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April 17, 2026

Ritchie Murray
Acting Registrar
Ontario Energy Board

Re: EB-2023-0343 – Mississaugas of Scugog Island First Nation – Response to OEB Letter dated March 19, 2026

Aaniin Boozhoo Ritchie Murray,

The Mississaugas of Scugog Island First Nation (MSIFN) thanks the Ontario Energy Board (OEB) for the opportunity to provide clarification on the requests referenced in the Ministry of Energy and Mines' February 12, 2026 Letter of Opinion regarding the above-noted Project.

MSIFN offers the following responses to assist the OEB in understanding the intent, scope, and operational application of the requests outlined in the Appendix to the Ministry's Letter of Opinion.

1. *What is included in "all documents and plans" filed by Enbridge Gas and to what agencies?*

MSIFN's request for all documents and plans refers to any materials filed by Enbridge Gas Inc. (Enbridge) with regulatory agencies, including but not limited to the OEB, Ministry of the Environment, Conservation and Parks, Ministry of Natural Resources and Forestry, and any other permitting or approving authority.

This includes, but is not limited to:

- Environmental Protection Plans (EPPs).
- Construction, staging, and access plans.
- Dewatering and discharge plans.
- Species at Risk and habitat mitigation plans.
- Restoration and rehabilitation plans, including contingency measures where restoration objectives are not achieved.
- Monitoring and reporting frameworks.



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- Post-construction restoration and inspection reports.
- Any updates, revisions, or compliance filing following Leave to Construct (LTC).

The intent of this request is to ensure timely, direct, and complete information sharing with MSIFN, rather than reliance on public registries alone. This supports MSIFN's ability to meaningfully participate in consultation, technical review, and mitigation development.

While MSIFN acknowledges Enbridge's stated commitment to share certain materials, this request extends beyond discretionary information sharing and is intended to ensure consistent, proactive, and complete disclosure across all relevant regulatory and permitting processes, including restoration planning and contingency frameworks that are often not fully captured in standard filings.

MSIFN therefore requests that the OEB require, as a condition of approval, that Enbridge provide MSIFN with all such documents and plans, including updates and compliance filings, at the time they are filed (concurrently with filing) with the relevant authority.

2. *What is meant by "real time mitigation and adaptive management," and, in the context of involvement during and after the construction phase of a project, how would these approaches function from an operational perspective? In particular, what role would Mississaugas of Scugog Island First Nation play?*

Real-time mitigation and adaptive management refers to an approach in which mitigation measures are not limited to pre-approved plans, but are continuously informed by on-the-ground conditions and monitoring results during and after construction. Operationally, this includes, but is not limited to:

- Ongoing communication between Enbridge and MSIFN during and after construction activities.
- The ability to adjust mitigation measures in response to site-specific conditions, including unexpected environmental or hydrological changes and Species at Risk encounters.
- Clearly defined thresholds and triggers that require immediate response and modification of activities, including pre-established contingency measures tied to those triggers.
- Integration of monitoring results into decision-making in real time.



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At present, MSIFN has not been provided with Enbridge's specific thresholds, triggers, or restoration success criteria, or associated contingency measures that would necessitate and operationalize adaptive responses, thereby limiting MSIFN's ability to assess how and when mitigation commitments would be implemented in practice.

Within this framework, MSIFN's role includes, but is not limited to:

- Participation through Indigenous monitors or field liaisons.
- Direct involvement in identifying and implementing mitigation adjustments.
- Contribution of Indigenous Knowledge to inform site-specific responses.
- Engagement in post-construction monitoring and evaluation.

While MSIFN acknowledges Enbridge's description of its current practices, the approach described remains primarily reliant on pre-planned mitigation measures with limited opportunities for real-time, collaborative decision-making. Post-construction site visits alone do not meet the intent of real-time mitigation and adaptive management.

MSIFN's position is that Indigenous Knowledge and input must be integrated and actioned, rather than merely considered. Adaptive management frameworks must include clear, measurable triggers, defined response actions, and accountability mechanisms to ensure timely and effective mitigation. Monitoring must also be directly tied to restoration success criteria and no net ecological degradation outcomes, with corrective actions required where established thresholds are not met. This approach aligns with emerging best practices for environmental stewardship and is necessary to ensure that impacts to Aboriginal and treaty rights are actively respected over time. It also reflects the principles of Free, Prior, and Informed Consent (FPIC), which require that Indigenous communities have meaningful influence over decisions affecting their lands and rights, including the implementation of mitigation, restoration, and monitoring measures.

MSIFN requests that the OEB require Enbridge to develop, in collaboration with MSIFN and other interested First Nations, a project-specific Adaptive Management Plan that: (i) defines measurable triggers and thresholds; (ii) sets out pre-agreed response actions; (iii) identifies roles for Indigenous monitors; and (iv) links monitoring results to restoration success criteria and corrective actions. Without defined triggers, response timelines, and decision-making roles, Enbridge's current approach remains discretionary and cannot be relied upon as an enforceable mitigation framework.



