

Algonquins of Ontario



Renewed Hope – A Journey of Survival, Rebuilding and Self Sufficiency

A PUBLICATION OF THE ALGONQUINS OF ONTARIO NEGOTIATION TEAM

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This newsletter will provide you with up-to-date information on the negotiations regarding the Algonquins of Ontario land claim.

If you have any questions, contact your Algonquin Negotiation Representative or the Algonquins of Ontario Consultation Office. Contact information is on the back page.

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Message from the Principal Negotiator

A journey that began nearly 250 years ago when the first Algonquin Petition was submitted to the Crown in 1772 is approaching its next critical phase.

We now believe that it is timely to share with you, the Algonquin Voters, several key elements of the draft Agreement in Principle (AIP), even though some Chapters, such as Harvesting, Parks and Protected Areas, Heritage and Culture, for example, are still under intensive discussion with Ontario and Canada. Over the next few months, as the negotiations proceed, you will be presented with information to help you decide if the Treaty negotiation process should continue based on this draft document.

It is important for the Algonquins of Ontario (AOO) to consider proposed elements of the draft AIP and offer comments before a formal vote is held in 2013. The Governments of Ontario and Canada, who will be signatories to this Agreement, are also consulting with their constituents and interest groups for comments.

When the draft AIP is completed, it will represent the product of extensive internal and tripartite meetings over the past several years with Ontario and Canada and your Algonquin Negotiation Representatives (ANRs), who have been elected to complete this monumental task. It will also be the product of advice from a Technical Advisory Group (TAG) on legal, planning, economic and land issues.

As your Principal Negotiator, appointed by the ANRs to move this process to its next phase, I can assure you without hesitation that the draft AIP that we are working on is the very best that can be achieved in the present circumstances. If wisely managed, the benefits of a Treaty based on the draft AIP that we are attempting

to conclude will be more than sufficient to assure the Algonquins of Ontario an enduring place in the social, political and cultural fabric of Ontario. It will also lay a foundation for not only the provision of services and programs that are needed now, but also economic prosperity to the Algonquins of Ontario for generations to come. Algonquin aboriginal rights and title will, for the first time, be clearly identified and protected by Canada's Constitution in practice as opposed to theory.

This is an historic time for the Algonquins of Ontario, and the decision facing each Algonquin Voter on the draft AIP is one to be taken most seriously. With your approval, the journey that began nearly 250 years ago can move one vital step closer to a conclusion.

The ANRs, the TAG Team and I look forward to meeting with you and your fellow Algonquin Voters over the next few months as we continue to consult with you to move forward with this important document.

Thank you for permitting us the honour to share this moment with you. We look forward to your further involvement and cooperation in this historic endeavour.

Robert J. Potts
Principal Negotiator and Senior Legal Counsel
Algonquin Treaty Negotiations

Algonquins of Ontario Land Claim – A Snap Shot

The Land Claim

The Algonquins of Ontario are on a journey of survival, rebuilding and self-sufficiency – a journey that includes building relationships with our neighbours within the Algonquin Nation.

The Algonquins of Ontario claim includes an area of 9 million acres within the watersheds of the Kichissippi (Ottawa River) and the Mattawa River in Ontario, an unceded territory that covers most of eastern Ontario. More than 1.2 million people live and work within the Settlement Area. There are 84 municipal jurisdictions fully and partially located within the Settlement Area, including 75 lower and single tier municipalities and 9 upper tier counties.

Algonquin petitions to the Crown seeking recognition and protection for Algonquin land and other rights date back to 1772. In 1983, the Algonquins of Pikwàkanagàn First Nation (known at the time as the Algonquins of Golden Lake) commenced the land claim by formally submitting the most recent petition, with supporting research, to the Government of Canada in 1983 and the Government of Ontario in 1985. The Province of Ontario accepted the claim for negotiations in 1991 and the Government of Canada joined the negotiations in 1992.

