

June 30, 2025

Boozhoo,

**Re: Update on Legal Work To Protect Nochemowenaing**

I am writing with an update on legal work to protect Nochemowenaing.

As you know, Nochemowenaing is a sacred location for Anishinaabe people and it has been since time immemorial. It is on land covered by Treaty 72 signed in 1854 and that was subsequently sold to private owners. In the 1970s, the land near Nochemowenaing started to be developed for cottages. At the time, numerous cottages were being built at the base of the escarpment. Shortly before this, the Niagara Escarpment Commission (NEC) was formed to conserve the escarpment. A subdivision at Nochemowenaing called "Hunter's Point" was planned in 1987 by Alton and Elaine Hunter.

Nawash has known since time immemorial that Nochemowenaing is a sacred place. Nochemowenaing, translated to English, means "Healing Waters". Anishinaabe from all over Turtle Island have journeyed to Nochemowenaing to seek healing from the medicines on the lands and from the waters. Some Anishinaabe who came to Nochemowenaing died there and ceremonies for their passing were held. Midewiwin ceremonies were practiced in this sacred place. Nawash Elders, Knowledge Keepers, Ceremony Conductors and Members have long shared oral history about Nochemowenaing, and how it is a sacred place where burial sites are located, and pushed to protect it.

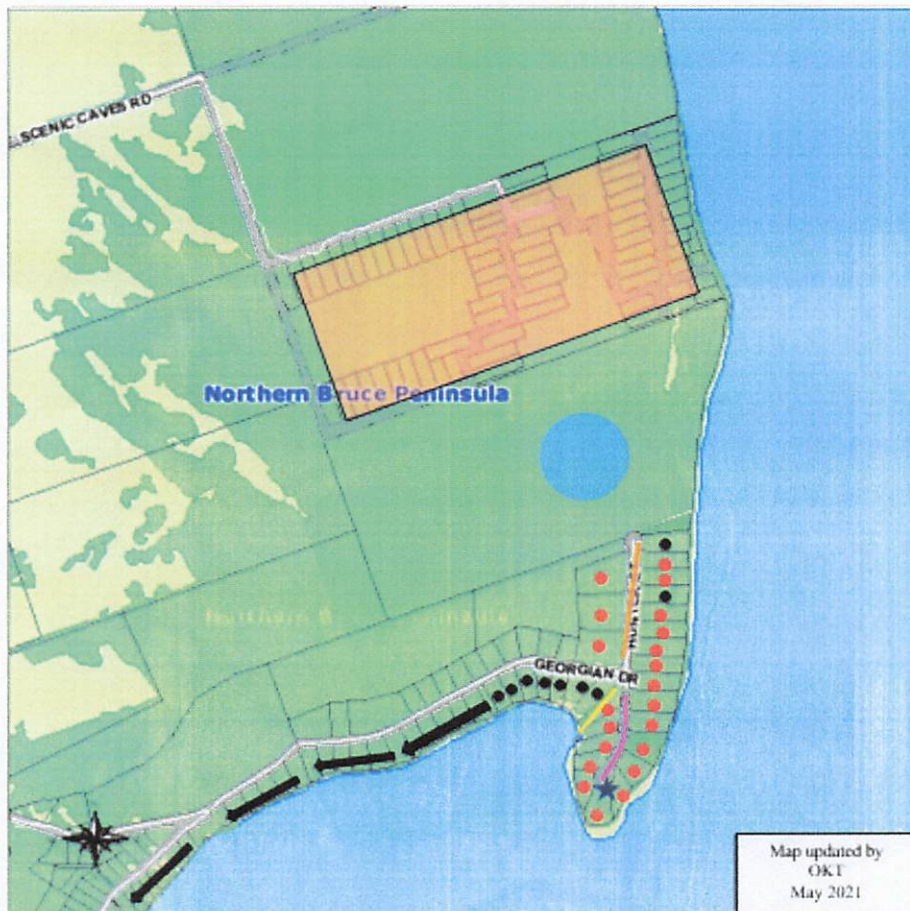
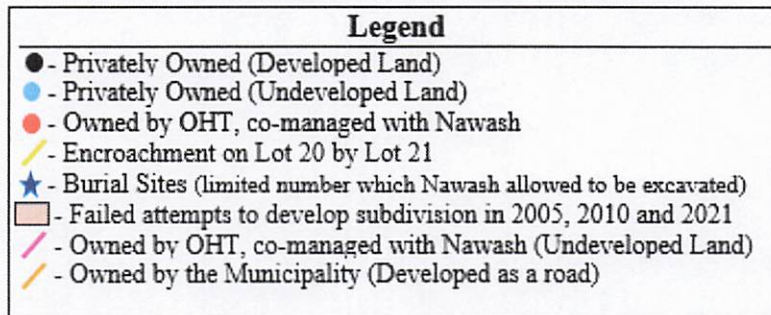
In 1989, archaeological resources were found at Nochemowenaing, and in 1994 Anishinaabe burials were found, reinforcing what Nawash has always known about Nochemowenaing, that it is a sacred place where burial sites are located. In response to the archeological findings, Nawash continued to push to have the area protected. Nawash worked with Ontario to purchase the land from the private owner, Alton Hunter. At the time, he owned 25 lots, which had been designated for cottage development.

