Lessons from Algonquin Territory: Conceptualizing land claim agreements in land-use planning

By

Jenna L. Davidson

supervised by
Dr. Luisa Sotomayor

A Major Paper submitted to the Faculty of Environmental Studies
in partial fulfillment of the requirements for the degree
of Master in Environmental Studies and Planning
York University, Toronto, Ontario, Canada.

July 31, 2019

Abstract

Keywords: Algonquin Land Claim, settler-colonialism, Indigenous jurisdiction, state-based planning, environmental ideologies

The Algonquin Land Claim negotiations have been ongoing for over 25 years in Ontario, and will be the province's first modern-day constitutionally protected treaty. Traditional territories of the Algonquin Anishinaabeg Nation under claim include areas in the Ottawa River Valley and the city of Ottawa itself. As a result, this land claim is unique in jurisdictional complexity, situated in urban landscapes that are heavily populated and developed, as well as rural areas that feature cottage country, hunting and fishing camps, provincial parks and natural resource projects. A series of public information sessions across the settlement area were held by the Algonquins of Ontario and Governments of Canada and Ontario to address land-use planning issues such as access, right-of-way and user interests on the selected Crown lands. Raising contention among stakeholder groups, private property owners, anglers and hunters and conservation authorities, the Algonquin Land Claim's community consultation component proves to be an interesting juncture to examine concerns and conceptions of Indigenous assertions over territory.

The research explores the Algonquin Land Claim negotiations process within the current jurisprudential landscape of Indigenous sovereignty and recognition, and implications for a case study in the exurban regions of Frontenac County, Ontario. The analysis draws from discourse in political ecology, planning theory, and settler-colonial studies to investigate how Indigenous land claims are perceived within this non-Indigenous community, and the role municipal governments have in navigating these spaces of difference. The research illuminates commonly held notions of 'amenity' and 'property' environmental ideologies, and suggests opportunities for planning to broaden its conceptual scope in order to rightfully include Indigenous definitions of land use in self-governance and planning frameworks. Recommendations flowing from this study include amplified cultural competency and Indigenous-relations capacity training by municipal planners, as well as critical reflections on ingrained settler-colonial ideologies regarding land use, economic development and 'the environment' in treaty negotiations. Reconciliation as an action word – as opposed to a buzzword – in planning will require strong leadership and concerted interdisciplinary efforts of truth-sharing and relationship-building between Indigenous and non-Indigenous communities.

Foreword

Lessons from Algonquin Territory: Conceptualizing land claim agreements in land-use planning is a major research paper in partial fulfillment of the requirements for the degree of Masters in Environmental Studies. The Area of Concentration is 'environmental planning in culturally diverse landscapes: eco-politics and reconciliation', with the various elements of political ecology, Indigenous knowledge/science, and environmental/cultural resource management. The interdisciplinary modes of study aimed to merge topics of ethnoecology and cultural anthropology with the discourses of environmental sustainability, Indigenous planning and urban theory, brought together in three components: environmental resource management, environmental planning and environmental law and justice. This research study has managed to incorporate these components into a unique investigation of an Indigenous land claim and modern-day treaty process. The following learning objectives were fulfilled in the process:

1. To develop knowledge in environmental planning to obtain the knowledge, skills and competencies necessary to meet the program requirements of the Canadian Institute of Planners and Ontario Professional Planners Institute for Candidate membership.
2. To gain a solid understanding of jurisdictional arrangements in Canadian federalism, environmental regulations and Aboriginal rights and title.
3. To explore theories in political ecology integral to the study of environmental planning, as it implicates the sociopolitical and economic power imbalances inherent in colonialism, industrialization, and planning.
4. To build on the linkages between resource management, rural/urban planning, and environmental justice to better understand planning's role in working with Indigenous communities.

Acknowledgements

I acknowledge that this research took place on un-ceded ancestral Algonquin Anishinaabeg Territory, and was conceptualized and synthesized on the traditional territories of the Anishinabek Nation, the Haudenosaunee confederacy, the Chippewa, the Mississaugas of the Credit, the Huron-Wendat and the Métis, now home to many diverse Indigenous peoples.

There are many influential people to thank in the completion of this research project and master's degree. I will begin by acknowledging my advisor and supervisor Luisa Sotomayor, who has continuously asked the right questions and given spacious encouragement for self-growth and academic development. Her dedication to the planning profession and to her students is admirable, shown in the generosity of worldly insight and commitment to equity and inclusion. I would like to thank Deborah McGregor for guiding my perspectives on research and methodology through her honest and transformative teachings – chi-miigwech Deb. I am so fortunate to learn from Dayna Scott, who has been an incredible mentor and teacher over the past year. Lastly, thanks to Laura Taylor for emboldening my choices in research and international study, while fostering curiosity for Toronto's environmental history.

I would like to thank the research participants from Badour Farm Condominium Association for their contribution of time and insight to the study, as well as Peter Johnston, Terry Rees, Al Stewart, and other participants for sharing their valued perspectives on the Algonquin Land Claim. This research was conducted with support from the Mark Nawrot Memorial Award, the SPR 2019 Fieldwork Cost Fund from the Faculty of Graduate Studies and the York University Graduate Fellowship.

I have also benefitted from an inspiring and supportive community of bright scholars at York University in the Department of Environmental Studies. I am thankful for the class projects, coffee breaks, study sessions and digression beers, particularly Grant Calder, Ada Maciejewski, Laura Tanguay, Aida Mas Baghaie, Omar Elsharkawy, Reva White, and Anuja Kapoor. Friends to recognize as sources of comic relief and relaxation, include Kyle Rubin, Nicole Swanson, Alissa Gallinder, Martha Healey, Amanda Bedard, Mahlia Dalgleish, and the one and only Jeff Pundyk. My wonderful family are the absolute foundation to my ambition and aspirations, I cannot possibly express the level of support and inspiration from my parents, John and Lydia; my brother Graeme; sister Lauren and partner Wayland with nieces Hermione, Mia and Imogen; and sister Adrienne and husband Jordan with my niece Maren. Adrienne as my academia guru: I literally don't know what I would do without your help, feedback and guidance throughout this entire process – I am immensely grateful.

Dedication

This research project is dedicated in loving memory to Anna and Doug Davidson, who inspired and nurtured a deep love for and connection to the lands in Algonquin Territory.

Table of Contents

Abstract ii

Foreword iii

Acknowledgements iii

Dedication iv

Table of Contents v

List of Figures vi

Chapter 1: Introduction

A. Introduction 1
B. Research Design and Case Selection 2
C. Methodology: Literature Review, Qualitative Data, Limitations/Challenges 4

Chapter 2: The Evolving Indigenous-State Relationship in Canada and Ontario
A. Federalism, Indigenous Nations, Conflict 9
B. Algonquin Anishinaabeg Nation – Politics of Recognition 12
C. Modern-day Treaty-making 18

Chapter 3: County of Frontenac Case Study

A. The Badour Farm Cottage Community 24
B. Land Use Planning Consultations 29
C. Conceptions of Indigenous Land and Economic Development 38

Chapter 4: Perspectives in Environmental Planning

A. The Municipal Role: Theorizing the 'Contact Zones' 49
B. Environmental Imaginaries and Realities 55
C. Shared Space and the Politics of Difference 62

Chapter 5: Growing up on Algonquin Territory: Lessons from the Land

A. Self-Reflexive Practice 68

Chapter 6: Conclusion

A. Final Reflections 76
B. Implications of this Research 78

Bibliography 81

Appendix 90

List of Figures

1. Email Script 91
2. Interview Questions 92
3. Research Ethics Consent Form 95
4. Royal Proclamation, 1763: Britain's landholdings following the Seven Years War. 98
5. *Constitutional Act, 1791*: Division of Upper and Lower Canada. 99
6. Pre-1975 Treaties. 100
7. Modern Treaties – Comprehensive Land Claims and Self-Government agreements. 101
8. Algonquins of Ontario Settlement Area Boundary and Traditional Territories. 102
9. Map of Interests and Stakeholders within the Algonquin Land Claim Area. 103
10. Conservation Ontario Authorities in Southern Ontario. 104
11. The Algonquin Land Claim Negotiation Process. 105
12. Frontenac County and Frontenac Arch Biosphere Reserve. 106
13. The ecozones, ecoregions and ecodistricts of Ontario. 107
14. AOO AIP Proposed Settlement Lands in County of Frontenac: Reference Map. 108
15. Autumn, Algonquin Park c. 1915. Tom Thomson, 1877-1917. 109
16. Recreational Lake Development (Privatization and Enclosure). 110
17. MOU between Algonquins of Pikwàkanagàn First Nation and County of Renfrew. 111
18. Colonization Roads: Canada West 112

Chapter 1: Introduction

A. Introduction

Every summer we visited Pike Lake, situated among the many lakes that dot Lanark County, Ontario. My father's parents - my grandparents Anna and Doug Davidson - owned a small cottage on the lake. Opened over the Victoria Day weekend until closing on Thanksgiving weekend, 'The Cottage' housed family reunions, birthdays, summer vacations and long weekend getaways in innumerable capacities. It was our family's hub, an escape from daily urban routine, and a place to connect to each other and the natural world. My love for the outdoors was inspired there, surrounded by pine forest and marshy wetlands. My older cousins taught me how to fish; I learned to identify different species of frogs, turtles and snakes; I could build a fire and paddle a canoe. It was easy to take the abundance around us for granted. Although my grandparents have passed on, and The Cottage is no longer, the memories of this space and time live in the perspectives I see through and values I carry in how I relate to the land, my family and other beings on this earth. I intend to throw these ideologies into sharp focus in a critical examination of my heritage, the history of this region, and the implications of privileged imaginaries in the transformation of cultural landscapes.

Until the fall of 2017, I was unaware that 'The Cottage' and my parents' newer cottage on Crow Lake, are built on un-ceded Algonquin Anishinaabeg traditional territory. My sense of ignorance was paired with curiosity, especially upon realizing what significance this has for Ontario and communities I am a part of, for the path of reconciliation with Indigenous peoples. Looking back, I realise how embedded the Anglo-Canadian cultural landscape has become to not recognize or question the formation of quite rigid institutions of law and socio-political order, that also shape relationships to land, in turn having transformed urban and rural contexts seen in Ontario today. As a white, non-Indigenous woman, my relationship to this case study is rooted in my experience growing up within settler-colonial culture and institutions on Algonquin ancestral territory. I feel a responsibility to take this opportunity as a graduate student to study the environmental history of where I consider home, undergo a self-reflexive process and a critical examination of the planning profession's complicity in ongoing forms of colonization, and what this means moving forward. It is a difficult task to unlearn what I have just learned to be true of planning practice, but I hope these efforts will contribute to decolonizing the approach I bring to my planning career, and those touched by the results of this research.

This major research project is undertaken in the spirit of reconciliation.

B. Research Design

This research has received ethics review and approval by the Delegated Ethics Review committee, which is delegated authority to review research ethics protocols by the Human Participants Review Sub-Committee, York University's Ethics Review Board, and conforms to the standards of the Canadian Tri-Council Research Ethics guidelines.

The framework of this research design was carefully curated to approach the topic through acknowledged positionality, and a desire to conduct community-based research. The Algonquin Land Claim is a complex case study that could be addressed from a variety of angles. In an attempt to narrow its scope, this research is interested in particular planning practices engaged at a specific point in time, investigated through a case study located in the Badour Farm cottage community on Crow and Bobs Lakes in South Frontenac Township, Ontario.

The research asks:

1. What is the process for negotiating lands for transfer to Indigenous communities within urban and rural landscapes?
2. Does the Claim generate greater discourse around Indigenous presence in exurban settings in the region?
3. What environmental ideologies/realities play a role in conceptualizing Indigenous land claims?

The first question of land claims processes is addressed in Chapter 2 Section C: Modern-day Treaty-making. It is informed by the research undertaken to conceptualize the process, and locate it within historical treaties and the legislative landscape that has evolved over time in Canada.

Awareness of Indigenous presence, let alone Indigenous history (and pre-history), plays an important role in understanding the basis of land claims, and reasoning with their implementation. This question is answered in a qualitative analysis of data collected in interviews, and backed by discussions of settler-colonialism and exurban studies throughout Chapter 3 Section C: Conceptions of Indigenous Land and Economic Development.

Chapter 4: Perspectives in Environmental Planning speaks to the third question from theorizations of environmental imaginaries linked to exurban studies and legal notions of property. It evaluates the municipal role relevant to how public consultations framed the land claim for Ontarians and how the provided information was interpreted in relation to local land-

use planning. Reflections on these topics are expanded upon for planning in spaces of difference with the current legal and state-based planning regimes. Problematizing conceptions of land claim settlements, and particularly social, political and environmental 'borders' throughout Indigenous and non-Indigenous lived realities in Ontario will frame the questions.

Case Selection:

The Algonquin Land Claim includes vast and diverse regions of Southern Ontario that encompass various types of uses and users. Crown lands selected in the settlement area run contiguous to cottage communities in Southern Ontario, presenting a unique spatial, temporal and social dynamic in which to examine planning procedures. In Chapter 3: Frontenac County Case Study, the research focuses on a case study in the County of Frontenac. The aim is to provide context on a particular stage of the negotiation process of the Algonquin Land Claim, being the point at which the public gained information about the land claim, and were invited to participate in public consultations throughout the land claim Settlement Area. The Crow and Bobs Lakes cottage community encapsulates a very small proportion and demographic of the population of stakeholders in this modern-day treaty, however, the case study has proven to frame the Algonquin Land Claim in insightful ways. Other than being a relatively understudied research group, particularly in relation to Indigenous land claims, research within the cottage community shed light on perspectives of the planning process, governmental obligations to consult the public, as well as conceptions of Indigenous presence and land use in this area of Ontario. It is important to reiterate how this scope contains certain limits and biases as recognized in the research design, and as it pertains to representations of class, race, age, religion and gender, and the implications of power and privilege inherent in these forms of representation in research. These must be contextualized and constantly checked throughout the analysis.

The case selection is important to the methodological approach to conduct research in "the ethics of anti-colonial practice" (Robbins, 2015, p. 315). As a privileged and Western scholar, and in response to postcolonial critiques of anthropological and biological research projects that have historically and problematically explored processes of 'the other', the study takes place in "landscapes of home" (Robbins, 2015, p. 315), from within my own community. I aimed to avoid what Eve Tuck calls "damage-centred" research – "research that intends to document peoples' pain and brokenness to hold those in power accountable for their oppression" (2009, p. 409). Research on Indigenous communities has historically been damage-centred, extractive, and led to "feelings of being overresearched yet, ironically, made

invisible" (Tuck, 2009, p. 411) from mistreatment and exploitation. Research with a focus on Indigenous history, narratives and lived reality must be contextualized through colonization and racism. In response to Tuck's suggestions, this project seeks to problematize settler-colonialism within the Algonquin Land Claim processes, from an internal standpoint. Leveraging credentials and a career from Algonquin communities' experiences and knowledge would not bode well with my moral code. This approach is also consistent with teachings from Margaret Kovach (2009) who encourages self-reflexive practice in critical research. Being mindful of the risk this poses to re-centering white-settler-privileged voices, a vital element to unpacking settler-colonialism in this study has been to engage with work by Indigenous scholars. Particularly insightful to the Algonquin Land Claim context are Lynn Gehl, a non-status Algonquin writer; Bonita Lawrence, a Mi'kmaq academic and professor at York University; and John Borrows' writing on modern day treaties and Indigenous law. Glen Sean Coulthard's work on the politics of recognition, drawing from Frantz Fanon's theories on colonialism, as well as Pam Palmater, Patrick Wolfe and Gerald Taiaiake Alfred, are fundamentally influential to the research project's analysis.

C. Methodology

In the context of the Algonquin Land Claim, rigorous research requires engaging a variety of resources and methodological techniques. The topic lends itself to various forms of governmental documents, policy and legislation with certain official branding of the 'science' of land claim negotiations or modern treaty-making, however, technical aspects of treaty-making reside predominantly in the hands of the governmental persons involved and are largely inaccessible to the public. Instead, my approach was to unearth understandings and perceptions of the Algonquin Land Claim that come in narrative form. As Jacob & Furgerson explain, 'at the heart of qualitative research is the desire to expose the human part of a story" (2012, p. 1), which in this case includes the stories and experiences of those implicated in the land claims. To engage the societal elements of this inherently political and highly complex process, this research has required deliberation through numerous research activities and steps.

Creswell asserts that while there are several kinds of data, all data falls into four basic categories, "observations, interviews, documents, and audiovisual materials" (2007, p. 129). Within the scope of this project, documents and interviews formed the basis of data collection, while observations were key to a self-reflexive analysis conducted in the final month of research. The resulting identification of planning processes in the Algonquin Land Claim

negotiations, and the ideologies found to exist within them have drawn from the following mixed-methodology.

Literature Review:

The Algonquin Land Claim context was shaped in the primary phase of research. Review of relevant policy, such as the Comprehensive Land Claims Policy 1973, legislation including the *Indian Act,* 1876, and *Public Lands Act* (originally Provincial Lands Act 1931), and historically relevant treaties like the Royal Proclamation 1763, the Treaty of Niagara 1764, and *Constitutional Act*, 1791 provided a rich legislative backdrop to the current negotiations. Publicly accessible websites and documents such as the Algonquin Land Claim Government of Ontario (2013) webpage and the Claim's Agreement-in-Principle gave a general framework of what is involved in the Claim's settlement. This assessment also required general overview of municipal Official Plans, including those within the County of Frontenac, Township of Bonfield, City of Ottawa and County of Renfrew.

The theoretical frameworks used in this project include political ecology, planning theory and settler-colonial studies. Specifically, I refer to primary academic resources from work by political ecologists such as Nik Luka, Almo Farina, Bruce Braun, Erik Swyngedouw and Rosemary-Claire Collard, planning scholars Nicholas Blomley, Leonie Sandercock, Libby Porter and Janice Barry, as well as post-colonial/settler-colonial theorists Dipesh Chakrabarty, John Borrows, and Glen Sean Coulthard.

Use of secondary resources filled in gaps of the Algonquin Land Claim timeline, and contributed public discourse to the ongoing narratives from local perspectives. Online newspapers like the Valley Gazette and Frontenac News, organizations' websites such as the Federation of Ontario Cottagers' Association, Ontario Federation of Anglers and Hunters and Bobs & Crow Lake Association were important sources of information for understanding stakeholder interests within the Algonquin Land Claim settlement area. Lastly, there are seven conservation authorities that manage regions within the Land Claim settlement area, which have individual mandates relating to resource management and land-use planning. In some cases, their plans were referenced for information on watershed management and building regulations in the relevant regions.

Qualitative Data:

Ten semi-structured interviews were conducted for this study within the Crow and Bobs Lakes cottage community. An email containing the email script (see Appendix Figure 1) was sent to each address from the Badour Farm Condominium Association contact list (obtained

from my parents, who are members of the Badour Farm community). Participants self-selected by responding to the general email, which introduced the study and invited their participation. One interviewee is not a member of the Badour Farm community, however was recommended by another participant to share their particularly conversant perspectives. Of the ten participants six identified as women, four as men. Nine interviews were conducted in person and audio-recorded for the purpose of transcribing. The one interview done over the phone was not recorded.

The general format of the semi-structured interview (see Appendix Figure 2.) allowed for an adaptive interview process to accommodate for the diversity of experiences and knowledge held between community members. I found this to be an effective aspect of the methodology for the purpose of relying "...on the spontaneous generation of questions in a natural interaction" (Gall, Gall, & Borg, 2003, p. 239), along with the use of open-ended questions, as Turner points out, "[t[his open-endedness allows the participants to contribute as much detailed information as they desire and it also allows the researcher to ask probing questions as a means of follow up" (2010, p 756). Using uncomplicated questions to ask people to share their stories left "room for ideas, impressions, and concepts which you have not thought of to emerge from the data" (Jacob & Furgerson, 2012, p. 4). Creating natural interactions and an easeful environment for the interviews were important to me as a researcher, and to the research process itself. Due to my personal connection to the case study area, a sense of familiarity in this research design added to the capacity for story-telling, sharing of experiences, and general sense of trust and comfort during the interviews. 7 of 10 interviews were hosted at our family cottage, providing a sociable atmosphere, which as Mellon explains, "[b]ecause there is a natural storytelling urge and ability in all human beings, even just a little nurturing of this impulse can bring about astonishing and delightful results" (1998, p. 174). I found this to be true.

Five semi-structured interviews were conducted with planning professionals, government officials, and an executive director of an organization. Participants were selected by their affiliation to organizations or municipal governments implicated in the Algonquin Land Claim. Three interviewees were recommended to me through chains of persons contacted. Three interviews were done over the phone, while two were conducted in person. The general format of the semi-structured interview (see Appendix Figure 3) again achieved unexpected data from participants, which Jacob & Furgerson attribute to "writing big, expansive questions allow[ing] the participant to take your question in several directions" (2012, p. 4). These interviews were

supplemented with dozens of informal interactions and conversations off the record, but nonetheless should be acknowledged as part of the research process.

Lastly, exercising self-reflection as a methodology was an important approach to informing this research study. By intentionally choosing a case study that is intimate to my experience living and growing up on Algonquin Territory, critiquing settler-colonialism becomes personally implicating, and urges concrete reconciliatory action at an individual level. Investigating the planning profession's complicity in ongoing forms of colonization; gaining a deeper understanding of Canada's constitutional and legal structures that reinforce colonial environmental ideologies; and conceptualizing Indigenous land claims and relationship-building processes in land-use planning are merely the first few steps.

Limitations/Challenges:

The research study faces a number of limitations and challenges that should be acknowledged as part of its case study and methodology results.

- I was not able to interview anyone officially from the negotiations table due to confidentiality agreements. It was difficult to communicate with folks from Ministry of Natural Resources, and unmanageable to get comments from Ministry of Indigenous Affairs representatives.
- A major limitation, although built into the research design, was not learning directly from Indigenous – specifically Algonquin – members to include their perspectives on the Algonquin Land Claim process itself. This limitation was addressed by means of intentionally including work by Indigenous scholars in the critiques of Indigenous-state relations, settler-colonialism, the Algonquin Land Claim, and the planning profession's responsibilities to reconciliation.
- My positionality has a significant role in the analysis of the research, and is reflexively embedded in the research design and methodologies. This comes with hidden biases, which present challenges in dissemination of 'objective' research results (leading to embraced subjectivity, such as in feminist research methodologies), shaping the questions asked and topics probed throughout.
- This research does not address questions of climate change, and does not delve deeply into the topics of gender, although the case has full relevance to these areas of study, and recommends that these areas by explored in future academic research.
- As Turner (2010) points out, there are challenges to coding data gathered from semi-structured, open-ended interviews, due to the difficulty of isolating themes. I have instead

tried to build the responses from interviews into a rolling narrative to express the case study's relevant topics.

- Audio-recording interviews was both limiting and freeing. Freedom from the ability to be fully present in each conversation, taking few notes and maintaining a personable connection to the interviewees, knowing transcriptions would demonstrate the results. Limitations in recording include the reification of the transcript as synonymous with the interview, where "much of the emotional context of the interview as well as nonverbal communication are not captured at all well in audiotape records" (Poland, 1995, p. 291). As well, interviewees may have been subconsciously influenced in what opinions they chose to express; at times the recorder set a perceptible tone as to how much was shared/refrained from sharing, while others did not appear to be bothered by it.

Chapter 2: The Evolving Indigenous-State Relationship in Canada and Ontario

A. Federalism, Indigenous Nations, Conflict

Many nations exist within the state that is known today as Canada. Despite prior occupancy of some 4-14,000 years in regions across North America, Indigenous nations became subject to colonial imaginaries of the New World as abundantly fruitful, vacant lands (Borrows, 2005). Indigenous nations persist today despite centuries of assimilative policies and legislation of the constitutionally formed federal entity, which, through processes of settler-colonialism over time, has displaced and disbanded these distinct nations from their ancestral territories. This relatively recent historical interaction between vastly differing cultures, languages, governance structures and legal frameworks began in the mid-1500s, and has evolved throughout many phases of curiosity, friendship, conflict and oppression. Contemporarily very complex, these relationships continue with a hopeful trajectory of reconciliation and coexistence on shared lands, although fundamental barriers to achieving true nation-to-nation relations and self-determination for Indigenous communities endure in the way Canada functions as an imposing state.

A key aspect of these relationships is built by the Canadian systems of law, namely, the *Constitution Act, 1867*, the *Constitution Act, 1982*, and the *Canadian Charter of Rights and Freedoms*. The divisions of jurisdiction and authority that flow from these legal bodies have been interpreted in ways that have led to controversial scenarios with respect to environmental protection, land-use planning, and Aboriginal title claims and use of land. In setting the federal, provincial and municipal responsibilities, the *Constitution Act, 1867* delineated the control of land-use planning to provincial governments, while municipalities, as 'creatures of the province' have lesser authority under the provincially-led planning systems. "Indians and Lands reserved for Indians" are under federal jurisdiction in Section 91(24). The partition of Indigenous interests and local, environmental planning and decision-making is considered an ongoing legacy of colonization in Canada, because of the 'jurisdictional tug-of-war' that is created (Stevens, 2017). Confusion of legislative authority has perpetuated issues of environmental justice, such as the contamination of Kashechewan First Nation's drinking water in October, 2005, which subsequently resulted in disease, death, and evacuation of community members (Scott, 2017). Since provincial legislation delegates the responsibility of drinking water treatment and distribution to municipalities, First Nations reserves - which fall under federal jurisdiction as 'Indians and Lands reserved for Indians' - are excluded from this provision of services. This is

simply one example that speaks to ways in which Indigenous communities have "often [been] submerged and invisible in their own land because the province does not make provision for a representation of their interests" (Borrows 1997, p. 420), including interests to land and environmental management.

As Scott points out, "the powers distributed between the federal Parliament and the provincial legislatures in sections 91 and 92 at the time of Confederation did not, understandably, include the words "the environment" (2017, p. 2), leaving the responsibilities of environmental regulation open to delineation. The term 'environment' is controversial in itself, meaning different things depending on the legislative context. Sometimes it refers to land, as in 'property'; sometimes water, as in navigable water or drinking water; other times it means 'resources', like lumber, water, gas or minerals. Governance of 'the environment' is complicated by the myriad interpretations of what it refers to, and how deeply entrenched the notion of 'the environment' sets humans apart from it. This paper seeks to highlight how differing versions of environmental use implicit in environmental planning are rooted in socially conceived environmental imaginaries, reinforced by existing colonial legal interpretations, and therefore reproduced in modern treaty-making.

Increasingly, Indigenous inherent jurisdiction is being recognized in Canada, which includes self-governing authority over matters related to 'the environment' (Scott, 2017). Modern land claim negotiations are one approach being taken to assert rights over traditional territories. Section 35(1) of the *Constitution Act*, *1982* recognizes and affirms "existing Aboriginal and treaty rights," which Scott argues "includes Indigenous peoples' jurisdiction over environmental management throughout their traditional territories" (2017, p. 7). As a result, Indigenous laws and traditions are incorporated into regulatory strategies for land use, and legitimate jurisdictional expressions of worldviews are implemented in the process (Scott, 2017). Recognizing diversity in relationships to land and of environmental imaginaries, and how these shape policy or legal mechanisms of land use is important to fulfilling constitutional rights and obligations. Borrows (2005) point out the placement of s. 35(1) in the *Constitution Act* and absence from the *Charter of Rights and Freedoms*, which he believes reinforces the governmental component and affirms correlative government obligations to Aboriginal rights. When governments accept these obligations, as well as complicity in conflicts relating to land, Borrows imagines "[i]t could build bridges of understanding for Aboriginal perspectives," since "[g]overnment officials often lack a deeper knowledge of Canada's history or ignore this dimension of their job" (2005, p. 75). In the context of treaty-making, this includes recognition of

complex legal and social systems that exist within and between Indigenous nations that follow particular protocols and values.

Historically, Indigenous nations engaged together in treaty-making to secure consent for land and resource use. According to Borrows, "they pursued treaties, feasting, trade, negotiations, marriages, friendship, conferences, games, contests, dances, ceremonial events, and demarcations of land" (2005, p. 1) to develop and maintain peaceful relations. Similarly, when non-Indigenous peoples came to occupy North America, it was important to adopt similar institutions of negotiating land-use, to gain permission from those under the rights of prior occupancy. At the time of European contact, Indigenous populations vastly outnumbered newcomers, and "held power in terms of knowledge of the land" (Gehl, 2014, p. 54), therefore peace and friendship treaties allowed for respectful sharing of land and political non-interference. For example, the Two-Row Wampum Treaty between the Dutch and the Haudenosaunee Confederacy in 1613 codified jurisdiction and peaceable relations (Gehl, 2014), and the Great Peace of Montreal treaty in 1701 drew from Indigenous treaty-making protocols (Gehl, 2014). Unfortunately for Indigenous nations, their political and military supremacy waned from the introduction of European diseases, which caused mass de-population in the 1600s, and impacted the continuance of cultural, political and technical knowledge intergenerationally. With the tilt in power dynamics following the Seven Years War, the British were empowered to act upon territorial interests. The *Royal Proclamation, 1763* attests to that, with the division of Indigenous territories in the formation of the British landholding (see Appendix Figure 4.), however, un-ceded Indigenous lands were acknowledged by the Crown, and prohibited from sale or purchase without the Crown's consent (Eyford, 2015). According to Lawrence, "[t]he Royal Proclamation has been alternatively viewed as a treaty, as the Crown's first acknowledgement of Indigenous landholding, and as a unilateral declaration that established the means by which Britain would be able to acquire Indigenous land" (2012, p. 32). Relations between Britain and Indigenous nations were further negotiated the following year at the *Treaty of Niagara, 1764*, which exercised the Indigenous treaty-making practice of giving and receiving woven wampum belts (Lawrence, 2012). Scholars argue the *Royal Proclamation* and *Treaty of Niagara* cannot be interpreted in isolation from one another, since together, the agreements form the foundation of Indigenous and non-Indigenous relations and give direction to understanding contemporary Indigenous rights in what is now Canada (Borrows, 2002; Lawrence, 2012; Gehl 2014; Macklem, 2001). In subsequent decades, written treaties of a more European format became a tool for the Crown to secure land, such as the Crawford Purchase of 1783, and Oswegatchie and St. Regis Purchases of 1784 (Lawrence,

2012; Gehl, 2014), as waves of British settlers occupied what became Upper and Lower Canada through the *Constitutional Act, 1791*: the division that would later outline the provincial borders between Ontario and Quebec (see Appendix Figure 5.). From the 18th century to the year 1921, roughly 70 treaties were completed (Eyford, 2015), including the Peace and Friendship Treaties, Robinson Treaties, Southern Treaties (such as the three mentioned previously) and Douglas Treaties Pre-Confederation, and the Numbered Treaties, as well as Williams Treaties shortly thereafter (1923) Post-Confederation (Appendix Figure 6.) Treaties are thus fundamental to Canadian federalism and constitutionalism, and are the basis of Indigenous-state relations, and identities formed by sovereign recognition (Macklemn, 2001).

Indigenous treaty-making has historic significance in the formation of Canada as a confederacy, however, settler-colonization and colonial systems of law have had profound implications on Indigenous sovereignty and self-determination as distinct political nations and cultural groups. The jurisdictive backdrop is very relevant to analyzing the current state of affairs for the Algonquin Anishinaabeg Nation of the Ottawa Valley in Southern Ontario, and their negotiations for a comprehensive land claim with the Governments of Canada and Ontario. Although the full recount of Canada's legislative history and its interaction with Indigenous nations is fascinating, it unfortunately suspends well beyond the scope of this research project. Nevertheless, this case study will infuse many references to the fundamental attributes of Canadian federalism, Indigenous sovereignty and the tensions that lie between the two concepts. More specifically, it will investigate the responsibilities of land-use planning as a practical profession operating within the relationships between Indigenous and non-Indigenous communities, and in the context of negotiating a constitutionally recognized modern-day treaty.

B. Algonquin Anishinaabeg Nation – Politics of Recognition

> The Algonquin Nation was never a newcomer to its territory. Our occupation and use of an identifiable tract of land goes beyond the limits of what is now called history. The Algonquins have been in the valley of the Ottawa river, at least as long as the French have lived in France or the English have lived in England. Before there was a Canada, before Cartier sailed his small ship up the great river, Algonquins lived in, occupied, used and defended their home in the Ottawa Valley. (Greg Sarazin 1989, p. 169).

The Algonquin Nation is among the Anishinaabe group of nations in the Great Lakes region, which includes Chippewa, Delaware, Mississauga, Nipissing, Odawa, Ojibwa and Potawatomi nations (Gehl, 2014). What differentiates the Algonquin Nation from other Indigenous nations is the fact that they were left out from historical treaties with the British and Canadian Parliaments. To date, one Algonquin community of ten communities in Ontario

resides on legally designated ‘reserve land’, despite never ceding or surrendering their traditional territory to the use and occupation of settler-communities through the necessary treaty processes articulated previously. This section of Chapter 2 will describe the significance of this scenario, in what Coulthard (2014) terms a ‘politics of recognition’, for the Algonquin communities residing in and around the geo-political heart of what is now the Canadian state. Specific land policies will be discussed in greater detail in Chapter 5, however, a brief overview of relevant constitutional elements of land holding provides a necessary visual and conceptual framing of the issues faced in Algonquin recognition.

