May 16th, 2025

777 Bay St, Toronto, ON

College Park, 5th Floor, Room # 5E200

M7A 2J3

Dear Minister Surma,

The Algonquins lived in present-day Ontario for thousands of years before Europeans arrived. Algonquin territory originally extended from the St. Lawrence River to the French River in the west, south to the Adirondack mountains in New York State, and north above Lake Abitibi. Over the past several hundred years, the description of Algonquin Territory has changed to be the lands and waters on both sides of the Ottawa River watershed from modern Hawkesbury to Lake Nipissing and north past the headwaters of the Ottawa River. Today, ten Algonquin communities comprise the Algonquins of Ontario:

*• The Algonquins of Pikwakanagan First Nation*
*• Antoine*
*• Kijicho Manito Madaouskarini (Bancroft)*
*• Bonnechere*
*• Greater Golden Lake*
*• Mattawa/North Bay*
*• Ottawa*
*• Shabot Obaadjiwan (Sharbot Lake)*
*• Snimikobi (Ardoch)*
*• Whitney and Area*

Based on a protocol that was signed in 2004, these communities are working together to
provide a unified approach to negotiate a modern-day treaty. The Algonquins of Ontario
Settlement Area includes a territory of nine million acres within the watersheds of the Kichi-Sibi (Ottawa River) and the Mattawa River in Ontario.

This unceded territory encompasses most of Eastern Ontario, including the City of Ottawa, and most of Algonquin Provincial Park. More than 1.2 million people live and work within the unceded AOO Settlement Area.

As you should already know, within Algonquin Territory the Algonquins of Ontario (AOO) regularly consult with numerous ministries, resource development and infrastructure proponents, and various other individuals working within the AOO settlement area. Many development projects impact the rights or interests and lands of the AOO within the settlement area triggering the duty to consult.

Impacts on archeology and species at risk are often the trigger of the duty to consult with AOO on development projects. Under Bill 5 - “Protect Ontario by Unleashing our Economy Act, 2025”, these triggers and consultation processes with the AOO and all Indigenous peoples in Ontario will be dissolved as the bill promises to gut the requirements under the Endangered Species Act (ESA) and removes the need for archeological assessments for many development projects

Bill 5 threatens Algonquin Rights and will be disastrous for the preservation of archeological resources and environmental protections within Algonquin Territory which the AOO have fought long and hard to uphold and bring awareness to. This simply is not the best path forward for Indigenous peoples or Ontarians alike.

While this letter focuses on potential impacts on cultural resources and consultation obligations the AOO is adamantly opposed to the Bill’s repealing of the Endangered Species Act.

The Algonquin people have resided within our territory since time immemorial. Much of our culture, history, traditional lands and language(s) have been lost due to the abuse and continuous neglect of our people to the present day at the hands of the government. Archeological resources are a direct link to our past and our ancestors’ story contained within this land. These resources are sacred and are to be protected and managed wisely. We work closely with proponents and archeological consultants to promote the enhancement of archeological surveys completed within the Algonquin Territory. We are committed to preserving our cultural heritage.

The AOO created an archaeological and environmental monitoring program, which is having great success. The AOO has multiple community member liaisons that regularly perform monitoring duties with numerous consultants, provincial parks and development/construction companies. This allows us to not only assist on-site with their duties but to prevent damage and loss of what’s left of our people’s archeological history in the landscape and to ensure that all relevant findings are properly documented to protect our people’s history and traditions.

Schedule 7, within the “Protect Ontario by Unleashing our Economy Act, 2025”, puts once again, the Algonquin people, in a tough position where we are being devalued once again as people at the hands of our own government. Much of our history is missing, many of our traditions have been lost and many of our people are missing. If this bill is passed, much of our history and culture could be further destroyed.

