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Lesley Austin
Regulatory Coordinator
Regulatory Proceedings
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VIA RESS, EMAIL, & COURIER

March 3, 2011

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

**Re: Enbridge Gas Distribution Inc. ("Enbridge") – Interrogatory Responses for
the Dow Moore, Corunna and Seckerton Pipeline Project
Ontario Energy Board (the "Board") No. EB-2010-0302**

Pursuant to the Board's Procedural Order No. 1 issued on February 23, 2011, please find enclosed Enbridge's responses to Board Staff's interrogatories for the Dow Moore, Corunna and Seckerton Pipeline Project.

Please contact the undersigned if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Lesley Austin'.

Lesley Austin
Regulatory Coordinator

cc: Neil McKay, Manager, Natural Gas Applications, Ontario Energy Board
Zora Cronjacki, Project Advisor, Ontario Energy Board and OPCC Chair
Scott Stoll, Aird & Berlis, Counsel

BOARD STAFF INTERROGATORY #1

INTERROGATORY

Reference: Pre-filed evidence Exhibit A, Tab 3, Schedule 1, Page 1

According to the pre-filed evidence, the proposed pipeline construction is part of the series of storage enhancement projects which "...may culminate in an increase of storage capacity of approximately 17.5 Bcf".

What is the time-line for developing the full 17.5 Bcf of incremental storage? How will this 17.5 Bcf of new storage capacity be incorporated in the next Cost of Service and/or IRM applications to be filed with the Board in 2010?

RESPONSE

The timeline for developing the full 17.5 Bcf of incremental storage is dependent on the market demand for the services. In 2011, 4.5 Bcf (of the 17.5 Bcf) will be developed. The facilities necessary to develop the remaining incremental storage would take approximately two (2) years to construct.

This 17.5 Bcf will be developed as part of Enbridge's unregulated storage. It is outside of the Cost of Service and/or IRM applications of the regulated utility.

BOARD STAFF INTERROGATORY #2

INTERROGATORY

Reference: Pre-filed evidence Exhibit A, Tab 3, Schedule 1, Page 1

Enbridge stated that this pipeline expansion would enable Enbridge to offer approximately 4.5 Bcf of incremental storage services. Enbridge held an open season in March and November 2010 and "is currently in the process of finalizing terms of contracts for 4.5 Bcf capacity.

What is the anticipated timeline for finalizing and executed the contracts for the 4.5 Bcf of storage services commencing in 2011?

RESPONSE

The terms of the contract(s) for the 4.5 Bcf of storage services were finalized and executed on December 15, 2010.

Witness: J. Sarnovsky

BOARD STAFF INTERROGATORY #3

INTERROGATORY

Reference: Pre-filed evidence Exhibit A, Tab 3, Schedule 1, Page 2
Decision with Reason, NGEIR, EB-2005-0551, page 102, November 7, 2006.

The NGEIR decision directed the following:

“All of Enbridge’s current storage assets (storage facilities and contracts) are required to serve its in-franchise customers. Thus, all of Enbridge’s storage-related transactional services revenues today are derived from “utility assets.” If and when Enbridge increases the capacity of its Tecumseh storage facilities, it will be necessary for the company to adopt a method of allocating storage-related Transactional Services revenues between utility and non-utility assets.”

Enbridge noted that, “Consistent with the NGEIR Decision, these projects are being funded by Enbridge’s shareholders...” Enbridge put on the record that it is preparing a report on the cost allocation between regulated and unregulated storage services which would be filed with the Earnings Sharing Mechanism proceeding.

What is the planned timing for filing Enbridge’s report on cost allocation between regulated and unregulated storage services? Please discuss how will the report implement Board’s ruling in the NGEIR decision that Enbridge “adopt a method of allocating storage-related Transactional Services revenues between utility and non-utility assets”.

RESPONSE

Enbridge plans to file the report on cost allocation between regulated and unregulated storage services as part of its evidence in the 2010 Earnings Sharing Mechanism proceeding. It is expected that Enbridge’s application and evidence will be filed in March 2011. Enbridge’s report will address cost allocation and will not address transactional services revenues. That is consistent with the commitment made by Enbridge in EB-2010-0042 Settlement Agreement (page 9) to file “an analysis of the appropriate allocation of costs of regulated and unregulated storage operations.”

Witnesses: J. Sarnovsky
J. Sanders

Due to the limited capacity of unregulated storage, Enbridge does not currently generate transaction service revenue from unregulated storage. In the event that the growth of unregulated storage allows for optimization, Enbridge expects that it would file with the Board its proposed method for managing the transactional services revenues of its regulated and unregulated storage operations.

Witnesses: J. Sarnovsky
J. Sanders

BOARD STAFF INTERROGATORY #4

INTERROGATORY

In light of the fact that Enbridge is currently contracting storage from Union Gas Limited to provide storage to its in-franchise customers, please discuss the rationale for offering incremental storage capacity to the market as opposed to freeing up the contracted capacity to provide storage to Enbridge's in-franchise customers.

RESPONSE

In the Board's NGEIR Decision, the Board Findings indicated that:

The Board will refrain from setting the rates and approving the contracts related to third-party storage, both utility-affiliated storage and independent storage. These storage developers will be operating in the competitive storage market, and the Board agrees that they should have the ability to offset the substantial risks of these developments with the flexibility to price storage in a way which captures the market value of those storage services.

The ability to charge market prices in the absence of price regulation will provide a positive investment incentive and, to the extent new third-party storage is developed, this will enhance competition in storage – as well as competition in the market generally. This is in the public interest.¹

The regulated utility currently contracts for third party storage services with specific space, deliverability and duration requirements. These requirements may or may not match the services to be offered by the incremental storage capacity being developed by Enbridge. Also, while the utility seeks to obtain the most competitive costs for its storage requirements, the unregulated business is seeking the highest price that makes its storage project economic. As such, it is more beneficial for the regulated utility to seek the required services from the competitive market, and for the unregulated business to find the most suitable customer(s) and commitments in an open season. This provides more choice for both the buyer and the seller, and the practice is in the public interest.

¹ NGEIR, EB-2005-0551 Decision with Reason, November 7, 2006, page 54

Witness: J. Sarnovsky
M. Giridhar

BOARD STAFF INTERROGATORY #5

INTERROGATORY

Reference: Letter of Comment sent to the Board, dated February 5, 2011, from Mr. Tom Wilson and Mr. Joe Wellington, Attachment A to these IRs

In response to the Notice, the Board received a letter of comment, dated February 5, 2011, from Mr. Tom Wilson on his own behalf and on behalf of Mr. Joe Wellington who are storage landowners in Coruna Pool. The landowners raise several concerns with communication with Enbridge regarding the proposed project.

- a. Please describe the current status of communication between Enbridge and Mr. Wilson and Mr. Wellington.
- b. What is Enbridge's plan to improve communication and address the concerns of these landowners in relation to proposed storage enhancement?

RESPONSE

- a. Enbridge has communicated with Mr. Wellington in-person and by phone regarding the proposed construction, pipeline routing and compensation. Enbridge will be meeting with Mr. Wellington (and the other directly impacted landowners) in mid-March 2011 to deliver a Letter Agreement ("LA"). The LA will confirm the basis of the proposed construction and compensation as set out in the notification letter (dated on or about October 1 2010) and revisions. Enbridge will work with directly impacted landowners to arrive at a mutually satisfactory Letter of Understanding ("LOU") by May 15, 2011. The LOU will formalize agreement on such items as general construction practices, the impact to their land, mitigative measures and the terms of compensation.

Mr. Wilson is a tenant farmer to Mr. Wellington's property. Until recently, Enbridge has been communicating with Mr. Wellington, and not his tenant farmer. Mr. Wellington has recently given Enbridge approval to communicate directly with Mr. Wilson regarding impacts to his farming operations on Mr. Wellington's property, and Enbridge intends to discuss the impacts to farming operations with Mr. Wilson.

- b. Enbridge has and will continue to communicate with directly impacted landowners on storage enhancement. Enbridge commits to be available to landowners to answer questions and discuss the application.

As discussed in part a., Enbridge will be meeting with Mr. Wellington and the other directly impacted landowners to deliver the LA by mid-March 2011 and the LOU in mid-May. It is normal course that compensation is finalized when the Project and disturbance to the land is completed, as this allows the landowner and Enbridge to confirm the level of disturbance.

Enbridge will issue a letter to all parties in the Study Area in mid-May, prior to the June 2011 start of construction notifying them that the Project is proceeding and how they may contact Enbridge. Subsequent notifications will be provided as the Project proceeds, as required.

Enbridge intends to appoint a Landowner Representative Agent ("LRA") during the Project to monitor adherence to approved construction practices. Landowners may contact the LRA to ask questions and address landowner concerns. Contact information for this individual will be provided to all parties in the Study Area in the May notice letter.

BOARD STAFF INTERROGATORY #6

INTERROGATORY

Reference: Reference: Pre-filed evidence Exhibit B, Tab 2, Schedule 1, Appendix B

Please provide an updated and anticipated timeline for obtaining approvals and permits related to the proposed pipeline from other agencies.

RESPONSE

Construction drawings for the Project are in development, and Enbridge will submit applications for approvals and permits once completed. Enbridge plans to apply for municipal permits (e.g. tree clearing, road crossings, drain crossings), provincial permits (e.g. commissioning, haul routes), and utility crossing permits (e.g. Hydro, Union) in March 2011. Enbridge anticipates approvals and permits to be obtained by May 2011. Enbridge does not anticipate any issues with obtaining the permits.