The Algonquin Anishinaabeg Nation of the Ottawa River Valley, is currently distinct from Algonquin communities in the Province of Quebec, despite at one point being a contiguous group with shared traditional territory situated extensively across Southern Ontario and South/Central Quebec. Due to compounding processes of colonization, wartime, treaty-making between colonial and Indigenous nations, and British and Canadian land policies, Algonquin territory became fragmented socially, politically and spiritually. The *Royal Proclamation*, *1763* initiated a fundamental partition of the nation, having drawn borders of French and British domains across the Great Lakes region (Appendix Figure 4.), where Algonquin and other Indigenous nations are known to have occupied for upwards of 4,900 years (Pilon & Boswell, 2015). The French subsequently abandoned Quebec, and the British Parliament signed the *Constitutional Act* in 1791*,* which divided Upper and Lower Canada along the lines of the Ottawa River and St. Lawrence River. The regions would eventually become present-day provinces of Ontario and Quebec (Appendix Figure 5.) following the *Constitution Act, 1867*. The Ottawa River and its watershed, known to Algonquins as ‘Kiji Sibi’ or ‘Kichisippi’, was “once central to the unity of the Algonquin Nation” (Gehl, 2014, p. 42), since watersheds are the geographical structure of Indigenous systems of land tenure (Lawrence, 2012). However, the British territorial markers cut “through the heart of the Algonquin homeland” (Lawrence, 2012, p. 35) on either side of the river, ultimately leaving behind the legacy of a divided nationhood, and continued ramifications for generations of Algonquins’ sense of identity, access to ancestral lands, subsistence practices, cultural continuity, and self-determination. The distinctions between English and French legal systems afforded another mechanism for separating the Algonquin Nation (among other Indigenous nations), as did the linguistic and religious differences imposed on Indigenous communities by colonizing settlers. Heather Majuary, who identifies as a non-status Algonquin, asserts:

> The provincial division has created a language division. There are few people still speaking our language and most speakers come from the Quebec side of the territory.

> Few Algonquins in Ontario speak anything but English. Many Algonquins in Quebec speak only French.
> Our nation is divided spiritually. We have been divided in this manner since the 1600s because of missionary interventions that are well documented through Jesuit accounts of our conversions to Catholicism. Ironically it is often the Catholic Church that provides the records that help us identify Algonquin people who have been lost to assimilation for the past 100 years (2005, p. 145).

Religious conversion held political and economic weight for Indigenous nations upon arrival of Europeans to North America. For example, the Dutch and Mohawk had trade agreements based on access to European weapons, while the French made policies to restrict provision of firearms exclusively to Algonquins who converted to Christianity (Gehl, 2014). Despite facilitating the *Treaty of Niagara* in 1764, the pressure to ascribe to colonial systems was felt by the Algonquin Nation, who recognized their distinct sovereign and cultural identity.

The Algonquin Nation submitted numerous petitions to the British Parliament for a treaty, of which the first documented (and found) petition dates back to 1772 (Lawrence, 2012). According to Gehl (2014), twenty-eight petitions were made between 1772 and 1881. Canada's *Constitution* in 1867 was followed by the first *Indian Act* (a consolidation of pre-confederation legislation such as the *Gradual Civilization Act*, *1857*) in 1876, which narrowly defined an 'Indian' under Canadian federal jurisdiction, as well as lands reserved for Indians. The Golden Lake Reserve was purchased from Ontario in 1873 to provide the Algonquin with a land base of 1,745 acres, while their traditional territory rapidly transformed as a result of resource-intensive industrial expansion, settler encroachment and land dispossession. Logging, mining, fur trade, and other prevalent economies boomed in the biologically and geologically rich regions, facilitated by the web of lakes and river networks spanning southern Ontario. A century later, Chief of the Golden Lake Reserve in 1974, Don Tennisco, rediscovered the petitions made by the Algonquin Anishinaabeg that had been denied, unveiling the reality that they were an Indigenous nation without a treaty (Gehl, 2014). Borrows contends, "[w]here there are no treaties, there has been no permission for subsequent non-Aboriginal settlement" which "must be fixed to bring Canada in line with its legal obligations to Aboriginal peoples" (Borrows, 2005, p. 61).

Two-hundred and fifty-five years since the *Treaty of Niagara*, Algonquin communities and individuals are dispersed throughout southern Ontario and Quebec, enveloped by densely populated settler society and an altered landscape. Lawrence explains:

> These communities today are descended from the families who managed to remain within their traditional territories, even as their lands were overrun by settlers. They maintained close ties with each other and, over the years, held on to certain collective practices and values that set them apart from the white settlers around them. (Lawrence, 2012, p. 6).

For the past twenty-seven years, the identity and recognition of Algonquins in Ontario has been under negotiation for a land claims and self-government agreement with the Government of Ontario and Parliament of Canada. In 1991 and 1992 respectively, Ontario and Canada finally agreed to negotiate a modern-day treaty with Pikwàkanagàn First Nation (formerly Golden Lake Reserve). Interestingly, the Canadian governments required that non-status Algonquins be included in the process, to account for historical displacement within Algonquin territory, and the *Indian Act's* assimilative nature of identifying Indigenous peoples using narrow criteria (Gehl, 2014). For example, under the new *Indian Act,* those living at Golden Lake received 'status cards', while many Algonquins chose to access and gain land in preferred areas within their traditional territory, and were therefore considered 'non-status'. To undertake the complex process of actively searching for non-status Algonquins, Pikwàkanagàn First Nation developed the Algonquin Enrolment Law, however, its efficacy as a mechanism of recognition has been highly contested (Lawrence, 2012; Gehl, 2014). An important challenge to highlight relates to the recognition of Algonquin membership through the problematic use of blood quantum (percentage of Indigenous blood in an individual – in this case one-eighth Algonquin blood), as a measure of status under the *Indian Act* (Gehl, 2014). This was to be proven through birth, marriage, death and census records - statistics documented by European systems, such as the Catholic Church (mentioned previously). Gehl contends Schedule A of the Enrolment Law, which lists Algonquin ancestry:

> Schedule A is rooted in colonial records and thus patriarchal ideology and practice. For example, in many of the census records relied upon in establishing Schedule A, women are merely listed as wife and their names are not provided. As a result, many Algonquin who descend from these women may not be able to prove that they are Algonquin. (Gehl, 2014, p. 23)

Lawrence agrees that the conditions of Schedule A are biased, claiming that negotiating representatives were all male, and "had not taken gender-based discrimination into account" (2012, p. 96). Lynn Gehl herself is non-status Algonquin, on the basis that her lineage is traced through her grandmother, and as a result was not able to gain the legal rights and services of federally recognized Indigenous groups (Levin, 2017). Green paraphrases an incisive remark by an elder, who said, "Canada is a nation that takes people in and grants them citizenship. That is how a nation grows. How can First Nations grow and prosper if we as First Nations deny citizenship to our children because of who we marry. What other nation on earth does that?" (2010, n.p.). Good point.

Determining who is Algonquin, and therefore who qualifies as a beneficiary to the land claim has been an ongoing source of tension and confusion in the treaty process. Being no fault of the Algonquin Nation, the burden of this inconsistency and discontinuity perpetuated by

colonial law was nonetheless placed on the Algonquin communities. Gehl says, “the registration requirements codified in the past and current *Indian Acts* have effectively divided the larger Algonquin Anishinaabeg into a false dichotomy of status versus non-status” (2014, p. 12), particularly in the conceptualization of who is considered a ‘real’ Algonquin. In other words, Pikwàkanagàn First Nation maintains a hierarchy over other non-status communities in the land claim negotiations, even though the population of non-status members vastly outnumbers status Algonquin, currently with 2,343 non-status and 455 status (Indigenous and Northern Affairs Canada, 2019). Gehl believes that the changes in legal frameworks played a role in reuniting the Algonquin peoples, yet created further confusion with regard to Aboriginal rights and title, and more specifically placed tension on the governance models within the Algonquins of Ontario for how people and their interests feel represented in the negotiations. Lawrence provides a necessary description of Indigenous nationhood relevant to the distribution of Algonquin peoples:

> The Royal Commission on Aboriginal Peoples carefully distinguished between Indigenous nations and local communities. It identified an Indigenous nation as a sizeable body of Indigenous people who share a sense of national identity and who constitute the predominant population in a territory or collection of territories. Local communities, on the other hand, are the smaller groupings of Indigenous people that are not themselves nations but are part of nations. (Lawrence, 2012, p. 67).

The Algonquins of Ontario (AOO) is a political organization comprised of ten Algonquin Communities, including the Algonquins of Pikwàkanagàn First Nation, Antoine, Kijicho Manito Madaouskarini (Bancroft), Bonnechere, Greater Golden Lake, Mattawa/North Bay, Ottawa, Shabot Obaadjiwan (Sharbot Lake), Snimikobi (Ardoch) and Whitney and Area. (Gehl, 2014, p. 4). The formation of the organization was facilitated as a means for representing the diverse interests of the communities, and to negotiate the land claims and self-government process with the Governments of Canada and Ontario as a unified body. Sixteen Algonquin Negotiation Representatives (ANRs) form the AOO Negotiation Team, and are elected by Algonquin community members: one from each of the Algonquin communities as well as Chief and Council of Pikwàkanagàn First Nation (AOO, 2013c). The AOO’s consultation office opened January 11, 2010, and is located in Pembroke, Ontario (Green, 2010), supporting what is known in that “[t]oday’s Algonquins in Ontario share a history of common interests, traditions and needs arising from their common heritage” (AOO, 2013c, n.p.), and representing approximately 10,000 people of Algonquin descent in the land claim territory (Government of Ontario, 2019).

The Algonquin Land Claim is unique in many ways, but certainly what stands out is the anomaly of unrecognized ‘Indians’ (as defined by the *Indian Act*) having their interests included

in the negotiations, and actually "seeking formal recognition *through* the claim" (Lawrence, 2012, p. 6) in the manner undertaken by non-status Algonquin communities and the Algonquin Enrolment Law. Federal recognition in some comprehensive land claims has involved provisional circumstances, such as claimants being recognized as Métis (Lawrence, 2012), but even that was not possible until certain elements of Canadian legal frameworks evolved. Harry Daniels, through the 1970s and 80s, had an instrumental role in shifting the politics of recognition for Métis and non-status Indigenous peoples in Canada. The president of the Native Council of Canada at the time, Daniels participated in the Constitutional talks in Ottawa in the late 70s, which subsequently led to the *Constitution Act*, *1982* (Indigenous Corporate Training, 2016). Métis recognition was enshrined in section 35 of the *Constitution*, however the ambiguous relationship between the Crown and non-status Indigenous remained, so in 1999 Daniels took it to court in *Daniels v. Canada* (Indian Affairs and Northern Development, 2016). On April 14, 2016, the unanimous ruling by the Supreme Court of Canada determined Métis and non-status Indigenous peoples in Canada are "Indians" under the *Constitution Act*, *1982*, providing a constitutional definition of jurisdictional responsibilities of the Crown, and the fiduciary duty of the federal parliament (Indigenous Corporate Training Inc, 2016). As well, the enactment of the *Gender Equity in Indian Registration Act* in 2017 provided new entitlements for registration under the *Indian Act*, to account for the historical discrimination against Indigenous women, matriarchal or matrimonial lineage, and other sex-based inequities (Parliament of Canada, 2017; Anaya, 2014). These amendments have big implications for the non-status Algonquin communities that exist in Ontario, and represents an important shift in potential negotiating power or sway in more recent years of the Algonquin Land Claim negotiations.

The 'politics of recognition' may have burned more bridges than built them, resulting in further fragmentation of Algonquin communities, whose homelands are now densely populated with generations of descendants of non-Indigenous settlers who claim their own sense of entitlement to the real estate they own or land they utilize. The history of this fragmentation is important to consider in the context of the Algonquin Land Claim, to better understand the jurisdictional complexities that 400 years of land use and formation of legal relationships has created of the land in question. The extensive process undertaken to resolve these conditions and the Algonquin's claims to ancestral territory has been demonstrated in a model of modern-day treaty-making implemented by the Ontario, Canadian and Algonquin authorities, with assistance and in consultation with advisory groups, stakeholders, Algonquins communities and the public. The following section will outline the timeline and method for negotiating the Algonquin Land Claim.

C. Modern-day Treaty-making

The process of modern-day treaty-making has evolved congruently with legal frameworks discussed in the first two sections of this chapter. This section will speak specifically to the Algonquin Land Claim negotiations, and the conditions under which it operates. Considering the negotiations have been ongoing for nearly three decades, it is necessary to evaluate the transformation of rhetoric around Indigenous land claims, and the extent of political and ecological factors in negotiating appropriate governance structures for this land base (Scott, 2017). As much as it may be aspired to, the legal and political are inseparable, which must be acknowledged as a force of subjectivity in these processes.

The *Calder* decision in 1973 was a fundamentally historic ruling by the Supreme Court of Canada that ultimately set the stage for the Algonquin Land Claim (Lawrence, 2012). The Nisga'a of the coast and interior of British Columbia claimed ancestral lands in *Calder v. A.G.B.C.,* which asserted the existence of Aboriginal title rooted in prior occupancy of land, a case that Macklem explains "was a significant development in the common law of Aboriginal title in Canada because a majority of the court explicitly recognized the legitimacy of a claim of Aboriginal title" (2001, p. 268). It was then viewed as a "bundle of common law rights of use and enjoyment of ancestral land that stemmed not from any positive legal enactment but from Aboriginal 'possession from time immemorial' (Macklem, 2001, p. 269). Borrows (2015) reminds that Aboriginal title as a concept pre-dated recognition by Canadian courts, however the robust protection of Indigenous land rights is still considered monumental. The Courts wrote:

> Aboriginal title confers ownership rights similar to those associated with fee simple, including: the right to decide how the land will be used; the right of enjoyment and occupancy of the land; the right to possess the land; the right to the economic benefits of the land; and the right to pro-actively use and manage the land. (Borrows, 2015, p. 720).

In other words, Borrows describes Aboriginal title as:

> A right to exclusive use and occupation of the land… for a variety of purposes, not confined to traditional or 'distinctive' uses. In other words, Aboriginal title is a beneficial interest in the land… In simple terms, the title holders have the right to the benefits associated with the land – to use it, enjoy it and profit from its economic development. (2015, p. 720).

The reference to 'traditional' uses is in relation to distinctive aspects of Aboriginal cultural identity, which do not causally determine how Aboriginal people choose to use and enjoy territory in a variety of purposes contemporarily (Macklem, 2001). Following *Calder*, a series of negotiations for land claims flowed over the next few decades, including the James Bay Agreement in 1975 between the Cree and the Inuit of northern Quebec and the federal and Quebec government; the Inuvialuit people of the western Arctic agreement in 1984; the 1992

Gwich'in Comprehensive Land Claim Agreement; Sahtu Dene and Métis Comprehensive Land Claim Agreement in 1993; Yukon Umbrella Final Agreement of 1994; and the 1998 Nisga'a treaty in British Columbia (Macklem, 2001) (see Appendix Figure 7. for Map of Modern Treaties). As Macklem explains, "[t]he court's decision in *Calder* led the federal government to announce that it was prepared to enter into negotiations with Aboriginal people to resolve disputes concerning claims of Aboriginal title or breaches of treaty obligations" (2001, p. 269), which subsequently enabled the federal and provincial governments' acceptance of the Algonquin's claim. Further advancements in Canadian law are important to note, such as the declaration of sec.35 in the *Constitution Act, 1982*, *Sparrow* decision in 1990 whereby Justice Antonio Lamer addressed the meaning of Aboriginal rights (Borrows, 2015), the adoption of the Inherent Right Policy in 1995 (Government of Canada, 2016), the 1997 *Delgamuukw* decision which legally defined Aboriginal title (Lawrence, 2012), and in 2014 for the first time, the Supreme Court of Canada declared that a specific group has Aboriginal title to Crown land in *Tsilhqot'in* (Eyford, 2015).

Modern treaties are also referred to as comprehensive land claims agreements (Anaya, 2014), and are negotiated under the Comprehensive Land Claims Policy, 1986, which sets out the terms and conditions for how a treaty is negotiated in areas where Aboriginal title has not been extinguished (Macklem, 2001). The policy directs action towards two categories of claims: specific and comprehensive. Gehl defines these succinctly:

> While a specific land claims is a process an Indigenous nation moves through when Canada is not living up to its responsibilities regarding a particular treaty or settlement, a comprehensive land claims is the process of jurisdictional expansion an Indigenous nation moves through when no historical treaty exists. The Algonquin land claims is comprehensive." (Gehl, 2014, p. 12).

Originally developed in 1973 (the same year as the *Calder* decision), the Claims Policy has undergone modifications over the years – congruent with other jurisprudential advancements – to obtain certainty with regard to ownership, use and management of lands and resources, rights and benefits in Crown-Indigenous relations (Government of Canada, 2016). As constitutional accords, treaty-making is a constitutional duty of the federal and provincial authorities, as is the duty "to negotiate in good faith, and to make every reasonable effort to reach agreement" (Macklem, 2001, p. 266). The involvement of the provincial governments is part of what sets modern treaties apart from historic treaties. As mentioned previously, the *Constitution Act 1867, 1982*, delineates jurisdictional authorities of the provincial and federal governments, whereby Indigenous relations were placed under federal jurisdiction in a bilateral relationship. However, in land claims processes, the provincial governments are involved in negotiations due to provincial jurisdiction over lands and resources under claim. In the

Comprehensive Land Claims Policy, the 'Involvement of Provincial and Territorial Governments' section conveys a trilateral process that brings three levels of government to the negotiating tables (Gehl, 2014). This type of model is relatively unprecedented, and demonstrates the complexity of overlapping interests and relationships in modern agreements, which could act as a template for increased provincial participation in Indigenous affairs generally.

The process of modern treaty-making involves seven steps, executed sequentially.

1) Statement of Claim: An Indigenous nation is required to file a statement of claim to the federal government. As Macklem explains, "an Aboriginal community must demonstrate that it has not entered into or adhered to a treaty and that it has traditionally used and occupied the territory it claims" (2001, p. 269). The statement may include the group's approximate population, extent and location of lands detailed with a map of approximate boundaries, and claimant group identification based on linguistic and cultural affiliation (Lawrence, 2012).
2) Acceptance of Claim: A formal acceptance letter of the claim is issued when the evidence of legal merit under the statement of claim criteria has been satisfied (Gehl, 2014). The Minister of Indigenous Affairs at the time has legislated authority to appoint a senior federal negotiator (Lawrence, 2012).
3) Preliminary Negotiations: In preliminary negotiations, the parties must agree on initial terms and conditions with regard to annual funding amounts to financially support participation in negotiations (Gehl, 2014). A 'scoping of negotiations' sets limits on what will be considered for negotiation (see Final Agreements for list of subject matters).
4) Framework Agreements: Parties define a statement of shared objectives (Government of Ontario, 2015), and agree upon a framework for assuming negotiations. This stage may include an Interim Measures Agreement (Government of Ontario, 2015), which helps to mitigate impairment of existing rights and interests before a treaty is officially signed (Borrows, 2005).
5) Agreements-in-Principle: The Agreement-in-Principle is not legally binding, but further defines the sets of rights for the Indigenous nation as they relate to the Settlement Area being negotiated. Macklem explains:

> These rights typically include full ownership of certain lands in the area in question; participation in land, water, wildlife and environmental management; financial compensation; resource revenue sharing; economic development rights and the responsibilities; and an ongoing role in the management of heritage resources and parks throughout the area. (2001, p. 269).

6) Final Agreements: Following the last stage of negotiations, the final agreement must be ratified by all parties. When legislated, the modern-day treaty would define treaty rights

as protected under section 35 of the *Constitution Act, 1982*. Aboriginal Affairs and Northern Development Canada (2014, p. 11) listed the following subject matters that could be included in the final agreement of negotiated treaties:

a) Certainty
b) Certainty with respect to Non-Land-Related rights
c) Incremental Approaches to Treaty Negotiations
d) Lands
e) Treaty Settlement Lands
f) Shared Territories and Overlapping Claims
g) Trans-Boundary Claims
h) Offshore Areas
i) Wildlife
j) Subsurface Rights
k) Resource Revenue Sharing
l) Environmental Management
m) Capital Transfer
n) Management of Settlement Assets
o) Programs
p) Tax Matters
q) Beneficiaries to the Agreement
r) Dispute Resolution

7) Implementation: The modern treaty would then have legal force to implement federal and provincial legislation. Implementation may include transfer of lands and financial compensation. Final agreements are required to include implementation plans (McKnight, 1986).

The Algonquin Land Claim has been officially underway for twenty-eight years, since the Province of Ontario accepted the Algonquin's Statement of Claim in 1991, and the Government of Canada joined negotiations in 1992. The Algonquins of Ontario continue to engage in this trilateral process to negotiate a modern-day treaty that will recognize and affirm the existing Aboriginal and treaty rights of the Algonquin Anishinaabeg (Stavinga, 2016). The land claim area consists of approximately 36,000 square kilometers (8.9 million acres) within the Ottawa and Mattawa River watersheds of eastern Ontario (see Appendix Figure 8.). The National Capital Region, Canadian Forces Base in Petawawa, most of Algonquin Park, and all of Renfrew County are included in the most jurisdictionally complex and geographically extensive land claim in Canada. Over 1.2 million people live within the claim's Settlement Area, in which 84 municipalities – including 75 lower/single tier and 9 upper tier – have jurisdictions either fully or partially located in the boundaries (AOO, 2013d). Of the almost 9 acres under negotiation, "59 percent is privately held patented land, 21 percent of the land mass is within Algonquin Park, 16 percent is land held by Ontario as public lands and by provincial Crown corporations, and 4 percent is federal Crown land" (Gehl, 2014, p. 18) (see Appendix Figure 9.). 7

Conservation Ontario Authorities also have mandates for lands and watersheds in the claim (see Appendix Figure 10.). Made increasingly convoluted over decades of industrialization, development, population increase and sprawl in the Ottawa Valley, the incentives to settle a claim became urgent for the Algonquin peoples to formally secure a land base and rights to natural resource management.

Modern-day treaties are long-winded processes, and the Algonquin Land Claim is no exception. How the negotiation phases progressed through the steps of a comprehensive land claim will be briefly covered chronologically, beginning in 1992 with the acceptance of claim and preliminary negotiations. The Statement of Shared Objectives and a Framework Agreement were signed August 25, 1994, to move forward with the more substantive elements of recognizing and affirming Algonquin inherent jurisdiction, and "obtaining fair compensation for past, present, and future use of Algonquin territory and its natural resources" (Lawrence, 2012, p. 87). As mentioned in the previous section of this chapter, the Algonquin Enrolment Law was in effect at this time, actively seeking people of Algonquin descent. According to Gehl (2014), the controversy it sparked between non-status and status community members caused upheaval in the land claims process, when the description of beneficiaries was broadened to include non-status Algonquin. She stated:

> On May 16, 2004, Pikwàkanagàn First Nation Chief Kirby Whiteduck explained that the Algonquin land claims process had fallen apart three times – in 1995, 1998, and 2001 – and that our current attempt would be our last chance since the governments of Canada and Ontario were tired of the Algonquin's inability to speak with one voice. (Gehl, 2014, p. 25).

Among the internal struggles taking place in and between Algonquin communities, Ontario underwent many changes and challenges generally under the Mike Harris Conservative Government, from 1995-2002, which included instances like the Ipperwash Crisis (1995) and the Walkerton Tragedy (2000). Afterwards, in 2006, the three levels of government (then with Ontario Liberal Dalton McGuinty and Federal Liberal Paul Martin) regrouped the negotiations and reaffirmed shared objectives (Government of Ontario, 2019). A Consultation Process Interim Measures Agreement was signed in July of 2009 (Government of Ontario, 2015), which confirmed the parties' commitment to negotiate the Algonquin Treaty, and defined the consultative approach for Canada and Ontario with the Algonquins of Ontario concerning public sector activities within the land claim Settlement Area (AOO, 2013a).

The fifth step requires development of an Agreement-in-Principle, which the negotiating parties managed in concrete phases. In December, 2012, the Algonquins of Ontario and the Governments of Ontario and Canada publicly released a Preliminary Draft Agreement-in-Principle (AOO, 2013b). Still subject to review and further negotiations, the release of this work-

in-progress agreement marks another unique aspect of this modern-day treaty. Although the Comprehensive Claims Policy, 1986, refers to respecting public and third-party interests in negotiating claims, and that "information about the general status and progress of negotiations will be made available to the public" (McKnight, 1986, p. 22), consultation of the public is not mandatory in the negotiation process. The Government of Ontario states, "[t]he negotiating parties have set a national precedent in keeping the public informed. This is the first time in history that negotiators are seeking public input on a Preliminary Draft Agreement-in-Principle" (2013, p. 1). Following the release of the Preliminary Draft Agreement, the three representative parties brought information sessions on tour throughout the Settlement Area, in an effort to gain input from those living and recreating in affected municipalities. The details of these endeavours will be discussed further in Chapter 3; however, the significance of this inclusionary decision should be noted.

After consideration and integration of public responses, the Agreement-in-Principle was reached in October, 2016, meaning it was ratified by Algonquin Voters, the federal Parliament and provincial Legislature. It is considered an important milestone for the treaty process, as it paves the way for a Final Agreement (AOO, 2013b). Since then, the most recent publication was a Draft Environmental Evaluation Report in 2017, which underscored the environmental considerations for lands transferred in the Settlement Area. The *Environmental Assessment Act* requires that the Ontario Government conduct an evaluation of this kind to anticipate potential environmental effects and assess current activities within the land claim boundaries. More specifically, Senior Negotiator Sydne Conover Taggart explains:

> The Draft EER proposes official plan designations and zoning for settlement lands. These inform how lands can be used after they are transferred to Algonquin ownership. The proposed official plan designations and zoning for the land parcels will continue to be refined as the negotiations and further supporting consultations proceed. (Conover Taggart, 2018, n.p.).

Land-use planning technicalities are central to the successful implementation of the Algonquin Land Claim, based on the jurisdictional complexities and layered interests present in the region. The next chapter will focus strongly on these implications, by narrowing in on South Frontenac Township and the land-use planning concerns faced there. The case study builds context through public opinion, historical narrative and planning practices together to emphasize the intricacy, exceptionality and fascination in this particular Indigenous comprehensive land claim and modern-day treaty.

Chapter 3: Frontenac County Case Study

A. The Badour Farm Cottage Community

In the early 2000s, Land Ark Homes partnered with McIntosh Perry to repurpose lands previously owned by the Badour family. The owners of the development companies had each been looking for private family cottages in the area, but struggled to find suitable property to fit their requirements. When they came across Badour farm – which was an operating agriculture and livestock farm and trailer park at the time – they decided to join visions and expertise in developing a cottage community. Today, straddled by the north-east shore of Crow Lake and north-west bays of Bobs Lake in South Frontenac Township is the 436-acre Badour Farm development. Subdivided as a condominium, the waterfront community offers privately-owned common spaces such as a boat launch, hiking, snowshoeing and cross-country skiing trails that access interior ponds and scenic ridges. The area is accessible by municipal roads, with provision of municipal services such as garbage and recycling pick-up, snow removal, and emergency services. Within the condo there are 40 lots in total – each land-owner is required to be a member of the condominium association. Of the 40, 17 host permanent residents, while the remaining 23 are seasonal or second-home owners, creating a unique mélange of land use in this rural area, located just south of Sharbot Lake and west of Westport in Frontenac County (Appendix Figure 12.). As *Participant 5* explained in our interview:

> Well the larger benefit, maybe didn't occur to us at the time, but it does now, the larger benefit is the sense of community that comes with that. So as an association, we have usually, we have a mandatory annual general meeting, have to have a board of directors, there's mandatory requirements like a regular condo. So that in itself creates a mailing list and creates a need for contacting your neighbours at least once a year. And as a result of that we usually end up having a bunch of other activities, at least 3 or 4 a year. Which everyone is invited to… so you get to know everybody within your community… If we were living in a regular subdivision we wouldn't have that connection… So I see that as being a more significant benefit than the whole reason [it was] set it up for in the first place, that great sense of community. (*Participant 5*, personal communication, May 15, 2019).

This sentiment was supported during several interviews with Badour Farm residents and cottage owners. It is undeniably a special place to live and recreate, and presents many attractions for those who like to kayak, hike, snowshoe, boat, fish, hunt, and garden, among other activities. Every person I spoke with listed at least one of these pastimes, for example, *Participant 6* shared, "[w]e paddle, swim, snorkel, boat, hike, snowshoe, cross country ski, fish. It's the reason we moved here" (Personal communication, April 26, 2019), and *Participant 2* expressed, "I love to cross-country ski, snowshoe. [Her husband] likes to ice fish, he likes to hunt. I love to garden" (Personal communication, May 18, 2019). These legitimate forms of

relationship building with the lands and waters in the region are undeniably present in the community's desire to make Badour Farm home (or second home). The quality of life of these estates is fairly affluent, with the majority of residents being retired, predominantly of European descent, are second or third generation Canadians, and most are well-educated in professional occupations as doctors, dentists, developers, mechanical engineers, nurses, and communications specialists. The majority had bought a property and built on it between the years 2004 and 2014, and are relatively recent newcomers to the area. Almost all are from urban centres like Ottawa, Toronto or Kingston, but with some prior connection to rural regions of Southern Ontario. *Participant 7* grew up on a farm in the country and, according to them, didn't have a problem being enticed to return. *Participant 8* too said, "I grew up going to my grandparents' farm. [My spouse's] parents had a cottage, [they] grew up in Toronto so, it was Lake Scugog, so we both had summer places we grew up going to, so we wanted one of our own" (Personal communication, May 16, 2019). *Participant 9* explained:

> As a kid we used to camp up near, just a little bit further down on Gull Lake. There was a little fishing camp with log cabins. And as kids we would go up and spend a chunk of summer there, and I just completely fell in love with the rock and the THIS. The Canadian Shield and the pink granite – it's, something happens with land as a kid like it just penetrates you deeply. (Personal communication, May 14, 2019).

When asked why they chose to live in the area, *Participant 2* explained, "My [spouse] had a family cottage in Sharbot Lake so we came here all summers, with [their] grandparents who worked in the provincial park" (*Participant 2*, personal communication, May 18, 2019). *Participant 6's* response was: "We had cottaged on Bobs Lake for 35 years. My parents had purchased a small cottage over on Mill Bay, and because of my dad's family, we're all from Ottawa, that was home to [them]" (Personal communication, April 26, 2019). I can personally relate to these stories of intergenerational cottaging, having had our grandparents' cottage on Pike Lake before my parents built their own. As *Participant 9* mentioned: there's just something about that Canadian Shield.

It turns out there really is something about it. Badour Farm is located along what is known as the Frontenac Arch, a United Nations Educational, Scientific and Cultural Organization (UNESCO) Biosphere Reserve that spans an approximate area of 2700 square kilometers in southeastern Ontario (Frontenac Arch Biosphere, 2019a). This is a particularly special biogeological region (see Appendix Figure 12. and Figure 13.), where the Precambrian Shield and St. Lawrence ecozones overlap (linking Algonquin Park to the Adirondack Mountains in New York State, USA), resulting in a distinctly biodiverse ecosystem that combines certain flora and fauna of each region (UNESCO, 2015). In this area it is possible to see plants and wildlife characteristically mingling what is seen exclusively 20km north or 20km south. It has

some of the most ancient geologic formations in the world, for instance, Bobs Lake was at one point the mouth of the Champlain Sea, before glaciation and erosion of the Shield Mountains reduced the landforms to what is seen today (Frontenac Arch Biosphere, 2019b). One of the best spots to observe this phenomenon is on a special parcel of Crown land wedged between Crow and Bobs Lakes in Frontenac County, which has recently become a major topic of discussion among the Crow and Bobs Lakes cottage communities in response to the Algonquin Land Claim negotiations.

'Crown land' is land that is owned and managed by the provincial or federal governments in Canada. National and provincial parks, Indigenous reserve land and federal military bases are included in what constitutes Crown land, while interests in natural resource development such as mining and forestry, hunt camps and fishing lodges, can access the lands through grants, patents and leases (Neimanis, 2013). To many, Crown land is considered 'public land', in the sense that Canadians have a right to use and enjoy public spaces. Speaking with cottagers of Badour Farm, the enjoyment of Crown lands around Crow and Bobs Lakes includes hiking, hunting, cross-country skiing, snowshoeing, biking, and a variety of other active forms of traversing the woodlands. For some, it was the greatest attraction to buying property in the area. *Participant 2's* spouse was particularly interested in the region because "what appealed to [them] was that we had Crown property… so the thought was that there would be no-body there. [They're] a hunter and [they] can use the land to hunt on, and we just like the privacy and the view" (*Participant 2*, personal communication, May 18, 2019). Asked to describe their favourite part about living on Bobs Lake, *Participant 6* said without hesitation:

> The Crown land. The neighbours are fantastic, we have a very close network of permanent residents, and we hike together, snowshoe together, we ski together, we socialize together, that is fantastic. But for me, the reason I was willing to give up [my parents'] cottage which is very near and dear to my family's experience, was because I could open the door and be in the forest. And I love it. (Personal communication, April 26, 2019).

