

41 Bellwood Avenue,
Ottawa, ON K1S 1S6,
January 27th, 2019.

Her Excellency the Right Honourable Julie Payette,
Governor General of Canada,
Rideau Hall,
1 Sussex Drive,
Ottawa, ON K1A 0A1.

Your Excellency,

Your Excellency signed an Order-in-Council on December 15th, 2017, PC Number: 2017-1684, authorizing the transfer of lands on Chaudière and Albert Islands in the Ottawa River between Public Services and Procurement Canada, the National Capital Commission, and Windmill Dream Zibi. It gives Public Crown Land over for a private condominium & commercial development. This is illegal, being contrary to Federal legislation. I will be grateful if you could please reconsider your approval.

As defined in Canada, Orders-in-Council "are notices of an administrative decision made by the federal cabinet, signed by the Governor in Council (Governor General). Orders in Council are notes of appointments, regulations, or legislative orders, relating to and authorized by existing legislation." The existing legislation does not provide the necessary authorization. It is quite the opposite:

- On August 25th, 1854, the Government of the Province of Canada approved an Order-in-Council reserving the Chaudière Islands for Public Purposes, along with part of Lot 39 on the Ottawa shoreline. (I have enclosed a copy.)
- Section 108 of The British North America Act specifies that "The Public Works and Property of each Province enumerated in the Third Schedule to this act, shall be the property of Canada." Paragraphs 5 and 10 of this Schedule apply here, "Rivers and Lake improvements" and "... lands set apart for general Public Purposes" respectively.
- This is reinforced in An Act respecting certain Works on the Ottawa River, which was assented to in 1870 and is still in force. It establishes that Parliament has exclusive authority over everything in or on the River, irrespective of whether it is for the purpose of public utility or not, or constructed by the Government or private interests. It all "shall be held to be works for the general advantage of Canada."

Parliament has the prerogative to revisit old laws, strike them down, and pass new legislation in their place. I have found no evidence that they have done so here. I have requested copies of the Acts of Parliament or Statutes where Parliament has rescinded the legal status of the Chaudière Islands as Public Purpose Crown

Lands and approved them for private development from the Minister of Justice and Attorney General, Prime Minister, and Minister of Heritage. None will answer my question.

The administrative history of the Islands attests to their importance as public lands:

- Jacques Gréber's Plan for the National Capital, the Federal Government's Master Plan for the long-term growth and development of the Capital Region, was published in 1950. The National Capital Commission was created in 1958 to implement it. It gives us Confederation Square, the Greenbelt, the Parkway and the Queensway. It shapes Ottawa the way we know it today. Gréber specifies that "The most effective improvement will be the central park at the Chaudière Falls" (his emphasis) once the "heavy and obnoxious industries" are gone. He continues that it:

is properly a restitution scheme, the merits of which can be judged by a great many old prints which show how impressive was the original setting of the Chaudière Falls, the Ottawa River banks and the whole of Parliament Hill. Such proposal aims to give a more dignified environment to the representative buildings of the nation, and is more particularly a matter of national pride...

The restoration of the Chaudière Islands to their primitive beauty and wildness, is perhaps the theme of greatest importance, from the aesthetic point of view --- the theme that will appeal, not only to local citizens, but to all Canadians who take pride in their country and its institutions.

(I have enclosed copies from Gréber's Plan.)

- In 1988, the National Capital Commission and Treasury Board of Canada designated the Chaudière Islands as National Interest Land Mass (NILM). I had to make a formal Access to Information Act request before they would release the documentation. It is quite clear: NILM lands "have high symbolic value for Canadians." They are "essential to the achievement of the NCC mandate to have the Capital communicate Canada to Canadians, serve as a meeting place for Canadians, and safeguard and preserve the Capital for future generations." They are "to be retained by the NCC on behalf of the government in perpetuity." It is acknowledged that some NILM lands are privately-owned, but "the long-term intent of the NCC is to acquire these lands." The plan for the E.B. Eddy (Domtar) site on the Chaudière Islands is that "it is to remain in existing ownership until it becomes available or a land use change is suggested." This pre-approved imperative is being ignored.

While "ownership" is cited for the Eddy lands, there is no Freehold or Fee Simple land ownership here. The legislation precludes it. I have researched this to the beginnings: Surveyed lots were made available in the 19th century specifically for the establishment

of the lumber industry. They were not for speculation and rules were established to prevent this. They were issued under long-term Licenses of Occupancy and Leases, and the agreements state that they can be taken back by the Crown "at any time for any Public Purpose." The industrial use ended in 2007 when Domtar closed their paper mills.

- In 2008, the Ottawa City Council zoned 3 and 4 Booth Street on Chaudière Island as Parks and Open Space in keeping with the long-term Master Plan. (They re-zoned the area for Downtown Mixed Use in 2014 at the request of the developer, in spite of much public opposition.)

The Federal Government is breaking its own laws in permitting private development on the Chaudière Islands. They are Public Purpose Crown Lands and have been since 1854. They belong to all Canadians and should be administered as such. The Government is violating Public Trust.

All this is apart from the fact that the Islands at the Chaudière Falls are an important Indigenous sacred and peaceful meeting place, continually used for over 5,000 years until people were pushed aside by European settlement and industry. They are unceded Algonquin Territory along with the rest of the Ottawa River Valley watershed. There are 10 Algonquin First Nations here, one in Ontario and 9 in Quebec. (This doesn't include the more numerous off-Reserve Algonquin.) The Quebec Chiefs passed a resolution at the Assembly of First Nations Quebec-Labrador wanting all the proposed Zibi development lands back in Algonquin hands as a park, including the Gatineau shoreline areas. They subsequently ratified it at the national AFN.

The Chaudière Islands should be returned to Algonquin stewardship in accordance with Articles 11 and 12 of the United Nations Declaration on the Rights of Indigenous Peoples and as a way of making Reconciliation and Nation to Nation real.

Please help make this right.

Thank you.

Yours sincerely,

M. Lindsay Lambert

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