



2007|2008

# Annual Report



Indian Claims Commission

Indian Claims Commission  
Annual Report 2007–2008

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[www.indianclaims.ca](http://www.indianclaims.ca)

**Cat. No. CP RC21-2008**  
**ISBN 978-0-662-05872-4**  
**Design:** Accurate Design

**COVER PAGE ARTWORK**

*“Untitled” Jerry Whitehead, 2000*  
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# TO HER EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL



MAY IT PLEASE YOUR EXCELLENCY

In 2007-2008, the Indian Claims Commission completed five inquiry reports, released eight inquiry reports, and completed six mediations. This report summarizes our major achievements and activities in relation to specific claims last year.

Yours truly,

A handwritten signature in black ink, which reads "Renée Dupuis". The signature is written in a cursive, flowing style.

Renée Dupuis, C.M., *Ad.E.*  
Chief Commissioner

JULY 2008



# CONTENTS

<b>INTRODUCTION</b> .....	1
Message from the Chief Commissioner .....	3
What's in the Report .....	5
 <b>COMMISSION'S RECOMMENDATIONS TO GOVERNMENT, 2007–2008</b> .....	7
 <b>THE ICC – WHO WE ARE</b> .....	11
Authority, Mandate and Operations .....	12
History of the ICC and of Specific Claims in Canada .....	13
The Commissioners .....	19
Organizational Structure .....	22
 <b>THE ICC – WHAT WE DO</b> .....	25
Overview of the ICC's Activities From 1991 to 2008 .....	27
The ICC's Achievements in 2007–2008 .....	33
<b>INQUIRIES</b> .....	33
What Are Inquiries? .....	34
The Inquiry Process .....	35
Inquiries Completed in 2007–2008 .....	36
Summary of Specific Claims in Inquiry between April 1, 2007, and March 31, 2008 .....	41
<b>MEDIATION AND FACILITATION</b> .....	53
What Is Mediation and Facilitation? .....	54
The Mediation Process .....	55
Summary of Specific Claims in Mediation and Facilitation between April 1, 2007, and March 31, 2008 .....	55



<b>Claims Addressed in Inquiries and Mediations Concluded with Reports</b> .....	69
Claims Addressed in Inquiries and Mediations Concluded with Reports as of March 31, 2008 .....	70
Claims Addressed in Inquiries and Mediations Concluded with Reports Index: Provincial .....	81
Claims Addressed in Inquiries Index: Thematic .....	85
<b>Financial Information</b> .....	94
<b>In Fact...</b> .....	95
<b>How to Contact Us</b> .....	96





## *INTRODUCTION*

### **What you'll find in this section:**

- 3 Message from the Chief Commissioner**  
Opening remarks from the Chief Commissioner
- 5 What's in the Report**  
Describes what you'll find in this report





## Message from the Chief Commissioner

Since its inception in 1991, the Commission has gained credibility as an independent, neutral body that conducts inquiries into specific claims disputes between First Nations and the Government of Canada, as well as providing mediation services at any stage of the claims process to foster achievement of positive outcomes. Since that time, the ICC has addressed 92 claims, and issued 70 inquiry reports covering 80 claims. It has also provided mediation/facilitation services to 53 specific claims negotiation tables and issued 12 mediation reports.

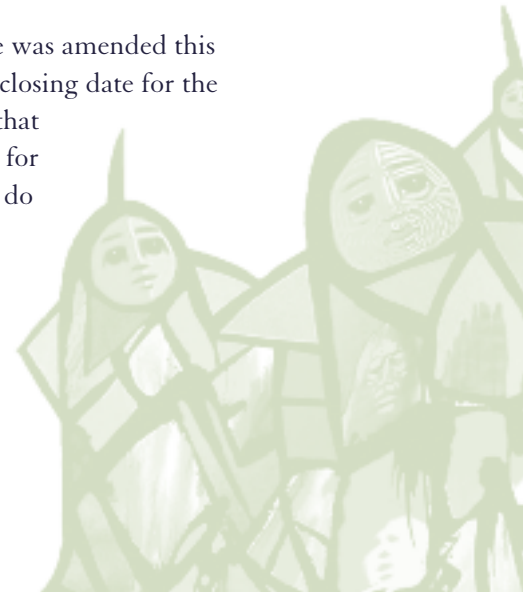
The Commission's mandate-to conduct inquiries and to provide mediation/facilitation services is fulfilled by a part time Chief Commissioner and four part time Commissioners, with the support of staff. Our work has been carried out in the ICC's offices and in the field during staff visits, community sessions, oral hearings and mediation sessions in various regions of Canada. The ICC's inquiry and mediation processes have enabled Canada and First Nations to take a fresh look at certain claims, and have helped provide an opportunity to resolve complex and contentious issues of policy and law.

In fulfilment of its mandate, the ICC has developed a sound reputation for conducting its inquiries and providing mediation services in a balanced and neutral manner that favours neither party in the process. The Commission has played a unique role, working between parties with opposing viewpoints. As Chief Commissioner, I actively support approaches that foster the greatest degree of impartiality and independence so that the credibility and acceptance of our work and findings are beyond reproach.

We at the Commission see our role as bridging different points of view. However, despite all our best efforts, different perspectives will continue to characterize the specific claims process in Canada for some time. This concept of bridging will remain critical if we are to make collective progress in the specific claims area.

Since 1994, the Commission has called upon the Government to create an independent, permanent body with binding authority to expedite the resolution of First Nation specific claims. With Bill-C- 30, "the *Specific Claims Tribunal Act*," there are changes underway. This Tribunal would have decision-making powers a key ICC recommendation for many years. As well, the Government has indicated its intent to set up a mediation body, another decision that the ICC supports given its own positive experience with mediation. We stand ready to assist in any way we can with the creation of a lasting solution to the delays and backlog in the specific claims process.

In parallel to the tabling of Bill C-30 in November 2007, the ICC's own mandate was amended this last year by Order in Council P.C. 2007 1789. As well as fixing a March 31, 2009 closing date for the ICC, the Order in Council directed the Commission to cease work on inquiries that had not yet reached the community session phase and stop accepting new claims for inquiry. If a First Nation requests that the Commission cease its inquiry, it must do so immediately without issuing a final report. The Commission must complete and report on all remaining inquiries by December 31, 2008, and cease all its activities, including those related to mediation, by March 31, 2009.



As the Commission's work wraps up, our focus is on completing the inquiries and mediation files still underway, and ensuring that the knowledge and experience acquired during our 17 years of operation are not lost.

One of the Commission's priorities over the next year will be to help secure new employment for ICC personnel, who have worked diligently with Commissioners.

The Commission would like to reassure First Nations and Government that the quality of our work will be maintained throughout this challenging period.

Commissioners and staff will continue to work diligently to complete our work within the time allotted, effectively fulfilling the Commission's mandate. As always, our experience is available to First Nations and Government. We will offer the benefit of our experience over the years to the new tribunal and to the new mediation services organization, once both are formally created.

Renée Dupuis, *C.M., Ad.E.*  
Chief Commissioner  
Indian Claims Commission

“THE COMMISSION'S  
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BY A PART TIME CHIEF  
COMMISSIONER AND  
FOUR PART TIME  
COMMISSIONERS, WITH  
THE SUPPORT OF STAFF.”



## What's in the Report

This report of the Indian Claims Commission describes the work of the Commission from April 1, 2007, to March 31, 2008. It focuses on the Commission's achievements and its contribution to the settlement of specific claims that have been rejected by Canada and then submitted by First Nations to the Commission for inquiry. It also makes recommendations to government on how to improve the process.

The report is divided into four sections. The **Introduction** includes a message from Chief Commissioner Renée Dupuis. This is followed by the Commission's **Recommendations**. The section entitled **Who We Are** outlines the mandate and organizational structure of the Commission; provides a brief history of the Commission and specific claims; and includes biographical sketches of the Commissioners. It is followed by **What We Do**, the section that constitutes the core of the report, setting out the status of all claims on which the Commission has worked since its inception.

The focus of the report is the summary of claims, which provides information on claims currently before the Commission either in inquiry or in mediation/facilitation. It is followed by a table of claims addressed by the ICC.

The inquiries or mediations completed in 2007-2008 are listed first so that the reader can quickly find the results of work conducted by the Commission over the reporting year. They are followed by summaries of current inquiries and mediations. The Claims Addressed in Inquiries and Mediations Concluded with Reports table tracks the progress of each claim through the specific claims process, once the Commission has completed its inquiry or provided mediation/facilitation services.

Two indexes follow this table. The first is an index of all the claims the ICC has addressed, presented by province. The second index lists claims addressed in inquiries, by theme.







## *COMMISSION'S RECOMMENDATIONS TO GOVERNMENT, 2007-2008*

**What you'll find in this section...**

- 8 Commission's Recommendations to Government, 2007-2008**  
Recommendations to the government regarding specific claims

## Commission's Recommendations to Government, 2007-2008

The long history of the claims process in Canada has been shaped by many events, some of which led directly to the creation of the Indian Claims Commission. Notably, the 1990 Oka Crisis prompted the federal government to promise measures aimed at accelerating the settlement of specific claims. In 1991, the Indian Claims Commission was created by Order in Council as a Commission of Inquiry under the *Inquiries Act*. The Order in Council notes that the Commission would be established as an interim process for the review of the government's application of the Specific Claims Policy. The creation of a permanent body has been the subject of joint government/First Nations working groups; legislation creating such a body received Royal Assent in 2003, but was not proclaimed, leaving the ICC as the only alternative to litigation for First Nations who desire an independent review of the government's rejection of their specific claims. Tabling Bill C-30 in November 2007 foresaw a Tribunal. Parliamentary debate continued up until the end of March, 2008.