These forest and wetland ecosystems are certainly valued and appreciated by the community. A few members helped organize or were involved in a BioBlitz to raise awareness of the ecological sensitivity and biodiversity present on this particular piece of Crown land. Organized by the Wildlife Committee of the Greater Bobs and Crow Lakes Association, their first annual BioBlitz took place on August 16 and 17, 2013, where the "parcel of Canadian shield crown land contains over 2,000 acres of pristine forest and wetlands… the ideal place to produce a habitat map of the plant and wildlife species in our neighbourhood" (Walker, 2013, p. 6). Walker, a member of the Wildlife Committee, described the event as "a fun, educational and interactive way for our community to come together to learn about biodiversity, stewardship and natural

heritage values" (2013, p. 6). Local experts from the Canadian Museum of Nature, the Toronto Zoo and the Rideau Valley Conservation Authority provided information and guided walks, and facilitated a species count of flora and fauna. Species at Risk were identified in the area, including a juvenile Five-lined Skink (Ontario's only lizard) and an Eastern Ratsnake (Arpaia, 2013), as well as a rare species of lichen. Doreen Davis, the Chief of Shabot Obaadjiwan Algonquin community near Sharbot lake, was also involved during the BioBlitz, although the extent of her input is not known. Whether the intent to conduct a BioBlitz in this area was related to the Algonquin Land Claim is not apparent, however the implications of cataloguing endangered species in Ontario can influence development patterns and regulations under the *Endangered Species Act, 1973*. *Participant 6* mentioned:

> At the time of the Bioblitz there were several rare and endangered species that were identified which we thought would go towards arguing that the Crown land, regardless of whether it was returned to the Algonquin, should never be developed, because of these rare and endangered species. (Personal communication, April 26, 2019).

The Algonquin Land Claim would have been fresh in the minds of the Badour Farm Cottage Association members when the BioBlitz unfolded, since the release of the Agreement-in-Principle (AIP) in December, 2012 had made it public. Speculation was fueled by uncertainty for how the Crown lands would be used, and whether they would be subject to the same rules and regulations as other properties in Ontario. In terms of increasing awareness of Indigenous presence in this region in particular, the year following the AIP's release was fundamental to the way the community processed the information and reasoned with the realities implicit in potential changes being brought to their region.

There were a variety of responses from interviewees when asked about their first point of contact with the implications the Algonquin Land Claim had for Badour Farm. Six interviewees listed the news and newspapers, local conversations that took place, for example, within the condominium association meetings, and notices for the government information sessions as their initial source of knowledge. *Participant 7* had read about it in the Frontenac News, a local newspaper, before hearing it "through the grapevine and in the Lake Association" (Personal communication, May 16, 2019). *Participant 5* described when they became aware of the treaty negotiations:

> I first heard about it actually through some of the hunt camps I belong to, we were notified. There are two different camps I belong to, one as an honorary member, and one as a fulltime member. The one as an honorary member is on Crown land, and it was land that was being originally considered as part of the land claim (Personal communication, May 15, 2019).

Those living adjacent to the Crown lands, like *Participant 2*, *Participant 6* and *Participant 8*, were likely the first in the community to be notified by the Government of Ontario with letters in the

mail. *Participant 8* remembers receiving a letter back in 2012, while *Participant 2* believes they got theirs in 2011/2012, and *Participant 6* specifically recalls receiving one June 29, 2015. They all reported some level of shock. Reiterating their reason for investing in their retirement property, *Participant 6* stated:

> We purchased [this] lot in the Badour subdivision specifically because it was next to Crown land, that we presumed would never, be anything other than Crown land. So, it was a bit of a surprise when we got the letter in 2015, saying this was not going to be the case. But, that is sort of the start of the journey around the land claim. (*Participant 6*, personal communication, April 26, 2019).

Many were cognisant of Indigenous land claims generally, but had not experienced one so close to home, let alone be considered stakeholders in the process. For example, *Participant 10* is a communications specialist and had been involved in projects with Indigenous communities in Northern Quebec. *Participant 10* described their general awareness of the issues surrounding claims and lack of treaties prior to learning which lands were included in the Algonquin Land Claim. They said:

> I hadn't made the connection… there was a context of awareness that I did not draw upon. So, I think I was unaware until I was made aware and at that point I knew quite a bit, because I could draw on the context and thought about it, but not having thought about it as baring on me, not being a stakeholder. I thought about it not being a stakeholder... I just hadn't realized I was a stakeholder. I think that's kind of where most people are, and that's a pretty delicate territory. Well I wasn't told, nobody told me, I was acting in good faith, etc. All those things. (*Participant 10*, personal communication, May 16, 2019).

Participant 10 drew attention to a very interesting tension experienced when notions of settler-colonialism and Indigenous reconciliation suddenly implicate one's personal lived reality. There is perhaps a degree of cognitive dissonance between intellectual understanding of the importance of Indigenous jurisdiction and how reconciliation is meant to play out on the ground within communities. *Participant 9* described their reaction:

> At one point, I think maybe there was a map of the potential areas, and I went, holy smokes, they're our neighbours! And so, then I became very interested, because you know, like the things that I love most about here is the fact that there is Crown land right next door and it's really quiet and there isn't very much action. So, it was, yeah, it was, now finding out what does it mean, what are the potential implications for the whole area, what does it mean historically, and yeah, I just became very interested. (*Participant 9*, May 14, 2019).

Participant 9's open-mindedness and curiosity does not reflect the majority of initial responses expressed in Southern Ontario. As mentioned previously, there are complex layers of 'interest-holders' and 'stakeholders' within the land claim settlement area, resulting in a diverse range of concerns regarding the parcel selections, density, land use and access to resources, land holdings or hunting and fishing areas. The federal and provincial governments, as well as the Algonquins of Ontario, made concerted efforts to provide information sessions to dispel myths

or anxieties associated with the land claim settlement. The next section will describe and discuss these public consultations, the perspectives of Crow and Bobs Lake members and other Ontarians on their efficacy, and how issues of land-use planning were raised and engaged with.

B. Land Use Planning and Community Consultations

Conceptualizing land claims in land use planning is essential for teasing out the technicalities around transference of selected lands to Indigenous nations, while contributing to an understanding of how communities receive and perceive Indigenous jurisdiction in these complex frameworks. This section will attempt to bridge the practical elements of land-use planning and community consultations with the notions of Indigenous settlement by reflecting the concerns expressed by non-Indigenous Ontarians of the negotiation process and the prospective efficacy of a final agreement's implementation. Building on the timeline of the Badour Farm research participants' interactions with the Algonquin Land Claim, recount of relevant events and key players will add to this modern-day treaty's ongoing narrative.

The Ontario Government hosted eight initial meetings in different locations across the province in March of 2013, following the public release of the Draft Preliminary Agreement-in-Principle (AIP). The following is a list of the tour's schedule (FOCA, 2013):

Place	**Date**	**Time**
Ottawa	March 6, 2013	3:00pm-8:00pm
Perth	March 7, 2013	3:00pm-8:00pm
Kingston	March 8, 2013	3:00pm-8:00pm
North Bay	March 12, 2013	3:00pm-8:00pm
Mattawa	March 13, 2013	3:00pm-8:00pm
Pembroke	March 14, 2013	3:00pm-8:00pm
Bancroft	March 15, 2013	3:00pm-8:00pm
Toronto	March16, 2013	12:00pm-4:00pm

At the meetings, a representative from the Federal, Provincial and Algonquins of Ontario negotiating teams were present to showcase the package of lands and rights included in the proposed AIP, and to take questions and comments from the public. The following facts were prepared by the Ontario Government to provide during the sessions, demonstrating a great level of anticipation for certain types of inquiries from the public:

Lands

• Less than 4 per cent of the Crown land in the claim area is proposed for transfer.
• The vast majority of the Crown land base would remain open to all existing uses.
• Land would not be taken from private owners.
• No one would lose access to cottages or private property.
• No one would lose access to navigable waterways.
• No new First Nation reserves would be created.
• After transfer, Algonquin lands would be subject to the same land use planning and development approvals and authorities as other private lands.
• All identified lands would be in the area of the 10 Algonquin communities represented in the negotiations, close to where their members live. These land selections would:
    » Restore historically significant sites to the Algonquins,
    » Contribute to the social and cultural objectives of Algonquin communities,
    » Provide a foundation for economic development.

Harvesting

• Existing hunt camps would continue.
    » Agreements would be negotiated with the Algonquins of Ontario.
    » Ontario would facilitate these negotiations.
• Algonquin harvesting rights would be subject to provincial and federal laws necessary for conservation, public health and public safety.
• The Algonquins would continue to develop harvesting plans with Ontario. For example, the Algonquins have voluntarily limited their moose harvest for the last 20 years. This arrangement with Ontario would continue

Parks

• Algonquin Park would be preserved for the enjoyment of all.
• Ontario would continue managing all parks. The Algonquins would have a greater planning role.
• Three non-operating parks and parts of four non-operating parks are proposed for transfer.
• A new 30,000 acre provincial park is being recommended.
• For every acre of park land proposed for transfer, six acres would be added. (Government of Ontario, 2013, p. 1).

This information has little meaning without the context it applies to, so maps were displayed of the 221 parcels of Ontario Crown land that would be transferred, a total of 117,500 acres consisting of provincial park and public lands (Government of Ontario, 2015). The governments' intent was to consult the public on the land-use planning details of each parcel selection and designation, and to receive input on what was being negotiated for the Crown lands. Being such a highly used recreational, resource development and residential region, this part of the process became quite contentious among the non-Indigenous communities, who were given opportunity to express their views subsequent to the announcements and consultative proceedings. The concerns raised of course have practical relevance to the Algonquin Land Claim context, but they also speak to broader issues with regard to how modern-day treaties are framed, strategies for information dissemination, transparency in process, and the governmental responsibilities to redress for knowledge-gaps in Indigenous historical education.

Speaking with research interviewees from the Badour Farm cottage community, those who were able to make it to the meetings were the permanent residents of the area at the time, so the locations and timing were not barriers to participation. They attended meetings in Ottawa, Perth, Kingston and Toronto, most with the interest of gaining specific information about how the Crown lands near their properties would be utilized. *Participant 9* described their experience from an Ottawa meeting:

> So, they had a lot of information about it, they gave presentations. Each representative, so from the Algonquins, from the Province, from the Feds, they each talked about what their piece of the pie was, what they were responsible for, or working on, or foreseeing or whatever, it was very well done, I was impressed by it. (Personal communication, May 14, 2019).

Participant 6 attended a meeting in Perth with their spouse:

> It was a large room and there were various pictorial maps and information pieces, and individuals manning each booth and you walked around and – so I really am not interested in the lands close to Perth so I'm not going to talk to you. But I am interested in the Crown lands [near Sharbot Lake] so Chief Doreen let's have a conversation. (*Participant 6*, personal communication, April 26, 2019).

Research *Participant 1* went to a meeting in Toronto, where they also said the representatives had tables set up for each level of government and offered a Q & A (for which "there was a lot of Q" (personal communication, April 17, 2019)) after a lengthy presentation. Asked if the meetings facilitated a sense of feeling well-informed about the Algonquin Land Claim, *Participant 1* assured they did, and that afterwards they felt very comfortable with the whole concept. Overall, the responses from interviewees were positive with feelings that their general knowledge had increased, but there were some indications about reactions from other meeting attendees (from outside of Badour Farm) that reflected displeasure with the process and lack of publicly accessible information or notification early on. *Participant 8* and their spouse shared their experience:

> We were very pleased, it was very transparent you know, kept us informed and you know. Some people, it was very contentious - it was even an MP here who was dead-set against it, who got booted out, what was his name, Hillier? Yeah, he was very vocal against it, but I think most people in the area were very supportive and understanding, the Algonquins have a legitimate claim and let's get this thing settled, as long as, you know, we can get our right of ways. Go for it. (Personal communication, June 7, 2019).

Participant 8 was referencing Randy Hillier, the recently elected Progressive Conservative MPP for Lanark, Frontenac, Kingston, who has been outspoken in opposition to certain elements of the Agreement-in-Principle, such as defined forestry rights (Green, 2013). Hillier is also known for co-founding the Lanark Landowners' Association and as the first president of the Ontario Landowners Association, which serves to protect private property owners and property rights through the use of letters patent, and informing development of policy, laws and regulations

(Ontario Landowners Association, n.d.). Hillier was not, however, the only frustrated individual at public meetings. According to media reports, residents of the East Ferris, Renfrew County regions were visibly upset by the news of the Algonquin Land Claims propositions. Jennifer Hamilton-McCharles reported on the first information session in East Ferris, where residents "wanted to know why they were just being informed now," and according to Hamilton-McCharles:

> The situation became more volatile when elected officials spoke out about the closed door meetings that have taken place over several decades between the Algonquins, and the provincial and federal governments so they could reach an agreement in principle. (Hamilton-McCharles, 2013).

Another article in *The Valley Gazette* described an April 6, 2013 meeting in the Madawaska Valley where members of numerous municipal councils gathered to share information with the public. It claimed that "the repeated theme was not that individuals were angered with the actual AIP – but at the lack of information made available to the public" (The Valley Gazette, 2013, April 10). Greg Farrant of the Ontario Federation of Anglers and Hunters assured that "no one is disputing the actual land claim, or the Algonquins' rights to lands. More so, people want to know how the AIP will affect them" (The Valley Gazette, 2013, April 10). In circumstances like these, the governments' consultations created more questions than answers, and the apprehensions around land use were still relatively unrequited. *Participant 2*, for example, as a property owner adjacent to the Crown lands, received notification from the Government of Ontario about the land claim earlier than most, but still wondered why it had not been brought to their attention before purchasing their lot in Badour Farm:

> They sent us a map because we border the Crown property, so it starts and just like any planning if someone has a variance, if you're neighbouring the lot they notify you. So, they provided us that and a couple of pages of what was just in the stages, but they didn't say it started in 1991. We ourselves just wondered when that would have been, because we would have thought that it doesn't just happen that it's come to that part without somebody in the know that it was happening, and why didn't we know, or why didn't our local real estate agents know… It's kind of just that it was, it sounded like they were, had been working on it for some time. I just was surprised that that was the first time we had heard about it. (*Participant 2*, personal communication, May 18, 2019).

The earliest public correspondence found relating to the Algonquin Land Claim dates March 18, 2010, in a Frontenac News article by Jeff Green. This was before adjacent land owners to the transferable Crown Lands were notified of the Land Claim itself. The article mentions the opening of the Algonquin consultation office in Pembroke, Ontario on January 11th, 2010. At this point, Green notes, "[i]nformation about the claim that has been released to the media has been so general as to give little insight into the details of the deal that may be in the works" (2010, n.p.). It is difficult to say where or how Green was informed of the negotiations, nonetheless, the

process revealed itself to the public in due time, with the help of additional stakeholder groups who played a key role in notifying communities about the proposed land claim's specificities.

Prior to the release of the Draft Preliminary AIP at the end of 2012, and the governments' announcement regarding information sessions to take place in 2013, the Federation of Ontario Cottagers' Associations (FOCA), the Canadian Sportfishing Industry Association (CSIA) and the Ontario Federation of Anglers and Hunters (OFAH) took it upon themselves to host meetings to engage their members in discussions about the Algonquin Land Claim (Ontario Federation of Anglers and Hunters, 2013). These organizations were aboard a Committee of External Advisors delegated by the Government of Ontario, for the purpose of informing the Algonquin Land Claim negotiations (Government of Ontario, 2019), thus had awareness of the modern treaty's headways. OFAH Executive Director Angelo Lombardo was quoted describing that the purpose for hosting meetings was as a provision of background information, in order to prepare organizational members for the government information sessions rolling out later in the month. He said, "[t]o date, the government has not provided the public with the opportunity for consultation, which is inexcusable" (OFAH, 2013, n.p.). Regarding the joint initiative, Lombardo explained, "[c]ollectively, we feel it is our responsibility to make the public aware of the details of this claim and how they may be affected" (OFAH, 2013, n.p.), since, he stressed, "the opportunity to hunt, fish, boat, hike, cottage, trap, canoe, camp or ATV in the land claim area is on the line" (OFAH, 2013, n.p.). The OFAH represents over 100,000 members in Ontario, and operates as a not-for-profit conservation-based organization. CSIA works to ensure sustainability of the recreational fishing industry across Canada, with a breadth of membership regionally and nationally (Canadian Sportfishing Industry Association, 2017). FOCA supports public policy development and encourages sustainable management and environmental stewardship among cottage associations, with an extensive membership of approximately 50,000 waterfront and cottage owners in Ontario (Federation of Ontario Cottagers' Association (FOCA), 2013). FOCA emphasized that their membership holds a significant economic stake within the Land Claim Region, with an estimated $10,000,000,000 value in cottage real estate, and $80,000,000 in annual property taxes (FOCA, 2013). Terry Rees of FOCA explained how the Association felt that the government had not done their due diligence in talking to the public earlier about the plans, given that they have a right to know about it (T. Rees, personal communication, May 7, 2019). As a result, FOCA has been active in providing information to landowners and cottagers about the Algonquin Land Claim, stating:

> FOCA remains concerned that based on our first-hand experience to date, in the void, thousands of people affected and interested in the Land Claim are left to create their

> own version of the management of this process, how it is being executed, and how (or if) the stakeholders' interests are being considered. (FOCA, 2018, n.p.).

OFAH, FOCA, and CSIA initiated newsletters, webinars, public information sessions and online resources about the land claim's implications for use of public lands and waters, recreational activities, outdoor industries, provincial parks, and access through Crown lands. The earliest 'road show' they took visited Perth, Stittsville, North Bay, Pembroke and Bancroft at the end of February, 2013, just prior to the governments' information sessions (OFAH, 2013). The organizations encouraged participants to prepare poignant questions for the governments, and express concerns about how Crown land parcels were nominated, how they would fit into municipal official plans, zoning bylaws, or density and permitted uses, rights of access and impacts on existing infrastructures (FOCA, 2013). They also suggested to send concerns directly to Kathleen Wynne and Stephen Harper - Premier of Ontario and Prime Minister of Canada, respectively, at the time. *Participant 5*, a member of OFAH, attended one of the meetings in Perth:

> Open house was informative because they had a bunch of maps up and they had people there that could explain what areas were being claimed, and the process that they were going through, and so on, and it was informative from that perspective. And then they had presentations that were made. There's like five people that made presentations that I'm going to say were almost against the process, one or two poor guys who had to stand up and support it.
> They didn't have all the information, they weren't initially allowed to be included in any of the discussions so they were just relying on hearsay. And that was the information that was being bantered around and it wasn't very accurate. Wasn't very sympathetic – would be the fair way to put it. Yeah, you know, there's always skepticism around it. (*Participant 5*, personal communication, May 15, 2019).

The main concerns raised in the information sessions, as mentioned previously, were a result of this spread of hearsay and general uncertainty around the claim's process and outcomes, for example, controversy around hunting on Crown land was raised during the public sessions. *Participant 6* said what they heard at the Perth meeting:

> Hunting was a big thing that people, non-Indigenous people who had hunted for generations in various parcels - because the consultation wasn't just ours, it was all the areas - that people were going to lose their rights, people were going to lose access to the land. (*Participant 6*, personal communication, April 26, 2019).

Other situations held legitimate design complications that required professional planning expertise to solve. According to Terry Rees (FOCA) and Peter Johnston from the Township of Bonfield, right-of-way and other types of access concerns have been front and center in the public meetings as land use planning matters (Rees, 2019; Johnston, 2019).

For instance, *Participant 8* bought an isolated property south of and contiguous to the Crown Land Parcel 234 in 1989 (see Appendix Figure 14.). At the time it was water-access only

with no roads built beyond Badour Farm, where the condominium development had not yet been conceptualized. To build on their lot, they hauled everything across Bobs Lake either by boat or with horses on ice in the winter time in 1994-95. With two other property owners neighbouring south of the Crown land, there was incentive to build a laneway, which was eventually created in 2000 (after deconstructing a beaver dam that had held water levels high across the area). Dubbed 'Alder Lane' after one of the three families who maintain it, the laneway that made significant accessibility improvements became the bone to pick with the Algonquin Land Claim. The families received notification as adjacent landowners to the Crown Land Parcel 234 that the area would be transferred to the Algonquins of Ontario following a final settlement of the claim. Access became the primary issue, *Participant 8* explained:

> Yeah, so they sent us a letter… and we went to a meeting in Sharbot Lake, and the concern was of course right-of-way through that land, for all of us, and so we met with the Ministry folks and at that point, they were saying okay you'll have a public right of way. And we said no, we want a deeded access, and deeded access means we can get permits for severance and so forth. So, we met with the Ministry people and we said listen, great, we see you want public access, but we want deeded access, so they said no problem and changed that. I guess they went to the Algonquins and everyone agreed no problem, and you know they've been sending us documentation, detailed maps, draft agreements and so forth, showing that we will have deeded access when this is all negotiated. In that time, they had public meetings in Perth, and they've always been very informative meetings. (*Participant 8*, 2019, 4).

Participant 8's circumstances are not one-of-a-kind, and the governments found in consulting the public that this type of issue was repeatedly raised. Speaking with Terry Rees, it was clear that there were not many comments about whether or not the land claim *should* be fulfilled, but rather how to minimize impact on local residents. He described the major contentions that arose within the cottage community mostly had to do with quality of life, safety, the nature of the community, sense of place, and desirability of the places for living in relation to development generally, active use, noise, traffic and other neighborly type of things (T. Rees, personal communication, May 7, 2019). *Participant 2's* comment illustrates the concerns around access and land use well:

> Well, looking at the topography of the land, I don't know the access, like how in fact, you know, will it affect the access. Because you don't know what it's going to be used for. It is part of the Frontenac Arch, I don't know if that's why it's the Crown land, but I know that depending on what's done there, whether it'll affect wildlife. But you know, we have in all of the planning strategies we have to be a certain part back from the water, but getting there, there's ponds and marshes and all kinds of things. As there was probably when they built this laneway here but you know, that part - you worry what's going to happen… So, you know, moving forward I don't know what laws there are in the planning department, but I know there are for us, you know, as far as the set-backs, you know, when you apply for it if you're near water that you get the proper stuff done for it. I

> have to imagine that it will be but you don't know what you don't know. (*Participant 2*, personal communication, May 18, 2019).

In response to these types of confusions, Terry explained how FOCA tries to bridge the gap between their stakeholders and those with interests, with the "best practices of land use planning" that would be put in place around these lands, and to defog or dispel some of the concerns around how the areas will be used (T.Rees, personal communication, May 7, 2019). Brian Crane (principle negotiator for Ontario at the time) was quoted responding to the "common complaint charging that the process and the negotiations were conducted behind closed doors" (The Valley Gazette, 2013), providing response to most of *Participant 2's* queries and *Participant 8's* case mentioned previously:

> We've heard that message. But any negotiation takes place behind closed doors and especially when you are dealing with real estate. You can't go and hold a community meeting and say you would like to sell out all this land to the Algonquins, or transfer to the Algonquins. First thing [you] know property has gone up in value and there is speculation. You can't really negotiate this type of thing in public. But what we can do is allow for a reasonable process of consultation where you can get input from people. A lot of people have said that you didn't [recognize] that I have a right-of-way across this particular piece of property, and perhaps we didn't. Perhaps we've overlooked that. So we will make the adjustments and we will provide the legal right of way. We're not trying to deprive people of their rights. We're trying to make sure that we have people's rights [protected]. If people say we don't want to have any Algonquin land selections on our lake, well, we say that's part of the arrangement. We're going to give the Algonquins part of the land on this lake. That's part of making a treaty. If you got a good reason for saying [there] shouldn't be any Algonquin land on [your] lake, we'll look at the reason, but just saying you don't want them there is not appropriate in our minds. A lot of people don't realize that the planning regulations and bylaws will continue. This isn't going to be reserve land. This is going to be ordinary lands like you might have with your house [or] cottage.

Following the first round of consultations after the Draft AIP was released, the governments spent time considering the responses from the public meetings. According to a follow-up newsletter of the consultation results, over 2,000 members of the public attended the information sessions, and more than 150 meetings were held with "land owners, cottage associations and those who hold direct interests in the Crown land parcels identified for potential transfer to Algonquin ownership" (Government of Ontario, 2015, n.p.). To accommodate the needs and interests expressed, 36 of the 221 land transfer parcels received modification to their proposals, including relocation or elimination of some, and reconfiguration of access roads or property lines of others (Government of Ontario, 2015).

The Agreement-in-Principle was reached in 2016 on account of these changes, and next steps proceeded to a Draft Environmental Evaluation Report (EER) in 2017, when the governments' most recent public outreach initiatives took place (Conover Taggart, 2018). Public engagement is a legislated obligation of municipal and provincial authorities acting under the

Planning Act, 1990, to allow for opportunity to review a proposed plan and make representations, such as in the case of an Official Plan amendment (*Planning Act*, 1990, s. 16(15)). Since the Draft EER proposes official plan zoning and designations for lands in the Settlement Area, consultations must proceed (Conover Taggart, 2018). Doug Carr, the chief negotiator at this time, explained at one of the public sessions:

> We're doing public consultation in relation to environmental assessment which Ontario has to do by law whenever [it's] looking at Crown land or changing the boundaries to the parks. We're interested in the potential impact that it might have on you and how you use and enjoy your property. (Sobanski, 2017, n.p.).

Conservation-related issues and worries, like *Participant 2's* concern for wildlife, were brought up a few times among Badour Farm residents. All interviewees expressed levels of environmental consciousness and concern, either in relation to their home-building designs and development choices, recreational activities, involvement in local conservation authorities or lake associations, and as avid gardeners, fishers, hunters and naturalists, or in response to the land claim. *Participant 11* had said their concern was in the area's "capacity, if it is developed as accommodation and residential, you know, the impact on the quality of our water" (*Participant 11*, personal communication, May 18, 2019), since their location in a bay is quite narrow, protected and quiet. *Participant 6* said the second time they went to a consultation, they specifically wanted to raise the BioBlitz (which took place after the first consultations in 2013), because there was information gained from that worth sharing, such as the report on endangered species in Crown Land Parcel 234 (*Participant 6*, 2019). *Participant 3* mentioned the settlement area does not affect their lands, but they are more concerned about land conservation, although they have a suspicion the Algonquin communities will take better care of it. (*Participant 3*, 2019). *Participant 9* shared their thoughts:

> People have expressed pretty normal concerns about: what's it going to be used for, how is it going to be developed? There's, it's kind of a special little cache here, and so it's, you know, is it all of a sudden going to be, you know, cheek-by-jowl cottages, you know, it's been so carefully developed to be pretty well spread out and all that sort of thing. So, I think there's some concern about, I was concerned about the carrying capacity of Mud Bay, because it's a pretty, there's not much circulation in there, and so, you know, there's quite a few cottages at this end, so if cottages get built up, all the way down… I was never very worried about it, well, off and on worried, depending on the stories I got about what the plan was to do with it. (*Participant 9*, personal communication, May 14, 2019).

The speculation of land use from the Badour Farm research participants, other interested community members, media reports and stakeholder groups like FOCA, OFAH and CSIA have been varied, which speaks to either the reliance on unchecked or inaccurate sources, or lack of easily accessible and comprehensible information from the appropriate governmental authorities, or resources about the process and practical measures of the Algonquin Land

Claim. It may also illustrate how particular notions of Indigenous land use and environmental ideologies exist that underlie the processes of modern-day treaty-making, which resurface in instances of uncertainty or misinformation. The final section in this chapter will uncover some of these views, and discuss their broader implications for planning with Indigenous communities.

C. Conceptions of Indigenous Land and Economic Development

Revealed in the research case study in the Badour Farm community were conceptions of Indigenous land use and economic development that may elucidate how land claims, and other forms of Indigenous jurisdiction are embraced or disdained societally. These outcomes indicate imperative considerations for decidedly shaping the future as one that is collaborative, respectful and inclusive of the original and distinct nations occupying and making decisions on their ancestral territories, parallel with the systems of law, land-use planning, resource management and settlement patterns of citizens of the Canadian state, among other newcomers. To reiterate, this sample does not represent all constituents, stakeholders, community members or others involved or impacted in the Algonquin Land Claim's reach, and is specific to its geographic and social space and time.

The community engagements facilitated by the External Advisory Committee groups, including the OFAH, CSIA and FOCA, and the public information sessions by the representatives of the Federal and Ontario governments and the Algonquins of Ontario raised awareness of Algonquin presence and claim to the Settlement Area. While typically the loudest voices were impressed upon in media sources, reports on the meetings and naysaying gossip, the fact remains that these perspectives exist and are validated in some way. Fears and concerns are legitimate experiences that cannot be disregarded, but rather investigated to understand their root source. Assessing how fears are overcome can contribute to strategies for engaging communities in the future, or providing stronger foundations for understanding circumstances before casting judgements, particularly in scenarios that posit communities or peoples in relation to one-another. This section will provide the perspectives of Badour Farm research participants in this light of trusting the process that flows from fear, to concern, to information seeking, to understanding.

For the Crown land Parcel 234, the major concern was land use. Was it going to be sectioned and divided into small residential developments? Would it be a commercial site? Is the intention to conserve it as parkland or be used as hunting grounds? There was talk of a

cultural center, a place to hold workshops or ceremonies. From here it is necessary to allow the voices of Badour Farm to tell their story. Quotes from the interviews in this section speak to the questions (see Interview Questions Script Appendix Figure 2.):

13. Considering the negotiations have been ongoing for over two decades now, how have your expectations for the circumstances changed?
14. What kinds of concerns has the ALC raised for you (prompt: and your family, neighbours)?
17. Describe your general outlook on the ALC, and any factors of the decision-making processes you wish to have considered.

Similar to what was brought up in the public meetings, the issues of access and use of Crown lands for hunting was expressed, for example *Participant 8*, *Participant 6*, *Participant 1*, *Participant 9* and *Participant 5* mentioned hunting concerns:

> I think there were some hunters in that group, worried they couldn't hunt on Crown land, all these restrictions, or they've heard the horror stories, you know, where some of the Algonquin – Indigenous blockade people, and worries about that. (*Participant 8*, personal communication, June 7, 2019).

> The dust hasn't settled in some areas. For us, we don't hunt, so it's more of a nuisance actually, come November, I have to stay out of the Crown land. Which is, I mean it'll take years for that to kind of settle. You know, our own subdivision – there's a big bone of contention for people in Crow Lake who had freely used all the land for hunting and whatever, and now all of a sudden they couldn't, because you know, the condominium trails are ours, they're private. So there's still a lot of contention. (*Participant 6*, personal communication, April 26, 2019).

> And so that was my concern, other than that I wasn't really concerned. If there's people hunting, guess what, other people hunt on the Crown Land. I have no problem with people hunting, you know, as long as they're following all the rules and the rest of it. People are safe. (*Participant 1*, personal communication, April 17, 2019).

> There is a chunk up near Golden Lake that a few guys had come down and were really, really adamant, that, you know, "we've been hunting – our families have been hunting in that territory now for you know, a hundred years" that kind of thing… So there was talk amongst the neighbouring peoples. For us, we don't have that. We're all new here, so you know, we don't have that history of, oh my goodness if I can't fish in my own lake, or can't hunt in my own land, you know, so it's, it's not that. So it did come up in conversations among, I think there were some pretty active conversations amongst participants who were there, people with really different perspectives on what ought to happen, what was happening, what the impact might be for them. (*Participant 9*, personal communication, May 14, 2019).

> So, when the claim first came out, all of those hunt camps, there were 75 of us that had historic hunt camps on leased land – so they don't own the land, they lease 1 acre to put camps on. And it was, interesting … it was never to anyone's knowledge been an Aboriginal person, ever there. And yet, here's a hunt camp that's been there for 75 years

> that's been extremely actively used… So here they're having these people, Aboriginals saying it's our land we use it all the time, and, you've never been here. You know, we maintain the trails, all the issues that come up with being good stewards of the land, what are you talking about. So that's when I first heard about it and that whole group of people are extremely negative towards the whole thing. Don't think there was a real good job of putting the details out there or describing why this is happening, I think that was a big drawback of this whole thing. (*Participant 5*, personal communication, May 15, 2019)

> Well for somebody again, who's basically [someone] who lives off the land, who's family's been there for a hundred years that, [they believe] it's sort of less important, because well the one who's been there more recently should take precedence. But so, you know, just lots of different opinions. (*Participant 9*, personal communication, May 14, 2019).

It is important here to draw the distinction between the use of Crown land Parcel 234 and other Crown land parcels, since each have their own designation for land use, and may have served various historical purposes for different communities. As is mentioned by *Participant 9*, the members of Badour Farm are relatively new to the area, and no previous hunting camps had leased Parcel 234. Their ability to adjust to the changes is likely higher as a result, compared to other scenarios, like what *Participants 5 and 9* describe, where intergenerational practices and traditions of hunting on particular lands apply. Yet, the inconveniences of Parcel 234 becoming private lands suggests how conceptions of property connote borders, entitlement and restriction of access, perhaps withdrawing the possibility that agreements around use could be made for the shared purpose of hunting and fishing. The mention of Aboriginal hunting and fishing rights is important to note as well, since awareness of those rights may not be common or wide-spread, and are relevant points to articulate to the public in the circumstances of Indigenous land transfer and modern-day treaties.

