

**ENVIRONMENT**

**QUARTERLY  
NEWSLETTER**

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# MEET THE ENVIRONMENT DIRECTOR



**Welcome to the second edition of the Environment Quarterly Newsletter!**

## **Foreword**

Sheko:lih and welcome to the second edition of the Chiefs of Ontario Environment Newsletter. Spring is finally here, the buds are on the trees, and the wild leeks and fiddleheads are poking through the ground. With springtime comes new growth and beginnings and I am excited to share updates and new information that will assist you going forward.

Even though we are working through the third wave of the COVID-19 pandemic, I am continually encouraged by the optimism of First Nations and the continued support and respect for the environment.

Through the environment sectors newsletters, I am hopeful that the information shared is relevant and useful for leadership, technicians, and community members. The objective of developing the environment newsletter is to provide an additional method of sharing information that is easy to access and understand.

Again, I would like to take a moment to thank front-line workers for their continued efforts to ensure we all remain safe and healthy during the COVID-19 pandemic. I would also like to provide my condolences to families who have lost loved ones due to COVID-19. I want to acknowledge the dedication of the Chiefs Committee on Environment for their continued support and guidance during these challenging times.

Finally, the Environment Newsletter can be viewed online by desktop, tablet, or smartphone. If you have any feedback, please contact us here: [Kathleen.Padulo@coo.org](mailto:Kathleen.Padulo@coo.org).

Kathleen Padulo  
Chiefs of Ontario, Director of Environment

# Environment Team at Chiefs of Ontario:



## **WELCOME TO**

### **Stephanie Allen, Program Manager**

Stephanie Allen joins the COO Environment team coming from OFNTSC where she spent 13 years as the Senior Environmental Scientist. Stephanie has over 20 years of experience working in the field of environmental science and policy. In addition to OFNTSC, she has worked for a number of First Nations organizations including the Sagamok Anishnawbek, North Shore Tribal Council, Chiefs of Ontario, and Assembly First Nations. She has also worked for the federal and provincial governments in science/technical positions (INAC, National Defense, OMNR), as well as ENGOs (CIER, Long Point Bird Observatory). Stephanie is Kanien'keha:ka (Mohawk) from Six Nations of the Grand River Territory. Her children, Sequoyah and Maanii, are Sagamok Anishnawbek members.



### **Lillian Trapper, Ontario Regional Climate Change Coordinator**

Lillian Trapper is the Regional Climate Change Coordinator for the Chiefs of Ontario. Lillian works closely with the Assembly of First Nations on a myriad of Climate and Environment files. You can reach Lillian at [Lillian.Trapper@coo.org](mailto:Lillian.Trapper@coo.org).



### **Chris Hoyos, Acting Senior Policy Advisor**

Chris Hoyos joined the Chiefs of Ontario's Environment Department in the fall of 2020. Chris's work is focused on Great Lakes water quality and ecosystem health issues and concerns of First Nations Peoples. You can reach Chris at [Chris.Hoyos@coo.org](mailto:Chris.Hoyos@coo.org).



### **Sally Gaikezheyongai, Environment Coordinator**

Sally Gaikezheyongai is the Environment Coordinator for the Chiefs of Ontario's Environment Sector. Since 2010, Sally has worked to assist the team with their meetings. You can reach Sally at [Sally.Gaikezheyongai@coo.org](mailto:Sally.Gaikezheyongai@coo.org).

# NEW AT COO

## **Chiefs of Ontario Environmental Regulatory Gap Project**

Chiefs of Ontario recently entered into a project funding agreement to build relationships between Environment and Climate Change Canada (ECCC), Indigenous Services Canada (ISC), the Provincial Territorial Organizations (PTOs), and the 133 First Nations in Ontario to address the environmental protection regulatory and capacity gaps that exist on reserve lands. The objective of this project is to engage First Nation communities in ongoing work and discussion on environmental protection needs and priorities.

Through this project COO plans to facilitate open discussion and communication between PTOs and First Nations in Ontario, and to work collaboratively with the ECC and the ISC to identify possible ways to address environmental protection needs and priorities. We see this project as the beginning of long-term relationship building and engagement between First Nations in Ontario, ECCC, and ISC in relation to national First Nations environmental protection legislation. *If you are interested in participating in this project, please contact Stephanie Allen, Program Manager, Environment at: [Stephanie.Allen@coo.org](mailto:Stephanie.Allen@coo.org).*

## **New Project Announcement:**

### **Environmental Impact Assessment Toolkit to be updated and Training provided**

Chiefs of Ontario has received project funding to update our existing First Nations Environmental Assessment Toolkit and provide Ontario First Nations and PTOs with training in its use. With changes to the federal environmental assessment process and the new federal Impact Assessment Act, the original Ontario First Nations Toolkit produced in 2009 is now out of date. As with the original Toolkit, the goal is to assist First Nations with meaningful participation in environmental impact assessments. The primary users of this Toolkit are expected to be Ontario First Nations technical staff and leadership who need to assess or participate in the assessment of a project. We will be engaging with the Chiefs Committee on the Environment to assist with the revisions to the Toolkit and development of the training. Training is being planned for the Fall/Winter 2021-22. *If you would like more information on this project, please contact Stephanie Allen, Program Manager, COO Environment Sector at: [Stephanie.Allen@coo.org](mailto:Stephanie.Allen@coo.org).*

