



Six Nations "Iroquois" Confederacy
GRAND RIVER COUNTRY

WITHOUT PREJUDICE

August 29, 2008

Her Excellency the Right Honourable Michaëlle Jean
Governor General of Canada
Rideau Hall
1 Sussex Drive
Ottawa, Ontario
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The Honourable Charles (Chuck) Strahl, P.C., M.P.
Minister of Indian Affairs
Terrasses de la Chaudière, North Tower, Suite 2100
10 Wellington Street
Gatineau, Quebec
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Your Excellency and Mr. Strahl:

**Haudenosaunee Six Nations
Counter Proposal
To Canada's Welland Canal Offer**

Historic Loss of Use

The Haudenosaunee Six Nations have been unable to use the flooded lands for 179 years. The model and calculations that we have obtained from our expert economist have provided a basis for understanding for amounts owing which are in a range of approximately \$500 Million to \$1 Billion. Because we are committed to a treaty relationship which requires us to assist the other party, we are prepared to go forward with negotiating focused on land and our perpetual care and maintenance for the amount of \$500 Million for the historic loss of use of the lands flooded by the Welland Canal.

This represents a significant compromise on the part of the Haudenosaunee Six Nations considering that we have been provided with no evidence grounded by any economic opinion on why a different compensation approach should be undertaken.

Future Loss of Use

The Haudenosaunee Six Nations will not extinguish, surrender or otherwise release its interest in any of our lands. Payment for the Crown's future use of our lands must be addressed. We have looked at a number of options which would reflect a reasonable payment for the use of the land including what the land would provide if it were not flooded. An approach would look at the loss of traditional uses of the land for hunting, fishing, trapping, farming, the gathering of medicines, and other resources. We will be seeking an annual payment for the future and ongoing loss of use for our flooded lands. These payments will require structured negotiations.

Future Negotiations

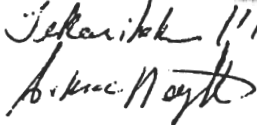
One of the difficulties with the negotiation process to date has been the Crown putting forward positions that it states are fair and reasonable. We cannot accept the proposition that the Crown can illegally take land and then state with any moral or legal authority that a particular compensation model is fair and/or reasonable. While the negotiating process and a party's ability to take a hard stand must be respected, we believe that any approach which allows one party to dictate to another party what is fair and reasonable is fundamentally unreasonable.

In consideration of the difficulties in reaching a negotiated settlement and in consideration of pressing concerns of the HSN and Canadians that a just and lasting reconciliation be achieved, we believe it reasonable to move forward based on the following Principles:

- (i) Canada and Ontario will by separate legislation commit to an ongoing tripartite Haudenosaunee Six Nation process to resolve the many land and financial issues. Such legislation will respect and adhere to the principles and legal relationships set out in the Two Row Wampum Treaty and the Silver Covenant Chain of Friendship;
- (ii) Negotiations will be not be governed by any current or future policy, regulations or law applying to 'Indians' including, but not limited to Federal or Provincial legislation relating to 'Specific or Comprehensive Claims'.
- (iii) 'Certainty' in achieving terms of settlements will be obtained without compelling the extinguishment, surrender or release of Haudenosaunee Six Nations rights or interests to any of our lands;
- (iv) The unrestricted use of land by the Haudenosaunee Six Nations will govern the return and replacement of lands;

- (v) Where financial compensation is to be considered as a part of any settlement, such forms of financial compensation will be restricted to the "perpetual care and maintenance" of the Haudenosaunee Six Nations as solely determined by the Haudenosaunee Six Nations and will not include *per capita* distributions;
- (vi) The Crown(s) will likewise not use any settlement compensation to relieve the Crown(s) of its ongoing funding programs and grants presently being provided to the Haudenosaunee Six Nations now or in future;
- (vii) Haudenosaunee Six Nations; the Crown in Right of Canada and the Crown in Right of Ontario shall commit in principal to an independent binding arbitration process should an impasse hamper the progress of negotiations; and
- (viii) The outcome of any negotiated or arbitrated settlement in relation to the Crown's historic and ongoing breaches of the treaty relationship shall not be limited to one time lump sum payments and for greater clarity may include the return of land to the HSN.

In Peace and Friendship,



Tekarihoken
Allen MacNaughton
Haudenosaunee Six Nations Lead Negotiator

am:jr

CC: The Honourable Barbara McDougall
Ron Doering
Chris Mayer
The Honourable Michael Bryant