

REGIONAL MUNICIPALITY OF OTTAWA CARLETON  
 MUNICIPALITÉ RÉGIONALE D'OTTAWA CARLETON

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REPORT  
 RAPPORT

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| Your File/V/Réf. |  |
| DATE             | 28 August 1996   |
| TO/DEST.         | Co-ordinator<br>Corporate Services and Economic Development Committee                            |
| FROM/EXP.        | Regional Chair   |
| SUBJECT/OBJET    | <b>ALGONQUIN LAND CLAIM - CONSULTATION WITH<br/>MUNICIPALITIES REGARDING NEGOTIATION PROCESS</b> |

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**DEPARTMENTAL RECOMMENDATION**

**That the Corporate Services and Economic Development Committee and Council receive this report for information.**

**PURPOSE**

The purpose of this report is to inform members of Council of the current status of negotiations being undertaken by the federal and Ontario governments in relation to a land claim advanced by the Algonquins in the Eastern Ontario area.

**Bases of Land Claim**

The Algonquins of Eastern Ontario have been asserting since 1772 their claim to Aboriginal title to the lands in Ontario that are part of the Ottawa River watershed. In 1991, they served Ontario with a Notice of Claim under the Proceedings Against the Crown Act (see Annex "A" for a map showing the land claim area).

The Algonquins in this area number somewhere between 1,800 and 2,000 and reside in six identifiable communities:

- (1) Golden Lake (the largest community of Algonquins)
- (2) Ottawa
- (3) Whitney
- (4) Bancroft
- (5) Mattawa, and
- (6) Sharbot Lake.

The Supreme Court of Canada has recognized the right of Aboriginal title to property, whether recognized by treaty or not. Furthermore, section 35 of the Constitution Act, 1982 provides constitutional protection of these rights as follows:

35 (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(3) For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claims agreements or may be acquired.

In the case of the Algonquins, they base their claim to the lands on the following assertions:

- (1) they did not sign any treaty which removed title to the land;
- (2) they are distinct from other aboriginal groups which have signed treaties with the Crown;
- (3) they have not taken benefits under a treaty; and
- (4) they have used the lands and resources in the Ottawa River watershed since before the arrival of non-aboriginal people.

The response of the government of Ontario has chosen to enter into negotiations with the Algonquins of the area in an attempt to achieve a settlement and avoid the uncertainties of litigating the land claim. The government of Canada has also joined in the negotiations and has agreed to share equally in any settlement of the claim.

### Status of Negotiations

To a large extent, negotiations to date among the three parties - the Algonquins, the government of Ontario and the government of Canada - have been designed to establish a framework for negotiations. In August 1994, the parties identified a number of shared objectives in the negotiating process, including protecting the rights of private landowners, ensuring consultation with affected people and ensuring that all people may use Algonquin Park.

Originally, the position of the Ontario government in the negotiations favoured granting of some land to the Algonquins, co-management of wildlife and natural resources and payment of some monetary compensation. The current government favours seeking a settlement which will provide sustainable economic development opportunities for the Algonquins while not adversely disrupting the lives and livelihood of other residents of the land claim area. Whether this position can be maintained throughout the negotiating process remains to be seen.

### Organization of Public Participation

In order to ensure that a settlement is reached which is acceptable to all those affected, the provincial government has sought to open up opportunities for structured consultation through a Municipal Advisory Committee and a Committee of External Advisors. The Municipal Advisory Committee, co-chaired by Ian Binnie, Q.C. (the Chief Negotiator for the Province of Ontario, recently replacing Howard Goldblatt) and Michael Johnson (retired former Chief Administrative Officer of the County of Renfrew) is designed as a forum by which municipalities in the land claim area will be informing the provincial negotiators of economic development opportunities which may be available in the land claim area so as to structure a settlement which will promote these opportunities while not adversely affecting other residents and businesses in the area. The Committee will also identify impacts of proposed provincial positions. The Regional Chair of Ottawa-Carleton has been invited to participate on the Municipal Advisory Committee. Given the minimal anticipated impact of the negotiating process on Ottawa-Carleton, I have asked that staff of the Legal Department attend these meetings (held in Pembroke on approximately a quarterly basis since September of 1995) and monitor the progress of negotiations. Staff of the Legal Department have been reporting to the Chair and the Chief Administrative Officer and monitoring the course of developments in the negotiations. The Legal Department will report to the Corporate Services and Economic Development Committee and Council on any significant developments in the negotiating process having an impact on Ottawa-Carleton.

