

2015 September 3

A Circle of All Nations Note Regarding the Ontario Municipal Board PreHearing Conference (OMB PHC) - August 17 – 19, 2015, at the City of Ottawa

Re: ACS2014-PGM-0181 Official Plan and Zoning By-law Amendments – 3 and 4 Booth Street – Chaudiere and Albert Islands

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Preamble

Commencing formally in 1998, Elder Dr. William Commanda, OC, advanced a vision for the development of a fully inclusive National Indigenous Centre at the Sacred Chaudiere site, articulated all the key elements, including plans for the Falls and all the Chaudiere Islands in the Circle of All Nations five circle chart by 2003, consulted with thousands of Indigenous and non-Indigenous peoples (signatures available), secured the *written* support of all the Algonquin communities on both sides of the Ottawa River, secured developmental funding from Heritage Canada to advance both the conceptual design planning by Douglas J. Cardinal Architect and the development of a draft Memorandum of Recommendation to Cabinet; advanced the vision to multiple levels of government; and secured endorsement from the City of Ottawa in November 2010; Grandfather Commanda died in 2011 at the age of 98. Work continued on the project and it was brought to the attention of former federal minister John Baird in 2013.

Windmill states it commenced its plans for development in 2012.

A. Key Dates and Actions on the City of Ottawa’s Rezoning and Planning Decisions

On September 29, 2014, I made an official submission objecting City of Ottawa proposals re: ACS2014-PGM-0181 Official Plan and Zoning By-law Amendments – 3 and 4 Booth Street – Chaudiere and Albert Islands – to rezone the lands from Park and Open Space designation to Downtown Mixed Use Zone to permit privatization and commercial development and amend the City Plan accordingly.

On October 2, 2015, the City of Ottawa Planning Committee held a public consultation on rezoning and planning decisions concerning development at Chaudiere and Albert Islands, and despite extensive written, oral and participatory objections, (100 plus participants and 78 written submissions) found itself able to make an *immediate* decision to recommend approval; this decision was confirmed by the City of Ottawa Council on October 8, 2015 (Notice of Passing of Zoning By-law 2014-395 and Notice of Adoption of Official Plan Amendment # 143).

On November 19, 2014, I (and four others) filed an appeal against the Official Plan Amendment No. 143 to the Official Plan of the City of Ottawa to the Ontario Municipal Board (OMB).

On June 3 and 4, 2015, we participated in a truncated OMB Preconference Hearing.

On August 17, 18 and 19, 2015, we participated in the second OMB Preconference Hearing session; it was dedicated *only* to hearing the City of Ottawa's Motion to Dismiss the five appeals, and not the reasons for the appeals. No recording of procedures was permitted.

We await the OMB Chair's decision in due course.

B. A Mini Circle of All Nations Backgrounder on the Current File

1. Dec 11, 2013 – Windmill Presentation on Principles for Development at Chaudiere Site; I send a written message about William Commanda's vision to the Developer.
2. February, 2014 – Circle of All Nations hosts a consultation meeting with parties who object to the development plans and are demanding clarification on William Commanda's vision.
3. March, 2014 - Circle of All Nations hosts a public info session on the William Commanda Vision for the Sacred Chaudiere Site; Windmill is invited; the Mayor attends.
4. June 2014 - Circle of All Nations presents a comprehensive backgrounder on the William Commanda vision for Asinabka National Indigenous Centre, as endorsed by City of Ottawa on 19 November 2010.
5. September 2014 - Circle of All Nations presents a comprehensive note on cultural/heritage/Indigenous and sacred site prescriptions of UNESCO instruments to reinforce imperatives for the protection of this unique site; at this time it is noted that artifacts from 6,000 and 2,500 years ago are uncovered at Jacques Cartier Park, reaffirming the significance of the confluence of the Ottawa, Gatineau and Rideau Rivers at the Chaudiere Falls as an Indigenous meeting place of tremendous import.
6. December 2014 - Circle of All Nations produces a 2014 bilingual year-end comprehensive 5 pager report on the overall issue, for ease of understanding and sharing.
7. Circle of All Nations also made repeated outreach to Domtar, to seek engagement in the William Commanda vision for his ancestral grounds; to the developers; to Algonquin peoples on both sides of the Ottawa River, including Algonquins of Pikwakanagan and Algonquins of Ontario; and to numerous other Indigenous and Non-Indigenous peoples and public voices at multiple levels of government and leadership.
8. Circle of All Nations has kept its www.Asinabka.com and William Commanda Legacy – Asinabka Facebook pages updated with all pertinent information on this file. It has also written two key notes (William Commanda – *Lament for a Nation*, and 2015-08-17 OMB Hearing – Romola's remarks) to provide contextual information on the critical and urgent reasons why William Commanda and others have worked so passionately and engaged so many to advance this unique inclusive vision for an incomparable sacred Indigenous site of such geological, cultural and historical importance. This work is entirely unfunded, and driven by passion for the Indigenous legacy and critical, urgent and emergent contemporary global priorities and challenges pertaining to environment and the global community.

