

## INDIGENOUS CONSULTATION

1. Enbridge 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. On December 1, 2017, the NPS 30 Don River Natural Gas Replacement Project (the “Project”) was launched publicly and initial study commencement letters and an invitation to attend the open house was mailed to potentially affected First Nations. The Project notification package outlined the Project scope including the proposed and geographic area of the Project. Enbridge notified and engaged with the Indigenous groups identified as being either potentially affected by or having an interest in the Project to address any concerns they may have about the Project. Information gathered during the course of Enbridge’s engagement with Indigenous groups was incorporated into the Environmental Report (“ER”) set out at Exhibit C, Tab 1, Schedule 3 of this application.
  
3. Enbridge’s engagement was conducted under the auspices of the Ontario Energy Board’s (the “OEB”) *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario 7<sup>th</sup> Edition, 2016* (the “Guidelines”) which include duty to consult requirements for hydrocarbon facility proponents. In order to ensure that Enbridge was compliant with the Guidelines, on October 10, 2017, Enbridge requested that the Ministry of Energy (“MOE”) determine if it would delegate its duty to consult on the Project to Enbridge. A copy of the Project description letter provided by Enbridge to the MOE can be found at Attachment 1 to this Exhibit. On November 14, 2017 Enbridge informed the MOE that the Don River Replacement Project would be separated into two projects: the Don River NPS 30

Replacement Project (the immediate application, i.e., the Project) and the Don River NPS 20 Replacement Project. The email from Enbridge to the MOE seeking guidance on duty to consult for this change is included at Attachment 2 to this Exhibit. Further information on why the Don River Replacement Project was separated into two separate projects is set out at Exhibit B, Tab 1, Schedule 1, page 16. On November 28, 2017, Enbridge received correspondence from the MOE that the duty to consult for the Project had been delegated to Enbridge. A copy of the delegation letter from the MOE to Enbridge can be found at Attachment 3 to this Exhibit. On March 26, 2018 Enbridge informed the MOE of a change to the routing for the NPS 20 Replacement Project and provided a letter to the MOE outlining the routing change and requesting further guidance on the duty to consult (Attachment 4). Also on March 26, 2018, the MOE provided Enbridge with a letter clarifying that, *inter alia*, Enbridge has an ongoing obligation to undertake the procedural aspects of consultation in accordance with the previously issued delegation letter for the Project. A copy of this letter is set out at Attachment 5 to this Exhibit. Further information on Enbridge's Duty to Consult activities can be found later in this Exhibit under the heading Indigenous Group Identification.

4. The information presented in this section reflects Enbridge's Indigenous engagement activities for the Project up to and including May 16, 2018, although such engagement is continuing and will continue throughout the life of the Project.

#### Indigenous Engagement Program Objectives

5. The design of Enbridge's Indigenous engagement program was based on adherence to regulatory guidelines and *Enbridge's Indigenous Peoples Policy* and principles as follows:
  - Enbridge has instituted a company-wide *Indigenous Peoples Policy* (set out at Attachment 6 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, provides timely exchanges of information, understands and addresses Indigenous project-specific concerns, and ensures ongoing dialogue about its projects, their potential implications and benefits.
- Enbridge aligns the interests of potentially affected Indigenous groups with its interests through meaningful, direct Indigenous economic activity in projects corresponding to community capacity and project needs, where possible.
- Enbridge's Indigenous engagement program for the Project recognizes and acknowledges the rights of Indigenous groups, which 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 Guidelines.

#### Indigenous Group Identification

6. Enbridge requested that the MOE provide Enbridge with a list of potentially affected Indigenous groups. Upon review, on November 28, 2017 the MOE identified one community that should be consulted on the basis that they may have constitutionally protected Aboriginal or treaty rights that may be affected by the Project.
  - Mississaugas of the New Credit First Nation ("MNCFN")
7. On December 1, 2017, Enbridge sent a Project notification package to MNCFN that included an overview of the Project, scope of the Project, notice of commencement letter, details regarding the open house and associated Project map. Enbridge requested a meeting with MNCFN to provide them with an overview of the Project and gather information about any potential impacts that the Project may have on

constitutionally protected Aboriginal or treaty rights and any measures for mitigating those adverse impacts.

