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August 21, 2020

Dear Minister Yurek and Minister Mulroney,

Re: Issues and Recommendations from Magnetawan First Nation in the matter of:

- **Proposed Environmental Assessment Act (EAA) Amendments in the COVID 19- Economic Recovery Act (ERO number: 019-2051)**
- **Proposal to exempt various Ministry of Transportation projects from the requirements of the Environmental Assessment Act (ERO number: 019-1883)**

I am writing today on behalf of Magnetawan First Nation (MFN), to express our concerns, and highlight major outstanding issues, pertaining to the proposed Environmental Assessment Act (EAA) Amendments in the COVID 19- Economic Recovery Act (ERO number: 019-2051) and the proposal to exempt various Ministry of Transportation projects from the requirements of the EAA (ERO number: 019-1883).

These identified outstanding issues, and our proposed corresponding recommendations, must be addressed prior to the finalizing and implementation of the proposed changes, as they have the

potential to greatly impact the rights, interests, and way of life of Magnetawan citizens. Further to that point, MFN wishes to use these comments and recommendations as an opportunity to open an ongoing dialogue and relationship with the Ministry of Environment, Conservation and Parks (MECP) and the Ministry of Transportation (MTO) regarding environmental assessments and transportation projects ongoing in our territory, with a particular focus on the following transportation projects currently subject to amendments proposed under ERO 019-1883:

- Highway 69 from north of Highway 559 northerly to south of Magnetawan First Nation Reserve
- Highway 69 from south of Magnetawan First Nation Reserve to north of Highway 522
- Highway 69 from south of Magnetawan First Nation Reserve to north of the Magnetawan River
- Highway 69 Patrol Yard selection study
- Highway 69/17 access

Background Context

On July 8, 2020, the Ontario Government proposed significant amendments to the Environmental Assessment Act (EAA) through the introduction of Bill 197: *COVID-19 Economic Recovery Act, 2020*. These purposed changes are part of larger amendment process the Government of Ontario has been undertaking since 2018 with the release of the MECP's *Made-in-Ontario Environment Plan* followed by the release of the *Modernizing Ontario's Environmental Assessment Program* discussion paper in April 2019. This discussion paper paved the way to the drafting and passing of the *More Homes, More Choice Act, 2019* in summer 2019. The *More Homes, More Choice Act* amended the EAA to exempt certain "low impact" projects from environmental assessment requirements.

On July 21, 2020, *the COVID-19 Economic Recovery Act, 2020* passed into Royal Assent less than two weeks after being introduced into the legislature. Most of the amendments to the Environmental Assessment Act are set out in Schedule 6 of Bill 197 and will be implemented through the development and passages of regulations to put the bill into action.

As part of the proposed changes to the EAA, the Government of Ontario has also released a proposal to exempt various Ministry of Transportation projects from the requirements of the Environmental Assessment Act, including project's that fall within Magnetawan's Traditional Territory and community lands.

The MTO Projects that fall within MFN's Territory have all completed a Transportation Environmental Study Report (TESR). However, since many of these TESR's are over five-years old, under the current rules they should be subject to the completion of an addendum that provides updates to the EA in order to ensure any significant changes, such as new conditions in the study area, new government policies, new engineering standards, or new technologies for mitigating measures, are all factored into the project.

The proposed exemption outlined in ERO 019-1883 would remove the requirement for an addendum report to be completed and would therefore remove the opportunity for public review of an addendum nor any opportunity to submit Part II Order requests.

If this exemption regulation were to pass, in order for the MTO to proceed with the proposed projects, they would be required to:

- issue a public notice prior to the commencement with the implementation and construction of the project in accordance with the completed Class EA;
- begin construction of these projects within ten years of this regulation;
- continue consulting with Indigenous communities, as necessary for the individual projects; and
- fulfill conditions of a Minister's decision on Part II Order requests that have already been submitted for projects listed above, as applicable.

About Magnetawan First Nation

Magnetawan First Nation is a small Anishinabek community located along Highway 69 and the shores of Georgian Bay. We are signatories to the Robinson-Huron Treaty of 1850. Magnetawan people are governed by a constitution called Gichi-Naaknigewin, which is regarded as supreme law by Magnetawan and states:

"We are the Magnetawan Atik Anishnaabe.

We are the indigenous peoples of the Magnetawan River Watershed and surrounding area.

We are descendants of the original peoples on this land and we identify our citizenship.

