

**Algonquins of Ontario**



## **Letter of Intent between the Algonquins of Ontario and Windmill Development Group, Ltd.**

### **The Engagement Process**

#### **Preamble: A New Paradigm**

Algonquins have lived in present-day Eastern Ontario for thousands of years before Europeans arrived. Today, the Algonquins of Ontario (AOO) are comprised of ten Algonquin communities. These include the Algonquins of Pikwakanagan First Nation, Antoine, Kijicho Manito Madaouskarini (Bancroft), Bonnechere, Greater Golden Lake, Mattawa/North Bay, Ottawa, Shabot Obaadjiwan (Sharbot Lake), Snimikobi (Ardoch) and Whitney and Area.

Based on a Protocol signed in 2004, these communities are working together to provide a unified approach to reach a settlement of the Algonquin land claim.

The AOO have reached a historic point on the journey of survival, rebuilding and self-sufficiency – a journey of reconciliation – and one that includes reaching out and building relationships with our neighbours within Algonquin Traditional Territory.

On December 13, 2012 the AOO, Canada and Ontario released a Preliminary Draft Agreement-in-Principle (AIP), a culmination of many years of negotiations between the AOO, Canada and Ontario toward a modern-day treaty. These negotiations, beginning in 1991, continue to build on the determined efforts of the Algonquin people to be heard – including the first message delivered to the Crown through an Algonquin Petition in 1772. It has been a long journey and it is far from over.

On June 12, 2015, the AOO, Canada and Ontario announced that their Negotiators had initialed a proposed Agreement-in-Principle (AIP). The next step in the process is a vote on the proposed AIP. When and if that vote is to take place is in the hands of the AOO.

Such a Treaty will be a first for Ontario and will result in the settlement of long standing unresolved assertions of rights and will bring certainty of tenure with respect to 9 million acres of Eastern Ontario and certainty with respect to Algonquin Aboriginal and treaty rights throughout the Region.

Unlike most other First Nations, the Algonquins have never had a land surrender treaty with the Crown. With regards to the AOO, there are currently more than 1.2 million people living and working within this unceded Traditional Territory that covers most of Eastern Ontario, including the Nation's Capital. There are also 85 municipal jurisdictions fully or partially located within this Traditional Territory, including 76 lower and single tier municipalities and 9 upper tier counties.

While the Treaty negotiations are ongoing, the AOO have been working diligently to strengthen the Algonquin presence across our Traditional Territory. The AOO are engaging and collaborating with various private sector proponents to recognize and celebrate Algonquin art, culture and heritage, to undertake economic initiatives as well as to re-establish and strengthen the Algonquin presence throughout the Algonquin Traditional Territory.

### **Chaudière Falls: A Sacred Place**

Since time immemorial, the majesty of the Chaudière Falls has been regarded as a sacred place for the Algonquin people. Our long and complex relationship with the earth, water and sky in this cultural landscape expresses and harmonizes the Aboriginal unity with the natural and spiritual environment.

This site, formerly known as the Domtar Lands, E. B. Eddy and the Isles, and now referred to as "Zibi", the Algonquin word for "river", is being developed by Windmill Development Group Ltd. (Windmill). This site has tremendous significance for a great number of people. Given its long history and the transformative potential of its redevelopment, Windmill values working together with the Algonquin people to ensure their aspirations for the site are reflected in various elements of the project design.

Development needs not be at odds with the spiritual focus of the First Nations when it comes to land, water, heritage and culture. Jointly, we can develop a new, exemplary and best practice model for private sector engagement with First Nations in a modern day context.

Windmill acknowledges that the land along the Ottawa River (known in the Algonquin language as Kichissippi) has never been ceded. The voice of the Algonquin people has been understandably cautious given this long-standing history of abuse and disrespect. This history, however, now acts as a barrier for meaningful engagement.

To be successful, we will need to agree to work together to develop a new paradigm and narrative that keeps clear of old constructs such as "developer versus First Nations." It will need to cut through the politics and confrontational paradigm of the past, and redefine the relationship.

Our journey, therefore, begins with a listening process, leading to an honest dialogue and a mutual openness to learning. Once trust has been achieved, the engagement can evolve to explore a partnership for how to integrate Algonquin aspirations for this site with the Windmill proposal.

### **Leveraging a Foundation of Shared Values: Celebration of the Land, Water and Biodiversity**

Windmill and the AOO have a strong foundation upon which we can build a mutual respect for land, water and biodiversity.

