

**Vachon2, Caroline (AADNC/AANDC)**

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**From:** O'Meara, Bryan (AADNC/AANDC)  
**Sent:** Wednesday, April 28, 2021 9:32 AM  
**To:** O'Meara, Bryan (AADNC/AANDC)  
**Cc:** O'Meara, Bryan (AADNC/AANDC)  
**Subject:** FW: Six Nations: Proposed DM Agenda and Caledonia Updates  
**Attachments:** Caledonia Update and Media Summary - January 29 2021.docx;  
 Caledonia\_Blockades\_V3\_1(Confidential).png

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**From:** Walker, Andrew (AADNC/AANDC) <andrew.walker@canada.ca>  
**Sent:** Friday, January 29, 2021 6:02 PM  
**To:** McGrath, Carla (AADNC/AANDC) <carla.mcgrath@canada.ca>  
**Cc:** McLaughlin, Blake (AADNC/AANDC) <blake.mclaughlin@canada.ca>; Smith, Emily (AADNC/AANDC) <emily.smith@canada.ca>; Willman, Anna (AADNC/AANDC) <anna.willman@canada.ca>; O'Meara, Bryan (AADNC/AANDC) <bryan.omeara@canada.ca>  
**Subject:** Six Nations: Proposed DM Agenda and Caledonia Updates

Carla, attached is the latest update/media and below is a proposed agenda that has been shared with my provincial counterpart:

**Draft Agenda for Feb 2<sup>nd</sup> DM call**

- 1)Canada:
  - Status Update
- 2)Ontario:
  - Status Update
  - Overview of Caledonia map (see attached map)
- 3)Planning for a Meeting
  - Potential use of a facilitator
  - Points of contact for the federal and provincial government

Regards,

Andy

NOTES : 05-20-2021 - melnyky - In this file, Sec. 13(1)(C) and 14(a) - this map was prepared by the Province of Ontario and shared with Canada on a confidential basis, and further to confidential discussion between the two governments in response to the Caledonia protest. Should the document be released without Ontario's consent, it will have a detrimental impact on fed-prov relations, relations with the Six Nations community and jeopardize the ability of the two governments to negotiate a solution to the ongoing McKenzie Meadows occupation.

5/21/2021 curriech: Called and spoke to the TAG representative for this file and they confirmed that an 'official' briefing note wasn't created for this topic at the request of MINO, that they had just requested an agenda be created therefore the responsive records don't look like a normal briefing note but they are in fact the correct responsive records.

s.19(1)

**Caledonia Update and Media Summary – January 29, 2021**

s.23

**HIGHLIGHTS****Community Update**

- Chief Mark Hill is back in the office following bereavement leave (related to his Uncle, Ken Hill's, passing) as of Thursday of this week.
- The SNEC, HCCC and defender meet this Thursday (January 28). Discussions were focused on community safety, the need for a moratorium on development and a unique way to hold lands that would be returned to the community (ie not reserve or fee-simple lands)
- SNEC could send their letter of invitation as early as next week.
- HCCC representatives will be scheduling a meeting with senior OPP officials and SNEC to discuss community safety concerns.
- SNEC will be scheduling a meeting with the HCCC (without defenders) to discuss specifics with respect to a Six Nations and Crown meeting.
- There are differing views amongst HCCC and SNEC (SNEC conducts public council meetings via Facebook) as to whether a Crown/Six Nations meeting should be public or private.
- A meeting between the Crown and Six Nations is likely to be a number of weeks away.

**Other****Canada and Ontario alignment regarding a future meeting with Six Nations**

- In November 2020, Canada shared a discussion paper with the Province of Ontario regarding the pending meeting between Canada, Ontario and Six Nations leadership. The document outlined: meeting objectives; considerations; proposed agenda items; interests of the participants; and possible issues/scenarios which may be raised.
- This week, Ontario shared their comments on the paper and a subsequent meeting was held today between SADM Joe Wild and provincial ADM Grant Wedge. The Provincial responses indicate that, in general, Canada and Ontario appear to be aligned on most issues at the officials level. It is understood that at an initial meeting presenting "red lines" would not be productive. There was also discussion between the ADMs about the usefulness of engaging a facilitator to help focus a Crown/Six Nations meeting.
- It is unclear whether the views exchanged between Joe Wild and Grant Wedge reflect Ontario's views at the Deputy Minister or Ministerial level.
- Ontario will be seeking a meeting with ISC and Infrastructure Canada to discuss the water main proposal (i.e. water main running from Caledonia to Hagersville).

