

The Temagami Land Claim Report

*A newsletter on the Temagami First Nation and Teme-Augama Anishnabai
Land Claim Negotiations*

Vol. 1 No. 5

Winter 2002

The Temagami Land Claim Report Winter edition is the fifth in a series of newsletters produced by the Ontario Native Affairs Secretariat (ONAS), an office of the Government of Ontario. It is intended to inform individuals and organizations about the progress of the land claim negotiation. ♦

A Joint Message from the Negotiators

The Temagami Aboriginal community and the negotiators for Ontario and Canada are bringing this settlement model for the Temagami Land Claim to your attention in order to seek your comment.

On June 21, 2000, the Temagami First Nation (TFN), the Teme-Augama Anishnabai (TAA) and Ontario signed a *Framework Agreement* that sets out the basis for negotiations to resolve the claim of the Temagami Aboriginal community to an area of 4,000 square miles in the Temagami area, or *Daki Menan* ("Our Land") as it is known to the Aboriginal community.

In January 2001, Canada joined the table and in Fall 2001, negotiators for the parties entered intensive negotiations to achieve consensus on elements and scenarios that could constitute a settlement. The settlement model, highlights of which are contained in this newsletter, sets out these elements and scenarios. These elements form a package that would address the claim and help enhance relations among all communities of the Temagami area. The

complete settlement model is available on the ONAS Web site: www.nativeaffairs.jus.gov.on.ca and a paper copy is available upon request.

We have met with many of you since the negotiation process began. We will be meeting again to discuss this model, which will lead to a settlement agreement that negotiators can recommend for ratification.

In our negotiations we are striving to address the interests of the Temagami Aboriginal community while balancing these with the interests of:

- property owners within and adjacent to *Daki Menan* (e.g., cottage owners, permanent residents, camp owners, business owners);
- recreational users of *Daki Menan* (e.g., canoeists, hunters, anglers);
- other interests in the claim area (e.g., the mining and forestry industries); and
- municipalities. ♦

We want to know your views

We encourage you to:

- review the settlement model;
- participate in upcoming public forums on the claim;
- speak with the negotiators;
- and write to us by April 12th (see back page) at TemagamiClaim@jus.gov.on.ca

Lands

Ontario, the TFN and the TAA (the parties) agreed in the Framework Agreement to negotiate two different categories of land, "Settlement Lands" and "Traditional Family Lands." Canada joined the negotiations in January 2001 to help address reserve creation issues arising from a claim settlement. Parties to the negotiations have developed two potential scenarios for each of the Settlement Lands and Traditional Family Lands in order to seek your comment.

Settlement Lands

SCENARIO 1

Elements

- | | |
|---|---|
| <ul style="list-style-type: none"> • One hundred and twelve square miles held as reserve under the <i>Indian Act</i>. • Existing non-Aboriginal interests in land will be honoured through legal, binding instruments or agreements with individuals and/or groups, as appropriate. | <ul style="list-style-type: none"> • Proposed park for all of the Skyline Reserve; parties to negotiate contingencies. • Potential for limited development in the areas of Friday's Point and Austin Bay. |
|---|---|

