

MÉTIS NATION OF ONTARIO

May 16, 2025

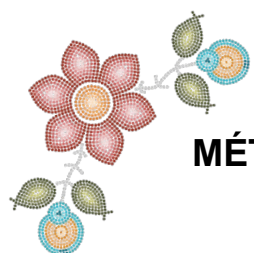
Submitted via Environmental Registry of Ontario

Re: MNO Technical Comments on Bill 5 – Protect Ontario by Unleashing the Economy Act, 2025

Please find in the attached appendices a technical review of all aspects of Bill 5 as they relate to potential impacts to Métis s. 35 rights and interests, completed by the Lands, Resources and Consultations Branch of the MNO.

Appendices:

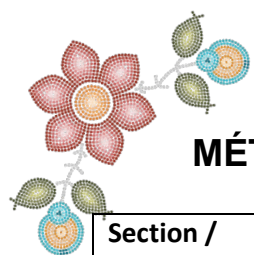
- A: Technical Review of Protect Ontario By Unleashing our Economy - Preamble (Bill 5, April 2025)
- B: Technical Review of Ontario Special Economic Zones Act (Bill 5, April 2025)
- C: Technical Review of The Species Conservation Act (Schedule 10 of Bill 5, April 2025)
- D: Technical Review of Ontario Heritage Act Amendments (Bill 5, April 2025)
- E: Technical Review of Electricity Act (Bill 5, April 2025)
- F: Technical Review of Ontario Energy Board Act Amendments (Bill 5, April 2025)
- G: Technical Review of Mining Act Amendments (Bill 5, April 2025)
- H: Technical Review of Rebuilding Ontario Place Act, 2023



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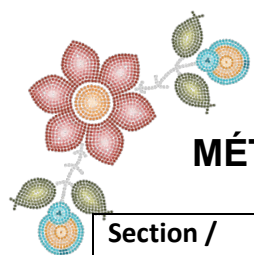
Appendix A: Technical Review of Protect Ontario By Unleashing our Economy - Preamble (Bill 5, April 2025)

| Section / Topic | Before | After | What Changed | Consultation Impact / Concern & MNO Recommendations |
|-----------------|--|--|---|--|
| Preamble | N/A (section did not previously exist) | <p>The Government of Ontario is:</p> <p>Protecting Ontario from global economic uncertainty by unleashing our economy.</p> <p>Unlocking the potential of Ontario's critical minerals by streamlining approval processes for mining and critical infrastructure projects to achieve outcomes that fuel our economy while also creating jobs and protecting the strategic national mineral supply chain – all for the benefit of the people of Ontario and Canada.</p> <p>Supporting the acceleration of provincial permitting and approvals for projects so Ontario can build mines and infrastructure faster, while ensuring environmental protections for future generations.</p> | <p>New legislative changes to increase the speed of project development permitting by 50 % (Press Conference statement)</p> <p>Bill 5 amendments include: Electricity Act (1998), Environmental Assessment Act (1990), Environmental Protection Act (1990), Mining Act (1990), Ontario Energy Board Act (1998), Ontario Heritage Act (1990), Rebuilding Ontario Place Act (2023), Special Economic Zones Act (2025). The <i>Species Conservation Act</i> repeals the Endangered Species Act (2007).</p> | <ul style="list-style-type: none"> • Reduced timelines may negatively impact deep Consultation on Projects with the greatest impact to s. 35 rights • Reduced timelines may negatively impact the scope of Consultation on Projects with the greatest impact to s. 35 rights • Reduced timelines may limit timely communication opportunities between the Crown, Proponents, and MNO and negatively impact Consultation, particularly during harvesting season • Accelerated timelines and reduced permitting requirements may curtail meaningful consultation opportunities • High potential for significant negative impacts on Section 35 rights and interests in the absence of robust environmental regulations and mitigation measures, particularly to harvesting, cultural and spiritual activities • Limited information on how the Federal and Provincial jurisdictions will collaborate on the strategic national mineral supply chain and how the Duty to Consult will be fulfilled on Projects of national and provincial importance. |



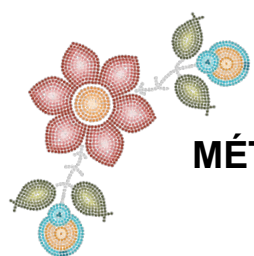
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| | | <p>Keeping our energy supply safe by limiting foreign participation in Ontario's energy sector.</p> <p>Working to make Ontario the best place in the G7 to invest, create jobs and do business.</p> <p>Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p> | | <ul style="list-style-type: none"> The proposed amendments - and the repeals or modifications - threaten numerous culturally important areas and harvested species, especially those previously protected under Species-At-Risk, heritage, archaeology, and ecological-sensitive designations surrounding mining and associated infrastructure projects. The Bill Preamble and the Information session held by Ontario emphasize incorporation of Critical Minerals Strategies without any binding mechanisms in the Acts. Métis communities receive limited clarity on how their rights and traditional knowledge will be integrated or protected under these strategies. <p>Recommendations:</p> <ul style="list-style-type: none"> The MNO must be afforded a comprehensive, dedicated, meaningful consultation process on Bill 5 and its implementing regulations and policies, with clear mechanisms to incorporate Métis perspectives at every stage. The Government of Ontario should consider how expanded resource development and faster permitting may impact Métis communities, along with a |



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| | | | | <p>strategic plan for managing accelerated project timelines while preserving Métis rights and traditional practices.</p> <ul style="list-style-type: none">• Amend Acts or regulations to require explicit references to Critical Minerals Strategies in project approvals and consultation processes, and mandate reporting on strategy implementation in partnership with MNO. |



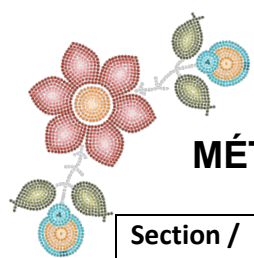
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Appendix B: Technical Review of Ontario Special Economic Zones Act (Bill 5, April 2025)

Preamble

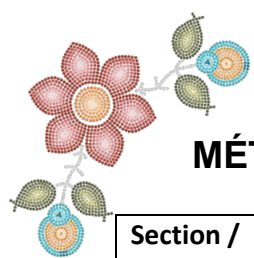
The Special Economic Zones Act gives Cabinet sweeping powers to exempt projects from environmental, heritage and consultation requirements. Globally, Special Economic Zones (“SEZ”) have been poorly received and are documented to increase pollution and habitat loss as well as displace Indigenous communities within Shenzhen (China), Thilawa (Myanmar) and Mondulkiri (Cambodia). Countries in the G7 do not currently host “SEZ”. To avoid a repeat of these harmful outcomes, strong protections, improved Indigenous consultation and enforceable environmental standards must be included in the Act.

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| Schedule 9 Special Economic Zones Act, 2025 | N/A (section did not previously exist) | <p>The Lieutenant Governor in Council is authorized to make regulations designating special economic zones and the Minister is authorized to make regulations designating trusted proponents and projects.</p> <p>The Lieutenant Governor in Council is authorized to make regulations exempting a trusted proponent or designated project from requirements under an Act, regulation or other instrument under an Act, including by-laws of a municipality or local board, as those requirements would apply in a special economic zone. The Lieutenant Governor in Council is also authorized to make regulations modifying the application of provisions of an Act, regulation or other instrument under an</p> | New Act | <p>Special economic zones are designated areas within laws that differ from the rest of the nation. Special economic zones are novel to Ontario but have been applied in other provinces and countries (e.g., India, China, Mexico, Jamaica, Ireland, <i>et al.</i>). Broadly, SEZ are a policy tool to promote industrialization and economic transformation.</p> <p>Our concern with the Act is it fails to mention the parameters that will determine SEZ designation. Successful SEZ include a) strategic location, b) integration of zone strategy, c) leveraging the market, d) ensure that zones are “special” in a business-friendly environment (Zeng, 2021). In optimistic scenarios the economic gain is short lived, and regresses with time (Jenzen & Winiarczyk, 2024). Globally, the performance and impact of the economy and structural transformation from SEZ are mixed and the low likelihood of long-term gain should be weighed against the high likelihood of environmental degradation and cumulative effects.</p> |



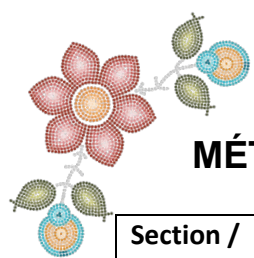
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| | | Act, including by-laws of a municipality or local board, as those provisions would apply with respect to a trusted proponent or designated project in a special economic zone. | | <p>When Shenzhen was designated as China's first special economic zone in 1980, SEZ-specific regulatory assessments were optional and pollution controls were weak (Dong, Guo, & Zeng, 2018). Between 1985 and 1995, annual municipal wastewater discharge increased from around 0.2 billion m³ to over 1.2 billion m³, exceeding treatment capacity and causing severe eutrophication. eutrophication, while adjacent mangrove wetlands along a 25km stretch of coastline were lost to have been lost to industrial expansion (Dong, Guo, & Zeng, 2018). This rapid growth, enabled by a hands-off SEZ framework with only voluntary "green" guidelines, demonstrates why Weak or absent impact assessments under an SEZ model would let developers proceed without enforced mitigation measures, threatening buffers and species at risk. Introducing non-native landscaping or hardscaping without oversight could fragment habitats and simplify ecosystems. To prevent this outcome, Ontario must retain robust environmental-standards, strict pollution standards, enforceable mitigation requirements, and ensure meaningful Métis Nation of Ontario consultation and stewardship at every stage</p> <p>Studies connecting SEZ and ecology are scant because of the interdisciplinary nature of this work. Yet, it is unsafe to assume that the outcomes of the Special Economic Zones Act will not have lasting ecological impacts. In conclusion, the creation of SEZ seems counter-intuitive to environmental protection when contrasting it to conservation areas. The designation of SEZ would imply</p> |



