

**SPECIFIC CLAIMS TRIBUNAL**

BETWEEN:

DOIG RIVER FIRST NATION

SPECIFIC CLAIMS TRIBUNAL		
F I L E D	TRIBUNAL DES REVENDIATIONS PARTICULIÈRES	D É P O S É
August 29, 2012		
Guillaume Phaneuf		
Ottawa, ON	23	

Claimant

v.

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

As represented by the Minister of Aboriginal Affairs and Northern Development Canada

Respondent

---

**NOTICE OF APPLICATION**

Pursuant to Section 24 of the *Specific Claims Tribunal Act* and  
Rule 41 of the *Specific Claims Tribunal Rules of Practice and Procedure*

---

BY: BLUEBERRY RIVER FIRST NATIONS

James Tate and Ava G. Murphy  
Ratcliff & Company LLP  
500 – 221 West Esplanade, Vancouver, B.C., V7M 3J3  
Phone: 604-988-5201  
Email: [jtate@ratcliff.com](mailto:jtate@ratcliff.com) and [amurphy@ratcliff.com](mailto:amurphy@ratcliff.com)

TO: DOIG RIVER FIRST NATION

Allisun Rana and Julie Tannahill  
Rana Law  
Suite 102, 620 12<sup>th</sup> Avenue SW, Calgary, AB, T2R 0H5  
Email: [Allisun@ranalaw.com](mailto:Allisun@ranalaw.com) and [Julie@ranalaw.com](mailto:Julie@ranalaw.com)

AND TO: HER MAJESTY THE QUEEN IN THE RIGHT OF CANADA

Brett C. Marleau and Naomi Wright  
Department of Justice  
900 – 840 Howe Street, Vancouver, BC, V6Z 2S9  
Email: [Brett.Marleau@justice.gc.ca](mailto:Brett.Marleau@justice.gc.ca) and [Naomi.Wright@justice.gc.ca](mailto:Naomi.Wright@justice.gc.ca)

**A. RELIEF SOUGHT**

1. Blueberry River First Nations is added as a claimant in this proceeding.
2. The style of proceeding is amended as follows:

BETWEEN:

DOIG RIVER FIRST NATION

Claimant

and

BLUEBERRY RIVER FIRST NATIONS

Claimant

v.

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

As represented by the Minister of Aboriginal Affairs and Northern Development  
Canada

Respondent

**B. FACTUAL BASIS**

3. In its Declaration of Claim filed December 15, 2011, Doig River First Nation (“Doig River”) asserted a breach of legal obligation of the Crown in relation to mineral rights on Indian Reserves No. 204, 205 and 206 (the “Reserves”) set aside for and purchased by the Fort St. John Beaver Band on August 25, 1950, after the surrender of Montney Indian Reserve No. 172 in the late 1940’s.
4. In 1977, the Fort St. John Beaver Band divided and formed two new First Nations: Doig River and the applicant, Blueberry River First Nations (“Blueberry River”). Doig River and Blueberry River are the successor First Nations of the former Fort St. John Beaver Band.
5. When the Fort St. John Beaver Band split, the reserves that now form the basis of this Claim were divided between the two successor First Nations as follows:

- (a) Beaton Indian Reserve No. 204:
    - (i) The southern half (approximately 440 acres) to Blueberry River;
    - (ii) The northern half (approximately 440 acres) to Doig River;
  - (b) Blueberry River Indian Reserve No. 205 to Blueberry River; and
  - (c) Doig River Indian Reserve No. 206 to Doig River.
6. In its Declaration of Claim, Doig River seeks compensation for past and future loss of the mineral rights in the Reserves resulting from the Crown's breaches.
7. On or around May 28, 2012, Blueberry River received Notice from the Tribunal dated May 17, 2012 pursuant to s. 22 of the Specific Claims Tribunal Act, that a decision on the issue of mineral rights in the Reserves, may, in the opinion of the Tribunal, significantly affect the legal interests of the Blueberry River First Nations.
8. At the second Case Management Conference (CMC) heard before Mr. Justice Patrick G. Smith on July 25, 2012, counsel for Blueberry River sought and was granted an extension of time to apply to participate in these proceedings to September 11, 2012.

**C. LEGAL BASIS**

9. Section 24 of the *Specific Claims Tribunal Act* states that:

The Tribunal may, on application by a First Nation to whom notice under subsection 22(1) is provided, grant the First Nation party status if the Tribunal considers it a necessary or proper party.

10. The Tribunal has not yet issued written reasons to guide its application of section 24. However, the case law indicates that as a general principle, a Court should add an applicant as a party where it has a direct interest in the proceedings, with the applicant and one of the parties having an issue between them that is related to the relief claimed or to the subject matter of the proceeding.

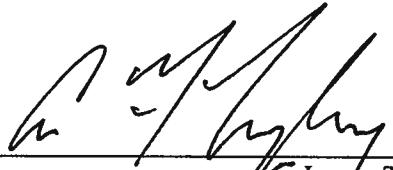
Reference: *Kitimat (District) v. British Columbia*, 2006 BCCA 562

11. Blueberry River has a direct interest in both the subject matter and the relief claimed in these proceedings.
12. The subject matter of the proceedings is the legal obligation of the Crown in relation to the mineral rights on Indian Reserves 204, 205 and 206, which were set aside for and purchased by the Fort St. John Beaver Band. The relief sought is compensation for loss of these mineral rights resulting from the Crown's breaches of its legal obligations as alleged. As a successor First Nation of the former Fort St. John Beaver Band, and being currently entitled to Indian Reserve 205 and approximately half of Indian Reserve 204, Blueberry River has a direct interest in both the Crown's legal obligations toward the former Band (and subsequently Blueberry River) in relation to the mineral rights on these lands, and a direct interest in compensation for any losses arising therefrom.

**D. CONSENT**

13. Pursuant to Rule 34(b) of the *Specific Claims Tribunal Rules and Procedure*, the applicant wishes to advise the Tribunal that Doig River consents to the relief sought in this application.

Dated: August 29, 2012

  
\_\_\_\_\_  
for James Tate  
counsel for Blueberry River First Nations