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OPEN LETTER

The Honourable Michael Kerzner
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18th Floor, 25 Grosvenor Street
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The Honourable Doug Downey
Attorney General of Ontario
McMurtry-Scott Building, 11th Floor
720 Bay Street
Toronto, ON M7A 2S9

The Honourable Sean Fraser, P.C., M.P.
Minister of Justice and Attorney General of Canada
Department of Justice Canada
284 Wellington Street
Ottawa, Ontario
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Saturday October 31, 2026

RE: ONTARIO REGULATORY PROPOSAL 26-SOLGEN020 POTENTIAL MEASURES TO SUPPORT PUBLIC SAFETY AND PROMOTE ECONOMIC DEVELOPMENT BY FACILITATING BARRIER-FREE ACCESS TO KEY ECONOMIC AND COMMUNITY INFRASTRUCTURE

Neskantaga First Nation has reviewed the regulatory proposal[1] issued on October 1, 2026. We reject the proposal in its entirety for the following reasons.

It is apparent that the Province of Ontario is making preparations to obtain public input and consent to the measures to be legislated to subdue any protest, blockade or "barrier" to the advancement of the Ring of Fire. Neskantaga First Nation deems the proposal as referring to the "key economic and community infrastructure" as being the roads and bridges required for Ontario's desired "Corridor of Prosperity" that traverses our homelands.

In short, the Province of Ontario is laying the groundwork for the legislative, regulatory or policy mechanisms and police use of force required to build the Northern Road Link[2], connecting the community access roads being advanced as project proponents by the Marten Falls First Nation "Marten Falls Community Access Road (MCAR)" and the Webequie First Nation "Webequie Supply Road (WSR)".

Neskantaga First Nation has legitimate concerns with the public safety aspect of the building of roads, highways and industry supply and extraction routes in and out of our First Nation lands and territories. Neskantaga First Nations has worked in partnership with other remote First Nations to provide security and monitor safety on the existing winter roads we rely on in the North. We have serious and documented concerns related to transport and load safety,

[1] https://www.regulatoryregistry.gov.on.ca/proposal/55215
[2] https://northernroadlink.ca/

impaired driving, and drug and human trafficking that will presumably increase as neither the governments of Canada and Ontario provide any investments to responsibly plan and prepare for the public safety and policing services required.

This proposal "seeking feedback" demonstrates that the Province of Ontario is merely covering its bases before advancing into the Ring of Fire mineral deposits, under the guise of having the direction, consent and complicity of all Ontarians as to the parameters to be set for the use of force deemed "publicly acceptable". The proposed change being sought to legislated authorities and provincial offences will presumably be enforced by the Ontario Provincial Police (OPP).

Most alarming is the language of the proposal that includes the terms of "intimidation", "obstructing" and "duty to identify". This terminology elevates the danger now posed to all peaceful, principle-based First Nations Indigenous Rights Holders across the Province of Ontario. Additional terms of note are "cultural infrastructure", and "religious institutions" as these sites under the proposed regulatory or policy change to be implemented could be construed to extend to sites of First Nation spiritual importance or burial grounds.

It is the position of Neskantaga First Nation that this regulatory proposal is an indicator of the escalating, intentional and unconscionable Crown conduct of the Province of Ontario. Instead of upholding Section 35 of the *Constitution Act*, 1982, Ontario is absolving itself of the Crown duty to meaningfully consult and accommodate, respect the Spirit and Intent of Treaty, and implement mechanisms for true economic reconciliation, including free, prior and informed consent (FPIC).

Following elections in 2018, 2022 and renewed mandate to "Protect Ontario" in 2025, the Ford government has weaponized the Ministry of Indigenous Affairs & First Nations Economic Reconciliation (IAFNER), to be the coordinating office to house the Minister Responsible for Ring of Fire Economic and Community Partnerships, and advise the Ministers of Mines & Energy, Northern Development and Growth, and Natural Resources in the carrying out of the legal strategy to secure their narrow view of Ontario's economic interests.

