

August 11, 2017

BY RESS & COURIER

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

Dear Ms. Walli:

**Re: Union Gas Limited (“Union”)
2017 Sudbury Replacement Project
Board File Number EB-2017-0180**

This letter is in response to the Ontario Energy Boards letter dated August 8, 2017 regarding Indigenous consultation related to the proposed 2018 Sudbury Replacement Project.

As stated in Union’s response to Board Staff Interrogatory #6, Union has had ongoing discussion with the Ministry of Energy (“MOE”) regarding Indigenous consultation for the Sudbury project. Please see below for Union’s update on the status of these discussions.

In discussions with the MOE they requested that Union update and change the format of the consultation log which Union keeps as a record of the discussions, issues and commitments that Union makes when dealing with the communities that may be impacted by the Sudbury project. Union has made the requested changes and an updated version of the consultation log is attached as Schedule 1.

Attached as Schedule 2, is a letter of support from the Metis Nation of Ontario.

Attached as Schedule 3 is a letter dated August 10, 2017 from the MOE advising Union that *“the Ministry is of the opinion that the procedural aspects of consultation undertaken by Union Gas to date for the purposes of the Ontario Energy Board’s Leave to Construct is satisfactory”*. In the MOE letter it identifies that additional meetings and discussions will take place between Union and the Atikameksheng Anishinawek and Wahnapiatae First Nation. Union confirms that it will undertake these meetings and discussions and will inform the MOE and the Board of the outcomes of these meetings.

Union believes that the above information provides the documentation requested in the Board’s letter of August 8, 2107.

Union requests that the Board issue a new schedule to complete the record for the proposed facilities.

If you have any questions or require additional information please contact Bill Wachsmuth.

Yours truly,

[original signed by]

W.T. (Bill) Wachsmuth, RPF
Senior Administrator, Regulatory Projects
:sb
Attach.

Cc: Z. Crnojacki
N. Marconi

Union Gas Ltd. Sudbury Replacement Project 2018

Summary of Consultation with First Nations and Métis Nation of Ontario

Metis Nation of Ontario

- | | |
|-------------------|--|
| November 11, 2016 | Letters of notice of project were sent by email to James Wager /Steve Sarasin at the MNO. A phone call was set to arrange a meeting date. |
| December 1, 2016 | Met with the Region 5 Consultation Committee at the MNO office in Sudbury and showed a presentation of the projects which included maps, and information on Directional Drilling.

Many questions were asked with regards to construction time lines and touring the property during construction. Due to safety protocols, it was explained that we do not tour during construction but I would provide updates as the project progressed. The committee was satisfied with the agreement of receiving updates. |
| March 27, 2017 | There was an written offer of capacity funding sent to Union Gas on March 27, for each community within Region 5. Those capacity funding cheques were cashed on April 24, June 1 and June 7. |
| August 19, 2017 | A follow up meeting to update the community is planned to take place at the AGA in Kenora. |

Atikameksheng Anishinabek /Whitefish First Nation

- | | |
|--------------|---|
| Nov 11, 2016 | A letter of notification was emailed to the Atikameksheng FN notifying of the proposed project. |
| Nov 30, 2016 | Meeting held in the community. In attendance: Robert Paishegwon, Jeanne Naponse, Cheryl Neernionquilt, Orolva Czsar, Darren Mugwans, Wendy Landry Union Gas

I presented a power point of the proposed project. Those in attendance expressed the need to have a community open house, and information session to begin consultation. Maps of the construction areas, and all information of the project would be available for the community open house. Robert Paishegwon was to be the contact person going forward for consultation, and the community requested to have monitors from the community on the EA, and Arch studies. |
| Dec 23, 2016 | Email from Robert Paishegwon requesting more maps specific to certain areas. Maps sent to him that day. |

