



Algonquins of Pikwakanagan First Nation

January 25, 2018

Dear First Nation Member,

We hope that you have had a pleasant and happy Holiday Season. We also wish you a very Happy New Year.

We are following up to our letter of December 5, 2017. In that letter we provided you with an update on a number of matters, including laying the groundwork for further negotiations that involve the development of the 5 Year Main Table Work Plan, exploring Constitution and Governance models as well as other matters.

We also stated that we would be organizing a number of information sessions in 2018 where we would begin to provide more detailed information and updates.

Beginning in late February 2018, we will be holding the first of a series of family meetings, based on family lines, and similar to ones we've held in the past in Pikwakanagan. For the convenience of our members, meetings will also be held in Toronto, Ottawa and Kingston.

We will be holding our first round of these sessions from February 28, 2018 to April 18, 2018. In this first round we will provide a brief update on our efforts, as outlined in our letter of December 5, 2017 (attached for your convenience). Alan Pratt, Legal Counsel, will then provide an overview of the claim, the negotiation process as well as a historic and legal overview. A more detailed analysis of the Indian Act, its impact on our families, our First Nation and proposals on Self-Government as an alternative will be discussed. We will provide you with an update on our work on the Beneficiary Criteria.

Future rounds of meetings are to be planned and we welcome your input on other topics for discussion. These meetings will speak to the work we have done over the past and other items raised in our letter of December 5, 2017, including Land Management Structure, TransCanada Pipelines, the Métis issues and the Mississauga First Nations harvesting issues.

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Invitations for this first round of meetings will be mailed out in the coming weeks. We will also be placing notices in our AOPFN Newsletter, website and Facebook page.

If you are uncertain as to which meeting you should attend, please contact Alanna Hein or Delores Kohoko at 613-625-2800.

Meegwetch,

A handwritten signature in black ink that reads "Kirby Whiteduck". The signature is written in a cursive style with a large, stylized initial 'K'.

Kirby Whiteduck
On behalf of the Council of Algonquins of Pikwakanagan First Nation

Attachment: Letter of December 5, 2017 from the Council of Algonquins of Pikwakanagan First Nation



Algonquins of Pikwakanagan First Nation

December 5, 2017

Dear First Nation Member,

I hope this letter finds you and your family well and in good spirits.

It has been some time since we have provided you with an update on some of things that we are involved with. There are a number of reasons for this.

Prior to the vote on the AIP we were served with Notice of Judicial Review in the Federal Court by a lawyer representing some of our members, putting us in Court for many months. When that matter was stayed we were then served by that same lawyer with court papers for a new legal challenge in Ontario Superior Court which action continues to this day. This has and continues to involve a significant amount of time and costs.

Furthermore, the election for Chief and Council was held at the end of March of this year with the campaign beginning several months prior to then. Shortly after the election a number of appeals were filed and these have only recently been dealt with.

To add to that we have since been again taken to court by the same lawyer, challenging our election and appeals procedures. Four members are appealing and seeking to overturn the First Nation election. As you can understand that as these legal actions are underway it makes it very difficult to say or do anything about those issues. There is truth in the old adage "Anything you do or say can and will be used against you in a court of law". While we believe that these legal actions have no merit, we are forced to expend time and money defending the interests of the First Nation which takes away from our ability to make progress on other priorities.

We had expected to have a Communications person hired well before now. Unfortunately, that has not happened and we are currently reviewing the process and the Job Description.

On the negotiations front, Ontario was without a Chief Negotiator for many months. Up to April of this year Doug Carr had been appointed as Chief Negotiator for Ontario but only for a one-year term. For several months Ontario undertook a competition for his position but eventually Doug Carr was recently successfully rehired for a longer term and is now back as Ontario's Chief Negotiator.

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The Ontario government is currently in the midst of a renewed mandating process for its Negotiation Team and the outcome of this process should be made known to us shortly. Until that time, we do not expect that any substantive negotiations will occur.

However, we have been working on a number of important matters and issues. I will briefly report on some of the more significant items here. A more detailed update will be provided in upcoming information sessions. We are in the midst of planning and preparing for a round of detailed update sessions to start in the New Year.

5 Year Main Table Workplan. The 3 Parties have developed a detailed Draft 5 Year Workplan for the Final Agreement negotiations. These have identified main table negotiation items, their order of priority, the party taking the lead and timeframe for the negotiation on each item, among other things. We continue to work on Canada and Ontario with respect to improving upon the land and compensation elements.

Negotiation Sub-Tables and Draft Terms of Reference. We, including Ontario and Canada, have been doing some groundwork in preparation for Final Agreement negotiations. A number of Sub-Tables, and draft Terms of Reference for the Sub-Tables have been developed and are being worked on to advance negotiations. These Sub-Tables will focus on the different elements of the Final Agreement negotiations such as Land, Harvesting, Parks and Protected Areas, Heritage and Culture, Claims Institutions, and Self-Government (AOPFN only). Individual members of the ANR's and Ontario and Canada have been tentatively selected/appointed to these Sub-Tables. The Sub-Tables will report to the Main Table. The ANR's, including Chief and Council, will be taking a greater role at these Sub-Tables, in order to build capacity and take greater ownership of these important issues.

There are a number of other very important items that have kept us very busy. The following is a brief report on some of them. Again, we will provide more detailed updates in the upcoming sessions.

