

## **Review Proposed Amalgamation of Conservation Authorities through Duty to Consult and Accommodate Environmental Registry of Ontario (ERO) 025-1257 By: Susan Robertson MCIP RPP, People Plan Community**

Ontario's watershed land use planning and Aboriginal and Treaty Rights are inextricably linked. The mandate of Conservation Authorities directly impacts First Nation's Aboriginal and Treaty Rights, which are communally held, and culturally expressed through traditional activities on land and water. Bringing watershed land use planning and Aboriginal and Treaty Rights into better alignment is a significant reconciliation opportunity. People Plan Community views [ERO025-1257](#) as a means to advance Crown Indigenous relations in conservation and watershed land use planning in Ontario.

### **INTRODUCTION**

Ontario's 36 Conservation Authorities (CA's), initiated in 1946 through the *Conservation Authorities Act*, are by and large, how the environment is protected and conserved in land use planning in Ontario. For 79 years, CA's have been ensuring that Ontario's communities maintain a sustainable balance from development, offer affordable and accessible greenspaces for families, and science and action for healthy rivers. Everyday, Ontarians benefit from their legacy.

In many respects, Conservation Authorities are care takers of the land. It is in this way that their mandate is linked with First Nations rights and responsibilities. While there is misalignment of Crown Indigenous relations in conservation in Ontario, on the ground, Conservation Authorities are excellent collaborative partners that bring people together, including First Nations, to protect and conserve. Furthering their collaborative potential with First Nations should be a core priority of the Province of Ontario.

Conservation in Ontario is rapidly changing: ERO 025-1257 represents the fifth legislative amendment to CA's in the past 5 years. Through these five amendments, the role of CA's has been reduced to expedite development (for example, removing the ability to comment on natural heritage outside of the regulated area). First Nations have not been consulted on most of these legislative amendments despite impacts to Aboriginal and Treaty Rights.

During this period of significant legislative transition, Aboriginal and Treaty rights must come into focus in watershed land use planning through effective engagement, consultation and accommodation. There is and always has been genuine benefit to working together for the land and waters of Ontario with Treaty holders, in accordance with the Calls to Action and Part VI of the United Nations Declaration on the Rights of Indigenous Peoples. We hope that this submission supports greater integration in the spirit of reconciliation.

### **ERO 025-1257 PROPOSAL**

ERO 025-1257 intends to amend the *Conservation Authorities Act*, the purpose of which is to "provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario" to:

1. Create the Ontario Provincial Conservation Agency – a provincial board-governed agency – to provide centralized leadership, efficient governance, strategic direction, and oversight of Ontario’s conservation authorities (already law, enacted through Plan to Protect Ontario Act (2025), Bill 68.)
2. To consolidate the province’s 36 conservation authorities into regional conservation authorities that continue to align with watershed boundaries.

The intent of this amendment is to: reduce duplicative administrative costs; provide better tools and more resources for front-line staff; align CA’s services with provincial priorities on housing, the economy, infrastructure and climate resilience; and ensure that CA’s operate with greater consistency and transparency to deliver faster services to municipalities and permit applicants.

### **DUTY TO CONSULT AND ACCOMMODATE**

Duty to Consult and Accommodate is a legal and constitutional obligation. It emerged in 1997 from the Supreme Court Delgamuukw–Gisday’wa ruling and was further expanded through the Haida 2004 ruling where the term “Duty to Consult and Accommodate” received expression for the first time. It stems from the Honour of the Crown: the Crown must act with integrity, honesty, and fairness in all its interactions with Indigenous peoples as a result of the unique relationship. Further, the Crown may have “no sharp dealing” with Indigenous peoples. Therefore, Aboriginal peoples asserting Aboriginal and Treaty rights must be consulted, and where necessary accommodated, prior to occurrence of any decisions, conduct or activities that may have an impact on the rights and interests of Aboriginal peoples.

Conservation Authorities are agencies of the Crown, under the Ministry of Conservation, Environment and Parks, as the Crown includes all its agencies, bodies and commissions. With that said, consultation and accommodation lies within the Nation-to-Nation relationship (Premier/Minister and Chief and Council); while engagement – an essential activity of consultation – can and should take place between First Nations and Conservation Authorities on: any and all decisions, conduct and activities that have the potential to have an adverse effect on Aboriginal and Treaty rights respecting lands and resources within their Traditional Territory. In accordance with the UN Declaration, Free, Prior and Informed Consent is the benchmark for meaningful engagement and consultation.

