

Information Centre
Algonquin Land Claim

31 Riverside Drive
Pembroke, ON K8A 8R6

Tel: (613) 732-8081
Toll Free: 1-855-690-7070

website: Ontario.ca/algonquinlandclaim

Centre d'information
Revendication territoriale

31 rue Riverside
Pembroke, ON K8A 8R6

Tél: (613) 732-8081
Numéro vert: 1-855-690-7070



October 1, 2020

Memo to: Municipal Elected Representatives

This letter is to update you on current developments in the ongoing treaty negotiations involving Canada, Ontario and the Algonquins of Ontario. We continue to make progress in a number of areas that are relevant to municipalities, and I thank you for the ongoing input and support Ontario has received from the municipal sector.

Public Consultation

Following the public consultation period on Ontario's 2017 publication of a Draft Environmental Evaluation Report, Ontario and the Algonquins of Ontario (AOO) engaged in further negotiations. The objective was to refine the package of provincial lands proposed for future transfer to the AOO as part of the land claim settlement. Changes were based on input received through the consultations Ontario conducted as well as enhanced information about the Algonquins' intended uses for the lands.

On July 10, 2020, Ontario sent letters to people who own property within 120 metres of the Crown lands where changes have been negotiated, as well as to anyone who holds an existing legal interest such as a permit or license on those lands. Letters were also sent to interested Indigenous communities and municipalities.

We are now preparing for the next stage of broader public consultation on the updated proposed lands package. This will include an expanded mail-out to all those with known or potential interests in the Crown lands proposed for transfer, and updates to the Algonquin Land Claim webpages posted on the Ontario.ca website (www.ontario.ca/algonquinlandclaim). This stage of consultation will also include information about provincial park boundary regulation amendments for the recommended addition to Lake St. Peter Provincial Park and the recommended new Whiteduck Provincial Park in Frontenac County.

Input received will be reflected in a Final Environmental Evaluation Report related to the proposed settlement lands and the EA Summary Report related to the provincial park and conservation reserve boundary amendments that we expect to publish before the end of this calendar year.

Municipal Jurisdiction

Once settlement lands are transferred, the lands will be privately owned in fee simple by the Algonquins of Ontario, and subject to municipal planning and development approvals. Ontario staff have been working with municipal staff for a number of years to develop initial official plan designations and zoning that will be applied to the settlement land parcels at the time of transfer. This is being done to minimize the time and costs for municipalities as the lands transfer from Crown control into municipal jurisdiction. We will continue to work with municipalities until time of transfer to ensure the proposed land use designations and zoning are compatible with current local planning documents.

Regional maps are available for review online at: www.tanakiwin.com/our-treaty-negotiations/treaty-negotiations-update/

Proposed Treaty Provisions for the Crown Duty to Consult

While lands are an important element for the settlement of a land claim, there are many other areas to be covered in a modern treaty. Our current work includes drafting treaty provisions that will establish a process for federal and provincial consultation with the AOO once the treaty is in place. This includes draft provisions addressing the province's duty to consult and accommodate where appropriate with respect to certain land use planning matters and municipal boundary changes. Municipal engagement with the AOO on official plans and restructuring proposals facilitates their review and approval. The proposed treaty provisions will provide a mechanism for municipalities to engage with the AOO on these types of decisions.

Under section 1.2.2 of the 2020 Provincial Policy Statement (PPS), planning authorities shall engage with Indigenous communities and coordinate on land use planning matters. The 2020 PPS does not set out specific subject matters for which engagement might be appropriate. Ontario's intent with the draft provisions, by contrast, is to identify and limit requirements for municipal engagement to the following matters affecting settlement lands and identified as priorities by the AOO:

- new municipal official plans, revisions to official plans including 5 year updates and secondary plans amending or forming part of an official plan
- restructuring proposals that municipalities may put forward that result in boundary changes or amalgamations.

This would mean that other planning approvals, such as applications by a private person or corporation for a site specific official plan amendment, zoning by-laws or zoning by-law amendments, applications for a minor variance or plans of subdivision would not trigger engagement under the proposed treaty provisions, and would continue to be addressed under *Planning Act* processes.

It is the negotiation parties' shared expectation and intent that the proposed treaty provisions will provide a focus on matters of priority and significantly reduce the workload of both the municipal sector and the AOO. The proposed consultation framework under the treaty will not impose roles on municipalities that go beyond engagement on provincial decisions that would trigger a duty to consult.

The AOO "door" will be open for other engagement activities outside of the treaty provisions, such as those that could focus on developing partnerships and economic opportunities between the AOO and municipalities. Culture and heritage are also important matters for the AOO. We understand they will be seeking opportunities to work with municipalities to recognize and protect these significant resources.

Ontario's approach to the drafting of the treaty provisions has been informed by informal discussions with representatives of senior municipal staff within the AOO Settlement Area, and by the Association of Municipalities of Ontario's (AMO) April 10, 2019 publication 'Municipal Governments and the Crown's Duty to Consult – Towards a Process that Works for Local Communities'.

We note that in that document AMO recommends that the Crown work with municipal and Indigenous leadership to:

1. Clarify Responsibility for the Duty to Consult and the Duty to Accommodate, where appropriate.
2. Establish a Practical Process with Municipalities and Indigenous Governments to address the requirements for consultation.
3. Provide Necessary Funding, Resources and Supports in Duty to Consult Proceedings.
4. Promote Municipal-Indigenous Relationship-building and Local Cooperation; and
5. Involve Municipal Governments in Land Claim and Treaty Implementation Scenarios Affecting Municipal Jurisdiction.

These principles have helped to guide Ontario's approach to drafting of the municipal engagement provisions. We are providing this preliminary information in light of the final AMO recommendation.

Next Steps

Should representatives of your municipality require further information or wish to arrange a time to discuss this, please contact the Ontario negotiation team via the Ontario Information Centre letterhead on this memo. We would be happy to arrange such a discussion, subject to relevant public health restrictions and best practices.

Should your municipality receive questions from ratepayers regarding Ontario's consultation on the lands proposed for transfer to the AOO we encourage you to direct them to the Ontario Information Centre.

Thank you for your ongoing interest in the AOO treaty negotiations. We look forward to continuing to work with the municipal sector to develop arrangements that will work in a practical way in eastern Ontario.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Carr", with a stylized flourish at the end.

Doug Carr
Ontario Chief Negotiator