BOARD STAFF INTERROGATORY #7

INTERROGATORY

Reference: Reference: Pre-filed evidence Exhibit B, Tab 2, Schedule 3, Pages 1-5, Addendum to the Environmental Report

In the Addendum to the Environmental Report, dated December 16, 2010 ("Addendum") Stantec included an e-mail from the MNR dated December 9, 2010. The e-mail recommended that Stantec obtain more information, either by field survey or from secondary sources, on the following: (i) Species at Risk ;(ii) Significant Wildlife Habitats;(iii) Significant woodlands; (iv) Significant wetlands; (v) Significant valleylands (vi) Petroleum resources.

Please describe if the MNR's recommendations for additional information have been or will be addressed by Enbridge and/or Stantec. Please file copies of communication with the MNR on this matter.

Please explain whether any of the information and survey requirements indicated by the MNR will potentially affect the construction schedule. If so, how will Enbridge adapt the construction schedule to accommodate the surveys?

RESPONSE

The MNR's recommendations for additional information will be addressed by Enbridge. Copies of the records of correspondence to date with the MNR are attached. The letters with specific details are found in Attachments A, B, and C. A summary of other communication between Enbridge and MNR can be found in Attachment D.

The Stantec letter dated February 23, 2011 outlines the field survey methodology and scheduling to identify the potential Species of Concern indicated by MNR screening and recommendations for information. Enbridge and Stantec continue to work with the MNR on this issue.

Enbridge intends to maintain the current construction schedule on portions of the project which the MNR agrees are not habitat that will support threatened or endangered species. For the remainder of the project, the schedule will allow for completion of all required field surveys be completed by mid June, 2011.

Witness: M. Yaremko



Stantec

Stantec Consulting Ltd.
70 Southgate Drive
Guelph ON N1G 4P5
Tel: (519) 836-6050
Fax: (519) 836-2493

Filed: 2011-03-03
EB-2010-0302
Exhibit I
Tab 1
Schedule 7
Attachment A
Page 1 of 28

October 13, 2010
File: 160960611

Ministry of Natural Resources
Mail address: P.O. Box 1168, N7M 5L8

Street: 870 Richmond Street W.
Chatham ON N7M 5L8

Attention: Ken Yaraskavitch, Area Supervisor

Dear Mr. Yaraskavitch:

Reference: Dow Moore, Seckerton and Corunna Interconnect Pipeline Project

Stantec Consulting Ltd. ("Stantec") has been retained by Enbridge Gas Distribution Inc. (EGDI), to prepare an Environmental and Socio-Economic Assessment Report (ER) for a project involving approximately 3,500 meter (m) of buried natural gas pipeline south of Sarnia, Ontario. This project is part of the ongoing expansion of the natural gas storage system in St. Clair Township.

The project comprises three sections. One section of this pipeline project includes the construction of a gathering pipeline, 1,500 m long and 508 mm (20 inch) in diameter, within the Seckerton pool and another 400 m section of 508 mm (20 inch) diameter pipeline to replace an existing 406 mm (16 inch) section of gathering pipeline in the Seckerton pool. As well, the project includes the construction of approximately 1,500 m of 508 mm (20 inch) diameter steel pipeline to connect the existing Dow Moore gathering pipeline to the proposed gathering pipelines for the Corunna and Seckerton natural gas storage pools. The ER will meet the requirements of the Ontario Energy Board's ("OEB") Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon pipelines and facilities in Ontario (May 2003).

A Study Area surrounding the project has been identified within the area west of Tecumseh Road, south of Petrolia Line, approximately 600 m south of Rokeby Line, and 500 m west of Ladysmith Road, as shown on the attached map. The properties being screened to locate existing environmental features are listed below.

COUNTY	TOWNSHIP	CONCESSION	LOT
Lambton	Moore	10	Part of Lot 22
Lambton	Moore	10	Lot 21
Lambton	Moore	10	Lot 20
Lambton	Moore	10	Lot 19
Lambton	Moore	9	Part of Lot 22
Lambton	Moore	9	Lot 21
Lambton	Moore	9	Lot 20
Lambton	Moore	9	Lot 19
Lambton	Moore	8	Part of Lot 22
Lambton	Moore	8	Lot 21
Lambton	Moore	8	Lot 20

Reference: Dow Moore, Seckerton and Corunna Interconnect Pipeline Project

Lambton	Moore	8	Lot 19
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At this time, Stantec is collecting information and compiling an environmental inventory for these associated lands. We ask that you review the parcels potentially affected and provide any relevant environmental information that your Agency/Group has regarding this project. Please note that responses would be appreciated prior to October 22, 2010.

Thank you for your time in responding to our request. If you have any questions concerning the project or the ER please contact the undersigned by phone or email.

Sincerely,

STANTEC CONSULTING LTD.



Steve Thurtell

Project Manager

Tel: (519) 836-6050

Fax: (519) 836-2493

steve.thurtell@stantec.com

Attachment: Location Map

Thurtell, Steve

From: Tait, Maryjo (MNR) [Maryjo.Tait@ontario.ca]
Sent: Friday, November 19, 2010 9:16 AM
To: Knight, Mark
Cc: Thurtell, Steve
Subject: RE: Dow Moore to Seckerton and Corunna Pipeline project

Hi Mark,

Good to hear from you again as well!

Do you have the names of the drains/watercourses in the area? Our fish tool is large, we have to be able to search by name.

Thanks,
Maryjo

From: Knight, Mark [mailto:Mark.Knight@stantec.com]
Sent: November 19, 2010 9:15 AM
To: Tait, Maryjo (MNR)
Cc: Thurtell, Steve
Subject: RE: Dow Moore to Seckerton and Corunna Pipeline project

Hi Maryjo,

Good to talk to you again – we met when Union Gas was working through avoidance measures for Eastern Foxsnake for the Dawn Gateway Project. Steve is on vacation this week and I am looking after this project for him.

The main information we are hoping for is species at risk (trees, snakes, etc.), and any information you may have on drains in the area.

I'll be in the office all day if you want to talk about anything.

Best Regards,

Mark Knight, M.A.
Environmental Planner
Assessment, Permitting and Compliance
Stantec
70 Southgate Drive Suite 1
Guelph ON N1G 4P5
Ph: (519) 836-6050 Ext. 218
Fx: (519) 836-2493
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mark.knight@stantec.com
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From: Tait, Maryjo (MNR) [mailto:Maryjo.Tait@ontario.ca]
Sent: Thursday, November 18, 2010 9:49 AM
To: Thurtell, Steve
Subject: RE: Dow Moore to Seckerton and Corunna Pipeline project

Hi Steve,

I am working on compiling some of the information that I have already received for this request.

However, the suite of information that is available is large. I require a more focused list of what you require.

Can you please provide me with a detailed list of exactly what information you are looking for?

Thanks,
Maryjo

Maryjo Tait


Planning Intern – Aylmer District
Ministry of Natural Resources
615 John Street North
Aylmer, ON N5H 2S8
Phone: (519) 773-4786
email: maryjo.tait@ontario.ca

From: Thurtell, Steve [<mailto:steve.thurtell@stantec.com>]
Sent: October 26, 2010 1:53 PM
To: Tait, Maryjo (MNR)
Subject: Dow Moore to Seckerton and Corunna Pipeline project

Hi Mary-Jo,
As discussed, Please find the NHIC search and the location map files attached.
I look forward to your response as a key component of the EA.
Thank you.
Sincerely, Steve.

Steve Thurtell, M.Sc., P. Ag.
Project Manager, Environmental Management
Stantec
Ph: (519) 836-6050 Ext. 208
Fx: (519) 836-2493
Cell: (519) 820-4237
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Thurtell, Steve

From: Taylor, Andrew
Sent: Tuesday, December 14, 2010 11:49 AM
To: Maryjo.Tait@ontario.ca
Cc: Thurtell, Steve; Cairns, Melody (MNR)
Subject: FW: Dow Moore to Seckerton and Corunna Pipeline project
Attachments: 60960611_LocationMap_20100923_DH_lowres.pdf

Hi Maryjo,

I would like to follow-up on your correspondence regarding the Dow Moore to Seckerton and Corunna Pipeline project. Thank you very much for the information you provided below.

I am a bit unclear if SAR screening, in addition to the HNHC search, has been completed. If not, could I please request SAR screening to determine if there are additional species at risk we should be considering (mapping of the project location is attached).

We are currently investigating habitat avoidance options. Once we have the additional SAR screening information and some habitat avoidance options, we would be interested in discussion with MNR regarding the requirements for field investigations this spring and summer.

Thank you,
Andrew

From: Tait, Maryjo (MNR) [mailto:Maryjo.Tait@ontario.ca]
Sent: Thursday, December 09, 2010 4:17 PM
To: Thurtell, Steve
Cc: McCloskey, Amanda (MNR); Tait, Maryjo (MNR); Cairns, Melody (MNR)
Subject: RE: Dow Moore to Seckerton and Corunna Pipeline project

Good afternoon Steve,

We have received the information request for the Dow More, Seckerton and Corunna Interconnect Pipeline Project, south of Sarnia, Township of St. Clair, County of Lambton. We would like to provide the following in addition to the information provided in your HNHC search.

