of mistrust because of the lack of consultation and involvement when the existing pipeline went in</li> <li>● Opposed to putting FN at risk for oil that is destined largely for foreign markets</li> <li>● Should have a national energy plan to deal with these things in a systematic manner</li> <li>● If each pump station will take up approx. 5-10 acres of land, when you add that up across Canada, that’s potentially a lot of Treaty and traditional land.</li> <li>● The province should be transparent as to any economic benefit flowing to Hydro One as a result of connections to electricity generating stations at pumping</li> </ul>
<b>Nipigon March 28, 2014 Cont'd</b>						

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	<p>of April, but this timeline is not feasible. If not received by deadline, no guarantee that it will be considered in any meaningful way in the development of TCPL's final submission.</p> <ul style="list-style-type: none"> <li>• There should be FN representation at NEB</li> </ul>	<p>had a ROW, and renegotiate every time the product flowing through pipeline, capacity changes or any other conditions change.</p>		<p>as deadly as a sudden large spill</p> <hr/> <p><b>Emergency Response</b></p> <ul style="list-style-type: none"> <li>• Want assurances of safeguards that will be put in place to prevent a spill and, in the event of a spill, to clean it up and limit the damage.</li> <li>• Questions about clean-up process</li> <li>• FN communities should be the first to know about any leak, no matter the size.</li> <li>• FN needs resources to be able to properly respond to an emergency <ul style="list-style-type: none"> <li>○ Need to know what is flowing in the pipe at the time in order to determine the most appropriate emergency response (i.e. Light crude, heavy crude vs. diluted bitumen.)</li> </ul> </li> </ul>		<p>stations. This should be quantified and transparent to the FN communities.</p>
<p><b>Timmins April 1, 2014</b> <b>Timmins April 1, 2014</b> <i>Cont'd</i></p>	<ul style="list-style-type: none"> <li>• General feeling that there is a need for more detail and better understanding of the plan before</li> </ul>	<ul style="list-style-type: none"> <li>• No real consultation when the pipeline was first constructed</li> <li>• Nation-to-Nation consideration is vital;</li> </ul>	<ul style="list-style-type: none"> <li>• Do not oppose resource development in the territory but want to ensure the environment is protected</li> </ul>		<ul style="list-style-type: none"> <li>• When will FN benefit from the natural resources being developed on their territories? The province</li> </ul>	

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	<p>commenting on the impact on FN or Treaty matters</p> <ul style="list-style-type: none"> <li>• Not a good understanding of the maps</li> <li>• Participants were advised that the OEB’s process would benefit from greater specificity with respect to concerns – can’t just say “want environmental protection”, rather specific requests/recommendations should be noted.</li> </ul>	<p>some sentiment that government will only “consider” FN input in the development of its position</p> <ul style="list-style-type: none"> <li>• Do Aboriginal Rights include land title as per the Supreme Court decisions?</li> <li>• Issues specific to Treaty 9 (signed by both Crowns – federal and provincial) continue to be raised and evolve as documents detailing oral commitments made at the time of signing have emerged and are said to form part of the Treaty; these should be given proper consideration</li> <li>• There are Treaty areas that overlap provincial and international borders – what is the impact?</li> </ul>	<ul style="list-style-type: none"> <li>• Need to make sure that environmental studies are not rushed and not under-valued</li> <li>• Concern that pipeline runs along the watershed and can negatively impact the Arctic watershed</li> <li>• Significant concern about the upstream/ downstream impacts of the pipeline; not enough to consider only Category 1 communities who are closest to it.</li> <li>• If NEB is not concerned with upstream/ downstream impacts, then who is? What about greenhouse gas emissions and climate change from growing the tar sands?</li> </ul>		<p>benefits through taxes, but FN have not benefited socially or economically.</p> <ul style="list-style-type: none"> <li>• Benefits appear to be short-term (jobs to build pumping stations)</li> <li>• Pipeline jobs are union jobs; skilled people on reserves shut out of job opportunities – need to do something about that <ul style="list-style-type: none"> <li>○ Can Ontario work with unions to open up job opportunities for FN people?</li> <li>○ Can this be raised at NEB?</li> </ul> </li> </ul>	
<p><b>North Bay April 2, 2014</b></p> <p><b>North Bay April 2, 2014</b></p>	<ul style="list-style-type: none"> <li>• Call for greater transparency by TCPL – will public have access to technical reports before they are reviewed and evaluated (“sanitized”) by OEB?</li> </ul>	<ul style="list-style-type: none"> <li>• Purpose of Treaty is to give FN a recognized voice – they use it to speak for future generations, animals, water, plants; impact of pipeline on tribal territory is very serious</li> </ul>	<ul style="list-style-type: none"> <li>• Concerns about environmental disaster <ul style="list-style-type: none"> <li>○ Reliance on hunting, fishing, trapping (in Temagami)</li> <li>○ Lake Trout policy prohibits cottage</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Want assurances that safety is built in no matter the cost – do not take comfort in mitigation efforts once something does happen – a spill will have</li> </ul>	<ul style="list-style-type: none"> <li>• Risks outweigh the benefits</li> <li>• FN have no economic equity position with respect to development and ongoing economic activity on sacred lands</li> </ul>	<p><b>Ontario’s Role</b></p> <ul style="list-style-type: none"> <li>• Challenge to assertion that decisions rest solely with federal Crown – Ontario has a very significant role that should not be underestimated</li> </ul>

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<i>Cont'd</i>	<ul style="list-style-type: none"> <li>• This is not a consultation about whether or not the pipeline should happen because it will – this is about ensuring that the real issues/concerns that will impact communities are acknowledged and addressed.</li> <li>• Timelines are troubling               <ul style="list-style-type: none"> <li>○ Moving faster than FN can handle</li> <li>○ Need to respect and honour FN communities' processes to consult within themselves</li> <li>○ For consultation to be meaningful, and to benefit from the knowledge of FN (water security, knowledge of the watershed, knowledge of the natural environment) timelines need to be extended</li> </ul> </li> <li>• Need to make sure we have the entire Treaty area represented in these discussions</li> <li>• Will be watching Ontario to make sure interests are well represented. (Example</li> </ul>	<ul style="list-style-type: none"> <li>○ Need to be true to responsibility for the next 7 generations</li> <li>• There is a poor understanding of Treaties and Treaty Rights among non-FN</li> <li>• Need assurance that governments understand how important the Treaty relationship is</li> <li>• Aboriginal rights and title is a moving target; every time there is a new (Court) decision, the rights evolve</li> </ul>	<p>development to protect the territory</p> <ul style="list-style-type: none"> <li>• We need to think about longer-term solutions: are we doing enough to come up with alternative forms of energy or thinking about new ways to achieve energy conservation?</li> <li>• Concern that federal government is not doing its due diligence on environmental protection.               <ul style="list-style-type: none"> <li>○ Can Ontario assist FN in getting around the restrictive structure of the Canadian Environmental Act?</li> </ul> </li> <li>• Has there been any consideration that this is an earthquake zone?</li> <li>• Has there been any consideration of the impact of extreme winter conditions on the oil pipeline?</li> <li>• There may be an opportunity for FN to work with municipalities who do not have jurisdiction over waterways</li> </ul>	<p>devastating impacts on water, wildlife</p> <ul style="list-style-type: none"> <li>○ Participants were encouraged to intervene and participate so they can articulate the risks to the water the lifestyle of those who live and use the land and water.</li> <li>• Extreme concern for waterways               <ul style="list-style-type: none"> <li>○ How will leaks be detected? Is distance between shut-off valves sufficient? How will spills be cleaned up?</li> <li>○ Dual piping should be mandatory over waterways</li> </ul> </li> <li>• Concern about using an old pipe – shouldn't we be building a new pipe to move a new product?</li> <li>• Location of pipeline so close to waterways is problematic               <ul style="list-style-type: none"> <li>○ "if you were setting this up for oil you wouldn't be putting this along the waterways"</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>○ Resource revenue sharing needs to be discussed</li> <li>• Can FN propose taxes or levies – to collect on oil moving over and through their communities?</li> <li>• FNs are "fending for themselves" in working with corporations across the province – governments have not assisted them in consultation and accommodation</li> <li>• There are many successful FN businesses who want to get involved through partnerships with corporations, impact/benefit agreements, etc.</li> <li>• There need to be proper procurement processes that FN can benefit from jobs and economic opportunities               <ul style="list-style-type: none"> <li>○ Only unions get the jobs – they are a real deterrent to FN people getting new jobs</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>○ Province will need to issue permits, licenses, deal with land tenure with respect to pumping stations; Hydro One will need to power these pumping stations; transmission lines will need to be approved; if project gets approved, Ontario will also have a duty and obligation to consult</li> </ul> <hr/> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>• Do we have the hydro capacity to run the required pumping stations? Is there capacity in the Aboriginal communities to build the stations without tying into the grid? Is the supply of power part of the equation?</li> <li>• No one else across the country seems to want this pipeline but Ontario does. This is worrisome.</li> <li>• Concern about impact on natural gas prices;</li> </ul>
<b>North Bay April 2, 2014</b>						

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TOP-LINE SUMMARY FROM FIRST NATION/MÉTIS COMMUNITY DISCUSSIONS – (MARCH 25 TO APRIL 8, 2014)**

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<i>Cont'd</i>	of Temiskaming dam project where had to resort to injunction)		<ul style="list-style-type: none"> <li>• Concern about FN capacity to respond to an emergency</li> </ul>	<ul style="list-style-type: none"> <li>○ Need to make modifications to reroute the line around major waterways</li> <li>• How will line be monitored? FN need to be directly involved in this.</li> <li>• Is there a ceiling as to how much oil can be pumped in a day? Will there be a process of consultation if those capacities are increased?</li> </ul>	<ul style="list-style-type: none"> <li>○ FN want to maximize their opportunities – want service contracts, want equity participation, will be looking for equity partnerships to secure power</li> <li>• Want to understand where is the real financial gain for this province? There will be more jobs in the west, refinery jobs in the East, very few jobs in Ontario.</li> <li>• More transparency is needed: Is this about sending oil off-shore?</li> </ul>	hydro rates are already soaring.
<b>Kanata April 7, 2014</b>	<ul style="list-style-type: none"> <li>• Want assurances that OEB report to Minister will include findings and recommendations made specifically by John Beaucage's process/ report.</li> <li>• Want time to review OEB's report so that if it does not reflect FN issues they have time to do their own report and intervene directly</li> <li>• Comments relating to inability to provide input because they do not have all of the information they</li> </ul>	<ul style="list-style-type: none"> <li>• Large area of proposed project within Algonquin territory <ul style="list-style-type: none"> <li>○ Algonquins are the only ones with Aboriginal rights within that territory</li> <li>○ Will impact Algonquin territory in areas where there is currently no Treaty</li> <li>○ But Algonquins currently in treaty negotiations that cover broad range of issues relating to</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Whole territory is made up of watersheds that end up in the Ottawa River; many waterways flow into that large river; St. Lawrence watershed is one of the largest</li> <li>• Want a map that lists all the watersheds and waterways</li> <li>• Huge percentage of the world's fresh water is in Canada – must be protected</li> </ul>	<ul style="list-style-type: none"> <li>• How do you build a new oil pipeline that won't crack?</li> <li>• Need a better understanding of how conversion will happen.</li> <li>• Concern as to what product will be transported and its ability to be cleaned up easily (natural crude floats but diluted bitumen may sink)</li> <li>• Concern about distance between shut-off valves</li> </ul>	<ul style="list-style-type: none"> <li>• Benefit appears to be only short-term (short-term jobs)</li> <li>• Possible negative impact on natural gas prices</li> </ul>	<ul style="list-style-type: none"> <li>• Ontario has a very significant role in this – provincial statues exist and permits will need to be issued</li> </ul>

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**ONTARIO ENERGY BOARD ENERGY EAST CONSULTATION: PART ONE  
TOP-LINE SUMMARY FROM FIRST NATION/MÉTIS COMMUNITY DISCUSSIONS – (MARCH 25 TO APRIL 8, 2014)**

	<b>Process</b>	<b>Treaty and traditional territory rights and issues</b>	<b>Environmental impacts / concerns</b>	<b>Pipeline Safety &amp; Integrity and Emergency Response</b>	<b>Economic Impact / Benefit</b>	<b>Other</b>
<b>Kanata April 7, 2014 Cont'd</b>	<p>need; have questions but do not know whose responsibility it is to provide answers; difficult to relay information back to community because it is not well understood.</p> <ul style="list-style-type: none"> <li>Concerns raised on impact of Trout Lake in North Bay – request for a meeting in Pembroke so that the community can participate; this would improve people’s understanding and confidence</li> <li>Abandonment is of growing interest to pipeline landowners and should also be considered</li> </ul>	<p>harvesting rights, land selection, heritage sites, etc.</p> <ul style="list-style-type: none"> <li>Algonquins in a unique situation because a decision is going to be made here before the Treaty is resolved but that will have significant impact on it; would prefer if OEB process waited outcome of Treaty negotiations</li> <li>Every infringement taken cumulatively impacts greatly on rights</li> <li>The whole of Algonquin territory is affected (both new construction and conversion)</li> <li>Opposed the original pipeline to no avail; have tried to go back for compensation but still get no benefit from the pipeline going through the territory; only option is to oppose if there is no positive impact</li> <li>Consultation not enough; there needs to</li> </ul>	<ul style="list-style-type: none"> <li>Need additional measures required around water crossings (double piping/thicker pipe?) <ul style="list-style-type: none"> <li>What is the definition of a “significant water crossing”?</li> </ul> </li> <li>Concern about FN capacity to deal with an environmental disaster <ul style="list-style-type: none"> <li>Capacity needs to be built; FN need to be involved.</li> <li>Can it be required that TCPL set up a fund to pay for these</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Lessons from Line 9 conversion <ul style="list-style-type: none"> <li>Had asked that entire line be hydro tested but this was not made a condition</li> <li>New threshold for liability insurance is \$1B (TCPL should bear this cost)</li> </ul> </li> </ul>		

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**ONTARIO ENERGY BOARD ENERGY EAST CONSULTATION: PART ONE  
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	Process	Treaty and traditional territory rights and issues	Environmental impacts / concerns	Pipeline Safety & Integrity and Emergency Response	Economic Impact / Benefit	Other
		<p>be accommodation. Accommodation provides opportunities.</p> <ul style="list-style-type: none"> <li>• Poor experiences with past consultations (e.g. uranium mine)</li> </ul>				
<p><b>Akwesasne April 8, 2014</b></p>		<ul style="list-style-type: none"> <li>• FN people are concerned for each other – Ontario just as concerned about impact on brothers and sisters in Alberta or any area that will not derive any benefit from this pipeline.</li> <li>• This proposal affects the traditional land claim area and there is a need to be assured that safeguards are in place.</li> <li>• Mohawk Council of Akwesasne wants an appropriate say in the approval of the project</li> <li>• There are considerations with respect to archaeological matters</li> <li>• The impact on traditional land is significant <ul style="list-style-type: none"> <li>○ Customary trails, wildlife (moose, deer, elk), natural migration are</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Extreme concern for protection of water and natural environment</li> <li>• There should be a Harmonized Environmental Assessment done jointly with Mohawk Council of Akwesasne.</li> <li>• There should be a Traditional Ecological Knowledge study</li> <li>• The St. Lawrence Valley is an earthquake zone – has this been taken into consideration?</li> <li>• Concerns expressed over the impact of communities in the tar sands region – health impact studies and negative effects that those people may not even be aware of is concerning.</li> </ul>	<ul style="list-style-type: none"> <li>• Where can we find information on history of breaks in pipelines? <ul style="list-style-type: none"> <li>○ Want stringent leak detection and monitoring protocols</li> </ul> </li> <li>• Want to know more about what will be moving through the line.</li> <li>• Want to know details about the quality of material to be used in new construction portions</li> <li>• Want to be clear on whose responsibility it will be to respond to an emergency <ul style="list-style-type: none"> <li>○ Mohawk Council of Akwesasne should be involved in the plan</li> <li>○ Need assurance that equipment required for clean-up will be made available</li> </ul> </li> <li>• Location of pipeline is problematic</li> </ul>	<ul style="list-style-type: none"> <li>• TCPL needs to negotiate directly with Akwesasne <ul style="list-style-type: none"> <li>○ There should be a specific community benefits agreement negotiated</li> <li>○ Mohawk Council of Akwesasne is currently working on terms of future involvement</li> </ul> </li> <li>• Potential impact on hydro and natural gas rates</li> <li>• Evidence demonstrates that corporations do well to collaborate with FN communities</li> <li>• Concern that economic benefits are generally overstated and never materialize (based on research into other similar projects; based on experience with “Bridge Authority”.) <ul style="list-style-type: none"> <li>○ Causes mistrust – legacy of broken</li> </ul> </li> </ul>	

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**ONTARIO ENERGY BOARD ENERGY EAST CONSULTATION: PART ONE  
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<b>Akwesasne April 8, 2014 Cont'd</b>		<p>interrupted by Right of Ways (ROW)</p> <ul style="list-style-type: none"> <li>○ There is a negative perception that FNs cross ROWs just to cause disruption but reality is that they need access to routes critical to traditional hunting, trapping, etc.</li> </ul>		<ul style="list-style-type: none"> <li>○ Why can it not be moved northward to follow the railway line instead of being situated along/so close to the St. Lawrence?</li> <li>○ Can OEB raise this with TCPL?</li> </ul>	<p>promises re economic benefit</p> <ul style="list-style-type: none"> <li>● Mohawk Council of Akwasasne has conducted an initial workforce requirement evaluation and where additional capacity will be needed <ul style="list-style-type: none"> <li>○ There is a capable workforce that should benefit from job creation</li> </ul> </li> </ul>	

## APPENDIX E

### Participating Organizations and Communities in Part One First Nation and Métis Community Discussions

## List of Participating Organizations and Communities in Part One First Nation and Métis Community Discussions

This list includes only those who provided their information on the sign-in lists at each meeting.

