

# Caribou Conservation Agreement

## Actions



**We are here:  
Starting to build the  
Boreal Caribou Knowledge Plan**



### **Monitoring and science**

- update baseline caribou status information
- review range boundaries
- assess effectiveness of habitat restoration
- **address knowledge gaps**



### **Habitat protection and restoration**

- identify habitat to restore
- explore enhanced habitat protection through protected areas



### **Planning and management**

- recover caribou through forestry, mineral exploration, and mining
- finalize management approach for Lake Superior Coast Range



### **Updates to Boreal Caribou Conservation Frameworks**

- examine alternative evidence-based approaches to support self-sustaining populations
- update policy frameworks based on this and other work undertaken under the agreement



### **Stewardship collaborations and funding**

- fund projects that support caribou conservation

# CM 1.4: Boreal caribou knowledge plan

**Goal:** identify knowledge, gaps, and priorities

**WHAT? ... WHY?**

## Knowledge review

- state of federal and provincial caribou science
- documents Indigenous perspectives (i.e., concerns, values, interests)
- identifies knowledge gaps

## Caribou knowledge workshops

- finalize and prioritize knowledge gaps
- identify short- and long-term research, monitoring, and knowledge-gathering activities
  - **Oct 16-17:** Indigenous communities and organizations
  - **Oct 18-19:** independent experts and other interested parties
  - **Oct 24:** Metis communities

**Collaborations and partnerships**  
**HOW? WHO?**  
**WHEN?**  
**WHERE?**

## Boreal caribou knowledge plan

Strategic direction and coordination of research projects based on identified gaps and priorities for conservation and recovery.



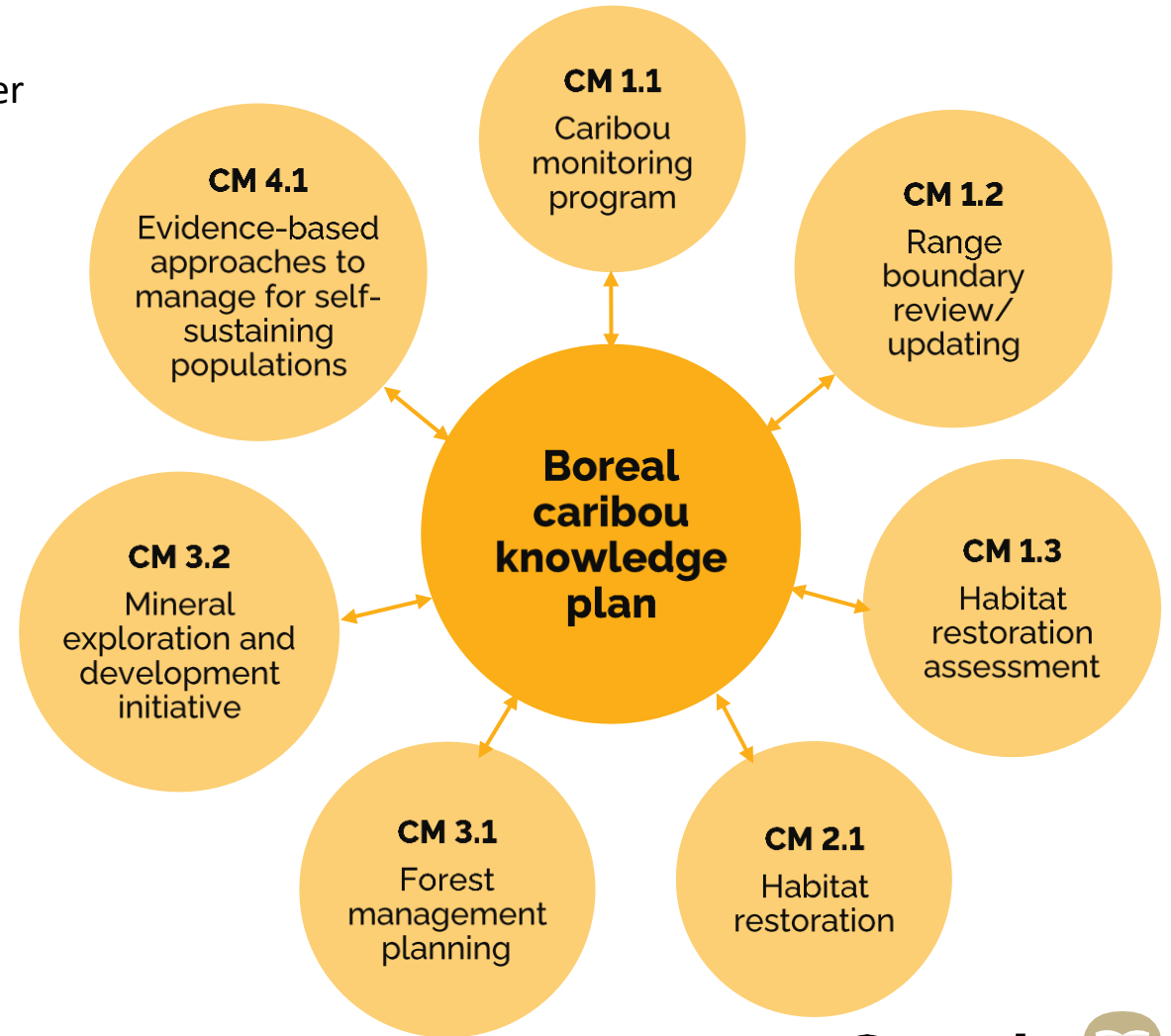
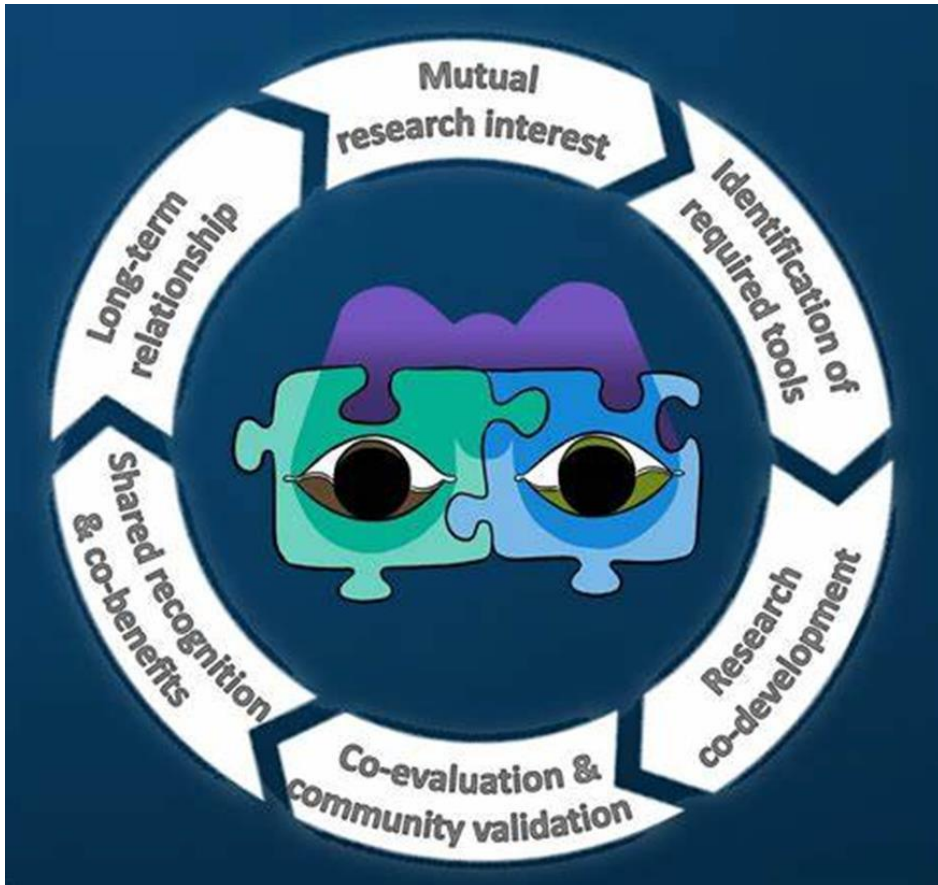
**Collaborations and partnerships?**

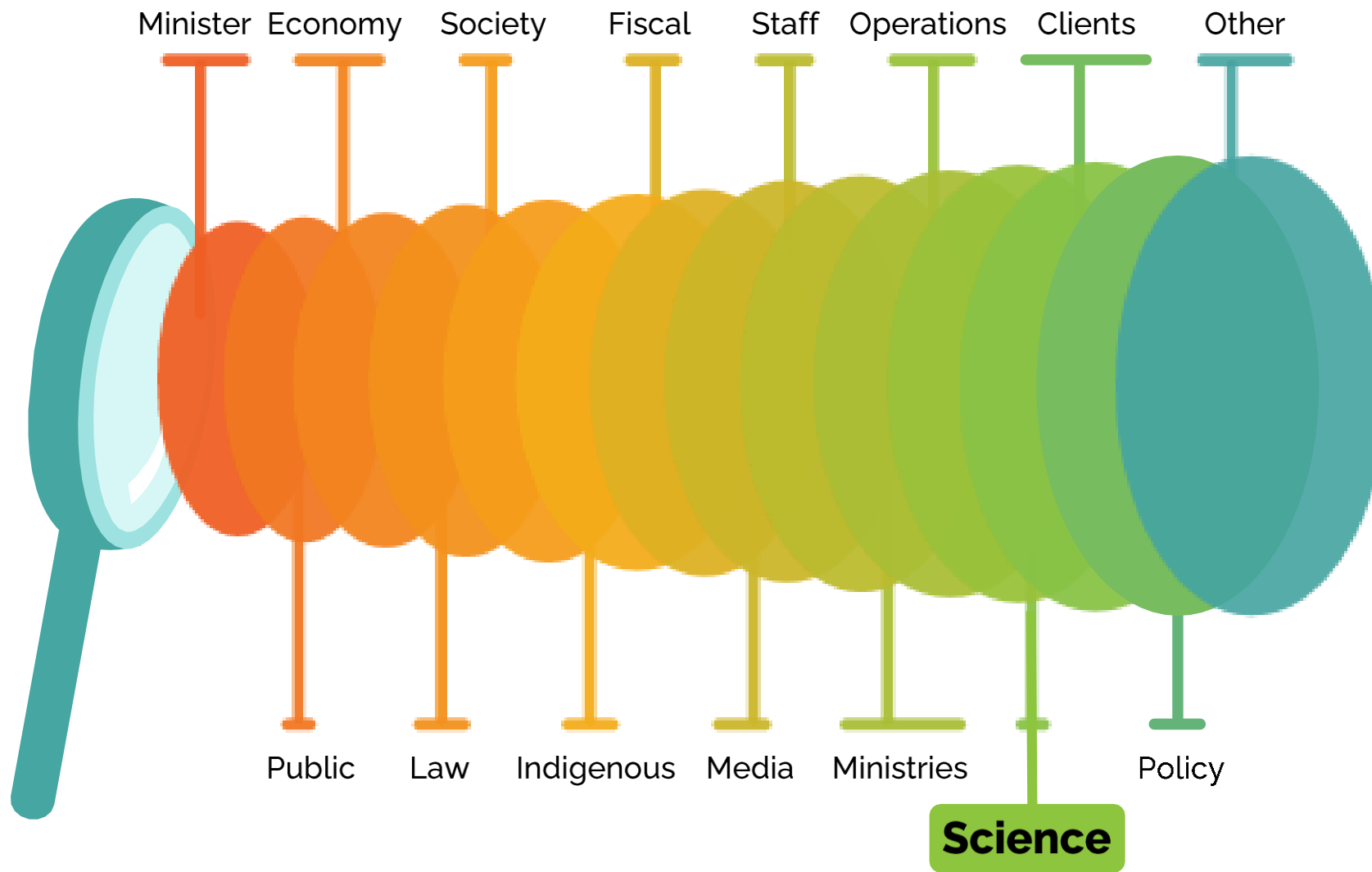
**Action collaborative science and knowledge gathering**

