

March 24, 2016

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 (“Union”)
Panhandle Relocation Project
Board File # EB-2015-0366**

Further to the interrogatories received in the above noted matter, please find attached two copies of Union’s responses.

Sincerely,

[Original Signed By]

Shelley Bechard
Administrative Analyst, Regulatory Projects

Encl.

cc: Pascale Duguay, Manager Facilities Applications
Zora Crnojacki, Chair (OPCC)

UNION GAS LIMITED

Answers to Interrogatories from
Board Staff

1. Ref: Evidence, page 2, lines 4 to 14; Schedule 8 “Construction Schedule”; page 9 lines 12 to 14

Preamble:

The construction of the proposed pipeline project is planned to start in the spring 2016 to be completed by the fall 2016. By late 2016, Windsor Detroit Bridge Authority (WDBA) will finalize the purchase of the land for the plaza, including the new road allowance where the pipelines will be located. Once the purchase is finalized the WDBA will transfer the new roadway land rights to the City of Windsor. The rights to locate the pipelines in this new road allowance will be covered by the Franchise Agreement between Union and the City of Windsor.

Union explained that because it plans to start construction and complete the proposed project before the WDBA purchases the land and transfers land rights to the City of Windsor, it needs to acquire land rights from WDBA, Windsor Power Station (WWP) and Infrastructure Ontario. Union stated the acquisition of these land rights is underway and that no one has objected to granting Union these land rights.

Questions:

- a) Please explain the timing and the process of transfer of Union’s land rights to WDBA.
- b) When will the land rights covered by the Franchise Agreement between Union and the City of Windsor be in effect?

Responses:

- a) Union is in ongoing negotiations with WDBA for the necessary land rights to complete the project. The WDBA has not identified any issues with granting Union the necessary permanent and temporary land rights to complete the project. WDBA is currently reviewing Union’s documents and drawings and Union expects to have executed documents in the second quarter of 2016.
- b) The timing of when WDBA will transfer portions of its property to the City of Windsor which would then become part of a roadway covered under Union’s Franchise Agreement is not known at this time. In all cases Union will have the necessary land rights in place for the construction and operation of the pipeline, either from WDBA easements or the City of Windsor Franchise Agreement.

2. Ref: Evidence, page 6, lines 5 to 12

Preamble:

Construction of launcher and receiver facilities is part of the project and Union will need land rights for locating the launcher facilities. To obtain these land rights Union has commenced discussions with the City of Windsor.

Questions:

- a) What is the status and anticipated timeline of finalizing discussions with the City of Windsor regarding the land rights for the launcher facilities?
 - b) Are the required land rights subject to the Franchise Agreement?
-

Responses:

- a&b) The land rights for the launcher receiver facility will be subject to Union's Franchise Agreement with the City of Windsor. Union met with the City of Windsor in February 2016 at which time the City of Windsor agreed with Union's position that these facilities could be constructed under the Franchise Agreement. The City of Windsor and Union have agreed to the location and restoration activities required to construct the proposed facilities.

3. Ref: Evidence, page 9 lines 12 to 14, page 9 lines 19-20,

Preamble:

Union stated that it is finalizing the easement agreements with WDBA and WWP who are two of the landowners along the route. Union noted that it needs easements from three landowners: WDBA, WWP and Infrastructure Ontario. Union also stated that it is in discussions with the remaining three directly affected landowners. Union needs to clarify the evidence regarding the landowner and the required land rights for construction and location of the proposed pipelines.

Questions:

- a) For clarification, please list all the landowners from whom Union requires permanent and temporary easements.
 - b) What is the status and prospect of negotiations with each of the landowners listed above?
 - c) What will be the terms of the permanent and temporary easement agreements?
-

Responses:

- a) Union requires permanent and temporary land rights from WDBA, WWP and Infrastructure Ontario (“IO”). Union requires temporary land rights from Brighton Beach Power (“BBP”) and NemaK of Canada Corporation (“NemaK”).
- b) Union has signed Options for the necessary land rights with WWP.

Union expects to have the land rights in place with WDBA and IO in the second quarter of 2016.

Union expects to have the temporary land rights in place with BBP in the second quarter of 2016.

Negotiations for temporary land rights are ongoing with NemaK. If NemaK does not grant Union the temporary land rights Union has a plan in place to construct the proposed facilities without using temporary lands on the NemaK property.

- c) Union’s permanent easements do not terminate. The proposed temporary land use agreements terminate on December 31, 2017.

