



WINDIGO FIRST NATIONS COUNCIL

SERVING THE COMMUNITIES OF:

Bearskin Lake First Nation
Cat Lake First Nation
Koocheching First Nation
North Caribou Lake First Nation
Sachigo Lake First Nation
Slate Falls Nation
Whitewater Lake First Nation

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January 14, 2021

Minister Greg Rickford
Ministry of Energy, Northern Development and Mines
Whitney Block, Room 5630
5th Floor, 99 Welllesley St. W
Toronto, Ontario
M7A 1W1

Minister Rickford,

The purpose of this letter is to outline the Windigo First Nations' Council of Chiefs' position regarding proposed changes to the Far North Act, 2010.

Before I begin, I would like to state that we, as members of the Windigo First Nations Council, have exercised our treaty and Aboriginal right in our territories since time immemorial. Through the Musselwhite Mine initiative, our leaders became more directly involved with provincial systems, but participating in these discussions was never intended to diminish our rights or usurp our authority to Ontario. Our actions have and will continue to be guided by our understanding of our treaty – that lands are to be shared but neither they, nor the resources within are to be given away. It is on the basis and within the context of this understanding that the WFNC Chiefs present this position.

Our formal involvement with the province began in the 1980s and continued throughout the activities leading up to the passage of the Far North Act in 2010. When the Act first came into force, its underlying intent was to legally entrench First Nations' approval for land use in the Far North. Under this law, First Nation communities would identify and approve areas that required protection and areas that were deemed suitable for development. Among other things, the Act had set out a joint planning process between First Nations and Ontario which carved out a fundamental role for both parties – for the province and First Nations alike. Like our treaty this concept was built on notions of partnership and joint decision making, where one party did not have authority or supremacy over the other and that efforts were to be made to ensure decisions



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reflected the goals and values of both systems. This concept is one we continue to support – and one which acknowledges a dual responsibility for decisions that lead to sustainable development, and the preservation of our respective languages and traditions.

Regarding current proposed changes to the Far North Act, while the WFNC leadership does not oppose any of them, we feel that they do not go far enough. As we have stated in previous submissions, WFNC has been working towards building a relationship with Ontario which respects and codifies a partnership built on trust, equality, and respect. Our efforts to ensure that we are integral to any land use planning processes in our territory continues to drive our interest to amend the current Act. Our efforts therefore and any recommendations flowing from these places great value on our ability to participate as equal partners – where discussions leading up to and consent for resource development involve First Nations unequivocally.

We therefore recommend that the Far North Act be further revised beyond those currently under consideration in a manner which will:

- a. result in mutual economic benefits to all parties involved in the process;
- b. include resource revenue sharing agreements with affected First Nations;
- c. minimize negative social and cultural impacts to our communities; and
- d. protect the environment based on First Nations traditional land use and knowledge.

Our formal position to changes to the Far North Act are therefore as follows:

- I. That the *Far North Act* be **improved and strengthened** to ensure WFNC First Nations are equal partners in all decision-making processes which affect our territories.
- II. That Ministerial authority be circumscribed to the point where all possible avenues to arrive at a joint decision have been exhausted before it can be invoked. We believe we are long past the days of conflict and confrontation, having arrived at a place where orderly, reasonable discussions are possible. Any legislation involving First Nations must ensure that final decisions are determined through negotiated, rather than unilateral solutions. A process which supports dialogue and resolution over a ministerial override must be developed.



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- III. Similar to the land use planning process, establish joint processes involving First Nations and provincial representatives mandated to:
- Develop policy and regulations; and
 - Oversee the management of lands and resources, to help facilitate negotiated solutions.

Ideally, joint processes are intended to accommodate two parties and support discussions, negotiations and the advancement of systems which empower both partners at the table. Current provincial systems are not structured to include First Nations in the development of rules and regulations and the management of lands and resources. This has and will continue to contribute to conflict at the ground level. Developing systems which are reflective of and accommodate the interest of First Nations will support cohesive, fair, and smoother processes where decisions are far less likely to be seen as problematic.

- IV. That First Nations be fully resourced to assure the full and effective involvement in the development, implementation, assessment and enforcement of land use plans and other activities involving WFNC and its members.

In closing, it has always been WFNC's position that our relationship with the province is one based on fair and equitable partnership, consistent with the understandings we have gained through our treaty. WFNC and its member communities believe that by incorporating our recommendations, Ontario will take another important step towards **reconciliation**. It will begin to create a balanced legislative regime that will give certainty to all parties involved in these processes – and importantly to the First Nations in the far north. By building constructive, reliable partnerships with First Nations, this government's mandate to open the far north to development, jobs and opportunity will move one step closer to becoming a reality.

Sincerely,

Frank McKay
Chair and CEO
Windigo First Nations Council



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c.c. WFNC Chiefs
Grand Chief Alvin Fiddler, NAN
Grant Richie, Director, North East Region, MENDM