Windmill is unique in the development world, offering a platform not readily available to the traditional developer. Everything it does is conceived, designed and constructed to protect and enhance the local community and its ecosystems. Windmill's commitment to environmental and social sustainability is complementary to the principles that are at the heart of the Algonquin and Elder William Commanda's vision for Victoria Island and the Chaudière Falls, notably:



- the respect for and celebration of land, water and biodiversity (Mother Earth)
- the bridging of cultural divides and reconciliation between the founding nations
- the showcasing of First Nations culture and heritage.

Trust can be built by leveraging these shared values. Engagement would begin with an exploration of these values in order to promote shared learning, and eventually, to establish a level of trust amongst us.

### **Objectives**

Through the meaningful trust-based engagement process outlined in this Letter of Intent (LOI), we will achieve the following:

1. We will build a new relationship which fosters trust and friendship, and depoliticizes the engagement process
2. We will give voice to the AOO by creating a platform for their communities and members to speak and others to listen
3. We will attain, through respectful engagement, an understanding of the shared values for this site and how these can shape the redevelopment of Chaudière to encompass and be respectful of Elder Commanda's vision, Algonquin considerations, Windmill considerations, culture and history
4. We will constructively channel the efforts, energy, wisdom, ideas, resources, and innovations of all parties towards producing a better outcome for this project, one that honours the river, land, culture, heritage, and that optimizes the benefits for current and future generations
5. We will engage the broader Ottawa and Canadian community in the spirit of the Seven Fires Prophecy

Ultimately, this new engagement process will be a catalyst for a world-leading eco-community, and a template for improved relationships nationwide.

- To be clear, engagement under this LOI does not substitute for any obligations of the Crown to consult and, if appropriate, accommodate the AOO. The AOO and Windmill will agree on an information package to be provided to the City of Ottawa and the National Capital Commission (NCC) relating to engagement under this LOI. Further, the AOO and Windmill agree that the City of Ottawa and the NCC can take that information into account in relation to any Crown duties to consult and accommodate in relation any land transactions between Windmill and the NCC.

The AOO and Windmill also acknowledge that a separate LOI has been executed between the Algonquins of Pikwakanagan First Nation and Windmill.

### **Scope**

Windmill has already proactively identified and shared with the AOO a broad set of ideas that it would support and explore further, ranging from innovative ways to collaborate to flesh out a more beneficial project for current and future generations; mutual support for the remediation and protection of the land and water; the raising of public awareness and the showcasing of

history and culture; and the development of mutually beneficial initiatives such as economic partnerships, youth employment, mentorship programs and small-business opportunities.

While a more detailed Preliminary List of Areas of Collaboration is provided within Appendix 'B', the following outlines those areas that are more time sensitive, as many aspects of the project are being actively worked on:

- Design and Construction: Steps have been taken to pre-qualify trade contractors for the entire site. Phase 1 of the redevelopment will begin in Gatineau and will include the building of retail, commercial and residential spaces. Marketing activities have begun with construction to start in *late summer or fall*. In Ottawa, Windmill has commenced planning on the first phase of development adjacent to the new generation station on Chaudière Island, and it is expected that work will proceed in the *late summer/early fall* following a resolution of the OMB appeals process.
  - *Opportunity*: to formally recognize that these lands form part of Algonquin traditional territory;
  - *Opportunity*: to explore options to integrate Algonquin heritage and culture into the project, such as public art, signage and other design features to clearly demonstrate the presence of the Algonquin people;
  - *Opportunity*: to facilitate the employment of Algonquin workforce, including the possibility of implementing mandatory hiring quotas for all on-site service providers to engage qualified Algonquin personnel on the project.
- Public Spaces: Windmill has engaged landscape architects for the entire site (both Ontario and Quebec) and is selecting planting and landscaping strategies for the project. The final landscape design strategy is expected to be completed by *late summer this year*.
  - *Opportunity*: Obtain Algonquin counsel on the re-introduction of native plants which are culturally important to the AOO;
  - *Opportunity*: Demonstrate through the landscape design the presence of the Algonquin people on the lands.
  - *Opportunity*: Consultation between Windmill and the AOO to facilitate the conversion of small Federal Leases to fee simple lands to allow for a more coherent development.
- District Energy System: Detailed design has begun on the proposed District Energy System (DES). Plans are expected to be finalized, including securing all necessary financing, by *late fall*.
  - *Opportunity*: Explore options for the AOO to invest in the DES, targeted to be one of the most sustainable district energy systems in the world.
- First Nations "Embassy" Building: Develop a plan to construct a purpose built, aboriginal owned commercial building to house First Nation's organizations from across the Capital Region as well as recognizing the Algonquins as the host Nation.