Feb 10,15,21,2017	Emails back and forth with Robert planning the open house dates for the community and the logistics of the provided meal and location.
March 27, 2017	Emails regarding the arranging of monitors for the EA and Arch work. Response received the same day with Robert agreeing to inquire out to the community looking for interested persons. A job description was provided, and dates for a community information session were offered.
March 30, 2017	Emails to confirm the dates for open house information sessions. Date set for May 10, 2017.
May 10, 2017	<p>Open House Community information session held at Atikameksheng Anishnawbek First Nation.</p> <p>Union Gas: Wendy Landry, Rob Marson, Brian Lennie, Marc Tonelli, Kristan Washburn (AECOM)</p> <ul style="list-style-type: none"> • Overall it was a good discussion and a lot of learning and knowledge sharing occurred. • 5 community members attended. There was a death of an Elder in the community the day before and the funeral was the same time as the Open House. The community was essentially shut down. • We will likely have to go back up and do the Open House again • Of the 5 who attended, we spoke at length with one of their consultation committee members, John. He brought feedback from the other members of the committee in addition to his own comments. • He reminded us that Atikameksheng Anishnawbek's land includes the entire City of Greater Sudbury. • He asked us at length about what we do 'above and beyond' what the law or codes prescribe in terms of environmental protection, community outreach and investment, and at the District level. This was to note that many companies work to just the standard of the law and do nothing else. • All Union Gas attendees spoke about their focus areas and what we do 'above and beyond' – at the District, Major Projects, Indigenous Affairs, and our consultant also spoke about what AECOM does. Examples included everything from Helping Hands In Action volunteer projects, Skills Ontario grants, LDN donated books, laptops, PILT and other opportunities for investing in the community. We also discussed our efforts to protect the environment when we construct that go well beyond the letter of the law. • John also brought up the need for an Atikameksheng Anishnawbek monitor, which will occur on the project. • Finally, the need for accommodation/compensation was brought up. The community will consider an amount and present it to Wendy at a later date, perhaps at the next open house.
May 1, 2017	Email request received asking for sponsorship of the Community Job Fair in Aug. Sponsorship sent to Robert.

May 12, 2017	Email with invoice for costs of Community Open House received and paid in full immediately
May 17, 2017	Email sent to Robert with Monitor agreement for signing
May 19, 2017	Email received from Robert with monitor names and contact information. Monitor agreements signed
June 14, 2017	Emails with regards to WSIB coverage for the Monitors and Monitors participate in the EA and Arch work.
June 15, 2017	Email informing Robert of donation of books being sent
June 19, 2017	Emails with regards to the Job Fair
June 20, 2017	Vendor code obtained for monitor work
July 17-19, 2017	Emails back and forth trying to arrange a follow up call
July 21, 2017	Phone call with Robert Paishegwon asking for follow up dates for another open house as we had agreed to have. We also discussed that the community was considering an MOU with Union Gas, and Robert would forward a draft. We agreed to follow up call after holidays in the first week of Aug.
August 8, 2017	Email to set up a call. Responded immediately, On the call we discussed the potential dates for the next open house, 2 nd or 4 th week of September. Robert also mentioned that the community wanted to be sure to include the importance of the medicines and plants to the community and to the treaty and land rights of the community. We agreed this is important and the community would present how they would like that to be implemented in the consultation process.
Aug 9, 2017	Phone call with Robert confirmed the community is pleased and satisfied with the consultation process thus far. Both Wendy and Robert agreed that this is only the early stages as the process will continue for the life of the project, and the next community meeting will offer an opportunity for Union Gas to learn more from the Community.

Wahnapitae First Nation

Nov 11, 2016	Notice of proposed project sent via email to Wahnapitae FN
Dec 1, 2016	Email from Stefanie Recollect of WFN requesting shape files of the maps
Dec 5, 2016	Email request to have a conference call to review shape files and files sent

Dec 19, 2016	Conference call between Stefanie Recollect, Cheryl Recollect, Matt Waddick (Union Gas), and Wendy Landry (Union Gas)
	On call we reviewed the shape files, and areas of the proposed project. WFN was using the shape files to put over their maps to determine if the project touched any areas of traditional territory for the community and to identify where there may be areas of interest for consultation. We agreed to follow up in March with more information.
Feb 21, 2017	Email sent from Union Gas requesting a follow up meeting to develop a Consultation Plan
Feb 22, 2017	Read receipt received from Stefanie Recollect
March 10, 2017	Follow up email on the Feb 21 request for a meeting and to inquire if WFN was interested in participating with monitors to participate in the field studies
March 14, 2017	Email response from Stefanie Recollect with an update on GIS, Arch work and field work. They are willing to participate in Field studies. "Hi Wendy, I'm checking with my GIS people if they had any questions. Keep me updated on the Archaeology stuff, we do like to build our environmental capacity and I've worked on a number of digs, so we'd like to explore the possibility of moving out of the 'monitor' language to a more engaged field team positions. Let us know your thoughts on this. Also I can be made available the last week in March, I'm on holidays for the next 2 weeks, for a call to discuss everything.
March 30, 2017	Phone call with Stefanie to discuss planning for community open houses
April 4, 2017	Formal request for Open house received on email
April 10, 2017	3 emails back and forth planning of the open house dates and logistics
May 8, 2017	Email with Cheryl Recollect on planning of Open house
May 17, 2017	Completed monitoring agreement signed and returned to Union Gas
May 18, 2017	Safety requirements information sent to WFN
June 13, 2017	Email planning of Open House
June 14, 2017	3 emails of planning of Open House
June 19, 2017	Open House held in the Wahnapiatae Community Center 3-7 pm