Working Towards a Modern Day Treaty

The Algonquins of Ontario and the Governments of Canada and Ontario are working together to resolve this land claim through a negotiated settlement. If successful, the agreement we reach will take the form of a modern day treaty with aboriginal and treaty rights protected under Section 35 of the *Constitution Act, 1982*.

The Algonquin Treaty will provide certainty about the ownership, use and management of land and natural resources for the Algonquins and everyone else in the Settlement Area. This will remove the barriers to economic growth created by existing uncertainties and contribute to a more stable social, political and economic environment with greater potential for regional economic development, jobs and growth.

Guiding principles of our negotiations, agreed to by the AOO, Ontario and Canada, are set out in a Statement of Shared Objectives, originally signed in 1994 and re-affirmed by the three negotiating Parties in March 2006.

Statement of Shared Objectives (1994, renewed 2006)

We are committed to achieving a just and equitable settlement of the long-standing claim of the Algonquins of Ontario, and in doing so, we intend to:

- **Avoid creating injustices** for anyone in the settlement of the claim
- **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
- **Identify and protect Algonquin rights**
- **Protect the rights of private landowners**, including their right of access to and use of their land
- **Enhance the economic opportunities of the Algonquins** with the intention of also benefiting and promoting general economic and commercial opportunities in the area
- **Ensure Algonquin Park remains a park** for the appropriate use and enjoyment of all peoples
- Establish effective and appropriate **methods and mechanisms for managing the lands and natural resources** affected by the settlement, consistent with the **principles of environmental sustainability**
- **Consult with interested parties** throughout the negotiations process and to **keep the public informed** on the progress of the negotiations

Status of the Negotiations

The Parties are making progress in their negotiations toward a draft Agreement in Principle (AIP). The AIP will be a non-binding agreement that will set out the key elements of an eventual Final Agreement or Algonquin Treaty. This is an important milestone in the negotiation process, but only one step of many towards finalizing a Treaty.

More work remains to be done by the negotiating Parties before the draft AIP can be put out for broad consultation with Algonquin communities and other interested Parties, and for an Algonquin ratification vote. For more information see **Key Elements of the Draft AIP**.

The Communities Involved

Today, the Algonquins of Ontario are comprised of ten Algonquin communities located across the Settlement Area. These include the Algonquins of Pikwàkanagàn First Nation and the Algonquin communities of Antoine, Kijicho Manito Madaouskarini (Bancroft), Bonnechere, Greater Golden Lake, Mattawa/North Bay, Ottawa, Shabot Obaadjiwan (Sharbot Lake), Snimikobi (Ardoch) and Whitney and Area.

These ten communities are working together, based on a Protocol signed in 2004, which provides a unified approach to reach a settlement of the Algonquin land claim.

Algonquin Objectives in our Negotiations

- Reaffirm the honour and pride of the Algonquin people
- Ensure the survival and prosperity of the Algonquin people and culture
- Raise awareness and understanding among non-Algonquin people about Algonquin history and culture
- Achieve reconciliation of the relationships of the Algonquins with the Governments of Ontario and Canada

The Algonquin Negotiation Process

The Algonquin negotiations are following a process that, if successful, will result in a Final Agreement or Algonquin Treaty. The general steps in this process include:

- 1 KEY HISTORIC ELEMENTS OF THE LAND CLAIM** – The Province of Ontario accepted the claim for negotiations in 1991 and the Government of Canada joined the negotiations in 1992. Guiding principles, agreed to by the AOO, Ontario and Canada, were set out in a Statement of Shared Objectives originally signed in 1994 and re-affirmed by the three negotiating Parties in March 2006.
- 2 VOTER ENROLMENT** – An Addendum protocol was created, establishing initial criteria for Electors, with the first election of ANRs in 2005. Following the election of the ANRs, ongoing efforts were made to further refine elector enrolment/criteria for voters. A Preliminary Voters List was posted in March 2011 and the enrolment process was reinstated in 2012. A Preliminary Voters List (Updated) was posted in May 2012.
- 3 NEGOTIATION OF AN AGREEMENT IN PRINCIPLE** – An AIP is the first step towards reaching a modern treaty. The AIP will not be a legally binding document. It will set out the basic elements of a proposed settlement. This will provide a foundation for the negotiation of a Final Agreement that will clarify and define the rights of the AOO as they relate to land and natural resources, among other matters, and the obligations of all three Parties.
- 4 AIP RATIFICATION** – The proposed AIP will be put to a vote by the Algonquin Voters in 2013.
- 5 EVALUATION OF AIP RATIFICATION VOTE** – If the AIP is approved by a sufficient number of Algonquin Voters within each community, then the Governments of Ontario and Canada will be asked to approve it. Following these approvals the Parties will engage in negotiations towards a Final Agreement. If the AIP is not ratified, the Parties will have to consider the reasons for the failure and the negotiations may or may not resume.
- 6 TREATY NEGOTIATION AND RATIFICATION** – A Final Agreement will set out the rights of the AOO. It will have to be ratified through another vote by the AOO. The Governments of Ontario and Canada will then each have to adopt settlement legislation to give the force of law to a modern day Algonquin Treaty protected under the Canadian Constitution.
- 7 IMPLEMENTATION** – An implementation plan will be developed and agreed to by the Parties as part of the settlement negotiations, prior to the Final Agreement. It will outline the Parties' responsibilities to implement the terms of the Final Agreement. Settlement funds will be deposited in Trusts within the first two years following the Final Agreement. Lands will then be transferred over several years following the Final Agreement.
- 8 ENROLMENT OF BENEFICIARIES** – Once ratified and given the force of law, the Algonquin Treaty will require individual Algonquins to enrol if they wish to become Beneficiaries.

Key Elements of the Draft AIP

The draft AIP continues to be a work in progress. The Parties are currently engaged in consultation processes with their constituents. It is important to highlight that the following information is not meant to be comprehensive, but rather provides a snapshot of our ongoing negotiations. All of these Chapters continue to be under intensive discussion. Additional details on these Key Elements will be forthcoming following these consultations and ongoing negotiations.

Setting the Stage – Preamble and General Provisions

The proposed Preamble of the draft AIP will contain a clause which acknowledges that the Algonquins of Ontario are an “Aboriginal people of Canada” within the meaning of Section 35 of the *Constitution Act, 1982*.

The Chapter of the draft AIP on General Provisions sets out clauses which will be inserted in the Final Agreement during the next phase of negotiations. For example, the General Provisions state that:

- The AIP has no legal or binding effect but will be the basis for the next step, that is, the negotiation of the Final Agreement
- The Final Agreement will not affect the rights of the Algonquins as Canadian citizens
- AOO Aboriginal rights in Quebec and Aboriginal rights in Ontario of Quebec Algonquins will not be affected by the Final Agreement
- Aboriginal title and rights in relation to lands and natural resources will not be “extinguished” but will “continue as modified” by the Final Agreement
- After the Final Agreement, Canada and Ontario may dispose of Crown lands and water or authorize the use of natural resources and water, subject to any consultation provisions to be negotiated after the Agreement in Principle

Transfer of Funds, Trusts and Taxation

Within the proposed terms of the draft AIP, Canada and Ontario will make a substantial payment of funds (Capital Transfer) to an Algonquin Trust or other institution. The income generated by the Capital Transfer will be tax free if held within and invested by an approved Settlement Trust. The payment of the Capital Transfer within the terms under discussion will be accomplished within two years of the signing of the Final Agreement.

On the signing of the Final Agreement, Canada will also transfer funds as part of the 2010 Agreement between the AOO and Canada with regards to the disposal of CFB Rockcliffe.

It is the expectation that a portion of the Capital Transfer will also be used to repay the loan associated with the negotiation process.

Nation and Community Lands

Transfer of Settlement Lands to the Algonquins. If the AIP is finalized, the Final Agreement would provide that Ontario transfer the parcels identified as Settlement Lands to Algonquin Institutions/Trusts. These selections would include Core Lands for use by the AOO, Community Lands, as well as certain selections for economic development.

