

Board questions to Enbridge's experts:

- The hearing began at 8:30 with questions specific to the Environmental Assessments.
- A wetland may be "Permanently disturbed" near Westover. There will be post construction monitoring for 5 years.
- Enbridge intends to apply to Conservation Authority for permissions. The Board staff asked if Enbridge will consult with Environment Canada to see if there is a No Net loss of wetland policy, will there be compensation? Enbridge said yes.
- Enbridge will post-monitor for 5 years to determine if natural re-vegetation is successful. If not, there will be consultation with the Conservation Authority but so far they have not worked with them in regards to this issue.
- There are known breeding habitats for endangered bats in the area of this project. Enbridge intends to compensate with the installation of bat boxes. Critical habitat delineation has not taken place.

Socio/Eco. Issues.

- Of the 124 tracts of land needed for this pipe, 40 are not acquired and they include Municipalities, Conservation Authorities and Ministry Owned properties that offer licensing agreements. No objectives are anticipated.
- Hydro One demands Engineered Drawings, AC Mitigation for rust and Geotechnical report.
- Ministry of Transportation owns 13 tracts require Right of Way and workspace Geotechnical reports.
- City of Hamilton requires Engineering Drawings and Geotechnical report.
- CNN requires Engineering and Geotechnical Reports.
- Reports anticipated to be completed by July 2017.
- 16% of the total length of project is on Crown Land owned by Ministry of Transportation (13 tracts) and Hydro One (7 tracts)
- There are drainage tiles along the way near Hydro Corridor along 4 tracts of land in between Copetown and Nanticoke. Enbridge said they will pay to repair or replace tiles if damaged.
- When asked the size of the pipe and what width it was Enbridge's Engineering expert didn't know. (Had to look it up on the computer.) When asked what the connecting line width was outside the study area that connect to this project, he didn't know.
- They have no data on Archeological resources so far.

- When asked by Chair how they will know bat boxes are being used Enbridge states they will know by monitoring.
- Chair asked: Do you compact the soil around the pipe? Answer was yes. When asked the movement of pipes over 50 years, they said "less than inches".
- Enbridge said ILI technology will figure the distance between the lines.
- They are planning 9m centre to centre spacing. Currently the existing is 3 meter.
- When asked if Enbridge will get involved with land owners and developers over time to encroach upon 30 meter right of way up to the 30m boundary they said yes. Up to 18 Meter for existing, 10 meter for the new development on a case by case basis.
- Enbridge stated potential activities along the Hydro Corridor may include development, farming and tree activities.
- Enbridge was asked to provide the NEB with their security system info. They will provide.
- NEB chair stated "Engineering report only covered 30%. Did Enbridge assume the rest?" Enbridge responded they touched all points and use the NEB process to identify issues.
- Enbridge is Finalizing class 3 engineering assessment for 10%. 20% forthcoming.
- Chair asked what class of Engineering for Hydro One? Response was that pipe AC mitigation was done for rust and 90% level Engineering.
- Chair asked how Enbridge will know if natural restoration is successful? Response was 5 year monitoring. CHM2 Hill expert for Enbridge said it may take longer than that. Chair said A treed wetland would take longer. Enbridge experts state We look at a case by case basis. Chair said it would take longer for water regeneration when it involves Peat. Would Enbridge take more time if need be? Enbridge says yes.
- CHM2Hill expert for Enbridge stated they were not aware of no-net wetland policy in Ontario for wetlands.
- Chair asked has Enbridge ever created wetlands? Answer was yes, in other jurisdictions.
- NEB chair (a farmer) asked How to you mitigate tile drainage and mitigate loss? Enbridge stated they install pipes below the tiles. We hire to repair or replace. The Chair asked how to you install the pipe under the tile? Enbridge expert stated, "Borehole". Chair made comment suggesting they might not be familiar with the lands here.
- Chair asked is it possible Traditional Land use is happening along this line? Enbridge stated it is possible.
- Chair asked, "Why is pipeline removal not an option?" Enbridge stated it was to reduce the impacts of pipeline removal. Less disturbance. Chair said, "If it's OK to install a new pipe, why

is it no OK to remove it?" Enbridge stated installation of old line is 9 meters installed in the 60's. Not to code today so we are increasing the width of the line.

- Chair asked: What if land owners say to take it out? Enbridge said with new development we would evaluate it.
- Chair asked if there was any time line for abandonment? Enbridge said no.
- The Engineering Expert was asked by the chair if he knew the width of the pipes yet. The Engineer stated, Line 10 is currently a 12 inch line to Nanticoke and 20 inches after that from Canada to the US then it switches back to 12 inches and goes 20 inches for a short term after that. The chair asked, "can you tell me the capacity of a 20 inch pipe with total capacity max operation? Enbridge's Engineer said that is not determined. Post project is "82,044 barrels per day."
- Board chair said "That is 176,000 Litres reduction".
- Chair asked "Is cut in of additional valve warranted? What is the cut off to warrant another valve?" Enbridge Engineering expert stated, "Unable to say."

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Board Questions of Six Nation's Experts

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- Six Nation's environmental expert was asked if he said there was no concerns for traditional land use along the route? His response: No. He stated traditional land uses do happen along the route.
- Chair asked if mitigation measures are needed, expert said "We haven't recommended anything to Enbridge." There is some propitiatory medicine info. When Chair asked if consultation on traditional medicine is happening, he said yes and no. It is propitiatory info. I am not a medicine person but I know people have to travel further to find medicines due to loss of land.
- Chair asked how he feels about natural regeneration of plants he stated he is concerned about invasive species like phragmites. There are risks if soil is cleared.
- Six Nation's other Environmental consultant stated to NEB that Ontario has a no-net loss to wetland policy. This projects impacts hydrology, sediment and plants.
- Chair asked if Six Nation's is willing to have their experts meet with Enbridge, they said "Personally yes, but on condition of (Six Nation's) Council's approval."
- Chair stated: Enbridge commits to Six Nation's representation being present to monitor construction activities. Would Six Nations be willing? Reply: Yes He notes having some previous experience doing this kind of activity.
- Chair mentioned some areas use Greenhouses to propagate and restore species. The expert with Six Nations stated, "We have a

company specializing in this."

