

UPDATE ON JUDICIAL REVIEW AND ENVIRONMENTAL ASSESSMENT



In November 2011, the nine member First Nations of Matawa launched a Judicial Review (JR) to force the Canadian Government to change the Environmental Assessment (EA) Process from a Comprehensive Study to a Joint Review Panel EA.

Not Opposed to Development: Chiefs reiterate to the public and to the government and Cliffs that they are not opposed to development but they want to ensure a negotiated EA process that will ensure First Nation participation, consultation and accommodation and will address all the impacts associated with the mine and the infrastructure.

Comprehensive Study EA vs Joint Review Panel EA: The Canadian Environmental Assessment Agency selected the Comprehensive Study EA, which is a one year, mostly paper driven process with that allows for very limited participation by First Nations and does not address all of the impacts of the mine and the infrastructure associated with it. It does not address the cumulative effects of more than one mine in an area.

The Joint Review Panel EA would allow for First Nation participation and would consider all the impacts of a mine, including health and social impacts.

The Chiefs have been demanding a Joint Review Panel EA for almost a year. Only the Minister can order a Joint Review Panel and he has chosen not to.

The case is based on the government's failure to consult with First Nations and will most likely be heard in the fall of 2012. If First Nations win, Cliffs, Ontario and Canada will have to begin the EA process all over under the Joint Review Panel process.

However, while the Judicial Review is proceeding the Comprehensive Study has been proceeding. This is

the reason Cliffs is desiring to visit First Nations, in order to complete what they are required to do as consultation under the Comprehensive Study.

Canada's Record: The issue of the Crown's record is resolved. Canada had not provided all of the information being asked for in the Judicial Review process. The Crown has now filed a supplementary record that has some of the materials that were missing.

Webequie First Nation withdrew from the Judicial Review on May 14, 2012.

Changes Environmental Legislation: The Federal Government is pushing through extensive changes to Canada's Environmental Legislation which would water down the EA process. It intends to make even a Joint Review Panel EA no more than 2 years long leaving an EA more rushed than it already is. The legislation will apply to EAs already in progress, in essence a retroactive law. Should First Nations win the Judicial Review, a Joint Review Panel EA will become more limited for First Nation participation and will be subject to shorter time lines.

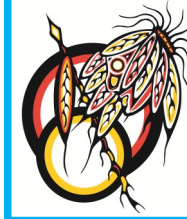
The new law will leave it up to the Minister to decide whether he/she believes there is significant impact to the environment or to communities before he/she orders a Joint Review Panel. EA decision-making will be more political and subjective, not driven by specific criteria.

The new legislation is controversial and there is growing opposition to it, especially in BC where First Nations are involved in a Joint Review Panel EA for the oil pipeline.

Judicial Review Timelines: A new timetable will be ordered by the court:

- Any supplementary tribunal record – May 2, 2012
- First Nation affidavits – June 15, 2012
- Crown and Cliffs affidavits – August 31, 2012
- Cross examinations completed – October 30, 2012
- Our application record – December 7, 2012
- Crown and Cliffs' record – January 11, 2013

Contact: For more info visit us online at www.matawa.on.ca or call 807-344-4575.



RING OF FIRE DEVELOPMENTS

Matawa First Nations Management Inc.

June 2012

CHRONOLOGY: MAY 2011 TO JUNE 2012

May 31, 2011 - Chiefs pass Resolution 07 – 20/05/11: Chiefs call for a Joint Review Panel Environmental Assessment (EA) under the Canadian Environmental Assessment Agency (CEAA) Review Process on both the Cliffs Chromite Project and the Noront Eagles Nest Project.

July 14, 2011 - Chiefs sign Unity Declaration in Webequie First Nation: Chiefs commit to working together and supporting each other.

September 1, 2011 - Neskantaga, Eabametoong, Nibinimik, Webequie First Nations form alliance: The four communities announce agreement to work together for common interests and towards an East/West Corridor.

September 30, 2011 - Matawa Chiefs Council raise alarm over EA process in a Media Release.

September 27, 2011 - Matawa Chiefs and Muskegowuk Chiefs sign Joint Declaration in Moose Cree First Nation: Eight Matawa Chiefs sign a Declaration with Muskegowuk Chiefs committing to support each other and do what is necessary to protect the land.

October 12, 2011 - CEAA announces it will follow the Comprehensive Study EA process: CEAA announces it will not be following the Chiefs request for a Joint Review Panel EA, but will opt for a Comprehensive Study EA.

October 13, 2011 - Chiefs respond with Media Release stating concerns over Comprehensive Study EA.

October 20, 2011 - Chiefs meet with CEAA and MNDM: Chiefs meet to express concerns and demand a Joint Review Panel EA. Chiefs walk out of meeting.

October 21, 2011 - Chiefs hold media conference "No Joint Review Panel, no Development in Ring of Fire": Matawa Chiefs hold media conference in Thunder Bay and withdraw support for Ring of Fire until CEAA changes from Comprehensive Study EA to a negotiated Joint Review Panel EA.

Why a Joint Panel Review?

A negotiated Joint Review Panel EA would allow for appropriate community consultation on appropriate time lines and would address all the impacts of resource development on First Nation Traditional Territories. The Comprehensive Study is a one year, paper drive process with very limited opportunity for input from First Nations affected by the proposed developments.



Chiefs Sign Unity Declaration - July 2011



Joint Declaration Signing - Sept. 27, 2011



Chiefs Media Conference "No Joint Panel Review, no Ring of Fire" - Oct. 21, 2011

RING OF FIRE DEVELOPMENTS— CONTINUED...

