

Ontario transferring Burtch lands to corporation to be established

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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-

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 Kanonhs-ton 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.

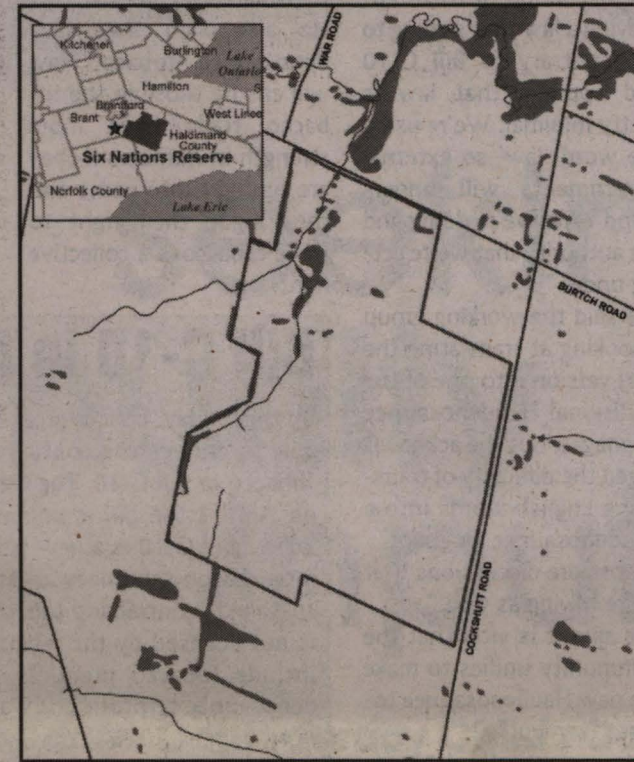
The Six Nations Farmers Association after issuing complaints to the Six Nations Band Council and Ontario over loss of income as a result of not being able to farm the Burtch received \$65,000 in compensation from Ontario last year.

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.

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well as the tenure of the land. We were hopeful that the Six Nations community would reach consensus on these issues. Unfortunately, this has not happened yet."

The letter goes on to say that in order to fulfill its promise to return the land as quickly as possible, aboriginal affairs is proposing to return the land title to a "community-based corporation on behalf of the Six Nations people."

"We have asked the Six Nations Elected Council to create a corporation for this purpose. We will encourage SNEC to reach out to the HCCC and others in the Six Nations community to try to ensure the corporation is representative of the various groups and interests in the Six Nations community."

The ministry says it wants to hear back from the band and HCCC about the proposal by June 16, 2015.

The ministry says it is also allowing the Six Nations Farmers' Association the right to farm the land this

ario's position. "Who do they (Ontario) think is gonna enforce that," he said in reference to the establishment of a corporation.

"No I think, we need to take it over ourselves."

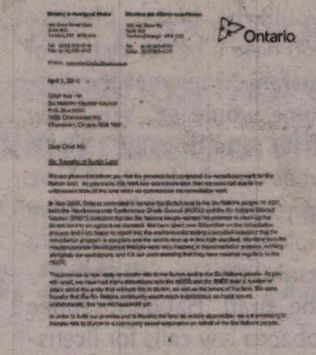
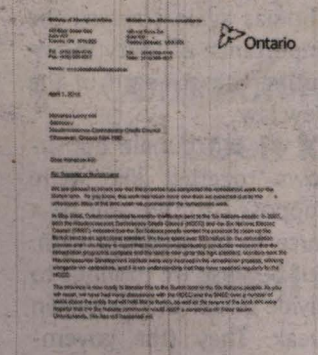
He said Ontario is reneging on their agreement and are continuing with this whole top down approach they have. The best thing is to transfer to Six Nations and we will deal with it not Canada's corporations.

The former chief warned, "establishing a corporation means someone is going to pay tax on this."

He warned "a corporation is a taxable entity and is no longer an Indian. This is the thin edge of the wedge for importing taxation into the territory."

The former elected chief said the community could establish a trust.

"I would suggest creating a trust ourselves to hold the land until we come of one mind how it will be registered or put in the name of the people or the community. If you put it under the



croachment will cause divisions between the Confederacy and Six Nations Farmers' Association. "Ontario is throwing its support behind the farmers' association without knowing the details of the agreements the Confederacy has made. The farmers failed to sign a lease with the Confederacy and we put the land out to tender and have signed a leasing agreement with another reputable farming family." He said the new leasees,

densaunee 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