Enbridge Final Argument

**NOTE: Enbridge referred to abbreviated terms so the areas with double question marks are where I inserted my guess of what they may have been referring to.*

- Enbridge asked for relief of 45.1 OBR exemptions. (Ontario Bill of Rights??)
- Enbridge states the economic feasibility of the project is to enhance safety, restore to standards, expand the system, improve efficiency saying that higher flow saves energy.
- Enbridge does not anticipate loss to wetlands saying any destruction to wetlands will be temporary.
- ESA is prepared with all guidelines for NEB application. ESA is complete and sufficient.
- Mitigation will be implemented along with training and monitoring
- Potential damage is not considered significant
- Issues related to Migratory birds, plants and animals will involve appropriate authorities including MOECC, MNR and other agencies
- Air quality and emission issues are limited to transportation and maintenance activities.
- Potential damage is short term, not significant.
- Contract jobs and tax payments benefits the public interest
- Copetown Landowners withdrew so no more issues with them
- Enbridge's leak detection system is standard throughout their pipeline systems.
- Regarding consultation, Enbridge claims NEB is more than adequate for the process. An appropriate level is done. NEB can authorize if information is appropriate for approval.
- Enbridge stated: "The Minister can dismiss Duty to Consult" and that "The NEB is master of it's own decisions."
- Enbridge states Six Nation's participated but Haudenosaunee did not. "No doubt they had the chance to engage with the NEB"
- Enbridge states the study area is outside the Haldimand Tract Agreement properties. Many of the lands are already privately owned.
- Enbridge states there are no traditional land use claims.
- Enbridge states that Six Nations experts voiced concern for medicinal plants and deer but species mentioned are not endangered and are common. Examples include: Tobacco, Plantain, Jewelweed are not in the route.
- Enbridge states the area has been deforested, taken over by

development and unsuitable for hunting.

- Enbridge assumes "No impact" when locations are not disclosed.
- Enbridge states the Haudenosaunee did not participate. They sent a letter to Jim Carr to withdraw but it was "not formalized."
- Duty to accommodate was done in Enbridge's view.
- Enbridge states there may be sites where Enbridge might not get clearance so they made the request for conditions to access Archeological exemption areas.
- They also asked relief for CPN (Certificate of Public Need??) on a real time basis.
- Regarding Nitrogen for cleansing, "As propellant it is a traditional product."

Six Nation's Final Argument

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- Case reference Nova Case: In terms of Traditional Use it must include the project footprint on areas of concern to Six Nations.
- NEB restricted to Six Nation's but all nation's impacted should be included in the process.
- Case reference Regis Case: Information should be served to everyone at the same time. Hydro and MTO are on Crown Land and make up 16% of the total project area. If they demand 90% completeness of Engineering info... Very much in same language.
- Case Reference: Vantage Pipeline Consulting with groups must continue. Enbridge may be trying to negate other Indigenous parties but they still have a duty to investigate.
- The Aboriginal monitoring and Archeology plan conditions need to be broadened. Plan describes participation of Aboriginal groups. Keep it open ended. Enbridge needs to serve Six Nations directly.
- Doing clearances after damage is done, is not right. Total footprint route needs to get clearances 30 days before area is subject to the clearance.
- The Board is hand strung by statutory, regulatory regime. Enbridge has the duty to do it.
- The Aboriginal engagement is troubling. Only 5 months is insufficient time to respond in a meaningful manner.
- There has been a vague generality in public engagement.
- The Environmental plans, the aquatic/terrestrial reports are incomplete/hurried
- Traditional land use not conducted
- Engagement not done in a fair manner. Short time line of 5 months.
- Lack of traceability, lack of concern
- Process does not meet modern standards of Six Nation's

accommodation policy.

- Shorter time lines than Professional Engineering Standards in Ontario
- Standards are less than Municipal Engineers give the public
- Enbridge has no evidence to suggest Six Nation's gave comment on Traditional Land Use. They "flourished" it.
- June 9/2016 meeting was well after the Board process first started. It gave Six Nations 14 days before they were to submit evidence.
- Enbridge perception of how it works is very different from solicitors views of how it is supposed to work. (Six Nation's planning protocol documents shown to the Board)
- They should have been engaged early.
- They were flooded with all documents on short notice.
- We submit it is wrong. Consultation should have been front end first.
- It was insufficient, hurried, reactive, on the fly, only percentages of work done.
- Hydro One has no clearance. Insufficient work. The Board should do the same before the decision.
- This is premature
- No decision until the data is done.

Enbridge final comment

- There was no rhetorical flourish. I said what I said
- CHM2 Hill not directly involved with Six Nations
- The record shows strong commitment
- Past funding agreements
- June Negotiation, there was a delay of response by Six Nations
- Accommodated to inform community
- Traditional Land Use when conditions are known
- No response. Uncertainty if there are any concerns.
- Nothing in the Haudneshonee's letter to Minister Carr to indicate concerns.
- We want to give 7 days before clearance not 30 days. It will help mitigate delays for construction.

End of NEB Enbridge Line 10 oral hearing.