

Carol Lee

From: Eglintoneastlrt
Sent: May 30, 2024 9:44 AM
To: Kayla Ponce de Leon; Don Richardson
Cc: Consultation; David Brutto; Edna Cuvin; Pariag, Jeremiah
Subject: RE: Attn: Anna Kim - City of Toronto - Eglinton East Light Rail Transit (LRT) - Environmental Project Report (EPR)

Hi Kayla, hi Don,

Thank you for your patience. It is a very busy week.

I am awaiting confirmation from the project team but I wonder if you could tentatively hold Tuesday, June 4th, 4:00 pm. I should be able to follow up today or tomorrow morning to confirm.

Thank you,

Anna

Anna Kim (she/her)
Senior Public Consultation Coordinator
Policy, Planning, Finance and Administration
City of Toronto
Anna.Kim@toronto.ca
416-338-1837



From: Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>
Sent: Friday, May 24, 2024 9:29 AM
To: Eglintoneastlrt <Eglintoneastlrt@toronto.ca>; Don Richardson <drichardson@scugogfirstnation.ca>
Cc: Consultation <consultation@scugogfirstnation.com>; David Brutto <David.Brutto@toronto.ca>; Edna Cuvin <Edna.Cuvin@toronto.ca>; Pariag, Jeremiah <Jeremiah.Pariag@hdrinc.com>
Subject: [External Sender] Re: Attn: Anna Kim - City of Toronto - Eglinton East Light Rail Transit (LRT) - Environmental Project Report (EPR)

Hello Anna,
Unfortunately, those times are already booked. They have availability:

- Monday, June 3 - after 11:30am
- Tuesday, June 4 - after 1:00pm

Please let me know if you need additional dates.

Thank you,
Kayla Ponce de Leon
Project Planning and Administrative Assistant
kayla.poncedeleon@minogi.ca
consultation@scugogfirstnation.com

P: 905-985-3337 Ext. 700 Or 1-800-647-8454 Ext. 700

Minogi Corp.

Mississaugas of Scugog Island First Nation



From: Eglintoneastlrt <Eglintoneastlrt@toronto.ca>

Sent: Thursday, May 23, 2024 4:35 PM

To: Don Richardson <drichardson@scugogfirstnation.ca>

Cc: Consultation <consultation@scugogfirstnation.com>; Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>; David Brutto <David.Brutto@toronto.ca>; Edna Cuvin <Edna.Cuvin@toronto.ca>; Pariag, Jeremiah <Jeremiah.Pariag@hdrinc.com>

Subject: RE: Attn: Anna Kim - City of Toronto - Eglinton East Light Rail Transit (LRT) - Environmental Project Report (EPR)

Dear Don,

Please let us if you are available to meet on one of these dates and times:

- Tuesday, May 28 - 10:30 am
- Friday, May 31 - 1:00 pm

Thank you,

Anna Kim (she/her)

Senior Public Consultation Coordinator

Policy, Planning, Finance and Administration

City of Toronto

Anna.Kim@toronto.ca

416-338-1837



From: Don Richardson <drichardson@scugogfirstnation.ca>

Sent: Tuesday, May 21, 2024 8:22 PM

To: Eglintoneastlrt <Eglintoneastlrt@toronto.ca>

Cc: Consultation <consultation@scugogfirstnation.com>; Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>

Subject: [External Sender] Re: Attn: Anna Kim - City of Toronto - Eglinton East Light Rail Transit (LRT) - Environmental Project Report (EPR)

Anna,

We have not heard from you regarding our reply to your notification.

Please suggest some date/time windows when we can speak, and copy the MSIFN Consultation address above, and Kayla Ponce de Leon so we can schedule a time.

Don Richardson

From: Don Richardson <drichardson@scugogfirstnation.ca>
Sent: Wednesday, May 15, 2024 3:04:14 PM
To: eglintoneastlrt@toronto.ca <eglintoneastlrt@toronto.ca>
Cc: Consultation <consultation@scugogfirstnation.com>; Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>
Subject: Attn: Anna Kim - City of Toronto - Eglinton East Light Rail Transit (LRT) - Environmental Project Report (EPR)

Anna,

Thank you for the information you have provided to the Mississaugas of Scugog Island First Nation (MSIFN) regarding the proposed Eglinton East LRT and the opportunities to comment on the Environmental Project Report (EPR). My original email to you bounced back - I am trying you again - I also just left you a voicemail.

The project study area is within the treaty areas of the Williams Treaties First Nations (WTFNs), including MSIFN as the closest WTFN to the project.