SCENARIO 2

Elements

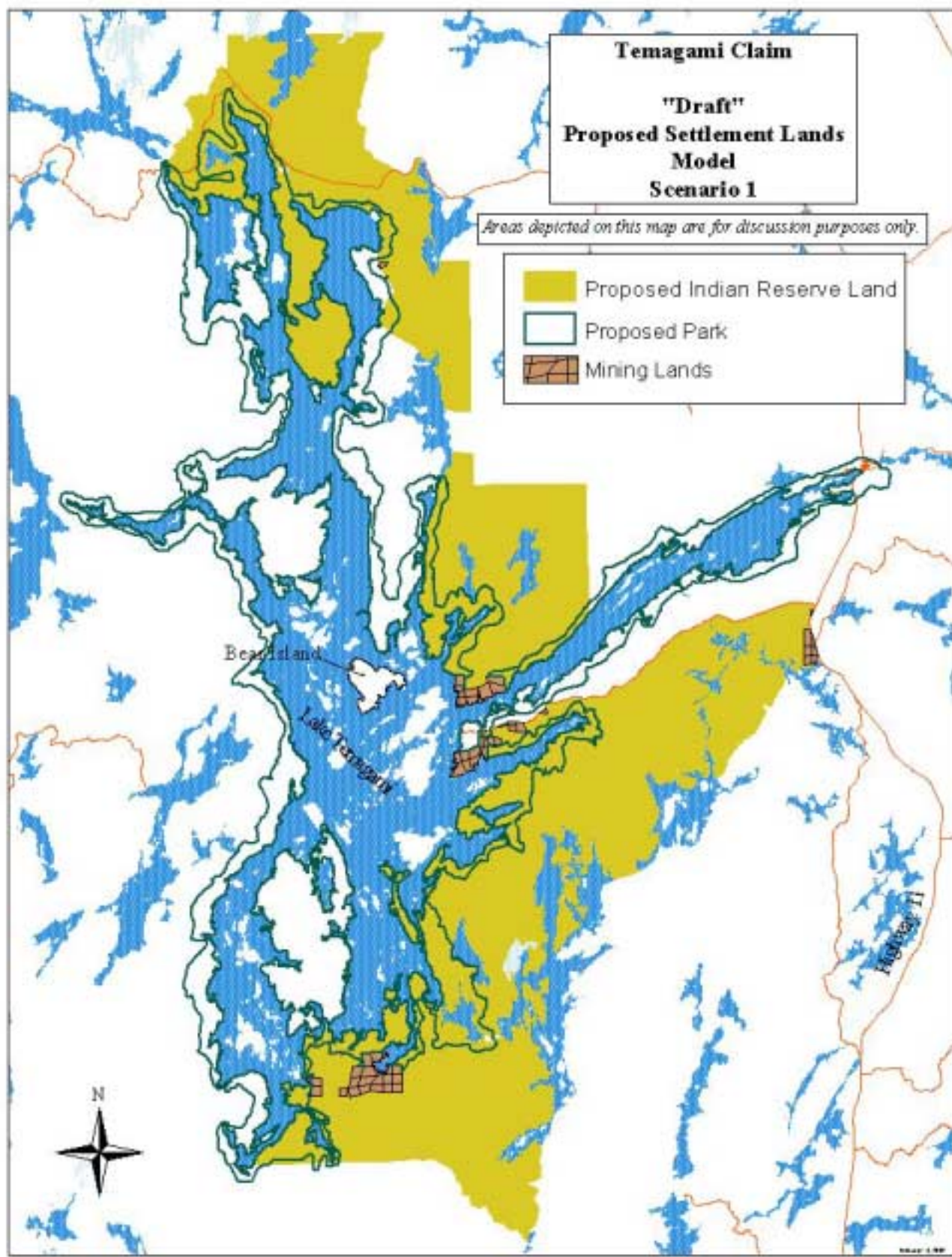
- | | |
|--|--|
| <ul style="list-style-type: none"> • Seventy square miles of land held as an Indian reserve under the <i>Indian Act</i> with the Temagami Aboriginal community having a legal right to prohibit access and cite for trespass (see page 5). • Forty-two square miles of land, including the Skyline Reserve within the settlement lands, will be held by the TAA/TFN governing body, in fee simple (private property) and regulated in accordance with Ontario laws, including existing land use regulations. | <ul style="list-style-type: none"> • Negotiate continuing protection for five major canoe routes, and for campsites on the shoreline (access to other canoe routes, trails, etc., would be at the discretion of the Temagami Aboriginal community). • Potential for limited development in the areas of Friday's Point and Austin Bay. |
|--|--|