# GOOD NEWS

## **Announcement of Appointment – March 19, 2021**

The Ontario Regional Chief and the Chiefs Committee on Environment were pleased to assist with the formal Appointment of Chief Linda Debassige of M'Chigeeng First Nation as a member of the International Great Lakes – St. Lawrence River Adaptive Management (GLAM) Committee for a three-year term effective March 19, 2021 and ending March 18, 2023. The International Great Lakes – St. Lawrence River Adaptive Management Committee (the Committee) was established to assist the Commission on the exercise of the powers and responsibilities assigned to it. The Committee is comprised of nine members from the United States and nine members from Canada. Members of the Committee serve at the pleasure of the Commission and are expected to be full participants in all activities of the Committee, working towards resolution of issues and decision-making in the best interests of both countries.

## **Net-zero home in Indigenous community wins UW students' award from U.S. Department of Energy – April 28, 2021**

Members of a design team at the University of Waterloo placed second at the 2020 Solar Decathlon build challenge, which is put on by the United States Department of Energy, for designing and building a net-zero energy home in an Indigenous community near Wiarton. The project, which started in late 2017, was completed in collaboration with the Chippewa of Nawash Unceded First Nation and Habitat for Humanity Grey Bruce.

*Quote from Chief Greg Nadjiwon:*

*"As Chief of the Chippewa's of Nawash Unceded First Nation, I am proud to say that our Governance has partnered with Habitat for Humanity Warrior Homes in collaboration with the University of Waterloo and CMHC to build a net-zero home for one fortunate family within our community. Our focus is on providing affordable, energy efficient houses through a holistic approach to housing our membership, and it has been through the hard work and dedication of our partners and volunteers that this has been accomplished. The biggest takeaway with this project has been taking the rhetoric of 'reconciliation' and committing it to community-based action, where*

*outsiders come to volunteer, bonds are made, stereotypes are quashed, and self-esteem and empowerment are given center stage.”*

This project is a step in a positive direction for a First Nation transitioning to sustainable, energy-efficient homes. It demonstrates meaningful First Nation climate leadership to addressing the stark reality found in many First Nation communities of substandard housing.



Members of the Warrior Home team stand in front of the home they helped design and build on the Neyaashinigmiing reserve. (Photo: Warrior Home)

# LEGISLATION AND LEGAL CHALLENGES

## Judicial Review of Bill 197

The adoption of Bill 197, COVID-19 Economic Recovery Act, 2020, made changes to the Environmental Assessment Act (EAA) that limits environmental protections in Ontario. Changes to the EAA mean that no industrial or development projects are automatically subject to an environmental assessment, a measure put in place to ensure an upfront public examination of potential impacts before projects proceed. Instead, the Act would only cover projects designated by Cabinet through regulation.

This has implications for Aboriginal and treaty rights as environmental assessments act as triggers for the duty to consult and accommodate First Nations. With these triggers removed, projects can go ahead with little First Nations involvement.

In September 2020, several Ontario First Nations and the Association of Iroquois and Allied Indians initiated a judicial review of Bill 197 with the help of OKT Law. It is being argued that the content of the Environmental Assessment Act is unconstitutional because it does not meet the Honour of the Crown requirements of s.35 of the Canadian Constitution.

Despite the ongoing judicial review, the Ministry of Environment, Conservation, and Parks has solicited the Chiefs of Ontario, political territorial organizations, and First Nations to begin a consultation process on regulations for Bill 197.

OKT Law has recommended that First Nations and PTOs who consult with MECP consider using a legal statement that protects the ongoing litigation about Bill 197. Please see the final slide in the attached PowerPoint for the recommended language.

The hearing will take place online on May 17-21 and will be accessible to the public. A link will be shared as soon as it is made available.

- **References re Greenhouse Gas Pollution Pricing Act, 2021 SCC 11 (CanLII)**, <https://canlii.ca/t/jdwnw>
- **Citation: Kingsclear First Nation et al v PNB, 2021 NBQB 065. Date: March 19,2021:** <https://media.socastsr.com/wordpress/wp-content/blogs.dir/1930/files/2021/03/court-decision-2.pdf>

***More information can be found in the Climate Action Communique section.***

# WATER HIGHLIGHTS

## Province moves forward with Water Takings

### Proposal to require Municipal Support for new or increased bottled water takings -

#### Decision Summary:

- Ontario is moving forward with changes to the *Ontario Water Resources Act* to require water-bottling companies to have the support of their local host municipality for a new or increased groundwater taking in their community.

