Feedback Brief on Bill 5: Protect Ontario by Unleashing Our Economy Act, 2025

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Submitted by: Six Nations of the Grand River Elected Council to supplement the presentation to the Standing Committee on the Interior by Elected Chief Sherri-Lyn Hill

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Introduction

This feedback brief has been prepared by the Six Nations of the Grand River 59th Elected Council to inform political advocacy efforts in opposition to Bill 5 – *Protect Ontario by Unleashing Our Economy Act, 2025* – in its current form. The intent of this brief is to request immediate consultation with Six Nations of the Grand River Elected Council (SNGREC) on Bill 5, highlight key concerns, and propose substantive changes to the legislation.

Feedback reflected in this document was gathered through internal discussions and direct input from the SNGREC departmental staff including the Lands and Resources Director and Associate Director, Consultation Supervisor, Archaeology Supervisor, Environment Senior Manager, Wildlife Management Supervisor, and the Community Energy Champion. Their collective insights have been compiled here to underscore the depth and seriousness of SNGREC's concerns.

If Ontario does not revise Bill 5 to reflect consultation with SNGREC, then we officially and formally oppose Bill 5.

Who is Six Nations of the Grand River First Nation?

Six Nations of the Grand River (SNGR) is the most populous First Nation in Canada with nearly 30,000 registered rights holders. Our ancestors utilized Treaties as exampled by the Nanfan Treaty (1701), the Haldimand Treaty (1784) and the Jay Treaty (1795) to protect our interests.

Prior to European settlement, the Six Nations people, also known as the Haudenosaunee, occupied land in the USA in the area currently known as upper state New York. The Nanfan Treaty defined lands for "peaceable, free hunting for us, our heirs and descendants forever, free of all disturbances." The Haldimand Treaty is the founding instrument of present day SNGR, and all lands granted to us by the Crown in 1784.

Over 240 years later, our lands are reduced to 940,000 acres as 95% of the territory that was given to us by the Crown for our permanent settlement has been lost; much of it taken from us through illegitimate land sales or seizures. The Crown granted this homeland to our ancestors. To pursue redress and seek a historical accounting of this land, SNGR has major litigation making its way through the Canadian courts.

Today, SNGR is a vibrant, entrepreneurial community with our own culture, media, businesses, entertainment, schools, economy, arts, and so much more. SNGR has a long history, a proud identity, and deep values. Yet, settler colonial laws continue to be imposed on the Six Nations people as we attempt to buy back land that was ours to begin with.

As we navigate complex federal, provincial, and municipal legal landscapes, it is important to establish that the Six Nations of the Grand River Elected Council is the legally recognized body that represents the interests of the Six Nations community in matters of governance, administration, and consultation. The Six Nations of the Grand River 59th Elected Council, on behalf of the peoples of SNGR, have interests in and a duty to protect land, air, water and our economic endeavors within the Haldimand Treaty and the wider area specified by the 1701 Fort Albany/Nanfan Treaty.

Ontario's Introduction of Bill 5

Across all schedules of Bill 5 – *Protect Ontario by Unleashing Our Economy Act, 2025* – there is a notable and concerning absence of any explicit reference to consultation with First Nations. This does not reflect the Ontario Crown's legal duty to consult and accommodate under Section 35 of the *Constitution Act*, nor does it align with the spirit of reconciliation.

This lack of consultation is particularly alarming in the context of our treaty lands. The precedents being set through the legislative changes in Bill 5 could have lasting implications for SNGR. SNGREC has our own Consultation and Accommodation Policy (CAP)[1] which the Crown's and any directive or mandate of the Crown must adhere to.

Ontario's actions in this context appear driven by an interest in retaining jurisdiction, particularly in response to growing economic and geopolitical pressures such as the U.S. tariffs. However, the assertion that Ontario "would not be Ontario without treaties" — a statement found on Ontario's own government websites — highlights the contradiction between the province's rhetoric and its current legislative approach.

Further, that the laws and regulations proposed under Bill 5 should not apply to lands covered by the Haldimand Treaty, or any other treaty lands, as no consultation with SNGREC has occurred.

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[1] *Six Nations Lands & Resources Consultation and Accommodation Policy*. Six Nations of the Grand River, 24 Mar. 2024, https://www.sixnations.ca/LandsResources/LRConsultationPolicyMarch242024.pdf.

