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Fact Sheet - The Coldwater-Narrows Land Claim

Canada, the Chippewa Tri-Council and the Chippewas of Nawash are working together to resolve an outstanding land claim. The goal of this process is to conclude a final settlement that will bring closure to these longstanding issues once and for all.

The Benefits of Settling Claims

Claim settlements honour lawful obligations owed to First Nations, resolving longstanding disputes about land in a way that is fair to everyone. Settlements right past wrongs while protecting the interests of private land owners. Land is not taken away from anyone to settle any claims, nor is anyone asked to sell their land unwillingly.

Settlements also open up investment and business opportunities that can bring economic benefits and build new partnerships for First Nations and neighbouring communities.

At a Glance: the Claim

The Coldwater-Narrows claim stems from events that took place over 170 years ago in relation to land known as the Coldwater-Narrows reserve. The reserve was 10,673 acres in size and ran about 14 miles long by 1.5 miles wide, along an old portage route between present-day Orillia and Matchedash Bay on Lake Huron in Ontario. It also included a mill at Port Severn.

The Coldwater-Narrows claim relates to the alleged surrender of the reserve in 1836 and the subsequent sale of those lands. The basis of the claim is that the alleged 1836 surrender of the reserve was invalid because it was conducted improperly and that the land was then sold below its value and in an untimely fashion.

History of the Negotiations: An Overview

The Coldwater-Narrows claim was originally submitted by the Chippewa Tri-Council (CTC) in November of 1991. The CTC is composed of three First Nations: the Chippewas of Rama, the Chippewas of Georgina Island and the Beausoleil First Nation. The Government of Canada accepted the claim for negotiations under its Specific Claims Policy in July of 2002. Canada and the First Nations announced the start of these negotiations at a joint press conference held in Coldwater, Ontario on August 9, 2002.

Following historical research undertaken in 2006, it was determined that the Chippewas of Nawash also have an interest in the settlement of the Coldwater-Narrows claim. The Chippewas of Nawash joined the negotiations in 2008.

Recent Milestones

The parties have reached a major milestone in the resolution process. Canada tabled a settlement offer on March 24, 2011 and the First Nations have agreed to take this offer to their members for a vote. This is an important step in the process, which brings the parties closer to achieving a final resolution of this longstanding claim. No settlement is possible without the vote and approval by the membership of all four First Nations.

Key Elements of the Proposed Settlement

The proposed settlement includes both financial compensation and a land component. This is in keeping with the approach that is used to settle other land-related specific claims across the country.

Under the proposed settlement, Canada will provide the First Nations with approximately \$307 million in compensation. Research was done during the negotiations to help quantify losses and assess the impact that the loss of the Coldwater-Narrows Reserve had on the First Nations. Factors such as the location of the claim land and the age of the claim had a significant impact on the proposed compensation amount. The four First Nations have reached their own an agreement as to how the compensation will be divided among their communities.

In return for this compensation, the First Nations will provide Canada with a release of their claim to ensure the claim can never be re-opened. Settlements must bring closure for all concerned.

How does the settlement deal with land issues?

The same framework that is in place for negotiating agreements elsewhere in Canada applies to the settlement of the Coldwater-Narrows claim. Canada does not expropriate land to settle any claims. No land will be taken away from anyone to settle this claim. Nor will anyone be asked to sell their land unwillingly.

The First Nation can use some of its settlement funds to buy land on the open market. Under the settlement, the First Nations can buy up to 10,673 acres of land and apply to Canada to have the lands designated as reserve land. If they pursue this option, the First Nations will have up to 30 years to buy land and start the reserve creation process.

Reserve Creation: At a Glance

New reserve land will not suddenly be created for the First Nations when the claim is settled. Nor will any lands purchased by the First Nations over the next 30 years automatically become reserve land.

Any such lands must first meet the terms of the settlement and the criteria of Canada's Additions-to-Reserves Policy. This means that a number of steps must first be completed before any lands can be designated as reserve land. These steps include, for example, an environmental site assessment and First Nation-led consultation with municipal and provincial governments.

Third Party Interests

The interests of third parties are being taken into account in this process. The following principles have guided these negotiations and shaped the proposed settlement.

The protection of private property: The rights of private land owners to make use of and access their land will be protected under the settlement. No privately-owned land will be expropriated to settle this claim. If any land changes hands after a settlement, it will be on a willing-seller/willing-buyer basis.

The sharing of information with the public: The parties made efforts to update interested parties as key milestones were reached during this joint process. This has included press releases, newsletters and information meetings. These efforts to share information with the public will continue.

Next Steps in the Process

A number of steps need to be completed before the claim can be settled. The negotiators for Canada and the First Nations still need to draft the legal text of a Settlement Agreement. The First Nations must also complete their work on proposed Trust Agreements for their communities. These Agreements will set out how the individual First Nations will use, manage and administer their settlement funds.

The First Nations will launch an information campaign to explain the proposed settlement and Trust

Agreements to their members. This will include community meetings and mail outs of information materials.

No settlement is possible without the vote and approval by the membership of all four First Nations of both the proposed Settlement Agreement and the First Nation's Trust Agreement. If a favourable vote is reached, the next step is for the Chiefs and Councils and the Minister of Aboriginal Affairs and Northern Development to sign the Settlement Agreement. The agreement would not be final until it is signed by all parties.

Date Modified:2011-05-20