

Statement from Wildlands League on the Province's review of the *Far North Act* (ERO number: 013-4734)

We've been asked what we think about the repeal of the *Far North Act* and there is no short answer. The following reflects our early thinking. We'll make our full submission public as soon as we are ready to submit.

Since the new Ontario government came into power in 2018, it has adopted the focus of Ontario being **Open for Business**. Wildlands League has observed major rollbacks or attempted major rollbacks of environmental laws and regulations in Ontario. It is likely we are in the midst of the greatest environmental deregulation exercise the province has ever seen.

There has been repeal of cap and trade on the climate file. The introduction (and subsequent withdrawal) of "open-for-business planning by-laws" that would have exempted land use decisions from environmental safeguards under the *Clean Water Act*, *Great Lakes Protection Act*, and *Greenbelt Act* in municipal planning regimes across Ontario. A public consultation on the review of the *Endangered Species Act* including a business-focused discussion paper. The creation of a Mining Working Group populated with mining company CEOs with the goal of reducing "regulatory burdens". And now a public consultation on the repeal of the *Far North Act* with the explicit intention of removing "restrictions on economic development".

Which in this case doesn't just mean repealing environmental regulations but important First Nations controls that exist under provincial law for the area defined as the Far North.

The *Far North Act* enacted a new regime of planning and protection in the Far North in law. It requires the Minister to work with First Nations. It sets out ambitious land use planning objectives (Section 5):

1. A significant role for First Nations in the planning.
2. The protection of areas of ecological systems in the Far North by including at least 225,000 square kilometres of the Far North in an interconnected network of protected areas designated in community based land use plans.
3. The maintenance of biological diversity, ecological processes and ecological functions, including the storage and sequestration of carbon in the Far North.
4. Enabling sustainable economic development that benefits the First Nations.

The Act also enshrines the principle of community-based land use planning before development, put restrictions on some development until an approved land use plan is in place, enables a joint body, and a Far North Land Use Strategy (that was supposed to respond to matters that go beyond the scope of individual community land use plans e.g., watersheds,



regional development, integrating community based plans, wide ranging species at risk, carbon rich ecosystems like the Hudson Bay Lowland), among other things.

The Ontario government is proposing to repeal the *Far North Act*, retain completed land use plans through amendments to the *Public Lands Act*, and enable completion of plans at an advanced planning stage for a time-limited period. See comparison chart of the two Acts [here](#).

First Nations in northern Ontario have always been clear that they did not give up jurisdiction of their homelands when treaties were signed with Canada and Ontario. It is also clear that many First Nations reject the *Far North Act* and have sought its repeal on the basis of jurisdiction and because they were not adequately consulted at the time of its passage.

We agree with Chief Donny Morris of Kitchenuhmaykoosib Inninuwug (KI) that this review is not about respecting the jurisdiction of First Nations or Indigenous laws. Chief Morris [wrote](#), "For Industry and government, our Indigenous laws, title and rights are just more red tape." Chief Morris added, "Repeal your laws but respect our laws". Wildlands League has worked with KI and Moose Cree First Nation and others over the years and agrees that Ontario needs to find a way to work with First Nations by first acknowledging they have their own laws and second finding collaborative solutions that respect these.

What the public may not realize is that implementation of the *Far North Act* has been a failure both in ecosystem protection and relationships with First Nations. Because of the conflicted mandate of Ministry of Natural Resources and Forestry, it has prioritized development over protection in implementing the *Far North Act*. It has rolled out a cookie cutter approach to Terms of Reference for planning with First Nations that does not reflect or respect the unique cultural, social and environmental conditions of each community. It then leveraged these so that some First Nations had to sign on to these Terms of Reference for planning in order to get resources. It failed to bring in a Far North Land Use Strategy consistent with the purpose and objectives of the *Far North Act*. Instead of designing policies to reflect the unique culture and ecology of the Far North, MNR just rolled up all of its existing southern based policies thereby neglecting globally significant watersheds, Hudson Bay Lowland, needs of species at risk and the social, cultural and environmental impacts of regional developments like the Ring of Fire and Wataynikaneyap Power. And of course its approach failed to acknowledge the Indigenous laws of the people who live there.

What Ontario has been doing up until this point hasn't worked and is failing the people and the ecosystems of the Far North. Globally significant watersheds like the Attawapiskat, Ekwan, Sutton, Winisk and Severn remain vulnerable to multiple developments and unprotected under Ontario law. Continentally significant wildlife habitat is being encroached upon. There is no plan to maintain and protect the carbon rich stores of the Hudson Bay Lowland despite a legislative objective. Indigenous Protected Areas proposals are being fought by MNRF and MENDM. There



are no limits on the scale and pace of development. Mineral exploration is encouraged including in areas where First Nations have said no. Food security, culturally and ecologically significant lands and waters, needs of species at risk, duties to the seven generations and cumulative impacts don't factor into environmental assessments. The right to say NO is still not being respected. There is no strategy or plan to coordinate linear disturbances such as roads and transmission lines to prevent the Far North from being fragmented. It's full steam ahead for all industrial development proposals irrespective of where communities are at or ecosystems impacted.

If Ontario is going to repeal the *Far North Act*, then like Chief Donny Morris and other Chiefs have said for some time now, respect Indigenous laws. Ontario must find a way to work with First Nations first by acknowledging they have their own laws and second finding collaborative solutions that respect these. Find solutions to respect the two legal systems (Crown and Indigenous) and make them harmonious. This will also create a more stable business environment.

Communities in the last stages of planning should be provided with enough time/resources to complete their plans. Relying on the *Public Lands Act*, generic land use planning legislation, will not be adequate to meet the needs of communities or to protect this globally significant ecosystem.

See comparison chart [here](#) on the *Public Lands Act* and *Far North Act* produced by Lintner Law.