Meanwhile, municipalities are seeking direction from Six Nations of the Grand River regarding Bill 5, indicating that the public has an understanding that the proposed changes may have significant implications for First Nations. If municipalities recognize the potential for impact and are seeking guidance, it raises an important question: why does the Province of Ontario not see its legal obligation to consult as being triggered?

This legislation reflects a pattern of removing the voice of First Nations from critical decision-making processes. Various schedules include provisions that extinguish causes of action, deny legal remedy, or bar proceedings altogether. These clauses are especially troubling as they eliminate key avenues for redress, disproportionately affecting First Nations. Such measures hinder the ongoing efforts of reconciliation and repatriation, contradicting provincial and federal commitments to First nations rights and relationship-building.

Schedule 1: Electricity Act

The proposed Schedule 1 introduces significant changes that could have far-reaching consequences for First Nations communities, particularly SNGR. While the schedule's focus is on enabling Ontario's economic expansion, several proposed amendments raise concerns about limiting First Nations participation in the energy sector and protecting corporations from legal accountability. This section outlines the key changes in Schedule 1, examines the potential implications, and provides targeted recommendations to ensure First Nations rights and economic opportunities are safeguarded.

Key issues:

1. Lack of First Nations consultation and participation
2. Procurement Restrictions on First Nations
3. Extinguishment of legal protections

Issue 1: Lack of First Nations Consultation and Participation

The lack of consultation with First Nations on the legislative changes in Schedule 1 are alarming. The legislative changes will impact First Nations economic opportunities and limit First Nations legal recourse avenues without consultation from First Nations.

The Ontario government must ensure that First Nations are meaningfully engaged in any legislative processes that affect their rights and economic interests. This includes incorporating First Nations perspectives into energy procurement policies and respecting legal obligations to consult. The Act should be revised to explicitly embed requirements for First Nations consultation before implementing procurement policies or legal protections that may impact their communities.

Issue 2: Procurement Restrictions Based on Location

One of the major proposed changes under Bill 5 is the introduction of procurement restrictions in section 25 that determine where goods and services must originate from when procured by gas distributors, gas storage companies, license holders, and their subsidiaries as specified in the Act or associated regulations which poses serious concerns for SNGR.

Specifically, the implementation of location-based procurement restrictions could inadvertently limit opportunities for our suppliers and vendors. First Nations-owned businesses that do not fall within the prescribed geographic boundaries could find themselves excluded from competing for contracts in the gas and energy sector. This would be a significant setback for First Nations economic development and self-determination, particularly for communities such as SNGR, which have actively pursued procurement opportunities in these industries.

To address this issue, the Act should include explicit language ensuring that location-based procurement restrictions do not restrict First Nations participation. The legislation must affirm that First Nations suppliers and vendors remain eligible to compete for contracts, regardless of location, provided they meet all other relevant qualifications.

Issue 3: Extinguishment of Legal Protections

Another concerning provision within Schedule 1 involves the extinguishment of certain causes of action against the Crown and other specified entities—namely, gas distributors, gas storage companies, license holders, and their subsidiaries. These changes shield these entities from legal accountability in connection with the procurement changes and other amendments introduced by the Act.

The extinguishment of legal protections could significantly hinder the ability of SNGR to pursue legal action if their rights are infringed upon because of these amendments. For example, if procurement restrictions do result in discriminatory practices or a failure to consult SNGREC, SNGR may find their legal recourse limited by these new protections.

The Act must NOT include provisions that prevent legal causes of action related to a lack of First Nations consultation or that impacts on First Nations procurement opportunities. First Nations communities must retain the ability to seek redress if their constitutional or legal rights are violated.

Bill 5 introduces sweeping changes to Ontario's economic and environmental landscape, but its implications for First Nations communities must not be overlooked. While the proposed changes may be intended to bolster Ontario's position in international trade or streamline energy regulation, they risk marginalizing First Nations suppliers and undermining access to justice for First Nations Peoples.

To address these concerns, Bill 5 must be amended to: 1) Mandate meaningful and ongoing consultation with SNGR regarding any legislative changes that affect our interests, 2) Ensure restrictions do not limit First Nations participation in procurement, and 3) Ensure First Nations communities retain the right to pursue legal action if their rights are violated. By making these revisions, Ontario can pursue economic development that respects Ensure First Nations communities retain the right to pursue legal action if their rights are violated rights and fosters inclusive, sustainable growth. Without adopting SNGRs suggested amendments, SNGREC is opposed to Bill 5 in its current form.