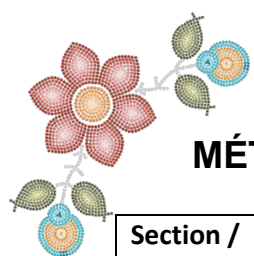
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| | | | | <p>that the lands and waters within the zone are less deserving of preservation because resources are present.</p> <p>Dong, X., Guo, H., & Zeng, S. Y. (2018). <i>Benchmarking sustainability of urban water infrastructure systems in China</i>. Journal of Cleaner Production, 170, 330–338.</p> <p>Jensen, C., & Winiarczyk, M. (2014). Special Economic Zones: 20 years later (NO.467). <i>CASE Network Studies & Analyses</i></p> <p>Zeng, D.Z (2021). The past, present, and future of special economic zones and their impact. <i>Journal of International Economic Law</i>, 24(2), 25-0275</p> |
| Schedule 9 Special Economic Zones Act, 2025 | N/A | There was joint application of federal and provincial environmental laws. Federal laws (Fisheries Act, Species at Risk Act) triggered automatic Métis consultation and enforcement of national restoration standards. There was clear federal jurisdiction over fisheries, species and Metis rights. | Within the zones, the SEZ exempts projects from federal environmental laws. Gives Ontario exclusive jurisdiction over remediation and environmental approvals. Bypasses federal project triggers. | Violation of Canadian federalism (circumvention of federal authority over fisheries, species and consultation with First Nations). SEZs violate federal constitutional responsibilities. The MNO recommends explicit amendments to require SEZs to: (1) uphold federal statutory triggers, (2) uphold the federal duty to consult with the Métis, and (3) prohibit provincial overrides of federal legislation. This means that consultation, and possibly consent (under UNDRIP), will still be required even on provincial SEZ lands if projects affect Métis rights (e.g. harvesting, trapping, cultural sites). |
| Schedule 9 Special Economic Zones Act, 2025 | The Métis had the right to participate in decision-making (Art. 18), to | SEZs weaken participation, bypass consultation processes, reduce rehabilitation requirements and allow projects with reduced environmental safeguards. | Decision-making has shifted to the provinces. SEZ zones and projects have been approved without Métis consent; federal standards are no | Violation of UNDRIP principles: exclusion of Métis from decisions, omission of FPIC, reduced compensation and safeguards; MNO recommends SEZ amendments for governance tables with Métis, the adoption of UNDRIP principles through Ontario legislation, remediation to |



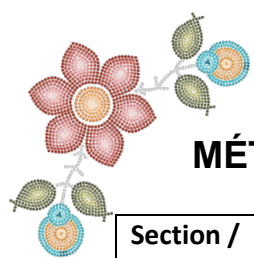
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| | consult on laws and projects (Art. 19 & 32(2)), rights to remedy and remediate under federal law and federal environmental protection (Art. 29). | | longer guaranteed in SEZs. | federal standards, and enforceable safeguards for species, fish and waters. |
| Designation of Special Economic Zone (Rebuilding Ontario Place Act, 2023, s. 2(1)–(2)) | There was no mechanism for the Cabinet to unilaterally declare "special economic zones". | "The Lieutenant Governor in Council may, by regulation, designate an area of the Province as a special economic zone if the prescribed criteria are met. | In order to create zones that can later receive special treatment, power is shifted from the legislature and the public regulatory process into the hands of the cabinet. | Projects within an SEZ can be fast-tracked without public notice or consultation which may negatively impact Metis way-of-life. Require public and MNO-specific notice before zones are designated. Mandate that the duty to consult be part of the "prescribed criteria". |



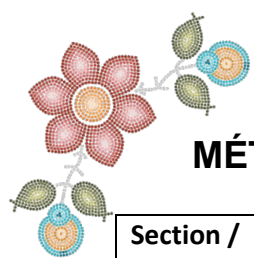
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| Designation of Trusted Proponent Rebuilding Ontario Place Act, 2023, s. 3(1)–(3) | Procured and approved through open, competitive and transparent processes, including public and indigenous consultation where required. | “The Minister may, by regulation, designate a person as a trusted proponent if the prescribed criteria are met. ... The Minister may also designate a class of persons as trusted proponents.” | Creates a special status that can grant a proponent exemptions and expedited processing and is granted solely by ministerial regulation, with no required public or Indigenous input. | This opens the door to favouritism; non-designated companies (Métis-owned businesses included) may be excluded. There is a lack of transparency around how 'trusted' status is conferred and no criteria for how vetting and trust are measured and decided. This allows the government to make unilateral decisions about which projects and proponents should be exempt, without sufficient oversight, transparency and accountability. The criteria for 'trusted proponent' must be published and consulted on. |
| Designation of “Designated Projects” Rebuilding Ontario Place Act, 2023, s. 4(1)–(3) | Major projects are defined by law or regulation, with associated environmental, planning and public consultation obligations. | “The Minister may, by regulation, designate a project as a designated project ... [and] designate a class of projects as designated projects if the prescribed criteria are met.” | Gives the minister the power to designate any project (or class of projects) as "designated", potentially triggering special exemptions later, without parliamentary debate or public input. | Regulatory designations must not infringe on constitutionally protected Métis rights and way of life, including land use, harvesting, and protection of cultural and archaeological sites. MNO advocates for UNDRIP principles to be adopted into the process including before designating projects on Métis traditional lands, with mandatory inclusion of Traditional Ecological Knowledge, mapping and rights impact assessments in designation criteria. |
| Exemption from Any “Requirement | All projects, project proponents | “The Lieutenant Governor in Council may, by regulation, exempt a trusted proponent or a designated project from | Empowers cabinet to override <i>any</i> legal requirement, | The proposed regulations would eliminate public consultation rights under Part II of the EBR, remove oversight under the Ontario Heritage Act, override |



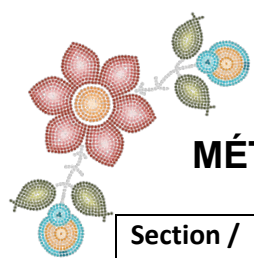
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| nts” Rebuilding Ontario Place Act, 2023, s. 5(1)–(2) | and zones continued to be subject to legal and regulatory requirements, including environmental laws, municipal by-laws and heritage protection laws. | requirements under provisions of an Act or of a regulation or other instrument under an Act, subject to conditions ... For greater certainty ... includes a by-law or other instrument of a municipality or local board.” | environmental, heritage, municipal, procurement, safety, etc., for designated projects or trusted proponents, effectively creating a “legal black hole.” | <p>municipal zoning authority, and bypass fair and transparent procurement processes. This violates the Crown's constitutional duty to consult and accommodate Métis communities under section 35 of the Constitution Act, 1982, and threatens Métis land use, harvesting practices and cultural continuity. To address these concerns, legislation must prohibit exemptions that reduce or impact Indigenous consultation obligations, and explicitly protect fair procurement rules and environmental assessment requirements from being overridden to protect Métis rights and way of life.</p> <p>In Thilawa, wide-ranging exemptions from land-use, labour and environmental laws left over 300 households without meaningful recourse when boundaries shifted and construction began. Household incomes in surrounding villages fell by an average of 78%, while traditional fishing and rice-farming practices collapsed under altered water tables and revoked permits. Thilawa’s experience vividly shows that stripping away “any requirements” without guaranteed resettlement support or participatory consultation</p> <p>Comprehensive assessments should be required for Ontario SEZs to ensure the protection of Métis rights to traditional harvesting and practices, similar to the Ring of Fire development. Future projects should not cause the displacement of Métis communities and disruption of their access to land for cultural and harvesting activities must be avoided. These projects must not jeopardize the economic, social, or health well-being of Métis</p> |



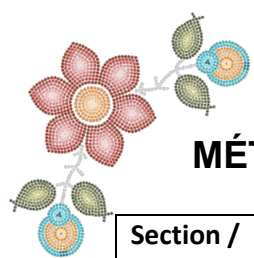
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| | | | | <p>communities by failing to take into account their deep connections to the land.</p> <p>Gittleman, A., & Brown, W. (2014, November). <i>A foreseeable disaster in Burma: Forced displacement in the Thilawa Special Economic Zone</i> [Executive summary]. Physicians for Human Rights. https://phr.org/wp-content/uploads/2014/11/Burma-Thilawa-Executive-Summary-Nov2014.pdf</p> |
| Modification of application of other Acts Rebuilding Ontario Place Act, 2023, s. 6(1)–(2) | All statutes, regulations, municipal by-laws and instruments were applied uniformly to all applicants and projects. This ensured that environmental, heritage, municipal and procureme | “The Lieutenant Governor in Council may, by regulation, modify the application of provisions of an Act or of a regulation or other instrument under an Act, subject to conditions specified in the regulation, as those provisions would apply, (a) with respect to a trusted proponent in a special economic zone; or (b) with respect to a designated project in a special economic zone. ... For greater certainty, the reference to ‘other instrument under an Act’ in subsection (1) includes a by-law or other instrument of a municipality or local board.” | Gives Cabinet power to tailor or bypass statutory, regulatory or municipal environmental, heritage, zoning, procurement requirements for certain applicants or projects in "special economic zones". | <p>The legislation allows for the selective weakening of environmental, heritage and community regulations for projects without the need for legislative debate or public scrutiny. This raises serious concerns, as Métis communities and the broader public will not be able to rely on basic protections which can be unilaterally overridden. To address these risks, the Act must prohibit any regulatory changes that undermine the Crown's duty to consult Indigenous peoples or dismantle core environmental and heritage protections. In addition, any proposed changes should be subject to both public notice and comment and a separate, Métis Nation of Ontario-specific consultation process.</p> <p>Under powers comparable to s. 6, the Cambodian government amended or suspended wildlife, forestry, and wetland-protection statutes for a 35,000-ha agro-industrial concession in Mondulkiri Province. Satellite imagery reveals a 42 % loss of primary forest cover and drainage of 1,200 ha of wetlands within three years—fragmenting tiger and elephant corridors and collapsing the livelihoods of Indigenous Bunong communities who</p> |



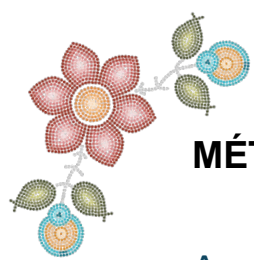
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| | nt rules could not be selectively modified. | | | <p>depended on forest resources (Global Forest Watch, 2024; Open Development Cambodia, 2021).</p> <p>The Cambodian government amended or suspended wildlife, forestry and wetland protection statutes for an agro-industrial SEZ in Mondulkiri Province using powers comparable to s. 6. Satellite imagery shows 42% loss of primary forest cover and 1200 ha of wetlands drained over three years. This has fragmented tiger and elephant habitats and impacted the livelihoods of Indigenous Bunong communities who depend on forest resources.</p> <p>Mondulkiri's powers-to-override have led to irreversible habitat loss and undermined local stewardship. s. 6's 'selective weakening' of Ontario's conservation and heritage laws could harm treaty-protected land uses, species at risk habitat and Métis harvesting rights. Without an independent scientific review or binding restoration mandate, Ontario's SEZ framework may fail to consult with the MNO, jeopardising ecosystem and cultural practices.</p> <p>Global Forest Watch. (2024). <i>Môndól Kiri, Cambodia: Deforestation rates & statistics</i>. Retrieved May 9, 2025, from https://www.globalforestwatch.org/dashboards/country/KHM/14/</p> <p>Open Development Cambodia. (2021). <i>Forest protection in Cambodia</i>. Retrieved May 9, 2025,</p> |