4. Ref: Evidence, Schedule 9 “Form of Easement Agreement”

Preamble:

Section 97 of the Ontario Energy Board Act requires Union to satisfy the OEB that it has offered or will offer to each owner of land affected by the pipeline route an agreement in a form approved by the OEB. Union filed a form of easement agreement in Schedule 9 that has been or will be offered to the affected landowners.

Questions:

- a) Was the form of easement agreement in Schedule 9 previously approved by the OEB? If so, please list the OEB file numbers and application proceedings.
 - b) Which landowners have been offered or will be offered the form of easement agreement filed in Schedule 9?
 - c) If any of the landowners along the route of the proposed project has not or will not be offered the form of easement agreement in Schedule 9, please identify these landowners and describe and file the forms of easement agreement offered to those landowners.
-

Responses:

- a) The easement agreement found at Schedule 9 was previously approved by the OEB in EB-2013-0420 and EB-2014-0041.
- b) WWP, WDBA and IO were offered the form of easement agreement found at Schedule 9.
- c) Please refer to response 4b.

5. Ref: Evidence, page 11, lines 8 to 11, Schedule 13 “OPCC Review Summary”

Preamble:

The comments on the Environmental Report by Ontario Pipeline Coordination Committee (OPCC) are summarized in Schedule 13. The Environmental Report was also sent for review and comments to the City of Windsor, Essex Region Conservation Authority, First Nations and Métis Nation of Ontario. Union stated it would file an update of all the comments.

Questions:

- a) Please update the Schedule 13 and file the related correspondence.
 - b) File any comments received from First Nations and Métis Nation of Ontario.
 - c) Describe any concerns or issues raised by First Nations and Métis Nation of Ontario. How will Union address and resolve these issues and concerns?
-

Responses:

- a) Please find attached at Schedule 1 an updated Schedule 13 summary table and additional correspondence.
- b) Union has received comments from the Chippewa of the Thames stating they had no concerns with the project. A copy of the letter from the Chippewa of the Thames can be found at Schedule 2.
- c) No other comments, concerns or issues have been raised by the First Nations or Metis Nation regarding this project.

6. Ref: Application

Preamble:

Union applied for leave to construct facilities under section 90(1) of the OEB Act.

Question:

Please comment on whether the OEB's standard conditions of approval (see below) are appropriate for this project.

Draft
Leave to Construct Conditions of Approval
Application under Section 90 of the OEB Act
Union Gas Limited
EB-2015-0366

1. Union Gas Limited (Union) shall construct the facilities and restore the land in accordance with the Board's Decision and Order in EB-2015-0366 and these Conditions of Approval.
2. (a) Authorization for leave to construct shall terminate 12 months after the decision is issued, unless construction has commenced prior to that date.

(b) Union shall give the Board notice in writing:
 - i. of the commencement of construction, at least ten days prior to the date construction commences;
 - ii. of the planned in-service date, at least ten days prior to the date the facilities go into service;
 - iii. of the date on which construction was completed, no later than 10 days following the completion of construction; and
 - iv. of the in-service date, no later than 10 days after the facilities go into service.
3. Union shall implement all the recommendations of the Environmental Report filed in the proceeding, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee review.
4. Union shall advise the Board of any proposed change to Board-approved construction or restoration procedures. Except in an emergency, Union shall not make any such change without prior notice to and written approval of the Board. In the event of an emergency, the Board shall be informed immediately after the fact.

5. Both during and after construction, Union shall monitor the impacts of construction, and shall file with the Board one paper copy and one electronic (searchable PDF) version of each of the following reports:
- a) a post construction report, within three months of the in-service date, which shall:
 - i. provide a certification, by a senior executive of the company, of Union's adherence to Condition 1;
 - ii. describe any impacts and outstanding concerns identified during construction;
 - iii. describe the actions taken or planned to be taken to prevent or mitigate any identified impacts of construction;
 - iv. include a log of all complaints received by Union, including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions; and
 - v. provide a certification, by a senior executive of the company, that the company has obtained all other approvals, permits, licences, and certificates required to construct, operate and maintain the proposed project.
 - b) a final monitoring report, no later than fifteen months after the in- service date, or, where the deadline falls between December 1 and May 31, the following June 1, which shall:
 - i. provide a certification, by a senior executive of the company, of Union's adherence to Condition 3;
 - ii. describe the condition of any rehabilitated land;
 - iii. describe the effectiveness of any actions taken to prevent or mitigate any identified impacts of construction;
 - iv. include the results of analyses and monitoring programs and any recommendations arising therefrom; and
 - v. include a log of all complaints received by Union, including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions.