Some speculation suggested Crown land Parcel 234 would be sold for profit, or parceled, built on, and then sold. *Participant 9* explained what she learned from her own investigations:

> What I learned about talking with different ones in the Algonquin organizations is that everyone's got a different opinion. So his [opinion] was, I think we're probably going to sell it commercially for cottage lots and then put the money into a kind of a common fund to support, you know, Indigenous, the priorities that we choose, whether it's Indigenous education, or you know, protecting larger tracts of land elsewhere or, um, so basically it's an investment and we will take the capital out of it and put it to where we want to go, as opposed to actually doing something with the land. So, it could have no implications for Indigenous people at all, except that it's funding their projects elsewhere. But then that would mean a much more densely populated kind of cottage area, which it isn't now, because of the Crown Land, and because of the difficult geography too. (*Participant 9*, personal communication, May 14, 2019).

Participant 1's take on the idea of the Crown lands being developed for residential purposes was:

> I think if they did a state residential, assuming that's what, I assume that's part of South Frontenac, they'd probably extend Oak Bluffs Road down into it, there'll be a lot of construction noise, but guess what, everyone who's built a house has created the same noise. It might be a little tough on the environment. (Personal communication, April 17, 2019).

The possibility of housing developments in the narrow, rocky Crown lands seemed unlikely to most, but the thought of it still appeared uncomfortable, especially for those living nearby who adamantly value and cherish the serenity of their quiet landholdings. Expressed concerns include density and carrying capacity of the area, however, the topic of one particular type of land use and mode of economic development was brought up multiple times:

> I was also thinking of you know, economics if they decide to make businesses there, does it change the whole feel of the bay because it is a very quiet bay. So I think how it's settled will be a concern for me, partially if it's residential, you know, will it be compact residential, high density and if it's going to be commercial, that will totally change the feel. You know and I'm not saying there'll be a casino there or anything like that, but even businesses like a little mini village would concern me. So how it gets zoned. But I mean, again that's more curiosity, not displeasure. It'll be what it'll be. (*Participant 11*, personal communication, May 18, 2019).

> When I initially heard about it, I was a little concerned just because I knew there was the Crown Land there. And my first thought was, Oh no, a casino! That's what he was so worried about me saying, but I'm saying it because there are many Indigenous communities that have casinos… And then when I went to the meeting, my concern level dropped to nothing, because they have no plans to put up a casino. (*Participant 1*, personal communication, April 17, 2019).

> How was that going to affect our road – what are they going to build, a casino? Like what is their intent in the land? Just a lot of, a lot of those, kind of, that's the kind of feeling I had anyways. And it doesn't seem like at the meeting, there was one specific, what I remember was one person … who was at that meeting said that the land would be used, this particular portion of the land was intended to be used just as it is now, and that it would be severed off perhaps for a cottage, residential, just like ours and not necessarily even be Algonquin people owned, so it would be more of an investment portion of their Algonquin Land Claim. (*Participant 2*, personal communication, May 18, 2019).

> We were really concerned about whether all of a sudden we'd have a casino on the road when we first, you know, started, so we had to, you know, really get ourselves up to speed on, you know, what it was going to be used for. And we found out strictly for ceremonial use, so. That's what they said. (*Participant 12*, personal communication, June 7, 2019).

The comment about a potential casino came up frequently in interviews, bringing an awareness to the possibility that it had circulated locally, either in private conversations or at the public information meetings. Prospects for 'commercial' development seemed to generate a certain image that linked whatever knowledge there was about Indigenous communities with lucrative

approaches to utilizing these relatively small allotments of land. *Participant 3* described their level of concern for the "knee jerk reactions" (personal communication, May 14, 2019) that came from the community about this plot in particular on Crow and Bobs Lakes. They felt the comments came from an uninformed place, early-on when there was not very much detailed information out. Public engagements were critical at this point, however, apart from displaying information about the claim itself, *Participant 10* pointed out how the meeting they went to in Perth "did reveal to [them] the sharper divisions that [they] had been unaware of within the community" (*Participant 10*, personal communication, May 16, 2019). *Participant 6* went to this meeting as well:

> Both my [spouse] and I went to the first meeting in Perth, that was a public meeting, some people that we had socialized with, we were shocked at how, well really when I reflect, really how racist they were, and angry, just super, super angry. And we took it upon ourselves to have a quieter conversation with Chief Doreen, and she had said too, and we have followed up you know, that she was quite willing to have coffee and just talk about it and explain. And she was the one who said, and that was back in 2016, that she told us, that there would never be any development on the Crown Land. (*Participant 6*, personal communication, April 26, 2019).

The range of reactions to the circumstances is often indicative of the level of uncertainty in the information being presented, so the threat of unregulated development seemed to bring about particularly strong emotions and fear, similar to what was mentioned previously at the meeting in East Ferris. Perhaps landowners felt threatened, or worried about how the use of land could potentially change the character of the neighbourhood. There were concerns related to the protection of property values in the area, which Terry Rees mentioned had been brought up at FOCA and OFAH's public meetings. *Participant 6, Participant 2* and *Participant 5* brought up these neighbourly-type concerns as well:

> When we received the letter, our first reaction was, oh my God, this is our retirement investment, it's our home on what we thought would be prime real estate because of being next to the Crown land, and we had paid additional monies to be there, and now that's all going out. Who's going to, you know the talk was like, 'nobody's going to want to buy our houses because, you know, these incorrigible Indigenous people were going to ruin the whole thing, and ruin you know not just our view but the traffic will be heavier, the road will deteriorate, the neighbourhood will deteriorate, these are strangers…' (*Participant 6*, personal communication, April 26).

> I think I have the fear of the unknown just like everybody else. I don't know what's going to happen. You know, we have Aboriginal people that come on to the subdivision, on to the commonly owned lands, most years, and take trees. Never ask permission just show up and do it… they come in with their truck and they just get out of their truck and they never ask for any permission from anybody and they go off the road and just traipse around 3 or 4 of them for the weekend to fill a couple half-tonne trucks with this stuff and then leave. So when you see that happening with no respect for private property it

> makes you wonder, makes you curious about what's going to happen. And that certainly isn't everyone that's part of that group, but - like I went to talk to them and they said well we've got a right to be here, and I said it's on private property, you really don't. (*Participant 5*, personal communication, May 15, 2019).

> But when you don't know, it's like anything, you want, whomever, whether it's the neighbour who's non-native next to you or whether it's the native neighbour who's next to you, you just hope that they're going to be a good steward of the land, being that, you know, they're not going to have fires burning on a windy day 'cause it's not easy to get water to put out the fires, you know, that they're going to keep their garbage and respect Mother Nature and our earth. (*Participant 2*, personal communication, May 18, 2019).

> There are some members of the local Aboriginal community that just do things that in my mind are not appropriate – like the tree harvesting – like every year there is a group of natives that go down to Napanee River where the pickerel are spawning and spear a whole bunch of fish during the spawning season and then, you know, they, lots of years the press are there – they phone the press and ask them to show up, take pictures of them doing it and it's in the local papers there. (*Participant 5*, personal communication, May 15, 2019).

Of notice are matters of real estate value, respect for private property rights, and socially acceptable use and management of natural resources. Whether a type of use is deemed 'appropriate' by a community has to do in part with its sense of identity as a neighbourhood, which is directly linked to the social and political orders operating between people and in relation to its governance structure. Fear of incompatible land use is prominent here, with the sense that unpredictability or misunderstanding of social differences may have contributed to initial reactions. When more information was revealed regarding the municipal land-use planning requirements each settlement parcel would be subject to - including development approvals and authorities - concerns effectively diminished. For example, *Participant 5* shared their take:

> So, if it's going to be treated that way, then okay that's fine. I'm not a, I'm a promoter of development… but I have the same fear that anybody else does. The fear of increased traffic and noise and all that kind of stuff depending on what goes on. But if it goes through the same process that other developers go through, I don't care.
> Yeah and I was quite concerned before they put the provision in there about how they'd go through the normal land-use planning process. Now that they have to do that, it doesn't totally remove those concerns but I feel better about it because I understand the process. (*Participant 5*, personal communication, May 15, 2019).

Some were not so convinced that legislated regulations would determine the type of land use that would follow with the transfer of lands, which *Participant 6* explained had been apparent at the public engagement meetings:

> There were a group of people that we had conversations with that said 'Oh bullshit, those Indians never follow the rules,' and, 'they can say all they want but they won't. They'll set up tents and there'll be garbage all over the place, and late-night parties and it's just going to be a mess!' Blah blah blah. (*Participant 6*, personal communication, April 26, 2019).

Rather unforgiving, prejudicial and vindictive perspectives may represent lack of access or curiosity for understanding the conditions imposed on Indigenous peoples by the Canadian state, and the socio-economic determinants of perpetual forms of oppression and colonialism. *Participant 2*'s comment concerning potential land use applications is more diplomatic:

> Personally I didn't really have any big concerns, you know, when people are saying some of the things they're saying, yeah it wouldn't be ideal to have a casino in the middle of this natural [area] but what would make someone believe that, you know. I have to put aside what I think people's opinions are until I know facts, and if, I would expect… that whatever was going to be deemed once it was given to someone is going to have the same rules and regulations, except for their hunting and fishing rights, which are their rights and so they would be able to do things out of season, out of our seasons or laws… So how many people are going to be hunting and fishing, when are they going to do it, but you know it's their lands just like it's our lands, so they have their rights. (*Participant 2*, personal communication, May 18, 2019).

Working within Ontario's system of land-use planning did establish a level of predictability for the public, in order to conceptualize types of permitting or restrictions that would be placed on Algonquin lands in each respective municipality. As taxable land too, the argument held that they would contribute to municipal revenues, which would have overarching benefits for the general population in the form of improved infrastructure and provision of services.

Greater reprieve and cognizance came for Badour Farm members who individually sought more specific information from the local Algonquin community. *Participant 2*, *Participant 6*, *Participant 5* and *Participant 9* all heard directly from the Chief of Shabot Obaadjiwan, Doreen Davis, and learned from what she shared as the intent from her community's perspective:

> I think at another meeting I heard the local Shabot Obaadjiwan leader had said their intention was to keep it actually as it was because there is some sacred lands or sacred places on the property and so that would be just kept the way it was. So, who makes the decisions once it's theirs, you don't know. (*Participant 2*, personal communication, May 18, 2019).

> The intention, my understanding from them, was the intention is that it would either be: remain the way it is, particularly if there is, and this is from the local band I found out after, if they find some kind of special flora and fauna, they can maybe protect it too. (*Participant 1*, personal communication, April 17, 2019).

> That's what Doreen says, the land itself is not going to be reserve land, it's not going to be, it's just going to be treated as public/commercial, well not commercial but public land that they can sell and they'll have to pay taxes on it. Once it's transferred, they'll probably sever it. (*Participant 5*, personal communication, May 15, 2019).

> And then when I spoke with Doreen… she said oh God no this is sacred land. Well what I learned from that, and I should have known is that what actually happens to it depends on who has authority, when it happens. So, it could, we do need to talk about what's possible and what isn't because she said no we would just protect it forever because she

> said there are a lot of bodies in there and ancient relics and ancient, you know, not ruins but stones, like there was culture in there, so we don't want to mess with it, we just want to protect it and hold It sacred and make sure it is respected that way. (*Participant 9*, personal communication, May 14, 2019).

> So, then we approached Chief Doreen privately. She was at the consultation, she's been to most of them… In our conversation with her she said, we have the right [to develop the land], we could do it, I believe that first time she said that, but that's not our intent. We'd like to make it a cultural piece, where there is for example, they run summer workshops and do historical pieces and whatever, which we kind of went, oh that's cool. (*Participant 6*, personal communication, April 26, 2019).

Chief Doreen seemed to have made an impression on consoling community members of how little the land claim would affect their use and enjoyment of their properties, neighbourhoods and public spaces. Her efforts really speak to the importance of relationship-building in these contexts, and the value in maintaining an open heart and open mind to the feelings and intentions of all parties. With greater information, comes a conceivable shift in perspective and a more grounded idea of what is possible. Timing seemed to play a role in how the Algonquin Land Claim was perceived as well. For example, *Participant 7* believes the land couldn't be built on, or isn't desirable as a place to build because of the geography, similar to *Participant 9's* remark. They describe their awareness of the Crown lands:

> It was good it was Crown Land because we knew nobody would build on it, but even now after, you know, it's rock. So yes, it's nice if they can build something on the rock but they're going to split it into so many parcels, and you know it's not going to come in my days anyway, so I don't worry too much about it. (*Participant 7*, personal communication, May 16, 2019).

Participant 6, *Participant 1* and *Participant 2* also said:

> I no longer think it's imminent. I am no longer concerned, well first of all I think we'll be gone before this is ever settled, but I'm also not concerned at this point in time that there will be any kind of land usage around a development… Could it change? Could all of a sudden someone decides to jump ship and we all agree and we want to move it forward. Given that [our neighbour's] brother, works in some capacity related to this land claim and he says it's going to go on forever. And Chief Doreen seems to think it's not going to happen quickly, so our life continues to just go on. (*Participant 6*, personal communication, April 26, 2019).

> I mean when I learned that they have been trying to get a treaty from, since the 1700s, and they've just gotten an Agreement-in-Principle? I figure it's not really going to affect me. I mean, things do not move quickly, obviously, so. (*Participant 1*, personal communication, April 17, 2019).

> Well, I do think, it doesn't change anything. Maybe in the sense it'll never affect us living here. We have kind of built this place thinking that it would be somewhere where our children, and if they have children, children could come because we built something that should last a long time ... But that doesn't mean it would be something they'd be

> interested in when we're gone anyway. So you know, I don't see, again, anxiety is the unknown right? (*Participant 2*, personal communication, May 18, 2019).

'Anxiety is the unknown' was undeniably a running thread throughout the interviews with Badour Farm research participants. According to the various governmental or professional persons involved in this research, this holds true in many differing contexts regarding public consultation. Information sessions are designed to diminish the sense of unknowing, to mitigate concerns, relieve tensions, or problem solve with input from communities. Ideological differences arise organically in these circumstances, and the processing or conceptualizing of project proposals for local changes requires time and deliberate access to information. *Participant 10* explains these implications in the context of Crown land Parcel 234:

> This little piece of Crown land is pock-marked by logging rights, absent ownership rights, there are at least four settlers, so called, they're cottagers who are long term residents, and one set of another land that is semi-subdivided. A lot of that land is the good land, or the already treed land, so we're talking about leftover land that might not have the kind of economic status that would lead it to being vended, or resource extracted, so it's important to appreciate what we're talking about there. Now, I don't really think that the community understands that … I suspect the local Algonquin understand it as well. So no, it's not going to become a casino, no it's not going to become a place you go for cigs [laughs], and no it's probably not going to be settled, or at least not very easily or not in a way that would be different from how subsequently places like Quebec were resettled by people dispossessed by the hydro projects and such. It will be a much more rational, much more modern convenience, regulated, and entirely systematic happening, if it happens at all, if it happens at all. So I think my sense of, is that a lot of our concerns are misplaced, not informed by the actual, and not at all mindful of the framework that I think Berger brought to how we should think about these kinds of issues. His effort was to try to take it out of the personal and show the way in which you can separate the legal from the political, and then just challenge people – okay what do you want to do now? … So, I think our concerns, our anxieties, our rather limited knowledge is a bit misplaced, a bit skewed, off topic. (*Participant 10*, personal communication, May 16, 2019).

Participant 10's grounded perspective is informed by their personal research and experiences, which they realize is not the opportunity or positionality held by most people in the region. Being a mostly retired, well-educated community of cottage-landowners, Badour Farm research participants described how they were able to access the information they required to relieve uncertainties, whether that be through digging into historical records, online searches to government websites, personal communications with Chief Doreen or representatives from the Ministry of Natural Resources, and attending the information sessions. One participant even went to the effort to take online Indigenous studies courses offered for free by the University of British Columbia and University of Alberta to understand more of the larger context of Indigenous history, culture and affairs in Canada. Acknowledging this, the question of accessibility needs to be asked. Who was left out of these knowledge-sharing processes?

Barriers to inclusion include meeting times, places and days, language of information being shared (which involves technicality or jargon-filled documents and webpages), access to the internet, historical, cultural and scientific literacy, and generally the time and interest to explore topics relevant to Indigenous land claims, rights and jurisdiction. It is challenging to find all necessary information in one place, and there is little in the way of comprehensive historical accounts of Algonquin presence and land use that may provide relatable content to the modern treaty. *Participant 3* commented on how the Algonquin Land Claim has not been placed in a political context or framed around Indigenous land claims broadly, in an effort to foster understanding of the overall picture of settler-Indigenous conflict and treaty-making historically. They believe the public relations have had a narrow focus compared to the greater issues at large, and that unless folks are engaged citizens wanting to do the research - which, they noted requires skill and time – it takes savvy to undertake that level of research if not already starting from an informed place (*Participant 3*, 2019). *Participant 9* and *Participant 5* also shared their perspectives on this aspect of providing information for a foundational understanding of Indigenous land claims generally:

> I've been an amateur researcher for this stuff… so this I would call dabbling. I feel like it's hard to get information in general of the history of Indigenous people in Canada, let alone this area, and it's not really the responsibility of the land claim process to do that. It would be pretty cool if they actually put resources together, and give us a reading list. (*Participant 9*, personal communication, May 14, 2019).

> Well I think one thing that the government hasn't done very well and neither has anybody else is really got people to understand why. Why do we need to do this? What really happened in the past that we need to correct? There's been a bit of information out there about the old treaties but not much. And it hasn't really been well presented or orchestrated and I think that needs to be done. (*Participant 5*, personal communication, May 15, 2019).

With further inquiry on the topic, *Participant 5* and *Participant 10* were asked whether governments should be responsible for ameliorating this knowledge-gap:

> Yeah. If you're going to enter into this agreement and you're going to give away my land – because I view the Crown Land as being partially mine, then I'd like to know why. Was it never really yours in the first place? Which is kind of what the Aboriginal groups are saying. I'd like to know … I think there needs to be some more public consultation but I – and that public consultation probably – most people these days are probably capable of getting on the website and reading stuff, as long as it's not all legal speak. (*Participant 5*, personal communication, May 15, 2019).

> That's a really good question and I don't know. If the question is, could the process have been anticipated in a way that could have allowed it to happen differently, oh absolutely yeah. I mean when people like me are kind of, oh I knew this all along, realizing, that's bad news because that's like, that's like side-swiping everyone else. And I think people

> were side-swiped…I think the government at the level of the bureaucracy has a lot of internal conflicts going on that may well have impeded a more robust consultative design and implementation, so could, yeah more could always have been done - it's an easy out. (*Participant 10*, personal communication, May 16, 2019).

Emphasis on the process of public engagement in the Algonquin Land Claim context can be gleaned from the responses of Badour Farm research participants, the governmental and professional research participants, media reports, and the discourse from External Advisory Committee groups such as FOCA, OFAH, and CSIA. In reference to *Participant 10's* comment, further questions are raised around the prevention of societal 'side-swiping' in order to ease communities into a state of readiness and acceptance of claims to Aboriginal title, Indigenous jurisdiction, and what that may look like in the implementation phases. The tension between notions of settler-colonialism and being deemed as a stakeholder endures where ideological differences of land use and economic development persist, and lack of accessible knowledge of Indigenous peoples contribute to misguided perceptions.

Particular concerns qualitatively and quantitatively prevalent in this case relate to conceptions of property ownership, in the sense of economic risk to retirement investments in property or unwanted neighbourhood activities; concern for environmental sensitivity of the area, reinforced by assumptions that use of land would be intensive and not ecologically mindful; and concern for access to lands and loss of hunting grounds when settlement Crown lands are transferred as private property, creating barriers of entry and trespassing. Effective mitigation or relative alleviation of concerns in the Badour Farm case study was brought by increased awareness of historical and contemporary Algonquin Anishinaabeg presence and legitimate claim to the settlement area; perception of lessened immediacy or relevance to current way of life due to the extensive timeline of the claim; direct contact with Chief Doreen and Shabot Obaadjiwan's intent to preserve the culturally and ecologically significant area; and approval for regional integration of settlement lands as subject to the same bylaws and regulations of the respective municipality's planning. Considered as the acceptable or suitable forms of land use from a municipal and non-Indigenous perspective, it is questionable whether this approach reflects a deeper understanding of Indigenous jurisdiction, and if it enables greater assertion of Indigenous rights such as self-determination, cultural difference and land management. These queries will be discussed further in Chapter 4, as well as deliberation unto what role municipalities have in land claims, public engagement, and planning in spaces where Indigenous and non-Indigenous communities meet. Further interrogations of environmental ideologies will support these perspectives in environmental planning in the context of the Algonquin Land Claim.

Chapter 4: Perspectives in Environmental Planning

A. The Municipal Role: Theorizing the 'Contact Zones'

Communications in all affairs are fundamental to the success of project development, process and implementation. Community engagement is part of public sector communications strategies, and require careful and intentional approaches, particularly if the subject matter is contentious, politically volatile, or sensitive in scope. In the case of the Algonquin Land Claim, it is difficult to say how or how much the governments involved anticipated responses from various communities upon the Draft Preliminary AIP release, and whether discussions were had around community readiness for changes in the Southern Ontario regions. Whose responsibility is it to ensure the information is receivable, digestible and comprehensible? Who is responsible for filling knowledge-gaps and providing educational material? For training on Indigenous affairs and reconciliation? Who knows the community best and whether they are ready to make changes to be more inclusive, accepting and adaptive to reconciliatory actions? Without a doubt, the concept of reconciliation must be made tangible, and implementable in definite and concerted efforts. What does that look like on the ground? Are people in Canada willing to collectively be a part of mending historical injustices? Ongoing colonialism means we are all implicated, all stakeholders, all capable of forming and fostering relationships with Indigenous peoples in ways that are supportive and affirming of their presence and self-determination as nations. This section illuminates the emerging question of the municipal role in planning with Indigenous communities, and how lessons from the Algonquin Land Claim negotiations signify a catalyst for improved relationship-building between planning institutions, non-Indigenous and Indigenous communities negotiating space in exurban municipalities. Although an unanticipated topic to arise from this research, the query presents a rich field for future study.

A major decision by the Government of Ontario in the Algonquin Land Claim negotiations was to establish a Municipal Advisory Committee in 1996, at the same time the Committee of External Advisors was formed (Government of Ontario, 2019). According to Al Stewart, who was involved very early on in the scoping of the land claim area by the Ministry of Natural Resources, the effort was to round up municipal staff and representatives to act in non-binding advisory roles regarding land selections and land usage included in the settlement package (Stewart, 2019). This is yet another aspect of the Algonquin Land Claim that sets it apart from others, since inclusion of municipal perspectives is otherwise unprecedented in modern and historical treaties. Al stressed that municipal representatives had a number of key concerns in the preliminary negotiations. First, there was concern for the creation of new

reserves or extensions of reserve lands, for the risk it posed to reducing or losing the municipal tax base (Stewart, 2019). Research *Participant 4*, a member of the Association of Municipalities Ontario, reinforced this concern, saying that from a municipal point of view, it's always about revenue; therefore, when land is removed from the municipal tax base, there is also a change to the municipality's overall revenue (*Participant 4*, 2019). Second, the uncertainty over which jurisdictional authority the lands would belong to brought allocation of rules and regulations into debate (Stewart, 2019). Thirdly, and related, was the question of service provision (Stewart, 2019). Were the Algonquins to develop the lands, they would likely need and expect municipal services like fire, emergency, water, roads etc. Al explained, it was decided that a municipal-Algonquin regime - whereby municipalities and Algonquin communities operate under their own jurisdiction and sets of rules - simply would not make sense. As a result, the Committee decided that "they've got to fit into the package we have" (A. Stewart, personal communication, May 15, 2019), and would require Algonquins to obey the laws and regulations already in place by the respective municipalities. Terry Rees further clarified that the lands would also still be subject to the *Environmental Assessment Act*, *Endangered Species Act*, and any other prevailing planning acts or legislation (Rees, 2019). He added to the municipalities' main concerns, regarding road allowances, official planning responsibilities and amendments to official plans, and emphasized how complicated the mechanics of the claim's implementation would be (Rees, 2019). Peter Johnston, the Chief Administrative Officer of Bonfield Township, shared similar concerns for the implementation phases in an interview, saying:

> In general I think the issues of planning have to be resolved, because now that people are aware of some of the broad principles that the lands are going to be subject to the same municipal process as everybody else, now that they're aware of all that, they want to know when is it going to happen? Because municipalities right now are involved in five-year plan reviews, or they've got one coming up next year, and they're saying what should we do here? You know, are you going to tell us what the plans they have for the lands here so we can incorporate them into our OP? (P. Johnston, personal communication, May 23, 2019).

Peter recently joined the Municipal Advisory Committee in 2018 as a Chief Executive Advisor, and has a municipal perspective along with some insight into the issues being brought to the land claim process. He could not speak explicitly to what is being negotiated, because municipal advisors and negotiators are under oath of secrecy for the duration of the modern treaty process. In response to this question of official plan reviews, *Participant 4* from the Association of Municipalities Ontario felt the official plans are continuously being reviewed in a five- or ten-year cycle, so they are always reactive. However, the uncertainty of the land claims outcome makes it difficult to engage the public in its changes, and is more prone to push back when uncertainty is high (*Participant 4*, 2019). As stated earlier, under the *Planning Act,* official plan

amendments trigger public consultations, which present opportunities for municipal interests to be raised and issues responded to (*Planning Act*, 1990, s. 16(15)). *Participant 4* expressed the challenge of participation in these consultations, and the ability of municipal governments to distribute information to residents (*Participant 4*, 2019). Asked about the provincial government's information sessions for the Algonquin Land Claim, Peter described similar participatory difficulties:

> I think the motivation, the intention was good, I think the intention was you know, to find out what the concerns were out there, but that didn't roll out very well. Because people weren't attending the meetings, people didn't feel they had enough information to appropriately comment on what the issue was. They didn't know what was happening! And we mentioned that … not many people attended the sessions in part because you know, they really didn't understand why they should. And they didn't know what the issue was to be able to go to a meeting and say, you know this is the thing – because they didn't know. They didn't. And that's another reason why, at some point in time when they formed this group, that really added a new dimension, now you've got some professional people that have a vast array of municipal experience that can tell you, not only what's going on in their area, but what the municipal perspective is – and that was missing, I think. (P. Johnston, personal communication, May 23, 2019).

The group he refers to is the Municipal Advisory Committee, who were eventually included in advising the provincial government on how to conduct the public consultations (*Participant 4*, 2019). These discussions illuminated the larger question of whose responsibility is it to educate the public on Aboriginal title, treaty and rights, and Indigenous jurisdiction and land use? Based on the small sample taken from the Badour Farm cottage community, how well-informed people are generally of Indigenous history, presence and current governance and cultural structures dictates their willingness to participate constructively in public consultations, and accept changes inherent in reconciliatory assertions. *Participant 4* pointed out there is information on the Algonquin Land Claim available on government websites, but ultimately people are as informed as they want to be. To paraphrase, *Participant 4* said that maybe the average person in Ottawa, for example, generally knows there is a very large land claim, but do they know what it means? *Participant 4* didn't think so – unless the person were to take the time to inform themselves (*Participant 4*, personal communication, June 6, 2019). Peter described a growing frustration that municipal councils had not been involved or given responsibilities earlier on in the land claim's planning and to bolster public meetings:

> The two issues prior that I was aware of, the public consultation process, and the lack of satisfaction with municipal councils and municipal residents that they understood what was going on and the end result. Number two, specific issues around planning, and how to best handle that. Is it handled in the treaty, in the final settlement, or is it left to consultation with municipalities. And I don't think that's been determined yet. (P. Johnston, personal communication, May 23, 2019).

Peter also brought up the efficacies of public consultations as a major barrier to the Algonquin Land Claim's successful implementation. Critical to alleviating some of these challenges may be to reconceptualize the municipal role in modern treaty processes, particularly when municipalities are implicated in their land-use planning:

> I think … first of all, determining what the role of municipalities is going to be, and in order to determine that there might need to be a re-examination of the public consultation process, cause that's how you're going to find out, you know, what the municipality's perspective is so you can come up with what the role should, once you do that, how is that actually going to be implemented?
> Cause you're the ones who are going to have to explain it, ultimately, once this is all signed off and everybody walks away, you got the public here, you got AFN lands now – in the municipality – and you're the ones that are going to have to address it. And no body's telling you how to do it. (P. Johnston, personal communication, May 23, 2019).

Peter described the transfer of Crown land to Algonquin ownership as a totally new entity in the municipalities that most councils had not engaged with before. Determining the proposed land designations and zoning with the Algonquin may involve investigating other models of relationship-building. Terry Rees said to the topic, "it is diligent, busy work" by the part of planners and municipalities, seeing as the methods are not at all straightforward, and while "we talk about reconciliation, how do we make it right?" (T. Rees, personal communication, May 7, 2019). Rees expanded on this point, saying, "ultimately it is out of the scope and scale of the municipalities," since the legal duty to consult Indigenous communities is not consistent, and the process of planning and jurisdiction is complicated between municipal, provincial and federal governments. He insisted, however, "just because it's hard doesn't mean we shouldn't do it" (T. Rees, personal communication, May 7, 2019). Additionally, *Participant 4* said:

> At the end of the day, everybody wants to be able to live and such like that. One of the big issues with land claims is how third parties, i.e. non-Indigenous people are treated. and the government as the negotiators – residents vote. Feds, they represent the Indigenous and they have that duty, but the provincial governments have the duty to look after the interests of the Indigenous residents but they also have a responsibility for the non-Indigenous residents - so how do you work it through that everybody, the majority, agree. (*Participant 4*, personal communication, June 6, 2019).

Municipal councils represent the public interests of residents, yet *Participant 4* claimed many municipal planners do not know or think about Indigenous affairs, which suggests a significant knowledge-gap reinforced by the jurisdictional-gap of constitutional delineations. The Duty to Consult and Accommodate are obligations of the provincial and federal Crowns, ruled by the Supreme Court of Canada to assert constitutional responsibilities related to Aboriginal and Treaty rights (Association of Municipalities Ontario, 2018). Municipalities can be delegated 'procedural aspects' of the Duty to Consult and Accommodate by provincial governments, but ultimately do not have legal obligations to Indigenous peoples under the *Constitution Act*. The

Association of Municipalities Ontario suggests that due to overlapping jurisdictions and mutual interests for information sharing, greater inclusion of municipalities in land claims and treaty implementation can facilitate improved relationship-building between municipal governments, non-Indigenous and Indigenous communities (AMO, 2018). According to AMO, however, "Ontario's municipal governments do not have the knowledge, capacity, funding and resources to fulfil these duties on behalf of the provincial government" to "respectfully fulfil the Duty in the same manner as a Crown" (2018, n.p.). Commitment to strengthening municipal-Indigenous relations necessitates augmented capacity building, cross-cultural competency training and interdisciplinary discourse on the planning landscape in cases such as the Algonquin Land Claim settlement area.

The forthcoming implementation stages of the Algonquin Land Claim illuminate opportunities for municipalities within the claim area to engage in reconciliation at a very local and tangible level, however, it is not as simple as enacting zoning and designations in support of Algonquin land and economic development. Indigenous jurisdiction, governance and rights are vastly complex in comparison to Ontario's institutional arrangements, and attempting to accommodate them within colonial legal frameworks creates tension between systems (Barry & Porter, 2011). Asked about the Municipal Advisory Committee's approach to integrating the settlement lands into Ontario's municipal official planning system, Rees admitted, "it's a settler model, it doesn't always allow for or productively incorporate other interests", because the Western way entails doing things in an order, with a time-line, decisions are definitive, with only certain rights of appeal, and "square-linear forms of decision-making" (T. Rees, personal communication, May 7, 2019). Rees brings up a crucial aspect of land claims processes when planners and Indigenous communities meet with regard to environmental and land use planning, which is that each party brings their own set of ontological and epistemological philosophies to the table. Barry and Porter (2011) theorize this space and tensions built within these interactions as a 'contact zone', an abridged version of Mary Louise Pratt's to conceptualize postcolonial planning (Pratt, 1991). Pratt defined contact zones as "the social spaces where cultures meet, clash and grapple with each other, often in contexts of highly asymmetrical relations of power, such as colonialism, slavery or their aftermaths as they are lived out in many parts of the world today" (1991, p. 34). Barry and Porter interpret contact zones in the practice of planning, where they are "the sites within the democratic field where Indigenous interests, claims and values are brought forward to planning. They are inevitably contested, conflictual, highly circumscribed, ambivalent, agnostic spaces, filled with possibility" (2011, p. 176). Indigenous interests fundamental to Aboriginal and treaty rights are based on

constitutionally recognized sovereign authorities over territory, rooted in distinct cultural difference, prior occupancy and participation in treaty processes (Macklem, 2001). Acknowledging that Indigenous legal structures and political frameworks continually reconstitute themselves in space and time and in relation to place, conflict arises when assertions of overlapping jurisdiction are disrespected or misunderstood, such as in blockades, protests, particular hunting and fishing practices, or controlled forest burns (Pasternak, 2014; Borrows, 2005).