Beneficiary Criteria. For a number of months beginning in the summer of last year we have worked diligently on making progress on draft beneficiary criteria. A number of sessions with the ANR's which also involved the employ of a mediation team were held. Pkwakanagan undertook research on a number different court cases and analysis, including legal analysis. All ANR's have acquired a better understanding of the legal criteria and guidelines for Aboriginal rights holders.

As a result, we have agreed on a number of areas including that "The objective of the negotiations is to protect Aboriginal rights, and at a minimum, to benefit Algonquin Aboriginal rights holders." We are continuing to work to ensure that the ultimate beneficiaries will be those people with aboriginal rights as Algonquins according to legal criteria as well as our own idea of who is, and who is not a "rights-bearing" Algonquin. Our hope is to consult with the membership in the New Year on a refined set of beneficiary criteria.

Constitution and Governance. We have also spent some time looking at development of a Draft Constitution including exploring other Constitutions and exploring and looking at draft Governance structures to manage the products of a Final Agreement. We are hoping to have a concept paper on a Constitution to share with you in the New Year.

Lands Management Structure. Work has also been undertaken on exploring and developing a Draft Lands Management Structure for the different areas and categories of land we expect will be recognized as Algonquin Lands. Again, we hope to have a draft to share with you in the New Year.

TransCanada Pipeline Limited-Energy East. A significant amount of time and energy has been spent on this subject over the last couple of years. We have had quite a number of meetings with National Energy Board representatives, TransCanada Representatives, Government representatives, Energy East officials and others. We sought an arrangement for revenue sharing as well as a forum to express our concerns with the Energy East project. We had been granted Intervenor Status by the National Energy Board and had prepared a three (3) hour presentation. Then on October 5, 2017 TransCanada Pipelines announced that the Energy East project had been cancelled.

This information and the presentation has been prepared to be relevant to the governments initiative towards "Reconciliation". We have sent a letter asking the government to open talks/negotiations with us in that respect. We are hopeful that there will be positive things to report on this in the coming year.

We also prepared an application to intervene in the Supreme Court of Canada in two cases involving the National Energy Board and its role in Crown consultations with First Nations.

Métis Issue. A large amount of time, energy and resources has been spent on dealing with an issue that could significantly impact our territory and our harvesting in our territory. The Métis Nation of Ontario has been lobbying for and pushing for recognition of Historic and present day Aboriginal rights bearing Métis Communities across Ontario including in Algonquin Territory. Just recently a joint announcement was made by the MNO and Ontario of the recognition of 6 historic Métis communities in Ontario including a "Mattawa/Ottawa River Historic Métis Community."

Ontario has stated that this does not mean that any modern day Métis Community are rights holders. They state that that is still to be determined. But we are concerned that this recent announcement is a step towards that kind of recognition. Meanwhile Ontario already has an agreement with the MNO where the MNO is able to give out 1450 Métis Harvester Cards allowing them to harvest including in the Mattawa area. We have strongly voiced our opposition to this and to their recognition of a Mattawa/Ottawa River Historic Métis community and we will continue to do so. We have written a letter to two Ontario Ministers threatening legal action if they do not reverse their decision to recognize the "Mattawa/Ottawa River Historic Métis community".

The Williams Treaty First Nations. Ontario has recently advised us that it is recognizing harvesting rights of four Mississauga First Nations within in the area of the so-called Rideau Purchase, a treaty made with Mississauga's in 1822. That position would grant to the four Mississauga First Nations harvesting rights through the central part of our traditional territory. We have obtained a legal opinion to the effect that Ontario has not properly interpreted that treaty and have written to two Ontario Ministers threatening legal action if they do not reverse their decision. We have also emphasized the fact that no consultation with the Algonquins has occurred prior to making this decision.

Algonquin Chiefs Meetings with the National Capital Commission. Members of Council and I, along with other Quebec Algonquin Chiefs and Councillors, have had several meetings with the National Capital Commission's CEO and other NCC staff concerning NCC lands and proposed developments such as Lebreton Flats. Consultations and accommodation and a plan for how this is to happen are among the agenda items.

Canada's 150th Anniversary. We have been involved in some of the many events and activities planned for this Anniversary. We were involved not to celebrate the anniversary but to take the opportunity to educate people and to inform them of Algonquins and the Algonquins of Pikwakanagan First Nation and the fact that Canada's capital has been developed on our unceded Algonquin land, contrary to legal rules established as early as 1763.

One of these was an arrangement with the National Capital Commission (NCC) for the use of a building on Victoria Island in Ottawa which we called the Minitig Pavillion. An archaeological exhibit was on display. Arts and crafts by members and others were on display and for sale. The thousands of visitors to the Pavilion made this effort a great success. The Miwate light show at Chaudierre Falls was another one. OP took the lead on our behalf and was instrumental in these successes.

Concerning communications and updates the Administration is also preparing to provide you with more regular information on activities and significant events occurring under their Departments and programs. A communications person will be an asset in this respect.

In summary, it has been a challenging time for Chief and Council and for the Treaty negotiation process. However, we are making progress toward fulfilling the direction we have received to defend and protect Algonquin rights and to build a Treaty that will substantially improve upon the previous package. We continue to strive to negotiate a positive Treaty including a Self-Government Agreement that will secure a better future for us and our member generations as a continued First Nation with strength and prosperity.

Meegwetch,



Kirby Whiteduck, Chief

On Behalf of the Council of Algonquins of Pikwakanagan First Nation