



## Re: ERO Posting 026-0019 – Proposed Ministerial Directive to the IESO Regarding the Competitive Procurement of a Transmitter for the Toronto Third Transmission Line

**Submission Date:** February 2026

# 1. Introduction & Purpose

The **Mississaugas of the Credit First Nation (MCFN)** are the **Treaty Holders** of the lands and waters impacted by the proposed Toronto Third Transmission Line (the “Third Line”), including areas governed by Treaty 13 (1805) and Rouge Tract Claim. MCFN exercises inherent stewardship responsibilities within these territories and maintains the right to ensure that development aligns with the protection of lands, waters, ancestors, and Treaty obligations.

The **Mississaugas of the Credit Business Corporation (MCBC)** is the economic development arm of MCFN, mandated to pursue and secure equitable economic participation consistent with MCFN’s rights, interests, and long-term prosperity.

This submission provides formal feedback regarding the proposed **Minister’s Directive** and the associated design of the **Transmitter Selection Framework (TSF)**. It also outlines the requirements MCFN expects the Crown to incorporate to enable meaningful participation, rights-based consultation, and sustainable economic benefit.

# 2. Acknowledgment of Ministry Engagement to Date

MCFN acknowledges the Ministry of Energy and Mines (MEM) efforts to:

- Integrate Indigenous engagement and Indigenous economic participation into eligibility and evaluation criteria.
- Recognize the unique considerations associated with underwater transmission infrastructure.
- Undertake early rights-based consultation in parallel with the ERO posting.

MCFN also acknowledges MEM’s recognition of the concerns brought forward during the December 12, 2025 meeting, including:

- Lack of environmental, archaeological, and lakebed impact information
- Need for early studies prior to procurement design



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- Capacity funding limitations
- Concerns about premature decision-making and cumulative effects

While these acknowledgments are positive, significant work remains to ensure the Directive fulfills Crown obligations and supports meaningful participation before and during the procurement. MCFN holds the view that the concerns which have been brought forward have not been adequately addressed by MEM and that MEM is not in a position to make any decision regarding the Toronto Third Line while these concerns remain unresolved.

### 3. Rights-Based Consultation Requirements

The Crown must ensure robust, early, and ongoing consultation on matters that may adversely impact Aboriginal and Treaty rights.

MCFN requires that the Directive explicitly include:

#### 3.1 Early EA, Archaeological & Lakebed Investigations

Before a decision is made, MEM must:

- Conduct early-stage archaeological assessments, including underwater archaeology.
- Complete lakebed and aquatic habitat impact studies, including cumulative assessments.
- Provide MCFN with direct access to technical data, modeling, and fieldwork results.
- Commit to avoidance, mitigation, or redesign where impacts intersect with cultural heritage or environmental risk.

It is not sufficient for MEM to defer these investigations until procurement is finalized, as such a decision presumes that the project will proceed. The potential impacts to MCFN's Aboriginal and Treaty Rights are in this case so great that investigations must precede any decision, approval, or procurement in order to determine whether or not the project is appropriate when weighed against the fully understood impacts to our Rights.

#### 3.2 Crown Capacity Funding Obligations

MCFN cannot meaningfully participate without stable, predictable, and upfront capacity funding.





The Directive must:

- Require MEM and/or IESO to fund Indigenous consultation and engagement activities, including fieldwork participation, prior to RFP release.
- Require proponents to provide supplemental capacity funding throughout the procurement and EA.
- Ensure DOCA has resources to conduct Treaty rights review, technical review, and engagement.

### 3.3 Delegated Consultation Protocols

If procedural aspects of consultation are delegated to the selected transmitter, the Directive must require:

- A formal Consultation Plan, co-developed with MCFN DOCA, prior to designation.
- Mandatory adherence to MCFN's internal consultation processes.
- Reporting back to MCFN and MEM on consultation outcomes.

## 4. Indigenous Economic Participation Requirements

MCFN requires that the Directive contain mandatory and enforceable IEPP (Indigenous Economic Participation Plan) standards.

### 4.1 Minimum Equity Ownership Threshold

MCFN requires a minimum 50% equity option when the transmission line crosses Treaty 13/Rouge Tract Claim territory, proportional to:

- Length and location of assets
- Impact profile
- Landfall and infrastructure footprint

This aligns with recent Crown and utility precedents.

