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December 23, 2022

Minister of Municipal Affairs and Housing

**Saugeen Ojibway Nation's Written Submissions on ERO Number 019-6177
– Review of A Place to Grow and Provincial Policy Statement**

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 review being proposed by ERO Number 019-6177. The proposed review stands 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 industrial, commercial and profound 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 019-6161. SON is making these written submissions with the explicit statement that the Ministry of Municipal Affairs and Housing 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, continues to have significant impacts SON’s rights and Territory, with fundamental rights’ holder concerns compounded by increasing ecological, terrestrial, land-use,

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aquatic and hydrological impacts. With regard to archaeology specifically, we are presently averaging a significant site or burial disturbance every 3 months in the face of unprecedented expansion and development. This is unacceptable, as is the lack of essential frameworks in place to mitigate, monitor and prevent these impacts, and to ensure minimal infringement on and interference with SON's rights. Changes resulting from ERO Number 019-6177 will only exacerbate these problems, and action must be taken to ensure that meaningful consultation with First Nations is consistently undertaken and that opportunities to voice concerns about the impacts of development on SON Territory are not further reduced or impaired. 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 outcome. In any case, there needs to be due attention to ensure minimal infringement on the Saugeen Ojibway Nation's rights in the process. Importantly, this is not a recommendation, it 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.

The Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) specifically recognizes the importance of consulting with First Nations on planning matters that may impact a First Nation's rights and interests. In short, consultation with SON is necessary at the onset of, and throughout, any activities conducted in SON Territory that fall under the purview of the 2020 Provincial Policy Statement. These activities include archaeological fieldwork, survey, or assessment. The PPS 2020 Policy 1.2.2 instructs planning authorities to coordinate planning matters with First Nations, and requires that: "*Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.*" Moreover, PPS 2020 Policy 2.6.5 holds that: "*Planning authorities*

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shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources". Policy 4.1 and 4.3 demand that "This Provincial Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after May 1, 2020" and that the implementation of the PPS shall be consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act of 1982.¹

In reviewing the PPS and if it becomes integrated with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Ontario must ensure that the above referenced provisions are not weakened. These provisions form fundamental, overarching direction to land use planning that SON relies on in order to ensure that the rights of SON members are not impacted by development in the Territory. Any review of these policy documents must ensure that these protective provisions are not modified to the detriment of Indigenous communities.

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 Number 019-6177.

Miigwetch,

A handwritten signature in blue ink, appearing to read "Emily Martin". The signature is fluid and cursive.

Emily Martin
Manager of Resources and Infrastructure

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

¹ <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>

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Dr. Robert Martin, Archaeology Coordinator









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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) | |