

Aboriginal
Affairs



Wiikwemkoong Islands Boundary Claim

Northern Georgian Bay Cottagers Association
August 2, 2015 - Killarney, Ontario





What is the Wiikwemkoong Islands Boundary Claim?

- Wiikwemkoong Unceded Territory (Wiikwemkoong) asserts that its rights to islands under the Treaty of 1836 were not relinquished under the Treaty of 1862.
- Ontario agreed to negotiate the claim based on a legal review of Wiikwemkoong's 1997 & 1998 court actions.
- Ontario & Wiikwemkoong agree the best way to resolve the claim is to work together to find common solutions.



The Negotiation

- Negotiation is proceeding well, but much work remains before a settlement can be concluded. This includes:
 - Ongoing consultation with other First Nations and aboriginal communities that may be impacted by these negotiations.
 - Ongoing consultation with individuals, groups and members of the public whose interests may be affected by the settlement.
 - Negotiation of outstanding elements & agreement drafting.
 - Obtaining final authorities to settle.
- Third party & public feedback is essential.

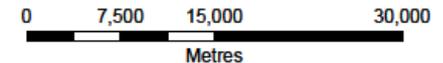


The Negotiation

- It is anticipated that a settlement will include both financial compensation and a transfer of lands to Wiikwemkoong.
- Proposed land component includes:
 - Ontario Crown land within the boundary claim area; and,
 - as replacement for private lands that cannot be returned to Wiikwemkoong, alternative Crown land on the mainland & Philip Edward Island (Manoomin Minising) & the surrounding islands.
- The lands may be transferred to the Government of Canada to be set apart as reserve upon request of Wiikwemkoong.

WIKWEMKOONG ISLANDS BOUNDARY CLAIM & PROPOSED ALTERNATIVE LAND SELECTIONS

FOR ILLUSTRATION PURPOSES ONLY



Legend

-  First Nations Reserve Lands
-  Islands Within Claim
-  Proposed Alternative Land Selections
-  Provincial Parks/ Conservation Reserves

NOTES:

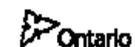
Ontario does not expropriate private property to settle lands claims. Access to private property will be protected.

These Proposed Alternative Land Selections in no way demonstrate the extent of the Wikwemkoong Unceded territory. They have been identified and selected in collaboration with Ontario.

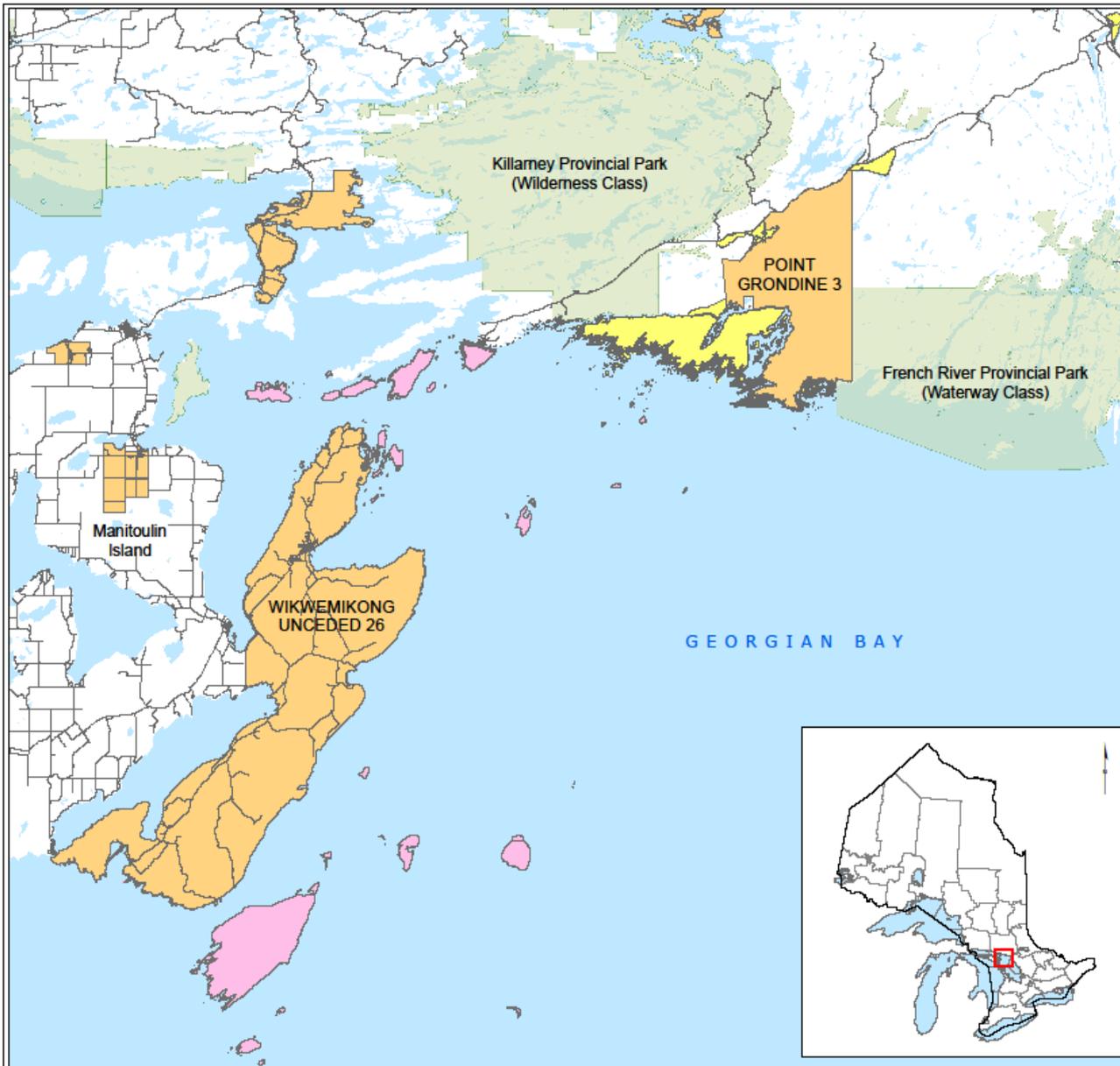
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Data Source:
Land Information Ontario Warehouse (July 2015)