# CM 1.4: Boreal caribou knowledge plan

## Links to other CCA conservation measures (CMs)

- New knowledge gained through will inform implementation of other measures (e.g. habitat restoration, monitoring)





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## Assembly of First Nations

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**ANNUAL GENERAL ASSEMBLY**  
**July 23, 24 & 25, 2019, FREDERICTON, NB**

**Resolution no. 05/2019**

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**TITLE:** Declaring a First Nations Climate Emergency

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**SUBJECT:** Climate Crisis; Environment; Emergency

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**MOVED BY:** Chief Dana Tizya-Tramm, Vuntut Gwitch'in First Nation, YK

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**SECONDED BY:** Chief Aaron Sumexheltza, Lower Nicola Indian Band, BC

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**DECISION:** Carried by Consensus

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
  - ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous people for such conservation and protection, without discrimination.
  - iii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources,
  - iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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**PERRY BELLEGARDE, NATIONAL CHIEF**

**05 – 2019**  
Page 1 of 4

**ANNUAL GENERAL ASSEMBLY  
July 23, 24 & 25, 2019, FREDERICTON, NB**

**Resolution no. 05/2019**

- v. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The climate crisis is significantly altering First Nations' relationships with the lands the Creator has bestowed upon First Nations and upon which First Nations have inalienable rights as entrenched in *Section 35* of the *Constitution Act (1982)*, affirmed in the UN Declaration, and confirmed in Treaties and other constructive arrangements between First Nations and the Crown. Reconciliation is about resolving impacts that affect First Nations holistic relationships with the environment and the land.
- C. In 2016, the AFN Elders' Council released an Elders' Statement on Environment and Climate Change; articulating that: *Mother Earth is in a climate crisis. We therefore insist on an immediate end to the destruction and desecration of the sacred elements of life based on the human obligation to care for the land and for future generations.*
- D. In the face of this crisis, First Nations have been active leaders, both domestically and internationally, drawing on the science, knowledge, and way-of-life shared by Elders, knowledge keepers, women, youth, and leadership.
- E. In accordance with our traditional teachings and sacred relationship with Mother Earth, First Nations recognize the importance of taking personal and collective responsibility for our actions, patterns of consumption, and efforts to restore balance.
- F. Science is finally catching up to this information as several recent reports, such as the *Special Report on Global Warming under 1.5°C* by the Intergovernmental Panel on Climate Change and *Canada's Changing Climate Report (CCCR)*, have articulated the current state of crisis facing the world. In Canada, the climate has warmed 2.3 degrees and is projected to warm, on average, at double the magnitude of the rest of the world.
- G. In particular, the Intergovernmental Panel on Climate Change (IPCC) now predicts a temperature rise of 3° C or more at the current rate of greenhouse gas emissions, which means two-to-three times higher in the Arctic, with devastating impacts for First Nations in northern Canada.
- H. According to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), the climate crisis is a direct driver of the 60% decline in global wildlife populations experienced since 1970, setting into motion impacts that will be felt for the next 10 million years and have serious repercussions for the exercise of First Nations inherent and constitutionally-protected rights and responsibilities.

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**PERRY BELLEGARDE, NATIONAL CHIEF**

- I. In response, First Nations are taking responsibility into their own hands. The leadership is exemplified by the Vuntut Gwitch'in First Nation, which, with the support of their community and Chief Dana Tizya-Tramm, have declared a state of emergency. The declaration, titled "Yeendoo Diinehdoo Ji'heezrit Nits'oo Ts'o' Nan He'aa," translates directly to "After Our Time, How Will the World Be," saying the traditional way of life in Old Crow is under threat from the climate crisis.
- J. Based on this leadership, the federal House of Commons adopted the following motion: "*Canada is in a national climate emergency which requires, as a response, that Canada commit to meeting its national emission target under the Paris Agreement and to making deeper reductions in line with the agreement's objective of holding global warming below two degrees Celsius and pursuing efforts to keep global warming below 1.5 degrees Celsius.*"
- K. In light of the current trajectory of Canada's climate plan, the Pan-Canadian Framework on Clean Growth and Climate Change (PCF), does not sufficiently meet the necessary targets, putting Canada on a pathway to 4°C of warming.
- L. Restoring a safe and stable climate requires a whole-of-society 'climate mobilization' at all levels of government on a scale not seen since World War II to reach net-zero greenhouse gas emissions across all sectors that is just, equitable, and empowering for First Nations and marginalized populations in Canada and worldwide, including people of color, immigrants, Indigenous Peoples, low-income individuals, people with disabilities, and the unhoused.
- M. The term "Just Transition" is a framework for a fair shift to an economy that is ecologically sustainable, equitable, and just for all its members. Core to this is equity, self-determination, culture, tradition, deep democracy, and the belief that people around the world have a fundamental human right to clean, healthy and adequate air, water, land, food, education, healthcare, and shelter.

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Declare a global climate emergency.
2. Recognize that the climate crisis constitutes a state of emergency for our lands, waters, animals and peoples, and that we will accordingly utilize our local, national, and international forums and partnerships to keep global warming below 1.5 degrees Celsius.

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**PERRY BELLEGARDE, NATIONAL CHIEF**

**ANNUAL GENERAL ASSEMBLY  
July 23, 24 & 25, 2019, FREDERICTON, NB**

**Resolution no. 05/2019**

3. Call on local, national, and international communities, governments, organizations, and movements to safeguard the inherent, Treaty and constitutionally protected rights of First Nations, respect Indigenous knowledge, and uphold Treaties and other constructive arrangements between First Nations and the Crown.
4. Direct the Assembly of First Nations (AFN) to call on the federal, provincial, and territorial governments to take urgent and transformative climate action that meets the requirements outlined in the reports by the Intergovernmental Panel on Climate Change and Canada in a Changing Climate to reduce emissions in Canada by 60% below 2010 levels by 2030 and reach net-zero emissions by 2050.
5. Call on the AFN, with guidance from the Advisory Committee on Climate Action and the Environment (ACE), AFN regions, First Nations Elders, Knowledge Keepers, women, youth and leadership, to develop a First Nations-led climate strategy, within six months, to achieve the objectives above and simultaneously address income inequality within First Nations as part of the mobilization for a just transition, and to host a National Gathering to advance local, domestic and international climate advocacy.

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PERRY BELLEGARDE, NATIONAL CHIEF

05 – 2019  
Page 4 of 4



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**ANNUAL GENERAL ASSEMBLY  
JULY 11, 12, & 13, 2023; HALIFAX, NS**

**Resolution no. 36/2023**

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**TITLE:** Urgent and Transformative Climate Action through the AFN National Climate Strategy

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**SUBJECT:** Environment, Lands and Waters

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**MOVED BY:** Judy Wilson, proxy, Osoyoos Indian Band, B.C

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**SECONDED BY:** Chief Terry Richardson, Papineau First Nation, N.B.

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**DECISION** Carried by Consensus

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**WHEREAS:**

A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- iii. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- iv. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to

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**JOANNA BERNARD, INTERIM NATIONAL CHIEF**

**36 – 2023**  
Page 1 of 4

the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

- v. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The climate crisis is significantly altering First Nations' relationships with the lands the Creator has bestowed upon First Nations and upon which First Nations have inalienable rights as entrenched in Section 35 of the Constitution Act (1982), affirmed in the UN Declaration, and confirmed in Treaties and other constructive arrangements between First Nations and the Crown.
- C. In 2016, the Assembly of First Nations (AFN) Elders' Council released an Elders' Statement on Environment and Climate Change articulating that: Mother Earth is in a climate crisis. We therefore insist on an immediate end to the destruction and desecration of the sacred elements of life based on the human obligation to care for the land and for future generations.
- D. In the face of this crisis, First Nations have been active leaders, both domestically and internationally, drawing on the science, knowledge, and ways-of-life shared by Elders, Knowledge Keepers, men, women, youth, and leadership to advance First Nations-led solutions that restore balance with the natural world, including through numerous resolutions from the First Nations-in-Assembly.
- E. Reports, such as those by the Intergovernmental Panel on Climate Change (2023), the United Nations Environment Program's Emission Gap Report (2022), and the Nationally Determined Contributions (NDC) Synthesis Report, prepared by the UN Framework Convention on Climate Change (UNFCCC), have articulated the current state of crisis facing the world.
- F. Canada's Changing Climate Report (2019) has confirmed that Canada has already warmed by 2.3°C and is projected to warm, on average, at double the magnitude of the rest of the world.
- G. In 2019, the First Nations-in-Assembly passed Resolution 05/2019, Declaring a First Nations Climate Emergency, to cement the leadership of First Nations and provide concrete direction to the AFN to develop a First Nations-led climate strategy, and host national gatherings to advance local, domestic, and international climate advocacy.
- H. Central to this work has been the advancement of a First Nations Climate Lens (Climate Lens); a concept used to describe the unique climate risks facing First Nations, as well as the leadership that First Nations bring to the climate conversation because of their reciprocal relationship with the land, water, and air.

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- I. The Climate Lens includes four components – natural law, context, impacts, and action—that, when combined, bring into focus how First Nation solutions can re-frame the climate conversation towards transformative and systemic change.
- J. The Climate Lens has been central to the organization of two AFN National Climate Gatherings, in March 2020 and in September 2022, in addition to fifteen webinars and two national surveys, leading to the development of the AFN National Climate Strategy.
- K. The AFN National Climate Strategy is an enabling document that discusses the application of the First Nations Climate Lens to federal climate policy, and then introduces seven priority areas of action focused on uplifting the self-determination and leadership of First Nations in developing climate solutions.
- L. Similar processes have been led by First Nations at the regional level, including British Columbia and Yukon, producing region-specific First Nation climate strategies.
- M. First Nations-led climate solutions stand in profound contrast to the ways in which Canada, the provinces and territories, and many businesses aspire to address the climate crisis. Instead of an overreliance on technology and markets, First Nations emphasize how climate solutions must be rooted in an understanding of natural law and a recognition that we must restore balance to our relationships with the land, water, and all life on the planet. This understanding is key to the AFN National Climate Strategy.
- N. Green-washed solutions advanced by opportunistic governments and industry must not further compound the climate crisis, nor displace or detrimentally affect First Nations or other Indigenous Peoples globally.
- O. Climate change has caused many groundwater wells to dry out during times of drought.

**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

- 1. Reaffirm the declaration of a First Nations Climate Emergency, calling for:
  - a. A recognition that the climate crisis constitutes a state of emergency for our lands, waters, air, ice, animals, and peoples;
  - b. Local, national, and international communities, governments, organizations, and movements to safeguard the inherent, Treaty and constitutionally protected rights of First Nations, respect First Nations knowledge systems, and uphold Treaties and other constructive arrangements between First Nations and the Crown; and
  - c. Federal, provincial, and territorial governments to take urgent and transformative climate action that meets the requirements outlined in the reports by the Intergovernmental Panel on Climate Change and

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Canada's *Changing Climate Report* (2019) to reduce emissions in Canada by 60% below 2010 levels by 2030 and reach net-zero emissions by 2050.

