



January 28, 2025

Rumu Sen
Regulatory Policy
Canada Energy Regulator
210-517 10 Ave SW
Calgary AB T2R 0A8
Email: RPPR@cer-rec.gc.ca

Dear Mr. Sen:

Re: Rules of Practice and Procedure, 1995

I am writing to you today as the Executive Director of Intergovernmental Affairs for Mississaugas of the Credit First Nation. In my capacity, I advise on intergovernmental and governance issues and concerns that impact Mississaugas of the Credit First Nation ("MCFN") treaty and traditional lands. With regard to the ever-changing landscape, one of my tasks is to help MCFN implement and maintain sustainability policies and to help the federal and provincial governments ensure responsible development on treaty lands.

The Mississaugas of the Credit were the original owners of the territory embraced in the following description, namely commencing at Long Point on Lake Erie extending eastward to the Niagara River, then along the River to Lake Ontario, northward to the River Rouge east of Toronto, up to the head waters of the River Thames, and back to Long Point. Our treaty territory covers most of the Greater Golden Horseshoe and much of southern Ontario. A map of our treaty lands is attached to this letter.

We have reviewed the Rules and have the following feedback in that regard:

- The Rules are very generic in nature and do not have specific references to First Nations peoples in the Board's processes;
- In addition to notice to the parties at the various stages in board hearings, there should be a requirement to give notice to the relevant First Nations people whose territory may be adversely impacted. In the case of MCFN's treaty area, it is expected that, at a minimum, MCFN will be notified of Canada energy projects and have an opportunity to submit evidence at the different stages in the board's process;
- There are Constitutional and other legislative requirements to consult and accommodate Indigenous groups when their rights are impacted. It is suggested that any Canadian Energy projects on MCFN Treaty land would have an impact and therefore notice of any activities within federal energy jurisdiction be given and in our case notice of projects and an opportunity to submit evidence for said projects occurring on MCFN Treaty territory;



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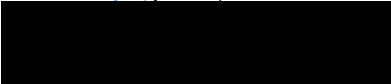


Although not procedural in nature, I would like to share additional comments on the issue of Canada Energy projects on our treaty territory. While there are many high-level Court decisions on Aboriginal legal rights, below we highlight our understanding of some of the federal crown's legislative and other legal responsibilities to Indigenous peoples (and MCFN specifically):

- The *United Nations Declaration on the Rights of Indigenous Peoples Act*, 2021 was passed in June, 2021. *Implementing the UN Declaration is essential to creating a fair, inclusive and equitable society. Together with First Nations, Inuit and Métis, we are charting a new way forward in building renewed nation-to-nation, Inuit-Crown, and government-to-government relationships based on the affirmation of rights, respect, co-operation and partnership*ⁱ. Within the preamble of this Act, it states: “Whereas the Declaration emphasizes the urgent need to respect and promote the inherent rights of Indigenous peoples of the world which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories, philosophies and legal systems, especially their rights to their lands, territories and resources.” Please also see the requirements set out in Articles 8.2 (b), 19, 26.1 and 26.3, 28.1 and 28.2.;
- Her Majesty the Queen in Right of Canada signed a *Consultation Protocol Agreement* with MCFN on September 6, 2018, which provides for many federal responsibilities to MCFN, including: “Whereas a federal duty to consult may arise in relation to a proposed federal activity or decision that may have an adverse impact on the treaty rights or the Aboriginal rights including title claims of the MNCFN (as we were known then)”;
- It is suggested that at a minimum MCFN should be consulted, accommodated, and compensated for any Canadian energy projects on our Treaty land.

The above represents our initial feedback. We welcome the opportunity to collaborate with you on further drafts of the Rules. You may contact me at Mark.LaForme@mncfn.ca for further communication.

