

November 10, 2014

Re: Notice of Passing of a Zoning By-law 2014-395 and a Notice of Adoption of Official Plan Amendment #143 / Avis d'adoption d'un règlement 2014-395 et un avis d'adoption d'une modification au plan officiel #143

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I am writing to register an appeal against the Official Plan Amendment No. 143 to the Official Plan of the City of Ottawa.

I submitted a written notice of my opposition to the rezoning of Chaudiere and Amelia Island in advance of the October 2, 2014 meeting of the City of Ottawa's Planning Committee, on behalf of myself and the *Circle of All Nations* work of the Late Algonquin Elder William Commanda, key family members and colleagues. Now, consistent the statement that "A note of appeal may be filed in the name of an individual who is a member of the association or group on its behalf". I am appealing the City of Ottawa decision to the Ontario Municipal Board. In this regard, please note that the *Circle of All Nations* is a global-eco community founded by Dr. Elder William Commanda, OC, and that thousands of people have contributed to the development of his Legacy Vision for the Sacred Chaudiere Site over the past 16 years.

In view of the short notice prior to the Planning Committee meeting, the costs and other restrictions associated with appealing to the Ontario Municipal Board for many individuals, only a small number are engaged with this appeal process – however the issue is of grave concern to many people across the globe.

I am including the names of the following people in this appeal: Evelyn Commanda Dewache, Mary Daisy Commanda Jacko, Biola Smith, Daniel Gagne, Heather Wiggs, Joyce Bouthiette, Suzanne Kepto Krantz, Luc-Anne Salm, Peter Stockdale, June Girvan, and Mehrangiz Monsef.

Part 6 - 2. Attachment

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

While we have deep concerns about the over all planning process on this file, I note the following Report Recommendations that we raise particular objections to:

From City of Ottawa Documentation: That Planning Committee recommend Council approve:

An amendment to the Lebreton Flats Central Area Secondary Plan to allow for a mixed-use community at 3 and 4 Booth Street (Chaudière and Albert Islands), as shown on Document 1 and detailed in Document 5; and

An amendment to Zoning By-law 2008-250 to change the zoning at 3 and 4 Booth Street from Parks and Open Space to a Downtown Mixed-Use zone to allow for a mixed-use development and Major Leisure Facility zone on new park lands, as shown in Document 1, detailed in Document 6, and set out in Documents 7 and 8.

From City of Ottawa Documentation: However, Chaudiere and Albert Islands have remained under private ownership or use and now have been acquired by a private sector development interest.

Response

1. I NOTE – the lack of clarity in the phrase below “under private ownership or use” – Domtar Official (F. Jette) stated in 2007 that Domtar (and previous corporate interests) held a lease in perpetuity, renewable every 20 years, at the leasing cost of \$100 a year, since the 1800s at the Chaudiere Island (for additional information on lack of clarity on the land ownership, see the attached excerpt Circle of All Nations report of June 21, 2014); note further in the unceded, unsurrendered, unconquered Algonquin territory, crown lands/public lands were leased for projects of public good in the development of the country; with the shutting down of the Domtar Pulp Mill, that use of the old leasing parameters ceased and the lands are now being recommended for privatization.

Response

1. Again, we seek evidence how this is in fact the case. Does the City of Ottawa not have a responsibility to secure irrefutable evidence in a case that is being challenged?

From City of Ottawa Report: Public Consultation/Input

Notification and public consultation was undertaken in accordance with the City’s Public Notification and Public Consultation Policy. A public open house was held on June 24, 2014 at the Canadian War Museum. Approximately 200 residents were in attendance as well as the Ward Councillor and City staff. As part of the developer’s pre-consultation, an earlier public open house event was held in December 2013 with more than 900 residents in attendance.

Thirty-seven comments were received on the proposal. The comments were generally positive and many residents expressed excitement for the transformation plan. There were some suggestions and concerns submitted on urban design, transportation, land use, housing, consultation, and the environment.