I would like to speak with you at your earliest convenience to understand better the timelines for MSIFN to review and provide comments on the EPR. We will need to outsource some of the technical review work to a qualified firm, and we will also require capacity funding to complete the review, draft comments to present to Chief and Council, and submit to the City of Toronto.

Please suggest some date/time windows when we can speak, and copy the MSIFN Consultation address above, and Kayla Ponce de Leon so we can schedule a time.

Don

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CEO, Minogi Corp. / First Nation Consultation Advisor
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Nahed, Karim

From: Don Richardson <drichardson@scugogfirstnation.ca>
Sent: Friday, August 2, 2024 12:51 PM
To: Eglintoneastlrt; Ameer Idreis; Rob Lukacs; Kayla Ponce de Leon; Consultation
Cc: Edna Cuvin; David Brutto; kelly.larocca; sylvia.coleman; jeff.forbes; cathy.richards
Subject: [External Sender] Re: Eglinton East LRT

Anna,

I copy MSIFN Chief and Council on this reply.

Thank you for your note. It is unfortunate that the City of Toronto is not able to execute the requested capacity funding agreement.

The Eglinton East Light Rail Transit (EELRT) is a major infrastructure project that will likely have significant and permanent impacts on MSIFN's rights and interests. This is an 18.6 km light rail transit corridor across the eastern Scarborough and the Johnson-Butler Purchase (also known as the "Gunshot Treaty") which is one of the treaties included in the 2018 Williams Treaties Settlement Agreement to which MSIFN is a party.

The study area includes three significant creek crossings including tributaries to the Rouge River, and the Project may require in-water works, with the potential for harmful alteration, disruption or destruction (HADD) of fish habitat. The City of Toronto's 2023 Natural Heritage Report notes the City has not undertaken fish collection or other methods to determine and verify fish species present, relying only on secondary data. Portions of the study area include high quality forest and wetland communities, and high quality habitat for native and specialized plant species including Black Ash (a species at risk), and regionally and locally rare plant species. Areas of Natural and Scientific Interest (ANSIs) include the Highland Creek Swamp, the Rouge Valley, Morningside Creek Forest/Milnes Forest, the Highland Creek-Morningside Wetland Complex, and the area of Highland Forest/Morningside Park Forest/Highland Creek West. The City's available reporting fails to include information on Indigenous Cultural Landscapes. Several locations in the study area have archaeological potential. Transit Oriented Community approaches may be applied to this project in future stages of design, resulting in cumulative impacts.

Determining a path to secure capacity funding to enable MSIFN to engage in reasonable and meaningful consultation with the City of Toronto on the above matters and others, through MECP, will take some time, and we are unlikely to reach an accommodation agreement with MECP during the 30-day review period for the EPR that the City will launch this month. Asking MSIFN to pursue a capacity funding accommodation agreement with MECP, just prior to the City launching a 30 day review period, is unreasonable.

I suggest that the City reconsider its decision, and in parallel, directly engage with MECP on this matter, and copy us on your correspondence.

MSIFN has limited resources. MSIFN does not participate in consultations as a party to this project. The expense of consultation arises as a result of the City of Toronto's desire to pursue this project, for the benefit and gain to the City of Toronto, and the City's desire to see the project move ahead. The City of

Toronto should not expect MSIFN to absorb consultation costs from MSIFN's general resources in these circumstances. There is a range of case law that supports MSIFN's reasonable request based on these exact circumstances.

MSIFN routinely engages in consultation processes with Metrolinx for projects of similar scale and impact. MSIFN and Metrolinx have a positive relationship where MSIFN's inputs on projects result in a range of reasonable technical and cultural heritage accommodations. Metrolinx does not refuse to accommodate reasonable capacity funding. Similarly, other GTA municipalities enter into capacity funding agreements with MSIFN, routinely, for a range of projects, including linear corridor and transportation projects.

Don Richardson

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From: Eglintoneastlrt <Eglintoneastlrt@toronto.ca>

Sent: August 2, 2024 11:32 AM

To: Don Richardson <drichardson@scugogfirstnation.ca>; Ameer Idreis <Aidreis@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>; Consultation <consultation@scugogfirstnation.com>

Cc: Edna Cuvin <Edna.Cuvin@toronto.ca>; David Brutto <David.Brutto@toronto.ca>

Subject: Eglinton East LRT

Hi Don, Rob, Ameer and Kayla,

On behalf of the Eglinton East Light Rail Transit (EELRT) project team, thank you for your patience as we have worked to respond appropriately to the Mississaugas of Scugog Island First Nation's request for capacity funding to complete technical reviews of the EELRT's Transit and Rail Project Assessment Process (TRPAP).