**Litigation - Service of Haldimand County Notice of Claim**

- On January 26, Canada was served with a Notice of Claim from Haldimand County claiming damages and a form of declaratory relief concerning the status of title to the lands at McKenzie Meadows and adjacent roads. The County will be in a position to commence an action in 60 days.
- The proposed action is similar to one planned by the developer Foxgate against Canada and Ontario. In both, the plaintiffs seek not a declaration of title but a mandatory order requiring the two Crowns to confirm that they have good title.

NOTES : 5/21/2021 curriech: Chief Mark Hill is publicly available. <http://www.sixnations.ca/ChiefsOffice.htm> The information in the blue box isn't considered solicitor client privilege as it just discusses the fact of another action, no details.

## Barricades

- The barricades at the Highway 6 bypass were removed the week of January 18, but the roads have not been reopened. In an article in the Hamilton Spectator, an OPP spokesperson states that the bypass will remain closed for “weeks” while officials complete necessary repairs.
- The barricade at Argyle Street and McKenzie Road (bus barricade) has been moved approximately 50 feet down the road to allow access to Six Nations businesses along Sixth Line, the Hydro One Station and Caledonia Baptist Church. According to a statement by Skyler Williams in the Two Row Times, this barricade will remain in place “until the federal government puts a moratorium on all development on disputed Six Nations land along the Grand River.”
- There is no change with respect to the rail blockade. The OPP has reportedly requested on numerous occasions that protestors remove the blockade from the rail line. However, the protesters have indicated that they are not willing to do so at this time.
- Imperial Oil is now projecting February 1st as the date they could start to see gasoline shortages because of disruption to the rail line. As long as there continues to be available trucking transportation this date will continue to move.

## **GOFUNDME CAMPAIGN**

- As of January 29, the GoFundMe campaign for the legal defense fund has raised \$421,498 of their \$500,000 goal with over 5,700 donations recorded.

## **NEWS ARTICLES**

Six Nations held a community information session on January 19 that was live streamed via Facebook and later posted on the Six Nations Website and YouTube. The 2 part video includes a presentation from Phil Montour, who presents the history of their claims and the litigation. A summary of the presentation is included in the Turtle Island News article, below.

[Global Solution Part 1](#)

[Global Solution Part 2](#)

## **Six Nations court case asking what happened to Six Nations lands and money headed to court in 2022** (Turtle Island News, January 27, 2021)

- The community may see that in 2022. It’s headed to court in another year and someone is going to have answer for what happened to Six Nations lands and monies.
- Former Six Nations lands and Resources director turned consultant Phil Montour is confident Six Nations will win what amounts to an \$11 billion case.
- “We really have a very strong tap of knowledge of our people here. All this information, it’s critical that it be maintained moving forward.”
- While the case has been moving slowly forward Six Nation’s Lands and Resources department has continued to compile information on what happened to Six Nations financial underpinning.
- Six Nations Elected Council (SNEC) held a special council meeting to update the community on those claims that was live streamed on Facebook on January 19.

NOTES : 5/21/2021 currie: names in blue boxes are publicly available.  
<https://www.cbc.ca/news/canada/hamilton/skyler-williams-land-back-opp-1.6032252>  
<https://www.therecord.com/opinion/editorials/2011/07/16/hope-for-settling-land-claims.html>  
[https://www.youtube.com/watch?v=G\\_BQIOc8m2E](https://www.youtube.com/watch?v=G_BQIOc8m2E)