Response

1. I NOTE Re: Public Consultation/Input, that it is widely known and acknowledged that Elder William Commanda awakened the National Capital Region and public consciousness to the fact that this is Algonquin territory; his Legacy Vision for the

Sacred Chaudiere Site was developed formally with thousands of Indigenous and non-Indigenous partners, endorsed by Algonquin leadership from both the Ontario and Quebec Communities, presented publically when he was presented the Key to The City of Ottawa on June 21, 2006 at Victoria Island); his vision for the site is noted in full by the City of Ottawa in its November 2010 support and endorsement of the Indigenous vision – and, amongst the 900 people noted in the December 2013 Windmill consultations were a vast majority of people, including Indigenous, expecting to see some development of the Commanda proposal. The substantial drop in interest in the June 2014 Windmill consultation meeting is noted. Further, at Windmill’s request, I discussed the Circle of All Nations June 21 Open Letter regarding their proposals, and provided additional information in William Commanda’s own words (included also in our September 23, 2014 note) – has the City considered this amongst the 37 written comments noted below? I note further William Commanda’s Legacy Facebook Page reached 6,913 people in September, affirming the ongoing global relevance of his legacy.

2. 78 letters were submitted immediately in advance of the City of Ottawa Planning Committee meeting of October 2; and over a hundred people made passionate presentation to City Council on October 8, 2014. The councilors found themselves in a position to render an immediate decision in support of the rezoning as proposed by Windmill Development. We seriously question the adequacy of the review and analysis, particularly in view of the great sensitivity of the file – and question the nature of such democracy.

2. In this regard, it is noted that several land claim cases have advanced discussions on Indigenous title, the most recent being the Supreme Court decision on Tsilhqot’in. Its implications for the Algonquin Peoples of the Ottawa River Watershed are being examined critically and urgently by many players.

3. We have learned that the City Solicitor and Clerk advised the Planning Committee that Section 35 of the 1982 Constitution Act of Canada did not apply to the planning matters that were subsequently approved by the City of Ottawa. However, we hold that under Section 35 the Inherent Rights of Indigenous (including Algonquin) Peoples have been violated by the City’s exclusive decision-making process, in the context of Canada’s constitutional obligations to First Peoples. Section 5.6 of the City’s Official Plan makes it mandatory for the City to consult with Algonquins; this in fact is an explicit acknowledgement of title; and very pertinent in view of the location of this particular site, in between Ottawa and Gatineau, with the overall Windmill Plan spanning both provinces; we state that it is essential that all Algonquins, indeed all Indigenous peoples (in view of its national prominence), are consulted on this extremely important, high profile land redevelopment, in particular in the nation’s capital city.

Part 9

Please see three attachments

Open Letter, Asinabka Victoria Island June 2014
2014 Asinabka Heritage Note With Note to Domtar
October 22 Correspondence to Domtar

Thank you for your attention to this appeal.

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**JUNE 21, 2014 CIRCLE OF ALL NATIONS MESSAGE REGARDING WILLIAM
COMMANDA'S LEGACY VISION FOR THE SACRED CHAUDIÈRE SITE**

www.asinabka.com
www.circleofallnations.ca
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www.djarchitect.com

2014 ASINABKA HERITAGE SITE NOTE WITH NOTE TO DOMTAR

Email message to information@domtar.com
For delivery to President and CEO, Domtar Corporation
September 23, 2014

Dear Mr. John D. Williams,

URGENT Re: Repatriation of Chaudiere Island

I write on behalf of the Legacy Vision of Late Indigenous Elder William Commanda, regarding the return of Chaudiere Island for the creation of the Asinabka EcoPark at the site of the Sacred Chaudiere Falls. I commence with his words:

William Commanda's ancestors from Lac Commandant/Lac Papineau, Quebec met the first occupier of this site, Philomenon Wright, at the very beginning of the 1800s, and they asserted the special significance of the place, as documented in Wright's own papers; the fact that it was considered a sacred site to the Algonquins of this watershed was already affirmed in Champlain's records in 1613. During the last twenty-five years of his life, commencing with the 1987 Constitutional Debates, William Commanda repeatedly asserted attachment and responsibility in this area.

