

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES
June 20th, 2018 (18-18)

The Special meeting of the Council of the Corporation of the Municipality of Huron Shores was held on Wednesday, June 20th, 2018, convened at the Iron Bridge Recreation Centre and called to order by Mayor Gil Reeves at 7:05 p.m.

Mayor Reeves welcomed the gallery to the Special Council Meeting, in order to hear a presentation by representatives from the Ministry of Indigenous Relations and Reconciliation re: Thessalon First Nation Boundary Claim.

PRESENT WERE: Mayor Gil Reeves, Councillors Jane Armstrong, Gord Campbell, Nancy Jones-Scissons, Debora Kirby, Blair MacKinnon, Leo Persia, Darlene Walsh and Dale Wedgwood.

REGRETS: None.

ALSO PRESENT: Negotiator Mr. Mark Richard, Ministry of Indigenous Relation & Reconciliation (MIRR); Associate Negotiator Ms. Loraine Miller, MIRR; Dr. Daniel Laxer, Historian/Research Adviser, MIRR; Francine Grasley, David Grasley, E. (Boe) Eldner, Linda Veranko, Marlene Sales, David Sales, Michael Bizier, Jordan Medve, Mary Jones, Don Jones, Bill Rosenberg, Brian Mundell, Sara Leach, Natashia Roberts, Helmut Boettcher, Jacob L. Yoder, Stephen Lelievre, Levi J.H. Yoder, Terry Lou Allen, Dale Mathieu, Greg Mathieu, Rob Allen, Mark Reaume, Audrey Reaume, Noreen Baxter, Ron Coulter, Nancy Tulloch, Kelsey Nyman, Deana Ouimette, Rosemarie Ruths-Sponagel, John E. Stutzman, Todd F. Knauss, Karen Knight, Bob Knight, Moses Hostetler, Paul Perry, Martha Perry, Martin Thistel, Willy Dunlop, Maeve Coccimiglio, Gillian Lloyd, Colleen Dougherty, C. Boychuk, Kerry Goodmurphy, Bruce Goodmurphy, Tom Jackson, Joyce Jackson, Marney Inkster, Ben Lawrence, C. Pirrie, J. Pirrie, Eli Stutzman, Reg Gardiner, Lois MacFarlane, Dennis Kirby, S. MacKinnon, Georges Bilodeau, Tim Armstrong, Darrell Rutledge, Janet Demers, Faye Rahrig, Myra Plantz, Melva Stoneman, Monty Stoneman, Anaka Labbe, Don Brown, Deborah Wolgemuth, David Wolgemuth, Dirk Pastoor, Donn Van Der Sckie, Jeannine Goodmurphy, Ray Goodmurphy, Daniel D. Zook, Bob Parker, Susan Parker, Joseph L. Yoder, Larry Allcorn, Shay Pinkse, Kathy Pinkse, Mark Pinkse, Nicole Guillet, Gerry Guillet, Doug Warnock, Connie Elkin, Ed Sloan, Nancy Richards, Karl Smith, Matthew Pierre, Winona Barrow, Alan Musch, Peggy Musch, Mahlon L. Yoder, Bazil Seabrook, Nancy Bakemeir, Shirley Cooke, Jennifer Schruher, Jacob Yoder, Samantha Richards, Suzanne Richards, Olivia Richards, Francis Matte, Jim Olmstead, Tim Currie, Glen Currie, Tom Mills, Fred Chorley, Myrna Barager, Howard McKinnon, Zachery T. Knauss, Greg Brown, Cathy Jarratt, Lynn Jarratt, Brent Rankin, Joan Woods, Tim Woods, Rose Rowan, Bob Rowan, Eve Webb, Kirsten MacDonald, Mary Anne MacDonald, Catherine Warnock, Bruce Cooke, Ford Scissons, George Brown, Sally Brown, Candace Withers, Brian Withers, Shawn Stiger, Eli Yoder, Marie Hawkins; Clerk/Administrator Deborah Tonelli; Administrative Assistant Carla Slomke

AGENDA REVIEW
None.

DECLARATION OF PECUNIARY INTEREST
None.