- **Phil Monture** led the presentation and said he is confident that when the land claims are heard in court in 2022 Canada and Ontario would have to answer for the loss of lands and money.
- “With Canada and Ontario, they don’t have that knowledge. Every time someone changes positions, it keeps evolving and evolving ,” he said.
- Although **Montour** said there are few changes, as the court case hasn’t been heard yet, he announced a new updated Global Solutions booklet will be mailed to all residences on Six Nations to give them a better idea of what the claims are against the government and the information that will be presented at the court case in 2022, if the COVID-19 pandemic doesn’t push it back.
- For the last 45 years a team of researchers, mainly led by **Montour**, and now **Lonny Bomberry**, have compiled information about every parcel of land on the 950,000 acre land grant from the 1784 Haldimand Treaty.
- The team has used records from the federal and provincial governments to prove that much of the land was leased and never paid for, squatted on and outright stolen. It also shows that money from the Six Nations Trust was misappropriated and embezzled. It was used to pay down the country’s war debts, to fund companies like the Welland Canal Corporation, the Grand River Navigation Company and even educational institutions including McGill University and the Law Society of Upper Canada.
- The claims are extensive and would cost the federal and provincial governments more than \$11 billion to restore justice, but **Montour** said he feels the court case is not about receiving all of the funds.
- Instead he wants to secure fair annual revenue streams to ensure Six Nations is a prosperous and thriving community with the ability to take care of the community and improve the quality of life with healthcare and education. “We won’t relinquish our claims. We won’t sacrifice our children’s future.”
- **Montour** hopes that before the case is heard in court the SNEC and the Haudenosaunee Confederacy Chief’s Council can reconcile their differences to come up with a plan to use the funds from the win for the community in a way that benefits everyone.

**MTO assessing damage to roads in six Nations land rights issue** (Turtle Island News, January 27, 2021)

- Land Defenders at 1492 Land Back Lane have moved their barricades back and allowed the Ministry of Transportation Ontario to inspect the Highway #6 bypass, but the MTO has no idea when it will be usable.
- The **Ontario Provincial Police media spokesperson Const. Rodney LeClair**, said OPP visited the site Wednesday morning with MTO.
- “As previously arranged with the demonstrators, the OPP and Ministry of Transportation Ontario attended the bypass area to assess the roadway and begin planning for the required repairs needed to ensure the safe opening of the roadway. Also in attendance was the third party equipment owner to retrieve the construction equipment that had been in the barricaded area since October 22 and was to be returned by the demonstrators as agreed,” he said in an email.
- **Williams** said discussions with the OPP had only been about the bypass.
- “We never had any discussion about the equipment,” **Williams** said “We have been focused on getting the road open.”

NOTES : 5/21/2021 curriech: names in blue boxes are publicly found or hold public office. Link found on previous page as well as here <https://www.sfuture.com/contact/>

- **LeClair** said if the machinery is not returned it may cause delays in getting the Highway 6 bypass repairs done and opening the road. On January 22, he said some of the machinery has been returned, while some has not, but machinery was used to create significant damage to Argyle Street overnight on January 20.
- **Williams** believes the damage the OPP is referring to was incurred while the barricades were being moved to allow them onto the bypass.
- MTO said they still haven't finished tallying the damages or an estimate of what it might cost to reopen the bypass.
- "We are still investigating the scope of the work required to repair the highway before it can be reopened to traffic," the spokesperson said.
- Land defenders dug at least three trenches in the road to close it going in both directions and bent guard rails in those places in response to escalated violence between themselves and the OPP.

Removal of barricade on Hwy. 6 could take weeks, not days (Two Row Times, January 27, 2021)

- According to **OPP spokesperson, Rodney Leclair** said repair crews are being prevented access to the overpass and it's causing a hold up.
- MTO has completed their assessment and repairs are scheduled to start this week. Repairs will take weeks as opposed to days to complete.
- Road repairs on Argyle Street in front of the church are completed and access is limited to the church only. Argyle Street remains closed due to significant and further damage to the roadway just north of Sixth Line caused by demonstrators overnight on January 20.
- **McKenzie Road** also remains closed due to damage.
- **Caledonia Mayor Ken Hewitt** said the cost of fixing the roads will be about \$250,000 to \$450,000.

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**is withheld pursuant to sections  
est retenue en vertu des articles**

**14(a), 13(1), 21(1)(c)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**