

May 12, 2025

**Via E-Mail & RESS**

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File no. G10017497

Nancy Marconi  
Registrar  
2300 Yonge Street, 27th Floor  
P.O. Box 2319  
Toronto ON M4P 1E4

Dear Ms. Marconi:

**Re: Additional Comments in Response to Updated Indigenous Consultation Report (“ICR”) -  
Glendale Community Expansion Project (“Project”), Ontario Energy Board (“OEB”) File  
Number: EB-2024-0325**

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We have reviewed the updated ICR filed by Enbridge Gas Distribution Inc. (“**Enbridge**”) on May, 5 2025. The Mohawk Council of Akwesasne (“**MCA**”) confirms that it met with Enbridge on April 28<sup>th</sup>, 2025, and that Enbridge’s summary of the meeting contained in the ICR is largely accurate.

While MCA is pleased with Enbridge’s effort to begin consulting in earnest, such consultation remains ongoing. As such, the Crown’s duty to consult has not been discharged.

The April 28<sup>th</sup>, 2025 meeting generated valuable discussion between MCA and Enbridge, but does not represent the end of consultation at this stage. Indeed, MCA intends to undertake a number of activities as part of these consultation efforts, including site visits to the Project locations and potential engagement with its membership. These activities were initially mentioned at a short meet-and-greet that took place on April 22, 2025 in Akwesasne between MCA and Enbridge representatives. Indeed, MCA is currently preparing an outline of costs for Enbridge to consider as part of Enbridge’s funding obligations set out in the January 5, 2024 delegation letter from the Ministry of Energy, attached at Appendix 1.

Given the foregoing, MCA’s position is that consultation has begun, but has not been discharged at this stage of the Project.

MCA has not been in contact with the Ministry of Energy and Mines on this Project.

Sincerely,

Gowling WLG (Canada) LLP

Gowling WLG (Canada) LLP



Adam Chamberlain



Joshua Shoemaker

cc: Patricia Squires, Enbridge - Manager, Regulatory Applications  
Tania Persad, Enbridge - Senior Legal Counsel  
Judith Fernandes, OEB - Case Manager  
Lawren Murray, OEB - Counsel  
Mohawk Counsel of Akwesasne

# Appendix 1

Ministry of Energy

Energy Networks and Indigenous Policy  
Branch

Indigenous Energy Policy

77 Grenville Street, 6<sup>th</sup> Floor  
Toronto, ON M7A 67C  
Tel: (416) 529-9137

Ministère de l'Énergie

Direction Générale des Réseaux Énergétiques  
et des Politiques Autochtones

Politique Énergétique Autochtones

77 Rue Grenville, 6<sup>e</sup> Étage  
Toronto, ON M7A 67C  
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January 5, 2024

VIA EMAIL

Evan Tomek  
Advisor, Regulatory Applications – Leave to Construct  
Enbridge Gas Inc.  
50 Keil Drive North  
Chatham, ON N7M 5M1

**Re: Glendale Subdivision Community Expansion Project**

Dear Evan Tomek:

Thank you for your email dated November 28, 2023 notifying the Ministry of Energy (Energy) of Enbridge Gas Inc.'s (Enbridge) intention to apply to the Ontario Energy Board (OEB) for Leave to Construct for the Glendale Subdivision Community Expansion Project (the Project).

I understand that Enbridge is planning to construct approximately 7 km of natural gas pipeline within the Municipality of Cornwall to serve the community of Glendale. I also understand that one new station is required near the intersection of Boundary Road and Glen Road. The Project is expected to be placed in service in Q2 2026.

On behalf of the Government of Ontario (the Crown), Energy has reviewed the information provided by Enbridge with respect to the Project and assessed it against the Crown's current understanding of the interests and rights of Aboriginal communities who hold or claim Aboriginal or treaty rights protected under Section 35 of Canada's *Constitution Act 1982* in the area. In doing so, Energy has determined that the Project may have the potential to affect such Indigenous communities.

The Crown has a constitutional duty to consult and, where appropriate, accommodate Indigenous communities when the Crown contemplates conduct that might adversely impact established or asserted Aboriginal or Treaty rights. These consultations are in addition to consultation imposed by statute.

