

ALGONQUIN LAND CLAIM Land Selection Process

This paper sets out a general approach to guide the land selection process and is not intended as a legally binding agreement.

OBJECTIVES FOR LAND SELECTION

Objectives to guide the land selection process for settlement lands to be included in an Agreement-in-Principle and ultimately, a Final Agreement for the Algonquin land claim will be based on the following from the Statement of Shared Objectives executed by the parties in August, 1994 and reconfirmed by the parties in 2006:

- To establish certainty and finality with respect to title, rights and interests in the land and natural resources with the intention of promoting stability within the area and increasing investor confidence.
- To identify and protect Algonquin rights.
- To enhance the economic opportunities of the Algonquins with the intention of also benefiting and promoting general economic and commercial opportunities in the area.
- To protect the rights of private landowners, including their rights of access.
- To ensure that Algonquin Park remains a park for the appropriate use and enjoyment of all people.
- To continue to consult with interested parties throughout the negotiation process and to keep the public informed on the progress of negotiations.

Additional objectives guiding the land selection process are:

- To give priority to lands having potential for development and which reflect the commercial, industrial, institutional, residential, cultural, natural resource and rural interests, opportunities and needs of all Algonquin of Ontario communities.
- To respect the existing interests of the public, municipalities and private individuals in the area and to provide for future public and municipal needs and interests.
- To respect the existing interests of the Algonquins of Ontario and to provide reasonably for future Algonquin needs and interests.
- To recognize the important role of lands under the administration and control of Ontario and Canada for the cultural, economic and social fabric of Ontario, and take into consideration the complex interplay between private and government administered and controlled land.
- To promote long-term environmental, social and economic well-being.
- To consider the Algonquin interest of protecting Mother Earth and the water.
- To consider the need to protect and conserve the wildlife and the biological productivity of the land.

- To protect, conserve and, where reasonable, restore the integrity of the environment.

LAND SELECTION STRUCTURES

The land selection process for the Algonquin land claim will proceed at two levels:

- The Main Negotiating Table to establish the general approach to land selections and to review and approve inclusion in the Agreement-in-Principle of settlement lands identified through a Sub-Table.
- A Sub-Table to identify and recommend proposed settlement lands to go forward to the Main Negotiating Table for approval.

GENERAL APPROACH TO LAND SELECTION AT THE MAIN NEGOTIATING TABLE

The main negotiating table will address the general approach to land selections including areas such as:

Settlement lands:

- Land quantum
- Land holding institution(s)
- Land tenure, rights and interests
- Natural resources
- Taxation/non-taxation of lands
- Application of federal and provincial legislation
- General approach to interest holder, public and government interests
- Access
- Expropriation
- Water rights
- Beds of navigable waters
- Definitions

Management of the land selection process:

- Development of the Land Selection Process and establishment of the Land Selection Sub-Table
- Consultation with other Aboriginal communities regarding the potential for overlapping rights and interests
- Environmental assessment
- Interim protection and withdrawal of settlement lands pending Agreement-in-Principle and Final Agreement ratification

NEGOTIATION OF SETTLEMENT LANDS AT THE LAND SELECTION SUB-TABLE

A Sub-Table will be established to negotiate proposed settlement lands within a geographic region¹. The regions may be based on clusters of lands requested by the Algonquins of Ontario for Nation Parks and for communities whose interests are associated with each of the proposed Nation Parks. The Land Selection Sub-Table will meet as required and in locations appropriate to the region.

The Land Selection Sub-Table process for negotiation of proposed settlement lands will be undertaken concurrently with the Main Table negotiations.

The parties will nominate a representative as a Lead for the Land Selection Sub-Table.

The Land Selection Sub-Table will have a membership consisting of:

- The Land Selection Lead for each of the Algonquins of Ontario, Ontario and Canada.
- Algonquin Negotiation Representatives.
- Councilors and/or elders of Algonquin communities.
- Technical experts for the Algonquins of Ontario.
- Additional representatives for Ontario and Canada to support the Sub-Table process.

The Land Selection Leads will develop and manage the Sub-Table process including:

- Implementing procedures for managing and documenting meetings.
- Identifying location(s) for negotiating sessions.
- Scheduling sessions.
- Sharing information and data and agreeing on an approach for preparation of mapping products.
- Negotiating approaches to property evaluations, parcel boundaries, appraisals, feasibility studies and surveys.
- The establishment of working groups to examine technical matters such as identification of boundaries, joint field inspections, selection and meetings with external consultants, others.
- Approaches to identification of natural resources, natural heritage and cultural heritage values.
- Measures to maintain confidentiality of the land selection process.
- Other matters as agreed by the parties through the Main Negotiating Table.