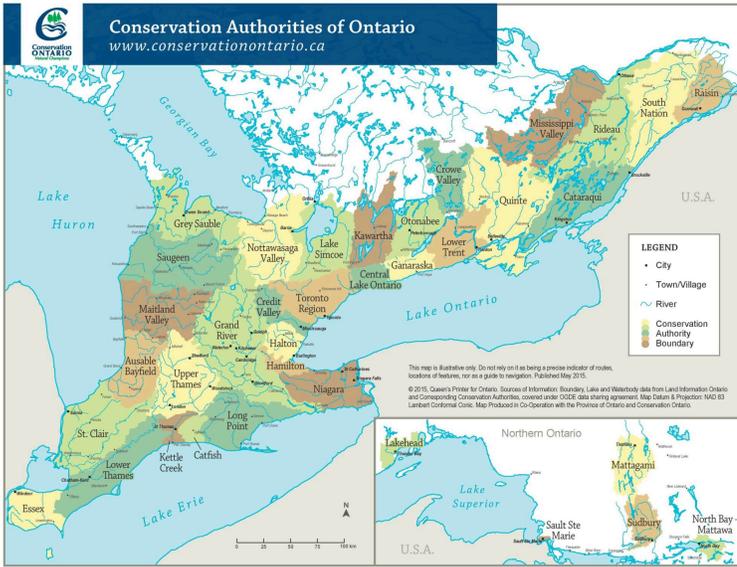
After three decades since its establishment, much progress is still needed to further engagement and consultation in Ontario’s land use planning processes. This is attributable, in part, to limited understanding of Aboriginal Rights in relation to land use planning on the one hand, and limited capacity to respond to the influx of development applications and planning initiatives on the other. This capacity gap shows in limited access to online protocol for engagement, consultation and accommodation requirements: People Plan Community research found only 13 consultation and accommodation protocols available online – 10% out of 133 First Nations in Ontario.

There is great opportunity for improvement in accordance with the [United Nations Declaration on the Rights of Indigenous Peoples Act](#), the Calls to Action of the Truth and Reconciliation Commission, and [Ontario’s Commitment to Reconciliation with Indigenous Peoples](#). The following section provides a summary of the anticipated impacts to engagement and consultation as result of the proposed amalgamation of Conservation Authorities.

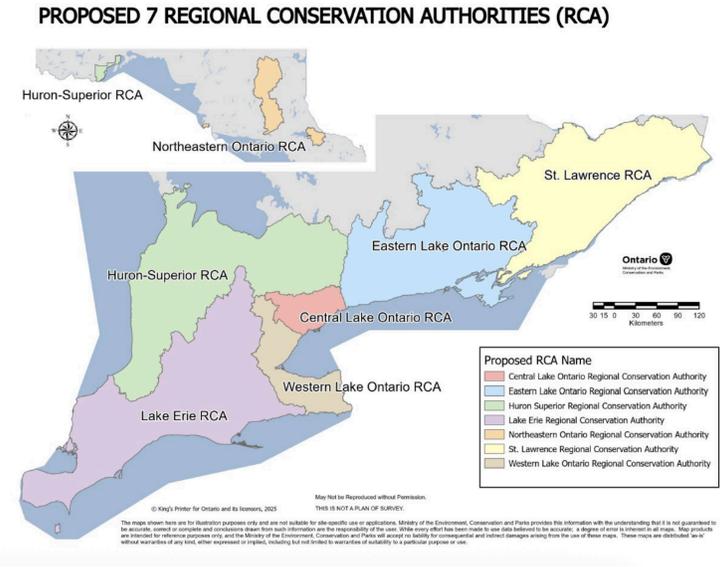
### **ANALYSIS OF AMALGAMATION THROUGH TREATIES AND DUTY TO CONSULT AND ACCOMMODATE**

The following three maps show existing and proposed jurisdictional changes in relation to Treaty areas. These impacts are summarized in the following tables, [Table 1 Existing Conservation Authority Consultation Framework](#) and [Table 2: Proposed Regional Conservation Authority Consultation and Accommodation Framework](#). These tables have been coloured by row, to align with the Proposed Regional CA map.