Ontario Ministers Kerzner and Downey, Neskantaga First Nation respectfully remind you both that the Ministry of Indigenous Affairs & First Nations Economic Reconciliation (IAFNER) was originally established as the Ministry of Aboriginal Affairs (MAA) on June 21, 2007 as part of Justice Sidney B. Linden's recommendations that came out of the Ipperwash Inquiry.

> *In 2007, the Ministry of Aboriginal Affairs was established in response to recommendations from the Report of the Ipperwash Inquiry following the tragic dispute at Ipperwash Provincial Park. The report called for the creation of a standalone ministry dedicated to Aboriginal affairs that acknowledged the need for respectful relationships between the government of Ontario and Indigenous peoples.*[3]

As such, the Honourable Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada is included in the addressing of this letter in order to sound the alarm as to events that may unfold as Ontario proceeds with these aggressive resource access strategies that invite conflict.

At the December 2025 Assembly of First Nations Special Chiefs Assembly (Ottawa), Prime Minister Carney publicly assured the First Nation leadership that under the *Build Canada Act*,

[3] https://www.ontario.ca/files/2026-01/in_spirit_of_reconciliation_pdf_0.pdf

2025 that *"…there must be consultation – consistent with free, prior, and informed consent – before a project can be designated to be in Canada's national interest."*[4] However, First Nations across Canada are at this point in time without the auspices of "free, prior and informed consent (FPIC)" promised by the *United Nations Declaration on the Rights of Indigenous Peoples*, (UN 2007).

The ruling in *Canadian Nuclear Laboratories Ltd. v. Kebaowek First Nation* (2026 FCA 174) was released on October 16, 2026. From it, it is clear that the Government of Canada's stalling since 2021 on the recognition, negotiations and implementation of its own UNDA legislation has been to Canada's benefit. We expect that Canada will also halt or divert away from the AFN-led co-development process of the *United Nations Declaration on the Rights of Indigenous Peoples*, 2021, despite the promises and public statements of Prime Minister Mark Carney to the contrary.

Clearly, Prime Minister Mark Carney's announcement October 21, 2026[5] of "….a *working group* to support meaningful engagement with First Nations" in the Ring of Fire is too little too late. *Canada's terms of "economic and community development opportunities" are in direct contrast to the key economic and community infrastructure the Ontario government's proposal refers to.*

In closing, your Ontario government is exhibiting tremendous aggression and is publicly contemplating the strengthening of its use of force on First Nations in Ontario to achieve the securing of its economic interests. This is a reckless strategy of inviting conflict that endangers life. Neskantaga First Nation reminds the Crowns in right of Canada and Ontario that the *James Bay Treaty No. 9* (1905-06 and 1929-30) is the only tripartite historic Treaty in Canada, and as such both Crowns in right of Canada and Ontario both have the highest level of obligations to uphold the Honour of the Crown in the future Ring of Fire.

This proposal must be withdrawn.

Sincerely,
NESKANTAGA FIRST NATION



Chief Gary Quisess

cc: *Matawa Chiefs Council*
Nishnawbe Aski Nation Grand Chief Alvin Fiddler
MPP Sol Mamakwa, Kiiwetinoong
Anishinabek Nation Grand Chief Linda Debassige
Ontario Regional Chief Abram Benedict, Chiefs of Ontario
National Chief Cindy Woodhouse Nepinak, Assembly of First Nations
Governor General of Canada, Her Excellency the Right Honourable Louise Arbour
Lieutenant Governor of Ontario, Her Honour the Honourable Edith Dumont
Prime Minister of Canada, The Right Honourable Mark Carney, PC, MP
Minister Rebecca Alty, Crown-Indigenous Relations
Premier of Ontario, The Honourable Doug Ford

[4] https://www.pm.gc.ca/en/news/speeches/2025/12/02/prime-minister-carney-delivers-remarks-assembly-first-nations-special
[5] https://www.pm.gc.ca/en/news/news-releases/2026/10/21/prime-minister-carney-and-premier-ford-launch-new-action-plan-protect