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**Submitted through the Environmental Registry and via email: [erin.kahkonen@ontario.ca](mailto:erin.kahkonen@ontario.ca)**

**RE: RESPONSE TO PROPOSAL FOR MINERAL EXPLORATION PERMITS FOR THE PROPOSED RING OF FIRE (ERO NO. 026-0566, 026-0567, 026-0568, 026-0569, 026-0570)**

Legal Advocates for Nature's Defence (LAND) is legal counsel to the Friends of the Attawapiskat River (the Friends). We provide these comments to the Ministry of Energy, Northern Development and Mines (the Ministry) jointly and on the Friends' behalf in response to numerous requests by Juno Corp to undertake mineral exploration activities in the proposed Ring of Fire area, encompassing a total of 2,182 claims, as set out in the following postings:

- ERO 026-0566 (383 claims)<sup>1</sup>
- ERO 026-0567 (471 claims)<sup>2</sup>
- ERO 026-0568 (369 claims)<sup>3</sup>
- ERO 026-0569 (485 claims)<sup>4</sup>
- ERO 026-0570 (474 claims)<sup>5</sup>

**I. ABOUT LEGAL ADVOCATES FOR NATURE'S DEFENCE**

[LAND](#) is an environmental law non-profit dedicated to advancing access to justice in Northern Ontario, to protect nature and Indigenous rights. As the only environmental law organization based in Northern Ontario providing pro bono legal services, LAND is uniquely positioned to advise on the implications of legislative and policy changes affecting some of the province's most ecologically and culturally significant regions. Our work is grounded legal expertise and advocacy, public legal education efforts, and the advancement of public participation in law reform and decision-making, with the goal of ensuring that

<sup>1</sup> See: <https://ero.ontario.ca/notice/026-0566>

<sup>2</sup> See: <https://ero.ontario.ca/notice/026-0567>

<sup>3</sup> See: <https://ero.ontario.ca/notice/026-0568>

<sup>4</sup> See: <https://ero.ontario.ca/notice/026-0569>

<sup>5</sup> See: <https://ero.ontario.ca/notice/026-0570>

critical legal perspectives from the North are represented and that decisions reflect the rights of communities most impacted by environmental harm.

## **II. ABOUT THE FRIENDS OF THE ATTAWAPISKAT RIVER**

[The Friends](#) are an Indigenous-led, grassroots coalition of community members from Attawapiskat, Peawanuck, Kashechewan, Fort Albany, Neskantaga, and Moose Factory in Treaty 9 territory. They are Treaty rights holders and ancestral peoples of these lands, where they have lived since time immemorial in close relationship with the boreal forest, muskeg, and waters of the Hudson and James Bay Lowlands.

They rely on the Attawapiskat, Kapiskau, Ekwan, Oppinagau, Albany, and Winisk river systems for access to their territories, as well as for food, water, medicine, and cultural and spiritual practices including ceremonies and burials. The group formed in response to concerns that downstream Indigenous communities were not being provided with adequate information or meaningful opportunities to participate in consultation processes related to development in the Ring of Fire region. They advocate for the protection of Treaty 9 lands and emphasize the ecological importance of these ecosystems for biodiversity, climate regulation, and future generations.

In making these comments to the Ministry, the Friends note that they are not speaking on behalf of the First Nation leadership of the First Nations where their members are based (including Attawapiskat, Neskantaga, Peawanuck, Kashechewan, and Fort Albany First Nations), but rather providing these comments as Treaty 9 rights holders and community members. Furthermore, these comments do not constitute consultation nor discharge the Crown's obligations per section 35 of the *Constitution Act, 1982*.

## **III. REASONS TO DENY JUNO CORP'S REQUESTED MINERAL EXPLORATION PERMITS**

The Friends and LAND strongly oppose the proposals to issue the aforementioned mineral exploration permits to Juno Corp. As explained in this submission, the brief window of time in which to comment (thirty days) on each individual application, the lack of details regarding the potential adverse effects on the environment and Indigenous rights, and the absence of broader context and cumulative effects, are not consistent with the *Environmental Bill of Rights, 1993 (EBR)* and inhibits the Friends' ability, as Treaty rights-holders, to meaningfully engage.

For several years, the Friends have submitted comments opposing mineral exploration permits in the Ring of Fire area. The government has repeatedly failed to acknowledge or address the Friends' concerns, rendering these public comment periods meaningless and further reducing public trust in the decision-making process. As expanded on in this submission, **we vehemently oppose the Ministry's approach of continuing to approve mineral exploration in the Ring of Fire area absent respect for the inherent and Treaty rights of the Indigenous grassroots of Treaty 9 and the [moratorium](#) on mining exploration declared by the Friends.**

Exploration activities are having a detrimental impact on the environment, caused by line cutting, drilling and construction activities, such as roads. We continue to strongly oppose any further developments, including exploration in this region which is their homelands, when there is no indication that the Ministry is documenting consideration of these impacts, along with any comments received, in its decisions and oversight.

The Friends do not consent to the mineral exploration activities proposed by Juno Corp on their homelands. In addition to the procedural deficiencies of the ERO proposals and the failure to respect the moratorium they have declared, issuing the requested permits will:

- Infringe on their rights under the *United Nations Declaration on the Rights of Indigenous Peoples* (the Declaration), including the right to determine and develop priorities and strategies for the development or use of their lands and territories;<sup>6</sup>
- Cause irreparable harm to the carbon-rich Hudson-James Bay Lowlands, including the Attawapiskat, Kapiskau, Ekwan, Oppinagau, Albany and Winisk watersheds, which are critical to mitigating climate change and protecting biodiversity;
- Fragment the homelands that the Friends rely upon for food, water, medicine, sacred sites, burial places, ceremonial areas, traditional travel routes, and other places of cultural and ancestral significance;
- Disrupt the migration routes that have been used by caribou and the Indigenous people of Treaty 9 since time immemorial; and
- Compromise Ontario and Canada's abilities to meet their domestic and international commitments, particularly under the United Nations Kunming-Montreal Global Biodiversity Framework (GBF) and the Declaration.

In requesting that the Ministry deny the requested permits, we also ask the Ministry to take the following supporting references into account as part of the Friends' comments:

- Comments made in response to proposals to issue multiple mineral exploitation permits in the Ring of Fire area, submitted in [November 2020](#), [December 2020](#), [December 2024](#), and [February 2025](#);
- Submission to the United Nations Expert Mechanism on the Rights of indigenous Peoples in January 2022;
- Comments made in response to the Proposed Terms of Reference for the Northern Road Link Project, submitted in June 2022;
- Comments made during the planning and conduct phase of the Regional Assessment (RA) in the Ring of Fire area, in November 2021, March 2022, March 2023, October 2024, and September 2025;

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<sup>6</sup> United Nations Declaration on the Rights of Indigenous Peoples, GA Res 61/295, UNGAOR, 61st Sess, Supp No 49, UN Doc A/RES/61/295 (13 September 2007), art [32\(1\)](#).

- Short film produced by the Friends titled '[We are the River](#)', showcasing Treaty 9 community concerns about development in the Ring of Fire Area and critical need to pause decision-making until community members are meaningfully informed and involved; and
- Other comments and submissions posted to the Resources page on the Friends' website<sup>7</sup>.

# **1. Issuing permits for mineral exploration in the Ring of Fire area will negatively impact biodiversity, ecosystem health and the rights of Indigenous people**

The proposals fail to account for the cumulative impacts of the proposed exploration activities on climate change, biodiversity loss and Indigenous rights. Presenting the permits on a case-by-case basis allows the Ministry to downplay the impacts of the activities which, if considered in their entirety, could have profound negative impacts on the land, environment and rights of Indigenous people. This is the reason the federal government decided to undertake a regional assessment (RA), and we strongly urge the provincial government to participate in this process.

The proposed mineral exploration activities will occur in the boreal and muskeg of the Hudson-James Bay lowlands on Treaty 9 territory. The Friends, who are themselves Indigenous rights holders from Treaty 9, have relied on this region for food, water, medicine and sacred spaces for traditional practices, ceremonies and burials since time immemorial. These exploration permits are a prerequisite to the proposed Ring of Fire mining project, which has a proposed lifespan of over 100 years.

Mineral exploration and development will fragment the migration routes relied on by Indigenous communities and caribou and will have direct impacts on the health and ability of current and future generations to exercise their Treaty rights, including rights to hunt, camp, fish and trap. Pursuant to Article 32(1) of the Declaration, Indigenous people have the right to determine and develop priorities and strategies for the development or use of their lands and territories. Because of this, the Ministry cannot approve mineral exploration permits without the consent of the Indigenous people of Treaty 9.

Given that the Ministry "always respects Indigenous rights"<sup>8</sup> in the context of mineral development, we expect the Ministry to uphold the rights under the Declaration, including the rights of Indigenous people to determine how their lands, territories and resources are used and the Ministry's duty to consult and obtain their free, prior and informed consent before approving any project that may affect their lands, territories and resources.<sup>9</sup>

The carbon-rich Hudson-James Bay Lowlands, including the Attawapiskat, Kapiskau, Ekwan, Oppinagau, Albany and Winisk watersheds are critical to protecting biodiversity and storing carbon. The muskeg, or peatland, in this area is the [second largest peatland ecosystem in the world](#): a type of wetland that is critical for preventing and mitigating the effects of climate change, providing wildlife habitat, minimizing

<sup>7</sup> See: [friendsoftheattawapiskatriver.ca/resources/](http://friendsoftheattawapiskatriver.ca/resources/)

<sup>8</sup> See page 5 of [Ontario's Critical Minerals Strategy](#).

<sup>9</sup> See United Nations Declaration on the Rights of Indigenous Peoples, GA Res 61/295, UNGAOR, 61st Sess, Supp No 49, UN Doc A/RES/61/295 (13 September 2007), art [32\(1\)](#), art [32\(2\)](#).

flood risk and ensuring safe drinking water. The Hudson-James Bay lowlands stores nearly 35 gigatons of carbon - that's [more than 5 times more carbon](#) per square hectare than the Amazon rainforest. Mining will disturb the peatland and release much of this stored carbon into the atmosphere, [contributing to climate change](#). Protecting the carbon-rich lowlands is critical to meeting Ontario's and Canada's commitments to mitigate climate change and protect biodiversity, including the habitat of the threatened and culturally significant boreal caribou.

Permitting mineral exploration in the Hudson-James Bay lowlands is inconsistent with Ontario's climate change and biodiversity goals as set out in the [Ontario Wetland Conservation Strategy](#) and the [Ontario-Canada Agreement for the Conservation of Boreal Caribou in Ontario](#). Specifically, degrading the peatland ecosystem is contrary to Ontario's wetland conservation strategy, which aims to halt and reverse wetland degradation and identifies mining as a threat to the northern Ontario wetlands capacity to sequester carbon and enhance biodiversity.<sup>10</sup> Mining in this region also impacts the 'James Bay range' of the threatened boreal caribou and is not consistent with Ontario's commitment to undertake mineral exploration activities in a manner that supports the maintenance of local caribou populations.<sup>11</sup> On these bases alone, the Ministry ought to reject Juno Corp's requested mineral exploration permits.

## **2. The requested permits are contrary to the moratorium declared for mining activities in the Ring of Fire area**

The Friends, as well as many impacted First Nations have called for a [moratorium](#) on all mining activities in the Ring of Fire Area, including mineral exploration, until meaningful Indigenous engagement has been undertaken to meet the Crown's obligations towards Indigenous peoples and protection plans are in place for sensitive wetlands and watersheds. We urge the Ministry to, on behalf of the provincial government, respect this moratorium to prevent further violations of Indigenous rights and protect the lands and waters that, since time immemorial, have been relied upon by the Indigenous people of Treaty 9.

## **3. The ERO notices do not comply with the Environmental Bill of Rights**

The proposal notices are not transparent about the potential environmental risks of mineral exploration activities in the Ring of Fire area. As stated by the Ontario Auditor General (OAG) in their recent 2024 report on the operation of the *EBR*, "mining is an inherently environmentally significant activity"<sup>12</sup>, and descriptions of environmental implications (both permit-specific and cumulatively) in proposal notices are required to enable the public to understand and provide meaningful comments.

The ERO notices point the public to various different resources, without hyperlinks, such as "the Mining Act or any other Act", *Ontario Regulation 308/12*, the Provincial Standards for Early Exploration, and the

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<sup>10</sup> See page 8 of [Ontario's Wetland Conservation Strategy](#).

<sup>11</sup> See page 29 of the [Ontario-Canada Agreement for the Conservation of Boreal Caribou in Ontario](#).

<sup>12</sup> See page 32 of the Office of the Auditor General of Ontario's 2024 [Performance Audit on the Operation of the Environmental Bill of Rights](#).

standards in “the Activities Information Sheets or on the Ministry website under *Mining Act* Policies, Standards and Directives”, for more information on the requirements the proponents must meet to “minimize the impacts to public health, safety and the environment”. This places an unfair burden on the public to locate, read and disseminate these technical resources in order to understand the implications of the permits and be able to meaningfully participate. Additionally, the map of the site location does not make it clear to the public just how much land is being claimed under each permit.

The ERO postings do not clarify the scale of the environmental impacts of one single permit, let alone all five permits cumulatively. The notices identify a large number of mining claims within the proposed permit areas and authorize early exploration activities including mechanized drilling, line-cutting, and potential water pumping from nearby surface water sources. However, the notices do not provide a consolidated estimate of total land disturbance, water use, or the cumulative effects that may be caused by the permits collectively.

Without this information, it is not possible for the public to meaningfully assess the scale of potential disturbance or understand the impacts. We therefore request that the Ministry make this information publicly available in plain language as soon as possible, and give the public ample time to respond. This is especially important given that mineral exploration permits cannot be appealed.

Additionally, the Ministry must, when posting a decision, explain how the Ministry’s [Statement of Environmental Values](#) (SEV) was considered. The SEV is intended to explain how the purposes of the *EBR* will be applied to decisions that may significantly affect the environment, and how the consideration of the purposes is integrated with other considerations, including social, economic, Indigenous and scientific considerations. Consideration of the SEV must occur *before* a decision is made. As the OAG recently found, the Ministry has a history of considering the SEV *after* a decision was made. This goes against the purposes of the *EBR*, including transparent and accountable decision-making, and does not promote better outcomes for the environment.<sup>13</sup>

The Ministry *must* also document *how* comments received from the public were considered when making a decision to issue a permit. We have seen no such analysis on our comments provided to date, nor evidence justifying the approvals. According to the OAG, simply stating that comments received were considered, without explaining the nature of the comments received and how they were considered, is not sufficient and does not meet the requirements of the *EBR*.<sup>14</sup>

The Ministry must include a complete and accurate description of the effects of public participation on its decision-making,<sup>15</sup> including efforts it undertook to ensure its obligations, as the Crown, were upheld and opportunities for meaningful engagement, in line with Indigenous protocol and law, were provided.

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<sup>13</sup> See page 40 of the Office of the Auditor General of Ontario’s 2024 [Performance Audit on the Operation of the Environmental Bill of Rights](#).

<sup>14</sup> See page 35 of the Office of the Auditor General of Ontario’s 2024 [Performance Audit on the Operation of the Environmental Bill of Rights](#).

<sup>15</sup> *Ibid.*

In response to the OAG's recommendations regarding consideration of comments received on ERO notices, the Ministry confirmed that it is their practice to manage, track and document how public input is considered in a transparent and accountable manner.<sup>16</sup> Accordingly, in the decisions regarding these proposals, we expect the Ministry to explain, in plain language, how the decision:

1. Addresses the concerns raised in the public comment period, including applicable mitigation strategies;
2. Is consistent with the Statement of Environmental Values, with reference to the purposes of the *EBR*;<sup>17</sup>
3. Is evidence-based, taking into scientific and Indigenous knowledge regarding the ecological, physical, social, cultural and economic impacts of the proposal;
4. Advances the province's core climate change goals; and
5. Upholds the right to a healthful environment.

#### **4. The consultation process does not enable meaningful engagement of Indigenous people**

As the Ministry recognizes in [Ontario's guidelines for ministries on consultation with Indigenous people](#), the Crown has a duty to consult when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right, and is contemplating conduct that might adversely affect such rights. [Several First Nation communities have asserted](#) that their treaty rights are negatively impacted by mineral activities in the Ring of Fire area. Even if the Ministry determines that the adverse effects of early exploration activities are "[localized, temporary and low impact](#)" and therefore trigger consultation on the low end of the spectrum, this consultation still requires notice, information disclosure, and discussion of any issues raised (standard public notices are not sufficient).<sup>18</sup>

The proposals posted by the Ministry do not outline a consultation process that is genuinely aimed at listening to the concerns of community members, including the Indigenous grassroots, nor set out a process for how concerns will be respected and accommodated.<sup>19</sup> Thirty days is not enough time to adequately consult with Indigenous communities, especially when knowledge of the proposed Ring of Fire project, at the community level, is exceptionally low. We request, in keeping with our moratorium, that no mineral exploration permits be issued absent a process being in place that prevents further violations of Indigenous rights, including our rights to engage, be informed and participate in decisions

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<sup>16</sup> See page 55 of the Office of the Auditor General of Ontario's 2024 [Performance Audit on the Operation of the Environmental Bill of Rights](#).

<sup>17</sup> [The purposes of the EBR include](#): the prevention, reduction and elimination of the use, generation and release of pollutants that threaten environmental integrity; the protection and conservation of biological, ecological and genetic diversity; the protection and conservation of natural resources, including plant life, animal life and ecological systems; the encouragement of the wise management of our natural resources, including plant life, animal life and ecological systems; and the identification, protection and conservation of ecologically sensitive areas or processes.

<sup>18</sup> *Mikisew Cree First Nation v Canada (Minister of Canadian Heritage)*, [2005 SCC 69](#) at para 34.

<sup>19</sup> *Eabametoong First Nation v Minister of Northern Development and Mines*, [2018 ONSC 4316](#) at para 92, citing *Haida Nation v British Columbia (Minister of Forests)*, [2004 SCC 73](#) at para 43.

affecting our lands and waters.

The Friends also submit that the Ministry has a responsibility to consult and cooperate with Indigenous people in order to obtain their free and informed consent prior to the approval of any project affecting their lands, territories and resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.<sup>20</sup> The Ministry must consult with all community members, not just leadership, to ensure that community members are not left in the dark when it comes to decisions that will impact their lands, resources and ways of life. This will allow the Ministry to uphold its claim, as articulated in the [Ontario Critical Minerals Strategy](#), that Ontario has “robust consultation processes for all mineral development opportunities and always respects Indigenous rights”.

Through the use of short comment periods, standard public notices with insufficient detail, and no in-community engagement, the Ministry’s approach to permitting mineral development inherently does not allow for effective consultation. This unjust ‘free entry’ mining regime has been used - and criticized - in other provinces, including Quebec, where the Superior Court recently recognized that for decades, the Quebec government has failed to meet its constitutional duty to consult First Nations when granting mineral exploration permits in their territory.<sup>21</sup> The Ministry has an opportunity, with these current proposals, to show its commitment to respecting Indigenous rights by refusing to permit mineral exploration activities without undertaking meaningful consultation with the goal of obtaining the *informed* consent of the Indigenous people of Treaty 9.

#### **5. The permits are out of step with national and international commitments regarding climate change, biodiversity protection and Indigenous rights**

Canadian jurisprudence has made it clear that the environment is an area of shared jurisdiction: the environment encompasses the physical, economic and social environment and cuts across many different areas of constitutional responsibility, some federal and some provincial.<sup>22</sup> With both Ontario and Canada identifying critical minerals development as a strategic priority.<sup>23</sup> It is clear that mineral exploration also touches on both provincial and federal jurisdiction.

We strongly encourage the Ministry to cooperate with the federal government – both on matters of Indigenous rights but also biodiversity protection. As the lead ministry responsible for development in the Ring of Fire Area, the Ministry claims that it “engages and collaborates with Indigenous peoples and communities, northerners, the mining industry, federal departments and other provincial ministries to encourage responsible and sustainable development”. We therefore urge the Ministry to consider impacts on federal jurisdiction when deciding whether to issue the mineral exploration permits,

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<sup>20</sup> See article [32\(2\)](#) of the United Nations Declaration of the Rights of Indigenous Peoples and [Target 22](#) of the Global Biodiversity Framework.

<sup>21</sup> *Mitchikanibikok Inik First Nation (Algonquins of Barriere Lake) v Attorney General of Quebec*, [2024 QCSC 4007](#).

<sup>22</sup> *Friends of the Oldman River Society v Canada (Minister of Transport)*, [1 SCR 3](#).

<sup>23</sup> See [Canada’s Critical Minerals Strategy](#) and [Ontario’s Critical Mineral Strategy](#) for more information.

including impacts on species at risk, migratory birds,<sup>24</sup> fish and fish habitat, and the health, social and economic conditions of Indigenous peoples. Provincial cooperation in the federal RA process in the Ring of Fire Area and pausing all mining activities in accordance with the moratorium, are other ways to ensure respect for international and domestic climate and biodiversity targets.

We submit the Ministry must also consider the broader context in which these mining exploration decisions are made, specifically with regards to Canada's commitments under the GBF and the Declaration. Conserving biodiversity and upholding Indigenous rights are mutual goals of the provincial and federal governments, which calls for cooperative federalism: a more flexible approach to the division of powers to encourage collaboration and coordinated efforts.

The federal government is welcoming the opportunity to work cooperatively with provincial governments to achieve the objectives of the Declaration,<sup>25</sup> and doing so would demonstrate the Ministry's "[continued support](#) of broader government initiatives to advance reconciliation" and commitment to upholding the honour of the Crown. In terms of biodiversity, provincial and territorial leadership and multi-jurisdictional collaboration is essential to meeting Canada's 2030 targets.<sup>26</sup> Canada's 2030 Nature Strategy points to Ontario's contributions to conserving biodiversity, many of which will be undermined by mineral exploration and development in the Ring of Fire Area. We therefore strongly encourage the Ministry to take into account Ontario and Canada's broader commitments regarding biodiversity, climate change and Indigenous rights.

***a) Areas of cultural, spiritual, and ancestral significance must be identified and protected before exploration permits are issued***

Exploration activities are often characterized as temporary or low-impact. However, this characterization does not reflect their legal and practical implications for Indigenous rights and lands. Activities such as line cutting, drilling, construction of temporary access routes, and associated disturbance can permanently alter or destroy culturally, spiritually, and ancestrally significant areas before they have been properly identified or protected.<sup>27</sup> These areas include sacred sites, burial grounds, ceremonial locations, traditional travel routes, harvesting areas, and other places of cultural importance that may not be captured in provincial mapping or publicly available datasets, but are nonetheless known and governed through Indigenous laws, oral histories, and knowledge systems.

The Ministry cannot assume that artifacts and sacred sites can be adequately protected after exploration permits have been issued. Once disturbance has occurred, the resulting harm may be irreversible and cannot be remedied through later consultation or mitigation measures. These concerns are exacerbated

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<sup>24</sup> Page 5 of [Ontario's Wetland Conservation Strategy](#) recognizes the value of the Hudson Bay Lowlands in supporting a "significant global migratory flyway for waterfowl and shorebirds".

<sup>25</sup> See pages 12 and 33 of Canada's *United Nations Declaration on the Rights of Indigenous Peoples Act* [Action Plan](#).

<sup>26</sup> See page 22 of [Canada's 2030 Nature Strategy](#).

<sup>27</sup> Diana Lewis et al, "Confronting Epistemic Blindness in Impact Assessment and Environmental Health Risk Assessment Processes" (2025) *Risk Analysis* 1–8, doi:[10.1111/risa.70073](https://doi.org/10.1111/risa.70073)

by the changes brought on by Schedule 7 of Bill 5, the *Protect Ontario by Unleashing Our Economy Act* (i.e. amending the *Ontario Heritage Act* and proposing the Archaeology Exemption Criteria Regulation).<sup>28</sup> These changes would grant the Ontario government largely unrestricted powers to access land, confiscate artifacts and archaeological resources, and approve development projects without first conducting archaeological assessments (essentially permitting the destruction of sacred sites and allowing the Crown to evade its duty to consult, because it is often archaeological assessments themselves that trigger the duty to consult when artifacts or sacred sites are identified).<sup>29</sup>

Meaningful consultation therefore requires that culturally and ancestrally significant areas be identified, understood, and protected before exploration activities are authorized. The Crown's duty to consult is engaged at the earliest stages of decision-making where it has actual or constructive knowledge of potential adverse impacts, and must occur prior to any authorizing decision that could prejudice those rights.<sup>30</sup> Permitting frameworks cannot be used as a substitute for the Crown's constitutional obligations;<sup>31</sup> where proposed activities carry a risk of serious or irreversible harm to rights or land-based practices, the depth of consultation required increases significantly.

The Declaration affirms the right of Indigenous peoples to maintain and protect cultural and spiritual sites ([Article 11](#)), to uphold their spiritual relationship with lands and waters ([Article 25](#)), and requires states to obtain free, prior and informed consent before approving projects affecting their lands, territories, or resources ([Article 32\(2\)](#)).<sup>32</sup> Furthermore, federal and provincial policy frameworks also support an approach that prioritizes early identification and protection of Indigenous cultural values before authorization decisions are made. Crown-Indigenous Relations and Northern Affairs Canada consultation guidelines emphasize early engagement and the integration of Indigenous knowledge in project planning and decision-making.<sup>33</sup>

Accordingly, the Ministry should not issue Juno Corp.'s requested exploration permits until it has worked collaboratively with affected Indigenous Nations and Treaty rights-holders to identify culturally significant areas and ensure they are protected from disturbance.

***b) Canada's biodiversity commitments require meaningful Indigenous participation before exploration is approved***

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<sup>28</sup> We maintain our stance that Bill 5 is a violation of our laws and rights and continue to call for its repeal.

<sup>29</sup> For a more detailed analysis of the impacts of Bill 5 of Indigenous cultural sovereignty, see pages 10-12 of LAND's [submission](#) to the Standing Committee on the Interior regarding Bill 5 (May 2025), as well as LAND and the Friends' joint comments in response [comments](#) in response to the proposed Archaeology Exemption Criteria (November 2025).

<sup>30</sup> *Haida Nation v British Columbia (Minister of Forests)*, [2004 SCC 73](#).

<sup>31</sup> *Taku River Tlingit First Nation v British Columbia (Project Assessment Director)*, [2004 SCC 74](#).

<sup>32</sup> See United Nations Declaration on the Rights of Indigenous Peoples, GA Res 61/295, UNGAOR, 61st Sess, Supp No 49, UN Doc A/RES/61/295 (13 September 2007), arts. 11, 25, and [32\(1\)](#).

<sup>33</sup> See [Federal consultation and accommodations guidelines: key themes report](#).

In December 2022, Canada, along with 195 nations, adopted the *Kunming-Montreal Global Biodiversity Framework* (GBF).<sup>34</sup> The preamble to the Framework notes that the parties are:

“[a]larmed by the continued loss of biodiversity and the threat that this poses to nature and human well-being;” and

“[r]eaffirms its expectation that Parties and other Governments will ensure that the rights of indigenous peoples and local communities are respected and given effect in the implementation of the Kunming-Montreal global biodiversity framework.”

Target 22 is of primary significance as it ensures Indigenous Peoples’ participation in decision-making. More specifically, it is designed to:

“Ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by women and girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders.”

The premature exploration permit requests do not acknowledge or engage with Canada’s commitments under the *GBF*. This framework emphasizes the urgent need to halt and reverse biodiversity loss and requires equitable decision-making that respects Indigenous peoples’ rights, cultures, and traditional knowledge.

LAND and the Friends submit that the *GBF* is directly relevant to the proposed critical mineral development in the Ring of Fire region, particularly given the interconnected nature of the ecosystems and watersheds that critical mineral development could affect. Accordingly, the Ministry should therefore refuse the requested permits until it can demonstrate that Indigenous rights, knowledge, and participation have been meaningfully incorporated into its decision-making process.

#### **IV. CONCLUDING REMARKS**

Thank you for considering our comments. We provide them, along with an ongoing invitation to engage, in the spirit of protecting the waters, lands, and future generations to whom we hold responsibilities under Treaty, Natural Law, and our own legal orders. Our voices — including those of our ancestors and those yet to come — must be meaningfully heard and respected. Anything less would fail to uphold the honour of the Crown and its commitments to our peoples.

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<sup>34</sup> Convention on Biological Diversity, *Kunming-Montreal Global Biodiversity Framework* — [Target 22](#).

We urgently request that the Ministry change its approach to the proposed Ring of Fire to uphold the principles in the Declaration, which safeguard the individual and collective rights of Indigenous peoples, including the Crown's duty to obtain the free, prior and informed consent of Treaty 9 members before any development or resource use on their lands. The Friends are among the Indigenous grassroots groups who will continue to protect their inherent and Treaty rights, as promised under Treaty 9 "for as long as the sun shines, the grass grows, the water flows, the wind blows, and the Anishinaabe are here."

Sincerely,

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