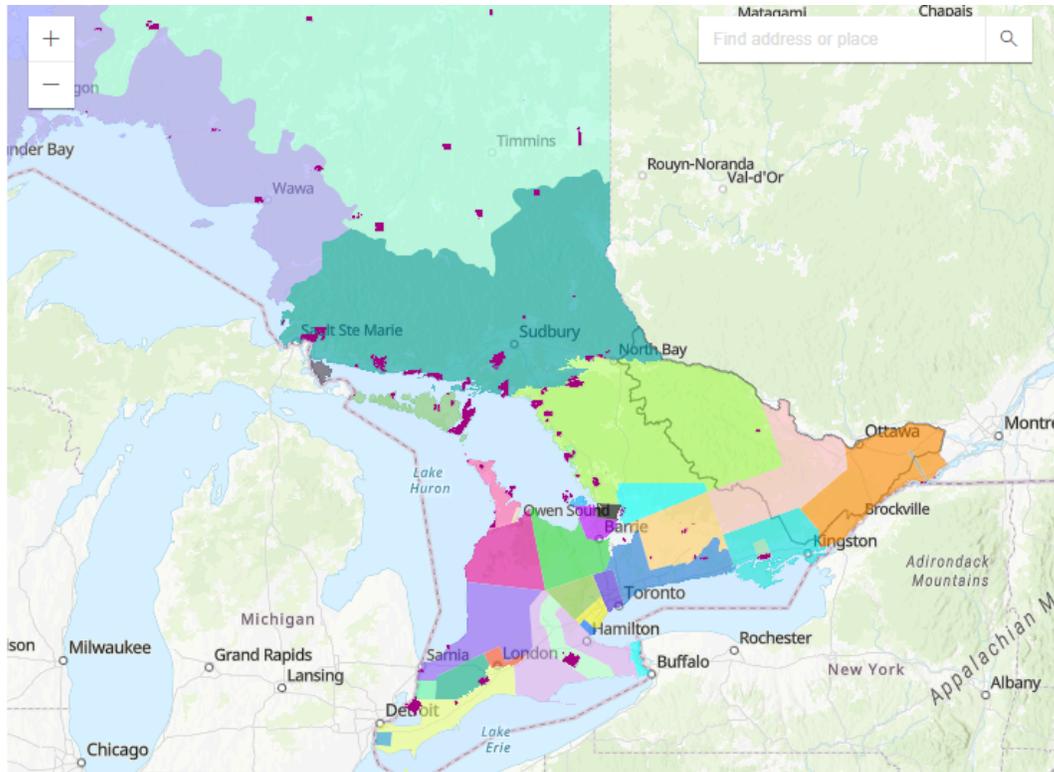
**Map 1: Existing Conservation Authorities**



