

MARCH 2021

FREQUENTLY ASKED QUESTIONS AND ANSWERS

SETTLING THE HISTORIC FLOODING CLAIMS

OF THE RAINY LAKE FIRST NATIONS

The Couchiching, Mitaanjugamiing, Naicatchewenin, Nigigoonsiminikaaning and Seine River First Nations and the Governments of Canada and Ontario (“the Negotiating Partners”) are engaged in negotiations to settle the First Nations’ flooding claims. Recent surveys have confirmed the pre-dam natural water’s edge of the First Nations’ Reserves and the extent of the flooding on the reserve lands. In addition to settling their flooding claims, the Couchiching and Mitaanjugamiing First Nations, Canada and Ontario will take steps to confirm that the status of the Two Chain Allowance lands, a strip of land 132 feet wide surveyed along the pre-flood shoreline, is clear.

Please refer to the **Background Information Fact Sheet, Settling the Historic Flooding Claims of the Rainy Lake First Nations** for more information about the claims and the negotiations, as well as the **Interactive Map** that is posted on Ontario.ca for information about the flooded First Nation reserve lands.

Ontario is taking the appropriate steps to address circumstances where certain First Nation reserve lands have been administered by Ontario. Below are some frequently asked questions about those steps and answers to those questions, organized as follows:

1. Ontario’s Environmental Assessment Act
2. Privately-Owned Islands
3. Rainy Lake Islands Conservation Reserve Lands
4. Resource Harvester Licenses
5. Mining and Claim Registration Activities
6. Crown Land Authorizations

1. ONTARIO'S ENVIRONMENTAL ASSESSMENT ACT

Q: How does Ontario's *Environmental Assessment Act* apply to the flooded reserve lands?

A: Ontario's Class Environmental Assessment (EA) processes under the *Environmental Assessment Act* does not apply in respect of undertakings on lands now confirmed by survey as First Nation reserve lands.

Confirming the Two Chain Allowance lands as part of Reserves 16A and 18C may involve certain processes including those under the Ministry of Natural Resources and Forestry (MNR) Resource Stewardship and Facility Development Projects Class EA.

2. PRIVATELY OWNED ISLANDS

One of the islands that has been confirmed as being within the area identified as forming part of one Reserve was sold by Ontario as a summer resort location after the flooding occurred.

It is possible that the pending survey of the flooded reserve lands on the Couchiching First Nation Reserve (Reserve 16A) may identify additional islands that are within the area identified as forming part of the Couchiching Reserve and were sold by Ontario.

Q: What is the Government of Ontario doing with respect to privately owned islands?

A: Ontario will be identifying potential solutions.

3. RAINY LAKE ISLANDS CONSERVATION RESERVE LANDS

In 2006, most islands in the Canadian portion of Rainy Lake were designated by the Government of Ontario as part of the Rainy Lake Islands Conservation Reserve (RLICR), under the authority of the *Provincial Parks and Conservation Reserves Act, 2006* (PPCRA). The Ontario Ministry of the Environment, Conservation and Parks (MECP) is supporting the settlement of the Rainy Lake Flooding Claims by pursuing amendments to O. Reg. 315/07 (Designation of Conservation Reserves) under the PPCRA to confirm that islands that are First Nations reserve lands are not included in the descriptions of this Conservation Reserve.

Q: I have camped on Conservation Reserve islands for many years. Will I still be able to camp on these islands every summer?

A: If you have camped on an island that has been confirmed by the recent surveys to be First Nation reserve land, you should no longer camp on that island. You should only camp on islands that are part of the Rainy Lake Islands Conservation Reserve.

Please refer to the Interactive Map on Ontario.ca to identify islands confirmed by survey to be First Nation reserve land and not available to the public for camping or other activities.

Q: Will there be any impacts to significant ecological, cultural or recreational features by confirming that First Nation reserve lands are not included as part of the Conservation Reserve?

A: The confirmation that reserve lands are not included in the Conservation Reserve is not anticipated to impact any known values.