Alderville First Nation	Mohawk Nation
Algonquins of Ontario	Mushkegowuk Council
Algonquins of Pikwakanagan First Nation	Nipissing First Nation
Antoine First Nation	Northwest Angle #37 First Nation
Aroland First Nation	Onigaming First Nation
Aroland, Ginoogaming and Constance Lake First Nation	Ottawa Algonquin Community
Biinjitiwaabik Zaaging Anishinaabek	Pic River First Nation
Bingwi Neyaashi Anishinaabek	Red Rock First Nation
Dalles First Nation	Red Sky Métis Independent First Nation
Dokis First Nation	Shabot Obaadjiwan First Nation
Fort William First Nation	Temagami First Nation
Ginoogaming First Nation	Union of Ontario Indians (UOI)
Grassy Narrows First Nation	Wabaseemoong Independent Nations
Hydro One	Wabigoon Ontario Métis Aboriginal Association
Lac des Mille Lacs First Nation	Wauzhushk Onigum First Nation (Rat Portage)
Maawandoon	Wauzhushk Onigum First Nation
Mattawa / North Bay Assembly of First Nations	Whitney and Area Algonquins
Mohawk Council of Akwesasne	Wintergreen Consulting
	Wolf Lake First Nation

## APPENDIX F

### Written Submissions

## List of Written Submissions Received

Formal Submissions to John Beaucage received from:

- Iron Ore Association of Ontario
- Mohawk Council of Akwesasne
- John D. Hamilton
- Waabigoniw Saaga'iganiw Anishinaabeg / Wabigoon Lake Ojibway Nation
- Temagami First Nation / Teme-Augama Anishnabai
- Pic River First Nation
- [Redacted], on behalf of the Chiefs of Aroland First Nation, Constance Lake First Nation and Ginoogaming First Nation
- Métis Nation of Ontario

Other correspondence– addressed to the Minister of Energy, the Ontario Energy Board, the National Energy Board and/or TransCanada – received from:

- Eagle Lake First Nation (Migisi Sahgaigan)
- Asubpeeschoseewagong Netum Anishinabek (Grassy Narrows First Nation)
- Obashkaandagaang First Nation
- Wauzhushk Onigum Nation (Rat Portage No 38B)
- Waabigoniw Saaga'iganiw Anishinaabeg (Wabigoon Lake Ojibway Nation)
- Bingwi Neyaashi Anishinaabek

# Capitalizing on the Iron Ore Potential of Northwestern Ontario

1

## **Iron and steel are the backbone of the industrial world:**

- There are seven mine developments in northwestern Ontario not included in the Ring of Fire.
- Recent studies show iron mines over time are more profitable than other metal mining operations
- Iron is the key ingredient to making steel and there are no other comparable products to steel with its strength and durability.

2

## **Northwestern Ontario provides a fast track iron ore mining and steel industry raw materials opportunity proponents of the Ring of Fire and Labrador Trough can only dream about:**

- Most iron ore deposits in Northwestern Ontario are within 100km of critical infrastructure - roads, rail, power, natural gas
- Access to the market via an established rail system with spare capacity;
  - Choice of carriers with quality service to the west coast, the east coast or directly south into the USA.
- Established port facilities with capacity.
- Past producing iron ore area with estimated historical reserves equivalent to more than 85 years of production.
- 5 iron ore mining companies actively developing properties in the area.

3

## **Energy input prices enable the competitive production and delivery of products with more than twice the profits of iron ore concentrate:**

- Energy drives the steel business and Northwestern Ontario has access to:
  - Cheap power.
  - Abundant cheap natural gas.
  - Delivery of value added products are a way of exporting cheap energy

4

## **Huge economic multiplier effect for the whole country by producing value added steel raw materials in Northwestern Ontario:**

- Initial direct economic impact of \$2-\$4 billion
- Overall economic impact is in the range of \$120 billion to Ontario and Canada over the next 20 years
  - Resulting incremental government revenues at Federal, Provincial and Municipal levels.
- More than 2000 quality long-term jobs in a depressed area
- Development opportunities for Aboriginal, Métis and Inuit peoples in the area

Iron Ore Association of Ontario  
24/02/2014

Contact:  
Henry Wetelainen  
201 Hardisty Street, Thunder Bay, ON P7C 3G8  
Phone: 807.622.4707 Cell: 807.251.0108

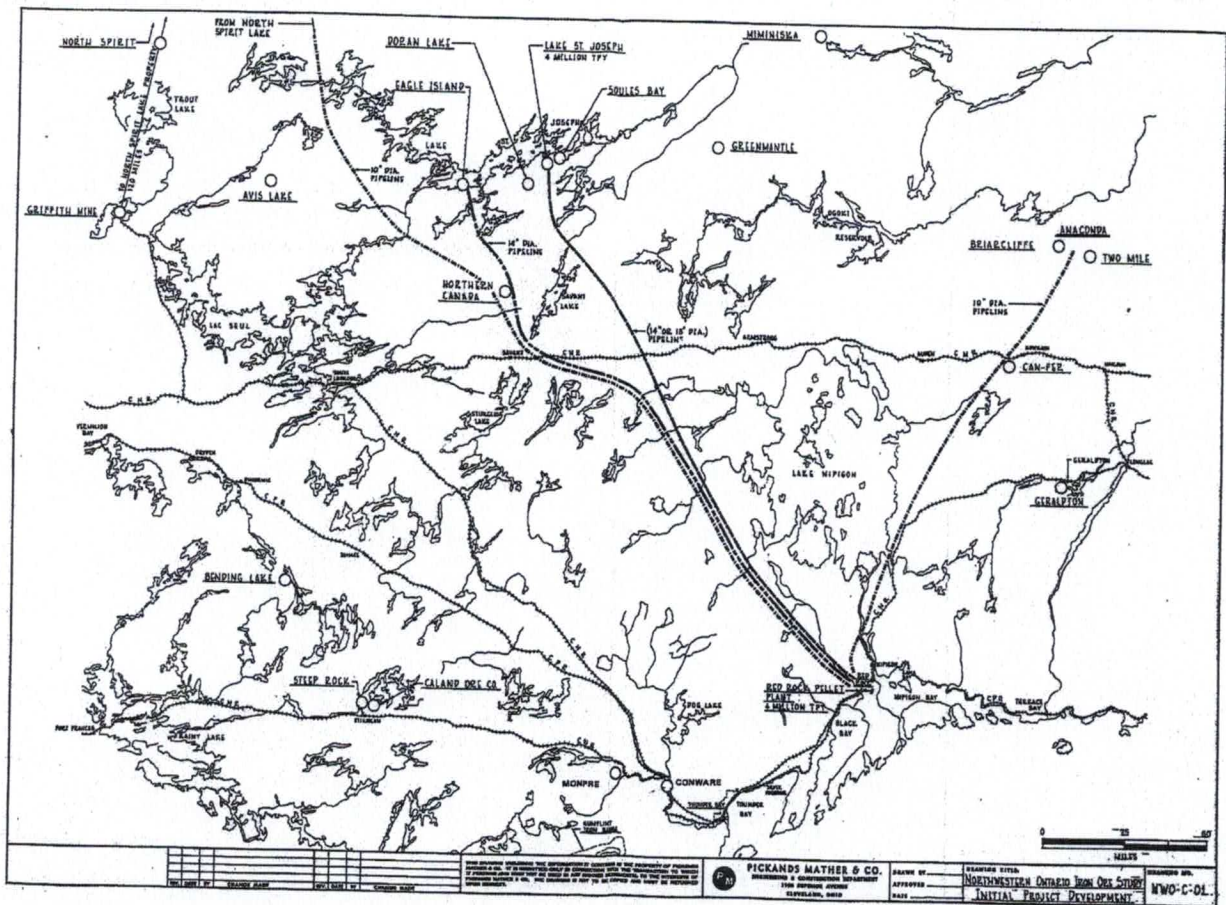
# Resource and Infrastructure

## Present Iron Resources in Northern Ontario

Today there are five companies attempting to revive the industry – they are Bending Lake Iron Group Ltd., Rockex Mining Corporation, and Northern Iron Corp., Rogue Resources, Numax Resources Inc., with Bending Lake being the closest to actual production status. Government policy and support will go along way to further develop projects and attract foreign investment. The National Development and Reform Commission has stated in a recent article that “Chinese iron imports would continue to rise and the country would remain dependent on imports.” It was also stated that “firms in the overseas iron ore sector would improve the balance between iron ore and steel prices and ‘form a new model of upstream and downstream cooperation.’”

(<http://www.mineweb.com/mineweb/content/en/mineweb-fast-news?oid=226724&sn=Detail>)

**This map represents over 85 years of production at 20 million tonnes per year**







Akwesasne Wolf Belt

Box 579, Cornwall, Ontario K6H 5T3

# MOHAWK COUNCIL OF AKWESASNE

## TransCanada Energy East Pipeline Project

### Mohawk Council of Akwesasne

#### Participation Overview

April 8, 2014

#### Introduction

The Mohawk Council of Akwesasne was approached by Ishkonigan, a First Nation consulting company, in April 2013 to discuss the proposed TransCanada Energy East Pipeline Project. Ishkonigan was retained by TransCanada to conduct outreach to First Nations in proximity to the proposed route of the Energy East Pipeline. The outreach was intended to be a transparent process on the part of TransCanada to introduce the proposed project to potentially impacted First Nations and to see if and how First Nations would like to be engaged.

Several meetings took place between Ishkonigan and the Mohawk Council of Akwesasne that led to the signing of a Letter of Agreement (LOA) in June 2013 between the MCA and TransCanada. The LOA provided \$15,000 in funding to the MCA so that it had the financial resources to evaluate the proposed project. A work plan was developed and the following deliverables were achieved:

- **The TransCanada Energy East Pipeline Project Article** – MCA staff produced an article for the Onkwetake newsletter that introduced the proposed project to the community and ensured transparency regarding MCA receiving the \$15,000 as part of the Letter of Agreement with TransCanada and what it would be used for.
- **Pipeline Analysis Paper** – MCA staff developed a short paper on the topic of oil pipelines that provided an introduction to the major new oil pipeline projects being proposed in Canada and the United States, discussed the need for them (the benefits), discussed the concerns associated with them, and included recommendations to Council to guide it should it continue working with TransCanada further as the project is developed.
- **Special General Meeting** – MCA staff organized a Special General Meeting that took place on November 7<sup>th</sup>, 2014 to introduce the proposed Energy East Pipeline Project to the community. The meeting was attended by 20 community residents. MCA staff made an introductory PowerPoint presentation and then turned the floor over to TransCanada for an introduction to the proposed project.



- **Traditional Ecological Knowledge** – The MCA worked separately with Stantec, an environmental consulting company, and began outlining how MCA could contribute towards meeting the Traditional Land Use and Traditional Ecological Knowledge Study needs of the proposed project.
- **Workforce Report and Business Opportunities** – MCA staff produced a short paper that introduced the skills of the community workforce that could be applied to the project. In addition, information on local Mohawk contractors was shared. Finally, opportunities for new start-up companies and other Akwesasne businesses was discussed with a specific mention of efforts to create a pipe fabrication company that would have TransCanada as one of its clients.
- **Emergency Response Capabilities and Experience** – MCA staff prepared a short paper that provided an introduction of its Emergency Response capabilities and identified specific items that should be included in a cooperative working relationship on emergency preparedness planning.

#### **Next Steps**

MCA staff are working with representatives of Ishkonigan to develop the terms for a Memorandum of Understanding between MCA and TransCanada that will allow for MCA's continued evaluation of the proposed project and to help it make an informed decision as to whether it would support this project. MCA staff are developing a work plan for gathering information related to traditional ecological knowledge and will continue discussions on this matter with Stantec.

# The TransCanada Energy East Pipeline Project

The TransCanada's Energy East Pipeline Project is proposed as a 4,400-kilometre pipeline that would carry 1.1 million barrels of crude oil per day from Alberta and Saskatchewan to refineries in Eastern Canada. The company intends to proceed with the necessary regulatory applications for approvals to construct and operate the pipeline project and terminal facilities in early 2014, and anticipates the \$12 billion project to be in service by late 2017 in Quebec and 2018 in New Brunswick. The project will convert an existing 3,000-kilometre natural gas pipeline to oil service. That pipeline currently runs from Alberta to Iroquois, Ontario just west of Cornwall. They would then construct a new 1,400-kilometre pipeline east to New Brunswick. The pipeline will transport crude oil from receipt points in Alberta and Saskatchewan to delivery points in Montreal, Quebec City and Saint John, New Brunswick. The pipeline will terminate at Canaport in Saint John, New Brunswick where TransCanada and Irving Oil have formed a joint venture to build, and operate a new deep water marine terminal.

## First Nation Outreach

TransCanada is being proactive in reaching out to all communities along the proposed route of the pipeline. 63 Open Houses have been scheduled for non-Native communities to introduce the project and answer questions of community members. At the same time, Ishkonigan, a First Nation consulting company (that has its home office located on Kawehno:ke) has been retained by TransCanada to conduct outreach to First Nations in proximity to the proposed route of the Energy East Pipeline. The outreach is intended to be a transparent process on the part of TransCanada to introduce the project to potentially impacted First Nations and to see if and how the First Nations would like to be engaged in the project.

## Letter of Agreement and Work Plan

The Mohawk Council of Akwesasne (MCA) was approached by Ishkonigan in late April 2013 because a portion of the pipeline would cross into Akwesasne's Traditional Territory given the community's close proximity to Iroquois, Ontario. Four meetings have since taken place between MCA

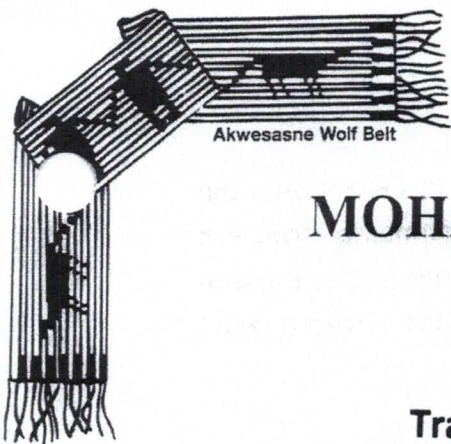
and Ishkonigan as details of the proposed project have become known. It resulted in a Letter of Agreement (LOA) being signed in June as an interim mechanism to facilitate Council's participation in understanding the project. It is providing \$15,000 to MCA to explore the pros and cons of the project and to aid it in deciding whether it would like to participate further in the projects development. Should the Council decide to participate further than that, it is hoped by TransCanada that this additional participation would be captured in a formal Memorandum of Understanding.

MCA staff and Ishkonigan have developed a work plan on how the \$15,000 will be spent. The work plan includes:

- Research on pipeline projects that are being proposed across North America (with a focus on the pros and cons of these projects);
- TransCanada pipeline information gathering, planning, and dissemination to the community;
- Development of an outline of Traditional Ecological Knowledge needs and how MCA could contribute to them;
- Economic development objectives with a focus on how the project could create business opportunities for the Akwesasne community;
- Review of Akwesasne's capabilities and experience in emergency response and how it could inform TransCanada's emergency response planning;
- Development of a report on Akwesasne's workforce that could potentially be available to work on the pipeline; and
- Input into a draft Memorandum of Understanding prepared by TransCanada.

## Next Steps

MCA staff are conducting research and drafting reports consistent with the work plan. MCA will be scheduling a mid-October Special General Meeting to introduce the project to the community and report on its findings. ❖



Akwesasne Wolf Belt

Box 579, Cornwall, Ontario K6H 5T3

# MOHAWK COUNCIL OF AKWESASNE

## TransCanada Energy East Pipeline Project

### Pipeline Analysis Paper

Troy Thompson and James Ransom

November 7, 2013

#### Introduction

The proposed construction of new oil pipelines, the reverse of flow in existing pipelines, and the conversion of existing natural gas pipelines to oil pipelines has become a controversial topic across North America and in the United States (Keystone Pipeline Project) and Canada (Gateway Project), in particular. The discussion has pitted proponents who see the potential economic and other benefits (jobs, greater tax revenue, less dependence on foreign oil, safety of pipelines) against opponents concerned about spills, leaks, environmental impacts, and safety concerns associated with both pipelines and oil sands development.

TransCanada's proposed Energy East Pipeline Project is one such proposed pipeline project under consideration. Once an application is submitted, and if approved, a 4,400 KM pipeline would bring 1.1 million barrels of crude oil from Alberta to refineries in New Brunswick. The proposed project would convert an existing natural gas pipeline that stretches from Alberta to Iroquois, Ontario just west of Cornwall to an oil pipeline. From this point east, a new oil pipeline would be constructed (The proposed route would run along Highway 401 in Cornwall, which is part of Akwesasne's Traditional Territory).

Associated facilities, including pump stations and tank terminals would be constructed as well as marine facilities that would enable access to overseas markets by ship. Four new tank terminals would be expected to be constructed as part of the project. Existing terminals in Montreal, Quebec and Saint John, New Brunswick would be used as well.

In all, there are 187 First Nations (including Akwesasne) and Metis communities that could potentially be impacted along the proposed path of the Energy East pipeline, mostly on the traditional lands of the communities. In addition, the pipeline project is proposed to run directly through the lands of the Carry the Kettle First Nation in Saskatchewan.



This report provides an overview of major proposed oil pipeline projects in Canada and the United States and identifies the potential economic benefits and environmental concerns associated with them. It ends with recommendations on how proposed Energy East Pipeline Project could increase First Nation economic opportunities and minimize the environmental risks associated with its construction.

## **Overview of Proposed Pipeline Projects**

There are at least five major pipeline projects proposed in Canada to bring Alberta tar sands oils to other parts of the country. They include:

***TransCanada Keystone XL Pipeline*** – The Keystone XL Pipeline is a proposed 1,897 km, 36-inch diameter crude oil pipeline beginning in Hardisty, Alberta and extending south to Steele City, Nebraska.

***Enbridge Northern Gateway Pipeline Project*** – The Northern Gateway Pipeline is a proposed 1,177 km, 36-inch diameter crude oil pipeline beginning in Bruderheim, Alberta and extending west to Kitimat, British Columbia.

***Enbridge Line 9 Reversal*** – The Enbridge Line 9 Reversal is a two-phase project. Phase I, the Line 9A Reversal will reverse the flow in an existing pipeline from Sarnia, Ontario to North Westover, Ontario (near Hamilton, Ontario). Phase II, the Line 9B Reversal and Line 9 Capacity Expansion Project will reverse the flow in a 639 km section of Line 9 from North Westover, Ontario to Montreal, Quebec.

***Kinder Morgan Trans Mountain Expansion*** – The Kinder Morgan Trans Mountain Expansion is a proposed 1,150 km new pipeline that will see the capacity from its existing pipeline almost tripled to 890,000 barrels per day and will extend from Alberta to Burnaby, British Columbia.

***TransCanada Energy East Pipeline*** – The Energy East Pipeline is a proposed 4,400 km, 36-inch diameter crude oil pipeline. The first phase will convert an existing natural gas pipeline that runs from Burstall, Saskatchewan to Iroquois, Ontario. A new pipeline will be constructed from this point east to Saint Johns, New Brunswick.