**Map 2: Proposed Regional Conservation Authorities**



**Map 3: Treaties in Southern Ontario**



**Table 1 Existing Conservation Authority Consultation Framework**

#	Conservation Authority	Region (East → West)	Treaty Area	First Nation
1	Cataraqui Region CA	Kingston / Gananoque	1. The Crawford Purchases*	1. Mississauga Nation**** 2. Algonquins of Ontario 3. Mohawks Bay of Quinte* 4. Wendat Nation*
2	Mississippi Valley CA	Ottawa Valley → Lanark / Frontenac	1. Rideau Purchase 2. The Algonquian Land Claim	1. Algonquins of Ontario
3	South Nation Conservation	Casselman / Eastern Ontario	1. The Crawford Purchases* 2. Rideau Purchase 3. The Algonquian Land Claim	1. Mississauga Nation**** 2. Algonquins of Ontario 3. Mohawks Bay of Quinte* 4. Wendat Nation* 5. Mohawk Council of Akwesasne
4	Raisin Region CA	Cornwall / St. Lawrence Valley	1. The Crawford Purchases* 2. St. Regis Purchase 3. The Algonquian Land Claim	1. Mississauga Nation **** 2. Algonquins of Ontario 3. Mohawk Council of Akwesasne 4. Mohawks Bay of Quinte* 5. Wendat Nation*
5	Rideau Valley CA	Ottawa → Rideau Lakes	1. The Crawford Purchases* 2. Rideau Purchase 3. The Algonquian Land Claim	1. Mississauga Nation **** 2. Algonquins of Ontario 3. Mohawks Bay of Quinte* 4. Wendat Nation*
6	Central Lake Ontario CA	Oshawa / Whitby / Ajax	1. Williams Treaties	1. Williams Treaty First Nations ** 2. Wendat Nation*
7	Crowe Valley CA	Marmora / Hastings County	1. Rideau Purchase 2. Rice Lake Purchase 3. Williams Treaties 4. Crawford Purchases*	1. Alderville First Nation 2. Hiawatha First Nation 3. Curve Lake First Nation 4. Mississaugas of Scugog Island First Nation 5. Wendat Nation* 6. Algonquins of Ontario
8	Ganaraska Region CA	Port Hope area	1. Williams Treaties	1. Williams Treaty First Nations** 2. Wendat Nation*
9	Kawartha Conservation	City of Kawartha Lakes / Durham	1. Rice Lake Purchase 2. Williams Treaties	1. Alderville First Nation 2. Hiawatha First Nation 3. Curve Lake First Nation 4. Mississaugas of Scugog Island First Nation 5. Wendat Nation*
10	Lower Trent Conservation	Trenton → Brighton → Campbellford	1. Williams Treaties 2. Crawford Purchases* 3. Rice Lake Purchase	1. Williams Treaty First Nations** 2. Mohawks Bay of Quinte* 3. Wendat Nation*
11	Otonabee Region CA	Peterborough / Otonabee watershed	1. Rice Lake Purchase	1. Williams Treaty First Nations 2. Wendate Nation*
12	Quinte Conservation	Belleville / Napanee	1. The Crawford Purchases* 2. Rideau Purchase	1. Algonquins of Ontario 2. Mohawks Bay of Quinte* 3. Wendat Nation* 4. Mississauga Nation ****
13	Toronto & Region CA	Toronto / Vaughan / Mississauga / Markham	1. Williams Treaties 2. Toronto Purchase, Treaty 13 3. Ajétance Purchase, Treaty 19 4. Head of the Lake Purchase, Treaty 14 5. Nottawasaga Purchase, Treaty 18 6. Rouge Tract Land Claim	1. Williams Treaty First Nations** 2. Mississaugas of the Credit First Nation 3. Wendat Nation*
14	Credit Valley Conservation	Mississauga / Brampton / Halton Hills	1. Ajétance Purchase, Treaty 19 2. Head of the Lake Purchase, Treaty 14	1. Mississaugas of the Credit First Nation 2. Wendat Nation*
15	Conservation Halton	Burlington / Milton / Halton	1. Head of the Lake Purchase, Treaty 14 2. The Brant Tract, Treaty 3 ¾ 3. Between the Lakes, Treaty 3 4. Ajétance Purchase, Treaty 19	1. Mississaugas of the Credit First Nation 2. Wendat Nation*
16	Niagara Peninsula CA	Niagara Falls / Welland / St. Catharines	1. Between the Lakes, Treaty 3 2. Treaty 381 3. Haldimand Tract*	1. Mississaugas of the Credit First Nation 2. Six Nations of the Grand River Confederacy*
17	Hamilton Conservation Authority	Hamilton / Dundas	1. Between the Lakes, Treaty 3 2. Haldimand Tract*	1. Mississaugas of the Credit First Nation 2. Six Nations of the Grand River Confederacy*
18	Catfish Creek CA	Aylmer / Bayham	1. Treaty 2, The McKee Purchase 2. Between the Lakes, Treaty 3	1. Bkehwanong Walpole Island First Nation 2. Aamjijwaang First Nation 3. Chippewas of the Thames First Nation