### Overview of Indigenous Engagement Program Activities

8. Enbridge conducts its Indigenous consultation through various activities such as 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. Enbridge's engagement activities on this Project included the following:

#### Project Information Mail Outs

9. Enbridge distributed an initial study commencement letter regarding the Project. On December 1, 2017, Enbridge emailed this correspondence to the MNCFN Consultation representative to inform them about the Project and how they can get involved and provide comments on the Project. The purpose of this letter was to provide Project updates and details regarding the Open House 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 the MNCFN also requested information on adverse impacts that the Project may have on MNCFN's constitutionally protected Aboriginal or treaty rights and measures for mitigating those adverse impacts.

### Calls and Emails

10. Enbridge also engaged the MNCFN by phone and email. These methods were used to notify the Indigenous group of the Project, and invite their representatives to the Project Open Houses. To follow up, on December 4, 2017, Enbridge contacted the MNCFN by telephone to confirm they had received the Project commencement package. Further, Enbridge requested an in-person meeting with MNCFN to introduce and provide an overview of the Project.

### In-Person Meetings and Presentations

11. On January 23, 2018, Enbridge met with MNCFN in-person. The purpose of the meeting was to inform the community about the Project, discuss any comments or concerns that they may have and provide opportunities for involvement on the Project. At the meeting, Enbridge listened to MNCFN's comments and concerns to ensure on-going dialogue about the Project, its potential implications and benefits. A summary of interests and/or concerns raised by MNCFN during its consultation with Enbridge about the Project is provided below.
12. On January 23, 2018, Enbridge's Environmental Representative and Sr. Advisor Community Engagement met with MNCFN's Consultation Supervisor, Archaeological Coordinator and Regulatory Coordinator to provide them with an overview of the Project.
13. Enbridge shared with MNCFN information on the Project including, Project scope, overview, and Project details. Enbridge provided an overview of the environmental study area that was conducted for the ER which helped identify potential impacts to the environment, social-economic and archaeological features. Enbridge explained that the ER would also highlight the mitigation and protective measures to avoid or minimize impacts. MNCFN inquired if archaeological assessments and environmental surveys

were being planned for the Project. Enbridge explained that a stage one archaeological assessment was being completed and that a Stage 2 archaeological assessment was not anticipated due to the Project site being significantly disturbed. To address MNCFN's interest in archaeological assessments and environmental surveys, Enbridge committed to engaging with them should a Stage 2 archaeological assessment be required. Enbridge also explained that a desktop environmental survey was completed and the results indicated minimal to no adverse impacts from an environmental perspective due to the highly developed and urbanized geographic location of the proposed Project. Enbridge committed to providing the MNCFN with copies of the stage 1 archaeological report and the ER for their information and reference. The Enbridge representative also provided a Project schedule and forecast. Aside from the archaeological assessments and environmental surveys, MNCFN did not express any Project specific concerns. The Enbridge representatives committed to keeping the MNCFN informed if there are any changes to the Project scope.

14. On January 26, 2018, the Enbridge representative emailed a copy of the Don River Replacement Project PowerPoint presentation for their reference.
15. On May 7, 2018, the Enbridge representative emailed the MNCFN representative a copy of the Environmental Report and Stage 1 Archaeological Assessment Report. Enbridge indicated that no further assessments were recommended due to the already extensively disturbed project area. Enbridge requested a call back with any questions the MNCFN may have regarding the Project or the information provided.
16. On May 16, 2018, the MNCFN Consultation Supervisor emailed the Enbridge representative indicating that MNCFN did not have any concerns regarding the

archaeology or the recommendations set out in the Don Valley Replacement Project Environmental Report and Stage 1 Archaeological Report.

Ongoing Indigenous Engagement Activities

17. Enbridge will continue to engage with MNCFN in open and transparent dialogue concerning the Project and will continue to offer meaningful opportunities for them to engage for the purposes of exchanging information respecting the Project, responding to inquiries, hearing and responding to any interests and concerns that may arise. Enbridge anticipates that it will continue its active involvement in community events and initiatives in an effort to maintain a long-term relationship with the community.
18. Enbridge's Indigenous engagement program will continue to involve a number of activities including ongoing follow-up activities for any identified interests or concerns, sharing the results of the Stage 1 archaeological assessment and disseminating the results of the environmental assessment process and avoiding, reducing or mitigating, as appropriate, potential detrimental effects of the Project on Indigenous interests.
19. Enbridge will continue to actively engage with the MNCFN in meaningful ongoing dialogue concerning the Project and endeavor to meet with the First Nation, provided they are willing, for the purpose of exchanging additional 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.
20. A summary of Enbridge's Indigenous engagement activities for the Project – current as of May 16, 2018 – is provided in matrix format at Exhibit F, Tab 1, Schedule 2.