## **Why is there a need for pipeline projects?**

There continues to be an ongoing need for oil, for transportation, manufacturing and heating. Oil and natural gas pipelines have been part of the Canadian landscape since 1976. Reversing flows has also been part of the operating plans for the various companies that own the pipelines as market conditions change. Proponents of oil pipeline projects most often cite the following as the reasons to support them:

- **Job Creation** – Direct and indirect job creation associated with pipeline construction and operation are one of the major economic benefits touted for these projects. Thousands of jobs are estimated to be created during the construction and operation phases.
- **Economic Benefits** – Greater tax revenue for communities where the pipeline is located and potentially lower oil prices from domestic production are often cited as reasons to support pipeline projects.
- **Safety** – Pipelines are touted as the safest way to transport crude oil and natural gas versus other modes of transportation (trains and trucks). New pipelines have the potential to include the latest in safety features, including increased numbers of remote sensors to detect leaks, remote controlled shut-off valves, and stronger pipe construction at river crossings and near sensitive areas.
- **First Nation Involvement** – Companies are making a greater effort to engage First Nations in project development at the beginning of the process. This outreach is meant to see how First Nations could participate in the economic opportunities that arise from the project.

### **What are the concerns associated with Pipeline Projects?**

While oil and natural gas pipeline have been part of the Canadian landscape for many years, so have pipeline leaks and spills. Some of these leaks have been catastrophic and resulted in millions of dollars in clean-up costs (Kalamazoo River). In addition, the source of the oil for these proposed projects are the Alberta oil sands. The production of oil from the tar sands is not an environmentally friendly process and the subject of much debate. Opponents of oil pipeline projects most often cite the following as reasons to oppose them:

- **Leaks and Spills** - Potential pipeline leaks could pollute surface waters and ground water aquifers. In a remote location, a leak could go undetected for days and weeks if proper leak detection monitoring is not in place.
- **Animal and Ecosystem Impacts** - Construction of pipelines could impact migration routes for animal species in certain areas. It will be disruptive to local ecosystems during the construction process.
- **Pipeline Integrity** – Pipeline integrity from the point of view of corrosion is a concern, particularly in transporting bitumen that is acidic and corrosive in nature.
- **Lack of Consultation and Accommodation** - There is not a good track record of engaging First Nations in proposed oil pipeline projects.
- **Economic Impacts overstated** – There are concerns that the job projections used by proponents are overstated and that construction jobs are temporary in nature.

- **Mining Concerns** – The mining process to get the oil from the tar sands is an extremely controversial process. It creates toxic tailing ponds and exposes adjacent communities to carcinogens and other pollutants.

## **Recommendations**

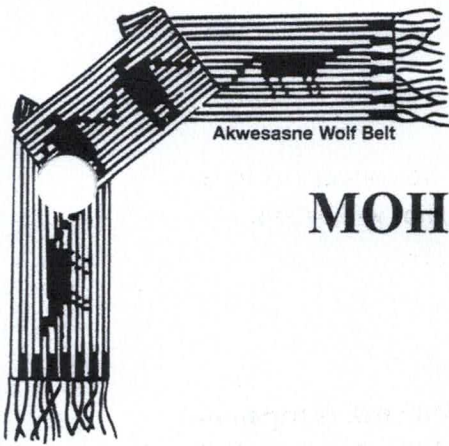
The challenge before the Mohawk Council of Akwesasne is to decide whether or not to participate in the TransCanada Energy East Pipeline Project and if so, to what extent. Should the MCA decide not to, it runs the risk that the Project may move forward anyway and the opportunity to participate and/or influence how the Project is constructed and operated lost.

Should the MCA decide to continue working with TransCanada as it develops the Energy East Pipeline Project further, it is recommended that the MCA push for the inclusion of these areas in any agreement it would seek with TransCanada:

- 1) **Stringent leak detection and monitoring.** The St. Lawrence River and its associated tributaries and watershed are an important ecological consideration that must be protected to the maximum extent possible. Having a stringent leak detection and monitoring system for these sensitive areas should be a requirement and MCA should have a role in defining what that system should be.
- 2) **Quality materials in pipeline construction.** The pipeline should be constructed from high strength steel and steps taken to prevent corrosion of the pipe from the material being transported in it. Information on how TransCanada will meet this requirement should be openly shared with MCA.
- 3) **Clearly Defined Consultation and Accommodation Process.** The Mohawk Council of Akwesasne should negotiate with TransCanada a consultation and accommodation process to be followed during the implementation of the project. The Parties should clearly define what the process is and what the expectations are for their relationship going forward.
- 4) **Support for MCA Emergency Response Services.** The Mohawk Council of Akwesasne has the capacity to serve as first responders in the event that a leak and/or spill should occur within its Traditional Territories that the pipeline would cross. TransCanada should fund additional training of members of the MCA's Hazardous Materials Response Team and specialized equipment and supplies necessary to respond quickly and efficiently should a leak and/or spill occur. The MCA should require the creation of a spill response fund (if it does not already exist) that could be quickly accessed when required.

- 5) **Harmonized Environmental Assessment.** The Mohawk Council of Akwesasne has positive experiences in conducting harmonized environmental assessments (Three Nations Bridge Project). It should insist upon a harmonized environmental assessment process for the Energy East Pipeline Project that will integrate the requirements of the Canadian Environmental Assessment Act with the requirements of the culturally based environmental assessment process used by the Mohawk Council of Akwesasne.
  
- 6) **Traditional Ecological Knowledge Call-Out.** In June 2013, TransCanada issued a letter to First Nations requesting interest in participating in its Traditional Ecological Knowledge information gathering process. The Mohawk Council of Akwesasne has the expertise in this area and should pursue this objective.
  
- 7) **Community Benefits Agreement.** The Mohawk Council of Akwesasne should negotiate a Community Benefits Agreement with TransCanada that clearly identifies how the community of Akwesasne will economically benefit from the Project. This Agreement should include opportunities for Mohawks to be employed in the construction of the Project and should include opportunities for Mohawk contractors to participate as well. It should identify training programs to bring worker skill levels up and apprenticeship programs as well.





Akwesasne Wolf Belt

Box 579, Cornwall, Ontario K6H 5T3

# MOHAWK COUNCIL OF AKWESASNE

## **TransCanada Energy East Pipeline Project Participation in Pipeline Construction Preliminary Workforce Assessment Mohawk Council of Akwesasne November 14, 2013**

### **History**

Mohawk Council of Akwesasne's (MCA) Economic Recovery Strategy was launched to restore Akwesasne back to a sustainable community. A part of this strategy is to create job opportunities by getting the community workforce qualified for upcoming projects both in and outside of the territory. Steps have been made to prepare this workforce for participation in one project in particular, TransCanada's proposed Energy East Pipeline project.

### **Approach**

MCA's Economic Development Program hosted two contractor meetings (with more to follow) in October, 2013 to try to gauge what kind of skillset there is in the community. MCA teamed up with the Akwesasne Area Management Board (AAMB), and the Akwesasne Employment Resource Center (AERC) on this initiative. The mission of the AAMB is to increase participation in the work field by helping to improve employability skills of all clients. AERC is a 'one-stop shop' for job seekers, to service individuals with finding employment. The goal of this initiative is to assess the level of skills, training, and qualification of our workforce, then to get them up to speed with all the requirements that they need to participate on the project.

MCA's Economic Development Program previously commissioned the "3 Nations Bridge Community Workforce Report" by Iroquois Consulting Group (ICG). This report was prepared to identify the workforce in the community for the 3 Nations High Level Bridge demolition project, which is essentially the same workforce that would be engaged on the Energy East Pipeline. This report was helpful in identifying community companies, the fields they specialize in and their experience thus far.

### **Scope of Work**

The scope of work has yet to be determined by TransCanada on the pipeline project. TransCanada brought in Supply Chain, who will assist them in introducing the contracting and procurement opportunities to all First Nations that are directly affected by the pipeline. Supply Chain will work closely with each community to explain the list of jobs, contracts and opportunities that are available to them. They will also help communities understand their

Mohawk Gov't Office 613 575-2348



Admin. Office 613 575-2250

capacity and work to develop a training program. The pipeline will have to be converted from natural gas service to oil service from Alberta to Cardinal, Ontario. The work that will be done in Cardinal is one of the few areas where conversion and new-build will take place.

### **Workforce**

According to 3 Nations Bridge Community Workforce report, there are 36 Mohawk companies that are capable of working on many different facets of the construction of the Pipeline. This list includes excavation, fabrication, labor work, concrete/masonry, fuel distribution, heavy equipment repair, trucking, waste management, and security. We fully intend on utilizing as many of these companies as possible on the project. A list of qualifications for these companies will be obtained when it becomes available from TransCanada.

### **Opportunities**

There is a proposal to build a pipe fabrication shop in the community, for which a feasibility study and business plan is being done. The shop would be operated by community member Dave Nelson White, who has working experience on the pipeline. He believes this is a very beneficial opportunity for the community. The shop would create 40+ various jobs that would cater to not only the Energy East Pipeline, but the Ring Of Fire in Northern Ontario and other related jobs all across Canada and the US. The project is slated to begin in the spring of 2016, which provides a nice window to get this fabrication shop up and running.

### **Assistance**

The Economic Development Program will direct companies in the community to AAMB, who will set up and fund any training they require. The Economic Development program is available to help community members start or expand a business associated with this project. One of the primary tools used is the Akwesasne Economic Development Fund (AEDF), which is available to assist business owners by providing funds on an equity basis where the business owner(s) are required to match up to \$75,000.

### **In Conclusion**

The Economic Development Program within the Department of Tehotiennawakon has concluded that there is a strong workforce in the community that is capable of participating in the Energy East Pipeline project. Great measures will be taken by MCA to ensure the Mohawk workforce will be prepared for this venture, including working with TransCanada to identify their needs and desires for a qualified Aboriginal Workforce.

# MOHAWK COUNCIL OF AKWESASNE

## MEMORANDUM

**TO:** James W. Ransom, Director  
Department of Tehotiiennawa:kon

**FROM:** Regina Jacobs, Emergency Measures Officer  
Department of Tehotiiennawa:kon

**DATE:** 17<sup>th</sup>, Seskehko:wa / September 2013

**RE:** TransCanada Energy East Pipeline Project Workplan (9/9/13)

As per the above-mentioned Workplan dated 9<sup>th</sup>, Seskehko:wa / September 2013, I am hereby providing you with information and recommendations as it directly relates to item VII. Participation of Pipeline Operations, which states:

**"Develop short report / presentation summarizing capabilities and experience in emergency response. State that information with TransCanada to determine if it can assist TransCanada in developing its emergency response plans."**

As we all know, Emergency Operations Plans (EOP'S) are created to ensure that businesses, both public and private, meet all legal requirements in developing, maintaining, exercising and reporting emergency preparedness and response. It is the responsibility of the business to prevent and mitigate to reduce risk, prepare to ensure operational readiness with a coordinated approach, respond in accordance with strategic priorities, and to recover / restore with continuity of operations as its number one (1) priority.

Consider the magnitude of an emergency, whether small or large (manmade or natural event), during the initial stages the emergency increases with time, but with proper planning we can shorten this period. During response, some crucial actions (due to pre-planning and exercising) can be taken, and thus reduce the overall impact of the emergency. Therefore, working together and being included as a stakeholder of TransCanada as it relates to their Emergency Response Plan (ERP), I can foresee a great working relationship. However, specific items must be considered, such as:

1. Inviting TransCanada to be an active member of the Akwesasne & Local Emergency Planning Committee (ALEPC).
2. Requesting and including TransCanada's Emergency Response Plan (ERP) as an appendix to Akwesasne's Joint Emergency Operation Plan (AJEOP) as part of the 'administration' of the Plan. 'Administration' refers to those elements of emergency planning that contributes to establishing a level of preparedness, maintaining and improving upon the response capability.



3. Providing the Mohawk Council of Akwesasne's (MCA) Emergency Measures Program and the Akwesasne Mohawk Police Services (AMPS) with annual updates and controlled copies of TransCanada's ERP (including, but not limited to maps, organization charts, appendices, etc.).
4. Providing copies of ERP audits as a means to take a formal approach to determine adequacy and completeness of the plan, conducted by either the internal or external review committee or both (including government agencies with a public safety role).
5. Request the establishment of TransCanada's roles and responsibilities to Emergency Response within the Territory of Akwesasne and coordinate with local emergency responders, etc.
6. Providing an understanding of the Territory of Akwesasne's unique authority, jurisdiction and land boundaries.
7. Requesting TransCanada to play an active role in Akwesasne's Hazardous Materials initiatives by testing, training and exercising as well as financial supports (i.e. personnel, materials, equipment, etc.).
8. Working directly with the MCA's Emergency Measures and Environment Programs on regular internal and external inspection tools (i.e. pigs) and requirements when site visits and / or testing are required within the Territory of Akwesasne.
9. Allowing MCA to play an active role in TransCanada's Safety Program, by first providing and introducing a Mohawk Cultural Awareness Course to its employees.
10. Respecting and protecting Akwesasne's protected lands and waterways.
11. Providing annual training to MCA's Emergency Measures and Environment Programs as legislation, policy, regulations, standards, codes of practice, and procedures change or evolve.
12. Be an active participant in providing public awareness and public health and safety. (i.e. Annual Emergency Preparedness Week, School Safety Week, Senior's Day, etc.).
13. Creation of a Mutual Assistance Agreement reflective of TransCanada's ERP and MCA's provisions for capabilities for assistance for hazmat initiatives, emergency response, testing, training, etc.
14. Creation of an effective Communication System (or policy) for successful emergency response operations (including backup resources, information sources and data sharing, etc.).
15. Creation of an active Critical Incident Stress Management (CISM) team as a support resource of emergency response.
16. Providing support to Akwesasne Community Emergency response team (CERT) initiatives as an additional resource to emergency response.

This would conclude my addition to your established workplan for TransCanada Energy East Pipeline Project. However, should you request additional information as to supplementary recommendations, I will provide them as a revision or addition to this report.

Should you have any questions and / or concerns please do not hesitate to contact me at Emergency Measures Program at (613) 575-2250, Ext. #1030. Your time and cooperation are greatly appreciated. I look forward to meeting with you and TransCanada in the very near future.

CC: Mr. Troy Thompson, DOT Special Projects Officer

## **Ontario Energy Board's Energy East Consultation**

**April 2014**

Submissions can be emailed to [energyeast@ontarioenergyboard.ca](mailto:energyeast@ontarioenergyboard.ca)

To OEB Energy East Consultation Team:

Hello, Bonjour, Tánishi (Michif).

Thank you for extending the deadline for Part One written submissions to Thursday, May 15th.

In my opinion, as an individual Métis citizen with the Métis Nation of Ontario, and as a rural resident of Renfrew County, the opinions expressed herein are my own.

Thank you, Merci beaucoup, Marsé (Michif), Kitchi migwetch, Qujannamiimmarialuk.

Sincerely and in my opinion,

John D. Hamilton

## Ontario Energy Board Energy East Consultation

### TransCanada Pipeline

#### First Nation & Métis Conversation Toolkit

March/April 2014

#### Question

**Are there adverse impacts on traditional territories, and/or treaty and Aboriginal rights?**

Yes, there are and there will always be adverse impacts on traditional territories, and/or treaty and Aboriginal rights, with or without an Energy East Pipeline project.

The challenge for Aboriginal Nations is to ensure that TransCanada Energy East Pipeline companies live up to their "**highest potential**".

Our **Métis** spirit guides us to "**aspire to attain our highest potential**." (Our founding document, The Statement of Prime Purpose).

My Métis spirit guides me to envision an Energy East Pipeline as a potential significant economic benefit with my Métis Nation of Ontario, citizens of Ontario, rural residents of Renfrew County, as well as, the TransCanada Energy East Pipeline companies.

My great-great-great-grandfather Métis Frederick Adolphus Bird was the first elected MLA for Portage la Prairie in December of 1870 (the year in which Manitoba became a province of the Dominion of Canada) and served until 1874. Frederick Adolphus Bird was the first elected MLA for Portage la Prairie of the first regular Legislative Assembly of the Province of Manitoba.

I feel, know and have pride that my great-great-great-grandfather, Frederick Adolphus Bird, was a great Canadian, a great Métis and reflects the mind, heart and spirit of a citizen making a lasting contribution to our Canadian and Métis heritage.

If my great-great-great-grandfather Métis Frederick Adolphus Bird was alive today, I feel he would see this Energy East Pipeline as a challenge for Métis, citizens of Ontario, Canada and the TransCanada Pipeline companies to work in open dialogue and respect.

Together to find consensus and in doing so, meet **our combined highest potential**.

## Question

### **What impacts and/or opportunities are created for Aboriginal communities by TransCanada's proposed Energy East Pipeline project?**

The potential is there, for a voyage of Métis, First Nations, citizens of Ontario, Energy East Pipeline healthy communities, and the Energy East Pipeline companies, in my opinion, to aspire to attain a combined "**highest potential**".

We are all connected and as we paddle forward together, our voyage to our highest potential is only as fast as the last canoe.

Let me be specific about how I envision the Energy East Pipeline companies aspiring to attain a combined "**highest potential**".

#### **Renfrew County Specifically:**

..."In fact there is a strong financial incentive to invest in pipeline safety so that their pipelines can continue to operate in a reliable manner."...

Myth vs. Fact, Pipeline safety backed by science, December 09, 2013 by Lance Kjersteen

Logically, there must also be a strong financial incentive by the TransCanada Energy East Pipeline companies to invest in **Energy East Pipeline healthy communities (physical and psychological)** so that their pipelines can continue to operate in a safe and reliable manner.

Pipeline safety depends upon healthy (**physical and psychological**) communities, a solid infrastructure, superior transportation (**highways and Renfrew County municipal & township roads**) all around the Energy East Pipeline project.

A safety issue/challenge to the Energy East Pipeline means:

- the need for well-staffed & equipped hospitals and health centres, just in case,
- maintained Renfrew County municipal and township roads,
- maintained highways,
- clear and superior communication command & control
  - with the Upper Ottawa Valley OPP
  - and Garrison Petawawa Military Police,
  - as well as, other emergency responders including Renfrew County municipal & township fire departments.

Eventually there will be a minor or major **issue/challenge** to the Energy East Pipeline, and then both the Energy East Pipeline companies and the surrounding Energy East Pipeline healthy communities will have developed, implemented, staged simulation exercises and evaluated such, in collaboration with each other.

TransCanada in collaboration with Renfrew County municipalities & townships, Garrison Petawawa, Upper Ottawa Valley OPP, First Nation communities, Métis Nation communities, and all first responders, will need an **official mandatory emergency plan** that is flexible and changes as new technology and updated standards are implemented.