The Algonquin Land Claim is a great example of a 'contact zone', where Canada and representatives from the Algonquin Anishinaabeg Nation negotiate competing claims of jurisdictional authority and territorial interests, each armed with a certain amount of weight to their claim to lands in question. How the contact zone is mediated is often subject to varying levels of bargaining power, capacity for intercultural dialogue and privileged or legitimized forms of decision-making and courses of action (Barry & Porter, 2011; Macklem, 2001). Unevenness in bargaining power is evident in the Algonquin Land Claim negotiations, given that the Algonquins of Ontario receive financial support to engage in negotiations from the Crown (Gehl, 2014), as well as the political power held by the Crown relative to the fragmented (yet reviving) organization of Algonquins. The Crown's institutions of law, planning and negotiations are employed in the process, upholding the environmental, cultural and societal ideologies of the Western hegemonic state. In terms of distributive justice, the opportunity inherent in the Algonquin Land Claim is a land base to ameliorate systemic disadvantages of social and economic conditions imposed on the fractured Algonquin homeland, and the ability for Algonquin peoples to reproduce and practice their distinct cultural identity (Macklem, 2001). The 'possibility' of these negotiations is in not only the Crown's recognition of Algonquin jurisdiction in the form of a modern treaty, but predominantly in municipal governments' ongoing contribution to reconciling this historical relationship between Indigenous and state-based planning systems, which in most cases has remained oppressive, assimilative and exclusionary in nature. Barry and Porter ask, "[h]ow does it become possible to negotiate and renegotiate the terms on which the planning system will accommodate Indigenous interest?" (2011, p. 176). The rigidity of the Crown's planning institutions is "grounded in Western legal and political conventions, traditions that do not sufficiently recognize Indigenous governance aspirations or structures" (Barry & Porter, 2011, p. 182), whereas fluidity in land designation and use may allow for Indigenous definitions of human-environment relationships to build agency and sense of place where socially conceived. The following section will build on these contentions of

Western ideological frameworks, and identify the bearing of ethnocentric supremacy in land claim negotiations and land use planning.

B. Environmental Ideologies and Realities

Emerging relevance of ontological differences in planning with Indigenous communities (Barry & Porter, 2011) posits the discipline in a unique opportunity to expand its conceptual frameworks outside of the categorically fixed methods of classifying and regulating land use in the effort to facilitate neighborly coexistence. Going beyond the traditional forms of planning instituted one century ago requires critiquing the values upon which those practices rest. Fundamental logics of the state-based planning system are rooted in perceptions of *terra nullius*, jurisdictional arrangements, notions of proprietary rights and environmental imaginaries. The third and final question this research answers is: what environmental ideologies/realities play a role in conceptualizing Indigenous land claims? Being a rather provocative and philosophical question, the limits of this research prevent an overly comprehensive or profound investigation, but in acknowledging the scope of the project, the provocative and philosophical answer will reference pertinent scholarship and lateral topics. Many have theorized in similar interdisciplinary discussions of private property, enclosure and invisible borders (Luka, 2012a; Blomley, 2007; Macklem, 2001; Dushenko, 2012; Walker & Fortmann, 2003), or relationships with 'nature', nature-culture interfaces and romanticized ideas of 'wilderness' (Luka, 2017; Byrne & Wolch, 2009; Luka, 2012; Allan, 2003; Farina, 2000; Cronon, 1995; Braun, 2009; Castree & Braun, 1998;) and what these conceptions mean for environmental planning (Davoudi, 2012; Heynen, Kaika & Swyndgedouw, 2006; Taylor & Hurley, 2016; Luka, 2012b). To contextualize these theories, this section will return to the Badour Farm cottage community as a place where certain spatial relationships reside and patterns of development provide an ideal cultural landscape for exploration.

Exurbia or peri-urban settings are the interface between urban and rural landscapes (Allen, 2003; Luka, 2017), peripheral to urban cores and existing in swaths across Southern Ontario's cottage country. 'Cottage life' is described as a social practice among second-home owners that has evolved from a historical relationship of rejection to urban industrial grime and grind for escapes to the countryside (Luka, 2012a). Luka explains, "[o]nly a fraction of Canadians actually takes part in this social practice of 'going to the cottage,' and yet it has a powerful folkloric presence, playing important symbolic roles in the mosaic of Canadian

identities" (2012a, p. 171). It is a fascinating landscape to consider human-environment relations, due to its relatively long temporal significance in Canada's rural areas, consistency with rates of urbanization, the demographic of such social practitioners, and influence on particular conceptions of 'nature', 'the environment' and ideological attachments to place. Luka emphasizes "how landscape histories of urbanization matter, especially where ideas of nature have informed cultural narratives and institutional processes of land-use planning" (Luka, 2017, p. 257), which in the context of the Algonquin Land Claim, is exemplified by the environmental ideologies represented in public concern for Indigenous land and economic development, and embodied in the approaches for transferring Crown lands to the Algonquins of Ontario.

Referred to as the "Anglo-American country-side ideal" (Luka, 2017, p. 257), exurban form is driven by human attitudes around nature, private property ownership and landscape romanticism (Farina, 2000). Cottaging developed as a summer tourism economy in geographic regions of Southern Ontario not viable to productive agriculture, but with extensive wetlands and freshwater lakes. Linked to metropolitan centres such as Ottawa and Toronto, 'going to the cottage' became associated with physiological and psychological benefits of returning to the wilderness, removed from distasteful aspects of city-life, as is described:

> Such escapes were seen as a necessary coping strategy for regimented, overstructured, and perhaps unnatural city life. Rise of cottage life, was based on a strict dichotomy in which the dirty urban spaces of industry, production and the working masses were seen as quite distinct from, if not irreconcilable with, the unspoiled, healthful, and regenerative spaces of the Near North. (Luka, 2012a, p. 176).

Over time, as cities gained in economic prosperity, technologies advanced, and post-industrialization set in, the cottages remained as nostalgic symbologies of rural life and connection to natural spaces, away from the busy, congested, occupational-focused urban densities (Bunce, 1994). Landscapes devoid of human presence or sheer evidence of alteration from development, and instead natural, pristine imaginaries framed the notion of cottage country, whereby "the entire culture of cottaging and camping is predicated on a Romantic view of nature as a place of beauty and solitude, of restoration and spiritual communion" (Luka, 2012b, n.p.). This dichotomizing between where humans are seen to live compared to where they go to connect to an 'other', constituted as 'nature or 'wilderness', raises problematic dualisms, to which William Cronon influentially elucidates in 'The Trouble with Wilderness' (1995). The Western idea of 'nature' and 'wilderness' sets humans distinctly apart from the natural world, in a dissociative relationship that engages in observing but not partaking in its complex, chaotic or uncertain processes (Luka, 2012a). The fallacy of 'pristine' wilderness has been thoroughly problematized (Collard, Dempsey & Sundberg, 2015), as these ideologies lose their strength from increased scientific research in ecological and systems thinking, and

recognition of Indigenous Traditional Ecological Knowledge (Berkes, 2012), but for many decades of Canadian and global environmental history, conceptually and physically removing human disturbance from landscapes informed numerous preservation and conservation regimes to protect 'untouched' nature (Farina, 2000), such as the national parks systems in Canada. Byrne and Wolch point out landscapes like national parks also became racialized, and Western 'wilderness ideals' were complicit in dispossessing Indigenous peoples of ancestral lands, "legitimized through quasi-scientific discourses of custodianship and stewardship" (Byrne & Wolch, 2009, p. 747). The notion of cultural or anthropogenic landscapes emerged, in which human interaction intrinsically contributes to the "ecological, socioeconomic and cultural patterns and feedback mechanisms that govern the presence, distribution and abundance of species assemblages" (Farina, 2000, p. 313), co-creating biologically diverse and resilient ecosystems. Now, the new geological era – called the Anthropocene – has entered environmental lexicon, to conceptualize humankind as an active force in the globe's climatic systems, directly implicating humans in ecological intervention (Collard, Dempsey & Sundberg, 2015).

Whether cottagers consider themselves participants in their property's ecological function is highly questionable; as Luka (2012a) has found in his research, most seek to engage in more symbolic and/or aesthetic ways. In this research, similar iconographies of the nature-culture divide were raised. Most participants expressed general interest or curiosity in the local ecology around Crow and Bobs Lakes, though few engaged in a practical sense in its management, and the rhetoric of idealism was present. In interviews, participants were asked to describe their favourite aspect about living in the area:

> This was so pristine and so… we like the wildness, you know there was so much Crown property up here, not as developed, it suited us more. (*Participant 12*, personal communication, June 7, 2019)

> The beauty, the peace, days like today. Swimming, we love swimming, kayaking, for me gardening, it's just, the birds, everything! Just to be immersed in nature. (*Participant 12*, personal communication, June 7, 2019)

> The view, the noise, like the nature noise… I wouldn't call it roughing it by any stretch of the imagination, but it is a bit more back to nature… it's a happy please, it's just where I feel I feel like when I come down that driveway it's just a calm, settling feeling. So, I think that's it, it's the home away from home, the peace and tranquility. (*Participant 11*, personal communication, May 18, 2019)

> Probably my view. (*Participant 2*, personal communication, May 18, 2019)

> (Points to the water/waterfront view) The view. I like to swim, I love to be in the water. (*Participant 1*, personal communication, April 17, 2019)

> We love the nature, we love the turtles. We love the birds that nest in the rookery down [there]. So we pay attention to the kind of cyclical things we see and don't see. The drought and all those things. I think we would have an understanding, so aren't scientists or anything but we love the nature. (*Participant 2*, personal communication, May 18, 2019)

> There are a whole bunch of things I like. This time of year, the silence… I love being outside, I love the outdoors. I go for a walk every day… There isn't any one attraction, what keeps me here is the lake in the summertime is great, love it. Boating and water skiing and fishing, family likes to come to the lake, that's nice because people come right. So all that's good, great. Winter time is good because when everybody's gone home and there's a bit of snow on the ground, and ice on the lake you can tour around it's just so nice and quiet. Just lots of wildlife to see. (*Participant 5*, personal communication, May 15, 2019)

Others spoke to the sense of community, the quiet, their waterfront views and being close to nature. Potential changes to these favoured elements of the area disrupts the picturesque aspirations of the cottage landscape for those invested in its ideal state. Luka observes the thinking behind it:

> From extensive work that has been done in the fields of environmental psychology and cognitive science, we know that people connect themselves with places and landscapes through the realm of the imaginary. They do so by creating meaning as they perceive, think about, and evaluate different settings in a fairly subconscious process. (Luka, 2012b, n.p.)

The images of human-less landscapes, such as those in Romantic Period art and the Group of Seven paintings (see Appendix Figure 15.), are manifested in the physical expression of cottage life. The contemporary imagery surrounding cottage-nature getaways portray an idealization of the countryside as partially settled, low-density, amenity landscapes, "marked by ethnocultural homogeneity" (Luka, 2012a, p. 182), and substantial material comfort. Often lining public lakes with private abodes (see Appendix Figure 16.), cottage country characterizes a type of ecological extractivism that codifies and commodifies the cultural landscape through a sense of bourgeois environmentalism. As well, the increased permanency of these settlement patterns has led to concern for the areas' carrying capacities, as intensification of density and size of cottages demands infrastructure and municipal services (Luka, 2017) in another form of urbanizing sprawl (Luka, 2012b). In these exclusionary spaces, ideologies around acceptable land use, homeownership and property rights are confronted, while the reification of nature is reproduced in exurbia.

Viewing 'the environment' as 'amenity' is one of many meanings attached to the social construction of nature; another is seeing it as a 'tradable commodity' or property (Davoudi, 2012). Land as a communal space of subsistence and territorial forms of entitlement shifted in

some cultural and historical contexts to conceptualizations of secure individual ownership, attached to specific rights associated with the ability to use, rent, sell or will lands (Blomley, 2007). In parts of Europe, the act of enclosure began as a parceling of lands to leverage assets for trade. The interconnected set of social obligations rooted in the caretaking responsibilities and relationship to an environment changed when land became "a symbol of status and power, and vehicle for capital accumulation" (Blomley, 2007, p. 2). The concept of 'owning' material things gained prominence, binding power to possession of objects, and the rights to, of, and in those things. Blomley quotes Jeremy Bentham, who in 1978 stated:

> There is no image, no painting, no visible trait, which can express the relation that constitutes property. It is not material, it is metaphysical; it is a mere conception of the mind. To have a thing in our hands, to keep it, to make it, to sell it, to work it up into something else; to use it – none of these physical circumstances, nor all united, convey the idea of property. (2007, p. 3).

Property became a right of access, inherently exclusive and divisive of bodies related to notions of race, class, status, religion and gender. Precisely *who* could be a landowner was a fundamental aspect of this social order, where property was limited to elite citizens of privilege and wealth, and formed an exercise of power by means of enclosure and privatization of space (Blomley, 2007). Karl Marx's theories on primitive accumulation are based on this "establishment of exclusive, private, transferable claims to land", seen as "one of the important ways in which capitalism, as the 'production of commodities by commodities', took hold" (Prudhman, 2015, p. 433). The ontological conditions of capitalism and accumulation by (dis)possession (Harvey, 2009) direct actions and behaviors relative to social power, and the linkages between rights, laws and lands.

Property was not distributed, it was claimed, which has a specific historical context in Canada. Acquiring property was based on weight of claim to title, which held certain Euro-centric philosophies of what constituted 'use' and first possession of land. John Locke coined the 'labour theory of property' in 1764, whereby uncultivated lands were considered 'unimproved', and therefore free for the taking by those that mix their labour with the land. 'Improvement' implied agricultural practices, construction of buildings and roads, or some form of order and yield from the land to clearly signify productive use and occupancy (Locke, 1764). The 'first claimant' origin of property jurisprudence was set to enable the dispossession of Indigenous territories upon the arrival of European settlers to North America (Macklem, 2001), premised on the notion of *terra nullius* – the doctrine that declared Indigenous lands "legally vacant when Europeans arrived on their shores" (Borrows, 2015, p. 701), therefore available to colonize through industrial and institutional expansion (Coulthard, 2014). English and French legal systems of land tenure contrasted with Indigenous uses and relationships to land in that

era, even when some cases included cultivation (Gehl, 2014), forcibly excluding Indigenous peoples from colonial rights of ownership. Blomley quotes Stuart Banner, who said, “the colonization of land, the physical substance, could not have proceeded without the simultaneous colonization of property, the mental structure for organizing rights to land” (Blomley, 2007, p. 3), signifying the imposition of proprietary relations to land as a tradable commodity. Establishment of the Canadian state and the constitutional distribution of proprietary powers to federal and provincial governments further entrenched assertions of Crown sovereignty (Macklem, 2001). Macklem succinctly explains:

> One expression and consequence of the sovereign power of Canadian state is that Aboriginal territorial interests are governed by Canadian law. Based on the legal fiction that the Crown was the original occupant of all the lands of the realm, Canadian property law holds that the Crown enjoys underlying title to all of Canada. Property owners possess and own their land as a result of grants from the Crown. Ownership confers a right to use and enjoy the land in question and a right to exclude others from entering onto one’s land. (2001, p. 91).

Canadian law sanctioned the settlement of Indigenous lands through proprietary modes of environmental possession, spatial technologies of surveying and mapping, as well as the extraction of natural resources via leasing of Crown lands to private corporations (Sandercock, 2004). Coulthard claims, “[l]ike capital, colonialism, as a structure of domination predicated on dispossession, is not ‘a thing’, but rather the sum effect of the diversity of interlocking oppressive social relations that constitute it” (2014, p. 15). The Crown’s title continues to be regarded as the source of laws and rights for both Indigenous and non-Indigenous peoples, despite the constitutional treaties meant to honor Indigenous nations as self-governing entities. The legal significance of Aboriginal title has in recent years been accepted, as mentioned in Chapter 2, however, Indigenous definitions of territorial interests and modes of occupation are not provided the same level of respect or recognition as non-Indigenous property rights. Macklem argues, “Aboriginal territorial interests merit at least the same level of legal protection as the law extends to non-Aboriginal proprietary interests” (2001, p. 77), seeing as these interests differ on the basis of prior occupancy of ancestral territories, non-proprietary designations, and the distinct cultural, social and political identities formed and reproduced congruent with traditional lands.

Understanding the rudimentary historical origins of environment as ‘property’, and the tension it holds for Indigenous territorial interests, the suitability of its use in land claim agreements comes into question. As it has been described in previous chapters, the lands parceled for settlement in the Algonquin Land Claim will be transferred as fee simple ownership, the main type of private real estate, provided the rights to use, enjoy, exclude others, sell, lease,

or will such property. However, underlying title of properties remain with the Crown, which raises concerns over the marketization of Indigenous lands and potential for permanent alienation (Palmater, 2010), as well as the negotiation of land privatization on Euro-Canadian terms (Gehl, 2014). Indigenous scholar Taiaiake Alfred is quoted regarding the Nisga'a Treaty, saying, "by opening up their ancestral lands to fee simple… the Nisga'a were embracing their own assimilation" (Egan & Place, 2013, p. 129), highlighting the issues of governance and applicable laws over Indigenous rightful jurisdiction. As a result, property plays an important, albeit contentious role in land claim negotiations, contextualizing "the ways that law, space and power are inextricably linked" (Egan & Place, 2013, p. 130), in the narrow definitions and options of property available to Indigenous communities.

The use of Canadian property law and state-based planning systems in the Algonquin Land Claim can certainly be argued as a comfortable approach to gaining buy-in from non-Indigenous communities, in the way particular expectations for social and political order of property and land use are upheld (Egan & Place, 2013; Gehl, 2014). It is unique to other Indigenous comprehensive land claims in Canada in its novel, integrative provision of land and services to Algonquin communities, in the form of fee simple property ownership and the incorporation into municipal official planning. It invites potential for local-municipal relationship building, and urges cross-cultural competency training and capacity development in Canadian institutions. However, does it properly constitute Algonquin treaty and Aboriginal rights if negotiations take place in an arena of Euro-Canadian-centric orthodoxies? Environmental ideologies and realities are constructions of human-environment relations, built and used in planning and political discourse, reinforced and reproduced through Canadian systems of law, and materially expressed in cultural landscapes generated in areas such as Southern Ontario's exurban cottage country. Conceptualizing land claim agreements in land-use planning is historically and contextually contingent upon the epistemologies and ontologies shaped and reshaped in Indigenous and non-Indigenous social narratives. Inherently residing in the "law-space-power-nexus" (Blomley, 1994, p. 112), privileged forms of environmental imaginaries exhibit hidden, internal biases to land claim negotiations such as the Algonquin Land Claim, which require further study to adequately name, frame, and ultimately dismantle in order to foster processes of reconciliation and decolonization. These deliberations will continue in the final section of this chapter, with queries over planning for coexistence in spaces of difference.

C. Shared Space and the Politics of Difference

> The essential harm of colonization is that the living relationship between our people and our land has been severed. By fraud, abuse, violence and sheer force of numbers, white society has forced us into the situation of being refugees and trespassers in our own homelands and we are prevented from maintaining the physical, spiritual and cultural relationships necessary for our continuation as nations. Our struggle is far from over. If anything, the need for vigilant consciousness as Indigenous people is stronger than ever. Reconciliation is recolonization because it is allowing the colonizer to hold on to his attitudes and mentality, and does not challenge his behaviour towards our people or the land. It is recolonization because it is telling Indigenous children that the problem of history is fixed. And yet they know through life experience that things have not changed and are getting worse, so they must conclude I am the problem. (Taiaiake Alfred, 2017, p. 11).

Taiaiake Alfred's words are powerful and thought-provoking. What is reconciliation? What does it mean to Indigenous peoples, to non-Indigenous peoples? How is it implemented on the ground? Who is involved, and what can an individual, a community, an organization, a corporation, or a government contribute? How is it measured or evaluated? These are all important considerations moving forward that require mindful deliberation to tread carefully on this path. Despite many positive steps taken in recent years to address the problematic relationships between the Canadian state and Indigenous nations, there are still many more imperative resolutions to be made. The pending Algonquin Land Claim, and its complexity of inter-jurisdictional mingling, is one of numerous Aboriginal treaty and rights claims undergoing the scrutiny of the "law-space-power-nexus" (Blomley, 1994, p. 112) state-institutions uphold, as described in this and previous chapters. While relations may seem to be improving, Indigenous peoples continue to face disproportionate inequities in health and well-being, homelessness and housing conditions, vulnerability of women and girls to abuse, overrepresentation in prison and correctional institutions, and economic disparity (Anaya, 2014). A significant amount of distrust and unreliability exist between Indigenous peoples and the Crown governments, from stark contradictions such as Canada's continued extraction of economic gain from the environmental degradation and development of traditional territories (Anaya, 2014), and granting private interests access to export natural resources and profit away from potential Indigenous benefits. Coulthard maintains, "settler-colonialism is territorially acquisitive in perpetuity" (2014, p. 152), as capitalist and colonial motives of dispossession are continually restructured. Spiritual and cultural relationships to lands are equally extracted and displaced. Borrows explains, "Aboriginal peoples regard their traditional lands as sacred; it is integral to their culture and identity. They want to continue living on territories that have sustained them for thousands of years" (2005, p. 3). Social and political identities are rooted in ancestral territorial and spatial relationships (which Taiaiake Alfred refers to when he says the 'living relationship' between people and land), so for

Indigenous peoples, processes of colonization have and continue to severely impact the ability to reproduce and sustain their distinctive cultures (Macklem, 2001), which has a compounding effect with the social, economic and environmental conditions Indigenous peoples are exposed to. Reconciliation must be framed as a matter of distributive justice, not merely as the achievement of legal certainty over recognition of clearly defined Indigenous rights and delineation of constitutional authority (Gehl, 2014; Lawrence, 2012; Macklem, 2001). Treaty jurisprudence originated in the mutuality of respect and peaceful coexistence between the settler-state and Indigenous nations (Macklem, 2001); how can the relationship evolve to go beyond recognition of difference, to sharing space on the basis of collaboration and consent?

Reconciliation Canada conducted a nation-wide public opinion survey in 2016 to document the current perspectives of Indigenous peoples and non-Indigenous Canadians regarding key aspects of reconciliation. According to its report, the survey found both Indigenous and non-Indigenous communities agree on a great need for reconciliation, however, what underlies the current relationship are "perceptions of discrimination and racism, negative stereotypes, social and economic disparities, an absence of dialogue, and a mutual sense of mistrust" (Reconciliation Canada, 2016, p. 2). The report highlights three themes to participants' shared conceptions of reconciliation:

a) Creating greater equality between both populations;
b) Working together to create opportunities and reduce barriers; and
c) Moving beyond the past and away from a dependency on government. (Reconciliation Canada, 2016, p. 2).

Barriers to reconciliation most strongly represented in the survey included prejudices of the other/myths/stereotypes that lead to strained relations, socio-economic inequalities and lack of political leadership (Reconciliations Canada, 2016). Non-Indigenous Canadians responded more strongly with the following barriers:

- Limited positive interactions between Indigenous Peoples and non-Indigenous Canadians;
- Different worldviews/values held by Indigenous peoples and non-Indigenous Canadians;
- A lack of willingness among Indigenous Peoples and non-Indigenous Canadians to accommodate each other's needs. (Reconciliation Canada, 2016, p. 4).

The findings suggest there are deep-seated misunderstandings of the other to reconcile, which will take interdisciplinary courses of action and profound contesting of internalized settler-colonial structures to transform these relationships into more positive, generous, compassionate and productive ways of sharing space. Explored in the Badour Farm cottage community case study and Algonquin Land Claim context, ideological differences around Indigenous land use and economic development, culturally conceived and socially constructed environmental

imaginaries of wilderness and property, along with identities formed in spatial and temporal relationships to sense of place, all contribute to the 'politics of difference' (Coulthard, 2014) that surface 'when strangers become neighbours' (Sandercock, 2000). Porter and Barry argue that, "planning, as an arena where issues about the use, management and future of place are contested, negotiated, and settled, makes an obviously important site where the finer constitutional, legal and land-use arrangements of recognition are hammered out" (2016, n.p.). The role of planning in reconciliation cannot be symbolic, or worse, become a piece of jargon or overused term in planning's idiolect. The practical elements of the profession, and its situatedness adjacent to the political realm, the bureaucracy and the community level, while laterally connected with architecture, engineering, development, as well as the arts, parklands, grassroots organizations and landscape design, bestow an immense potential and responsibility for steeping reconciliation in these contexts.

The Canadian Institute of Planning (CIP) released its *Policy on Planning Practice and Reconciliation* in 2019 to express the organization's leading commitment "to establish and maintain a mutually respectful relationship between Indigenous and non-Indigenous peoples" (CIP, 2019, p. 2). It outlined the principles on which good planning practices are based, including trust, respect, engagement, transparency and fairness, and the role planning and planners have in educating internally and externally (CIP, 2019). Importantly, it recognized that planning occurs outside of these institutions, and has been implemented since time immemorial by Indigenous peoples and communities. Overall, the policy frames planning as having a supportive role in reconciliation, particularly in realizing the Truth and Reconciliation Canada (TRC) Calls to Action (2015), however it seems to dance around the actual transformative objectives that reconciliation is meant to realize, that are stated more explicitly by the TRC:

> Reconciliation must support Aboriginal peoples as they heal from the destructive legacies of colonization that have wreaked such havoc in their lives. But it must do even more. Reconciliation must inspire Aboriginal and non-Aboriginal peoples to transform Canadian society so that our children and grandchildren can live together in dignity, peace, and prosperity on these lands we now share. (Truth and Reconciliation Commission, 2015, p. 8)

A deep learning and unlearning needs to penetrate the planning profession in order to understand the devastation and oppression experienced by generations of Indigenous peoples in what is now called Canada. The history and legacy of colonization, and planning's complicity in its undertaking, should be confronted in discomforting and unsettling ways. Intrinsically built on modes of dispossession, colonial mentalities and ethnocentric supremacy, planning needs to be deconstructed and reconstructed in collaborative, cross-cultural dialogue and decision-making that affirms Indigenous difference in knowledge, legal, land management, economic,

linguistic, governance and planning systems. A politics of difference "seeks to practice decolonial, gender-emancipatory, and economically nonexploitative alternative structures of law and sovereign authority grounded on a critical refashioning of the best of Indigenous legal and political traditions" (Coulthard, 2014, p. 179). Options outside of Western political and legal structures should be given rights and sovereignty, in "the co-production of knowledge between Indigenous and non-Indigenous planners (Sandercock, 2004, p. 121). Coulthard, Wolfe, Lawrence and Gehl have adamantly criticized the approaches of mutual recognition as reconciliation, where settler-state apparatuses and federal recognition policies and legislation nevertheless dictate processes that address assertions of Indigenous sovereignty and identity-related claims over self-government, land and economic development (Coulthard, 2014; Wolfe, 2006; Lawrence, 2012; Gehl, 2014). The Algonquin Land Claim is a good example of this reconstitution of state-control, by inserting Algonquin communities into the planning model already established in Ontario. Porter and Barry state, "defining redress for dispossession through the very instruments that constitute the dispossession in the first place throws into sharp relief how the operations of colonial power are never transcended" (2016, n.p.), while Coulthard argues that "instead of ushering in an era of peaceful coexistence grounded on the ideal of *reciprocity* or *mutual* recognition, the politics of recognition in its contemporary liberal form promises to reproduce the very configurations of colonialist, racist, patriarchal state power that Indigenous peoples' demands for recognition have historically sought to transcend" (2014, p. 3). Acknowledging the embedded cultural values and norms of planning's legislative and practical frameworks, and how they shape our cities, streets, communities and networks, is the first step to 'managing difference' and decolonizing Canadian law (Sandercock, 2000; Pasternak, 2014).

The Ontario Professional Planners Institute (OPPI) addresses its commitment to reconciliation, noting "truth as a precondition to reconciliation" in *Indigenous Perspectives in Planning: Report on the Indigenous Planning Perspectives Task Force* (2019, p. 6). Truth, it says, comes from listening to Indigenous peoples and their stories of oppression, relocation and dispossession in "public truth sharing" (OPPI, 2019, p. 6). While the truth "is not an easy realization" (OPPI, 2019, p. 6), the responsibility for self-education goes beyond the legal duties to engage in Indigenous affairs defined by the *Constitution Act, 1867, 1982.* The report states:

> Indigenous people have always had to step out of our comfort zones, since contact. Grow a thick skin and understand that the anger, disappointment, resentment is justifiable and righteous. This doesn't mean you need to bear the weight of centuries of colonial shame. It does mean you form an understanding and accept that you are part of a doctrine that has robbed many Nations of their basic human dignity. (OPPI, 2019, p. 6).

The report backs actionable approaches that are personally implicating and interpersonally achievable, which may contribute to dispelling some of the myths and stereotypes conveyed in Reconciliation Canada's report (2016). Hand-in-hand with this form of learning is cultural sensitivity training, which entails a more comprehensive understanding of cultural protocols, ways of knowing and linguistic differences. Macklem believes,

> Conflict would be reduced if people learned about particular Aboriginal histories, stories, songs, dances, art, values and other cultural manifestations. This would help others to see things through an Aboriginal lens. There would be more peace if police, developers, civil servants, politicians, and others tried to learn the Aboriginal language of the people with whom they want to cultivate healthy relations; this could build stronger bridges between the parties. Language often structures thought, and linguistic knowledge would facilitate access to Aboriginal perspectives on their lands and resources. (Macklem, 2001, p. 64).

Planners play a fundamental role in building bridges between and within communities, therefore their competencies in understanding difference, and "learning about the knowledge, interests, concerns and objectives of other parties" (Lane, 2006, p. 391) are crucial to the cultivation of coexistence in shared space. Negotiating the co-production of sense of place in equitable, just and sustainable processes contributes diverse environmental imaginaries, epistemologies and ontologies to spatial dimensions, which simultaneously construct sense of belonging and acceptance (Porter & Barry, 2016). Transforming planning's processes is the work required of its institutions and practices, to ensure that 'reconciliation' does not become a buzzword.

In the context of the Algonquin Land Claim, it has been shown in the results of this research project that there is great need for reconciliatory actions by municipal planners and treaty negotiators, and consequently, there are major opportunities for relationship-building between Indigenous and non-Indigenous communities in Ontario. In conversation with *Participant 4* (2019), municipal service agreements were suggested as one avenue for collaboration with Algonquin communities, to tailor the needs and interests specific to particular parcels transferred in the land claim agreement. Efforts taken by the Town of Renfrew to work alongside Algonquin communities is an example of municipal engagement in the treaty process. In 2016, the municipality and Chief Kirby Whiteduck signed a Memorandum of Understanding (see Appendix Figure 17.) to reflect shared intent on working together "in the spirit of mutual respect and cooperation and is intended to advance shared areas of economic development interest" (Carr, Emon & Whiteduck, 2018, n.p.). This contractual and textual 'contact zone' represents a meeting place for planners and Algonquins to express the terms and conditions of a continual and bonded relationship. Planners are responsible for internal capacity development and intercultural learning in the "process of 'unlearning one's privilege' (Sandercock, 2004), to appreciate the multiplicities of knowledge and planning outside of Western approaches, and

confront the environmental imaginaries structured both by Western legal frameworks of 'property' and fallacies of 'wilderness'. Although expansion and provision of sufficient land and resource base is described as "the best mechanism for building healthy relationships within Aboriginal communities and with the larger society" by the Royal Commission on Aboriginal Peoples (Borrow, 2005, p. 84), the regulation of land use compliant with state-based planning systems may dampen the Algonquin Land Claim's efficacy in recognizing Algonquin inherent jurisdiction over ancestral territories. As it has been described throughout this paper, the prior and continued existence of Indigenous occupancy creates tension in the constitutional order of Canadian federalism (Gehl, 2014), which is tangibly perceived in the disruption brought by Indigenous land claim agreements in non-Indigenous communities. Meeting in the contact zone to build greater understanding of different interests, ideas and aspirations for the literal common ground of which we share will require concerted and deliberate work of planners and other individuals in the Algonquin Land Claim's implementation, in addition to current and future assertions of rightful Indigenous jurisdiction.

Chapter 5: Growing up on Algonquin Territory: Lessons from the Land

A. Self-Reflexive Practice

Reflecting periodically throughout this research project was a natural tool for checking in with the head, heart and spirit. I hope to share a few contemplations in this paper to demonstrate the relevance and need for critical self-reflection as someone of European descent and a settler-Canadian. Lynn Gehl (2014) provides an insightful window into the art of self-reflexive research, and Paulette Regan (2010) articulates a robust path of her unsettling through self-reflection, both in personal and motivational pursuits. As Regan describes, the majority of Canadians still find themselves in a space of colonial un-knowing, where the truth has either not been received or is falling on deafened ears. The colonial status quo is the belief of an 'Indian problem' yet to be solved, when in actuality, the consternation must be turned inward on the overarching question: "how do we solve the settler problem?" (Regan, 2010, p. 11). Described by Tuck's counter-definition of the 'problem', it "has been consciously and historically produced by and through the systems of colonization: a multidimensional force underwritten by Western Christianity, defined by White supremacy, and fueled by global capitalism" (2009, p. 415). Solving the settler problem will require consciously re-writing history to include the voices and stories of Indigenous nations in what is now called Canada, and to move forward with greater awareness for the level of suffering settler-colonialism has penetrated through generations of Indigenous peoples. With awareness, intentional facilitation of positive change is possible. In telling my personal story of working through these realities - lived and otherwise - perhaps it will inspire others to take on a similar inward journey.