Under its mandate, in addition to conducting inquiries, the Commission provides broad mediation/facilitation services, not just when a claim has been accepted for negotiation, but at any stage of the claims process. Since 1991, the Commission has provided these services to Canada and First Nations. Our experience has been that the use of mediation/facilitation services by the parties – be it before or after the acceptance of a claim by the Minister of Indian Affairs and Northern Development – greatly increases the chance of a positive outcome with respect to any matter relating to a specific claim. Open discussion among the parties in the presence of a neutral third party (the mediator) promotes a better understanding and relationship. In this atmosphere, settlements are easier to reach.

**The Commission has recommended in the past an increased use of its mediation services, not only for claims that have been accepted and are in the negotiation process, but also for claims at any stage of the process.**

The Commission is pleased to see that Bill C-30 covers the possibility of mediation services (s.12(1) (h)) and that Canada's Specific Claims Action Plan, *Justice At Last*, emphasizes “better access to mediation... Canada recognizes that this tool should be used more often in stalled negotiations and is committed to increasing its use in the future.”

**The Commission has recommended in the past grouping of like claims for negotiation or review.**

Commissioners were pleased to note that Bill C-30 covers this possibility, allowing, on application by a party, that “specific claims be heard together or consecutively if they have issues of law or facts in common” (s.8(2) (a)).



**The Commission repeats its recommendation for adequate funding for research. It further recommends that funding levels linked to results be reviewed on an annual basis.**

The negotiation of specific claims under Common Law requires a significant amount of research. Unlike many other files, where principles can carry arguments throughout the case, this is an area where historical evidence is crucial and must be carefully supported.

**The Commission recommends access to relevant files early in the process of establishing a claim or of preparing arguments for presentation to the new Tribunal.**

Efforts to help level the playing field should include access for First Nations at the outset to files where background or claim-related information can be found.

**The Commission recommends that the new Tribunal adopt disclosure or discovery procedures.**

Disclosure of Crown evidence initially or a formal discovery process would clarify for all parties the history and context of the specific claim(s) in question.

The power imbalance that still persists needs to be corrected; the tradition of litigation is not deeply rooted in the First Nations' tradition; support is required. The very fact that there was a prohibition\* in place from 1927 to 1951 regarding First Nations' use of lawyers did nothing to begin rectifying the imbalance; to the contrary, it aggravated it.

**The Commission recommends that special efforts be made to collect and use oral evidence from First Nations whose tradition is based on story telling and the oral transmission of history.**

Section 12 (g) of Bill C-30, which covers rules for practice and procedures, leaves ample room for such. Procedures should be clear from the beginning. In many cases, it will be advantageous for the judge presiding to actually visit the community in question as early as possible in the process and hear firsthand the evidence from Elders. In the experience of the Commission, it can be a deciding factor.

*\* In an amendment to the Indian Act in place for this period, lawyers and solicitors and monies raised therefore had to have a licence from the Superintendent General.*









## *THE ICC – WHO WE ARE*

### **What you'll find in this section ...**

- 12 Authority, Mandate & Operations**  
Information on ICC's mandate
- 13 History of the ICC and of Specific Claims in Canada**  
Chronology of specific claims in Canada from the 1700s to 2008  
Events leading to the creation of the ICC
- 19 The Commissioners**  
Biographical sketches of the Commissioners
- 22 Organizational Structure**  
Organization chart of the ICC

## Authority, Mandate and Operations

The Indian Claims Commission is a Commission of Inquiry established by Order in Council in 1991 under Part I of the *Inquiries Act*. The Commission has a double mandate: to inquire, at the request of a First Nation, into its specific claim; and to provide mediation services, with the consent of both parties, for specific claims at any stage of the process. An inquiry may take place when the Minister of Indian Affairs and Northern Development has rejected a First Nation's claim, or when the Minister has accepted the claim for negotiation but a dispute has arisen over the compensation criteria being applied to settle the claim.

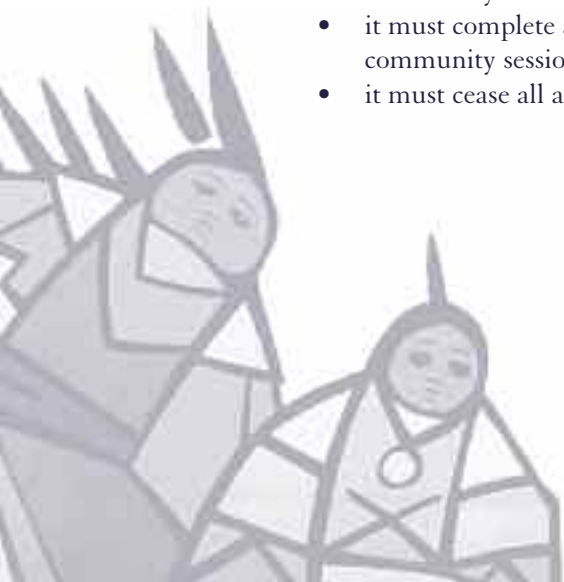
As part of its mandate to find more effective ways to resolve specific claims, the Commission has established a process to inquire into and review government decisions regarding the merits of a claim and the applicable compensation principles when negotiations have reached an impasse. Since the Commission is not a court, it is not bound by strict rules of evidence, limitation periods and other technical defences that might present obstacles in litigation of grievances against the Crown. This flexibility removes those barriers and gives the Commission the freedom to conduct fair and objective inquiries in as expeditious a way as possible. In turn, these inquiries offer the parties innovative solutions in their efforts to resolve a host of complex and contentious issues of policy and law. Moreover, the process emphasizes principles of fairness, equity and justice to promote reconciliation and healing between First Nation and non-First Nation Canadians.

The Commission provides broad mediation and facilitation services at the request of both the First Nation and the Government of Canada. Together with the mediator, the parties decide how the mediation process will be conducted. This method ensures that the process fits the unique circumstances of each particular negotiation.

The process used by the Commission for handling claims is aimed at increasing efficiency and effectiveness in resolving specific claims. There are five stages to the inquiry process (see page 35) and four stages in the mediation process (see page 55), which begin when a request is received from a First Nation.

In November 2007, the Indian Claims Commission's mandate was amended by Order in Council to conclude the Commission's work. The changes are as follows:

- the Commission cannot accept new claims for inquiry;
- it has been directed to cease all its activities on inquiries that have not yet reached the community session phase, or if requested to do so by the First Nation;
- it must complete all the inquiries, including the related reports, that have reached the community session phase by December 31, 2008; and
- it must cease all activities, including those related to mediation, by March 31, 2009.



## History of the ICC and of Specific Claims in Canada

From colonial times through the first half century of Confederation, the federal government and First Nations entered into treaties that created mutual obligations. Many claims derive from the assertion by First Nations that certain treaty provisions have not been honoured by the government. Claims can also derive from breaches of obligation arising out of the *Indian Act* and other statutes, legal duties of the Crown, improper administration of Indian funds or other assets, or illegal disposition of Indian land.

Government policy divides claims into two categories: specific and comprehensive. **Specific claims** arise from the breach or non-fulfilment of government obligations found in treaties, agreements, or statutes. **Comprehensive claims** are based on unextinguished Aboriginal title.

In the fall of 1990, in the aftermath of the Oka/Kanesatake crisis, the federal government asked First Nation Chiefs to recommend ways to improve the claims process. Following consultations with their communities, the Chiefs Committee on Claims produced the First Nations Submission on Claims. It received the support of a special assembly of the Assembly of First Nations in December of that year. Among their 27 recommendations, the Chiefs proposed that an “independent and impartial body ... with authority to ensure expeditious resolution of claims” be established. This body would assist the negotiation process by bringing the parties together and recommending solutions to contentious issues.

In July 1991, the federal government responded to the Chiefs’ submission by creating the Indian Specific Claims Commission as a Commission of Inquiry. Harry S. LaForme served as the first Chief Commissioner until February 1994, when he was appointed a Justice of the Ontario Court (General Division). He was replaced in April 1994 by Commissioners Daniel J. Bellegarde and P.E. James Prentice, who acted as Co-Chairs until Phil Fontaine’s appointment as Chief Commissioner in August 2001. In June 2003, Renée Dupuis was appointed Chief Commissioner following Mr Fontaine’s resignation.

The mandate of the Indian Claims Commission is to address disputes arising out of the specific claims process. This process is based on Canada’s 1973 Specific Claims Policy, outlined in a booklet called *Outstanding Business*, which was published in 1982.

Under the government’s current policy, First Nations must research and submit specific claims to the government. The government then decides whether to accept a claim for compensation negotiations.

Negotiation of validated claims may result in an offer of compensation to First Nations. However, concerns have been raised that restitution is currently restricted by government criteria that First Nations often believe to be unfair or applied in ways that are unfair.



For many years, First Nation and government negotiators have attempted to put an end to deadlocked land claims, but there has been little progress. Negotiations have been slow and difficult, and, until recently, relatively few settlements have been reached.

Before the creation of the Indian Claims Commission, First Nations were unable to challenge government decisions without going to court. As an alternative to court action, the ICC has offered a fresh and positive approach for First Nations that desire an independent review of government decisions.

For many years, the Commission urged the federal government to create a permanent, independent claims body. On November 4, 2003, Parliament passed the *Specific Claims Resolution Act*, legislation to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims, but it was not proclaimed.