### Proposed Implementation of Updates to Ontario's Water Quantity Management

#### Framework - Decision Summary:

- Ontario is moving forward with guidance to help enhance the management of water takings in areas where quantity is a concern and where there are competing demands for water. Ontario is revoking the interim guidance on water bottling renewals at the same time that the enhancements to Ontario's water taking program will be put in place on April 1, 2021.

### Updating Ontario's Water Quantity Management Framework - Decision Summary:

- Ontario is moving forward with enhancements to Ontario's policies, programs and scientific tools for managing water takings to ensure water resources in the province are protected and used sustainably.

#### Attachments for further information:

- Better for People, Smarter for Business Act, 2020, S.O. 2020, c. 34 - Bill 213: <https://www.ontario.ca/laws/statute/s20034>
- Updating Ontario's Water Quantity Management Framework: <https://ero.ontario.ca/notice/019-1340>
- Proposed Implementation of Updates to Ontario's Water Quantity Management Framework: <https://ero.ontario.ca/notice/019-2017>

## Bill 229 and the Impacts on Duffins Creek Wetlands

- By making changes to the CAA, Bill 229 has restricted the role of Ontario's 36 conservation authorities in managing environmentally protected lands. As a result, the Duffins Creek wetlands, located within the traditional lands of the Williams and Pre-Confederation Treaty First Nations, were under serious threat.
- On October 30, 2020, the Ontario government issued a Ministerial Zoning Order (MZO) to build a casino complex covering a large portion of the protected wetlands. One of the major elements of the casino complex was the construction of a warehouse to be used by Amazon.com, Inc. This portion of the complex would have covered some of the last remaining Lake Ontario wetlands classified as "provincially significant."
- While the passage of Bill 229 continues to undermine environmental protections and the permitting system for construction on protected areas, Amazon.com Inc. has pulled out of the construction deal, limiting the threat to the Duffins Creek wetlands for the time being.



## Canada Water Agency

- The Government of Canada has committed to establishing a Canada Water Agency (CWA) to "work together with the provinces, territories, Indigenous communities, local authorities, scientists and others to find the best ways to keep our water safe, clean and well-managed."
- Both federal and provincial governments have multiple ministries and affiliated organizations that deal directly or indirectly with freshwater issues. The federal government is involved in freshwater-related areas such as fisheries, pollution prevention, shipping and navigation, international relations, and management of protected areas.

- The purpose of the CWA would be to have an agency dedicated to all things freshwater related at the federal level, thereby limiting administrative redundancy and facilitating relationship building with domestic and international partners.
- Environment and Climate Change Canada (ECCC) is currently engaging provinces, territories, Indigenous peoples, local authorities, the private sector, non- government organizations, and the public on how to move forward with the CWA.
- The Chiefs of Ontario is currently working with the ECCC to develop a strategy to inform and engage First Nations in Ontario regarding the CWA, though there are no plans yet for formal consultation.

### **Chiefs of Ontario and AFN Water Coordinator Update:**

- Throughout the fall of 2020, the AFN Water Unit worked with the Regional Water Coordinators to hold pre-engagements with the purpose of gaining interest and beginning initial discussions regarding region specific and community level issues. These issues will be built upon during the two separate 2021 engagement sessions.
- Regional priorities from the Chiefs of Ontario's perspective support the overall AFN activities through the many resolutions passed by the Chiefs in Ontario and AFN Assemblies outlining direction and priorities on the Water file.
- The Ontario Regional Chief holds the water portfolio at the AFN executive, and has provided on-going support on this file by attending the AFN water symposiums and Ontario region engagement sessions; providing advocacy support for the Chiefs at the ISC regional and headquarters' offices.

### **Ontario Pre-engagement Meetings:**

Sessions were held December 1-2, 2020 – one session was dedicated to the southern First Nations and one dedicated to the northern communities. The Assembly of First Nations (AFN) launched its Water Engagement Strategy in the fall of 2020 and is proceeding with its continued engagement activities. These sessions were to prepare and provide the First Nations with updates, next steps, but also to ensure input and feedback is being incorporated into the more fulsome engagement sessions planned for 2021.

## Ontario Engagement Meetings:

March 3 & 4, Engagement sessions were held in Ontario. Each region hosted two sessions to discuss important items related to (1) the Repeal and Replacement of the Safe Drinking Water for First Nations Act, and (2) a long-term approach to water and wastewater for First Nations. The purpose of the 2021 engagements is to receive input and feedback from First Nations to aid the AFN in its advocacy efforts, and to support First Nations in developing “by First Nations for First Nations” approach.

Most recently, the Auditor General released a scathing report on how Indigenous Services Canada has not adequately addressed First Nations lack of access to safe drinking water. The report recommended 6 key areas for the federal government to immediately implement. *(Please see attached documents)*. The key take-away is that Canada has failed to provide the basic right to water for First Nations.

