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## Frequently Asked Questions - Coldwater-Narrows Land Claim Negotiations

### The Claim

#### What is this claim all about?

The Coldwater-Narrows claim stems from events that took place over 170 years ago in relation to a strip of land known as the Coldwater-Narrows reserve.

The Coldwater-Narrows claim relates to the alleged surrender of the reserve in 1836 and the subsequent sale of those lands. The basis of the claim is that the alleged 1836 “surrender” of the reserve was invalid because it was conducted improperly and that the land was then sold below its value and in an untimely fashion.

#### What is being done to deal with this claim?

The Government of Canada, the Chippewa Tri-Council and the Chippewas of Nawash are working together to resolve the Coldwater-Narrows claim. The goal of this process is to conclude a final settlement that will bring closure to these longstanding issues once and for all.

#### Where is the claim?

The Coldwater-Narrows reserve was 10,673 acres in size and ran about 14 miles long by 1.5 miles wide, along an old portage route between present-day Orillia and Matchedash Bay on Lake Huron in Ontario. It also included a mill at Port Severn.

The current ownership of these lands is not at issue in this process. What is at issue is providing the First Nations with fair compensation to right a past wrong.

Private property is not taken away from third parties to settle any land claims. Nor is anyone asked to sell their land unwillingly.

#### What is the history of the Coldwater-Narrows Reserve?

The Coldwater-Narrows reserve was established in 1830 for the Chippewas of lakes Huron and Simcoe. Over a period of six years, the Chippewas of Coldwater-Narrows constructed a settlement road (which ultimately came to be Ontario Highway No. 12) over the old portage route and cleared the land along the road for farming.

Schools, houses, barns and mills were also built at the two villages where the Chippewas had settled - under Chiefs Yellowhead and Snake at the Narrows of Lake Simcoe (present day Orillia) and under Chief Aisence at Coldwater near Georgian Bay. This included three saw mills and a grist mill (still standing in the village of Coldwater today).

The Chippewas lobbied to secure title deeds and self-management of their lands and assets. Arrangements were made in 1836 to transfer management of the reserve and ownership of the property on the Coldwater-Narrows reserve to the Chippewas the following year. However, during the same period, some of the Chiefs signed what purported to be a surrender of the reserve for sale by the Crown. Most of the lands were sold to third parties between 1838 and 1872.

## **Why is Canada dealing now with something that happened over 170 years ago?**

Canada has a longstanding policy and process in place to resolve these claims by negotiating settlements with First Nations. By settling claims, Canada delivers on past commitments made to First Nations and repays debts that have been outstanding for far too long. Negotiations are the best way to bring closure to these longstanding claims once and for all.

## **The Negotiations**

### **When did the negotiations begin?**

The Coldwater-Narrows claim was originally submitted by the Chippewa Tri-Council (CTC) in November of 1991. The CTC is composed of three First Nations: the Chippewas of Rama, the Chippewas of Georgina Island and the Beausoleil First Nation. The Government of Canada accepted the claim for negotiations under its Specific Claims Policy in July of 2002. Canada and the CTC First Nations announced the start of these negotiations at a joint press conference held on August 9, 2002.

### **Why have the Chippewas of Nawash joined the process?**

Following historical research undertaken in 2006, Canada determined that the Chippewas of Nawash First Nation is a successor to some of the original residents of the Coldwater-Narrows reserve - the Chippewas of Lakes Huron and Simcoe. This means that the Chippewas of Nawash also have an interest in the settlement of the claim and need to be part of the resolution process.

The Chippewas of Nawash joined the negotiations to resolve the Coldwater-Narrows claim in 2008.

### **What is the current status of the negotiations?**

The parties have reached a major milestone in the resolution process. Canada has tabled a settlement offer and the First Nations have agreed to take this offer to their members for a vote. This is an important step in the process, which brings the parties closer to achieving a final resolution of this longstanding claim. No settlement is possible without the vote and approval by the membership of all four First Nations.

### **What are the next steps?**

A number of steps need to be completed before the claim can be settled. The negotiators for Canada and the First Nations still need to draft the legal text of a Settlement Agreement. The First Nations must also complete their work on proposed Trust Agreements for their communities. These Agreements will set out how the individual First Nations will use, manage and administer their settlement funds.

The First Nations will launch an information campaign to explain the proposed settlement and Trust Agreements to their members. This will include community meetings and mail outs of information materials.

No settlement is possible without the vote and approval by the membership of all four First Nations of both the proposed Settlement Agreement and the First Nations' Trust Agreement. If a favourable vote is reached, the next step is for the Chiefs and Councils and the Minister of Aboriginal Affairs and Northern Development to sign the Settlement Agreement. The agreement would not be final until it is signed by all parties.