The Algonquins have also included in their proposed land selection package parcels of Federal Crown Lands within the Settlement Area, including an interest in the development of CFB Rockcliffe and other economically important sites.

All Algonquin proposed land selections are subject to agreement with Canada or Ontario. A process of consultation by government on proposed Algonquin land selections is now underway.

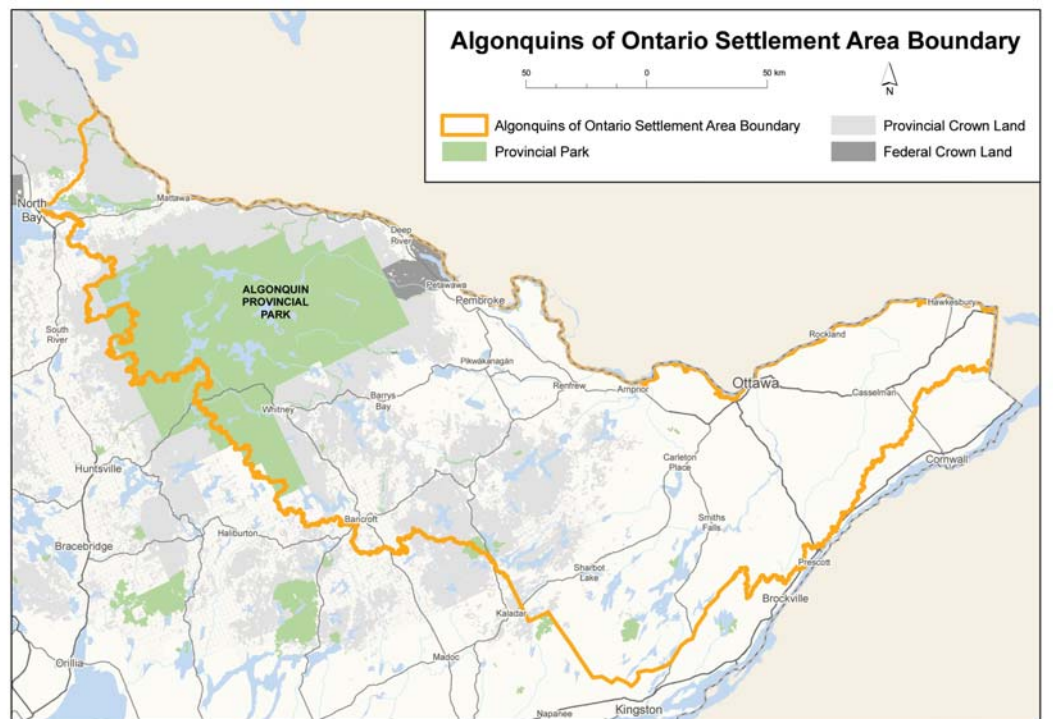


Figure 1. Algonquins of Ontario Settlement Area Boundary. Sharing Agreements with neighbouring First Nations are to be discussed.

Fee Simple – The Highest Form of Ownership. It is proposed that the Settlement Lands would be transferred in fee simple absolute and would include all surface and subsurface rights including, without limitation, all minerals on, under or within those lands.

Funds for Future Land Acquisitions. The AOO will set aside a portion of the Capital Transfer to fund future land acquisitions.

Nation and Community Trusts to Manage Settlement Lands. It is proposed that the majority of any Settlement Lands will be held within a Nation Trust, for the AOO as a whole. It is also proposed that individual Community Trusts be created. These Community Trusts would develop and deliver projects and services specific to the needs and interests of each Community.

It is proposed that these Trusts will own and manage Nation Lands and community projects. Management systems will be developed by the Algonquins of Ontario to ensure that community and regional interests have a meaningful voice in the management, acquisition, disposition and development of lands within their respective areas. These Trusts would be transparent in their operations and audited annually.