2. Fully endorse the Assembly of First Nations (AFN) National Climate Strategy and its seven key priority areas of action:
  - a. Prioritize First Nation Knowledge Systems, health, languages, cultures, and spiritualities.
  - b. Recognize, respect, and position First Nations inherent jurisdiction and inherent right to self-determination as central to climate decision-making at all levels.
  - c. Address capacity needs to support First Nations governance and their role as climate leaders.
  - d. Ensure First Nations self-sufficiency in food, water, and energy.
  - e. Close the natural and built infrastructure gap.
  - f. Ensure First Nations are equipped to mitigate, prevent, respond, and recover ~~respond~~ to all emergencies.
  - g. Leverage the First Nations Climate Lens to reform federal, provincial, and territorial legislation, regulation, policy, and programs.
3. Call on the federal, provincial, and territorial governments to work directly, and in full partnership with, First Nations rights and title holders to implement self-determined First Nations climate priorities, including, but not limited to, those outlined in the AFN National Climate Strategy.
4. Direct the AFN to work with First Nations rights and title holders to advocate to the federal, provincial, and territorial governments for sufficient and sustainable funding to First Nations to implement their own strategies in a manner consistent with Article 39 of the *United Nations Declaration on the Rights of Indigenous Peoples*.
5. Call on the federal government to compensate First Nations with new or additional lands for any lands that First Nations may lose due to climate change.
6. Direct the AFN to use the AFN National Climate Strategy in national and international contexts as an advocacy tool, including with the United Nations Framework Convention on Climate Change (UNFCCC) and the Intergovernmental Panel on Climate Change.

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**SPECIAL CHIEFS ASSEMBLY**  
**December 6,7,8, 2022, Ottawa, ON**

**Resolution no. 57/2022**

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<b>TITLE:</b>	<b>First Nations Nature Table</b>
<b>SUBJECT:</b>	Environment, Lands and Waters
<b>MOVED BY:</b>	Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC
<b>SECONDED BY:</b>	Chief Dana Tizya-Tramm, Vuntut Gwitchin First Nation, YT
<b>DECISION</b>	Approved by the AFN Executive Committee by consensus.

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### WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- ii. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- iii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- iv. Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- v. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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**ROSEANNE ARCHIBALD, NATIONAL CHIEF**

**57 – 2022**  
*Page 1 of 3*

**SPECIAL CHIEFS ASSEMBLY**

**December 6,7,8, 2022, Ottawa, ON**

**Resolution no. 57/2022**

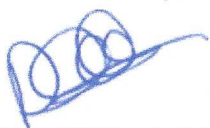
- B.** The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has assessed the global state of biodiversity and ecosystem services provided to society and determined that nature is declining at rates unprecedented in human history. One million plant and animal species are now threatened with extinction.
- C.** The United Nations Convention on Biological Diversity (CBD) will adopt the Post 2020 Global Biodiversity Framework and set new global biodiversity and conservation targets to the year 2030 at COP-15 in Kunming, China.
- D.** Canada's National Biodiversity Strategic Action Plan and Nature Agenda are driven by its international commitments under the Convention on Biological Diversity (CBD). Historically, this led to the establishment of the federal Species at Risk Act (SARA) and the Pathway to Canada Target 1, including Indigenous Protected and Conserved Areas (IPCAs).
- E.** First Nations have protected, conserved, and sustainably managed our environments, lands, waters, and the biodiversity within since time immemorial, through exercising our inherent rights and responsibilities, associated knowledge systems, and traditional laws.
- F.** First Nations are seeking more formal relationships with all levels of government regarding biodiversity protection and area-based conservation.
- G.** The AFN is committed to the promotion and protection of inherent and Treaty rights of First Nations and to advancing the collective interests of First Nations relating to self-determination, stewardship, protection, and conservation of the environment.

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

- 1.** Endorse the creation of the First Nations' Nature Table (FNNT) as a technical body to interface with Environment and Climate Change Canada and other relevant departments on the design and implementation of Canada's National Biodiversity Strategic Action Plan and Nature Agenda in national and international fora, as appropriate, and in a manner that addresses, promotes, and respects First Nations' self-determined nature priorities.
- 2.** Direct the Assembly of First Nations (AFN) to develop a Terms of Reference for the FNNT that ensures balanced regional representation, and alignment with the Advisory Committee on Climate Action and the Environment (ACE).

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**ROSEANNE ARCHIBALD, NATIONAL CHIEF**

**57 – 2022**  
*Page 2 of 3*

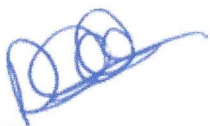
**SPECIAL CHIEFS ASSEMBLY**  
**December 6,7,8, 2022, Ottawa, ON**

**Resolution no. 57/2022**

3. Direct the AFN to call upon the Government of Canada to ensure that:
- a. First Nations are fully involved in all aspects of the development and implementation of the National Biodiversity Strategic Action Plan and Nature Agenda;
  - b. These modalities recognize and respect First Nations' assertion of their inherent and Treaty rights;
  - c. Adequate funding and resources for these undertakings are provided; and
  - d. The FNNT does not replace or alleviate the Crown of its duty to consult and accommodate First Nations at a local, regional, or national level on issues related to the National Biodiversity Strategic Action Plan or Nature Agenda.

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57 – 2022  
Page 3 of 3



Environment and  
Climate Change Canada

Environnement et  
Changement climatique Canada

# CANADA WATER AGENCY OVERVIEW

Fall 2023

Presented by Michael Goffin

Director General, Freshwater Policy and Engagement

Canada Water Agency

Environment and Climate Change Canada



Canada



# PURPOSE

- To provide an overview of:
  - Government of Canada commitment to create a Canada Water Agency
  - First Nations engagement to date
  - What we are hearing from First Nations via engagement
  - The CWA's creation, mandate, and functions
  - The act to create a stand-alone CWA
  - The modernization of the *Canada Water Act*
  - Next steps





# CANADA WATER AGENCY (CWA) COMMITMENT

- The CWA was first referenced in the Prime Minister's mandate letter to the Minister of Environment and Climate Change (Dec 2019):
  - “ With the support of the Minister of Agriculture and Agri-Food, create a new Canada Water Agency 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”.
- We were also directed to develop further protections and take active steps to clean up the Great Lakes, Lake Winnipeg, Lake Simcoe and other large lakes.

# ENGAGEMENT WITH FIRST NATIONS

- To inform the creation and operationalization of the CWA, we have engaged extensively with First Nations partners. Since 2020:
  - We have reached out directly to over 100 Indigenous partners/organizations (regional First Nation organizations, AFN PTOs, and Modern Treaty partners and Self-Governing Indigenous government agreement contacts) to request engagement.
  - We provided \$2M to First Nations organizations to support engagement on the creation of the CWA and received submissions which included the input of representatives from 516 First Nations.
  - We have participated in opportunities provided by the AFN to engage First Nations on the CWA, including:
    - the Joint Chiefs Committee meeting on Housing and Infrastructure (November 2020)
    - the AFN Water Summit (November 2020)
    - the AFN Water Symposium (January 2021)
    - the AFN Regional Water Coordinators meeting (November 2021)
    - the AFN Water Symposium (February 2022)
- We welcome further opportunities to engage with First Nations and their leadership to discuss how what we heard has been incorporated into the CWA's mandate and work.

# WHAT WE ARE HEARING FROM FIRST NATIONS AND THE RESPONSE

Through engagement, First Nations have provided vital input and we have acted on this input in numerous ways. For example:

WE ARE HEARING:	RESPONSE:
❖ Importance of recognizing Indigenous Rights & Knowledge Systems	➤ Working to recognize in legislation
❖ Strong support for increased coordination and collaboration on freshwater among federal, provincial, territorial, Indigenous, and municipal governments	➤ Included in core mandate of the CWA
❖ Significant interest in increased sharing of freshwater data and information	➤ Included a commitment to develop a National Freshwater Data Strategy
❖ Significant interest in freshwater science to better understand the impacts of climate change on freshwater quality, quantity and the traditional practices of Indigenous Peoples	➤ Included a commitment to develop a National Freshwater Science Agenda

WE ARE HEARING:	RESPONSE:
❖ Concern for the protection of freshwater and the desire of Indigenous Peoples to participate in freshwater science, monitoring and stewardship activities (with supporting funding)	➤ Included in approach to restoring and protecting waterbodies of national significance
❖ Significant concern over protection of First Nation drinking water and suggestions for potential roles that the Canada Water Agency could hold in relation to this issue	➤ Ongoing engagement with ISC on First Nation Drinking Water Legislation and exploration of how the CWA could support that legislation
❖ Importance of Indigenous inclusion in policy development and decision-making, including via potential advisory mechanisms, task forces, and committees, as well as how best to engage Indigenous people on freshwater issues, generally	➤ Interested in exploring these ideas further and reaching a respectful agreement on the right approach(es) to pursue. ➤ Pre-engagement on <i>Canada Water Act</i> modernization process
❖ Support for increased engagement of Indigenous rights holders in transboundary water management and in applying co-management approaches to freshwater	➤ Propose that these ideas be explored further as part of <i>Canada Water Act</i> modernization process

WE ARE HEARING:	RESPONSE:
❖ Importance of Indigenous inclusion in all steps of the implementation of water initiatives, through greater engagement, and seeking Indigenous advisory expertise	➤ Reaffirmed in Budget 2023
❖ Need for First Nations to be funded to be able to participate in freshwater management and decision making including through creation of their own First Nation freshwater institutions	<ul style="list-style-type: none"> <li>➤ Propose that these ideas be explored further as part of <i>Canada Water Act</i> modernization process</li> <li>➤ Have invited AFN to provide further details on proposal to create a national First Nations-led water stewardship task force</li> </ul>
❖ Need to strengthen relationships with First Nations rights holders and advance reconciliation in the freshwater sphere	➤ Created an Indigenous Engagement and Partnerships division in the CWA to lead this effort

# BUDGET 2023

- To support the CWA and its programming, Budget 2023 (released in March) provided:
  - \$650M over 10 years to support monitoring, assessment, and restoration work in the Great Lakes, Lake Winnipeg, Lake of the Woods, St. Lawrence River, Fraser River, Saint John River, Mackenzie River, and Lake Simcoe
  - \$85.1M over 5 years and \$21 million ongoing thereafter to support the creation of the Canada Water Agency
  - \$22.6M over 3 years to support better coordination of efforts to protect fresh water across Canada
- The budget also committed to involving Indigenous Peoples “in all steps of the implementation of the Freshwater Action Plan, through greater engagement, and seeking Indigenous advisory expertise, especially from women who are the traditional “water carriers” in Indigenous communities”.



# CREATION OF THE CWA



Environment  
Canada

- The CWA was created as a branch within ECCC in June 2023
- Its mandate is broad, providing flexibility to engage on a wide range of priority freshwater challenges:
  - to improve fresh water in Canada by providing leadership, effective collaboration federally, and improved coordination and collaboration with provinces, territories, and Indigenous Peoples to proactively address national and regional transboundary freshwater challenges and opportunities; thus, contributing to keeping fresh water in Canada safe, clean, and well managed.
- There is also opportunity for this mandate to evolve over time.
- The CWA will be regionally-responsive with headquarters in Winnipeg, Manitoba.



# CWA FUNCTIONS

- Provide **freshwater policy leadership** and develop whole-of-government solutions to challenges and opportunities.
- Bring a **coordinated federal perspective** to assessing and responding to freshwater challenges and opportunities and provide a digital “one window” into the federal government’s water activity.
- Enhance **coordination and collaboration** among all orders of government, including with Indigenous governments.
- **Engage First Nations, Inuit, and Métis** in developing freshwater policy and advising on the path forward to advance reconciliation in relation to fresh water in a consistent and coordinated manner across the federal government.
- **Strengthen freshwater science** in Canada by identifying key knowledge gaps. Ensure that policy and action is informed by science and supported by Indigenous Knowledge Systems.
- **Improve data accessibility and interoperability.** Work closely with Indigenous partners to ensure that data accessibility aligns with needs of Indigenous communities and that their knowledge is appropriately reflected.
- Lead **delivery of on-the-ground actions with through existing and new Freshwater Ecosystem Initiatives** in 8 waterbodies of national significance (Great Lakes, Lake Winnipeg, Lake of the Woods, St. Lawrence River, Mackenzie River, Saint John River, Fraser River, and Lake Simcoe). Actively seek the participation of partners including Indigenous groups, and provide capacity funding.
- **Advance modernization of the *Canada Water Act***, working closely with partners including Indigenous People throughout the process.