This official and ever changing mandatory emergency plan shall be developed, implemented, staged simulation exercises and evaluated by a **task force** comprised of TransCanada, Renfrew County municipalities & townships, Garrison Petawawa, Upper Ottawa Valley OPP, First Nation communities, Métis Nation communities, and all first responders.

None of this work can be done in isolation and in this digital age this **mandatory emergency plan** shall be online for the public to view, see the progress, provide input and constructive suggestions, ask questions and feel confident and know their communities are **safe in the hands of their neighbor**.

In my opinion, there shall also be a TransCanada Energy East Pipeline web page with **digital video stations** in real time, showing the actual Energy East Pipeline at different locations, from start, along the trek of pipeline, to the finish of the pipeline.

I am also encouraged in reading that TransCanada's proposed Energy East Pipeline project web page Benefits for Aboriginal Communities specifically states that "Community investment programs that identify local needs and are focused on three key pillars: **Community, Safety and Environment**."

Energy East Pipeline **healthy communities (physical and psychological)** are based upon the three key pillars of:

- Community,
- Safety
- and Environment.

How can TransCanada Energy East Pipeline companies ensure and maintain Energy East Pipeline **healthy communities** based upon the three key pillars of Community, Safety and Environment?



In my opinion and what I see as important for **our** Energy East Pipeline **healthy** communities:

- **invest** in our Energy East Pipeline family of healthy communities:

**1.**

The Deep River and District Hospital, Pembroke Regional Hospital, Renfrew Victoria Hospital, St. Francis Memorial Hospital, and the Arnprior & District Memorial Hospital **foundations** to receive substantial financial backing (appropriate funding spread across the various projects and/or matching funding) initiated through the Energy East Pipeline companies and/or Energy East Pipeline project profits/benefits to fund incentives to improve the physical and/or psychological health of all residents.

Deep River and District Hospital Foundation  
Foundation Director,  
Kirstie Smith  
kirstie.smith@drdh.org or 613-584-1266 ext. 203  
Deep River and District Hospital  
117 Banting Drive,  
Deep River, Ontario K0J 1P0  
Phone: 613-584-3333  
Fax: 613-584-4920  
Toll Free: 1-866-571-8168

Pembroke Regional Hospital Foundation  
705 Mackay Street  
Pembroke, Ontario K8A 1G8  
Phone:  
613-732-2811 ext. 7408  
Email: foundation@pemreghos.org  
Fax: 613-732-6360  
Pembroke Regional Hospital  
705 Mackay Street  
Pembroke, Ontario K8A 1G8  
Telephone: 613-732-2811  
Fax 613-732-9986  
General Inquiries  
Email: pr@pemreghos.org

Renfrew Victoria Hospital Foundation  
499 Raglan Street North  
Renfrew, Ontario K7V 1P6  
Tel: 613-432-4851, ext. 263  
Fax: 613-432-8649  
info@rvhfoundation.com  
Renfrew Victoria Hospital

499 Raglan Street, North  
Renfrew, ON Canada K7V 1P6  
Main Switchboard Number: 613-432-4851  
Main Fax Number: 613-432-8649

St. Francis Memorial Hospital Foundation  
Toni Lavigne-Conway, Executive Director  
Box 129, 7 St Francis Memorial Dr  
Barry's Bay, ON KOJ 1B0  
Tel: (613) 756-3044, Ext. 333  
Email: foundation@sfmhosp.com  
St. Francis Memorial Hospital  
7 St. Francis Memorial Drive,  
Barry's Bay, Ontario K0J 1B0  
Tel: 613-756-3044

The Arnprior & District Memorial Hospital  
Wendy Knechtel, Manager of Fund Development  
Partners in Caring  
350 John Street,  
North Arnprior, ON Canada K7S 2P6  
Tel: 613-623-3166, ext. 293  
wknechtel@arnpriorhealth.  
Karen Smith, Foundation Assistant  
Tel: 613-623-3166, ext. 362  
Email: ksmith@arnpriorhealth.ca

## 2.

The **Robbie Dean Family Counselling Centre** to receive substantial financial backing (appropriate funding spread across the various projects and/or matching funding) initiated through the Energy East Pipeline companies and/or Energy East Pipeline project profits/benefits to fund incentives to improve the physical and/or psychological health of all residents.

Robbie Dean Family Counselling Centre  
Ottawa Valley Health and Wellness Centre  
715 Mackay St  
Pembroke, ON K8A 0C6  
Phone: 613-635-4715 ext. 4  
Email: monique.yashinskie@wchealthycc.ca

**3.**

The **Ontario SPCA (OSPCA) Renfrew County Branch, affiliates and Arnprior & District Humane Society** to receive substantial financial backing (appropriate funding spread across the various projects and/or matching funding) initiated through the Energy East Pipeline companies and/or Energy East Pipeline project profits/benefits to fund incentives to improve the physical and/or psychological health of all resident companions either as foster friends, forever adoptions, therapy dogs/animals, and service pets.

Renfrew County (Branch)  
387 Paquette Road, P.O. Box 322  
Petawawa, ON K8H 3J1  
Phone: 613-588-4508  
Fax: 613-588-4882  
Email: [renfrewcounty@ospca.on.ca](mailto:renfrewcounty@ospca.on.ca)  
Website: [www.renfrewcounty.ontariospca.ca](http://www.renfrewcounty.ontariospca.ca)

Arnprior & District Humane Society (Affiliate)  
490 Didak Drive  
Arnprior, ON K7S 0C3  
Phone: 613-623-0916  
Email: [district.spca@bellnet.ca](mailto:district.spca@bellnet.ca)  
Website: [www.arnpriorhumanesociety.ca](http://www.arnpriorhumanesociety.ca)

**4.**

**Algonquin College** in the **Ottawa Valley** to receive substantial financial funding (appropriate funding spread across the various projects and/or matching funding) initiated through the Energy East Pipeline companies and/or Energy East Pipeline project profits/benefits to fund incentives with existing or new training programs for direct or indirect employment and career opportunities with Energy East Pipeline companies in addition to the Energy East Pipeline project.

Jamie Bramburger, Manager of Community & Student Affairs  
Algonquin College in the Ottawa Valley  
1 College Way, Pembroke, ON K8A 0C8 Canada  
Phone: 613-735-4700  
Fax: 613-735-8805

**Métis Specifically:**

**5.**

The **Métis Nation of Ontario Education and Training Branch** (MNOET), the MNOET **Manager of Projects & Partnerships, in collaboration with the Coordinator, Special Projects, Eastern Ontario, Renfrew County** to receive substantial financial backing through the Energy East Pipeline companies and/or Energy East Pipeline project profits/benefits to:

- Ensure Métis equity & inclusion in all initiatives with the Energy East Pipeline companies, the Energy East Pipeline project and businesses, companies, county, municipal, township, provincial and federal governments seeking opportunities with the Energy East Pipeline companies, the Energy East Pipeline project in Renfrew County and Eastern Ontario.
- Be inclusive of Métis citizens for specific programs, projects, scholarships, co-op placements, apprenticeships, direct or indirect employment and career opportunities with Energy East Pipeline companies in addition to the Energy East Pipeline project, independent of, as well as in collaboration, with Algonquin College in the Ottawa Valley.

Métis Nation of Ontario Education & Training Branch

**Métis Nation of Ontario – Head Office**

500 Old St. Patrick St, Unit D

Ottawa, ON Canada K1N 9G4

Tel: 613-798-1488

Toll Free: 800 263-4889

Fax: 613 722-4225

Email: [training@metisnation.org](mailto:training@metisnation.org)

## Question

**What are the impacts that you think the Ontario Energy Board should focus on most closely in its report to Ontario's Minister of Energy?**

I also request the **Ontario Ministry of Energy**, using specific examples, **to figure out ways** that the benefits of TransCanada's proposed Energy East Pipeline **project** will **promote the well-being** of all the citizens of Ontario but **specifically in Renfrew County**.

In my opinion, I want changes or improvements in these areas. As our Ontario Ministry of Energy, tell me how you could do it?

In its report to Ontario's Minister of Energy, the Ontario Energy Board should **focus on** and **request** the Ontario's Minister of Energy shall **give examples** where possible in answering:

### **Generally:**

#### **1.**

How will the Ontario Ministry of Energy oversee "**climate change**" impact on our Energy East pipeline?

#### **2.**

How will the Ontario Ministry of Energy **review** and **monitor** our Energy East Pipeline adaptations to meet the ebb and flow of climate change?

#### **3.**

**How** or what **steps** the Ontario Ministry of Energy will take to **support** and **recommend** that the benefits of the Energy East Pipeline project:

- shall reduce our energy bills, hydro rates?
- shall reduce and/or eliminate the provincial sales tax, health tax, eco tax, HST?
- shall improve dental care for low and middle income citizens?
- shall be beneficial with low and middle income **seniors**?
- shall assist the homeless?
- shall contribute to a guaranteed minimum income for low and middle income citizens?
- shall help consumers, lower and middle income citizens and most of all our seniors?

### **Renfrew County Specifically:**

**4.**

**How** or what **steps** the Ontario Ministry of Energy will take to **support** and **recommend** that the benefits of the Energy East Pipeline project:

- shall contribute to the St. Joseph's and Salvation Army Food Bank?
- shall assist our county Family Health Centres?
- shall assist our Renfrew County District School Boards?
- shall reduce child poverty in Renfrew County?
- shall maintain highways, Renfrew County municipal & township roads and infrastructure?
- shall improve the quality of our life in Renfrew County including our air, water ways and ecosystems?
- shall strongly assist in making the Ottawa River officially a Heritage Waterway? (even if in isolation and/or with other groups, agencies, associations, Aboriginal Nations, provinces and/or by encouraging the federal government)
- shall improve the health care with Renfrew County residents?
- shall improve the labour force and business development in Renfrew County?

### **Métis Specifically:**

**5.**

**How** or what **steps** the Ontario Ministry of Energy will take to provide the **support** needed for the Métis Nation of Ontario to **effectively engage** the Energy East Pipeline project and companies?

## Focus Questions

**What are the impacts (positive and negative) that you see in connection with TransCanada's proposed Energy East Pipeline:**

**In your community?  
Province-wide?**

### **Potential impacts:**

#### **1.**

Are there any **projects** that could be implemented based upon the **byproducts** of TransCanada's Energy East Pipeline?

By byproducts I mean:

- the chemical and/or physical properties given off by running the material through the pipeline and/or putting the material in and taking it out?
- the materials used or discarded/recycled
  - paper, stationery, office supplies/furniture,
  - tires, oil, machine parts, vehicles, tools, wires, fuel (diesel, gas, propane, batteries-electric)?

#### **2.**

Have TransCanada's Energy East Pipeline employee's **research teams** developed **technology** and/or **knowledge** that could **support/partner** with:

- our local research/business community within Renfrew County municipalities & townships,
- Garrison Petawawa ,
- Upper Ottawa Valley OPP,
- AECL,
- First Nation communities,
- and Métis Nation communities?

#### **3.**

Will TransCanada incorporate **Green Energy Power**:

- into their environmental management with our Energy East Pipeline?
- how will this assist/support/improve the quality of life with our Energy East Pipeline healthy communities?

**4.**

Could the long and distant route of the Energy East Pipeline incorporate:

- Green Energy programs/projects
  - solar power,
  - wind turbine,
  - energy stations collecting power
  - other?



My wish is that after the completion of our TransCanada Energy East Pipeline project,

and

as the years pass,

the Energy East Pipeline **healthy** communities

focusing on the three key pillars of

Community,

Safety

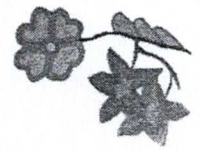
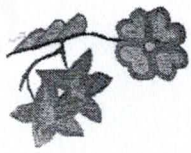
and

Environment

become the envy and goal

of all other communities in Ontario, Canada and even the world.





*Waabigoniw Saaga'iganiw Anishinaabeg*  
Wabigoon Lake Ojibway Nation  
RR#1, Site 115, Box 300 • Dryden, ON • P8N 2Y4  
Tel: (807) 938-6684 • Fax: (807) 938-1166

March 24, 2014

Hon Bob Chiarelli  
Ministry of Energy  
4<sup>th</sup> Floor, Hearst Block  
900 Bay Street  
Toronto, Ontario  
M7A 2E1

Dear Minister

A year has almost past since our Nation along with other Nations of Treaty #3 first heard of the proposed Energy East Pipeline through the territory of the Anishinaabe.

I write this letter to confirm that the peoples of Waabigoniw Saaga'iganiw Anishinaabeg stand in solidarity with Grand Council Treaty #3 and our resource law Manito Aki Inakonigaawin. Our Resource Law represents our determination to stand up and protect our inherent rights as Indigenous Nations and Peoples as understood with the Canadian jurisprudence as Treaty rights; these rights are the rights of our children and our future generations.

Our ancestors entered into a treaty relationship with the British Crown in 1873 to live peacefully and in friendship within our 55,000 square miles. The Treaty relationship recognizes our rights in our territories. While the state of Canada and the provinces do not recognize our rights and responsibilities, we have to move to protect our lands, waters and resources for future generations. Within the established international jurisprudence it is only by entering into such a treaty relationship that Canada may establish a claim to lands held by the Indigenous Nations and Peoples of Canada. Our homelands were agreed to be shared with the British Crown by the promises of the treaty relationship, whereby a government to government relationship was to be maintained without interference.

The Royal Proclamation of 1763 established important precedents, and are part of the unwritten constitution of Canada, that Indigenous populations had certain rights pertaining to our

homelands that my people have asserted sovereignty over for time immemorial. We have never surrendered our homeland nor have we ever relinquished our jurisdiction over our homelands.

Treaties were entered into to ensure that our inherent rights as Indigenous Nations and Peoples, will not only continue to exist, but also cannot be abrogated or derogated by laws other than those contemplated and established by the treaty relationship. Canada's unilateral attempts to make laws affecting the treaty relationship will be viewed as a violation of the treaty as understood by our people, and as understood within international jurisprudence, and will only impact the rest of Canada. By the treaty, the Crown is honour bound to protect those aspects of our traditional way of life; hunting, fishing and trapping; the right to food, the right to water and a healthy flourishing environment, all of which contribute to the traditional way of life for the Anishinaabe. Nothing and no one can change this without our free, prior and informed consent.

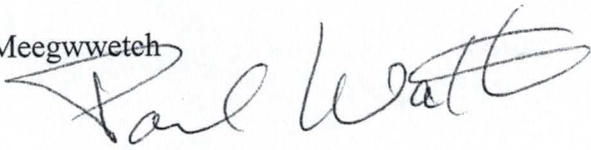
The 1969 White Paper was developed by the federal government to eracinate Indigenous Nations and Peoples. In forty-three (43) years, the Federal Government's agenda has never changed.

However, Canada's approach in dealing with the Indigenous Nations and Peoples must change if Canada's assertions of justice, respect and accountability towards Indigenous Nations and Peoples is to be realized. Such change must be based upon a relationship of uninterrupted Indigenous governance for areas within our homelands, social well-being for our Peoples, enhancing our sustainable economic interests and fair external relations. The treaty established such a relationship between our Indigenous Nations and Peoples and the Crown based on respect, friendship and mutuality; this is what we expect from our Treaty Partner.

This letter is to formally submit Waabigoniiw Saaga'iganiiw Anishinaaabeg's objection to the Ontario Energy Boards intention to act as intervenor on behalf of Treaty # 3 Nations. Waabigoniiw Saaga'iganiiw Anishinaaabeg further submits that we do not support the undertaking of the Energy East Pipeline through the territory of Treaty #3 without a process that conforms with our Resource Law. This project will affect to the detriment the treaty relationship without any meaningful consultation and agreement between our Nation and any other affected Indigenous Nations and Peoples. We view this approach as a failure of the Crown.

Waabigoniiw Saaga'iganiiw Anishinaaabeg wants to ensure that we maintain our role to protect our Nation's inherent rights as Indigenous Nations and Peoples, and those aspects of such rights recognized within the Canadian jurisprudence as Treaty Rights. Further, we also must ensure we protect the lands and waters in our homelands so that there is a continuance to such lands and waters that will maintain and support as traditional harvesting areas that contribute to our traditional economy.

Meegwweteh

A handwritten signature in black ink that reads "Paul Watts". The signature is written in a cursive style with a large, sweeping initial "P" and "W".

Chief Paul Watts

Grand Chief Warren White

National Energy Board

John Beaucage



*Waabigoniiw Saaga'iganiiw Anishinaabeg*  
Wabigoon Lake Ojibway Nation  
RR#1, Site 115, Box 300 • Dryden, ON • P8N 2Y4  
Tel: (807) 938-6684 • Fax: (807) 938-1166

May 15, 2014

John Beaucage  
Counsel

Re: Energy East Pipeline Project

Dear Beaucage

We are in receipt of your letter dated May 2, 2014 in relation to the above noted project would like to formally submit our comments to you.

We must first address a number of preliminary points in your representation of March 25 first so that there can be no future dispute on the provision of material provided by our Nation.

We find your report erroneous, completely side stepping the issues that we raised and heard. We must ask is your summary a deliberate attempt to dilute not only our Nations interests but those who attended the meeting from other Nations. Such a scheme is tantamount to denial of our culture and is highly unethical. By our laws we find that you have misrepresented our interest's rights and title raised at this table on March 25, 2014.

Our Nation came to express our interests but yet you chose to disregard these points. Is this another attempt by the Non-native to assimilate our culture or chase us back to the reserve? You expressed to us on March 25, 2014 you would attempt to represent our interests in a fair and ethical manner. You have failed our trust and you have employed your own directed system to betray the Nation and First Nations peoples.

Our Nation has set out over the last number of years a reasonable approach to deal with resource development in our territory but in so doing, we have asked for an accountable, respectful, accountable and reconcilable relationship. Your summary of our statements is completely whitewashed and omitted. This is in our own governing laws is completely unethical and betrays the very presence by which we came to your table.

Again we must say that the invitation to participate in non-native environment must be controlled by an accountable agreement whereby we can mutuality develop a process that is fair and unbiased. Your report as stated is erroneous and completely biased.

**First, this is not the starting point in our Nations active engagement in providing, TransCanada, Ontario-Ontario Energy Board, Canada-National Energy Board with relevant details about our interests, rights and title. We have clearly stated our interests, rights and title will be impacts by the proposed pipeline conversion through our territory of Treaty #3.** Our Nation has directed letters to your office dating back to May, June, and August 2013. To date there has not been a mutual process to reconcile our expressed positions. In addition we have directed information to Ontario for decades on the Position of our Nation with respect to development on our territories. Yet in your presentation to us on March 25, 2014 there is no evidence of our existence or this data given to Ontario. Your attempt to represent Our Nation as a presence that simply fell onto Turtle Island on March 25, 2014 is beyond imagination. How can Ontario views the Anishinaabe peoples in this manner. Our Nation shared the unfortunate fate as many First Nations in Canada, we faced colonial attacks for over a century and more insidious policies to wipe away our existence. To these attacks on our culture and way of life, we have resisted and see our way of life and to share in our Turtle Island as fundamental to our continued existence.