Finally, recent funding announcements between Canada and Ontario precipitated the Environment staff researching further answers and explanations from Canada on the many announcements. A communique was distributed to all First Nations leadership in Ontario about these matters. *(Please see attached communique for reference.)*



(Photo courtesy of Lillian Trapper)

# CLIMATE CHANGE HIGHLIGHTS

## COMMUNIQUE

### RE: Federal, Provincial, and AFN Climate Action

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#### ISSUE SUMMARY:

The federal and provincial government continues to move forward on their climate action plans and activities without meaningful consideration of First Nations' rights, knowledges, and the stark realities they must face because of climate change. Both governments continue to undermine the right of First Nations leadership to be involved in decision-making processes on climate actions necessary for a positive transition to carbon neutrality.

#### BACKGROUND:

In 2016, the Government of Canada developed the Pan-Canadian Framework (PCF) to meet the Paris Agreement's target to reduce anthropogenic greenhouse gas emissions to 30% below 2005 levels by 2030. The four-part framework included carbon pollution pricing, emissions reduction on the economy, climate adaptation, and technology-innovation-jobs.

On June 21, 2018, the federal government passed the *Greenhouse Gas Pollution Pricing Act* (GGPPA) as the essential element to the PCF. Provinces and territories had until September 1, 2018, to outline a carbon pricing plan that would support carbon reductions equal to or greater than the federal benchmark. When the Conservative party took leadership of the Ontario government in June 2018, existing climate action programs were dismantled, and the province developed its own climate action plan.

The federal and provincial governments have carried out several key climate related actions in diverse directions since the PCF and GGPPA came into force. The following FAQ provides additional information on the federal, provincial, and AFN climate actions.

#### **What are the climate action law cases that First Nations in Ontario need to be aware of?**

A recent law case involving First Nations (FNs) and carbon tax revenues was broadcasted on March 22, 2021. A group of FNs in New Brunswick had tax collection and revenue sharing agreements with their provincial government signed in 2017. The sharing agreements applied to all taxes collected by the communities including carbon taxes. When the government refused to share the tax revenues, the FNs launched a lawsuit in 2020 and won the case. Sadly, on April 16, 2021, the New Brunswick government announced it has plans to cancel the existing tax sharing agreements. In

response, FNs in New Brunswick are reconsidering strategies for asserting their own jurisdiction.

On March 25, 2021, a very significant Supreme Court Case (SCC) decision to Canada was announced. As a result of the imposed GGPPA carbon pollution pricing in 2018, the Ontario Conservative government challenged the jurisdiction of the Federal government on its carbon pricing regime, taking its challenge to the Supreme Court of Canada (SCC). The recent SCC decision announced that the federal emission charge was constitutional and stated the charge was not a tax. As climate change is real and knows no boundaries, this climate crisis is a national concern as well as globally for the future of humanity (SCC Ref re GGPPA brief). The Ontario government lost this challenge.

### **What are some of climate actions the Federal Government have executed that have and will impact First Nations in Ontario?**

The federal government has developed two climate action plans. The Pan-Canadian Framework in 2019 followed by the GGPPA legislation as noted above. The federal government has been providing progress reports. In the federal government's latest third-year synthesis report of 2019, the Indigenous engagement section (pg. 48) states that the federal government is collaborating through the Joint Committee on Climate Action (JCCA) on a quarterly basis. The AFN and Prime Minister made a commitment to work jointly through a senior bilateral table of AFN staff, regional FNs, and senior federal government representatives. The issues raised from this forum are improving renewable energy and adaptation programs, providing Indigenous expertise to advise on climate action proposals, and jointly developing funding priorities.

The COO Environment Sector participates at the JCCA table and two annual reports have been completed to provide direction and support to the AFN National Chief and the Prime Minister. The 2019 JCCA report was approved and submitted to the AFN National Chief and the Prime Minister with no reply from either party. The 2020 JCCA report has been drafted and is currently in the approval process. This report will also be submitted to AFN National Chief and the Prime Minister in hopes of receiving a response as part of the federal government's commitment for FN engagement on climate action.

Although not clearly found in a federal government report, the SCC Judgement in paragraph 24 states that with all the actions taken, Canada's overall GHG emissions had only declined 3.8% between 2005 and 2016, which is far below what is needed to meet the target of 30% by 2030. Canada is failing at reducing its emissions in a critical time period. Furthermore, there are no clear commitments to be found on phasing out fossil fuel extraction. The International Institute for Sustainable Development reported that Canada's crown corporation, Export Development Canada, averages \$13.2 billion every year for support in oil and gas. The Narwhal stated that \$18 billion in fossil fuel subsidies were provided in 2020 as part of the additional support to industries during

the COVID- 19 pandemic. For more information, a technical paper from the Cascade Institute is attached.

In November 2020, the Canadian government announced Bill C-12 *An Act respecting transparency and accountability in Canada's efforts to achieve net-zero greenhouse gas emissions by the year 2050*. The purpose of the Act is to set new national target emissions in 2030 to achieve net-zero emissions by 2050. Beginning in 2030, the Canadian government will set a national GHG emissions target for each 5-year period to reduce emissions with 'public' input. The initial First Nation concerns presented by the AFN are that there is no reference to utilizing First Nation knowledge systems, no clarity on reducing extractive practices, and Indigenous Peoples are mentioned only 3 times in the Act (see attached presentation). Bill C-12 is in first reading of the parliamentary process.

