

March 18, 2026

SENT BY E-MAIL AND FILED WITH ONTARIO ENERGY BOARD

Ritchie Murray
Acting Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Tel: 1-877-632-2727
registrar@oeb.ca

Dear Mr. Murray,

Re: Request for Leave to File Evidence
OEB File Number: EB-2025-0313

We write further to our letter of February 23, and in response to Enbridge Gas Inc.'s ("**Enbridge**") interrogatory responses of March 9. All parties are copied on this filing.

Enclosed is an affidavit of Peter Graham (Consultation Supervisor of the Six Nations of the Grand River, "**SNGR**"), which is being delivered in response to Enbridge's interrogatory responses and in anticipation of SNGR's written submissions due next Monday, March 23. Mr. Graham's affidavit provides important supplementary evidence regarding the history and status of Enbridge's consultation with SNGR which is not reflected in the evidence filed with the Ontario Energy Board (the "**Board**") in respect of Enbridge's LTC Exemption Application. This affidavit supplements the existing evidentiary record, and sets out relevant context and information missing from the record currently before the Board.

The admission of this affidavit (and exhibited communications) into evidence is necessary to ensure that the Board has a complete record of communications between Enbridge and SNGR with respect to consultation. SNGR therefore seeks leave to file this brief as evidence pursuant to Rule 13.02. SNGR intends to rely on Mr. Graham's affidavit in its forthcoming written submissions.

SNGR intends to seek costs in the estimated amount of \$2,400 to compensate it for the time and expense of preparing this evidence.



SNGR reserves the right to seek leave to file additional evidence, if necessary.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brittiny Rabinovitch', written in a cursive style.

Brittiny Rabinovitch
BR/mf

Encl.

Cc: Barul Rahimtoola, Acting Manager, Applications Administration
Olatunbosun Ishola, Advisor, Regulatory Applications, Enbridge Gas Inc.
Richard Lanni, Senior Legal Counsel, Enbridge Gas Inc.
Aaron Gold, Counsel for SNGR
Aidan Testa, Articling Student

**Ontario Energy Board
EB-2025-0313**

***IN THE MATTER OF an application by Enbridge Gas Inc. for exemption
from leave to construct a natural gas pipeline and associated facilities in the
City of Burlington***

AFFIDAVIT OF PETER GRAHAM

I, Peter Graham, of the City of Hamilton, in the province of Ontario, MAKE OATH AND SAY:

1. I am the Consultation Supervisor of the Six Nations of the Grand River, as represented by the Elected Council (“**SNGR**”), intervenor in this proceeding, and, as such, have personal knowledge of the matters contained in this affidavit. Where I have been informed by others of information contained in this affidavit, I have indicated so, and I believe such information to be true.

2. I swear this affidavit to provide further evidence regarding consultation meetings between Enbridge Gas Inc. (“**Enbridge**”) and SNGR regarding the Cedar Springs Community Expansion Project (the “**Project**”), to supplement the evidence filed with the Ontario Energy Board (the “**Board**”) in respect of Enbridge’s LTC Exemption Application (the “**Application**”). I verily believe that the evidence herein is necessary for the Board to have a full understanding of the consultation that has not occurred with respect to the Project.

Initial Notification to SNGR

3. On September 29, 2021, Enbridge first notified SNGR of the Project by email to Lonny Bomberry (Director, Lands and Resources Department).¹ This notification included a map of proposed routes for the Project.

4. A Notification of Project Commencement was then sent to Mr. Bomberry on November 9, 2021.²

5. SNGR heard nothing further until June 2025, when it received a Notice of Upcoming Project on June 6, 2025.³ This notice came in the context of our ongoing discussions with Enbridge on other projects, notably the Port Colborne Reinforcement Project (the “**Port Colborne Project**”) and the Mississauga Reinforcement Project (the “**Mississauga Project**”). As discussed below, consultation was progressing poorly in both.

6. On June 3, 2025, I proposed that Enbridge and SNGR discuss the Project at our upcoming meeting on June 10, 2025 (the “**June Meeting**”),⁴ which was scheduled to discuss the Port Colborne and the Mississauga Projects. Ultimately, this Project was not discussed at the June Meeting.⁵

¹ Email from K. Berube to L. Bomberry dated September 29, 2021 (Responses to Written Interrogatories of Enbridge Gas Inc. dated March 9, 2026 [**Responses**], Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.0, p. 150).

² Email from K. Berube to L. Bomberry dated November 9, 2021 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.1, p. 153).

³ Email from K. Berube to L. Bomberry dated June 6, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.2, 155).

⁴ Email from P. Graham to K. Berube & L. Bomberry dated June 9, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.3, p. 157).

⁵ Responses, Exhibit I, SNGR-1, p. 6, response to question (d).

7. SNGR received no further correspondence from Enbridge in respect of the Project until September 2025.

Failed Delivery of the Project Description Report

8. On July 18, 2025, Enbridge attempted to send SNGR the following documents for the Project by email (the “**July 18, 2025 Email**”):

- (a) The Notice of Commencement;
- (b) The Virtual Information Session information; and
- (c) The Project Description Report (the “**PDR**”).

9. The July 18, 2025 Email was never received by SNGR, and it appears that delivery of this email had failed.⁶ Enbridge never followed up with SNGR about the July 18, 2025 Email or its contents.

10. Given that Enbridge was consulting with SNGR on other projects, it would have known that SNGR’s ordinary practice would be to actively engage in consultation on pipeline projects such as the Project.