Species at Risk:

The *Endangered Species Act*, 2007 (ESA 2007) came into force on June 30, 2008 and provides both individual protection (section 9) and habitat protection (section 10) to species listed as endangered or threatened on the Species at Risk in Ontario (SARO) List. The current version of the SARO List (Ontario Regulation 230/08), issued under the ESA 2007, can be found on e-laws (<http://www.e-laws.gov.on.ca/navigation?file=home&lang=en>).

If an activity or project will result in adverse effects to species and/or habitat protected under the ESA 2007, an authorization under that Act would be required. Please note that authorizations are not guaranteed and that the review timelines for Authorization Request Packages can be lengthy.

The HNHC information that was forwarded identified SAR and S1 to S3 species, so there is a need to undertake field level surveys. This includes a 2 – 3 season vegetation survey and potentially cover board surveys for Butlers Gartersnake.

Site-specific investigation within and adjacent to the study area may find additional species and/or habitat location on or adjacent to the site.

Significant wildlife habitats

Significant wildlife habitat has may be present within the study area. Please consult the *Significant Wildlife Habitat Technical Guide*, (OMNR, 2000). Significant wildlife habitat is identified by planning authorities using the criteria and processes recommend in the Significant Wildlife Habitat Technical Guide (OMNR, 2000). Link to the guide: http://www.mnr.gov.on.ca/en/Business/FW/Publication/MNR_E001285P.html The Natural Heritage Reference Manual (please see below) also provides guidance in section 9.0.

Significant woodlands:

It appears there are woodlands within the study area. Any assessments should consider the significant woodland, and should avoid natural heritage features first. The Natural Heritage Reference Manual contains information on significant woodlands that might be useful to your ER.

Significant wetlands:

The MNR has no identified wetlands within the study area. Site-specific investigation within the study areas may find existing wetlands that have not yet been evaluated or designated.

Significant valleylands:

The MNR does not possess significant valleylands mapping. We suggest you contact the Upper Thames River Conservation Authority to find out if they have information pertaining to significant valleylands. The Natural Heritage Reference Manual (below) also provides guidance on evaluation criteria for determining significant valleylands that may be useful to this ER.

Petroleum Resources:

As you are aware, there are many records of wells within the study area. I have forwarded this project onto the Petroleum Resources Centre, MNR for a review. We will provide further comments.

The Oil, Gas and Salt Resources (OGSR) Library can be accessed for information about known well and pool locations (www.ogsrlibrary.com). However, the information above reflects only known wells. There is potential that wells may exist for which no records are held by the Petroleum Resources Centre or the information may be historically, inaccurate or incomplete.

Site investigations should be conducted to determine the status of the wells identified and any associated works. The investigation should be conducted by a person knowledgeable about the oil and gas industry. The proponent may be referred to the Ontario Petroleum Institute (OPI) to assist in locating such a person. The well locations should be examined for signs of an existing well or any associated works (e.g. wellhead, or well casing visible at surface, evidence of leaking fluids, gas odour, dead vegetation, etc) In addition, the study area should be examined for signs of any unrecorded wells.

Additional Information:

The MNR has released the Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005 Second Edition on April 22, 2010.

Link: <http://www.mnr.gov.on.ca/en/Business/LUEPS/Publication/249081.html>

The second edition of the Natural Heritage Reference Manual (the manual) provides technical guidance for implementing the natural heritage policies of the Provincial Policy Statement, 2005 (PPS). The manual represents the Province's recommended technical criteria and approaches for being consistent with the PPS in protecting natural heritage features and areas and natural heritage systems in Ontario. The manual provides guidance and criteria on natural heritage features, and on addressing impacts of development and site alteration. The criteria for determining significant features may be useful to your project.

I understand that you have accessed NHIC, I would also suggest you check LIO. Land Information Ontario (LIO) manages geographic information for use in maps and Geographic Information Systems (GIS). LIO has a web-accessible data warehouse that contains more than 250 different layers of geographic data. The data ranges from the location of underground wells to satellite imagery. LIO can be reached at (705) 755-1878.

Other areas where you may find information includes the Conservation Authority, and the Township of St. Clair Official Plan, County of Lambton Official Plan.

I hope the above is useful to you, please let me know if you require any additional information.

Have a great day,
Maryjo

Maryjo Tait

Planning Intern – Aylmer District
Ministry of Natural Resources
615 John Street North


Aylmer, ON N5H 2S8
Phone: (519) 773-4786
email: maryjo.tait@ontario.ca

From: Thurtell, Steve [mailto:steve.thurtell@stantec.com]
Sent: October 26, 2010 1:53 PM
To: Tait, Maryjo (MNR)
Subject: Dow Moore to Seckerton and Corunna Pipeline project

Hi Mary-Jo,
As discussed, Please find the NHIC search and the location map files attached.
I look forward to your response as a key component of the EA.
Thank you.
Sincerely, Steve.

Steve Thurtell, M.Sc., P. Ag.
Project Manager, Environmental Management
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Thurtell, Steve

From: Taylor, Andrew
Sent: Friday, December 17, 2010 3:31 PM
To: Maryjo.Tait@ontario.ca
Cc: Thurtell, Steve
Subject: Dow Moore EA
Attachments: rpt_11262010_60611_EA_fin.pdf

Hi Maryjo,


As requested, please find a digital copy of the Dow Moore EA attached.

As discussed, we would be interested in meeting with yourself and the SAR biologist to further discuss implications to the project. Would you be able to suggest possible dates/times over the next few working weeks that you would be available.

Thank you for your assistance with this file,
Andrew

Andrew Taylor
Terrestrial Ecologist
Stantec
Suite 1 - 70 Southgate Drive
Guelph ON N1G 4P5
Ph: (519) 836-6050 Ext. 222
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andrew.taylor@stantec.com
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Stantec

CONTACT RECORD

NAME(S):	Maryjo Tait	PROJECT NO.:	160960611
REPRESENTING:	MNR	PROJECT NAME:	Nexus
TELEPHONE:	(519) 773-4786	DATE/TIME:	Dec 17, 2010
ADDRESS:	615 John St. Aylmer, ON	RECORDED BY:	A. Taylor
		CONTACT MODE:	Call

☐ CALL RECEIVED

☒ CALL PLACED

☐ MEETING

SUMMARY OF DISCUSSION:

- MNR has received a copy of the ER through the OPCC.
- MNR will proceed with SAR screening using the Potential Route Figure in the ER.
- MNR acknowledges scheduling constraints.
- Maryjo has requested a digital copy of ER to facilitate a quicker review.
- Maryjo indicated a meeting with MNR to discuss options may be feasible in the near future.



Stantec

CONTACT RECORD

NAME(S):	<u>Maryjo Tait</u>	PROJECT NO.:	<u>160960611</u>
REPRESENTING:	<u>MNR</u>	PROJECT NAME:	<u>Nexus</u>
TELEPHONE:	<u>(519) 773-4786</u>	DATE/TIME:	<u>January 10, 2011</u>
ADDRESS:	<u>615 John St.</u>	RECORDED BY:	<u>A. Taylor</u>
	<u>Aylmer, ON</u>	CONTACT MODE:	<u>Call</u>

☐ CALL RECEIVED

☒ CALL PLACED

☐ MEETING

SUMMARY OF DISCUSSION:

- Left a message with Maryjo to follow up on SAR screening.



Stantec

CONTACT RECORD

NAME(S):	<u>Maryjo Tait</u>	PROJECT NO.:	<u>160960611</u>
REPRESENTING:	<u>MNR</u>	PROJECT NAME:	<u>NEXUS</u>
TELEPHONE:	<u>(519) 773-4786</u>	DATE/TIME:	<u>Jan 11, 2011</u>
ADDRESS:	<u>615 John St.</u>	RECORDED BY:	<u>A. Taylor</u>
	<u>Aylmer, ON</u>	CONTACT MODE:	<u>Call</u>

☐ CALL RECEIVED

☒ CALL PLACED

☐ MEETING

SUMMARY OF DISCUSSION:

- Call twice today. Did not leave message.



Stantec

CONTACT RECORD

NAME(S):	<u>Maryjo Tait</u>	PROJECT NO.:	<u>160960611</u>
REPRESENTING:	<u>MIR</u>	PROJECT NAME:	<u>Nexus</u>
TELEPHONE:	<u>(519) 773-4786</u>	DATE/TIME:	<u>Jan 13, 2011</u>
ADDRESS:	<u>615 John St.</u>	RECORDED BY:	<u>A. Taylor</u>
	<u>Aylmer, ON</u>	CONTACT MODE:	<u>Call</u>

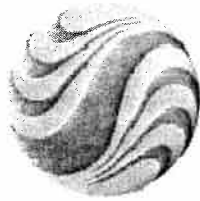
☐ CALL RECEIVED

☒ CALL PLACED

☐ MEETING

SUMMARY OF DISCUSSION:

- Attempted to contact Maryjo to follow up
on SAR screening



Stantec

CONTACT RECORD

NAME(S):	<u>Maryjo Tait</u>	PROJECT NO.:	<u>160960611</u>
REPRESENTING:	<u>MNR</u>	PROJECT NAME:	<u>Nexus</u>
TELEPHONE:	<u>(519) 773-4786</u>	DATE/TIME:	<u>Jan 17, 2011</u>
ADDRESS:	<u>615 John St.</u>	RECORDED BY:	<u>A. Taylor</u>
	<u>Aylmer, ON</u>	CONTACT MODE:	<u>Call</u>

☐ CALL RECEIVED

☒ CALL PLACED

☐ MEETING

SUMMARY OF DISCUSSION:

- Attempted to contact Maryjo to follow up on SAR screening.