Q: Will the public be able to continue to access and use the islands for recreational purposes?

A: Where the recent surveys indicate that islands are First Nation reserve lands, those islands are under the administration and control of the federal government. Anyone wishing to access or use these lands would require permission of the applicable First Nation.

Q: Will other First Nations and Métis communities be able to continue to access and use the islands for the exercise of Aboriginal and treaty rights?

A: Where the recent surveys indicate that islands are First Nation reserve lands, those islands are under the administration and control of the federal government. Anyone wishing to access or use these lands would require permission from the applicable First Nation.

Q: Have any leases, land use permits (LUPs), other forms of occupational authority been issued in relation to the islands that are confirmed to be First Nation reserve lands?

A: There are no current Crown land authorizations, such as land use permits or licenses of occupation or leases, issued to private individuals for the islands confirmed as First Nation reserve lands

4. RESOURCE HARVESTER LICENCES

The Ontario Ministry of Natural Resources and Forestry (MNRF) issues resource harvester licenses for the commercial harvesting of black bear, baitfish and furbearers under the authority of the Ontario *Fish and Wildlife Conservation Act*. The MNRF will be supporting the settlement of the Rainy Lake Flooding Claims by amending the boundaries of traplines, bear managements areas, and bait harvest areas to confirm that First Nation reserve lands are not included in these licenses.

If you hold a **License to Provide Bear Hunting Services** authorizing a **Bear Management Area** (BMA) that includes land confirmed by survey to be First Nation reserve land:

Q: What is going to happen to that license and BMA?

A: Starting in 2021, the boundaries of the BMA authorized by a License to Provide Bear Hunting Services will be amended to confirm that it does not include First Nation reserve land and fees may be adjusted accordingly. Any equipment or improvements, such as bait stands or boat caches that are located on First Nation reserve land, will need to be removed. MNRF staff in the Fort Frances District office will work the license holders to establish a date for removal.

Q: Will I be able to bring my clients to hunt black bears in the areas confirmed as reserve land?

A: The recent surveys confirm the locations of First Nation reserve lands. As such, these lands are under the administration and control of the federal government. Anyone wishing to access or use reserve lands would require permission of the applicable First Nation.

Q: Will I be compensated by the Government of Ontario for amendments to my BMA?

A: No. Fees may be adjusted to reflect the amendment in the size of the BMAs. Amendments to confirm that First Nation reserve lands are excluded are not anticipated to have an appreciable impact on the ability of operators to provide their clients with quality bear hunting opportunities.

Q: Will I be compensated by the Government of Ontario for my costs to remove my equipment and improvements, such as bait stands or boat caches, that are located on First Nation reserve land?

A: No. Structures and other investments are not authorized by BMAs or licenses. Bait stands and any other improvements should represent modest investments that can be removed with minimal effort and costs to licensees. MNRF staff will work licensees to identify new locations for boat caches.

Q: Can I prevent my BMA from being amended if it includes islands confirmed to be First Nation reserve lands?

A: No. Lands confirmed to be First Nation reserve lands are under the administration and control of the federal government. As part of the settlement process, BMA holders will be notified that the boundaries and area of their BMAs will be amended by MNRF.

If you hold a **Commercial Bait License to Harvest Bait** authorizing a **Bait Harvest Area (BHA)** that includes land confirmed by survey to be First Nation reserve land:

Q: What is going to happen to that License and BHA?

A: Starting in 2021, Commercial Bait Licenses to Harvest Bait and the boundaries of the BHA will be amended to confirm that they do not include First Nation reserve land. Any equipment or improvements, such as bait traps or boat caches located on First Nation reserve land, will need to be removed. MNRF staff in the Fort Frances District office will work with the license holder to establish a date for removal.

Q: Will I be able to harvest bait in the areas confirmed as First Nation reserve lands?

A: The recent surveys confirm the location of First Nation reserve lands, which are under the administration and control of the federal government. Anyone

wishing to access or use First Nation reserve lands would require permission of the applicable First Nation.

Q: Will I be compensated by the Government of Ontario for the amendments to my BHA?