Enbridge Submits Draft Environmental Report, SNGR Learns of the (Undelivered) July 18, 2025 Email

11. On September 16, 2025, SNGR received a draft Environmental Report for the Project from Enbridge.⁷

⁶ Email from P. Graham to K. Berube dated September 16, 2025 (Responses, Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.5, p. 159).

⁷ Email from P. Graham to K. Berube dated September 16, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.5, p. 159).

12. I observed at the time that the report “emphasized that extensive consultation had taken place”,⁸ despite Enbridge having engaged in effectively no consultation with SNGR on the Project. In fact, the *only* communications between the parties to date regarding the Project had been the logistical and other non-substantive correspondence discussed above (e.g., proposals to discuss the Project at the June 10 Meeting, which did not occur).

13. Upon reviewing the draft Environmental Report, I saw that it referred to the PDR and suggested that the PDR had been sent to SNGR on July 18, 2025 (which it never was, as described above).⁹

14. The draft Environmental Report suggested that the PDR “outlined the preliminary findings of natural heritage and cultural heritage that was shared with Indigenous communities to support and facilitate ongoing consultation efforts.”¹⁰ These findings would have given SNGR a greater understanding of the Project and its potential impacts, and would have shaped SNGR’s initial comments and concerns with the Project. Accordingly, the PDR and its findings were crucial for engaging in meaningful consultation.

15. Upon receipt of the draft Environmental Report, I noted that SNGR had not received a copy of the PDR and requested a copy of same. I also noted that SNGR was disappointed with the

⁸ Email from P. Graham to K. Berube dated September 16, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.5, p. 159).

⁹ Email from P. Graham to K. Berube dated September 16, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.5, p. 159).

¹⁰ Email from P. Graham to K. Berube dated September 16, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.5, p. 159).

state of consultation for certain other projects (described below), and that I was particularly concerned that “this one’s starting off so poorly.”¹¹

16. In response, Enbridge suggested that it had missed that the July 18, 2025 email had bounced back.¹²

17. After continued technical issues,¹³ a hard copy of the PDR was eventually delivered to SNGR on September 25, 2025.¹⁴

Enbridge Proceeds on the Ordinary Timeline Despite the Lack of Consultation

18. On September 16, 2025—before it had even delivered the PDR—Enbridge requested that SNGR provide comments on the Environmental Report by October 31, 2025.¹⁵

19. Enbridge made this request despite there having been effectively no consultation to date in respect of the Project.

20. Notably, there had not even been an introductory meeting between Enbridge and SNGR to discuss the Project. As SNGR are primarily an oral people, face-to-face meetings are especially important.

¹¹ Email from P. Graham to K. Berube dated September 16, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.5, p. 159).

¹² Email from P. Graham to K. Berube dated September 16, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.5, p. 159).

¹³ Email from K. Berube to P. Graham, dated September 16, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.10, p. 166).

¹⁴ Indigenous Consultation Report, Line-item 3.17 (Responses, Exhibit I, STAFF-1, Attachment 1, p. 21).

¹⁵ Email from P. Graham to K. Berube, dated September 17, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.11, p. 167).

21. In light of the lack of consultation (including the lack of any introductory meeting), I expressed to Enbridge that the October 31 deadline was “unworkable.”¹⁶

22. SNGR and Enbridge agreed to hold an introductory meeting on September 22, 2025, which was put on hold as a result of Enbridge’s broader failures (described below) which eroded the parties’ relationship (in respect of this Project and otherwise) and contributed to a growing sense of distrust of Enbridge by SNGR.

SNGR Attends Field Verification Survey

23. On October 21, 2025, after consistent postponements, SNGR representatives attended a field verification survey related to the Project.¹⁷ Allowing SNGR to participate in such surveys is a minimum requirement. It does not change the fact that Enbridge engaged in effectively zero consultation with SNGR.

Enbridge’s Ongoing Pattern of Failed Consultation

24. It is important to note that Enbridge’s failures to fully or properly consult with SNGR in respect to the Project arose in a wider context of failed consultation throughout 2025 on the Port Colborne and Mississauga Projects.

25. These consultation failures include:

- (a) Enbridge being persistently unresponsive to SNGR’s requests for detailed environmental studies on both the Port Colborne and the Mississauga Projects;¹⁸

¹⁶ Email from P. Graham to K. Berube, dated September 17, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.11, 167).

¹⁷ Indigenous Consultation Report: Summary Tables (Responses, Exhibit I, STAFF-1, Attachment 2, p. 4).

¹⁸ Email from P. Graham to K. Berube dated October 16, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.29, p. 183).

- (b) Enbridge taking the position on the Port Colborne project that the June Meeting did not count and ignoring the requests made by SNGR at the June Meeting, on the basis that they were made orally. This was done despite the importance of oral meetings to SNGR;¹⁹ and
- (c) Enbridge maintaining, in the face of articulated concerns, that SNGR had expressed no concerns with the Mississauga Project.²⁰

26. These issues led me to conclude, as I later expressed to the Ministry of Energy and Mines at various points, that “I believe Enbridge is deliberately stonewalling us.” A copy of this exchange is attached as **Exhibit 1**.

27. Enbridge’s conduct on these other matters eroded the parties’ relationship, in respect of this Project and otherwise, and contributed to a growing sense of distrust of Enbridge by SNGR.

28. This was exacerbated by the total lack of consultation on the Project. By mid-October 2025, following another meeting where SNGR’s concerns were ignored,²¹ SNGR felt that a change was necessary and that the parties had to engage in a more structured consultation process.

¹⁹ Email from P. Graham to K. Berube dated October 16, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.29, p. 183).

²⁰ Email from Ministry of Energy and Mines to P. Graham dated September 4, 2025, **Exhibit 1**.