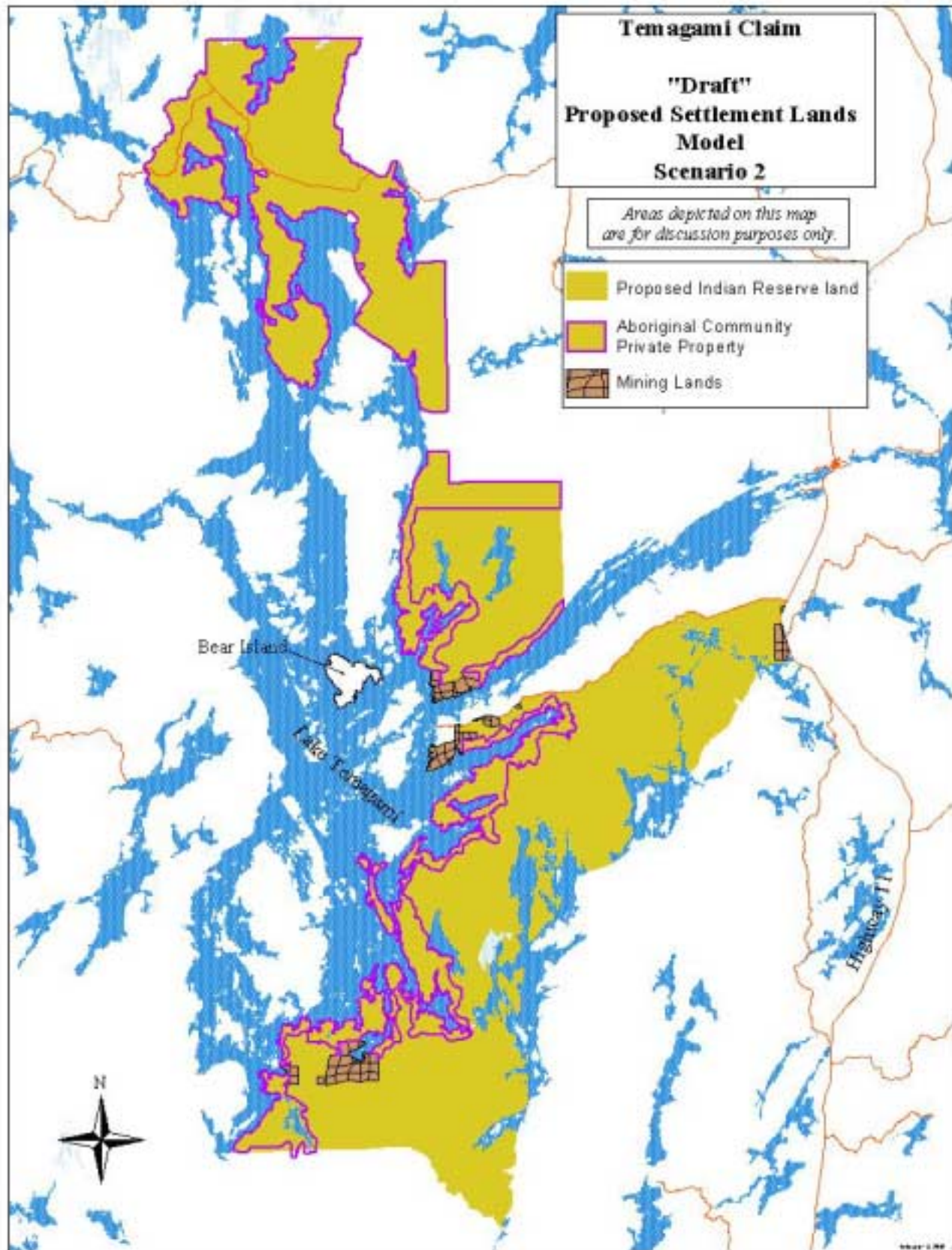
FEATURES OF SCENARIO 1

- Though the quantity of land in the reserve is larger than in Scenario 2, representatives of the Aboriginal community have stated that the community has expressed a willingness to accommodate non-Aboriginal land users and adjacent property owners.
- This scenario would increase opportunities for the municipality and the Aboriginal community to be involved in the management of the Skyline Reserve.

FEATURES OF SCENARIO 2

- This scenario would keep the Skyline Reserve in the existing regulatory regime.
- The reserve size would be consistent with the 1885 survey for Temagami Aboriginal community's reserve land.
- This scenario would protect key recreational interests on Lake Temagami.





Traditional Family Lands

The Framework Agreement specifies that in addition to settlement lands, the final agreement will provide a limited number of parcels of land within *Daki Menan* for the use of the traditional families that make up the Temagami Aboriginal community. These Traditional Family Lands will amount to no more than three square miles in total, and will be available for TFN and TAA family groups to conduct activities that reflect their culture and values. Lands will be held by a legal entity established for the collective benefit and accountable to the families and future generations. The Ministry of Natural Resources (MNR) will transfer sites after consultation and after satisfying any legal obligations it may have. The Traditional Family Land uses are to be in harmony with surrounding uses and with underlying plans (municipal or provincial). The negotiators have identified two possible scenarios:

SCENARIO 1

- Fourteen sites held as private property (fee simple) that amount to be no more than three square miles in total.

SCENARIO 2

- One or more sites per family held as private property (fee simple), or other appropriate form of tenure (land holding) that amount to be no more than three square miles in total.

Mainland Community Site

The selection and development of a mainland community site will be a key component of achieving a successful settlement of the Temagami land claim. The building of a new mainland community site for the Temagami Aboriginal community would promote the development of an economically stronger and more independent community. The development of a mainland reserve community site would provide efficiencies and make available new resources to improve quality of life, promote economic development and open up possibilities for strategic partnerships in the region.