The Committee of External Advisors, co-chaired by Ian Binnie, Q.C. and William Calvert (Chief Administrative Officer of the District Municipality of Muskoka) will be grouping together interested organizations within sub-committees to assist in the development of provincial positions on specific issues. These sub-committees have yet to be created. However, it is likely that external advisors will include hunters' groups, residents of Algonquin Park, fishing groups, naturalists, tourism industry groups, lumber and forestry interests as well as associations of cottagers.

### Future Provincial Direction

The development of a provincial position in relation to the negotiating details will occur during the summer and fall of 1996. The claim advanced by the Algonquins is viewed as a serious one with which provincial and federal governments must deal. The recent settlement in British Columbia involving the Nisga'a claim is being viewed by the Algonquins as a precedent to be followed. However, the Nisga'a claim was negotiated in relation to a largely unpopulated area with a small non-native population. This is certainly not the situation in Eastern Ontario.

Although the provincial government is seeking to develop a settlement which will promote economic development and minimize any transfer of land to the Algonquins, a settlement may involve the transfer of some Crown land. It is premature to speculate whether a land a land settlement would involve a transfer of a large concentrated piece of land (which would most likely be in the County of Renfrew area) or whether the land settlement would involve the transfer of smaller pockets of land throughout the land claim area. Provincial negotiators are reviewing information received by Ontario ministries regarding surplus municipal lands offered to ministries to determine if these lands should be bought by the provincial government and offered as part of a land claim settlement. In addition, provincial negotiators are seeking to have federal negotiators include federal lands in any potential land transfer to the Algonquins.

Provincial negotiators will be seeking to identify economic development opportunities which could be available to the Algonquins. They will be seeking to discuss with municipal staff involved in planning and economic development in order to identify available resource and economic development opportunities.

### Federal Position

The chief federal negotiator on the Algonquin land claim is Jacques Shore. In Mr. Shore's view, the land claim is principally dealing with land matters west of Ottawa-Carleton. Any federal lands brought into the negotiating process will be "surplus lands" mainly west of Ottawa-Carleton. there is, in Mr. Shore's view, "precious little" surplus federal land in Ottawa-Carleton.

### Potential Areas of Concern

Given the possibility of a land grant being made to the Algonquins as part of the negotiating process, there is a potential for some future conflict between municipalities represented on the Municipal Advisory Committee:

- (a) municipalities in the north-west area of the land claim (particularly the County of Renfrew) do not want to see a large grant component to any settlement because the greatest concentration of provincial Crown land is within this area and these municipalities do not wish to experience long-term lost tax revenues from these lands;
- (b) given the concentration of federal lands in Ottawa-Carleton, the Region would likely not wish to have any significant contribution of federal lands as part of the land claim settlement (although it is unlikely that there would be significant federal lands available in Ottawa-Carleton for the purposes of the negotiations);
- (c) the lands which are currently used by the Algonquins for traditional purposes (hunting, fishing, etc.) are concentrated in the north-west area of the land claim, making these lands a more natural part of any land transfer;
- (d) Ottawa-Carleton would probably like to see any transfer of lands involve lands outside of its boundaries, while some other municipalities would like to see any land grant dispersed throughout the land claim area; and
- (e) municipalities outside of Ottawa-Carleton may wish to see more federal lands become part of any land transfer so as to minimize the amount of land within their boundaries being transferred to the Algonquins.

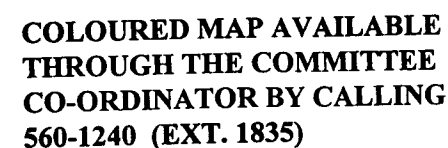
Staff of the Region will examine any economic development opportunities being considered as part of the negotiations so that identified opportunities are beneficial to all of Ottawa-Carleton and do not adversely affect businesses currently operating within Ottawa-Carleton.

Conclusion

Negotiations are currently underway between the federal and Ontario governments and the Algonquin representatives for Eastern Ontario. An opportunity is being given to municipalities within the land claim area to consult with negotiators involved in the process. Although Ottawa-Carleton is located geographically within the boundaries of the land claim, any settlement of this claim is not expected to have a significant impact on Ottawa-Carleton.

*Approved by  
Peter D. Clark*

Attach. ( 1 )



This map depicts the lands that are the subject of negotiations between Canada, Ontario and the Algonquins of Ontario. The geographic boundaries highlighted are only intended to represent the general nature of tenure and are not intended to represent legal descriptions. Please contact Ontario's Public Information Centre for the Algonquin claim at 613-732-8081 for clarification.