²¹ Email from P. Graham to K. Berube dated October 16, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.29, p. 183).

CAP Team Requires a Structured Consultation Process, Enbridge Proceeds With Application Without Notice to SNGR

29. Due to the above failures of consultation on the Project and others, SNGR's Consultation and Accommodation Process (CAP) Team determined that a structured consultation process with Enbridge was required going forward.²²

30. SNGR and Enbridge scheduled a meeting to establish this process on November 25, 2025 (the "**November Meeting**"). At this meeting, Enbridge committed to (among other things) providing capacity funding in respect of the Project, and to hold an introductory project meeting in early 2026.

31. SNGR left the meeting believing that Enbridge was finally engaging in good faith, and that meaningful consultation could finally begin.

32. Unbeknownst to SNGR, however, Enbridge had already submitted this Application on November 19, 2025.²³ Enbridge did not advise SNGR that it had done so, at the November Meeting or otherwise.

33. SNGR learning of this Application—and that Enbridge had submitted it while discussions were supposedly ongoing—only further eroded SNGR's trust in Enbridge, and caused a significant setback when real consultation was only just set to begin.

34. Enbridge's decision to commence this Application prematurely, when effectively no consultation had occurred, and in the middle of active discussions to begin consultation with

²² Email from P. Graham to K. Berube dated October 16, 2025 (Responses, Exhibit I, STAFF-1, Attachment 1, Line-item Attachment 3.29, p. 183).

²³ Letter from R. Murray to S. Hill dated December 15, 2025 (Filed with the OEB as Notice_EGI_LtC Exemption_Cedar Springs Project_SNGR_updated_20251216).

SNGR, forced SNGR's hand. Intervening in the Application has become the only way for SNGR to require Enbridge to hear its concerns. Given Enbridge's approach to consultation on the Project, SNGR does not have confidence that if the Application is granted, Enbridge will engage with SNGR in good faith on a go-forward basis. Its actions to date are those of a proponent who is engaged in consultation only to the extent needed to obtain project approval.

35. Enbridge's decision to commence this Application when it did has only increased the time and expense SNGR has needed to expend. Among other things, Enbridge's Application was incomplete and left out key documents. SNGR was required to correct the Indigenous Consultation Record attached to Enbridge's Application (which was incomplete).

SWORN by Peter Graham of the City of Hamilton, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario, on March 18, 2026, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Aidan C. Testa

A Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires November 6, 2028
(or as may be)

AIDAN CAMERON TESTA

}



PETER GRAHAM

This is Exhibit “1” referred to in the Affidavit of Peter Graham sworn by Peter Graham of the City of Hamilton, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario, on Tuesday March 18, 2026, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Aidan C. Testa

A Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires November 6, 2028
(or as may be)

AIDAN CAMERON TESTA

[REDACTED]

From: McCabe, Shannon (She/Her) (MEM) <Shannon.McCabe@ontario.ca>
Sent: November 26, 2025 2:18 PM
To: Peter Graham <LRCS@sixnations.ca>
Cc: Lazakis, Chloe (MEM) <Chloe.Lazakis@ontario.ca>
Subject: [External] RE: Mississauga Reinforcement ER

Hi Peter,

Thank you for providing us with this update. Good to hear it was a productive meeting.

I'm sure we'll be in touch again soon on Port Colborne.

Enjoy the rest of your week!

Thank you,
Shannon

From: Peter Graham <LRCS@sixnations.ca>
Sent: November 26, 2025 2:14 PM
To: McCabe, Shannon (She/Her) (MEM) <Shannon.McCabe@ontario.ca>
Cc: Lazakis, Chloe (MEM) <Chloe.Lazakis@ontario.ca>
Subject: RE: Mississauga Reinforcement ER

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Good afternoon Shannon,

We had a productive meeting with Enbridge yesterday. They've finally admitted to not taking notes at that June meeting.

While a lot of work is still required for Port Collborne, we told Enbridge we'd 'sign-off' on this phase of the Mississauga Reinforcement if the company agreed to our 10-1 tree replacement ratio, which it did. Accordingly, we have no objections to the file moving forward.

Thank you,

Peter

From: Peter Graham
Sent: September 17, 2025 3:27 PM
To: 'McCabe, Shannon (She/Her) (MEM)' <Shannon.McCabe@ontario.ca>
Cc: Lazakis, Chloe (MEM) <Chloe.Lazakis@ontario.ca>
Subject: RE: Mississauga Reinforcement ER

Hi Shannon,

Yes, the below is an accurate summary of our meeting.

Thank you, Peter

From: McCabe, Shannon (She/Her) (MEM) <Shannon.McCabe@ontario.ca>
Sent: September 17, 2025 1:47 PM
To: Peter Graham <L RCS@sixnations.ca>
Cc: Lazakis, Chloe (MEM) <Chloe.Lazakis@ontario.ca>
Subject: [External] RE: Mississauga Reinforcement ER

Hi Peter,

Thank you for the follow-up discussion about the Mississauga Reinforcement project yesterday. We appreciate your time.

Below is a summary of the key issues discussed and next steps. Please let us know if we inadvertently mischaracterized anything.

- Six Nations continues to have unresolved issues with the Mississauga Reinforcement project, which includes:
 - o Concerns about baseline studies, routing and lack of information to be able to determine and assess impacts to rights
 - o Concerns that there has been a lack responsiveness and willingness from Enbridge to address Six Nations' concerns
 - o Enbridge's interrogatory response dated August 21, 2025 indicate that "*As of August 11, 2025, SNGR representatives have not identified any outstanding concerns. Enbridge Gas will continue to engage with SNGR about the Project*". Six Nations does not agree with that statement.
- We also note your concern/interest in ensuring that Enbridge is aware that feedback/ input from field/environmental monitors does not replace or constitute formal feedback into the consultation process. Consultations should take place with Six Nations' Land Use and Consultation Unit.
- We also note that that Six Nations is seeing similar concerns on other Enbridge projects, including Port Colborne and Cedar Springs.