Shortly after the announcement of Bill C-12, the federal government released its second climate action plan in December 2020, "*A Healthy Environment, A Healthy Economy (HEHE) Canada's strengthened climate plan to create jobs and support people, communities and the planet*". This plan was to build on the PCF, and it contains 5 pillars: cutting energy waste, transportation & power, continue carbon pricing, building industrial advantage, and nature- based solutions.

The federal carbon pricing regime has two parts. The first is a charge on fossil fuels (fuel charge) that will be administered by the Canada Revenue Agency. The second component is an output-based pricing system (OBPS), which is a trading system for large industry. The OBPS will be administered by Environment and Climate Change Canada (ECCC).

To begin engagement on the HEHE specifically, the carbon pricing proposal 2023-2030, Environment and Climate Change Canada (ECCC) hosted a two-part FNs Carbon Pricing workshop on January 28, 2021 and February 25, 2021 on their proposed carbon pollution components and to gather input on First Nation issues and concerns. The summary of FNs ongoing concerns in the first workshop were: design participation on carbon pricing policies, absence to protect FN rights, FN consent to carbon, unsuitable revenue tax returns to FN persons, inequitable exemption provisions, and unequal carbon pricing on FNs. The second workshop summary of FNs concerns were: lack of capacity, lack of funding, poor engagement, inability in decision making processes, unwillingness of government to address ongoing concerns, and recognition of FN realities from colonialism. See attached Carbon Pricing Backgrounder and Record of Discussions for more details. The COO Environment Department has requested that the AFN and ECCC indicate what the next steps are regarding HEHE. Further, more information is needed regarding the April 22, 2021 announcement on the 40-45% emission reduction targets by 2030 from the Prime Minister at the Leaders Summit on Climate hosted by US President Biden.

The federal government plans to utilize nuclear energy through small nuclear modular reactors as a means to reducing GHG emissions and meeting its emission reduction target. The World Nuclear Association reported that Canada supports small modular reactors (SMRs). “In June 2017, [Canadian Nuclear Laboratories](#) (CNL) invited expressions of interest in SMRs. This resulted in many responses, including 19 for a demonstration or prototype reactor at a CNL-managed site. In November 2018, the Canadian government released its [SMR Roadmap](#), a 10-month nationwide study of SMR technology. Natural Resources Canada (NRCAN) stated that its SMR Action Plan launched in December 2020 resulted from the SMR roadmap initiative. NRCAN Minister said “SMRs offer the next great opportunity for Canada. This work is enabling us to double down on our common mission: a net-zero economy by 2050; a global economy that continues to grow; a strong path for reconciliation with Indigenous peoples; and an energy future that leaves no one behind.”

The online SMR Action Plan is enormously complicated and will require extensive review and analysis. It consists of a statement of principles, 114 chapters of participating organizations where 6 are identified as Indigenous and a list of 508 actions. Although the action plan suggests that Indigenous Peoples engagement is in progress with two listed as completed, there are no known First Nations consultations or engagements in Ontario.

On April 19, 2021, the federal government presented a budget in Parliament. HEHE climate action funding is identified under Part II – Creating Jobs and Growth, Chapter 5, starting on pg. 159. As climate change impacts many areas of FN's lives, climate action funding may also be found under Health, Infrastructure, Economic Development, and mainly Environment investments. Further monitoring of the federal budget will shed more light on funding opportunities. For more details specific to Indigenous Peoples, see attached AFN and COO budget overviews.

### **What are some of climate actions the Provincial Government have executed that have and will impact First Nations in Ontario?**

The Conservative government released their Made-in-Ontario Environment Plan in November 2018 with no FN's consultation. The COO Environment Department has had no meaningful communication or engagement with the Ministry of Environment, Conservation and Parks (MECP) on their environment plan and on any climate change actions. Therefore, there has been no positive working relationship or collaboration to date. The provincial government continues to work in isolation on its climate action plans. On September 21, 2020, MECP announced that the provincial Emissions Performance Standards program will replace the federal OPBS system. It sets standards with tailored approaches for large industrial emitters to reduce their greenhouse gas emissions. The program will transition from federal to provincial on January 1, 2022.

Prior to the Conservative government taking office, the Ontario government was already exploring the use of small nuclear modular reactors (SMRs). A [June 2016 report](#) for the Ontario Ministry of Energy focused on nine designs for off-grid remote sites. All had a medium level of technological readiness and were expected to be competitive against diesel (World Nuclear Association). The Ontario Conservative government along with 3 other Provincial Conservative governments have signed an agreement (April 14, 2021) to collaborate on advancing SMRs to addressing climate change by lowering greenhouse gas emissions and supporting remote off-grid communities and resource projects. The provincial governments plan to have constructed a SMR by 2028 and have it in service by 2032.