We are not a creation of the Government of Canada or its Indian Act.

We are a treaty nation with several treaties in a treaty relationship with the Crown.

We have lived on and exercised jurisdiction within the Magnetawan River Watershed and surrounding area for thousands of years.

We also have traditional territory including on Manitoulin Island and elsewhere on Georgian Bay.

The Vidal-Anderson Report of 1849 identifies Magnetawan's territories extending from the southeast shore at the mouth of the French River down the coast of Georgian Bay to Head Island at the mouth of the Magnetawan River. The Report also identifies Magnetawan territories as extending three days travel, or about one hundred kilometres, back into the interior.

Along with Head Island, Magnetawan occupied many other islands in northeastern Georgian Bay as fishing stations, and for berry picking and other purposes. The caribou clan was very widespread in the northeastern Lake Huron region, as well as among the Ojibway speakers who had moved into southern Ontario in the later seventeenth century.

In the nineteenth century, our head Chief Councillor was known as Paimauquineshcum. Paimauquineshcum is a spirit name for one who flies throughout the territory as guardian of the people, lands, and resources. Chief Paimauquineshcum was an important leader of the Reindeer or Caribou clan and was influential throughout Anishinaabe territories on both sides of what is now the Canadian – US border.

He was born about 1801 and lived well into his seventies. He signed not only the 1836 Bond-Head Treaty, but the Robinson-Huron Treaty of 1850 and the Manitoulin Island Treaty of 1862. In 1836, at the invitation of Lieutenant Governor of Upper Canada (Ontario), Sir Francis Bond Head, Chief Paimauquineshcum moved to Manitoulin Island for at least part of every year, along with most of his band members.

He Withheld lands on the Magnetawan River from the Treaty to be aboriginal title Lands, for his people for all time. Crown Surveyor Dennis surveyed Chief Paimauquineshcum's Reserve (No 1 in the Robinson Huron Reserve List) on the Magnetawan River in late July of 1853.

Chief pointed out part of the bay west of the mouth of the river he wanted included in the Reserve, because it covered "certain planting grounds formerly occupied".

Our oral traditions and history tell us of the time of the great flood, and that Ojibway lands were among the first lands to emerge after the waters receded. This of course, is consistent with the geological history of the area, as the Canadian Shield includes the highest elevations in the Province of Ontario.

We are mentioned by name in the earliest records of the Europeans who first ventured into the vicinity of Lake Huron in the 1600`s. Magnetawan First Nation is the Indigenous nation that interacts with the Government of Canada through Canada's Indian Act legislation and colonial policy structures. Ironically, this level of recognition by the Crown was actually after the creation of the Canadian state, even though we have been here since time immemorial. The Magnetawan First Nation is an Indigenous Nation in this territory and is currently comprised of the citizens who are Indians under the Indian Act of Canada.

This Magnetawan Gichi-Naaknigewin includes the rights, responsibilities and freedoms of First Nation's Citizens, its government, and its governing institutions in relation to the jurisdictions set out in this Gichi-Naaknigewin as confirmed by the ratification by its Citizens.

United Nations Declaration on Rights of Indigenous Peoples (UNDRIP)

The Minister of Indigenous and Northern Affairs Canada, the Hon. Carolyn Bennett announced May 10, 2016 at the United Nations Headquarters in New York City, N.Y., that Canada has officially removed its objector status and is now a full supporter of the United Nation's Declaration on Rights of Indigenous People, without qualification. The United Nation Declaration recognizes Indigenous People's basic human rights, as well as rights to self-determination, language, equality, land and helps to ensure our survival, dignity, and well-being. The United Nations Declaration on the Rights of Indigenous Peoples,

more importantly, affirms a right to Free, Prior and Informed Consent with regards to any development on our Magnetawan Gichi-Naaknigewin

Treaty Lands, that will provide a new roadmap for interactions between nations and indigenous peoples. Declaration of the Anishinabek Nation, the Magnetawan First Nation supports and affirms the Declaration of the Anishinabek Nation.

We are Indigenous Nations.

We have always been Indigenous Nations.

We have voluntarily entered into a relationship of friendship and protection with the Crown, which we have for two centuries referred to as the Covenant Chain.

In placing ourselves under the Crown's protection, we gave up none of our internal sovereignty.

We have never concluded any Treaty with the Dominion of Canada, nor have we ever expressly agreed to accept the Dominion of Canada in place of Great Britain as the party responsible under the British obligation to protect us.

