

May 15, 2025

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

premier@ontario.ca

**Re:**  **Bill 5, *Protect Ontario by Unleashing Our Economy Act, 2025***

Dear Premier Ford:

On behalf of Biigtigong Nishnaabeg First Nation, I write to express our deep concerns regarding Bill 5, *Protect Ontario by Unleashing Our Economy Act, 2025*, recently introduced in the Ontario Legislature. We are opposed to this bill in its current form, as it poses a direct and unacceptable threat to the inherent and constitutional rights of First Nations in Ontario and has the potential to impede the settlement of Biigtigong Nishnaabeg’s Aboriginal title claim and set-back reconciliation.

Biigtigong Nishnaabeg stands to be particularly affected by this proposed legislation because of our Aboriginal title claim to our traditional territory north of Lake Superior, which has been outstanding since 1979. Because of the Crown’s initial refusal to negotiate, we sued Ontario and Canada in 2003 in Ontario Superior Court. Rather than go to trial, Ontario and Canada agreed to enter negotiations with Biigtigong Nishnaabeg. Ontario accepted to negotiate our Aboriginal title claim in April 2018 and Canada accepted our claim in May 2019, and since then, we have been on the path of reconciliation. On the force of the promises in these letters and our trust in the honour of the Crown, Biigtigong Nishnaabeg agreed to put its case into abeyance,

Unfortunately, the negotiation process is taking much longer than we originally anticipated and, in fact, is stalled because of Ontario’s intransigence on issues related to lands and resources we have identified as our candidate lands for settlement. We are concerned that Ontario may be losing its commitment to complete negotiations to settle our claim. Our concerns are heightened because of Bill 5 and the extraordinary powers that it proposes to grant to your government to over-ride our rights and interests. It has the potential to further impede negotiations and the settlement of our claim, particularly if Ontario designates any of our candidate lands as special economic zones.

Biigtigong Nishnaabeg is in negotiations with your government, yet Bill 5 was introduced without any consultation or collaboration with our First Nation. Not only is this inconsistent with the Crown’s duty to consult, as affirmed by Section 35 of the *Constitution Act, 1982,* it is contrary to the honour of the Crown and principles of reconciliation and respect for First Nations jurisdiction and governance.

Bill 5 seeks to centralize Cabinet’s decision-making power over land use planning and governance. Under the legislation, the Ontario government will have unilateral authority to appoint regional facilitators and/or restructure municipal governments which can fast track development projects without First Nations’ free, prior and informed consent. This is especially problematic in First Nations’ traditional territories, like ours that are unceded or even those under treaty. We are opposed to Ontario’s unrestricted ability to create regulation-free zones where exemptions may be provided to any project or proponent from any provincial law, municipal by-laws, or First Nations’ law. Our concern relates not just to our candidate settlement lands, but also to our traditional territory generally. As you know, the Crown has accepted our Aboriginal title claim for negotiation and therefore, a heightened level of consultation is required and *UN Declaration on the Rights of Indigenous Peoples* (UNDRIP) requires free prior and informed consent.

The proposed legislation will have significant impacts on the rights of First Nations to exercise jurisdiction over our territories, sacred sites, and our stewardship over lands and waters according to our laws, values, and traditional knowledge systems. The top-down approach envisioned by Bill 5 mirrors colonial policies of the past and undermines the nation-to-nation relationship. This is clearly out of step with international norms, including the principles set out in UNDRIP.

Biigtigong Nishnaabeg First Nation is opposed to a centralized land-use decision-making process that facilitates the bypassing of environmental safeguards in favour of faster development. Without strong environmental oversight, there is an increased risk of the degradation of protected or ecologically sensitive areas; reduced local oversight of development projects near wetlands, forests, and waterways; and weakening enforcement of conservation initiatives.

As you know, the Crown has accepted our Aboriginal title claim for negotiation and therefore, a heightened level of consultation is required and *UN Declaration on the Rights of Indigenous Peoples* (UNDRIP) requires free prior and informed consent. Critically, Bill 5 contains no provisions for First Nations consultation, let alone our free, prior and informed consent, even though it contemplates land and environmental changes that have the potential to directly impact our Aboriginal title, rights, interests and jurisdiction over our traditional territories, and our strong cultural relationships with our lands and waters. This exclusion disregards both legal obligations and First Nations stewardship essential to sustainable land management.

We call upon your government to immediately withdraw Bill 5 and engage in the co-development of a legislative framework with First Nations to address concerns relating to tariffs by the Trump administration and ensuring that First Nations rights are respected and protected. The co-development of a new legislative framework must also enshrine the free, prior, and informed consent of First Nations. We request that Ontario and First Nations establish a First Nations-led working group to co-develop a path forward.

We request a meeting with you and relevant ministers to discuss these urgent matters in a spirit of mutual respect and dialogue. Reconciliation is best achieved through partnership, respect, and the recognition of First Nations rights and governance.

Sincerely,



Chief Michano, Biigtigong Nishnaabeg

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CC:

**Hon. Mike Harris**, Minister of Natural Resources

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