

Fact Sheet 2026

Washagamis Bay First Nation Garden Islands Reserve Claim

Washagamis Bay First Nation (previously known as Obashkaandagaang First Nation) and the governments of Ontario and Canada are working together to resolve an outstanding land claim through negotiation. The goal of this process is to conclude a fair and final settlement that will bring closure to longstanding issues while renewing relationships and fostering reconciliation.

Overview of the claim

Washagamis Bay First Nation is a signatory to Treaty 3, signed in 1873. Under the terms of the Treaty, reserves for First Nation signatories were to be selected in consultation with the First Nations and set apart for their use and benefit by the Crown. In this case, Washagamis Bay First Nation claims that specific islands in the Lake of the Woods, that were used as gardening sites, were not set apart and confirmed as reserve for Washagamis Bay First Nation as they should have been under the terms of Treaty No. 3.

Washagamis Bay First Nation is located approximately 10 kilometres southwest of the City of Kenora.

The Negotiations

Discussions among the three parties began in September 2013. As a result of the negotiations, Ontario, Canada and Washagamis Bay First Nation have identified 10 islands as possible lands to be transferred to Canada to be added to Washagamis Bay First Nation's reserve as part of settlement of the claim.

The parties are also considering the transfer of the immediately adjacent lakebeds surrounding each of the islands as part of the settlement of this claim. The islands and immediately adjacent lakebeds are currently provincial Crown land. Washagamis Bay First Nation claims the immediately adjacent lakebeds should have been set apart and confirmed as reserve because they formed part of the islands before the water levels increased as a result of the damming on Lake of the Woods. The raised water levels caused by the damming has reduced the size of the 10 islands.

The attached map illustrates the 10 islands and the immediately adjacent lakebeds, referred to as the Proposed Settlement Lands, that are being considered for transfer from Ontario to Canada as part of the settlement of the Washagamis Bay First Nation reserve claim.



The Proposed Settlement Lands are Islands A, B, D, G-North, G-South, H, I, J, K, and M, which are currently regulated as part of Lake of the Woods Conservation Reserve, and the lakebeds immediately adjacent to each island up to a contour of 320.72m CGVD28. Ontario is proposing to deregulate (remove) these 10 islands from the boundaries of the Lake of the Woods Conservation Reserve, and to transfer the islands and their immediately adjacent lakebeds to Canada to set apart as reserve for the use and benefit of Washagamis Bay First Nation.

Ontario will not take away or expropriate private property to settle land claims. Any acquisition of private property will be on a willing-seller/willing-buyer basis. Access to private property and to the public right to navigation will be maintained.

Consultations

Negotiations are proceeding well, but work remains to be done before a final settlement is reached and the claim is concluded. This includes completing consultations on the Proposed Settlement Lands with other Indigenous communities, as well as individuals and groups whose interests may be affected, and members of the public.

In 2019, Ontario initiated consultations on the Candidate Lands which have since been refined, and Ontario is currently conducting consultations on the Proposed Settlement Lands: the 10 islands and the lakebeds surrounding the islands.

Consultation processes regarding the Washagamis Bay First Nation Garden Islands reserve claim include the Indigenous Land Claims Consultation Process (ILCCP) of Ontario's Ministry of Indigenous Affairs and First Nations Economic Reconciliation (IAFNER), consultations to meet requirements for the Ministry of Natural Resources' (MNR) Class Environmental Assessment for Resource Stewardship and Facilities Development (Class EA-RSFD) and the Ministry of the Environment, Conservation and Parks' (MECP) Class Environmental Assessment for Provincial Parks and Conservation Reserves (Class EA-PPCR), and the *Environmental Bill of Rights, 1993*.

Please refer to the "Overview of Consultation Process Regarding Land-Related Claim Settlements" section below for more information on the consultation processes.

Overview of Consultation Process Regarding Land-Related Claim Settlements

When Ontario considers transferring provincial Crown land as part of the settlement of a land claim, a consultation process is conducted on the proposed provincial Crown lands to be transferred. The consultation process is led by IAFNER and includes coordination with other ministries who may have statutory and policy consultation requirements (e.g., applicable requirements under the *Environmental Bill of Rights, 1993*) associated with the proposed provincial Crown lands to be transferred.

In addition, to meet its consultation obligations under section 35 of the *Constitution Act, 1982*, Ontario and Canada consult, and where appropriate, accommodate, other Indigenous communities if their Aboriginal or treaty rights may be adversely impacted by the proposed land transfer and addition to reserve.

If the First Nation requests that the settlement lands be added to the reserve, then the lands must meet the criteria of the federal Additions to Reserve (ATR) Policy. To learn more about the federal process in adding lands to reserve, information can be found at: [Additions to Reserve](#).

Toward a Negotiated Settlement

Following consultations, negotiators for Washagamis Bay First Nation, Canada and Ontario will conclude their talks on a settlement proposal and draft a settlement agreement.

Washagamis Bay First Nation, Canada and Ontario will each obtain approval of the settlement. The settlement is not final until it is signed by all three parties.

The Benefits of Settling Claims

Negotiated settlement agreements are one of the many steps toward achieving healing and reconciliation with Indigenous peoples. They resolve longstanding disputes about land in a balanced way that respects the rights of all those involved. Settlements reflect the parties' commitment to work in partnership and create a better future for everyone in the province.

Collection of Information

IAFNER collects personal information where necessary to support the provincial negotiation of Indigenous land claims under the authority of Order-in-Council 1170/2024, in accordance with the *Freedom of Information and Protection of Privacy Act (FIPPA)*. Information collected will be used and may be shared with other provincial ministries for the purpose of assisting with decision-making and facilitating communication with individuals in relation to the land claim.

Ontario may also share personal information with Canada for the purpose of addressing matters brought forward in consultation that need to be resolved as part of negotiations if certain lands are to be transferred to Canada to be added to reserve for the exclusive use and benefit of the First Nation.

IAFNER may procure a third party to provide services to facilitate consultation relating to this claim. Where a third party is procured, the third party may collect personal information on behalf of IAFNER. The third party will collect and retain records in accordance with the *Freedom of Information and Protection of Privacy Act (FIPPA)* and may only use personal information in compliance with *FIPPA* and for purposes authorized by IAFNER.

Comments not constituting personal information, as defined by *FIPPA*, may be shared with others as appropriate, and may be included in documentation available for public review.

For more information, including information about the collection of personal information, please contact:

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