We retain the right to choose our own forms of Government. We retain the right to determine who our citizens are. We retain the right to control our lands, water and resources. We retain our rights to those lands which we have not surrendered.

We retain the use of our languages and to practice our religions and to maintain and defend all aspects of our culture.

We retain those rights which we have in Treaties with other Nations, until such time as those Treaties are ended.

We retain the right to choose our own future, as peoples. The only process known to international law whereby an independent people may yield their sovereignty is either by defeat in war or by voluntary abandonment of it formally evidenced.

Our Nations have never yielded our sovereignty by any formal abandonment of it. We have never been conquered in war by any power on earth of which there is a record or tradition." (Magnetawan First Nation, 2016).

In addition to the Gichi-Naaknigewin, on June 21, 2015, Magnetawan First Nation voters cast ballots to ratify our Land Code, becoming the 56th First Nation in Canada and the 11th First Nation in Ontario to ratify the Framework Agreement on First Nation Land Management and as a result, Magnetawan will implement land governance, assume jurisdiction over our reserve lands and resources, and opt out of 34 land-related sections of the Indian Act (Magnetawan First Nation, 2015).

The *First Nations Land Management Act* was the first real recognition that First Nations have an inherent right to govern their own reserve lands and resources. This First Nation-conceived Framework

Agreement with Canada has expanded from the original 14 First Nation signatories in 1996, to 118 First Nations signatories in 2015 (Magnetawan First Nation, 2015).

Members of our community continue to practice traditional land-use and traditional livelihoods in our territory- hunting, fishing, trapping, and gathering. The viability of land and aquatic ecosystems in our traditional territory and Treaty area is critical both to the health and well-being of our community members, but also to our traditional knowledge and our culture. Conservation was a way of life for our people, preserving and protecting the environment to ensure the survival of future generations.

We continue to take our stewardship responsibilities over our traditional territory and Treaty lands seriously. We participate in forums at all levels of First Nations governance in our region to discuss and seek to influence environmental management and use of these lands in areas such as forestry, wildlife management, Species-at-Risk conservation and others.

We regularly engage with proponents and Crown regulators in seeking to ensure the health of our watershed because our community is at the very downstream end and rely on the watershed for clean drinking water. We have participated actively in provincial and federal environmental assessments such as for the Highway 69 Four-Laning project, including completing and submitting a Traditional Land Use Study (TLUS) with the support of Shared Value Solutions (SVS) to MTO. The TLUS included providing MTO with both a report and video that contained mapped land use, occupancy, and significant cultural sites along the Highway 69 corridor along with sharing oral traditions and stories from Magnetawan Elders, land users, and youth.

We are also in the process, under the provisions of the *First Nations Land Management Act*, in developing our own environmental laws and environmental assessment regime for our reserve lands. We take these stewardship responsibilities for the health of our lands very seriously and expect the Crown to do the same.

Issues and Recommendations Related to Proposed Environmental Assessment Act (EAA) Amendments

Although the amendments to the *Environmental Assessment Act* (EAA) passed into Royal Assent on July 21, 2020 we still deem it to be important to articulate our concerns and recommendations to assist in informing ongoing discussions and engagement directly with MECP and MTO, both on current projects and future environmental assessments that will be conducted in our territory.

In addition, we recognize some of the amendments to the Act will require regulations to enact those changes and that the development of the regulations will fall under subsequent comment and consultation periods. We request that the applicable comments submitted in this letter be considered and applied in those subsequent consultation periods where relevant.

Issue 1: In general, the move towards a clear Projects List is a positive step. However, the qualifier that it will "focus on projects that have the most potential to impact the environment" leaves a lot of space for interpretation for what projects will be considered to have the most significant adverse effects. Part of the determination of significant effects needs to include strong criteria related to impacts to the Aboriginal and Treaty Rights of Indigenous Peoples. This includes potential impacts to the health and socioeconomic conditions of Indigenous Peoples, a metric that is already being applied under the *Impact Assessment Act (IAA)* at the federal level.

Recommendation 1: Ensure the Projects List regulations that are developed include clear, explicit language that outlines how impacts to Aboriginal and Treaty Rights, including potential impacts to health and socioeconomic conditions, will be applied in determining which Projects will "have the most potential to impact the environment." This includes ensuring there is sufficient notification given to potentially impacted Indigenous Nations to ensure our views are meaningfully included when reaching conclusions pertaining to significance of environmental impacts.

