

And...Band Council says Confederacy has no say over lands

By Donna Duric
Writer

Six Nations Burtch Tract lands may be, becoming a type of volleyball in an Ontario-Band council move to oust the Confederacy.

Despite precedent-setting negotiations with the Confederacy to return the Burtch lands to Six Nations, through the Confederacy, the band council is now claiming the Confederacy has no authority over what happens to the lands.

The issue came to light at a band council meeting last week when a local construction worker, Dan Elliott, sought band council's help in getting back to work on the property.

Elliott's company was sub-contracted by a Kitchener company to remediate the soil at Burtch.

Ontario shut down the job after the Haudenosaunee Development Institute (HDI) indicated it was not happy with Ontario and the

band council removing a Six Nations environmental engineering firm from the remediation work.

An angry Elliot accused the H.D.I. of acting without the consent of the Confederacy which prompted councillors to echo the elected council has authority over Six Nations, not the Confederacy.

"Hazel (Hill HDI interim director) and Detlor are acting without authority in my mind," said Elected Chief Bill Montour who offered to help Elliot get back to work.

Elected Chief Montour said the H.D.I. had no authority over the Burtch lands. The H.D.I. is the planning department of the Confederacy Council.

Band Councillor Ross Johnson said the band needed to "take a stand" against the H.D.I.

Councillor Carl Hill claimed that elected council had, in fact, negotiated the return of the Burtch lands in 1992. H.D.I. lawyer, Aaron Detlor

said the H.D.I did not shut the project down.

"Ontario had bypassed the process put in place for remediation of the Burtch Lands including the hiring of Six Nations people."

He said Ontario had actually let a Six Nations company go in favour of a Kitchener company.

Daniel Santa, with MHPM Consulting, the Kitchener project management team, shut the project down after Deltor said he could not in good faith agree to the firing of Six Nations people.

Detlor said he did not know what discussion took place between the band council and Ontario that resulted in Six Nations environmental engineer Drew Hill being let go on both the Burtch projects and Hydro One's Bruce to Milton extension and Middleport to Niagara extension.

"Drew (Hill) had presented a proposal on the Hydro One Bruce to Milton exten-

der and Middleport to Niagara negotiations but the band's negotiating team wanted a Toronto firm to work on it instead and did not consult with the Confederacy."

Detlor said the H.D.I. has requested copies of all emails that have passed between the band council and Ontario on the projects. "We haven't received them yet."

Hazel Hill said the Burtch property was returned to Six Nations in 2006 as a result of the former Douglas Creek Estates protest in Caledonia, which paved the way for historic land claims negotiations between the government and Confederacy Council. Hill said those lands were not to be returned under the auspices of band council.

"The Burtch lands were returned to the Six Nations people during the Confederacy negotiations with the Crown in exchange for the

barricades coming down (in 2006)," she said. "The lands were to be returned under original title, to the Six Nations people, not under the Indian Act."

She said the land was contaminated, however, and required a clean-up before being returned.

A process had been established for the clean-up of those lands and a committee established to oversee it, said Hill.

That committee included the hiring of a Six Nations environmental monitor, Drew Hill and his company, Abor Group.

She said the Crown, through Infrastructure Ontario and the Minister of Aboriginal Affairs, unilaterally decided to tender out the job for Environmental Monitor to a Kitchener-Waterloo-based company, DST, and ousted the Abor Group from the property.

"There was no communication whatsoever to our rep-

resentatives that this was happening," said Hill. Hill said aboriginal affairs representative Bruce Leslie had told Infrastructure Ontario that the only point of contact for them would be the elected band council lands and resource director Lonny Bomberry.

She said Infrastructure Ontario then created an RFP (Request for Proposal) that required a letter from Bomberry. "This was seen as an attempt to undermine the negotiated settlement of those lands coming back to the Six Nations through the Confederacy and was an attempt by Ontario and (elected council) to bypass Confederacy and bring the lands back under the Indian Act as additions to the reserve," said Hill.

Montour told Elliott Tuesday night that the Confederacy has no authority over Six Nations, citing the 1977 Isaac-Davey case.

(continued on page 4)