By your summary that we just fell onto to Turtle Island with no history, no interests, no title, is wrong by all levels of scrutiny and we challenge such a process.

**Our Nation has sent to Ontario and Canada for years letters to establish our position and set out requirements that would enable a government to government relationship with Canada to formalize a long term agreement for dealing with proposed activities in our territory.** Our Nation mobilized efforts so that our position based on respect, mutuality, recognition, reconciliation, accountability and sustainability were put forth in a manner acceptable to our resource law Manito Aki Inakonigaawin. Our Nation wishes to confirm our determination to stand up and protect our inherent rights as Indigenous Nations and Peoples as understood with the Canadian jurisprudence as Treaty rights; these rights are the rights of our children and our future generations.

In your summary these points are omitted, our Nation must express not only sadness but anger how Ontario wishes to deal with First Nations peoples. We should point out that TransCanada appears to have disregarded any past attempt to discuss and begin negotiations and that information presented to your organization has been deemed of no consequence. We attempted to set out our requirements that would represent our participation in this process on a go forward basis.

If your report is to be accurate and if Ontario wants us to stay on reserve please say so.

Our Nation as we stated on March 25, **objects to the fact Ontario is not respecting our rights established by and under Treaty; we view this lack of respect as a means to diminish our rights to on our lands; your report is shallow in regard to the understandings contemplated by Treaty#3.** We see now by your report that our request for a mechanism that was accountable, mutual and reconcilable has been omitted. We see our rights will moving backward through the implementation by the your manner of report. Your assumption to set out your own predetermined means to consult on our lands is seriously flawed and expresses to us as Indigenous Peoples that you wish to promote your own system which does not include

our Nation as treaty partners. You are attempting to erase the Treaty we will not accept this action.

Treaties were entered into to ensure that our inherent rights as Indigenous Nations and Peoples, will not only continue to exist, but also cannot be abrogated or derogated by laws other than those contemplated and established by the treaty relationship. Canada's unilateral attempts to make laws affecting the treaty relationship will be viewed as a violation of the treaty as understood by our people, and as understood within international jurisprudence, and will only impact the rest of the Canada. By the treaty, the Crown is honour bound to protect those aspects of our traditional way of life, especially hunting, fishing and trapping, all of which contribute to the traditional economy practiced by my people. Nothing and no one can change this without our free, prior and informed consent. We see no honour in the manner how you have reported and your direction to the Ontario Energy Board is heavily favoured for development again without the consent of our Nation

**There must be acknowledgement that our First Nation's participation and contributions to the use of lands in our territory be treated respectfully on a mutual basis with a process that will ensure a partnership in the determination of mutual objectives.** Your report is completely devoid of this expectation. We expressed this to you on March 25, 2014. Again it was not captured, this is not the first time this has happened, is Ontario simply willing to disregard any comment of consequence by an Anishinaabe to achieve your own goals. To us such an approach reeks with systemic racism. You have chosen to disregard our required position to maintain Treaty Compliance and selected a demeaning process, one of engagement. Our Nation established Treaty to ensure consent is achieved in use of Treaty Lands. This is not reflected in your report; again your attempts to diminish our treaty cannot be condoned. By Treaty our Nation has the right to say no.

**The capacity of our Nation to participate in a manner that is fair, equitable and consistent to the term of intrusion upon Treaty Lands in our Territory must be in place.** The entire process employed by Ontario is flawed and places barriers against First Nation peoples and our Nation. An invitation to participate must recognize history, be accountable, must develop a means to reconcile participation and provide fair and equal access. The manner of the meeting on March 25, 2014 was again devoid of these expectations. The offer by Ontario to make comments and that you as one treaty partner will assess unilaterally the nature of comments fails our understanding of Treaty #3 on all counts. Such a process is highly systemic of racism towards Anishinaabe peoples, we expect change. Our Nation has established protocols to deal with resource use in our Territory, these have been sadly cast a side by Ontario, Canada and now TransCanada. Offers of participation in process are only viable if there are mutual planning processes agreed to be in place that will guide the relationship now and over time. Otherwise the process to **conclude consent** is an empty promise devoid of any real meaning or requirement.



Our Nation must be an equal partner in determining what process is sufficient for our response in assessing impact and infringement to our Inherent, Aboriginal and Treaty Rights.

**Ontario must accept the past process where historical development of First Nation values and use upon the land has been a process employed by Ontario and Canada to diminish our presence and focus upon arrowheads, one which cannot be condoned.** There must be an understanding to rely on our Nation who represents our interests, rights and title upon the land. Ontario has only represented our place as on reserve, such a process must be condemned. In your report you have failed to represent this fact. Our interests, rights and title move far beyond arrowheads on a map. Our Culture and place on Turtle Island is diminished by your report. We will not be chased to the reserve. Such change must be based upon a relationship of uninterrupted Indigenous governance for areas within our homelands, social well-being or our Peoples, enhancing our sustainable economic interests and fair external relations. Further, we also must ensure we protect the lands and waters in our homelands so that there is a continuance to such lands and waters that will maintain and support as traditional harvesting areas that contribute to our traditional economy.

**There must be an acknowledgement that our Nations spiritual values must be incorporated in manner that will allow our culture to flourish.** Again in your report you have failed to capture this point. Again is this a deliberate omission to belittle our presence and place on the land. Our Nation's spiritual belief is that earth is not for man's exploitation, it is a living breathing entity that we as caregivers must fulfil our responsibilities. In your report you have failed to capture our historical information provided to Ontario. Ontario cannot rely upon non-native interpretation of what is felt how historical practices are, we view this process as a means to diminish our culture and way of life. We have not seen any acknowledgement to our view of the world and must insist upon this given the serious consequence of the proposed activity.

The close proximity of this project and the potential catastrophic consequences to our Nation is of immediate concern. The majority of my members still exercise rights, title and interests directed by our laws and those set out by treaty. These rights and our ability to sustain our culture will be impacted directly by the proposed project. Again this is not reflected in your report.

**Waabigoniw Saaga'iganiw Anishinaabeg further submits that we do not support the undertaking of the Energy East Pipeline through the territory of Treaty #3 without a process that conforms with our Resource Law and our own Nation protocols.** This project will affect to the detriment the treaty relationship without any meaningful consultation and agreement between our Nation and any other affected Indigenous Nations and Peoples. We view this approach as a failure of the Crown

Your report clearly identifies to our Nation that you are not prepared to develop a new relationship with our Nation. You have not come to listen to our interests, rights and title but simply attended a meeting to whitewash our concerns and follow your own guided process.

**Waabigoniw Saaga'iganiw Anishinaabeg hereby declares and affirms our inherent rights of sovereignty and governance within and throughout our territory. We wish to ensure that Ontario meet the expectations of our Nation in an accountable, respectful, mutual relationship where reconciliation is achieved.**

Meegwetch

A handwritten signature in black ink, appearing to read "Paul Watts". The signature is written in a cursive style with a large, sweeping initial "P".

Chief Paul Watts

Warren White  
Ontario Energy Board  
National Energy Board

# Temagami First Nation (TFN)/Teme-Augama Anishnabai (TAA) Discussion Paper Submission to the OEB

## Re: Trans Canada Energy East Pipeline Project

May 5, 2014

### Treaty and Aboriginal Rights

- TFN/TAA have a sacred and inalienable relationship with n'Daki Menan. TFN/TAA have a shared interest to protect the integrity of n'Daki Menan and ensure sustainable development and sustained life within n'Daki Menan. Attached is a map of n'Daki Menan.
- N'Daki Menan ("Our Land") is the traditional lands and waterways occupied and used for thousands of years, and currently used by the Temagami First Nation/Teme-Augama Anishnabai ("TFN/TAA").
- The Supreme Court of Canada recognized that n'Daki Menan was and is the traditional territory of TFN/TAA, and that the Crown has failed to comply with its fiduciary obligations to TFN/TAA (*Ontario v. Bear Island Foundation* [1991] 2 SCR 570). TFN/TAA has a strong case of inherent Aboriginal title and rights over n'Daki Menan, of which the Crown has knowledge. These matters currently are the subject of negotiations between the Crown and TFN/TAA.

Today, the Crown's failure to comply with its fiduciary duties and obligations remain outstanding, so does our land claim remain outstanding.

- In an Indenture of Accord dated September 7, 1978 the surrounding First Nations recognized n'Daki Menan to be the ancestral lands of the TAA.
- The *United Nations Declaration on the Rights of Indigenous Peoples* provides that indigenous peoples have the right to own, use, develop and control lands that they possess by reason of traditional ownership, or other traditional occupation or use, and the right to maintain and strengthen their distinctive spiritual relationship with, and to uphold their responsibilities to future generations in regard to, these lands (Articles 25 and 26). Free, prior, informed consent, when the 1<sup>st</sup> pipeline went in ground in the 1950s we were not consulted and accommodated, how will this be addressed?
- **TFN/TAA have constitutionally protected Aboriginal and Treaty rights and the Crown and any third party (Proponent) must engage TFN/TAA when proposing any activity on n'Daki Menan to determine any adverse impact upon any of TFN/TAA's Aboriginal or Treaty rights, and to accommodate those rights through mutually acceptable negotiations.**
- Treaty Rights – The Crown argued in Court that the Robinson Huron Treaty of 1850 applies to the Teme-Augama Anishnabai, as a result the Crown must at least apply and respect the Treaty, as it relates to Consultation;

- Treaties are based on a Nation to Nation dialogue;

### **TCPL Impacts to TFN/TAA Land Claim Negotiations**

- In choosing our settlement lands, the lands along the pipeline were not available to us, how will we be compensated? We were not consulted when the original pipeline was put in.
- We have family lands yet to choose in our settlement with Ontario, again, these “Crown” lands held by TCPL are removed from our family lands selection process.
- How does TFN’s unsettled land claim fit into the consultation?
- The conversion of the pipeline to oil nears our proposed settlement lands with the Ontario Government, any spills along the area if it gets into the Sturgeon Watershed has the ability to negatively affect our lands, if this happens how would we be compensated.

### **Definition of the Project**

- The scope of this project is too narrow as we are not being asked to weigh in on the Tar Sands and their effects on us and our climate.
- Today, it is proposed that 1.1 million barrels per day of crude oil will be carried to Eastern Canada through our Territory.
- In July 2013, it was proposed that the project would carry 500,000-850,000 barrels per day of crude oil will be carried to Eastern Canada through our Territory.
- What are the capacity limits of this pipeline?

### **We have concerns with the definition and the “project status”:**

- What is the process for TCPL to increase/expand their capacity from 1.1 million barrels per day, would they need to seek other approvals, NEB approval?
- If the Enbridge Northern Gateway is unsuccessful, do they plan to expand this line?
- Along with the conversion of the gas pipeline to oil, it has been indicated that two pumping stations will be erected in our territory? What will be the energy demands for these pumping stations? Is there energy (electric) capacity to support these pumping stations in North-eastern Ontario?
- How has the project been coined “conversion” rather than a new project when the infrastructure is so old?
- It does not make any sense to us that the NEB would approve a conversion of a pipeline from oil to gas on antiquated infrastructure that dates back to the 1960’s in some locations and was not built to transmit oil. A pipeline conversion should not be considered; this should have a “new project status” with the benefits of all of the full regulatory frameworks that would apply to a new project including designating the project for a full environmental assessment and all permitting and review requirements in a comprehensive environmental assessment.
- We are finding the deadlines very rushed for this project. We require not only time to consult with TransCanada, but time to consult with the community.

## **Impacts on n'Daki Menan Traditional Territory**

### **TEK Studies:**

- First Nations have a sacred obligation to protect the lands and waters that will provide sustained development and ensure sustained life.
- Our oral history of creation is that we were born of the land and we come from the land, we are spiritually connected to our land.
- We have not completed our TEK studies on this corridor. However, once we have completed our studies we have concerns about how information will be protected, as well as how our intellectual property will be protected. For far too long we have handed over our information on how to survive on these lands only for our ways to be co-opted by the settlers and/or co-opted as policies of the government of the day. This is not the spirit and intent of our forefathers, we were to share and benefit from our lands and resources.

### **Environment and Watershed Protection:**

n'Daki Menan and Temagami is renowned for its pristine beauty, old growth forests, intact canoe routes and portages. Our current economies are based on tourism, hunting, fishing and trapping; an oil spill in this area would have a detrimental effect to the reputation of the region of Temagami resulting in tremendous loss to our current economies.

We are at the height of land in Ontario, water flows north south east and west from our territory, any spill within n'Daki Menan would have dire consequences not only to our ecosystems, but those ecosystems that flow out of our territory;

We are very concerned about the protection of our environment and watersheds. Water is essential to life and as stated above we have an obligation to ensure sustained life. The Energy East Pipeline would potentially disrupt:

- Our traditional land and resource use activities (including but not limited to fishing, hunting, trapping, plant harvesting, and sacred sites).
- Wildlife habitat and/or increase in wildlife mortality due to increase hunting pressures, etc.
- Sedimentation of fish habitat and disturbance of fish;

We also have concerns about how climate change being considered in this proposal and how the cumulative impacts of development may be adding to the degradation of our environment. Regarding noise pollution, including compressor station decibels, what are the effects on wildlife and in built up areas where humans reside?

### **Food Security**

- What are the risks to the plants, fish and animals that we use as food sources in the event of a spill entering into our food chain system?
- What are the risks to humans ingesting plants and animals that have been affected by an oil spill?
- How would we be compensated in the event of a spill that has affected our animals that we harvest for food consumption and our waters that we drink?

### **Health and Safety and Emergency Plans:**

We are very concerned about the health and safety and emergency plans in the event of a spill during construction or while in operations that would impact:

- Our watersheds and the quality of the water that we and our animals depend on for survival;
- A spill within our territory would be a traumatic event, how would be compensated for the spiritual, physical, mental and emotional impacts that this would cause to our citizens.

### **Pipeline Integrity**

- How much time does it take to “turn off the tap”, so to speak? Where will the shut off valves located? How much oil can be discharged between each valve in the event of a spill? What about slow undetected leaks?
- How will they clean up Bitumen after the inevitable spill?
- Has TransCanada considered extreme winter weather conditions in designing the pipeline and in designing their emergency plans? We have concerns about the ability to respond to emergencies and be able to reach the breached locations, which are inevitable.
- Has TransCanada considered double walled pipes for the project?
- We would like a map of where gas and oil pipelines are running parallel to each other and the specific locations of where the two types of pipelines cross. There is concern if there is a gas explosion where they cross, what will the potential damage to the oil pipeline be and what are the risks of the two pipelines operating beside each other.
- We would like a list of chemicals, what is being proposed to be carried through this pipeline in our territory?
- We have concerns about the pipeline route when the original design was for a gas pipeline especially in the areas where there are water crossings

### **Decommissioning/Spill Securities:**

- If at some time in the future this pipeline was to be decommissioned, again what securities/money does TCPL have to have in place to ensure the line is decommissioned properly and all environmental impacts are cleaned up and rehabilitated?
- What securities/money/insurance does TCPL have in place for clean up in the event of a spill? Who takes on the liability in the event of a spill?

### **Ontario's Role**

#### **Ontario's Fiduciary Obligations to TFN/TAA:**

How will Ontario meet its fiduciary obligations to us through this process?

How does TFN's unsettled land claim fit into the consultation?

In choosing our settlement lands, the lands along the pipeline were not available to us, how will we be compensated? We were not consulted when the original pipeline was put in.

#### **Ontario's Regulatory Framework and Duty to Consult and Accommodate:**

If this project is allowed to proceed and pre-construction conditions are satisfied, the company must obtain all necessary permits, including provincial permits, authorizations and licences, has Ontario reviewed the list of permits that will be required under their jurisdiction? If so, has Ontario determined how they will consult and accommodate First Nations through its Regulatory Framework? What will be Ontario's Consultation and Accommodation Process?

Regarding the land along the pipeline, who owns it/leases it? Any tenure reform will require consultation and accommodation? Particularly in taking up of more lands for pumping stations.

### **Ontario Policy Change Requirements**

Also, what policy changes will be required for the project, e.g. currently Ontario does not allow for new developments on Lake Trout Lakes. Net Lake in our territory is a Lake Trout Lake, why would Ontario consider allowing a new oil pipeline development through a Lake Trout Lake, but not allow for new cottage lots?

### **Ontario's Role at NEB:**

While Ontario has decided to intervene at the NEB and is now collecting our interests and concerns, it is without adequate funding and it is almost pre-mature in fact, to share our concerns as we have not:

- Completed out TEK studies
- Completed peer review of the engineering, environmental, hydrogeological studies, etc.
- We need support to carry out these reviews. We would also want the OEB technical reports shared.

### **Ontario Benefits:**

- It is our understanding that Ontario will receive no royalties for the product being carried through Ontario. What will Ontario receive as revenues for the pipeline going through FN's traditional territories in Ontario? How does Ontario intend to share the revenues with FN's, whose traditional lands the pipeline crosses?
- What requirements/conditions is Ontario seeking in order to support the project? What if these requirements and conditions are not met, what recourse does Ontario have?

### **TFN/TAA Opportunities:**

- Consultation is not enough, there needs to be accommodation as well.
- Temagami First Nation will be participating in all processes at the NEB (Hearing Process and the CEAA process), as well as the OEB opportunities.
- Environmental Monitoring and safety is a major concern, however, it may be an opportunity for us to seek compliance and environmental monitoring jobs through our territory. How can this be done with First Nation workers in a unionized environment?
- If, and we'll reiterate the if, this project proceeds we will be seeking to maximize benefits to our First Nation in the following ways:
  - Resource-sharing
  - Profit-sharing
  - Service contracts (maintenance, monitoring)
  - Equity Participation
  - Training and Employment

- Opportunities for local First Nations businesses
- If Ontario Power Authority has to procure more power for the two pumping stations proposed within n'Daki Menan, we will be seeking an equity partnership for supplying power.

**Benefit Considerations of the Project:**

- What are the benefits to FNs Peoples, Ontario & Canada?
- How has it been determined that this project is needed? How have the benefits and risks been evaluated? This pipeline is crossing over our territory we are taking on all the risks with very little benefits, if any.
- Ontario will collect Land Tax from the lease of the land, municipalities will receive municipal taxes, but how do First Nations benefit when the pipeline crosses our territory; we don't get tax benefits.
- Will the project produce more domestic oil for Canada – or is it to be exported?

