

Tyendinaga Township Land Claims Update #2 June 2008

This is the Township's second newsletter to the community and taxpayers regarding the Culberstson Land Claim and its status from a municipal perspective. If you do not have a copy of the August 2007 Update, please contact the office and we can get you one.

We thank all those who attended our public meeting on September 18, 2007. We are confident that the Community got a good sense of who the main players are, and were able to ask questions and in some cases, vent frustrations. We had representation from Indian Affairs (James Moxon, Sean Kennedy, Linda McWilliam, Doug Forbes), MP Daryl Kramp, OPP Kerry Phillips and full Council. We hope the community now appreciates that this is an issue and set of circumstances that transcend your municipal government, our authority and resources.

We need to advise the community that we sustained approximately \$26,000 in damages in the Township due to the National Day of Action. Council applied for and received a Special Assistance Grant from the Ministry of Municipal Affairs and Housing for reimbursement of these costs. We have since been reimbursed in full. It remains Council's position that the municipal taxpayer should not be paying any costs associated with the Land Claim or dissident actions of Mohawk splinter groups.

Shortly after the meeting on September 18, we were able to distribute our package of support resolutions of our current plight to all levels of government. We had 72 communities from across Ontario support our position that Ontario or ourselves needs to be at the table, preferably Ontario. As we are not privy to the negotiations and requests for information have been met with denial due to confidentiality, we really do not know first hand what is being discussed or considered as far as settlement goes. This continues to frustrate Council.

We spent considerable time in the fall trying to get Ontario's ear. Our difficulty here was this was during the provincial election and this is considered lame duck period when it comes to political governance. Once the election concluded we were able to lobby our MPP, Leona Dombrowsky, to arrange a meeting between Reeve Walsh, Mayor Clark and the Ontario Minister of Aboriginal Affairs. Both attended the offices of Minister Michael Bryant, at Queens Park on December 13, 2007. At this meeting Reeve Walsh continued to press the Ontario government that we need representation in the matter in order to protect the municipal interest.

Council also met with MP Daryl Kramp on Saturday November 10, 2007 and asked him to write a letter on our behalf to the Honourable Chuck Strahl, Minister of Indian and Northern Affairs stating our concerns. The final product of this letter explains to the Minister that we are concerned about the municipal land base and it is our expectation that there are no "deals" afoot that fly in the face of the intent of the Specific Claims Policy. Daryl Kramp signed this letter to the Minister on our behalf on November 21, 2007. The bulk of the winter was fairly quiet and the residency at the quarry somewhat diminished.

We received correspondence from Minister Bryant on March 31, 2008 that he had appointed Mr. Stephen Carty to the file. This does not mean that Ontario has come to the table, but it does mean that we have someone in the Ontario government who is handling the file. Mr. Carty had an introductory meeting with Clerk Steve Mercer on April 24 where he was able to brief Mr. Carty on our municipal position and our concerns. It is unclear yet as to what role Mr. Carty will play but it does mean that we have more resources than previous. We are appreciative that we now have someone in the Ontario government who has at least carriage of the file.

The events of April 21-28, 2008 were most troubling. This was the situation where most of Deseronto was blockaded for the early part of the week and then later the Slash Road in the Township. It was “trenched” by protesters. Our residents in the area had a week that regular folks should not have to endure. The Mohawk Band Council has publicly spoken out about these actions and that they do not support these tactics. At the height of tensions over the weekend, Reeve Walsh and Mayor Clark met with OPP Commissioner Julian Fantino to ensure that our voices were heard with respect to community safety and to get an update on the OPP actions over this troubling week. The Clerk was in regular contact with Detachment Commander Pat Finnegan throughout the week and we had all resources at the ready in case of escalation. Thankfully the situation ended peacefully on April 28, but not before we had several residents in the area in a very worried state. This is unacceptable.

On April 29 Council met with the new Chief Federal Negotiator, Ms Vivian Berouvici. She was accompanied by Doug Forbes, third party consultant and James Moxon, INAC. This was Ms. Berouvici’s first opportunity to meet with Council. INAC’s contract with previous negotiator Sean Kennedy was not renewed sometime over the winter. Ms. Berouvici assured Council that she would be working tirelessly towards a resolution to the Claim. She also indicated that no settlement would work unless all parties were satisfied to some degree. Council again expressed concerns about “losing” municipal land, and that our position remains that a cash settlement to the MBQ is the appropriate solution. Our position is consistent with INAC’s Specific Claims Policy in that if any land is to change hands it will be only on a willing buyer willing seller basis. We also believe that a willing seller be a true willing seller and that coercion is not tolerated.

We met again with Chief Federal Negotiator, Vivian Berouvici on May 21. She was accompanied by James Moxon and Linda McWilliam who is “expert” in the Additions to Reserve Policy. Mr. Stephen Carty of the Ontario Ministry of Aboriginal Affairs also attended. It is still not clear what Mr. Carty’s role will be but we expect that to become more clear in the weeks ahead. This meeting was an opportunity for Council to get an even greater understanding of the Additions to Reserve Policy and how it may apply in the event of a settlement agreement. Council is committed to protecting our municipal land base.

The message we are hearing from the Federal Government has been:

1. This is a cash deal only with respect to the Specific Claims Policy
2. Land only changes hands on a willing buyer-willing seller basis.
3. The Mohawk people have the ability to purchase land, as any other buyer would be able to.
4. Within the Additions to Reserve Policy, First Nations have the ability to apply to have land held by them returned to Reserve Status

In conclusion, this remains the only land claim filed in Tyendinaga Township. We too have heard rumour only of others but at this time this is the only Claim filed by a First Nation within the limits of Tyendinaga Township.

Council is hopeful that this update helps to answer some questions you may have. Please also feel free to contact Reeve or Council or the Municipal Office at 396-1944 if you have any further questions.

Sincerely – Reeve & Council, Tyendinaga Township