Within schedule 7, in the new proposed section, 66.1, it states:

*(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 section (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. Transit.*

*2. Housing.*

*3. Health and Long-Term Care.*

*4. Other infrastructure.*

*5. Such other priorities as may be prescribed.*

*(2) An order under subsection (1) may exempt a property from the application of any of the following requirements:*

*1. A requirement under a provision of this part.*

*2. A requirement under a provision of a regulation, or other instrument, relating to a provision of this part.*

*3. A requirement to conduct an archaeological assessment under a provision of any other act or regulation, or instrument under any other Act, other than a provision of the Funeral, Burial and Cremation Services Act, 2002, or a regulation or instrument made under that Act.*

While we understand the interest and need to pursue these “Provincial Priorities”, we are taken aback by this as it seems our government does not want to respect Indigenous cultural resources and history by requiring archeological assessments be completed in advance of many types of development projects. It appears that the government does not want to take full responsibility for its duty to consult with the Algonquins of Ontario or Indigenous communities generally and instead treats consultation as an unnecessary barrier to “unleashing our economy” in Ontario. There can be certain bureaucratic streamlining of processes to improve the speed of development projects which do not negate the need for an archaeological assessment to be completed.

***Additionally, in subsections 1 and 2 of section 66.2 of Schedule 7 it states:***

***Extinguishment of causes of action***

*(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 advisor to 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 66.1; or*

*C. anything done or not done in accordance with section 66.1, an order under section 66.1 or a regulation relating to section 66.1.*

***No remedy***

*(2) No costs, compensation or damages, including for loss of revenue or profit or any other alleged loss, whether direct or indirect, are owing or payable to any person by a person referred to in subsection (1), and 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 to any person against any person referred to in subsection (1) in connection with anything referred to in that subsection.*

***Proceedings barred***

*(3) No proceeding that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person in that subsection.*

*Section 66.2 of Schedule 7 raises significant concerns regarding accountability as in section 66.2 (1) under (C) it states that individuals that adhere to this act will not be held accountable if they do not adhere. This is simply wrongful that this direction is contained within this bill.*

Regarding the above sections, The AOO would like to make the following statements:

1. The government is removing as much of its accountability as possible. This is not responsible government action. This is reckless abandonment and completely unacceptable.
2. Section 66.2 and Section 66.2 raise concerns that the government intends not to adhere to their regulations and that there are no consequences to face in not doing so. This is unacceptable.
3. It is our view that subsection (3) of section 66.2 (and the entirety of the act) will not aid Indigenous peoples in protecting their history, culture, language and people. There is simply no benefit to Indigenous peoples.

Simply put, many proposed amendments within Bill 5 present a big step backward for the Crown with Indigenous peoples. A consultation process was not identified or even provided to Indigenous communities on the proposed bill which is a contravention of the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP). Submitting comments on an ERO posting does not represent consultation with Indigenous people. There is a loud voice across the province with people saying the same thing. The government must listen to these voices, especially those of Indigenous peoples.

To avoid the multitude of lawsuits the province will face should this bill be passed as is, and to avoid irreversible damage to the environment, species at risk, and cultural resources, and further to avoid impairing the duty to consult and Algonquin rights, the government must do the following:

* Immediately halt or withdraw Bill 5;
* Recommit to upholding the rights of Indigenous Peoples as affirmed in Canadian law through the United Nations Declaration on the Rights of Indigenous Peoples Act.
* Do not bypass consultation obligations with Indigenous communities.
* Consult meaningfully with the AOO and all other affected Indigenous communities on any attempt to move forward with the proposed bill.
* Engage in transparent, inclusive consultations with Indigenous Nations and the public before tabling new development legislation.
* Ensure that development projects are subjected to assessment for potential impact on cultural heritage resources and continue to require archeological assessments to mitigate potential impacts on these cultural resources.
* Uphold the Endangered Species Act during development proposals to identify impacts to species at risk and mitigate the impacts through the project permitting processes.
* Continue to consult Indigenous peoples regarding archaeological assessments and the species at risk permitting.

We sincerely hope that the Ministry will take a step back in its steamrolling behavior with this bill undertake appropriate consultation and accommodation with the AOO and Indigenous peoples and make all necessary amendments to the Bill based on Indigenous input.

The Ontario Government needs to see its duties to consult and respect Indigenous rights and protect the environment as not being a barrier to growth but as the foundation for good-faith Crown-Indigenous relationships and sustainable development.

The AOO looks forward to a successful resolution of these issues with the proposed Bill 5.

Sincerely,

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**Jim Meness**

Executive Director

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