



ONTARIO'S STRATEGIC AREAS RELATED TO ACCESSING THE NORTH
MATAWA CHIEFS COUNCIL
Version Date—August 24, 2020

Ontario's Bill 197 legislative revisions to the *Environmental Assessment Act*, 1990 accomplishes the following significant items:

Introduces a new term - 'project'.

"project" means one or more enterprises or activities or a proposal, plan or program in respect of an enterprise or activity; ("projet")

Redefines a 'proponent' of a project and removes the term 'undertaking'.

"proponent" means a person who,

- (a) carries out or proposes to carry out ~~an undertaking or a project~~, or
- (b) is the owner or person having charge, management or control of ~~an undertaking or a project~~; ("promoteur")

Repeals the definition of 'undertaking'.

"undertaking" means,

- (a) an enterprise or activity or a proposal, plan or program in respect of an enterprise or activity by or on behalf of Her Majesty in right of Ontario, by a public body or public bodies or by a municipality or municipalities,
- (b) a major commercial or business enterprise or activity or a proposal, plan or program in respect of a major commercial or business enterprise or activity of a person or persons other than a person or persons referred to in clause (a) that is designated by the regulations, or
- (c) an enterprise or activity or a proposal, plan or program in respect of an enterprise or activity of a person or persons, other than a person or persons referred to in clause (a), if an agreement is entered into under section 3.0.1 in respect of the enterprise, activity, proposal, plan or program; ("entreprise")

Adds a new non-derogation clause.

Existing aboriginal and treaty rights

2.1 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*, 2020, c. 18, Sched. 6, s. 2.

Ontario's Strategy To Absolve Itself of Crown Obligations to James Bay Treaty # 9 and First Nations across Ontario

[These are now enacted into legislation.]

- ✓ Introduce into legislation new emphasis of 'projects' and 'proponents'.
- ✓ Keep focus on 'project' and **delete** the 'undertaking' aspect or 'taking up of land' activity of Ontario.
- ✓ Use Section 35 as a shield to protect itself and against First Nations Inherent Aboriginal and Treaty Rights.
- ✓ Hide the Crown duty to consult and accommodate behind now eliminated or reduced requirements of Ontario Environmental Assessments or hide behind the new yet undetermined federal Impact Assessment process.