October 21, 2011 - Chiefs send letter to Prime Minister Harper and Premier McGuinty: Matawa Chiefs outline their concerns to the Prime Minister and the Premier in a letter, calling for a “Negotiated” Joint Review Panel EA.

November 2, 2011 - Chiefs Travel to Ottawa to Lobby for Joint Review Panel EA.

November 7, 2011 - Chiefs launch judicial review of Cliffs Chromite project EA decision by CEAA. Chiefs hold media conference on Parliament Hill in Ottawa.

November 2011 - Cliffs begins its consultation process for the Comprehensive Study EA.

November 15 2011 - CEAA announces Comprehensive Study EA for Noront Eagle’s Nest Project: Chiefs do not file a Judicial Review challenging the CEAA decision to use Comprehensive Study EA for Noront Project.

November 18, 2011 - Statement from Matawa First Nations Management: Matawa supports the autonomy of each First Nation and their decision making processes in regards to their communities and traditional territories.

March 6, 2012 - North/South Corridor and East/West Corridor: Aroland First Nation and Marten Falls First Nation announced a North/South Corridor Coalition with Greenstone and local municipalities at a media conference at Queens Park in Toronto. Also on March 6, Eabametoong, Nibinimik, Webequie and Neskantaga First Nations publicly sign a statement that they also have a coalition for an East/West Corridor.

April 30, 2011 - Letters were sent by some of the Chiefs to Prime Minister Harper and Premier McGuinty detailing again the concerns over the EA process.

May 1, 2012 - Chiefs meet with Cliffs: Chiefs from Aroland, Marten Falls, Webequie, Neskantaga, Ginoogaming and Long Lake 58, met with Joe Carrabba, CEO of Cliffs Natural Resources. Only one hour had been allotted by Cliffs for the meeting. The Chiefs indicated this was not enough time to discuss their concerns. Chief Eli Moonias of Marten Falls delivered a statement on behalf of the Chiefs that attended the meeting. The statement was drafted by the Chiefs. In it they spoke about culture, Treaty rights, protection of the land, and the need for Cliffs to consult and accommodate First Nations.

“Confidential Meetings”: At that meeting Joe Carrabba indicated that he had been having “confidential” discussions with the Province and would be making an announcement soon. The Chiefs voiced their extreme displeasure at the fact that Cliffs were having discussions about their traditional lands without First Nations at the table for the discussions. The Chiefs asked when they would have a longer meeting to talk about the issues, preferably two – three days of meetings. Joe Carrabba indicated that he would get back to them after speaking to his board.



Aroland and Marten Falls announce North/South Corridor Alliance - March 2012



“They’ll have to Kill me First” says Chief Peter Moonias - May 2012



Aroland First Nation Protest - May 2012

Over 850

letters, petitions and postcards signed by members of all ages from the Matawa First Nations communities in support of a Joint Review Panel EA.

SUPPORTERS

for Joint Review Panel:

Assembly of First Nations;
Nishnawbe Aski Nation;
Chiefs of Ontario; Timmins—
James Bay, MP Charlie Angus;
Municipality of Greenstone;
Mushkegowuk Council;
Mining Watch Canada;
Wildlife Conservation Society

May 3, 2011: A follow up letter was sent to Cliffs which included the Chiefs’ statement, asking for a longer meeting and expressing concern again over the confidential meetings.

May 5, 2012 - Meeting with North/South Coalition, Marten Falls and Aroland Chiefs enlarged the North/South Coalition and met with Lake Nipigon Chiefs and area municipalities, including Greenstone and Thunder Bay, once again calling for a North/South Corridor that would connect Marten Falls to the corridor. They also re-iterated their call to have the chromite processing plant in Greenstone.

May 7, 2012 - Freedom of Information: Aroland First Nation announces it has filed a freedom of information request to find out the details of the “confidential meetings” between the Province and Cliffs.

May 8, 2012 - Eleventh Hour meeting with Ontario Ministers: Minister of Northern Development and Mines and Minister of Aboriginal Affairs hold an 11th hour meeting with Marten Falls and Aroland and make several promises, essentially everything the First Nations have been asking for in the past year except a negotiated Joint Review Panel EA. The Chiefs indicate they are not comfortable making deals without the other First Nations present.

May 9, 2012 - Cliffs announces Smelter: Cliffs announces it will build the ferrochrome processing plant near Sudbury and not in any of the locations the Chiefs and local municipalities were demanding. It announces it is moving into the feasibility phase of the chromite mining project. The corridor will be North/South but does not follow the route the Chiefs were promoting. Reaction across Northwestern Ontario ranges from outrage to disappointment. Municipalities and several First Nations release statements and media releases about the lack of consultation and respect for First Nations rights. The Province is under fire in the legislature for not consulting First Nations again.

May 14, 2012 - Webequie First Nation withdraws from the Judicial Review Process.

May 21, 2012 - “They’ll have to Kill me First”: Chief of Neskantaga, Peter Moonias announces they will “have to kill him first” to build a road across the Attawapiskat River.

May 24, 2012 - McGuinty asks the Prime Minister to “get in on it,”: Referring to the Ring of Fire Development, the Ontario Premier asks the Prime Minister to get in on the development of the Ring of Fire with the province and hold discussions with First Nations.

May 25, 2012 - Aroland Protest: Aroland First Nation holds peaceful protest North of Aroland, turning back exploration or surveying trucks.

May 31, 2012 - Noront Resources announces it is postponing the feasibility study for Eagles Nest Project: In order to evaluate the potential benefits to shareholders of the North/South corridor announced by Cliffs Natural resources, Noront is postponing a feasibility study for its Eagles Nest Project which was going to focus on an East/West corridor.