

010129 Highway 6,  
Georgian Bluffs, ON  
N0H 2T0  
(519) 534-5507  
saugeenojibwaynation.ca



**December 23, 2022**

**Minister of Natural Resources and Forestry**

**Saugeen Ojibway Nation's Written Submissions on ERO Number 019-2927  
– Proposed updates to the regulation of development for the protection  
of people and property from natural hazards in Ontario**

I am writing to you on behalf of Saugeen First Nation and Chippewas of Nawash Unceded First Nation, together the Saugeen Ojibway Nation ("**SON**"), with respect to the policy changes being proposed by ERO Number 019-2927. A number of the proposed amendments stand to have a significant impact on our Territory (see enclosed map) and our rights.

Being located directly north of the Greenbelt, the Greater Toronto Area, and the Greater Golden Horseshoe, SON has dealt with the impacts of urban sprawl in these regions for generations. These impacts will continue to be felt by our First Nations far into the future, given the extent of development and myriad effects that residential development has on the land and our ability to meaningfully exercise our rights.

It is essential to mention that this comment opportunity is not, either in form or substance, adequate to explore the complex concerns that SON has with ERO Number 019-2927. SON is making these written submissions with the explicit statement that the Ministry of Natural Resources and Forestry cannot possibly expect to understand the impacts of widespread residential development on Aboriginal and Treaty rights, and cannot understand SON's perspective through a written submissions process alone. What is needed is a process in which SON is directly engaged and consulted about what Ontario is seeking to do, and how it will impact and enable infringements on SON's rights.

The extent of development in SON's Territory, taken cumulatively, has had significant impacts SON's rights. There is little to no framework in place to ensure minimal infringement on and interference with SON's rights, and ERO

010129 Highway 6,  
Georgian Bluffs, ON  
N0H 2T0  
(519) 534-5507  
saugeenojibwaynation.ca



Number 019-2927 now risks enabling development on SON Territory with fewer regulatory controls. While we may understand that meeting housing needs is an important objective, we have serious questions about whether several of the proposed policy changes are rationally connected to achieving this objective. In any case, there needs to be due attention to ensure minimal infringement on our rights in the process. This is a requirement; consultation with Aboriginal and treaty rights holders is legally different than consultation with other 'stakeholders' and is derived from constitutional obligations of the Provincial and Federal governments. As it stands, the proposed policy changes will only allow for unchecked acceleration of the damaging and cumulative impacts to our Territory and to our ability to exercise rights. It is Ontario's constitutional obligation to ensure that this does not happen.

### **ERO 019-2927**

Conservation Authorities ("**CAs**") perform critical functions in the land use planning process, including protecting wetlands, controlling flooding, preventing pollution and conserving land in natural states for future generations. These are all important functions for all Ontarians that also align with SON's objective of maintaining the ecological integrity of the Territory. Regulatory Proposal 019-2927, in conjunction with Schedule 2 of Bill 23, threatens the ability for CAs to provide these vital services in the following ways:

1. **Consolidating Regulations under the *Conservation Authorities Act*.**  
Ontario is proposing one regulation to consolidate the various regulations enacted for each CA. This approach may increase consistency across CAs, but prevents flexibility in identifying and regulating local watershed conditions (for instance, with regards to different regulatory flood standards).

*Recommendation 1.* SON recommends that Ontario not repeal the regulations under the *Conservation Authorities Act* in favour of one consolidated regulation. Different regions are host to different communities with different priorities, and these should be embedded in

010129 Highway 6,  
Georgian Bluffs, ON  
N0H 2T0  
(519) 534-5507  
saugeenojibwaynation.ca



the *Conservation Authorities Act's* regulations. In the alternative, the new regulation should permit flexibility and diversity for the purposes of identifying and conserving local watersheds.

- 2. Removal of the “Conservation of Land” and “Pollution” Tests.** ERO 019-2927 proposes to remove change Subsection 28.0.1(17) of the *Conservation Authorities Act* to prevent CAs from considering pollution and conservation of lands as relevant factors in permitting decisions. These proposed changes undermine CAs' ability to assess development at the regional and local scales, and threaten the ability of SON members to live and exercise their rights meaningfully in a healthy natural environment in the long term. Ontario should strengthen and support, rather than remove, the in-house capacity of CAs to assess whether conversion of conservation lands into developed lands will have significant impacts on ecological health and functioning, fish habitat, and surface and groundwater quality and quantity. Without input from CAs on these topics, Ontario risks losing this perspective from the land use planning process altogether. Doing so would be short-sighted and would significantly impact the exercise of rights by SON members.

*Recommendation 2.* CAs must be able to continue to consider pollution and conservation of lands in permitting decisions, and the proposed amendments to Subsection 28.0.1(17) should be withdrawn from ERO 019-2927.

We hope that Ontario will consider our recommendations and make good faith efforts to resolve SON's concerns. We also expect additional and meaningful opportunities for consultation with Ontario on the development of ERO 019-2927.

Miigwetch,

A handwritten signature in blue ink, appearing to read "Eij [unclear]". The signature is written in a cursive, flowing style.

010129 Highway 6,  
Georgian Bluffs, ON  
N0H 2T0  
(519) 534-5507  
saugenojibwaynation.ca



Emily Martin  
Manager of Resources and Infrastructure

cc' Juanita Meekins, Resources & Infrastructure Associate  
Charlene Leonard, Resources & Infrastructure Executive Assistant









010129 Highway 6,  
 Georgian Bluffs, ON  
 NOH 2T0  
 (519) 534-5507  
 saugeenojibwaynation.ca



SCHEDULE "A"  
 SON TERRITORIAL MAP

# Saukiing Anishnaabekiing Saugeen Ojibway Nation Treaties



- |   |   |   |
|---|---|---|
|  Aboriginal Title Claim Area |  Treaty 72 Area (1854) |  Current SON Reserve Lands   |
|  Treaty 45 1/2 Area (1836)   |  Treaty 82 Area (1857) |  The islands around the Peninsula were subject to various treaties, but many small islands on the Lake Huron side were returned to the Saukiing Anishnaabe in 1980 |
|  Treaty 67 Area (1851)       |  Treaty 93 Area (1861) |   |