Next steps:

- Chloe has already reached out to Dawn Russell at your office to determine some potential times that work for Six Nations, the Ministry and Enbridge to meet and discuss outstanding issues for the Mississauga Reinforcement project. A meeting to be scheduled as soon as possible.

Thanks again and we will be in touch soon.

Sincerely,
Shannon & Chloe

From: Peter Graham <L RCS@sixnations.ca>
Sent: September 16, 2025 9:56 AM
To: McCabe, Shannon (She/Her) (MEM) <Shannon.McCabe@ontario.ca>
Cc: Lazakis, Chloe (MEM) <Chloe.Lazakis@ontario.ca>
Subject: RE: Mississauga Reinforcement ER

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dawnrussell@sixnations.ca

From: McCabe, Shannon (She/Her) (MEM) <Shannon.McCabe@ontario.ca>
Sent: September 16, 2025 8:53 AM
To: Peter Graham <L RCS@sixnations.ca>
Cc: Lazakis, Chloe (MEM) <Chloe.Lazakis@ontario.ca>
Subject: [External] RE: Mississauga Reinforcement ER

Good morning Peter,

Thanks for the call last week. After we chatted, our team met with Enbridge to discuss several matters, including the Mississauga Reinforcement project. If you're free at 9:30 today, I can give you a quick update on that discussion. Or if another day works better, please let me know.

Thanks!
Shannon

From: Peter Graham <L RCS@sixnations.ca>
Sent: September 16, 2025 8:46 AM
To: McCabe, Shannon (She/Her) (MEM) <Shannon.McCabe@ontario.ca>
Cc: Lazakis, Chloe (MEM) <Chloe.Lazakis@ontario.ca>
Subject: RE: Mississauga Reinforcement ER

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Hi Shannon,

I don't remember, but am assuming today's 9:30 hold was issued in case last week's time didn't work out. Please confirm.

Thank you, Peter

From: McCabe, Shannon (She/Her) (MEM) <Shannon.McCabe@ontario.ca>
Sent: September 4, 2025 1:26 PM
To: Peter Graham <L RCS@sixnations.ca>
Cc: Lazakis, Chloe (MEM) <Chloe.Lazakis@ontario.ca>
Subject: [External] RE: Mississauga Reinforcement ER

Thanks, Peter. 9:30 it is. I'll send out an invite.
Speak soon,
Shannon

From: Peter Graham <L RCS@sixnations.ca>
Sent: September 4, 2025 1:25 PM
To: McCabe, Shannon (She/Her) (MEM) <Shannon.McCabe@ontario.ca>
Cc: Lazakis, Chloe (MEM) <Chloe.Lazakis@ontario.ca>
Subject: RE: Mississauga Reinforcement ER

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Hi Shannon,

Yes, please send an invite for 9:30 on the 10th. I have a 10 o'clock, but we should have plenty of time. I'm somewhat cynical generally, but still surprised to hear Enbridge is claiming no outstanding concerns.

Thank you, Peter

From: McCabe, Shannon (She/Her) (MEM) <Shannon.McCabe@ontario.ca>
Sent: September 4, 2025 1:19 PM
To: Peter Graham <L RCS@sixnations.ca>
Cc: Lazakis, Chloe (MEM) <Chloe.Lazakis@ontario.ca>
Subject: [External] RE: Mississauga Reinforcement ER

Hi Peter,

Agree – summer went by way too quickly!

Thanks for letting me know that concerns are still outstanding. Enbridge filed its interrogatory responses with the Ontario Energy Board on August 21, and in that document, it states the following: *“As of August 11, 2025, SNGR representatives have not identified any outstanding concerns. Enbridge Gas will continue to engage with SNGR about the Project.”*

I think a short call would be helpful as a next step. And then you can determine if a subsequent meeting with your consultation team should be arranged with ministry staff. Would 9:30am on Wed Sep 10 work for you?

Thank you!
Shannon

From: Peter Graham <L RCS@sixnations.ca>
Sent: August 29, 2025 12:57 PM
To: McCabe, Shannon (She/Her) (MEM) <Shannon.McCabe@ontario.ca>
Cc: Lazakis, Chloe (MEM) <Chloe.Lazakis@ontario.ca>
Subject: RE: Mississauga Reinforcement ER

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Hi Shannon,

I share the common sentiment that this summer is ending too soon!

I haven't heard anything from Enbridge about this project since the last meeting I reported on, so our concerns are still outstanding.

Depending on what you have in mind, we can have a one-to-one phone call (I'm free before 10 most days and other times can be arranged) or a more formal meeting with the consultation team.

Thank you, Peter

From: McCabe, Shannon (She/Her) (MEM) <Shannon.McCabe@ontario.ca>
Sent: August 28, 2025 5:02 PM
To: Peter Graham <L RCS@sixnations.ca>
Cc: Lazakis, Chloe (MEM) <Chloe.Lazakis@ontario.ca>
Subject: [External] RE: Mississauga Reinforcement ER

Hi Peter,

I hope you're doing well, and I hope you are having a great summer!

I am following up about the Mississauga Reinforcement project proposed by Enbridge. I wanted to check in on the status of the concerns that Six Nations had raised about the project, including concerns about environmental reports as well as concerns about potential impacts to plant and animal species of importance to Six Nations, concerns about tree removal and routing, among others.