On June 12, 2007, Prime Minister Stephen Harper, accompanied by AFN National Chief Phil Fontaine and Jim Prentice, then Minister of Indian Affairs and Northern Development, held a press conference announcing Canada's Specific Claims Action Plan. The plan essentially involves four main initiatives:

1. create a new tribunal staffed with impartial judges who would make final decisions on claims when negotiations fail;
2. make financial compensation arrangements more transparent through annual funding of \$250 million over 10 years dedicated to settlements;
3. speed up processing of small claims and improve flexibility in the handling of large claims; and
4. refocus the existing Indian Specific Claims Commission to concentrate on dispute resolution.

(Indian and Northern Affairs Canada, *Specific Claims: Justice at Last*, 2007, online: [www.ainc-inac.gc.ca/ps/clm/jal-eng.asp](http://www.ainc-inac.gc.ca/ps/clm/jal-eng.asp) (consulted May 20, 2008.))



## AN EARLY LAND CLAIMS CHRONOLOGY

### Early 1700s

The first formal treaties are made with eastern First Nations as the English and French compete for control of the fur trade.

### 1763

In response to Chief Pontiac's war, an uprising by First Nations around forts in the Great Lakes region, King George III issues the *Royal Proclamation of 1763*, which confirms Aboriginal rights and affirms that treaty making must precede European settlement. Over the next few decades, 41 treaties will be signed covering southern Ontario and parts of British Columbia.

### 1812

After the War of 1812, treaties between First Nations and the British open up much of Ontario for settlement.

### 1850-1854

The Governor of Vancouver Island, James Douglas, makes a series of fourteen land purchases from Aboriginal peoples for colonial settlement and industry. The Douglas Treaties cover approximately 358 square miles of land around Victoria, Saanich, Sooke, Nanaimo and Port Hardy, all on Vancouver Island.

### 1850-1854

The three major Province of Canada Treaties are the two Robinson Treaties and the Manitoulin Island Treaty. The two Robinson Treaties are negotiated by ex fur trader William Benjamin Robinson (1797 to 1873). Chief Peau de Chat and other Lake Superior chiefs sign the Robinson Superior Treaty, September 7, 1850. Two days later Chief Shinguacouse and other leaders from the Lake Huron region, sign the Robinson Huron Treaty, September 9, 1850.

### 1867

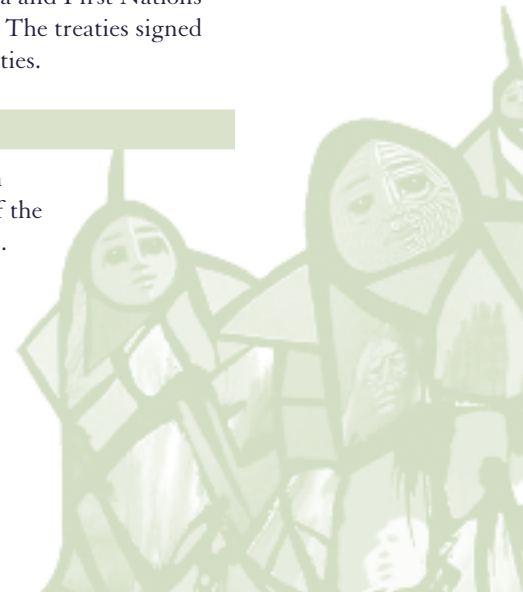
At Canadian Confederation, the responsibilities of the British Crown are transferred to the federal Government of Canada.

### 1871-77

The first wave of treaty signing between the Government of Canada and First Nations covers northwestern Ontario and the eastern and southern Prairies. The treaties signed at this time, Treaty 1 to Treaty 7, are known as the Numbered Treaties.

### 1899-1921

The second wave of Numbered Treaties, covering parts of northern Alberta, British Columbia, and Saskatchewan and southern parts of the Northwest Territories, starts with Treaty 8 and ends with Treaty 11.



1927

An amendment is added to the *Indian Act* which discourages land claims. Fines are levied against lawyers who raise funds for a claim or represent a First Nation in a claim against Canada.

## EVENTS LEADING TO THE CREATION OF THE COMMISSION

1948

A joint parliamentary committee recommends that a claims commission be set up to assess and settle all claims.

1951

The *Indian Act* is revised to remove the provision that made it an offence to raise funds or hire a lawyer to advance a land claim without the government's permission.

1961–65

A joint parliamentary committee again recommends the creation of a claims body. The bill dies on the order paper.

1969

The White Paper states that “lawful obligations” should be recognized. The paper recommends the appointment of a Commissioner to recommend procedures for claims adjudication. Dr Lloyd Barber is appointed to consult and inquire into claims arising from treaties, formal agreements and legislation.

1973

The Supreme Court of Canada's decision in the *Calder* case leads to recognition of the existence of Aboriginal title.

The federal government announces its claims policy, designating specific and comprehensive claims.

1981

Gérard La Forest, in a report commissioned by the government, recommends the creation of “an independent administrative tribunal” to resolve claims.

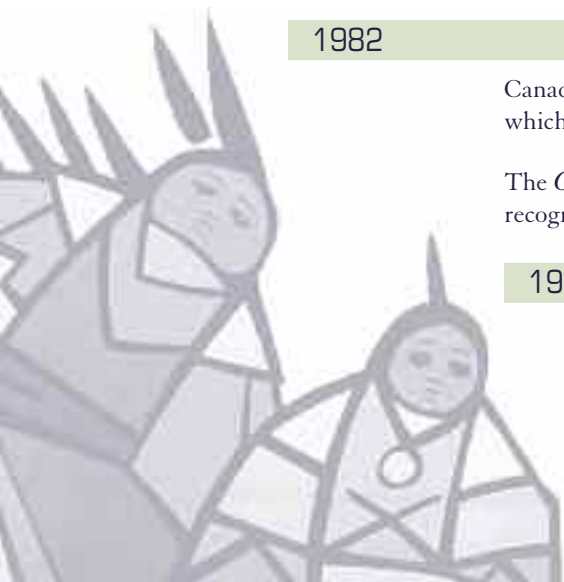
1982

Canada publishes *Outstanding Business: A Native Claims Policy – Specific Claims*, which focuses on the processes and guidelines for submitting specific claims.

The *Constitution Act, 1982*, is proclaimed. Section 35 deals with Aboriginal peoples and recognizes and affirms existing Aboriginal and treaty rights.

1984

In the *Guerin* case, the Supreme Court finds that, under the provisions of the Indian Act, Parliament has conferred on the Crown a fiduciary or trust-like obligation to protect First Nations' interests in transactions with third parties.



1987

The Canadian Bar Association recommends the creation of a “specific claims tribunal.”

1990

The Supreme Court, in the *Sparrow* case, recognizes an existing Aboriginal right to fish based on the facts of that case, and interprets section 35 of the *Constitution Act, 1982*, for the first time.

Elijah Harper helps to block the Meech Lake accord over lack of Aboriginal participation.

Violence erupts in Oka, Quebec, over a rejected land claim.

The federal government announces its Native Agenda, committing it to the acceleration of specific claims settlement.

The Indian Commission of Ontario, in a discussion paper commissioned by the federal government and the Assembly of First Nations, recommends the creation of an independent claims body.

The Chiefs Committee on Claims (Assembly of First Nations) also recommends the creation of an independent claims body and of a Joint Working Group on Claims to continue exploring reform of the claims policy with the federal government.

1991

The Indian Specific Claims Commission, known as the Indian Claims Commission, is created by Order in Council PC 1991 1329, and Harry S. LaForme is appointed Chief Commissioner.

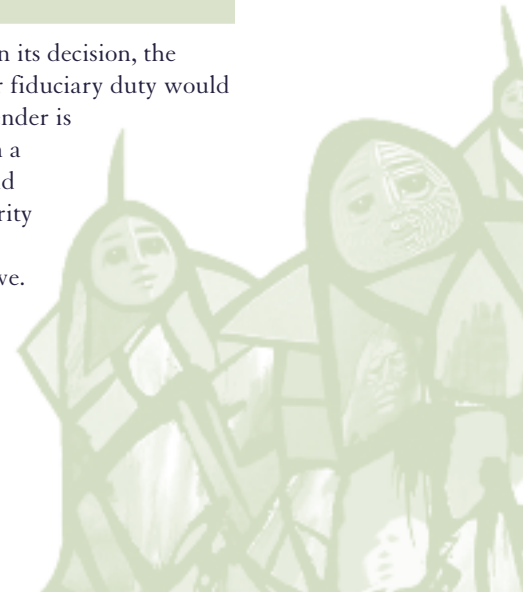
1992

The Commission’s mandate is amended by Order in Council PC 1992 1730 following objections from the Assembly of First Nations, and revisions recommended by a Joint First Nations / Government Working Group are incorporated. Six additional Commissioners are appointed: Roger Augustine, Daniel J. Bellegarde, Carole Corcoran, Carol Dutchshen, Charles Hamelin and P.E. James Prentice.

## RECENT DEVELOPMENTS...

1995

The Supreme Court hands down its decision in the *Apsassin* case. In its decision, the Court contemplates a number of scenarios in which a pre-surrender fiduciary duty would come into effect: when a band’s understanding of the terms of surrender is inadequate; where the conduct of the Crown has tainted dealings in a manner that makes it unsafe to rely on the band’s understanding and intention; where the band has abnegated its decision-making authority in favour of the Crown in relation to the surrender; and where the surrender is so foolish or improvident as to be considered exploitative.



