



January 9, 2025

Environmental Registry of Ontario  
Toronto, ON

Dear Sir/Madame:

Re: Enabling the Development of Commercial-Scale Geologic Carbon Storage in Ontario: The Geologic Carbon Storage Act, ERO # 019-9299

I am writing to you today as the manager of environment for Mississaugas of the Credit First Nation (MCFN). In my capacity, I advise on environmental issues and concerns that impact Mississaugas of the Credit First Nation 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 government 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 thence eastward along the shore of the Lake to the Niagara River. Then down the River to Lake Ontario, then northward along the shore of the Lake to the River Rouge east of Toronto, then up that river to the dividing ridges to the head waters of the River Thames, then southward to Long Point, the place of the beginning.

Our treaty territory covers much of southern Ontario and to that end, we would like to share our concerns with Bill 228, An Act to enact the Geologic Carbon Storage Act, 2024 (Schedule 2). A map of our treaty lands is attached to this letter.

*The purpose of this Act is to enable safe, responsible and permanent storage of carbon dioxide in a manner that protects public safety and the environment and minimize potential adverse impacts on other land and resource uses.*

We appreciate that the Ministry of Natural Resources would like to address and provide a legislative framework for carbon emissions in Ontario and recognize that carbon emissions and climate change are growing concerns. However, we would like to ensure safe and sustainable practices are undertaken and that any impacts on our treaty lands are addressed. It is clear that any geological carbon storage activities and projects undertaken on our treaty land will have a significant and potentially detrimental impact.

A review of the proposed *Geologic Carbon Storage Act* reveals that the *Act* would define and regulate research and evaluation activities, and carbon storage activities associated with permanent storage in underground geologic formations. The *Act* also prohibits undertaking these activities unless they are carried out in accordance with a permit (issued by the Minister) and are within areas and storage repositories prescribed by legislation. It is our understanding



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that a permit allowing for such activities require the Minister's approval and as part of that approval, the Minister would only be able to issue a permit if he is satisfied that, among other things, *the potential impacts on agricultural operations and systems, drinking water sources and current or planned surface and subsurface uses and activities, including mining and mineral development, oil and gas activities and underground geologic storage, have been identified and assessed and suitable measures to mitigate the identified impacts exist and will be implemented, and adequate consultation with Indigenous communities has been carried out, if the activities for which the permit is sought have the potential to adversely affect established or credibly asserted Aboriginal or treaty rights.* MCFN is the sole treaty holder of the lands identified in the attached map and to that end requires that consultation with MCFN is necessary and that it addresses the impacts any geological carbon storage activities and projects have on our land. It is reassuring to us that there will be ongoing monitoring of compliance for geologic storage sites from inception to the closure of such sites and that there is a Carbon Storage Stewardship Fund, paid into by permit holders, which provides financial resources for ongoing management of sites after the closure or in the event that the permit holder can no longer manage the site.

### ***Impacts on Treaty Lands***

With regard to addressing the impact such projects have on our treaty lands, it is essential that MCFN be compensated by legislation, regulations or another standalone agreement. We would like to see this requirement incorporated into the Act or supporting regulations. Given that under the Act, there are compensation provisions, namely: *allowing the Ontario Lands Tribunal to compensate for any injury or damage that would be caused by the exercise of rights of permit holders can be adequately compensated,* it is essential that MCFN be compensated for the impacts any geologic carbon storage tests and activities on our treaty land. I note, *the proposed framework would enable the charging and collection of various fees to help offset costs associated with administering the framework, including fees for processing applications associated with obtaining any authorizations or approvals required under the Act. The Act would also enable regulations to be made requiring operators using Crown land in connection with carbon storage projects to pay rent and other charges for the occupation and use of public land.* This requirement is also an opportunity that, at a minimum, fees (including rent) be collected and distributed to MCFN for any geologic carbon storage activities and projects on treaty lands.

### ***Environmental Protections***

With regard to environmental protections, we note that permits refused by the Minister may be appealed to the Ontario Land Tribunal. We would like to see notice of any appeal be given to MCFN and permission for MCFN to speak to or provide written submissions on any such appeals.

Furthermore, in the supporting regulations, MCFN would like to see clear provisions related to:

- comprehensive geotechnical and environmental reports supporting long-term carbon storage
- minimum testing periods prior to more injection



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- nature and frequency of monitoring
- criteria for siting of carbon storage facilities (or a preliminary map, if possible)
- monitoring requirements post-injection
- maximum limits for carbon to be stored in an area
- rigorous emergency response plan requirements
- monitoring reports be made publicly in an accessible format on a yearly basis
- operator liability for any carbon leakage and associated impacts to the environment

Other considerations:

- How has Ontario forecasted for unforeseen events related to carbon capture?
- How is the province ensuring there is enough money, capacity and expertise to oversee carbon capture facilities?
- How has it ensured that the OLT has the scientific capacity to support regulation?