Consistent with his Wampum Belt Indigenous heritage, William Commanda envisioned a place of reconciliation of First Peoples, the founding nations, (English and French), and all others in the heart of the national capital region and he worked hard to enlist people of diverse backgrounds in this plan. In addition to the public space of a "central park" at Chaudiere Island, and a restored Chaudiere Falls, (once considered second in magnificence only to the Niagara Falls), he projected a complementary Indigenous Centre/Hotel and Conference Centre for the Sacred Site of *time immemorial*: public and not privatized space. His vision is one of global importance and potential; further, it is not one without the financial potential of the *Golden Goose*, with benefits to flow to all.

We have recently discussed some of these ideas with Windmill Development Company. Since, historically, islands were of particular importance to Indigenous Peoples and acknowledged as such since the 1763 Royal Proclamation, and since William Commanda did not discuss the north shore of the Ottawa River, we are not, here, making any statement about the plans for the Domtar site in that location. But we do remain focused on safeguarding the islands for the larger vision, and wish to engage all parties, including Windmill, in a joint reconsideration of development options.

Though so much of the information about the Chaudiere Island remains obscured, we understand that at this time, \$150 million is projected as the value of the bulk of Chaudiere Island. What was a sacred island before 1802 is now a contaminated brownfield. Upon environmental reclamation, a good third of expenditures is recouped via the public purse. Multiple interests have exploited the resources of the site under the auspices of public good in building the nation; with the closure of the Domtar pulp mill,

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Email Message to information@domtar.com

For urgent delivery to the President and CEO, Domtar Corporation

October 22, 2014

Dear Mr. John D. Williams,

Re: Chaudiere and Amelia Islands

I write to you again, with reference to my previous correspondence of September 23, 2014, with respect to Chaudiere and Amelia Islands, where **I request that Domtar facilitate the return the lands that it apparently holds rights to, for fulfillment of the Legacy Vision for the Sacred Chaudiere Site, of late Algonquin Elder William Commanda, rightful heir of the site.**

You will be aware that the City of Ottawa voted in favour of rezoning the Chaudiere and Amelia Islands from park and open space to mixed use development in discussions held at City Hall on October 2 and 8, 2014, in accordance to plans put forward by Windmill Development.

I wish at this time to bring three key points to your attention:

FIRSTLY, I belabour the following points because they illustrate **“the Emperor’s New Clothing” in presumed democratic processes where the interests of developers, elected officials and community intersect.** William Commanda’s outreach over the past two decades presented for many of diverse backgrounds and political affiliations a hope to forge new relationships and engagements within the National Capital Region of Canada, particularly in view of this country’s now internationally rebuked relationship of historical and continued oppression of First Peoples. Hence, once more I ask to Domtar to consider the exemplary Indigenous Elder’s Legacy Vision, in the context of its role in this bureaucratic process:

Despite the very short notice, we understand that 48 people presented written submissions to the October 2 meeting with the City of Ottawa Planning Committee immediately in advance of October 2, and the session was attended by 110 people strongly supportive of the William Commanda Legacy Vision, making strenuous objection to the rezoning recommendations. I append my own objections to the recommendations of the City of Ottawa Planning Department for your information. Amongst those present at the public meeting were William Commanda’s eighty year old niece Mary Daisy Commanda Jacko, his daughter Evelyn Commanda Dewache and niece, Biola Smith, from Kitigan Zibi Anishinabeg, Quebec. His grandson Charles Commanda, from Ontario, several Algonquins from the Ottawa River Watershed and the Chief of his home community, Kitigan Zibi Anishinabeg, Gilbert Whiteduck, presented written

submissions objecting to the rezoning.

