

Ontario transferring Burtch lands to corporation to be established

By Donna Duric and Lynda Powless
Writers

The Mohawk Chief that negotiated the return of the Burtch lands to Six Nations, says he is "deeply concerned" with Ontario's reneging on its agreement on how the Burtch lands would be returned and its encroachment into the community's internal affairs.

"I am deeply concerned with Ontario making comments that they will decide who farms the Burtch lands without consulting the Confederacy," said Mohawk Chief Allen MacNaughton. He said he is not happy with Ontario's move to establish a corporation to hold the lands.

"The land was to be returned under the same terms as the 1784 Haldimand Deed. And we will hold them to that," said Chief MacNaughton. After years of bureaucratic wrangling and political manoeuvring, Ontario's aboriginal affairs ministry declared the Burtch lands ready to be handed over to Six Nations, but said they would only turn them over through a corporation, not to the band council or Confederacy.

Turtle Island News learned of the move after receiving a copy of a letter dated April 1, 2015 sent to both band council and the Haudenosaunee Confederacy Chiefs Council, (HCCC) from Aboriginal Affairs Director of Community Initiatives Randy Reid confirming the \$30 million remedial clean-up work on the land is now complete. The letter reads:

"We are pleased to inform you that the province has completed remediation work for the Burtch lands. We have spent over \$30 million on the remediation process and I am happy to report that the environmental testing conducted indicated that the remediation program is complete and is now up to this high

standard."

The land is the site of the former Burtch Correctional Facility in the small town of Mt. Pleasant.

Mohawk Chief Allen MacNaughton was instrumental in negotiating the return of the Burtch lands during the 2006 land reclamation of the former Douglas Creek Estates housing subdivision in Caledonia in exchange for barricades coming down on Hwy. 6. Chief MacNaughton had negotiated for the return of the Burtch lands to Six Nations in its original state, prompting the environmental cleanup and outside of the auspices of band council or the additions to reserve process. Mohawk Chief Allen MacNaughton said he is disappointed and concerned. "I am concerned about them making comments that they will decide who farms the lands. All they are doing is making deeper divisions with factions on Six Nations that we have to deal with."

He said the internal en-

as part of the conditions of the lease, had to have the soil tested.

"We had it tested and found because of bad farming practices the soil was depleted so the people who leased it had to put money into the testing so they could farm it this year." He said the Confederacy "is very concerned that the best farming practices are implemented there for the benefit of all the community."

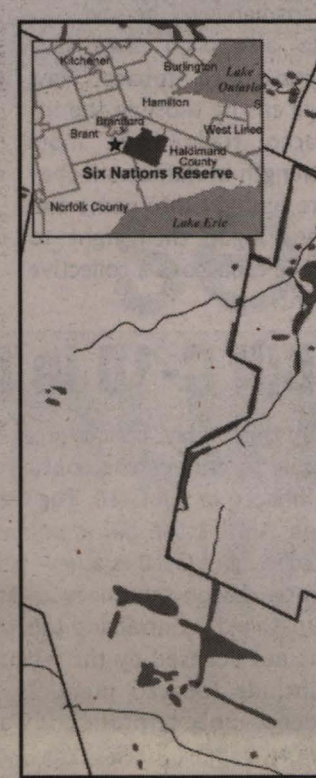
He said the soil had to be corrected and the farmers' association "was not cooperating with Confederacy." But, he said "that isn't to say there couldn't be some reasoning with them in the future, but right now the land is occupied."

He placed the blame for any divisions over the land on Ontario.

"The main problem is Ontario is not communicating with us in any meaningful manner to resolve these issues but instead is just causing more problems."

Monitors from the Hau-

denosaunee Development Institute, (HDI) the planning department of the HCCC have supervised the Burtch clean-up process since 2007. In the past two years, Six Nations Band Council began claiming rights to the land, despite the conditions under which MacNaughton negotiated its return.



denosaunee Development Institute, (HDI) the planning department of the HCCC have supervised the Burtch clean-up process since 2007. In the past two years, Six Nations Band Council began claiming rights to the land, despite the conditions under which MacNaughton negotiated its return.

"The province is now ready to transfer the title of the Burtch land to the Six Nations people," the letter states. "As you recall, we have had many discussions with the HCCC and (band council) over a number of years about the entity that will hold title to Burtch, as

spring, despite a moratorium placed on farming there last year by the HCCC.

Former Elected Chief Bill Montour questioned On-

Indian Act system that's just gonna put a fence around it right away."

And he warned it would be just the beginning.

"Next Ontario will do the same thing with Kanonhstont and the 5000 acres in Townsend, Ontario promised to give back to Six Nations. It will not be owned by the people it will be owned by a corporate entity owned by Canada no one will have control."

He said Ontario's move to tell Six Nations the land is for agricultural purposes and who will lease is dictating to Six Nations.

"Ontario is dictating to us the use of our land," he said.

Current elected Chief Ava Hill did not respond to Turtle Island News requests for comment.