Based on an internal administrative review of the request for capacity funding, we have received clarification that the City of Toronto is not authorized to execute the requested capacity funding agreement and is unable to provide such funds to review studies and reports related to the EELRT TRPAP.

As you are aware, the City of Toronto is completing its consultation obligations under the TRPAP as prescribed by *Ontario Regulation 231/08* and as required the Ministry of Environment, Conservation and Parks (MECP). This process does not include the provision of capacity funding or other payments.

It is the City of Toronto's role under TRPAP to consult and report to the Province, thus, it would be appropriate, should MSFIN choose, for you to further discuss concerns around capacity funding with the Province.

At this time, the EELRT project team has prepared a pre-assessment document (see attachment) which will be included in the final Environmental Project Report (EPR) to be issued for review at the TRPAP Notice of Completion and provides a summary of the anticipated impacts and proposed mitigations of the EELRT project that the project team understands may be of interest to Indigenous communities. The summary is based upon the scope of work performed to date on the project, along with feedback received from Indigenous communities through several meetings and presentations.

This pre-assessment gives an overview of impacts along with a summary of proposed mitigation measures in the following categories:

- Natural Environment
- Built Heritage Resources and Cultural Heritage
- Archaeological Resources

The pre-assessment notes that a Stage 2 Archeological Assessment will be undertaken at a subsequent design phase, which will include further consultation with Indigenous Communities. The current TRPAP phase of work has been limited to Stage 1 Archaeological Assessment.

The EELRT project team understands that this document is based on our interpretation of Indigenous community interests that have been expressed to us and we welcome, on an ongoing basis, the identification of any other areas of interest, any areas where further information would be helpful, or anything that you feel has been missed in this pre-assessment for Indigenous communities.

The City of Toronto is committed to engaging with Indigenous communities through the conclusion of the current project assessment process as prescribed by *Ontario Regulation 231/08* and ongoing through future required assessments through the completion of the project.

We anticipate launching the 30-day review period of the EPR this month and will provide further notice.

Please let us know if you have any questions.

On behalf of the EELRT Project Team,

Anna Kim (she/her)

Senior Public Consultation Coordinator

Policy, Planning, Finance and Administration

City of Toronto

EglintonEastLRT@toronto.ca

416-338-1837



From: Don Richardson <drichardson@scugogfirstnation.ca>
Sent: Friday, July 5, 2024 9:04 AM
To: Eglintoneastlrt <Eglintoneastlrt@toronto.ca>; Anna Kim <Anna.Kim@toronto.ca>
Cc: Edna Cuvin <Edna.Cuvin@toronto.ca>; David Brutto <David.Brutto@toronto.ca>; Tracy Manolakakis <Tracy.Manolakakis@toronto.ca>; Pariag, Jeremiah <Jeremiah.Pariag@hdrinc.com>; Nahed, Karim <Karim.Nahed@hdrinc.com>; Adam Saddo <Adam.Saddo@toronto.ca>; Ameer Idreis <Aidreis@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>; Consultation <consultation@scugogfirstnation.com>
Subject: [External Sender] Re: Eglinton East LRT Meeting Agenda

Anna,

Attached please find a template of a capacity funding agreement MSIFN is using with other GTA municipalities. Our agreements typically include confidentiality clauses, preventing us from sharing specific agreements. This agreement includes an indicative budget schedule. I also attach the MSIFN-Minogi fee schedule for reference.

Features of this agreement:

1. Project specific - Schedules include a project description, and a work plan which normally includes an approvals roadmap for the project and indicative schedule of expected dates for transmitting draft documents and expected dates for receiving comments to help us schedule review work
2. OCAP - Ownership Control, Access and Possession clause regarding Indigenous Knowledge - standard for most First Nation agreements in Canada
3. Confidentiality clause
4. Focus on meaningful consideration with the aim of avoiding, accommodating or mitigating any real or potential adverse impacts on MSIFN's aboriginal or treaty rights
5. Anticipating the project will develop measures for avoidance, mitigation and/or accommodation determined in good faith discussion between the Parties, the Agreement includes developing a follow-on binding Project Implementation Agreement between MSIFN and the municipality.
6. Procurement - jointly develop a schedule to provide status updates on the design and construction of the Project and share available procurement opportunities associated with the Project in accordance with the municipality's Procurement Bylaw so MSIFN businesses can bid on the opportunities to provide services and materials associated with the Project
7. Dispute resolution - each Party's senior representative attempt to resolve any disputes
8. Acknowledgement of MFIPPA
9. Municipal agreements typically include signature for approval by the municipality's solicitor
10. Budget schedule based on time and materials associated with the work plan

Let me know if you have any questions or wish to arrange a call to discuss this further.