European Union directives on carbon dioxide capture and geological storage require that operators demonstrate that they are financially secure and technically competent to oversee carbon capture facilities for 20 years after closure. Furthermore, when an operator transfers responsibility to the government or competent authority, the company is required to provide financial security to cover monitoring of the carbon capture facility for the next 30 years. Rigorous financial requirements are thus important to ensuring that carbon capture facilities are well maintained and operated for the safety of all Ontarians. The province must ensure that it errs on the side of caution when approving activities with risks that are not fully understood, particularly in the early days of carbon capture. MCFN doesn't want the province to place itself in a precarious position where too many facilities have been approved without proper oversight. Only qualified operators that are fully committed to the safe storage of carbon capture should be granted permits. Liability shouldn't become the responsibility of Ontario taxpayers; the risks associated with carbon capture could be significant without proper and rigorous safeguards.

In closing, while we understand the reasoning for the proposed *Geologic Carbon Storage Act*, there are a few items identified above that need to be addressed by legislative changes or the drafting of supporting regulations.

I am available at your convenience to discuss this matter further.

Regards,



Lindsay Wong, M.Sc.  
Manager of Environment for MCFN

Encl. (1)

cc. Mark LaForme, Senior Director of Intergovernmental Affairs, MCFN



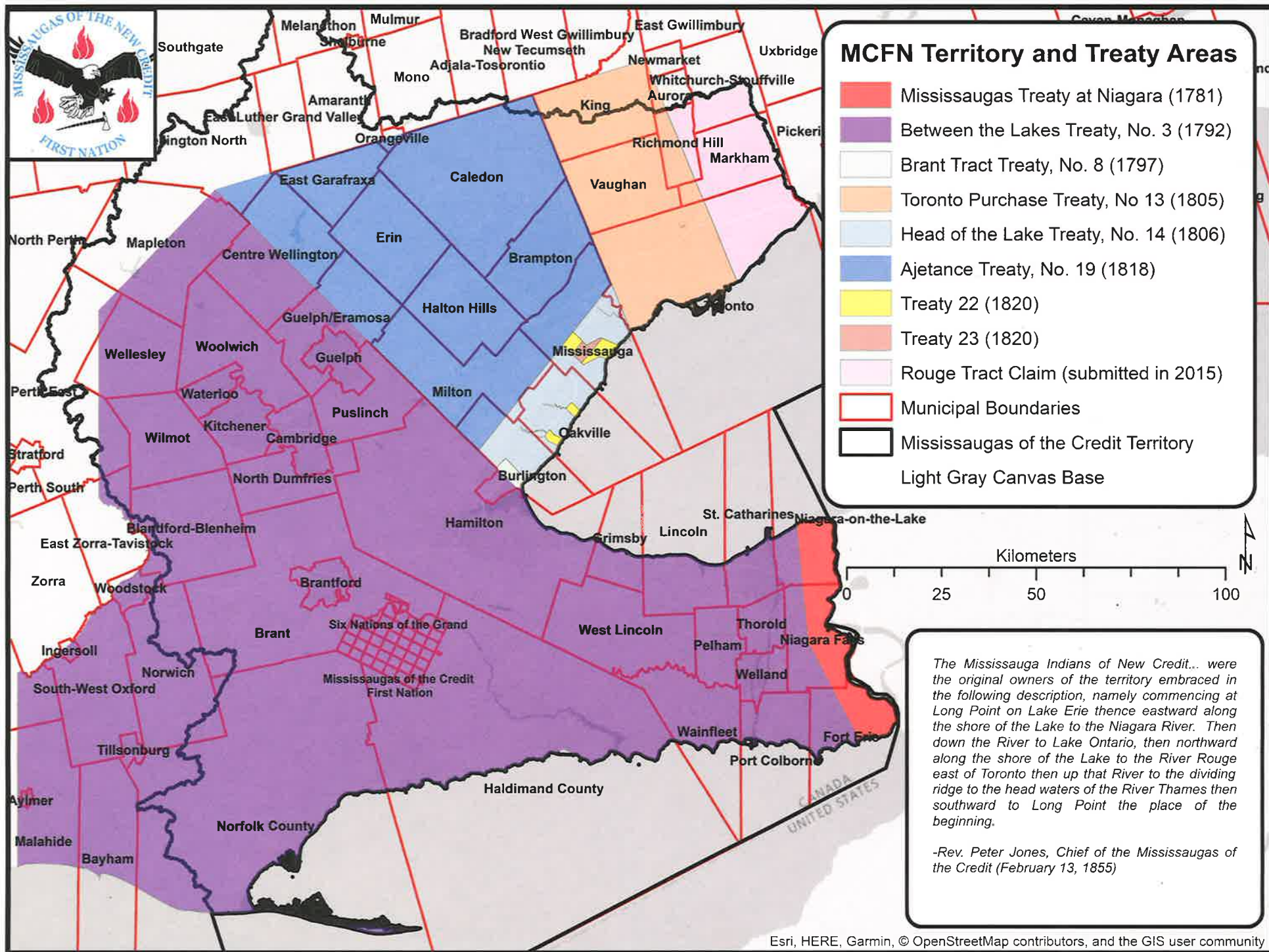
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**Municipalities within Mississaugas of the Credit Treaty Lands and Territory**