1997

In the *Delgamuukw* case, the Supreme Court finds that to disallow First Nations' oral history and tradition as evidence would put an impossible burden of proof on Aboriginal peoples, since that is the way First Nations kept records. The Court also addresses directly the definition of Aboriginal title; it finds that a First Nation has a right to claim "Aboriginal title" to lands that it has used in order to maintain its traditional way of life. Aboriginal title comes from a nation's use and occupancy of the land for generations; it is therefore a communal right that cannot be held by an individual.

1999

The Supreme Court hands down the *Marshall* decision. Given the language contained in a treaty between the Crown and the Mi'kmaq and Maliseet communities in New Brunswick, the Court finds that Donald Marshall Jr did have a right to earn a "moderate livelihood" from selling his catch of eels.

2001

The First Nations Governance Initiative is introduced by the Minister of Indian Affairs and Northern Development, at the Siksika First Nation in Alberta. The package of legislation contains the *Specific Claims Resolution Act*, which would create the Canadian Centre for the Independent Resolution of First Nations Specific Claims. This Centre would replace the Indian Claims Commission.

In August, Phil Fontaine is appointed Chief Commissioner of the ICC.

2003

In June, Mr Fontaine resigns as Chief Commissioner and is replaced by Renée Dupuis.

In November, the *Specific Claims Resolution Act* is adopted and receives royal assent, but the legislation is not proclaimed.

2004

In July, Order in Council amendment PC 2004-858 designates the Minister of Indian Affairs and Northern Development as the appropriate minister for the ICC for purposes of the *Financial Administration Act*.

2007

On November 27, Bill C-30, the *Specific Claims Tribunal Act*, was tabled in the House of Commons Concurrently, Order in Council PC 2007-1789 directed Commissioners to complete all inquiries including reports by December 31, 2008, and cease all activities by March 31, 2009.





## THE COMMISSIONERS



▼  
**Chief Commissioner Renée Dupuis** is a member of the Barreau du Québec. She has had a private law practice in Quebec City since 1973 where she specializes in the areas of Aboriginal peoples, human rights, and administrative law. Since 1972, she has served as legal advisor to a number of First Nations and Aboriginal groups in her home province, including the Indians of Quebec Association, the Assembly of First Nations for Quebec and Labrador, and the Attikamek and the Innu-Montagnais First Nations, representing them in their land claims negotiations with the federal, Quebec, and Newfoundland governments and in constitutional negotiations. From 1989 to 1995, Madame Dupuis served two terms as commissioner of the Canadian Human Rights Commission and she is chair of the Barreau

du Québec's committee on law relating to Aboriginal peoples. She has served as consultant to various federal and provincial government agencies, authored numerous books and articles, and lectured extensively on administrative law, human rights, and Aboriginal rights. She is the recipient of the 2001 Award of the Fondation du Barreau du Québec for her book *Le statut juridique des peuples autochtones en droit canadien* (Carswell), the 2001 Governor General's Literary Award for Non-fiction for her book *Quel Canada pour les Autochtones?* (published in English by James Lorimer & Company Publishers under the title *Justice for Canada's Aboriginal Peoples*), and the YWCA's Women of Excellence Award 2002 for her contribution to the advancement of women's issues. In June 2004, the Barreau du Québec bestowed on her the Christine Tourigny Merit Award for her contribution to the promotion of legal knowledge, particularly in the field of Aboriginal rights. She was appointed as a Member of the Order of Canada in 2005. She was one of the first recipients of the *Advocatus emeritus* award, created by the Quebec Bar in 2007. Madame Dupuis has received her accreditation in civil and commercial mediation from the Barreau du Québec in 2003. She is a graduate in law from the Université Laval and holds a master's degree in public administration from the École nationale d'administration publique. She was appointed Commissioner of the Indian Claims Commission on March 28, 2001, and Chief Commissioner on June 10, 2003.



▼

**Daniel J. Bellegarde** is a citizen of Little Black Bear's Band of the Assiniboine Cree in Treaty 4 Territory, southern Saskatchewan. He attended the Qu'Appelle Indian Residential School and the University of Regina in the Faculty of Administration and has received specialized training at various universities and professional development institutions. He has held senior positions with First Nations organizations, including Socio Economic Planner with the Meadow Lake Tribal Council, President of the Saskatchewan Indian Institute of Technologies, and First Vice Chief of the Federation of Saskatchewan Indian Nations. As Vice Chief, he held the portfolios of Treaty Land Entitlement and Specific Claims, Gaming, Justice, International Affairs and Self Government. He is currently the Senior Governance Coordinator at the Treaty 4 Governance Institute in Fort Qu'Appelle. He has served on a number of community boards and committees, as well as the National Board of CESO. He has been a Commissioner of the Indian Specific Claims Commission since 1992 and served as Co Chair of the Commission from 1994 to 2000. He is President of Dan Bellegarde and Associates, specializing in training, organizational development and self government.



▼

**Jane Dickson-Gilmore** is an associate professor in the Law Department at Carleton University, where she teaches such subjects as Aboriginal community and restorative justice, as well as conflict resolution. Active in First Nations communities, she has served as an advisor for the Oujé-Bougoumou Cree First Nation Community Justice Project and makes presentations to schools on Aboriginal culture, history, and politics. In the past, she provided expert advice to the Smithsonian Institution – National Museum of the American Indian on Kahnawake Mohawks. Ms Dickson-Gilmore has also been called upon to present before the Standing Committee of Justice and Human Rights and has been an expert witness in proceedings before the Federal Court and the Canadian Human Rights Commission. A published author and winner of numerous academic awards, she graduated from the London School of Economics with a PhD in Law and holds a BA and MA in Criminology from Simon Fraser University. Ms Dickson-Gilmore was appointed Commissioner of the Indian Claims Commission on October 31, 2002.





▼

**Alan C. Holman** is a writer and broadcaster who grew up on Prince Edward Island. In his long journalistic career, he has been an instructor at Holland College in Charlottetown, PEI; editor/publisher of a weekly newspaper in rural PEI; a radio reporter with CBC in Inuvik, NWT; and a reporter for the Charlottetown *Guardian*, *Windsor Star*, and *Ottawa Citizen*. From 1980 to 1986, he was Atlantic parliamentary correspondent for CBC TV news in Ottawa. In 1987, he was appointed parliamentary bureau chief for CBC radio news, a position he held until 1994. That same year, he left national news reporting to become principal secretary to then-PEI Premier Catherine Callbeck. He left the Premier's office in 1995 to head public sector development for the PEI Department of Development. Since the fall of 2000, Mr. Holman has worked as a freelance writer and broadcaster. He was educated at King's College School in Windsor, NS, and Prince of Wales College in Charlottetown, where he makes his home. He was appointed Commissioner of the Indian Claims Commission on March 28, 2001.