Schedule 2: Endangered Species Act

SNGREC strongly opposes the proposed changes to the Endangered Species Act (ESA) outlined in Schedule 2. These amendments represent a significant threat to biodiversity, diminish the role of science in conservation, erode First Nations rights, and shift the

government's environmental responsibilities to proponents and developers. This section outlines our specific concerns:

1. Loss of environmental protections and oversight
2. Weakening permitting and compliance mechanism
3. Erosion of science-based conservation
4. Redefinition of critical habitat protections
5. Transfer of government responsibility to industry

Impact on Six Nations of the Grand River

This proposal represents a broader failure to acknowledge First Nations rights and responsibilities in environmental stewardship. It would systematically remove opportunities for SNGR to assert inherent, treaty, constitutional rights. By eliminating consultation processes and removing habitat protections for culturally significant species, the proposal disregards traditional knowledge, values, and land-based practices that are vital to our communities.

The exclusion of First Nations perspectives from the development of these changes demonstrates a lack of respect for nation-to-nation relationships with First Nations. It also highlights the ongoing failure of the Ontario Crown to uphold its responsibilities to First Nations peoples, by deferring those responsibilities to industry and municipal bodies with neither the capacity nor the mandate to fulfill them.

Issue 1: Loss of Environmental Protections and Oversight

The repeal of Section 17 of the ESA is deeply concerning, as it removes strict preconditions for granting exemptions and replaces them with unconditional allowances. This change

would enable Ontario to issue exemptions without requiring habitat restoration or conservation agreements, effectively prioritizing industrial development over environmental protection.

Additionally, Schedule 2 reduces the effectiveness of species-at-risk management plans and recovery strategies by eliminating enforceable conservation measures. The absence of concrete accountability measures to First Nations undermines previous commitments and signals a departure from meaningful biodiversity protection.

Issue 2: Weakening of Permitting and Compliance Mechanisms

The removal of the requirement for environmental permitting under the new section 17 poses a major threat to responsible development and meaningful oversight. Permits are essential tools that ensure proponent activities are reviewed and that mitigation strategies are in place. Replacing permitting with simple notification through registration eliminates formal checks and balances, reduces transparency, and restricts the opportunity for consultation with First Nations.

Permits are also critical notification tools for First Nations to understand and respond to developments that may affect traditional hunting, harvesting, and land use rights. The elimination of this process violates section 35 of the *Constitution Act* and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Without these mechanisms, First Nations peoples are likely to be denied their right to consultation, accommodation, and equal participation in environmental decision-making.

Issue 3: Erosion of Science-Based Conservation

The downgrading of the role of the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) signals a retreat from evidence-based conservation. The removal of scientific guidance from the ESA weakens Ontario's ability to respond to changing species populations and reduces the use of current data to inform decision-making.

By treating COSEWIC's input as symbolic rather than directive, the proposal ignores the need for updated, objective assessments of species status. This will result in slower or ineffective responses to threats and could lead to undocumented losses of species in the province, particularly when government or industry desires drive delisting decisions.

Issue 4: Redefinition and Reduction of Critical Habitat Protections

The redefinition of "habitat" is deeply concerning as it is now narrow and ecologically unsound. Limiting protection to only areas where a species is physically found (such as root zones, nests, or dens) disregards essential lifecycle needs like breeding, foraging, and migration. It ignores established ecological science, such as that found in the federal Species at Risk Act (SARA), which defines critical habitat as any area necessary for the survival and recovery of listed species.

Moreover, the proposed change fails to account for data gaps that exist for many species, making comprehensive habitat protection impossible under the new definitions. Recovery requires protecting full ecosystems, including areas species may return to in the future. Habitat loss is one of the leading threats to biodiversity, and this proposed definition fails to address that reality.

Issue 5: Transfer of Responsibility from Government to Industry

The government's shift of conservation responsibilities to developers and municipalities is unacceptable. While the proposal claims that industry is confused by current environmental regulations, in our experience, proponents understand what is required to meet basic standards. Rather than reducing oversight, Ontario should strengthen it by reinstating the technical review powers of bodies like Conservation Authorities and employing trained professionals to guide compliance and enforce protective standards. Voluntary, proponent-led conservation efforts, particularly those not grounded in restoration, are unlikely to achieve meaningful protection outcomes. The government has a duty to its citizens—not industry—and must take responsibility for upholding environmental and constitutional obligations.