19	Essex Region CA	Windsor / Essex County	1. Treaty 35 2. Treaty 2, The McKee Purchase	4. Mississaugas of the Credit First Nation 1. Bkehwanong Walpole Island First Nation 2. Aamjiwnaang First Nation 3. Chippewas of the Thames First Nation
20	Grand River CA	Kitchener-Waterloo / Guelph / Brantford	1. Haldimand Tract* 2. Between the Lakes, Treaty 3 3. Huron Tract Purchase 4. Saugeen Tract Purchase 5. Nottawasaga Purchase, Treaty 18	1. Mississaugas of the Credit First Nation 2. Saugeen First Nation 3. Chippewas of the Thames First Nation 4. Chippewas of Kettle & Stony Point First Nation 5. Six Nations of the Grand River Confederacy*
21	Long Point Region CA	Port Rowan / Norfolk	1. Between the Lakes, Treaty 3 2. Tha Haldimand Tract*	1. Mississaugas of the Credit First Nation 2. Six Nations of the Grand River Confederacy*
22	Lower Thames Valley CA	Chatham-Kent → Thames River west	1. Treaty 35 2. Treaty 2, The McKee Purchase	1. Bkehwanong Walpole Island First Nation 2. Aamjiwnaang First Nation 3. Chippewas of the Thames First Nation 4. Eelūnaapéewi Lakhéewiit – Delaware Nation
23	Kettle Creek CA	St. Thomas	1. Treaty 2, The McKee Purchase	1. Bkehwanong Walpole Island First Nation 2. Aamjiwnaang First Nation 3. Chippewas of the Thames First Nation
24	St. Clair Region CA	Sarnia / Lambton & Middlesex	1. Sombra Township Purchase 2. Long Woods Purchase 3. Huron Tract Purchase	1. Bkehwanong Walpole Island First Nation 2. Aamjiwnaang First Nation 3. Chippewas of the Thames First Nation 4. Chippewas of Kettle & Stony Point First Nation
25	Upper Thames River CA	London → Thames River east branch	1. London Township Purchase 2. Long Woods Purchase 3. McKee Purchase 4. Huron Tract Purchase 5. Between the Lakes, Treaty 3	1. Bkehwanong Walpole Island First Nation 2. Aamjiwnaang First Nation 3. Chippewas of the Thames First Nation 4. Mississaugas of the Credit First Nation 5. Six Nations of the Grand River Confederacy* 6. Chippewas of Kettle & Stony Point First Nation
26	Ausable Bayfield CA	Exeter / Huron County	1. Huron Tract Purchase	1. Chippewas of Kettle & Stony Point First Nation 2. Chippewas of the Thames First Nation 3. Aamjiwnaang First Nation 4. Saugeen First Nation & Chippewas of Nawash First Nation
27	Maitland Valley CA	Goderich / Huron County	1. Huron Tract Purchase 2. Saugeen Tract Purchase	1. Chippewas of Kettle & Stony Point First Nation 2. Saugeen First Nation & Chippewas of Nawash First Nation 3. Chippewas of the Thames First Nation 4. Aamjiwnaang First Nation
28	Saugeen Valley CA	Hanover / Grey & Bruce	1. Huron Tract Purchase 2. Saugeen Tract Purchase	1. Chippewas of Kettle & Stony Point First Nation 2. Saugeen First Nation & Chippewas of Nawash First Nation 3. Chippewas of the Thames First Nation 4. Aamjiwnaang First Nation
29	Grey Sauble CA	Owen Sound / Georgian Bay	1. Saugeen Tract Purchase 2. Nottawasaga Purchase, Treaty 18	1. Chippewas of Kettle & Stony Point First Nation 2. Saugeen First Nation & Chippewas of Nawash First Nation
30	Nottawasaga Valley CA	Wasaga Beach / Collingwood / Alliston	1. Nottawasaga Purchase, Treaty 18 2. Lake Simcoe Purchase	1. Beausoliel First Nation 2. Chippewas of Rama First Nation 3. Georgina Island First Nation
31	Lake Simcoe Region CA	York / Simcoe / Durham	1. Lake Simcoe Purchase 2. Toronto Purchase 3. Williams Treaties 4. Rice Lake Purchase 5. Nottawasaga Purchase, Treaty 18	1. Williams Treaty First Nations** 2. Mississaugas of the Credit First Nation 3. Saugeen First Nation & Chippewas of Nawash First Nation
32	Lakehead Region CA	Thunder Bay	1. Robinson Superior Treaty	1. Robinson-Superior Treaty First Nations*****
33	North Bay-Mattawa CA	North Bay / Mattawa	1. Williams Treaties 2. Algonquin Land claim	1. Williams Treaty First Nations** 2. Algonquins of Ontario
34	Conservation Sudbury	Greater Sudbury	1. Robinson Huron Treaties	1. Robinson-Huron Treaty First Nations (RHTFNs)***
35	Sault Ste. Marie Region CA	Sault Ste. Marie	1. Robinson Huron Treaties	1. Robinson-Huron Treaty First Nations (RHTFNs)***
36	Mattagami Region CA	Timmins region	1. Robinson Huron Treaties 2. James Bay Treaty	1. Robinson-Huron Treaty First Nations (RHTFNs)*** 2. Mushkegowuk Council 3. Nishnawbe Aski Nation (NAN) 4. Matawa First Nations

Table 2: Proposed Regional Conservation Authority Consultation and Accommodation Framework

