

## INDIGENOUS CONSULTATION REPORT

1. Enbridge Gas Distribution Inc. (“Enbridge” or the “Company”) is committed to creating processes that support meaningful engagement with potentially affected Indigenous groups (First Nations and Métis). Enbridge works to build an understanding of project related interests, ensure regulatory requirements are met, mitigate or avoid project effects, and provide mutually beneficial opportunities.
2. In December 2013, the Fenelon Falls Pipeline Project (the “Project”) was launched publicly and initial study commencement letters were mailed to First Nations. The consultation program for the Project was reinitiated, with a follow up study commencement letter in September 2015. Due to further revisions on the proposed pipeline route, First Nations were notified in April 2016 outlining these changes. Indigenous groups identified as being either affected by or having an interest in the Project were notified and engaged in order to identify and address concerns about the Project. Information gathered during the course of Enbridge’s engagement with Indigenous groups was incorporated into the accompanying Environmental Report. This work was completed under the auspices of the 6<sup>th</sup> Edition of the Ontario Energy Board’s (“OEB” or the “Board”) Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario (the “Guidelines”).
3. Subsequently, on August 11, 2016, the Board issued the 7<sup>th</sup> Edition of the Guidelines, which, *inter alia*, included new Duty to Consult requirements for hydrocarbon facility proponents. In order to ensure that it was compliant with the new Guidelines, the Company, on March 13, 2017, requested that the Ministry of Energy (“MOE”) determine if it would delegate its duty to consult on the Project to

Enbridge. On April 19, 2017 Enbridge received correspondence from the MOE that the Duty to Consult had been delegated to the Company. Further information on Enbridge's Duty to Consult activities can be found later in this Exhibit under the heading Indigenous Group Identification and subsequent sections of this Exhibit.

4. The information presented in this section reflects Enbridge's Indigenous engagement activities for the Project up to June 30<sup>th</sup>, 2017, although such engagement is continuing and will continue throughout the life of the Project.

#### Aboriginal Engagement Program Objectives

5. The design of the Aboriginal engagement program was based on adherence to regulatory guidelines and *Enbridge's Indigenous Peoples Policy* and principles as follow.
  - Enbridge has instituted a company-wide *Indigenous Peoples Policy* (set out at Attachment 1 to this Exhibit). The policy lays out key principles for relations with Indigenous groups, such as respect for traditional ways and land, heritage sites, the environment and traditional knowledge.
  - Enbridge has established meaningful relationships, provide timely exchanges of information, understand and address Indigenous project-specific concerns, and ensure ongoing dialogue about our projects, their potential implications and benefits.
  - Align First Nations and Enbridge interests through meaningful, direct Indigenous economic activity in projects corresponding to community capacity and project needs, where possible.
  - The Indigenous engagement program for the Project recognizes the rights of Indigenous groups and assists Enbridge in engaging in meaningful dialogue with

potentially affected Indigenous groups about the Project. It also assists Enbridge in meeting the procedural aspects of consultation that may be required by the Crown and the Ontario Energy Board Environmental Guidelines.

#### Indigenous Group Identification

6. The primary criteria used by Enbridge to determine which Indigenous groups to engage with respecting the Project included:
  - Proximity of Aboriginal groups to the Project area by assessing which First Nations whose reserve lands are within approximately 100 km of the proposed project;
  - Enbridge's knowledge of the Aboriginal groups in the area, based on its years of project development and operational history in Southern Ontario;
  - Aboriginal groups and organizations in Southern Ontario whose lands are not proximate to the proposed Project area, but have identified an interest based on traditional territory, traditional lands or traditional land uses; and
  - Adherence to OEB Environmental Guidelines (and other Crown agencies, as appropriate);
7. Enbridge further engaged the Metis Nation of Ontario, Ministry of Aboriginal Affairs and Aboriginal Affairs and Northern Development Canada in order to inform them and begin meaningful consultation.
8. As Enbridge is committed to understanding potential Project-specific impacts to the exercise of Aboriginal and Treaty Rights, Enbridge proactively sought out Indigenous groups along the proposed route. In total, Enbridge identified eight First Nations that could potentially be impacted by the Project:

- Chippewas of Georgina Island
  - Chippewas of Rama First Nation
  - Alderville First Nation
  - Curve Lake First Nation
  - Williams Treaty First Nation
  - Hiawatha First Nation
  - Mississaugas of Scugog Island First Nation
  - Wahta Mohawk First Nation
9. In its letter to Enbridge clarifying Duty to Consult requirements, the MOE identified three additional communities that may also have an interest in the project based on their constitutionally protected Aboriginal or treaty rights:
- Beausoleil First Nation
  - Kawartha Nishnawbe
  - Huron Wendat Nation (Interests are specific to archaeological resources)
10. As a result, Enbridge contacted each community in order to inform them of the Project and begin meaningful consultation on it. Correspondence between the Company, the MOE, and affected communities regarding Duty to Consult can be found in Attachments 2 to 12 of this Exhibit. Attachments 2 and 3 contain correspondence between Enbridge and the MOE regarding Duty to Consult. Attachments 4 to 11 contain the letters sent by the MOE to the Indigenous Groups informing those groups of Enbridge's Duty to Consult.

