

Proposed Amendments to Sections of the *Far North Act, 2010*

The following information supports the proposal on the Environmental Registry of Ontario 019-2684 - Proposed amendments to the Far North Act, 2010

Amendments are being proposed for the following sections of the *Far North Act, 2010*.

1. S. 5 (Protection Objective)

- Proposal to delete the reference to 225,000 square km of the Far North in an interconnected network of protected areas in paragraph 2 of s. 5.

Existing Text

5. The following are objectives for land use planning in the Far North:

2. The protection of areas of cultural value in the Far North and the protection of ecological systems in the Far North by including at least 225,000 square kilometers of the Far North in an interconnected network of protected areas designated in community based land use plans;

Proposed Change

2. The protection of areas of cultural value in the Far North and the protection of ecological systems in the Far North, including through the designation of interconnected protected areas specified in community based land use plans.

Rationale

This proposed change is intended to promote economic growth in the Far North by working with First Nations to determine the appropriate balance between areas designated for protection or development, and the appropriate spatial layout of those areas.

2. S. 6 (Contribution of First Nations)

- Proposal to amend s. 6 to add that First Nations may contribute perspectives on sustainable development for the purposes of land use planning.

Existing Text

6. First Nations may contribute their traditional knowledge and perspectives on protection and conservation for the purposes of land use planning under this Act.

Proposed Change

6. First Nations may contribute their traditional knowledge and perspectives on protection, conservation, and sustainable development for the purposes of land use planning under this Act.

Rationale

This proposed change would recognize the broad range of knowledge and perspectives held by First Nations and the contributions that they make to joint community based land use planning.

3. S. 7 (Joint Body)

- Proposal to amend s. 7 to promote dialogue between First Nations and the Minister about land use planning in the Far North through the joint body.

Proposed Change

The following amendments are proposed to ss. 7(1) to 7(6):

- When at least 7 First Nations indicate support for the establishment of a Joint Body, the Minister would be required to participate in discussions to develop a Terms of Reference for a Joint Body
- The Terms of Reference may include:
 - functions of the Joint Body
 - composition of the Joint Body, which would not need to be comprised of equal numbers of First Nations and Ontario Government officials
- Additional First Nations may join the body after its establishment
- De-emphasize the advisory function and provide a mechanism for the creation of technical tables, working groups, or committees to complete specific or specialized tasks set out in the Terms of Reference
- Remove requirement in ss. 7(2) that requests for a Joint Body to be made “within six months” after the section comes into force

The following amendment is proposed to ss. 7(7):

- If there would no longer be an equal number of First Nations and officials of the Government of Ontario, include Minister discretion on whether to recommend policy statements for approval

Rationale

The intent of these proposed changes is to:

- Enable and provide more clarity regarding how to establish a Joint Body
- Provide a mechanism for the creation of technical tables, working groups, or committees to complete specific or specialized tasks
- Encourage participation of First Nations in a Joint Body

4. S. 8(1) (Far North Land Use Strategy)

- Proposal to amend ‘shall’ to ‘may’ to allow discretion regarding whether a strategy is prepared.

Existing Text

8. (1) The Minister shall ensure that a strategy is prepared to assist in the preparation of land use plans in the Far North under section 9 and to guide the integration of matters that are beyond the geographic scope of the planning area of each of those land use plans.

Proposed Change

8. (1) The Minister may ensure that a strategy is prepared to assist in the preparation of land use plans in the Far North under section 9 and to guide the integration of matters that are beyond the geographic scope of the planning area of each of those land use plans.

Rationale

- The proposed change providing discretion would not affect the process for creation of the strategy including engagement or consultation.
- The change would provide flexibility to consider other more responsive opportunities for preparing guidance.

5. S. 12 (Development if no community land use plan)

- Proposal to delete s. 12.

Proposed Change

Delete (propose repeal of) entire section.

The development restrictions that apply to areas where no approved community based land use plan exists would no longer apply.

New developments would no longer require a Lieutenant Governor in Council Order or Minister's Order under the Far North Act before proceeding.

Rationale

This proposed change would support economic growth in the Far North by removing restrictions on development where no land use plan is in place. Proposed developments would still need to obtain any authorizations and approvals that are required under other legislation.

6. Sub-section 14(5) (Development if community land use plan – Restriction on making order)

- Proposal to extend the timeframe to undertake an amendment in advance of Lieutenant Governor in Council making an exemption order

Existing Text

14(5) The Lieutenant Governor in Council shall not make an order under subsection (4) unless,

- a) the Minister has proposed an amendment to a community based land use plan in accordance with subsection 10 (1) to permit the allocation, disposition or use of public land and natural resources or the development, as the case may be;*
- b) six months have passed since the day on which the Minister proposed the amendment; and*
- c) the required parties have not approved the proposed amendment as an amendment to the community based land use plan.*

Proposed Change

14(5) The Lieutenant Governor in Council shall not make an order under subsection (4) unless,

- a) the Minister has proposed an amendment to a community based land use plan in accordance with subsection 10 (1) to permit the allocation, disposition or use of public land and natural resources or the development, as the case may be;

- b) nine months have passed since the day on which the Minister proposed the amendment; and
- c) the required parties have not approved the proposed amendment as an amendment to the community based land use plan.

Rationale

This proposed change would provide more time for the required parties to work collaboratively to agree to an amendment before the Lieutenant Governor in Council considers making an order.