In summary, Schedule 7 and ERO Proposal 025-0380 represents a dangerous step backward for environmental stewardship, First Nations rights, and species conservation in Ontario. It weakens protections for species at risk, disregards science, marginalizes First Nations voices, and transfers government responsibility to private interests.

SNGREC calls for the complete withdrawal of ERO Proposal 025-0380. We urge the government to retain and expand the existing permitting system, reinstate the powers of Conservation Authorities, and commit to science-based environmental review processes that include robust First Nations consultation. No amendments, substitutions, or compensations can adequately offset the harm this proposal would cause. For the sake of Ontario's biodiversity, constitutional obligations, and future generations, these changes

must not proceed. We further assert that no legislative changes occur without adequate consultation with SNGREC.

Schedule 3: Environmental Assessment Act

This schedule introduces changes to the Environmental Assessment (EA) process that are deeply problematic for SNGR.

Impact on Six Nations of the Grand River

Previously, under section 16 of the *Environmental Assessment Act*, First Nations had the ability to challenge the adequacy of consultation as part of an Environmental Assessment (EA) process, providing them critical time and leverage to respond to proposed projects. This mechanism is being removed under the current proposals.

The elimination of this provision effectively silences First Nations in the EA process and removes one of the few formal avenues for meaningful consultation. As a matter of process, removing Environmental Assessment requirements through legislative amendments sets a dangerous precedent.

The move to exempt specific projects from EA requirements — and to do so without meaningful consultation with impacted First Nations— sets a troubling precedent. It raises the risk that future development will proceed without proper scrutiny or accountability. The potential environmental impacts of these projects can, and often do, trigger the Ontario Crown's duty to consult. By weakening environmental protections under both the

Endangered Species Act and the Environmental Assessment Act, Ontario is creating conditions under which it could attempt to sidestep Ontario's duty to consult.

Schedule 4: Environmental Protection Act

Although this schedule is not open for comment and does not have a corresponding Environmental Registry notice, the proposed changes are nevertheless concerning. The amendments appear to be administrative in nature, including the removal of the Minister's authority to revoke certain environmental approvals or to establish fees related to the Environmental Activity and Sector Registry.

Impact on Six Nations of the Grand River

Despite their procedural framing, these changes reflect a broader pattern of dismantling oversight mechanisms. Environmental protection measures often trigger the duty to consult for SNGR; therefore, the removal or dilution of these requirements may serve as a strategy for Ontario to avoid that duty. Even seemingly technical changes must be examined through the lens of First Nations rights and environmental justice.

Schedule 5: Mining Act

While much of the content of Schedule 5 appears to apply primarily to First Nations in northern Ontario, the implications for First Nations in the region remain significant. Premier

Ford has explicitly stated that the Ring of Fire will be one of the first zones targeted for unlocking new mining development in the North[2]. Regardless of the location, SNGREC asserts that Ontario must consult with impacted First Nations.

Impact on Six Nations of the Grand River

Schedule 5 focuses on *new* mining projects and introduces the concept of a "project team" responsible for project development and approvals. The absence of a requirement that First Nations be included on these project teams — especially where projects occur on traditional or treaty lands — is a glaring oversight. There is no mention of how First Nations will be involved in the authorization process, nor any requirement for consultation. Given the precedent set by Ontario's lack of consultation with First Nations on these proposed changes, SNGREC calls on Ontario to consult with impacted First Nations on any development or changes to their traditional lands or impact on their inherent Treaty or constitutional rights.

Schedule 6: Ontario Energy Board Act

As Ontario moves forward with Bill 5, *The Protect Ontario by Unleashing Our Economy Act, 2025*, it is essential that SNGR's rights and participation are explicitly safeguarded, particularly in matters related to energy procurement. Schedule 6 introduces significant

[2] CP24. "Ford announces plans for Ring of Fire to protect Ontario's economy." *CP24*, 3 Mar. 2025, https://www.cp24.com/video/2025/03/03/ford-announces-plans-for-ring-of-fire-to-protect-ontarios-economy/

provincial powers and policy shifts concerning how procurement is directed and conducted by the Independent Electricity System Operator (IESO), Ontario Power Generation (OPG), and associated entities. Without clear provisions for First Nations consultation and protection, these changes could inadvertently undermine both First Nations rights and economic opportunities. The following section presents recommendations designed to address these concerns while recognizing the importance of seeking legal counsel for technical legislative accuracy.