C. Mini Summary of our Appeal

1. 29 September 2014 – we register our concerns regarding the City of Ottawa plans to rezone 3 and 4 Booth Street from Parks and Open Space to Downtown Mixed-Use; and we cite the critical issues of William Commanda’s inclusive Indigenous Legacy Vision for public space at the Sacred Chaudiere Site; object to ownership, private ownership and private development interests on unsurrendered, unceded and unconquered Algonquin territory; and cite contentious consultation, in our objections to amendment to the City of Ottawa Plan.

2. 10 November 2014 – we file an appeal against the Official Plan Amendment No. 143. Regarding ownership, we question City irresponsibility in rezoning crown lands in the absence of irrefutable evidence of ownership in a highly controversial, contested, public case; we elaborate on the misrepresentation regarding consultation, from both Indigenous (Algonquin, and national First Peoples) and public-at-large perspectives; and we provide further documentation on the William Commanda Legacy Vision for the Sacred Chaudiere Site.

3. In correspondence with the OMB, we question the advertisements of the grand opening of the Zibi sales office on May 30 in advance of the OMB hearing and we also question CBC’s then employee, Evan Solomon, normalizing and raising of the profile of the publicly contested Albert Island for an Ottawa Riverkeepers fundraiser.

4. The City of Ottawa introduced a motion to dismiss our appeals, and we were ordered to cross-examine volumes of material produced by the City and the Developers under taxing time frames. Ironically, their own material, media and social media announcements, and a separate thread of information accessed by some other party regarding National Capital Commission’s questionable land sale dealings with Domtar and Windmill, and questionable practices re: consultation and conflict of interest issues, bring extremely serious new issues of misrepresentation and money to the fore and further exacerbate our original concerns.

D. Specific Concerns are Raised or Reiterated Regarding the City’s Motion to Dismiss during the OMB Prehearing Conference

a. Private land ownership claims remain contested; objections are strongly raised against conversion of PWGSC crown land “leases in perpetuity” to fee simple lands and private ownership; the memorandum of understanding between the National Capital Commission (NCC), Windmill and Domtar, accessed via Privacy Legislation, and of relevance to all Algonquins of the Ottawa River Watershed, all First Peoples and all Canadians, to sell off prime crown land in this singular historical place within the heart of the National Capital Region, including without proper consultation, is strongly contested; this action is further exacerbated by the NCC written admission of conflict of interest concerns with respect to its consultant and the Developer’s support team (documents are available for the OMB hearing proper). The concerns are further exacerbated by the NCC’s years of work with Elder William Commanda, and thus the full awareness of the contentious nature of its actions at this Sacred Site. Finally, we assert that the Capital City is culpable in not addressing the land ownership issue in this long contested case. It is noted that it affirms liaison with the Algonquins of Ontario (AOO), whose legitimacy has been strenuously and publicly challenged for years, by multiple parties, including Algonquin; we raise issues of objectivity and transparency with respect to its non-Algonquin office staff, including the former Ottawa

city politician, and we contend that these matters are of serious import with respect to negotiations with Algonquins. In this regard, it is noted that repeated correspondence with the AOO office and Pikwakanagan regarding land ownership and development issues impacting William Commanda's work were not acknowledged. Further, it is also noted that the Motion to Dismiss materials specifically and repeatedly reflect the *Algonquin representatives'* desire to protect the William Commanda vision; this attests to conflictual approaches, representations, decisions and actions on this file amongst the Ontario Algonquin team players.