# MODERNIZATION OF THE *CANADA WATER ACT*

- The *Canada Water Act* currently provides a framework for collaboration among federal, provincial and territorial governments in matters relating to freshwater resources (e.g. regulation, apportionment, monitoring/surveying, utilization, conservation programs etc.).
- The Act has not been meaningfully updated in 50+ years ago.
- The Minister of ECC was directed to advance the modernization of the act to “reflect Canada’s freshwater reality, including climate change and Indigenous rights”.
- In keeping with measure 49 in the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan, discussions with Indigenous partners will begin in the coming months to collaboratively shape a process for engagement on modernizing the act.
- Actual engagement on substantive issues and legislative drafting will follow.

# LEGISLATION TO CREATE THE CWA



- While the CWA is currently a branch within ECCC, the government committed to introducing legislation in 2023 that will fully establish the Canada Water Agency as a standalone entity (outside of ECCC but reporting to the Minister of ECC)
- This legislation is administrative. By design, it does not include provisions on freshwater management.
- The creation of the standalone agency is necessary to move onto the substantive work of modernizing the *Canada Water Act* and advancing the agency's mandate.



# PROPOSED NEXT STEPS

- Continue to build capacity of the CWA to deliver its mandate to provide leadership for federal action on fresh water.
- Transition the CWA from a branch within ECCC to a standalone Agency reporting to the Minister of ECC.
- Conduct “pre-engagement” on the modernization of the *Canada Water Act*.
  - This phase is expected to begin in the coming months.
  - It is an opportunity to collaboratively design meaningful and responsive engagement processes with key partners, including Indigenous organizations.
  - It will be followed by more substantive conversations on the act and opportunities for modernization.
- Engage Indigenous Peoples, provinces and territories, stakeholders and the public on new and renewed actions to restore and protect water quality and freshwater ecosystem health in the eight named waterbodies of national significance.

# DISCUSSION TOPICS

- We would like to better understand any additional concerns First Nation may have related to the creation of the CWA.
- We are interested in any thoughts on the mandate and structure of the national First Nations-led water stewardship task force proposed in Resolution 53.
- We would welcome any initial advice on how best to engage with First Nations on modernization of the *Canada Water Act*?



# ANNEX: FRESHWATER ECOSYSTEM INITIATIVES

## **Mackenzie River:**

Knowledge gaps on water quality and ecosystem health and the effects of climate change

## **Fraser River:**

Impacts from toxics, nutrients, sediment pollution and habitat loss

## **Lake Winnipeg:**

Toxic and nuisance algae caused by nutrient pollution; climate change impacts

## **Lake of the Woods:**

Nutrient pollution and the impacts of toxic and nuisance algae



## **Great Lakes:**

Toxic and nuisance algae caused by nutrient pollution; contaminated and degraded Areas of Concern; Great Lakes coastal wetlands and nearshore health is under threat due to the impacts of climate change and other stressors; and toxic chemicals.

## **St. Lawrence River:**

Nutrient pollution and the impacts of toxic and nuisance algae; biodiversity loss, including loss of coastal wetlands; contaminated sediment and toxic chemicals.

## **Saint John River:**

Nutrient pollution and the impacts of toxic and nuisance algae.

## **Lake Simcoe:**

Nutrient pollution and the impacts of toxic and nuisance algae.

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**SPECIAL CHIEFS ASSEMBLY**  
**April 9-11, 2019**  
**Toronto, ON**

**RESOLUTION 04/19**  
**Page 1 of 2**

**SUBJECT: FIRST NATIONS TAX IMMUNITY**

**MOVER: Chief Peter Collins, Fort William First Nation**

**SECONDER: Chief Gerry Duquette Jr., Dokis First Nation**

**DECISION: CARRIED**

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**WHEREAS:**

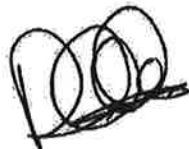
1. Indigenous Peoples in Canada have unextinguished inherent rights and obligations to protect the environment;
2. Canada has assumed, without authority, a mandate to protect the environment and has failed in that assertion of unlawful jurisdiction;
3. First Nations assert tax immunity in relation to taxes imposed by the federal and provincial governments;
4. On June 21, 2018 the Federal Government of Canada adopted the Greenhouse Gas Pollution Pricing Act (GGPPA);
5. The Province of Ontario has cancelled the formerly established Cap and Trade (carbon pricing) regime, leaving the province without a carbon pricing regime. First Nations in Ontario have now been exposed to the Federal GGPPA;
6. Beginning April 1, 2019, Canada has imposed a federal fuel charge that amounts to a tax on First Nations;
7. First Nations in other provinces (Alberta) have been exempted from carbon tax under provincial carbon pricing regimes;

8. While First Nations support the reduction of greenhouse gas emissions to sustain and protect our environment for future generations, it should not be implemented in a manner that breaches First Nations' tax immunity;
9. First Nations in Ontario are leaders in carbon reduction through their protection of forestry and natural landscapes that act as carbon sinks;
10. First Nations in Ontario have the most at stake in relation to climate change and are often the most vulnerable, having to deal with impacts of climate change and now the added climate charges associated to daily living expenses.

**THEREFORE BE IT RESOLVED, that we, the Chiefs in Assembly:**

1. Reject the imposition of any tax that breaches First Nations tax immunity.
2. Direct the Chiefs of Ontario to begin the process of negotiating with the Government of Canada to secure exemptions for First Nation individuals and bands in Ontario from all forms of carbon charge on reserve.
3. Direct the Chiefs of Ontario to report on the outcomes and recommendations from the negotiations at the upcoming 2019 All Ontario Chiefs Conference in June.

**Copy of a Signed Resolution Dated April 10, 2019.**



---

**RoseAnne Archibald, Ontario Regional Chief**





# Returning a portion of federal fuel charge proceeds to First Nations in Ontario

September, 2023



Environment and  
Climate Change Canada

Environnement et  
Changement climatique Canada

Canada

# Overview



- Context
- ECCC's Mandate
- Engagement
- Proposed Approach for Transferring Proceeds
- Next steps

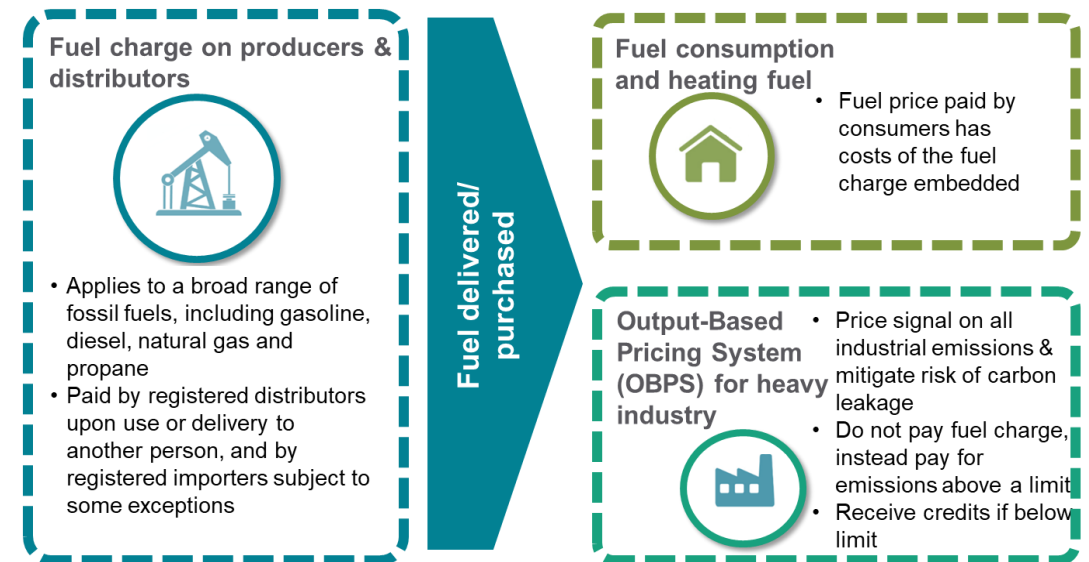


# Context – Carbon pricing in Canada



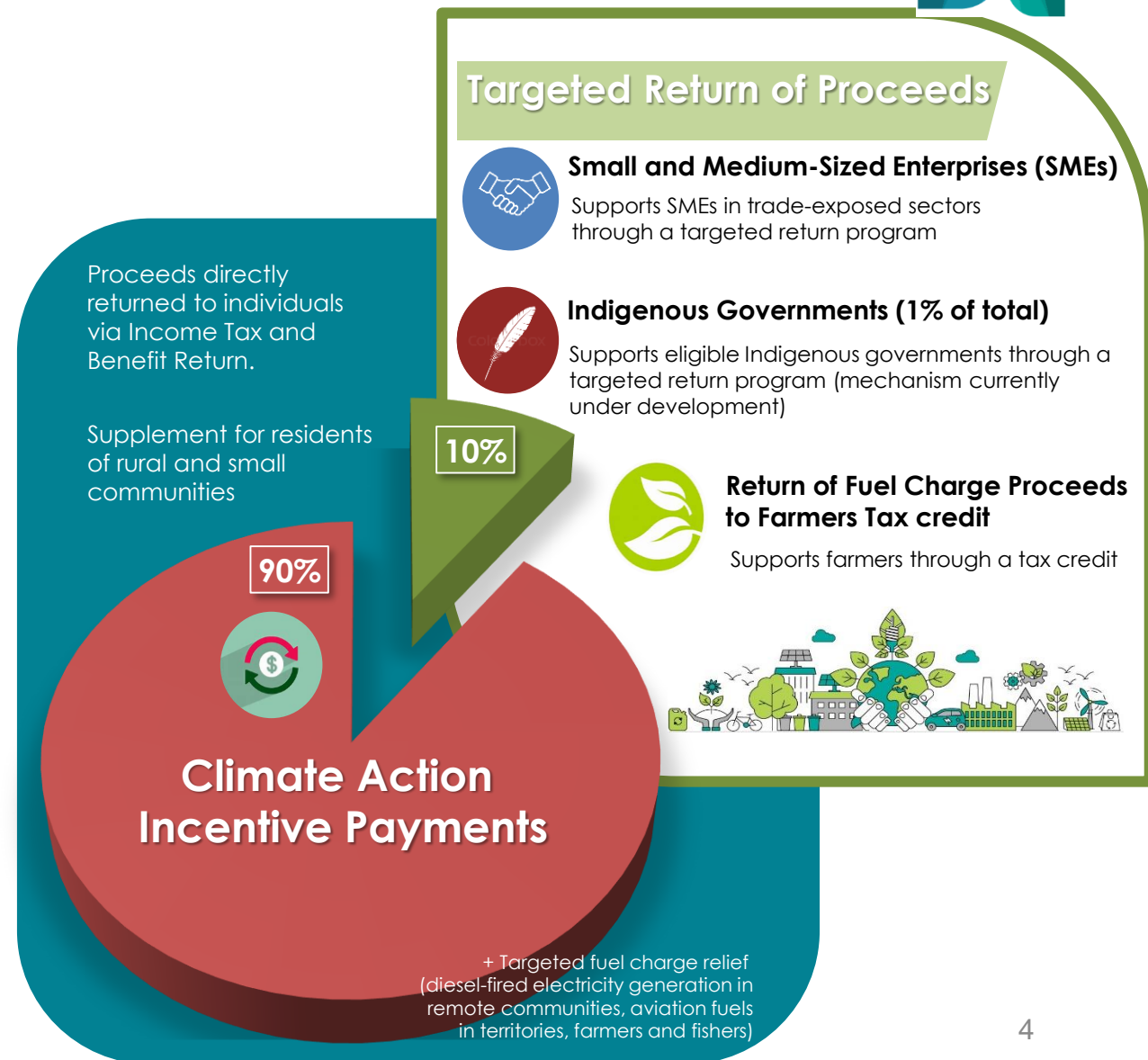
- Carbon pollution pricing is a pillar of Canada’s national climate plan
  - Aims to put a price on GHG emissions across Canada at a similar level as an efficient way to encourage reductions and innovation
  - Key to meeting 2030 target to reduce GHG emissions to 40-45% below 2005 levels and net-zero by 2050
- *Pan-Canadian Approach to Pricing Carbon Pollution*, announced in 2016, gives flexibility for provinces/territories to implement their own systems provided these meet minimum national stringency requirements ([“federal benchmark”](#))
- Federal carbon pollution pricing ‘backstop’ system applies in provinces/territories that request it or that do not implement a system that meets the federal benchmark. Federal system consists of two parts:
  - Regulatory charge on fossil fuels (fuel charge)
  - Performance-based trading system for large-emitting industries (Output-based pricing system (OBPS))

