

From: **Lindsay Lambert** <m.lindsaylambert@gmail.com>
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Subject: PSP letter

The Honourable Judy M. Foote,
Office of the Minister of Public Services and Procurement,
Place du Portage, Phase III, Room 18A1,
11 Laurier Street,
Gatineau, QC K1A 0S5.

Dear Minister Foote:

The Windmill Development Group has been lobbying the Federal Government to have your Ministry assign Crown Lands on Chaudiere and Albert Islands in Ottawa to the National Capital Commission, to be transferred to Windmill to own in fee simple for their proposed Zibi development. Windmill indicates that they just need to consult with the Algonquin to make it happen. While this is important, it is not sufficient: The Islands have been reserved for Public Purposes since before Confederation, and have been administered as such. They have long been recognized as having national historic importance, and everybody has an interest here. Your Ministry manages Crown Lands for the benefit of all Canadians. You don't own them. You will need to do a much broader consultation and obtain people's consent if you are to give anything up to a developer.

Windmill maintains that they have the right to develop Chaudiere and Albert Islands because most of the land is privately-owned. This is not true. It is all Crown Land. The archival record is quite clear:

The Government of the Province of Canada approved an Order-in-Council on August 25th, 1854, reserving Chaudiere, Albert and Victoria Islands at the Chaudiere Falls among others for Public Purposes, along with an area of Ottawa shoreline. When not required for Provincial Works, they are "to be disposed of by Lease or otherwise." The Islands were surveyed into Hydraulic Lots and Building lots, which were made available to entrepreneurs wishing to put them to immediate industrial use. (At the time, harnessing the water power for lumber mills to bring employment and prosperity was considered to be for the greater public good.) They were not offered for speculation. The Hydraulic Lots were leased specifically for the construction of mills. The agreements state that they can be taken back by the Crown "at any time for any public purpose." These leases are still in force. The Building Lots were made available for \$10.00 each on the condition that whoever takes them on constructs an industrial building to a certain value within a year. Otherwise, they revert to the Crown and the applicant forfeits their \$10.00. There is nothing indicating that they were sold outright for unrestricted private ownership.

Sir John A. Macdonald wrote a letter on July 15th, 1869, where he states that the first industrial occupants, Messrs. Perley and Pattee, have a "License of Occupation" and that "the Land in question is Ordnance Land, and was before the first of July 1867, in the Department of Crown Lands." There was a legal question in 1902 as to whether the Islands were under the jurisdiction of the Province of Ontario or the Federal Government. The conclusion is that "the Chaudiere Islands, slides and Hydraulic Works connected therewith, except such parts as had been granted by the late Province of Canada; and also the entire Water Power of the Ottawa River flowing past the Islands, are the property of the Dominion of Canada." According to Macdonald, there were no pre-Confederation land grants, only Licenses of Occupancy.

I have enclosed a copy of the Order-in-Council, with John A. Macdonald's letter and the 1902 legal conclusion attached.

The Federal Government took back part of the eastern end of Victoria Island in 1926 for the Royal Canadian Air Force aircraft repair depot. They followed the Hydraulic Lot rules, giving the occupant 30 days notice to clear their lumberyard and vacate, with nothing owed by the Crown. Interestingly, there are no Hydraulic Lots here, only Building Lots. Domtar claims that they own the Building Lots on Chaudiere

and Albert Islands. (The only things listed to Windmill in the Service Ontario Land Registry are a five year lease and a sublease, both from Domtar.)

When J.R. Booth ran his lumber empire from the Islands, he treated them as if he owned it all. As an example of his dealings, he was negotiating with the Federal Government at the beginning of the last century to lease a part. They couldn't come to an agreement. What happened? He occupied it, built on it, and did business without paying any rent. After 18 years, he unsuccessfully offered to buy it. He was often in conflict with the City of Ottawa for piling his lumber on the public streets. When the Government began implementing anti-pollution laws, they couldn't apply them to Booth. He always threatened to take his money and jobs elsewhere. Under these circumstances, people came to accept that at least the Building Lots belonged to Booth, and the idea became institutionalized. The simple way to settle this in Domtar's favour is to request that they produce their original land deeds for these Lots, proving that they own them in fee simple. There are 19 and 3 partial Building Lots on Chaudiere Island and 5 on Albert Island. I don't believe that they can, or they would already be on the table.

I have enclosed copies from Jacques Greber's Plan for the National Capital, published in 1950. It was commissioned by Prime Minister Mackenzie King's Liberal government as the Federal Master Plan for the long-term growth and development of the Capital Region. From page 230, "the most effective improvement will be the central park at the Chaudiere Falls" when the "heavy and obnoxious industries" are gone. There is more on page 250. The National Capital Commission was established in 1958 to implement Greber's recommendations. Between 1969 and 1972, the NCC acquired 40% of the industrial site, then used by E.B. Eddy, to free 44 acres of shoreline and remove the more polluting elements. (They closed the sulphite plant and newsprint mill.) As a condition of the agreement, the NCC was to have first call on the rest. Domtar purchased E.B. Eddy in 1998, closed the mills in 2007, and put their interests up for sale in 2012. The NCC applied to the Treasury Board for the funding, but were turned down. Under Stephen Harper's government, the established plan to reclaim the Islands for public use was suddenly inverted in favour of a private condominium and commercial development.

Why on earth would your government want to keep feeding a Conservative animal?

I have also included 20 pages from the Phase I Environmental Site Assessment - Domtar Lands Redevelopment, Chaudiere and Albert Islands, 3, 4 and 6 Booth Street, prepared for the Windmill Development Group. These document environmental analyses done in 1980 - 1981 by the Department of Indian and Northern Development (Indian and Inuit Affairs Program). The stated "Reason for Involvement" is that it is "a reserve as defined in the Indian Act." This refers to 6 Booth, but it's reasonable to conclude that it also applies to the rest. As the Federal Government evidently has a responsibility to the Islands as an Indian Reserve, how can any part be privately-owned? They should be returned to Algonquin stewardship.

The Chaudiere Islands are reserved for Public Purposes, not private development. Please do not permit the transfer of any Crown Lands to Windmill, and please stop Energy Ottawa from excavating into Chaudiere Island for a new hydroelectric facility. They are most definitely on public Crown Land, and there has been no meaningful consultation. Help fulfil Jacques Greber's plan to reclaim the Islands as our National Capital's Central Park. There is also Algonquin Elder William Commanda's vision of freeing the Chaudiere Falls, re-naturalizing Chaudiere and Albert Islands and building an Indigenous peace and healing centre on Victoria Island. It has widespread support. He was appointed an Officer of the Order of Canada in 2008 for his peace and environmental initiatives.

Thank you.

Yours sincerely,
Lindsay Lambert.