



uniongas

A Spectra Energy Company

June 16, 2009

BY RESS & Courier

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2700, 2300 Yonge Street
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

**Re: Union Gas Limited
Creekford Road Reinforcement Project – Leave to Construct Application
Board File # EB-2009-0061**

Further to the Board's letter dated June 5, 2009, please find attached two copies of Union's responses to the Board's interrogatories.

Sincerely,

Mary Jane Patrick
Regulatory Analyst, Regulatory Projects
:mjp
Encl.

cc: Neil McKay, Manager Facilities Applications
Zora Crnojacki, Project Advisor

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

1) Projected Load Increases

Reference: Pre-filed Evidence Schedule 3

Preamble:

In Schedule 3, a construction/gas connection forecast is provided for the service area in question and as a consequence of this forecast, Union states there will be a requirement for more than 400 new connections (mostly residential single and multi-family dwellings) between 2009 and the end of 2018.

Questions:

- a) On a year over year basis, what does Union project the load increase to be in percentage terms on both a peak demand and volumetric usage basis between 2009 and 2018?
- b) Given that Union utilizes this particular planning protocol on a regular basis to project future gas usage and demand requirements, how accurate has this protocol proven to be in the past and if inaccuracies have occurred how has Union taken these inaccuracies into consideration in its current planning process (e.g. has the current economic downturn been factored into the process)?

Response:

a)

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Peak Hourly Load Increase %	3.4	3.9	2.7	3.7	1.1	0.9	0.8	0.8	0.8	0.8
Annual Volumetric Load Increase %	1.9	2.1	1.6	2.2	1.2	0.5	0.5	0.5	0.5	0.5

- b) Union has been completing FBPs for distribution projects for over 10 years. When comparing the customer forecast prepared for Guelph Reinforcement Phase I (EB-2004-0205) to the actual customer attachments identified in Guelph Reinforcement Phase II (EB-2008-0364), it can be noted that Union's growth projections had an accuracy of 98%. Based on this accuracy, Union believes we have a very good understanding on projected growth in the Guelph area. Union has long standing history of using these methods which have proven successful.

Union's FBP forecasting methodology involves the assessment of the FBP area by our District growth and development representatives. The representatives, using local market knowledge and in consultation with local planning agencies, developers and officials, develop the forecast to support the FBP process. This method was chosen to provide adequate detail while at the same time being reasonable in its approach to forecasting and updating.

Union has refined this methodology based on historical success, market forecasting tools, availability of municipal planning documentation and best practices. This approach has been used by Union for greater than 10 years.

Union is not aware of any alternative growth forecast studies and as such, none have been provided.

In terms of the current economic downturn referenced in the IR, the actual peak hourly flow of the Kingston Township natural gas system increased from the 2007/08 winter to the 2008/09 winter. This reinforcement project remains a requirement for the 2009/10 winter. In addition, the applied for reinforcement project is being constructed for the long term health of the Kingston Township natural gas system. Based on these reasons, no adjustments were made to the original load forecast.

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

2) Pipeline Preferred Route

Reference: Pre-filed Evidence Paragraph 45

Preamble

In paragraph 45, Union states that it has discussed the road allowance portion of the project with personnel from the City of Kingston and received preliminary approval from the City of Kingston regarding the proposed pipeline installation.

Question

- a) What other agencies/parties have provided preliminary approval with respect to this project? Is Union expecting approval from any additional parties that it has not yet heard from? What agencies/parties (if any) have indicated to Union that they are not in agreement with respect to this project?

Response:

Agencies/Parties contacted with respect to Creekford Road Reinforcement:

- City Of Kingston
 - Initial approval received
 - Final drawings sent for Municipal Consent
- Cataraqui Conservation Authority
 - No foreseen issues (Conservation Authority is also commenting on behalf of the Department of Fisheries Ontario)
 - Small creek crossing permits approved
 - Collin's Creek HDD permit approved
 - Anticipating Collin's Creek dam and pump permit approval
- Ministry of Transportation Ontario
 - Awaiting Building and Land Use permit approval
 - Contact at MTO (Lina Arsenualt) has commented that there are no foreseen issues
- City of Kingston Arborist
 - Received approval to clear trees on City of Kingston property
- Ministry of Environment
 - No foreseen issues

No agencies/parties have indicated that they are not in agreement with respect to this project.