Issue 2: Although it is unfortunate to see the use of Part II Order requests being limited, the focus of it being directed towards issues relating to Aboriginal and Treaty rights is a promising and productive step. However, MFN is of the perspective that there needs to be a clear definition and understanding of what "issues relating to Aboriginal and Treaty rights" will refer to and allow. More specifically, there needs to be a common definition, based on significant input and involvement of Indigenous Peoples in Ontario, of what will be covered and protected under "issues relating to Aboriginal and Treaty rights." This includes but is not limited to:

- issues pertaining to current and future land use and harvesting for personal, communal, and livelihood purposes
- issues pertaining to the protection of culturally significant sites, artifacts, and resources (I.e. archaeological or cultural heritage sites)
- issues pertaining to the protection of culturally significant species and their habitat, including species-at-risk
- issues pertaining to adequate compensation and accommodation from loss of access and use, and
- issues pertaining to cumulative impacts of development, environmental changes, and other anthropogenic activities that have eroded Aboriginal and Treaty rights over several generations.

Recommendation 2: The Government of Ontario must work very closely and collaboratively with Indigenous Nations, including providing appropriate capacity funding for this participation, to develop an Indigenous-led common definition of what will be covered and protected under "issues relating to Aboriginal and Treaty rights" as it applies to Part II Order Requests for imposing conditions and/or elevating an EA from a streamlined to a comprehensive assessment.

It is also recommended that Ontario closely assess and integrate the principles from applicable case law pertaining to the protection of Aboriginal and Treaty Rights.

Issue 3: The concept of improving and compressing timelines is good for creating regulatory certainty and efficiency in the process. However, in the current wording of the proposed changes it is unclear if the adjusted timelines allow for an appropriate amount of time to consult Indigenous peoples and allow for communities to complete and submit Nation-specific studies such as Traditional Land Use Studies (TLUS), socio-economic impact assessments, and third party technical reviews of the EA. Allowing adequate time for impacted Indigenous communities to learn about the project and identify how it may impact its Aboriginal and Treaty rights is the cornerstone of ensuring the Duty to Consult has been fulfilled for the Project.

Recommendation 3: When developing the associated time management and limitation regulations or guidance, Ontario must factor in the time required to adequately and meaningfully fulfill the Duty to Consult and Accommodate. This includes but is not limited to setting timelines that allow for the following:

- communities to complete and submit Nation-specific studies,
- communities to spend time engaging citizens, land users, youth and Elders regarding the Project and its potential impacts, and
- adequate time for the community and proponent to build relations and discuss management plans, mitigations, and accommodation measures that would address Nation-specific impacts to Aboriginal and Treaty rights

Failure to develop timeframes that are mindful of the above items will lead to an EA system in Ontario that will continually fail to meet the Duty to Consult in perpetuity.

Issue 4: Harmonization with the federal IAA process, including clarity of where harmonization and substitution will happen is a favourable amendment to see, especially since such measures often help reduce the consultation burden many First Nations experience across Ontario. However, when outlining measures for harmonization and/ or substitution with the federal IAA process, who will hold the responsibility for fulfilling the Duty to Consult must be clearly identified. Further to that point, Magnetawan is of the view that the jurisdiction that holds the more robust processes with respect to the Duty to Consult should be charged with ensuring the duty is properly fulfilled.

Recommendation 4: Measures and approaches to harmonization with federal IA process should be set on a project to project basis in the form of an agreement between Canada and Ontario on the completion of the IA/EA for the Project in question. Within these agreements there should be a clear, explicit, and detailed section outlining how the Duty to Consult, and assessing the impacts to Aboriginal and Treaty Rights, will be carried out under the harmonized process. This subsection should clearly identify the roles and responsibilities on fulfilling the Duty to Consult

and should contain an explicit clause that any findings pertaining to the impacts on Aboriginal and Treaty Rights, including proposed mitigations and accommodations will be applied to both the federal and provincial decision statements on the Project (i.e. the results of consultation will inform both decisions regardless of the jurisdiction that was responsible for carrying out consultation activities).

Issue 5: Transitioning the EA Program and project information to an online digital platform will allow for increased accessibility and transparency. However, not all First Nations are equipped with reliable internet connectivity and could therefore miss out on vital project information if the EA program moves exclusively to an online platform.