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| | | | | https://opendevelopmentcambodia.net/topics/forest-protection/ |
| Extinguishment of causes of action & proceedings barred Rebuilding Ontario Place Act, 2023, s. 7(1)–(4), (5) | Gives the Cabinet the power to tailor or bypass any statutory, regulatory or municipal requirement relating to the environment, heritage, zoning or procurement for certain applicants or projects that are located in a "special economic zone". | "No cause of action arises against a person set out in subsection (2) as a direct or indirect result of, (a) the enactment, amendment or repeal of any provision of this Act; (b) the making, amendment or revocation of any provision of a regulation under this Act; or (c) anything done or not done in accordance with this Act or a regulation under this Act. ... No remedy, including a remedy in contract, restitution, tort, a remedy for misfeasance, bad faith or a breach of trust or fiduciary obligation, any equitable remedy or any remedy under any statute, is available ... No proceeding ... may be brought or maintained ... Subsections (3) and (4) do not apply ... to an application for judicial review or a claim for a constitutional remedy." | Completely removes the right to sue the Crown, Ministers, municipalities, local authorities or trusted proponents for any harm or procedural failure under the Act or its regulations except by way of judicial review or a constitutional claim. It precludes injunctive relief, damages or other remedies in most forums. | The law must not include additional barriers for Métis communities to seek legal remedies and solutions to ongoing or potential harm to Métis rights. Blanket immunity for Crown actors and local boards should be removed. Protections must be added to ensure that Métis economic participation, harvesting and cultural practices are not disrupted by SEZ development. |

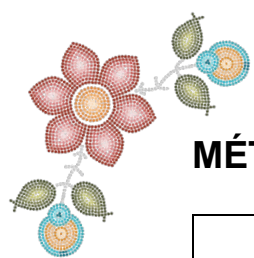


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Appendix C: Technical Review of The Species Conservation Act (Schedule 10 of Bill 5, April 2025)

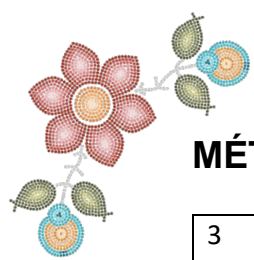
NOTE: This Act is to replace the Endangered Species Act (ESA) so there is a great deal of crossover between the reviews of them. While many of these concerns are mostly directed at species at risk/their habitat and not Métis rights, there is also a great deal of overlap between these two things as many species at risk (SAR) are species of cultural importance and many harvested species rely on these habitat protections as well. Further, consultation can be impacted if these species are no longer protected as this is a major leverage for us during consultation and ultimately negotiations for various agreements.

| Section / Topic | Before | After verbatim | What Changed | Consultation Impact / Concern & MNO Recommendations |
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| 1 Purpose | N/A | 1 The purposes of this Act are, (a) to identify species at risk based on the best available scientific information, including information obtained from community knowledge and Indigenous traditional knowledge; and (b) to provide for the protection and conservation of species while taking into account social and economic considerations, including the need for sustainable economic growth in Ontario. | This is nearly identical to the new purpose contained in the ESA changes. | Taking recovery out as a purpose of this Act significantly reduces its validity as a protective Act. By not having downwards movement for species status or actions that in theory could lead to that, included in the purpose it makes it clear that real action is not the purpose of this act. This can impact the community as several essential cultural species such as caribou could be heavily impacted by this legislation. |
| 2 Definitions | N/A | “habitat” means, subject to subsection (2), (a) in respect of an animal species, (i) a dwelling place, such as a den, nest or other similar | This is the same as the change to the ESA | By removing the much-broader definition of habitat that was found in the unamended ESA, the protections that are left will be insufficient to enact meaningful change on their population trajectories. In this new context, habitat means only the area |



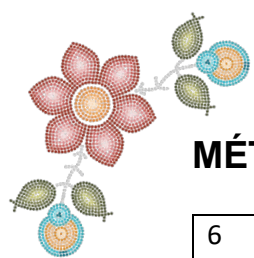
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| | | place, that is occupied or habitually occupied by one or more members of a species for the purposes of breeding, rearing, staging, wintering or hibernating, and (ii) the area immediately around a dwelling place described in subclause (i) that is essential for the purposes set out in that subclause, (b) in respect of a vascular plant species, the critical root zone surrounding a member of the species, and (c) in respect of all other species, an area on which any member of the species directly depends in order to carry on its life processes; (“habitat”) | | that an animal or plant directly requires to survive (its nest, its den or its root system in the case of plants, etc.) which is insufficient for their protection. If a species of importance for the community lives anywhere near a project, this will impact them and ultimately the community. |
| 2 Definitions | N/A | Definition of “habitat” (2) For greater certainty, the definition of “habitat” in subsection (1) does not include an area where the species formerly occurred or has the potential to be reintroduced unless existing members of the species depend on that area to carry on their life processes. | This section is different from the one that is included in the changed ESA, mostly due to the “formerly occurred” language, as this will reduce the overall scope of what is considered habitat. | It should be noted that formerly occupied is not given temporal or spatial parameters so this could mean that a species wasn’t present there for a week or they haven’t been there for 50 years. This interpretation could impact both rights and environmental impacts. The current definitions are well-defined in literature and hold particular importance for qualified persons with professional designations which cannot be modified or re-defined. |



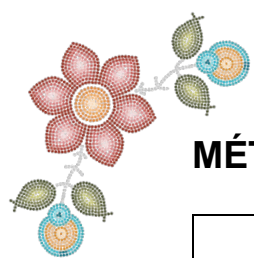
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| 3 Existing Aboriginal or treaty rights | N/A | Existing Aboriginal or treaty rights 3 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing Aboriginal or treaty rights of the Aboriginal peoples of Canada as recognized and affirmed in section 35 of the Constitution Act, 1982. | New Section | This section is incongruent to many parts of the Bill with no information provided on how it will be upheld. The nature of consultation will change as protection of valuable cultural elements, such as species of importance to the community, no longer trigger the Duty to Consult. |
| 4 General non-application, aquatic species and migratory birds | N/A | General non-application, aquatic species and migratory birds 4: Unless otherwise provided in this Act or the regulations, this Act and the regulations do not apply with respect to the following species, if the species is listed as extirpated, endangered or threatened on the List of Wildlife Species at Risk under the Species at Risk Act (Canada): 41 1. Species of birds protected by the Migratory Birds Convention Act, 1994 (Canada). 2. Aquatic species as defined in subsection 2 (1) of the Species at Risk Act (Canada). | New Section | Federal legislation has very few protections for birds and fish outside of federal lands. |



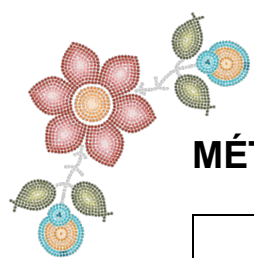
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| 6 Delegation of powers and duties | N/A | Delegation of powers and duties 6 (1) The Minister may authorize the Deputy Minister or any other employee in the Ministry to exercise any power or perform any duty that is granted to or vested in the Minister under this Act. | This is also found in the new ESA amendments. | This would allow other members of the ministry to have the same level of general oversight that the minister exhibits. Further dialogue and analysis must be completed to understand potential impacts on Métis practices and traditions. |
| 7 Crown Bound | N/A | Protection and conservation activities (2) Nothing in this Act prohibits employees or agents of the Crown in right of Ontario from, (a) possessing or transporting a member of a species listed on the Protected Species in Ontario List; or (b) engaging in any | New Section | This section is unclear and interpretation is difficult. Further dialogue and analysis must be completed to understand potential impacts on Métis practices and traditions. |
| 9 Committee on the Status of Species at Risk in Ontario | N/A | Composition (2) COSSARO shall be composed of at least 10 members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister. Qualifications (3) The Minister shall not recommend a person to be a member of COSSARO unless the Minister considers the person to have relevant expertise that is drawn from, (a) a | New section but very similar to the changes to the ESA. | The Committee on the Status of Species at Risk in Ontario (COSSARO) is an independent, essential body that determines the status of species at risk in Ontario. By changing to allow the Minister to determine it's make up, COSSARO will cease to function apolitically. |



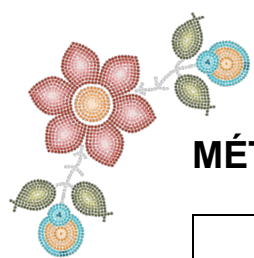
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| | | scientific discipline such as conservation biology, ecology, genetics, population dynamics, taxonomy, systematics or wildlife management; or (b) community knowledge or Indigenous traditional knowledge. | | |
| 9 Committee on the Status of Species at Risk in Ontario | N/A | Independence (5) The members of COSSARO shall perform their functions in an independent manner, and not as representatives of their employers or of any other person or body. | New | COSSARO will no longer be independent and apolitical. Further dialogue and analysis must be completed to understand potential impacts on Métis practices and traditions.. |
| 10 Functions of COSSARO | N/A | Functions of COSSARO 10 (1) COSSARO shall perform the following functions: 42 1. Subject to section 11, maintain criteria for assessing and classifying species as extinct, extirpated, endangered, threatened or of special concern. 2. Maintain and prioritize a list of species that should be assessed and classified, including species that should be reviewed and, if appropriate, reclassified. 3. Subject to section 13, assess, review and classify species in | New Section which expands on the old functions and removes recovery strategies from their purview. | This codifies that recovery strategies will not be a part of COSSAROs mandate which is the most essential part of their purpose besides the actual list which is required for said recovery strategies. This will have a negative effect on the conservation of species which may be of value to the Metis. |



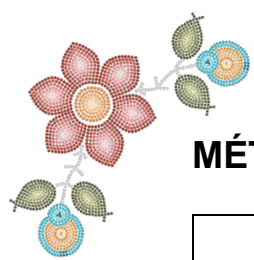
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| | | accordance with the list maintained under paragraph 2. 4. Submit reports to the Minister in accordance with this Act. 5. Provide advice to the Minister on any matter submitted to COSSARO by the Minister. 6. Perform any other function required under this or any other Act | | |
| 11 Rules for classification | N/A | Criteria for classification (4) The criteria for assessing and classifying species as endangered, threatened or special concern species under paragraph 1 of subsection 10 (1) shall include considerations of, (a) the species' geographic range in Ontario; and (b) the condition of the species across the broader biologically relevant geographic range in which it exists both inside and outside of Ontario. | Further clarification on the previous clarification section. | This means that if a species is doing well in an adjacent province or state it will likely not be considered for listing. Prothonotary Warbler is a great example as it is a very common bird in Georgia but extremely rare in Ontario, although it does breed in limited, currently highly protected places such as along Lake Erie. The negative impact that this could have on species conservation in Ontario could negatively impact species that are important to Métis way of life, including traditional practices and traditions. |
| 11 Rules for classification | N/A | 13 (1) COSSARO shall not submit an additional report with respect to the classification of species to the Minister unless, (a) the Minister has requested that COSSARO classify a species | New Section | This also confirms that COSSARO will not be independent. |