4. Update re: Thessalon First Nation Boundary Claim Negotiations
- Mr. Mark Richard, Negotiator, Ministry of Indigenous Relations & Reconciliation (MIRR)

Mayor Reeves invited the MIRR representatives, Mark Richard, Loraine Miller and Daniel Laxer, to the dais for their presentation.

Mayor Reeves spoke to the Municipality's understanding of the Negotiations regarding the Thessalon First Nation Boundary Claim and advised that hard copies of the information was available this evening for anyone wishing to receive one and that hard copies of the MIRR Fact Sheet was also available for pick-up. He noted that both documents are also available on huronshores.ca. Mayor Reeves explained that Ontario and Thessalon First Nation are in negotiations and that the Municipality of Huron Shores is not a party to the negotiations. He advised that MIRR will consult with the Municipality and the Municipality will provide information to MIRR.

Mayor Reeves introduced Mark Richard, Lead Negotiator. Mr. Richard advised that he was happy to be in attendance and provided introductions. He advised that this evening they would provide a presentation to outline the nature of the Thessalon First Nation assertion. He reported that MIRR works in close association with the Ministry of Natural Resources and Forestry.

Mr. Richard began the presentation identifying what MIRR does under the following main categories:

1. assess indigenous land claims – historical research, legal risk assessment; develop strategic response;
2. negotiate resolutions – engage in confidential negotiations;
3. consult with the public and seek to address interests as required by law;
4. implement agreements if the parties reach terms of a settlement agreement.

He furthered that the MIRR's goals are to: respect the rights of indigenous communities; protect private property and access rights; protect key public infrastructure; and promote economic and social development for everyone, both indigenous and non-indigenous communities. He noted that MIRR does not expropriate private land or influence sales.

Dr. Laxer then explained treaty-making in this part of Ontario. He provided a short presentation on the Robinson Huron and Superior Treaties of (1850) and a background of this area's treaty within the Robinson Huron Treaty. He outlined the league versus mile translation error that was made by J.W. Keating.

Mr. Richard spoke to the Boundary Claim, advising that the Province of Ontario accepted the claim for negotiations in April 2016. He explained that Ontario's acceptance of the claim was without prejudice to its views on the specific area of the original reservation. He noted that in June 2017, a Negotiations Framework Agreement was struck between Thessalon First Nation and Ontario. He advised that negotiations are confidential, with the exception of general information. He advised that there is still a significant amount of work to be done before any public consultations are held.

Mr. Richard explained Ontario's approach to negotiations: a number of opportunities to provide input; rights and interests will be taken into account; public consultation will take place; private property will not be expropriated; and sustain a stable environment.

He then addressed the benefits of negotiated settlements. He advised that when compared to litigation, a negotiations process offers much more room for flexibility, imagination, respect and reconciliation. He explained that Thessalon First Nation did file a court injunction but, it has been placed in

abeyance in hopes of continuing negotiations. Negotiations allow the public to make concerns known and leads to win-win situations that balance the rights and interests of all concerned.

Mayor Reeves thanked Mr. Richard and Dr. Laxer for the presentation assisted by Ms. Miller.

5. Questions from Council

Mayor Reeves advised that 20 questions had been prepared both from members of Council and through constituents and that Council would take turns to appear at the microphone to ask the questions of Mr. Richard.

1. Mayor Reeves: Why is Huron Shores not included at the negotiating table of the Thessalon First Nation (TFN) claim?

Mr. Richard explained that there are 2 main reasons: (1) the Municipality was not served with the Claim and is not liable for anything with respect to the Claim; and (2) the Municipality is not responsible for administering Crown Land. MNR and MIRR are charged with administering those lands. This is the reason why MNR and MIRR are the lead negotiating parties. He explained that the Municipality is viewed as a key stakeholder and MIRR has done its best to include Huron Shores in discussions when possible. Municipal representatives were included in the July 19/16 announcement and one year later with the negotiation team.

2. Councillor Campbell, Ward 4: Are municipalities included at the negotiating tables in other Ontario FN land claims?

Mr. Richard responded that generally speaking, municipalities are not included at negotiating tables. They are key stakeholders who represent their constituents. Municipalities are not served with claims and do not administer Crown Land. This is Ontario's purview.