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

3) Environmental Review Report

Reference: Pre-filed Evidence Paragraph 56

Preamble:

In Paragraph 56, Union stated that that it would provide a summary of the comments received regarding the Environmental Review Report as well as Union's response to these comments.

Question/Request:

- a) Please provide a copy of all comments received to date regarding the Environmental Review Report for the project as well as a copy of Union's response to these comments.

Response:

- a) -OPCC Review Summary and responses attached.

OPCC Review Summary 2009

Creekford Road Reinforcement Project

AGENCY	COMMENT	RESPONSE
Email dated April 7, 2009 City of Kingston George Wallace Director, Planning & Development Department, Sustainability and Growth	Mr. Wallace indicated two minor inaccuracies with respect to referencing the Official Plan in the ER. Mr. Wallace also Informed Union that a copy of the Stage 1 and Stage 2 Archaeological Study's should be forwarded to the City's Heritage Planner.	Email sent April 13, 2009 by Unions contracted Archaeologist to City of Kingston's Heritage Planner forwarding a copy of the Stage 2 report. The Stage 1 report was included as part of the ER.
Email dated April 28, 2009 City of Kingston Kim Brown Infrastructure Engineer	Ms. Brown indicated that following a field review with Union representatives on April 23, 2009, she confirms that in principal the alignment is satisfactory to the City of Kingston. The City will review the design drawing before final approval is provided to Union Gas.	Not Required.
Meeting March 5, 2009 Cataraqui Region Conservation Authority (CRCA) Andrew Schmidt Development Officer	Discussed affected watercourses and various watercourse crossing techniques. Permit application submitted to CRCA April 06, 2009.	Permit received May 04 , 2009
Ministry of Transportation Stacy Sweezey Corridor Management Planner Eastern region Letter dated April 8, 2009 to Ms. Kirsten Walli, Board Secretary. Fax received Union Gas April 9, 2009	Portion of project within MTO jurisdiction. MTO requests copy of the engineering drawings for the project be forwarded for review/comment and that permits will be required.	Letter sent May 6, 2009 indicating that a Union representative has been in contact with the MTO representative for the area and will send the alignment drawings and apply for appropriate permits.
Letter dated April 16, 2009 Ministry of the Environment Vicki Mitchell Environmental Assessment Coordinator Eastern Region	Indicating that the MOE concurs with the mitigation and monitoring measures proposed in the ER and indicates the possible need for a Permit to Take Water for volumes exceeding 50,000 litres per day for construction activities.	Not Required
Email received April 27, 2009 Ministry of Natural Resources Leala Pomfret Planning Intern Peterborough District Office	Following review of ER there are no additional comments.	Not Required

Norm Dumouchelle

From: Wallace, George [GWallace@cityofkingston.ca]
Sent: April 7, 2009 8:32 AM
To: Norm Dumouchelle
Subject: Union Gas Limited Pipeline Project - Creekford Road Reinforcement

Dear. Mr. Dumouchelle:

Receipt is acknowledged of your letter dated February 26, 2009 together with the Environmental Study Report for the above noted project. In reviewing the document, I would note the following:

In the Executive Summary on page ii, there is a reference at the bottom of the page to the Cataraqui East Secondary Plan. That should read Cataraqui West Secondary Plan.

On page 10, under the discussion of Land Use Planning (3.4.3), it should be noted that the policies of the former Township of Kingston are still applicable as the municipality has not yet adopted its new consolidated Official Plan. In addition, a more recent Fall 2008 Draft was released for public comment. Formal consultation on the Draft Official Plan is scheduled for June, 2009.

A copy of the Stage I Archaeological Study should be forwarded to the City's Heritage Planner (Marcus Letourneau – mletourneau@cityofkingston.ca) for his review and comment. Also, please advise whether or not the Ministry has accepted the consultant's Stage I report and if so, please provide a copy of the Ministry letter. The Stage II report should also be submitted to the City's Heritage Planner.