A: No. Amendments to confirm that First Nation reserve lands are excluded are not anticipated to have an appreciable impact on the quality and quantity of bait harvested by operators.

Q: Will I be compensated by the Government of Ontario for my costs to remove my equipment or improvements, such as bait traps or boat caches, located on First Nation reserve land?

A: No. Structures and other costly investments are not authorized by BHAs or licenses. Any improvements should represent modest investments that can be removed with minimal effort and cost by licensees. MNRF staff will work licensees to identify new locations for boat caches.

Q: Can I prevent my BHA from being amended if it includes islands that are confirmed to be part of a First Nation Reserve?

A: No. Lands confirmed to be First Nation reserve lands are under the administration and control of the federal government. As part of the settlement process, BHA holders will be notified that the boundaries and area of their BHAs will be amended by MNRF.

If you hold a **Registered Trapping License** that includes land confirmed by survey to be First Nation reserve land:

Q: What is going to happen to that Registered Trapping License?

A: Starting with the 2021-2022 trapping season, your Registered Trapping License will be amended to confirm that it does not include First Nation reserve land. There are no trap cabins located on the First Nation reserve lands that will be affected. Any traps or boat caches that are located on First Nation reserve land, will need to be removed. MNRF staff in the Fort Frances District office will work license holders to establish a date for removal and will assist with the relocation of boat caches.

Q: Will I be able to conduct trapping activities in the areas confirmed as reserve lands?

A: The recent surveys confirm the location of First Nation reserve lands which are under the administration and control of the federal government. Anyone wishing to access or use First Nation reserve lands would require permission of the applicable First Nation.

Q: Will I be compensated by the Government of Ontario for amendments to my trapline license?

A: No. Amendments to small areas in individual traplines are not anticipated to have an appreciable impact on harvesting success.

Q: Will I be compensated by the Government of Ontario for my costs to remove any traps or boat caches that are located on First Nation reserve lands?

A: No. It is anticipated that trappers will be able to remove any traps and boat caches from reserve land with minimal effort and cost. Traps will need to be relocated to areas that are not located on First Nation reserve lands. Fort Frances District staff will work with impacted commercial trappers to relocate boat caches to suitable locations.

Q: Can I prevent my trapline from being amended if it includes islands confirmed to be part of a First Nation Reserve?

A: No. Lands confirmed to be First Nation reserve lands are under the administration and control of the federal government. As part of the settlement process, commercial trappers will be notified that the boundaries and area of their traplines will be amended by MNRF.

5. MINING AND CLAIM REGISTRATION ACTIVITIES

There are no existing third-party mineral interests, including mining claims, within the areas identified as First Nation reserve lands by the recent surveys.

The Ontario Ministry of Energy, Northern Development and Mines (ENDM) is supporting the settlement of the Rainy Lake Flooding Claims by taking steps to ensure that First Nation reserve lands are identified and not available for registration of mining claims in Ontario's Mining Lands Administration System (MLAS) administered by ENDM.

Q: Why did ENDM withdraw lands in 2020?

A: The withdrawal is a temporary measure that was taken to ensure no new mining claims are registered on the lands that were shown on the draft surveys of the flooded First Nation reserve lands.

Q: What happens to those withdrawn lands? Will they remain withdrawn?

A: Once the surveys of the flooded First Nation reserve lands are registered, ENDM will update MLAS to show the surveyed lands as part of the First Nations' Reserves. Those lands will not be available for registration of mining claims in MLAS. At the same time, ENDM will reopen the lands subject to the withdrawal order by issuing a reopening order. Once the reopening order is put on the MLAS viewer, any lands subject to the order that are not reserve lands would be open for claim registration.

6. CROWN LAND AUTHORIZATIONS

Q: Are there any current Crown land authorizations, such as land use permits or licenses of occupation or leases, for the areas, including the islands, that are now confirmed as First Nation reserve lands?

A: There are no current Crown land authorizations issued to private individuals for the areas that are confirmed as First Nation reserve lands by the recent surveys.