3. Councillor Campbell, Ward 4: Can you define "claim area" vs. "settlement area" and explain the difference?

Mr. Richard explained that the "claim area", or "assertion area", describes the area a first nation asserts should be theirs or is already theirs. A "settlement area" is the resulting proposal or package of changes to follow through on to settle the claim. He also explained the term "candidate lands" as those lands that are identified on a map to commence consultation with the public. They are proposed by the negotiating party for potential changes/transfer. This is the first time the public will see a map. The parties would hope to include areas that will be in the settlement lands.

4. Councillor Persia, Ward 4: If you and your team are representing the Province, and the negotiating team led by Paul Williams is representing Thessalon First Nation, who is representing Private Property Owners?

Mr. Richard reiterated that private property will not be subject to any changes. However, private property owners will be consulted with respect to any proposed changes to lands in proximity. Ratepayers are also Ontario constituents and Ontario represents the public.

5. Councillor Persia, Ward 4: Are negotiations on-going? How often and when do the parties meet?

Mr. Richard responded that the specific negotiating process is subject to a confidentiality agreement. He explained that Ontario is actively working to address the claim and remains committed to the negotiating process.

6. Councillor Jones-Scissons, Ward 2 - Your Fact Sheet states that "Consultation will take place alongside the negotiations." You have been meeting with Thessalon First Nation for over 2 years. When will these consultations take place and will they be in a public forum where our ratepayers are able to directly address you and your team?

Mr. Richard advised that negotiations of this nature take time, as there are important decisions to be made by the Government and the First Nation. They want to ensure that everyone's rights are respected. Ontario will consult when the parties agree to what might be proposed for changes/transfers. The intention is to provide a wide variety of ways for the public to provide input. Ontario is committed to resolving the Claim. He noted that Fact Sheet #1 contains his contact information and the Land Claim email address. Mr. Richard advised that they have sign-up sheets with them tonight and anyone may leave their contact information in order to receive information as it becomes available. MIRR will consult before any commitments are made.

7. Councillor Jones-Scissons, Ward 2 - Does Ontario have a proposed negotiating map of the Thessalon First Nation claim?

Mr. Richard responded that no agreements or commitments have been made at this time respecting what lands might be included in the candidate lands. Therefore, there is no map at this time. They must maintain confidentiality at this time and wait until there is a candidate lands agreement in order to make a map available to the public. Mr. Richard explained that there is nothing unique that a map isn't yet available. He noted that the public should feel confident that no imminent commitments have been made. Much more information will be provided.

8. Mayor Reeves: Will federal and provincial law pertain to lands conveyed to Thessalon First Nation i.e. MOE, MNR, APH, Ontario Traffic Act, etc.?

Mr. Richard responded that the parties haven't come to any agreement of potential lands, how the lands will be transferred, or how they will be held. He advised that MIRR will be including that information as part of the consultation process.

9. Councillor Walsh, Ward 1: Can Crown lands within Huron Shores be conveyed to Thessalon First Nation as a result of the claim?

Mr. Richard responded that MIRR does expect that some Crown land would be conveyed and that it is likely that some Crown land within Huron Shores will be part of the candidate lands.

10. Councillor Walsh, Ward 1: Can Ontario Parks lands be conveyed to Thessalon First Nation as a result of the boundary claim?

Mr. Richard explained that Ontario parkland has been conveyed in other settlements and if any of those lands are considered as candidate lands, the public will be consulted.

11. Councillor Wedgwood, Ward 3: If Thessalon First Nation or Thessalon First Nation members purchase private land within Huron Shores, are they able to declare the lands to be First Nation and not pay taxes? Is there a remedy available to Huron Shores, if so, for how long would it be available?

Mr. Richard advised that it is Ontario's position and consistently so, that owners of private property are subject to taxes.

12. Councillor Wedgwood, Ward 3: Has any Crown land within the claim area been sold privately, or to an organization over the last 5 years?

Mr. Richard noted that he was unable to ascertain if Crown land had been sold over the 5-year time period. Crown land is no longer actively marketed for sale. MNRF would be required to consult with the aboriginal community impacted if an application was made to them to purchase Crown land.

