

The hearing process began with the swearing in of the panel of experts including staff from Enbridge and their contractor CHM2 Hill who handled social/economic issues.

At 1:25 protesters were yelling outside the door of the hearing. Some had air horn devices like the kind used at hockey games. Security staff quickly came in and locked us in the room and the shouts continued. Protesters came to the door and were shaking it from outside the room. This lasted for approximately 10 minutes before things got quiet. The hearing continued on.

The solicitor for Six Nations of the Grand River referenced documents clarifying each time who authorized each document. Many of those responsible were on the witness panel but some were missing like the staff from Dillon consulting.

Documents referencing Stakeholder Identification failed to recognize Six Nations of the Grand even though Enbridge has a policy to engage Indigenous communities as stakeholders. The stakeholder list included municipalities that had nothing to do with the area where Line 10 actually crosses. I.e. Municipality of Brantford.

On June 23 2015, prior to the notification of the project, Enbridge hosted a public information session called Pipeline 101. It was a general meeting about pipeline infrastructure without any specificity to Line 10. This took place in response to growing concerns about Enbridge Line 9. The event was announced by way of yellow and white post cards without any mention of any specific pipeline or the fact there was an NEB process forthcoming. Six Nations members number 25,000 people, 13,000 of which live at Six Nations but only approx. 50 folks turned up at this open house.

Enbridge informed Six Nations about the Line 10 project on August 6 2015 for the very first time, but many of Enbridge's reports make reference to the previous June 23<sup>rd</sup> event as being part of the Line 10 public outreach with Six Nations.

There was a meeting with members of Six Nations on August 6<sup>th</sup> but traditional land use was not on the agenda. Mississaugas of the New Credit, Six Nations, Haudenosaunee and Metis Ontario are the groups identified by Enbridge as being the ones potentially impacted by the Line 10 project.

When the application was first filed with the NEB, only 30% of the Engineering plans were completed. There was a total route change for the proposed new line introduced on September 14, 2015 and no new openhouse was facilitated for Six Nations. No new consultations with land owners took place either because the landowners already sold the rights for that route. The new route goes through the Hydro Corridor from Copetown to Westover.

When CHM2 Hill was asked if it was in the Terms of Reference to include Six Nations into the Socio/Environmental and Site Assessment process the answer was no. Staff stated there was no direct contact with Six Nations on this project. They stated the Proponent (Enbridge) has the option to engage or exclude this and in this case CHM2 Hill was not involved with Six Nations.

Here are points specific to the Environmental Assessment:

- Traditional Land and Resource Use was not done even though areas include overwintering habitat for deer.
- There was no representative from Dillon Consultation at the NEB hearing.
- There are several endangered species confirmed along the route including Western Chorus Frogs, Jefferson Salamanders, Eastern Meadowlarks and others. (My affidavit notes the lack of critical habitat mapping)
- When Enbridge's staff was asked if they helped to write the report involving Dillon's and CHM2 Hills' environmental assessment the answer was yes.

Regarding Archeology digs, the work is not yet completed. They have not finished doing the level 2 review yet. Level 2 is a general assessment of the area of the proposed project area including pipes and access points. It impacts the entire footprint of the line.

If level 2 inspections reveal higher priority features in the area the project is bumped up to a Level 3 dig which is usually done by hand. If that dig reveals even more important features it is bumped up to a Level 4 process which has the potential to reroute the line and to include the use of heavy machinery.

Pipelines can be installed through an "Open Cut" dig with a trench to insert the line or it can use "Directional Drilling" which is a bore hole where the line is inserted through an underground hole over a distance. Enbridge is considering using directional drilling in certain areas for Line 10.

The Six Nation's solicitor asked what happens when a spill happens near a Level 4 Archeological area? Is heavy machinery brought in to re-mediate the spill? The answer was yes. Enbridge gets clearance on the entire line before an emergency happens. They will dig with heavy machinery to address spills regardless of the Archeology status.

The day ended with Six Nation's solicitor handing them a copy of the Haldimont Tract Agreement and Six Nation's Consultations/Accommodation info including info their 13 step consultation process and Land Rights Financial Justice resolutions.

Tomorrow's hearing will take place at the Crowne Hotel in Hamilton Ontario beginning at 8:30am til 5. It will be Enbridge's turn to speak at the hearing.

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