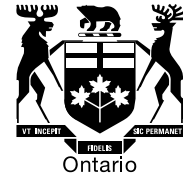


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BY E-MAIL AND WEB POSTING

August 11, 2016

To: Chiefs of Ontario
Métis Nations of Ontario
Ontario Pipeline Coordinating Committee
Union Gas Limited
Enbridge Gas Distribution Inc.
Natural Resources Gas Limited

Re: Revisions of the OEB Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario

The Ontario Energy Board (OEB) is issuing today enhancements to its *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario* (the Guidelines) to ensure roles and obligations for the Crown's duty to consult process for intra-provincial hydrocarbon¹ pipelines are better defined. The OEB worked closely with the Ministry of Energy on these revisions to the Indigenous Consultation section of the Guidelines to streamline and clarify roles and obligations for the Ministry of Energy, the OEB and pipeline proponents.

Under the revised Guidelines' enhanced duty to consult protocol, the Ministry of Energy will determine, early in the pipeline project planning process, if the proposed project triggers a duty to consult. If so, the Ministry of Energy will identify any Indigenous communities whose rights are potentially adversely affected by the proposed project and assess the extent of necessary consultation.

¹ The Guidelines apply to all pipelines that fall under the OEB's jurisdiction under section 90 of the OEB Act. Most pipelines brought to the OEB's approval under section 90 of the OEB Act are natural gas pipelines, however the Guidelines refer to hydrocarbon pipelines to be consistent with the wording of section 90 of the OEB Act.

The Ministry of Energy will formally delegate to the proponents responsibility to conduct consultation activities with potentially affected Indigenous communities. At the onset of the consultation, the proponent is expected to provide a copy of the Ministry of Energy's delegation letter to potentially affected Indigenous communities. The consultation activities to be conducted by the proponents include:

- Meetings with Indigenous communities to share the information required for communities to understand and assess the potential impacts on rights;
- Responding to questions and concerns raised by Indigenous communities and keeping the Crown apprised of rights assertions by communities;
- Maintaining a complete record of all consultation activities; and
- Discussing options to accommodate communities in respect of adverse effects on Aboriginal or treaty rights.

The proponents are required to file with the OEB an *Indigenous Consultation Report* documenting for the record the consultation process and outcomes. The *Indigenous Consultation Report* will include any concerns raised and how the concerns were addressed and/or accommodated. The OEB will assess the adequacy of the Crown's consultation efforts as part of the leave to construct hearing process. Any potentially impacted Indigenous communities will be invited to participate in the hearing. It is expected that the Ministry of Energy will continue to coordinate with proponents with respect to the duty to consult beyond the OEB's approval of the project.

Sections 1.3.1 and 3.3 of the attached Guidelines describe in more detail the more robust and formalized approach to the Crown's duty to consult for intra-provincial pipelines that require approval by the OEB. The revised Guidelines are applicable to any new leave to construct application filed under section 90 of the OEB Act. For existing leave to construct applications, the OEB expects that parties, to the extent practicable, will abide by the intent of the revised Guidelines.

We will continue to monitor the effectiveness of the Guidelines in ensuring the OEB has the necessary information on which to base its decisions. Any questions regarding the Guidelines should be directed to Zora Crnojacki at zora.crnojacki@ontarioenergyboard.ca. The OEB's toll-free number is 1-888-632-6273.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary

c: Ministry of Energy

Attachment: Revised OEB Guidelines