Thank you,

Don

Don Richardson

CEO, Minogi Corp. / First Nation Consultation Advisor

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C: 226-820-5086

Minogi Corp.

Mississaugas of Scugog Island First Nation



MINOGI

GROW WELL

From: Eglintoneastlrt <Eglintoneastlrt@toronto.ca>

Sent: July 2, 2024 12:27 PM

To: Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>; Consultation <consultation@scugogfirstnation.com>

Cc: Edna Cuvin <Edna.Cuvin@toronto.ca>; David Brutto <David.Brutto@toronto.ca>; Tracy Manolakakis <Tracy.Manolakakis@toronto.ca>; Pariag, Jeremiah <Jeremiah.Pariag@hdrinc.com>; Nahed, Karim <Karim.Nahed@hdrinc.com>; Adam Saddo <Adam.Saddo@toronto.ca>

Subject: RE: Eglinton East LRT Meeting Agenda

Hi Don, Rob, Ameer and Kayla,

Please find attached a summary of our meeting on June 18, 2024.

On behalf of the Eglinton East LRT Project Team,

Anna Kim (she/her)

Senior Public Consultation Coordinator

Policy, Planning, Finance and Administration

City of Toronto

Anna.Kim@toronto.ca

416-338-1837



From: Eglintoneastlrt

Sent: Tuesday, June 18, 2024 1:36 PM

To: Don Richardson <drichardson@scugogfirstnation.ca>; Rob Lukacs <rlukacs@scugogfirstnation.ca>; Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>; Consultation <consultation@scugogfirstnation.com>

Cc: Edna Cuvin <Edna.Cuvin@toronto.ca>; David Brutto <David.Brutto@toronto.ca>; Tracy Manolakakis <Tracy.Manolakakis@toronto.ca>; Pariag, Jeremiah <Jeremiah.Pariag@hdrinc.com>; Nahed, Karim <Karim.Nahed@hdrinc.com>; Adam Saddo <Adam.Saddo@toronto.ca>

Subject: RE: Eglinton East LRT Meeting Agenda

Hi Don, Rob, Ameer and Kayla,

Please find attached a copy of the presentation from our meeting today. Note, it has been amended to reflect the updated name of Ontario Regulation 231/08 (namely, Transit **and Rail** Project Assessment Process or **TRPAP**).

On behalf of the Eglinton East LRT Project Team,

Anna Kim (she/her)
Senior Public Consultation Coordinator
Policy, Planning, Finance and Administration
City of Toronto
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From: Eglintoneastlrt
Sent: Wednesday, June 12, 2024 4:26 PM
To: Don Richardson <drichardson@scugogfirstnation.ca>
Cc: Edna Cuvin <Edna.Cuvin@toronto.ca>; David Brutto <David.Brutto@toronto.ca>; Tracy Manolakakis <Tracy.Manolakakis@toronto.ca>; Kayla Ponce de Leon <kponcedeleon@scugogfirstnation.ca>; Consultation <consultation@scugogfirstnation.com>; Pariag, Jeremiah <Jeremiah.Pariag@hdrinc.com>
Subject: Eglinton East LRT Meeting Agenda

Hi Don,

For our meeting about the Eglinton East LRT with Mississaugas of Scugog Island First Nation on Tuesday, June 18 at 10:00 a.m., I understand you would like to discuss:

- Timelines for MSIFN to review and provide comments on the EPR
- Capacity funding to complete technical reviews and draft comments to present to Chief and Council, and submit to the City of Toronto

I wonder if there is anything else to add to the meeting agenda – would it be helpful to have an overview of the project? Please let me know at your earliest convenience.

On behalf of the EELRT Project Team, thanks so much,

Anna

Anna Kim (she/her)
Senior Public Consultation Coordinator
Policy, Planning, Finance and Administration
City of Toronto
EglintonEastLRT@toronto.ca
416-338-1837



Meeting with Mississaugas of Scugog Island First Nation

Date: Tuesday, June 18, 2024

Meeting Type: Virtual

Start time: 10:00 a.m. **End Time:** 11:00 a.m.