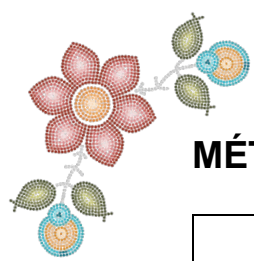
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| | | or reconsider its classification of a species under subsection (2) or (3); or (b) COSSARO is of the opinion that a species that is not listed on the Protected Species in Ontario List may be facing imminent extinction or extirpation | | |
| 11 Additional Reports | N/A | Risk of imminent extinction or extirpation (2) If a species is not listed on the Protected Species in Ontario List and the Minister is of the opinion that the species may be facing imminent extinction or extirpation, the Minister may require COSSARO to assess and classify the species and, not later than the date specified by the Minister, submit a report to the Minister under subsection (1). | New Section | The timeline approved by the Minister may cause a negative impact on species conservation in Ontario. |
| 14 Protected Species in Ontario List | N/A | Protected Species in Ontario List 14 (1) The Lieutenant Governor in Council may make a regulation listing species that are classified by COSSARO as extirpated, endangered or threatened. Deviation from COSSARO classification (2) A regulation made under | New Section | COSSARO reports may now not be reviewed or used in Ministry decisions as it is no longer independent. |



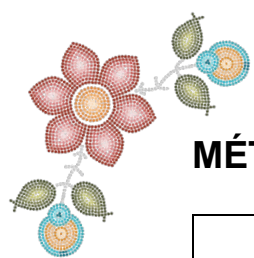
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| | | subsection (1) is not required to list all of the species classified by COSSARO but, if a species is listed, the classification of the species shall be the same as COSSARO's classification and shall include any geographic limitation indicated by COSSARO in respect of the species under subsection 11 (2). Contents of regulation (3) A regulation made under subsection (1) shall include the following information for each species: 1. The common name and scientific name of the species. 2. COSSARO's classification of the species as extirpated, endangered or threatened. 3. If the classification applies only to a specified geographic area, the area | | |
| 16 Prohibition, s. 16 activities | N/A | Prohibition, s. 16 activities Registration required 16 (1) No person shall engage in a registerable activity unless, (a) the person has registered the activity in the Registry in accordance with the regulations; (b) the | Very similar to previous ESA but has some new stipulations and such. | Possession of endangered species will now be allowed if they were harvested/killed elsewhere. There may also be some impacts to Métis traditional practices involved with how strict the highlighted part seems. This could impact cultural practices as they could be deemed illegal if they don't have a permit. |



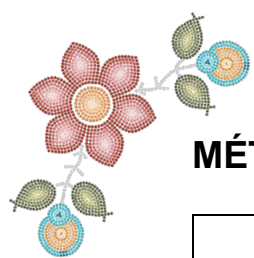
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| | | <p>Minister has provided the person with a confirmation of registration in respect of the activity; (c) the person engages in the activity in accordance with the regulations; and (d) the registration is not suspended and has not been removed from the Registry. Permit required (2) No person shall, except under and in accordance with a permit, engage in a permit activity. Exceptions (3) Subsection (1) or (2), as applicable, does not apply in respect of any of the following section 16 activities: 1. In the case of an activity described in clause (b) of the definition of “section 16 activity” in subsection 2 (1), the member of the species affected by the activity was lawfully killed, captured or taken in a jurisdiction outside of Ontario. 2. A section 16 activity for which all of the criteria set out in subsection (4) in respect of the activity, the person engaging in the activity and</p> | | |
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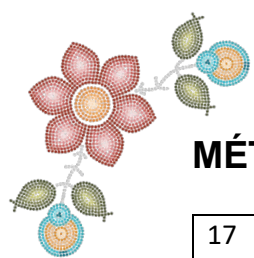
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| | | the species affected by the activity are met. 3. If a geographic area is specified in the Protected Species in Ontario List in respect of a species, a section 16 activity engaged in with respect to that species outside of the geographic area. 4. Any other section 16 activity prescribed by the Lieutenant Governor in Council for the purposes of this subsection, subject to any conditions or restrictions prescribed by the Lieutenant Governor in Council. | | |
| 16 Prohibition, s. 16 activities | N/A | First listing criteria, one-year exception (4) The following are the criteria mentioned in paragraph 2 of subsection (3): 1. The activity is, i. described in clause (a) of the definition of “section 16 activity” in subsection 2 (1), or ii. described in clause (b) of that definition but only as the definition relates to possessing or transporting a member of a species. 2. The person is engaging in the activity in relation to another species in | New section but expands upon what was in the ESA. | Changes to scientific naming conventions is potentially damaging as taxonomists frequently change species names as more information becomes available to them. The change of a scientific name, as new information is discovered, should not disqualify them from protection. |



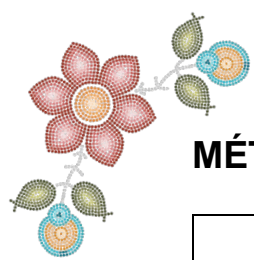
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| | | <p>accordance with subsection (1) or (2), as applicable. 3. The species is listed on the Protected Species in Ontario List as an endangered species or a threatened species and has been so listed for less than one year. 4. Before being listed as described in paragraph 3, the species was not previously listed, under its current name or any other common or scientific name, on the Species at Risk in Ontario List under the Endangered Species Act, 2007 or the Protected Species in Ontario List.</p> | | |
| 16 Prohibition, s. 16 activities | N/A | <p>Changes to the Protected Species in Ontario List (7) For greater certainty, if an amendment to the Protected Species in Ontario List results in a species no longer being listed, a requirement under this Act in respect of that species ceases to apply to a person on the day the amendment comes into force in respect of any activities engaged in after that day</p> | New Section | Delisting will be immediate if a species is deemed to not be of conservation concern. |



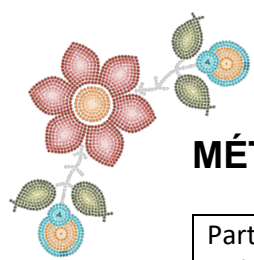
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| 17 Registry | N/A | Registry 17 (1) The Minister shall, by regulation, establish, maintain and operate a registry known in English as the Species Conservation Registry and in French as Registre pour la conservation des espèces. 45 Purposes (2) The purposes of the Registry are to allow persons to register registerable activities and any other purposes as may be prescribed. | New Section | This is the introduction of the new regulatory framework. The purpose of said framework is to start a “permit first approach” which will allow work immediately and the impacts considered later, as long as the below stipulation is met. Said stipulation is not defined so it is ultimately allowing projects to go ahead without any information on how it was determined that there wouldn’t be impacts. |
| 21 Application for permit | N/A | Application for permit 21 (1) A person may apply to the Minister for a permit to engage in one or more permit activities. | New Section | For more impactful activities, permits may still be used but it is not defined what those activities will be at this point. Further dialogue and analysis must be completed to understand potential impacts on Métis practices and traditions. |
| 21 Application for permit | N/A | Exercise of powers on Minister’s initiative (7) The Minister may, on the Minister’s own initiative, (a) amend or revoke conditions of a permit after it has been issued; 47 (b) impose new conditions in a permit; or (c) suspend or revoke all or part of a permit | New but similar to things added to ESA amendments | This is contrary to the notion that these changes will increase project timeline stability as they actually reduce it. This could in theory impact MNO citizens' jobs. |
| 24 Codes of practice, etc. | N/A | Codes of practice, etc. 24 The Minister may establish codes of practice, standards or guidelines with respect to the protection and | New Section | This could allow for set offsets for impacts which are likely to not take individual moderating factors into account, such as the value a species has to the community. |



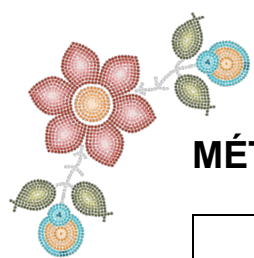
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| | | conservation of species that are listed on the Protected Species in Ontario List and their habitat. | | |
| 25 Species Conservation Program | N/A | Species Conservation Program 25 (1) The program known in English as the Species Conservation Program and in French as Programme de conservation des espèces is continued. 48 Purpose (2) The purpose of the program is to promote protection and conservation activities that relate to species classified by COSSARO in a report submitted under section 12 or 13, including, (a) the preservation and rehabilitation of habitat, and the enhancement of other areas so that they can become habitat; (b) public education and outreach programs relating to conservation; and (c) other activities to assist in the protection and conservation of species. Grants (3) As part of the program, the Minister may make grants for the purpose described in subsection (2). | New Section | This is supposed to replace some of the funding that has been removed from the ESA but are significantly less beneficial and could represent the dominant use of the fund. This could impact the community and consultation as there will be less capacity towards conserving species that the community values. |



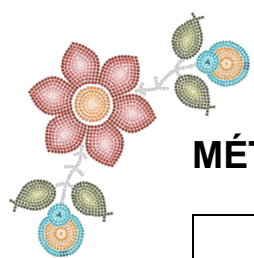
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| Part 4: Enforcement 32 Inspections to determine compliance | N/A | I have not included the enforcement part of the act to keep this somewhat reasonable in length but it is very similar to what was in the ESA except with additional powers for enforcement officers. I have included the most alarming part below for your reference however. Inspections to determine compliance 32 (1) A provincial officer may enter and inspect any land or other place without a warrant for the purpose of determining whether there is compliance with any of the following provisions: 1. Section 15, subsection 16 (1) or (2) or section 23. 2. Any provision of a permit. 3. Any provision of an order issued under section 36, 37, 38, 39 or 54. 4. Any provision of the regulations. | New Section | The main concern with this section is that it allows for warrantless searches. Allowing for warrantless searches of someone's person or property is of concern. There may be misunderstandings about harvesting practices. |
| 57 Similar species | N/A | Similar species 57 In a prosecution under this Act, (a) a living or dead animal, plant or other organism that is not easily distinguishable from a member of a species that is listed on the | New Section | |