Key issues:

1. Lack of Mandatory Consultation
2. Location-based Procurement Restrictions
3. Extinguishment of legal recourse for First Nations

Issue 1: Lack of Mandatory First Nations Consultation for Procurement

One of the core concerns raised in relation to Bill 5 is the absence of plain language requiring consultation with Indigenous communities when the IESO is directed to undertake energy procurement projects. This includes both the initial directives and the implementation of any resulting projects or activities. Without a legal obligation for meaningful consultation, there is a significant risk that First Nations voices will be excluded from critical decisions that affect their lands, resources, and long-term development opportunities.

The proposed legislation should be amended to include language that explicitly states all directives to the IESO for procurement—and any projects or activities that stem from such

procurement—must be undertaken in consultation with impacted First Nations communities. Embedding this requirement would ensure compliance with the principle of meaningful consultation and uphold First Nations rights to participate in decisions that affect their territories and futures.

Issue 2: Extinguishment of Legal Recourse

Another major issue involves proposed legal protections for the Crown, IESO, OPG, and their subsidiaries. Like other sections of Bill 5, Schedule 6 could extinguish certain causes of recourse for First Nations—especially those related to failures in consultation.

The legislation must be amended to prevent the extinguishment of causes of action against the Crown, IESO, OPG, and its subsidiaries, particularly in relation to any lack of First Nations consultation. Retaining the right to legal recourse is essential for upholding constitutional rights and maintaining transparency and fairness in public decision-making.

Issue 3: Location-Based Procurement Restrictions and Their Impact on First Nations

As stated under analysis of Schedule 1, location-based procurement restrictions introduced under the Act could restrict where goods and services must be sourced from. While the intention behind these provisions may be economic self-interest or strategic positioning in broader trade contexts, they risk excluding First Nations businesses that operate outside the approved geographic zones.

The Act must include a provision that prevents such procurement restrictions from limiting access to contracts and opportunities for First Nations suppliers and vendors. This language should make clear that regardless of location, qualified First Nations businesses remain eligible to participate fully in procurement processes. Such a step would promote First Nations economic inclusion and align with Ontario's stated commitments to advancing reconciliation.

By proactively addressing these issues and strengthening Schedule 6 with appropriate language, Ontario can promote inclusive economic development and uphold its obligations to First Nations not as an afterthought, but as a foundational element of responsible governance.

Schedule 7: Ontario Heritage Act

The proposed amendments to the Ontario Heritage Act under Bill 5 raise serious concerns for SNGR. The legislative changes prioritize economic development and external governmental discretion at the expense of First Nations heritage protection, cultural integrity, and our inherent Treaty and constitutional rights.

Key concerns:

1. Ontario sidestepping the Duty to Consult with First Nations
2. Unilateral government authority and exemption power
3. Exclusion of First Nations from notification and discovery processes

4. Unclear provisions and undefined terms

Each of these issues are discussed in detail below, along with examples and key questions that require immediate attention from the Ministry of Citizenship and Multiculturalism.

Impact on Six Nations of the Grand River

Schedule 7 changes to the *Ontario Heritage Act* would create profound consequences not only for Six Nations culture and identity, but also for community well-being and employment. Six Nations of the Grand River's Archaeological Monitoring Program currently employs thirty-four individuals and generates operates with approximately $3 million a year through participation on-site monitoring archaeological digs. That work would be severely disrupted by a process that allows sites to be bypassed entirely through exemptions.

More broadly, this work connects youth and knowledge keepers, helping to preserve traditional knowledge, create local employment, and support healing. When sacred sites are lost, so too is our ability to pass stories, practices, and truths to the next generation. These exemptions sever that connection and diminish the role of Six Nations of the Grand River in protecting our history and shaping our future.

Issue 1: Ontario Sidestepping the Duty to Consult with First Nations

Overall, schedule 7 sidesteps Ontario's duty to consult with First Nations. A 30-day comment period is not adequate. First Nations are not the public — we are rights holders whose treaties, traditions, and jurisdiction must be recognized.

Six Nations of the Grand River has worked hard to build relationships with municipalities and developers through various consultation meetings. Six Nations of the Grand River has our own Consultation and Accommodation Policy (CAP) and we have worked hard to ensure that our policy is respected by our neighbours. The proposed exemptions threaten this work and risk damaging the relationships with our neighbors that we have built.