Despite the extensive written, oral and participatory objections, the City of Ottawa Planning Committee found itself able to make an immediate decision on October 2, 2014, to recommend unanimous approval of the rezoning, and on October 8, City of Ottawa Council confirmed this decision. This process has been described as less than democratic and transparent by many; certainly it was most disillusioning to all who took passion and a strong commitment to public access to a unique, long affirmed Sacred Site to the meetings at City Hall. These are a sampling of the comments shared by non-Indigenous participants:

I must say it is a bit more than discouraging when the planning committee so obviously decided in advance to support more urban sprawl development. It's all lip service as usual.

I was hoping that they all weren't like xxx, so dismissive of all comments she obviously didn't agree with, most patronizing in her behaviour, and so confident in her refusal to understand or care. And, to learn later that the other members of the committee unanimously supported her position, that explained why no one on the planning committee had the integrity or the courage to oppose what I thought was clearly unethical oppositional conduct xxx, who I thought was supposed to solicit and encourage public input into the decision-making process. What was the point of having such a meeting if they no longer wanted public input! That meeting appeared to be for the form, or pointless, given that the Committee's minds seemed to have been made up beforehand.

The Elder's Vision and the voices of the Anishinabeg and their supporters who only asked that Asinabka be respected were so obviously unwelcome, devalued immediately after speaking and dismissed xxx, in undemocratic fashion. And, two of the Committee members, one male -the other female, who carried on a long conversation, while other members were occupied with their computers and other gadgets, thereby ignoring & disrespecting several of the presenters.

Knowing xxx's history where race relations are concerned, I wasn't surprised by xxx behaviour. That the other Committee allowed themselves to be used, controlled, silenced or otherwise manipulated into a unified signal of open disrespect was somewhat surprising but shameful to a point situated somewhere between disappointing and disgusting.

What a disgusting show of disrespect. But what else would we expect from XXX.

XXX was most obviously disrespectful, though she wasn't the only one to

show disrespect. They might have been educated by the speakers, had they even attempted to listen. But, their minds and hearts were closed, quite like their ears. It was a unanimous vote!

In spite of the mockery that took place last Wednesday at City Hall's planning meeting, PLEASE show your support ONCE AGAIN. They want to great our spirits in defeat but, we must maintain our goal in defeating those who oppose the freeing of the Chaudiere Falls and the condo and commercial development of this SACRED ANISHINAABEG SITE!

As I mentioned, William Commanda's own family made passionate appeal at City Hall, making the long journey from Maniwaki to Ottawa for both meetings. Few in the corporate world realize what this can entail for people of limited means - organization of rides, money for transportation and meals, even refraining from meals to manage the bodily functions of an eighty year old body over the course of a long day. To undertake the effort after decades and histories denial of Indigenous rights is a strong statement of hope in the democratic process springing eternally anew; the disillusionment with the process is even affirmed by the developer in these words: "Unfortunately it is difficult to have productive discussions at City Hall"; it certainly leaves a bitter taste in the mouths and hearts of those with direct connections with the land - as Evelyn Dewache Commanda has frequently noted these past years, we are now walking on the body of her father, William Commanda, and that means deeper things to Indigenous Peoples than other inhabitants of the land.

Denial of Indigenous drum song and prayer, on October 2, 2014, while other prayer and song are applauded (on October 8, 2014), affirms the continued systemic, oppressive attitudes impacting relations with First Peoples, in the capital city, as elsewhere in this country. The process was disturbing to non-Indigenous participants as well - many young people inclined to activism and protest, but mindful of William Commanda's exhortation for "no boxing gloves" (as he you may know he affirmed after his 2007 meeting with Domtar officials, his words captured in video recordings), and thus remaining respectful, are nonetheless deeply disillusioned with the caliber of discussions in presumed democratic processes where the interests of developers, elected officials and community intersect. **Certainly the overwhelming weight of corporate privilege and power adds to the disillusionment of youth and the voting public at large.**

In view of global realities, we are surely in need of new leadership in democracy from places of influence, and corporate entities like Domtar constitute such influence.