13. Councillor Kirby, Ward 2: If lakes and rivers are considered Crown land, and become First Nation land, is it possible to have entry onto private land via the water? How will waterfront property be kept private?

Mr. Richard reiterated that no lands or waterbodies of any type have been identified yet. Private property has specific delineated boundaries and no private property will be expropriated. He advised that Ontario will seek to ensure property owners would continue to enjoy the lakes they live on as they would have prior to a settlement. He reminded those in attendance that Indigenous folks already have access to lakes and enjoy treaty rights.

14. Councillor Kirby, Ward 2: When the First Nation receives "Reserve Status" how will private property remain private, with the Reserve surrounding each property?

Mr. Richard responded that MIRR does not know what properties might be in proximity to candidate lands. He advised that people will be able to continue to access their property and no one will be approached by MIRR to sell their property.

15. Councillor Armstrong, Ward 3: Current owners have been given title of land in good faith. How will the Government guarantee property value?

Mr. Richard explained that Ontario has no evidence of how, or if, land claims impact property values. He explained that property values go up or down generally and no one can guarantee the market or demand for property. He advised that Ontario can't prohibit a first nation from making claims and has no control on what claims come in. MIRR does its best to settle them. He did report that it is their experience that a land claim settlement does provide considerable stability within the area, removes the uncertainties and eliminates questions in people's minds respecting that first nation.

16. Councillor Armstrong: Will we the public be consulted before the Agreement – in-Principle or any other agreement is signed?

Mr. Richard confirmed that MIRR will be consulting the public before making any commitments with respect to land; and will provide public notice of any decisions prior to the parties endorsing the agreement.

17. Mayor Reeves: How will the claim, if successful, affect the current businesses that utilize mineral resources, and other natural resources located in the new boundary?

Mr. Richard reiterated that the specific lands that might be transferred and the administration of those lands are not yet decided. He furthered that when consultations begin, Ontario will provide information as to future uses, etc.

18. Mayor Reeves: Will we be subject to paying stumpage fees, shares of my profits, and any fees for development to TFN once the negotiations are over?

Mr. Richard noted that stumpage refers to a forestry matter and that MNRF is currently working with the forestry industry and the first nation to balance these interests. Ontario will be consulting directly with the stakeholders once the candidate lands are determined.

19. Councillor Blair MacKinnon, Ward 1: Why were the local loggers prematurely evicted off of Crown land before any land claims have been settled?

Mr. Richard advised that the decisions respecting the forest are made by MNR, who engage in consultation with first nations with respect to forestry. He advised that a modified version of the work schedule had been approved to balance the needs of the forest industry and Thessalon First Nation-asserted rights.

20. Councillor MacKinnon, Ward 1: How will the change in government in Ontario affect the negotiations?

Mr. Richard explained that Ontario's bureaucracy is currently in a "caretaker" state and that the cabinet ministers are not yet identified. He advised that he is not sure how the incoming government will deal with this land claim, or any claim. Mr. Richard advised that he will inform the Provincial elected officials of the high degree of interest in this claim both from the public and at the Municipal Council level.

With the 20 prepared questions asked, Mayor Reeves invited Councillors to ask any additional questions.

21. Councillor Wedgwood queried if the roads in Huron Shores that are currently municipal roads will remain as such or become Thessalon First Nation roads.

Mr. Richard advised that this would have to be addressed through the negotiation process and did not wish to speculate at this time. He did advise that he is aware that there are a lot of roads, with various types and uses. He also stated that it is a core Ontario principle that private property owners retain access to their private property.

22. Councillor Jones-Scissons questioned if the reserve lands had to be contiguous.

Mr. Richard responded that Ontario does not require that they remain contiguous.

23. Council Jones-Scissons then questioned how Council would provide information to MIRR to avoid "islands" of private property within reserve lands.

Mr. Richard noted that different people may want different things. He advised that once the candidate lands have been determined, MIRR will have a Class Environmental Assessment conducted and will do screening to ensure that the correct people are consulted. Mr. Richard did not want to prejudice where the lands might be. He advised that he will want to know specific ways people could be impacted. He reiterated that MIRR will consult with folks prior to making any commitments and that the goal is to reduce negative impacts on everyone.

