

11 October 2017

National Energy Board
Suite 210, 517 - 10th Avenue SW
Calgary, AB
T2E 084

Attention: Sheri Young, Secretary of the Board

Dear Ms. Young

Re: Enbridge Pipeline Inc. ("Enbridge")
Line 10 Westover Segment Replacement Project ("Project")
National Energy Board ("NEB") Order XO-E101-001-2017
Response to NEB re: Adam Oswell, Regulatory Advisor email dated Oct. 3rd, 2017.

Further to the letter from NEB, Socio-Economic & ADR Specialist, Sam Sele dated September 21, 2017 and Response to NEB from Adam Oswell, Regulatory Advisor.

Enbridge states that the Project team, including biologists from both Dillion Consulting Ltd. and CHM2 Hill are aware of Provincial and Federal policies and regulation pertaining to wetlands and species at risk as they relate to the project. The ruling confirms that Enbridge will be installing bat boxes and taking measures to protect Jefferson Salamanders however they have failed to apply for a permit under clause 17(2)(c) of the Endangered Species Act 2007 (ESA). The permit requires Enbridge to undertake a number of actions to achieve an overall net benefit for these species.

ORDER XO-E101-001-2017 states the following:

8. Environmental Protection Plan (EPP) Enbridge must file with the Board for approval, at least 45 days prior to commencing construction, a final and updated project-specific EPP. The EPP must describe all environmental protection procedures, and mitigation and monitoring commitments, as set out in the application or as otherwise agreed to during the hearing or in its related submissions. The EPP must include: a) any environmental mitigation or monitoring committed to under conditions of permits issued by or agreements made with the Ontario Ministry of Natural Resources and Forestry, the Municipality of Hamilton and the following Conservation Authorities: Grand River, Hamilton, and the Niagara Peninsula; b) site-specific mitigation for migratory birds; c) site-specific mitigation for provincially and federally listed species at risk; d) site-specific mitigation for wetlands; e) site-specific mitigation for lands with drainage tiles and irrigated lands in order to maintain the integrity of the tile drains; f) updated Environmental Alignment Sheets; and g) current drawings of typical construction practices.

The problem with this wording is there is no regard for net benefit for the endangered species. It's all about mitigation not restoration of habitat or species recovery. Making the commitment to monitor is not a replacement for assuring net benefit for these species. By using the EPP method to bypass the listing of the work on the Environmental Bill of Rights Registry (EBR) your violating my right as an Ontario citizen that was provided to me by Her Majesty. This is the preamble of the Environmental Bill of Rights:

Preamble

The people of Ontario recognize the inherent value of the natural environment.

The people of Ontario have as a common goal the protection, conservation and restoration of the natural environment for the benefit of present and future generations.

While the government has the primary responsibility for achieving this goal, the people should have means to ensure that it is achieved in an effective, timely, open and fair manner.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

The policy continues...

Same

(3) In order to fulfil the purposes set out in subsections (1) and (2), this Act provides,

(a) means by which residents of Ontario may participate in the making of environmentally significant decisions by the Government of Ontario;

(b) increased accountability of the Government of Ontario for its environmental decision-making;

(c) increased access to the courts by residents of Ontario for the protection of the environment; and

(d) enhanced protection for employees who take action in respect of environmental harm. 1993, c. 28, s. 2 (3).

The policy by design is to facilitate public input to allow open and fair process to help mitigate harm but the EPP is handling the management of endangered species “in house” with government and industry without regard for public input. It is violating the preamble of the EBR process. The NEB may be able to issue rulings independent of compliance to this protocol, but government permits are still needed for water taking, for the use of Hydro Lands and other measures. Where is the burden for Provincial agencies to comply to Provincial Laws with regards to the protection of these endangered species? Where is the burden for the engineers who work at the site to work with compliance to Provincial laws? My view is the EPP process is fundamentally flawed and undemocratic.

I request to make an application for judicial review under the *Judicial Review Procedure Act* on the grounds that a minister or his or her delegate failed in a fundamental way to comply with the requirements of the Environmental Bill of Rights. Because the Line 10 construction is based on s.58 Order rather than a CPCN certificate issued by the NEB, this process appears to have enabled the Governor in Council to act as both Judge and Jury negating public input and Ontario Ministry engagement. Where is the oversight of the Crown in this process to assure that the Honor of the Crown is upheld?

Enbridge states they have a Water Permit for the work taking place at 2456 Governors Road. May I secure a copy of the MOECC Water Permit please and any evidence you can provide me to prove a copy of this permit is actually at the site. A simply cell phone photograph from the site manager would be sufficient just to verify that the data they have is the same as the copy Enbridge has.

In the October 3rd response from Adam Oswell to Shari Young of the National Energy Board, he wrote the following:

Enbridge also notes that SNC Lavalin is not a contractor for the Project. The construction contractors for the Project are Somervill AECON Energy Group and R.B. Somerville Co. Ltd.

This conflicts with the signage I witnessed located by 2456 Governors Road and off Consession 2 in Copetown which clearly showed SNC Lavalin was working at the Line 10 site.





Why is Enbridge unaware of the fact SNC Lavalin staff are working at the Line 10 site in Copetown?

Enbridge's response suggests that engineers doing this work are certified to work in Ontario yet they didn't seem to realize that SNC Lavalin was doing work at the site. Can we please secure an NEB or Independent review to verify if the staff working at this site are legally registered with Professional Engineers Ontario?

I have witnessed construction under way and have seen extensive removal of vegetation and cut and fill taking place the entire width of the Hydro Corridor. Photos taken from beside 2457 Governors Road in Copetown Ontario.





Note the size of this truck



Same truck in the distance between the trees and the furthest hydro tower.



Doesn't this kind of clearance of all vegetation and the significant regrading seem excessive to secure the installation of a 20 inch pipe?

Is this work showing any evidence it is being handled in a way to mitigate hydro geological risks?

Where is the sediment fences to protect the adjacent properties along this hydro corridor?

Is this work having regard for existing drainage tiles and well systems on adjacent properties?

Is this method protecting endangered species and their habitats?

Is this method protecting creeks and wetlands?

Is this work implementing all the protections as promised in ORDER XO-E101-001-2017?

Is this compliant to the conditions outlined in NEB A78979-21 Supplemental ESA part 1?

Is this work being done with First Nations representatives on site to properly protect archaeological features and/or artifacts?

What are the large piles of sediment for? Is it being sold for aggregate purposes? If so, who is profiting from it?

I request written answers for these questions please.

Louissette Lanteigne
700 Star Flower Ave.
Waterloo Ont
N2V 2L2