Existing Legal Interests on Settlement Lands. It is proposed that legal interests on Settlement Lands existing at the time of transfer would continue on those lands after transfer to an Algonquin Institution, in accordance with agreements to be negotiated with these interests. These interests include, but are not limited to, Sustainable Forest Licenses (SFLs), hunt camps, public utilities, trap lines, mining leases and claims, and aggregate licenses.

Key Elements of the Draft AIP

(Cont'd from Pg. 3)

Heritage and Culture

The proposed AIP will contain a Chapter addressing Algonquin Heritage and Culture, including such matters as burial sites, reinterment of human remains and associated artifacts, and other matters.



Over the years, large numbers and varieties of stone artifacts have been found in Algonquin territory. These items were used in hunting, defense, fishing, building with wood, shaping bone, food preparation, leatherwork, and for decorative and spiritual purposes. Courtesy of Omàmiwinini Pimàdjowin, The Algonquin Way Cultural Centre.

Parks and Protected Areas

The proposed draft AIP will contain a Chapter addressing among other things the use and management of Parks and Protected Areas within the Settlement Area, including Algonquin Park.

Over the years, large numbers and varieties of stone artifacts have been found in Algonquin territory. These items were used in hunting, defense, fishing, building with wood, shaping bone, food preparation, leatherwork, and for decorative and spiritual purposes. Courtesy of Omàmiwinini Pimàdjowin, The Algonquin Way Cultural Centre.

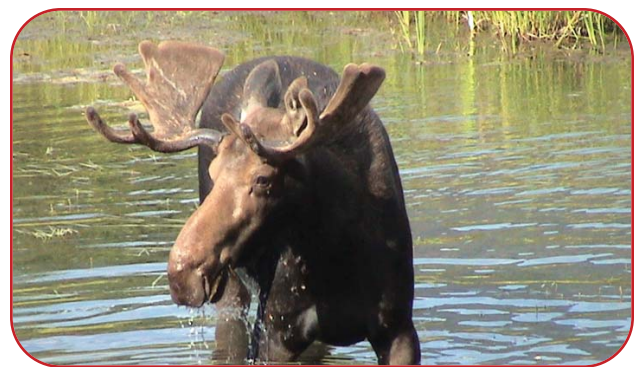
Forestry

Algonquins have resided in forested areas since time immemorial. The Algonquins have an ongoing link to the land for collecting forest resources – for the construction of shelters and accommodations, to gather medicines, to engage in hunting and gathering food, to make birch bark canoes, and for cultural and spiritual purposes. Algonquins are also engaged in modern forest operations. In keeping with these fundamental values, the proposed Forestry Chapter contains key elements to ensure meaningful participation and partnerships for the AOO in the forest industry by:

- Developing additional economic opportunities, in concert with the Forest Industry and Ontario to enhance the industry's competitiveness
- Exploring training and employment opportunities for all Parties, including aboriginal sensitivity and cultural awareness training initiatives and capacity building

Harvesting

Like the other Chapters of the draft AIP, the Harvesting Chapter is a work in progress. It is anticipated that this Chapter will describe Algonquin harvesting rights and will also address management and planning measures relevant to those rights, enforcement and other matters.



Self-Government

The conclusion of a Final Agreement will only be possible if the Parties are able to agree on matters related to the Pikwàkanagàn First Nation reserve and Pikwàkanagàn First Nation self-government arrangements.

Nothing else in the Final Agreement will affect any Aboriginal right of self-government that the Algonquins may have, or prevent any future negotiations among the Parties relating to self-government.

Dispute Resolution

This draft Chapter proposes a process to resolve disputes that may arise between the Algonquins and Canada and/or Ontario relating to the interpretation, application, implementation or alleged breaches of the Final Agreement, and any other matters identified in the Final Agreement in a way that provides an alternative to the court process.

The Algonquin Presence

In July 2009, the AOO, Canada and Ontario entered into a *Consultation Process Interim Measures Agreement*. This Agreement sets out a one window approach for Canada and Ontario to consult with the Algonquins of Ontario on proposed activities or projects in Algonquin Territory while our negotiations are ongoing. The Algonquins of Ontario Consultation Office in Pembroke serves as this one window. Since 2006, over 450 consultation requests have been received and over 200 files are active at this time.