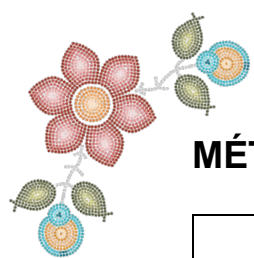
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| | | Protected Species in Ontario List is deemed, in the absence of evidence to the contrary, to be a member of that species; and (b) a part of a living or dead animal, plant or other organism that is not easily distinguishable from a part of a member of a species that is listed on the Protected Species in Ontario List is deemed, in the absence of evidence to the contrary, to be a part of a member of that species | | |
| 61 Information that could lead to contravention | N/A | Information that could lead to contravention 61 Nothing in this Act requires the Minister to make information available to the public or otherwise disclose information if doing so could reasonably be expected to lead to a contravention of section 15, subsection 16 (1) or (2) or 23 (1) or (2). | New Section | Further dialogue and analysis must be completed to understand potential impacts on Métis practices and traditions. |
| 63 Incorporation by reference | N/A | Incorporation by reference 63 (1) A regulation may incorporate, in whole or in part and with such changes as the Minister or the Lieutenant Governor in Council considers necessary, | New Section | Documents referenced within the Act can now be changed at any time. This may limit protections and there would be particular concern if species of value to the Metis are were to be harmed. |



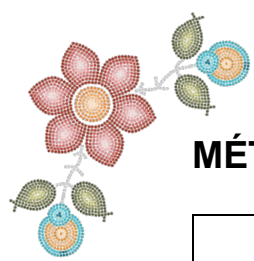
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| | | a document, including a code, formula, standard, protocol, procedure or guideline, as the document may be amended or remade from time to time. | | |
| 64 Regulations | N/A | Regulations 64 (1) The Minister may make regulations, (a) prescribing anything that is referred to in this Act as prescribed or as otherwise dealt with in the regulations, other than by the Lieutenant Governor in Council; 59 (b) prescribing section 16 activities for the purposes of subsection 16 (2); (c) governing the establishment, operation and maintenance of the Registry, including, (i) governing registrations, including requiring electronic registrations, and procedures for registering, which may include designating a person responsible for establishing procedures, (ii) governing the maintenance of registrations and prescribing any information, reports, records or documents to be included in registrations, (iii) | New Section but very similar to what is in the new ESA changes. | The Minister and the Lieutenant Governor in Council have the power to change any regulations and permits of the Act. This could affect the way in which the MNO is consulted. |



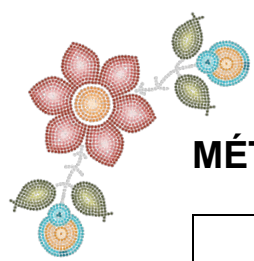
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| | | <p>prescribing the timing and requirements relating to periodic updating of registrations, (iv) governing registrable activities, (v) requiring persons with qualifications specified in the regulations to provide certifications as part of registrations, (vi) governing certifications mentioned in subclause (v), (vii) governing the suspension or removal of registrations, (viii) governing requirements for financial assurance and methods of calculating financial assurance in respect of registrable activities and prescribing measures for which financial assurance may be required, (ix) requiring persons prescribed by the regulations to carry insurance, specifying the insurance that is required to be carried and specifying limits and conditions respecting insurance coverage; (d) requiring persons who have been issued an instrument under this Act or any other</p> | | |
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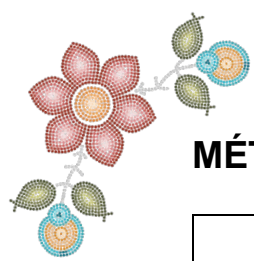
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| | | <p>specified persons to prepare, store and submit prescribed documents, information, data or reports and respecting the methods of creating, storing and submitting them; (e) providing for the preparation and signing of documents and reports by electronic means, the filing of documents and reports by direct electronic transmission and the printing of documents and reports filed by direct electronic transmission. Same, permit activities (2) Without limiting the generality of clause (1) (b), a regulation made under that clause may describe a prescribed section 16 activity in terms of, (a) the species affected by the activity; (b) the geographic area of the activity; (c) the temporal nature of the activity, for example prescribing an activity in respect of a particular time of day or year; (d) the purpose of the activity; (e) the stage in the</p> | | |
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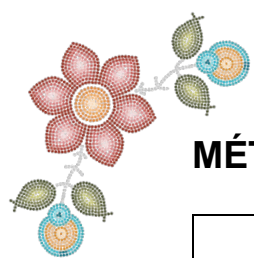
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| | | development of a species affected by the activity; (f) the persons or class of persons engaging in the activity; or (g) the circumstances in which the activity is engaged. | | |
| 65 Regulations, Lieutenant Governor in Council | N/A | Regulations, Lieutenant Governor in Council 65 (1) The Lieutenant Governor in Council may make regulations, (a) prescribing anything that is referred to in this Act as prescribed or as otherwise dealt with in the regulations made by the Lieutenant Governor in Council; (b) limiting the application of “habitat” as defined in subsection 2 (1) in respect of one or more specified species that are listed on the Protected Species in Ontario List; (c) defining “adverse effect”, “alternative habitat”, “in the wild”, “significant adverse effect” and “site” for the purposes of this Act; (d) governing any transitional matters that may arise in connection with the application of this Act or the regulations; (e) respecting | New Section but very similar to what is in the new ESA changes | See section 64. Similar to above, the definitions listed in (b) are well-defined in literature and usage by professionals. |



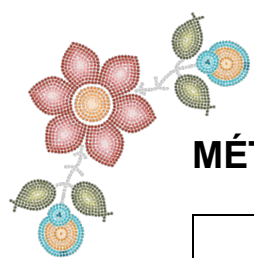
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| | | <p>any matter that the Lieutenant Governor in Council considers advisable to effectively carry out the purpose of this Act other than a matter mentioned in section 64. Same, excepted registerable activities (2)</p> <p>Without limiting the generality of clause (1) (a), a regulation made under that clause for the purposes of paragraph 4 of subsection 16 (3) may, (a) describe a prescribed section 16 activity in terms of, (i) the species affected by the activity, 60 (ii) the geographic area of the activity, (iii) the temporal nature of the activity, for example prescribing an activity in respect of a particular time of day or year, (iv) the purpose of the activity, (v) the stage in the development of a species affected by the activity, (vi) the persons or class of persons engaging in the activity, or (vii) the circumstances in which the activity is engaged; and (b) in the case of a permit</p> | | |
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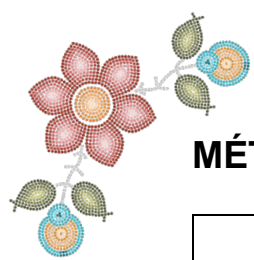
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| | | activity, (i) prescribe conditions requiring the activity to be registered in the Registry in accordance with the regulations, and (ii) prescribe provisions of this Act and the regulations that would not otherwise apply in respect of the permit activity to apply. | | |
| 66 Agency under the Endangered Species Act, 2007 Continued immunity of Crown | N/A | Agency under the Endangered Species Act, 2007 Continued immunity of Crown 66 (1) For greater certainty, subsections 20.18 (1) to (3) of the Endangered Species Act, 2007 continue to apply in respect of any act or omission of the Agency or its officers, directors or employees done under the authority of that Act before its repeal. Unpaid judgments against Agency (2) The Minister of Finance shall pay from the Consolidated Revenue Fund the amount of any judgement against the Agency that remains unpaid after the day the Endangered Species Act, 2007 is repealed. Species Conservation Account (3) | New Section but very similar to what is in the new ESA changes | This section pertains to the transition management of the agency and also governs how the funds from said to be dissolved agency will be governed. As it's written, said funds will be going towards the funding of activities that further the purposes of this Act. The funds formerly were to be directed at recovering specific species and had objective milestones and goals as opposed to this very general "furthering of the purposes of the Act" which is unclear. This can impact consultation and MNO through reduced funding for conserving species of importance. |



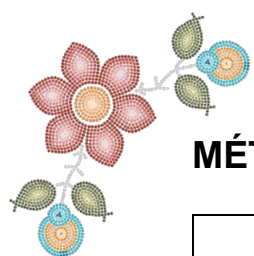
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| | | <p>Amounts not exceeding the balance in the Species Conservation Account established under the Endangered Species Act, 2007 may be charged to the account and paid out of the Consolidated Revenue Fund for the purpose of funding activities that further the purposes of this Act.</p> <p>Definitions (4) In this section, “Agency” and “Fund” have the same meaning as in subsection 2 (1) of the Endangered Species Act, 2007, as that subsection read immediately before it was repealed.</p> | | |
| 67 Transitional regulations | N/A | <p>Transitional regulations 67 (1) The Lieutenant Governor in Council may make regulations governing any transitional matters that may arise from the enactment of this Act or the repeal of any provision of the Endangered Species Act, 2007, including, (a) governing proceedings commenced but not finally disposed of under the Endangered Species Act,</p> | <p>New Section but very similar to what is in the new ESA changes</p> | <p>The Lieutenant Governor in Council will be able to dictate how resolution and essential matters, such as the maintenance of provisions from the former ESA, will be dealt with. If the community was currently involved in any such cases, it could be terminated at the will of the Lieutenant Governor in Council.</p> |



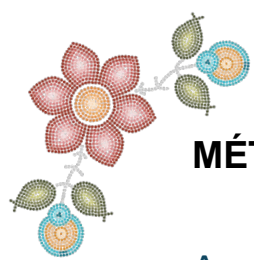
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| | | 2007, including providing for their termination; (b) providing for the continued application, on a transitional basis, of any provision of the Endangered Species Act, 2007 or any provision of a regulation that is revoked by this Act, as the provision read immediately before its repeal or revocation, with such modifications as may be specified. Same (2) In the event of a conflict between a regulation made under subsection (1) and this Act, the regulation prevails to the extent of the conflict. | | |
| 68 Endangered Species Act, 2007 | N/A | Endangered Species Act, 2007 68 The Endangered Species Act, 2007 is repealed. Revocations 69 The following regulations are revoked: 1. Ontario Regulation 230/08. 2. Ontario Regulation 242/08. 3. Ontario Regulation 651/21. 61 4. Ontario Regulation 656/21. 5. Ontario Regulation 829/21. 6. Ontario Regulation 830/21. 7. Ontario Regulation 832/21. 8. Ontario Regulation 6/24. | New Section | This is very impactful as it repeals the ESA as well as many regulations that were contained within it. The exclusion of Indigenous cultural permits from this act (it was in the original ESA, not in the amended one) could be construed as an impact if it was not otherwise supplemented in the Act. There is concern about the preservation of and relationship to species. |