Thank you for the opportunity to review the report. Should we have any further comments from a Planning & Development perspective, we will advise accordingly.

Regards,

George Wallace,
Director, Planning & Development Department,
Sustainability and Growth,
City of Kingston
Telephone: 613-546-4291, ext 3252,
Fax: (613) 542-9965
e-mail: gwallace@cityofkingston.ca
Location: 1211 John Counter Boulevard

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04/05/2009

Norm Dumouchelle

From: Nick Adams [nickadam@rideau.net]
Sent: April 13, 2009 11:22 AM
To: Letourneau, Marcus
Cc: Norm Dumouchelle
Subject: Union Gas Limited Creekford Road Reinforcement - Stage 2

Attachments: creekford road gas report stage2.pdf



creekford road gas
report stag...

Hello Marcus,

Please find attached a copy of our recent Stage 2 report on the Creekford Road reinforcement, as required. I am also forwarding print copies of the report to the Ministry of Culture for review.

As usual, please ignore any pdf glitches.

Sincerely

Nick

Nick Adams MA
ADAMS HERITAGE
3783 Maple Crest Court
Inverary
Ontario K0H 1X0
Phone/Fax (613) 353-1463
email: nickadam@rideau.net

From: Michelle Lee Rogers
Sent: April 28, 2009 11:35 AM
To: Gregory Shannon; Norm Dumouchelle
Subject: Fw: Tree Cutting Approval on Creekford Road

Michelle Rogers, P.Eng.
Eastern District Engineer
520 Gardiners Road
Kingston, ON, K7L 4Y6
Office: (613) 389-7006 Ext. 262
Pager: (613) 650-6969
E-mail: mlrogers@uniongas.com

Sent from my BlackBerry Wireless Handheld

From: Brown, Kim
To: Michelle Lee Rogers
Cc: Conners, Eugene
Sent: Tue Apr 28 11:12:30 2009
Subject: RE: Tree Cutting Approval on Creekford Road

Michelle

We have discussed your request to commence brushing along Creekford Road as it relates to the alignment of the gas main construction that we reviewed in the field on Thursday April 23, 2009 and can confirm that in principal the alignment is satisfactory to the City of Kingston. This is provided recognizing that the City will have the opportunity to review the design drawings and request alignment changes in the event that additional information is found during the preparation of the final construction drawings before and final approval is provided to Union Gas.

We have confirmed that there have been advance discussions with our Forestry Division, in particular with Eugene Conners, confirming the brushing activities and identifying the extent of the works required. As well it was noted that one tree was of significance and was dual ownership. The compensation requirements are provided below as extracted from an e-mail by Eugene to Norm. Please ensure that the appropriate compensation is received by both parties.

Ministry of Transportation

Corridor Control Unit
Planning and Design Section
1355 John Counter Boulevard
Postal Bag 4000
Kingston, Ontario K7L 5A3
Tel.: 613 545-4865
Fax: 613-540-5106
Stacy.Sweezey@Ontario.ca

Ministère des Transports

Unité de contrôle des couloirs routiers
Section de la planification et de la conception
1355, boulevard John Counter
CP/Service de sacs 4000
Kingston (Ontario) K7L 5A3
Tél.: 613 544-2220
Téléc. 613 540-5106



Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

April 8th, 2009

Attention: Ms. Kirsten Walli, Board Secretary
Fax No. 416 440-7656

Dear Ms. Walli:

**RE: UNION GAS Limited Pipeline Project - Creekford Road Reinforcement
Ontario Energy Board File Number EB-2009-0061
Leave to construct a natural gas pipeline in the city of Kingston.
Commencing Lot 1 Con 3 Creekford Road, easterly to Lot 13 Con 3, Gardiners Rd,
thence southerly to Fortune Crescent. Geographic Township of Kingston
City of Kingston, County of Frontenac
Highway 401, Eastern Region MTO, Ottawa Area**

The following is provided in response to a letter from Union Gas to the Ministry of Transportation (MTO), dated March 30, 2009, which contained a copy of **Ontario Energy Board, Notice of Application EB-2009-0061**.