While the legal responsibility to meet the duty to consult lies with the Crown, the Crown may delegate the day-to-day, procedural aspects of consultation to project proponents. Such a delegation by the Crown to Proponents is routine practice for Energy.

I am writing to advise you that on behalf of the Crown, Energy is delegating the procedural aspects of consultation in respect of the Project to Enbridge (Proponent) through this letter. Energy expects that the Proponent will undertake the procedural aspects of consultation with

respect to any regulated requirements for the proposed Project. The Crown and/or its agents will fulfill the substantive aspects of consultation and retain oversight over all aspects of the process for fulfilling the Crown’s duty. Please see the appendix for information on the roles and responsibilities of both the Crown and the Proponent.

Based on the Crown’s assessment of First Nation and Métis community rights and potential project impacts, the following Indigenous communities should be consulted on the basis that they have or may have constitutionally protected Aboriginal or Treaty rights that may be adversely affected by the Project.

Community	Contact Information
Huron-Wendat Nation*	255, place Chef Michel Laveau Wendake, QC G0A 4V0 T: (418) 843-3767 <a href="mailto:consultations@wendake.ca">consultations@wendake.ca</a>
Mohawk Council of Akwesasne	101 Tewesatani Rd Akwesasne, ON K6H 0G5 <a href="mailto:info@akwesasne.ca">info@akwesasne.ca</a>

\* *Interests are specific to archaeological resources.*

Energy would also like to provide the Crown’s preliminary assessment of what level of consultation is required for each of the communities listed above.

Based on currently available information about the Project’s anticipated impacts, Energy’s preliminary assessment has determined that consultation is owned at a low level of the consultation spectrum for Huron-Wendat Nation. As such, Energy requires Enbridge to at a minimum notify the community of the project; share information about the project and provide an opportunity for the community to comment. Any issues raised by the community should be discussed and considered in light of the potential to impact rights, with mitigation or other forms of accommodation identified where appropriate. Enbridge’s initial notice of the Project to the community could include a request to confirm whether the community believes the Project will impact their rights and accordingly whether they are interested in being consulted. Should no response be received, Enbridge should continue to provide high-level notifications in accordance with project stage milestones.

For the Mohawk Council of Akwesasne, Energy requires the proponent to undertake a deeper level of consultation, i.e., in the moderate range. In addition to the requirements listed above, Enbridge should provide opportunities for the community to share evidence or submissions about potential impacts should the community so choose; and offer capacity funding to support meaningful participation should the communities so choose; and offer capacity funding to support meaningful participation by the communities in the consultation process, as appropriate. Enbridge should also be able to demonstrate how any concerns were considered and responded to, and what impact they had on project decisions moving forward. More detailed information on the roles and receptibilities delegated to Enbridge is available in the appendix.

Should any of the communities indicate they are not interested in being consulted, please inform Energy so that we can consider revisions to the consultation list. Should information become available throughout the consultation process to suggest the project's impacts will be significant enough to warrant a deeper level of consultation, Enbridge must inform Energy so that updated guidance can be provided. Should no response be received, the proponent should continue to provide high-level notifications in accordance with project stage milestones.

This rights-based consultation list is based on information that is subject to change. Consultation is ongoing throughout the duration of the project, including project development and design, consultation, approvals, construction, operation and decommissioning. First Nations and Métis communities may make new rights assertions at any time, and further project related developments can occur that may require additional First Nation and/or Métis communities to be notified and/or consulted.

If you become aware of potential rights impacts on Indigenous communities that are not listed above at any stage of project, please bring this to the attention of Energy with any supporting information regarding the claim at your earliest convenience.

### **Acknowledgement**

By accepting this letter, the Proponent acknowledges this Crown delegation and the procedural consultation responsibilities enumerated in the appendix. If you have any questions about this request, please contact Shannon McCabe, Indigenous Energy Policy (shannon.mccabe@ontario.ca).

I trust that this information provides clarity and direction regarding the respective roles of the Crown and Enbridge. If you have any questions about this letter or require any additional information, please contact me directly.

Sincerely,

**Samir Adkar** Digitally signed by Samir Adkar  
Date: 2024.01.05 11:03:48  
-05'00'

Samir Adkar, Director  
Energy Networks and Indigenous Policy

c: Ontario Pipeline Coordinating Committee (OPCC)