Consultation must not be optional. The Ontario Crown has a responsibility to include First Nations in every step of the heritage and development process — not just when convenient.

Issue 2: Unilateral Government Authority and Exemption Power

Sections 51.2, 51.3, and 61.1 provide the Minister with authority to appoint investigators and issue assessment orders, while also empowering the Lieutenant Governor in Council to exempt lands from archaeological assessment requirements. These exemptions can be issued if, in the government's *opinion*, the property supports provincial "priorities" such as housing, transit, long-term care, and 'other infrastructure.'

This is extremely concerning. It replaces evidence-based assessment with subjective interpretation. The exemptions empower developers to bypass archaeological assessments if a project is aligned with Ontario's economic interests. This opens the door for irresponsible development and the destruction of First Nations sacred sites — often without any oversight or accountability.

The clause "such other priorities as may be prescribed" is especially dangerous, giving the government broad and undefined authority to bypass assessment requirements at will.

There is no transparency or process for public or First Nations input, and no checks or balances to ensure such exemptions do not result in the destruction of culturally significant sites.

There are also fundamental questions about liability. Who will be held responsible if sacred sites are destroyed due to these exemptions? Will corrupt developers face penalties, or will First Nations be left to bear the loss with no recourse? This lack of enforcement detail invites reckless behavior and weakens protections that First Nations have already fought hard for.

It also presents financial risks to the province. When burials are unearthed during development, it is often the province that covers the cost of archaeological mitigation. These claims can exceed $1 million and represent a growing taxpayer burden. Has the Ministry considered this financial consequence when drafting the exemption powers?

Issue 3: Exclusion of First Nations from Notification and Discovery Processes

Provisions found in section 51.2 during inspections require that archaeological discoveries be reported to the Minister and landowners — but not to First Nations. This exclusion is unacceptable, especially given that according to Ontario, over 80% of all archaeological sites were inhabited by "Indigenous peoples"[3]. In most cases, the artifacts or remains discovered are connected to the cultural, spiritual, and familial history of a First Nation.

1. [3] Government of Ontario. *Indigenous Archaeology*. 9 Mar. 2022, www.ontario.ca/page/indigenous-archaeology. Accessed 9 May 2025.

By failing to notify the rightful descendants of the findings, the legislation could suppress Six Nations of the Grand River's stewardship over our heritage. This also disregards the practical experience of First Nations communities, many of whom have protocols, ceremonial practices, and partnerships in place for protecting and respectfully handling such discoveries.

Moreover, while section 66.1 states that the *Funeral, Burial and Cremation Services Act* is still in force, it provides no protection for unregistered or unmarked First Nations burial grounds — which are often categorized as archaeological sites rather than formal cemeteries. Many sacred sites have only been discovered due to archaeological assessments, and the proposed exemptions jeopardize this process entirely.

Issue 4: Unclear provisions

The language of the proposed legislation is vague throughout. Key terms such as "special economic zone," and "significant archaeological site," are not clearly defined. It is unclear what criteria will trigger an archaeological assessment or who will be appointed as inspectors or investigators. Enforcement processes are not outlined. It is also unclear how recovered artifacts will be managed, or whether any meaningful First Nations oversight will be implemented. The lack of clear mechanisms for First Nations to participate in review, storage, fieldwork monitoring, and protection leaves the legislation open to abuse.

Will artifacts simply be stored near the location, or will they be relocated far from their origin? Who determines what community receives custody? These are questions that Schedule 7 leaves unanswered.

Further, Section 66 also allows artifacts to be deposited into "an archaeological collection or an Indigenous community." The phrase 'Indigenous community' is vague and deeply problematic. It provides no definition, no criteria for receiving sacred materials, and no assurance that rightful First Nations representation will be involved in decision-making.

This raises serious concerns, especially considering ongoing government dealings with the Métis Nation of Ontario (MNO) in areas of heritage and burial matters that are outside their jurisdiction. Ontario must stop engaging the MNO – and only consult with the First Nations descendants of those whose history lies in the ground.

The proposed amendments to the *Ontario Heritage Act* reflect a continuation of colonial frameworks that place economic interest above First Nations heritage. Many of the archaeological sites in this province have yet to be found and this legislation would make it easier to destroy them before they are ever discovered. The erasure of our history through bureaucratic exemption is not reconciliation — it is continued dispossession.