On Aug 21, Enbridge filed its Interrogatory Responses in response to questions from Ontario Energy Board staff about the project. The response includes updates on its engagements with First Nations, including Six Nations. All of the project materials filed with the OEB about the project can be found here, including Enbridge's Aug 21 responses: [Content Manager WebDrawer - Search Results](#).

I see from Enbridge's updates, that capacity funding was provided to support Six Nations' participation in the consultation process for the project. It's been a while since we've connected and I wanted to check in with you for any updates on your consultations with Enbridge to date and to understand if there continues to be outstanding concerns.

Please let us know and we'd be happy to schedule a chat to discuss further. Enbridge has filed its leave to construct application with the OEB and I anticipate that the OEB will be making a decision on the project in the near future.

Thank you very much,
Shannon

Shannon McCabe (she/her)
Manager, Strategic Indigenous Initiatives
Ministry of Energy and Mines

Ontario 



From: McCabe, Shannon (She/Her) (ENERGY)
Sent: June 16, 2025 5:43 PM

To: 'Peter Graham' <L RCS@sixnations.ca>
Cc: Lazakis, Chloe (ENERGY) <Chloe.Lazakis@ontario.ca>
Subject: RE: Mississauga Reinforcement ER

Hi Peter,

Thank you for your email, and my apologies for the delay in responding. We appreciate you providing us with an update after your meeting with Enbridge about the Mississauga Reinforcement project. As you're aware, the Ministry has a role in reviewing the proponent's consultation records and providing a letter of opinion on the adequacy of the consultation process to date. At this time, we note that you have outstanding concerns that have not been resolved or mitigated through the consultation process.

Do you have further meetings planned with Enbridge? Or has Enbridge committed to further considering your requests? We'd be happy to schedule a call with you so we can discuss in more detail, and we would be pleased to raise these issues with Enbridge directly as well.

Thank you again. Best regards,
Shannon

From: Peter Graham <L RCS@sixnations.ca>
Sent: Wednesday, June 11, 2025 9:41 AM
To: McCabe, Shannon (She/Her) (ENERGY) <Shannon.McCabe@ontario.ca>
Cc: Lazakis, Chloe (ENERGY) <Chloe.Lazakis@ontario.ca>
Subject: RE: Mississauga Reinforcement ER

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Hi Shannon,

We had our meeting with Enbridge yesterday.

They will not consider doing proper baseline studies prior to preferred route selection. They're asking us "What standard is the community looking for?... What meets community needs?", while simultaneously not realizing that having adequate baseline environmental studies prior to route selection is a path towards fulfilling those standards and needs.

Lauren Jones, our wildlife and stewardship manager, outlined why such information is needed from an Indigenous perspective and noted particular environmental study components she'd like to see. Lauren was taken aback when Enbridge asked us to select our preferred Port Colbourne route after she had outlined why baseline information was a prerequisite.

Phil Monture, our founding director, spoke about the positive and respectful relationship SNGR had with Union Gas before Enbridge took over that company's assets. He noted meaningful dialogue, deep collaboration on mitigation measures, and accommodations for rights impacts. Enbridge, he observed, hasn't done any of that.

While Enbridge repeatedly expressed its willingness to utilize our plant and animal lists, it wouldn't meaningfully respond to our priorities.

One problem may be that the Enbridge employees at the table didn't have the authority to agree to anything beyond a sprinkling of cultural sensitivity. They couldn't even reveal the name of the "industrial customer" prompting the Port Colbourne work as they didn't have express permission from higher ups.

Going into the meeting, I was planning on offering a variety of suggestions to get us past the environmental studies logjam, such as asking for a lower-level environmental memo, or waiving the request for Mississauga in exchange for the company agreeing to have an EIS prior to preferred route selection for newer projects like Port Colborne. Similar compromises have worked with other proponents in the past. But the company was completely closed to deviating from the OEB minimum requirements, so offering concessions would have been tantamount to negotiating with myself.

It's not unusual to have company and local government employees we've never previously met with insist on sticking to minimum requirements, but they usually move off that once an initial meeting has been held. As we've had several prior meetings with Enbridge and some of its representatives at the meeting, and the company can't realistically claim to be unfamiliar with the duty to consult, I believe Enbridge is deliberately stonewalling us. Consequently, the meeting did not move the needle on the grossly inadequate consultation to date.

Thank you, Peter

From: Peter Graham
Sent: May 29, 2025 9:09 AM
To: McCabe, Shannon (She/Her) (ENERGY) <Shannon.McCabe@ontario.ca>
Cc: Lazakis, Chloe (ENERGY) <Chloe.Lazakis@ontario.ca>
Subject: RE: Mississauga Reinforcement ER

Hi Shannon,

I'm indeed well and hope you can say the same.

We're meeting with Enbridge on June 10th to discuss the two projects. I'll update you after the meeting.

Re the field work, it's environmental rather than archaeology. But our archaeology supervisor, who manages all paid SNGR fieldwork, will be sending a person, as she does with most close-by opportunities. My concern is they're mixing typical monitoring work with more formal duty to consult as monitors wouldn't be very familiar with the overall project, Elected Council's opinions, documents, etc. No need to reach out to Enbridge. Just noting to ensure OEB is aware of the constraints of that process on the small chance it becomes an issue because a monitor said, or didn't say, something.

Thank you, Peter

From: McCabe, Shannon (She/Her) (ENERGY) <Shannon.McCabe@ontario.ca>
Sent: May 28, 2025 5:16 PM
To: Peter Graham <LRCS@sixnations.ca>
Cc: Lazakis, Chloe (ENERGY) <Chloe.Lazakis@ontario.ca>
Subject: [External] RE: Mississauga Reinforcement ER

Hi Peter,

Good to hear from you. I hope you are well.