The negotiators have identified two possible scenarios:

SCENARIO 1

- Location on Shiningwood Bay with site access via the Lake Temagami Access Road (see map, page 8).

SCENARIO 2

- Finlayson Point Provincial Park adjacent to the existing village of Temagami (see map, page 8). The existing park would be relocated elsewhere on the shore of Lake Temagami.

FEATURES OF SCENARIO 1

- Since the early 1980s, Shiningwood Bay has been identified by the Temagami Aboriginal community as a potential location for a mainland community site.
- The community site would be within the settlement lands.
- The intention of the parties would be to limit the impact on the Skyline Reserve in a final settlement.
- There would be ample room for the community to grow. However, the lack of existing services may result in high site development costs and a longer development period.

FEATURES OF SCENARIO 2

- The park location would provide waterfront lots and contains only Crown interests, but is limited in size.
- The site would have reserve status but would not be physically joined to the main body of settlement lands.
- This site would provide the Aboriginal community with easier access to amenities and services in the region.
- Since there would be ready access to existing infrastructure such as water, sewer, and gas, development time and costs would be less than in Scenario 1. ♦

Economic Development

The parties propose to promote economic development for the benefit of the Temagami Aboriginal community and other residents in the region through the creation of an Aboriginal Economic Development Corporation (EDC) and a joint Regional Economic Development and Strategic Planning Unit.

Economic Development Corporation (EDC)

The proposed EDC would be governed by, and accountable to the Temagami Aboriginal community. It would manage three development funds: a capital fund for infrastructure at the new mainland community site; a capacity-building fund for education and training; and, a community fund for business development. The corporation would also manage cottage development lots, and activities on certain commercial development property, e.g., a site at the Temagami municipal industrial park.

Development Lots

The Framework Agreement provides for an undefined number of lots for economic development purposes on Lake Temagami islands and in other areas of *Daki Menan* over and above the 112 square miles identified in the settlement lands. The development of these lots would be consistent with land use planning regimes such as the Temagami Official Plan and Temagami Land Use Plan. The negotiators will identify and allocate a number of existing Crown lots as already surveyed and registered by MNR and then consider one of the scenarios below.

SCENARIO 1

- A percentage of future Crown lots as they are developed.

SCENARIO 2

- An agreed upon fixed number of future Crown lots as they are developed.

Regional Economic Development and Strategic Planning Unit

This is a proposed joint initiative of the Temagami Aboriginal community and the Municipality of Temagami to promote partnerships in various sectors of the regional economy such as tourism and resource management. For example, the unit would look into areas such as the creation of jobs under new Crown land recreation and provincial parks management regimes, potential private sector initiatives, and other federal and provincial programs.

Access to Resources

Examples could include: vacant Bear Management Area(s), forestry, mining and hydro sites that are not currently allocated to anyone else. ♦

Land Use and Resource Management (LURM)

The parties agreed in the Framework Agreement that a final settlement should include a number of reciprocal (two-way) mechanisms to promote cooperative approaches to land use planning and resource management among the TFN/TAA, Ontario and local municipalities. The Framework Agreement also specifies that the settlement should include measures to ensure adequate consultation among the parties regarding land use and resource management across *Daki Menan* (4,000 square mile land claim area), on Ontario as well as Aboriginal lands.

Consultation and Coordinating Committee

The objective of consultation processes would be to assist in reconciling interests regarding significant land use and resource management issues. To the extent possible, consultation would be based on existing processes, modified as necessary and adaptable over time to suit the requirements of the parties. New processes may be created if required by the parties. The parties also propose the creation of a coordinating committee with representatives from TFN/TAA, the Municipality of Temagami and Ontario to review land use and resource management plans, provide early notification, and facilitate consultation among the parties. Other affected interests would be involved as appropriate. There are two possible scenarios with respect to dispute resolution:

SCENARIO 1

- Use existing processes to resolve disputes, e.g., forest management planning process.

SCENARIO 2

- Parties establish a separate process to resolve disputes. ♦

The map displays the St. Lawrence River valley, with the river flowing from the top left towards the bottom right. A grid of townships is overlaid on the map. The Fishery Point Site is located in the upper right portion of the map, near the border with Ontario. The Shiningwood Bay Site is located in the lower left portion of the map, near the border with Quebec. A compass rose is located in the bottom right corner, indicating North (N), South (S), East (E), and West (W). The map also shows the locations of several towns, including Matamoras, El Estero, and Shiningwood Bay.

Temagami Land Claim page on ONAS Web site: www.nativeaffairs.ius.gov.on.ca

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