11. Enbridge further requested that the Ontario Energy Board's OPCC Members List and the Ministry of Environment and Climate Change Environmental Assessment Government Review Team provide Enbridge with a list of potentially affected First Nations. Further to its determination of potentially affected Indigenous groups, The Aboriginal and Treaty Rights Information System ("ATRIS") was reviewed to determine additional information on the location and nature of established and potential Aboriginal and Treaty rights. The search confirmed that the Project does not traverse any reserve land.

#### Overview of Aboriginal Engagement Program Activities

12. Aboriginal consultation is conducted through phone calls, in-person meetings, Project mail-outs, open houses and email communications. During these engagement activities, Enbridge representatives will provide an overview of the Project; respond to questions and interests, and review input and concerns expressed by Indigenous communities. In order to accurately document Indigenous engagement activities and ensure follow-up, applicable supporting documents are tracked using a database. Engagement included the following:

#### **Project Information Mail Outs**

13. Enbridge distributed an initial study commencement letter via mail or e-mail to First Nations leaders and First Nations Consultation representatives on December 18, 19, and 20, 2013 to inform them about the Project and how they can get involved and provide comments on the Project. The project was reinitiated and a follow up study letter was sent to the First Nations and the Metis Nation of Ontario on September 14, 2015. On November 17, 2015, letters regarding revisions to the original proposed routing were sent via courier to the First Nations and the MNO,

followed by a subsequent letter regarding revisions on the proposed pipeline routes on April 1, 2016 outlining the route changes.

14. The purpose of these letters was to provide Project updates and details on the Information Sessions, as well as solicit information on planning principles or guidelines that may affect the Project, background environmental and socio-economic information, and other developments proposed in the area. The letter to First Nations and the MNO also requested information on adverse impacts that the Project may have on constitutionally protected Aboriginal or treaty rights and measures for mitigating those adverse impacts.

#### **Calls and Emails**

15. Enbridge has engaged all identified Aboriginal groups by phone, email and standard mail. These methods were used to notify Indigenous groups of the project, and invite First Nations representatives to the Open Houses. To follow up, each First Nation was contacted by telephone and email to ensure they had received the project commencement package and subsequent notification letters.

#### **Open Houses**

16. Open houses were designed to provide opportunities for Aboriginal groups to become informed about the Project, obtain updated information on input received by the engagement program to date and provide additional input into the Project. Notification regarding the open houses was accomplished through email, mail, and advertisements in local newsletters and newspapers.
17. On March 28<sup>th</sup>, 2017, Enbridge participated in an open house hosted by Mississaugas of Scugog Island First Nation. Subject matter experts (“SMEs”) were

present at the community open house and were available to speak to aspects of the Project. The SMEs provided an overview of the proposed project in a form of a presentation and were available to answer questions.

### Summary of Responses

18. Of the eleven Indigenous communities that were contacted, four expressed an interest in the Project and requested copies of the completed archaeological assessment reports. On March 9, 2017, Enbridge provided copies of the Stage 1 Archaeological Assessment report to the interested communities. Enbridge is committed to sharing subsequent archaeological reports with the interested First Nations. In response to the First Nations interests, on March 27, 2017, Enbridge extended the opportunity for a representative from Hiawatha First Nation, Mississaugas of Scugog Island First Nation and Curve Lake First Nation to participate in Stage 2 archaeological assessments. Subsequent to the MOE's Duty to Consult letter the HWN expressed an interest in participating in the Stage 2 archaeological assessments. Mississaugas of Scugog Island First Nation and Curve Lake First Nation informed Enbridge they did not have archaeological monitors available to participate in the assessments. However, they were pleased that Hiawatha First Nation was engaging an archaeological monitor in an effort to represent the interests of the Mississauga Nations. Enbridge subsequently entered into archaeological monitoring agreements with both Hiawatha First Nation on June 16, 2017 and Huron Wendat Nation on June 26, 2017 so they could have boots on the ground at sites of potential archaeological significance. The monitors worked alongside the archaeologists in the field to ensure that Enbridge's archaeological program was conducted respectfully to represent the interests of the community and to attain a better understanding of what's happening in the field.

