

FILE NO.: SCT-3002-16
DATE: 20170505

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
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NATION (INDIAN BAND) AND BIG)	Donald R. Colborne, for the Claimants
GRASSY (MISHKOSIIMIINIIZIIBING))	
FIRST NATION (INDIAN BAND))	
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)	
Claimants)	
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- and -)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	Lisa Cholosky, for the Respondent
As represented by the Minister of Indian)	
Affairs and Northern Development)	
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)	
Respondent)	
)	
)	
)	HEARD: April 5, 2017

ENDORSEMENT

Honourable Paul Mayer

A Case Management Conference (CMC) was held by teleconference on April 5, 2017, at 3:30 P.M., Eastern Time (Ottawa).

Respondent's Position on Validity of the Claim

[1] On or before **May 18, 2017**, the Respondent shall inform the Claimant and Tribunal on whether its denial of the validity of the entirety of the Claim has changed as a result of the Respondent's ongoing review of recent case law.

Potential Tribunal Assisted Mediation in the Windy Point Claim

[2] The Parties agreed that potential Tribunal assisted mediation for claim SCT-3001-16 ("Windy Point Claim") may be beneficial to a possible mediated settlement for this Claim.

[3] However, the Parties believe that a forestry expert report will be required to assess the value of this Claim and the Claimant does not want potential mediation for the Windy Point Claim to be delayed by the production of an expert report for this Claim.

Potential Joint Forestry Expert Report

[4] The Claimant undertook to provide further particulars on its theory for compensation to the Respondent.

[5] The Parties agreed to continue dialoguing on a potential joint forestry expert report over the coming weeks.

Discussion

[6] The Claimant wants the Parties to retain a forestry expert ("expert") to produce a joint forestry expert report ("joint report") and hopes that costs for this work could be determined accordingly. However, the Claimant stressed that time is of the essence as the Claimant's tentatively engaged forestry expert might not be available for much longer.

[7] The Respondent indicated its interest in a joint report but requires further particulars from the Claimant regarding its theory on compensation for the alleged timber losses. The Respondent was not prepared to make a commitment to a joint report prior to receiving more particulars. It also takes some time for the Respondent to be able to retain an expert.

[8] The Claimant suggested that one option for a Joint Terms of Reference is for the Parties to direct a number of questions to the expert which would address any competing theories for compensation of both the Claimant and the Respondent.

Other Issues

[9] The issue of the Claimant's oral history evidence hearing date and Will-Say Statements, expert evidence, hearing bifurcation, and a section 22 Notice to the Province of Ontario will be revisited, if necessary, pending the Respondent's stated position on mediation. The Parties are to address these issues, if necessary, in their next CMC brief.

[10] The next CMC will be held together with claim SCT-3001-16 by teleconference on **May 25, 2017**, at 4:30 P.M., Eastern Time (Ottawa).

PAUL MAYER

Honourable Paul Mayer