Louis believes that research can be experienced as a spiritual journey, and knowledge comes as subtle reflections that are accessed through ceremony, dreams, prayer and ritual, since "the greatest mysteries lie within the self at the spiritual level" (2007, p. 134). For my personal practice, main sources of spiritual teachings come through meditation, yoga, stillness outdoors and paddling on water. It did not follow any kind of pattern, structure or methodology *per se*. The key was to notice and acknowledge reflections as they came up, embraced as organically as possible, flowing casually between thoughts, passing across my consciousness momentarily, or stuck in feedback loops, challenging me to work through the intellectual or emotional blockage. I feel validated in my individual approach by having trusted the intuitive

voice that guided me in every aspect of this research. Seeing as this may be interpreted as a conclusive account of self-reflexive practice, I should stress how critical self-observation is a life-long process – there is no beginning or end, no concluding statement or final argument. Instead, this is an opportunity to express some of the reflections I had over the past 8 months while conducting this research project. One setting is from the past, in the early memories of learning Canada's untold histories of violence and oppression; the second is a more recent account of travelling to the Netherlands, to explore my heritage with greater attention to urban planning; while the third is an exploratory look at aspirations for the future. In a sense, this signifies the linear frame of reference that is known to regulate the routines and methods of Western minds, so in an attempt to reconfigure or 'unsettle' the process, I have decided to express them in an integrative, reoccurring fashion.

The act of including self-reflective practice in everyday life is like a living acknowledgement of time, space and place. It asks the questions, who am I? Where am I? and what am I doing? The *where* is important for establishing the setting, i.e. I am on un-ceded Algonquin Territory, or, I am on the traditional territory of the W̱SÁNEĆ First Nation. The *who* places me in relation to that setting, for example, I am the daughter of my parents, from Kingston, Ontario, or, I am a citizen, yet visitor to the Netherlands. What I am doing could be as simple as watching the sunset, or in more philosophical explorations, be seeking information or testing a skill. This process is deeply connected to the production of knowledge, in the sense that each positionality contributes to a frame of reference from which knowledge is based and then bolstered from. Referencing to myself *who* I am moment-to-moment develops another key practice of checking my privilege. Situating myself in relation to those around me, the land I am on, perhaps the activity I'm doing or water that I'm drinking, is all self-reflective of the privilege I have to be safe, secure and fully present in whatever space it is. This privilege has in many ways informed my personal ideologies through socialization, education and other knowledge mechanisms (Gaventa & Cornwall, 2008) that are culturally reproduced within the settler-colonial institutions and livelihood I was born and raised in, and currently live in. As Louis asserts, "confronting ideologies of oppression is essential in order to decolonise our minds and our disciplines because, contrary to popular belief, we are not in postcolonial times" (2007, p. 131). Internalized biases are difficult to overcome, but certainly building conscious awareness is one step towards countering ingrained ways of thinking that reinforce systemic inequities.

I recently returned to the Madawaska Valley for a two-day canoe trip. I reflected on the very first time I had been to the area, for a field program in grade 11 of high school. At the time, I was learning about 'environmental leadership', which involved researching global

environmental issues and strategies for change-making at varying scales. We discussed water scarcity in India, deforestation in the Amazon, ancient seed-saving and biodiversity in Peru and food security in Kenya. So focused on what was labelled 'the environment,' then seemingly far away and in need of being 'saved', I was unaware of the immediate and local circumstances of Indigenous communities nearby. My high school education had not afforded for the realities experienced even just 45 kilometres away from where I grew up. Paddling along the Madawaska River, I remembered this time of not-knowing and thought deeper into the way Louis describes knowledge as "not just socially constructed from how it is acquired, selected, and stored to how it is symbolized and transmitted, it is also, local…located…situated and situating" (2007, p.133). To be caught in the space of not-knowing can feel de-situating, or un-settling as Regan (2010) refers to it. My whole life – until that moment of learning – I had intimately known the place I grew up from personal lived experience. Realizing the hidden histories, the experience is radically destabilized, and the knowledge becomes destabilizing. Riding the white-water rapids of the Lower Madawaska River, the canoe tilted and water rushed inside, as though we were paddling a bathtub full of water. We managed to bump the shore and flush out everything inside. As much as the water supports us on top, its power to overturn us is equally humbling. Despite having paddled these river waters for years in my early-adulthood, there was still so much under the surface to learn.

Far downstream - but still in the traditional territory of the Algonquin – the Madawaska River meets the Ottawa River and the City of Ottawa. I visited Ottawa in the latter part of the research project's timeline for the Canadian Institute of Planners' annual conference. This year's conference theme was Generation: reflecting on the past 100 years of the Institute, while looking ahead to the next 100 years of planning in Canada. The representation from Indigenous presenters, performers and panelists was increased significantly from previous years, which generated some aspirational thinking on heightened inclusion of Indigenous voices in planning leadership and decision-making in the future. How do we collectively work towards that affirmed and equitable reality? However, Bélanger, Alton and Lister firmly state,

> Planning in Canada is a colonial institution. As a legislative framework established by the state and deployed by the academy of the university, the professional practice of planning both exudes and embodies the logic of settler-state colonialism. (2018, p. 439).

With this in mind, and that of earlier discussions of ontological and epistemological reasonings, how do we explore options for decolonizing the framework that has been designed on the premise of dispossession and assimilation of Indigenous nations? The risk is attempting to reconfigure the practice through the same root logics emboldened in the current hegemonic system. Porter suggests, "unveiling planning's complicity in colonial dominion over space

requires careful tracking of planning's historical role in colonialism's processes, and rendering those processes visible to planners" (2006, p. 393). From there, the not-knowing can find its way into the past, and the future can be instigated with ready and willing knowledge for action.

Visiting in Ottawa, on un-ceded Algonquin Territory, I reflected on the histories we learned in public school of the mercantilist society, lumber industry, construction of the Rideau Canal and the proclamation of the Capital City, retold as Canada's nation-building and momentous heritage. The not-knowing of Algonquin peoples, or the industrial infiltration of their homelands, was reinforced by the versions of Canadian history that disregarded Indigenous presence. Lawrence contends,

> To address the history of Algonquin relations with Canada is to address the formation of Canada itself, for the Ottawa River became a vitally strategic route between French fur traders on the St. Lawrence River and the Native groups to the north and west of the Ottawa Valley. Subsequently, the river became the boundary line between French and English settlement. In a sense, the Ottawa Valley, with the St. Lawrence, was central to the colonization project of both the French and British regimes. (2012, p. 21).

Discussed in Chapter 2, various elements of British and then Canadian legislation enabled settler incursion in the Ottawa Valley by systematically excluding Algonquin peoples from the colonial land holding frameworks. Imperative to the settlement project were 'colonization roads', built to access the region and to facilitate forest clearing and surveying of properties (see Appendix Figure 18.) (Lawrence, 2012). In the Madawaska River watershed, for example, before the Opeongo Road was constructed in the 1850s, the area was relatively unseen by settlers or loggers due to the challenging terrain (Lawrence, 2012). Opeongo Road, along with the railway through the Ottawa Valley, then enabled extensive settlement and industrial development. Land survey initiated the practice of 'planning' as we know it today, central to the 'civilization project', which aimed to 'civilize' Indigenous peoples and lands by means of what were considered culturally superior rationalities (Bélanger et al., 2018). Mapping asserted colonial power over geographical areas, effectively depoliticizing landscapes by illustrating lands devoid of Indigenous nations and their territorial occupancy. For instance, while the Ottawa River formed the core of Algonquin traditional territory, it appeared simply as a prominent line on a map, and was consequently chosen as the divisional border between Upper and Lower Canada, now Quebec and Ontario (Lawrence, 2012). As with cartography, plotting was of European cultural and technological tendencies (Bélanger et al., 2018). Its approach informed the work of Thomas Adams, who founded the Town Planning Institute of Canada in 1919, the beginnings of what is now the Canadian Institute of Planners (Saarinen, 2013). Born in Scotland and trained as an architect in Britain (Saarinen, 2013), the residual bearings of the Victorian Era influenced Adams' imaginaries for urban development in Canada, while industrialism advanced

particular spatial segregations of land uses. The entrenchment of racial, religious and classist ideologies deepened in the development of spatial and social zoning, in active administration of proprietary interests and removal of Indigenous territorial interests. “Adams crafted a profession with tools of spatial intervention: the survey map and the town plan – with technologies of policy – by laws, regulations, zones and codes” (Bélanger et al., 2018, p. 442), allocating superimposed grid patterns for road construction and demarcation of private properties. The grid was set to determine population distribution in tidy configurations appropriate to British social and political orders (Bélanger et al., 2018). The infrastructural power in spatial organization was representative of the executive power to control space, and ultimately the people and resources within those spaces. Conferred in Chapter 4, the structural and philosophical conceptions of the ‘environment’ as property, resource and commodity were developed under these influences of spatial and political power, reinforced by Eurocentric foundations of planning. Bélanger et al. add, “[t]his was (and still is) the power of property as privilege and possession, territory as technology, survey as system, plan as tool” (2018, p. 502), which in many ways laid the bedrock of Canada’s foremost economies of resource extraction and real estate.

Having pondered over these head-heavy evidences, I sought to explore my European roots as a way of connecting these conclusions to the heart. Travelling to the Netherlands was eye-opening, even though I have been to the country numerous times in the past. I found I was able to take note of the rural and urban forms that exist in the areas I travelled with more informed observations and a deeper knowledge of planning’s history. Understanding that my observations are limited by the specific moment in time they occurred in, I still felt the shared histories and analogies of spatial and social patterns between what I have seen in Canada and where I visited in the Netherlands. Often, I wondered what it must have been like for my Oma and Opa to leave their homelands after World War II, to settle in Canada not knowing the English language, the rugged climate or a community of friends or family. The concepts of land tenure and agriculture that were established by then on Canadian soil must have at least felt familiar to them, as they invented a new life here in Southern Ontario. I contemplated whether they had any idea of the governments’ involvement in displacing Indigenous communities, let alone the conditions they were subject to, for instance, during the Indian residential school operations throughout the 1870s to 1990s (Miller, 2012), and the Sixties Scoop between the late 1950s and 1980s (Sinclair & Dainard, 2016).

The Dutch engaged in a number of historical roles in North America before Canada’s confederation, including early relationship-building with Indigenous nations. The Two-Row

Wampum Treaty, briefly mentioned in Chapter 2, was entered into between the Dutch and the Haudenosaunee Confederacy in 1613 (Gehl, 2014), which set the stage for later treaties between European and Indigenous nations. Their relationship was codified in the woven wampum belt, with different coloured beads forming patterns to symbolize the shared existence on the land, and respectful agreement to not interfere in each other's jurisdiction or governance (Gehl, 2014). This form of treaty-making adhered to Indigenous models, "signed in the interest of establishing or renewing friendship, peace, trade and sharing" (Gehl, 2014, p. 55). For example, the Mohawk and Oneida, who were part of the Haudenosaunee Confederacy, were allies with the Dutch. According to Gehl (2014) they were able to leverage the relationship for access to Dutch firearms, shifting their technological advantage in hunting and military strength. The cultural, material, linguistic and knowledge transfer that must have occurred between peoples is difficult to conceptualize, though I imagine a time of great novelty, potential, inspiration and innovation in some of the early interactions. Over the following decades however, "[t]he rapid 50 percent decline in the Indigenous population caused by imported European diseases shifted the power dynamics between Indigenous nations and European settlers" (Gehl, 2014, p. 55). The tipping point for Indigenous nations' controls transpired in equal strides with what Frantz Fanon terms the evolution of 'cultural racism', known contemporarily as the "culturalization of racism" (Coulthard, 2014, p. 146), emerging from ethnocentric assumptions of biological and cultural inferiority that are acted upon through repressive and assimilative institutional arrangements, and ingrained into societal norms, narratives and dogmas.

I think back to the concerns raised by non-Indigenous peoples in Southern Ontario regarding the Algonquin Land Claim. Well-intentioned, yet educated and informed through the doctrines of Canadian historicism, which to my mind is responsible for some of the myths or stereotypes that attempt to define Indigenous ways of being and doing through non-Indigenous philosophical frameworks. I wonder about how modern-day treaty-making takes place within processes that are designed and facilitated by the dominant state, under its terms and sets of assumptions. As well, the thoroughly fixed and imbedded structures of state-based land-use planning across the settlement area streamlined the organizational matters for integrating the Algonquin land base. Recognizing here the limitation of this research project, it would be enlightening to hear Algonquin perspectives on this aspect of the treaty process, and how their aspirations were included or considered in the negotiations. What would their preferred land uses look like, how would they go about planning for them? The Algonquin Land Claim is not just about the land itself but also the nation-building or re-building that can occur within

Algonquin communities. This revitalization may (or may not) involve approaches to land management that incorporates intergenerational contributions, traditional ecological knowledge, and other manifestations from Algonquin ontologies and epistemologies. Empowering these and other forms of self-government is part of decolonization.

Post-confederation, discrimination against Indigenous peoples was inherent to Canada's nation-building programs that strategized the creation of a unified Canadian symbology. Flags, anthems and other indicators of cultural homogeneity generated a national sense of belonging, as Gehl describes, "in their nation-building process, nation states have to create a new cultural identity for its citizenry, while continually erasing and undermining the histories and geographies of the Indigenous nations whose land they occupy" (2014, p. 70). Canada's identity as a country discovered and conquered by European settlers persists today, visible in its heritage museums, legislation for heritage management, historical sites and monuments. Canadian heritage overwhelmingly underrepresents Indigenous histories, privileging the material culture of early settler, pioneer and mercantilist societies (Andrews & Buggey, 2008). Settler-colonialism is thoroughly built into the minutiae of everyday life in Canada (Porter, 2006), operating at a subtle (though sometimes not very subtle) frequency to be easily overlooked at conscious and subconscious levels. Reflecting again on my time in Ottawa, it is difficult not to admire the grandiose of the National Capital Region, with its exemplary architecture, urban design, Canadian tourism, interpretive heritage plaques, and presence of the Federal Parliament. Though, I see it now as a façade of Crown supremacy, masking the reality of stolen land and un-ceded territory. Porter articulates these contradictions:

> Colonialism is understood, then, as the process and material effects of appropriation of territory by a foreign power, and the construction of a racialised hierarchy of difference within and through that appropriation, such that the myriad, locally-constituted relationships between coloniser and colonised become embedded within structures of economy and power, as well as embedded in frames of meaning. To be (post)colonial, is to be both within and beyond those structures and relationships, the parentheses signifying the continuing presence of colonial processes and their ongoing material effects, despite the voices of the colonised becoming an ever more unsettling challenge. (2006, p. 383)

Albeit hopeful, I envisage what it may involve for Canada to decolonize its planning structures. Recalling the failure of my high school education, and even the deficiencies in the designated planning program, the not-knowing in Canada must be addressed through "transformative experiential learning that empowers people to make change in the world" (Regan, 2010, p. 23). Bélanger et al. (2018) suggest a fundamental shift is needed in the pedagogical frameworks of planning programs. Otherwise, the systems of colonialism are reinforced and perpetuated generation to generation, leading to no further change beyond the status quo. The

transformation lies in critical examination of Canadian-Indigenous historical foundations and the cultural attitudes and manifestations intrinsic to Western systems, with the willingness or capacity for accepting these approaches as just one of myriad to legitimately have a role in shaping Canadian and Indigenous urban and rural landscapes. Regan argues, however, "simply acquiring knowledge and reflecting upon historical wrongs is insufficient to generate critical hope" (2010, p. 22), and that it must be paired with social action to achieve any kind of societal renovation. She says, "[f]ailure to link knowledge and critical reflection to action explains why many settlers never move beyond denial and guilt, and why many public education efforts are ineffective in bringing about deep social and political change" (Regan, 2010, p. 23). Hopefulness is a key ingredient to the struggle for a positive future, supporting the "capacity to understand that, though we cannot change the past, neither are we held prisoner by it" (Regan, 2019, p. 23). For planners and the field of planning, Bélanger et al. (2018) contemplate radical de-institutionalization as a whole, in a retroactive 'unplanning' tactic to decolonizing the profession.

Lessons from Algonquin Territory have brought about a necessary analytical dive into Canadian federalism, Indigenous sovereignty, and the historical-based tensions that have fractured relations between nations, such as the Algonquin Anishinaabeg Nation. My prior not-knowing of Indigenous presence and the disparities faced by communities near to where I grew up, in the region my family cottaged and around the rivers I have paddled, fuelled the resolve to investigate the circumstances that allow for not-knowing, and to provide reflections in response to Regan's question on how we can solve the settler problem in Canada. Entering into the planning profession, these personal inquiries assist in developing a more informed practice and outlook in my career. Envisioning and practicing decolonial planning - with critical reflection and critical hope – is a rich and necessary realm for future research in planning discourse. In this chapter, I have shared further evidences of historical discrepancies that illustrate the Canadian planning profession's complicity in colonization, and the need for critical self-reflection to redress for its role in historical injustices. Problematizing settler-colonialism and the ingrained cultural attitudes, colonial tendencies and systemic not-knowing that permeates Canadian institutions, legal structures and histories is important to unsettling internalized biases and privilege. My own self-reflexive practice throughout this research project has generated earnestness to act within the planning profession, and dedication to including and acknowledging Indigenous histories, contemporary presence, as well as rightful assertion of jurisdiction in practice. Remaining critically hopeful will be a necessary approach to this work.

Chapter 6: Conclusion

A. Final Reflections

The research has demonstrated how lessons from Algonquin Territory are both vast and profound. Being a richly complex topic of study, the Algonquin Land Claim's timeline, process and implications, as well as the narratives which surround it are conceptually fascinating for the field of planning. Historically, treaties are a foundational aspect of Canadian constitutionalism and have shaped Indigenous-state relations for centuries. Modern treaties, such as the Algonquin Land Claim, impart assertions of Indigenous jurisdiction and sovereignty based on ancestral ties to land, prior occupancy, and former lack of peace- or extinguishment-treaties. Indigenous nations and the Canadian state form constitutional accords to address their coexistence on shared land, however, the relative bargaining power in these negotiations have led to disadvantage, exploitation and inequity within these relationships, of which Indigenous peoples bear a disproportionate burden.

The Algonquin Anishinaabeg Nation is currently negotiating with the Parliament of Canada and Government of Ontario in the hopes of reconciling historical wrongs from settler-encroachment, assimilative policies, natural resource extraction and oppressive socioeconomic conditions. The procedural aspects of the comprehensive land claim described in Chapter 2 demonstrate the extensive timelines and administrative endeavours required of all parties, and introduces the steps that involved the public in consultation. In Chapter 3, the research project's qualitative analysis consolidates the settlement's features into a specific time and place from which to locate queries regarding consultative and implementation phases. An internal exposure to the Badour Farm cottage community in Frontenac County has proven to be enlightening of the kinds of neighbourly, proprietary, ideological and access-based concerns that exist with regard to a specific Crown land parcel in the claim's agreement, and to the engagement processes undertaken in the region generally. Public consultations conducted by governmental authorities and stakeholder groups shed light on public sector responsibilities to communicate information regarding Indigenous history, modern presence and jurisdiction, while particular notions of Indigenous land and economic development came to the fore. Critiques of the public engagement process and reflections on municipal implications raised important questions about reconceptualizing the role of municipalities in the Algonquin Land Claim's implementation. Deliberated in Chapter 4, municipal duties to engage in reconciliation are made apparent in the integrative jurisdictional overlap of land-use planning on Crown lands, demonstrating the urgency for competency and capacity development in Indigenous-municipal affairs. Theorizing

the ‘contact zones’ of intersecting Indigenous-non-Indigenous interests is useful to observing ontological, epistemological and philosophical ideologies of what constitutes ‘the environment’ in these types of negotiations, and the weight brought to ethnocentric imaginaries of the ‘Anglo-Canadian ideal’. Lastly, myths of the ‘other’, ‘the environment’ as ‘pristine’, or complex differences in social, cultural and political order are built into narratives that express discontent, conflict or misunderstanding ‘when strangers become neighbours’. As observed in the Badour Farm context, barriers to coexistence dissolved when participants received more information about Algonquin peoples and Indigenous land claims from various sources, educated themselves on historical and contemporary topics related to Indigenous communities, engaged personally with Algonquin members and Chiefs, or allowed the uncertainties to settle in the stretches of time required to conclude a modern-day treaty. These findings suggest that human-environment relationships are important to consider in the context of legal and political assertions of Indigenous title that implicate land-use planning, but most significantly, that relationship-building between peoples in shared space on common ground (with strong leadership) can create and maintain mutual bonding and respect between parties.

As Luka articulates, “landscapes express cultural identities which are about *us,* rather than the natural environment” (2017, p. 265). Whose cultural identity is privileged in authority structures is a rich field for critical theory in planning and political ecology discourse. Governance over these ecological and political spaces are complicated between competing claims to sovereign jurisdiction (Scott, 2017). Consistent with Macklem’s argument that treaties possess distributive functions for proprietary rights, Aboriginal definitions of occupancy, use and enjoyment of land demands at least the same level of recognition and protection as non-Aboriginal use and enjoyment of lands under the *Constitution* (Macklem, 2001). As a matter of distributive justice to account for historical wrongs imposed by settler-colonialism, rigorous effort by the Crown is required to reconceptualize and broaden the available options of land tenure for Indigenous communities outside of ‘property’ or ‘amenity’, and problematize the misappropriation by state-based planning systems. Lastly, planners have the role of ‘managing difference’ with the “work of negotiating fears and anxieties, mediating memories and hopes, and facilitating change and transformation” (Sandercock, 2000, p. 29), in these contexts of navigating deep difference between Indigenous and non-Indigenous communities, within both procedural aspects of public consultation and implementation phases of Indigenous land claims like the Algonquin Land Claim. It is hoped that the insights gleaned from this research study can provide for further discussion in planning circles, to advance the concepts of Indigenous title and rights from discourse to tangible realizations of land-based reconciliation.

B. Implications of this Research

In my research, conceptualizing land claim agreements in land-use planning has proven to be a useful analytical tool to reveal concrete technicalities of settlement land transfer to Indigenous nations, complexity of stakeholder interests, as well as inferences of public engagement at various stages in the modern treaty process. The relevance of these findings is threefold. First, the research contributes to existing environmental planning theory linked to planning with Indigenous communities, and to ongoing debates on Canadian federalism and the politics of recognition for Indigenous nations seeking self-government agreements. Second, it demonstrates ideological tensions that arise in the arenas of treaty negotiations, public consultation, and planning practice, building on political ecological discourse that theorizes settler-colonial historicism, myths and stereotypes of the 'other', environmental imaginaries and spatial power dynamics. Third, the findings hold several potential applications for planners in municipalities within the Algonquin Land Claim area, encouraging the reconceptualization of their role in Indigenous affairs, the duty to build relationships between Indigenous and non-Indigenous communities, and to self-reflexively assess planning practice within the context of reconciliation.

The research outcomes transcend the context of the Algonquin Land Claim, and have potentially far-reaching implications in both planning theory and practice. Indigenous land claims are not unique to Canada, and several of the scholarly references this research drew from are orientated to other countries, including the United States, New Zealand and Australia. Problematizing settler-colonialism is an important practice for planners globally, because it raises awareness of the types of ingrained pedagogies and epistemologies that inform and shape policy, theory, and practice. More specific to the Canadian context, my research emphasizes the Canadian legal structures and the constitutional basis of federalism as the backbone of Indigenous-state relations and conflict, in addition to the jurisdictional framework that dictates state-based planning to the relative exclusion of Indigenous territorial interests. This information is relevant to matters of environmental justice, brought by jurisdictional-tug-of-wars that confuse service providers, benefit corporations profiting from industrial activities and lack of adequate regulatory legislation, which plague Indigenous communities subject to abysmal conditions, such as Aamjiwnaang First Nation's exposure to toxic chemicals, water crises in Attawapiskat First Nation, and commercial development on sacred traditional sites in Algonquin Territory, to name only a few examples.

The research highlights outcomes from a case study in Frontenac County that demonstrate the risk of misinformation at the height of the Algonquin Land Claim's publicity. The timing, accessibility of information and overall uncertainty raised concerns within the community and throughout the settlement area at large, while information sessions facilitated by government representatives attempted to alleviate issues around land-use planning, access to land and resources, among others. The critical conceptions of Indigenous land and economic development that surfaced, and deliberations over how ideological differences can be reconciled in these processes are important to consider in academia. Applying a political ecological lens helps to assess the human-environment relationships intrinsic to all political, legal and social processes, as it illustrates how actors, such as planners, operate within spaces of difference. This requires theoretical work to advance fundamentally just methods, applied, for instance, in strategic engagement with the public realm. Approaching these scenarios with heightened cognizance for the dynamics of power and privilege, land-use planning processes can become more equitable and inclusive.

The case study's findings are pertinent also *because* the Badour Farm sample does not represent all residents, stakeholders, community interests or others involved or impacted in the Algonquin Land Claim. Further study is necessary to generate a broader and more comprehensive evaluation of the roles at play in this particular modern-day treaty. Alternative angles could include a conservation or co-management perspective, for example, a detailed look at the parklands-planning for certain Crown land parcels. Another approach could seek further input from commercial fishing lodges or recreational anglers, hunting camps or wildlife management organizations. My research will contribute to any future discussion or study relating to the Algonquin Land Claim, and it anticipates the conclusion of a Final Agreement to prompt a more collaborative research effort with governmental representatives from Ontario and Canada, as well as the Algonquins of Ontario. Once it is signed and enacted as a constitutional treaty between the Canadian state and Algonquin Anishinaabeg Nation, new information will be publicly accessible for additional study, and the negotiating table may be available for more open discussion.

Based on interviews with municipal planners, governmental officials and organizational directors, the momentum for institution-wide engagement with Indigenous communities – in ways that affirm their presence and reinforce their aspirations – is moving in the right direction. Municipal planners are inserted in local conversations of spatial, environmental and community change, therefore are positioned well for listening and acting in the interests of both Indigenous and non-Indigenous constituents. Planners can act as facilitators for building relationships and

engaging communities in discussions around reconciliation, yet have been shown to lack the cross-cultural competency, resource capacity and political support. These findings matter to the future of planning with Indigenous communities in Canada, and will assist planners, policy makers and political leaders to engage critically with the concepts of land-based reconciliation in a manner that extends beyond legal duties defined by the *Constitution Act, 1982.*

In my personal reflections, the resounding question of pedagogical insufficiencies that led to widespread historical not-knowing calls for systemic transformations. As a result, collective responsibility to educate, evaluate and unlearn the settler-colonial behaviors that perpetually harm Indigenous peoples encourages deep introspection and critical hope.

Bibliography

Aboriginal Affairs and Northern Development Canada. (2014). Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Rights. Retrieved from https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ-LDC/STAGING/texte-text/ldc_ccl_renewing_land_claims_policy_2014_1408643594856_eng.pdf

Alfred, T. (2017). It's all about the land. *In* Peter McFarlane & Nicole Schabus (Eds), *Whose land is it anyway? A Manual for decolonization.* Federation of Post-Secondary Educators of BC.

Algonquins of Ontario (AOO). (2013a). Strengthening the Algonquin Presence Throughout our Traditional Territory. Retrieved from http://www.tanakiwin.com/current-initiatives/overview-of-current-initiatives/

Allen, A. (2003). Environmental planning and management of the peri-urban interface: perspectives on an emerging field. *Environments & Urbanization, 15*(1): 135-148.

Anaya, J. (2014). Report of the Special Rapporteur on the rights of indigenous peoples. United Nations General Assembly; Human Rights Council, 27th session, Agenda item 3, 1-22, Retrieved from http://unsr.jamesanaya.org/docs/countries/2014-report-canada-a-hrc-27-52-add-2-en.pdf

Andrews, T. D., & Buggey, S. (2008). Authenticity in Aboriginal cultural landscapes. *APT Bulletin, 39*(2-3): 63-71.

AOO. (2013b). Agreement in Principle. Retrieved from https://www.tanakiwin.com/our-treaty-negotiations/agreement-in-principle/

AOO. (2013c). Who are the Algonquins of Ontario? Retrieved from http://www.tanakiwin.com/algonquins-of-ontario/who-are-the-algonquins-of-ontario/

AOO. (2013d). Overview of Treaty Negotiations. Retrieved from https://www.tanakiwin.com/our-treaty-negotiations/overview-of-treaty-negotiations/

Arpaia, L. (2013, September 4). "Bobs & Crow Lakes Bioblitz." Frontenac News. Retrieved from https://new.frontenacnews.ca/south-frontenac-news/item/371-bobs-crow-lakes-bioblitz

Association of Municipalities Ontario (AMO). (2018, August). Municipal-Indigenous Relations: Backgrounder. Retrieved from http://www.amo.on.ca/AMO-Content/Backgrounders/2018/MunicipalIndigenousRelations

Barry, J. & Porter, L. (2011). Indigenous recognition in state-based planning systems: Understanding textual mediation in the contact zone. *Planning Theory*, *11*(2): 170-187.

Bélanger, P., Alton, C. & Lister, N.M. (2018). Decolonization of Planning. In Bélanger, P. (Ed.), *Extraction Empire*. pp. 438-519. The MIT Press.

Berkes, F. (2012). *Sacred Ecology*. Canada: Routledge.

Blomley, N. K., & Blomley, N. K. (1994). *Law, space, and the geographies of power* (pp. 112-13). New York: Guilford Press.

Blomley, N. (2007). Making private property: enclosure, common right and the work of hedges. *Rural History, 18*(1): 1-21.

Borrows, J. (1997). Living between Water and Rocks: First Nations, Environmental Planning and Democracy. *The University of Toronto Law Journal, 47*(4), 417-468.

Borrows, J. (2005). Crown and Aboriginal Occupations of Land: A History & Comparison. Ipperwash Inquiry, Toronto, Ontario. Retrieved from https://books.scholarsportal.info/en/read?id=/ebooks/ebooks0/gibson_cppc/2009-12-01/9/251075

Borrows, J. (2015). The Durability of Terra Nullius: Tsilhoqot'in Nation V British Columbia. *UBC Law Review, 48*(3): 701

Braun, B. 2009. Nature. In *A companion to environmental geography*, ed. N. Castree, D. Demeritt, D. Liverman, and B. Rhoads, 19–36. London: Blackwell.

Bunce, M.F. (1994). *The Countryside Ideal: Anglo-American Images of Landscape*. London; New York: Routledge.

Byrne, J. & Wolch, J. (2009). Nature, race, and parks: past research and future direction for geographic research. *Progress in Human Geography, 33*(6): 743-765.

Canadian Institute of Planners. (2019). Policy on Planning Practice and Reconciliation. Ottawa, ON. Retrieved from https://www.cip-icu.ca/getattachment/Topics-in-Planning/Indigenous-Planning/policy-indigenous-en-interactive.pdf.aspx

Canadian Sportfishing Industry Association. (2017). Our Mandate. Retrieved from http://www.csia.ca/our-mandate/

Carr, D., Emon, P. & Whiteduck, K. (2018). Concurrent Session: Modern Treaty-Making: The Algonquin Land Claim. In *AMO Conference Review 2018*, 13-14. Retrieved from https://publicsectordigest.com/sites/default/files/2018%20AMO%20Conference%20Review_0.pdf

Castree, N., & Braun, B. (1998). The construction of nature and the nature of construction. *Remaking reality: Nature at the millenium*, 3-42.

Collard, R., Dempsey, J. & Sundberg, J. (2015). A Manifesto for Abundant Futures. *Annals of the Association of American Geographers, 105*(2): 322-330.

Conover, Taggart, S. (2018, June 21). Email correspondence to Guy Lefebvre. Subject: RE: Algonquin Land Claim Update. Retrieved from http://buckshotlakeassociation.com/wp-content/uploads/2018/07/LandClaimsUpdate2018.pdf

Coulthard, G.S. (2014). *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition.* University of Minnesota Press.

Coulthard, G., & Alfred, T. (2014). *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. University of Minnesota Press. Retrieved from http://www.jstor.org/stable/10.5749/j.ctt9qh3cv

Creswell, J. W. (2007). *Qualitative inquiry and research design: Choosing among five approaches.* Thousand Oaks, CA: SAGE Publications.

Cronon. (1995). The trouble with wilderness; or, getting back to the wrong nature. In *Uncommon ground: rethinking the human place in nature.* New York: W. W. Norton, 69-90.

Daniels v. Canada (Indian Affairs and Northern Development), 2016 SCC 12, [2016] 1 S.C.R. 99.

Davoudi, S. (2012). Climate risk and security: new meanings of “the environment” in the English planning system. *European Planning Studies*, *20*(1): 49-69.

Dushenko, W. (2012). Urban-rural tensions, place, and community sustainability. *In* Dushenko, W., Dale, A. & Robinson, P. (Eds). *Urban Sustainability: Reconnecting Space and Place.* University of Toronto Press, Toronto, ON.

Eyford, D. (2015). A New Direction: Advancing Aboriginal and Treaty Rights. Crown-Indigenous Relations and Northern Affairs Canada. Retrieved from https://www.rcaanc-cirnac.gc.ca/eng/1426169199009/1529420750631?wbdisable=true#sec2_b

Farina, A. (2000). The cultural landscape as a model for the integration of ecology and economics. *BioScience*, *50*(4): 313-320.

