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November 24, 2022

Ministry of Natural Resources and Forestry

Saugeen Ojibway Nation's Written Submissions on Proposed Updates to the Ontario Wetland Evaluation System (ERO number 019-6160)

I am writing to you on behalf of Saugeen First Nation and Chippewas of Nawash Unceded First Nation, together the Saugeen Ojibway Nation ("**SON**"), with respect to the amendments being proposed by ERO Number 019-6160. A number of the proposed amendments stand to have a significant impact on our Territory (see enclosed map) and our rights .

Being located directly north of the Greenbelt, the Greater Toronto Area, and the Greater Golden Horseshoe, SON has dealt with the impacts of urban sprawl in these regions for generations. These impacts will continue to be felt by our First Nations far into the future, given the extent of development and myriad effects that residential development has on the land and our ability to meaningfully exercise our rights.

It is essential to mention that this comment opportunity is not, either in form or substance, adequate to explore the complex concerns that SON has with the proposed changes to the Ontario Wetland Evaluation System. SON is making these written submissions with the explicit statement that the Standing Committee on Heritage, Infrastructure and Cultural Heritage cannot possibly expect to understand the impacts of widespread residential development on Aboriginal and Treaty rights, and cannot understand SON's perspective through a written submissions process alone. What is needed is a process in which SON is directly engaged and consulted about what Ontario is seeking to do, and how it will impact and enable infringements on SON's rights.

The extent of development in SON's Territory, taken cumulatively, has had significant impacts SON's rights. There is little to no framework in place to

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ensure minimal infringement on and interference with SON's rights, and Bill 23, which is complemented by changes to the Ontario Wetland Evaluation System, now proposes to decrease remaining opportunities to voice concerns about impacts of development on SON Territory. While we may understand that meeting housing needs is an important objective, we have serious questions about whether several of the proposed amendments are rationally connected to achieving this objective. In any case, there needs to be due attention to ensure minimal infringement on our rights in the process. This is a requirement; consultation with Aboriginal and treaty rights holders is legally different than consultation with other 'stakeholders' and is derived from constitutional obligations of the Provincial and Federal governments. As it stands, the proposed amendments will only allow for unchecked acceleration of the damaging and cumulative impacts to our Territory and to our ability to exercise rights. It is Ontario's constitutional obligation to ensure that this does not happen.

Proposed Updates to the Ontario Wetland Evaluation System

Ontario's Wetland Evaluation System (the "OWES") evaluates the significance of wetlands in the Province, which leads to protection for wetlands deemed "significant." Wetlands play critical roles at the macro and micro levels: they are of vital importance for their roles in water filtration, regulation of waters levels, and as habitats for aquatic life. These wetlands support a variety of systems and living beings that are integral to SON's rights exercise and cultural responsibilities. Changing the way that wetlands are defined risks undermining protections for them, which will produce significant risks to SON's ability to interact with them and will bring about cultural and economic harms, including harms to the exercise of SON's Aboriginal and treaty rights.

SON is concerned with the following changes to the OWES:

1. ***Removing Avenues to Protection: Species at Risk.*** By preventing evaluators from considering how species at risk use a given wetland, Ontario's proposed amendments to the OWES ignores the critical role wetlands play in ecosystems as home to wide variety of life. This

proposed amendment is short sighted and highly likely to contribute to increased pressures on species at risk. This would have significant impacts on SON's rights and relationships to the lands and waters of SON Territory.

Recommendation 1: Consideration for how species at risk use wetlands must remain a factor to be considered by evaluators in determining whether wetlands are significant.

2. **Removing Avenues to Protection: Isolation of Wetlands.** By requiring swamps, bogs and marshes to be considered in isolation, rather than as part of wetland complexes, Ontario proposes to ignore the basic science related to watersheds and wetland systems. Wetlands are models for interconnectivity: changes upstream have significant effects downstream.

Recommendation 2: SON urges Ontario not to ignore the interconnectivity between wetland systems and not to require evaluators to consider swamps, bogs and marshes in isolation.

3. **Removal of Protection for Re-evaluated Wetlands.** Ontario proposes to permit removal of protection for wetlands that currently have the status of provincial significance but that would not qualify under the proposed new requirements. This proposition would have disastrous effects on species at risk and the cultural value that wetland systems have for SON, including the ability to meaningfully exercise rights and responsibilities.

Recommendation 3: SON urges Ontario not to remove the provincially significant status from any wetlands in Ontario. Doing so is highly likely to have significant impacts on long term vitality of these ecosystems on which SON relies for a range of cultural uses.

We hope that Ontario will consider our recommendations and make good faith efforts to resolve SON's concerns. We would also welcome additional and

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meaningful opportunities for consultation with Ontario on the development of Bill 23 and the Ontario Wetland Evaluation System.

Miigwetch,

A handwritten signature in blue ink, appearing to read "Emily Martin". The signature is written in a cursive, flowing style.









Emily Martin
Manager of Resources and Infrastructure

cc' Riel Warrilow, Resources & Infrastructure Associate
Juanita Meekins, Resources & Infrastructure Executive Assistant

SCHEDULE "A"
 SON TERRITORIAL MAP

Saukiing Anishnaabekiing Saugeen Ojibway Nation Treaties



- | | | |
|---|---|---|
|  Aboriginal Title Claim Area |  Treaty 72 Area (1854) |  Current SON Reserve Lands |
|  Treaty 45 1/2 Area (1836) |  Treaty 82 Area (1857) |  The islands around the Peninsula were subject to various treaties, but many small islands on the Lake Huron side were returned to the Saukiing Anishnaabe in 1980 |
|  Treaty 67 Area (1851) |  Treaty 93 Area (1861) | |