

## Interim Use Agreements

Six Nations has many unresolved and outstanding financial and land rights matters filed with the Crown(s) since 1982 that have been caught in the failure and inadequacies of Canada's Specific Claims policy and process. As a result of the 1995 litigation: *Six Nations v. Canada and Ontario*, all of Six Nations Land Rights matters as filed Canada were closed with Canada refusing to engage in any further discussion.

With Canada and Ontario making no efforts to resolve our land rights, Six Nations has worked collectively with municipalities, corporations and proponents to reach accommodation agreements on developments occurring within our Treaty Lands. All agreements are subject to archeological, environmental, wildlife and habitat, flora and fauna integrity and all without prejudice to our aboriginal, treaty rights and 1995 litigation against Canada and Ontario. Examples of some of these interim use agreements are as follows:

1. In 1976, Six Nations learned of the Ministry of Transportation for the Province of Ontario wanting to construct a bridge across the Grand River to bypass the Town of Caledonia. The proposed bridge would be located on lands Six Nations has outstanding land rights issues requiring resolve by Canada. With little chance of Canada resolving the tow path and bed of the Grand River issues anytime soon; Six Nations stood strong that if Ontario wanted the proposed Caledonia by pass bridge to service the need of Ontarians; Six Nations would require a bridge to service the needs of the Six Nations community. An interim use agreement was reached on November 16, 1981. The Chiefswood Bridge was completed in 1983 to meet the needs of the Six Nations Community without prejudice to their unresolved land rights issues against Canada and Ontario.
2. On May 30, 1983 an interim use agreement was reached with the Grand River Conservation Authority to allow a protective water control flood prevention dyke to cross a portion of Six Nations' Lot 5 Eagles Nest Tract lands within the City of Brantford. The Mohawk Chapel was included in the flood protection measures with major enhancements to the surrounding chapel grounds. In addition, an adjoining house and 56.5 acres were transferred to the Six Nations of the Grand River as part of our accommodation requirements.
3. On November 9, 1990 an interim arrangement was reached with the City of Brantford to amalgamate a right of way from Six Nations Glebe Lands which divided our lands in half. The City was attempting to build their BSAR along the northern portion of our Glebe Farm. The City of Brantford paid \$261,000 to amalgamate the two right of ways. However, as construction for the BSAR did not commence within the limited time allotted (15 years) the terms for the agreement have expired.
4. On April 17, 1991, Six Nations and the Ontario Ministry of Transportation entered into an Interim Agreement to allow repairs to Hwy 54. Ontario paid to use 15.4694 acres until the claims are resolved. The benefits from this agreement assisted in the purchase of lands in Oneida Twp. and Onondaga Twp. for Six Nations, future use.

5. On January 1, 1993 Ontario Hydro agreed to pay a "grant in lieu of taxes" to Six Nations for the Hydro One infrastructure located within the Six Nations Territory. With Six Nations stance, not to allow taxation within its community, a creative arrangement allowing Hydro One to make grants to Six Nations commensurate to Hydro Ones Infrastructure within our Territory and on an annual basis.
6. On March 18, 1993, the Corporation of the Town of Dunnville entered into an interim agreement with Six Nations to cross 876 ft of land for a sewer right-of-way crossing our disputed lands in Dunnville. \$1,000.00 was deposited and held jointly in an interest-bearing account to ensure Six Nations would receive support in their land rights efforts against the Crown should the matter be settled.
7. On October 4, 1993 an interim agreement was reached with the Grand River Conservation Authority (GRCA) to allow emergency repairs on water level control weirs in the Grand River. Accommodation involved modification and enhancement to the fish way, stock enhancement and lamprey eel barrier. 100,000 Caroline seedlings for the Six Nations Community, free access to the GRCA Education Centres for Six Nations students; opportunities to bid on GRCA contracts and joint training of Six Nations personal to expand the expertise of our technicians in the Six Nations Ecology Centre.
8. On August 8, 1994, another interim agreement was entered into with the GRCA to protect the aquatic system in the Grand River so immediate repairs could happen at the Dunnville Dam. Increased access for all Six Nations elementary school children to GRCA Nature Centres, Day Camps, Mobile Centres and outdoor education facilities. Technical assistance in further development of the Grand River fisheries, water quality monitoring programs in the Grand River and early warning mechanisms to prevent contamination to the Six Nations water supplies.
9. In May 24, 1995 and July 6, 1995 Union Gas entered into an agreement to cross the Grand River upon providing 30,000 Carolinian saplings to Six Nations. For our Six Nations Natural Gas Company, enhanced and ongoing gas certified training services, engineering services for our distribution systems and efficiency monitoring of all Six Nations Natural Gas systems.
10. On June 30, 1995 an interim use agreement was entered into by the Town of Dunnville and Six Nations to bury 40 ft. looped hydro service to a Dunnville nursing home and hospital. \$1,000.00 was deposited and held jointly in an interest-bearing account to ensure Six Nations would receive support in their land rights efforts against the Crown should the matter be settled.
11. On February 4, 1997, Six Nations wanted their concerns addressed as relates to Brantford's Sanitary Landfill Site and Water Pollution Control Plant. Upgrades were implemented to increased standards and information sharing protocols established for Six Nations to monitor the release of any discharge from these sites.