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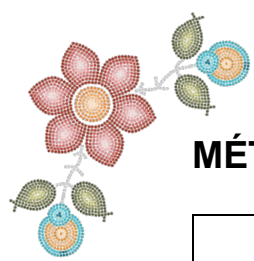
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| | | Commencement 70 The Act set out in this Schedule comes into force on a day to be named by order of the Lieutenant Governor in Council. | | |
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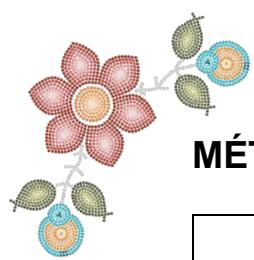
Appendix D: Technical Review of Ontario Heritage Act Amendments (Bill 5, April 2025)

| Section / Topic | Before | After verbatim | What Changed | Consultation Impact / Concern & MNO Recommendations |
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| Inspection (s. 51.2) | Repealed “(1) An inspector may conduct an inspection for the purpose of ensuring that a person licensed under section 48 is complying with the Act and the regulations and remains entitled to a licence under the Act...” and (2) through (12). | “(1)(b) assessing whether any artifacts or archaeological sites are on any land, or land under water, in the Province...” and “(2) An inspection under clause (1) (b) may only be conducted if the inspector is directed to do so by the Minister...” through (13). | Expansion of inspection powers for artifacts or archaeological sites. | No anticipated impact. |
| Report by inspector (s. 51.3) | “If an inspector believes that a person licensed under section 48 has failed to comply with the Act, the regulations or a term of the licence, the inspector shall prepare a report and provide a copy of the report to the Minister and to the licensee.” | “(1) An inspector shall prepare a report if the inspector believes that,... (i) an artifact or archaeological site is on land, or land under water, described in clause 51.2 (1) (b),...” and through (iii). | Additions to require a report for expanded inspection powers under s. 51.2. | No anticipated impact. |
| Assessment order (s. 61.1) | N/A (new) | “(1) If the Minister is of the opinion that land, or land under water, in the Province may contain an artifact or an archaeological site, the | Authorizes the Minister to make assessment orders. | No anticipated impact. |



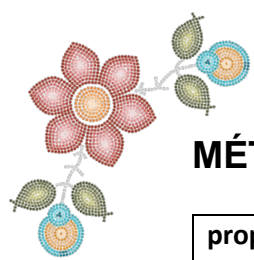
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| | | <p>Minister may issue an assessment order under subsection (2)..." and "(2) The assessment order shall direct that no person shall alter or remove an artifact or any other physical evidence of past human use or activity from the land, or land under water, until, (a) a licensee under this Part, 28 (i) has completed archaeological fieldwork, within the meaning of the regulations, on the land or land under water, and (ii) has provided a report to the Minister under subsection 65 (1) stating that any sites found have no further cultural heritage value or interest; and...." ...through (4).</p> | | |
| Artifacts may be held in trust (s. 66(1)); and Seizure of artifact or material in archaeological collection (s. 66(2)) | Repealed. "(1) The Minister may direct that any artifact taken under the authority of a licence or a permit be deposited in such public institution as the Minister may determine, to be held in trust for the people of Ontario." And (2) of same. | "(1)..., or deposited with an Indigenous community." And "(2) through (7). | Authorizes the Minister to direct the deposit of seized artifacts in a public institution, archaeological collection, or Indigenous community. | While the addition of Indigenous communities appears overall positive, it has the potential to create conflict between Indigenous communities with competing interests, particularly if there is uncertainty in the classification of an artifact. There is a lack of scientific knowledge with respect to Métis archaeology, which has likely led to a misidentification of Métis archaeological resources in Ontario. The Minister |



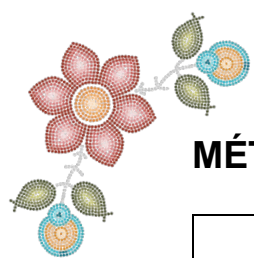
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| | | | | <p>retains decision-making authority, not the Indigenous communities to which the artifacts may belong which could exacerbate colonial tensions.</p> <p>MNO Recommendation: Recommendation for any seized artifacts intended to be deposited with an Indigenous community be subject to a consultation process with Indigenous communities that are identified based on the suspected provenance of the artifact. Artifacts should be subject to a rigorous assessment by licensed archaeologists with expertise in all relevant Indigenous peoples, including the Métis. Decision-making should be informed by the consultation process, with the intention to achieve Free, Prior, and Informed Consent.</p> |
| <p>Exemption for properties (s. 66.1) In this Part, “designated property” means property that is designated by the Minister under this Part; (“bien désigné”) “property” means real</p> | N/A (new) | <p>“(1) Subject to the regulations, if any, the Lieutenant Governor in Council may, by order, exempt a property from the application of a requirement described in subsection (2) if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more of the following provincial priorities: 1.</p> | <p>Allows exemptions of property from requirements under Part VI or exemptions from archaeological assessment if the exemption could advance specified provincial priorities.</p> | <p>Gives the government broad discretion to override existing protections or requirements to advance its priorities. Exempting properties from archaeological assessment will remove protections for Métis archaeological resources, cultural, spiritual, or burial sites, artifacts, remains, or ruins, etc. The changes may <u>potentially result in significant impacts to culturally significant sites</u> (e.g. heritage, burial, ceremonial; access to and use of archaeological sites), culturally significant practices (e.g. uniqueness of</p> |



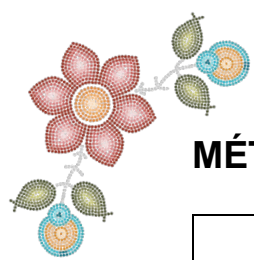
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| <p>property, but does not include buildings or structures other than ruins, burial mounds, petroglyphs and earthworks. (“bien”)</p> | | <p>Transit; 2. Housing; 3. Health and Long-Term Care; 4. Other Infrastructure; 5. Such other priorities as may be prescribed...” and (2) through (4).</p> | | <p><u>area to rights, culture and practice; sites associated with names, stories, place-specific knowledge, and ceremonial sites), knowledge transmission, and sense of place.</u></p> <p>Exemptions have potential to destroy irreplaceable archaeological resources and contribute to the already significant impacts of colonization on the Métis Communities, including by erasing evidence to support the historical record and assertions of the Métis in Ontario.</p> <p><u>MNO Recommendation</u> Remove Section 66.1 Exemption for properties in its entirety from the Act.</p> |
| <p>Extinguishment of causes of action (s. 66.2)</p> | <p>N/A (new)</p> | <p>“ (1) No cause of action arises against the Crown ...as a direct or indirect result of, (a) the enactment, amendment or repeal of any provision of this section or section 66.1; (b) the making, amendment or revocation of any provision of an order under section 66.1 or a regulation relating to section 66.1; or (c) anything done or not done in accordance with section 66.1, an order under section 66.1 or a regulation</p> | <p>Extinguishes various causes of action. Broad protections for the Crown, ensuring immunity from legal actions in relation to government decisions and regulations under section 66.1.</p> | <p>Limits legal recourse of the MNO to judicial review and constitutional challenges only, in the event archaeological resources are adversely impacted through an exemption under s. 66.1.</p> <p><u>MNO Recommendation</u> Remove Section 66.2 Extinguishment of causes of action, in its entirety from the Act.</p> |



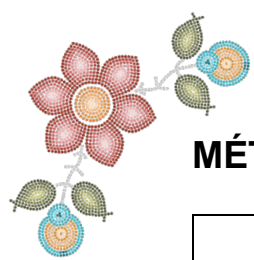
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| | | relating to section 66.1...” and (2) through (7). | | |
| Investigations (Part VI.1; 66.3 to 66.8) | N/A (new) | “(1) The Minister may appoint persons to be investigators for the purposes of conducting investigations...” | Authorizes investigations under the Act, where Minister may appoint investigators with powers set out. Authorizes searches and mandatory production orders which may provide evidence of an offence. | Establishes a framework for investigations, search warrants, evidence collection, and enforcement. No anticipated impacts. |
| No Compensation (s. 68.3 (1)) | Repealed. “(1) Except as may be provided under this Act, no owner of property or other person is entitled to compensation in respect of any designation, order or decision made by a municipality, the Minister or Tribunal under this Act.” | “(1) Except as may be provided under this Act, no owner of property or other person is entitled to compensation in respect of any decision, designation, order or regulation , made by a municipality, the Tribunal, the Minister or the Lieutenant Governor in Council under this Act.” | Specifies that certain instruments do not entitle persons to compensation. | No anticipated impacts. |
| Offences and restoration costs, Limitation period (s. 69.1) | N/A (new) | “A proceeding with respect to any offence under this Act shall not be commenced more than two years after the day on | Establishes two-year limitation period for prosecution of | No anticipated impacts. |



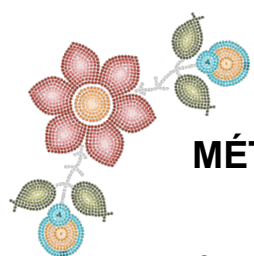
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| | | which the offence first comes to the attention of a provincial offences officer appointed under the Provincial Offences Act.” | offences under the Act. | |
| Offences and restoration costs, Order to prevent damage, etc. (s. 69.2) | N/A (new) | “(1) On its own initiative or on the request of the prosecutor, the court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may order the person to, (a) take such action as the court directs within the time specified in the order to prevent, eliminate or ameliorate damage that results from or is in any way connected to the commission of the offence; or (b) comply with any order, direction or other requirement issued under this Act to the person in relation to damage that results from or is in any way connected to the commission of the offence.” And (2) through (5). | Authorizes court orders to prevent, eliminate or ameliorate damage connected to the commission of an offence. | No anticipated impacts. |
| Regulations (s. 70 (1)(h)) | Repealed. “defining “archaeological fieldwork”, | “defining “archaeological collection”, “archaeological fieldwork”, “archaeological | Adds “archaeological collection” and | Dependent on how these terms are defined under the regulations. |



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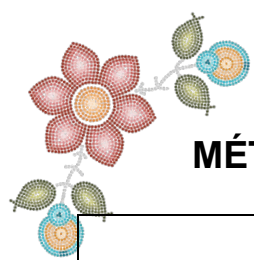
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| | “archaeological site”, “artifact”, “cultural heritage” and “marine archaeological site” for the purposes of this Act and the regulations; | site”, “artifact”, “cultural heritage”, “marine archaeological site” and “public institution” for the purposes of this Act and the regulations;” | “public institution” to definitions under regulation. | No anticipated impacts. |
| Regulations (s. 70 (1) (m.1)) | N/A (new) | “governing exemptions under section 66.1, which may include establishing criteria that must be met for a property to be eligible for an exemption;” | Allows regulations to establish criteria for property exemptions. | <p>Together with section 66.1, potential for Métis archaeological resources to be overlooked/missed.</p> <p><u>MNO Recommendation</u> Remove in its entirety from the Act, together with section 66.1. Alternatively ensure extensive consultation with Indigenous peoples including the MNO occurs on the development of the regulations governing exemptions under section 66.1.</p> |



