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Ontario

K.1.14

February 19, 2010

Ms. Zora Crnojacki, Chairman  
Ontario Pipeline Coordination Committee  
Ontario Energy Board  
2300 Young Street, 26<sup>th</sup> Floor Suite 2601  
Toronto, ON M4P 1E4

EB - 2009-0422.

OEB BOARD SECRETARY	
File No:	SubFile: 12
Panel	gk, cch, cs
Licensing	ZC, NMc
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**RE: Dawn Gateway Limited Partnership – Proposed Bickford to Dawn Pipeline  
Environmental Assessment Update  
Previously submitted pursuant to section 58 of the National Energy Board Act  
Now subject to the Ontario Energy Board Act  
Ontario Ministry of Natural Resources Review**

The Ministry of Natural Resources (MNR) received notification from Dawn Gateway Pipeline (Tony Vadlja, January 8, 2010) that the proposed Bickford to Dawn Pipeline in Lambton County is now subject to Ontario Energy Board (OEB). It is the MNR's understanding that the project, proposed works, and proposed location of the pipeline have not changed.

The MNR provided comments to the National Energy Board (NEB) (Anne-Marie Erickson, A/Secretary of the Board) on August 26, 2009 in relation to the above project (letter attached). We are providing the following comments as an update to our previous letter to the NEB.

#### **Natural Heritage**

The *Endangered Species Act, 2007* came into force on June 30, 2008. In the immediate vicinity of the proposed pipeline, the MNR has records of known occurrences for Eastern Foxsnake (Carolinian population). Eastern Foxsnake (Carolinian population) is currently listed as an Endangered Species on the Species at Risk in Ontario List (Ontario Regulation 230/08) and receives general habitat protection (section 10) in addition to species protection (section 9).

The MNR issued a Letter to Proponent (AYL-L-033-10) with reference to the Dawn Gateway Pipeline Project and potential impacts to Eastern Foxsnake (Carolinian population) and its habitat on February 2, 2010 (see attached). The recommendations within that letter ensure that the proposed project likely will not contravene section 9 (species protection) or section 10 (habitat protection) of the *Endangered Species Act, 2007*.

The MNR has reviewed the Environmental Assessment Update – Bickford to Dawn Pipeline (Stantec, December 2010). MNR understands that the proponent will be undergoing additional spring 2010 surveys to address outstanding primary data gaps (i.e. field surveys).

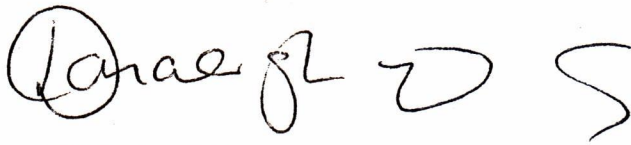
**Public Lands Act**

The bed of many creeks and drains belong to the Crown, and are managed by the Ministry of Natural Resources. Where the Crown is the owner of the bed of the creeks/ drains, an easement for the stream / drain crossing will be required under the *Public Lands Act*.

The proponent has consulted with MNR regarding authorizations required under the *Public Lands Act* for the crossing of the Sydenham River. MNR is awaiting contact from the proponent to initiate the formal application process for authorization of the directional drilling under the Sydenham River.

Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Daraleigh Irving". The signature is written in a cursive style with a large initial "D" and "I".

Daraleigh Irving  
District Planner  
Aylmer District, MNR

- c. Tony Vadlja, Dawn Gateway Pipeline  
Melody Cairns, MNR  
Ken Stemmler, MNR



February 25, 2010

Ms. Daraleigh Irving  
District Planner, Alymer District  
Ministry of Natural Resources  
615 John Street North  
Alymer ON N5H 2S8

Attention: Ms. Daraleigh Irving

Re: Dawn Gateway Project – Proposed Bickford to Dawn Pipeline

Dear Ms. Irving:

We are in receipt of your letter dated February 19, 2010 to Ms. Zora Crnojacki, Chairman, OPCC regarding the proposed Bickford to Dawn Pipeline.

Please note that we will continue to consult with the Ministry on items of concerning the proposed Bickford to Dawn pipeline project including species at risk (Eastern Foxsnake). We will also abide by the conditions noted in the Ministry letter dated February 2, 2010 and by the construction management practices and protocols outlined in our letter dated January 19, 2010 to Melody Cairns, MNR.

Thank you for your time in reviewing our project. If you have any questions concerning the project, please contact me.

Yours truly,

Dawn Gateway LP

A handwritten signature in black ink, appearing to read "Tony Vadlja".

Tony Vadlja  
Lead, Environmental Planner  
519 667-4165  
tvadlja@uniongas.com

TV  
Attach.

cc: Ms. Zora Crnojacki, Chairman, OPCC  
Ms. Melody Cairns – MNR, Alymer