12. On February 4, 1997, with their concerns as to the City of Brantford's Landfill Site and Water Pollution Control Plant addressed, Six Nations entered into a second interim arrangement to allow City of Brantford waterlines and sewer lines to cross the Grand River. This involved major upgrades and integrity assurances never before implemented. Shut off valves and flow monitoring devices were installed with strict monitoring standards established. As one part of the accommodation; Six Nations will be allowed hook up into the City's infrastructure for any of its developments in and around Brantford.

13. On October 8, 1999 the Province of Ontario entered into an arrangement to compensate residence for issuing a dewatering permit to the Canadian Gypsum Company (CGC) for the mining operation under a portion of the Six Nations Indian Reserve. The arrangement allowed for extending Six Nations water lines to that portion of the Reserve and providing all those along the way with fire hydrants and the opportunity to hook into a safe potable water supply. Those residence effected directly by the CGC dewatering were given hook up to the water system with potable water at no cost.

14. On October 1, 2001 an interim agreement was reached to allow Haldimand County to replace and install a water main across the Grand River to provide safe drinking water and fire protection to the residence of Caledonia. As acknowledgement to our land rights in the area, accommodations will allow for Six Nations, when it so chooses to access the Haldimand Counties water and infrastructure to service Six Nations when Haldimand County upgrades their lines servicing Caledonia and Hagersville.

15. On February 4, 2002 Imperial Oil entered into an interim use agreement for 7 years with Six Nations to allow construction for a 12" pipeline to cross lands in Seneca and Oneida Townships which are subject to unresolved land rights issues with the Crown. Employment incentives, contract bidding preference, business development opportunities and training for Six Nations peoples formed a portion of the accommodation. One quarter of a million dollars per year for Technical Education Sponsorships and Technology Preparation Programs via support programs for high school and grades 7-8 are dedicated for Six Nations. On February 24, 2009, the Education and Employment portion of this agreement was extended for an additional 7 years. On March 21, 2016, this agreement was extended until December 31<sup>st</sup>, 2022 for the amount of \$284,123.50 with yearly built in Ontario CPI supplements. The overall length of the initial accommodation agreement is 50 years with the right of renewal for another 50 years.

16. In September 10, 2009 Six Nations and The County of Brant entered into a Green Energy Economic Accord to promote Green Energy initiatives and sustainable economic development throughout Six Nations and Brant County. It established a structure process for joint ventures and how to accommodate Six Nations for Green Energy Developments throughout lands under dispute within the Brant County portion of the Haldimand Tract. Brant County later followed this partnership commitment with an Accommodation Charter to Six Nations with respect to Business Parks and job creation within the County of Brant and promoting Six Nations' solar investments in all such buildings. All without prejudice to Six Nations Aboriginal and Treaty Rights and Six Nations litigation against Canada and Ontario, and other Municipalities.

17. Union Gas entered into an accommodation agreement with Six Nations in January 2014 to allow their lines to cross Six Nations Haldimand Tract and 1701 Treaty Lands. Half a million dollars was contributed to the Six Nations Natural Gas infrastructure to expand services on Six Nations. Union Gas will share their bulk purchase discount with Six Nations; Union Gas will provide engineering services, and System Capacity review for the Six Nations Natural Gas system throughout Six Nations every 5 years; Education and Training for Six Nations Natural Gas Employees; Employment and Business opportunities with Union Gas will also be enhanced. All without prejudice to Six Nations Aboriginal and Treaty Rights and Six Nations litigation against Canada and Ontario.

18. The Walton Group and Six Nations entered into a partnership for the Development of River Bend Estates in November 2014. Six Nations can receive 20% of Walton's interest in the 600 planned homes; 10% of Walton's net management fees; 10% of Walton's performance fees; employment opportunities throughout the construction of all four phases; and compensation for service hookups Six Nations is entitled to access with the City of Brantford's services via an already existing servicing agreement. Six Nations environmental and archeological requirements are also part of this agreement. All without prejudice to Six Nations Aboriginal and Treaty Rights and Six Nations litigation against Canada and Ontario.

19. The Walton Group and Six Nations have entered into an "Umbrella Agreement" to confirm the Walton Group's consultation and accommodation requirements with Six Nations on more than 4,000 acres presently owned by the Walton Group in the County of Brant. It allows for shared water and waste water infrastructure so Six Nations is able to service our community; revenue sharing on all commercial developments and investment opportunities throughout all aspects with Six Nations similar to that reached for the River Bend Estates development. Construction and permanent jobs for Six Nations will be a priority. Enhanced Six Nations' environmental and archeological requirements are also part of this agreement. All without prejudice to Six Nations Aboriginal and Treaty Rights and Six Nations litigation against Canada and Ontario.

20. Empire Homes' McClung-Avalon development near Caledonia envisions 2700 residential units over 530 acres of Six Nations Lands requiring resolve with Canada. One third of the lands (180 acres) are dedicated to the protection of the environment and park space. Additional accommodation includes 200 acres being purchased and turned over to Six Nations by McClung Properties Ltd. and employment opportunities for Six Nations people throughout all phases of the development. Discussions are underway to have Ontario match the land allocation. All was done without prejudice to Six Nations court case against Canada and Ontario No. 406/95 and without prejudice to Six Nations Aboriginal and Treaty Rights.