### **What climate actions have AFN implemented from its resolutions?**

The two resolutions being implemented by AFN Environment are Resolution #05/2019 *Declaring a First Nations Climate Emergency* and Resolution #17/2020 *Support for First Nations Leadership, Food Sovereignty, Environmental Protection, Stewardship and Conservation*. The AFN Environment hosted a national climate gathering in Whitehorse in March 2020 to advance climate advocacy. Actions taken to obtain FNs input towards developing a First Nations national climate strategy began with AFN hosting a series of webinars. There have been six webinars (Eastern, Quebec, Central, Northern, Western and AFN tri-council) to date to gather FN input. There are plans to host a webinar with AFN staff soon. Another avenue for obtaining FNs input to the national climate strategy was AFN launched an online survey on April 22, 2021 for a 60-day period. All FNs input will help develop the national climate strategy. With implementing the support resolution, AFN Environment continues to work with the Prairie Climate Center on videos to introduce the “First Nations Climate Lens” and participate in the tool development of a Climate Atlas of Canada that can be used for climate planning and educational purposes.

There are other resolutions that are connected climate change and action that can be found on the AFN website under Resolutions. This list may not be complete. However, it provides a synopsis of FNs climate concerns.

**Resolution #103/2017** - Carbon Pricing Regimes

**Resolution #09/2018** - Develop First Nations-Specific Solutions for the Greenhouse Gas Pollution Pricing Act

**Resolution # 62/2018** - Small Modular Nuclear Reactors (SMRs)

**Resolution # 103/2019** - Ending Reliance on Diesel Power in Rural and Remote First Nations

**Resolution #106/2019** - Support for First Nations Tax Immunity

## **NEXT STEPS:**

- Regarding the two law cases, the COO *First Nations Tax Immunity* resolution 04/19 will need to be revisited for legal analysis in light of case law.
- With the stagnant progress on the JCCA to date, The COO Environment Department may need to re-examine its participation on this committee. Consideration may be given to an alternative process for engaging with the federal government on climate action as the
- Government of Canada continues to offer climate change programs to Indigenous Peoples that First Nations have to compete for.
- With the federal and provincial government interests in small modular reactors, First Nations in Ontario need to understand energy systems and assert their rights and best interests for their communities.
- With the announcements of new emissions reduction standards and the federal budget, the COO Environment Department may have an opportunity to strategize on how to proceed with climate action with FN issues and concerns.

## **ATTACHMENTS: PDF Documents listed as attachments can be obtained by contacting the COO Environment Sector.**

- AFN 20-11-22 Overview of Net Zero Accountability Legislation ACE (PDF)
- Carbon Pricing Backgrounder – Workshop Jan 28 2021 (PDF)
- First Nations Carbon Pricing Workshop RoD – 2021 March 30 (PDF)
- 21-04-20 AFN Bulletin and Chart on Federal Budget (PDF)
- Chiefs of Ontario Communique – Federal Budget FN Analysis April 23, 2021 (PDF)
- COO SCA April 2019. Resolution #4/19 First Nations Tax Immunity (PDF)
- Cascade Institute. Correcting Canada's "one eye shut" climate policy. Technical paper (PDF)
- Pan-Canadian Framework on Clean Growth and Climate Change, Third Annual Synthesis Report on the Status of Implementation, ECCC:  
[http://publications.gc.ca/collections/collection\\_2020/eccc/En1-77-2019-eng.pdf](http://publications.gc.ca/collections/collection_2020/eccc/En1-77-2019-eng.pdf)
- Supreme Court Judgements. Reference re Greenhouse Gas Pollution Pricing Act:  
<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/18781/index.do>
- Government of Canada. Greenhouse Gas Pollution Pricing Act: <https://laws-lois.justice.gc.ca/eng/acts/G-11.55/FullText.html>