Recommendation 5: As part of the pre-notification/ early engagement with impacted Nations, MECP should endeavour to provide both electronic and hard copy notices. Within each notice, MECP (or the regulator charged with reviewing the Project) should include a request for the Nation to specify how they wish to receive project information updates, through the online platform or hard copy notices? MECP should then work to provide information in the format requested by the Nation.

Issue 6: The amendments to the EAA include measures requiring proponents to secure support from host municipalities as well as "adjacent municipalities where there is land with authorized residential uses that is within a set distance from the proposed new landfill site property boundary (that is within a 3.5 km distance or such distance as may otherwise be prescribed)." However, there are no requirements for securing support (i.e. obtaining consent) from neighbouring or nearby Indigenous communities. This is especially problematic, as Indigenous Peoples are far more likely to be impacted by a large landfill facility near their community or in their traditional territory given the potential to impact Aboriginal and Treaty rights.

Recommendation 6: The Act needs to be amended, or a regulation be developed, to include language that ensures proponents also secure support from neighbouring and nearby Indigenous communities, just as they are required to do so with "adjacent municipalities." This support needs to be secured in a manner that supports and respects any and all consultation protocols the community has in place.

Issue 7: Section 2.1 of the amended EAA states, "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*." Seeing clear, explicit language focused on protecting section 35 Aboriginal and Treaty rights is a very promising step within this legislation. However, in order to protect these rights, we must have an understanding of the potential impacts a project may have on said rights.

Recommendation 7: As a result, Ontario must be willing to weave an explicit step into the EA process for assessing potential impacts to Aboriginal and Treaty rights, including health and socioeconomic conditions of Indigenous communities impacted by the Project, just as Canada has done with the federal Impact Assessment process. This includes providing communities with adequate capacity funding to undertake this assessment and share the results with the proponent, MECP, and any other regulatory authorities involved in the EA. In addition, a similar process should be built into the streamlined EA process, including providing capacity funding. If during an assessment being conducted under a streamlined EA, it is found to have significant adverse effects to Aboriginal and Treaty rights, it should be immediate grounds for the Nation to issue a Part II Order request to the Minister.

Issues and Recommendations Related to the Proposal to exempt various MTO projects from the EAA

The following issues and recommendations pertain to the Proposal to exempt various Ministry of Transportation projects from the requirements of the *Environmental Assessment Act* (ERO 019-1883). This proposal relates directly to several projects in MFN Territory and traversing MFN community (reserve) lands and as result have the potential to impact Magnetawan citizens in real and substantial ways.

Issue 8: The proposed exemption regulation would allow MTO to completely forego the completion of an addendum report to TESR that are over 5 years old, including addendums for:

- Highway 69 from north of Highway 559 northerly to south of Magnetawan First Nation Reserve (Date of TESR: February 2007)
- Highway 69 from south of Magnetawan First Nation Reserve to north of Highway 522 (Date of TESR: August 2008)
- Highway 69 Patrol Yard selection study (Date of TESR: January 2010)
- Highway 69/17 access (Date of TESR: April 2016)

Addendum reports are a critical step as they are the primary regulatory mechanism that allows any significant changes such as new conditions in the study area, new government policies, new engineering standards, or new technologies for mitigating measures to be considered as part of the planning, design, and construction of the project. Being exempt from providing such information is both a missed opportunity and a major risk as it could lead to key environmental changes being missed and therefore inadequately mitigated or protected, including unintentional impacts to Aboriginal and Treaty rights. For instance, from the Projects listed above, a number of TESR's were completed prior to MFN ratifying and implementing our Land Code. This is important because our Land Code gives MFN greater authority over projects within the Magnetawan First Nation reserve, including fulfilling the requirements within our environmental protection and environmental assessment land law regimes. Without being required to complete an addendum report this new critical information is missed and therefore

unable to be factored into the planning and implementation of the project, inadvertently impacting our rights and interests.