Federation of Ontario Cottagers’ Association (FOCA). (2013). Update Algonquin Land Claim AIP. PowerPoint presentation Retrieved from: http://www.algonquinlandclaim.ca/downloads/FOCA_ALC_Presentation.pdf

FOCA. (2018). Algonquin Land Claim Agreement in Principle – Updates. Retrieved from https://foca.on.ca/algonquin-land-claim-agreement-in-principle-signed/

Frontenac Arch Biosphere. (2019a). Frontenac Arch Biosphere Reserve. Retrieved from https://www.frontenacarchbiosphere.ca/about

Frontenac Arch Biosphere. (2019b). Geological History. Retrieved from https://www.frontenacarchbiosphere.ca/study/biodiversity/geology/geological-history

Gall, M. D., Gall, J. P., & Borg, W. R. (2003). *Educational research: An introduction* (7th ed.). Boston, MA: A & B Publications.

Gaventa, J. & Cornwall, A. (2008). Power and Knowledge. In *P. Reason & H. Bradbury* (Eds.), *The SAGE Handbook of Action Research*. pp. 172-189. SAGE Publications Ltd.

Gehl, L. (2014). *The Truth that Wampump Tells: My Debwewin on the Algonquin Land Claims Process.* Fernwood Publishing, Black Point, Nova Scotia; Winnipeg, Manitoba.

Government of Canada. (2016). General Briefing Note on Canada's Self-government and Comprehensive Land Claims Policies and the Status of Negotiations. Retrieved from https://www.rcaanc-cirnac.gc.ca/eng/1373385502190/1542727338550?wbdisable=true

Government of Ontario. (2013, March). Algonquins of Ontario Land Claim Fact Sheet. Retrieved from https://www.lakemazinaw.ca/files/AlgonquinFactSheetMar2013_1.pdf

Government of Ontario. (2013, June 21). The Algonquin Land Claim. Retrieved from https://www.ontario.ca/page/algonquin-land-claim

Government of Ontario. (2015, June 12). Algonquin Land Claim Negotiations Process. Newsroom: Archived Backgrounder. Retrieved from https://news.ontario.ca/mirr/en/2015/06/algonquin-land-claim-negotiations-process.html

Government of Ontario. (2019). The Algonquin Land Claim. Retrieved from https://www.ontario.ca/page/algonquin-land-claim

Green, J. (2010, March 18). What will the Algonquin Land Claim accomplish? *Frontenac News*. Retrieved from https://www.frontenacnews.ca/central-frontenac-news/item/4274-algonquin-10-11

Green, J. (2013, January 17). Frontenac News – Land Claim Agreement-in-Principle elicits varied responses. *Frontenac News*. Retrieved from https://www.randyhilliermpp.com/frontenacnews01172013

Hamilton-McCharles, J. (2013). Residents frustrated. North Bay Nugget. Retrieved from https://www.nugget.ca/2012/12/17/residents-frustrated/wcm/0fd34e01-5dad-a5c4-e87d-d1e5b557b3c1

Hanewich, K. (2009). History of the Algonquins Omamiwinini: the Invisible People. Retrieved from http://www.thealgonquinway.ca/pdf/Omamiwinini-InvisiblePeople-e.pdf

Harvey, D. (2009). The 'New' Imperialism: Accumulation by Dispossession*. Socialist Registe*r. *40*, 63–87.

Heynen, N., Kaika, M. and Swyngedouw, E. eds. (2006). *In the nature of cities: urban political ecology and the politics of urban metabolism*. Taylor & Francis.

Indigenous and Northern Affairs Canada. (2019). Registered Population of Algonquins of Pikwàkanagàn First Nation. Retrieved from http://fnp-ppn.aandc-aadnc.gc.ca/FNP/Main/Search/FNRegPopulation.aspx?BAND_NUMBER=163&lang=eng

Indigenous Corporate Training. (2016, September 23). Harry Daniels the Man who Put Métis in the Constitution. *Working Effectively with Indigenous Peoples Blog*. Retrieved from https://www.ictinc.ca/blog/harry-daniels-the-man-who-put-m%C3%A9tis-in-the-constitution

Jacob, S.A., & Furgerson, S.P. (2012). Writing interview protocols and conducting interviews: Tips for students new to the field of qualitative research. *The Qualitative Report,* 17(42), 1-10.

Johnston, P. (2019, May 23). Personal Interview.

Kovach, M. (2009). *Indigenous Methodologies: Characteristics, Conversations, and Contexts.* University of Toronto Press. Toronto. ON.

Lane, M.B. (2006). The role of planning in achieving indigenous land justice and community goals. *Land Use Policy, 23*, 385-394.

Levin, D(Dan). (2017, Nov 14). Canada Moves Closer to Gender Equity for Indigenous Women. *The New York Times*. Retrieved from https://www.nytimes.com/2017/11/14/world/canada/indigenous-indian-act-gender-equality.html

Locke, J. (1764). *Chapter V Of Property*. In Two Treatises of Government. London.

Louis, R.P. (2007). Can you hear us now? Voices form the margin: Using indigenous methodologies in geographic research. *Geographical Research, 45*(2): 130-139.

Luka, N. (2012a). Finding opportunities for urban sustainability in cottage life. *In* Dushenko, W., Dale, A. & Robinson, P. (Eds). *Urban Sustainability: Reconnecting Space and Place.* University of Toronto Press, Toronto, ON, 171- 210.

Luka, N. (2012b). Sojourning in Nature: The second-home exurban landscapes of Ontario's near North. *In Landscape and the ideology of nature in exurbia: Green Sprawl*, Eds. Taylor, L. Valentine, K.

Luka, N. (2017). Contested periurban amenity landscapes: Changing waterfront 'countryside ideals' in central Canada. *Landscape Research, 42*(3): 256-276.

Macklem, P. (2001). Indigenous Difference and the Constitution of Canada. University of Toronto Press Inc, Toronto, ON.

Majuary, H. (2005). Community Voices: Living inside layers of colonial division: A part of the Algonquin story. Atlantis, 29.2, p 145-1147.

McKnight, Hon. B. (1986). Comprehensive Land Claims Policy. Ministry of Indian Affairs and Northern Development, Ottawa. Retrieved from https://www.afn.ca/uploads/files/sc/comp_-_1987_comprehensive_land_claims_policy.pdf

Mellon, N. (1998). *The art of storytelling.* Rockport, MA: Element Inc.

Miller, J.R. (2012). Residential Schools in Canada. The Canadian Encyclopedia. Retrieved from https://www.thecanadianencyclopedia.ca/en/article/residential-schools

Neimanis, V.P. (2013). Crown Land. The Canadian Encyclopedia. Retrieved from https://www.thecanadianencyclopedia.ca/en/article/crown-land

OFAH. (2013, February 20). Algonquin Land Claim Public Information Meetings. Retrieved from https://www.ofah.org/2013/02/algonquin-land-claim-public-information-meetings/

Ontario Federation of Anglers and Hunters (OFAH). (2013, March 4). OFAH/CSIA/FOCA to host public information meetings on Algonquin Land Claim: Bancroft meeting scheduled for Wednesday March 6. Retrieved from https://www.ofah.org/2013/03/ofahcsiafoca-to-host-public-information-meetings-on-algonquin-land-claim-bancroft/

Ontario Landowners Association. (n.d.) Mandate of the Ontario Landowners Association. Retrieved from https://www.randyhilliermpp.com/frontenacnews01172013

Ontario Professional Planners Institute. (2019). Indigenous Perspectives in Planning: Report of the Indigenous Planning Perspectives Task Force. Retrieved from https://ontarioplanners.ca/OPPIAssets/Documents/OPPI/Indigenous-Planning-Perspectives-Task-Force-Report-FINAL.pdf

Palmater, P. (2010). Opportunity or Temptation? Plans for private property on reserves could cost First Nations their independence. Literary Review of Canada. Retrieved from http://reviewcanada.ca/magazine/2010/04/opportunity-or-temptation/

Parliament of Canada. (2017). Chapter 25 Royal Assent. Statutes of Canada, Retrieved from https://www.parl.ca/DocumentViewer/en/42-1/bill/S-3/royal-assent

Participant 1. (2019, April 17). Personal Interview.

Participant 2. (2019, May 18). Personal Interview.

Participant 3. (2019, May 14). Phone Interview.

Participant 4. (2019, June 6). Phone Interview.

Participant 5. (2019, May 15). Personal Interview.

Participant 6. (2019, April 26). Personal Interview.

Participant 7. (2019, May 16). Personal Interview.

Participant 8. (2019, June 7). Personal Interview.

Participant 9. (2019, May 14). Personal Interview.

Participant 10. (2019, May 16). Personal Interview.

Participant 11. (2019, May 18). Personal Interview.

Participant 12. (2019, June 7). Personal Interview.

Participant 13. (2019, May 23). Personal Interview.

Pasternak, S. (2014). Jurisdiction and Settler colonialism: Where do laws meet? *Canadian Journal of Law and Society, 29(*2): 145-161.

Pilon, J-L. & Boswell, R. (2015). Below the falls; An ancient cultural landscape in the centre of (Canada's National Capital Region) Gatineau. *Canadian Journal of Archaeology*, *39*, 257-293.

Planning Act. (1990). RSO, c P. 13. S. 16.15

Poland, B.D. (1995). Transcription Quality as an Aspect of Rigor in Qualitative research. *Qualitative Inquiry, 1*(3), 290-310.

Porter, L. (2006). Planning in (Post)colonial settings: Challenges for theory and practice. *Planning Theory & Practice, 7*(4): 383-396.

Porter, L & Barry, J. (2016). Introduction: The Challenge of Indigenous Coexistence for Planning. In *Planning for Coexistence? : Recognizing Indigenous Rights Through Land-Use Planning in Canada and Australia,* Routledge, Retrieved from: http://ebookcentral.proquest.com/lib/york/detail.action?docID=4556375.

Pratt, M.L. (1991). The arts of the contact zone. *Profession,* 91, 33–40.

Prudham, S. (2015). Property and Commodification. (pp. 430-445). In *The Routledge Handbook of Political Ecology,* Eds. Perreault, T., Bridge, G. & McCarthy, J. London, New York. Routledge.

Rees, T. (2019, May 7). Phone Interview.

Reconciliation Canada. (2016). The Canadian Reconciliation Landscape: Current perspectives of Indigenous peoples and non-Indigenous Canadians. Reconciliation Canada, p 1-6.

Regan, P. (2010). Unsettling the Settler Within: Indian Residential Schools, Truth-Telling, and Reconciliation in Canada. UBC Press: Vancouver, BC.

Robbins, P. (2015). Research is theft: Environmental inquiry in a postcolonial world in Approaches to Human Geography: Philosophies, Theories, People and Practices, 2nd edition. Aitken, S & Velentine, G (eds). Sage. p311-324.

Saarinen, O.w. (2013). Thomas Adams. *The Canadian Encyclopedia.* Retrieved from https://www.thecanadianencyclopedia.ca/en/article/thomas-adams

Sandercock, L. (2000). When strangers become neighbours: Managing cities of difference. *Planning Theory & Practice*, *1*(1): 13-30.

Sandercock, L. (2004). Commentary: indigenous planning and the burden colonialism. *Planning Theory & amp; Practice, 5(*1): 118-124.

Sarazin, Greg. (1989). 220 Years of Broken Promises. In *Drumbeat: Anger and Renewal in Indian Country,* Boyce Richardson, ed., Toronto: Summerhill Press and Assembly of First Nations, pp. 167-200.

Scott, D.N. (2017). The Environment, Federalism, and the Charter. In Oliver, P., Macklem, P. & Des Rosiers, N. (Eds.), *The Oxford Handbook of the Canadian Constitution*. Oxford University Press.

Sinclair, N.J. & Dainard, S. (2016). Sixties Scoop. *The Canadian Encyclopedia.* Retrieved from https://www.thecanadianencyclopedia.ca/en/article/sixties-scoop

Sobanski, S. (2017, October 12). Chief negotiator visits Bancroft. *Bancroft This Week.* Retrieved from http://www.bancroftthisweek.com/?p=8416

Stavinga, J. (2016, June 14). Email correspondence to Caroline Ducros. Subject: Algonquins of Ontario Preliminary Comments on Canadian Nuclear Laboratories' Proposal for a Near Surface Disposal Facility at Chalk River Laboratories (Our File CF 48-3). Retrieved from https://www.ceaa-acee.gc.ca/050/documents/p80122/114851E.pdf

Stevens, J. (2017). Indigenous Intangible Cultural Heritage: Towards an Indigenous Approach to Canadian Heritage Management and Planning. University of Waterloo thesis, Waterloo, ON, 1-135.

Stewart, A. (2019, May 15). Phone Interview.

Sydne Conover Taggart, (Senior Negotiator Ministry of Indigenous Relations and Reconciliation) (2018, June 21). Email correspondence with Mr. Lefebrve Subject: RE: Algonquin Land Claim update. Retrieved from http://buckshotlakeassociation.com/wp-content/uploads/2018/07/LandClaimsUpdate2018.pdf

Taylor, L. & Hurley, P. (2016). Chapter 1, Introduction: The Broad Contours of Exurban Landscape Change. In *A Comparative Political Ecology of Exurbia: Planning, Environmental Management, and Landscape Change* (pp. 1-29). Switzerland. Springer International Publishing.

The Valley Gazette. (2013, April 17). Algonquin Land Claim negotiators grant exclusive interviews. Retrieved from https://thevalleygazette.ca/algonquin-land-claim-negotiators-grant-exclusive-interviews/

The Valley Gazette. (2013, April 10). Community members voices their concerns over Algonquin Land Claim. Retrieved from https://thevalleygazette.ca/community-members-voices-their-concerns-over-algonquin-land-claim/

Truth and Reconciliation Canada. (2015). Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada. Winnipeg: Truth and Reconciliation Commission of Canada.

Tuck, E. (2009). Suspending damage: A letter to communities. Harvard Educational Review, 79(3), 409-427.

Turner, D.W. (2010). Qualitative interview design: A practical guide for novice investigators. *The Qualitative Report, 15*(3), 754-760.

UNESCO. (2015). Frontenac Arch. Retrieved from http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/biosphere-reserves/europe-north-america/canada/frontenac-arch/

Walker, J. (2013, Spring/Summer). BioBlitz – 2013. *Lake Views: Greater Bobs & Crow Lakes Association Magazine.* Retrieved from http://bobsandcrowlakes.ca/wp-content/uploads/2013/08/Communication_2013_GBCLA-Magazine-Spring-2013.pdf

Walker, P., & Fortmann, L. (2003). Whose landscape? A political ecology of the 'exurban' Sierra. *Cultural Geographies*, *10*(4): 469-491.

Wolfe, P. (2006). Settler colonialism and the elimination of the native. *Journal of Genocide Research, 8(*4): p 387-409.

Appendix

Figure 1. Email Script

Hello (Name),

I am a graduate student of York University's Masters of Environmental Studies and Planning program. I am reaching out to you today to express my interest in conducting research in your area/field for the major paper portion of my degree. The Algonquin Land Claim is an interesting and relevant case study to consider in the context of both urban and rural planning in the Ottawa/Gatineau region, and smaller communities that lie within the borders of the Claim. The goal of this project is to gain knowledge of planning practices applied in the Algonquin Land Claim negotiations, and to consider perspectives of those implicated.
I would like to invite you to participate in this research study as a resident of the Crow Lake community/professional planner/government person impacted by/involved in the decision-making processes around the Claim. Your perspective on the case study is extremely valuable to generating a greater understanding of its implications in your community.
This invitation has been sent through a general email list in the hopes that those who wish to participate may identify themselves by responding to the email. Participants of the study will be engaged in individual discussions/interviews with the researcher, to be recorded for the purposes of transcribing qualitative information on the topic. The interview will be limited to 1 hour in length, and may cover these topics:

- Involvement in the community consultations or decision-making processes
- Major challenges that could be expected for implementation stages of the Claim
- Concerns the Claim has raised for you or people you know.

Interviews will take place within 3 weeks in May and June, 2019, respectively. Your participation in the study is completely voluntary and you may choose to stop participating at any time.
If you have questions about the research in general or about your role in the study, please feel free to contact me, Jenna Davidson, at jenna-davidson@hotmail.com, or my supervisor, Luisa Sotomayor at sotomay@yorku.ca. You may also contact the Graduate Program in the Faculty of Environmental Studies at (416) 736-5252.

Thank you for your consideration – your contribution will benefit scholarly research to this important topic. I look forward to hearing from you.

Sincerely,
Jenna Davidson

Figure 2. Interview Questions

<u>Government Officials:</u>

Individual's role in ALC negotiations or related planning:

1. Tell me a bit about yourself and your background.
2. How long have you lived and worked in this region?
3. What is your current role, and how long have you served this position? What does your role entail?
4. Based on your experience in this position, how are you involved (or not) in the ALC?
5. What kinds of preparations or organizational strategies have taken place within your (prompt: branch/organization/department) in response to the ALC?
6. Can you describe any training you have received in regards to planning with Indigenous communities?
7. Has the training proved useful to your work regarding the ALC? Describe how it has or has not.

Institutional roles in decision making:

8. How would you describe your (branch/organization/department)'s relationship to the Algonquin First Nations? To the municipalities within the Land Claim area? (prompt: do you work together/collaborate on review processes, or provide an advisory role?)
9. Can you provide some details on who/what (prompt: what boards/administrations) is involved in the decision-making processes in your role, and how those are typically carried out?
10. Can you explain (if known/relevant) what types of negotiations there were in determining WHICH land would be transferred?
11. If possible, please describe the types of transferred land (for development, for conservation/protection, traditional use). Could you please refer me to any relevant written documents that exist and are available?
12. A) What role do you think municipalities have in the consultations for the ALC? B) What might they have to do institutionally to adjust to the ALC?
13. There are very few mentions of the ALC in official plans or policy statements. Why do you think that is?

ALC's progress/challenges:

14. Describe any push back that has been felt or expressed by the communities impacted by the ALC. (prompt: has there been positive feedback?)
15. What do you think are the major barriers to the ALC going through?
16. What do you think are the major challenges that will be faced in the implementation or follow through of the land claim?
17. Can you provide some examples of any major changes, notable moments or progress over the timespan of the ALC?
18. What are the next steps in the ALC process?

Wrap up:

19. Are there any important points or issues that haven't been covered in our discussion?
20. Are there any individuals whose perspective you think would add to the content of this research project?
21. Do you have any questions for me?

<u>Cottagers:</u>
Individual's background and relationship to the area:

1. Tell me a bit about yourself and your background.
2. How long have you lived/worked in this region?
3. What was it about this region that inspired you to move to, cottage or live here?
4. What kinds of recreational activities do you do here? (prompt: do you hunt, fish, or trap?)
5. How do you characterize your familiarity with the region? (prompt: involvement in local community groups, initiatives, councils)
6. Would you say you have a good sense of the ecology of this area?

7. Can you describe your favourite thing about living or visiting here? (prompt story-telling)

Interaction/experience with the ALC:

8. Do they know about the ALC? Ask about any other relationships in urban/rural settings they may have with indigenous communities – whether they are aware of Indigenous presence in the community. A) When did you first learn about the ALC? B) How were you informed? C) What kinds of informative material were you provided?
9. What kinds of information have you not received but would be interested in knowing?
10. Can you describe the communication that has taken place within the community relating to the ALC? (prompt: who has provided information, frequency of communication, any main leaders/authorities involved)
11. Describe the types of community consultation you have participated in, or have known has taken place.
12. How would you describe (department's) (prompt: federal government, provincial government, municipal governments, Algonquins Of Ontario) role in this engagement, and the decision making around the ALC?
13. Considering the negotiations have been ongoing for over two decades now, how have your expectations for the circumstances changed?
14. What kinds of concerns has the ALC raised for you (prompt: and your family, neighbours)?
15. What do you think are the major barriers to the ALC going through?
16. What do you think are the major challenges that will be faced in the implementation or follow through of the land claim?
17. (if not yet fulfilled) Describe your general outlook on the ALC, and any factors of the decision-making processes you wish to have considered.

Wrap up:

18. Are there any important points or issues that haven't been covered in our discussion?
19. Are there any individuals whose perspective you think would add to the content of this research project?
20. Do you have any questions for me?

Figure 3. Research Ethics Consent Form

Date: April 10, 2018
Study Name: Lessons from Algonquin Territory: Conceptualizing land claim agreements in land-use planning.

Researcher's name: Jenna Davidson, Master's Environmental Studies & Planning, York University, jenna-davidson@hotmail.com

Purpose of the Research:

- The goal of this project is to gain knowledge of planning practices applied in the Algonquin Land Claim negotiations, and to consider perspectives of those implicated.
- The outcome of the research may include technical or theoretical contributions to planning authorities, by raising awareness of Indigenous land claims and providing useful deliberations on the future of planning with communities in Ontario.

What You Will be Asked to Do in the Research:

- The research participants will be engaged in individual discussions with the researcher, to be recorded for the purposes of transcribing qualitative information on the topic.
- The data collection method proposed is in the form of an informal interview.
- The estimated time commitment for the participant(s) is approximately 1 hour.

Risks and Discomforts: There may be risks to confidentiality by participating in this project, depending on an individual's role, profession or association with the case study. Participants are asked to use their discretion in providing personally identifiable information, and can be involved in the revision of research analysis prior to dissemination of findings if desired. A participant in this study may experience discomfort in describing one's experience with the topic, however an easeful dialogue is intended, with any necessary resources provided in follow-up.
Benefits of the Research and Benefits to You: The research will provide beneficial information to the broader municipal, regional, provincial and federal planning authorities, by informing them of the consultation and negotiation processes that have taken place, and the perspectives held by local community members in the context of the Algonquin Land Claim. Your perspective on the case study is extremely valuable to generating a greater understanding of its implications in your community. You may benefit from the opportunity to express your views, and to contribute to a greater understanding of this important topic.

Voluntary Participation and Withdrawal: Your participation in the study is completely voluntary and you may choose to stop participating at any time. Your decision not to volunteer, to stop participating, or to refuse to answer particular questions will not influence the nature of the ongoing relationship you may have with the researchers or study staff, or the nature of your relationship with York University either now, or in the future.
In the event you withdraw from the study, all associated data collected will be immediately destroyed wherever possible. Should you wish to withdraw after the study, you will have the option to also withdraw your data up until the analysis is complete.

Confidentiality:

- The data will be collected via a recording method.
- The data will be securely stored in an external hard drive.
- The data will be stored until August, 2019.
- The data will be destroyed by deleting the electronic copy.

Unless you choose otherwise, in the dissemination of research results, all information you supply during the research will be held in confidence and unless you specifically indicate your consent, your name will not appear in any report or publication of the research. The data will be collected, via audio recording. Your data will be safely stored in an external hard drive and only the researcher, Jenna Davidson, will have access to this information. The data will be stored until August, 2019 and will be destroyed by deleting the electronic copy stored in the external hard drive. Confidentiality will be provided to the fullest extent possible by law, however it cannot be fully guaranteed due to the nature of participant recruitment and professional or personal involvement with the case study.

Questions About the Research? If you have questions about the research in general or about your role in the study, please feel free to contact me, Jenna Davidson, at jenna-davidson@hotmail.com, or my supervisor, Luisa Sotomayor at sotomay@yorku.ca. You may also contact the Graduate Program in the Faculty of Environmental Studies at (416) 736-5252. This research has received ethics review and approval by the Delegated Ethics Review committee, which is delegated authority to review research ethics protocols by the Human Participants Review Sub-Committee, York University's Ethics Review Board, and conforms to the standards of the Canadian Tri-Council Research Ethics guidelines. If you have any questions about this process, or about your rights as a participant in the study, please contact the Sr. Manager & Policy Advisor for the Office of Research Ethics, 5th Floor, Kaneff Tower, York University (telephone 416-736-5914 or email ore@yorku.ca).

Legal Rights and Signatures:

I, _____, consent to participate in 'Lessons from Algonquin Territory', conducted by Jenna Davidson. I understood the nature of this project and wish to participate. I am not waiving any of my legal rights to signing this form. My signature below indicates my consent.

Signature_____ **Date**_____

Participant

Signature_____ **Date**_____

Principal Investigator

Additional consent (where applicable)

1. **Audio recording**

   □ I consent to the audio-recording of my interview(s).

   Signature_____**Date**_____

   Participant Name:

2. **Consent to waive anonymity**

   I, _____, consent to the use of my name in the publications arising from this research.

   Signature_____**Date**_____

Figure 4. Royal Proclamation, 1763: Britain's landholdings following the Seven Years War.

Oregon City Schools. (2017). Causes of the American Revolution. Retrieved from:

http://clic.cengage.com/site/ocs/US_History1/185699

Figure 5. *Constitutional Act, 1791*: Division of Upper and Lower Canada.

Tuckey, C. (2019). Chapter 6. The United States Breaks Away. Retrieved from: https://sites.google.com/a/btps.ca/social-studies-7/home/unit-2/chapter-6--the-united-states-breaks-away/challenges-created-by-the-loyalist--migration

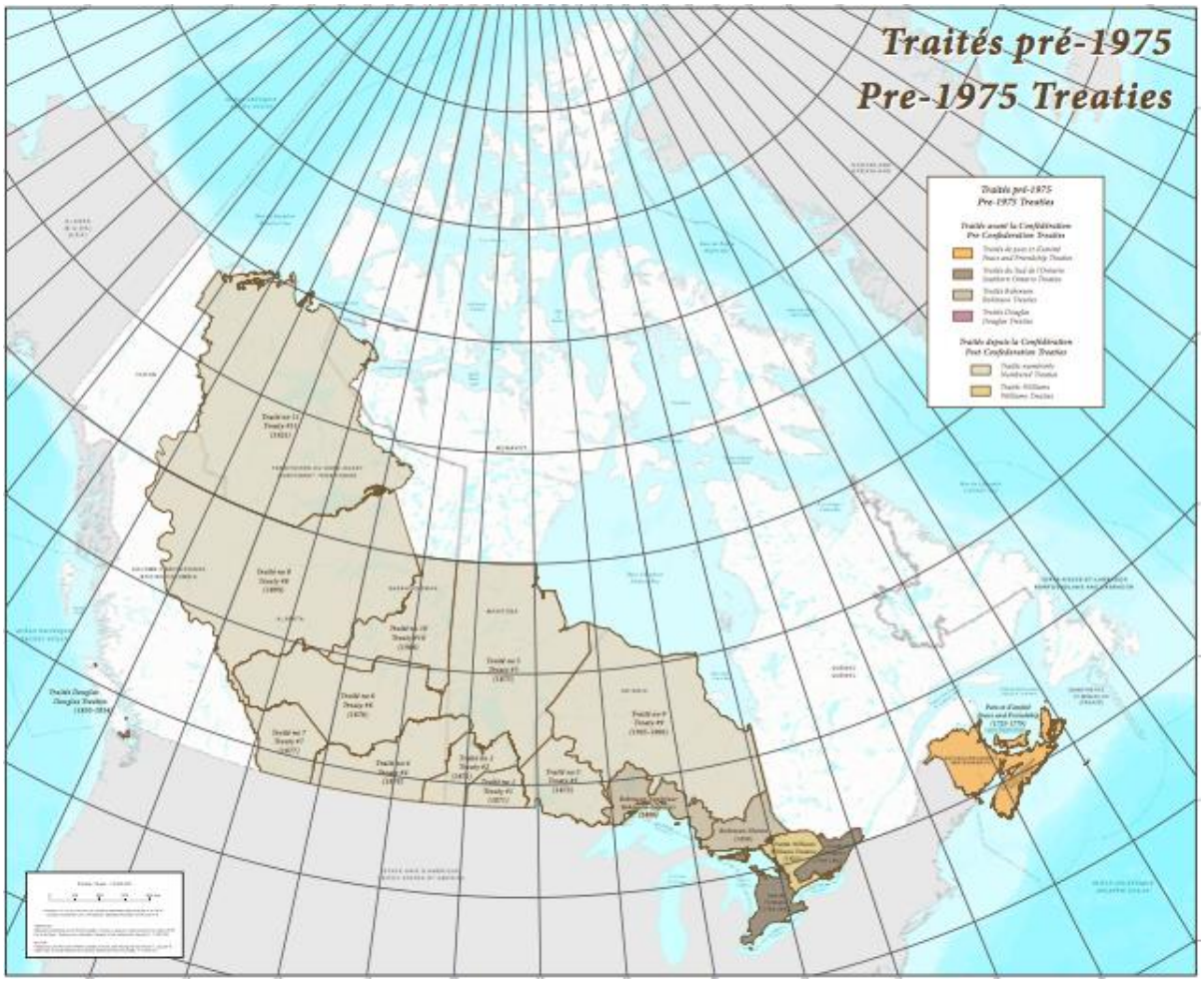


Figure 6. Pre-1975 Treaties.

Eyford, D. (2015). A New Direction: Advancing Aboriginal and Treaty Rights. Crown-Indigenous Relations and Northern Affairs Canada. Retrieved from: https://www.rcaanc-cirnac.gc.ca/DAM/DAM-INTER-HQ-AI/STAGING/texte-text/mprm_treaties_th-ht_canada_1371839430039_eng.pdf

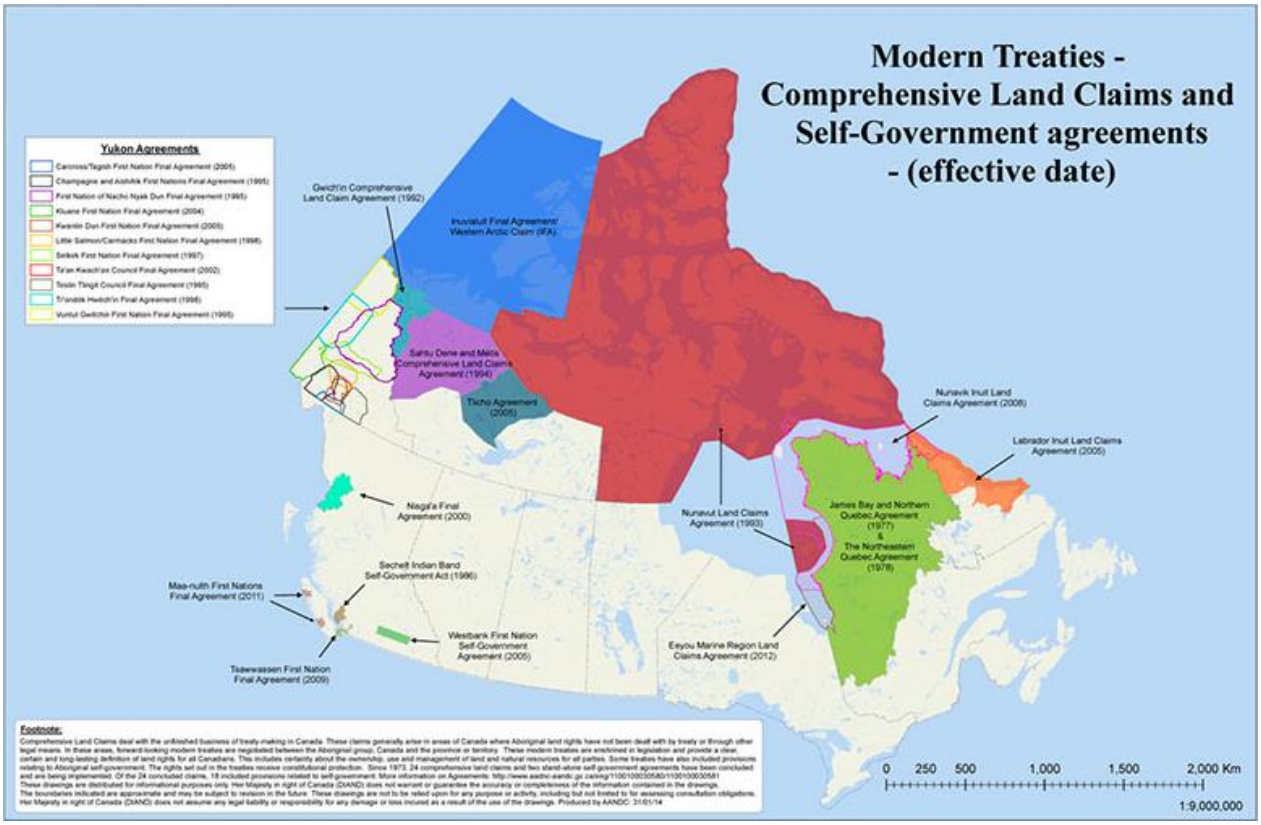


Figure 7. Modern Treaties – Comprehensive Land Claims and Self-Government agreements.

