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# *Mohawk Council of Kahnawake*

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Enniskó:wa 17 / March 2025

The Honourable Premier Francois Legault  
Édifice Honoré-Mercier, 3e étage  
835, boul. René-Lévesque Est  
Québec (Québec) G1A 1B4

Wa'tkwanonhwera:ton (Greetings) Premier Legault,

On February 18, 2025, the Mohawk Council of Kahnawà:ke met with the City of Châteauguay regarding a re-alignment and residential development project (Boulevard St. Francis and Boulevard Industriel re-alignment and high-density residential development project) (the "Project"). After this meeting, the MCK elaborated on the concerns we expressed in the meeting by providing a formal letter to the City regarding the Project on March 6, 2025<sup>1</sup>.

We have given notice to the City that we are formally opposed to this project moving forward based on the project's location, scope and our SSSL land grievance rights (see attached letters to the City of Châteauguay and government of Canada). This letter outlines the provincial Crown action that is required to meet the Honour of the Crown and work towards the resolution of this issue.

MCK opposition to the project based on SSSL land grievance rights

As you are aware, the SSSL land grievance is a large pre-confederation claim that pertains to the illegal dispossession of seigneurial lands and includes the failure to add lands promised for addition to Kahnawà:ke that are within the boundaries of Châteauguay. Canada offered to negotiate a settlement of this grievance by letter dated June 16, 2003. The Project that was presented to us is within the western boundary that has been

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<sup>1</sup> MCK letter from Grand Chief Cody Diabo to Eric Allard, dated March 6, 2025.

established for negotiation of the SSSL land grievance because of an unfulfilled promise to return these lands and even includes a small additional encroachment onto the Mohawk Territory of Kahnawà:ke.

The Québec Superior Court has confirmed that Kahnawà:ke's interests in the SSSL trigger the Crown's consultation and accommodation obligations associated with any developments within the SSSL<sup>2</sup>. Furthermore, as part of an agreement allowing the construction of Highway 30 on SSSL lands, the government of Québec still owes over 200 acres of land to the Mohawks of Kahnawà:ke. The acceptance of our grievance for negotiation and this established land debt means that any development of land within or in proximity to the SSSL requires Kahnawà:ke's free, prior and informed consent prior to moving forward.

The vast majority of our SSSL land grievance lands has been developed and compromised for the sole benefit of Non-Indigenous governments and people. This development has continued unabated since the SSSL land grievance has been accepted for negotiation. Non-Indigenous land use and development of our territory has resulted in significant negative socio-economic impacts, a decrease of traditional land use opportunities and access to sites of cultural and spiritual importance. The development of undeveloped SSSL lands for this Project would undoubtedly exacerbate adverse impacts on the integrity of SSSL lands and will also adversely impact the ability of the Crown to fulfill its outstanding debts and duties pertaining to the resolution of the SSSL land grievance.

In addition to our opposition to the project based on our land rights, we also have concerns with this project based on its location and scope. These concerns include harmonization with potential land uses in Kahnawà:ke, and issues associated with increased traffic/access to our territory because of residential development, additional encroachment, environmental concerns and archaeology (as described more fully in the attached letter to Châteauguay).

Therefore, we are opposed to the development of the lands slated for this Project. It should also be noted that City of Châteauguay representatives demonstrated a lack of appreciation for our fundamental concerns associated with the continued development of our SSSL land grievance lands. It is apparent that the Province of Québec and the federal government need to do a much better job at educating our neighbouring municipalities about the history and present-day implications associated with the unresolved SSSL land

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<sup>2</sup> Municipalité régionale de comté de Roussillon c. Ministère des Ressources naturelles, 2017 QCCS 3744, at para. 21

grievance and ensuring that Kahnawà:ke's rights and interests are preserved pending full and final settlement of this land grievance.

Interim measures and immediate action are required to preserve Kahnawà:ke's rights to these lands

Within the context of the SSSL land grievance, Québec and MCK agreed that the province would return to the MCK the equivalent amount of land removed from the SSSL land grievance for the purpose of the Highway 30 construction. Though some land was returned and some more recent discussions regarding the outstanding land owed, there nevertheless remains a 211-acre debt owed by the Government of Québec, as previously recognized by Decree 1107-2018 Authorizing the signature of a Financial Settlement Agreement allowing for an expenditure to MCK to purchase land to fulfill the outstanding debt.

To summarize, the lands to be developed are:

- Currently undeveloped.
- Directly within the SSSL land grievance boundaries that have been accepted for negotiations by both Canada and the MCK.
- Contiguous to two sides of the current Mohawk Territory of Kahnawà:ke; and,
- Are proposed for development despite the government of Québec's established 211-acre land debt to the Mohawks of Kahnawà:ke.

These factors mean that the Crown has an obligation to recover these lands for the use and benefit of the Mohawks of Kahnawà:ke. In this context, monetary compensation would be incapable of compensating the damages that our community will suffer if these lands are developed and lost forever. The unique sui generis relationship between our community and these lands would be permanently altered and the opportunity to use these lands for the exercise of our governance, socio-economic, traditional land use and cultural rights would be lost. In other words, the level of infringement to our rights stemming from this project would be at the highest end of the spectrum since it would result in irreversible impacts to established rights.

Our right to control the development of these lands and our right to recover these lands is also mandated by the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP"). UNDRIP outlines, as a minimum standard, that Indigenous peoples have the right to the lands that have been taken without consent, including the right to control, develop and obtain restitution of those lands (articles 26(1); 26(2) and 28).

Under these circumstances, to preserve the Honour of the Crown, Canada and Québec must take immediate action to stop this project and prevent the development of these lands. No Crown action, including authorizations, can be provided to enable the implementation of this project based on the current record. Canada and Québec must explore the possibility of purchasing these lands from the City and any private interest holders. Sincere, concrete actions to stop the project and/or purchase the lands to preserve the rights and interests of the Mohawks of Kahnawà:ke are immediately required.

#### Conclusion

We trust that you understand that this issue is of utmost importance to our community and that we can count on your Government to fulfill its outstanding obligations by supporting and facilitating the recovery of these lands as we move towards resolving our land grievances. The MCK requires an immediate meeting with your Ministry to discuss the provincial actions that will be taken to ensure that our rights to these lands are preserved. We understand that collaboration with the federal government, private interest holders and the City of Châteauguay may be required to achieve this objective, and we have already reached out to Minister Anandasangaree's office and are looking forward to working with all parties to ensure that our rights are respected.

The Community has been made aware of the current situation. It should be noted the last time attempted development took place within the SSSL so close to the current boundary of Kahnawà:ke, the People of Kahnawà:ke made a strong statement with their presence. Let us learn from the mistakes of the past and resolve this matter beforehand.

I trust this information is satisfactory; should you have any questions or require further information please feel free to contact our office.

Respectfully,

#### **OFFICE OF THE COUNCIL OF THE CHIEFS**



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Ohén:ton I:rate ne Ratitsénhaienhs  
Grand Chief Cody Diabo of Kahnawake

cc. Minister Ian Lafrenière, Minister for the SRPNI  
Minister Gary Anandasangaree, Minister of Indigenous and Crown Relations Canada  
Mayor Eric Allard, City of Châteauguay  
The Right Honourable Mark Carney, Prime Minister