- Supreme Court of Canada. Case in Brief: Reference re Greenhouse Gas Pollution Pricing Act: <https://www.scc-csc.ca/case-dossier/cb/2021/38663-38781-39116-eng.aspx>
- CBC. Court sides with First Nations in dispute with N.B. government over carbon-tax sharing: <https://www.cbc.ca/news/canada/new-brunswick/new-brunswick-first-nation-carbon-tax-1.5959153>
- Global News. New Brunswick First Nation under no obligations to remit provincial taxes: expert: <https://globalnews.ca/news/7763242/new-brunswick-first-nations-provincial-tax-dispute/>
- Parliament of Canada. Bill C-12: <https://parl.ca/DocumentViewer/en/43-2/bill/C-12/first-reading>
- Government of Canada. A Healthy Environment and A Healthy Economy: [https://www.canada.ca/content/dam/eccc/documents/pdf/climate-change/climate-plan/healthy\\_environment\\_healthy\\_economy\\_plan.pdf](https://www.canada.ca/content/dam/eccc/documents/pdf/climate-change/climate-plan/healthy_environment_healthy_economy_plan.pdf)
- Prime Minister Trudeau announces increased climate ambition: <https://pm.gc.ca/en/news/news-releases/2021/04/22/prime-minister-trudeau-announces-increased-climate-ambition>
- World Nuclear Association: <https://www.world-nuclear.org/information-library/nuclear-fuel-cycle/nuclear-power-reactors/small-nuclear-power-reactors.aspx>
- Natural Resources Canada: SMR Action Plan - December 2020: <https://smractionplan.ca>
- Natural Resources Canada. Message from the Minister: <https://smractionplan.ca/content/message-minister>
- Budget 2021. Government of Canada: <https://www.budget.gc.ca/2021/report-rapport/toc-tdm-en.html>
- Ministry of Environment, Conservation and Parks. Made-in-Ontario Environment Plan: <https://www.ontario.ca/page/made-in-ontario-environment-plan>
- Ministry of Environment, Conservation and Parks Statement: <https://news.ontario.ca/en/statement/58455/statement-from-minister-yurek-on-federal-acceptance-of-ontario-emissions-performance-standards>
- Environment and Climate Change Canada. Output-Based Pricing System: <https://www.canada.ca/en/environment-climate-change/services/climate-change/pricing-pollution-how-it-will-work/output-based-pricing-system.html>

- Alberta signs small modular nuclear reactor MOU. Government of Alberta: <https://www.alberta.ca/release.cfm?xID=779532BE17742-9A86-61A0-8EE237BE8A6450E0>
- International Institute for Sustainable Development: Recovery through Reform. Export Development Canada's role in fossil fuel subsidy Reform - February 2021. <https://www.iisd.org/system/files/2021-02/export-development-canada-fossil-fuel-subsidy-reform.pdf>
- The Narwhal: Canada's oil and gas sector received \$18 billion in subsidies, public financing during pandemic: <https://thenarwhal.ca/canada-oil-gas-pandemic-subsidies-report/>



Navigating extremely low tidal water (Photo courtesy of Lillian Trapper)

# OTHER ENVIRONMENTAL HIGHLIGHTS

## Oceans Protection Plan Initiative with Transport Canada and Chiefs of Ontario

- Transport Canada (TC) has been having discussions with the Chiefs of Ontario to better understand the opportunities for First Nations in Ontario to become engaged and become aware of the programs to protect the coasts and waterways in Canada.
- During this project, COO has had the opportunity to become very familiar with several TC initiatives such as: The Oceans Protection Plan (OPP) and the Transport Canada role within the Plan, The Marine Liability Act, The Regulatory Roundtable, Enhanced Maritime Situational Awareness Initiative, Places of Refuge, Canadian Coast Guard, Emergency Towing and the Boating Safety Program.
- COO has participated in OPP National Update calls, which were rescheduled many times in the early days of the pandemic.
- A virtual working group meeting was held on October 29, 2020 to begin introducing a number of TC initiatives. Eight participants from First Nations communities across Ontario participated in the online session.
- From this session, a connection between TC and the Mushkegowuk Tribal Council was made on an important water protection initiative they are working on. This has led to TC being able to make broader connections to other initiatives outside of the Ontario region.
- A second online working group meeting had been coordinated for November 2020 but was cancelled due to a lack of registration from First Nations.
- A series of bi-weekly “Lunch and Learn” sessions were scheduled to run from January to March 2021. The first of these sessions was an update on the Regulatory Roundtable. There were two First Nation participants, one Chief and one technician. The participants shared their interesting insights into the Regulatory Roundtable process, which was gathered to assist in guiding the development of the process.

- The remaining “Lunch and Learn” sessions were cancelled due to a lack of registration from First Nations.
- A full briefing package on all initiatives were provided to all Chiefs on OPP and the TC initiatives in October 2020.
- In December 2020, COO participated in the TC Introduction to Boating Safety Training sessions to experience the program and to understand how to best offer the training to First Nations.
- Weekly notices on upcoming sessions were provided to all Chiefs’ emails, and circulated through social media.
- In February 2021 after several cancelled attempts to provide sessions without any uptake, the COO and TC team brainstormed ideas for engagement in the new fiscal year. A plan is being developed to take a more targeted approach to engagement. This plan may include tools such as a survey, to understand what issues and initiatives are of most interest to First Nations. This feedback would be used to plan a virtual First Nations Water Week with virtual workshops to provide information on the feedback gathered from the surveys. The feedback would be used to continue to provide information to First Nations and make connections into the community.