- *Opportunity*: Explore options for the Algonquin Nation to invest in this building, targeted to be one of the most sustainable buildings in the world.
- Youth Engagement: Several initiatives around youth engagement and education are *currently underway* with secondary and post-secondary institutions. Already, several hundred students have participated on various aspects of the project, and it is expected that this engagement will grow exponentially as the project progresses.
- *Opportunity*: Ensure Algonquin youth are aware of and participate in mentoring, training and skills development opportunities created/facilitated by Windmill.

### **Proposed Aspects of a Meaningful Engagement Process and Associated Timelines**

*First Step (to begin Immediately and Ongoing)*: As part of a mutual commitment to creating a meaningful engagement process, it is recommended that up to two members of the AOO join a "Working Group" that has been established which also includes members of the urban Aboriginal, Pikwakanagan and Kitigan Zibi communities. The Working Group will also include aboriginal and non-aboriginal advisors as needed. Its role would be to bring to life a new paradigm of engagement; build trust and depoliticise the discussions; and promote the breaking through of old perceptions ("us versus them").

The Working Group meets on a regular basis and plays an integral role in this engagement process, providing insight into the most appropriate means of reaching out to the broader communities of the AOO, and acting as a facilitator for Windmill's visits to listen to and speak with community members.

A key deliverable of the Working Group will be the drafting of an initial 'Friendship Agreement' between Windmill and the AOO (*targeted for end of August 2015*) that would set out the framework for meaningful engagement and the shared values, principles and intent that will serve as the foundation for building trust (e.g., mutual respect, honesty, openness and transparency).

The 'Friendship Agreement' would be inspired by the Canadian Federation of Municipalities' best practices that have emerged from their innovative work to improve relationships between First Nations and adjacent municipal governments (the First Nations-Municipal Community Infrastructure Partnership Program (CIPP)). The concept of a Friendship Agreement was developed by the CIPP as a means of fostering trust between all parties, by finding common grounds and building positive relationships that acknowledge but are not governed by the past. In particular, our Agreement can affirm that engaging together does not abrogate or derogate from any aboriginal, constitutional, legal or Treaty rights. A sample Agreement is appended to this LOI (Appendix 'A').

*Second Step (Ongoing)*: Once trust has been established and a framework has been articulated for going forward, the next step in the engagement process would be to explore the specific nature of the site's significance for Algonquins and how this could be integrated into Windmill's plans for the site.

The result of this second phase of the engagement process would be a collective and modern day vision for how Algonquin culture, heritage and voice can be reflected in the site—one that is

clearly articulated by the AOO, for themselves and for the benefit of others in the broader community.

A key outcome of this second phase of engagement would be the drafting of a second 'Friendship Agreement' that would outline the specifics of the Algonquin presence on the site. It is proposed that this Agreement could be made public at a celebratory friendship event.

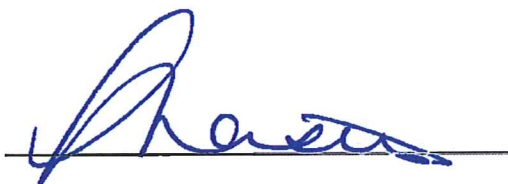
Windmill is eager to have a partnership with and to seek input from the AOO on this project to ensure both the history and future of the Algonquins is honoured on this site. Together, we can help create a powerful district that serves to educate and build awareness in the heart of the National Capital Region, combining the Pimisi Station, the Falls, and the Chaudière redevelopment, all with significant Algonquin themes.

Windmill remains open to exploring these and the other exiting ideas and opportunities that will emerge as this engagement process evolves.

Sincerely,

**Windmill Development Group Ltd.**

**The Algonquins of Ontario**



PER: Jeff Westeinde, P.Eng.  
Executive Chairman



PER: Robert Potts  
Principal Negotiator and  
Senior Legal Counsel on behalf of  
the Algonquins of Ontario

# Appendix A - Sample Friendship Agreement

This sample 'Friendship Agreement' is inspired by the Canadian Federation of Municipalities' best practices that have emerged from their innovative work to support Seven First Nations communities and adjacent municipal governments across Canada to partner in economic development (the First Nations-Municipal Community Infrastructure Partnership Program (CIPP)). The concept of a Friendship Agreement was developed through the CIPP as a means of fostering trust between all parties, by finding common ground and building positive relationships that acknowledge but are not governed by the past.

