



Media Release

MATAWA FIRST NATIONS FILE JUDICIAL REVIEW, CONTINUE CALLS FOR JOINT REVIEW PANEL ON RING OF FIRE ENVIRONMENTAL ASSESSMENT

Assembly of First Nations, Chiefs of Ontario, Nishnawbe Aski Nation and Mushkegowuk Council Show Support

OTTAWA, ONTARIO - NOVEMBER 7, 2011 – First Nation leaders from Northern Ontario gathered in Ottawa today, sending a strong message to the Government of Canada about resource development in their territory.

Matawa First Nations - a group of nine First Nation communities in Northern Ontario have filed a Judicial Review regarding the Canadian Environmental Assessment Agency's (CEAA) failure to implement a Joint Review Panel Environmental Assessment (EA) for the Cliffs Chromite project in the Ring of Fire area. The CEAA has opted for a Comprehensive Study EA with no realistic opportunity for First Nations to participate. The Matawa Chiefs insist that a Comprehensive Study EA will fast track the EA process for government and the resource company, but put First Nation communities at serious risk.

“For over five months our Chiefs have been insisting that the CEAA move to a negotiated Joint Review Panel EA process, but they continue to ignore us. We are remote communities with no capacity to respond to a Comprehensive Study EA. In order to participate we need adequate funding and expertise, which none of our First Nations have received. The government needs to listen to us. Coming to our communities and telling us what you are going to do is not consultation. The Federal Government has completely failed in its duty to consult and accommodate our First Nations. We want to negotiate an agreement on how we will participate, but they have not responded to our request. We have no option now but to file the Judicial Review. We want to work with the government and the companies to participate in this process. A negotiated Joint Review Panel EA is the way to do that,” said Aroland First Nation Chief Sonny Gagnon.

“These are our homelands and traditional territories. We will feel the impacts of this mine for years to come. We want development, but we don't want another Alberta tar sands situation in our backyards and on our homelands. We have to have the best environmental assessment process currently available in order to safeguard our people, our children, the land, the waterways, and the wildlife, now and into the future. We need to talk about the environment in a forum that respects our knowledge of the land, our oral tradition and our decision making process,” said Neskantaga First Nation Chief Peter Moonias.

“More than half of our Mushkegowuk communities are along the James Bay Coastal area. The rivers that will flow by the tailings from these mines will flow right to Mushkegowuk communities. Mushkegowuk Chiefs have signed a declaration



with Matawa Chiefs that we will support each other. We intend to stand with the Matawa First Nations on any action they may take to protect their land and their communities,” said Mushkegowuk Grand Chief Stan Louttit.

Grand Chief Stan Beardy of Nishnawbe Aski Nation (NAN), a Political, Territorial Organization (PTO) with a membership of 49 First Nations in Ontario, supports the Matawa Chiefs. "First Nations in NAN have internationally recognized human and treaty rights, including those rights stated in the United Nations Declarations on the Rights of Indigenous Peoples (UNDRIP) and the Canada Constitution, that must be upheld by governments. The bottom line is that the proposed Ring of Fire development cannot proceed without the free, prior, and informed consent of the affected First Nations. That is the law and the standard of engagement," said NAN Grand Chief Stan Beardy.

Assembly of First Nations (AFN) National Chief Shawn A-in-chutAtleo and AFN Ontario Regional Chief Angus Toulouse expressed their support for a negotiated Joint Review Panel which respects First Nations free, prior and informed consent as confirmed in the United Nations Declaration on the Rights of Indigenous Peoples.

“Many First Nations across Canada are working together with governments and industry on successful economic development plans and projects that respect First Nations’ relationships and rights to the land for the benefit of their communities and Canada’s economy as a whole,” said AFN National Chief Shawn Atleo. “I strongly urge the federal and provincial governments and industry to work together with the Matawa First Nations on a negotiated Joint Review Panel EA process that ensures their rights are respected and development is sustainable for economic and community development today and into the future.”

“We believe that if the people of Ontario and Canada understood the scope of the Ring of Fire projects they would be calling on the Federal Government to do the very best environmental assessment possible. That would include a negotiated process with meaningful First Nation participation. Chiefs of Ontario stand with Matawa First Nations and support their actions,” said AFN Ontario Regional Chief Angus Toulouse.

Matawa Chiefs withdrew their support from any Ring of Fire development on October 20, 2011 until the CEAA implements a negotiated Joint Review Panel Environmental Assessment instead of the Comprehensive Study EA Process. The Chiefs sent letters to the Premier of Ontario, to Prime Minister Harper, and to the Federal Minister of the Environment indicating that the Matawa Chiefs want to work with the government to develop a Memorandum of Agreement on First Nation participation and involvement in the EA process. They are still waiting on an appropriate response to that request. In the meantime, the CEAA has taken advertisements out in newspapers announcing the start of the Comprehensive Study process without any consultation with the people who live in area. The advertisements include a map of Northern Ontario where a few towns are identified as being hundreds of miles from the mine site, but not a single First Nation community is identified on that map.

Because the timelines established under a Comprehensive Study EA leave no possibility for any meaningful consultation of First Nations, and because First Nations have no capacity to respond to the process, the Chiefs have filed a Judicial Review. The Chiefs maintain that the CEAA is ignoring its own guidelines. The CEAA has stated that a Joint Review Panel can be established by the Minister of the Environment (Minister Kent) if it meets 3 conditions; adverse environmental impacts; infringement of Treaty and Aboriginal rights and; significant public concern. The Cliffs project meets all three of these requirements.

This month the CEAA is expected to announce the beginning of the environmental assessment process for the Noront Eagle’s Nest Project (Nickel-Copper Mine) also in the Ring of Fire area. The Chiefs met with the Office of the Auditor General, Commissioner of Environment and Sustainable Development to discuss the recommendations from the October 2011 Report to the Standing Committee on Sustainable Development (Chapter 2 Assessing Cumulative Environmental Effects of Oil Sands Project), which made the following recommendation:



“We will be looking for a plan that has clear objectives, timelines, roles and responsibilities, and performance outcomes to help Parliament track the government’s progress. In particular, we expect the plan and its implementation to be guided by meaningful and enduring partnerships with First Nations communities. I also hope that lessons from the oil sands environmental monitoring commitment will be applied to other regions that the federal government has declared to be “ecological hotspots,” from Canada’s North to the Bay of Fundy and Great Lake regions.”

As Chief Gagnon noted at the end of that meeting, “I hope that we are not sitting here in 10 years with a problem like the Alberta tar sands.”

Ring of Fire is located in Matawa First Nations homelands in Northern Ontario. It is northwest of Marten Falls First Nation and east of Webequie First Nation, and northeast of Neskantaga First Nation in the James Bay Lowlands, which holds one of the largest collection of intact wetlands in the world. The Ring of Fire also holds immeasurable wealth in the form of precious metals and minerals, and has the potential to drive Ontario and Canada’s economy for decades.

Matawa First Nations are situated in Northern Ontario. Five of the nine Matawa First Nation communities are remote and only accessible by air or winter ice road. The impacts of the mines and the associated infrastructure have the potential to seriously impact all Matawa First Nations.

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