Enabled under the *Greenhouse Gas Pollution Pricing Act* (GGPPA), adopted June 2018



# Context – Fuel charge proceeds

- Under the *Greenhouse Gas Pollution Pricing Act (2018)*, all carbon pricing proceeds must be returned to the jurisdiction from which they were collected
- Returned to provincial/territorial governments in jurisdictions that request the federal system and commit to not using proceeds to negate the carbon pollution price signal
- In other jurisdictions, fuel charge proceeds are returned through federal programming:
  - Approximately 90% of proceeds are returned to households through Climate Action Incentive Payments
  - Remaining funds are returned through targeted federal initiatives



# Context – Return of fuel charge proceeds to Indigenous recipients



- In 2019-20 (first year that fuel charge proceeds were collected), the federal government returned proceeds to Indigenous recipients in New Brunswick, Ontario, Manitoba, and Saskatchewan through “top-ups” to existing federal programs:
  - Capital Facilities and Maintenance Program (CFMP)/First Nations Infrastructure Fund (FNIF) – Managed by Indigenous Services Canada
  - Clean Energy for Rural and Remote Communities – Managed by Natural Resources Canada
  - Indigenous Community-Based Climate Monitoring Program – Managed by Crown-Indigenous Relations and Northern Affairs Canada
- In 2020, the Government of Canada committed to increase the amount of proceeds available for return to Indigenous recipients (representing 1% of proceeds starting in 2020-21), and further committed to engage with Indigenous partners on solutions for returning the proceeds
  - Applicable backstop jurisdictions included Ontario, Manitoba, Saskatchewan and Alberta
- Nov. 2022 carbon pricing announcement and update to backstop jurisdictions
  - 1% of fuel charge proceeds to continue being returned to Indigenous recipients in Ontario, Manitoba, Saskatchewan and Alberta until 2026-27, with new Atlantic provinces to be added as of July 2023, including PEI, Newfoundland & Labrador, and Nova Scotia
  - Confirmation in May 2023 that New Brunswick will also fall under federal fuel charge programming as of July 1, 2023



# ECCC's Mandate



- **ECCC has been mandated to support the return of 1% of proceeds to Indigenous governments** through mechanisms that are jointly developed with Indigenous partners
  - Fuel charge proceeds to be returned are statutory funds that will be paid out of the Consolidated Revenue Fund based on a specification by Minister of Finance
- Department of Finance Canada has provided a notional estimate\* of proceeds to be returned to Indigenous governments for 2020-21 to 2023-24, representing 1% of net proceeds collected each year in each jurisdiction (See table below, updated in April 2023)

	<b>AB</b>	<b>SK</b>	<b>MB</b>	<b>ON</b>	<b>NS</b>	<b>NB</b>	<b>PEI</b>	<b>NL</b>	<b>TOTAL***</b>
2020-21	\$ 11.7M	\$ 3.3M	\$ 2.6M	\$ 24.9M					<b>\$ 42.5M</b>
2021-22	\$ 16.9M	\$ 4.6M	\$ 3.7M	\$ 34.9M					<b>\$ 60.1M</b>
2022-23	\$ 21.0M	\$ 5.8M	\$ 4.7M	\$ 44.1M					<b>\$ 75.6M</b>
2023-24	\$ 26.4M	\$ 7.2M	\$ 5.9M	\$ 56.6M	\$ 3.2M**	\$ 1.9M**	\$ 490K**	\$ 2.2M**	<b>\$ 103.9M</b>
<b>TOTAL***</b>	<b>\$ 76.0M</b>	<b>\$ 20.9M</b>	<b>\$ 16.9M</b>	<b>\$ 160.5M</b>	<b>\$ 3.2M</b>	<b>\$ 1.9M</b>	<b>\$ 490K</b>	<b>\$ 2.2M</b>	<b>\$ 282.1M</b>

\* Finance Canada will review and revise the allocations prior to the Minister of Finance issuing a final specification (amounts could be lowered or increased)

\*\* Collected as of July 1, 2023

\*\*\* No notional allocations for Indigenous recipients are available yet for the 2024-25 to 2026-27 period



# Engagement



- ECCC is engaging with Indigenous partners to return a portion of fuel charge proceeds and is **seeking to reach consensus** on the distribution and transfer of proceeds in each jurisdiction
  - Ongoing discussions with First Nations and Métis partners in Ontario, Manitoba, Saskatchewan and Alberta
  - Recently initiated discussions with First Nations in Atlantic provinces and with the Nunatsiavut Government in Newfoundland & Labrador
- **Engagement objectives:**
  - Identify funding mechanisms and an approach to distribution of proceeds that best fit the needs of partners
  - Determine funding agreement parameters that will enable investments in self-determined priorities (potential focus on climate action being encouraged)



# Engagement



- ECCC initially recommended an approach to distributing proceeds between First Nations and Métis in Ontario that was based on an allocation of 5/7 (71.4%) of proceeds to First Nations and 2/7 (28.6%) of proceeds to Métis
  - Intended to align with a standard approach to dividing funding for national programs targeting Indigenous recipients in way that reflects national population data for First Nations, Inuit and Métis in Canada
- Significant concerns have been raised by the Chiefs of Ontario and other First Nations partners with this approach.
- **ECCC is exploring options for potentially adjusting the formula and is seeking to engage further on this issue:**
  - e.g. Could result in an updated distinctions-based formula with the First Nations share to be sub-divided in a way that reflects the number of eligible recipients (e.g. providing a base amount for each First Nation), the population shares of their communities (e.g. based on registry data), and other considerations specific to the recipient, as brought forward through ongoing engagement (e.g., adjustments based on a remoteness index).





# Proposed Approach for Transferring Proceeds



- ECCC has been working with Indigenous partners and Central Agencies to explore **possible transfer payment mechanisms and requirements for transferring proceeds**
  - ECCC must align with the specification from the Minister of Finance and any terms and conditions required by Treasury Board
  - Proceeds cannot be used to cancel or weaken the carbon price signal
- Based on initial feedback, ECCC is **proposing to create a new grant program** to distribute funds to governments and/or their representative organizations in each jurisdiction (the approach may vary). Proposed approach will:
  - Seek to provide maximum flexibility to allocate and manage funding in a way that helps build capacity with minimal administrative burden
  - Enable proceeds to be invested in self-determined priorities

# Next Steps



## **Return proceeds collected from 2020-21 onwards in AB, SK, MB, ON, and from July 2023 onwards in NB, NS, PEI, and NL**

- Minister of Finance to issue specification of proceeds (aiming for early Fall)
- ECCC and First Nations, Inuit, and Métis partners to finalize approach for distribution of proceeds in each province (aiming to further discuss over Fall)
- ECCC to work with Central Agencies to seek Treasury Board approval of terms and conditions and/or any required authorities to establish new grant program (aiming for December 2023)
- ECCC to sign funding agreements with Indigenous recipients to return proceeds (ideally to be initiated by early winter 2023)
- ECCC and Department of Finance to confirm approach for returning funds on an annual basis from 2024-25 to 2026-27

## **Further discuss Indigenous priorities related to carbon pricing**

- Undertake further research on carbon pricing impacts on First Nations, Inuit and Métis communities
- Explore potential options to respond to issues and concerns that have been raised by Indigenous partners regarding carbon pricing





# For further information

- Ashley Campbell, Director, Indigenous Climate Policy & Engagement Division, Climate Change Branch, ECCC  
(819) 639-3126 / [ashley.campbell@ec.gc.ca](mailto:ashley.campbell@ec.gc.ca)
- Mireille Chaput-Dyer, Senior Policy Advisor, Indigenous Climate Policy & Engagement Division, Climate Change Branch, ECCC  
(819) 635-3206 / [mireille.chaput-dyer@ec.gc.ca](mailto:mireille.chaput-dyer@ec.gc.ca)





# Additional Information on Carbon Pricing in Canada



# Timeline



2016

- Pan-Canadian Approach to Pricing Carbon Pollution
  - Ensures carbon pricing will apply throughout Canada and sets common criteria (benchmark)
  - Gives provinces and territories flexibility on type of system to implement—direct pricing system or cap & trade
  - Commits federal government to implement a 'backstop' in jurisdictions that request it or are without a system that meets the benchmark

2018

- Parliament passes the *Greenhouse Gas Pollution Pricing Act*
  - Establishes minimum national standards for carbon pricing in Canada to meet emission reduction targets under the Paris Agreement
  - The federal pricing system has two parts:
    - Part 1 - a fuel charge applied to fossil fuels
    - Part 2 - an output-based pricing system (OBPS) for industrial facilities with high emissions and exposure to trade

2020

- Canada's Strengthened Climate Plan increases Canada's carbon price trajectory and updates federal benchmark criteria
  - The plan aligns with Canada's enhanced Paris Agreement target to reduce emissions by 40-45% from 2005 levels by 2030
  - The carbon price is set at \$50/t in 2022 rising by \$15/t annually to \$170/t in 2030