We call for the Ministry to engage in immediate and direct consultation with Six Nations of the Grand River Elected Council. We further request:

- A clear definition of all key terms in the legislation
- The inclusion of First Nations in all aspects of archaeological review, assessment, and artifact repatriation
- The elimination or significant tightening of the exemption powers
- Clarification on the responsibilities and liabilities of developers

- A plan to fund and support First Nations-led archaeological monitoring programs
- Formal recognition that First Nations burial grounds deserve equal or greater protection than colonial cemeteries

If the province genuinely believes in reconciliation, truth-telling, and cultural protection, this proposal must be dramatically revised.

Schedule 8: Rebuilding Ontario Place Act

The changes outlined in Schedule 8 raise significant concerns related to First Nations governance, Ontario's lack of transparency, and the exclusion of First Nations voices from a major redevelopment project. This provision grants the provincial government sweeping authority over Ontario Place and loosely defined surrounding lands, bypassing existing planning frameworks, environmental safeguards, and meaningful consultation processes. The implications of such centralized control warrant serious scrutiny, particularly in the context of previous efforts to limit local and First Nations engagement in land-use decisions.

Impact on Six Nations of the Grand River

The designation of Ontario Place under this Act is extremely broad, giving the government the ability to include adjacent lands under the designation and thereby exempt them from standard protections. This flexibility effectively enables the province to determine what is

and is not protected based on its own interests, rather than any objective standard or consultation process.

The original version of this Act was seemingly passed to reduce third party influence over the Ontario Place redevelopment project. This latest iteration replicates that approach but now excludes First Nations from involvement as well. This is not typical of sound legislative procedures and raises serious concerns about Ontario's lack of transparency and accountability.

In its current form, Schedule 8 of the Rebuilding Ontario Place Act grants the provincial government unchecked authority to redefine land designations and exempt key areas from established planning, environmental, and consultation frameworks. To address these concerns, we call on Ontario to revise Schedule 8 by clearly limiting the scope of the designation powers, reinstating full environmental and planning protections, and mandating consultation with First Nations. These changes are necessary to ensure a just, inclusive, and responsible redevelopment of Ontario Place that reflects the interests of Ontarians—not just those of the provincial government.

Schedule 9: Special Economic Zones Act

The proposed legislation surrounding Special Economic Zones in Ontario raises significant concerns for SNGR. Drawing from recent examples from Ontario, initiatives are continually being pursued with limited transparency, insufficient consultation, and broad discretionary powers. This overview outlines key issues embedded in the current approach to Special

Economic Zones, highlighting the potential consequences for SNGR's sovereignty, environmental protection, and governance.

Impact on Six Nations of the Grand River

Looking at projects such as Ontario Place and Highway 413 provides insight into how Special Economic Zones may be approached, and the implications are deeply troubling for First Nations. These examples highlight a broader pattern of inadequate oversight and accountability—issues that are echoed in the Auditor General's 2022 report[4], which found that government self-assessment models are ineffective. Yet, this Act seems to rely heavily on such mechanisms.

There is also concern for SNGREC that the Haldimand Tract treaty lands—territory historically recognized as belonging to the Haudenosaunee people—could be designated as a Special Economic Zone. This raises serious red flags about the potential erosion of First Nations land rights and sovereignty, especially given the lack of formal consultation processes outlined in the legislation.

Adding to this concern is the vague and undefined use of the term "trusted proponent." The legislation offers no criteria or accountability framework for determining who qualifies under this designation. This ambiguity leaves the door open for discretionary and potentially biased interpretations, with First Nations likely to have a vastly different understanding of what constitutes a "trusted" actor compared to the provincial

[4] Ontario Auditor General. *2022 Annual Report*. Office of the Auditor General of Ontario, 2022, www.auditor.on.ca/en/content/annualreports/arbyyear/ar2022.html. Accessed 9 May 2025.

government. The lack of clarity and engagement on these matters threatens to deepen mistrust and exacerbate existing tensions with First Nations over land use and jurisdiction.

Furthermore, under section 5, giving special economic zones exemptions from municipal by-laws will likely impact environmental protections. The by-laws that are most likely to stand in the way of development are representative of environmental protections (for example a municipal by-law requirement to plant trees). Municipalities have previously engaged with Six Nations on these matters, but this legislation may eliminate and/or lessen such opportunities for consultation in the future.