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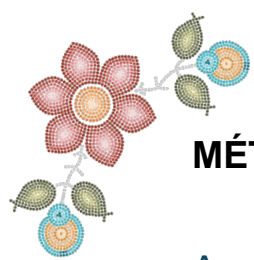
Appendix E: Technical Review of Electricity Act (Bill 5, April 2025)

| Section / Topic | Before | After | What Changed | Consultation Impact / Concern & MNO Recommendations |
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| Directive may specify origin requirements (s. 25.32 (5)) | Authorizes the issuance of directives requiring the IESO to undertake a request for proposal or other procurement initiative or activity relating to a specified matter respecting electricity. | “The section is amended to specify that any such directive may set out requirements relating to the country, region or territory of origin of any good or service used in connection with the matter to which the directive relates. The section is also amended to provide that the IESO is not permitted to enter into a procurement contract that relates to specified matters respecting electricity in circumstances that may be prescribed by regulations made under the Act.” | Stricter rules around procurement to regulate the place of origin of goods and services. | <p>The MNO could have a reduced ability to comment/be consulted on who the designated transmitter/proponent is for electricity projects.</p> <p>Additionally, origin-based procurement rules could impose administrative burdens on Métis businesses lacking specialized procurement teams.</p> <p>Recommendations:</p> <ul style="list-style-type: none">• MNO engagement should begin at the regulation drafting stage to ensure Métis business interests are considered.• Recommend establishment of a Métis supplier registry and targeted capacity-building workshops to help Métis businesses meet origin certification standards.• Recommend that Ontario create clear guidance documents and host training sessions tailored for small and Indigenous businesses.• Propose inclusion of a minimum percentage of contracts reserved for certified Métis suppliers to promote equitable participation. |
| Legal Immunity (s. 3.2) | N/A (section did not previously exist) | New section 3.2 “A new section 3.2 provides for the extinguishment of specified causes of action against the Crown, the IESO, Ontario Power | Extinguishment of specified causes of action against the Crown, the IESO, OPG Inc., etc. in relation to new procurement rules. | The MNO could have a reduced ability to comment/be consulted on who the designated transmitter/proponent is for electricity projects. |



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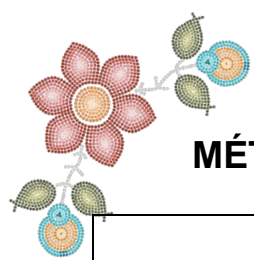
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| | | Generation Inc. and other specified persons in connection with the amendments made to the Act, including for things done or not done in accordance with those amendments. It also provides for a bar on legal proceedings connected to those matters.” | | Recommendation: MNO recommends carving out specific language for clarity on the ability for recourse for breaches of Métis rights consultation duties, ensuring that Métis communities retain legal recourse for direct consultation rights violations. |
| OPG Procurement Limits (S. 53.6.1) | N/A (section did not previously exist) | “A new section 53.6.1 provides for restrictions respecting the procurement by Ontario Power Generation Inc., or by any of its subsidiaries that may be specified by the regulations, of a good or service that meets the conditions prescribed by the regulations respecting its country, region or territory of origin.” | Mirrors IESO origin requirements at OPG and its subsidiaries. | <p>Concern: Rapid adoption without regional or Indigenous consultation.</p> <p>Origin-based rules could impose administrative burdens on Métis businesses lacking specialized procurement teams.</p> <p>Recommendations:</p> <ul style="list-style-type: none">• MNO engagement should begin at the regulation drafting stage to ensure Métis business interests are considered.• Recommend establishment of a Métis supplier registry and targeted capacity-building workshops to help Métis businesses meet origin certification standards.• Recommend that Ontario create clear guidance documents and host training sessions tailored for small and Indigenous businesses.• Propose inclusion of a minimum percentage of contracts reserved for certified Métis suppliers to promote equitable participation. |



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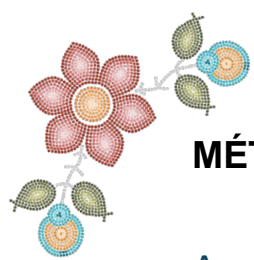
Appendix F: Technical Review of Ontario Energy Board Act Amendments (Bill 5, April 2025)

| Section / Topic | Before | After | What Changed | Consultation Impact / Concern & MNO Recommendations |
|---|--|---|--|--|
| Procurement Restrictions (Section 43.1) | N/A (section did not previously exist) | 43.1 (1) “No gas transmitter, gas distributor or storage company that is prescribed by the regulations shall procure a good or service that meets the conditions prescribed by the regulations respecting its country, region or territory of origin, as that origin is determined in the regulations. (2) No gas transmitter, gas distributor or storage company subsidiary that is prescribed by the regulations shall procure a good or service that meets the conditions prescribed by the regulations respecting origin.” | Introduces new procurement-origin restrictions for gas entities; exempts these actions from the Discriminatory Business Practices Act. | Origin-based procurement rules may indirectly exclude Métis suppliers or service providers. Lack of engagement during regulation development could exacerbate inequities. Recommendations: <ul style="list-style-type: none">• MNO engagement should begin at the regulation drafting stage to ensure Métis business interests are considered.• Recommend establishment of a Métis supplier registry and targeted capacity-building workshops to help Métis businesses meet origin certification standards. |
| Procurement Restrictions (Section 73) | N/A (section did not previously exist) | 73 (1) “In this section, “licensee” means the holder of a licence under this Part, other than the IESO or Ontario Power Generation Inc. (2) No licensee that is prescribed by the regulations shall procure a good or service that meets the conditions prescribed by the regulations respecting its country, region or territory of origin, as that origin is determined in the regulations. (3) No licensee subsidiary that is | Extends procurement-origin restrictions to utility licensees and their subsidiaries. | <ul style="list-style-type: none">• Origin-based procurement rules could impose administrative burdens on Métis businesses lacking specialized procurement teams. Recommendations: <ul style="list-style-type: none">• Recommend that the Ontario Energy Board (OEB) create clear guidance documents and host training sessions tailored for small and Indigenous enterprises.• Propose inclusion of a minimum percentage of contracts reserved for certified Métis suppliers to promote equitable participation. |



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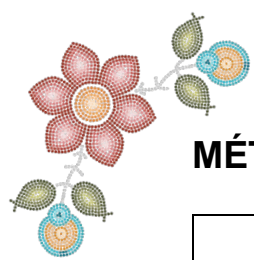
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| | | prescribed by the regulations shall procure a good or service that meets the conditions.” | | |
| Legal Immunity (Section 134) | N/A (section did not previously exist) | 134 “(1) No cause of action arises against the Crown or any current or former member of the Executive Council or employee, officer or agent of or adviser to the Crown, as a direct or indirect result of, (a) the enactment, amendment or repeal of section 43.1, 73 or this section; (b) the making, amendment or revocation of any provision of a regulation for the purposes of section 43.1 or 73; or (c) anything done or not done in accordance with a provision referred to in clause (a) or a regulation made for the purposes of clause (b). (2) Exception for claims for a refund of fees under section 43.1 or 73.” | Grants broad immunity to government and agents for actions under the new procurement restrictions, limiting legal recourse. | <p>May shield the Crown from challenge even when decisions impact Métis economic interests or bypass consultation on procurement rule changes.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Recommend carving out an immunity exception for failures to consult with MNO adequately. • Suggest creation of an independent review panel, including Métis representatives, to investigate complaints related to procurement impacts on Indigenous businesses including Métis. • Propose periodic legislative review (e.g., every 2 years) of immunity provisions to assess their impact on transparency and Indigenous rights including Métis. |



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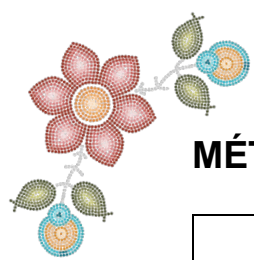
Appendix G: Technical Review of Mining Act Amendments (Bill 5, April 2025)

| Section / Topic | Before | After | What Changed | Consultation Impact / Concern & MNO Recommendations |
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| Terminology (General) | "employee of the Ministry"; "employees of the Ministry" | "employee in the Ministry"; "employees in the Ministry" | Striking out and substituting updated phrasing | This change is administrative and unlikely to directly affect Métis communities. No recommendations. |
| Purpose of the Act (s. 2) | "...mineral resources, in a manner consistent..." | The Act's purpose of encouraging prospecting, registration of mining claims and exploration for the development of "...mineral resources to a degree that is consistent with the protection of Ontario's economy and in a manner consistent..." | Expanded to include protection of Ontario's economy | First inclusion of rights language is positive, but vague phrasing ('to a degree') may allow economic priorities to outweigh timely and meaningful consultation with Métis communities. Protection of Ontario's economy may be the wrong word as the purpose is to improve the economy ("unleash"). Recommendation: MNO recommends amending the purpose clause or drafting regulations to explicitly reference the duty to consult Métis communities and to safeguard traditional land uses in every economic decision. |
| Emergency Suspension of Mining System (s. 4.1) | N/A (no prior authority) | (8) "Despite the Statutory Powers Procedure Act, the Minister may, without prior notice or hearing, make an order suspending the operation of some or all functions of the mining lands administration system, if, in the Minister's opinion, the order is desirable for the protection of the strategic | Introduces new emergency suspension powers | Recommendation: MNO and Métis companies should be exempted from this clause to promote Métis inclusion in Mining projects. |



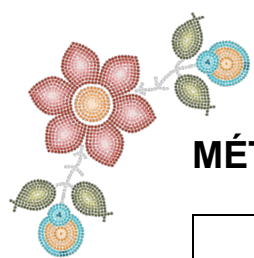
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| | | national mineral supply chain..." (subsections (8)–(14)) | | |
| Supply-Chain Orders (s. 26.1) | N/A (new section) | Full text of section 26.1: "A provincial officer may make an order requiring..." through to "No person is entitled to any compensation..." | Adds powers to suspend/restrict user accounts and licenses (no notice/ no hearing) | <p>- low impact to Métis practices as currently understood</p> <p>Recommendation: MNO and Métis companies should be exempted from this clause to promote Métis inclusion in Mining projects.</p> |
| Mining Lease Denial (s. 81) | Leases issued if requirements met under subsection (1) | "(1.1) Despite subsection (1)... the Minister may, without prior notice or hearing, deny the issuance of a lease if the Minister considers denying the lease desirable for the protection of the strategic national mineral supply chain... " (with subsections (1.2)–(1.3)) | Introduces discretionary lease denial power | <p>- low impact to Métis practices as currently understood</p> <p>Recommendation: MNO and Métis companies should be exempted from this clause to promote Métis inclusion in Mining projects.</p> |
| Permitting Delivery Team (s. 153.0.1) | N/A (new section) | Full text of section 153.0.1: "(1) The Minister may establish a mine authorization and permitting delivery team for any project designated by the Minister..." through subsection (7) | Creates a cross-ministry permitting team | <p>This includes a reference to consultation, which is encouraging. However, the effectiveness depends on how the team includes or works with Métis communities in practice to ensure fulsome, holistic Consultation.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> - MNO recommends early notice of any projects occurring on Métis Traditional Territories to identify any information gaps regarding Métis rights or assertions in the Traditional Territories, and the level of consultation required for the project. |