At this time, MTO is also in receipt of an Environmental Study Report (ESR), for the Creekford Road Reinforcement Project, prepared for UnionGas, by Azimuth Environmental Consulting Inc., dated Feb 2009.

The Union Gas project, scheduled to commence Summer 2009, is of concern to MTO as the gas line alignment goes through the Gardiners Road / Creekford Road (Centennial Drive) intersection. Although the ESR implies the work is on the south side of the intersection, which is not physically on MTO property, the work is within the MTO Building and Land Use Permit control area. The proposed utility installation may have impacts upon traffic operations during construction, and may also have impacts to the existing and future intersection plans. Union gas should be aware that there is a traffic signal plant and illumination in that area. Additionally, The City of Kingston has future plans to widen Centennial Drive (opposite Creekford Road), as per the Robinson Industrial Park traffic study. As such, MTO requests that a copy of the engineering drawings for the Creekford Road Reinforcement project, be provided to MTO for review and comment.

Please note that, under the authority of the Public Transportation and Highway Improvement Act R.S.O. 1990, MTO, through the issuance of permits controls all land use within 45 meters (150 feet) of the ministry's property limit, and within 395 meters (1300 feet) of the center points of the Highway 401 / Gardiners Road Interchange. Development within these limits is subject to MTO Building and Land Use Permit control. Permits are required prior to the commencement of construction and are available from Lina Arsenault, at the contact numbers below.

By means of this letter, MTO requests that Union Gas provide the requested engineering documentation to Lina Arsenault, and that OEB provide all future information regarding **Ontario Energy Board, Notice of Application EB-2009-0061** to Lina Arsenault, Corridor Management Officer, at The Ministry of Transportation, Ottawa Area Office, 347 Preston Street, 4th Floor, Ottawa, Ontario K1S 3J4
Phone (613) 748-5270 Fax: (613) 748-5278 Toll free: 1 (888) 362-1770

I thank you for the opportunity to provide the preceding.

Sincerely,



Stacy Sweezey
Corridor Management Planner
Eastern Region, MTO

cc: Union Gas Limited (Head Office)
50 Keil Drive North
Chatham, Ontario
N7M 5M1 Attention: M. Murray, Manager, Regulatory Projects and Land Administration
Fax No: 519 436-4641

L. Arsenault, Ottawa Area Office



uniongas

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EB-2009-0061
Interrogatory # 3
Attachment

May 5, 2009

Ministry of Transportation
Planning and Design Section
1355 John Counter Boulevard
Postal Bag 4000
Kingston, Ontario K7L 5A3

Attention: Stacy Sweezey, Corridor Management Planner

Re: Union Gas Limited Pipeline Project – Creekford Road Reinforcement
Ontario Energy Board File Number EB-2009-0061

Dear Ms. Sweezey:

Thank you for your letter dated April 8, 2009, concerning your review of the Environmental Study Report for the above mentioned project.

Union Gas Limited (Union) has been working with the City of Kingston's Engineering Department during the process of ascertaining the alignment of the new natural gas pipeline. The proposed location of the pipeline was reviewed with City Engineers during a field site visit on April 23, 2009 and the alignment was found to be satisfactory to the City of Kingston.

The City of Kingston as well as the Ministry of Transportation will have the opportunity to review the design drawings and request changes during the preparation of the final drawings. Once generated, the drawings in addition to any pertinent permit applications will be forwarded to Lina Arsenault as requested in the aforementioned letter. A representative from Unions Land Department has been in contact with Lina Arsenault to discuss the appropriate information required.

Should you have any questions regarding Unions Creekford Road Reinforcement Project, please contact me at 1-866-949-1595 ext. 76955 or email me at npdumouchelle@uniongas.com.