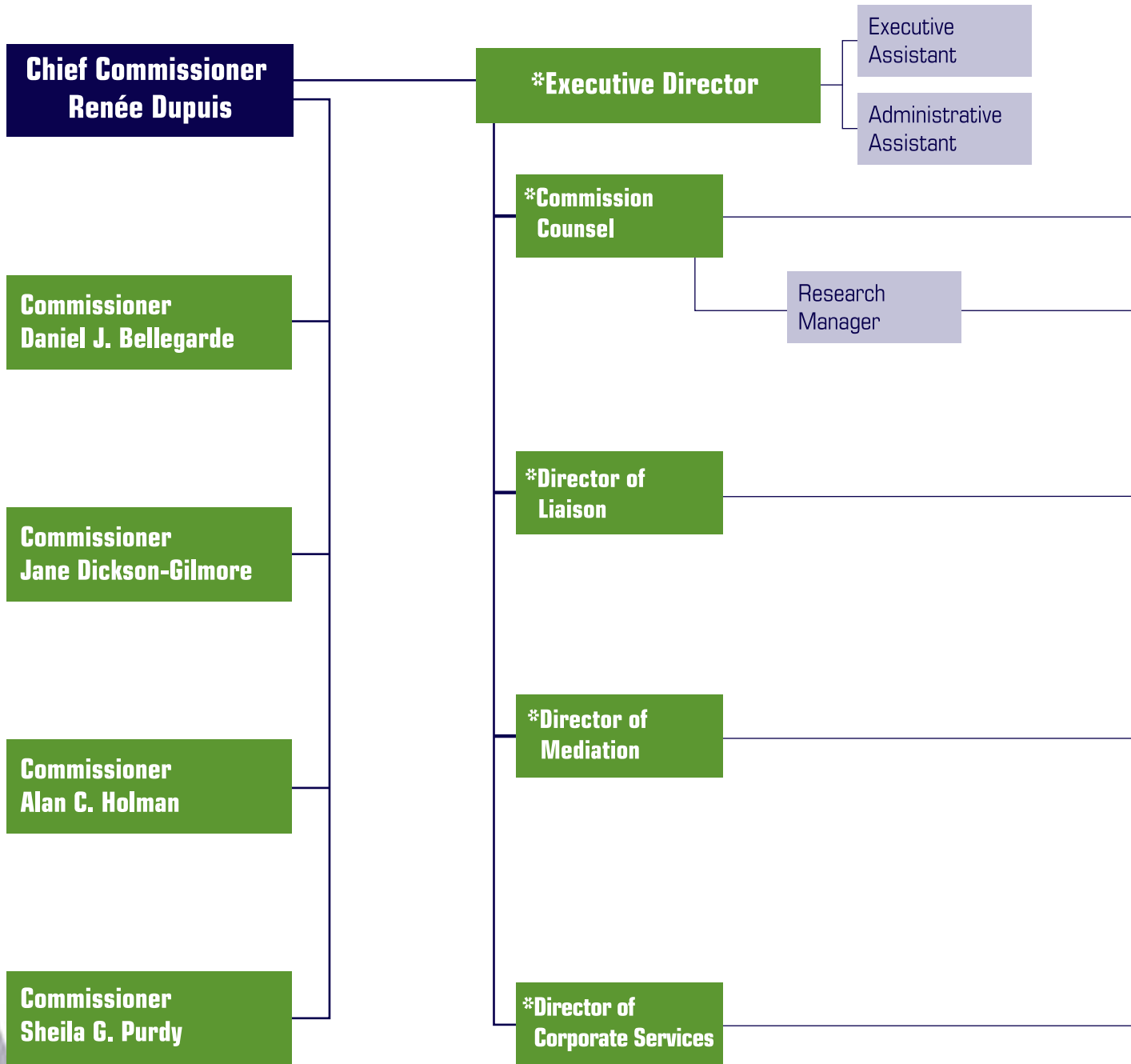


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**Sheila G. Purdy** was born and raised in Ottawa. Between 1996 and 1999, she worked as an advisor to the government of the Northwest Territories on the creation of the Nunavut territory. Between 1993 and 1996, she was senior policy advisor to the Minister of Justice and the Attorney General of Canada on matters related to the Criminal Code and Aboriginal affairs. In the early 1990s, Ms. Purdy was also special advisor on Aboriginal affairs to the Leader of the Opposition. Previously, she provided legal services on environmental matters and worked as a legal aid lawyer representing victims of elder abuse. After graduating with a law degree from the University of Ottawa in 1980, Ms. Purdy worked as a litigation lawyer in private practice until 1985. Her undergraduate degree is from Carleton University, Ottawa. Ms. Purdy has been a board member of various community and national organizations, including the Canadian Biodiversity Institute. She was appointed Commissioner of the Indian Claims Commission on May 4, 1999.

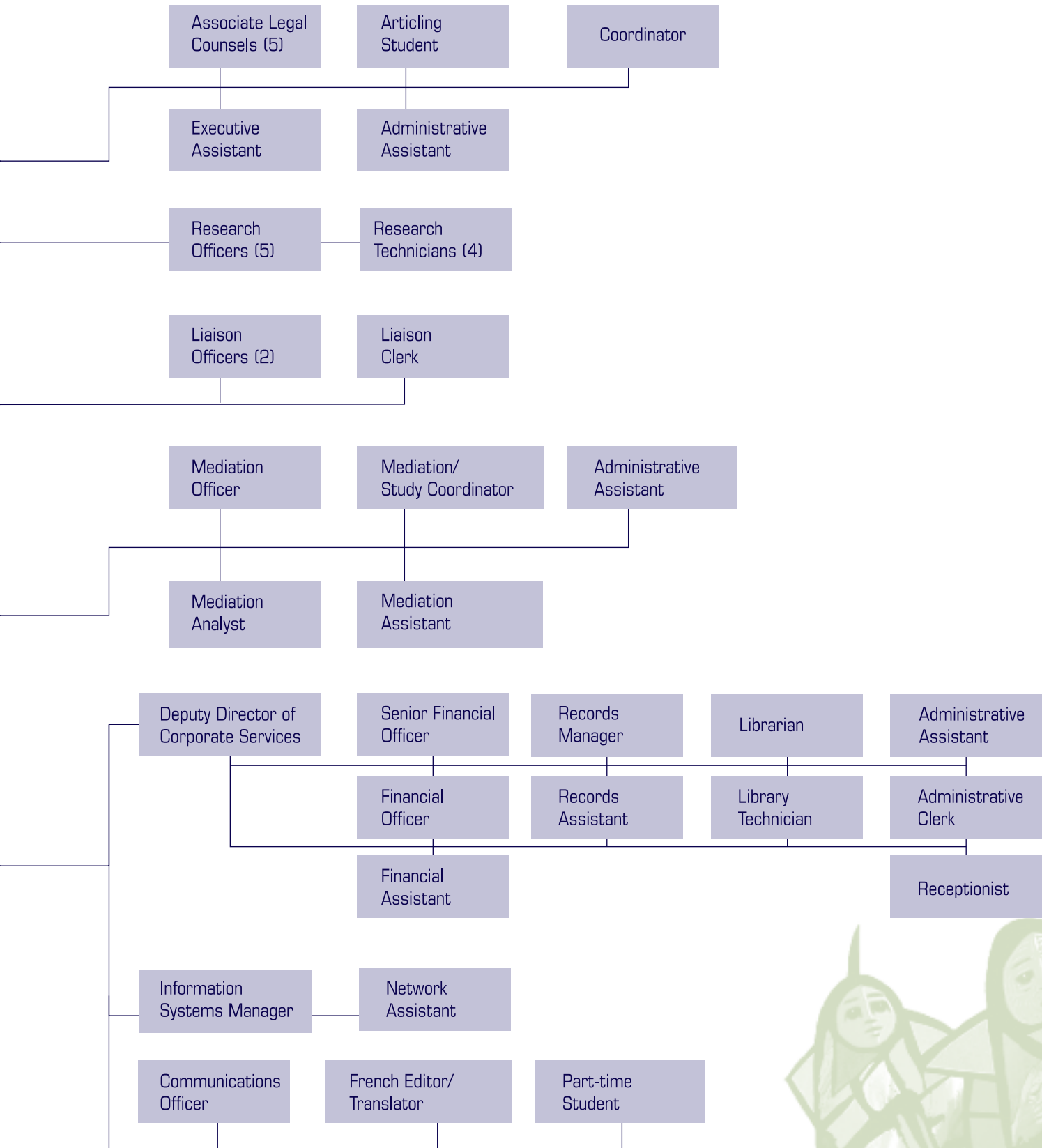


# Organizational Structure



\* denotes member of Management Committee









## THE ICC – WHAT WE DO

### What you'll find in this section...

#### 27 Overview of the ICC's Activities from 1991 to 2008

Quick facts on ICC's inquiries, 1991–2008

Quick facts on claims in mediation/facilitation

#### 33 The ICC's Achievements in 2007–2008

##### INQUIRIES:

What Are Inquiries?

*Introduction and definitions*

The Inquiry Process

*Chart of ICC's inquiry process*

Inquiries Completed in 2007–2008

*Summarizes each inquiry completed by the ICC in 2007–2008*

Summary of Specific Claims in Inquiry between April 1, 2007,  
and March 31, 2008

*Describes each claim in inquiry at the ICC and lists the ICC's activities over  
the past year within each file*

**53 The ICC’s Achievements in 2007–2008**

Mediation and Facilitation: What Is Mediation and Facilitation?

*Introduction and definitions*

The Mediation Process

*Chart of the ICC’s mediation process*

Summary of Specific Claims in Mediation and Facilitation between April 1, 2007, and March 31, 2008

*Describes each claim in mediation/facilitation at the ICC and lists the ICC’s activities over the past year within each file*

**69 Claims Addressed in Inquiries and Mediations Concluded with Reports**

Claims Addressed in Inquiries and Mediations Concluded with Reports as of March 31, 2008

*Table providing information on the status of each claim addressed in inquiries and each mediation the ICC has completed*

Claims Addressed in Inquiries and Mediations Concluded with Reports Index: Provincial

*Index of all claims addressed in inquiries and mediations concluded with reports, grouped by province*

Claims Addressed in Inquiries Index: Thematic

*Index of all claims addressed in inquiries, grouped by theme*

**94 Financial Information**

Budget, expenditures of the ICC

**95 In Fact...**

Facts on specific claims at the ICC

**96 How to Contact Us**

Contact information for the Indian Claims Commission





# OVERVIEW OF THE ICC'S ACTIVITIES FROM 1991 TO 2008



## What you'll find in this section...

- 28 **Overview of the ICC's Activities from 1991 to 2008**
- 28 Quick facts on ICC's inquiries, 1991–2008
- 31 Quick facts on claims in mediation/facilitation

## Overview of the ICC's Activities from 1991 to 2008

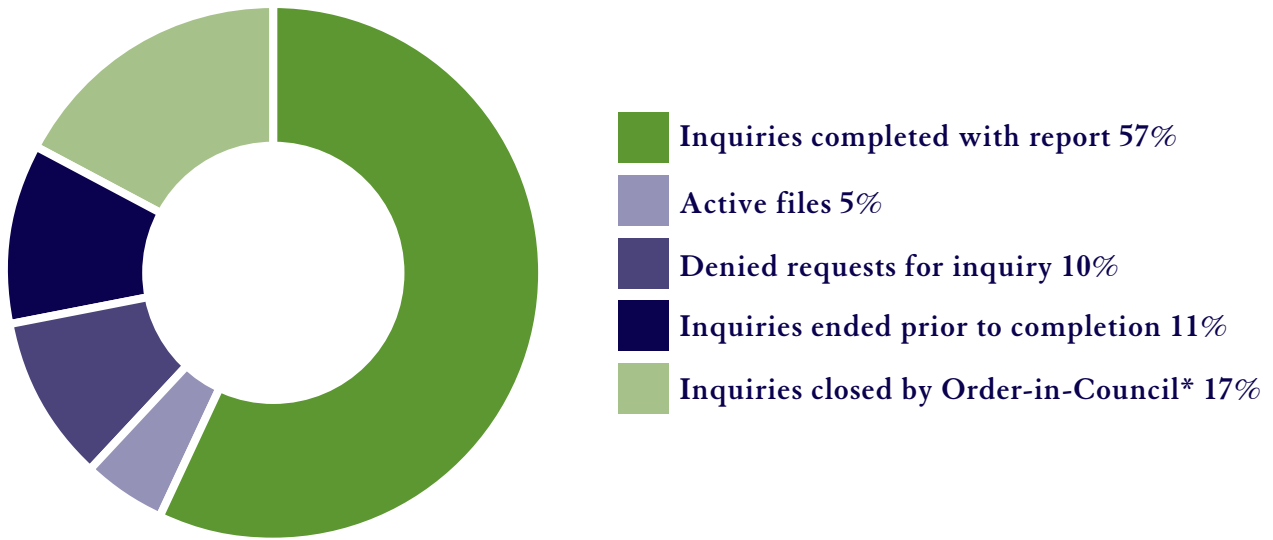
The following section represents an overview of the various specific claims submitted to the ICC. Since that time, the ICC has addressed 92 claims, and issued 70 inquiry reports covering 80 claims. It has also provided mediation/facilitation services to 53 specific claims negotiation tables and issued 12 mediation reports.

