



# BATCHEWANA FIRST NATION OF OJIBWAYS

RANKIN RESERVE 15D  
GOULAIS BAY RESERVE 15A  
OBADJIWAN RESERVE 15E  
WHITEFISH ISLAND 15

Administration Office 236 Frontenac Street  
Rankin Reserve 15D  
Batchewana First Nation, Ontario P6A 6Z1  
Ph. (705) 759-0914 / C&C Fax (705) 759-8213  
[www.batchewana.ca](http://www.batchewana.ca)

*Via Email: [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca)*

August 11, 2017

Ms. Kristen Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Dear Ms. Walli:

## **Re: EB-2015-0179 Application for Prince Township Expansion**

Further to your request for additional information from Batchewana First Nation, we would like to confirm that Chief and Council has yet to finalize its position with respect to the proposed expansion of Union Gas services to Prince Township.

While we have had some dialogue with the Company and they have endeavoured to undertake engagement with our Membership there are a number of outstanding issues that are required to be completed before we can provide our support for this project.

As of this date, Batchewana First Nation will be providing Union Gas with a copy of our permit for projects within our Original Reserve. Based on earlier conversations with the Company we have been given reasonable assurance that the Company will review, edit and negotiate a permit with our First Nation. Chief and Council must see this completed before construction activities begin.

We have also asked the Company for financial support to complete a peer review of their technical documents. As you can imagine, our First Nation does not keep on full-time staff engineering, health and safety and emergency planning expertise. We are in the process of obtaining quotes to have these documents reviewed and we will be in a position to present a budget to the Company by August 18<sup>th</sup>. Upon approval of a budget we have asked our peer reviewers to complete their work by early September so that we can sit down with the Company and discuss any gaps that exist and find resolution to those gaps.

If gaps exist that require additional environmental remediation to be conducted by the Company, Batchewana First Nation will be looking to the Company for financial support to have a Batchewana environmental monitor present during the construction phase of this proposed Project.



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The Company has suggested that once the construction process begins that they would speak to our First Nation about opportunities to participate in and benefit from the construction work to be completed. Given that nature of these projects and Union Gas' experience with this type of construction work, Chief and Council takes the position that Union Gas should be able to provide specific information with respect to their construction requirements such that we can make available Batchewana First Nation resources including labour, businesses, etc. Notification of specific construction opportunities and labour needs that are required are well known to Union Gas and there should be no delay in working with Batchewana First Nation in identifying and accessing opportunities to participate in the construction of this Project.

Despite the Company's view that the project is being contemplated in areas of significant disturbance, Batchewana First Nation's earlier archaeological assessment of the area [conducted by the same archaeologist used by the Company – wherein a different opinion was provided] shows that there is the potential for archaeological resources to be located in areas proposed for construction activity.

Given the potential for archaeological resources to be impacted by the Project, Batchewana First Nation will propose to the Company that they have on-site during the entire construction phase an archaeological monitor. We will advise if the Company supports the need for a Batchewana archaeological monitor.

As you can see there is much work to be done between our First Nation and the Company to have matters resolved before any leave to construct authorization can be provided by the Ontario Energy Board to Union Gas.

Chief and Council also believes that both the Ontario Energy Board and the Ministry of Energy cannot delegate all aspects of the Province of Ontario's Duty to Consult to Union Gas. It is our expectation that prior to approving this project that Ontario's Duty to Consult and Batchewana's Free Prior and Informed Consent obligations will be met through meaningful engagement and accommodation and consent of our First Nation. The Ontario Energy Board and/or the Ontario Ministry of Energy is/are welcome to schedule to meet with our Project Committee to discuss how Ontario's Duty to Consult will be met and we look forward to seeing this process fulfilled before any leave to construct is issued to Union Gas.



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Should you have any questions about this letter you may contact my office directly at (705) 759-0914 x 202 or Kim Lambert, Chief Executive Officer at (705) 759-0914 x 210.

Yours truly

A handwritten signature in black ink, appearing to read 'Dean Sayers'.

Chief Dean Sayers

CDS:sk

c.

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