Taylor, Andrew

From: Taylor, Andrew
Sent: Wednesday, January 19, 2011 10:07 AM
To: 'Maryjo.Tait@ontario.ca'
Subject: RE: Dow Moore EA

Hi Maryjo,

I would like to follow up on MNR's review of the Dow Moore ER and specifically the SAR screening. We would be interested in meeting to further discuss species at risk including potential presence, survey requirements and potential mitigation. Would MNR be in a position to meet on this file shortly?

Thank you,
Andrew

From: Taylor, Andrew
Sent: Friday, December 17, 2010 3:31 PM
To: 'Maryjo.Tait@ontario.ca'
Cc: Thurtell, Steve
Subject: Dow Moore EA

Hi Maryjo,

As requested, please find a digital copy of the Dow Moore EA attached.

As discussed, we would be interested in meeting with yourself and the SAR biologist to further discuss implications to the project. Would you be able to suggest possible dates/times over the next few working weeks that you would be available.

Thank you for your assistance with this file,
Andrew

Andrew Taylor
Terrestrial Ecologist
Stantec
Suite 1 - 70 Southgate Drive
Guelph ON N1G 4P5
Ph: (519) 836-6050 Ext. 222
Fx: (519) 836-2493
andrew.taylor@stantec.com
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Taylor, Andrew

From: Tait, Maryjo (MNR) [Maryjo.Tait@ontario.ca]
Sent: Thursday, January 20, 2011 11:59 AM
To: Taylor, Andrew
Cc: Gilbert, Sandra (MNR); McCloskey, Amanda (MNR); Tait, Maryjo (MNR)
Subject: RE: Dow Moore EA

Hi Andrew,

I apologize for not replying to you sooner. Please find below the outstanding Petroleum comments that were requested during the Information Request.

Petroleum Resources:

The Petroleum Operations Section, MNR, acknowledges that the project is subject to the requirements of CSA Z662 (Oil & Gas Pipeline Systems) and to the requirements of the Ontario Energy Board and its Environmental Guidelines.

Our records indicate that there are known active petroleum wells and pools within the proposed study area. It is recommended that during the review of the pipeline locations, major transmission lines are kept 50 metres away from existing petroleum wells.

The Ontario Oil, Gas and Salt Resources Library may be accessed for information about known petroleum well and pool locations (www.ogsrlibrary.com). Please be advised that the MNR cannot guarantee the accuracy of the data in the Ministry's records, as some of the information is historical and may be inaccurate or incomplete. Also, please note that the well data retrieved in the search of the MNR's database are only the wells of which we are currently aware. Other wells may exist in the proposed project area for which we do not have any records.

If any wells in addition to the wells identified in the database search are encountered during project development, please contact Sandra Gilbert, Petroleum Operations Section at 519-873-4638 or sandra.gilbert@ontario.ca.

From our conversations in December, I recall that we discussed both the information request, and the environmental report. Our screening was done based on the information request. Now that we have received a copy of the Environmental Report, and most recently a copy of the addendum, I had recommended it would be more appropriate to review this document, to determine our specific comments on the file.

We have circulated the ER and the addendum with our bios, and are awaiting comments, which we will provide in writing. Once we have provided the comments, we can discuss whether or not a meeting is still required.

I have recently switched positions, and have passed this file onto Amanda McCloskey, District Planner. Please contact Amanda if you have any further questions.

Have a great day,

Maryjo Tait
Renewable Energy Assistant Planner
MNR Aylmer District

From: Taylor, Andrew [<mailto:andrew.taylor@stantec.com>]
Sent: January 19, 2011 10:07 AM
To: Tait, Maryjo (MNR)
Subject: RE: Dow Moore EA

Hi Maryjo,

I would like to follow up on MNR's review of the Dow Moore ER and specifically the SAR screening. We would be interested in meeting to further discuss species at risk including potential presence, survey requirements and potential mitigation. Would MNR be in a position to meet on this file shortly?

Thank you,

Andrew

From: Taylor, Andrew
Sent: Friday, December 17, 2010 3:31 PM
To: 'Maryjo.Tait@ontario.ca'
Cc: Thurtell, Steve
Subject: Dow Moore EA

Hi Maryjo,


As requested, please find a digital copy of the Dow Moore EA attached.

As discussed, we would be interested in meeting with yourself and the SAR biologist to further discuss implications to the project. Would you be able to suggest possible dates/times over the next few working weeks that you would be available.

Thank you for your assistance with this file,
Andrew

Andrew Taylor
Terrestrial Ecologist
Stantec
Suite 1 - 70 Southgate Drive
Guelph ON N1G 4P5
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stantec.com

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Stantec

CONTACT RECORD

NAME(S):	<u>Amanda McCluskey</u>	PROJECT NO.:	<u>160960611</u>
REPRESENTING:	<u>MIR</u>	PROJECT NAME:	<u>Nexus</u>
TELEPHONE:	<u>(519) 773-4750</u>	DATE/TIME:	<u>Jan 21, 2011</u>
ADDRESS:	<u>615 John St.</u>	RECORDED BY:	<u>A. Taylor</u>
	<u>Aylmer, ON</u>	CONTACT MODE:	<u>Call</u>

☐ CALL RECEIVED

☒ CALL PLACED

☐ MEETING

SUMMARY OF DISCUSSION:

- Called to follow-up on Maryjo's email from
Jan 20, 2011

- Left message



Stantec

CONTACT RECORD

NAME(S):	<u>Amanda McCloskey</u>	PROJECT NO.:	<u>160960611</u>
REPRESENTING:	<u>MNR</u>	PROJECT NAME:	<u>Nexus</u>
TELEPHONE:	<u>(519) 773-4750</u>	DATE/TIME:	<u>Jan 25, 2011</u>
ADDRESS:	<u>615 John St.</u>	RECORDED BY:	<u>A. Taylor</u>
	<u>Aylmer, ON</u>	CONTACT MODE:	<u>Call</u>

☐ CALL RECEIVED

☒ CALL PLACED

☐ MEETING

SUMMARY OF DISCUSSION:

Attempted to contact Amanda to follow-up on
SAR screening.



Stantec

CONTACT RECORD

NAME(S):	<u>Amanda McCloskey</u>	PROJECT NO.:	<u>160960611</u>
REPRESENTING:	<u>MNR</u>	PROJECT NAME:	<u>Nexus</u>
TELEPHONE:	<u>519 773-4750</u>	DATE/TIME:	<u>Jan 28, 2011 9:00a</u>
ADDRESS:	<u>615 John St.</u> <u>Aylmer, ON</u>	RECORDED BY:	<u>A. Taylor</u>
		CONTACT MODE:	<u>Call</u>

☐ CALL RECEIVED

☒ CALL PLACED

☐ MEETING

SUMMARY OF DISCUSSION:

- = Called to follow-up on SAR screening.
- = Amanda confirmed ER is with MNR biologists for review.
- Un sure when comments maybe complete.
- I suggested that if it saves time, once completed she could provide the results of the SAR screening to me over the phone, to avoid additional delays of preparing a letter.

Taylor, Andrew

From: McCloskey, Amanda (MNR) [Amanda.McCloskey@ontario.ca]
Sent: Friday, January 28, 2011 9:10 AM
To: Taylor, Andrew
Subject: Dow Moore EA

Hi Andrew,

I just found a note on file regarding turn around time for comments and I should be able to get you comments by the middle of February.

I hope this helps for you call this morning.

Thanks,

Amanda

Amanda McCloskey

District Planner- Aylmer District
Ministry of Natural Resources
615 John Street North
Aylmer, ON N5H 2S8
Phone: (519) 773-4750
Email: amanda.mccloskey@ontario.ca

Taylor, Andrew

From: Taylor, Andrew
Sent: Monday, January 31, 2011 10:18 AM
To: 'McCloskey, Amanda (MNR)'
Subject: RE: Dow Moore EA

Hi Amanda,

I just wanted to follow up with you following my call with Enbridge on Friday. They asked me to stress the importance of a mid-February delivery for the SAR information. If you anticipate any delays beyond mid February, could you please let me know so that I can update Enbridge. Perhaps I'll follow up with you in a couple of weeks for an update.

Thanks,
Andrew

From: McCloskey, Amanda (MNR) [<mailto:Amanda.McCloskey@ontario.ca>]
Sent: Friday, January 28, 2011 9:10 AM
To: Taylor, Andrew
Subject: Dow Moore EA

Hi Andrew,

I just found a note on file regarding turn around time for comments and I should be able to get you comments by the middle of February.

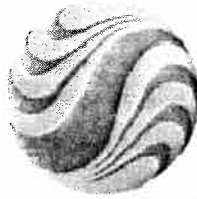
I hope this helps for you call this morning.

Thanks,

Amanda

Amanda McCloskey

District Planner- Aylmer District
Ministry of Natural Resources
615 John Street North
Aylmer, ON N5H 2S8
Phone: (519) 773-4750
Email: amanda.mccloskey@ontario.ca



Stantec

CONTACT RECORD

NAME(S):	<u>Amanda McCloskey</u>	PROJECT NO.:	<u>160960611</u>
REPRESENTING:	<u>MNR</u>	PROJECT NAME:	<u>Nexus</u>
TELEPHONE:	<u>519 773-4750</u>	DATE/TIME:	<u>Feb 8, 2011</u>
ADDRESS:	<u>615 John St.</u>	RECORDED BY:	<u>A. Taylor</u>
	<u>Aylmer, ON</u>	CONTACT MODE:	<u>Call</u>

☐ CALL RECEIVED

☒ CALL PLACED

☐ MEETING

SUMMARY OF DISCUSSION:

- Call to follow-up on SAR screening.
- Left a message letting Amanda know of Stantec's site meeting on Feb 16th with Enbridge and requesting comments by that date if possible.