### 4.2 Enforcement Mechanisms

IEPP commitments must be:





- Recognize the Right to economic opportunity as a Treaty Right through implementation of MCFN's First Nation Treaty Holder Procurement Policy
- Contractually binding
- Monitored annually
- Subject to penalties for non-performance
- Integrated into contract continuance and milestone approvals

### **4.3 Supply Chain, Employment & Training Requirements**

Proponents must:

- Prioritize Indigenous procurement under MCFN's First Nation Treaty Holder Procurement Policy
- Provide long-term employment, apprenticeships, operational roles
- Develop workforce training aligned with project delivery

### **4.4 First Nation Partnership Expectations**

Proponents with no demonstrated history working with First Nation equity partners should not be eligible to bid.

Experience must include:

- Successful First Nation equity transactions
- Project-level partnerships
- Demonstrated environmental co-decision making
- Indigenous archaeology stewardship

## **5. Technical and Environmental Requirements**

The underwater HVDC proposal introduces unique environmental and cultural risks. To mitigate these risks, MCFN requests the following additions to the Directive:

### **5.1 Underwater Routing Risk Analysis Requirements**

The RFP must require proponents to:

- Demonstrate prior underwater transmission experience
- Provide detailed environmental risk modeling





- Identify mitigation methods for lakebed disturbance, sediment plumes, and protected species
- Conduct cumulative effects assessments informed by Treaty history and MCFN knowledge systems
- Provide MCFN with input into routing design influence respecting MCFN knowledge systems

## 5.2 EA Must Not Be a Post-Selection Afterthought

EA findings must meaningfully shape design and have the opportunity to result in project cancellation if warranted — not validate predetermined decisions.

We require:

- EA-related criteria integrated into proposal scoring
- Disqualification where proponents fail to meet baseline standards
- Joint development of EA scopes with DOCA and MEM

## 6. Procurement Design & TSF Recommendations

MCFN supports a competitive procurement but emphasizes that competition must not disadvantage First Nation Treaty Holder-led bids.

### 6.1 Indigenous Partnership Must Begin Before Bid Submission

Proponents should not be permitted to “add” Indigenous partners after selection.

Directive should require:

- Fully executed consortium agreements at submission
- Verified equity arrangements
- First Nation Treaty Holder governance roles embedded in project structure

### 6.2 Reasonable Timelines are Essential

Given the complexity of underwater HVDC design and the need for meaningful First Nation Treaty Holder participation, IESO must:

- Provide reasonable proposal preparation windows





- Release final commercial terms well before RFP launch
- Publish full technical specifications at RFP opening

### 6.3 Financing Considerations

The Directive must require government support for First Nation Treaty Holder equity financing, including:

- Early-stage participation from CIB and BOF
- Ability to use milestone-based payments to reduce financing burden
- Compatibility with Indigenous-owned investment vehicles

## 7. Position of MCFN and MCBC Regarding Participation

MCBC confirms strong intent to participate as an equity co-developer in the Third Line, conditional on:

1. Rights-based consultation is respected and properly resourced
2. Equity participation is structurally embedded in procurement design
3. MCFN's environmental, archaeological, and Treaty rights concerns are addressed
4. Consortium bidders engage MCFN/MCBC from the earliest stages

MCBC is actively evaluating partnership opportunities to structure a First Nation Treaty Holder-led competitive consortium aligned with the TSF.

## 8. Requests to the Minister

MCFN and MCBC respectfully request that the Minister incorporate the following into the final Directive:

### 8.1 Rights-Based Requirements

- Early environmental, archaeological, and lakebed studies
- Mandatory Consultation Plan co-developed with MCFN DOCA
- Dedicated and upfront capacity funding





## 8.2 Economic Participation Requirements

- Mandatory minimum 50% First Treaty Holder equity threshold
- Binding IEPP with enforcement mechanisms
- Treaty Holder Procurement Policy integration

## 8.3 Procurement Structure Requirements

- Extended bid preparation period
- Early release of technical/commercial terms
- Requirement that Indigenous partners be secured before submission

## 8.4 Transparency & Accountability

- Annual reporting on First Nation Treaty Rights Holder commitments
- Public disclosure of IEPP performance
- Penalties for non-compliance

## 9. Conclusion

The Third Toronto Transmission Line represents a once-in-a-generation opportunity for Ontario to demonstrate true partnership with First Nation Treaty Holders. A procurement framework that embeds First Nation rights, participation, and stewardship from the outset is essential to achieving reconciliation, sustainable development, and shared prosperity.

MCFN and MCBC look forward to continuing this dialogue with MEM and the IESO and to working collaboratively toward a procurement process that reflects Treaty obligations, environmental stewardship, and economic equity.

Miigwech,

Chief Margaret Sault

cc: MCBC, DOCA