**Mitigation and Accommodation:**

The aforementioned concerns are a preliminary list of concerns that will need to be mitigated and/or accommodated. This submission has been prepared without any financial funding to Temagami First Nation and Teme-Augama Anishnabai.

We wish to remind the indivisible Crown, that “Where the Crown is contemplating a course of action or a decision that could have a negative effect on our aboriginal rights; you must consult with us to achieve a reasonable accommodation of our rights.” Consultation must be meaningful, and not perfunctory, or engaged after the decision is made as an afterthought. Treaty rights can give the First Nation a procedural right to consultation, as well as the substantive rights in the Treaty. In order to effect meaningful consultation, we need the funding necessary to assess and interpret the activities of this proposed project.

**Again, TFN/TAA have constitutionally protected Aboriginal and Treaty rights and the Crown and any third party (Proponent) must engage TFN/TAA when proposing any activity on n'Daki Menan to determine any adverse impact upon any of TFN/TAA's Aboriginal or Treaty rights, and to accommodate those rights through mutually acceptable negotiations.**

Finally, the United Nations Declaration of Indigenous People needs to be addressed, we have never granted Free, Prior, and Informed Consent on TCPL's past and/or proposed activities. We are still in Land Claim Negotiations, and it is our opinion TCPLs East Energy project needs our consent in order to move forward.

Prepared by:

Robin Koistinen  
Lands & Resources Manager

With support of the Lands & Resources Department Staff, Committee, and Concerns identified by the Community Residents on October 5, 2013 and March 24, 2014.





May 13, 2014

Attn: Ontario Energy Board

Re: TransCanada Energy East

Pic River First Nation has become aware of the proposed Energy East Oil Pipeline. Pic River First Nation is opposed to the Energy East Oil Pipeline as it now stands. There are many reasons for this as outlined in the attached Technical Report. The project is located within the far northern portion of our traditional territory (see maps attached). It must be noted that the area within Pic River First Nation's Traditional territory is the subject of a land claim and that the Governments of Ontario and Canada and Trans Canada Pipelines must treat the consultation process to the highest degree because of that land claim.

Also please note that the watershed within the area has been changed to flow south through Pic River's traditional territory because of the damming of the Kenogami River north of Long Lac. (see the watershed map ) (Trans Canada did not even know this. I had to point it out to them) This means that a larger portion of the Long Lake watershed west to the Gearldton area flows south through Pic River's territory. In the event of a spill this will eventually make its way downstream to Pic River's territory and Lake Superior. We believe that it is not a matter of if the pipeline will leak, but when.

Pic River First Nation is also concerned that Canada does not have a clear national energy plan. Canada needs to develop a National Energy Plan as it does not make sense for Canada to be selling Canadian oil to overseas markets then buying foreign oil for domestic use at a higher price. How does that benefit the Canadian people? Pic River First Nation, as well as all First Nations, need to be involved on the provincial and federal level to develop an energy plan that will benefit the people of Canada. We need to think about future generations not just immediate corporate and foreign interests.

Pic River First Nation understands that the National Energy Board is not the only Crown regulatory agency responsible for reviewing and potentially approving this project. We understand that without Ontario approvals for transmission lines and power generation, the oil will not move in the pipelines, even with National Energy Board approval. Ontario will be undertaking regulatory review processes leading to potential approvals for transmission lines and power generation facilities required to provide the energy that TransCanada needs to move the oil in the pipelines.

In light of Ontario's substantial role in the approval processes for this project, Pic River requires that Ontario, through the Ministry of Environment, designate this project for an Individual EA so that there is a full and coordinated approach to Ontario's suite of regulatory review processes, coordinated with federal regulatory review processes, and a common body of environmental assessment and regulatory review knowledge. Pic River needs to be involved in this process.

Regards,

Chief Duncan Michano

A handwritten signature in blue ink that reads "Duncan M." in a cursive style.

Pic River First Nation

A second handwritten signature in blue ink that reads "Michano" in a cursive style.



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# PIC RIVER FIRST NATION COMMENTS TO ONTARIO ENERGY BOARD

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## TransCanada Energy East Pipeline

*May 14<sup>th</sup>, 2014*

### Background

The Ojibways of the Pic River First Nation (OPRFN) occupy the Pic River reserve located adjacent to the mouth of the Pic River on Lake Superior, south of the Town of Marathon, and north of the Pukaskwa National Park boundary. The reserve is accessed by Highway 17.

The reserve land is 332.7 hectares (822 acres or 1.28 square miles) in size. The traditional territory encompasses a total of 2,727,178 hectares combined with Exclusive and Shared territory. Lake Superior makes up 9% of the Shared Claim and 23% of the Exclusive Claim area.

Pic River First Nation asserts and has filed a comprehensive land claim in the Ontario Superior Court for Aboriginal title over its traditional territory. There is concern about the extent and rapid pace of alienations and cumulative effects throughout the claim area that includes the proposed TransCanada Energy East Pipeline project.

If approved, the TransCanada Energy East pipeline would be a 4,600-kilometre pipeline carrying 1.1-million barrels of crude oil per day from Alberta and Saskatchewan to points in eastern Canada. The route through northern Ontario is already defined considering the pipeline will be converted to oil service from the existing gas pipeline. The right of way through northern Ontario follows very close to Highway 11. The Energy East pipeline runs through the northern part of Pic River First Nation's shared claim area (see Appendix A) and Pic River's watershed would be directly impacted by a spill (see Appendix B).

We understand that the Minister of Energy has requested that the Ontario Energy Board (OEB) consult communities along the proposed pipeline route. Chief Duncan Michano attended the Nipigon OEB session on March 28<sup>th</sup>, 2014. As stated during the session, the activities carried out by the OEB are not

consultation and do not fulfill the Crown's Duty to Consult and Accommodate. We would like to emphasize this point.

We understand that the OEB is presently in phase one of the Energy East consultation process which includes:

1. Seek the views of Ontarians on the types of impacts (both positive and negative) that are important to them.
2. Share a high-level view of the key considerations and the potential impacts of TransCanada's Energy East proposal in Ontario, drawing on existing documentation related to other pipeline projects and the professional expertise of a small team of technical advisors.

## Pic River First Nation Watershed

Pic River First Nation is downstream from the proposed Energy East pipeline. A potential oil spill in this area of northern Ontario would flow into Pic River's traditional territory and would directly impact our rights and interests. Pic River First Nation met with TransCanada and was disappointed that the company representatives could not answer our questions. We requested detailed maps of all headwaters that drain into Lake Superior. However, the draft maps that TransCanada provided were incomplete. Pic River First Nation is aware that the water flow differs from what is represented on the TransCanada map provided. There is a dam north of Long Lac on the Kenogami River that provides water to the Ontario Hydro generating station at Terrace Bay. As a result of this dam, there is an increased water flow south to Lake Superior and directly through Pic River First Nation's territory.

TransCanada has not provided a finalized watershed map to Pic River First Nation. Additionally, TransCanada has yet to agree on a capacity funding budget to cover costs of project review. In order to submit comments to the OEB, Pic River First Nation hired consultants to produce an accurate watershed map (see Appendix B).

Pic River First Nation is a proven leader in the environmental stewardship of their lands and resources including all water sources in the territory. We believe that the watershed and the harvesters within it are at great risk from this proposed project. Further, we believe that Lake Superior is at great risk. As mentioned before, Lake Superior makes up about 23% of the exclusive territory. Lake Superior is the largest freshwater body in the world and is fed by over 200 rivers, including the Pic River. The Pic River flows from McKay Lake southeast of Longlac, Ontario and passes through the Pic River First Nation reserve before emptying into Lake Superior. We used to draw our drinking water from the Pic River until it was contaminated by a cyanide spill from a nearby mining site in the 1990's. The community now relies on groundwater wells, located less than a kilometer from Lake Superior, to provide safe drinking waters for our members.

## Pipeline Safety and Possible Impacts on the Environment

One of our major concerns about this pipeline project is that the TransCanada pipeline was originally designed to carry natural gas and has now been proposed to carry a very different substance – heavy oil from the oil sands of Alberta and highly volatile Bakken crude. This includes outstanding concerns regarding the chemical makeup of these products, the amount of oil proposed to be pumped across the land every day (1.1 million bpd) and the high pressure it will be pumped at (1000 psi). Further, OPRFN is concerned about the age of the pipeline, the integrity of the pipeline, emergency response time, valve placement, and leak detection. A spill may also result in cleanup activities that may require soil disturbance that would threaten archaeological cultural heritage resources of significance to the First Nation.

As mentioned above, OPRFN believes that the Energy East pipeline poses a great risk to the watershed and Aboriginal fishery we rely on. There is great concern about risks to terrestrial and aquatic species and their habitat, especially with regard to species we harvest for foods, medicines and spiritual purposes. Because the pipeline was designed to carry natural gas, we are not entirely confident that it is capable of safely transporting crude oil. If this project is approved, the pipeline will be the largest in all of Canada. A spill from a pipeline carrying 1.1 million bpd would be catastrophic not only to our right, interests, and by to our way of life. Given the age of the pipeline, it does not meet present day engineering standards.

According to TransCanada, the pipeline could transport various types of crude oil by batches. This batch transportation technique involves sending one type of crude oil, followed by a different type of crude oil. These batches have the ability touch and mix together, resulting in a “transmix”. At any time, there could be light, medium and heavy crude in the pipe. This includes Bakken crude via the Cromer lateral in Manitoba. Bakken crude is highly explosive as witnessed in the tragic accident in Lac Mégantic last year.

Heavy crude oil such as that from the oil sands in Alberta poses additional risks to our territory. Oil sands do not flow naturally and therefore must be diluted with a substance the industry calls “Drag Reducing Agent” or DRA. The contents of this DRA are considered proprietary information, so the full list of chemicals are unknown. What we do know is that this DRA contains highly carcinogenic chemicals including benzene and toluene. Further, oil sands spills are very complex considering the high probability that the DRA will evaporate and heavy crude base will sink in water bodies which are turbulent and have floating sediments. The Enbridge Line 6B spill in Marshall, Michigan is a cautionary tale. Almost four years after the spill, Enbridge is still dredging the bottom of the Kalamazoo River in an attempt to filter remaining hydrocarbons out of the soil.

As such, OPRFN is not convinced that our rivers, our water sources are not protected from an Energy East oil spill. We are not satisfied with the requirements around valve placement. At this time, valves are only required along major water crossings. We believe that stop valves should be located on both sides of all water crossings in order to better protect the watershed we rely on.

This also calls into question, TransCanada's ability to detect and respond to a leak. We understand that a small percentage of oil can leak and go undetected to the control center in Alberta, resulting in an oil release much bigger than a large one-time release. An undetected pinhole leak could do more damage to the territory, especially if goes undetected over a long period of time.

## Possible impacts on natural gas consumers

This proposed project will convert an existing natural gas line into oil service. In order to power the pumping stations on both sides of Lake Nipigon, TransCanada is proposing to use self-generated gas turbines which will feed off of the remaining gas pipeline. What impact will this have on natural gas consumers? Already, we are seeing natural gas prices skyrocket and supply chains modified across the province. As a result of the Energy East project, TransCanada is proposing a new natural gas pipeline to serve consumers in south eastern Ontario. More studies need to be done to have a better understanding about how our community and others in northern Ontario will be affected by the decrease in supply.

## Impacts vs. Benefits for First Nations in Northern Ontario

At this time, we do not see any economic benefit of the Energy East pipeline to our First Nation. Being an existing pipeline, there are few construction jobs and economic opportunity for First Nations communities and Ontario. The only possibility of greater economic benefit would be if an entirely new pipeline was proposed to be built, to the highest present day engineering standards. While the province of Ontario has a lot to gain financially from providing power to the roughly 30 pumping stations, we expect that the OEB will consider whether there is any benefit to the First Nations living along the project.

At present, OPRFN believes the negative impacts of the proposed project far outweigh the potential benefits. Canada does not have a clear national energy plan. This oil is flowing through our communities for the benefit of international markets rather than domestic consumption needs. Why should we accept all the risk, will no benefit to Canadians. It is time for a national energy plan and we wish to be involved on the provincial and federal level. This plan must take into account the environmental impact of our energy choices and consider all generations to come.

OPRFN has a long history of waterpower development in the local area. The first involvement with waterpower development was in 1987 with the Wawatay GS on the Black River. This was followed by the Twin Falls project on the Kagiano River in 1992 and the Umbata Falls project on the White River in 2008. Unlike the proposed Energy East pipeline, these projects have increased the community's self-reliance and allowed numerous community projects to go forward that would not have otherwise. These hydro projects also provide a source of employment and pride to community members. As well as support our continued vision for environmental stewardship through the promotion of sustainable, green energy.

## Conclusion

Pic River First Nation opposes the Energy East project as it stands now. We believe that it is not a question of if, but when a pipeline spill will occur. It is our belief that if there is a requirement to ship this oil, it must be transported through an entirely new pipeline which is designed to carry oil and meets the highest engineering standards of today.

Pic River First Nation understands that the National Energy Board is not the only Crown regulatory agency responsible for reviewing and potentially approving this project. We understand that without Ontario approvals for transmission lines and power generation, the oil will not move in the pipelines, even with National Energy Board approval. Ontario will be undertaking regulatory review processes leading to potential approvals for transmission lines and power generation facilities required to provide the energy that TransCanada needs to move the oil in the pipelines.

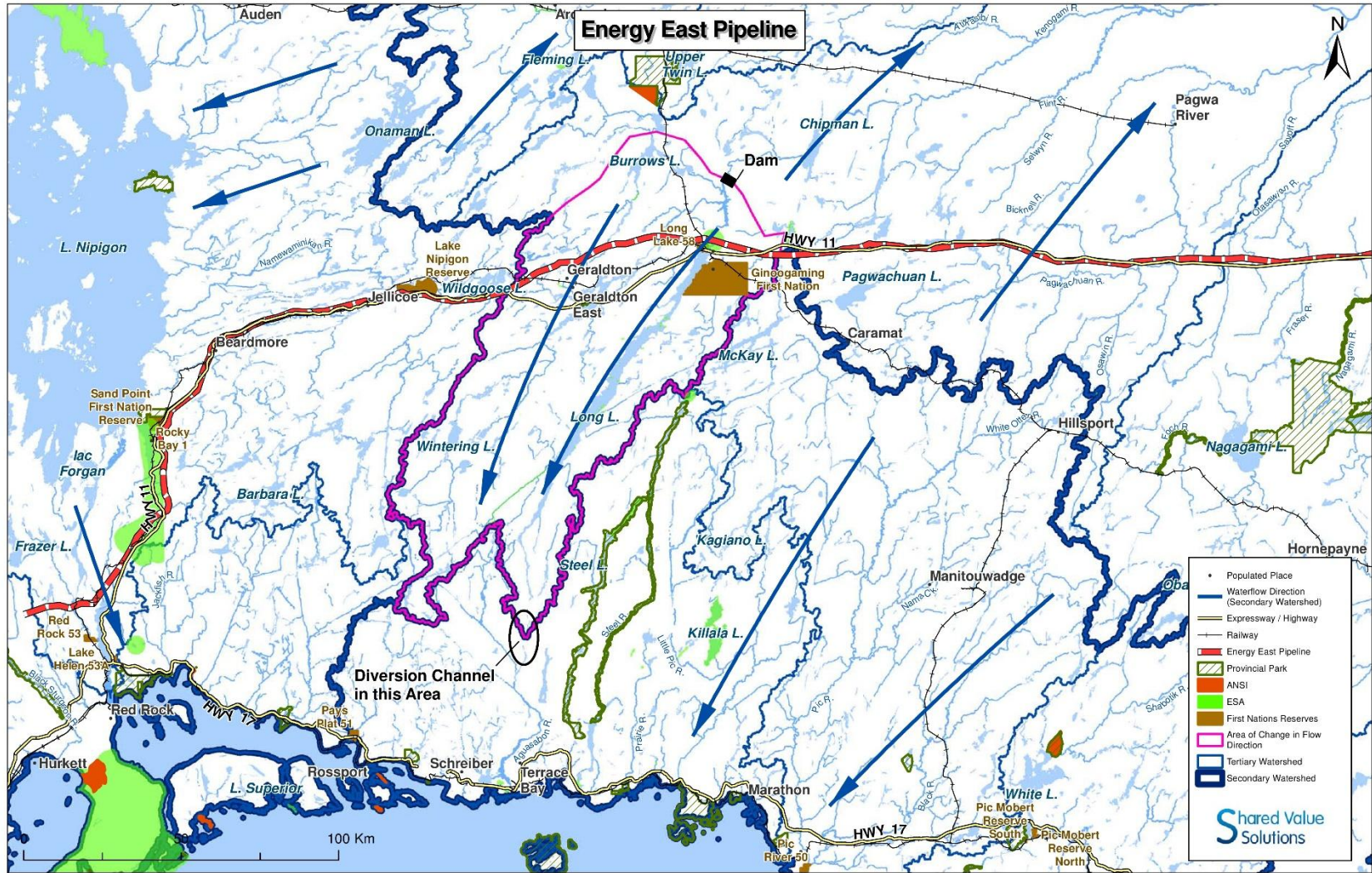
In light of Ontario's substantial role in the approval processes for this project, Pic River requires that Ontario, through the Ministry of Environment, designate this project for an Individual Environmental Assessment so that there is a fulsome and coordinated approach to Ontario's suite of regulatory review processes, coordinated with federal regulatory review processes, and a common body of environmental assessment and regulatory review knowledge.

With that, on behalf of the members of the Ojibways of the Pic River First Nation, please accept as our written submission for Phase 1 to the Ontario Energy Board.





# Appendix B



May 15<sup>th</sup>, 2014

Ontario Energy Board  
Re: Energy East Consultation  
P.O. Box 2319  
2300 Yonge Street  
Toronto, Ontario, Canada  
M4P 1E4

Comments to the Ontario Energy Board

TransCanada Energy East

On behalf of our clients Aroland, Constance Lake and Ginoogaming First Nations, we are providing the following comments for phase one of the OEB Consultation process.

First, our clients tell us that the use of the word consultation to describe this OEB process has made it confusing and difficult for First Nations members to understand what the OEB's intentions are for this process. Despite OEB representatives stating that these meetings **do not** fulfill the Crown's Duty to Consult and Accommodate, our clients are concerned that the discussions used in the report to the Minister will be interpreted as such. As described below, our clients see history repeating itself. The First Nations are seriously concerned about Ontario once again approving projects that have serious negative impacts on their Aboriginal and treaty rights.