Your email is timely and my apologies for the delay in following up with you about the Mississauga Reinforcement project. Thank you again for sharing your concerns about the project. Please know that your concerns were relayed to Enbridge at our unit's regular meeting with them. Enbridge acknowledged Six Nations' ongoing issues and interests, and did acknowledge their long delay in responding to your initial ask for environmental reports. Enbridge recently advised us that they've filed the application for the project with the Ontario Energy Board. Enbridge has also shared their Indigenous consultation records with our Ministry for review. We are currently reviewing.

As you may know, the Ministry has a role in reviewing the proponent's consultation records and providing its opinion on the adequacy of the proponent's consultation efforts. Based on the records, Six Nations continues to have concerns that haven't been addressed and that a meeting is in the process of being planned between Six Nations and Enbridge. Has a meeting been scheduled yet? If a meeting takes place, we are interested in knowing how that goes and any outcomes. We want to assist with ensuring that your concerns have been adequately addressed ahead of decisions being made on the project.

And also thank you for flagging your concerns about the Port Colborne project. I'm wondering if there is a way that Enbridge could support Six Nations' early involvement in the archaeology work, but in a way that suits your needs? If you have any suggestions, let us know and we can share that with Enbridge.

Please keep us posted on the upcoming meeting with Enbridge, if it takes place, and if there is any other information you'd like to share, including about the Port Colborne project, we'd be happy to schedule a call. I've copied my colleague, Chloe Lazakis, who is working with me on this file.

Thanks very much and talk soon,

Shannon

Shannon McCabe (she/her)
Manager, Strategic Indigenous Initiatives
Ministry of Energy and Mines



From: Peter Graham <LRCS@sixnations.ca>
Sent: Friday, May 23, 2025 3:42 PM
To: McCabe, Shannon (She/Her) (ENERGY) <Shannon.McCabe@ontario.ca>
Subject: RE: Mississauga Reinforcement ER

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Hi Shannon,

Please update me on this file.

I'm particularly concerned because Enbridge is pursuing a similar project in a much more environmentally sensitive area (Port Colborne line). I've requested a meeting with Enbridge, but to date, the company is repeating the same mantra they've used for this one, that OEB doesn't require an EIS, as if that precludes a detailed natural environmental study and abrogates the duty to consult. The company is making noises about adopting SNGR perspectives in the ESR, but that's insufficient when comprehensive baseline data is needed.

Thank you, Peter

PS: A lesser concern is an invite I just received for a Port Colborne line area field visit. Enbridge says: "this is a new process we are introducing in response to requests to have earlier engagement on projects. Participation in these

surveys offers an important opportunity to share knowledge related to treaty rights and traditional land use. Early participation and input will help ensure that community rights, values, and perspectives are meaningfully reflected in the assessment of potential route options.”

Sounds good, but I’m also leery, and am alerting you because the company may later argue we were given this opportunity and declined, so inadequate consultation is on us instead of them. I have meetings scheduled throughout the concerned day next week and will not attend. Even with more advance notice, I can’t justify the amount of time required. We could potentially send a field monitor, but that person would not have authority to participate in the way Enbridge is envisioning. While I appreciate Enbridge responding to complaints about inadequate consultation, an arbitrary plan which doesn’t suit our needs is not the way forward.

From: McCabe, Shannon (She/Her) (ENERGY) <Shannon.McCabe@ontario.ca>

Sent: April 4, 2025 4:29 PM

To: Peter Graham <L RCS@sixnations.ca>

Subject: [External] RE: Mississauga Reinforcement ER

Hi Peter,

Thank you so much for this detailed outline of SNGR’s concerns. This is very much appreciated. As mentioned, we are meeting with Enbridge next week and will relay the concerns. I’ll follow up with you soon.

Wishing you a lovely weekend,
Shannon

From: Peter Graham <L RCS@sixnations.ca>

Sent: Friday, April 4, 2025 10:41 AM

To: McCabe, Shannon (She/Her) (ENERGY) <Shannon.McCabe@ontario.ca>

Subject: RE: Mississauga Reinforcement ER

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Good morning Shannon,

According to the report’s consultation log, the only First Nation comment submitted since the study formally commenced last summer was from SNGR, summarized as “A SNGR representative emailed the Enbridge Gas representative to advise that they would like to be provided with any environmental study or anything relevant to the Project. The SNGR representative advised that they do not have enough information to determine impacts to their Aboriginal and treaty rights.”

That continues to be SNGR’s position upon reviewing the report. Per correspondence forwarded to you earlier, we have been awaiting natural environmental reports prior to commenting, and have only recently learned that key documents to understanding potential impacts to Aboriginal and treaty rights, like a Environmental Impact Study and Arborist report, have not been prepared. Such studies are required for SNGR to uncover potential impacts to Aboriginal and treaty rights.

The report asserts “The data available at the current stage of the environmental study is appropriate for predicting effects and potential impacts and recommending mitigation and protective measures.” We are of the strong opinion it is not. The report is only concerned with SAR (and to a much lesser extent SOCC) species. There is no attentiveness to plants important to Six Nation members (we have a list which we can circulate with restrictions) and scant information for animals deemed particularly valuable for harvesting (despite an assertion that incidental wildlife were recorded, there is no such record included in the report). Despite the focus on SAR, the study fails

them as well, with a woefully inadequate single-day windshield study. After reading the report, potential impacts to aquatic species remain a mystery.

