

(Draft)

2025-05-17

I am writing on behalf of **Temagami First Nation and Teme-Augama Anishnabai (TFN/TAA)** in my role as **Resource Development Advisor (RDA)** to express serious concerns and strong opposition to Schedule 9 of Bill 5 – *Protecting Ontario by Unleashing Our Economy Act, 2025*, as posted on the Environmental Registry of Ontario.

Please note: This letter is submitted without the benefit of formal internal consultation or direction from TFN/TAA Leadership or Management. Due to the limited timeframe and lack of meaningful engagement from the Government of Ontario, this letter should be treated as an initial and unofficial expression of concern. A full and formal response from TFN/TAA will follow, pending internal review and further legal consultation.

A Resource Development Advisor for Temagami First Nation and Teme Augama Anishnabai (TFN/TAA), the following statements are prepared without opportunity for internal consultation and direction from Leadership and Management. Woeful and inadequate consultation from government; TFN/TAA opposition to Bill 5 is submitted without comprehensive remedy.

Without 3rd Party Consultation, TFN/TAA are unable to fully comprehend and consider all aspects of Bill 5.

The Charter identifies Rights; Life Liberty and Security, the right to a safe Environment and a right NOT to have the Government knowingly make it unsafe. TFN/TAA are currently dealing with impacts Climate Change, scientific publications identify agree, we are now at a precipice. Nationally, Ontario maintains the lowest provincial environmental grades, Bill5, along with Minster Fords past-policy to intentionally further reduce carbon reduction levels removes generational security.

Inadequate Consultation and Process

TFN/TAA are extremely concerned by the inadequate and expedited nature of this consultation process. A **30-day comment period** is wholly insufficient for Indigenous Nations to conduct a thorough review, obtain third-party legal advice, or ensure internal consultation with leadership and community members. The lack of respectful and meaningful engagement contravenes the Crown's **duty to consult and accommodate** Indigenous Peoples under Section 35 of the Constitution Act, 1982.

We emphasize that **consultation is not a checkbox**—it is a constitutionally protected process that must be **robust, timely, and equitable**.

TFN/TAA Opposing Bill 5, Protect Ontario by Unleashing our Economy Act, 2025

As an RDA providing any comment and analysis, **TFN/TAA** is clearly *not* endorsing Bill 5, *Protect Ontario by Unleashing our Economy Act, 2025* (Bill 5), nor any of the provisions included within its schedules. Very much opposite, **TFN/TAA will be advised to strongly oppose the bill in its entirety** and calls for its **immediate and unconditional withdrawal**, including the removal of all Schedules that will negatively impact TFN/TAA.

This original intent to submit comments in greater detail TFN/TAA reasons for opposition, our recommendations and remedies. It is unreasonable for Ministry to consider meaningful consultation be offered within prescribed comment periods.

While the province has established a 30-day comment period (consultation,) ending on **May 17, 2025**, to respond to various proposals related to Bill 5 on the Environmental Registry of Ontario (ERO), this window is wholly inadequate for enabling meaningful consultation, legal review, and public engagement. As a result, this submission focuses on the aspects of Bill 5 that **TFN/TAA has identified as the most urgent threats**—particularly to the public interest, the integrity and protection of nature, and the **rights and jurisdiction of Indigenous Nations under Treaty and Aboriginal law**.

TFN/TAA will continue to provide legal review, technical analysis, and public commentary on Bill 5 and related legislative actions in the weeks ahead, and will work in alliance with other Indigenous governments, legal experts, and civil society organizations to demand full withdrawal and proper consultation, in accordance with constitutional and international obligations.

Opposition to Bill 5, Schedule 9 – First Nations Perspective:

From First Nations (FN-TFN/TAA) perspective, Schedule 9 of Ontario’s Bill 5 represents a serious threat to Indigenous rights, sovereignty, and environmental stewardship. The proposal would allow the provincial Cabinet to designate “special economic zones” and exempt unnamed “trusted proponents” and “designated projects” from provincial and municipal laws—without any clear, understanding, definitions, public accountability, or community consultation.

This unchecked power is active colonialization that undermines long-standing legal protections and integrated processes that echo government legislation, including those that safeguard TFN/TAA lands, waters, and rights guaranteed under land claims and affirmed by Section 35 of the Constitution. It opens the door for extractive industries and corporate developments to proceed without respecting an independent governance system, while developing EMP, LUP, considerations for environmental obligations, or the duty to consult and accommodate TFN/TAA.

For First Nations, land is not just a resource; it is a cultural living entity that guides decisions, a living relationship and the ultimate responsibility. By potentially overriding environmental regulations and Indigenous consultation requirements, Schedule 9 repeats the colonial pattern of exclusion and dispossession and representative of ‘active colonialization.’ It prioritizes economic growth over ecological balance and reconciliation, ignoring unique TFN/TAA knowledge systems that have sustained these family territories for generations (TFN/TAA Archeological Evidence-6000yrs.).

Lacking climate change and economic reconciliation language that identifies TFN/TAA and Daki'Menan as a consideration, erodes and diminishes economic growth within the resource industry. How will First Nations, active within the industry, be designated or considered as 'trusted proponents' having a 'designated project' that benefits Ontario.

In summary, Schedule 9 of Bill 5 should be firmly rejected as it perpetuates systemic injustice, erodes democratic safeguards, and violates the rights and responsibilities of First Nations as stewards and sovereign partners in the land. Questions of Bill 5's constitutionality, Life, Liberty and Security require attention.

As TFN/TAA advisor, the ability to fully comprehend and submit comprehensive comment are unachievable currently and resubmit the forementioned position; As an RDA for TFN/TAA without opportunity for meaningful consult, any comment and analysis is not considered official statement. **TFN/TAA** is clearly *not* going to be endorsing Bill 5, *Protect Ontario by Unleashing our Economy Act, 2025* (Bill 5), nor any of the provisions included within its schedules. Very much opposite, **TFN/TAA will be advised to remain resolute and strongly oppose the bill in its entirety** and call for its **immediate and unconditional withdrawal**, including the removal of all Schedules that will negatively impact TFN/TAA.

(Insert Schedule)

(Insert Schedule)

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(Conclusion)

Dan Mongrain TFN-Resource Development Advisor