¹ Region is a term that is used in various ways among the different Algonquin Communities. A region may be seen as a collective of communities within the Algonquin Nation (eg: Snimikobi (Ardoch) and Shabot Obaadjiwan could be referred to as a region). Other regions to be identified as land selection discussion advances.

The Land-Selection Sub-Table will use the following process:

Prior to the commencement of land selection negotiations:

- Ontario and Canada will make best efforts to provide the Algonquins of Ontario with current information respecting the location and nature of existing interest holder, public and government interests in the general areas of government administered and controlled lands identified by the Algonquins of Ontario as of interest for land selection, including information respecting:
 - Licenses, permits, approvals, designations
 - Leases, rights of way and easements
 - Recorded mining claims and leases
 - Sustainable forestry licenses
 - Natural resource values and management regimes
 - Regulated protected areas
 - Public infrastructure and utility corridors
 - Natural heritage and cultural heritage values
 - Municipal interests
 - Public use
 - Governments use for delivery of programs and services
 - Other like interests
- The Algonquins of Ontario will identify their proposed land uses, the cultural and historic significance of lands of interest for land selection, and to the extent possible, proposed approaches to interest holder, public and government interests in lands under government administration and control.
- Canada and Ontario will provide notice to the Algonquins of Ontario of proposed new dispositions and proposed new encumbrances in the general areas of government administered and controlled land identified by the Algonquins as of interest for land selection. Notice will be provided in accordance with the Consultation Process Interim Measures Agreement and notification processes implemented by Ontario for mining claims and mining leases.

During land selection negotiations:

- The Algonquins of Ontario will identify their priorities for proposed settlement lands and confirm to the extent possible proposed land uses.
- Ontario and Canada will review and analyze Algonquin priorities for proposed settlement lands and provide a response to the Algonquins of Ontario within a reasonable time.
- The parties will develop strategies to address interest holder, public and government interests in proposed settlement lands that are under the administration and control of Ontario and Canada.
- Any party may propose alternative settlement lands.
- After land selection negotiations have been completed, descriptive plans of proposed settlement lands will be prepared by Ontario or Canada. Descriptive plans will be initialed for the parties by the Land Selection Leads and forwarded

for review and approval by the Main Negotiating Table and attachment to the Agreement-in-Principle.

- By exception, the parties may agree that land selection of a specific parcel of proposed settlement land be referred to the Main Negotiating Table.
- After descriptive plans of settlement lands have been approved by the parties at the Main Negotiating Table, Canada and Ontario will implement measures for their interim protection and withdrawal for a reasonable period pending ratification of the Agreement-in-Principle and a Final Agreement.

SOURCES OF SETTLEMENT LANDS

Lands made available will come primarily from one or more of the following sources:

Reserve Lands

The existing Indian reserve lands at (Pikwàkanagàn) will form part of the settlement land component under the Agreement-in-Principle and Final Agreement for the Algonquin Land Claim.

Provincially Administered and Controlled Lands

For the most part, lands discussed in negotiations will be those under the administration and control of the Province of Ontario.

Federally Administered and Controlled Lands

Federal lands owned or used for delivery and management of programs and services are not available for selection.

Canada holds a number of parcels of land in Ontario for federal purposes. From time to time, some parcels become surplus to requirements and subject to the Treasury Board policy on *The Management of Real Property and the Directive on the Sale and Transfer of Surplus Real Property*. Canada will follow its policy for selecting and holding certain surplus Crown lands for the purpose of offering such lands as benefits under the Agreement-in-Principle and Final Agreement for the Algonquin Land Claim.

LIMITED ACCESS TO PRIVATE AND LEASED LANDS AND LANDS UNDER AGREEMENT FOR SALE

Lands in the following categories may not be selected:

- land which is leased from or by the governments of Ontario or Canada
- land privately owned in fee simple
- land subject to an agreement for sale

unless the lessor and lessee, owner, or vendor and purchaser agree in writing.

Where land is leased from Ontario or Canada, does not appear to be in active use, and is identified by the Algonquins as of interest, the land selection leads for Ontario and Canada will explore the potential to secure from the lessor and lessee their written agreement to allow for selection of the land by the Algonquins through the land selection process.

PUBLIC INFORMATION

The parties will develop a joint communications plan for the release of information to the public, interest holders and other Aboriginal communities through the Main Negotiating Table subject to any legal requirements of the Crown to consult and share information with outside parties.

The parties, in cooperation with local community leaders, may wish to develop and support community-based information and education programs regarding the land selection process as it relates to negotiation of the Agreement-in-Principle and Final Agreement.

Dated: December 6th, 2009



Chief Negotiator
Canada



Principal Negotiator
Algonquins of Ontario



Chief Negotiator
Ontario