In its current form, the legislation governing Special Economic Zones represents a serious threat to SNGR's rights, environmental stewardship, and accountable governance. The absence of clear criteria, meaningful consultation with First Nations, and protections for municipal collaboration all point to a troubling shift in land use policy. Without significant revisions and the inclusion of First Nations voices, this approach risks repeating historical patterns of exclusion and environmental degradation.

Schedule 10: Species Conservation Act

After years of weakening environmental regulations, endangered species in Ontario are now facing their most significant threat in a generation with the introduction of Bill 5, the *Protect Ontario by Unleashing our Economy Act, 2025*. This legislation represents a departure from science-based conservation and a dangerous prioritization of short-term

economic gains over the long-term health of ecosystems, biodiversity, and First Nations rights.

Key issues:

1. Lack of consultation with First Nations
2. Unilateral government authority and over-concentration of power
3. Removes species recovery as an objective from Ontario's endangered species framework
4. The permitting process

Issue 1: Lack of Consultation

Even more troubling is the erosion of public oversight and First Nations rights. Bill 5 sidelines First Nations communities by eliminating requirements for meaningful consultation; a key principle in upholding the constitutional rights of First Nations. First Nations have long been stewards of the land and must be central to any conversations about sustainability and conservation. Yet under Bill 5, First Nations voices are being excluded at a time when collaborative action is more important than ever.

Issue 2: Unilateral Government Authority

One of the most alarming aspects of the proposed legislation is the politicization of species protection. Bill 5 would allow the Ontario Cabinet—not scientific experts—to determine which species deserve legal protection. This fundamentally undermines science-based decision-making and allows for subjective political and economic interests

to override conservation priorities. Furthermore, the Bill grants sweeping new powers to the Lieutenant Governor in Council, allowing species classifications and permit conditions to change at the government's discretion.

Issue 3: Removal of Species Recovery as Objective

Bill 5 undermines species recovery. Most critically, Schedule 10 removes the fundamental objective of species recovery from Ontario's endangered species framework. Under current law, conservation efforts aim not only to prevent extinction but to ensure that species can recover to healthy, stable populations. Schedule 10 narrows this focus to such an extent that continued population decline, local extirpation, or even extinction could become acceptable outcomes under the bill.

Issue 4: The Permitting Process

The permitting process, a critical safeguard for species at risk, is also being gutted. Currently, developers must apply for permits when projects threaten species or their habitats. These applications are reviewed by environmental experts and come with conditions aimed at minimizing damage. Bill 5 replaces the previous system with an online registration form. Once a developer submits, they are immediately authorized to begin work—regardless of the environmental consequences. This includes destroying critical habitats like dens, nesting areas, and breeding grounds, with no requirement for review or safer alternatives. Bill 5 imposes no meaningful conditions or safeguards for routine activities that impact rare or at-risk species. While some limited permitting powers remain, it is unclear whether they will be used effectively, and even if they are, they offer only weak

protections. Furthermore, the new registry system does not have to be made public, removing transparency and accountability from the process entirely.

Building a strong provincial economy for Ontario does not have to mean destroying the environment. Rather, it should mean developing policies that are in harmony with the environment and First Nations.

In conclusion, Schedule 10 poses an unprecedented threat to Ontario's biodiversity and undermines the rights of First Nations. If Bill 5 proceeds, it must consult with Six Nations of the Grand River Elected Council to address the issues explained above.

Conclusion

In closing, SNGREC cannot support Bill 5 in its current form. Across all schedules, the bill demonstrates a troubling disregard for the Crown's duty to consult and accommodate First Nations. The absence of consultation in the development of this legislation is not only unconstitutional—it is emblematic of a broader trend of excluding First Nations from decisions that profoundly impact our lands, rights, and future.

The issues outlined in this brief are not peripheral; they strike at the heart of reconciliation, legal accountability, and the recognition of First Nations governance. Ontario cannot credibly claim to respect treaties while enacting laws that ignore the very obligations those treaties entail.

SNGREC's Consultation and Accommodation Policy sets a clear framework for engagement that the province must respect. We reiterate that any legislative change affecting our rights, or our lands must be subject to meaningful consultation and, where necessary, accommodation. Unless and until that occurs, SNGREC will remain opposed to Bill 5.

The concerns and recommendations presented here—and in the associated ERO submissions—are intended to guide a more equitable, lawful, and respectful approach to legislative development in Ontario.