Stantec

CONTACT RECORD

NAME(S):	<u>Amanda McCloskey</u>	PROJECT NO.:	<u>16096011</u>
REPRESENTING:	<u>MNR</u>	PROJECT NAME:	<u>Nexus</u>
TELEPHONE:	<u>519 773-4750</u>	DATE/TIME:	<u>Feb 15, 2011</u>
ADDRESS:	<u>615 John St.</u>	RECORDED BY:	<u>A. Taylor</u>
	<u>Aylmer, ON</u>	CONTACT MODE:	<u>Call</u>

☐ CALL RECEIVED

☒ CALL PLACED

☐ MEETING

SUMMARY OF DISCUSSION:

- Call to follow-up on progress of SAR screening.
- Amanda indicated comments would be provided by end of day.

Taylor, Andrew

From: McCloskey, Amanda (MNR) [Amanda.McCloskey@ontario.ca]
Sent: Tuesday, February 15, 2011 5:09 PM
To: Taylor, Andrew
Cc: Gould, Ron (MNR); McCloskey, Amanda (MNR); Woodliffe, Allen (MNR)
Subject: Dow Moore Corunna and Seckerton Pipeline Project Environmental Report and Addendum-MNR comments
Attachments: 11-02-15 Dow Moore- MNR Comments- Environmental Report and Addendum.pdf

Hi Andrew,

Please see the attached letter outlining MNR comments on the Dow Moore, Corunna and Seckerton Pipeline Project Environmental Report and Addendum. A hard copy is to follow.

Thank you,

Amanda

Amanda McCloskey

District Planner- Aylmer District
Ministry of Natural Resources
615 John Street North
Aylmer, ON N5H 2S8
Phone: (519) 773-4750
Email: amanda.mccloskey@ontario.ca

Taylor, Andrew

From: Taylor, Andrew
Sent: Wednesday, February 23, 2011 2:08 PM
To: 'McCloskey, Amanda (MNR)'
Cc: Thurtell, Steve; 'Edwin.Makkinga@enbridge.com'; 'Padma.Tata@enbridge.com'; 'Mitchell Yaremko'
Subject: Dow Moore Corunna and Seckerton Pipeline Project Environmental Report and Addendum-Response to MNR comments
Attachments: ltr_60611_2011-02-23_MNR-Response-final.pdf

Hello Amanda,

Please find attached a letter outlining our responses to MNR's comments from February 15, 2011.

As discussed in the letter, we would be interested in having site meeting with Ron Gould and yourself in the near future. I will follow-up with you shortly to discuss your interested and possible dates.

Thank you for your ongoing attention to this file,
Andrew

Andrew Taylor
Terrestrial Ecologist
Stantec
Suite 1 - 70 Southgate Drive
Guelph ON N1G 4P5
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Stantec

CONTACT RECORD

NAME(S): Ron Gould / Doug Toza PROJECT NO.: 160960611
REPRESENTING: _____ PROJECT NAME: Nexus
TELEPHONE: (519) 773-4735 / 773-4727 DATE/TIME: Jan 28, 2011
ADDRESS: 615 John St. RECORDED BY: A. Taylor
Aylmer, ON CONTACT MODE: Call

☐ CALL RECEIVED

☒ CALL PLACED

☐ MEETING

SUMMARY OF DISCUSSION:

- Called Ron to discuss B. Permit application
- Ron's voicemail indicated he was out of the office all week without access to voicemail and to contact Doug Toza for immediate assistance.
- Called Doug. Left a message requesting B permit template.

Taylor, Andrew

From: Tozer, Doug (MNR) [Doug.Tozer@ontario.ca]
Sent: Monday, February 28, 2011 11:38 AM
To: Taylor, Andrew
Subject: B Permit Application template
Attachments: Template_Request_for_B_Permit.doc

Hi Andrew,

B permit application template attached.

Doug.

Douglas C. Tozer Ph.D
Species at Risk Assistant Biologist
Ontario Ministry of Natural Resources, Aylmer District
615 John Street North, Aylmer ON N5H 2S8
Tel.: 519-773-4727
Fax: 519-773-9014
E-mail: doug.tozer@ontario.ca

Taylor, Andrew

From: Taylor, Andrew
Sent: Tuesday, March 01, 2011 2:35 PM
To: 'Gould, Ron (MNR)'
Cc: 'McCloskey, Amanda (MNR)'
Subject: Dow Moore Corunna and Seckerton Pipeline Project - B Permit Application

Hello Ron,

With regard to the Butler's Gartersnake surveys for the Dow Moore projects. Doug provided me with the B permit template yesterday; I will compile the application and provide it to you shortly.

I understand COSSARO re-evaluated to Butler's Gartersnake at the meeting in Thunder Bay last week. Do you know and are able to share the result of the re-evaluation? Specifically, I am interested if this species was up-listed to endangered and therefore would have habitat protection by late May. I assume if habitat protection came into effect, it would not affect our on-going coverboard surveys, as the surveys would not constitute damage to habitat. Overall, can you confirm if we should be addressing habitat protection in our B permit application?

I would also be interested in discussion the animal care protocol with you. We submitted our coverboard survey protocols in December, but are having some delays in approval as MNR's animal care board has raised some concerns about using coverboards in proximity to potential hibernacula. I have provided a response to the board which I am hopeful will address their concerns; however I would be interested in your thoughts.

Thank you,
Andrew

Andrew Taylor
Terrestrial Ecologist
Stantec
Suite 1 - 70 Southgate Drive
Guelph ON N1G 4P5
Ph: (519) 836-6050 Ext. 222
Fx: (519) 836-2493
andrew.taylor@stantec.com
stantec.com

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Ministry of
Natural Resources
615 John Street North
Aylmer ON N5H 2S8
Tel: 519-773-4750
Fax: 519-773-9014

Ministère des
Richesses naturelles
615, rue John Nord
Aylmer ON N5H 2S8
Tél: 519-773-4750
Télééc: 519-773-9014



Filed: 2011-03-03
EB-2010-0302
Exhibit I
Tab 1
Schedule 7
Attachment B
Page 1 of 4

February 15, 2010

Andrew Taylor
Stantec consulting Ltd.
Suite 1-70 Southgate Drive
Guelph, ON N1G 4P5

Dear Mr. Taylor,

**Re: Dow Moore, Corunna and Seckerton Pipeline Project Environmental Report and Environmental Report Addendum
Lot 19, 20, 21 and 22, Concession 8, 9 and 10, Geographic Township of Moore, Township of St. Clair, County of Lambton.
Ministry of Natural Resources Comments**

The Ministry of Natural Resources (MNR) received the Environmental Report (dated November 2010) and the Environmental Report Addendum (dated December 16, 2010) for the Dow Moore, Corunna and Seckerton Pipeline Project. The subject lands are noted as Lot 19, 20, 21 and 22, Concession 8, 9 and 10, geographic Township of Moore, Township of St. Clair, County of Lambton.

We would like to offer the following.

Environmental Report (November 2010)
General Comments

Section 1.2 Objectives of the Environmental Report (Page 1.6)

The Provincial Policy Statement (PPS) (2005) is not an MNR document; it is issued under Section 3 of the *Planning Act*. Also MNR interests in the PPS (2005) extend beyond those listed.

Section 4.5.1 Watercourse and Fisheries (Page 4.14)

Please clarify when the other field visits took place, this section identified September 17, 2010 has the initial site visits. Also please clarify the purpose of the field visit(s).

Section 4.5.3 Forestry and Vegetation Cover (Page 4.15)

One of the mitigation measure identified is, "where it is unavoidable to remove forest cover, it will be replaced with twice the area of forest cover that is removed at a location...." Please clarify where the replanting will take place for this project.

It is requested that further information regarding this mitigation measure be discussed (e.g. what species will be used in the replacement planting, the details for site preparation etc).

In general, MNR expects replaced trees will grow and survive, which implies that proper site preparation has occurred, trees are properly planted, tended and that unsuccessful replanted trees are replaced.

Please clarify who will be responsible for the replanting of the forest cover that is removed.

Section 4.5.5 Natural Heritage Features (Page 4.16)

Should it state cultural heritage in the title, not natural heritage?

Section 4.5.6 Wildlife (Page 4.16)

Please clarify when the environmental report was written were any field studies completed to determine whether any of the NHIC listed species were on the subject lands.

Section 4.5.6 states that various species of typical Southwestern Ontario wildlife may be encountered during construction, including Snapping Turtle; please note this species is listed as Special Concern and therefore if present should be discussed with respect to avoidance or mitigation.

This section also discusses a search of the NHIC site indicates a number of species may be living or passing through the Study Site, please list those species and provide what avoidance or mitigation measure are going to be in place.