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Concluding a Settlement

Following the public & aboriginal consultations:

- Parties conclude negotiation of major elements of settlement proposal.
- Legal text of proposed settlement agreement is drafted.
- MAA & MNRF seek authority to conclude an agreement.
- Wiikwemkoong members vote in a community ratification.
- Ministries seek final authority to conclude the settlement agreement.
- The settlement agreement is final when signed by both parties.



The Benefits of Settling Claims

- The timely resolution of this claim outside of the courts is in everyone's best interest.
- Negotiations result in agreements that balance the rights & interests of all concerned.
- The goal of negotiated settlements is to provide First Nations with fair compensation; to right past wrongs; to honour outstanding legal obligations.
- Settlements bring economic benefits & certainty to First Nations & neighbouring communities, creating potential economic opportunities & new partnerships in the region.



Questions & Answers

1. *Is the federal government involved in the negotiation?*
 - This negotiation began as a tripartite or three-party process in late 2007-2008 fiscal year with the signing of a framework agreement by Ontario, the federal government & Wiikwemkoong.
 - The federal government stepped away from the negotiation late in 2013 because of overlapping litigation brought by the United Chiefs and Councils of Mnidoo Mnising.
 - Ontario and Wiikwemkoong continue to encourage the federal government to return to the negotiation table.



2. *Which lands are proposed to be transferred to Wiikwemkoong?*

- See map on page 5.
- Selections of Ontario Crown land on the mainland & the Philip Edward Island archipelago were influenced by their proximity to the Wiikwemkoong & Point Grondine Reserves & to infrastructure for community development & the historical presence Wiikwemkoong has maintained in the region.
- The land transfer may impact existing Crown land uses in the area, including existing licenses or permits. Consultation is undertaken with all potentially affected stakeholders, including municipalities & cottager associations. All concerns are taken into consideration.
- Ontario does not take away private property to settle land claims.
- Acquisition of private property is on a willing-seller/willing-buyer basis.
- Access to private property is protected.
- Detailed maps are available upon request.



3. *Will I be able to continue to access the lands for various activities after the settlement?*
- Hunting, fishing & other recreational uses of the Crown land within the proposed transfer lands may continue until the final selected land area is transferred. Ontario will seek to address concerns expressed by licence holders.
 - Once the land is transferred, members of the public will require permission from Wiikwemkoong to access the lands.
 - You are encouraged to submit comments now or in writing to identify how you currently use the Crown lands & any concerns you have with access after the settlement is finalized.



4. *How will the proposed settlement affect recreational users, hunting licenses, fishing, etc. in the area?*

- Those who use the land that may form the basis of a settlement of this claim for recreational purposes are important stakeholders who will be consulted & whose interests will be taken into consideration in settling the claim.
- Potential impacts on existing Crown land users are minimized as much as possible. For example, Crown land leases, easements, mining claims, timber allocations, and other licenses and permits will not be revoked during their term.

5. *How will it affect water users and water quality issues?*

- The claim does not relate to the use of the water & all relevant regulations & legislation will continue to apply.



6. *Will the public be able to access to the Beaverstone & Mahzenazing Rivers?*
- The land transfer will ensure the right of the public to continue to travel on navigable waterways including the Beaverstone & Mahzenazing Rivers.
 - The banks of the rivers will be land held by Wiikwemkoong. Once these lands are transferred, members of the public will require permission from Wiikwemkoong to use them.



7. *What does Wiikwemkoong plan to do with the lands that have been selected?*

- Ontario is transferring land to Wiikwemkoong to fulfil an outstanding legal obligation. Upon transfer land use is at its discretion. Future development would need to be in accordance with applicable legislation, regulations, bylaws & policies.
- You may wish to take this opportunity to meet & talk with Wiikwemkoong directly.

8. *How will land values be affected?*

- There is no evidence that land values are affected directly by land claim settlement agreements.



9. *What area is included in the Wiikwemkoong civil action filed with the court in 1997 & amended in 1998?*
- The Litigation - set aside by the First Nation during the negotiation - includes 23,000 islands from near Sault Ste. Marie in the west to the O'Donnell Point Provincial Nature Reserve in the south.
 - A 1998 court-ordered Notification Protocol requires Ontario to provide notification to Wiikwemkoong of intended dispositions of the provincial Crown's interests, and its issuing of licenses & permits within this area.
 - The proposed settlement agreement would deal with the central portion of the litigation area.



10. *Will hunting & fishing laws & regulations continue to apply in the region?*

- Hunting & fishing regulations would continue to apply to your association members upon implementation of the proposed settlement.
- Permission to hunt on First Nation-held private lands would have to be sought.
- Wiikwemkoong people have aboriginal & treaty rights to hunt, fish & gather for their own purposes. On private lands they must seek permission.
- Laws of general application that relate to safety apply to aboriginal people.



11. *Who can I talk to if I have more questions or comments?*

- At the Islands Boundary Claim negotiation table, Ontario's negotiator represents the interests of all Ontarians & land owners. More information about the land claim & public consultation process can be obtained by contacting the negotiator at these coordinates:

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