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3. *What is meant by the term “full project lifecycle approach”? Specifically, how does this approach apply directly to the development and construction of a project, and what role would Mississaugas of Scugog Island First Nation play within such a framework?*

A full project lifecycle approach refers to engagement and consideration of impacts across all phases of a project, including: early planning and design, pre-construction, construction, post-construction restoration and monitoring, and long-term operations and maintenance. This approach ensures that consultation is not limited to the regulatory approval stage, but continues throughout the life of the Project, where impacts to Aboriginal and treaty rights may occur.

For MSIFN, a seven-generations planning perspective requires that restoration, monitoring, and operations be managed in a way that prevents cumulative degradation of lands and waters over time, rather than focusing solely on short-term construction impacts.

For MSIFN, this includes:

- Early involvement in project design and routing decisions.
- Participation in the development of mitigation measures and restoration plans.
- Access to restoration objectives, performance indicators, and contingency measures.
- Ongoing access to monitoring data and reporting.
- Defined opportunities to assess whether mitigation and restoration objectives are being met.
- Continued engagement during operations, including maintenance activities (e.g., integrity digs) and unforeseen impacts.

While MSIFN acknowledges Enbridge’s commitment to ongoing discussions and meetings, a full project lifecycle approach requires project-specific, enforceable mechanisms that ensure consultation, mitigation, monitoring obligations continue beyond the LTC decision and throughout operations. This approach cannot be entirely satisfied through periodic meetings, but must be embedded within the implementation, monitoring, and long-term stewardship of the Project.

MSIFN further notes that Enbridge’s Indigenous Reconciliation Action Plan (IRAP) commits the company to advancing lifecycle engagement and environmental stewardship with Indigenous communities. These commitments represent a standard that extends beyond the minimum procedural requirements of the duty to consult. As such, MSIFN expects that these commitments be meaningfully implemented at the project level, including through concrete



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measures related to mitigation, restoration, monitoring, and ongoing engagement throughout the life of the Project.

MSIFN requests that the OEB require Enbridge, as a condition of approval, to develop a binding Project Lifecycle Engagement Protocol between Enbridge and MSIFN, filed with the OEB, that:

- Sets minimum frequency and purpose of meetings (e.g., annual operations meetings, pre-maintenance notifications).
- Commits to notice and engagement prior to integrity digs or other intrusive maintenance.
- Provides MSIFN with ongoing access to monitoring data and inspection reports.

4. *What actions, if any, are expected in response to the information included in the Ministry of Energy and Mines' Letter of Opinion?*

MSIFN acknowledges that the Ministry of Energy and Mines' Letter of Opinion concludes that the procedural aspects of consultation have been satisfactory. However, the Appendix clearly identifies several outstanding requests that remain relevant to the Project.

MSIFN acknowledges MEM's conclusion regarding procedural adequacy. However, the requests summarized in the Appendix - and elaborated in this letter - speak to the substantive implementation of mitigation, restoration, and lifecycle engagement, which remain outstanding and require the OEB's attention through conditions of approval."

In this context, MSIFN expects that the OEB will give substantive consideration to these outstanding requests in its decision-making and will provide Enbridge with the following conditions of approval with respect to consultation:

- Require Enbridge to formalize its commitments related to:
 - Information sharing.
 - Real-time mitigation and adaptive management.
 - Restoration planning and contingency measures.
 - Lifecycle engagement.

MSIFN further requests that the OEB require Enbridge to file the above-noted plans and protocols on the record of this proceeding, and to report on their implementation, so that the Board can maintain oversight of consultation outcomes over the life of the Project.



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Absent such measures, there remains a valid risk that commitments identified during consultation will not be consistently implemented during construction, restoration, and long-term operations.

MSIFN emphasizes that the concerns outlined above are not procedural in nature, but relate directly to the potential for unmitigated impacts to the exercise of Aboriginal and treaty rights protected under section 35 of the *Constitution Act*, 1982. In the absence of clearly defined mitigation triggers, restoration success criteria, contingency measures, and enforceable lifecycle engagement mechanisms, there remains a risk that impacts to lands, waters, and associated rights will not be effectively avoided, minimized, or monitored over time. Meaningful consultation in this context must move beyond procedural adequacy and toward outcomes that reflect the principles of FPIC, including the implementation of measures that avoid, minimize, and actively manage such impacts.

Enbridge is urging the OEB to “move swiftly to a decision...without any additional delays.” For clarity, MSIFN is not seeking to delay the OEB’s decision on the Application. Rather, MSIFN requests that any approval be accompanied by conditions that give effect to the consultation outcomes and ensure that mitigation, monitoring, and lifecycle engagement are implemented throughout construction and operations.

In this context, MSIFN submits that it is appropriate and necessary for the OEB to impose conditions of approval that give effect to the commitments identified through consultation. This includes requirements related to information sharing, real-time mitigation and adaptive management, restoration planning and performance standards, and ongoing monitoring and engagement throughout the life of the Project. Such measures are necessary to ensure that consultation outcomes are implemented in a manner consistent with the principles of FPIC, rather than remaining procedural in nature.

MSIFN provides this submission to ensure that the record clearly reflects the outstanding matters relevant to consultation outcomes and project implementation.

Miigwech,
MSIFN Consultation

cc. Chief Kelly LaRocca