Government of Canada. (2016). General Briefing Note on Canada's Self-government and Comprehensive Land Claims Policies and the Status of Negotiations. Retrieved from https://www.rcaanc-cirnac.gc.ca/eng/1373385502190/1542727338550?wbdisable=true

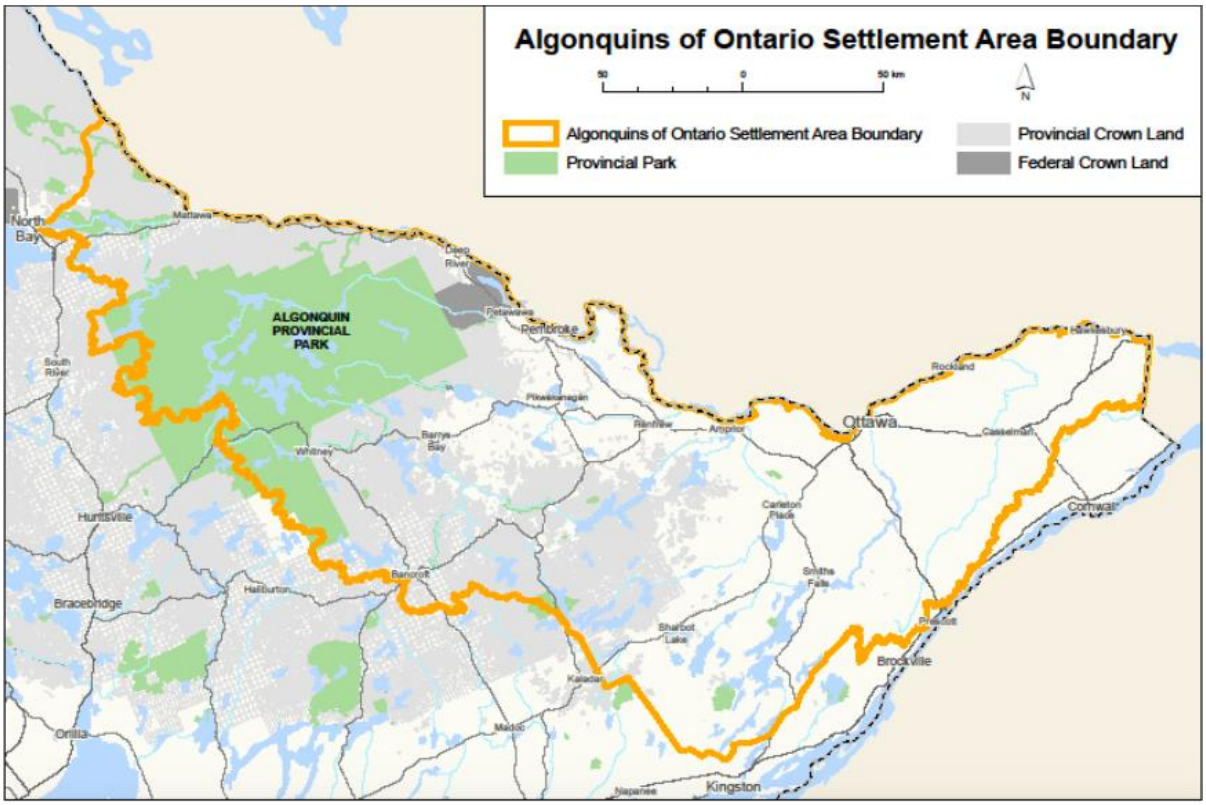


Figure 8. Algonquins of Ontario Settlement Area Boundary and Traditional Territories.

Whiteduck, K. (2018). Modern Treaty-Making: The Algonquin Land Claim. 2018 AMO Conference, Ottawa, ON. Retrieved from: http://www.amo.on.ca/AMO-PDFs/Events/18/Presentations/Tuesday/Modern-Treaty-Making-ChiefWhiteduck_GG3_Mon330pm.aspx

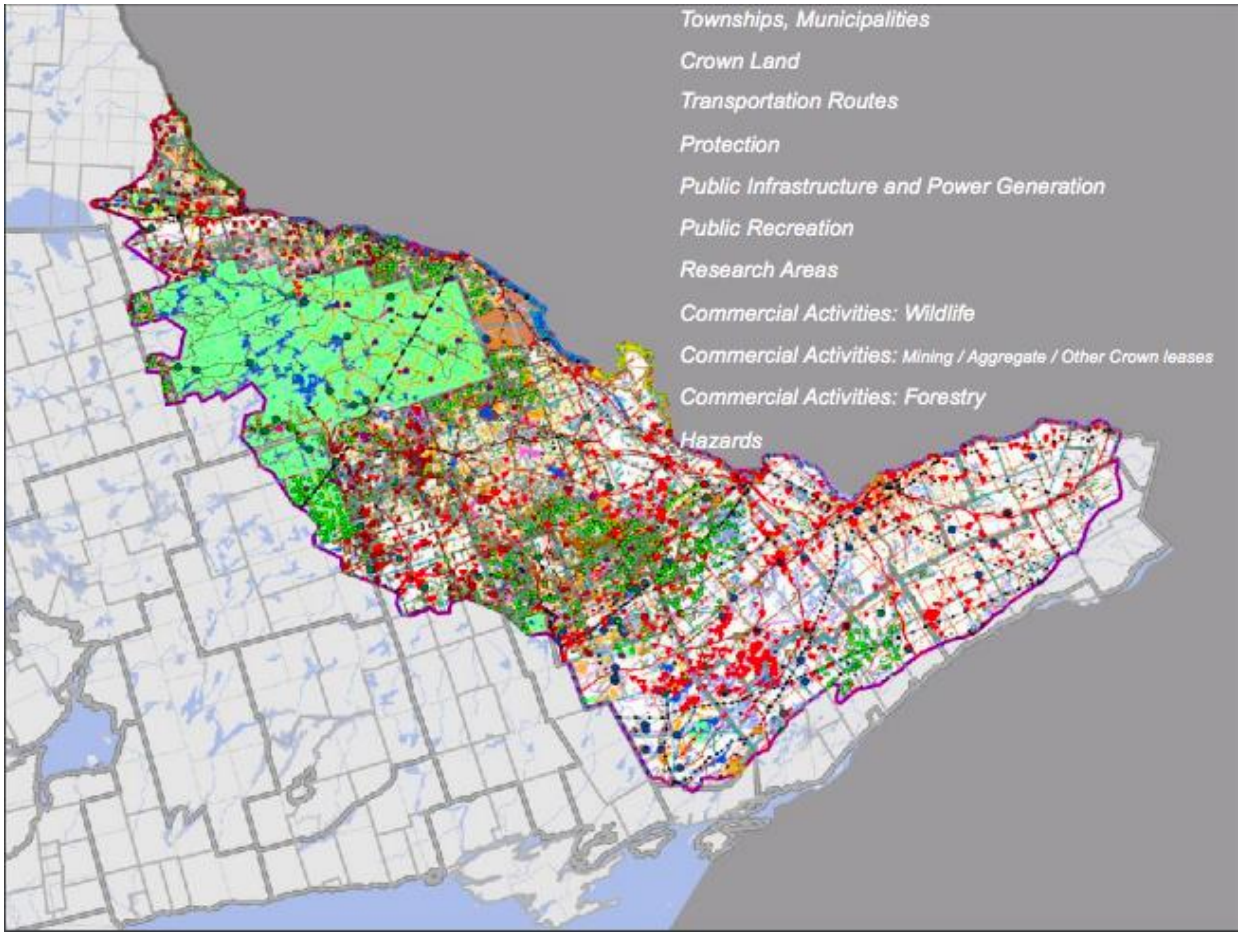


Figure 9. Map of Interests and Stakeholders within the Algonquin Land Claim Area.

Pratt, A. (2017). Algonquins of Ontario: Renewed Hope – A Journey of Survival, Rebuilding and Self-sufficiency. Presentation, Dunrobin, Ontario. Retrieved from http://landclaimscoalition.ca/pdf/BO1E-MembershipandCitizenship-Pratt171114.pdf

Figure 10. Conservation Ontario Authorities in Southern Ontario.

South Nation Conservation. (2018). What is a Conservation Authority? Retrieved from https://www.nation.on.ca/about/what-conservation-authority

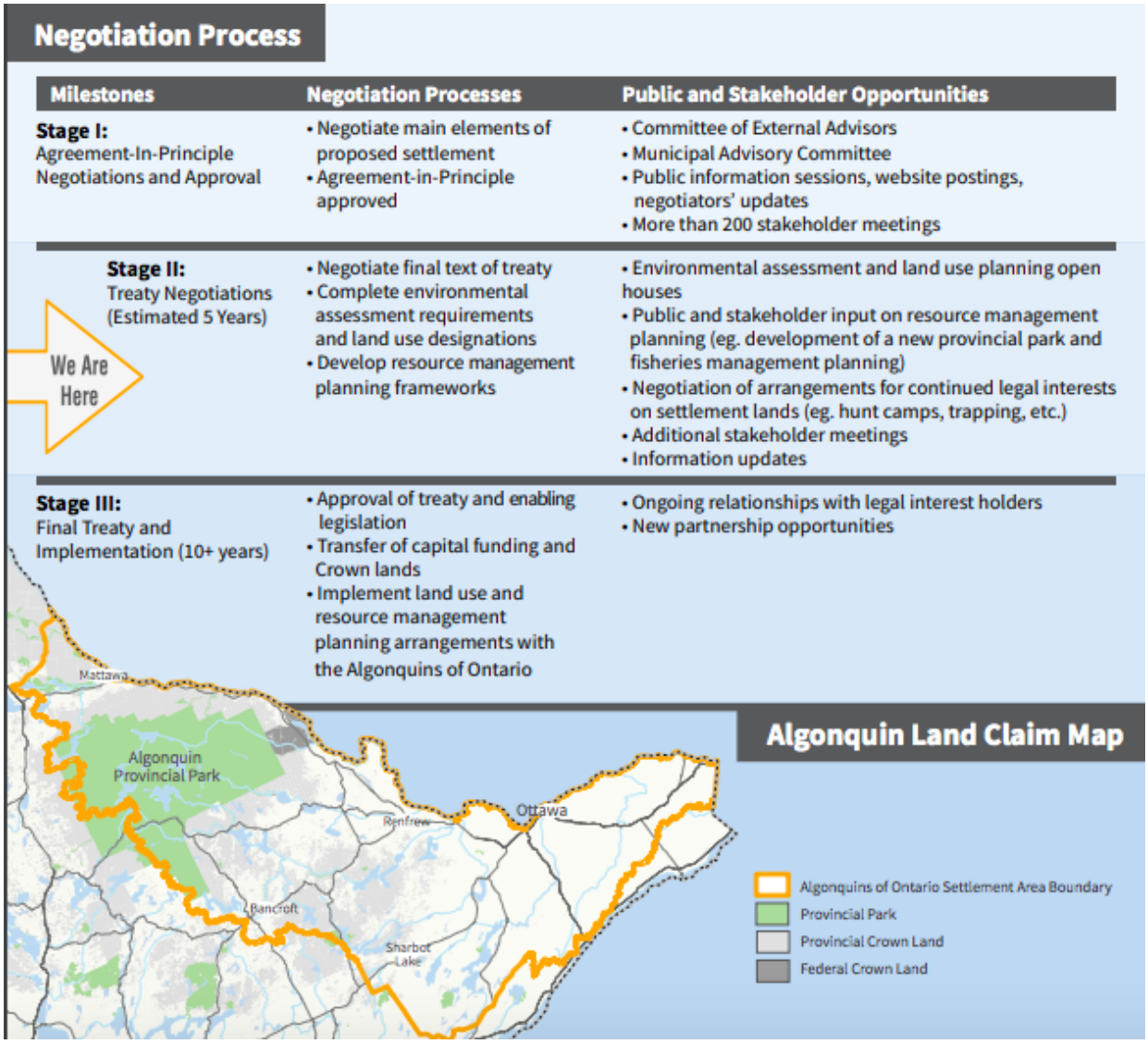


Figure 11. The Algonquin Land Claim Negotiation Process.

FOCA. (2015). The Algonquin Negotiations. Retrieved from: https://foca.on.ca/wp-content/uploads/2015/06/AlgonquinNegotiationsOct2016.pdf

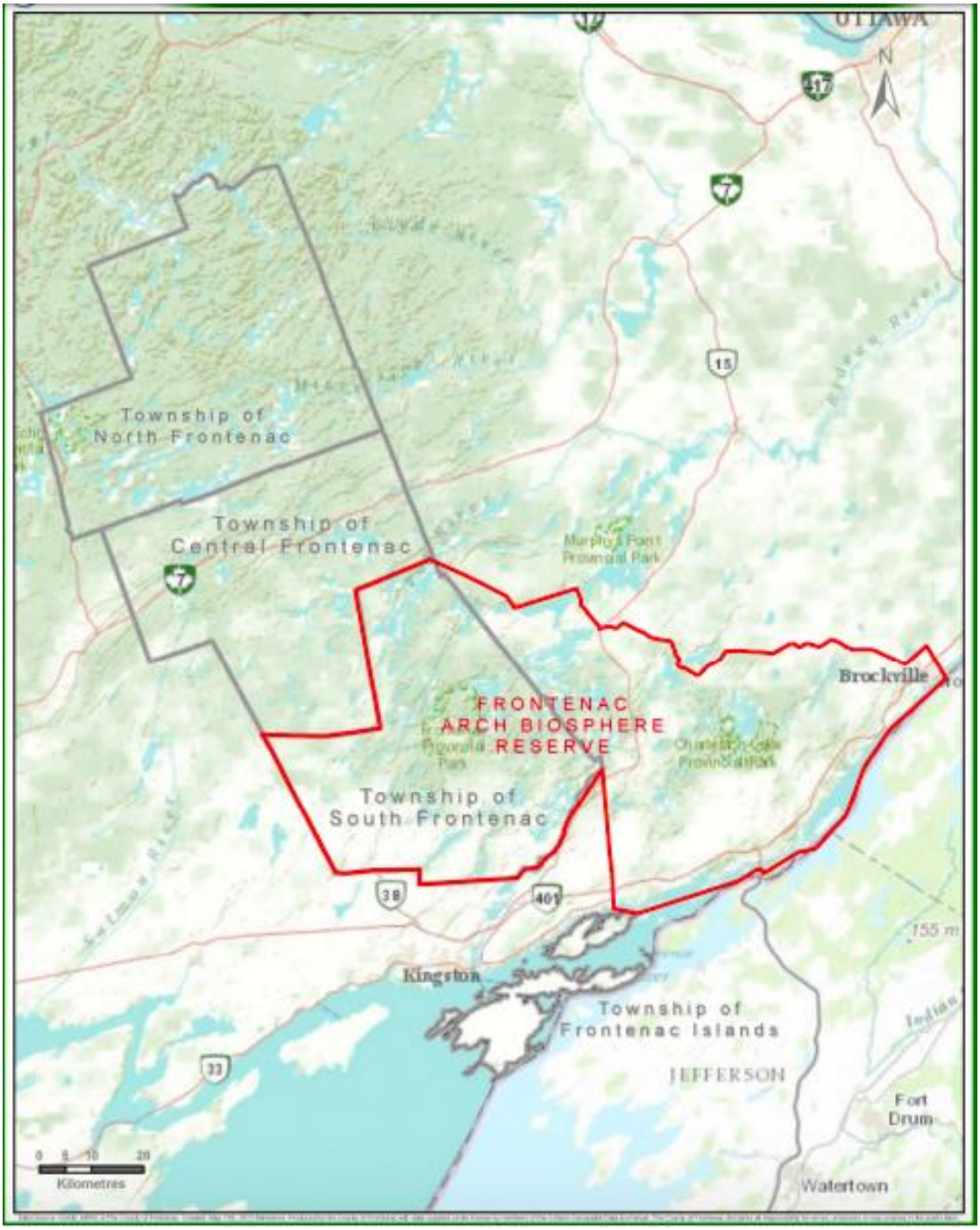


Figure 12. Frontenac County and Frontenac Arch Biosphere Reserve.

County of Frontenac. (2014). County of Frontenac Official Plan: Figure # 7 Frontenac Arch Biosphere Reserve, p. 60.

Figure 13. The ecozones, ecoregions and ecodistricts of Ontario.

Government of Ontario. (2019). The ecosystems of Ontario – Part 1: ecozones and ecoregions. Retrieved from https://www.ontario.ca/page/ecosystems-ontario-part-1-ecozones-and-ecoregions

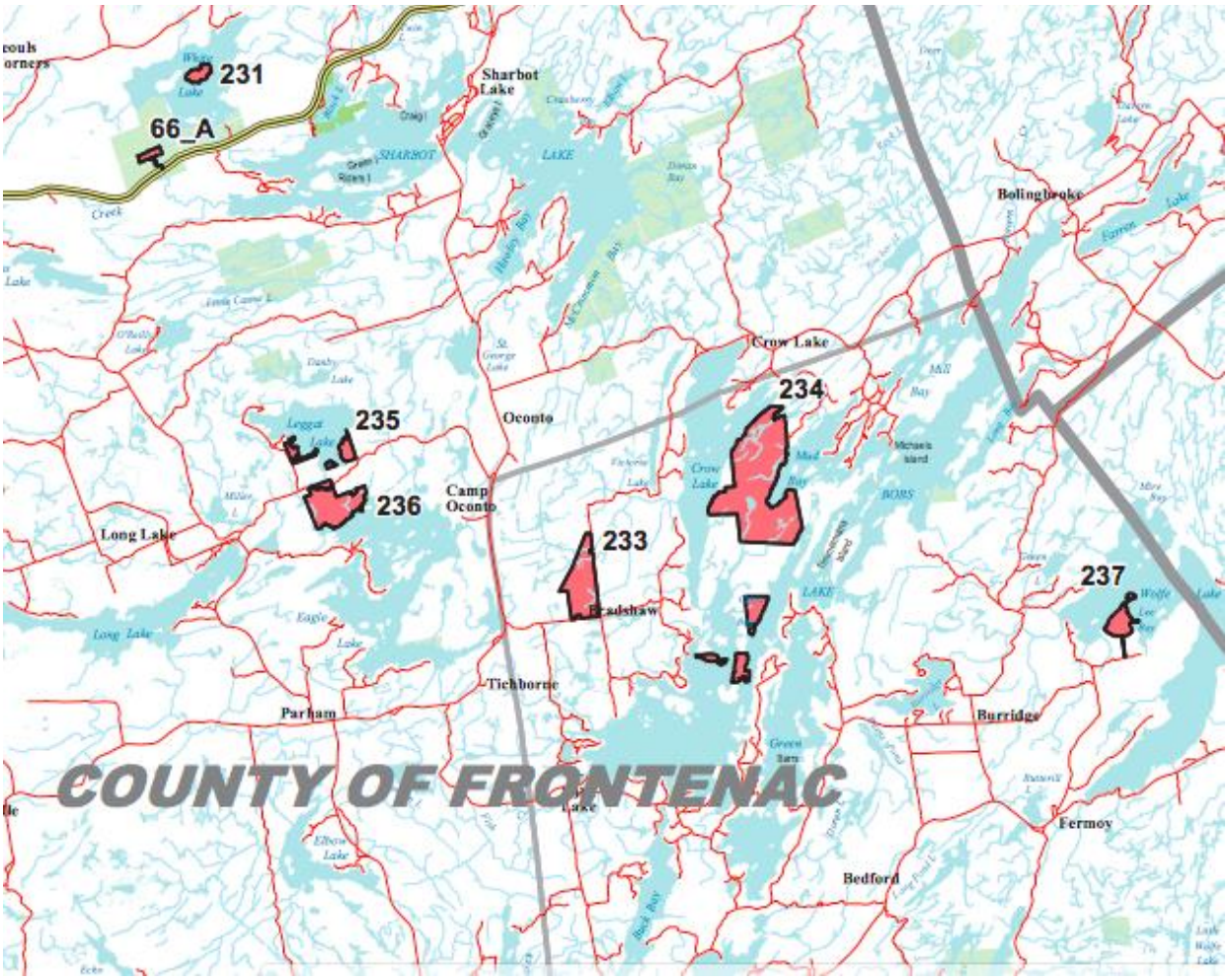


Figure 14. Algonquins Of Ontario Agreement-in-Principle Proposed Settlement Lands in County of Frontenac: Reference Map.

Algonquins of Ontario. (2013). Algonquins Of Ontario Agreement in Principle Proposed Settlement Lands in County of Frontenac: Reference Map. Retrieved from: http://www.tanakiwin.com/wp-system/uploads/2015/06/Reference-Map-B-Proposed-Settlement-Lands-in-County-of-Frontenac-20130930.pdf

Figure 15. Autumn, Algonquin Park c. 1915. Tom Thomson, 1877-1917.

McMichael Gallery Shop. (2019). Autumn, Algonquin Park. McMichael Canadian Art Collection. Retrieved from https://shop.mcmichael.com/products/mcmic-repro-autumn-algonquin

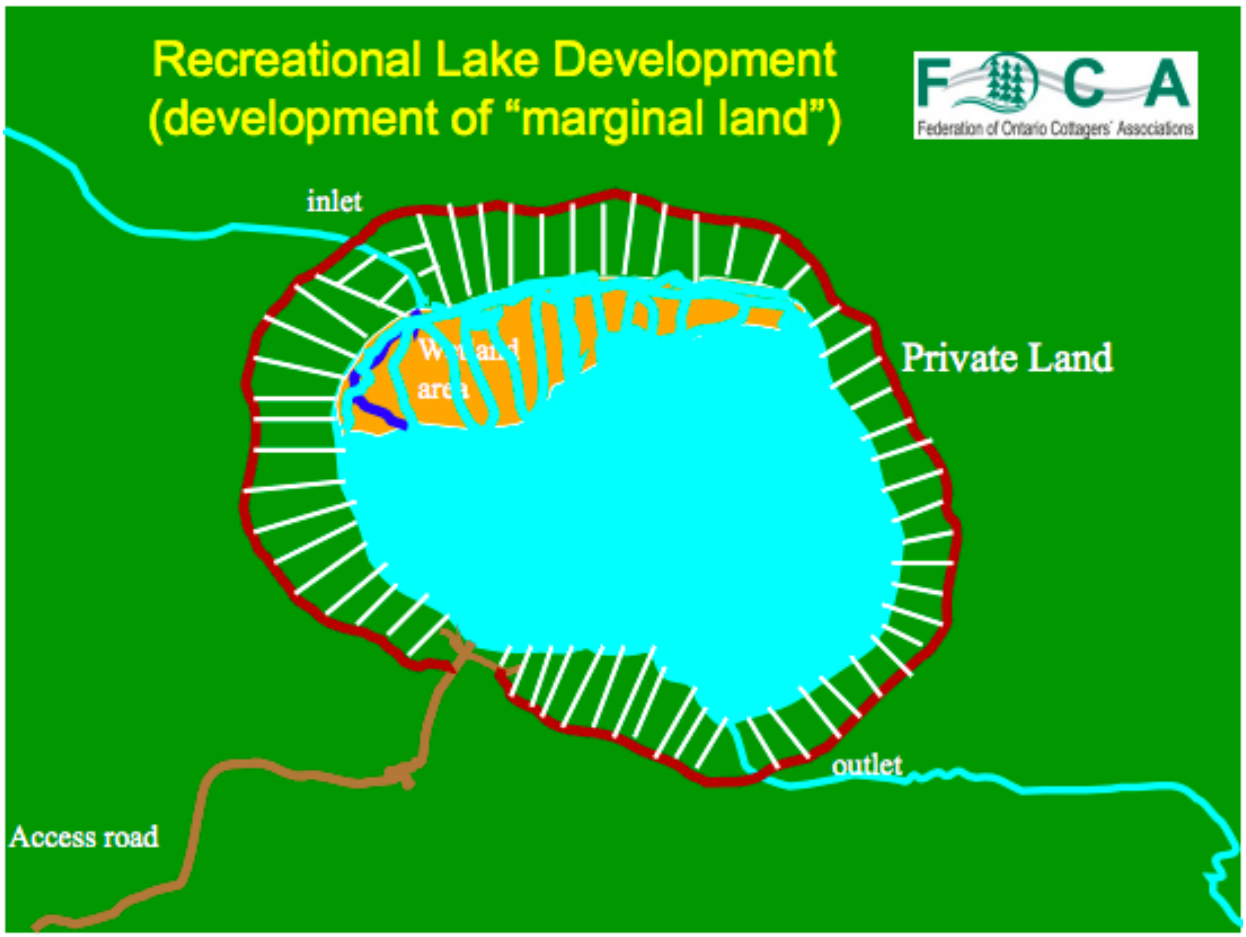
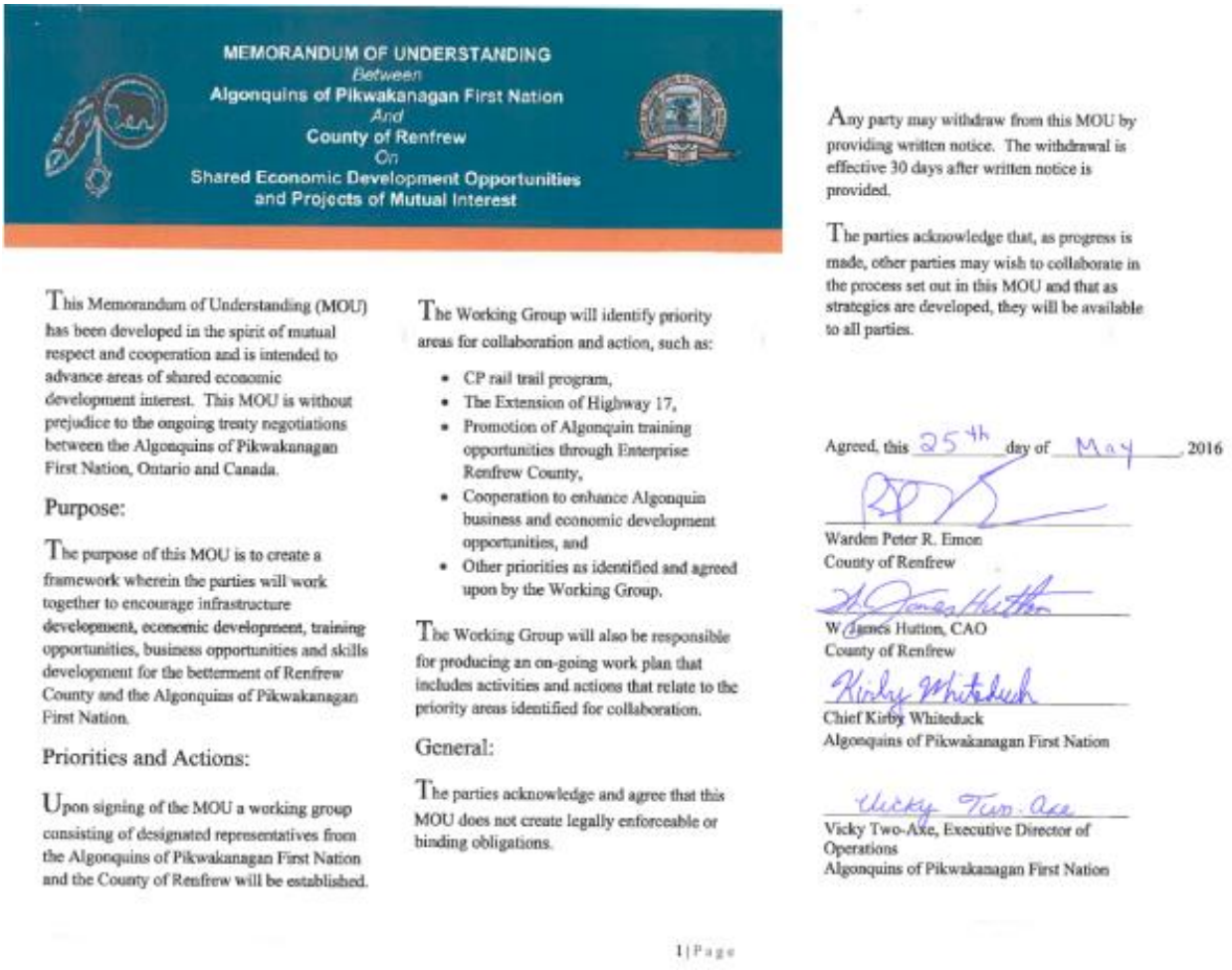


Figure 16. Recreational Lake Development (Privatization and Enclosure).

FOCA. (2015). FOCA. (2015). The Algonquin Negotiations. Retrieved from: https://foca.on.ca/wp-content/uploads/2015/06/AlgonquinNegotiationsOct2016.pdf



MEMORANDUM OF UNDERSTANDING
Between
Algonquins of Pikwakanagan First Nation
And
County of Renfrew
On
Shared Economic Development Opportunities and Projects of Mutual Interest

This Memorandum of Understanding (MOU) has been developed in the spirit of mutual respect and cooperation and is intended to advance areas of shared economic development interest. This MOU is without prejudice to the ongoing treaty negotiations between the Algonquins of Pikwakanagan First Nation, Ontario and Canada.

Purpose:

The purpose of this MOU is to create a framework wherein the parties will work together to encourage infrastructure development, economic development, training opportunities, business opportunities and skills development for the betterment of Renfrew County and the Algonquins of Pikwakanagan First Nation.

Priorities and Actions:

Upon signing of the MOU a working group consisting of designated representatives from the Algonquins of Pikwakanagan First Nation and the County of Renfrew will be established.

The Working Group will identify priority areas for collaboration and action, such as:

- CP rail trail program,
- The Extension of Highway 17,
- Promotion of Algonquin training opportunities through Enterprise Renfrew County,
- Cooperation to enhance Algonquin business and economic development opportunities, and
- Other priorities as identified and agreed upon by the Working Group.

The Working Group will also be responsible for producing an on-going work plan that includes activities and actions that relate to the priority areas identified for collaboration.

General:

The parties acknowledge and agree that this MOU does not create legally enforceable or binding obligations.

Any party may withdraw from this MOU by providing written notice. The withdrawal is effective 30 days after written notice is provided.

The parties acknowledge that, as progress is made, other parties may wish to collaborate in the process set out in this MOU and that as strategies are developed, they will be available to all parties.

Agreed, this 25th day of May 2016

Warden Peter R. Emon
County of Renfrew

W. James Hutton, CAO
County of Renfrew

Chief Kirby Whiteduck
Algonquins of Pikwakanagan First Nation

Vicky Two-Axe, Executive Director of Operations
Algonquins of Pikwakanagan First Nation

1 | Page

Figure 17. Memorandum of Understanding between Algonquins of Pikwàkanagàn First Nation and County of Renfrew.

Emon, P. (2018). Modern Treaty-Making. 2018 AMO Conference, Ottawa, ON. Retrieved from: http://www.amo.on.ca/AMO-PDFs/Events/18/Presentations/Tuesday/Modern-Treaty-Making-Emon_GG3_330pmMon.aspx

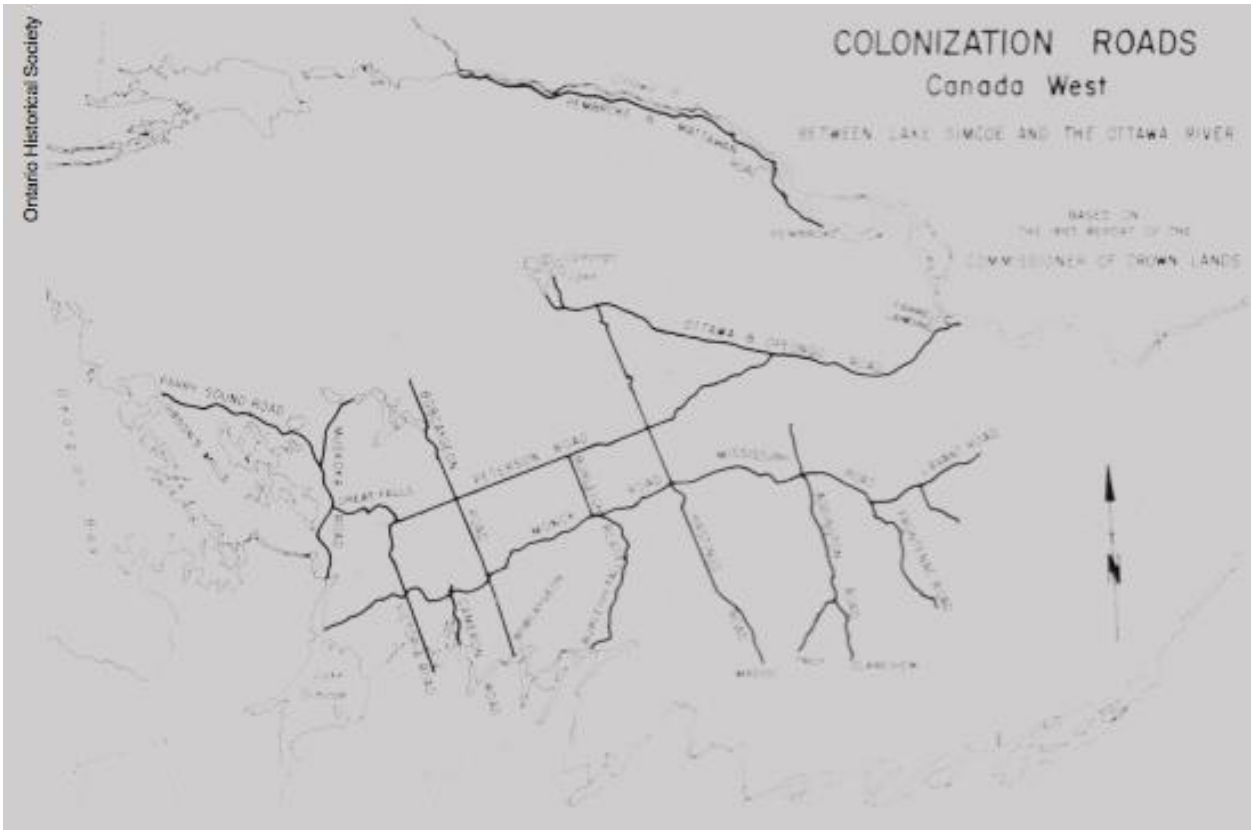


Figure 18. Colonization Roads: Canada West

Bélanger, P., Alton, C. & Lister, N.M. (2018). Decolonization of Planning. In Bélanger, P. (Ed.), *Extraction Empire*, p. 471. The MIT Press.