## SAMPLE

(as a basis from which to jointly develop one for our specific context)

### A Joint Friendship Accord Between Windmill Development Group and Algonquins of Ontario

<b>WITH RESPECT THAT:</b>	<ul style="list-style-type: none"> <li>• Windmill Development Group and the Algonquins of Ontario ("The Friends") recognize and accept that they share interests, and agree that arrangements that support harmonization of these interests are beneficial for The Friends;</li> <li>• The Friends wish to work together in a cooperative manner to demonstrate a better model for the private sector to partner with First Nations.</li> </ul>
<b>PURPOSE of this Agreement:</b>	<ul style="list-style-type: none"> <li>• This Friendship Accord provides the framework upon which The Friends will collaborate with one another.</li> </ul>
<b>VISION to guide our work together:</b>	<ul style="list-style-type: none"> <li>• We, The Friends, will share our wisdom to build a better future for our children and generations to follow — two communities committed to trusting, celebrating, and respecting one another, our ancestors, and our environment.</li> </ul>
<b>PRINCIPLES AND VALUES to guide our relationship:</b>	<p>We, The Friends:</p> <ul style="list-style-type: none"> <li>• Acknowledge our past and histories but are not governed by them;</li> <li>• Acknowledge that the land being developed is unceded Algonquin Territory</li> <li>• Commit to honesty, mutual sharing and to building and maintaining strong mutual trust and respect, including of each other's customs and beliefs;</li> <li>• Share values and culture in spirit and practice;</li> <li>• Will enhance communication and information sharing by committing to open, frank, honest and straightforward interaction;</li> <li>• Commit together to the importance of implementing solutions to address heritage protection and environmental stewardship;</li> <li>• Will invest in the youth, the future of our communities, by providing accessible cultural, recreational, educational and professional opportunities;</li> <li>• Respect the skills, governance authorities and respective governance practice of the other Friend; and</li> <li>• These values strengthen our relationship; and our collective, spiritual, economic and physical wellness. They also serve our common interests in accordance with the guidelines on accountability, transparency, inclusiveness, responsiveness and shared learning.</li> </ul>



<b>PROCESS to sustain our relationship:</b>	<p>We, The Friends:</p> <ul style="list-style-type: none"> <li>• Will establish concrete and effective procedures for cooperation on common issues, concerns and initiatives;</li> <li>• Will establish protocols to establish open and improved lines of communication;</li> <li>• Agree that this Friendship Accord will be regarded as a "living document" intended to evolve as The Friends' relationship evolves;</li> <li>• Agree that either Friend can initiate a change process to this Friendship Accord at any time, with the understanding that amendments must be mutually agreed by the Friends</li> </ul>
<b>COMMITMENT of each signatory Friend:</b>	<p>We, The Friends:</p> <ul style="list-style-type: none"> <li>• Commit to maintaining our relationship as outlined in this Friendship Accord;</li> <li>• Commit to building and maintaining strong mutual trust and respect with one another.</li> </ul>
<b>LIMITATION of the agreement:</b>	<p>Nothing in this Friendship Accord will be construed:</p> <ul style="list-style-type: none"> <li>• To abrogate or derogate from any Aboriginal, constitutional, legal or Treaty rights of The Friends;</li> <li>• To prejudice or affect any statutory power of decision or discretion of any of The Friends.</li> </ul>
<b>SIGNING AUTHORITIES</b>	<p><b>For Windmill Development Group Ltd.</b></p> <p>_____ Jeff Westeinde Date</p> <p><b>For the Algonquins of Ontario</b></p> <p>_____ Robert Potts, Principal Negotiator and Senior Legal Counsel on behalf of the Algonquins of Ontario Date</p>



# Appendix B

## Preliminary List of Areas for Collaboration between Windmill and the Algonquins of Ontario

### 1. Recognition of Traditional Territory

- Formal recognition that the site is located within the Algonquin Traditional Territory through a proposed Friendship Agreement with the AOO, and through signage at the site
- Public statement that these lands form part of Algonquin Traditional Territory
- Acknowledgement that the lands have never been ceded
- Public art, signage, landscaping to clearly demonstrate the presence of the Algonquin people on the lands. This idea MUST be developed in partnership with the Algonquin people to ensure it is done appropriately.