### QUICK FACTS ON ICC INQUIRIES

Total requests for inquiry	143
Total accepted requests for inquiry	129
Total denied requests for inquiry	14
Total accepted requests for inquiry	129
Active files (see summaries of each file provided in following section)	7
Reports in progress	3
Within inquiry process	4
In abeyance at the request of First Nation	0
Inquiries ended prior to completion	41
Ended at request of the First Nation	6
Ended by the ICC owing to lack of file activity	11
Closed by Order in Council 2007-1789	24
Inquiries completed with report (for more information, see page 69)	81



## ICC's TOTAL REQUESTS FOR INQUIRY, 1991–2008



\* In November 2007, the Indian Claims Commission's mandate was amended by Order in Council to conclude the Commission's work. It was directed that the ICC cease all its activities on inquiries that had not yet reached the community session phase.

The pie chart above contains a breakdown of the 143 requests for inquiry received by the ICC since its inception in 1991.

## ACTIVE FILES, AS AT MARCH 31, 2008



\* "Within inquiry process" refers to stages 1 through 4 and "Report in progress" to stage 5 of the ICC's inquiry process. For more information on these stages, please see chart on page 35.

The pie chart above provides a breakdown of the status of the 7 claims that were under review by the ICC from April 1, 2007, to March 31, 2008.



### OUTCOMES OF CLAIMS ADDRESSED BY THE ICC IN INQUIRIES

ICC recommends to negotiate, do further research or review claim	50
ICC recommends not to negotiate	9
Claims withdrawn, settled or accepted for negotiation without full inquiry	22

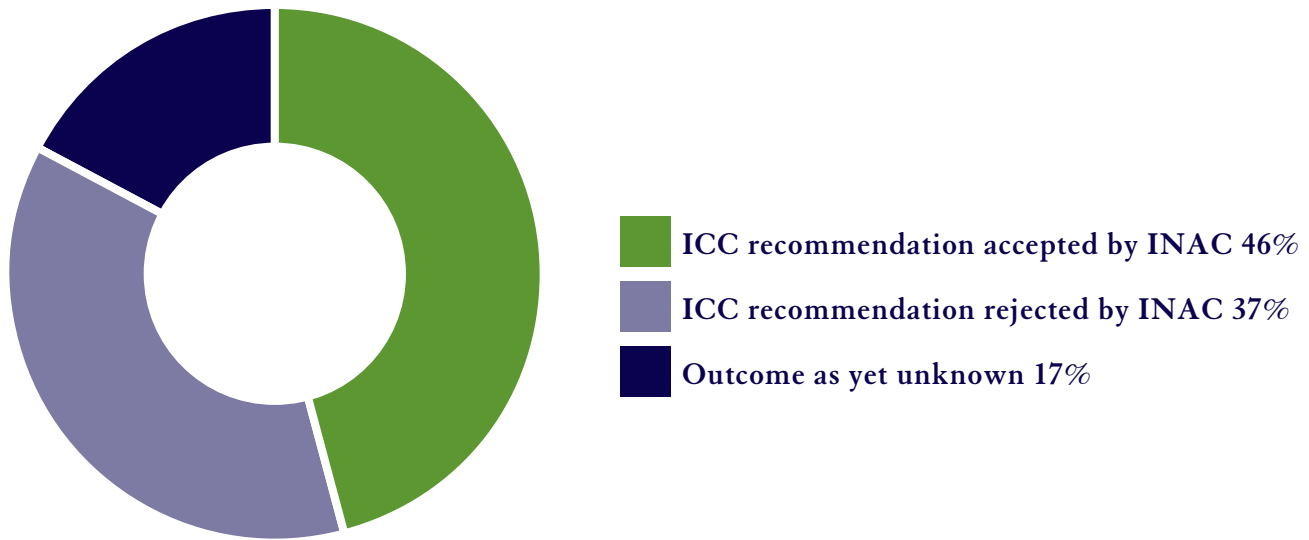
### OUTCOMES OF CLAIMS ADDRESSED BY THE ICC IN INQUIRIES, 1991–2008



The pie chart above provides information regarding the outcome of claims addressed by the ICC in inquiries, from 1991 to March 31, 2008. For more information regarding the status of these claims, see page 69.



## FOLLOW UP ACTION BY GOVERNMENT



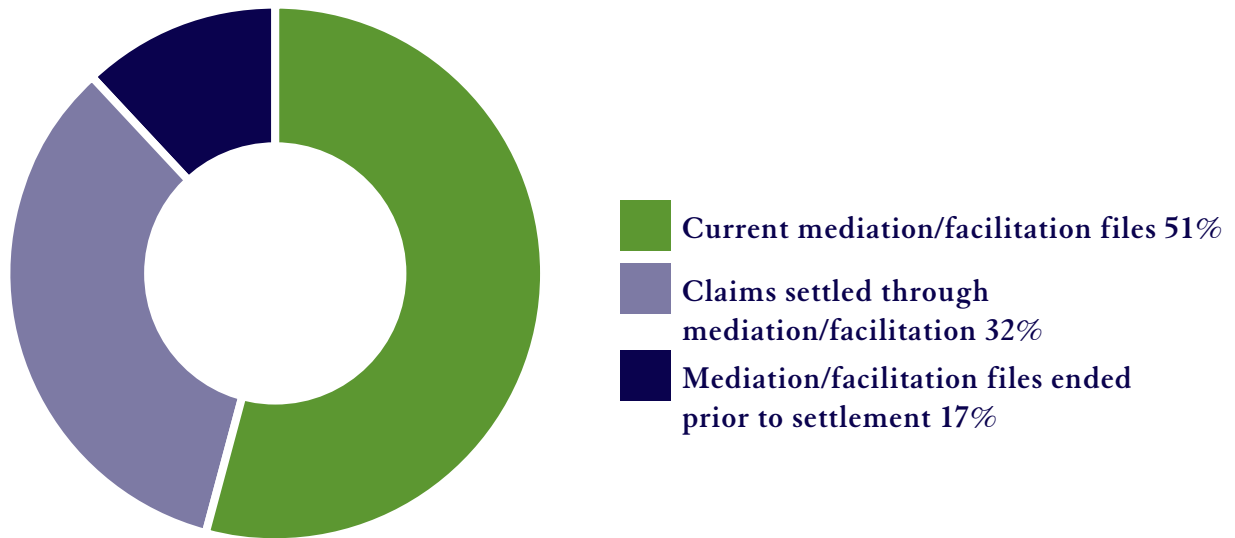
The pie chart above provides information on the follow up by government to the 59 claims ICC has recommended either that they be accepted for negotiation, for further research or review, or for no further action. For more information on the status of claims addressed by the ICC in inquiries, see page 69.

## QUICK FACTS ON ICC MEDIATION/FACILITATION

Total requests for mediation/facilitation	53
Current mediation/facilitation files	27
Claims settled through mediation/facilitation	17
Mediation/facilitation files ended prior to settlement	9

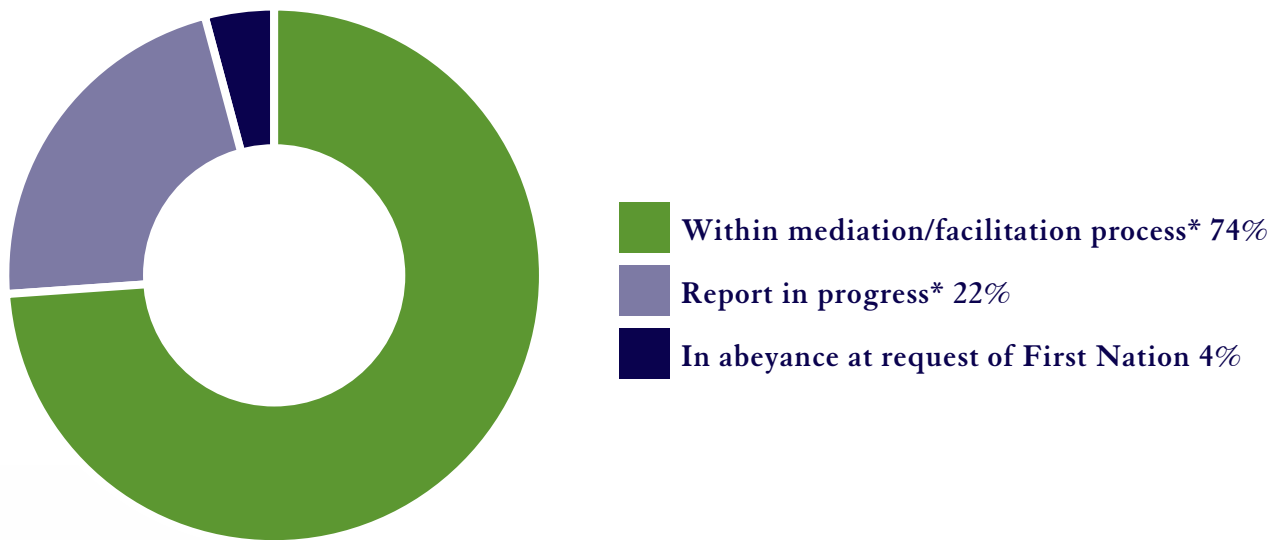


## TOTAL REQUESTS FOR MEDIATION/FACILITATION, 1991–2008



The pie chart above provides a breakdown of the 53 requests for ICC's mediation/facilitation services received since 1991.

