

May 24, 2017

BY COURIER & RESS

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

RE: EB-2015-0179 – Union Gas Limited (“Union”) – Community Expansion – Union Response to request for late intervention by Batchewana First Nations of Ojibways

Union received a copy of the intervention request of Batchewana First Nation of Ojibways dated May 18, 2017. Union does not object to this intervention request in the EB-2015-0179 proceeding.

Union submits this intervention request applies only to the Section 90 leave to construct proposal to service Prince Township and in no way impacts the remaining three proposed projects or the Section 36 rate surcharge structure proposal for each project (i.e. System Expansion Surcharge).

In its interrogatory responses filed today, Union has provided an overview of the consultation undertaken since 2015 when this application was filed. Please refer to Exhibit C.Staff.17 (attached) for this information.

Should you have any questions on the above or would like to discuss in more detail, please contact me at 519-436-5473.

Yours truly,

[Original signed by]

Karen Hockin
Manager, Regulatory Initiatives

Encl.

cc: Batchewana First Nation of Ojibways
EB-2015-0179 Intervenors
C. Keizer, Torys

UNION GAS LIMITED

Answer to Interrogatory from
Board Staff

Reference: Exhibit A, Tab 2, Section A: "Kettle Point"
Exhibit A, Tab 2, Section B: "Milverton"
Exhibit A, Tab 2, Section B: "Moraviantown"
Exhibit A, Tab 2, Section D: "Prince Township"

The 7th edition of "OEB Environmental Guidelines for Locating Constructing and Operating Hydrocarbon Pipelines in Ontario" published on August 11, (2016 Guidelines) sets the streamlined and enhanced process for the duty to consult on pipeline and storage projects requiring approval by the OEB.

- a) Please confirm that Union Gas conducted the Indigenous consultation in accordance with the intent of the 2016 Guidelines.
- b) Which sources did Union Gas use to determine Indigenous communities that are directly affected by the each of the proposed community expansion projects?
- c) How is Union planning to address issues and concerns identified in the Indigenous consultation process?

Response:

- a-c) While the Projects were initiated under the 2011 version of the Environmental Guidelines, Union has conducted its Indigenous Consultation efforts to comply with the intent of the 2016 guidelines.

In developing the Indigenous Consultations program, Union consulted with 11 Métis and First Nations in and around the proposed projects. Union has conducted many years of ongoing and detailed discussions with the two First Nation communities that will be receiving natural gas service from the proposed facilities. Union will continue to consult with all Indigenous Communities during the planning and construction of the Proposed Facilities. Union will be inviting First Nation monitors to participate in the archaeological and environmental studies, providing project updates to the communities, and providing the communities with contact information in the event that issues or concerns may arise. There will also be Union Gas Inspectors on site that can provide information to First Nations or Métis Citizens if questions arise on the site.

Union is aware of and will not be objecting to the Batchewana First Nation of Ojibways' request to intervene in the EB-2015-0179 proceeding. Union submits this intervention request applies only to the Section 90 leave to construct proposal to service Prince Township and in no way impacts the remaining three proposed projects or the Section 36 rate surcharge structure proposal for each project (i.e. System Expansion Surcharge).

Due to the lateness of this intervention request (dated May 18, 2017) and the extent of the consultation undertaken, Union has provided an overview of the consultation efforts that have occurred between Union and the Batchewana First Nation. As noted at Exhibit A, Tab 2, Section D of Union's original evidence submitted in July 2015, Union notified the Batchewana First Nation of the proposed Prince Township Project and provided them with a copy of the Environmental Protection Plan ("EPP") on June 1, 2015. Since filing Union's original evidence, a Stage 1 archaeological assessment has been completed and forwarded to the Ministry of Tourism, Culture and Sport. The Stage 1 assessment did not require any additional assessments be completed. As part of Union's updated application (dated March 31, 2017) Union again contacted the Batchewana First Nation. On April 5, 2017 Union made a presentation to the Batchewana First Nation to provide them with further details of the proposed Prince Township Project. Subsequent to that meeting, Union has attempted to meet with the Batchewana First Nation to discuss the project. Union has, and will continue to, meet with and discuss issues related to its proposal to construct small diameter polyethylene pipelines within the road allowance of Prince Township with the Batchewana First Nation.