# Strengthened approach for 2023 onwards (announced November 2022)

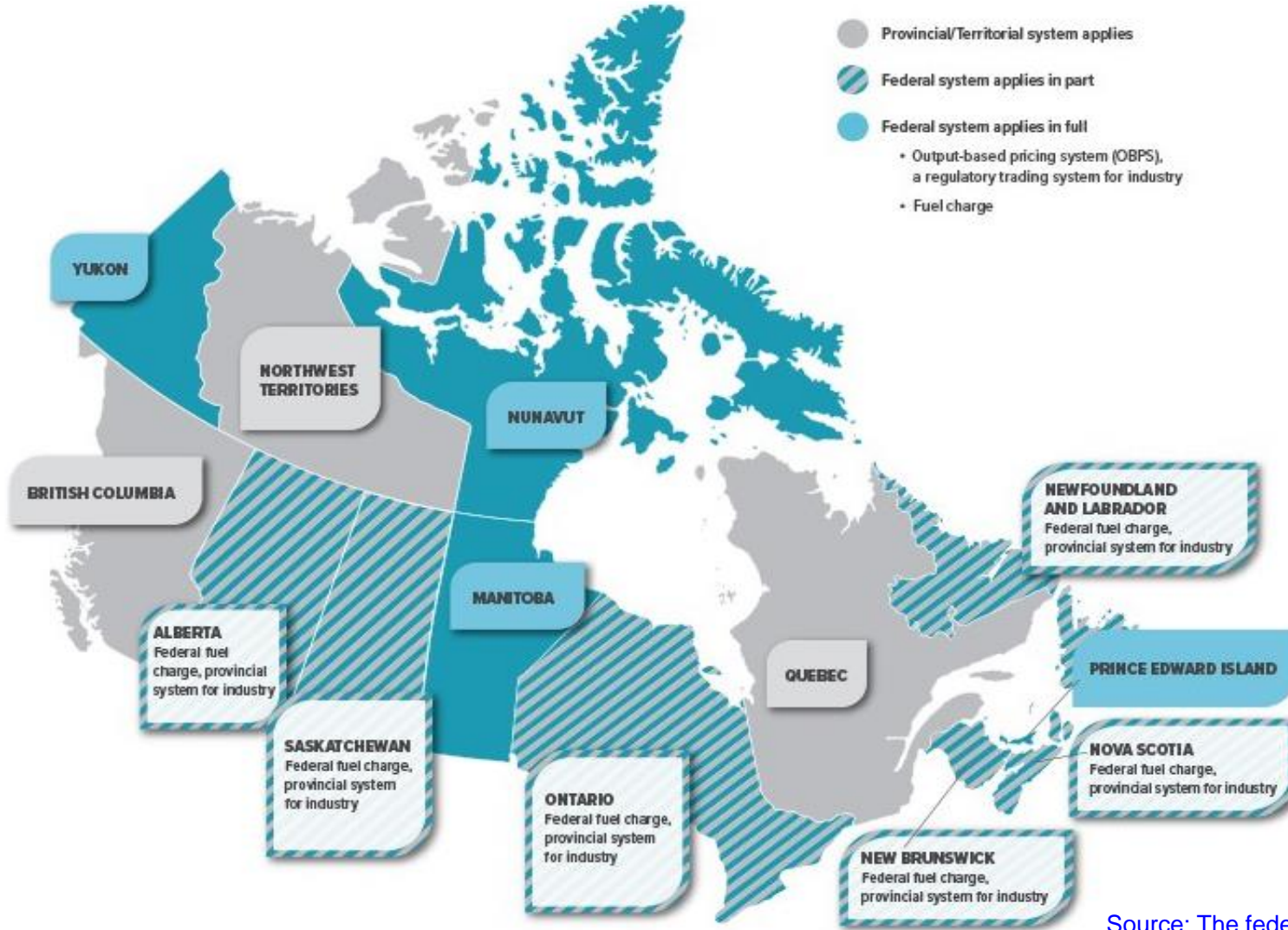


- **Confirmed minimum national carbon pollution price schedule:** \$65/t in 2023, rising by \$15/tonne per year to \$170/tonne in 2030
  - Cap-and-trade systems must have declining annual GHG emissions caps equal to or lower than projected emissions levels under equivalent price
- **Systems must cover common scope of GHG emissions**
  - Must apply to an equivalent percentage of GHG emissions from combustion sources as would be covered by the federal backstop system in the jurisdiction
- **Stringent & effective pollution pricing systems for industry**
  - Output-based pricing systems (OBPS) must be designed to ensure a robust price signal across all emissions & effective credit markets
  - OBPS and performance-based rebates (and free allowances under cap-and-trade): can only apply to sectors at risk of carbon leakage
- **Robust GHG offset credits:** reductions and/or removals that are real, additional, quantified, unique, verified, and permanent.
- **Maintain carbon pollution price signal:**
  - Provincial/territorial governments must not implement measures (e.g., rebates) that directly negate carbon price signal
- **Transparent public reporting:** publish data to allow public understanding and facilitate market function
- **Shift from annual to multi-year assessment period to provide greater certainty:**
  - Systems assessed for entire 2023-30 period, with interim review by 2026 for 2027-30 period to ensure benchmark and carbon pricing systems are effective



# Carbon Pricing Landscape

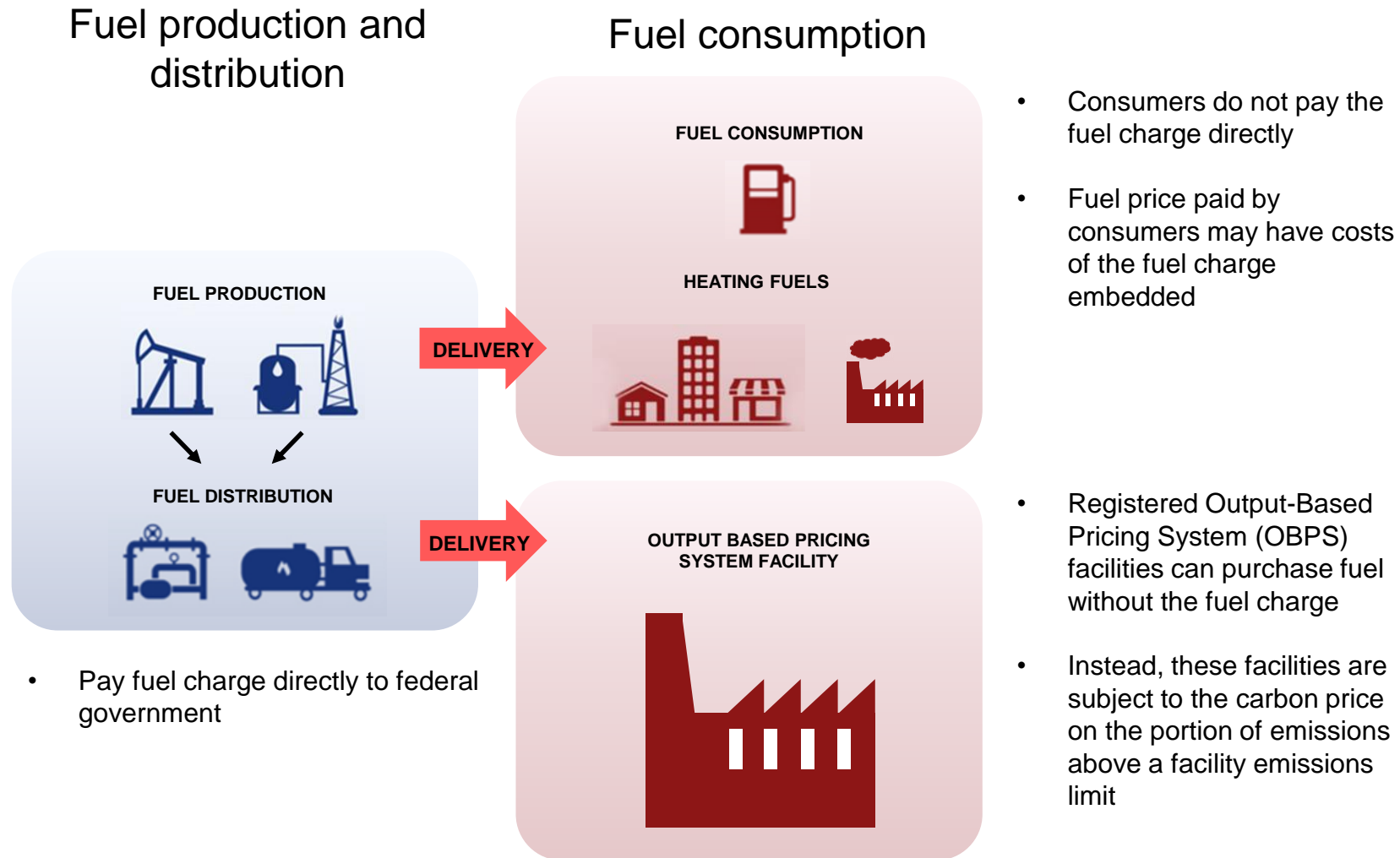
as of July 1, 2023



Source: [The federal carbon pollution pricing benchmark - Canada.ca\(adobecqms.net\)](https://Canada.ca/adobecqms.net)



# Federal carbon pricing backstop





# Constitutionality of Canada's carbon pricing system



- The Supreme Court of Canada has confirmed that the federal fuel charge is a levy that has a regulatory purpose and is therefore not a tax and does not fall within the scope of exemptions under Section 87 of the *Indian Act*.
- Moreover, the fuel charge is paid by fuel producers or distributors of fossil fuels. End-users do not pay the fuel charge to the government. Rather, end-users generally purchase fuel where the federal fuel charge may be embedded in the price.
- The federal fuel charge levy is different than the approach in certain provinces that have elected to implement their own carbon pricing system and administer a carbon tax at the point of sale, enabling certain limited tax exemptions in First Nation communities.



**CHIEFS OF ONTARIO  
ALL ONTARIO CHIEFS CONFERENCE  
June 15-16-17, 2021**

**RESOLUTION 21/28  
PAGE 1 OF 3**

**SUBJECT: FIRST NATIONS CLIMATE LEADERSHIP ON ENERGY**

**MOVER:** Chief Greg Nadjiwon, Neyaashiinigmiing First Nation

**SECONDER:** Burton Kewayosh, Proxy, Bkejwanong Territory

**DECISION:** **CARRIED BY CONSENSUS**

---

**WHEREAS:**

1. “A June 2016 report for the Ontario Ministry of Energy focused on nine designs [for Small Modular Reactors (SMRs)] under 25 MWe for off-grid remote sites. All had a medium level of technology readiness and were expected to be competitive against diesel...In June 2017 Canadian Nuclear Laboratories (CNL) invited expressions of interest in SMRs. This resulted in many responses, including 19 for siting 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.”

Source: World Nuclear Association. Retrieved from:

<https://www.world-nuclear.org/information-library/nuclear-fuel-cycle/nuclear-power-reactors/small-nuclear-power-reactors.aspx>

2. “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.”

Source: Natural Resources Canada (NRCan). Retrieved from  
<https://smractionplan.ca/content/message-minister>

3. The Ontario Conservative Government with three other Provincial Conservative Governments 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 government plans to construct an SMR by 2028 for operation by 2032.

*Source: Alberta government. Retrieved from*  
<https://www.alberta.ca/release.cfm?xID=779532BE17742-9A86-61A0-8EE237BE8A6450E0>

4. SMRs require uranium to produce nuclear energy and Canada does not have a long-term nuclear waste management plan;
5. The Nuclear Waste Management Organization (NWMO) states it is in the preferred site selection phase. Two sites identified are in the South Bruce area and Ignace area both in Ontario where borehole drilling is planned. NWMO plans to select a site in 2023.

*Source: NWMO. Retrieved from*  
<https://www.nwmo.ca/en/More-information/News-and-Activities/2021/03/19/13/04/Water-has-a-story-to-tell-and-it-is-important-for-the-NWMO-to-listen>

6. The Canadian Government developed two climate action plans, the Pan-Canadian Framework in 2019 and 'A Healthy Environment, A Healthy Economy' in December 2020, which "allow for the continuation of fossil fuel production (where First Nations) were structurally excluded from the decision-making tables where these plans were made...violated the rights of Indigenous Peoples...ignored the realities faced by Indigenous Peoples (that) will lead to disproportionate negative impacts on Indigenous Peoples;

*Source: Indigenous Climate Action. Retrieved from*  
<https://www.indigenousclimateaction.com/entries/new-ica-report-critique-of-federal-climate-policy-plans>

7. First Nations in British Columbia developed a clean energy toolkit to assist with energy plans that align with community planning, values, goals and priorities to guide energy-efficiency enhancements and renewable energy generation, with environmental, social and capacity building benefits, while also considering First Nations rights.

*Source: BC First Nations Clean Energy Working Group. Retrieved from*  
<https://fcm.ca/en/case-study/mcip/quatsino-first-nation-community-energy-plan>

8. In consideration of passed resolutions on climate action and energy at the COO and AFN forums; COO resolutions 04/19, 08/21 and AFN resolutions 05/2019, 103/2019, 106/2019, 17/2020, First Nation climate action positions are identified and enforced to seek recognition and implementation of First Nation rights, First Nation sovereignty, healthier communities, territories and the overall betterment for the global society.

**THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:**

1. Direct the Chiefs Committee on Environment and COO Environment Unit to call upon Canada to jointly create an entity to which a fair share of the fuel charge will be deposited, and which will be jointly managed and controlled by Canada and First Nations. The purpose will be to provide an opportunity for First Nations and Canada to jointly plan on how to deal with the negative effects of climate change on the lives of First Nations people as per COO Resolution 04/19 First Nations Tax Immunity (Climate Action).
2. Direct the Chiefs Committee on Environment and COO Environment Unit to enter dialogue with governments to seek financial resources and capacity to engage in a First Nations rights-based energy solutions on climate change that results from continual colonialism such as carbon rights and nature-based solutions.
3. Direct the Chiefs Committee on Environment and COO Environment Unit to seek financial resources and capacity to develop a First Nations energy toolkit to assist First Nation communities to understanding energy systems (ie. Nuclear, hydrogen, solar, wind, hydroelectric, tidal) and to participate with proper capacity and support in energy transition to an acceptable energy system(s) to be part of the global climate action.
4. Chiefs Committee on Environment will report back to the next Special Chiefs in Assembly on progress made in furtherance of the directions in this resolution and with a timeline for implementation.

**Certified Copy of a Resolution dated June 17, 2021.**



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**Glen Hare, Ontario Regional Chief**

**ENVIRONMENT**

# QUARTERLY NEWSLETTER

Fall & Winter 2023



*Lake before freeze up – photo courtesy of Lillian Trapper*

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# MEET THE ENVIRONMENT DIRECTOR



## **Welcome to this edition of the Environment Quarterly Newsletter!**

Sheko:lih and welcome to the fall edition of the Chiefs of Ontario's Environment Newsletter.

We have turned our clocks back and we are beginning to prepare for the cooler weather and winter months ahead. Fall is a great time to reconnect with family and friends; hunting, harvesting, stacking that pile of wood and putting away the boats and canoes. I hope everyone gets the opportunity to enjoy the fall weather, pull out those winter coats, hats, and sweaters and enjoy the outdoors.

In this newsletter, the Chiefs of Ontario's Environment Sector will provide updates on a number of files including Climate Change, Canada Water Agency, Carbon Charge, Great Lakes, Safe Drinking Water and Wastewater Legislation, Green Belt, Highway 413, and more.

Since our last Newsletter, the Chiefs of Ontario have been advocating on numerous resolutions, and we are happy to announce developments and updates on the Greenbelt.

The Auditor General of Ontario, Bonnie Lysyk, released a Special Report (August 9, 2023), on Changes to the Greenbelt, and both the Integrity Commissioner and the Auditor General found that the manner in which the province removed lands from the Greenbelt in December 2022 was not transparent, and favoured certain developers. On October 10, the RCMP stated that it had launched an investigation into the Greenbelt land swap. Finally, on Monday October 16, newly appointed Minister of Municipal Affairs and Housing, Paul Calandra, introduced legislation to return parcels of land to the protected Greenbelt. The bill will reverse the Greenbelt removals and restore the former protections.

I hope you enjoy reading the fall edition of the newsletter. In closing, I want to acknowledge the Environment Sector at the Chiefs of Ontario and the Chiefs Committee on Environment for their dedication and support on the many Environment files.

The Environment Newsletter can be viewed online by desktop, tablet, or smartphone. Should you have any questions, please contact Kathleen Padulo at [Kathleen.Padulo@coo.org](mailto:Kathleen.Padulo@coo.org).

**Kathleen Padulo**  
**Chiefs of Ontario, Director of Environment**

# Environment Team at Chiefs of Ontario:



**Ryan Bowie, Program Manager**

Ryan Bowie's work is focused on the Great Lakes region and the policies and agreements that manage Great Lakes water quality and ecosystem health. He also works on the federal government's proposal for the Canada Water Agency. You can reach Ryan at [Ryan.Bowie@coo.org](mailto:Ryan.Bowie@coo.org)



**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).



**Sally Gaikhezheyongai, Environment Coordinator**

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

## Supporting Environmental Protection and Better Engagement by the Province with First Nations

The Ontario government has recently initiated several legislative, policy, and regulatory changes that threaten to have adverse environmental impacts on First Nations' territories. The cumulative impact of multiple initiatives by the province to speed up housing development, limit environmental assessment, and build more mines are potentially substantial. These impacts include more urban sprawl, loss of wetlands, destruction of wildlife habitats, deforestation, contamination, and erosion of constitutionally protected Aboriginal and Treaty rights to hunt, fish, trap and gather. The lack of meaningful consultation with First Nations and failure to consider constitutionally protected rights demonstrates a disregard for the principles of reconciliation, the duty to consult and accommodate, and respect for First Nations sovereignty.

The Chiefs of Ontario and the Environment Sector have been very active in advocating for First Nations rights and interests in these challenging times as relations with the province are strained. The reversal of the Greenbelt withdrawals and the resignations of the Housing Minister and his Chief of Staff were major accomplishments in protecting environments and acknowledging severely flawed decision-making processes. However, there are several other initiatives that the Ontario government put forward that also lack proper consultation with First Nations, and expose environments to greater risk. These include:

- A proposal to consolidate two major planning documents in Ontario: *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2020*, and the *Provincial Policy Statement, 2020*. The proposed *Provincial Planning Statement, 2023*, will form a single province-wide land use planning policy document to support the achievement of Provincial housing objectives. This proposal was updated on June 16, 2023, to also include natural heritage policies and definitions.
- New environmental assessment (EA) policy under the Provincial Parks and Conservation Reserves Act for projects carried out in provincial parks or conservation reserves as a part of its larger environmental assessment modernization efforts.
- On August 31, 2023, the Ministry of Environment, Conservation and Parks (MECP) made four (4) postings to the Environmental Registry of Ontario (ERO) regarding exemptions for certain waste management systems, storm water management, and water-taking from licensing requirements, as well as expanding the self-registering of activities through the permit-by-rule framework. These proposed changes all reduce oversight and public scrutiny, and increase risks to the environment.
- Ontario's plan for construction of new 400 series highways that will further exacerbate urban sprawl, car dependency, and impact environments. A recent study commissioned by Environmental Defence demonstrates that the proposed construction of Highway 413 is not the most cost effective option to deal with traffic congestion (the report can be found here: [\[link\]](#))



<https://environmentaldefence.ca/report/the-freight-escape-how-to-get-trucks-off-the-401-without-blowing-a-hole-in-the-greenbelt/>).

- Ontario has released a Marine Transportation Strategy (Strategy) for consultation with the purpose of supporting the performance and environmental sustainability of the marine sector by addressing barriers to growth.
- Regulatory amendments to *Bill 71: Building More Mines Act*, where another failure to undertake meaningful consultation and engagement with First Nations has the capacity to negatively impact First Nations Inherent and Treaty Rights.

The Environment Sector will continue to monitor these and any new initiatives, and press the Ontario government to adhere to COO's *Minimum Standards and Principles for Engagement* documents.



*Signs of winter coming*  
*Photo courtesy of Lillian Trapper*

# WATER HIGHLIGHTS

## **Great Lakes Executive Committee (GLEC) Meeting – June 13-14, 2023**

The Great Lakes Executive Committee (GLEC) June meeting was held in Chicago, Illinois, U.S.A., marking the first in-person GLEC meeting since the onset of the COVID-19 pandemic. It was led by GLEC Co-Chairs Chris Korleski (US Environmental Protection Agency) and Michael Goffin (Environment and Climate Change Canada), as well as the incoming new Canadian Co-Chair Véronique Hiriart-Baer (ECCC). Held over two days, meeting presentations and discussions included:

- Opening statements by GLEC Co-Chairs Chris Korleski (EPA), who highlighted the \$360 million in U.S. funding for the Great Lakes Restoration Initiative for 2023, and Michael Goffin (ECCC), who discussed Canada’s work on Areas of Concern (AOC), the Canada Water Agency, and the federal commitments totaling \$560 million for the Great Lakes over the next decade.
- Jamie Schardt (EPA) and Carla Torchia (ECCC) provided an overview of the three-year management cycle of the 2012 United States – Canada Great Lakes Water Quality Agreement
- Annex Co-Leads explained how they plan to implement their 2023-2025 Binational Priorities for Science and Actions with the Annex Subcommittees, and how GLEC agencies could be involved.

Of note, the Canadian Annex 1 Areas of Concern (AOC) Co-Lead indicated that the expected goal is to have remediation of the remaining 14 AOCs in Canada or shared bi-nationally completed by 2038. The AOC program was established in 1987, and have completed the work on three (3) areas thus far. There was much discussion throughout the meeting on the need for better engagement with First Nations. There are plans to upgrade the guidance on Traditional Ecological Knowledge in 2024, which will require the involvement of First Nations. The current guidance document was developed by the U.S. in collaboration with Tribes and Tribal Organizations.

As a brief reminder, any First Nation representative who would like to take part in the executive committee meetings, or in the Annex sub-committees of the GLWQA, can do so. If you need assistance with who to contact, please email Ryan Bowie, at [ryan.bowie@coo.org](mailto:ryan.bowie@coo.org)

## **The 2023 Third Triennial Assessment of Progress (TAP) Report on Great Lakes Water Quality**

The International Joint Commission (IJC) released the TAP Report on November 9, 2023, containing three (3) broad recommendations for the Parties’ consideration, the Parties being the Governments of Canada and the United States. The first IJC recommendation is that “the Parties collaborate with First Nations, Métis and Tribal governments as active partners in the Parties’ Agreement review process and in any subsequent processes to change or amend the Agreement”.

This recommendation is intended to support collaboration with First Nations and other Indigenous Peoples in the Great Lakes region that goes well beyond “taking into account the

views” of First Nations direction of the current GLWQA. The Commissioners also indicated that this recommendation is a better and more effective incorporation of “Indigenous ways of knowing” into activities under the GLWQA. The other recommendations were to develop climate resiliency goals and to support investment in the Great Lakes Science Advisory Board’s collaborative process to develop a 10-year Great Lakes Science Plan. The full report can be found here: <https://ijc.org/en/2023-TAP-Report>.

### **Good News!**

- The Mohawks of the Bay of Quinte will receive \$75,656 to support their participation in decision making related to the status of impairments in the Area of Concern as well as to support the planning and implementation of a community fish consumption survey.
- [Government of Canada makes transformative investments to clean up and protect the Bay of Quinte and other areas of the Great Lakes](#)
- [One Water: An Indigenous-led Process to Increase Water Resilience for First Nations in Ontario through Rain Water Harvesting](#)
- [Baseline Coastal Habitat Survey for Canadian Great Lakes Webinar Series](#)

### **Canada Water Agency Update**

The 2023 Federal Budget committed \$21 million to support the creation of the CWA, which will be headquartered in Winnipeg, MB, with regional offices across Canada. The expectation is that the federal government will introduce legislation that will fully establish the CWA as a standalone entity by the end of 2023.

The CWA is currently functioning within Environment and Climate Change Canada (ECCC), with the mandate “*to improve freshwater management in Canada by providing leadership, effective collaboration federally, and improved coordination and collaboration with provinces, territories, and Indigenous Peoples to proactively address national and regional transboundary freshwater challenges and opportunities*”.

The CWA is key to delivery of the federal government’s Freshwater Action Plan, and has already moved the Great Lakes Program into the nascent agency. Federal representatives have indicated one of the first major tasks will be revising the Canada Water Act, and First Nations are expected to take on a prominent role in this endeavor. The COO Environment Sector continues to press for more engagement and consultation on the mandate and scope of the CWA, and First Nations roles and priorities for water.