Nawash has been very successful in preventing development on most of the 25 lots at Nochemowenaing and protecting the archeological and spiritual significance of the land. We have participated in development approval hearings before the NEC, appeals, and processes with the Cemeteries Registrar.

Nawash has also built a strong co-operative relationship with the Ontario Heritage Trust (OHT) to protect these sacred lands. To date, OHT has bought 21 lots to protect them from development, and co-manages these lands with Nawash. All the lots in the "Hunter's Point"

subdivision except for Lots 1, 4, 21 and 22 are now owned by OHT and co-managed with Nawash. The current status of the lands in Nochemowenaing are shown on the map below. The lots with red dots are owned by OHT and co-managed with Nawash.

### Map Showing Nochemowenaing Area



An enlarged view of the peninsula with the “Hunter’s Point” subdivision is shown below. All the lots in the subdivision marked on the image are owned by OHT and co-managed with Nawash.





Nawash has also been doing more work with OHT to specifically protect Lot 20. One outstanding issue is that Troy Hunter, who owns Lot 21, built a cottage on Lot 21 that trespasses significantly onto Lot 20, one of the lots that is supposed to be protected. He also planted trees, built a well, and built a gravel driveway that trespass onto Lot 20. These are called encroachments.

OHT, in consultation with Nawash, brought a legal application to force Troy Hunter to move his cottage and the other encroachments off Lot 20. The hearing for the application was in March 2025 and the Court issued its decision on the application in June 2025.

I am pleased to share that the Court agreed with Nawash and OHT that Troy Hunter trespassed onto Lot 20 and ordered that Troy Hunter must remove all the encroachments, including the part of the cottage, at his own cost.

The Court found that the encroachments are a profound disturbance that goes to the core of Nawash's spiritual and cultural values and obligations. They impact Nawash and OHT's intended uses and co-management of Lot 20, and no amount of money could compensate Nawash or the people of Ontario for the trespass. Further, there was no evidence that it would be too costly for Troy Hunter to remove the encroachments, and Troy Hunter does not use the

cottage much. The Court also found that Troy Hunter did not have a reasonable, honest belief about where the property line was when he built the encroachments. Given the profound impact of the encroachments, the spiritual, cultural and archeological importance of the land to Nawash and OHT, and Troy Hunter's limited use of the cottage, the Court concluded that Troy Hunter should remove them.


This is a big victory for Nawash because the Court recognized the spiritual, cultural and archeological importance of Nochemowenaing to Nawash, and Nawash's duties to protect it. The Court recognized that, from Nawash's perspective, no amount of money could ever buy Nochemowenaing, and Nawash would not consider selling or swapping these lands. The Court explained that Nawash and OHT's interests in protecting Nochemowenaing were more important than Troy Hunter's property interests. This is an important recognition of the cultural and spiritual importance of Nochemowenaing to Nawash, and acknowledgment of our responsibilities to protect and care for it.

The decision is also an important victory for First Nations dealing with trespass from private landowners. This is the first time that a Court has considered how to remedy trespass by a private landowner on land that has spiritual and cultural significance for First Nations. The Court was careful to say that it was not suggesting that the landowner should be ordered to remove encroachments automatically in every case like this. But this is still an important precedent for similar situations where a private landowner trespasses on land that is significant to First Nations, and may help First Nations get encroachments removed in other cases.

The next steps are that we will meet with OHT and Troy Hunter to try to come to an agreement for removing the encroachments, including monitoring and reporting requirements. We will make sure that the removal of the structures is done carefully and respectfully, given the burial sites and sacred material on Nochemowenaing. We will be reaching out to Elders, Knowledge Keepers, archeologists and ecologists to ensure this is done in a respectful way. We will keep you updated as this process goes forward.

Please reach out if you have any questions.

Miigwetch,

  
Ogimaa Greg Nadjiwon

Chippewas of Nawash Unceded First Nation