

**EB-2022-0012**

**Ontario Energy Board**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B; and  
in particular sections 90(1), 96(1), and 97 thereof

**AND IN THE MATTER OF** an application by Sun-Canadian Pipe Line Limited to construct  
the NPS 12 East Sixteen Mile Creek Pipeline Replacement Project in the Town of Milton,  
Ontario

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**WRITTEN INTERROGATORIES**

*(for Sun-Canadian Pipe Line Limited)*

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## **PROJECT ALTERNATIVES**

### Interrogatory # 2-HDI-1

Reference: Exhibit C, Schedule 1, page 24

Questions:

1. Has Sun-Canadian considered re-routing its pipeline so it is not situated on or within land subject to Haudenosaunee interests?
  - a. If so, please explain why re-routing the pipeline as described above has not been pursued.
  - b. Please provide any materials relating to the consideration described above.

## **ENVIRONMENTAL IMPACTS**

### Interrogatory # 4-HDI-1

Reference: Appendix 1 (Environmental Report), Table 1-1, page 90

Questions:

1. What approvals, if any, has Sun-Canadian received from Fisheries and Oceans Canada (“**DFO**”) in respect of the NPS 12 East Sixteen Mile Creek Pipeline Replacement Project (“**Replacement Project**”)?
  - a. Please provide any materials relating to DFO approvals in respect of the Replacement Project.

### Interrogatory # 4-HDI-2

Reference: Appendix 1 (Environmental Report), Table 4-9, pages 143-160

Questions :

1. Did Stantec engage with the Haudenosaunee in preparing the Environmental Report?
2. How will Sun-Canadian engage with the Haudenosaunee in respect of the mitigation and protective measures outlined by Stantec?

### Interrogatory # 4-HDI-3

Reference: Exhibit C, Schedule 3, page 27

Questions:

1. Please provide a working draft of the Environmental Protection Plan (“**EPP**”)?
2. How are Indigenous peoples involved with the EPP?

## **LANDOWNER AGREEMENTS**

### Interrogatory # 5-HDI-1

Reference: Exhibit E, Schedule 2, page 47

#### **“E.1.2 NEGOTIATIONS TO DATE**

Impacted landowners/tenants will be compensated for access and disturbance as per Sun-Canadian’s standard compensation procedure. Compensation is provided at pre-determined rates for temporary workspace required on or off of the pipeline easement. Applicable rates are determined using a percentage of current property values and crop values. Consideration is given for disturbance and property restoration.

Sun Canadian has been in ongoing direct discussion and negotiation with all landowners directly impacted by new easements. Both landowners have agreed in principle to the new easements and Sun Canadian is continuing negotiations on the final financial terms of those agreements.

Landowners, tenants and neighbours have been advised of the proposed Project and will be kept informed of progress as the work progresses.”

Questions:

1. What is Sun-Canadian’s “standard compensation procedure”?
2. How was the compensation calculated for landowners? Please provide the formula(e).
3. What are the “pre-determined rates” for temporary workspace?
4. What “consideration” is given for disturbance and property restoration? Please elaborate.
5. What compensation was provided to landowners impacted by the proposed project?
6. Describe the “direct discussion and negotiation” process with landowners directly impacted by new easements?
7. What are the final financial terms of agreements between Sun-Canadian and landowners directly impacted by the new easements?

## **INDIGENOUS CONSULTATION**

### Interrogatory # 6-HDI-1

Reference: Exhibit G, Schedule 5, pages 248-256

“I am writing to advise you that on behalf of the Crown, ENDM is delegating the procedural aspects of consultation in respect of the Project to Sun-Canadian Pipe Line (Proponent) through this letter. ENDM expects that the Proponent will undertake the procedural aspects of consultation with respect to any regulated requirements for the proposed Project. The Crown will fulfill the substantive aspects of consultation and retain oversight over all aspects of the process for fulfilling the Crown’s duty.”

Questions:

1. Has the Minister of Energy, Northern Development and Mines (“**ENDM**”) provided Sun-Canadian with any information or guidance relating to the procedural aspects of the duty to engage or consult?

- a. Describe such information or guidance and provide any documents relating to same.
2. Please provide all documents relating to the Minister of Energy's July 28, 2020 delegation of procedural aspects of consultation to Sun-Canadian.
3. What is Sun-Canadian's understanding of "procedural aspects of consultation"?
4. Describe Sun-Canadian's efforts to date to discharge its delegated duty to engage and/or consult, to the extent such efforts are not disclosed in the subject application materials.
5. Please provide any documents, including correspondence and agreements, relating to Sun-Canadian's discharge of its delegated duty to engage and/or consult.
6. Has Sun-Canadian consulted the Haudenosaunee as part of its delegated duty to engage and/or consult?
7. Has Sun-Canadian discharged its delegated duty to engage and/or consult the Haudenosaunee?
  - a. If no, will Sun-Canadian engage with the Haudenosaunee throughout the project as part of its delegated duty to engage and/or consult?
8. Has Sun-Canadian engaged with or consulted other Indigenous peoples as part of its delegated duty to engage and/or consult?
  - a. If yes, has Sun-Canadian provided any compensation or mitigation to such Indigenous peoples?
9. Has any other entity, such as the Regional Municipality of Halton or the DFO, delegated any aspect of its duty to engage to Sun-Canadian?

Interrogatory # 6-HDI-2

Reference: Exhibit E, Schedule 3, page 48

Questions:

1. What, if any, approvals has Sun-Canadian obtained from the Regional Municipality of Halton in respect of the Replacement Project?
2. Please provide materials relating to the Municipal Consent Permit in respect of the Replacement Project.
3. Did the Municipality engage with the Haudenosaunee, HCCC, or HDI in respect of the Municipal Consent Permit?

**ALL OF WHICH IS RESPECTFULLY SUBMITTED** this 12<sup>th</sup> day of April, 2022.

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