## CURRENT MEDIATION/FACILITATION FILES



\* "Within mediation/facilitation process" refers to stages 1 through 3 and "Report in progress" to stage 4 of the ICC's mediation process. For more information on these stages, please see chart on page 55.

The pie chart above provides a breakdown of the status of the 27 claims that were in mediation at the ICC from April 1, 2007, to March 31, 2008.



# THE ICC'S ACHIEVEMENTS IN 2007–2008 INQUIRIES



## What you'll find in this section...

- 34    Inquiries: What Are Inquiries?**  
Introduction and definitions
  
- 35    The Inquiry Process**  
Chart of ICC's inquiry process
  
- 36    Inquiries Completed in 2007–2008**  
Summarizes each inquiry completed by the ICC in 2007–2008
  
- 41    Summary of Specific Claims in Inquiry between  
April 1, 2007, and March 31, 2008**  
Describes each claim in inquiry at the ICC and lists the ICC's  
activities over the past year within each file

## What Are Inquiries?

*As directed by Order in Council P.C. 2007-1789, the Commission is no longer accepting new claims for inquiry and ceased all its activities on inquiries that had not reached the community session stage on November 27, 2007, when Bill C-30, the Specific Claims Tribunal Act, was tabled. First Nations have been notified of the cessation of the ICC's inquiries.*

Inquiries may take place at the request of a First Nation when:

- 1) the Minister of Indian Affairs and Northern Development has rejected the First Nation's claim; or
- 2) the Minister has accepted the claim for negotiation, but a dispute has arisen over the compensation criteria being applied to settle the claim.

Inquiries can be initiated at the sole request of the First Nation, provided that the request relates to a rejected claim or a dispute over compensation criteria. After receiving a First Nation's request for an inquiry, an initial planning conference is held between the parties to plan the process. This first conference is followed by a series of stages. One such stage, the community session, is an important part of the inquiry process whereby, upon consent of the community, the Commission will visit the First Nation to hear directly from Elders and other community members in regard to the claim. The community session is followed by an oral hearing at which legal arguments surrounding the claim are made by the First Nation and Canada. Following this, the record is closed and the Commissioners will deliberate; their deliberations will lead to a formal report containing the Commissioners' findings and recommendations. The report is intended to provide the Minister with the Commission's views on whether the claim has been correctly rejected for negotiation.

These five stages, which make up the Commission's inquiry process, are illustrated in the chart which follows.





## The Inquiry Process

The following is the process that was followed to conduct an inquiry, up to November 27, 2007.

Stage 1	<b>Initial Request for Inquiry</b>
<p>The Commission reviews the First Nation's request for an independent inquiry and, if it agrees to accept the specific claim for review and assessment, a panel of three Commissioners is formed to hear the inquiry. (Activity now ceased)</p>	
Stage 2	<b>Preparation for Inquiry</b>
<p>Briefing material is prepared and sent to all of the parties in advance to facilitate discussion. Counsel for both parties are asked to state the issues to be addressed by the inquiry, from which the Commission staff will attempt, in consultation with counsel for the parties, to generate a single list of issues. A planning conference is held among the parties and their counsel. In many instances, the need for further research is identified. If there is no consensus by the parties on a single list of issues, this matter is placed before the panel for decision. (Activity now ceased)</p>	
Stage 3	<b>Staff Visit and Community Session(s)</b>
<p>Commissioners and staff attend a session or series of sessions in the First Nation's community to hear directly from Elders and other knowledgeable members of the First Nation. In some instances, expert witnesses may be called upon to present evidence or testimony and are subject to cross examination by the other party. (Activity now ceased)</p>	
Stage 4	<b>Written and Oral Submissions</b>
<p>Both parties present submissions to the panel.</p>	
Stage 5	<b>Commissioners' Final Report</b>
<p>The panel of Commissioners considers the evidence, testimony and submissions presented and issues a final report that contains its findings and recommendation that the Minister of Indian Affairs accept the specific claim for negotiation, or that the Minister of Indian Affairs not reconsider the decision to deny the specific claim.</p>	



## Inquiries Completed in 2007–2008

Under its original mandate, the Indian Claims Commission inquired, upon request, into First Nations' specific claims. From April 1, 2007, to March 31, 2008, the Commission completed inquiries on the Lower Similkameen Indian Band [Vancouver, Victoria and Eastern Railway Right of Way], Lucky Man Cree Nation [Treaty Land Entitlement Phase II], Roseau River Anishinabe First Nation [1903 Surrender], Sandy Bay Ojibway First Nation [Treaty Land Entitlement] and Saulteau First Nation [Treaty Land Entitlement and Lands in Severalty] inquiries. Summaries of these five inquiries, completed within the 2007–2008 reporting period, can be found in the following pages.

Reports on the Roseau River Anishinabe First Nation [1903 Surrender], Sandy Bay Ojibway First Nation [Treaty Land Entitlement] and Saulteau First Nation [Treaty Land Entitlement and Lands in Severalty] inquiries were released in this reporting period; reports on the Lower Similkameen Indian Band [Vancouver, Victoria and Eastern Railway Right of Way] and Lucky Man Cree Nation [Treaty Land Entitlement Phase II] were completed and will be issued early in the 2008-2009 fiscal year.

In addition, the Commission released reports on five inquiries completed in previous reporting periods. These are the Blood Tribe / Kainaiwa [Big Claim], Kluane First Nation [Kluane National Park and Kluane Games Sanctuary], Opaskwayak Cree Nation [Streets and Lanes Claim], Paul First Nation [Kapaswin Townsite Inquiry], and Sakimay First Nation [Treaty Land Entitlement] inquiries. All of the Commission's reports can be found on our website at [www.indianclaims.ca](http://www.indianclaims.ca).

### Lower Similkameen Indian Band

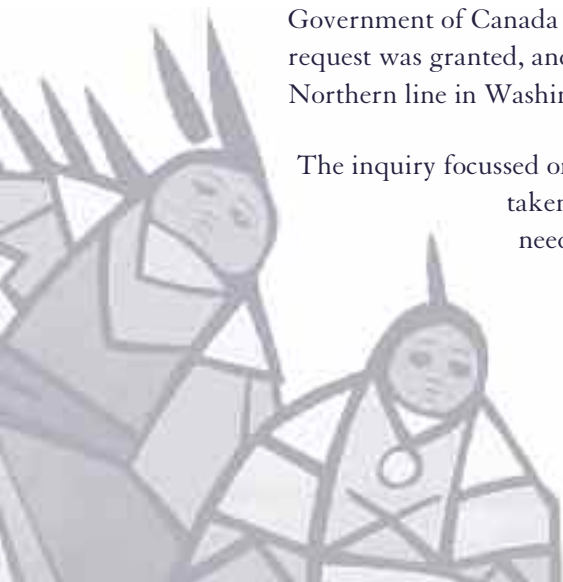
#### *Vancouver, Victoria and Eastern Railway Right of Way, British Columbia*

In April 2003, the Commission accepted the Band's request to conduct an inquiry into its rejected claim regarding the taking of a railway right of way through its reserves in 1905 by the Vancouver, Victoria and Eastern Railway and Navigation Company, a subsidiary of the Great Northern Railway (now the Burlington Northern and Santa Fe.) A planning conference was held in September 2003 and a community session in April 2004. Written legal submissions were completed by the end of 2004, and an oral session was held in January 2005.

This claim involves the lands in the Similkameen River valley, which lies between the Cascade Mountains and the Okanagan River, in south-central British Columbia.

In 1905, the Vancouver, Victoria and Eastern Railway and Navigation Company, asked the Government of Canada for a right of way through the Lower Similkameen Band's lands. Its request was granted, and a railway was built linking mines in the upper valley to the Great Northern line in Washington State.

The inquiry focussed on issues relating to adequacy of compensation awarded for the reserve lands taken for the right of way and interest in the lands now that they are no longer needed for the railway.



The panel concluded that compensation to the Lower Similkameen Indian Band should have been based on fair market value and that anything less was inadequate. The panel found that the compensation was not even in the acceptable range and did not account for injury to the Band's lands as a whole. This included serious disruption to band life and culture, damage to livestock, and the impact on band members of changes in wildlife behaviour, all caused by the construction and operation of the rail line.

The rail line was formally abandoned in 1985, and the panel concluded that Canada now holds the lands in trust for the Lower Similkameen Band, and that Canada should make every effort to secure the land for the Band's use and benefit.

The panel recommended that the Band's claim for compensation be accepted for negotiation, and that Canada take the necessary steps, by litigation or otherwise, to ensure that the legal status of the former Victoria and Eastern Railway and Navigation Company right of way lands is in every respect that of Indian reserve land set apart for the use and benefit of the Lower Similkameen Indian Band.