The report says the preferred route “is not anticipated to impact trees” and “Although the PPR appears to intersect more environmental features than the Alternative Routes, the impacts are not significant and can be mitigated during construction.” Yet correspondence with Stantec rejects my interpretation of the above as meaning “zero impacts” on trees. And without substantive natural environmental investigation, potential impacts cannot be detected or mitigated. Why does the PPR only ‘appear’ to intersect more environmental features than other routes? The report strongly suggests it does. Surely proper natural environmental studies will put any debate to rest. The route evaluation on p. 79 suggests a staggering amount of potential natural environmental impacts for the PFR vs. any of the alternatives.

Consultation with SNGR on the PPR was not possible because – as Enbridge should be aware - we’ve been waiting for natural environmental studies to establish a baseline for our opinion and comments. Yet the report says “As no comments were received that would cause a change in the PPR, it was confirmed as the PR”. The report emphasizes “Indigenous community participation is essential to the Project” and “Enbridge Gas will continue to meaningfully engage with affected Indigenous peoples”, yet the correspondence log suggests that hasn’t been the case and First Nations had zero input.

The report discusses cumulative effects, but again, we found any assertions lacking without baseline information having been obtained. Enbridge says the purpose of this proposed project is “In part to support existing Enbridge Gas customers transitioning from other fuel sources to natural gas.” What other fuel sources are they transitioning from? Is the switch to natural gas more or less environmentally-friendly than the status quo? The report appears to consider construction activities as the only potential factor impacting air quality.

Alarming, the report concedes “the process followed may not satisfy the ‘duty to consult’ component from an Indigenous community’s perspective. To demonstrate that we respect this view, we will use the term ‘engagement’ throughout the remainder of this Report when we refer to seeking input from Indigenous peoples.” I submit that meaningful consultation, rather than switching to the term engagement, is a much more appropriate and respectful way to address the issue.

Thank you, Peter

From: McCabe, Shannon (She/Her) (ENERGY) <Shannon.McCabe@ontario.ca>

Sent: March 28, 2025 12:17 PM

To: Peter Graham <LRCS@sixnations.ca>

Subject: [External] RE: Mississauga Reinforcement ER

Hi Peter,

Thank you for reaching out! I’m doing well, thanks. Hope you are too.

I really appreciate you raising these concerns with us. I’ll be sure to raise it with my team here. This is something we will certainly discuss with Enbridge as well.

Our ministry – recently renamed to the Ministry of Energy and Mines - has a role in the Ontario Energy Board’s hydrocarbon process, where we have a role in delegating the procedural aspects of consultation to proponents, reviewing the proponent’s consultation efforts, and providing an opinion on the sufficiency of consultation that the OEB considers in its decision making. It’s helpful for us to hear concerns and issues directly from First Nations, so thanks for contacting us.

Would it be helpful if we scheduled a call so that we can better understand the issues? Perhaps we can find some time next week?

In addition to raising concerns with us directly, you may also be interested in becoming an intervenor in the OEB's future hearing process for the project. It's another option for raising concerns and to have comments "on the record" so to speak. The OEB reimburses for certain costs as well. You can find more information here: <https://www.oeb.ca/stakeholder-engagement/intervenor-information>

Best regards,
Shannon

Shannon McCabe (she/her)
Manager
Strategic Indigenous Initiatives
Ministry of Energy and Electrification



From: Peter Graham <L RCS@sixnations.ca>
Sent: Thursday, March 27, 2025 10:16 AM
To: McCabe, Shannon (She/Her) (ENERGY) <Shannon.McCabe@ontario.ca>
Subject: FW: Mississauga Reinforcement ER

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Good morning Shannon,

I hope you're keeping well.

Enbridge responded to my below email via a new email string, noting you were their OEB contact for this file.

I first requested to see natural environmental studies last summer, and am frustrated I'm only now being told they don't exist and will not be conducted as part of its impending application. That situation, along with persistent problems with the reliability of Enbridge, has prompted me to write.

I'd like to better understand OEB's process for Enbridge's proposal, especially what the timelines are looking like. Enbridge wanted comments last month. I had been waiting to receive the natural environmental studies before inserting the project into our work queue. Had I known basic natural environmental studies would not be conducted at this stage, I would have requested some last summer. We will want enhanced environmental studies – EIS and arborist specifically - for the company's preferred alternative.

A key part of our job is determining potential impacts to Aboriginal and treaty rights, seeking avoidance or mitigation where negative impacts are identified, negotiating enhanced mitigation measures beyond existing commitments, etc. So obtaining a baseline cannot wait until after this approval process. Further, my experience with Environmental Assessments and similar applications, tells me proponents cannot be relied on to consult with us after receiving their initial approval. Even where there's a clear commitment to consult with us on detailed design, I estimate it fails to happen around 90% of the time.

Enbridge is great, vs. the average proponent we work with, for its willingness to provide consultation dollars, but well below average for most other things. Despite several past meetings (not regarding this project) where we emphasized the need to study animals important to Six Nation members, they've only done the basic SAR and habitat checklists.

The below string is not the summary of my efforts to receive usable environmental information, as Enbridge usually issues standalone emails in response instead of hitting reply. I'm pasting below my January 7th email immediately below as another example of us trying to get basic info, which was only answered on March 24th.

Thank you, Peter

Jan 7-"Good morning Kevin,

On July 9, 2024, we indicated that an environmental study was required for us to make an informed assessment of potential rights impacts, but the Environmental Report sent to us yesterday is the only such information we've received. On July 18, 2024, we requested this project be discussed in a meeting but, to the best of my recollection, that never occurred.