24. Councillor Kirby questioned the map that was included in a Thessalon First Nation brochure that illustrated the claim area. She noted that various property owners are receiving threats by trespassers stating that the property owner will be evicted after the claim is settled. Councillor Kirby recommended that MIRR address these actions with the Band. Councillor Kirby questioned if Mr. Richard had met with Thessalon First Nation on June 19 or 20 and if they were among the crew in the helicopters flying on June 19.

Mr. Richard confirmed that they did meet and were part of the flight crew. Mr. Richard advised that there are over 1200 Thessalon First Nation members and that not everyone from Thessalon First Nation is necessarily a

representative of the First Nation. They cannot control what is said. He reported that Ontario has stressed cooperation with the local community. He confirmed that the Thessalon First Nation leadership has agreed that private property will not be impacted.

25. Councillor Kirby provided an example of the potential of her property becoming an "island" and questioned if her property were inside the Reserve if she would have to sell to Thessalon First Nation.

Mr. Richard explained that all private property rights are maintained. He reiterated that private property will not be included within the proposed lands for transfer.

26. Councillor Kirby expressed concern that if the majority of Crown land is included in the settlement area it may jeopardize the need for a local MNR Office in Blind River and questioned who would enforce hunting and fishing regulations.

Mr. Richard advised that MNR would still administer Crown land and that there will still be a significant amount of Crown land within the Sault Ste. Marie and District area.

With no further questions, Mayor Reeves joined the MIRR reps on the dais. He expressed his appreciation for Mr. Richard, Ms. Miller and Dr. Laxer to attend this meeting.

Mayor Reeves stated that Huron Shores Councillors have listened to ratepayers and have identified concerns regarding the Boundary Claim. He advised that he has repeatedly expressed concerns through dialogue and correspondence to MIRR and MNR and that Council has supported his attendance as a delegation with Ontario Cabinet Ministers to express Council's concerns regarding potential impacts of the Boundary Claim on Huron Shores and its property owners.

Mayor Reeves outlined some of the facts that the Municipality of Huron Shores has made to those Ministers as follows:

1. Private property ownership and access is of great concern to our residents;
2. One third of the Municipality of Huron Shores is Crown land;
3. Approximately 30 sq. km. of the Crown land is designated as Ontario parklands and are an important tourist attractor;
4. The creation of a patchwork quilt of isolated "islands" of First Nation lands through privately owned lands would serve none of the communities well;
5. Access to, and use of, these Crown lands and designated Parklands is embedded in our culture. The lands are not just used on weekends but, are used after supper and as part of our daily lives;
6. There is potential for assessment loss within the Municipality, both immediate and long term;
7. Area forest resources are essential to the continued operation of Midway, local loggers and truckers, particularly the access to the Kirkwood forest supply;
8. The Mississagi River hosts a significant hydro generating system which best operates unfettered. That system provides significant employment to the area.
9. It is essential that the Claim outcome be such that all communities affected thrive economically, and continue to enjoy the strong social ties that we have built for the past 1½ centuries or so;
10. After the Boundary Claim has been settled and the negotiation teams and lawyers have moved on to new situations and concerns elsewhere,

the residents of Huron Shores and Thessalon First Nation, as well as our neighbours, will still be in our communities living our daily lives together. The nature of that community life together depends upon the outcome of the Thessalon First Nation Boundary Claim process.

Mayor Reeves again thanked the MIRR representatives for attending this evening in advance of the public consultation process. Mayor Reeves reiterated that Mr. Richard will remain after the meeting to answer individual questions.

ADJOURNMENT

18-18-01 BE IT RESOLVED THAT Council does adjourn at 8:20
J. Armstrong p.m. CARRIED.
N. Jones-Scissons

MAYOR

CLERK

Post-Script added as per Resolution No. 18-21-01, dated August 8, 2018:

The following query was posed by Councillor Jones-Scissons during Questions #22 and #23 above but, was not reflected in the minutes: Councillor Jones-Scissons stated that other provinces – BC, AB, SK, MB, NS, and NL do not support “islands” (private property surrounded by reserve). Does ON support this premise? Mr. Richard responded, no, Ontario does not support that premise.