This *Consultation Process Interim Measures Agreement* and the Consultation Office are providing the AOO with an unparalleled opportunity to express the interests of the AOO in relation to virtually every public sector development in the Settlement Area. This has led to the AOO being recognized as a key participant in the development of lands, resources and public policy throughout the Settlement Area.

While our negotiations move forward, a number of very exciting initiatives are also taking shape and serve to:

- Enhance Algonquin presence and influence for land development and major infrastructure activities in Algonquin Traditional Territory
- Strengthen relationships with municipalities and other government agencies
- Establish Algonquin credentials as strong players in the social, economic and political fabric of eastern Ontario and Canada

Some of these exciting initiatives include:

The **Ottawa Light Rail Transit (OLRT)** project has gained considerable momentum as the proposed LeBreton Flats Transit Station has been identified as an "Algonquin themed" station. The location of this station is of particular significance to the Algonquins as it is within close proximity to Chaudière Falls and Victoria Island, both of which are sacred gathering places for the Algonquins since time immemorial.

Ottawa City Council is committed to integrating Algonquin history, culture and arts into the **Lansdowne Revitalization Project** through specific Algonquin interpretive elements including way-finding based on the four colours, an Ethno-Botanical Garden, a Teaching Circle, plantings of trees of significance to Algonquin culture, and Algonquin Art Commissions.

The analogy of the Sweetgrass Braid is used to describe the relationship between the Algonquins, Canada and Ontario - the image of three strands interwoven to produce a strong and resilient braid. The three diverse strands remain distinct and to some degree separate, but the weaving of them creates a whole that is greater than the sum of its parts.

An Algonquin Treaty can bring this idea into existence, and our negotiations involve the weaving of the braid that will symbolize a powerful reconciliation of diverse roots, culture and sovereignties of the Parties.



A Mineral Exploration and Development Protocol Agreement between the AOO and the Ministry of Northern Development and Mines, and first of its kind in the province, that sets out guidelines for mineral exploration within the Algonquin Settlement Area.

The completion of an AOO position paper entitled **Returning the Kichissippi Pimisi, the American Eel, to the Ottawa River Basin**. The American Eel is considered sacred to the Algonquins and has been an essential part of the Algonquin culture for thousands of years. The eel is a model of strength and adaptability, living in harmony with its surroundings. It is vitally important that we serve as the voice of the eel to ensure its survival.

The **CFB Rockcliffe Participation Agreement**, executed between the AOO and the Canada Lands Company in 2010, and in the process of being implemented. CFB Rockcliffe was originally established by the Department of Defence in 1898. The base was once home to over 450 military families, but since 1994 has been decommissioned. Through this agreement, the AOO has a direct financial interest in the development of one of the most desirable and valuable parcels of development land in Canada.

Efforts to build and strengthen relationships with **Parks Canada** and the **National Capital Commission** are moving forward through a number of projects including the Rideau Canal Promenade and the Interprovincial Bridge as well as the exploration of various federal real estate opportunities.

Another step forward in our journey to bring visibility to the Algonquins and our language is through **municipal street naming**. The AOO have been approached by a few municipalities to work together to identify Algonquin words and names that could be used and locations where these names might be appropriate. The municipality would then work with developers to promote the use of these words for street names in new subdivisions or other developments.

Update on the Voter Enrolment Process

An initial Voter Enrolment process resulted in the posting of a Preliminary List of Voters in March 2011 and a supplementary Voters List in April 2011. Over the past several months, progress has been made in negotiations with Canada and Ontario to the point that all three Parties determined that the Voter Enrolment process should be reinstated in the expectation of a vote on a draft AIP in 2013. This further enrolment resulted in a more comprehensive 2012 Preliminary List of Voters (Updated) numbering over 8700 eligible Algonquin Voters.