At this stage, I'm concerned about the 42-day comment window (It's not possible to carefully read the report and engage in consultation within the allotted time) and lack of information about the natural environment (the Report occasionally refers to fieldwork, but evidence of it is few and far between).

The report claims "Input on the PPR was sought through consultation" but that's not true with respect to SNGR for the above-noted reasons. If given the opportunity, we would not have supported the chosen alternative, which has the largest potential impact to Aboriginal and treaty rights..."

From: Peter Graham
Sent: March 24, 2025 2:40 PM
To: Kevin Berube <kevin.berube@enbridge.com>
Subject: RE: Mississauga Reinforcement ER

Hi Kevin,

Please provide me with Enbridge's OEB contact for this file. I'm concerned it's taken the better part of a year for me to be told that no substantive natural environment studies have been completed.

Thank you, Peter

From: Kevin Berube <kevin.berube@enbridge.com>
Sent: March 24, 2025 12:44 PM
To: Peter Graham <LRCs@sixnations.ca>
Subject: [External] RE: Mississauga Reinforcement ER

Hi Peter,

I reached out to Stantec regarding your request below. This is what I received from them:

[We have not completed any environmental studies apart from the windshield survey and desktop review which is typical at this stage of the ER. Arch stage 1 and a Cultural Heritage Screening Checklist have also been completed.](#)

Let me know if you have any questions or need anything from me.

Thanks,
Kevin

From: Peter Graham <L RCS@sixnations.ca>
Sent: Tuesday, March 11, 2025 3:01 PM
To: Kevin Berube <kevin.berube@enbridge.com>
Subject: [External] RE: Mississauga Reinforcement ER

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Hi Kevin,

Thank you for forwarding Stantec's response.

I'm looking for natural environmental studies, which may include arborist and hydro studies. The main natural environmental document - variously called a environmental impact study, sub-watershed study or natural environmental study - is the most important for my purposes.

Best, Peter

From: Kevin Berube <kevin.berube@enbridge.com>
Sent: March 11, 2025 12:45 PM
To: Peter Graham <L RCS@sixnations.ca>
Subject: [External] RE: Mississauga Reinforcement ER

Hi Peter,

I reached out to Stantec to see if they have information to respond to your queries below. I have a response from Stantec to the second query:

We are not saying that there would be "zero" impacts to trees. The project would be subject to municipal tree by-law permitting, and through that process tree protection set-backs and/or mitigation would be identified, and/or compensation provided to the municipality for replacement. The level of impact would determine the mitigation, and location of the running line in relation to the trees would determine the level of impact. With the absence of running line detail, we can't really be more specific. That would be evaluated in the future through a tree inventory and permitting.

With respect the standalone study, are you referring to the archaeological assessment? If so, I can contact the PM to see what has been completed and forward you that information.

Thanks Peter,
Kevin

From: Peter Graham <L RCS@sixnations.ca>
Sent: Tuesday, February 11, 2025 8:32 AM
To: Kelly, Dominique <dominique.kelly@stantec.com>
Cc: Kevin Berube <kevin.berube@enbridge.com>; MississaugaReinforcementEA <MississaugaReinforcementEA@stantec.com>
Subject: [External] RE: Mississauga Reinforcement ER

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Good morning Dominique,

Thanks for getting in touch. I have two outstanding questions I hope you can help me with.

We always start with natural environmental studies to determine potential rights impacts. Is there no standalone study for this project?

And per p. 80, "...a third of the PPR is adjacent to wooded areas, however construction will be limited to the road allowance and is not anticipated to impact trees. Although the PPR appears to intersect more environmental features than the Alternative Routes, the impacts are not significant and can be mitigated during construction." We'd like to see evidence illustrating the zero impact to trees and lack of any other significant impact.

Best, Peter

From: Kelly, Dominique <Dominique.Kelly@stantec.com>
Sent: January 28, 2025 11:21 AM
To: Peter Graham <LRCS@sixnations.ca>; Lonny Bomberry <lonnybomberry@sixnations.ca>
Cc: Kevin Berube <kevin.berube@enbridge.com>; MississaugaReinforcementEA <MississaugaReinforcementEA@stantec.com>
Subject: [External] RE: Mississauga Reinforcement ER

Good morning Peter and Lonny,

I just wanted to send out a friendly reminder that we are hoping for your comments on the Mississauga Reinforcement ER by **February 17, 2025**. Please let me know if you need any assistance accessing the Report. I will be sending out a 2-week reminder next week and a 1-week reminder the following week.

Kind regards,

Dominique Kelly BA (Hon.) - (she/her)
Environmental Planner – Assessment & Permitting

Mobile: (613) 453-0626
Dominique.kelly@stantec.com

Stantec
300 - 1331 Clyde Avenue
Ottawa ON K2C 3G4



From: Kevin Berube <kevin.berube@enbridge.com>
Sent: Monday, January 6, 2025 11:52 AM
To: Peter Graham <LRCS@sixnations.ca>; Lonny Bomberry <lonnybomberry@sixnations.ca>

Cc: Kelly, Dominique <Dominique.Kelly@stantec.com>

Subject: Mississauga Reinforcement ER

Boozhoo Peter and Lonny,

I hope you had a restful holiday season.

I'm reaching out to let you know that the Mississauga Reinforcement Environmental Report is now available for viewing. Dominique Kelly from Stantec will send you a link to the ER. I've cc'ed Dominique on this email. The 42 day window for comments starts today and runs through to February 17, 2025. If you have trouble accessing the ER or have any questions about the ER let Dominique or me know.

Meegwetch,

Kevin Berube

Sr. Advisor, Community and Indigenous Engagement, Eastern Region

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Cell: 416 666 6759



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