

FILE NO.: SCT-3001-14

DATE: 20170214

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
SHOAL LAKE NO. 40 FIRST NATION)
) Bruce McIvor and Kate Gunn, for the
Claimant) Claimant
)
- and -)
)
ISKATEWIZAAGEGAN NO. 39)
INDEPENDENT FIRST NATION)
)
Claimant) Terence Douglas, for the Claimant
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian) Paul Anderson and Joseph Langan, for the
Affairs and Northern Development) Respondent
)
Respondent)
)
)
)
) **HEARD:** February 2, 2017

ENDORSEMENT

Honourable Paul Mayer

A Case Management Conference (CMC) was held by teleconference on February 2, 2017, at 4:30 P.M., Eastern Time (Ottawa).

[1] The Claimant Iskatewizaagegan No. 39 Independent First Nation shall provide any additions it may have to the Agreed Statement of Facts and Common List of Documents to the Parties prior to the next CMC.

[2] The Respondent shall decide whether the production of the report of Mr. Kent McPherson before the Tribunal will remain an issue for the Respondent on the basis of asserted settlement privilege. Should the Parties be unable to agree, the matter may be brought forward to the Tribunal for a determination.

[3] The Claimant Shoal Lake No. 40 First Nation intends to call four to five elders during the oral history evidence hearing which is currently booked from May 2 to May 4, 2017. The Claimant shall be in contact with the Registry to finally confirm the logistics as soon as it is possible, including the possibility of opening and closing ceremonies.

[4] The Claimant Shoal Lake No. 40 First Nation shall submit a letter with consent of the Respondent to the Registry on or before **March 1, 2017**, which shall include the name of the chosen interpreter and indicate whether or not there will be simultaneous translation at this hearing. The Claimant shall also provide Will-Say Statements to the Respondent and Tribunal on or before **April 3, 2017**.

[5] The Claimant Iskatewizaagegan No. 39 Independent First Nation reported that it will not be present at this oral history evidence hearing.

[6] Following the oral history evidence hearing of the Claimant Iskatewizaagegan No. 39 Independent First Nation, the Respondent indicated that it is considering the need for an agronomist or other expert to look at the use of the Garden Islands. The Respondent is encouraged to start that process now as needed, and not wait until after the oral history evidence hearing in May 2017, if possible, as this may cause unnecessary delay in the Claim's progress towards the validity hearing.

[7] The Claimant Shoal Lake No. 40 First Nation indicated that its position is that it would like a decision from the Respondent on the issue of mediation as soon as possible; initially, the Respondent had indicated some desire to wait until after the oral history evidence hearing takes place to make that decision. As such, the Respondent undertook to seriously consider the matter

of mediation prior to the next CMC. The Respondent shall indicate its position on mediation to the Parties and Tribunal prior to the next CMC.

[8] The next CMC will be held by teleconference on **April 20, 2017**, at 4:30 P.M., Eastern Time (Ottawa).

PAUL MAYER

Honourable Paul Mayer