Response:

Union can accept all of the above Proposed Conditions of Approval.

OPCC Review Summary

Panhandle Relocation Project

AGENCY	COMMENT	RESPONSE
Letter received by Ryan Park Union Gas Limited October 13, 2015 Essex Region Conservation Authority Mike Nelson Watershed Planner	Indicated the acknowledgement of the Environmental Report and provided input on role of Essex Region Conservation Authority.	Not required.
Email received by Ryan Park Union Gas Limited October 9, 2015 Ministry of the Environment and Climate Change Craig Newton Regional Environmental Planner /	Email and attached document identify historic waste site near the Detroit River International Crossing.	Not required. Sites are located outside of Union Gas construction areas.
Email received by Ryan Park Union Gas Limited August 4, 2015 Technical Standards and Safety Authority Oscar Alonso Fuels Safety Engineer	Letter of acknowledgment and request for additional information	Letter response provided with the requested information. Dated August 24, 2015. No further action required.
Updated March 14, 2016		
Email received by Mark Murray Union Gas Limited February 26, 2016 Ministry of Tourism Culture and Sport Rosi Zirger Heritage Planner	Requesting if archaeological assessments have been completed for the current project area of the International Crossing, and the Project File Information (PIF) number issued (if completed). Identify the steps taken to consider known or potential built heritage resources and cultural heritage landscapes.	Email response provided requested information.
Letter Received by Mark Murray Union Gas Limited March 4, 2016 Ministry of Tourism Culture and Sport Rosi Zirger Heritage Planner	MTCS letter identifying the proposed works have received appropriate clearance and review by MTCS. The letter also includes standard procedures that should be followed in the event that unknown archaeological or cultural material is encountered.	No Further action required.

Dear Mr. Murray

MTCS has reviewed the material related to the Union Gas application to the Ontario Energy Board approval of the Panhandle Relocation Project. Please find attached MTCS comments and recommendations for this project.

Please contact me as necessary if you would like to discuss this further.

Sincerely

Rosi Zirger

Heritage Planner

Ministry of Tourism, Culture & Sport

Culture Division | Programs & Services Branch | Culture Services Unit

401 Bay Street, Suite 1700 Toronto, Ontario M7A 0A7

From: Park, Ryan

Sent: February-26-16 2:22 PM

To: Zirger, Rosi (MTCS)

Cc: Murray, Mark

Subject: RE: Union Gas - Panhandle Relocation Project Windsor - OEB #EB-2015-0366

Dear, Ms. Zirger,

Mark Murray forwarded your request for more information on our Panhandle Relocation Project. As you are aware we have completed and received MTCS archaeological clearance (**P083-0260-2015**) for a small portion of the project area, which located on private (West Windsor Power) lands cover under provincial jurisdiction. The majority of the project is located within the federally owned Windsor Detroit Bridge Authority properties (WDBA Lands). Any work that is proposed within the WDBA lands were subject to the federal CEAA with the Environmental report complete December 2009. Union Gas Ltd understands that clearances (archaeology, built heritage resources, cultural landscapes, species at risk etc.) for the WDBA lands are the responsibility of the WDBA and have or will be completed prior to the commencement of our work. Due to the close proximity of the WWP lands to the WDBA lands additional built heritage resources and, cultural heritage landscape studies were not completed by Union Gas.

Archaeological assessments have been completed for the WDBA lands; I have attached the summary I have been provided with by the WDBA. The link below provides the WDBA Environmental Report, Studies and agencies comments including those from MTCS.

http://www.partnershipborderstudy.com/reports_canada.asp.

Please let me know if you require any additional information or would like to discuss the project in additional detail.

Regards,

Ryan

Ryan Park, B.Sc., Can-CISEC

Senior Environmental Planner, Permitting & Environmental Planning

From: Zirger, Rosi (MTCS)
Sent: February-26-16 11:09 AM
To: Murray, Mark
Cc: Muller, Joseph (MTCS)
Subject: Union Gas - Panhandle Relocation Project Windsor - OEB #EB-2015-0366

Dear Mr. Murray

Further to our phone conversation this morning, the Ministry of Tourism, Culture and Sport (MTCS) has received a Notice that Union Gas has filed an Application with the Ontario Energy Board for the approval of the Panhandle Relocation Project. MTCS's interest in this EA project relates to its mandate of conserving Ontario's cultural heritage, which includes:

- archaeological resources, including land-based and marine;
- built heritage resources, including bridges and monuments; and,
- cultural heritage landscapes.