Yours Truly

Union Gas Limited

Norm Dumouchelle
Environmental Planner

cc. Ms. Kirsten Walli, Board Secretary, OEB
Ms. Lina Arsenault, Corridor Management Officer, MTO

Ministry of the Environment

P.O. Box 22032
Kingston, Ontario
K7M 8S5
613/549-4000 or 1-800/267-0974
Fax: 613/548-6908

Ministère de l'Environnement

C.P. 22032
Kingston (Ontario)
K7M 8S5
613/549-4000 ou 1-800/267-0974
Fax: 613/548-6908



April 16, 2009

Union Gas
50 Keil Drive North, PO Box 2001
Chatham, Ontario
N7M 5M1

Attention: Norm Dumouchelle
Environmental Planner

Union Gas Limited
Major Projects Department

Dear Mr. Dumouchelle:

Re: Union Gas Limited Pipeline, Creekford Road, Kingston

Thank you for your February 26, 2009 letters to Penny Stewart and me, and copies of the Environmental Study Report prepared by Azimuth Environmental Consulting Inc. and dated February 2009. We have no objections to the project, but have comments about the potential need for Permits to Take Water for construction activities in addition to hydrostatic testing.

The project involves constructing a 6 inch natural gas pipeline within the road allowances along Creekford Road and Gardiners Road. The pipeline will extend from an existing Union Gas pipeline near the west end of Creekford Road to a new tie-in location at the intersection of Gardiners Road and Fortune Crescent.

Mitigation, Restoration and Monitoring

The report commits to mitigation and restoration measures in accordance with the Ontario Energy Board *Environmental Guidelines for Locating, Constructing and Operating Hydrocarbon Pipelines in Ontario, 2003*, the *Union Gas Environmental Management Manual*, and the *Union Gas Erosion and Sedimentation Control Standards*. The two Union Gas guidelines are included in the appendices to the report. In addition, the report states that a Land Relations Agent will be available to assist in maintaining good relations with homeowners throughout construction, and that an Environmental Inspector should be assigned to the project throughout the construction period to ensure that impacts are mitigated and restoration measures are carried out.

The report commits to mitigation measures such as:

- pre-blast surveys and receptor blast monitoring;
- landowner notification prior to blasting;
- control of noise, dust and flyrock during blasting;

- 2 -

- implementing the standard Union Gas well monitoring program that involves retaining the services of a qualified hydrogeologist to determine an appropriate well monitoring program where necessary;
- providing water supplies where wells are impacted by construction;
- contacting MNR, DFO and the CRCA to obtain approval of the watercourse crossing method (Collins Creek);
- use of energy dissipater systems for discharge of hydrostatic testing discharge, and allowing chlorine to dissipate prior to discharge to a watercourse;
- managing contaminated soil in accordance with the *Environmental Protection Act* and Regulation 347;
- spill containment, clean-up and reporting;
- adherence to local noise by-laws;
- use of mufflers on construction vehicles; and
- dust control using water.

MOE staff concur with the mitigation and monitoring measures proposed above.

Permit to Take Water

Permits to Take Water (PTTW), issued under section 34 of the *Ontario Water Resources Act*, are required for any taking, dewatering, storage or diversion of water in excess of 50,000 litres per day. Activities which may require Permits to Take Water include hydrostatic testing, dewatering behind a coffer dam, diversion of stream flow to allow work in the dry at a water crossing, construction dewatering, and use of water to make up a drilling slurry.

The report recognizes the need for a PTTW for hydrostatic testing when volumes exceed 50,000 litres per day, but does not discuss the need for a PTTW for other construction activities such as during water crossings. For example, the report states that water crossings are proposed to be constructed using either a directional drill technique or a dam and pump technique. Either of these techniques could result in diversion or taking of water.

If you have any questions or concerns about the above comments, please contact me at (613) 540-6852.

Yours truly,



Vicki Mitchell
Environmental Assessment Coordinator
Technical Support Section
Eastern Region
VLM/sh

Norm Dumouchelle

From: Pomfret, Leala (MNR) [Leala.Pomfret@ontario.ca]
Sent: April 27, 2009 4:30 PM
To: Zora.Crnjacki@oeb.gov.on.ca
Cc: Norm Dumouchelle
Subject: RE: Creekford Road Pipeline Project - Kingston

Dear Ms. Crnjacki,

Our office has had the opportunity to review the Creekford Road Reinforcement Project Environmental Study Report (ESR). Based on our review of the information we have no additional comments with respect to either of the proposed methods of crossing indicated below.

