

Haudenosaunee Chiefs shut down Cayuga bridge project after Ontario fails to consult

By Donna Duric
Writer

CAYUGA - Members of the Haudenosaunee Confederacy Chiefs Council have put the Ministry of Transportation (MTO) on notice and shut down construction on the Hwy. 3 Grand River Bridge Replacement in Cayuga, citing a lack of consultation from the Ministry of Transportation (MTO).

Cayuga Chief Blake Bomberry and Confederacy supporters peacefully halted work by Dufferin Construction Tuesday morning until the MTO consults with the HCCC on the project.

The bridge encroaches on Haudenosaunee tow path lands.

Chief Bomberry says the HCCC is concerned because they were not consulted on

norning us. For the past two meetings, they just refused to do anything we asked them.

"The last meeting we had with them, I forewarned that if they didn't move forward on anything we'd be coming down here."

Bomberry says the HCCC is concerned about work moving forward "in our treaty territory" and potential impacts on archaeological interests in the area.

He said Hwy. 3 bridge replacement is located on what's called the Six Nations "towpath" lands.

"We own what they call 'the towpath' along the river, right from the feeder canal to Brantford," said Bomberry. "Since it's our land and they're building on our land, I said 'you're going to have to talk to us about it.'"



Workers leave the bridge Tuesday morning. (Photos by Jim C Powless)

the project, located on unceded Six Nations lands, despite numerous meetings with MTO officials in the past few years.

"When this project started, we tried to engage with the (MTO)," said Bomberry. "They've been refusing, ig-

The actual construction started a year ago, according to Bomberry.

"We've had a number of meetings with the (MTO)."

He said the HCCC had no choice but to shut the project down.

"We'd like to have agree-



Work on the Cayuga bridge has come to a stop after the MTO failed to consult with Six Nations. (Photos by Jim C Powless)

ments; we don't want to have to do this direct action stuff every time we want something done."

Bomberry said negotiations with ministry officials have been shaky ever since Ontario refused to renew a communications protocol it signed over two years ago when Premier Kathleen Wynne was aboriginal affairs minister. The province let the protocol lapse this past summer.

"It (communications with the province) was going easier when we had that protocol with Ontario but now it's pretty wobbly," said Bomberry.

About five men asked workers to stop construction until the HCCC meets with the MTO. Workers politely agreed to stop construction.

"We want some response from the ministry of transportation," said Bomberry. "They agreed to stop. If they start up again without any response from the ministry, we're going to have some of our guys down to keep an eye on things."

Requests for comment from the MTO were not returned by press time.

The Haudenosaunee Development Institute (HDI) the HCCC's development department, has been attempting to engage with the Ministry of Transportation for the past three (3) years with respect to MTO Projects which are impairing rights in areas of HCCC jurisdiction, said Aaron Detlor, HCCC legal adviser.

"Despite repeated requests for a good faith engagement process the MTO has refused to sit down in good faith and consider the impact of MTO Projects on Haudenosaunee rights and interests", says Detlor.

Instead, he said, the Ontario Liberals would rather "cost the province's manufacturing and construction industry tens of millions of dollars in work stoppages, shut downs and court costs as their failure to engage pushes the projects and Haudenosaunee into direct conflict".

In an October 22, 2014 meeting with the HDI, the

MTO acknowledged the impact of the Cayuga bridge construction upon Haudenosaunee rights and also MTO specifically acknowledged that it had not undertaken any assessment of Haudenosaunee rights including the rights of ownership given that the construction is taking place on tow path lands owned by the Haudenosaunee. The MTO has been aware of Haudenosaunee rights and interests in the tow path lands along the Grand River and the bed of the Grand even as recently as 1985 when Ontario negotiated an agreement with Six Nations to build the Caledonia bypass bridge, it negotiated with the community and agreed to build a bridge in Ohsweken in exchange for use of the tow path lands and bed of the Grand River at Caledonia.

"Despite knowledge of the Haudenosaunee rights on this area of land and despite the acknowledged failure to undertake any assessment of Haudenosaunee rights whatsoever the MTO refused to

halt construction on the project," said Detlor

He said "the refusal of the MTO to deal in good faith has meant that the Haudenosaunee must now exercise their rights in and around the Cayuga Bridge project until the MTO is prepared to halt construction and sit down in good faith to begin discussions to determine if the Haudenosaunee are prepared to grant consent to allow MTO to proceed."

Detlor said "The HDI deeply regrets the failure of the MTO to come to the table in good faith and any inconveniences that MTO's conduct will cause to the people of Haldimand County. We hope that the HDI and MTO will be able to sit down in a mediated process in the near future to resolve the failure of MTO to uphold the honour of the crown."

A Communications protocol framework between the Haudenosaunee and Ontario Minister of Aboriginal Affairs has been in limbo since June. It was the first in a series of established processes for the Ontario government, as part of the Crown, in how Ontario and the Haudenosaunee will relate to each other, with its basis in the Two Row Wampum.

Ontario, instead of returning to the communications table, have unilaterally established a new table that appears to include the Six Nations Band Council and Haldimand County Council and attempts to bring the Haudenosaunee Confederacy under the Indian Act system.