#	Proposed Amalgamated Conservation Authority	Treaty Areas	Reserves	Treaty Partners for Duty to Consult and Accommodate Requirements
1	Proposed St. Lawrence Regional Conservation Authority	<ol style="list-style-type: none"> <li>1. Williams Treaties</li> <li>2. The Crawford Purchases*</li> <li>3. Rideau Purchase (Treaty 27 ¼)</li> <li>4. The Algonquian Land Claim</li> <li>5. St. Regis Purchase</li> </ol>	<ol style="list-style-type: none"> <li>1. Algonquins of Pikwakanagan First Nation</li> <li>2. Williams Treaties First Nations</li> </ol>	<ol style="list-style-type: none"> <li>1. Algonquins of Ontario</li> <li>2. Mohawk Council of Akwesasne</li> <li>3. Williams Treaty First Nations</li> <li>4. Mohawks Bay of Quinte*</li> <li>5. Wendat Nation*</li> <li>6. Mohawks Council of Akwesasne</li> <li>7. Mississauga Nation</li> </ol>
2	Proposed Eastern Lake Ontario Conservation Authority	<ol style="list-style-type: none"> <li>1. The Crawford Purchases*</li> <li>2. Williams Treaties</li> <li>3. The Algonquian Land Claim</li> <li>4. Rice Lake Purchase Treaty 20</li> </ol>	<ol style="list-style-type: none"> <li>1. Alderville First Nation</li> <li>2. Hiawatha First Nation</li> <li>3. Curve Lake First Nation</li> <li>4. Mohawks Bay of Quinte</li> <li>5. Scugog Island First Nation</li> </ol>	<ol style="list-style-type: none"> <li>1. Williams Treaty First Nations**</li> <li>2. Mohawks of Bay of Quinte*</li> <li>3. Mississauga Nation****</li> <li>4. Algonquins of Ontario</li> <li>5. Wendat Nation*</li> <li>6. Alderville First Nation</li> <li>7. Hiawatha First Nation</li> <li>8. Curve Lake First Nation</li> <li>9. Mississaugas of Scugog Island First Nation</li> </ol>
3	Proposed Central Lake Ontario Regional Conservation Authority	<ol style="list-style-type: none"> <li>1. Williams Treaties</li> <li>2. Toronto Purchase, Treaty 13</li> <li>3. Ajetance Purchase, Treaty 19</li> <li>4. Head of the Lake Purchase, Treaty 14</li> <li>5. Nottawasaga Purchase, Treaty 18</li> <li>6. Rouge Tract Land Claim</li> </ol>	N/A	<ol style="list-style-type: none"> <li>1. Williams Treaty First Nations**</li> <li>2. Mississaugas of the Credit First Nation</li> <li>3. Saugeen Nation &amp; Chippewas of Nawash First Nation</li> <li>4. Wendat Nation*</li> </ol>
4	Proposed Western Lake Ontario Regional Conservation Authority	<ol style="list-style-type: none"> <li>1. Head of the Lake Purchase, Treaty 14</li> <li>2. Ajetance Purchase, Treaty 19</li> <li>3. The Brant Tract, Treaty 3 ¾</li> <li>4. Between the Lake Purchase, Treaty 3</li> <li>5. The Haldimand Tract*</li> <li>6. The Niagara Purchase, Treaty 381</li> </ol>	N/A	<ol style="list-style-type: none"> <li>1. Mississaugas of the Credit First Nation</li> <li>2. Six Nations of the Grand River Confederacy*</li> <li>3. Wendat Nation*</li> </ol>
5	Proposed Lake Erie Regional Conservation Authority	<ol style="list-style-type: none"> <li>1. Between the Lake Purchase, Treaty 3</li> <li>2. Huron Purchase, Treaty 29</li> <li>3. London Township Purchase, Treaty 6</li> <li>4. McKee Purchase, Treaty 2</li> <li>5. Sombra Township Purchase, Treaty 7</li> </ol>	<ol style="list-style-type: none"> <li>1. Six Nations of the Grand River Confederacy</li> <li>2. Mississaugas of the Credit First Nation</li> <li>3. Chippewas of the Thames First Nation</li> <li>4. Bkehwanong Walpole Island First Nation</li> <li>5. Aamjiwnaang First Nation</li> </ol>	<ol style="list-style-type: none"> <li>1. Mississaugas of the Credit First Nation</li> <li>2. Bkehwanong Walpole Island First Nation</li> <li>3. Aamjiwnaang First Nation</li> <li>4. Chippewas of the Thames First Nation</li> <li>5. Caldwell First Nation</li> <li>6. Chippewas of Kettle &amp; Stony Point First Nation</li> <li>7. Six Nations of the Grand River Confederacy*</li> <li>8. Wendat Nation*</li> </ol>