## **Key Elements of the Proposed Settlement**

### **What are the key elements of the proposed settlement?**

The proposed settlement has two parts. It includes both financial compensation and a land component. This is in keeping with the approach that is used to settle other land-related specific claims across the country over the past 35 years.

Under the proposed settlement, Canada will provide the First Nations with approximately \$307 million in compensation for past damages.

The First Nations can use some of their settlement funds to buy land on the open market. Under the proposed settlement, the First Nations can buy up to 10,673 acres of land and apply to Canada to have those lands designated as reserve land. If they pursue this option, the First Nations will have up to 30 years to buy land and start the reserve creation process.

### **How does the settlement bring closure to the claim?**

In return for compensation, the First Nations will provide Canada with a release of the claim to ensure the claim can never be re-opened. Settlements must bring closure and certainty for all concerned.

### **Who does Canada pay the money to when the claim is settled? How will this money be managed?**

When the claim is settled, Canada will pay the compensation to the First Nations. The four First Nations have reached their own an agreement as to how the compensation will be divided among their communities.

Each First Nation will develop its own Trust Agreement that sets out how these settlement funds will be used and managed by the First Nation for the future benefit of its members. The Trust Agreements will also be submitted for approval by First Nation members when they vote on the proposed Settlement Agreement.

## **The Land Component**

### **I own land within the claim area. Am I going to lose my land or be forced to sell my land as a result of this settlement?**

No. Regardless of where your land is located, you will not lose your land or be asked to sell your land as a result of this settlement. This cannot and will not happen.

Private property will not be taken away from anyone to settle this claim. Nor will anyone be asked to sell their land unwillingly. If land changes hands after a settlement, this can only happen on a willing-buyer/willing-seller basis. Just like any other party, a First Nation has the right to buy land from a willing-seller.

### **What is a reserve?**

A reserve is land that has been set apart and designated as a reserve for the use and occupancy of an Indian group or band. Some bands now prefer the term "First Nation community" and no longer use the term "reserve." The federal Crown holds the title to reserve lands.

### **Will new reserves be automatically created for the First Nations when the claim is settled?**

No. A reserve will not suddenly be created for the First Nations when the claim is settled. The First Nations will have the option to use their settlement funds to buy land on the open market. The First Nations will have up to 30 years to buy land and start the reserve creation process.

### **Will a reserve be created automatically when land is purchased by the First Nations?**

No. When land is purchased by a First Nation, it does not automatically become reserve land. The land

must first meet the criteria from Canada's Additions-to-Reserves Policy and the terms of the settlement. This means that a number of steps must first be completed before any lands can be designated as reserve land.

### **What steps need to be completed before land gets designated as reserve?**

These steps include, for example:

- an environmental site assessment must be done to identify any existing contamination and ensure future residents won't be exposed to any related health risks
- interests held by third parties such as leases, permits and rights of way must be addressed
- any necessary public access to the land and public utilities must be provided for
- the First Nation must consult with municipal and provincial governments to resolve issues of common concern.

### **How are the concerns of municipalities addressed in these consultations?**

The First Nations consult and if required negotiate arrangements with any affected municipalities on issues stemming from reserve creation. This consultation must take place before any land can be designated as reserve land. This could include, for example, where it is requested by a municipality:

- agreements with respect to the provision of municipal services to the lands (which can involve a fee for services such as water, garbage collection, police and fire protection)
- arrangements for reasonable compensation for property tax loss
- education tax loss and service agreements with affected school divisions
- the development of mutually compatible land use planning
- the harmonization of by-laws
- a process for settling any future disputes.

The process of working together helps to build new relationships that all parties can benefit from in the future.

## **Information Sharing & Benefits**

### **What's been done to inform the public about this process?**

The parties made efforts to update interested parties as key milestones were reached during this joint process. This has included press releases, newsletters and information meetings. These efforts to share information with the public will continue.

### **Who benefits?**

Claims settlements are not only about coming to terms with the past, but also about building a better future. This benefits everyone - First Nation and non-First Nation people alike. Claim settlements enable First Nations to invest directly in the local economy through the purchase of land and new opportunities for economic development that can bring long-term benefits to First Nation members. These investments, in turn, can generate spin-off economic benefits for neighbouring communities and the potential for new business partnerships.

### **Quick Facts:**

- The Government of Canada has been negotiating claims under its Specific Claims Policy since the mid-1970s.
- Specific claims deal with the past grievances of First Nations. These grievances relate to Canada's obligations under historic treaties or the way it managed First Nation funds or assets.
- Canada is committed to honouring its outstanding lawful obligations to First Nations and to

resolving outstanding claims for the benefit of all Canadians.

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