Addendum (December 2010)

Species At Risk

MNR recommends species specific field surveys take place for Colicroot, Dense Blazing Star, Butler Gartner Snake, Butternut and Spoon Leaved Moss. For Colicroot botanical surveys should take place in late June and early July during the flowering season of the species. Dense Blazing Star is a later flowering species and should be surveyed for August - October. Butternut should also be surveyed for during leaf on season which is general between early June - September. Spoon Leaved Moss should be surveyed for in early spring before the landscape starts to green up. For Butler Gartner Snake cover board surveys are recommended, cover boards should be made of plywood (not pressure treated) or tin. Also each piece of material should be numbered so that when recording data, each piece of material is distinctive. The boards should be

approximately 2 feet by 2 feet (0.6m by 0.6m). They should be placed just after snow melt and ideally they would be placed for at least a few months prior to surveys so that snakes have a greater chance of knowing they are there, and the material can acclimatize to the vegetation. Surveys should start no later than April 15 and there should be two days of surveys each week until May 15 due to the variability of spring weather conditions and that not all snakes will emerge at the same time. Surveys should be done on days that are mostly sunny, have only light winds (<15km/h) and with an air temperature that are greater than 12°C. It is preferred that cover boards and visual surveys are conducted twice in each survey day during suitable conditions: once in late morning and again in late afternoon. Air temperature should be measured and recorded under the board prior to lifting. Consecutive surveys days can be considered as long as the weather conditions are suitable. Weekly survey visits should be conducted after mid May through the remaining duration of spring. MNR is of the opinion that spring surveys alone may not be sufficient to determine presence/absence of the species and assessment of suitable habitat. Habitat assessment should occur as part of a multi-season survey. A B permit under the Endangered Species Act 2007 is required for active research (i.e. cover boards). Please contact Ron Gould, Species at Risk Biologist for information regarding B permits at ron.gould@ontario.ca or at (519)773-4735.

If species are found during the field work, adjustments may be required to the field surveys and/ or additional field work may be required.

Based on the information collected during the field work, District staff will advise if impacts on protected species and/ or habitat are likely to occur, or if more information is required to make this determination. There may be opportunities to avoid impacts which staff can discuss with you, if necessary. If impacts cannot be avoided, guidance can be provided on how to apply for an ESA 2007 authorization (i.e. permit) to ensure compliance with the Act.

Significant Wildlife Habitat

The landscape has not been comprehensively surveyed for Significant Wildlife habitat. If no background studies have been undertaken to determine the presence of a significant feature or area, the natural features or areas should be evaluated for as part of this process. Planning authorities identify such significant wildlife habitat or approve the work of others using criteria and processes recommended in the Significant Wildlife Habitat Technical Guide (OMNR, 2000) and the Natural Heritage Reference Manual (NHRM), or municipal approaches that achieve or exceed the same objectives as the provincial processes and criteria. MNR recommends beginning the process by identifying candidate significant wildlife habitat (i.e. potentially significant). Once candidate significant wildlife habitat has been identified, field work should be conducted to confirm if the significant wildlife habitat exists.

Petroleum

The addendum also states that you are waiting on further information from the Petroleum Resources Centre. This is to confirm that you received the additional information from Maryjo Tait on January 20, 2011. If the project involves changes to the natural gas storage reservoirs or wells, the Petroleum Operations Section should be consulted.

Summary

MNR recommends that additional field work is required to identify specific features within the study area as well as determine appropriate avoidance and mitigation measures.

Thank you for the opportunity to comment.

Thank you,

A handwritten signature in black ink, appearing to read "A. McCloskey", with a stylized flourish at the end.

Amanda McCloskey
District Planner



Stantec

Stantec Consulting Ltd.
Suite 1 - 70 Southgate Drive
Guelph ON N1G 4P5
Tel: (519) 836-6050
Fax: (519) 836-2493

Filed: 2011-03-03
EB-2010-0302
Exhibit I
Tab 1
Schedule 7
Attachment C
Page 1 of 8

February 23, 2011
File: 160960611

Ministry of Natural Resources
615 John Street North
Aylmer, ON N5H 2S8

Attention: Amanda McCloskey
District Planner

Dear Amanda:

Reference: Dow Moore, Corunna and Seckerton Pipeline Project

This letter addresses general comments received by Stantec Consulting Ltd. (Stantec) in the letter dated February 15, 2011 from the Ministry of Natural Resources (MNR) relating to the Environmental Report (ER) and ER Addendum for the Dow Moore, Corunna and Seckerton Pipeline Project proposed by Enbridge Gas Distribution Inc. (EGDI).

As stated in the ER, a site visit was conducted by Stantec on September 17, 2010. It was attended by Steve Thurtell, Project Manager, Stantec Environmental Management Group and Terry Chupa, Land Agent/Land Contracts Manager, EGDI. During the site visit, information was collected regarding the presence or absence of surface water in the ditches and drains, the potential for tree cutting to be required, surrounding land uses, local utilities, existing infrastructure, the development of potential routes and the confirmation of the boundaries of the Study Area. No species assessments were conducted at that time (ref: comment to Section 4.5.1).

Subsequent to receipt of the MNR comment letter, a second site visit was conducted on February 16, 2011. This meeting was attended by Steve Thurtell and Andrew Taylor, Ecologist (Stantec), and Terry Chupa, Padma Tata, P. Eng., and Jack Olin, P.E. (EGDI). The purpose of this visit was to investigate the potential for the presence of the Species at Risk as listed in the MNR comment letter. As well, discussions were held regarding tree and brush cutting, tree replanting, project scheduling and the potential for task phasing.

In reference to tree cutting, the ER states that minimal tree removal will be required as part of this project. This is principally due to the previously disturbed nature of the Study Area. Specifically, the corridor containing the environmentally preferred routes through the woodlot currently houses a pipeline with buried laterals which service existing wells that form a component of this project; buried pipeline corridors that under-cross the preferred route; low voltage electricity lines on poles; and a graveled, maintained access road (ref: comment to Section 4.5.3).

During the site visit on February 16, 2011, discussions regarding tree cutting revolved around approximately 20 trees ranging in maturity from a few years to mature, with the vast majority being small, younger trees. All trees to be cleared occur within the existing right of way, consisting of lone trees outside of the woodland or scattered young trees succeeding into the right of way; there will be no tree clearing within the woodland. Compensation plantings for these trees could be facilitated within or adjacent to the lands from where they were cut. The species and methodologies for planting would be conducted in accordance with MNR protocols. This compensatory planting effort would be directed and overseen by qualified personnel.

February 23, 2011
Amanda McCloskey
District Planner
Page 2 of 8

Reference: Dow Moore, Corunna and Seckerton Pipeline Project

Species at Risk

We would like to thank MNR for their comprehensive recommendations regarding species at risk. EGDI wishes to be in complete compliance under the *Endangered Species Act* and, therefore, is committed to conduct the surveys for species at risk as recommended.

The majority of the preferred routes are situated in active agricultural fields of corn, soybeans and wheat; features which are not anticipated to provide habitat for the threatened and endangered species addressed by the MNR. Features along the preferred routes that may provide habitat for these species include the woodland, located centrally within the Study Area, and crossings of drainage features with associated hedgerows.

The preferred route crosses the woodland through an existing right of way which contains existing pipelines and high-pressure gas storage wells. The existing right of way includes a roadway which is well maintained and experiences regular traffic of maintenance vehicles and tanker trucks. Ground vegetation adjacent to the roadway is consistent with old field vegetation of previously disturbed sites (i.e. awnless brome, wild carrot).

EGDI and its Engineering Consultant have designed the works to restrict all construction activities to the right of way; therefore, no encroachment into the woodland is required and no removal of natural vegetation communities is proposed. The amount of fallow vegetation proposed for removal has been minimized; consists of vegetation along drainage features and the fallow vegetation adjacent to the roadway through the woodland. Surveys for species at risk will focus on these fallow areas, as they are the only communities impacted by the proposed construction which have the potential to support the threatened and endangered species addressed by MNR.

Butler's Gartersnake

Coverboard surveys are proposed for the Butler's Gartersnake, pending issue of an ESA B permit. Coverboard survey methods will be consistent with those recommended by MNR in their February 15, 2011 letter. Boards will consist of both plywood and tin, approximately 0.6m by 0.6m. They will be placed out as early in the season as possible to allow the boards to acclimatize to the vegetation. Each board will be numbered and geo-referenced with a GPS to facilitate data recording. Surveys will begin by April 15 with surveys twice weekly through to May 15 (dates may change depending on seasonal weather conditions and in consultation with MNR). After May 15, weekly surveys will be continued into early June. During each survey, coverboards will be checked twice, once in the later morning and once in the late afternoon. Every effort will be made to conduct surveys on sunny days with light winds and air temperatures over 12°C. Weather conditions, including air temperature, will be recorded during each survey. Stantec will contact MNR Species at Risk Biologist in the near future to coordinate an ESA B permit application.

A habitat assessment for Butler's Gartersnake will be conducted over the course of the coverboard surveys. Results of the coverboard surveys and habitat assessment are anticipated to be submitted to the MNR for review in the middle of June to facilitate project scheduling.

Spoon-leaved Moss

Surveys for spoon-leaved moss will be conducted in early spring before vegetation begins to grow up.

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Reference: Dow Moore, Corunna and Seckerton Pipeline Project

Butternut

Presence of butternut will be investigated during a spring survey. The survey will focus within 30 m of any proposed construction activities. Should butternut be discovered, a health assessment will be conducted during leaf-on season.