Recommendation 8a: The Projects identified in the exemption regulation should be assessed on a project by project basis. Within that assessment, if any impacted Indigenous communities, such as MFN, identify the need for an addendum study to be completed, MTO shall undertake that study in close collaboration and consultation with the impacted Nation. In the case of the Projects within MFN Territory and traversing MFN community (reserve) lands, it is recommended that an addendum report be developed that properly considers and integrates the following:

- Traditional Knowledge, use, occupancy, and cultural heritage information shared with MTO by MFN in the 2012 Traditional Land Use Study (TLUS)
- Any new TLU information shared through ongoing engagement and consultation
- Any new additional information shared through ongoing engagement and consultation that could support the fulfillment of any monitoring requirements or other conditions imposed on the project
- Information and requirements set out with respect to MFN's Land Code and its associated policies, plans, and frameworks.
- MFN long-term baseline SAR data to facilitate collaborative mitigation planning specific to knowledge of SAR populations and critical habitat across MFN lands. This data includes, but is not limited to:
    - Population & Critical Habitat
    - Spatial Ecology & Connectivity
    - Road Ecology & Hotspot Analysis
    - Hydrological function of contiguous wetland systems and associated impacts to SAR populations

Recommendation 8b: In the case of projects where an addendum report is not required, it is recommended that MTO work closely and collaboratively with any impacted Indigenous Nations. This includes but is not limited to undertaking the following efforts:

- Abiding by any and all consultation policies and protocols set out by the Nation
- Applying and integrating any new TLU information shared through ongoing engagement and consultation to environmental protection plans, monitoring plans, construction plans, or other applicable documents
- Applying and integrating any new additional information shared through ongoing engagement and consultation that could support the fulfillment of any monitoring requirements or other conditions imposed on the project
- Providing notifications and new information about the project to impacted Indigenous communities in both a timely manner and in the format they have requested

- Ensuring there is sufficient integration of MFN long-term baseline SAR data to facilitate collaborative mitigation planning specific to knowledge of SAR populations and critical habitat across MFN lands. This data includes, but is not limited to:
    - Population & Critical Habitat
    - Spatial Ecology & Connectivity
    - Road Ecology & Hotspot Analysis
    - Hydrological function of contiguous wetland systems and associated impacts to SAR populations

Proposed Next Steps

Magnetawan First Nation appreciates the opportunity to provide our perspectives on these proposed legislative changes and trust that our comments will be thoughtfully considered in this review process. It is crucial that Indigenous perspectives be thoughtfully considered and integrated into this process if the Government of Ontario intends to fulfil on its commitment to supporting Aboriginal and Treaty Rights as was outlined in item # 10 of ERO bulletin 019-2051. However, considering our comments is just the first step in developing a productive and collaborative working relationship between MFN and the Government of Ontario via MECP and MTO.

As a result, we propose the following as next steps to work towards building positive relations rooted in trust and respect:

1. Convene a meeting with MFN, MECP, and MTO at the earliest convenience of all of the parties to discuss the comments and recommendations put forth in this letter as well as discussing the working relationship MFN, MTO, and MECP would like to have in the matter of the MTO projects within MFN Territory.

2. Develop a communication, relationship, and capacity agreement between MFN, MECP, and MTO that charts a path forward for collaboration, engagement, and information sharing pertaining to the MTO projects in MFN Territory and traversing MFN community (reserve) lands

    a. In the matter of projects that traverse MFN reserve lands, the agreement will properly integrate the policies and procedures that are set out under our Land Code and its associated policies, plans, and frameworks.

3. As part of the engagement between MFN, MTO, and MECP, the Government of Ontario entities will work to ensure MFN Traditional Knowledge, land use, and occupancy information, both from the 2012 MFN TLUS and what is shared by MFN citizens throughout the process, is continually considered and integrated into the planning and decision making for the MTO projects happening in MFN Territory and traversing MFN community (reserve) lands. Furthermore, significant integration and application of MFN SAR data will play an integral role in mitigation planning and design to ensure minimal impacts to SARA/MECP protected SAR species

and all associated critical habitat, connective corridors and hydrological function of wetland systems.

In closing, we look forward to fostering positive relations between MFN and Ontario that is rooted in mutual respect and listening and appreciate the consideration of the comments we have submitted today.

Sincerely,

Chief William Diabo
Chief Magnetawan First Nation

Samantha Noganosh
Deputy Chief, Magnetawan First Nation

References

Magnetawan First Nation. (2015). *Through a Historical Vote, Magnetawan First Nation approves its Land Code, Community to Govern Reserve Lands and Resources*. Retrieved from: http://www.magnetawanfirstnation.com/index.php?option=com_content&view=category&layout=blog&id=23&Itemid=43

Magnetawan First Nation. (2016). *Magnetawan Gichi-Naaknigewin.* Retrieved from: http://www.magnetawanfirstnation.com/Final_Draft_September_1_2016.pdf

United Nations General Assembly (2008). *United Nations Declaration on the Rights of Indigenous Peoples.* Retrieved from: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf