

FOR IMMEDIATE RELEASE
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**ONTARIO FIRST NATIONS COURT CHALLENGE AGAINST FORD
GOVERNMENT’S GUTTING OF ENVIRONMENTAL ASSESSMENT LAWS BEGINS**

An historic court hearing challenging the Ford Government’s gutting of Ontario environmental assessment laws, begins Monday May 17 and lasts at least until Thursday May 20. Several Ontario First Nations are challenging Ontario’s new EAA adopted through Bill 197, an omnibus bill entitled “Covid 19 Economic Recovery Act”.

The public and media can attend this public hearing through the following links:

- May 17th: https://youtu.be/-W_hli-EqFE
- May 18th: <https://youtu.be/yDicJzMkL74>
- May 19th: https://youtu.be/FCoC_-0MBpE
- May 20th: <https://youtu.be/wMEi8ejlRHs>

Ford faces challenges from a multitude of First Nations and environmental groups in three separate but aligned court cases to be heard back to back that week. The Ford Government flouted the quasi-constitutional *Environmental Bill of Rights* by deliberately refusing to consult the public or First Nations as that law requires, about a massive rewrite of the environmental assessment regime in this province. And that rewrite leaves the environment and indigenous peoples who depend heavily on the environment for their identities, way of life and rights, at far greater risk of harm.

“What makes this historic for First Nations, says AIAI Grand Chief Joel Abram, “is that we are saying the new laws are unconstitutional not just because we were not consulted but because the new law sets back reconciliation, harms First Nations, and violates the honour of the Crown. It is not just process, but the *result*, that has to respect our rights and jurisdiction. Saying ‘shame on you’ is not enough. We ask the court to say “no” to what this government did.”

"The Ford Government took all environmental assessment away from the forestry regime. Under Ford's leadership, this government is unilaterally rewriting fundamental environmental rules that are integral to sustainable forest management," says Temagami First Nation Chief Shelly Moore-Frappier. Ogimaa Leanna Farr, Teme-Augama Anishinabai adds: "This massive re-write completely undermines the fundamental rights we fought to uphold through, for example, the War of the Woods. It is unconscionable that this government is so dismissive of decades of work – work that resulted from actual relationships involving multiple stakeholders invested in balancing development with the preservation of our lands and waters. It is quite simply, regressive."

“They rammed this new and worse law through in nine business days, under the pretense it was needed to restore the economy from effects of the pandemic,” says Mohawks of the Bay of Quinte Chief Maracle. “But evidence shows that these plans were in the works well before the pandemic, and the pandemic is still going on anyway so what was their big hurry? There was and is none.” Bill 197 was introduced on July 8 and passed on July 21, with no consultation. This followed closely on the heels of Ford’s revocation of all environmental assessments for forestry – done through a regulation on July 1.

Changes of greatest concern include:

- Public sector projects no longer automatically require an EA – it is within the environment minister’s discretion as to what is designated for requiring an EA and what is not, and no criteria are set out in the Act;
- The blatant ouster of the Environmental Bill of Rights and its processes to ensure democratic accountability and transparency;
- Forestry management and operations are now completely exempted from any environmental assessment processes – and conditions requiring negotiations of accommodation measures with First Nations have been removed.

The hearing will take at least four days of argument, the first day by environmental groups, the second day by lawyers for the First Nations. The third day Ontario argues its response, and then the applicant groups will reply some time on day four, or if need be, day five.

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