Following the posting of the 2012 Preliminary Voters List (Updated), there have been some protests filed challenging Voters who have been enrolled as well as protests by applicants who were denied enrolment. These protests, along with other protests filed in the initial 2011 phase of enrolment, are now being processed by the

Review Committee, or where appropriate, by former Superior Court Justice James Chadwick, all in accordance with the ratification process contained in Chapter 15 of the draft AIP. For further details on the Enrolment Process see <http://www.blaneyalgonquin.com/voter-enrolment.html>

More recently, at the request of the Review Committee, Ontario, Canada and the AOO have agreed to extend the time for the protests to be resolved to the spring of 2013.

Following the processing of the protests, the 2013 Final List of Eligible Algonquin Voters for the draft AIP will be posted.

Stay tuned for further details.

Algonquins of Ontario



Renewed Hope – A Journey of Survival, Rebuilding and Self Sufficiency

Who's Who

Algonquin Negotiation Representatives. The Algonquin Negotiation Team consists of the Chief and Council of the Algonquins of Pikwàkanagàn First Nation and one representative from each of the nine other Algonquin communities. These Algonquin Negotiation Representatives (ANRs) are elected by the Algonquins through elections for a three-year term. Your 16 ANRs and their community affiliation are as follows:

Clifford Bastien Jr. Mattawa/North Bay	Patrick Glassford Greater Golden Lake	Cliff Meness Pikwàkanagàn
Ronald L. Bernard Pikwàkanagàn	Davie Joannis Antoine	Jim Meness Pikwàkanagàn
Katherine Cannon Kijicho Manito Madaouskarini (Bancroft)	Sherry Kohoko Pikwàkanagàn	Kirby Whiteduck Pikwàkanagàn
Lynn Clouthier Ottawa	Dan Kohoko Pikwàkanagàn	Richard Zohr Bonnechere
Bob Craftchick Whitney and Area	H. Jerrow Lavalley Pikwàkanagàn	Doreen Davis Shabot Obaadjiwan (Sharbot Lake)
Randy Malcolm Snimikobi (Ardoch)		

Algonquins of Ontario Ratification Committee. An independent Ratification Committee has been established by the AOO, Canada and Ontario to produce a Voters List and oversee the ratification process for the draft AIP. The Ratification Committee is comprised of five individuals - two selected by the Algonquins of Ontario, one selected by the Government of Ontario, and one by the Government of Canada as well as the Chairperson, who has been approved by all of the Parties. The process and schedule being implemented by the Ratification Committee has been agreed to by the AOO, Canada and Ontario.

Review Committee. The AOO, after consultation with Canada and Ontario, appointed a Review Committee to rule on any protests filed challenging Voters who have been enrolled on the Preliminary Voters List as well as protests by applicants who were denied enrolment. The Review Committee is made up of a panel, any three of whom can render a decision. With the exception of the judicial member, the Honourable James Chadwick, formerly of the Superior Court of Ontario, all Review Committee members are Algonquins. The Ratification Committee is required to refer all protests, including all relevant information, to the Review Committee for their consideration.

Next Steps in the Draft AIP

Further work on the draft AIP will be undertaken following a series of meetings to be held throughout the Settlement Area during the first two weeks of September 2012. These meetings are open to all enrolled Algonquin Voters. The Governments of Canada and Ontario are also in the process of holding meetings with their stakeholders and constituents.

The Algonquins of Ontario will be holding further meetings with our communities over the coming months with a view to finalizing the draft AIP. Following the finalization of the draft AIP, additional meetings will be held with Algonquin Voters to explain and discuss the terms of the draft AIP with a ratification vote expected to take place in 2013.

Stay Informed – Stay Connected!

Provide your up-to-date contact information to ensure that you receive updates on the draft AIP, future voting information and are made aware of upcoming meetings.

Contact your local Algonquin Negotiation Representative or the Algonquins of Ontario Consultation Office
Toll free at 1-855-735-3759 or 613-735-3759 / Email algonquins@nrtco.net

Watch for Issue 2 – Coming Soon!