

**FILE NO.:** SCT-6001-17  
**DATE:** 20180718

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
BIRCH NARROWS FIRST NATION	)	
	)	Neil Reddekopp, for the Claimant
	)	
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	
As represented by the Minister of Indian	)	Jenilee Guebert and Scott Bell, for the
Affairs and Northern Development	)	Respondent
	)	
	)	
Respondent	)	
	)	
	)	
	)	
	)	<b>HEARD:</b> July 12, 2018

**ENDORSEMENT AND ORDER**

**Honourable William Grist**

A Case Management Conference (CMC) was held by teleconference on July 12, 2018, at 3:00 P.M., Eastern Time (Ottawa).

[1] The Respondent intends to introduce expert evidence and is in the process of retaining its experts. The Parties shall, between now and the next CMC, discuss the prospect of joint retention of expert(s).

[2] Counsel for the Claimant reported that he is also counsel for the two other First Nations who received a Notice under subsection 22(1) of the *Specific Claims Tribunal Act*, SC 2008, c 22 (*SCTA*), being Buffalo River Dene Nation and English River First Nation. Both nations are Treaty 10 signatories and feel that their own specific claims, currently before the Specific Claims Branch, have significant legal and factual overlap with the matter at hand. Both nations intend to respond to the Notice, and will be serving and filing their application for status under section 24 of the *SCTA* on or before **July 20, 2018**.

[3] The Parties shall be prepared to discuss the following issues at the next CMC:

- a. Positions on the proposed scope of the section 22 First Nations participation; and procedure related thereto. Ideally a protocol is to be prepared jointly;
- b. Failing that, when a hearing can be scheduled to determine the issue of adding section 24 parties;
- c. A final determination regarding whether oral history evidence will be called or not;
- d. Dates for expert and/or validity hearing(s), likely to be held in Meadow Lake; and,
- e. Progress on and timelines for expert retention (joint or otherwise), joint plan of proceedings, Common Book of Documents, Agreed Statement of Fact and Agreed Statement of Issues.

[4] The Parties shall contact the Registry to schedule the next CMC, which is to be held by teleconference, and is to take place as soon as is practicable following **September 15, 2018**.

[5] Pursuant to Rule 10 of the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119, and upon the request of the Parties, **THE TRIBUNAL ORDERS that:**

- a. The hearing of this Claim shall proceed in two separate stages, in order to deal with issues of validity and compensation, respectively;

- b. The Tribunal will first hold a hearing and render its decision on the validity of the Claim (Validity Stage);
- c. The second stage of this Claim pertaining to compensation, including the principles of compensation and any applicable compensation criteria (Compensation Stage), will only proceed if the Claim is found to be valid. The Compensation Stage will not begin until the Validity Stage has been completed, and the issue of validity decided;
- d. If the Claim is ultimately determined to be valid, the Parties will have a reasonable amount of time to gather evidence relating to compensation, including expert evidence, before the Compensation Stage begins;
- e. The Parties may delay taking steps to prepare their cases on compensation until a determination is made on validity; and,
- f. In relation to this Order of Bifurcation, there shall be no costs awarded to either party.

WILLIAM GRIST

---

Honourable William Grist