In planning to attend the OEB sessions in Thunder Bay and Nipigon, meeting details were difficult to find. Unlike details of the Public Consultation sessions, the location of First Nation Consultation sessions was not made available online. Our clients tell us that this discouraged people from Aroland, Constance Lake and Ginoogaming First Nations, and other First Nations, from attending. Poor communication compromised the inclusivity of phase one of this process. Additionally, the OEB sessions were held very far from some affected First Nations. Our clients tell us that it would have been better located in the communities to decrease the financial burden and allow more community members to be involved.

OEB's consultation process with these First Nations is off to a very poor start, causing the community leaders to reflect further on their history of seeing Ontario Crown agencies make decisions that impact their rights and interests without proper consultation and accommodation. Our clients are clear that in order for the OEB to present an accurate representation of First Nations concerns about the proposed project, First Nations should receive capacity funding from the OEB to study the project, prepare comments, and review the final draft to be submitted to the Minister. OEB should also provide a professional and coordinated approach to consultation, not a haphazard process that makes it difficult, if not impossible, for our clients to participate.

With regard to the proposed project and its enabling power infrastructure, a key concern for our First Nation clients is the real potential of a pipeline spill and past Ontario interventions that have complicated their rights, interests and uses of their watersheds. The First Nation leaders fear that further interventions will worsen an already damaged region. Their peoples have inhabited and acted as

stewards of these lands and waters for thousands of years and they want to continue to use their territories for hunting, trapping, fishing, recreation, economic, social, trade, transportation and spiritual purposes.

Our clients' watersheds are unique and complex, in part from Ontario's historic Long Lake Diversion Project when in 1937-38 the Hydro-Electric Power Commission of Ontario, now Ontario Power Generation, built the Kenogami Lake Dam and Long Lake Diversion Dam to divert the Kenogami River's headwaters to empty through Long Lake and the Aguasabon River into Lake Superior. This diversion has shifted flow from a drainage basin of almost 4,400 square kilometres from James Bay to the Great Lakes Basin. In 1948 the Hayes Lake Dam for water control and the Aguasabon Generating Station were created, enabling further forestry development (see attached watershed map). The diversion and the hydroelectric project supported forestry and hydroelectric development for which our First Nation clients have received little or no benefit. Our clients tell us that they have never been properly compensated for the damage done. With TransCanada Energy East, the First Nations fear that the past may repeat itself: they may see damage to their lands and water systems, new power infrastructure and, again, no benefits to their communities, only further impacts.

The First Nations' watersheds are important areas for fish and wildlife. Their watersheds are well known waterfowl staging areas with numerous species of ducks, including common mergansers, mallards, goldeneyes, and buffleheads. Many areas within their watersheds are known for key fish spawning grounds for walleye and perch, including key Aboriginal fisheries and popular sport fisheries. The wetland components of their traditional territories are complex and sensitive ecosystems. Their watersheds are also important for fur bearing mammals, several species of which are important for First Nation harvesters.

In 2004, under a regulation through the Public Lands Act, Ontario created numerous Conservation Reserves covering thousands of hectares of lands across the traditional territories of Aroland, Constance Lake and Ginoogaming First Nations. Ontario's approach to consulting the First Nations on these important land use decisions consisted primarily of letters and notices informing the First Nations about a complex regulation process with no capacity for the First Nations to properly understand the implications of these decisions and have their rights and interests addressed. Little or no cultural heritage, Aboriginal land use or archaeological study was conducted by Ontario prior to these important Crown decisions.

Our clients now face another set of Ontario Crown agencies and approvals. They see Ontario attempting to consult them, but not making the meaningful effort required to properly consult them. They tell us that they do not want to see history repeat, and they do not expect that Ontario wishes to see their rights and interests subject to further transgression.

Our clients understand that the province of Ontario, Ontario transmission companies, and Ontario power generation companies have the potential to benefit financially from providing the power to the proposed TransCanada Energy East pumping stations across Ontario. While the National Energy Board is the approval agency for the physical pipeline, Ontario Crown agencies, agencies that have the duty to consult and accommodate these First Nations, will have approval responsibilities for the power and transmission facilities required to supply the pumps with the energy required to move the oil in the proposed pipeline. Our clients conclude that without Ontario approvals, the oil in the pipeline cannot flow through the province.

Our clients tell us that these basic power generation and transmission aspects of the TransCanada Energy East project, and Ontario's various Crown regulatory review and approval roles are not being transparently communicated by the OEB or Ontario. The OEB's framing of its consultation for Energy East makes no mention of Ontario's key approval roles that might facilitate TransCanada being able to move oil should the National Energy Board approve the pipeline. Aroland, Constance Lake and Ginoogaming First Nations understand that the oil will not move without power and transmission – and that there are significant deficits in Ontario transmission line infrastructure and power supply in their traditional territories and across Northwestern Ontario. Without Ontario's facilitation of key electricity infrastructure approvals, the oil will be stranded in TransCanada's pipeline.

With this in mind, our clients require Ontario to provide a more comprehensive and fulsome approval process for the energy required to move the oil in the proposed pipeline. An Individual Environmental Assessment under Ontario's Environmental Assessment Act would be an appropriate mechanism to facilitate a thorough review of the impacts of the energy components of the project on the environment, economies, social systems and Aboriginal rights and interests. Further, in keeping with programs similar to those offered by the Ontario Power Authority to facilitate Aboriginal energy businesses, our clients assert that Ontario should focus efforts on enabling economic and business development opportunities for the First Nations most directly impacted by the pipeline – included, but not limited to power generation and transmission line infrastructure.

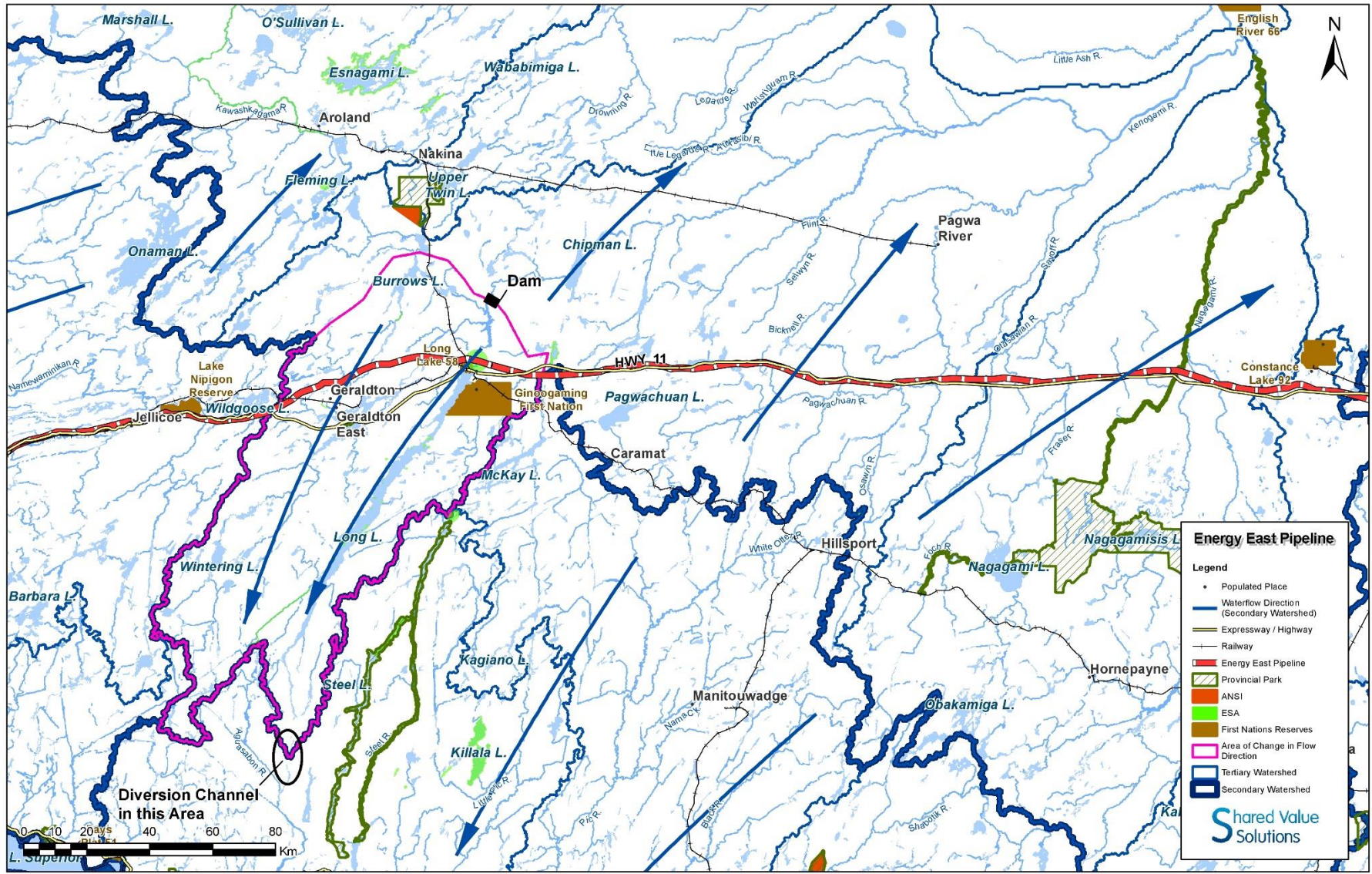
If TransCanada's Energy East project is to move forward, and Ontario provide approvals for the energy required to move the oil for the project, Ontario may be creating many potential negative impacts on the Aboriginal and treaty rights of Aroland, Constance Lake and Ginoogaming First Nations. Ontario also has an opportunity to facilitate host of opportunities for these First Nations and provide opportunities for them to have environmental, cultural heritage and economic stewardship over the energy resources that are derived from, and move through, their territories.

Our clients are clear that Ontario's engagement with them must be strongly focused on developing an understanding of the risks presented by the energy infrastructure that Ontario may approve for this pipeline, and the opportunities that may be present so that the First Nations can weigh the risks and benefits. An Individual Environmental Assessment under the Environmental Assessment Act is a tool that Ontario can use to ensure that this understanding is available and that a comprehensive body of environmental assessment knowledge is available for First Nations in Ontario and for the citizens of Ontario.

Sincerely,



Transmitted with approval from, and on behalf of the Chiefs of Aroland First Nation, Constance Lake First Nation and Ginoogaming First Nation



Basemapping from Land Information Ontario: [www.mnr.gov.on.ca/en/Business/LIO/index.html](http://www.mnr.gov.on.ca/en/Business/LIO/index.html)



**Métis Nation of Ontario**  
Lands, Resources and Consultations

**RECEIVED**

MAY 28 2014

CHAIR  
ONTARIO ENERGY BOARD

May 26, 2014

John Beaucage, Esq.  
Principal  
Counsel Public Affairs Inc.  
95 St. Clair Ave. West, Suite 1606  
Toronto, Ontario M4V 1N6

Dear Mr. Beaucage:

***Re: Ontario Energy Board First Nation/Metis Community Discussions TransCanada Pipelines Limited - Energy East Pipeline***

We acknowledge receipt of your correspondence dated May 2, 2014 addressed to President Gary Lipinski of the Métis Nation of Ontario ("MNO") pertaining to the Ontario Energy Board ("OEB") First Nation/Metis Community Discussions on the TransCanada Pipelines Limited's Energy East Pipeline.

At the outset, I wish to make clear that contrary to what you indicate in your correspondence, neither President Lipinski nor the MNO more generally participated in any of the seven facilitated discussions with your organization. As such, the interests of the rights-bearing Métis communities in Ontario were not discussed or conveyed during your seven facilitated First Nation/Métis Community Discussions.

As you are no doubt aware, the MNO represents Métis citizens and Métis communities in Ontario. Accordingly, the MNO would appreciate that any future correspondence more accurately reflect the clear distinction between Métis communities and First Nations as this will be more helpful in establishing a respectful and more constructive mutual relationship between the Ontario Energy Board ("OEB") and the MNO/

Second and in view of the fact that the MNO did not participate in your facilitated discussions, there can be no doubt that they did not take into account the unique rights, interests, claims and governance structures of the MNO. Unlike First Nations, rights-bearing Métis communities in Ontario are regional in scope and have dispersed populations, sometimes numbering in the thousands. The approach that is taken when dealing with First Nations therefore is unhelpful in the Métis context. An engagement process built for First Nations is problematic for the unique realities, rights, claims and interests of Ontario Métis.

Third and as you no doubt appreciate and understand, neither your firm, the OEB nor the Province of Ontario can represent the rights and interests of the Métis community in Ontario in respect of this proposed project to the National Energy Board. At present, the MNO is working with TransCanada Pipeline Limited through their Aboriginal consulting firm, Ishkonigan Consulting


*the* Métis  
Nation of  
Ontario

and Mediation, to ensure that we are provided with reasonable capacity to be able to engage in meaningful consultations with respect to the proposed project.

As the OEB moves forward, a meeting with the MNO, at which the rights, claims and interests of rights-bearing Métis communities in Ontario can be discussed, might be useful. In the interim, however, you should be aware that the proposed project traverses the traditional territories of four (4) regional rights-bearing Métis communities in Ontario. These communities meet the criteria established by the Supreme Court of Canada's decision in *R. v. Powley*, [2003] 2 SCR 207, for Métis rights protected by s. 35 of the *Constitution Act, 1982*. In addition, the proposed project would pass through MNO Region 6 (Ottawa River and Southeastern Ontario wherein the MNO represents Métis citizens and contemporary Métis communities through various Community Councils.

With respect to consultation and accommodation issues, regional rights-bearing Métis communities in Ontario are represented by MNO Regional Consultation Committees<sup>1</sup> that include local and regional Métis leadership working in collaboration with the MNO and its Lands, Resources and Consultations ("LRC") Branch. These committees, with support from the MNO and its LRC Branch, have proven to be very effective mechanisms in ensuring that regional rights-bearing Métis communities in Ontario are consulted in a meaningful way and are appropriately engaged on developments and projects<sup>2</sup> that can have an impact on Métis rights and interests. Created in 2008, these Regional Consultation Committees have participated in hundreds of consultations, many of which included negotiations of memoranda of understanding, participation agreements and related impact and benefit agreements. Based on this proven track record, the MNO wishes to ensure that the Crown, whether represented by the OEB or any other entity, respects and utilizes these internal governance structures and the related processes which are intended to facilitate the Crown's constitutional Duty to Consult.

Yours very truly,



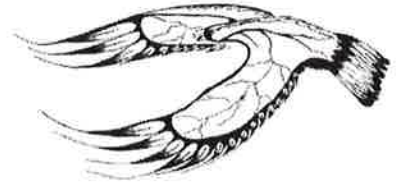
Aly N. Alibhai  
Director, Lands, Resources & Consultations  
Métis Nation of Ontario

cc. Gary Lipinski, President, Métis Nation of Ontario  
Ontario Energy Board  
Doug Wilson, Chief Operating Officer, Métis Nation of Ontario  
David de Launay, Deputy Minister, Ministry of Aboriginal Affairs, Government of Ontario

<sup>1</sup> Copies of the Protocols establishing the MNO's various Regional Consultation Committees throughout the province are available at <http://www.metisnation.org/governance/reference-documents>.

<sup>2</sup> The MNO consultation process is available at <http://www.metisnation.org/programs/lands,-resources--consultations/duty-to-consult>.

EB-2013-0398



# EAGLE LAKE FIRST NATION

*"Where the Eagle will continue to soar and develop with the Ojibways of Eagle Lake"*

P.O. Box 1001 • Migisi Sahgaigan • Ontario • P0V 3H0 • Tel. 807-755-5526 • Fax 807-755-5696

**RECEIVED**

**APR 16 2014**

**ONTARIO ENERGY BOARD**

April 2, 2014

ONTARIO ENERGY BOARD  
P.O. Box 2319  
2300 Young Street  
Toronto ON P9N 3X7

MINISTER OF ENERGY  
900 Bay Street, 4th Floor,  
Hearst Block  
Toronto ON M7A 2E1

**Attn: Board Secretary, Kristen Walli**

**Attn: Minister Bob Chiarelli**

*VIA EMAIL & COURIER*

Dear: Ms. Walli, Minister Chiarelli

**RE: TransCanada Pipelines Inc. Energy East Project**

Please be advised that the Eagle Lake First Nation is extremely concerned with the TransCanada Pipeline Energy East Project. We are concerned the project will adversely impact the Aboriginal and Treaty Rights of our members, as the project is located within areas traditionally used by our members and families.

Eagle Lake First Nation is concerned with the process being undertaken by the Ontario Energy Board (OEB). The meetings held by the OEB in cities across Ontario cannot in any way be considered to be consultation with Eagle Lake First Nation. The OEB meetings were scheduled in cities more than an hours drive from Eagle Lake, agendas were developed without our input and meeting times arranged without our consideration.

To date, comprehensive information as to safety, project risks, environmental impacts, or accommodation for impacts to Aboriginal or Treaty Rights has not been developed, and discussion on these items may be premature and uninformed.

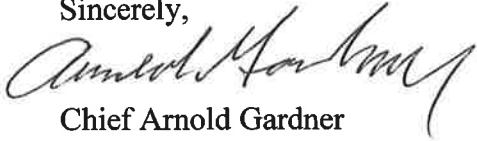
It is our sincere hope that the Minister of Energy, will not rely on a report from the OEB when so little information in regards to the project has been developed or shared. Should the Minister of Energy and OEB wish to receive the views of Eagle Lake First Nation as an impacted First Nation, a commitment should be made to implement a continuing process that allows for meaningful engagement. This process must be developed by



agreement. Also, be advised Eagle Lake will require funding in order to meaningfully participate in this process.

Should the OEB and Minister of Energy wish to have a meaningful discussion with the members of Eagle Lake First Nation we request you contact us directly, so appropriate arrangements can be made.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Gardner".

Chief Arnold Gardner

cc. Keshen & Major, Barristers and Solicitors  
Eagle Lake Lands and Resources



# *Asubpeeschoseewagong Netum Anishinabek*

GRASSY NARROWS, ONTARIO P0X 1B0 • PHONE: (807) 925-2201 • FAX: (807) 925-2649

March 27, 2014

ONTARIO ENERGY BOARD  
P.O. Box 2319  
2300 Young Street  
Toronto ON M4P 1E4

MINISTER OF ENERGY  
900 Bay Street, 4th Floor,  
Hearst Block  
Toronto ON M7A 2E1

**Attn: Board Secretary, Kristen Walli**

**Attn: Minister Bob Chiarelli**

*VIA COURIER & EMAIL*

Dear: Ms. Walli, Minister Chiarelli

**RE: TransCanada Pipelines Inc. Energy East Project**

---

Please be advised that Asubpeeschoseewagong Netum Anishinabek (ANA) has determined the TransCanada Pipelines Inc., Energy East Project will have adverse impacts to the environment, land, and water, including the Aboriginal rights and Treaty rights exercised by members of ANA within the proposed project area.

