



CHIEFS COUNCIL

Mr. Ian Ketcheson, Vice President
Indigenous Relations
Impact Assessment Agency of Canada
160 Elgin Street, 22nd Floor
Ottawa, ON K1A 0H3

Via Email: Ian.Ketcheson@iaac-aeic.gc.ca

December 15, 2025

RE: DRAFT CANADA / ONTARIO CO-OPERATION AGREEMENT

Dear Mr. Ketcheson;

In response to your letter dated November 24, 2025, Matawa First Nations Management (MFNM) issues the following comments.

1. 15-DAY PUBLIC CONSULTATION PERIOD

- a) First and foremost, the Matawa member First Nations are the primary point of contact and engagement on issues and developments proposed within their territories and homelands. *Only Matawa member First Nations can provide free, prior, and informed consent as Indigenous and Treaty rights holders.*
- b) Matawa member First Nations and our leadership were not included as Treaty and Indigenous rights holding partners to negotiate this draft co-operation agreement between the governments of Canada and Ontario.

However, upon review of the draft agreement you have provided - MFNM has a number of significant concerns based on the policy / technical review of the Canada / Ontario draft co-operation agreement.

2. DRAFT CANADA/ONTARIO CO-OPERATION AGREEMENT

- a) Clarification is required from the IAAC as to whether this draft co-operation agreement applies only to the IAAC identified Ring of Fire Region¹ or to all existing and future Canada-Ontario projects of interest within the provincial boundaries.
- b) If this draft co-operation agreement is province-wide, MFNM is of the position that IAAC's notice must be directed to all First Nations in the province of Ontario.

¹ <https://iaac-aeic.gc.ca/050/evaluations/proj/80468?culture=en-CA>





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- c) The first WHEREAS states that *'Ontario has constitutional jurisdiction over the development, conservation and management of natural resources in the province and its decisions related to the management of those resources in the province.'*

Canada's explicit handing over of constitutional jurisdiction over the natural resources contained within the James Bay Treaty No. 9 (1905-06 and 1929-30) boundaries is unacceptable.

- d) In terms of Canada neglecting its Crown Treaty duties and obligations, referring to the Supreme Court judgment issued October 23, 2023 the court stated that *"Classifying environmental legislation presents a challenge because the "environment" is not a head of power under s. 91 or 92 of the Constitution Act, 1867."* one may counter that the Supreme Court of Canada has entirely neglected to consider the head of power and sacred Crown Treaty duties and obligations of Canada under s. 91 24) Indians, and Lands reserved for the Indians.
- e) As the First Nation beneficiaries of James Bay Treaty No 9 (1905-06 and 1929-30), and the only historic treaty in Canada with partners from both levels of government (Canada and Ontario) as signatories - it is the position of the Matawa Chiefs Council that both Canada and Ontario are subject to a higher level of Crown duties and obligations under our Treaty.
- f) All decision-making is being delegated to Canada and Ontario only, excluding First Nations. Section 5 Co-Ordination of Potential Assessment Conditions and Decision-Making; and Permitting which 1) states that *"At the conclusion of a substituted or harmonized assessment, the Parties will retain final decision-making authority pursuant to their respective legislation."*
- g) When being engaged on the Crown duty to consult and accommodate, First Nations have a right to be informed on the consultation matters and scope. Canada seems to be withdrawing from the past practice of full and detailed Crown consultation plans or negotiated consultation agreements to help First Nations understand the scope of the activities about to occur and participate as reconciliation partners. (See Note 1 below)
- h) The draft co-operation agreement references UNDRIP or UNDA once in the WHEREAS provisions of the document and is not repeated or mentioned again in the implementation clauses of the draft co-operation agreement. This omission from the implementation





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clauses of the draft co-operation agreement is concerning as the province of Ontario does not have any existing or impending UNDRIP recognition legislation.

AND WHEREAS “Canada maintains its commitment to the United Nations Declaration on the Rights of Indigenous Peoples.”

In closing, there are significant and numerous concerns with the draft co-operation agreement IAAC is presenting here as negotiated between Canada and Ontario. The deepest concern to be articulated from the comments we have provided is that Canada is absolving itself of its federal Crown duties and obligations to the People of the Matawa member First Nations and positioning itself to rely solely on the government of Ontario to advance into the Matawa territories and homelands. Matawa First Nations Management (MFNM) respects the autonomy of all our member First Nations and reserve the right of the Matawa Chiefs Council to revise and reassess their positions as required.

This letter is without prejudice to the positions Long Lake No. 58 First Nation takes or may take on the issue of whether Long Lake No. 58 First Nation is a party to any Treaty.

Sincerely,

Dr. Sharon L. Nate, EdD
Chief Executive Officer

cc: *Matawa Chiefs Council
Grand Chief Alvin Fiddler and Executive Council, Nishnawbe Aski Nation
ORC Regional Chief Abram Benedict, Chiefs of Ontario
National Chief Cindy Woodhouse Nepinak, Assembly of First Nations*

Note 1:

Crown Consultation Plans

2016 - Trans Mountain Pipeline Expansion Project Re-Initiation of Phase III Crown Consultations: Consultation Approach with Indigenous Groups
2019 - Crown Consultation Approach for the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador
2022- Regional Assessment of the St. Lawrence River Area: Indigenous Engagement and Partnership Plan
2024 – Indigenous Engagement and Partnership Plan, Strange Lake Rare Earth Mining Project

Consultation Agreements

Mi'kmaq/Nova Scotia/Canada Consultation Agreement
Mi'kmaq/Prince Edward Island/Canada Consultation Agreement
Algonquins of Ontario Consultation Process
Federal Authorizations Consultation Protocol: Dene Tha' First Nation and Canada