Project Overview:

The Eglinton East Light Rail Transit (EELRT / future Line 7) is a proposed 18-kilometre light rail transit system in Scarborough. The line will extend from Kennedy Station to Malvern Town Centre via the University of Toronto Scarborough Campus (UTSC), with a connection to the future Line 2 terminus at Sheppard Avenue and McCowan Road.

Meeting Objectives:

The meeting was held at the request of the Mississaugas of Scugog Island First Nation (MSIFN), as they sought to learn more about the project, specifically:

- Context of the project in the treaty area
- Timelines for MSIFN to review and provide comments on the Environmental Project Report (EPR)
- Capacity funding to complete technical reviews.

A high-level presentation on the project background, overview of the 10% design and timelines was provided by Karim Nahed (HDR). A copy of the presentation deck was shared with MSIFN ahead of the meeting.

Meeting Overview:

- MSIFN interested in Transit-Oriented Communities (TOC) and whether included in this project. It was noted that Infrastructure Ontario and Metrolinx have not consulted with MSIFN regarding TOCs and land requirement processes regarding TOCs.
- TOCs are not a part of the EELRT. The City has been made aware that TOCs are planned for where the EELRT will connect to the existing subway station at Kennedy Station.
- City Council approved the EELRT and for City staff to proceed with a TRPAP in November 2023.
- MSIFN advised that early engagement would have been helpful.
- City advised that consultation on the proposed design took place in advance of the TRPAP in May 2023 and information was sent to MSIFN at the time.
- City staff advised that the project is still in early stages (only at 10% design) and that no opportunities to provide feedback have been missed.
- There is no timeline for construction at this time. The City is still trying to secure funding for future stages and project implementation. Sections of the EELRT interfacing with the Scarborough Subway Extension could not begin construction until 2032 but other parts of the alignment could begin construction earlier.
- MSIFN would typically review the entire EPR but would need to contract out to third party to conduct the review. MSIFN had recently received \$50,000 in capacity funding from Durham Region for review of the Durham Region Bus Rapid Transit (DSNRT) project.

- City of Toronto has not provided capacity funding to First Nations to-date on other studies and has no current policy in place.
- MSIFN could look into whether details of the agreement with Durham Region can be shared or a contact at Durham Region provided.
- MSIFN costs are based on staff time for review of all materials.
- It was noted that City staff would need to confirm with senior leadership and determine whether agreements would require approval by City Council.
- MSIFN shared that the recent Supreme Court of Canada ruling on the United Nations Declaration on the Rights of Indigenous Peoples provides direction on treaty rights.
- MSIFN concerned about impacts on cultural heritage, archeology, harvesting rights, environmental impacts, such as the flow from creeks into Lake Ontario and its affect on aquatic habitat.
- MSIFN noted that this project might impact their Treaty rights, particularly related to the ability to acquire land under the 2018 Williams Treaties First Nations Settlement. Their concern is largely related to the future development of TOCs, which they view as being enabled by this project.
- MSIFN noted the potential need for a Project Agreement which is the same as an Impact Benefit Agreement and is typically made to enable long-term management of impacts, environmental enhancements and mitigations.
- It was noted that TTC is also a partner in the project.
- Don commented that the City of Toronto needs to work with First Nations as treaty rights' holders that have binding agreements with provincial and federal governments.
- City of Toronto is embarking on Memorandum's of Understanding with First Nations through the Indigenous Affairs Office. City staff will bring this to their attention.
- MSIFN connects with other Williams' Treaties First Nations and usually, one nation takes the lead on a project based on the nation that is the closest to the project area. To date, MSIFN has not had a chance to talk to other Williams Treaties First Nations about the EELRT project.

Follow-Up Items:

1. City staff to provide copy of presentation to Mississaugas of Scugog Island First Nation.
2. Mississaugas of Scugog Island First Nation to provide estimate for capacity funding required to review EELRT EPR and supporting materials.
3. Mississaugas of Scugog Island First Nation to provide sample / template capacity funding agreement.
4. City staff to advise senior staff of the request for capacity funding.
5. City staff to contact Indigenous Affairs Office about MSIFN's interests.

Mississaugas of Scugog First Nation

Don Richardson, Minogi Corporation
Rob Lukacs, Mississaugas of Scugog Island
Ameer Adris, Mississaugas of Scugog Island

Project Team and City Staff



Eglinton East LRT

City of Toronto – Transit Expansion

Edna Cuvin

Adam Saddo

City of Toronto – Public Consultation Unit

Anna Kim

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HDR

Karim Nahed

Jeremiah Pariag