



MUSHKEGOWUK COUNCIL

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Nick Head-Petersen
Ministry of Energy, Northern Development and Mines, Mines and Minerals Division,
Strategic Services Branch
2nd Floor, 933 Ramsay Lake Road
Sudbury, ON
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Canada

June 11, 2021

Re: Mushkegowuk Council Comments on Ontario's proposal for developing a critical minerals strategy

Dear Mr. Head-Petersen,

On behalf of Mushkegowuk Council I submit the comments below in hopes that further talks between Nations would be considered by your government. It is crucial that the government make necessary accommodation to the Omushkego Nation who have always maintained their inheritance to their lands from our ancestors to guard and maintain the rights for our future generations. We have never given up the territory and we maintain that we agreed to live together and that we should as Nations work together for our mutual benefit and for our future generations.

Key comments and recommendations:

- 1) **Nation to Nation dialogue:** Indigenous peoples are not recognized as nations in the proposed strategy and are instead included in the same category as stakeholders. Indigenous peoples are rights holders, not just stakeholders, and the Ontario government should be meeting Nation to Nation with us to talk about the Critical Mineral Strategy. In general, Ontario's laws, policies, and associated processes that affect First Nations do not reflect international standards in relationships to Indigenous Peoples as articulated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). First Nations and Métis living near or downstream from mineral exploration and mining projects will bear the social costs and risks associated with mining projects. First Nations communities, particularly in the far north in Ontario, already experience higher levels of poverty, marginalization in decision-making about projects that affect their homeland, and racial discrimination. First Nations across Treaty No. 9 maintain longstanding social, cultural, and livelihood ties to the land yet enjoy little or no ability to affect decision-making about projects and their impacts on these values. First Nations generally seek partnership, shared resource agreements, and expect

consultation and acknowledgement from government and industry.

- 2) **Uncertain job creation:** the discourse in the government strategy is heavily focused on “job creation”. However, not everyone living in the communities that would be impacted by mining development is interested in working in the industry. Those who do work for the mines can experience the effects of a “boom & bust” industry, as the industry tends to offer short-term or contract jobs.
- 3) **Pace of development:** the government is removing legislative roadblocks in order to fast-track mining development, which increases the likelihood of inadequate impact assessment in an area of critical environmental importance.
- 4) **Community Enhancement:** The strategy does not consider (nor have we been asked) how or if our communities even want mining development. Again, not everyone in our communities is interested in working in mining or is willing to accept the risks to our environment. In addition, mining would be taking place in our unceded territory. The strategy should consider payments to Indigenous communities for the use of our land.
- 5) **Climate change:** The government is pitching the minerals strategy as a potential solution to climate change in citing the need for rare earth minerals as the global demand for batteries increases. While there is likely to be a need for more battery materials, most can be recycled almost indefinitely, and it is well known that mining in northern Ontario is among the more expensive locations in the world and simply may not be economically feasible in comparison with other jurisdictions. It is likely that the trade-offs and synergies of energy transition metals and the supporting sectors required for a “low-carbon economy” will be based on the commodity and the location. In addition, the James Bay Lowlands is a critically important carbon sink that sequesters more than 12 megatons of carbon dioxide each year. Worldwide, peatlands store three times as much carbon as boreal and tropical forests combined and the high-density carbon of the Hudson Bay Lowland provides one-tenth of the cooling effects of the world’s peatlands.¹
- 6) **Environmental, Social and Governance Risks:** While the demand for energy transition metals like lithium and cobalt (*sensu* critical minerals in the Discussion Paper) will be high, low-carbon energy technologies also require more iron and copper. As such, a strategy focused solely on government definitions of critical do not address the overall impact of the sector on disturbance to the land, waters, wildlife, and human societies and accompanying risks of doing so.
- 7) **Impact and risk assessment:** Mining in northern Ontario will likely have higher risk complexities given the remote, intact, and globally significant ecosystems, particularly carbon-rich peatlands and extensive freshwater systems that make up the homelands of a large First Nation population with constitutionally-protected rights. We also anticipate that mining new minerals such as chromite, with which Ontario has no experience, further increases the ESG risk associated with the Ring of Fire. The framework should be revised to consider these hotspots more explicitly.
- 8) **Cumulative Impacts:** Mining development in northern Ontario will have cumulative impacts that are significant, long-lasting and widespread throughout the region. Mining impacts will be layered upon existing and expected cumulative effects, including climatic changes, in the region and must be considered holistically in the strategy. As we represent downstream and down-muskeg communities, the combined effects of a significant increase in industrial activities and the effects of a changing climate could considerably impact our

¹ <https://www.canadiangeographic.ca/article/whats-stake-ontarios-ring-fire>

wildlife, waterways and wetlands, which we depend on for our way of life. complexity of the hydrology of the James Bay Lowlands, one of the world's largest wetlands and carbon sinks. According to western science, very little is known about the interconnectivity of the James Bay lowlands hydrology, yet Mushkegowuk Cree Elders have cautioned that the lowlands are deeply interconnected with underground rivers and streams not yet visible in aerial photos.

Thank you for the opportunity to provide our comments on Ontario's critical minerals strategy proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vern', with a long, sweeping horizontal stroke extending to the right.

Vern Cheechoo, Director of Lands & Resources
Mushkegowuk Council