### **Bill C-28: Proposed Changes to the Canadian Environmental Protection Act (CEPA)**

- Canada has introduced legislative changes to the Canadian Environmental Protection Act (CEPA). Bill C-28: *Strengthening Environmental Protection for a Healthier Canada Act* was introduced for First Reading in Parliament on April 13, 2021.
- The government’s intention in amending CEPA is to strengthen chemicals management including creating a Plan of Chemicals Management Priorities; consider vulnerable populations and cumulative effects; create of a list of substances of potential concern; and prohibit toxic substances that pose the highest risk. For a summary of the key CEPA amendments being proposed go to:  
<https://www.canada.ca/en/services/environment/pollution-waste-management/strengthening-canadian-environmental-protection-act-1999.html>

- A review by the Canadian Environmental Law Association (CELA) has found the proposed CEPA amendments to fall short of the aim; which is to transition the statute to a more robust regime that could provide solutions to problems respecting the impacts of toxic substances on human health and the environment. CELA's review of Bill C-28 can be found at: <https://cela.ca/blog-long-awaited-amendments-to-cepa-the-good-the-bad-and-the-ugly-on-chemicals-and-environmental-rights/>

### **2019-20 Annual Report from the Committee on the Status of Species at Risk in Ontario (COSSARO): Black Ash proposed as an Endangered species in Ontario, species to be assessed in 2021-2022**

The Committee on the Status of Species at Risk in Ontario (COSSARO) is an independent committee of experts that considers which plants and animals should be assessed as at risk in Ontario. COSSARO reports annually to the Minister of Environment, Conservation and Parks (MECP). During 2020, the MECP appointed new members and COSSARO met more frequently to catch up on their species assessment backlog.

In accordance with sections 6 and 7 of Ontario's Endangered Species Act (ESA), COSSARO is required to submit an annual report to the Minister of the Environment, Conservation, and Parks in January of each year listing species that have been assessed and classified since its previous annual report was submitted. If the report submitted to the Minister classifies any species as extirpated, endangered, threatened or of special concern, O. Reg. 230/08 - Species at Risk in Ontario must be amended within one year of receiving the report from COSSARO.

On January 27, 2021, the Minister of the Environment, Conservation and Parks received the required annual report from COSSARO along with corresponding species assessments and classifications. The Ministry of Environment, Conservation and Parks will make and file any corresponding amendments to Ontario Regulation 230/08 by January 27, 2022.

COSSARO's 2019-2020 Annual Report includes assessment completed on 35 species, including culturally important species to Ontario First Nations. Of note, Black Ash (*Faxinus nigra*) is proposed to be listed as Endangered. Other notable changes include Goldenseal reassessed from Threatened to Special Concern. Potential new assessments and reassessments in 2021 include Moose, Wild Rice, Algonquin Wolf, Golden Eagle, and Bald Eagle.

The 2019-2020 COSSARO report can be accessed at: <https://www.ontario.ca/page/2019-2020-annual-report-committee-status-species-risk-ontario-cossaro#section-2>



This is a Rapids Clubtail, Endangered in Ontario and this one is from the Grand River watershed.  
(Photo Courtesy of S Allen.)

It is also important to note that the Government of Ontario recently made significant changes to the Endangered Species Act under Schedule 5 of *Ontario's More Homes, More Choice Act*, 2019. The stated purpose of the amendments included streamlining the processes of listing species and of permitting for developers. The legislative changes represent a serious weakening of the legal protections for Ontario Species-At-Risk and include extended timelines for the listing of species; new requirements for the classification of species; changes to species and habitat protections; and the establishment of a Species at Risk conservation fund that has been dubbed "Pay-to-Slay".

For more information regarding the legislative changes to Ontario's ESA, please see: <https://ontarionature.org/programs/endangered-species/>

# UPCOMING EVENTS AND MEETINGS

## MAY 2021

- International Association for Great Lakes Research (IAGLR) Annual Conference, **May 17-21, 2021**, ONLINE “Bridging: Knowledges – Seven Generations – Land to Lake”; will focus on protecting and preserving the Great Lakes with First Nations/American Tribes. Registration now open online along with conference program.
- **May 26** - TEK Guidance Initiatives in the U.S. & Canada being hosted by the GLWQA TEK Task Team
- Canadian Water Resources Association 2021 National Conference **May 31 – June 04**, ONLINE Managing Water Risks & Opportunities: Sharing Knowledge and Expertise; preliminary program now available online along with registration form

## JUNE 2021

- **June 2** - Braiding Ways of Knowing: TEK Theory, Methods & Ethics being hosted by the GLWQA TEK Task Team
- **June 9** - TEK in Great Lakes Areas of Concern Priority Setting Processes being hosted by the GLWQA TEK Task Team
- **June 16** - TEK Guided Research to Address Community-Based Chemical Concerns being hosted by the GLWQA TEK Task Team
- **June 23** - Restoring Culture & Seed Knowledge through Native Plant Restoration being hosted by the GLWQA TEK Task Team
- Great Lakes Executive Committee Meeting, **June 29, 2021**, will include further updates from each of the ten annex subcommittees
- **June 30** - Bridging Knowledge Systems for Monitoring & Climate Adaptation being hosted by the GLWQA TEK Task Team

## JULY 2021

- **July 6-8, 2021** AFN Virtual Annual General Assembly and National Chief Election; check AFN website for registration information and draft agenda to be made available.