As you are aware, section 35 of the *Constitution Act*, 1982 provides legal protection of Aboriginal and Treaty rights. Further, Treaty 3 gives rise to procedural rights (e.g. duty to consult and accommodate) as well as substantive rights (e.g. traditional land use practices) throughout the Treaty 3 territory including areas traditionally used by members of ANA.

To date ANA has not received detailed information from either the Crown or TransCanada Pipelines regarding the environmental and socio-economic impacts that will be associated with the project. Consultation discussions on this project have not been initiated, nor have discussions regarding accommodation for impacts to Aboriginal or Treaty Rights taken place.

At this time, ANA is concerned with the public engagement process being initiated by the Ontario Energy Board (OEB). Aboriginal consultation cannot be achieved through one open house meeting. If the OEB would like to gather information and feedback from

It is extremely frustrating when meetings are scheduled without our consideration, and agendas are developed without our comment. Should the OEB wish to have a meaningful discussion with the members of ANA we request you contact us directly, so appropriate arrangements can be made by agreement, including confirming funding will be available for our First Nation to participate in this process.

It is our sincere hope that the Minister of Energy will undertake efforts to meaningfully engage with affected First Nations with regards to this project.

Sincerely,

A handwritten signature in cursive script, reading "Simon K. Fobister".

Chief Simon Fobister



April 7, 2014

VIA LETTER MAIL & EMAIL

ONTARIO ENERGY BOARD  
P.O. Box 2319  
2300 Young Street  
Toronto ON M4P 1E4

MINISTER OF ENERGY  
900 Bay Street, 4th Floor,  
Hearst Block  
Toronto ON M7A 2E1

**Attn: Board Secretary, Kristen Walli**

**Attn: Minister Bob Chiarelli**

Dear: Ms. Walli, Minister Chiarelli

**RE: TransCanada Pipelines Inc. Energy East Project**

---

Please be advised that Obashkaandagaang First Nation is extremely concerned with the TransCanada Pipelines Inc., Energy East Project. The project is located within areas traditionally used by our members and we are concerned it will have adverse impacts to the environment, land, and water. Further this project is likely to adversely impact the Aboriginal rights and Treaty rights exercised by members of Obashkaandagaang within the proposed project area.

Obashkaandagaang is concerned with the public engagement process being initiated by the Ontario Energy Board (OEB). Aboriginal consultation cannot be achieved through one open house meeting. If the OEB would like to gather information and feedback from our First Nation a process must be developed and agreed to by Obashkaandagaang that will provide a meaningful opportunity for our members to both engage and participate.

It is extremely frustrating when meetings are scheduled without our consideration, and agendas are developed without our comment. Should the OEB wish to have a meaningful discussion with the members of Obashkaangagaang we request you contact us directly, so appropriate arrangements can be made by agreement, including confirming funding will be available for our First Nation to participate in this process.

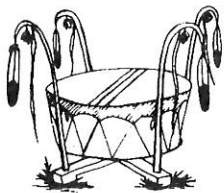
It is our sincere hope that the Minister of Energy will undertake efforts to meaningfully engage with affected First Nations with regards to this project.

Please be advised that our legal counsel on this matter are Travis Moffatt and Doug Keshen of Keshen & Major. Please direct all future correspondence in regards to this project to their attention at Suite 200-120 Second St. South, Kenora, Ontario, P9N 1E9, (807) 468-3073 or [tmoffatt@keshenmajor.com](mailto:tmoffatt@keshenmajor.com).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alfred Sinclair', with a stylized flourish at the end.

Chief Alfred Sinclair



# WAUZHUSHK ONIGUM NATION

(RAT PORTAGE NO. 38B)

P.O. Box 1850, Kenora, Ontario P9N 3X8 Phone (807) 548-5663 Fax (807) 548-4877



March 25, 2014

ONTARIO ENERGY BOARD  
P.O. Box 2319  
2300 Young Street  
Toronto ON P9N 3X7

MINISTER OF ENERGY  
900 Bay Street, 4th Floor,  
Hearst Block  
Toronto ON M7A 2E1

**Attn: Board Secretary, Kristen Walli**

**Attn: Minister Bob Chiarelli**

*VIA COURIER & EMAIL*

Dear: Ms. Walli, Minister Chiarelli

**RE: TransCanada Pipelines Inc. Energy East Project**

Please be advised that the Wauzushk Onigum Oibway Nation is extremely concerned with regard to the TransCanada Pipeline Energy East Project.

The proposed project will directly impact our First Nation, as the project is located within areas traditionally used by our members and families, including wetlands, and rivers. This project has the potential to significantly impact important cultural sites and affect traditional land use activities. This project will adversely impact the Aboriginal and Treaty Rights of Wauzushk Onigum members.

To date, TransCanada has not provided a comprehensive environmental and socio-economic report for the project, nor outlined in detail what the project will entail. As such, comprehensive information as to safety, project risks, environmental impacts, or accommodation for impacts to Aboriginal or Treaty Rights has not been discussed, provided nor developed.



*"The Center of Tradition"*

Wauzushk Onigum is concerned with the process being undertaken by the Ontario Energy Board (OEB) as it is currently planned. The “consultation process” envisioned by the OEB cannot be in any way considered to be consultation with Wauzushk Onigum. The OEB meetings are being scheduled without a clear understanding of the proposed project, without knowledge of the

environmental impacts and risks associated with the project, and without any consideration or understanding as to how the project will adversely impact constitutionally protected Aboriginal and Treaty Rights.

It is our sincere hope that the Minister of Energy, will not rely on a report from the OEB when so little information in regards to the project has been developed or shared. Should the Minister of Energy and OEB wish to receive the views of affected First Nations in regards to this project, a commitment should be made to implement a continuing process that allows for meaningful engagement by Wauzushk Onigum.

Wauzushk Onigum is also disappointed and concerned the OEB believes Aboriginal consultation can be achieved through one open house meeting in a city outside and away from the First Nation and the community members whose concerns are supposedly being noted. If the OEB would like to gather information and feedback from Wauzushk Onigum, it is imperative that a process be arranged and developed, by agreement that will provide a meaningful process. Please also confirm funding is available for our First Nation to participate in this process.

It is extremely frustrating when meetings are scheduled without our consideration, and agendas are developed without our comment. Should the OEB and Minister of Energy wish to have a meaningful discussion with the members of Wauzushk Onigum we request you contact us directly, so appropriate arrangements can be made.

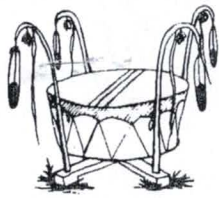
Please direct your response to the attention of our Legal Counsel, Travis Moffatt, of Keshen & Major at 200 – 120 Second Street South, Kenora, ON P9N 1E9; phone at 807-219-0342; email at [tmoffatt@keshenmajor.com](mailto:tmoffatt@keshenmajor.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Skead', written in a cursive style.

Chief Chris Skead

cc. Keshen & Major, Barristers and Solicitors



# WAUZHUSHK ONIGUM NATION

(RAT PORTAGE NO. 38B)

P.O. Box 1850, Kenora, Ontario P9N 3X8 Phone (807) 548-5663 Fax (807) 548-4877



March 25, 2014

NATIONAL ENERGY BOARD  
444 7 Ave SW,  
Calgary, AB  
T2P 0X8

VIA COURIER & EMAIL

Attention: Ms. Sheri Young, Secretary of the Board

Dear: Ms. Young

**RE: TransCanada Pipelines Inc. Energy East Project**

Please be advised that the Wauzushk Onigum Oibway Nation is extremely concerned with the TransCanada Pipeline Energy East Project.

As you are aware, section 35 of the *Constitution Act*, 1982 provides legal protection of Aboriginal and Treaty rights. Further, Treaty 3 gives rise to procedural rights (e.g. duty to consult and accommodate) as well as substantive rights (e.g. traditional land use practices) throughout the Treaty 3 territory.

The proposed project will directly impact our First Nation, as the project is located within areas traditionally used by our members and families, including wetlands, and rivers. This project will adversely impact the Aboriginal and Treaty Rights of Wauzushk Onigum members.



"The Center of Tradition"





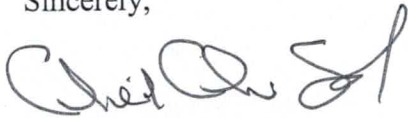
It is extremely important that Wauzushk Onigum Ojibway Nation be meaningfully engaged and be provided the ability to provide input on the design of the regulatory and environmental review process for the project, prior to any consideration of the project application. It is critical that the most rigorous regulatory and environmental review procedures be applied to this project.

Wauzushk Onigum Ojibway Nation would like to meet with the NEB to discuss the regulatory process for this project well prior to TransCanada's application being submitted or considered by the Board.

We look forward to hearing from you in regards to this process and hope to arrange a mutually agreeable date to meet in Wauzushk Onigum Ojibway Nation.

Please direct your response to the attention of our Legal Counsel, Travis Moffatt, of Keshen & Major at 200 – 120 Second Street South, Kenora, ON P9N 1E9; phone at 807-219-0342; email at [tmoffatt@keshenmajor.com](mailto:tmoffatt@keshenmajor.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Skead". The signature is fluid and cursive, with a large initial "C" and "S".

Chief Chris Skead



*Waabigoniin Saaga'iganiin Anishinaabeg*  
Wabigoon Lake Ojibway Nation  
RR#1, Site 115, Box 300 • Dryden, ON • P8N 2Y4  
Tel: (807) 938-6684 • Fax: (807) 938-1166

April 16, 2014

Ryan McFadden  
Manager, Aboriginal Relations  
Energy East Pipeline Project  
TransCanada Pipelines Ltd.

Re: Energy East Pipeline Project, Support of Engagement Process

Dear Mr. McFadden,

We are in receipt of your letter dated February 18, 2014 in relation to the above noted project.

We must first address a number of preliminary points to the provision of your information so that there can be no future dispute on the provision of material provided by our Nation.

**First, this is not the starting point in our Nations active engagement in providing, TransCanada, Ontario-Ontario Energy Board, Canada-National Energy Board with relevant details about our interests, rights and title. We have clearly stated our interests, rights and title will be impacts by the proposed 4,400 kilometer pipeline conversion through our territory of Treaty #3.** Our Nation has directed letters to your office dating back to May, June, and August 2013. To date there has not been a mutual process to reconcile our expressed positions.

**The intent of these letters was to establish our position and set out requirements that would enable a government to government relationship with Canada to formalize a long term agreement for dealing with the proposed activity in our territory.** Our Nation mobilized efforts so that our position based on respect, mutuality, recognition, reconciliation, accountability and sustainability were put forth in a manner acceptable to our resource law Manito Aki Inakonigaawin. Our Nation wishes to confirm our determination to stand up and protect our inherent rights as Indigenous Nations and Peoples as understood with the Canadian jurisprudence as Treaty rights; these rights are the rights of our children and our future generations.

Our Nation is disheartened and frustrated that TransCanada appears to have disregarded any past attempt to discuss and begin negotiations and that information presented to your organization has been deemed of no consequence. We attempted to set out our requirements that would represent our participation in this process on a go forward basis.

In a very real way, our Nation would like to **object that our right to Treaty on our lands is moving backward through the implementation of your unilateral process of letters of agreement and proposed engagement agreements.** Your assumption to set out your own predetermined means to consult on our lands is seriously flawed and expresses to us as Indigenous Peoples that you wish to eradicate our position as treaty partners. We will not tolerate this action.

Treaties were entered into to ensure that our inherent rights as Indigenous Nations and Peoples, will not only continue to exist, but also cannot be abrogated or derogated by laws other than those contemplated and established by the treaty relationship. Canada's unilateral attempts to make laws affecting the treaty relationship will be viewed as a violation of the treaty as understood by our people, and as understood within international jurisprudence, and will only impact the rest of the Canadian settler state. By the treaty, the Crown is honour bound to protect those aspects of our traditional way of life, especially hunting, fishing and trapping, all of which contribute to the traditional economy practiced by my people. Nothing and no one can change this without our free, prior and informed consent.

**There must be acknowledgement that our First Nation participation and contributions to the use of lands in our territory be treated respectful on a mutual basis with a process that will ensure a partnership in the determination of mutual objectives.** To date, we are saddened that our Nation directions to you are not reflected in your letter of February 18, 2014. You have chosen to disregard our required position to maintain Treaty Compliance and selected a demeaning process, one of engagement. Our Nation established Treaty to ensure consent is achieved in use of Treaty Lands. This is not reflected in your process; again your attempts to diminish our treaty cannot be condoned. By Treaty our Nation has the right to say no.

**The capacity of our Nation to participate in a manner that is fair, equitable and consistent to the term of intrusion upon Treaty Lands in our Territory must be in place.** Your assumptions for a letter of agreement and an engagement funding agreement are viewed as a unilateral attack on our laws and responsibilities and as an Anishinaabe Nation. Our Nation has established protocols to deal with resource use in our Territory, these have been sadly cast aside by Ontario, Canada and now TransCanada. Offers of participation in process are only viable if there are mutual planning processes agreed to be in place that will guide the relationship now and over time. Otherwise the process to **conclude consent** is an empty promise devoid of any real meaning or requirement. For TransCanada to assert that your process is sufficient in response to our Nations assertion that our Inherent, Aboriginal and Treaty Rights will be impacted, abrogated and infringed is a true representation of Sharp Dealing.

**TransCanada must accept the past process where historical development of First Nation values and use upon the land has been a process employed by Ontario and Canada to diminish our presence and focus upon arrowheads, one which cannot be condoned.** There

must be an understanding to rely on new information which truly represents our interests, rights and title upon the land. Such change must be based upon a relationship of uninterrupted Indigenous governance for areas within our homelands, social well-being or our Peoples, enhancing our sustainable economic interests and fair external relations. Further, we also must ensure we protect the lands and waters in our homelands so that there is a continuance to such lands and waters that will maintain and support as traditional harvesting areas that contribute to our traditional economy.

**There must be an acknowledgement that our Nations spiritual values must be incorporated in manner that will allow our culture to flourish.** Our Nation's spiritual belief is that earth is not for man's exploitation, it is a living breathing entity that we as caregivers must fulfil our responsibilities. Your presumptions of undertaking studies where deemed necessary falls well short of our initial expectations and again may rely solely on past non-native interpretation of historical practices to diminish our culture and way of life. We have not seen any acknowledgement to our view of the world and must insist upon this given the serious consequence of the proposed activity.

The close proximity of this project and the potential catastrophic consequences to our Nation is of immediate concern. The majority of my members still exercise rights, title and interests directed by our laws and those set out by treaty. These rights and our ability to sustain our culture will be impacted directly by the proposed project.

**Waabigoniw Saaga'iganiw Anishinaabeg further submits that we do not support the undertaking of the Energy East Pipeline through the territory of Treaty #3 without a process that conforms with our Resource Law and our Nation protocols.** This project will be detrimental to the treaty relationship without any meaningful consultation and agreement between our Nation and any other affected Indigenous Nations and Peoples. We view this approach as a failure of the Crown

Meegwetch

A handwritten signature in black ink that reads "Paul Watts". The signature is written in a cursive style with a large, sweeping initial "P".

Chief Paul Watts

Warren White

Ontario Energy Board

National Energy Board

**From:** [REDACTED]@bnafn.ca>  
**Sent:** May-14-14 8:56 AM  
**To:** John Beaucage  
**Subject:** TransCanada  
**Attachments:** TransCanada Pipeline Project - BNA Questions - May 9 (2013).docx

Hi John,

Thank you for the opportunity to discuss the Energy East Project with the OEB. Bingwi Neyaashi Anishinaabek is a community that would be greatly impacted by this Project, and it is important that our concerns are addressed.

I have attached a set of questions that have been sent to TransCanada. These are only some of the questions and concerns (regarding both impacts and potential Project benefits) that we have at this time. We hope we will continue the dialogue with the OEB going forward.

All the best John,

[REDACTED]

## TransCanada Pipeline Project: BNA Questions and Concerns

<b>Environment</b>	TransCanada's plan is to take pipelines that have existed since the 1970s and retrofit them to make them safe for the transportation of oil. How can you transport oil safely using pipeline technology from the 1970s?
	What measures will TransCanada be taking to ensure that no oil spills will occur in the streams and lakes that surround BNA's traditional territory?
	The existing pipeline infrastructure is for the transportation of natural gas. What needs to occur on this infrastructure to ensure that it can become safely retrofitted for the transportation of oil? Doesn't the pipeline differ so significantly between gas and oil that a brand new pipeline would need to be constructed?
	What steps are taken when there is a spill? How long does it take for a clean-up crew to get on-site?
	How long does it take for the land to return to its natural state following a major oil spill? What are some of the long-lasting damages that can happen to the environment when a spill occurs? Does 'tar sand' oil make spills worse?
	What has been the general reaction from some of the neighbouring First Nations to this proposal? Are they generally for it due to the economic opportunities involved, or generally opposed due to the environmental concerns?
	With the opposition to the Keystone Pipeline initiative in the U.S., and the opposition to the Northern Gateway Pipeline initiative in B.C., how does TransCanada figure that an initiative that will take oil a longer distance, and through more First Nations, have a better chance of moving forward?
	Is there a budget set aside in case of a major disaster or spill? How will the community be compensated in case something like this occurs?
	When there is natural gas being sent through a pipeline, a leak or explosion will be seen by a large crater in the earth. How do TransCanada officials know where there is an oil leak?
<b>Economic</b>	How much money is the Government of Canada putting toward this initiative? How much is TransCanada putting forward?
	Will BNA be provided with Consultation dollars for the duration of this Project? What will this amount be?
	Will BNA companies be placed on a list of TransCanada's "Approved Contractors" for this Project?
	What contracting opportunities will become available for BNA members and businesses? What types of work will need to be done?
	What employment opportunities exist for BNA members for this Project?
	With the understanding that TransCanada will 'rent' out space for developers on the pipeline, how much money will this Project generally make for TransCanada on a yearly basis? How will these dollars flow to the community? Revenue sharing? Royalty payments? \$\$ per liter flowing through the territory?
	What is the general plan for this retrofit? What steps will need to be taken to ensure that the previous infrastructure is made safe for oil transportation?

## APPENDIX G

### Map of the Project's Proposed Pipeline Route

## Map of the Project's Proposed Pipeline Route

