



## NESKANTAGA FIRST NATION

P.O. Box 105 Lansdowne House, ON P0T 1Z0

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Senate of Canada  
Ottawa, ON K1A 0A6  
Sent by email to: [sen.com@sen.parl.gc.ca](mailto:sen.com@sen.parl.gc.ca)

June 19, 2025

RE: Submission on Bill C-5, The Building Canada Act

Dear Senators,

We are writing to provide input on Bill C-5, Part II, *The Building Canada Act*, with respect to “national interest projects”. Neskantaga First Nation has serious objections to this proposed legislation. We see it as a heavy-handed attack on our homelands that completely ignores our inherent jurisdiction, our Treaty rights, and our interests. Further, C-5 is a blatant attempt by Canada to avoid its duty to consult and accommodate First Nations affected by resource development. It is an attempt to circumvent Canada’s obligations flowing from Treaty No.9. Our position is that this Bill should be withdrawn.

The approach of this bill directly effects our lands and people. We are not just stakeholders, but rather rights holders who will be directly effected. Neskantaga First Nation is a remote community located about 560 km north of Thunder Bay, on the shores of Attawapiskat Lake. The community consists of approximately 550 registered members, with approximately 357 living on reserve. Our home is only accessible by air for a majority of the year, and in the winter is accessible by ice road. Recent climate change has limited winter road viability to only five to seven weeks a year.

We are Anishinaabe people, with a legal tradition that includes responsibility and stewardship for all our homelands in the Attawapiskat River watershed. We are recognised as Aboriginal peoples within the meaning of s.35 of the *Constitution Act*, and have the capacity of a “Band” within the meaning of the *Indian Act*. Our First Nation is a treaty partner with the Crown under Treaty No.9. In respect of our deep ties with the river and land, we have never ceded, sold, or surrendered our homelands, and have never given up jurisdiction in relation to lands, waters or peoples.

Neskantaga faces ongoing crises, including a high cost of living, a severe housing shortage, and a lack of access to basic services such as for health, mental health and wellbeing. Our community has been on a boil-water advisory for over 30 years – the longest in Canada. Vulnerable members of our community were recently evacuated as a result of the flooding of the only health centre. We are still relying on a portable health clinic which cannot provide the full range of health services that our community requires. We are enduring a long-standing social emergency. It is for this reason that we are so appalled by Canada’s invocation of an “emergency” related to the tariff war with the United States as a pretext for accessing our lands and resources without our free, prior and informed consent.

Neskantaga is deeply concerned that Canada plans to “pre-approve” the development of mining and associated infrastructure projects in the “national interest” without meaningfully working with



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First Nations. We expect that the Ring of Fire, which is in close proximity to our homelands along the Attawapiskat River, will be designated as a project in the national interest. We are particularly concerned with the potential ecological, social and cultural impacts of these proposed developments, and with Canada's cavalier attitude in pushing forward with these plans without any safeguards in place to protect our rights, nor the ecological well-being and biodiversity of the peatlands of Treaty No.9.

### **The Authority to Make Decisions About Our Homelands Rests With Us**

We, the Anishinaabe people of Neskantaga First Nation live on the headwaters of the Attawapiskat River. It is the lifeline of our community. Our traditional and ancestral lands are all around us. They go in all directions from our community to the north, south, east and west. We use the whole river to hunt, fish, trap and as a means of transportation. It is the most vital source of health and life to our people. We assert Aboriginal rights and title over our entire homelands.

Our understanding of Treaty No.9 is that we entered into a legal relationship with the Crown based on principles of friendship, mutual respect, and shared arrangements. In exchange for our promise to keep peaceful relations, the Crown promised to protect both our livelihoods and our jurisdiction over the land as times changed. We did not cede, sell, or surrender our homelands, nor did we give up our inherent rights or jurisdiction by entering into the Treaty.

We understood that we would share the use of our lands and resources with newcomers, so long as our rights to hunt, fish, and use our lands would be respected and protected. We continued to recognize our obligation to protect these lands as stewards, which has existed since time immemorial. Because of the importance of our lands, our obligation to protect them, and the Crown's promise to respect our jurisdiction, any decisions affecting our homelands and way of life must go through our authority.

Canada is constitutionally required to consult and accommodate us, and to obtain our free, prior, and informed consent (FPIC) for projects that can fundamentally change our way of life. These rights are guaranteed in the *United Nations Declaration on the Rights of Indigenous Peoples*, and were enacted into Canadian law with the *United Nations Declaration on the Rights of Indigenous Peoples Act* in 2021. In line with these rights enshrined in international law, Neskantaga insists that our community consensus decision-making process be respected any time there is proposed activity which may have a significant impact on our homelands and way of life. No other nation or government can decide what happens on our homelands.

### **We Reject the Proposed Process for Designating Projects in the National Interest**

While the federal government has not yet named any specific projects selected for the proposed expedited two-year approvals process, the Prime Minister has asked provincial premiers to identify "nation-building projects" that they would like to see fast-tracked. Without involving us, Ontario



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Premier Doug Ford asked that the federal government name specifically the Ring of Fire critical minerals deposits.<sup>1</sup>

Further, Prime Minister Carney has outlined the criteria for national interest projects, which include “strengthening the economy, offering economic benefits, having a high likelihood of successful execution, being a high priority for Indigenous leaders and potentially contributing to clean growth.”<sup>2</sup> Under Bill C-5, all decision-making power for national interest projects will be vested in a single Minister. Should the federal Cabinet, on the recommendation of that Minister, determine that a project can be designated as a national interest project, the project may be added to the schedule.

According to Ontario, the Ring of Fire would stand to meet these criteria. Indigenous Affairs Minister Greg Rickford has hailed the project as “a real opportunity to build [development] partnerships out in a way that [communities in the region] can have road access, better economics, better access to health and different services and be an important part of the development of the Ring of Fire.”<sup>3</sup> These comments are difficult for our community to accept given the fact that our numerous social crises have been ongoing for so many decades while the provincial and federal governments have neglected their responsibilities to repair our infrastructure and make good on their promises of reconciliation. We have not offered our consent to any mining or road development. Investment to repair the shameful infrastructure deficit in our community should not be made conditional on our support of any mining project. Such bargaining tactics violate the Honour of the Crown.

In 2022, when Canada designated the metals buried beneath vast, remote peat bogs in Treaty No. 9 territory in Northern Ontario as “critical minerals,” it led to a boom in mining staking and exploration in the region. There are now over 32,000 mining claims in the Ring of Fire, with some companies in pursuit of nickel to build electric vehicle (EV) batteries.<sup>4</sup> The narrative framing the Ring of Fire as crucial to “clean growth” is being used to muffle deeper criticism of the environmental impacts of the mining proposals.<sup>5</sup>

Bill C-5 is likely to mean that mines could open in the Ring of Fire without any environmental or impact assessment at all. Even ignoring the unjustified infringement of our Treaty rights, allowing mines to open in a previously unfragmented peatland ecosystem—that acts as a massive carbon storehouse—without a requirement for environmental assessment is reckless and is likely to cause

<sup>1</sup> Ford asks Carney for support on Highway 401 tunnel. (2025, May 5). *CBC News*.

<https://www.cbc.ca/news/canada/toronto/ford-carney-letter-highway-401-tunnel-1.7526978>

<sup>2</sup> Carney lays out federal criteria for fast-tracking infrastructure projects. (2025, June 2). *The Globe and Mail*.

<https://www.theglobeandmail.com/canada/article-mark-carney-first-ministers-meeting-infrastructure-economy/>

<sup>3</sup> Ring of Fire road will be ‘real opportunity’ for northern Ontario, minister says (n.d.). *Global News*. Retrieved June 18, 2025, from <https://globalnews.ca/news/11103986/ontario-ring-of-fire-pitch/>

<sup>4</sup> Sarah Law, “Mining Claims Have Jumped 30% in Northern Ontario’s Ring of Fire Area Since 2022,” *CBC News*, December 11, 2023,

<https://www.cbc.ca/news/canada/thunder-bay/ring-of-fire-mining-claims-rise-1.7051094>

<sup>5</sup> Desai, Saima and Isaac Thornley. “Greenwashing the Ring of Fire: Indigenous Jurisdiction and Gaps in the EV Battery Supply Chain.” *Infrastructure Beyond Extractivism*, February 2024. <https://jurisdiction-infrastructure.com/research/greenwashing-the-ring-of-fire-report/>



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serious, irreversible harm. The Bill would also allow for Fisheries Act permits to be optional, and for effects on endangered and vulnerable species—such as the Lake Sturgeon—to be ignored.

In practice, environmental assessment has served as the primary vehicle for Indigenous communities and the public to learn about proponents' plans in detail. It provides a structure for questions to be answered and concerns to be raised and accommodated, if possible. It provides a venue through which communities can voice or withhold their consent. Importantly, environmental assessments conducted in partnership with Indigenous peoples can provide avenues for communities to come to their own decisions about whether to support development. Bulldozing ahead with mining in the Ring of Fire without proper environmental assessment poses a grave threat to Neskantaga's Treaty rights and way of life.