Colicroot and Dense Blazing Star

Surveys for colicroot and dense blazing star are proposed. As surveys in late summer would be prohibitive to the schedule of the project, surveys for these species are planned for mid-June. Although these species may not be in flower at this time, it is Stantec's professional opinion that a positive identification can be made (Stantec staff have identified dense blazing star in mid-June in the past).

It is recognized that the colicroot and dense blazing star may be less visible during the proposed timing window, before the plants are in flower. Therefore, a greater survey effort will be required. Given the relatively small area of fallow vegetation that will be disturbed by the proposed works, a slow, thorough and very comprehensive search of the area is feasible.

Significant Wildlife Habitat

The Study Area is mostly comprised of active agricultural fields (i.e. soybean, wheat and corn). Industrial infrastructure occurs throughout the Study Area including access roads, high-pressure storage gas wells, natural gas transmission pipeline corridors, active oils wells, oil storage facilities and hydro corridors. Natural vegetation cover within the Study Area consists of a woodland that extends east to west through the center of the Study Area; significant wildlife habitat would be restricted to this woodland feature.

A review of Land Information Ontario (LIO) mapping showed that in the Study Area there are no identified avian breeding, roosting, staging or wintering areas (LIO, 2009). In addition, a background review of the Study Area did not identify any known seasonal concentration areas associated with birds (i.e. known migration stopover or staging areas, colonies, roosting areas or wintering areas) (IBA undated; LIO 2009). The significant waterfowl staging area within the Eastern Lake St. Clair Important Bird Area (IBA) is located approximately 35 km south of the Study Area.

The Study Area is not located in close proximity to a lake shore (i.e. approximately 15 km from Lake Huron and 35 km from Lake St. Clair), and does not contain features that would concentrate migrating birds (i.e. shorelines, large lakes, peninsulas).

The local planning authority has identified a confirmed animal movement corridor within the Study Area; Appendix Map A of the Lambton County Official Plan (1998) identifies the woodland within the Study Area as part of a secondary corridor. This feature is considered confirmed significant wildlife habitat for an animal movement corridor.

Candidate Significant Wildlife Habitat

Criteria outlined in the Significant Wildlife Habitat Technical Guide (SWHTG) (MNR, 2000) were used to determine whether the Study Area contained candidate significant wildlife habitat. As discussed above, significant wildlife habitat would be restricted to the woodland in the center of the Study Area; no candidate significant wildlife habitat was identified within the active agricultural fields or industrial infrastructure. Candidate significant wildlife habitat that was identified within the Study Area is summarized under the four categories below.

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Seasonal Concentration Areas

Wild Turkeys are known to occur within the Study Area and were observed (tracks and individuals) during the February 16, 2011 site visit. As such, the woodlands within the Study Area have been considered candidate wildlife habitat for Wild Turkey wintering.

White-tailed deer are known to occur in the vicinity of the Study Area (Dobbyn 1994) but there are no identified deer yards located in the Study Area (LIO 2009) and critical habitat features to support deer yards (i.e. coniferous cover) were not present. As such, candidate significant habitat for winter deer was not identified.

Specialized Habitats for Wildlife

Woodlands larger than 10 ha are considered to have the potential to support populations of area-sensitive species (SWHTG, 2000). The woodland within the Study Area, which extends off-site, is of sufficient size to support area-sensitive forest nesting birds. As such, candidate significant habitat for area-sensitive forest nesting birds was identified.

No grassland habitat, suitable to support area-sensitive grassland breeding birds, was present within the Study Area.

The Study Area is situated on poorly drained Brookston and Caistor clay soils, which would be conducive to ephemeral pooling of water. Therefore, the woodland has been identified as candidate significant amphibian woodland breeding habitat.

Background information (LIO 2009) did not identify known raptor nests within the Study Area. A review of the Atlas of the Breeding Birds of Ontario (Cadman et al., 2007) indicates that only two species of raptors are known to occur within the 10x10 km square that encompasses the Study Area; Red-tailed Hawk and American Kestrel. Neither of these two species is considered to require specialized nesting habitat nor are they discussed in Section 5.4.2.7 or Appendix Q-2 of the SWHTG (2000) with respect to specialized raptor nesting habitat.

Habitats of Species of Conservation Concern

A background review (NHIC 2010; Cadman *et al.*, 2007) has identified several species of conservation concern that are known to occur in the vicinity of the Study Area.

Provincially rare species (i.e. ranked S1, S2 or S3) that have been recorded in the vicinity of the Study Area and may occur within the woodland include Carolina Whitlow-grass (S3), Hairy Pinweed (S3), a Panic Grass (*D. sphaerocarpon* var. *sphaerocarpon*) (S3), Rigid Sedge (S3), Yellow Stargrass (S3), Fern-leaved Yellow False Foxglove (S2), Mead's Sedge (S2), Woodland Pinedrops (S2) and Texas Stiff Yellow Flax (S1). There may be some potential for rare plant species to occur within the right of way that intersects the woodland. However, the existing maintained right of way would not be considered significant habitat for these species.

The Ontario Partners in Flight (PIF) program has identified a number of species that are considered conservation priorities for Bird Conservation Region ("BCR") 13 (Lower Great Lakes/St. Lawrence Plain region of southern Ontario) (Ontario PIF, 2008). A review of background material (Cadman *et al.*, 2007) has identified 9 PIF priority species that are known to occur in proximity of the Study Area and may occur within the woodland. Specifically, the woodland habitat has the potential to support Black-billed Cuckoo, Northern Flicker, Eastern Wood-Pewee, Willow Flycatcher, Wood Thrush, Brown Thrasher, Eastern Towhee, Rose-

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breasted Grosbeak and Baltimore Oriole. Overall, the woodland feature has been identified as candidate significant wildlife habitat for species of conservation concern (both rare and declining species).

No grassland habitat, suitable to support declining grassland breeding birds, was present within the Study Area.

Although recorded in proximity to the Study Area (NHIC 2010), suitable habitat for the American Brook Lamprey (S3) was not present.

One species of special concern was identified through the review of background material, the Snapping Turtle. Several intermittent drainage features occur within the Study Area; however, no permanent water capable to supporting Snapping Turtles year round was present. In addition, no waterbodies that could support a Snapping Turtle population occur in proximity to the Study Area. Overall, habitat for the Snapping Turtle is not considered to be present within or adjacent to the Study Area.

Animal Movement Corridors

As discussed above, the local planning authority has identified animal movement corridors through the woodland feature within the Study Area.

Summary of Candidate Significant Wildlife Habitat

Candidate Significant Wildlife Habitat, requiring an evaluation of significance, identified within the Study Area through a review of background information includes:

- Wild Turkey Winter Range;
- Habitat for area-sensitive species;
- Amphibian woodland breeding ponds; and
- Habitat for species of conservation concern.

Evaluation of Significance

One confirmed significant wildlife habitat feature, an animal movement corridor, has been identified by the local planning authority through the woodland on the Study Area. As this feature is confirmed, an evaluation of significance is not required.

Due to the timing of this project, seasonal field studies to collect information required to evaluate the significance of wild turkey winter range, habitat for area-sensitive species, amphibian woodland breeding ponds and habitat for species of conservation concern was not possible. Section 9.3.1 (Page 88, Step 4, Option 1) of the Natural Heritage Reference Manual (MNR, 2010) allows for the assumption of significance and protection of the feature, without the need for further studies. As seasonal field surveys were not possible, these significant wildlife habitat features will be assumed significant and protected.

Each of the assumed significant wildlife habitat features occurs within the woodland. These features will be protected by avoiding encroachment into the woodland. The majority of proposed construction occurs within the open, active agricultural fields. Construction through the woodland will be contained within existing, opened right of way, with no encroachment into the woodland.

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Reference: Dow Moore, Corunna and Seckerton Pipeline Project

Potential Impacts

Potential impacts to significant wildlife habitat are anticipated to be minimal, as there will be no encroachment into the woodland that supports these habitats. However, construction activities adjacent to the habitat may result in minor impacts.

Animal Movement Corridors

Temporary disruption to the animal movement corridor is anticipated, as a result of the proposed construction activities, which will likely present a physical barrier to some groups of animals. However, the woodland habitat that provides the corridor function will not be impacted. Therefore, such impacts would be temporary in nature, and the function of the woodland will resume once construction activities are complete.

Wild Turkey Winter Range

The wild turkey winter range is not anticipated to be impacted by the proposed project. There will be no encroachment into the woodland that supports the habitat. The timing of the proposed construction will be outside the timing of winter use.

Habitat for Area-Sensitive Species

The proposed construction will not result in any loss of forest cover that may support area-sensitive nesting birds, thus significant habitat will be protected. There is some potential for temporary disturbance to individuals using the habitat, as construction activities may begin near the end of the breeding season. However, this disturbance would be temporary in nature, with no specific impacts to the habitat itself. It is noted that an existing level of disturbance occurs along the right of way through the woodland, due to heavy truck traffic along the access road.

The impacted area within the right of way will have a nesting survey conducted in advance of construction, if site clearing activities fall within the migratory bird nesting period.

Amphibian Woodland Breeding Ponds

No encroachment into amphibian woodland breeding ponds will occur as a result of the proposed construction. Potential impacts could result from deposition of soils into the breeding ponds as a result of erosion. Erosion control measures, as outlined in the Environmental Report, are recommended to avoid potential impacts to amphibian woodland breeding ponds.

Habitat for Species of Conservation Concern

The proposed construction will not result in any loss of forest cover that may support PIF priority species. However, as discussed with area-sensitive species, there is potential for temporary disturbance to breeding birds.