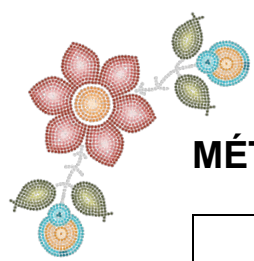
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| | | | | <ul style="list-style-type: none"> - MNO recommends appointing at least one Métis liaison officer on each project team. - Require each project team to draft a detailed, project-specific consultation plan developed jointly with MNO that outlines objectives, timelines, and responsibilities. - MNO recommends establishing a two-way approval and implementation framework between the project lead and the MNO for permitting, execution, and long-term stewardship. A Métis Qualified Person and Métis liaison can fulfill these duties. - MNO recommends scheduling periodic meetings to review progress, address emerging issues, and adapt the consultation plan as needed. |
| Claim & Licence Cancellation (s. 176.1) | Cancellations subject to Statutory Powers Procedure Act and notice/hearing | “(1) Despite the Statutory Powers Procedure Act... the Minister may, without prior notice or hearing, cancel or revoke unpatented mining claims or a licence of occupation or terminate a lease... ” (with factors and no compensation) | Adds immediate cancellation power with LGIC approval | <p>No low impact to Métis practices as currently understood</p> <p>Recommendation: MNO and Métis companies should be exempted from this clause to promote Métis inclusion in Mining projects.</p> |
| Legal Immunity (s. 185.1) | Crown liable under civil/tort law | “No cause of action arises against the Crown... as a direct or indirect result of... amendments made by Schedule 5... Exception: | Provides broad immunity for government actions | <p>This limits legal recourse in particular instances and creates a barrier for particular remedies of Métis rights or interests affected by these new powers.</p> <p>Recommendation: MNO recommends clarifying language for the exception for breaches of Métis</p> |



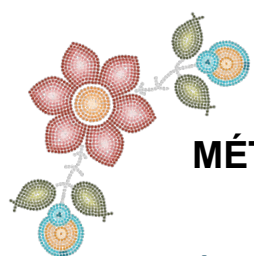
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| | | refund of fees under s. 153.0.1(8)." | | rights consultation duties, ensuring that Métis communities retain legal recourse for direct consultation rights violations. |
| Permitting Delivery Team (s. 153.0.1) | N/A (new section) | Full text of section 153.0.1: "(1) The Minister may establish a mine authorization and permitting delivery team for any project designated by the Minister..." through subsection (7) | Creates a cross-ministry permitting team | <p>This includes a reference to consultation, which is encouraging. However, the effectiveness depends on how the team includes or works with Métis communities in practice.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> - MNO recommends early notice of any projects occurring on Métis Traditional Territories to identify any information gaps regarding Métis rights or assertions in the Traditional Territories, and the level of consultation required for the project. - MNO recommends appointing at least one Métis liaison officer and Métis Qualified Person on each project team. - Require each project team to draft a detailed, project-specific consultation plan developed jointly with MNO that outlines objectives, timelines, and responsibilities. - MNO recommends establishing a two-way approval and implementation framework between the project lead and the MNO for permitting, execution, and long-term stewardship. - MNO recommends scheduling periodic meetings to review progress, address |



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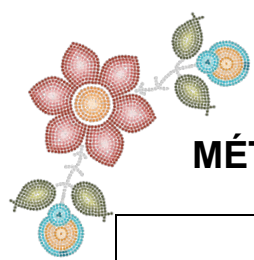
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| | | | | emerging issues, and adapt the consultation plan as needed. |
| All Sections | n/a | n/a | n/a | Despite repeated commitments during the information session and elsewhere that the Bill would incorporate both the Federal and Ontario Critical Minerals Strategies, there is no indication in any section of Bill 5 that this will occur. While the Preamble cites critical minerals as one of the rationales of the amendments, the Bill fails to include any provisions explaining how these strategies will be implemented or reflected. This omission applies across all relevant sections and undermines the stated intent of aligning legislative changes with broader strategic commitments. |



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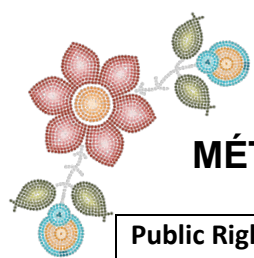
Appendix H: Technical Review of Rebuilding Ontario Place Act, 2023

| Section / Topic | Before | After verbatim | What Changed | Consultation Impact / Concern & MNO Recommendations |
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| Environmental Bill of Rights (9.1) (EBR)(Rebuilding Ontario Place Act, 2023, Schedule 8, 9.1) EBR, 1993, 1993, c.28, s.15(1);93, c.28, s.16(1). | Part II of the Environmental Bill of Rights, 1993, was in force. Required public consultation on proposals to grant, vary or revoke environmental authorisations | Schedule 8, Rebuilding Ontario Place Act, 2023: <i>The Schedule amends the Rebuilding Ontario Place Act, 2023 to provide that Part II of the Environmental Bill of Rights, 1993 does not apply to a proposal to issue, amend or revoke an instrument related to the Ontario Place Redevelopment Project or any enterprise or activity that furthers the Project</i> | Exempts from public consultation and legal rights under the Environmental Bill of Rights (EBR) any proposal to issue, amend or revoke any instrument relating to the Ontario Place Redevelopment Project or any activity in furtherance of the Project. | Under the EBR, proposals would normally be released for public comment. This would give Métis communities, including MNO citizens, the opportunity to review, raise concerns and provide traditional knowledge about potential impacts. The exemption would sideline Métis voices at the crucial approval stage of permits or licenses. |
| Indigenous Consultation and Duty to Consult (Rebuilding Ontario Place Act, 2023, Schedule 8, 9.1) (EBR s. 16, s. 11 SEVs). | The Crown has a legal duty of consultation and accommodation with indigenous peoples where projects may have an impact on indigenous rights, including Métis rights. Meaningful engagement expected. | This exemption makes no specific provision for consultation with indigenous peoples. Removes environmental instruments from normal oversight without addressing | Bypasses mechanisms (such as the EBR) that trigger early warning and opportunities to consult. Weakens pathways for MNO Citizens and Métis communities to be informed and engaged on Ontario Place Project environmental risks. | The EBR supports both public and Indigenous consultation. The MNO is not asserting s.35 rights in and around the area of Ontario Place. |



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| | | Indigenous rights impacts explicitly. | | |
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| Cascading Ecological Effects(Rebuilding Ontario Place Act, 2023, Schedule 8, 9.1) (EBR, 1993, c. 28, s. 15 (1).) | The EBR processes required ministries to consider the impact on the ecosystem as a whole, including on endangered species, cumulative effects and biodiversity. | The exemption removes the requirement for Ontario Place decisions to go through the EBR screening process and to consider wider environmental impacts. | It removes the need for formal reviews of how development may cause cascading effects. This includes loss of habitat affecting multiple species, including species at risk. Downstream and cumulative effects on ecosystems no longer need to be considered. Potential species impacts can now be approved without public awareness or objection opportunities. | Risk of damage to endangered species and habitats at Ontario Place that is not assessed. Loss of species not identified until after damage has occurred (bats, birds, aquatic life). Require project-wide ecological assessment using TEK and science; include review of cumulative impacts; reinstate requirement for consideration of legislation on species at risk and habitat protection measures. Require specific species at risk assessments and apply the precautionary principle. The MNO recommends that Indigenous knowledge be included to identify overlooked species and relationships between ecosystems. |
| Tree Removal and Habitat Destruction at Ontario Place (Rebuilding Ontario Place Act, 2023, Schedule 8, 9.2) | Ontario Place contained mature trees (spruce, oak, ash, birch) and sensitive habitat that supported wildlife. These included coyotes, foxes, raccoons, birds and possibly bats. Such projects would require public notice, a comment period and the right to appeal before proceeding under Part II of the Environmental Bill of Rights (EBR), 1993. | Over 800 mature trees were cut down without public notice or consultation to make way for the spa and water park. The site has been reduced to stumps and scrub, destroying wildlife habitat. | Exempts Ontario Place from a full environmental assessment. No public notice, no environmental registry, no public comment, no right of appeal for large-scale clear-cutting of sensitive urban habitat. Removal of legal controls on habitat destruction, even for endangered species. | Habitat destruction has occurred without consultation with Métis communities. This undermines Indigenous rights and environmental stewardship. Destroying potential habitat for endangered species (bats, migratory birds). This will lead to habitat fragmentation and reduced biodiversity. |



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| Public Right to Appeal (9.1) EBR, 1993, c. 28, s. 38 (1) | Under Part II of the Environmental Impact Assessment Act, members of the public (including indigenous communities) could apply for a right of appeal if they believed that a permit or approval would have a significant adverse effect on the environment. | Exemption removes appeal rights for instruments in connection with the redevelopment of projects. | Strips communities, including MNO Citizens, of legal recourse to challenge harmful environmental decisions before they cause damage. Exclusion of public and Indigenous knowledge weakens decision-making and risks ignoring culturally significant environmental impacts. | Deprives communities, including MNOs, of legal recourse to challenge harmful environmental decisions before they start to harm. The exclusion of public and indigenous knowledge weakens decision making and creates the risk that culturally significant environmental impacts will be ignored. |
| Section 18 of the Act is amended (Rebuilding Ontario Place Act, 2023, Schedule 8, 9.1) | N/A | Any proposal to issue, amend or revoke an instrument relating to the Ontario Place Redevelopment Project is exempt from public consultation and legal rights under the Environmental Bill of Rights (EBR). | The Ontario Place Redevelopment Project is exempt from EBR public consultation, including posting, comment periods, or appeals. | The provision lets the government decide what activities are part of the Ontario Place Redevelopment Project without Indigenous consultation or conducting an environmental review. The regulation gives power to a designated individual to decide which activities further the Project. Furthermore, it may reduce transparency regarding procurement opportunities, potentially favoring a select group of contractors or developers without a fair process. |