The most advanced mining project, Wyloo's Eagle's Nest nickel mine, is proposed to be located directly beside the Muketei River. The Muketei flows into the Attawapiskat River and is expected to absorb the mine's wastes. To be viable, it requires a major industrial road across the peatlands and a major bridge to cross the Attawapiskat River. We have long been predicting that these developments will gravely endanger our way of life, and yet Canada now wishes to ram them forward – “pre-approve” them – without due consideration of our rights and interests, and without even a mechanism through which we may provide our input. This is on its face unconstitutional. It violates our historical, ancestral, traditional, and customary rights and interests.

### **We have a right to sustain ourselves within our homelands**

Our members have long and deep family ties to the Attawapiskat River. In the summer, our members catch a variety of fish and animals from the Attawapiskat River watershed. We also hunt and trap animals on the lands surrounding the river, especially moose and beaver. The harvesting of medicines, such as cedar, sustains our wellbeing. Our lands are our pharmacy. Sacred and burial sites with significance to our past and future are located along the length of the river. Our ability to fulfil obligations under our own laws will be negatively impacted by development of the Ring of Fire, particularly if this development occurs without any assessment of the ecological, social and cultural risks it may pose.

Besides the obvious threat of construction and mining activity disrupting wildlife habitats and behaviour, the roads and bridges needed to access the mine will permanently bring with them a greater number of outsiders into the Attawapiskat watershed. These outsiders may hunt or fish in ways that violate Neskantaga's rights, or cause harm to sacred sites. Furthermore, there is the simple fact that Neskantaga will lose the ability to harvest as usual throughout our homelands. Finally, in the long run, unchecked pollution from mining effluent, emissions from vehicles, and petroleum/chemical spills or leakages will pollute the Attawapiskat watershed and surrounding lands and further infringe on Neskantaga's right to sustain ourselves on our homelands. These are clear violations of our Treaty rights. Canada must seek our consent before beginning any development in our lands.



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We have undertaken a Lake Sturgeon stewardship program, *Namekaa Gaagige*, in recent years in order to fulfil our own obligations to protect the Lake Sturgeon under Anishinaabe law. The Lake Sturgeon are our relatives, and one of the most culturally important species of fish to our people. Although the population of Lake Sturgeon in the Attawapiskat watershed is among the healthiest in Ontario—as a result of our continued stewardship—they are now facing grave threats by the proposed developments. These legislative efforts to pre-approve mining projects undermine our stewardship efforts and circumvent our decision-making protocol.

### **We Object to the Creation of Lawless Sacrifice Zones**

The designation of projects in the “national interest”, combined with Ontario’s Special Economic Zones, will effectively create legal “black holes” where the usual environmental rules and other protections will not apply. These zones are being created to allow private interests to do as they please without oversight, which is a deeply undemocratic overreach that should concern all Canadians. Cabinet will be empowered to approve projects without any information other than what the proponents themselves provide.

The fact that the criteria for designating national interest projects is to be decided in later regulations leaves Cabinet – not Parliament -- with the ability to unilaterally exempt whatever projects it chooses from the law. Canada wishes to give the Cabinet the power to do this without meaningful public oversight, allowing it to ignore Indigenous rights and environmental protections that would otherwise need to be honoured.

We say very clearly: **there will be no “constitution-free zones” in Canada, even in an “emergency”**. Further, there can be no zones carved out from within Treaty No.9 in which Canada is able to avoid its obligations under the Treaty. This attempt to do so breaches the Honour of the Crown. Treaty No.9 applies to all of the land within its borders: Canada cannot create specific lawless zones. Canada’s obligations under both Treaty No.9 and the Constitution will survive these attempts by Parliament to wish them away.

It seems likely that any critical minerals project proposed in the Ring of Fire will be suggested to have the potential to make an exceptional contribution to Canada’s “clean growth” and national autonomy. The logic of “balancing” the potential gains in the “national interest” *against* harm to Neskantaga, seems to suggest that in the government’s calculus, it is “worth it” to trample our homelands, our medicines, our sacred sites, as long as it benefits other Canadians. We reject this logic: we have sacrificed enough. We will not allow our homelands to be sacrificed for this shallow, short-sighted conception of what constitutes “Canada’s gain”.

To conclude, the proposed legislation is intolerable to Neskantaga in its current state and will be fought at every step of the way if it continues to be pushed ahead. Canada’s obligations under both Treaty No.9 and its own Constitution will survive any attempts by Parliament to strip them away in the name of economic emergency. We expect the full support of the Canadian courts behind our efforts, and we know we have the full support of our people on the land. We have been here since



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time immemorial, and we will still be here long after this latest “emergency” has passed. This proposed legislation is a direct attack on our people’s way of good life, or *mino bimatisowin*.

Sincerely,

Signed by:

A handwritten signature in black ink, appearing to be "Gary Quisess", written over a blue digital signature line.

BDF54E15F8D644A...  
Chief Gary Quisess

Neskantaga First Nation