#	Proposed Amalgamated Conservation Authority	Treaty Areas	Reserves	Treaty Partners for Duty to Consult and Accommodate Requirements
		<ul style="list-style-type: none"> <li>6. Long Woods Purchase, Treaty 25</li> <li>7. Treaty 35</li> <li>8. Big Bear Creek Land Claim Settlement Agreement</li> </ul>	<ul style="list-style-type: none"> <li>6. Chippewas of Kettle and Stoney Point</li> <li>7. Caldwell First Nation</li> <li>8. Eèlunaapèèii Lahkeewiit First Nation</li> <li>9. Oneida of the Thames First Nation</li> </ul>	
6	Proposed Huron Superior Regional Conservation Authority	<ul style="list-style-type: none"> <li>1. Huron Purchase, Treaty 29</li> <li>2. Saugeen Tract Purchase Treaty 45 ½</li> <li>3. Nottawasaga Purchase, Treaty 18</li> <li>4. Williams Treaties</li> <li>5. Rice Lake Purchase Treaty 20</li> <li>6. Lake Simcoe Purchase, Treaty 16</li> <li>7. Treaty 72</li> <li>8. Treaty 82</li> </ul>	<ul style="list-style-type: none"> <li>1. Saugeen First Nation</li> <li>2. Chippewas of Nawash First Nation</li> <li>3. Chippewas of Rama First Nation</li> </ul>	<ul style="list-style-type: none"> <li>1. Williams Treaty First Nations**</li> <li>2. Bkehwanong Walpole Island First Nation</li> <li>3. Aamjiwnaang First Nation</li> <li>4. Chippewas of the Thames First Nation</li> <li>5. Saugeen First Nation</li> <li>6. Chippewas of Nawash First Nation</li> <li>7. Chippewas of Kettle &amp; Stony Point First Nation</li> </ul>
7	Proposed Northeastern Ontario regional Conservation Authority	<ul style="list-style-type: none"> <li>1. Robinson Huron Treaty, Treaty 61</li> <li>2. James Bay Treaty, Treaty 9</li> <li>3. Williams Treaties</li> </ul>	<ul style="list-style-type: none"> <li>1. Whitefish Lake First Nation</li> <li>2. Wahnapiatae,</li> <li>3. Temagami First Nation</li> <li>4. Wahgoshig First Nation</li> <li>5. Mattagami First Nation</li> <li>6. Matachewan First Nation</li> <li>7. Taykwa Tagamou Nation</li> </ul>	<ul style="list-style-type: none"> <li>1. Robinson Huron Treaty First Nations***</li> <li>2. Mushkegowuk Council</li> <li>3. Nishnawbe Aski Nation (NAN)</li> <li>4. Matawa First Nations</li> </ul>

\* Denotes land grant, not signed treaty between Crown and Indigenous Nations. Therefore, only engagement is required, not consultation.

\*\*Williams Treaty First Nations include 7 First Nations - counted as one for consultation purposes

\*\*\*Robinson Huron Treaty First Nations includes 21 First Nations - counted as one for consultation purposes  
 Mississauga Nation represents five First Nations - counted as one for consultation purposes. These include: Aundeck Omni Kaning, M'Chigeeng, Sheguiandah, Sheshegwaning, Whitefish River, Zhiibaahaasing, Atikameksheng Anishnawbek, Batchewana, Garden River, Mississauga #8, Sagamok, Serpent River, Thessalon, Dokis, Henvey Inlet, Magnetawan, Nipissing, Shawanaga, Wahnapiatae, and Wasauksing.

\*\*\*\* Mississauga Nation represents a fellowship of 6 Mississauga Nations. These include: Mississaugas of Scugog Island First Nation, Mississaugas of the Credit First Nation, Mississauga 8 First Nation, Alderville First Nation, Naiwatha First Nation, Curve Lake First Nation

\*\*\*\*\* Robinson Superior First Nations includes 12 Anishinaabe First Nations: Animbiigoo Zaagi'igan Anishinaabek, Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay First Nation), Bingwi Neyaashi Anishinaabek (Sand Point First Nation), Fort William First Nation, Gull Bay First Nation (Kiashke Zaaging Anishinaabek), Long Lake #58 First Nation, Michipicoten First Nation, Netmizaaggamig Nishnaabeg (Pic Moberg First Nation), Pays Plat First Nation (Pawgwasheeng), Pic River First Nation (Biigtigong Nishnaabeg), Red Rock Indian Band, Whitesand First Nation

(Disclaimer - this work was completed through desktop exercise and may be subject to amendments via First Nations request.)

