

Land claim won't delay light-rail

official: Dispute with natives will be solved soon, project leader says

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Ottawa's north-south light-rail project leader says a native claim on land that will be used for part of the train's route doesn't threaten the line and won't delay construction.

The disputed land is owned by the federal government, and Rejean Chartrand says federal officials have told him a settlement with Ontario's Algonquin will be reached in time.

"The information we are getting is there's no issue for the city," he said. "There's no indication that the property can't be transferred or that the project would be delayed."

He said the city has forwarded information to the Algonquin, but it's the federal government's responsibility to consult with the natives about the project.

Construction on the roughly \$860-million project, which was approved two weeks ago, is scheduled to begin this fall.

City councillors, who learned of a native land claim after the vote, are angry with city staff for not alerting them earlier to the potential problem.

Ontario's Algonquin natives claim almost all of Eastern Ontario and are in negotiations with the provincial and federal governments.

They are after land and compensation, and they claim all unoccupied Crown land from roughly Mattawa to Hawkesbury and south to Sharbot Lake and Kemptville. This includes a section of federal land in Ottawa's Greenbelt that the train is to cross.

Brian Potts, the natives' lawyer, has asked city officials to delay construction "for a few months" until the issue is settled. He said the Supreme Court of Canada has ruled in other cases that when a claim is being negotiated and a government wants to sell or do something with part of the land, the native group must be consulted.

He said the city has forwarded some information to the Algonquin, who need time to put together a technical team to review it before forming an opinion and making their next move.

"This has been going on for these people for 200 years," Mr. Potts said. "A couple more months isn't unreasonable."

Mr. Potts says the top court had agreed with this position twice when disagreements over land use between governments and native bands arose.

Rideau-Vanier Councillor Georges Bedard, who was Canada's chief native land claims negotiator for 18 years, agrees. He said many native groups in the same position have been granted injunctions to stop projects.

"This is something we have to consider very seriously," he said. "It's very unfortunate this is coming out at such a late stage in the game. Land claims in many way can hinder, seriously hinder, projects, and we should have known before hand about this."

Mr. Bedard, who voted for the project, said the land claims issue should have been dealt with before council awarded the contract.

Innes Councillor Rainer Bloess, who voted against the project, said he found out about the claim last week. "We should be making decisions based on all the facts, not some of the facts or most of them," he said.

He and others said there was ample opportunity for city staff overseeing the project to tell councillors what was going on, and they want to know why they weren't told.

Mr. Chartrand said the land claims process is standard procedure when acquiring federal land, and because the federal bureaucrats have assured the city the issue will be settled without delaying the project, there was no need to alert councillors.

Councillor Gord Hunter, who voted against the project, said this answer is not acceptable. He thinks this is just the latest bit of information city staff hid from councillors, and that it puts the city in a difficult position. He suggested the city refrain from signing the 15-year contracts with the companies chosen to design, build, provide cars for and maintain the line.

"It would be very foolish to sign the contracts without having the land issues settled," he said. "We would be putting ourselves and taxpayers in a position where we could be legally held hostage by the companies and the natives. I'm not happy with any of this."

Mr. Bloess said it's hard to understand how leading up to the vote approving the project that councillors were given a detailed update on a potential legal dispute with utility companies about moving lines under streets, but not on a land claims process. "These are exactly the types of things one needs know all the details on before to arriving at a position," he said.

Chief Kirby Whiteduck leads the Pikwakanagan Algonquins based on Golden Lake about 130 kilometres west of Ottawa. He said the federal government is "obligated" to consult with his people about the project, this hasn't happened, and it's wrong.

"We've been given notice, but there's been no negotiation on this," he said. "It shouldn't occur until we can come to some kind of arrangement, until we sign off on this, otherwise why are we negotiating at all?"

Mr. Whiteduck and Mr. Potts said it's too early to tell what an acceptable settlement on this part of the claim would be, and they would not comment on whether they would seek a court injunction halting the project if they weren't satisfied.

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