

July 29, 2020

Sandra Bickford
Ontario Growth Secretariat
777 Bay St, Suite 2304
Toronto, ON
M7A 2J8

Dear Ms. Bickford:

Re: Submission on ERO Notice 019-1680 (Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe)


The Mississaugas of the Credit First Nation (“MCFN”) submits the following comments in respect of Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”).

MCFN has reviewed Proposed Amendment 1. MCFN is pleased that the Growth Plan amendments bring it in line with the recent changes to the Provincial Policy Statement regarding Aboriginal consultation. However, MCFN is of the view that some of the amendments require either removal or modification in order to prevent infringements to our rights and to ensure adequate consultation occurs with the MCFN in the planning process to accommodate the vast growth that is expected in the Nation’s Territory. Our belief is that the specific amendments outlined in this letter, as they currently stand, limit the opportunity for meaningful consultation with First Nations on land use planning matters and risk infringement to MCFN rights.

MCFN Rights and Territory

MCFN’s Territory spans from Long Point on Lake Erie to the Niagara River, then down the River to Lake Ontario, northward along the shore of the Lake to the River Rouge east of Toronto then up that river to the dividing ridges to the head waters of the River Thames then southward to Long Point, the place of the beginning (the “Territory”). It is thus a vast Territory, and is also perhaps the most highly urbanized land in Canada. Importantly, almost all of the Territory is within the Greater Golden Horseshoe, and so is subject to the Growth Plan.





MCFN asserts Aboriginal rights not only to continued use of the lands, waters, and watershed ecosystems within its Territory for a variety of livelihood, harvesting, ceremonial and spiritual purposes, but also specifically asserts an aboriginal right to protect the integrity of the environment, and the lands and resources, within its Territory, including archaeological resources. We have a duty and a stewardship responsibility to protect the integrity of this Territory. Land use planning matters, such as official plans, have the potential to impact MCFN's rights, resources (including archaeological) and Territory.

Unfortunately, much of the extensive development on our Territory took place prior to the Supreme Court of Canada having articulated the Crown's Duty to Consult and Accommodate Indigenous communities ("DTCA"). As such, MCFN was not consulted prior to most of this development taking place. The result of this lack of consultation has been that a great deal of archaeological resources – including human burials and cultural materials – became destroyed, or were irretrievably lost.

MCFN encourages the alignment of the Growth Plan with the Provincial Policy Statement, 2020

Before outlining the amendments of concern within Proposed Amendment 1, MCFN would like to indicate its approval of the alignment of the Growth Plan with the Provincial Policy Statement, 2020 ("PPS"). Specifically, the MCFN is supportive of the Growth Plan's alignment with the vision and specific policies (such as policy 1.2.2 and 2.6.5) of the PPS that require planning authorities to engage with Indigenous communities on issues of land use planning. The proposed policy 5.2.3.4 of the Growth Plan that requires municipalities to engage with Indigenous communities in efforts to implement this plan is a welcome amendment to the Growth Plan.


Specific Amendments within Proposed Amendment 1 of concern to the MCFN

There are three components of Proposed Amendment 1 that are concerning to the MCFN, in light of our rights and stewardship responsibilities in our Territory.

Mineral Aggregate Operations

Proposed Amendment 1 contemplates amendments to the Growth Plan's aggregate policies which would be "more permissive of new aggregate operations, wayside permits, and quarries within the Natural Heritage System for the Growth Plan" (page 6). Further down the page, the Proposed Amendment 1 includes changes to the text of the Growth Plan to remove the prohibition on new mineral aggregate operations, wayside pits and quarries from habitats of endangered species and threatened species within the Natural Heritage System for the Growth Plan. This amendment would seemingly eliminate 4.2.8





(2)(a)(ii) in the Growth Plan, which currently states that no new mineral operation and no new wayside pits and quarries, or any ancillary or accessory use thereto, will be permitted in the habitat of endangered species and threatened species.

Generally speaking, an approach to the Growth Plan that encourages aggregate extraction is deeply concerning for MCFN, because already, our experience is that far too often MCFN becomes aware of aggregate and quarry projects only after they have been approved and/or licensed. Applications are being approved in the absence of appropriate, meaningful consultation, even though the *Aggregate Resources Act (ARA)* now explicitly requires it. Extensive aggregate extraction in our Territory has high potential to interfere with archaeological and environmental resources which MCFN has a right and duty to protect, especially in view of the recent changes to the ARA.

A proposed removal of environmental protection in the context of aggregate extraction is concerning to MCFN based on the stewardship responsibilities we have to protect the environment within our Territory. The amendments that would permit extraction in the habitat of endangered and threatened species can contribute to the extinction or increased likelihood of extinction of species that are of importance to MCFN, thereby compromising MCFN's right and stewardship responsibility to protect the health of those species and their habitat.

As noted below there does not seem to be any plan or policy as to how cumulative impacts would be monitored. This is especially concerning when the Growth Plan's approach seems to be that more quarries, pits, etc. are better.


MCFN strongly recommends that the government does not go ahead with this proposed amendment to the Growth Plan.

Bringing municipal official plans into conformity with the Growth Plan

Proposed Amendment 1 includes under the "Implementation" section on page 23 a timeframe to be set by the Minister for municipalities to bring official plans into conformity with the Growth Plan (proposed date is July 1, 2022).

Under the PPS, planning authorities are required to engage with Indigenous communities and coordinate on land use planning matters (1.2.2). Since official plans are land use planning matters, any modifications to official plans to bring them into conformity with the Growth Plan must not be undertaken without consulting the relevant Indigenous communities. In addition, because Proposed Amendment 1 provides for municipalities to engage with Indigenous communities to implement the Growth Plan, consultation with affected Indigenous communities in the context of bringing official plans into conformity with the Growth Plan must be required.





MCFN strongly recommends making the consultation requirement explicit. Proposed Amendment 1 should be modified to require municipalities, in bringing their official plans into conformity with the Growth Plan, to consult with Indigenous communities in their area.

Population growth and cumulative effects

Proposed Amendment 1 extends the long term forecasting of growth in the Greater Golden Horseshoe to 2051 to “ensure that a strong policy framework is in place as municipalities, partner ministries and other stakeholders look further into the future to plan for long term growth” and the updated forecasts indicate that the Greater Golden Horseshoe will continue to experience healthy growth overall (page 5). As indicated earlier in this letter, and as the Government is well aware, the Territory of the MCFN has experienced and continues to experience extensive and rapid growth, which has impacted our rights and responsibilities as stewards of our Territory. Judging by the forecasts, this growth is showing no sign of stopping, and MCFN’s view is Proposed Amendment 1 must reflect the cumulative impacts on MCFN territory and rights that this expansion and growth in the Greater Golden Horseshoe will have.

A strong policy framework to plan for the future growth of the Greater Golden Horseshoe requires that the cumulative effects of the extensive development accommodating this growth be measured in order to adequately understand how the development is impacting the rights of First Nations within the Greater Golden Horseshoe.

MCFN strongly recommends including in Proposed Amendment 1 a mechanism for addressing the cumulative impacts that significant population and job growth will have on the MCFN territory and associated rights.

Thank you,



Mark LaForme
Director

Department of Consultation and Accommodation (DOCA)
Mississaugas of the Credit First Nation