*The following slides are from a meeting held on October 12, 2023*

## CREATION OF THE CWA



Environment  
Canada

- The CWA was created as a branch within ECCC in June 2023
- Its mandate is broad, providing flexibility to engage on a wide range of priority freshwater challenges:
  - to improve fresh water in Canada by providing leadership, effective collaboration federally, and improved coordination and collaboration with provinces, territories, and Indigenous Peoples to proactively address national and regional transboundary freshwater challenges and opportunities; thus, contributing to keeping fresh water in Canada safe, clean, and well managed.
- There is also opportunity for this mandate to evolve over time.
- The CWA will be regionally-responsive with headquarters in Winnipeg, Manitoba.

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9

## CWA FUNCTIONS

- Provide **freshwater policy leadership** and develop whole-of-government solutions to challenges and opportunities.
- Bring a **coordinated federal perspective** to assessing and responding to freshwater challenges and opportunities and provide a digital “one window” into the federal government’s water activity.
- Enhance **coordination and collaboration** among all orders of government, including with Indigenous governments.
- **Engage First Nations, Inuit, and Métis** in developing freshwater policy and advising on the path forward to advance reconciliation in relation to fresh water in a consistent and coordinated manner across the federal government.
- **Strengthen freshwater science** in Canada by identifying key knowledge gaps. Ensure that policy and action is informed by science and supported by Indigenous Knowledge Systems.
- **Improve data accessibility and interoperability.** Work closely with Indigenous partners to ensure that data accessibility aligns with needs of Indigenous communities and that their knowledge is appropriately reflected.
- Lead **delivery of on-the-ground actions with through existing and new Freshwater Ecosystem Initiatives** in 8 waterbodies of national significance (Great Lakes, Lake Winnipeg, Lake of the Woods, St. Lawrence River, Mackenzie River, Saint John River, Fraser River, and Lake Simcoe). Actively seek the participation of partners including Indigenous groups, and provide capacity funding.
- **Advance modernization of the *Canada Water Act***, working closely with partners including Indigenous People throughout the process.

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10

## MODERNIZATION OF THE CANADA WATER ACT

- The *Canada Water Act* currently provides a framework for collaboration among federal, provincial and territorial governments in matters relating to freshwater resources (e.g. regulation, apportionment, monitoring/surveying, utilization, conservation programs etc.).
- The Act has not been meaningfully updated in 50+ years ago.
- The Minister of ECC was directed to advance the modernization of the act to “reflect Canada’s freshwater reality, including climate change and Indigenous rights”.
- In keeping with measure 49 in the *United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan*, discussions with Indigenous partners will begin in the coming months to collaboratively shape a process for engagement on modernizing the act.
- Actual engagement on substantive issues and legislative drafting will follow.

11

## LEGISLATION TO CREATE THE CWA



- While the CWA is currently a branch within ECCC, the government committed to introducing legislation in 2023 that will fully establish the Canada Water Agency as a standalone entity (outside of ECCC but reporting to the Minister of ECC)
- This legislation is administrative. By design, it does not include provisions on freshwater management.
- The creation of the standalone agency is necessary to move onto the substantive work of modernizing the *Canada Water Act* and advancing the agency’s mandate.

12



## PROPOSED NEXT STEPS

- Continue to build capacity of the CWA to deliver its mandate to provide leadership for federal action on fresh water.
- Transition the CWA from a branch within ECCC to a standalone Agency reporting to the Minister of ECC.
- Conduct “pre-engagement” on the modernization of the *Canada Water Act*.
  - This phase is expected to begin in the coming months.
  - It is an opportunity to collaboratively design meaningful and responsive engagement processes with key partners, including Indigenous organizations.
  - It will be followed by more substantive conversations on the act and opportunities for modernization.
- Engage Indigenous Peoples, provinces and territories, stakeholders and the public on new and renewed actions to restore and protect water quality and freshwater ecosystem health in the eight named waterbodies of national significance.

13

## DISCUSSION TOPICS

- We would like to better understand any additional concerns First Nation may have related to the creation of the CWA.
- We are interested in any thoughts on the mandate and structure of the national First Nations-led water stewardship task force proposed in Resolution 53.
- We would welcome any initial advice on how best to engage with First Nations on modernization of the *Canada Water Act*?



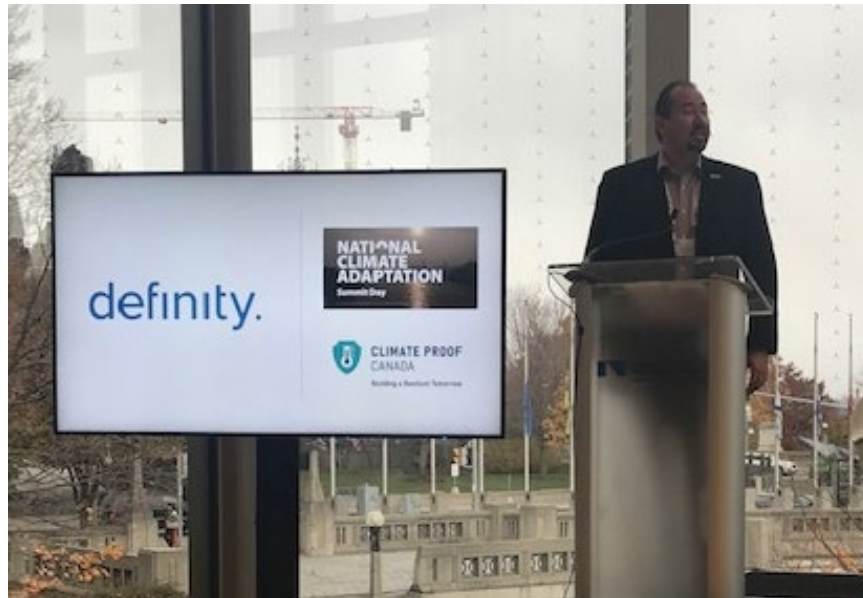
14

## ANNEX: FRESHWATER ECOSYSTEM INITIATIVES



*Presented by Michael Goffin, Fall 2023  
Director General, Freshwater Policy and Engagement  
Canada Water Agency  
Environment and Climate Change Canada*

# CLIMATE CHANGE HIGHLIGHTS



*Environment Portfolio Holder Grand Chief Abram Benedict speaks at a breakfast event with Minister Guilbeault on Nov -2 – Ottawa – National Climate Adaptation Summit Day by Climate Proof Canada*

## **Climate Action**

“Climate change refers to long-term shifts in temperatures and weather patterns. Such shifts can be natural, due to changes in the sun’s activity or large volcanic eruptions. But since the 1800’s, human activities have been the main driver of climate change, primarily due to the burning of fossil fuels like coal, oil and gas. Burning fossil fuels generates greenhouse gas emissions that act like a blanket wrapped around the Earth, trapping the sun’s heat and raising temperatures.

The consequences of climate change now include, among others, intense droughts, water scarcity, severe fires, rising sea levels, flooding, melting polar ice, catastrophic storms and declining biodiversity.”

*- United Nations, Climate Action*

## **Assembly of First Nations (AFN) Climate Action**

From First Nations’ experiences and observations, First Nations leaders put forth a declaration of climate emergency, where the development of a First Nations strategy was identified. AFN Environment released its National Climate Strategy in October 2023 as per Resolution #05/19 and Resolution #3/2023.

See link: [National Climate Strategy - Assembly of First Nations \(afn.ca\)](https://www.afn.ca/national-climate-strategy)



AFN is planning its 3<sup>rd</sup> National Climate Gathering, to be held in Calgary, Alberta on October 7-10, 2024. Check the AFN website for further information in the coming months.



*Trees burned by forest fire  
Photo courtesy of Lillian Trapper*

## **Forest Fires**

This past summer, we have experienced drastic changes in water levels and many wildfires even where First Nations declared emergencies to ensure the safety of their people and communities. The forest fire season is from April to October in Ontario and gladly over.

The following link is the Ontario interactive map of forest fires provided by the Ontario government.

<https://www.lioapplications.lrc.gov.on.ca/ForestFireInformationMap/index.html?viewer=FFIM.FFIM>

A Canadian partnership offers an interactive map of smoke fire movements across Canada.

<https://firesmoke.ca/>

## **“Wildfires in the North: Impacts and Adaptations”**

Wilfrid Laurier University’s Northern Water Futures held a “Wildfires in the North: Impacts and Adaptations” webinar in October 2023. The following are the speakers presented:

- Dr. Jennifer Baltzer (Wilfrid Laurier University): Impacts of a changing fire regime on forest regeneration processes
- Dr. Xanthe Walker (Northern Arizona University): Increasing wildfires alter the long-term carbon balance of boreal forests
- Dr. Andrew Spring (Wilfrid Laurier University): Impacts of fire on community food systems

- Carla Johnston (The Balsillie School of International Affairs): Creating a Firebreak Food Forest with Ka'a'gee Tu First Nation.

Access the webinar recording here: <https://northernwaterfutures.wordpress.com/2023-2024/>



*Low water levels of North French River - this photo courtesy of Emmett Sack*

**[Article: Small lakes, big studies: what Ontario's experimental lakes area teaches the world about water](#)**

*The Narwhal - Katherine KY Cheng, November 7, 2023*

Longform article covers the Institute for International Sustainable Development Experimental Lakes Area, a collection of 58 small lakes in northwestern Ontario, a research hub where data produced is in demand by scientists around the world concerned with threats to fresh water. The experimental lakes tell scientists a lot about the overall story of the challenges facing Canada's freshwater and the potential solutions. Of particular research interest is the connection between bacterial pathogens and algae blooms.

# FURTHER INFORMATION OF INTEREST

## Chronic Wasting Disease (CWD)

Assembly of First Nations (AFN) Environment has been developing a Position Paper as per Resolution #58/2018, Directive 3(a), and is currently under internal legal review that will include First Nations' agriculture rights and species at risk concerns and issues. Once completed, the responsible AFN Working Group will review and propose the next steps such as a communications strategy to disperse CWD information to First Nation communities.

## Boreal Caribou Workshop

As per the Canada-Ontario Caribou Conservation Agreement signed by Environment and Climate Change Canada (ECCC) and the Ministry of Environment, Conservation and Parks (MECP), the agreement outlines 5 themes with 13 actions in the recovery effort of Boreal Caribou (See diagram from Ministry of Natural Resources and Forestry (MNR) presentation), as they have been identified as a Species at Risk. The MNR Science Branch conducted the workshop in collaboration with MECP, ECCC, and Canadian Wildlife Service to address the Boreal Caribou gaps. Science and Indigenous knowledge were identified as “Two Eyed Seeing” where OCAP principles should be utilized.

It should be noted that this workshop was not consultation. It was solely the beginning of exploring how First Nations can assist with developing a holistic knowledge priorities, stay involved to a positive working relationship between the government and First Nations.





AFN Resolution #52/2023, *Securing Accountability of Nuclear Technology, Waste, Transport and Storage* was passed at the AFN Annual General Assembly in Halifax, N.S. on July 11-13, 2023. As part of the implementation of this resolution, AFN Environment/Water is planning First Nation engagements where 2 sessions will be held in Ontario. Although dates and times have not been confirmed yet, the engagements will take place in the spring 2024 from April-June.



Chiefs of Ontario

SAVE THE DATE

## Environment and Climate Change Canada Great Lakes Program Funding Workshop

The Chiefs of Ontario will host an Environment and Climate Change Canada (ECCC) Great Lakes Program Funding Workshop, in a virtual format, on January 16, 2024.

**Date:** January 16, 2024

**Location:** Virtual

**Who should attend:** Ontario First Nations Chiefs, Political Territorial Organizations, Independent First Nations and unaffiliated First Nations

For more information, please contact Kathleen Padulo, Director of Environment, at [Kathleen.Padulo@coo.org](mailto:Kathleen.Padulo@coo.org). To register, please contact Contact Sally Gaikezheyongai, at [Sally.Gaikezheyongai@coo.org](mailto:Sally.Gaikezheyongai@coo.org)