19. Interests raised by Aboriginal groups to date are summarized below.

- Alderville First Nation and Chippewas of Georgina Island requested a copy of the first Notice of Project Change on email; however no comments have been received from these First Nation communities to date.
- Chippewas of Rama First Nation confirmed receipt of the first Notice of Project Change but provided no comments to date on the Project.
- Hiawatha First Nation (HFN) expressed interest in the archaeological assessment and requested a copy of the archaeological report.
- The Mississaugas of Scugog Island First Nation (MSIFN) stated that the Project is located within their Treaty 20 area; however noted that no foreseeable impacts are anticipated to their traditional land rights provided Enbridge stays along the proposed pipeline routes. The First Nation expressed interest in the archaeological study and requested a copy of the archaeological report. Additionally, MSIFN is interested in any plans to bring natural gas to Scugog Island.
- Curve Lake First Nation (CLFN) stated that the Project is located within their Traditional Territory which is incorporated within the Williams Treaty First Nation and is subject of a claim under Canada's Specific Claims Policy. CLFN noted no issues with the Project on their Aboriginal, Traditional, or Treaty rights; however expressed concerned about ancestral remains, burial sites, or any archaeological findings that may be encountered during excavation, and as such requested that they be notified immediately.



- MNO requested that the first Notice of Project Change be sent to their general mailbox ([consultations@metisnation.org](mailto:consultations@metisnation.org)) to be disseminated to the appropriate Regional Consultation Committee.
- Huron Wendat Nation expressed interest in the archaeological study and requested a copy of the archaeological report.

#### Ongoing Aboriginal Engagement Activities

20. Enbridge will continue to engage with all identified Aboriginal groups in open and transparent dialogue concerning the Project and will continue to offer meaningful opportunities to engage with each Indigenous group for the purposes of exchanging information regarding the Project, responding to inquiries, hearing and responding to any interests and concerns that may arise, including those related to potential economic and business opportunities. Enbridge anticipates that it will continue its active involvement in community events and initiatives in an effort to maintain long-term relationships with Indigenous groups.
21. The Aboriginal engagement program will continue to involve a number of activities including mailing out letters and Project information materials, face-to-face meetings and ongoing follow-up activities for any identified interests or concerns. Additional engagement activities include:
  - Continuing engagement throughout the regulatory process, as well as through the construction and operations phases of the Project;
  - Providing Aboriginal groups with Project information in a timely, ongoing and respectful manner so they can consider such information in determining their interests, if any, in respect of the Project;

- Developing engagement protocol principles with potentially affected Aboriginal groups that are commensurate with the scope and potential impacts of the Project for each aboriginal community;
- Assessing the capacity of each Aboriginal group to participate meaningfully in the engagement process for the Project, including the need for financial, training and professional support;
- Identifying any Aboriginal groups who may be currently carrying out traditional land and resource use activities within the immediate Project area;
- Learning about and, to the extent feasible, mitigating or avoiding potential impacts on traditional land and resource use;
- Providing opportunities to Aboriginal groups to identify interests and potential Project impacts;
- Indicating how information and concerns of Aboriginal groups have been considered and taken into account by Enbridge in the design and planning of the Project;
- Seeking guidance from applicable government agencies to ensure that Enbridge understands and meets the requirements of these agencies and departments for proponents to engage with Aboriginal groups;
- Engaging applicable government agencies in the Aboriginal engagement process and providing information related to Enbridge engagement activities and, with the consent of an Indigenous group, any specific interests and concerns brought forth by it;
- Increasing knowledge of the potential environmental effects of the Project by incorporating existing and available traditional environmental knowledge, where appropriate, in developing mitigation or avoidance measures;
- Disseminating the results of the environmental report;

- Avoiding, reducing or mitigating, as appropriate, potential detrimental effects of the Project on Indigenous interests; and
  - Meeting or exceeding all related legislative and government policy requirements in respect of consultation policies and associated guidelines.
22. Enbridge will continue to actively engage all identified Indigenous groups in meaningful ongoing dialogue concerning the Project and endeavor to meet with each First Nation, provided they are willing, for the purpose of exchanging information regarding the Project and to respond to inquiries in a timely manner. Enbridge will hear and address concerns as is feasible and seek information on the exercise of, and potential impacts to, Aboriginal and Treaty rights in the Project area.
23. A summary of Enbridge's Indigenous engagement activities for the Project – current as of December 1, 2017- is provided in matrix format as Attachment 13 to this Exhibit.
24. On January 19, 2018 Enbridge received a letter, sent by the MOE to the OEB, indicating that the MOE has completed its review of the Indigenous Consultation Report for the Project and, based on the information provided to date, the MOE is of the opinion that the procedural aspects of consultation undertaken by Enbridge is satisfactory. The letter can be found at Attachment 14 to this Exhibit. /u