SECONDLY, in previous correspondence with Domtar's predecessor, William Commanda's relationship with a former CEO of Weyerhaeuser was described. William Commanda was then Supreme Chief of the North American Indian Nations Government, and also an employee of Weyerhaeuser; its President of the day recognized and supported

the aspirations of the Indigenous Peoples, attending a meeting of the North American Indian Nations Government, and accepting the honour of being made an honorary chief. Likely no other Indigenous person has such a personal relationship with the logging industry. An excerpt of the correspondence (in September 12, 2007 attached) and its rationale (in bold) is quoted here:

First, I need to appeal to a heart and head beyond bureaucracy, whether within industry or government, to help me advance the work at this time. I need corporate leaders such as yourself to join with me and countless others to support an indigenous vision for a legacy of hope for all the world's children, in an age of environmental crisis and strife.

Second, I write to you because I too worked for many years in the lumber industry during its developing years, both in Canada and the United States, and I have also, over many decades, worked hard to rebalance some of the negative ramifications of this work. Now my work is primarily focused on strengthening indigenous heritage, environmental stewardship and peace building locally and globally. In 1960, when employed by Weyerhaeuser Company, I had the good fortune to meet your predecessor, Mr. Jack Hobelsberger. I am enclosing old correspondence between us that will give you a glimpse into the relationship we shared at that time. Mr. Hobelsberger was interested in our aspirations as Indigenous Peoples, graciously accepted our hospitality, and, upon being warmly received by Indigenous Peoples at our special assembly of the North American Indian Nations Government, was declared Honorary Chief of North American Indian Nations Tribes. He expressed deep appreciation of this honour, and in turn, he offered us a token of support to advance our efforts.

On behalf of the William Commanda Legacy Vision, we return to you once more with this appeal to relinquish any assumed rights to continued control over Chaudiere Island. With the closure of the Domtar Pulp Mills, it is clear that the lease of the "crown lands" for development of the country no longer applies. But there is opportunity to advance the honorary relationship as forged between Indigenous and logging industry in this historical example.

Domtar itself has forged such a reconciliation with a sacred site of the Penobscots; and Turner's Falls, Mass. is another example of inspirational transformation of historically oppressive relations with Indigenous Peoples, with benefits accruing to all. We are in real need of such an example of leadership and reconciliation in Canada, and urge Domtar facilitate transformation of relations with First Peoples in the Capital City by 2017, the anniversary of Canada's birthday.

THIRDLY, we note again that Domtar's assumed "ownership" of the site remains shrouded in mystery and inconsistency.

I have already made reference to the confusion and Windmill Development's statement of Domtar's land ownership, in our correspondence of September 23,

2014 (p. 47-48).

I have also accessed correspondence from Andy Smith, Associate Assistant Deputy Minister Real Property Branch, Public Works and Government Services Canada (PWGSC), dated September 16, 2014, which states that “The lands under the control of PWGSC on the Chaudiere Island have been leased since the late 1800s and early 1900s to third parties. As the landlord, PWGSC must act in conformity with the terms and conditions of these leases.” **PWGSC is identified as “landlord” of these crown lands, in unceded, unsurrendered, unconquered Algonquin territory.**

Further, I attach a document entitled “An Act respecting certain works on the Ottawa River (S.C. 1870, c 24; assented to 1870-05-12), to further challenge the land negotiations underway: specifically, “Navigation of the River Ottawa to be subject to the exclusive authority of Parliament, with all works connected with the same, or in or on the waters of the River, and under the control of the Department of Public Works and Government Services”.