Summary:

- 7 official sign-ins, but approximately 30 community members attended when factoring in children and families who came by for the dinner
- Several staff from Wahnapiatae attended also
- Questions included construction techniques, how we restore land, how we communicate in the communities when construction is occurring, all questions were answered by the Subject Matter expert from Union Gas to the satisfaction of the visitor.
- Also questions on environmental protection and how we take steps to protect the environment while we construct were answered by the representative from AECOM who was working on the Field studies.

July 19, 2017 Email to Stefanie Recollect requesting the invoice for the Open House

August 1, 2017 Response to the July 19 email received. Invoice sent and Stefanie requested a copy of the sign in sheet for the Open House. Stefanie is going to follow up with community members that attended to get feedback on the project.

August 3, 2017 Copy of the attendee list at the open house sent to Stefanie

 Email from Stefanie offering meeting dates of Sept 25-29

Monitor report from AECOM – Sudbury Replacement 2018

Submitted by Jessalyn OKE of AECOM

Union Gas invited both Atikamesheng Anishnabek First Nation (WLFN) and Wahnapiatae First Nation (WFN) to accompany and participate in Natural Heritage and Archaeological surveys being undertaken by AECOM Canada Limited (AECOM) in Spring and Summer 2017. Each community two (2) monitors to actively participate in the surveys. Prior to accompanying any surveys, AECOM and Union Gas assisted the monitors in obtaining the necessary safety training for survey work located on the Vale property. AECOM also coordinated the logistics of survey date, meeting times and meeting locations.

On a weekly basis, the monitors were notified by AECOM via email of the upcoming field surveys. The email identified the type of survey (e.g., breeding bird, archaeology, etc.), the date, time of day, location, and required Personal Protective Equipment. Monitors were requested to review AECOM's Job Safety Analysis for Terrestrial and Aquatic Site Investigations, as well as applicable AECOM Standard Operating Procedures before attending field surveys. Monitors were ask to confirm their participation in the upcoming surveys with AECOM's field survey leads. Prior to the survey, the field survey leads confirmed directly with the participating monitors the exact meeting time and location.

Natural Heritage surveys began May 25, 2017 and continued until X (Date TBC due to possible weather delays this week), and included the following survey types:

- . Blanding's Turtle Surveys;
- . Eastern Whip-poor-will Surveys;
- . Breeding Bird Surveys;
- . Aquatic Surveys; and
- . Ecological Land Classification.

The Stage 2 Archaeological investigation field survey via test pit occurred on June 15, 2017. Monitors from both communities were present and participated in the survey.



Métis Nation of Ontario
Lands, Resources and Consultations

13 April 2017

WITHOUT PREJUDICE

Ms. Wendy Landry
Manager First Nations, Metis and Municipal Affairs
Union Gas
1211 Amber Dr.
Thunder Bay, Ontario, P7B 6M4

Dear Ms. Landry,

RE: Union Gas – Sudbury Lateral Pipeline Replacement Project

I am writing to advise that, pursuant to the General Relations Agreement between the Métis Nation of Ontario (MNO) and Union Gas, the MNO, through its consultation process and the efforts of the MNO Mattawa/Lake Nipissing Traditional Territory Consultation Committee (MNO Region 5), are confident that Union Gas will be able to address any concerns that the regional rights-bearing Metis community may have with respect to the proposed Sudbury Lateral Pipeline Replacement Project (the “Project”).