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CROWN RELATIONS	<ol style="list-style-type: none"> 1. Royal Assent – Bill 100 Protecting What Matters Most Act Schedule 17 - Crown Liability and Proceedings Act, 2019 – Protection of Crown on decision making. 2. Role of the Lieutenant-Governor Elizabeth Dowdeswell for Orders-In-Council and approvals of OICs in the economic interests of Ontario. [Mines – roads – permits being ordered.] 3. Chiefs Of Ontario/Ontario Political Accord, 2015 4. Nishnawbe Aski Nation/Ontario Treaty Relationship Agreement, 2018 5. Resource Revenue Sharing Agreements May 2018 – Template process for share of mining and forestry proceeds of the Crown [GCT # 3, Mushkegowuk Council, Wabun Tribal Council]
LAND	<ol style="list-style-type: none"> 6. Original proposal to repeal the Far North Act, 2010. Now currently a ‘revision’ process underway directly with limited discussions between MNRF and Nishnawbe Aski Nation (NAN). 7. Royal Assent - Bill 132 Red Tape Reduction Schedule 15 Changes to the <i>Aggregate Resources Act, 1990</i> and regulations that includes pits and quarries across James Bay Treaty # 9 and Ontario portion of Treaty # 5. 8. Ontario Big Game Management Advisory Committee – Hunting recommendations and discussions related to constitutionally protected rights. Reports do indicate non-Indigenous pressure on government. 9. Bait Management Strategy developed by Ontario with Bait Management Units including the north. There is an economic interest for First Nations on this item. 10. Royal Assent – Bill 197 COVID-19 Economic Recovery Schedule 10 – Legislated establishment of Provincial Land and Development Facilitator (functions related to growth, land use and other matters, including Provincial interests.) <p>Note – Tourism monitoring required related to land use, permitting etc.</p>
FORESTRY	<ol style="list-style-type: none"> 11. Completed - Ontario Draft Forestry Sector Strategy 12. Completed - Proposed changes to the <i>Crown Forest Sustainability Act, 1994</i> (CFSA) 13. Completed - Revising the Forest Manuals regulated under the CFSA. 14. Completed - Revising Independent Forest Audit Requirements under Regulation 106/04 of the CFSA. 15. Royal Assent – Bill 197 COVID-19 Economic Recovery Schedule 6 - Exempting forest management activities from the <i>Environmental Assessment Act, 1990</i> (EAA). 16. Developing strategic direction for managing forest pests in Ontario
MINING	<ol style="list-style-type: none"> 17. Express and streamline (remove red tape) related to plans, permits, consultation, access to mining lands; providing input on Protected areas and Land Use Issues across the province (ENDM Ontario Mining Working Group is advising MNRF on land issues as well based on publicly available report). 18. Royal Assent - Bill 132 Red Tape Reduction Schedule 7 - Speed up closure plan approval for the opening of new mines, and merging of mining claims. 19. Mining Act Revision Note - Monitor for changes to mining related provisions of the <i>Far North Act 2010</i>. 20. Royal Assent - Bill 197 COVID-19 Economic Recovery Schedule 6 - implemented changes to the Mining Class EA requirements under the <i>Environmental Assessment Act, 1990</i> that increases ENDM land tenure decision making and reduces environmental oversight and monitoring of the ENDM mining cycle and process. 21. Ontario Mining Working Group – ENDM Minister and staff directly engaged with mining industry representatives to determine and focus on their priorities and requirements including approvals, investors, consultation. Indigenous participants are appointed by Minister. 22. Ring of Fire Secretariat
ENVIRONMENT	<ol style="list-style-type: none"> 23. Refer to Above as outlined on Land # 10, Forestry # 15 and Mining # 20. 24. Royal Assent – Bill 197 COVID-19 Economic Recovery Schedule 7 adds the new section 2.1 is a non-derogation provision to preserve existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the <i>Constitution Act, 1982</i>. 25. Environmental Registry of Ontario (ERO) – use by Ministries for notices related to Ontario government activities.
INDIGENOUS AFFAIRS	<ol style="list-style-type: none"> 26. Duty to Consult - Application and advice of IAO to government ministries re: <i>Ontario Draft guidelines for ministries on consultation with Aboriginal peoples related to Aboriginal rights and treaty rights, 2006</i>. Minister has stated no intention to revise or update. (Nov 2018 Chiefs of Ontario) 27. Role of IAO in Resource Revenue Sharing Agreements extension to other First Nations, Indigenous groups i.e. Metis and northern municipalities.
INDUSTRY	<ol style="list-style-type: none"> 28. Industry approach to the duty to consult and accommodate. 29. Impact Benefit Agreements (IBAs) are project based and only for the life of production by the company. 30. Government position related to First Nations as proponents must also be considered related to First Nation rights, consultation and consent.

Ontario Far North Map - August 25 2020



Legend

Primary Land Use Area

- Conservation Reserve
- Enhanced Management Area
- Forest Reserve
- General Use Area
- Protected Area - Far North
- Provincial Park
- Provincial Wildlife Area
- Recommended Conservation Reserve
- Recommended Provincial Park
- Wilderness Area

- Overlay Area
- Amendments in Progress

Thematic Data

- Private Land
- National Park
- Indian Reserve
- Other Federal Land
- MNR EcoDistrict
- MNR District
- MNR Region
- Forest Management Unit
- Geographic Township
- Niagara Escarpment Plan Boundary
- Provincial Park Admin Zone
- Tertiary Watershed
- Caribou Range Boundary
- Renewable Energy on Crown Land Policy
- Far North Boundary

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Natural Resources and Forestry (OMNRF) shall not be liable in any way for the use or any information on this map. of, or reliance upon, this map



583.1 0 583.1 Kilometers

Scale: 1: 11,479,129



Map created: August 25, 2020