



NETMIZAAGGAMIG NISHNAABEG

UNSURRENDERED

May 11, 2025

Standing Committee on the Interior
Legislative Assembly of Ontario
Queen's Park, Toronto, ON

Attention: Committee Clerk

RE: Bill 5 – Building Ontario Act (Budget Measures), 2025
Critical Minerals and Economic Zones – Netmizaaggamig Nishnaabeg
Comments

Dear Committee Members,

On behalf of Netmizaaggamig Nishnaabeg (NN), I write to you today regarding Bill 5, specifically the provisions that propose the establishment of economic zones and measures to advance Ontario's Critical Minerals Strategy.

We recognize the importance of building a strong, resilient economy in Ontario and Canada, especially in response to growing international pressures and aggressive trade and industrial policies from our neighbours to the south. As Anishnaabe warriors fought as allies with the Crown to defend this land now called Ontario in the War of 1812, so too must we stand together now to protect our collective interests in this new era of economic competition and security.

However, Bill 5 fails to address the weakest link in Ontario's and Canada's economic plans—namely, the Crown's fractured and outdated relationship with First Nations. Ontario cannot build a secure future on uncertain legal and constitutional foundations.



NETMIZAAGGAMIG NISHNAABEG

— UNSURRENDERED —

Our First Nation holds unceded Aboriginal Title to our ancestral lands north of Lake Superior. While we are not opposed to mining, we insist it must be done right—consistent with our rights, our stewardship responsibilities, and our vision for sustainable, inclusive development.

We remind the Committee that Ontario has already acknowledged the legal uncertainty surrounding much of the north of Superior region. The Ministry of Mines has posted a Notice of Caution on its Mining Lands Administration System (MLAS), advising proponents that there are six overlapping Aboriginal Title claims in this area, including that of Netmizaaggamig Nishnaabeg. The Notice states that these claims may require “heightened Crown consultation and accommodation obligations for future exploration, development and related activities in this area.” This recognition of legal uncertainty makes it even more concerning that Ontario would propose sweeping legislative changes that further erode existing consultation pathways rather than strengthening them.

Ontario's recent conduct to advance specific critical minerals as well as gold ventures despite knowledge of our unceded land rights and protection of lands selected to settle our Title claim, core cultural areas and riparian buffers on key waterways demonstrates that its agenda to cut red tape and reduce democratic and constitutional oversight must be constrained

We are increasingly concerned that Bill 5, combined with recent legislative changes under the Building More Mines Act, 2023, reflects an aggressive policy direction that appears intent on working around the constitutional protections of section 35 of the Constitution Act, 1982. Section 35 is not subject to the Notwithstanding Clause. In both cases, the legislative amendments appear designed to reduce or eliminate statutory decision points that would otherwise trigger explicit duties to consult and accommodate First Nations. This approach undermines reconciliation and invites legal and economic uncertainty.



NETMIZAAGGAMIG NISHNAABEG

UNSURRENDERED

We also echo the concerns identified in the analysis provided by the Chiefs of Ontario (COO), including the lack of meaningful First Nation engagement in the development of these legislative measures, the risk of undermining First Nation governance and jurisdiction over our lands and resources, and the failure to affirm First Nations as full partners in Ontario's economic strategy. For Netmizaaggamig Nishnaabeg, this is not just a procedural issue, but a matter of our rightful role as stewards and decision-makers on our ancestral lands.

Accordingly, we urge the Committee to recommend the following improvements to Bill 5:

1. First Nation Consent Before Declaration of Economic Zones
 - Economic zones must not be declared on lands subject to unceded Aboriginal Title without the free, prior, and informed consent of the First Nation.
 - NN must be engaged as a rights-holder and decision-maker before any designation affecting our Territory is finalized.
2. Strengthen Ministerial Powers to Resolve Land Claim Conflicts
 - Bill 5 should be amended to empower the Minister of Mines or Cabinet to cancel mining claims where they are a barrier to the resolution of First Nation land claims, provided that reasonable efforts to negotiate fair compensation or forfeiture with the claim holder have been exhausted.
3. Affirm First Nations as Economic Partners and Ecological Stewards
 - Ontario should recognize in law that First Nations are not merely stakeholders but economic partners and environmental stewards of their ancestral lands.
 - Agreements establishing zones of economic priority should be achieved with the consent of affected First Nations.
 - Where consent is achieved with NN, we commit to assisting the Crown to fulfill its section 35 constitutional duties in relation to other Indigenous communities.



NETMIZAAGGAMIG NISHNAABEG

UNSURRENDERED

We believe these measures would strengthen Ontario's economic future while advancing reconciliation and upholding the honour of the Crown. We stand ready to work with Ontario and Canada to advance a model of development that benefits all.

We respectfully request to appear before the Committee to speak to these recommendations.

Sincerely,

Chief Kwissiwa
Netmizaaggamig Nishnaabeg
Chieflouiskwissiwa@picmobert.ca