Significant habitat for provincially rare plant species is contained within the woodland. As no encroachment into the woodland is proposed, impacts to the rare plant species are anticipated to be minimal. Erosion control measures, as outlined in the Environmental Report, are recommended to protect vegetation.

Summary

In summary, significant wildlife habitat will be protected by avoidance of encroachment into the woodland. Any disturbance to the function of the significant wildlife habitat would be temporary in nature.

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We are interested in taking a proactive approach in the event surveys confirm the presence of a threatened or endangered species or its habitat. As such, EGDI and Stantec would be interested in discussions with MNR with respect to overall benefit programs and preparing a draft ESA C permit application.

In an effort to provide a better context of the habitat present and the scale of the proposed works, we would like to invite MNR's District Planner and Species at Risk Biologist for a site visit with EGDI and Stantec representatives. If MNR is agreeable to a site visit, we would ask you to provide possible dates so that we may coordinate staff. Ideal proposed dates would be in the near future; late February to early March.

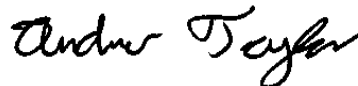
We trust this letter provides the additional information requested by MNR in their February 15, 2011 letter. Should MNR have any additional comments or require further clarification, please do not hesitate to contact the undersigned.

Sincerely,

STANTEC CONSULTING LTD.



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REFERENCES

- Cadman, M.D., D.A. Sutherland, G.G. Beck, D. Lepage and A.R. Couturier (eds). 2007. Atlas of the Breeding Birds of Ontario 2001- 2005. Bird Studies Canada, Environment Canada, Ontario Field Ornithologists, Ontario Ministry of Natural Resources, and Ontario Nature, Toronto. 706 pp.
- Lambton County, 1998. Lambton County Official Plan. Lambton, Ontario. 66p.
- Natural Heritage Information Centre. 2010. http://mnrweb/nhic/queries/more_eo.cfm?id=2787
- Ontario Ministry of Natural Resources. 2000. Significant Wildlife Habitat Technical Guide and Appendices. 151 pp.
- Ontario Ministry of Natural Resources. 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. Second Edition. June, 2010.
- Ontario Partners in Flight. 2008. Ontario Landbird Conservation Plan: Lower Great Lakes/St. Lawrence Plain (North American Bird Conservation Region 13), Priorities, Objectives and Recommended Actions. Environment Canada (Ontario Region) and Ontario Ministry of Natural Resources. Draft, Version 2.0, December 2008.

Enbridge Project Nexus - Ministry of Natural Resources and Stantec Communication Summary Table

Date of Communication	Type of Communication	To / From	Name	Content
Oct. 13, 2010	Letter	To	Ken Yaraskavitch, Chatham Area Supervisor	Notice of Commencement
Oct. 13, 2010	Letter	To	Sharon Rew, OPCC Member	Notice of Commencement
Oct. 26, 2010	Phone call	From	Mary-Jo Tait	Please send NHIC search results
Oct. 26, 2010	Email	To	Mary-Jo Tait	Sent NHIC search results
Nov. 18, 2010	Email	From	Mary-Jo Tait	What information are you looking for?
Nov. 19, 2010	Email	To	Mary-Jo Tait	SAR, drains
Dec. 9, 2010	Email	From	Mary-Jo Tait	Initial SAR information
Dec. 14, 2010	Email	To	Mary-Jo Tait	Requested SAR screening
Dec. 17, 2010	Email	To	Mary-Jo Tait	Sent ER, requested meeting
Dec. 17, 2010	Phone Call	To	Mary-Jo Tait	Discussed SAR screening
Jan. 10, 2011	Phone Call	To	Mary-Jo Tait	Left message
Jan. 11, 2011	Phone Call	To	Mary-Jo Tait	No message
Jan. 13, 2011	Phone Call	To	Mary-Jo Tait	No message
Jan. 17, 2011	Phone Call	To	Mary-Jo Tait	No message
Jan. 19, 2011	Email	To	Mary-Jo Tait	Follow-up, requested meeting
Jan. 20, 2011	Email	From	Mary-Jo Tait	Gas & Oil Wells information
Jan. 21, 2011	Phone Call	To	Amanda McCloskey	Left message
Jan. 25, 2011	Phone Call	To	Amanda McCloskey	No message
Jan. 28, 2011	Phone Call	To	Amanda McCloskey	Request SAR screening with Biologist
Jan. 28, 2011	Email	From	Amanda McCloskey	Provided potential data
Jan. 31, 2011	Email	To	Amanda McCloskey	Stressed timing/ dates
Feb. 8, 2011	Phone Call	To	Amanda McCloskey	Left message re: would like to receive info for Feb 16 site meeting
Feb. 15, 2011	Phone Call	To	Amanda McCloskey	She notified that SAR screening will be done today
Feb. 15, 2011	Email	To	Amanda McCloskey	SAR comments
Feb. 23, 2011	Email	To	Amanda McCloskey	Response to comments
Feb. 28, 2011	Email	To	Doug Tozer / RonGould	B permit request
Feb. 28, 2011	Email	From	Doug Tozer / RonGould	Sent B permit template
Mar. 1, 2011	Email	To	RonGould	B permit question
Mar. 1, 2011	Phone Call	To	Amanda McCloskey	Enbridge requested site visit with her and Ron to discuss survey methodology

BOARD STAFF INTERROGATORY #8

INTERROGATORY

Please comment on the proposed draft conditions of approval prepared by Board Staff. Please note that Board Staff may propose modifications or additions to these conditions depending on the information provided by Enbridge in response to these IRs.

**EB-2010-0302
Enbridge Gas Distribution Inc.
Leave to Construct Application**

Board Staff Proposed Draft

Conditions of Approval

1 General Requirements

- 1.1 Enbridge Gas Distribution Inc. ("Enbridge") shall construct the facilities and restore the land in accordance with its application and the evidence filed in EB-2010-0302 except as modified by this Order and these Conditions of Approval.
- 1.2 Unless otherwise ordered by the Board, authorization for Leave to Construct shall terminate December 31, 2011, unless construction has commenced prior to that date.
- 1.3 Enbridge shall implement all the recommendations of the Environmental Report filed in the pre-filed evidence, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee ("OPCC") review.
- 1.4 Enbridge shall advise the Board's designated representative of any proposed material change in construction or restoration procedures and, except in an emergency, Enbridge shall not make such change without prior approval of the Board or its designated representative. In the event of an emergency, the Board shall be informed immediately after the fact.
- 1.5 Within 15 months of the final in-service date, Enbridge shall file with the Board Secretary a Post Construction Financial Report. The Report shall indicate the actual

Witness: R. Wintjes

capital costs of the project and shall explain all significant variances from the estimates filed in the proceeding.

2 Project and Communications Requirements

- 2.1 The Board's designated representative for the purpose of these Conditions of Approval shall be the Manager, Natural Gas Applications.
- 2.2 Enbridge shall designate a person as project engineer and shall provide the name of the individual to the Board's designated representative. The project engineer will be responsible for the fulfillment of the Conditions of Approval on the construction site. Enbridge shall provide a copy of the Order and Conditions of Approval to the project engineer, within seven days of the Board's Order being issued.
- 2.3 Enbridge shall give the Board's designated representative and the Chair of the OPCC ten days written notice in advance of the commencement of the construction.
- 2.4 Enbridge shall furnish the Board's designated representative with all reasonable assistance for ascertaining whether the work is being or has been performed in accordance with the Board's Order.
- 2.5 Enbridge shall file with the Board's designated representative notice of the date on which the installed pipelines were tested, within one month after the final test date.
- 2.6 Enbridge shall furnish the Board's designated representative with five copies of written confirmation of the completion of construction. A copy of the confirmation shall be provided to the Chair of the OPCC.

3 Monitoring and Reporting Requirements

- 3.1 Both during and after construction, Enbridge shall monitor the impacts of construction, and shall file four copies of both an interim and a final monitoring report with the Board. The interim monitoring report shall be filed within six months of the in-service date, and the final monitoring report shall be filed within fifteen months of the in-service date. Enbridge shall attach a log of all complaints that have been received to the interim and final monitoring reports. The log shall record the times of all complaints received, the substance of each complaint, the actions taken in response, and the reasons underlying such actions.
- 3.2 The interim monitoring report shall confirm Enbridge's adherence to Condition 1.1 and shall include a description of the impacts noted during construction and the

Witness: R. Wintjes

actions taken or to be taken to prevent or mitigate the long-term effects of the impacts of construction. This report shall describe any outstanding concerns identified during construction.

- 3.3 The final monitoring report shall describe the condition of any rehabilitated land and the effectiveness of any mitigation measures undertaken. The results of the monitoring programs and analysis shall be included and recommendations made as appropriate. Any deficiency in compliance with any of the Conditions of Approval shall be explained.

4 Other Approvals and Agreements

- 4.1 Enbridge shall obtain all other approvals, permits, licences, and certificates required to construct, operate and maintain the proposed project, shall provide a list thereof, and shall provide copies of all such written approvals, permits, licences, and certificates upon the Board's request.

RESPONSE

Enbridge Gas Distribution Inc. ("Enbridge") has no concerns or comments with the draft conditions with the exception of condition 1.5.

As this project is part of the unregulated operations, Enbridge does not believe this condition is required and would recommend the condition be removed.