We recognize that the Conservation Authority has been contacted in order to obtain a permit. We trust that timing windows (no in water works between April 1st and June 30th) and mitigation related to fisheries (i.e. sedimentation and erosion control methods) and post-construction replanting of native vegetation will be addressed through the Conservation Authority permitting process.

Based on the information within the ESR it is our understanding that no species at risk were observed during any field visits. Should any species at risk be observed and potentially affected by on site activities, Peterborough District MNR should be contacted immediately and operations should be modified to avoid any negative impacts to species at risk or their habitat until further direction is provided by our office.

I trust this meets your request. Please do not hesitate to contact me with any further questions.

Regards,

Leala Pomfret

Planning Intern
Peterborough District Office
Ontario Ministry of Natural Resources
Phone: (705) 755-3360
Fax: (705) 755-3125
E-mail: leala.pomfret@ontario.ca

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

4) Comparison of Alternatives

Reference: Pre-filed Evidence Schedule 8, pages 8-11

Preamble

In Schedule 8, Section 3.5 Union compares various alternatives as follows:

- The P.I. of this reinforcement was less favourable than the other alternatives (3.5.1 – Joining Two Independent Systems)
- This Reinforcement alternative was rejected due to the fact that the routing of the pipeline was not preferred (3.5.3 – Reinforcement from an Alternate Route)
- This alternative provides additional system integrity benefits (3.5.4– Reinforcement with a Second Feed)

Questions

- a) What was the P.I. for Alternative 3.5.1?
- b) Please explain why the routing for alternative for Alternative 3.5.3 was considered undesirable?
- c) What were the additional system integrity benefits anticipated for Alternative 3.5.4?

Response:

- a) The PI for alternative 3.5.1 is 1.06.
- b) The routing for alternative 3.5.3 is considered undesirable for the following reasons:
 - 1. Involves a 401 crossing (rock bore);
 - 2. Construction Conditions are rock
- c) The additional system integrity benefit for alternative 3.5.4 is the added ability to supply gas to the existing high pressure network during an outage scenario at either the Woodbine TBS or main high pressure supply network. The result of having an additional TBS and an additional gas supply into the existing high pressure network will provide additional system integrity during non-peak hourly flow conditions.

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

5) MTO Concerns

Reference: Letter to Union (copied to the Board) from the Ministry of Transportation of Ontario dated April 8, 2008

Preamble

In its letter of April 8 2008, the MTO expressed concerns regarding the proposed routing of the pipeline for the proposed project in the vicinity of the Creekford Road/Gardiners Road intersection.

Question:

- a) When does Union anticipate sending drawings and engineering documentation regarding its proposals for the Creekford Road/Gardiners Road intersection to the MTO (both the Ottawa and Kingston MTO Offices)?

Response:

An application for an encroachment permit, accompanied by drawings showing details of the proposed work were sent to Lina Arsenault of the MTO on May 25th, 2009 per a letter from the MTO to the Board.

Union followed up with Mrs. Arsenault June 8th and at her request; an application for a “Building and Land Use Permit” was submitted to her on that same June 8th. She had indicated that all documentation was satisfactory at this time and that once the review had been completed, a permit would be issued.

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

6) Collins Creek Crossing

Reference: Azimuth Environmental Review Report Page 27 and 28

Preamble

In the Environmental Review Report, Azimuth makes reference to hydrostatic testing at the completion of the project.

Question/Request:

- a) Please confirm that if there is a requirement to bring water to the site for hydrostatic testing (inadequate flow from Collins Creek), that the water will be of similar or higher quality than that in the receiving watercourse and if chlorinated water is used for testing then the chlorine be allowed to dissipate before it is released into the receiving watercourse as noted on page 28 of the Azimuth Environmental Review Report.

Response:

- a) Confirmed

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

7) Potential Contamination along Proposed Route

Reference: Environmental Review Report Page 28

Preamble

In the Environmental Review Report, Azimuth makes reference to possible soil contamination along the proposed route near Gardiners Road

Question/Request

- a) Please detail the soil and groundwater management program that will be used by Union if there is contaminated soil found near the auto wrecking yard that is located on Creekford Road near Gardiners Road

Response:

- a) As indicated in ER, page 28, section 7.2.6, Union obtained the services of Golder Associates (Golder) to perform geotechnical and geo-environmental investigations near the wrecking yard within the road allowance of Creekford Road. The investigations indicated that there were no indications of soil or groundwater contamination near the wrecking yard on Creekford Road. As a result of the investigations findings, Union is not anticipating encountering contaminated soils or water.