**FINDINGS**

1. A 100% increase in engagement requirements from the existing 36 CA structure (average of 3 First Nations per CA) to proposed Regional CAs structure (average of 6 First Nations per Regional CA).
2. A larger geography per Regional CA has many more treaties and territories and therein increases engagement complexity.

**SUMMARY**

Proposed Regional CAs double engagement requirements and increase complexity of the engagement for the consultation and accommodation landscape in Ontario’s watershed/land use planning framework. Given existing low levels of engagement and consultation in Ontario land use planning processes this change could be problematic. On the other hand, it may be beneficial to First Nations, as would be less agencies outreaching for engagement and consultation. However, such benefits would not be realized without greater planning, coordination and investment at this stage of reorganization.

**ERO QUESTION AND ANSWER**

***What opportunities or benefits may come from a regional conservation authority framework?***

- The proposed Regional CA structure will double consultation requirements and increase the complexity of engagement responsibilities for each of the seven Regional CA’s.
- For First Nations, this may reduce the administrative responsibilities of engagement as there will be fewer agencies outreaching, which could be of benefit.
- Therefore, opportunities/benefits could be improved engagement, consultation and accommodation processes through: meaningful engagement between the Ontario Provincial Conservation Agency (OPCA) and First Nations to assess ways to improve engagement and consultation, which may include creating a prioritization of *Conservation Authority Act* regulatory reviews (i.e. high, medium and low), as well as allocating resources towards more effective methods of engagement per Regional CA and First Nation. For example, as identified in Bill 68, one of the responsibilities of the OPCA will be to support the development and implementation of a standardized and centralized system for processing of permits issued by authorities within which engagement and consultation will be a critical component.

***Do you have suggestions for how governance could be structured at the regional conservation authority level, including suggestions around board size, make-up and the municipal representative appointment process?***

- At the Provincial level, we recommend the Board of the OPCA have meaningful Indigenous representation in accordance with Article 19 of the UN Declaration of the Rights of Indigenous Peoples, law in Canada.
- Correspondingly, for each Regional CA Board, there should be representation from Treaty holders in the jurisdiction.
- Aboriginal law will start to intervene with Ontario’s conservation law. For example, in November 2025 Alderville First Nation passed a law recognizing the rights of personhood for Rice Lake. As this Anishinaabe law sees expression, it will impact the approach that CAs take in their policies, plans and strategies.

***Do you have suggestions on how to maintain a transparent and consultative budgeting process across member municipalities within a regional conservation authority?***

- Budget allocations for consultation and accommodation should be allocated at the OPCA Board level in partnership with First Nations and administered to First Nations and to the amalgamated CAs based on need. These may take place through Funding Agreements, Contributions Agreements, etc..

***How can regional conservation authorities maintain and strengthen relationships with local communities and stakeholders?***

- First Nations are rightsholders. Starting the OPCA off in a good way, by building meaningful relationships with Treaty holders is of interest to the Province of Ontario and the expediency it seeks in fast tracking growth and development for the economy.

**RECOMMENDATION**

Growth expediency is paramount in Ontario. However, any and all decisions, conduct and activities that have the potential to have an adverse effect on Aboriginal and Treaty rights respecting lands and resources within their Traditional Territory require engagement, consultation where necessary accommodation. Legal challenges from First Nations that are not engaged and consulted increase the risk of delaying the economic prosperity the Province is seeking.

It should be a national imperative to take reconciliation out of the courts. Conservation Authorities have always been natural collaborative partners that take action on the ground to care for lands and waters. Increasing their engagement and consultation complexity creates the potential to reduce their relationship effectiveness with Treaty holders.

Based on the above, we recommend the following action as an opportunity to bring reconciliation into conservation in Ontario.

**ACTION – We recommend a coordinated session with OPCA, Chiefs of Ontario (COO) and NAN to seize this opportunity to improve engagement and consultation in watershed/land use planning processes through this proposed reorganization.**

**These sessions should address:**

- 1. The goals and priorities of the OPCA and how engagement and consultation can be improved, in alignment with these objectives, i.e. prioritization ranking, communication protocols, database development, etc.**
- 2. Indigenous representation on both the OPCA Board and the Regional CA Boards in alignment with Treaty responsibilities and shared goals**
- 3. Funding agreements to support the provincial mandate of expediency in planning review processes given the consultation gap that currently exists, i.e. only 13 online consultation protocols available.**

**IN CLOSING**

We thank you kindly for the opportunity to contribute to the reorganization of the conservation/watershed land use planning landscape in Ontario and are available at your convenience for further information and discussion.