Union Gas has shared sufficient information about the Project with the MNO and has enabled the MNO and its elected Métis community representatives to assess any potential impacts that the Project may have on Métis right, interests and way of life. This process has supported the MNO and its regional elected leadership in determining that the Project will not have any anticipated adverse impacts on Metis rights, interests and way of life and that the Duty to Consult obligations have been fulfilled.

The MNO and Union Gas have been, and will continue to be, respectful of each other's rights and interests, and will continue to consult with each other and work cooperatively in the development, construction and operation of the Project. The time, energy and willingness on the part of Union Gas to consult and meet with the MNO is appreciated, and it is hoped that this will lead to a successful completion of the project.

Yours very truly,

Dan Boulard,
Provisional Council of the Métis Nation of Ontario – Region 5 Councillor
and Chair of the Mattawa/Lake Nipissing Traditional Territory Consultation
Committee

Cc: M. Margaret Froh, Métis Nation of Ontario, President

Mattawa/Lake Nipissing Traditional Territory Consultation Committee

Aly N. Alibhai, Métis Nation of Ontario, Director of Lands, Resources and
Consultations Branch

Ministry of Energy

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**Indigenous Energy Policy**

August 10, 2017

Wendy Landry,
Manager, Indigenous and Municipal Affairs
Union Gas Limited
1211 Amber Drive
Thunder Bay, ON P6B 6M4

Dear Ms. Landry:

The Ontario Ministry of Energy has completed its review of the Indigenous Consultation Report for the proposed Sudbury Lateral Replacement Project submitted by Union Gas Limited. This letter is to notify you that, based on the information provided to date, the Ministry is of the opinion that the procedural aspects of consultation undertaken by Union Gas to date for the purposes of the Ontario Energy Board's Leave to Construct is satisfactory.

The planned project includes replacing portions of the 10 inch Sudbury Lateral pipeline system with a new 12 inch diameter pipeline. The proposed project will occur in two sections, the first between the existing Union Gas Coniston and Frood Road Station, and the second between the Union Gas Azilda and Walden Stations, all in the Greater Sudbury area.

Location:

	X	Y
Coniston Station to Frood Road Station	512412.4958	5150951.8026
	499542.8108	5150987.7359
Azilda Station to Walden Station	496473.5856	5150025.9045
	492647.0473	5143996.6699

The Ministry of Energy identified the following First Nation and Métis communities to be consulted with for this project:

- Atikameksheng Anishinawbek (Whitefish Lake First Nation)
- Wahnapiatae First Nation
- Sudbury Métis Council
- North Channel Métis Council

In addition to those identified by the Ministry of Energy, Union Gas also engaged with the Métis Nation of Ontario Region 5.

Union Gas has been consulting with First Nation and Métis Communities since September 2016 through letters, meetings, open houses and email communication. Union Gas provided capacity funding to Sudbury Métis Council, North Bay Métis Council and Mattawa Métis Council and committed to update the Councils on a regular basis. The Métis Nation of Ontario sent a letter of support for the project, dated April 13, 2017.

Union Gas invited two monitors from both Atikameksheng Anishnawbek and Wahnapiatae to participate in the field surveys (archaeology, breeding bird, whip-poor-will, Hoopnet settling and Blanding's turtle) at the request of the communities. Open houses were held on May 10 in Atikameksheng Anishnawbek and July 19 in Wahnapiatae). Additional meetings are planned in both communities for September 2017. Atikameksheng Anishnawbek sent a letter to the Ministry of Energy on August 7, 2017 indicating satisfaction with the consultation undertaken to date regarding the project. Union Gas has committed to continue to engage with the communities throughout the life of the project.

The Ministry asks that Union Gas continue to dialogue with Atikameksheng Anishnawbek First Nation about the community's concerns, in particular about the concerns of any potential loss of the community's medicinal and food plant resources in the affected area for the duration of the project. Also, the Ministry of Energy would like to be informed of the outcomes of the upcoming meetings Union Gas will be having with Wahnapiatae First Nation and Atikameksheng Anishnawbek First Nation in September 2017.

Should you have any questions or if you would like to contact me directly, I can be reached at 416-314-2599 or via e-mail at Shannon.mccabe@ontario.ca

Sincerely,



Shannon McCabe
A/Manager
Indigenous Energy Policy

c: Ontario Energy Board
Ontario Pipeline Coordinating Committee