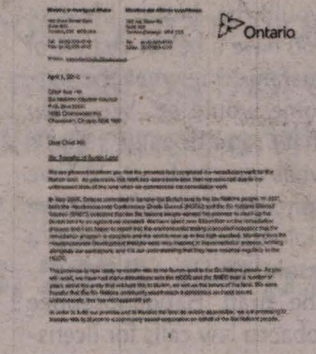
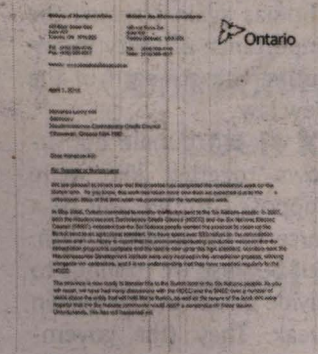
The HCCC placed a moratorium on farming the Burtch after soil testing revealed bad farming practices had depleted the soil and it was in need of rebuilding. The moratorium was initially for two years with testing in each year. The Six Nations Farmers Association after issuing complaints to the Six Nations Band Council and Ontario over loss of income as a result of not being able to farm the Burtch received \$65,000 in compensation from Ontario last year.

The Six Nations Farmers Association has been farming the Burtch lands without paying lease fees to either the band council or Confederacy refusing to acknowledge either body. Six Nations Band Council also pays the farmers' association \$10,000 a year from the community's gaming funds to plant white corn for the community's use.

Ontario says it wants to hear from the HCCC and elected council about the SNFA's ability to farm the lands by April 17.

Ontario says it wants to hear from the HCCC and elected council about the SNFA's ability to farm the lands by April 17.

Ontario says it wants to hear from the HCCC and elected council about the SNFA's ability to farm the lands by April 17.



(Continued on page 7)

Ontario reneges on agreement that brought 2006 barricades down

(Continued from page 3)
HDI director Hazel Hill says Ontario is dictating to Six Nations.

"This decision by Ontario to dictate to our community that they have to set up a corporation to hold the land demonstrates bad faith on behalf of Ontario."

Hill said Ontario's claim that the community of Six Nations has been unable to reach a consensus on whom the land should be returned to is "ludicrous. Six Nations is unable to reach consensus according to whom? It is quite funny coming from Minister (David) Zimmer whose whole process of an elected band council is made up of less than 5.5 per cent of the community. It is hypocritical of them to listen to a council that represents five per cent of the people." Hazel Hill says the move is an attempt by Ontario to regain control of Six Nations.

"Ontario lost control of the lands when it was put in the Haudenosaunee Confederacy Chiefs Council (HCCC) land registry and we would not tolerate this imposition of Ontario. This is Ontario failing, again to respect the HCCC. This is

about power and control. Ontario is trying to gain back power over those lands just as they tried to do last year when Minister Zimmer refused to renew the Confederacy's Communications Protocol agreement and he set up his stakeholder process; a process that Ontario wanted to control."

Hill said Ontario is "attempting to gain control of the land and put the entity they think they can control, the band council, in a leading role."

She said the HCCC already has both a process and agreement in place for the Burtch lands. "We have a process in place and lease agreement in place with two well respected local farmers' families. So who is Ontario to determine internally what our process is. That is both a very paternalistic and colonialist move by Ontario that continues to oppress our people."

She said the Ontario move to order the band council to set up a separate corporation to hold the land with representatives from both the Confederacy and band is Ontario taking control.

"It demonstrates Ontario or the Crown's failure to work with the Confederacy on a level that recognizes and respects our processes. They know the HDI is the receiver of any correspondence on Burtch or Kanohstaton. It would have been respectful of them to provide it there," she said after learning of the letter from the Turtle Island News.

"If the band council wants to proceed in bringing the Burtch lands back under a surrender or a process that undermines the rights of our people, if all we are going to do is give the land back to the Crown through a fee simple process then why take it back in first place. That's what fee simple does. It makes it Crown land."

Hill said she finds the Ontario move disturbing and paternalistic. "It's all very paternalistic of Ontario to tell us how to do our business. They don't like the HCCC land registry because they have no control or say over it and they are trying to get their foothold over it. It should have gone to the people so the people can see that Ontario is reneging on their agree-

ment to give the land back under the 1784 agreement to the Confederacy. Those bodies (band council and Ontario) weren't in place. The Confederacy was. If they try to force the Indian Act system, the people will not be happy."

She said "there was a whole lot of work done by the chiefs and clanmothers, not the band. If Ontario is setting aside all that work the Confederacy chiefs and clanmothers did in those negotiations they are failing to recognize the people will have a big say on how it will go. So go ask the people if they want the land held as fee simple."

Bill Monture, of the Six Nations Men's Fire, is not happy with the news.

"I don't think that's right," he said. "Band Council has no rights to the land. They are here as a federal and provincial entity. That land was borrowed back in the day for war time and when it was supposed to be returned, they forgot who the owners were. It wasn't band council – it was our chiefs' council. That's where it should come back, not the elected system."

Six Nations farmer Eddie Green – who was given

permission by the HCCC to farm the lands this year – told the Turtle Island News he will be farming the lands this year, not the Six Nations Farmers' Association. He did not want to provide further comment.

Monture also said the province has no right to give the SNFA permission to farm the lands.

"It's not their say; it's not their land to say anybody can farm there. It was de-

ecided to by the chiefs' council...that Eddie Green signed a lease with the Confederacy and that's the one who's going to be farming it. I don't give a shit what the province says. Council ain't got a damn thing to do with the land. That rests with the Confederacy."

Ontario Aboriginal Affairs ministry did not answer Turtle Island emails or phone calls.