1. The navigation of the River Ottawa, as well by vessels and boats as by rafts and cribs of timber or logs, is hereby declared to be subject to the exclusive legislative authority of the Parliament of Canada, and all canals or other cuttings for facilitating such navigation, and all dams, slides, piers, booms, embankments and other works of what kind or nature soever in the channel or waters of the said River, or in which the waters of the said River are used, and in whatever Province situate, and whether constructed or to be constructed, and whether constructed by the Government of Canada or by the Government of the late Province of Canada, or by the Government of Upper or of Lower Canada, or by any private party by the consent and authority of any of the said Governments, which shall, from time to time, be recognized by the Governor in Council, on the report of the Minister of Public Works and Government Services, as being or as having been, constructed for any purpose of public utility, shall be held to be works for the general advantage of Canada, and, with all works of like character, no matter by whom constructed and whether recognized as being for the general advantage or not, situate in or on the waters of the said River, shall be subject to the exclusive legislative authority of the Parliament of Canada, and shall be under the control and management of the Department of Public Works and Government Services, and subject to the provisions of the Act, intituled, “Department of Public Works and Government Services Act”.

- 1996, c. 16, s. 45; 1999, c. 31, s. 173(F).

This little known legal provision, unamended from 1870, was used in 1985 to affirm no ownership of property on the Ottawa River, in the vicinity of the capital city.

FINALLY, at this time, we are in great need of corporate engagement to transform relationships and interactions, and here in the National Capital Region of Canada, Domtar,

a long time corporate entity, can play a critically influential role.

Again we write to you to facilitate the fulfillment of the Legacy Vision of the Island's rightful heir, William Commanda. I reiterate that it was his direct ancestors, emerging from the line of his Ancestral Grandmother of the Indian Island on Commandant Lake in 1760 (before the time of the Royal Proclamation of 1763), via his ancestor, Shaman Jacques Commandant, to the direct descendants and shaman (*Jessakids*), who demanded of Philomen Wright by what right he was cutting down their sugar bushes at the Sacred Chaudiere Site by 1802, and asserted their right to the land. The challenge of the First Peoples continues today, supported by many citizens at large; and this voice will not be silenced; indeed, already, legal challenges are being mounted. The wrongs are being recognized by more and more citizens at large; and even before his death at age 98, William Commanda was asking, *Does might have power over right?*

In addition to facilitating the return of the Sacred site to its rightful heirs, the corporate world can contribute to its reclamation and reconstitution as a public meeting and gathering place, consistent with the all inclusive vision of the deeply loved and respected Grandfather William Commanda, OC, Holder of Honorary Doctorate Degrees from the Ontario and Quebec sides of the Ottawa River, Indigenous Elder, Shaman, Carrier of Sacred Wampum Belts, Holder of a Key to the City, and Founder of the Circle of All Nations.

November 11, 2014 is the date of his hundred and first year of birth. On this date of international significance, it would be most inspirational to entrench and advance his vision for global peace building and reconciliation at the Sacred Chaudiere Site.

On behalf of countless peoples from the National Capital Region and beyond, who have co-created and affirmed William Commanda's inclusive vision of intangible wealth of the Sacred Chaudiere Site reconfigured as public space over the past fifteen years, I again urge you to give this message your urgent consideration and find means for Domtar to proactively facilitate its return to the stewardship of its rightful heirs and to support its development to occupy the world stage as a gesture of reconciliation and celebration by 2017, Canada's 150th birthday.

We all become winners on the road long mapped out for us by a *Legend who will not die* in the human journey to healing and reconciliation. Please discuss this with us.

Sincerely,

Romola V. Thumbadoo circleofallnations@sympatico.ca 613-599-8385

PS: As if to affirm what I wrote, I received this photograph taken at a store in Tofino, BC.



We must come together
with one heart,
one mind one love
and one determination
and respect

Mother Earth

Grandfather
William Cominada
Algonquin Spiritual
Elder.

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