Kind Regards,

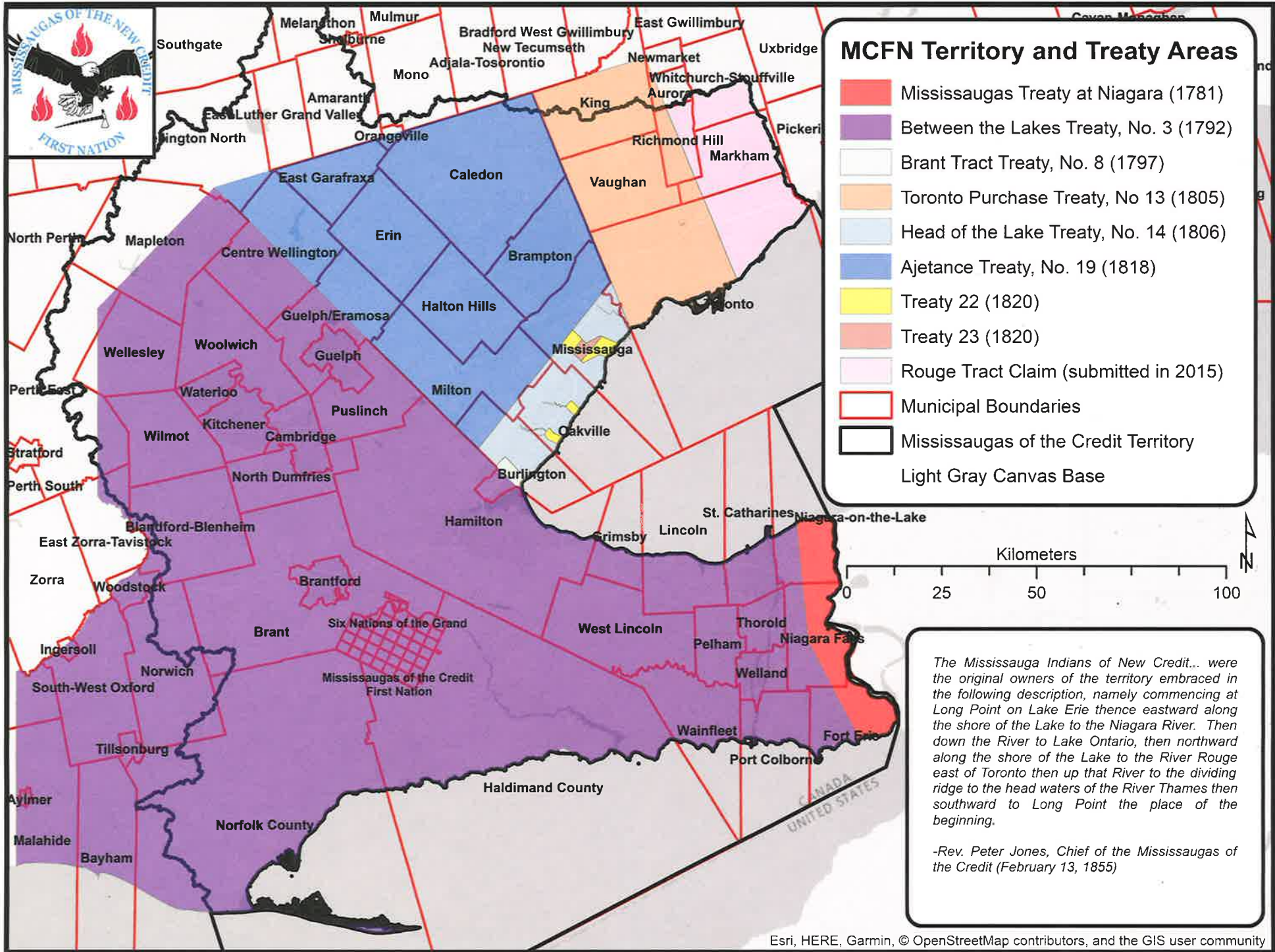


Mark LaForme,
Senior Director of Intergovernmental Affairs

cc. Megan DeVries, Manager of Consultation, MCFN, megan.devries@mncfn.ca
Lindsay Wong, Manager of Environment, MCFN, Lindsay.wong@mncfn.ca
Adam LaForme, Manager of Archeology, MCFN, adam.laforme@mncfn.ca

ⁱ [Implementing the United Nations Declaration on the Rights of Indigenous People Act](#)





Municipalities within Mississaugas of the Credit Treaty Lands and Territory