



Taykwa Tagamou Nation

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May 7, 2025

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

Wâciye,

I write on behalf of Taykwa Tagamou Nation (TTN), a Treaty 9 Nation and long-standing economic partner in Ontario's clean energy, infrastructure, and natural resource sectors. While TTN understands and supports the principle of ensuring that regulatory processes are efficient, we are opposed to the current version of Bill 5, *Protect Ontario by Unleashing Our Economy Act* as it raises serious constitutional, environmental, and legal concerns that directly affect our rights and future.

We are especially concerned with the *Special Economic Zones Act* ("SEZA"), which allows the Cabinet to provide any proponent or business with the ability to conduct any activity it wants, in any area of the province the government chooses, without any regulatory oversight. These blanket exemptions could enable large-scale, unregulated development on our traditional territory—including in the Timmins Area—without meaningful consultation or accommodation.

While the Government of Ontario ("Ontario") has claimed that it will live up to its constitutional obligation to consult and accommodate our rights, the SEZA does not provide mechanisms for TTN to be involved when decisions are being made related to our traditional territory. This constitutes a breach of our constitutionally protected Section 35 rights and those affirmed under the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDRIP Act).

The threat of accelerated development without safeguards is deeply troubling, particularly given the cumulative impacts that our lands and waters already face from industrial expansion. It is us and the lands and natural resources in our Traditional Territory who will ultimately bear the brunt of uncontrolled development, which will undermine both reconciliation and the health of our ecosystems.

Ontario's proposed solution will not achieve its stated goals. They threaten to take away essential procedural steps for regulating development and protections that we rely upon when considering whether to accept new development within our traditional territory. They remove our ability to work cooperatively under a strong legislative framework with proponents and government agencies.

We agree that the current permitting system is sometimes inefficient and counterproductive, and are prepared to work with the Province on a Nation-to-Nation basis to co-develop a forward-looking model that enables strategic development while upholding our Treaty rights. In its current form, Bill 5 does achieve these goals, and we respectfully request that Bill 5 be amended to ensure that:



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- First Nations are meaningfully consulted before any designation or regulatory exemption is granted;
- No legal mechanism undermines our rights under the Constitution or UNDRIP; and
- Indigenous governance and land stewardship are embedded in future planning processes.

TTN also has significant concerns with several of Bill 5's amendments to environmental and cultural protection laws which we rely-upon to safeguard our rights. We have attached this information in Appendix "A", and welcome the opportunity to discuss these concerns and recommendations with you in person.

Miigwetch for your consideration.

Sincerely,

Derek Archibald
Deputy Chief, Taykwa Tagamou Nation



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Appendix A

The Mining Act Needs More Safeguards

We understand that Bill 5 aims to reduce the amount of time that it takes for Ontario to review permits by at least 50% by introducing new service standards related to the review of any permits and authorizations. While TTN recognizes that Ontario has stated that these service standards will not apply to consultation processes, we are concerned that these changes may still result in shorter decision-making timelines which could impact our ability to collect the information that we need to fully understand the impacts of a proposed project and provide technical comments where it is deemed necessary.

In addition, we note that the proposed amendments do not include any information about what projects may be eligible to be designated by the Minister for a “streamlined approvals process” through the new “mine authorization and permitting delivery team”. There are no clear criteria for designation, and we are concerned about risks associated with less experienced proponents receiving a “fast track” which results in regulatory oversight. While the duty to consult is technically preserved, the emphasis on speed associated with the proposed amendments risks creating procedural shortcuts that undermine Indigenous rights.

To counteract these risks and protect our constitutionally protected rights, TTN requests that safeguards be added which:

- Require Ontario to engage in a consultative process before the implementation of any new service standards; and
- Require for Ontario to work collaboratively with our Nation to set-out criteria for which projects will be eligible for a “streamlined approvals process”.

The Amendments to Species at Risk Legislation Risks Impacting Our Rights

TTN does not support the proposed changes to the *Endangered Species Act* (“ESA”) and the *Species Conservation Act* (“SCA”) which will soon replace it. The protection of the species in our traditional territory is essential for the practice of our rights, and changes which undermine their protection will inherently undermine our constitutionally protected harvesting rights. Our specific concerns are as follows:

1. **COSSARO’s Decisions Must Be Respected:** TTN opposes the ability for Cabinet to override independent scientific assessments by Committee on the Status of Species at Risk (COSSARO) for what species should be protected under both the *ESA* and the *SCA*. This proposed amendment will allow for transparent decisions made after consideration of Indigenous Traditional Knowledge to potentially be overridden by political considerations.
2. **The Definition of Habitat Must Not Be Reduced:** Narrowing the definition of “habitat” for species at risk threatens to further the decline of at-risk species in Ontario. Ontario must continue to ensure that habitat protection continues to apply for the entire area where a species carries out its life processes.



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- 3. The Registration-First System Overrides Consultation:** By moving to a registration-first system for permitting, Ontario will remove opportunities for First Nations to be consulted and accommodated with regards to decisions related to species at risk. We do not support this change as it threatens our Aboriginal and treaty rights. TTN asserts that culturally significant species must continue to be protected through direct engagement with Indigenous communities during permitting processes.

Amendments to the Ontario Heritage Act May Impact Our Culture

The *Ontario Heritage Act* ("OHA")'s requirements related to archaeological assessments and the protection of archaeological sites are essential to the protection of the TTN's sacred sites and burial grounds. The proposed amendments, which will allow for Ontario to exempt a proponent from these requirements, will undermine our cultural heritage. Article 11 of the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP") speaks directly to the rights of Indigenous peoples to practice and revitalize their cultures, including our right to protect archaeological sites and artifacts.

TTN calls on the Province to uphold the rights under Article 11 of UNDRIP and make changes to the proposed amendments to prevent cultural destruction by ensuring that consultation has to be undertaken before any exemptions to the OHA's requirements are granted.

The Special Economic Zones May Create Regulatory Uncertainty

The proposed *Special Economic Zones Act* ("SEZA") allows for the creation of "special economic zones" without clear definitions, criteria, or oversight mechanisms. These zones may exempt developments from key environmental and planning laws, while also restricting judicial review. SEZA also does not provide for ways for TTN to be involved in decisions which will inherently impact our traditional territory.

TTN urges the Province to commit to a transparent, Nation-to-Nation process for any such designations to prevent infringements on Section 35 rights and to embed Indigenous co-governance frameworks in all future regulations. To achieve this goal, we are willing to form a working group to explore whether a properly designed and rights-respecting special economic zone in our territory could:

- Advance critical infrastructure and development priorities;
- Protect the ecological and cultural integrity of our lands; and
- Establish predictable permitting pathways with equitable revenue-sharing.

However, this model must be based on strong legislation which ensures the protection of our rights and traditional territory.