### 2. Restoring the Heritage Landscape

- A “Restorative Philosophy” will guide the redevelopment of the site, which shall involve efforts to: a) maximize the potential for site restoration to natural conditions; and, b) include and integrate Algonquin cultural symbols in the development
- Restore what is now a contaminated, fenced, paved area to a vibrant community which includes the re-introduction of native plants which are culturally important to the Algonquin People
- Work with our neighbours to create area(s) with views or access to the Chaudière Falls that are dedicated for the Algonquin People
- Collaboration on river access and river clean-up
- Exploration on collaboration opportunities regarding American Eel breeding and release program.

### 3. Facilitating Employment Opportunities

- Windmill Development Group to promote opportunities for members of the AOO to make applications for contract/employment opportunities associated with the project, during construction and operations, beginning at the early stage of redevelopment
- Work with the AOO to create an inventory of Algonquin skilled personnel who are qualified to provide services to the project
- Engage with training providers (HRSDC, Algonquin College and others) to create training programs for suitable Algonquin candidates to receive training to provide services to the project
- Implement a mandatory hiring quota for all service providers on site to engage qualified Algonquin personnel on the project.

#### **4. Youth Mentorship**

- Windmill Development Group to introduce and develop mentoring opportunities for Algonquin youth and young people with the Zibi Development Project
- Provide co-op opportunities for Secondary School students
- Provide “job shadowing” opportunities for youth
- Ensure youth are aware of and participate in training opportunities and skills development
- Ensure Site Personnel are available to share their experiences and capabilities with youth at school or community meetings/presentations
- Deliver LEED training and facilitate LEED accreditation for interested youth.

#### **5. Investment Opportunities**

- Allow the Algonquin Nation to invest in the proposed Community District Energy System targeted to be one of the most sustainable energy systems in the world.
- Develop a plan to construct a purpose built, Aboriginal-owned commercial building to house First Nation's organizations from across the Capital Region.

#### **6. Create Connections to other Important Algonquin Sites in the Area**

- Work with our neighbours and the AOO to provide strong connections through the new development to the existing capital pathway network particularly to Pimisi Station and the Chaudière Falls.

#### **7. Perpetual Federal Leases**

- Consultation with the AOO to convert existing perpetual Federal leases to fee simple title to allow for a seamless community with seamless connections to the surrounding important sites.
- The AOO and Windmill will agree on an information package to be provided to the City of Ottawa and the National Capital Commission (NCC) relating to engagement under this LOI. Further, the AOO and Windmill agree that the City of Ottawa and the NCC can take that information into account in relation to any Crown duties to consult and accommodate in relation to the conversion of the leases. Further, the AOO and Windmill acknowledge that the consultations that were completed by Windmill to date were conducted, in part, as a result of the duties stemming from the proposed transfer of federal lands from the NCC to Windmill.

#### **8. Booth/Eddy Crossing**

- Work with our neighbours to transform this bridge crossing between Quebec and Ontario into the most accessible pedestrian crossing in the region. As part of this upgrade process include significant features that demonstrate the importance of this area of the river to the Algonquin Nation. This idea MUST be better developed in partnership with the Algonquin people to ensure it is done appropriately.

#### **9. Victoria Island**

- Publicly commit Windmill's support for the creation of an Algonquin-led First Nations Center on Victoria Island in the spirit of reconciliation and healing.

- Explore the creation of an Algonquin led Trust to be used for initiatives of importance to the Algonquins in the vicinity of the project by applying a portion of funds from the residential, commercial and institutional building construction on the Zibi site toward such a Trust.

#### **10. Protection of Viewscapes**

- Windmill Development Group Ltd. will, to the extent possible, address AOO concerns regarding the conceptual planning of building location, height and orientation to protect/enhance viewscapes to Chaudière Falls as well as to mitigate, where possible, the shading of the eastern side of Victoria Island by maintaining the visual/physical connection of the sunlight reaching this area throughout the day.

#### **11. Elders Lodge**

- Windmill Development Group Ltd. will consider incorporating a future Elders Lodge into the conceptual land use planning for the proposed development.

#### **12. Hotel Investment/Training**

- Windmill Development Group Ltd. will make introductions for the AOO to participate as an investor in any "boutique hotel" proposed for Zibi. This will be dependent on both the date for finalization of the Treaty and the date of construction of the hotel. Notwithstanding the above, the AOO would appreciate and request Windmill Development Group Ltd. efforts to ensure Algonquins have an opportunity for training and capacity building in the operation and management of any hotel located on Zibi.

#### **13. Other Potential Areas for Collaboration**

- Target for First Nations businesses/retailers to locate on the site
- In-community LEED training (could be part of youth mentorship and training)