b. Consultation – we have documented concerns with the consultations in our cross examination of the City's and Developer's Motion to Dismiss materials, and our concerns are not addressed in the official responses. Further, the fact that the agreements with the Algonquins of Pikwakanagan and Algonquins of Ontario were negotiated in April, 2015 and August 2015, and the Windmill/Decontie partnership was signed in May 2015, serve as irrefutable confirmation that there was no adequate consultation undertaken prior to the City's approval of the zoning and planning changes in October 2014. There is no acknowledgement of the Algonquins who have raised formal objection to the project, including William Commanda's daughter and niece. Other than the issue of the questionable nature of this consultation/negotiation process, the larger issues re: the Duty to Consult as per Section 35 of the Canadian Constitution Act of 1982, the provisions of the United Nations Declaration on the Rights on Indigenous Peoples, the Charter of Rights and Freedoms and the Ontario Human Rights Code and the UNESCO guidelines regarding sacred, Indigenous and heritage sites are not addressed. In addition there are the constitutional issues raised by the Delgamuuk and Tsilhqot'in Supreme Court rulings that further impact Indigenous land issues; in this regard we have noted William Commanda's direct family/community connection to the Sacred Chaudiere Site since the time of Philomen Wright and we intend to address this matter in the OMB hearing proper. Again, we also note the fact that the National Capital Commission has engaged in questionable practices with respect to the Duty to Consult, and has had to affirm its culpability in writing. This, and the Developer's aggressive advances have served to further fracture and harm a people already dealing with the divisive legacy of colonization and colonialism and issues of accountability are also raised.

In addition, there are the rights to spiritual expression for both Indigenous and others, as established for decades in ceremonies opened to all nations and guided by Elder and Officer of the Order of Canada, William Commanda, at the Sacred Chaudiere; these ceremonies have brought the wisdom of the Indigenous Wampum Belts, and traditional Indigenous practices of honouring of the land, as guided by ancestral connections since the beginning of time, and the prayer of *Ginawaydaganuc* and interconnection to the participants at large; further, these ceremonies have been shaped by the participation of many Indigenous elders from across the globe; this serves as contemporary attestation that this site continues to be one of significant international sacred and spiritual importance.

Also, we state again that the City and Developer are misrepresenting the facts regarding consultation and support for the Windmill plans; we state again that the 800 or 900(?) people at the December 2013 Windmill meeting were drawn because of the widespread interest in Elder Commanda's work and we intend to provide signatures of hundreds of people who have supported his work at the OMB hearing proper; further we state that the drop to 200 participants (not all supporters) in the June 2014 consultation, followed by the submission of

37 letters of support, and the mediocre quality of the majority of those letters, serve as confirmation of this gross misrepresentation of support for the Developers' plans. Further, note that over 100 people participated in the City's public hearing in October 2015, and also seventy eight presented passionate written submissions.

We also state that the City presented erroneous and contentious information at the OMB PreHearing Conference in stating repeatedly that the Developers had no pre-developed plans for the site and only developed their plans following the December 2013 presentation of their principles; we had access to their condo development plans before date; further, these condo plans were not revealed in the December 2013 meeting.

c. We contest the statements on Developer investment in Brownfield remediation work. We note blatant and repeated misrepresentation to Algonquins, the public at large, in the media and in environmental conferences regarding Windmill investment of \$100 to \$125 million dollars on the Chaudiere Site brownfield clean up; the Citizen Article of April 2015 confirms a commitment of \$195 million dollars from each of the federal, provincial and municipal governments for Ottawa River Cleanup; we also note the Owner/Developer Domtar's responsibility in the creation of the contamination/brownfield site, and question why each level of government, and the National Capital Commission, fail to demand that it take responsibility and make compensation for this; and further we take issue with the City's actions to dismiss our appeal, which it states is partly accelerated, in fact, in order to facilitate the developer's accessing of these public monies for the remedial work.

d. We challenge the City Planner's statement about the City's endorsement only of the Indigenous Centre building on Victoria Island. Note that in its own documents and words of November 19, 2010, the City of Ottawa voted to support **BOTH a National Indigenous Centre in the Nation's Capital AND** to encourage the Federal Government to work with stakeholders (First Nations, Province of Ontario, etc.) **to establish a National Indigenous Centre on Victoria Island.** The supporting documentation cited was A Report on the Vision for the Asinabka National Indigenous Centre; and pages 44 – 46, of that report, date stamped by the City of Ottawa Community and Protective Services Committee Report 60, 19 November 2010, refer specifically to Wild Space at the Sacred Chaudiere Site, as follows:

While our focus right now is the establishment of the Asinabka National Indigenous Centre, in its larger form, the vision is a bold one for the future, comprising:

Freed Chaudière Rapids,
Reforested Chaudière Island,
An Indigenous Centre on Victoria Island; and
A Peace-Building Conference Complex

The larger vision includes the development of a conference centre, a modern Tipi Hotel complex, to animate the ancient meeting grounds of the Algonquin peoples in the contemporary context, to serve as a sustainable site to host Aboriginal conferences, concerts, powwow and cross cultural training and peace building efforts. The voice of the magnificent circular Chaudière Rapids has been silenced over the past two hundred years, yet she speaks loudly of the polluting of the waters of the countless rivers whose natural cleansing processes have been stifled by dams. It is time for us to be bold and innovative in our search for other viable sources of power,

perhaps wind and solar; and it is time to restore the Chaudière Rapids to her wild freedom, in a symbolic statement of reconciliation with the waters of Mother Earth, a message that can reverberate to the world from this Nation's Capital. Though much of the once beautiful Chaudière Island is now clad in concrete, after decades of industrialization and transformation, the vision for the area restores it to a fraction of its former state, now as an urban eco-park, reforested with the red and white pines that used to dominate the landscape of the Ottawa River Valley, promoting biodiversity, readily accessible to people from Ottawa and Gatineau, Ontario and Quebec, serving as a symbolic statement of reconciliation and unification; it would also present to the globe a vision for the greening of space in our ever increasingly urbanized world – offsetting urban concrete and heat with the regenerative energy of nature.

(The full planning document will be presented as evidence at the OMB hearing proper, and is already available publicly at www.asinabka.com)

e. Finally, we object strongly to privatization and condo and parking lot development on sacred, geologically and historically significant public lands, for which a fully inclusive vision already exists. We note that the City states that the Greber Plan of the 1950s is of no relevance, but we question when it and its safeguards for capital city development were formally rejected. Further, citizens at large are noting the negative impact of at least 28 developers transforming the face of the capital city rapidly, irrevocably and in a shoddy fashion; and we insist that the development at Albert and Chaudiere Islands be also viewed in the context of this creeping shift, as well as in the face of the devastating transformation of the Lebreton Flats and surrounds; further, research findings on urban development point to the negative implications and impacts of massive urban development and this is relevant to Indigenous, community, public security, economic, environmental and health and mental health well being and warrants serious investigation and analysis, and indeed much more so than is evidenced in the City's and Developers' planning documents.

f. We object to the misleading statements regarding rezoning by insinuating to the public at large that the site would fall vulnerable to industrial development without the Developer's project; that they already "own" the land; and that this is all a "done deal". Further to the statements regarding employment and cultural expression plans, we suggest that nothing prevents the developers from hiring Algonquins and acknowledging indebtedness to Algonquin cultural heritage in their other projects; the statements regarding withdrawal of employment opportunities to a vulnerable young population because of the challenge against privatization, capitalist and consumer culture posed by the vision of the most renowned of Indigenous Elders, William Commanda, and his staunch supporters, is highly reprehensible; and for many the use of the word Zibi demonstrates blatant cultural appropriation. Finally, the massive development proposed will undoubtedly impact the environment negatively, physically, energetically, culturally and irretrievably, and also negate the unique features of Parliament Hill. We are surely past the age of European Malls and Little Amsterdams.

g. Finally, we would like to register our concerns that the City's Motion to Dismiss our Appeals with no proper hearing makes this culturally inappropriate OMB hearing process even more adversarial, and contrary to Grandfather Commanda's belief in speaking the truth with "no boxing gloves". We reiterate our statement at the August OMB Prehearing Conference that we need to move from a *Language of Estrangement* to a *Language of Endearment*, and to find new ways to transition into an increasingly complex, diverse,

vulnerable and challenging world where the old regimes must give way to the voices of the present and future. William Commanda provided an Indigenous blueprint for the emergent and inclusive *culture of peace* in his very contemporary Legacy Vision for the Sacred Chaudiere Site, and even now, would remind us, *Ginawaydaganuc*.

Megwetch.

www.asinabka.com

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