This project involves the relocation of two pipelines to accommodate the Windsor Detroit Bridge Authority's International Trade Crossing / Detroit River International Crossing project in the City of Windsor. MTCS records show that we have reviewed and provided comment on other Union Gas Panhandle projects. It would appear that the current project area is a small portion of one of these larger projects.

Would you kindly advise whether archaeological assessment(s) have been completed for the current project area at the International Crossing. If so, please provide me with the Project File Information (PIF) number issued for the assessment.

Additionally, could you please advise the steps that have been taken to consider known or potential built heritage resources and cultural heritage landscapes.

Meanwhile, we would appreciate being kept informed of this project. Please feel free contact me as necessary.

Sincerely

Rosi Zirger

Heritage Planner

Ministry of Tourism, Culture & Sport
Culture Division | Programs & Services Branch | Culture Services Unit
401 Bay Street, Suite 1700 Toronto, Ontario M7A 0A7

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Ministry of Tourism, Culture & Sport	Ministère du Tourisme et de la Culture
Culture Services Unit	Unité des services culturels
Programs and Services Branch	Direction des programmes et des services
401 Bay Street, Suite 1700	401, rue Bay, Bureau 1700
Toronto ON M7A 0A7	Toronto ON M7A 0A7
Tel: 416 314-7159	Tél.: 416 314-7159
Fax: 416 212-1802	Télec.: 416 212-1802

March 4, 2106 (via email only)

Mr. Mark A. Murray
Manager, Regulatory Project and Lands Acquisitions
Union Gas Limited
P.O. Box 2001
50 Keil Drive North, Chatham, ON N7M 5M1

Dear Mr. Murray,

Project: Union Gas – Panhandle Relocation Project (Ontario Energy Board File No. EB-2015-0366)
Location: Windsor Ontario
MTCS File# 0004250

The Ministry of Tourism, Culture and Sport (MTCS) has received a Notice that Union Gas has filed an Application with the Ontario Energy Board for the approval of the Panhandle Relocation Project. MTCS's interest in this EA project relates to its mandate of conserving Ontario's cultural heritage, which includes:

- archaeological resources, including land-based and marine;
- built heritage resources, including bridges and monuments; and,
- cultural heritage landscapes.

This project involves the relocation of two pipelines to accommodate the Windsor Detroit Bridge Authority's International Trade Crossing / Detroit River International Crossing project in the City of Windsor. MTCS records show that we have reviewed and provided comment on other Union Gas Panhandle projects. It would appear that the current project area is a small portion of one of these larger projects areas.

MTCS records indicate that numerous archaeological assessment(s) have been completed for the current project area at the International Crossing. Thank you also for providing us with a summary Review of the Archaeological Information Completed for the DRIC dated July 2014. It would appear that the necessary archaeological assessments for the lands in the vicinity of the present proposed pipeline relocation have been completed, reviewed by this ministry and entered into the provincial register.

In any event, if during the course of your project work any archaeological or cultural material is encountered, all activities impacting the archaeological material must cease and a licensed archaeologist must be engaged to carry out archaeological fieldwork, in compliance with sec. 48(1) of the OHA.

In addition, in the event that human remains are encountered during project work, all activities in the area must stop and the police, the coroner's office and the Registrar of Cemeteries must be notified immediately.

Meanwhile, we would appreciate being kept informed of this project. Please feel free contact me as necessary.

Sincerely

Rosi Zirger
Heritage Planner



CHIPPEWAS OF THE THAMES FIRST NATION

October 5, 2015

Union Gas Limited
Box 5353 Station A
109 Commissioners Rd.
London, ON N6A 4P1

Attn: John Bonin
Manager, Economic Development
First Nations and Metis Affairs

Subject: Panhandle Phase II Replacement Pipeline Project

Dear Mr. Bonin

We are in receipt of correspondence of the aforementioned project.

In the screening of the correspondence, we have identified no concerns with the project or the information that has been presented to us as this time.

We ask to be kept informed of any changes that are of a substantive nature.

Also, please be advised that Leslee White-eye is now Chief of Chippewas of the Thames First Nation.

Respectfully,

A handwritten signature in dark ink, appearing to read "M. Alikakos", with a long horizontal stroke extending to the right.

Mary Alikakos
Consultation Coordinator
Chippewa of the Thames First Nation
(519) 289-2662 Ext. 213
malikakos@cottfn.com