UNION GAS LIMITED

Response to Interrogatory
from Board Staff

8) Consultations with Aboriginal Peoples:

Please provide a status update with regard to the following;

- a) Identify all of the Aboriginal groups that have been contacted in respect of this application.
- b) Indicate:
 - i) how the Aboriginal groups were identified;
 - ii) when contact was first initiated;
 - iii) the individuals within the Aboriginal group who were contacted, and their position in or representative role for the group;
 - iv) a listing, including the dates, of any phone calls, meetings and other means that may have been used to provide information about the project and hear any interests or concerns of Aboriginal groups with respect to the project.
- c) Provide relevant information gathered from or about the Aboriginal groups as to their treaty rights, any filed and outstanding claims or litigation concerning their treaty rights, treaty land entitlement or aboriginal title or rights, which may potentially be impacted by the project.
- d) Provide any relevant written documentation regarding consultations, such as notes or minutes that may have been taken at meetings or from phone calls, or letters received from, or sent to, Aboriginal groups.
- e) Identify any specific issues or concerns that have been raised by Aboriginal groups in respect of the project and, where applicable, how those issues or concerns will be mitigated or accommodated.
- f) Explain whether any of the concerns raised by Aboriginal groups with respect to the applied-for project have been discussed with any government department or agencies, and if so, identify when contacts were made and who was contacted.
- g) If any of the Aboriginal groups who were contacted either support the application or have no objection to the project proceeding, identify those groups and provide any available written documentation of their position. Also, indicate if their positions are final or preliminary or conditional in nature.
- h) Provide details of any know Crown involvement in consultations with Aboriginal groups in respect of the applied-for project.

Response:

- a) Aboriginal groups that have been contacted in respect to this application were:
- Chief Don Maracle
The Mohawks of Quinte
R.R. #1
Tyendinaga Mohawk Territory, ON K0K 1X0
- Chief James Marsden
Alderville First Nation
11696 2nd Line Road
P.O. Box 46
Alderville, ON K0K 2X0
- b) i) The Aboriginal contacts were provided by Union Gas and in consultation with Indian and Northern Affairs Canada.
- ii) Azimuth contacted Indian and Northern Affairs Canada to obtain their input on potential First Nations issues and the appropriate First Nations contact. Contact was first initiated by written correspondence September 2008 when Notification was sent to the government agencies, adjacent property owners and First Nations informing them of the project and requesting any information or concerns they may have that should be considered in the selection of alternative routes.
- iii) Chief Don Maracle, The Mohawks of Quinte and Chief James Marsden, Alderville First Nation
- (iv) No response was received from the groups. Additional letters were sent in October 2008 inviting the groups to a Public Information Session and in February 2009 with a copy of the Environmental Study Report (Letters Attached). No response was received, and no attendance was made by the groups regarding this project. Union Gas did attempt to contact the groups by phone on April 14, 2009 and left messages with no response.
- c) No information was provided by the Mohawks of Quinte or by Alderville First Nation regarding their treaty rights, or any filed and outstanding claims or litigation concerning their treaty rights or treaty land entitlement or aboriginal title or rights, which may potentially be impacted by the project. The Status of Claims in Southern Ontario mapping from the Specific Claims Branch of Indian and Northern Affairs Canada web site, data as of 2009/06/09, showed no claim in the study area.
- d) Copies of letters sent to the Mohawks of Quinte and to Alderville First Nation are the same as that sent to the government agencies and are appended in the Environmental Report. No written information, phone calls or request for a meeting was received from the Mohawks of Quinte or by Alderville First Nation.
- e) No specific issues or concerns were raised.

- f) No specific issues or concerns were raised.
- g) No response in either support of, or in objection to, the project was provided.
- h) We are not aware of any Crown involvement with the Mohawks of Quinte or by Alderville First Nation for this project.