## **Lucky Man Cree Nation**

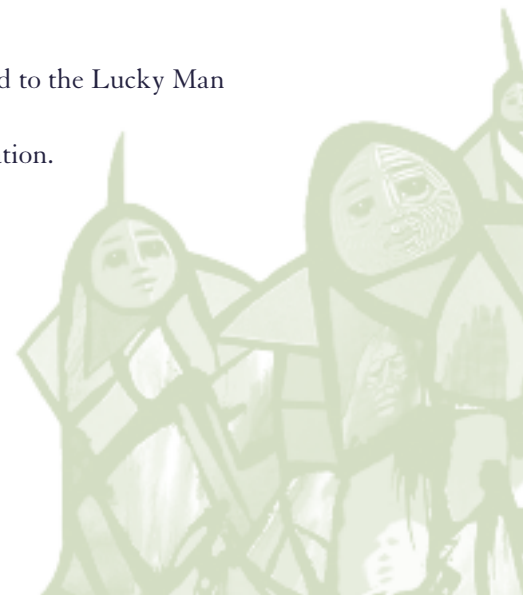
### *Treaty Land Entitlement Phase II Inquiry, Saskatchewan*

A Treaty Land Entitlement Settlement Agreement had been signed in 1989 between the First Nation and Canada, by which the First Nation obtained a reserve sufficient for 60 people, based on the Treaty 6 entitlement of 128 acres of land for each band member. The Lucky Man Cree Nation claimed that an outstanding treaty land entitlement continued after the settlement agreement.

In March 1997, the Commission issued a report on Phase I of this inquiry, finding that 1887 was the date of first survey of IR 116 and recommending that the parties undertake further research and payroll analysis to determine the First Nation's proper land entitlement population based on that date of first survey. Canada accepted the Commission's recommendation and concluded its further research in February 1998. The First Nation responded with its own research in June 2002, which Canada rejected in November 2003.

In December 2003, at the First Nation's request, the Commission agreed to open a second phase of the inquiry into the issue of the date of first survey population, and the quantum of land involved. A planning conference was held in April 2004 and a second planning conference in January 2005. The oral hearing in this inquiry was held in August 2005. A further evidentiary hearing was held in October 2006.

The panel determined that Canada has an outstanding obligation to provide land to the Lucky Man Cree Nation under the terms of Treaty 6. It also concluded that Canada is to be credited with having provided 7,680 acres of land under Treaty 6 to the First Nation. It recommended that the claim be accepted for negotiation.



## Roseau River Anishinabe First Nation

### *1903 Surrender, Manitoba*

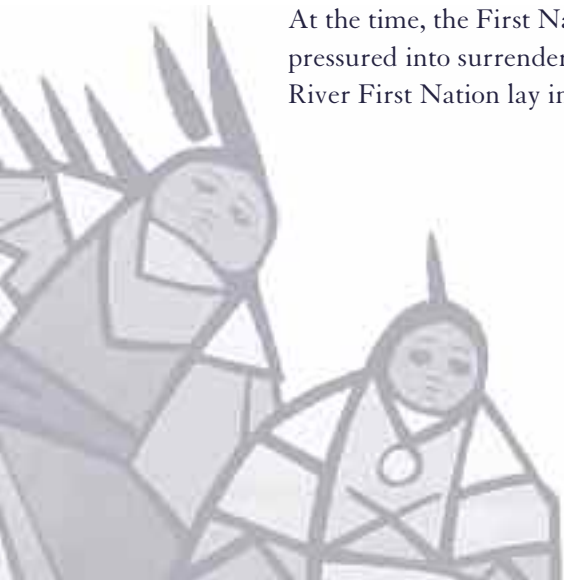
This claim, submitted to Canada in 1982 and rejected in 1986, centres on the validity of the 1903 surrender of a portion of the Roseau River reserve. The Commission accepted the request of the First Nation to conduct an inquiry in November 1993. At a planning conference held in December 1993, the parties agreed that additional research was required, and they jointly engaged an independent contractor under the management of the Commission. On the basis of this research, counsel for the First Nation submitted further legal submissions to Canada. In July 2001, the Minister of Indian Affairs and Northern Development rejected the claim. In September 2001, the Commission accepted a request by the First Nation for an inquiry into this second rejection.

A planning conference was held in April 2002, and in May 2002, the parties agreed on the legal issues. In July and September 2002, community sessions were held on the Roseau River reserve. In January 2003, terms of reference were finalized for an additional joint research project dealing with the quality of the reserve land, and the research report was completed early in 2005. The joint project was presented to the panel by the expert in June 2005, and oral arguments were heard in March 2006 in Winnipeg.

The panel examined the historical background to the surrender. Between 1889 and 1903, the year of the surrender, the Roseau River Band faced increasing pressure from local settlers, municipalities and politicians to surrender all of IR 2. The reserve, considered one of the best in Manitoba, contained prime agricultural land, as well as water and timber. In December 1902, band councillors refused a request to surrender the eastern portion of IR 2, responding that it was the only dry land on the reserve and would be needed for cultivation and for their cattle during the spring floods.

In January 1903, the Minister of the Interior, Clifford Sifton, instructed Inspector S.R. Marlatt to attempt to obtain a surrender of IR 2. Marlatt held a meeting on the reserve on January 20, at which time the Band refused a surrender. Ten days later, on January 30, 1903, the Band surrendered the eastern portion of the reserve, comprising 7,698.6 acres, or 60 per cent of the reserve. Among the terms of the surrender was a condition that two sections of land at the Roseau Rapids be purchased for the Band from the proceeds of sale.

From 1895 to 1903 - up to 10 days before agreeing to the surrender - the Roseau River First Nation had steadfastly refused to give up any of its land at the mouth of the Roseau River. There was considerable evidence, from Canada's own documents, that officials completely disregarded what was best for the First Nation by encouraging the surrender of up to 60 per cent of its main reserve. At the time, the First Nation was struggling to adapt to an agricultural lifestyle. The land it was pressured into surrendering was the part most suited to farming. What land was left to the Roseau River First Nation lay in a flood zone.



The panel found that the government did not breach Treaty 1 by permitting a surrender, nor was there sufficient evidence that it contravened the surrender provisions of the *Indian Act*. But the government's motivation for requesting the surrender reflected the settlers' and the surrounding municipalities' desire for land, not the present and future needs of the First Nation. The panel for this inquiry found that Canada failed in its fiduciary duty to protect the First Nation's legal and stated interests in the land granted to it by Treaty 1, and that officials should have resisted the intense lobbying to open up the land for settlement. In its November 2007 report, the panel recommended that the claim be accepted for negotiation.

## **Sandy Bay Ojibway First Nation**

### *Treaty Land Entitlement, Manitoba*

In April 1998, the First Nation requested an inquiry into its rejected claim that non-arable land was included in its treaty land entitlement (TLE) and that additions of land in 1930 and 1970 should not be counted in the TLE calculation. Shortly thereafter, it restated its legal arguments because the original claim had been filed in November 1982 without the benefit of legal counsel. In November 1998, the government challenged the Commission's mandate to inquire into this claim on the basis that the restatement essentially represented a new claim. In June 1999, the panel ruled that the inquiry would proceed.

Planning conferences were held in August and November 2002. During the winter of 2002-2003, a joint working group, made up of representatives of the First Nation, Canada and the Commission, discussed a payroll analysis of the First Nation. In the spring of 2003, the inquiry was placed in abeyance for a period of time before resuming in October. Planning conferences were held in February, June and September 2004.

In the fall, Canada proposed splitting the inquiry into two phases and inviting Long Plain First Nation's intervention in the inquiry as an affected party. The panel rejected the phased inquiry request. In December 2004, Long Plain First Nation submitted a motion for intervener status, and Sandy Bay First Nation made submissions on the matter in January. An oral hearing in this matter, as well as a site visit, was held in June 2005. The panel granted Long Plain First Nation intervener status in the inquiry, and final oral arguments in the inquiry were heard in June 2006.

The panel found that the population count for Sandy Bay is 207, and that 17 people claimed by both the Sandy Bay First Nation and the Long Plain First Nation should be counted with the Long Plain First Nation. However, the Commissioners noted that additional research should be conducted to determine if 38 non treaty women should be added to Sandy Bay's population count.

In addition, due to limited evidence, the panel could not conclude whether to add 38 non treaty women and an additional seven people to the Sandy Bay First Nation's population count. The First Nation declined to hold a community session, which would have made the oral history of its Elders available to the panel and may have clarified the evidence at the panel's disposal. As it stands, the First Nation received enough land for 213 members, even though its population count is 207. In its report released in September 2007, the panel recommended that the claim not be accepted for negotiation.



## **Saulteau First Nation**

### *Treaty land entitlement and lands in severalty, British Columbia*

Located in the Treaty 8 area of northeastern BC, the Saulteau First Nation claimed that Canada breached its legal and fiduciary duties by failing to provide sufficient lands under the provisions of Treaty 8, and it claimed a shortfall of 4,898 acres, based on a number of band members who were late adherents, absentees, or landless transfers at the date of first survey. The First Nation also submitted a claim that land known as Deadman Creek should be recognized under the severalty provision of Treaty 8. By this provision, 160 acres of land, located apart from the reserve, were to be provided to individual members of a First Nation who did not wish to live on the main reserve.

In August 1997, the Treaty 8 Tribal Association submitted these claims to the Department of Indian Affairs and Northern Development on behalf of the Saulteau First Nation, claiming that the Crown had breached its legal and fiduciary obligations. By August 2003, the claims had not yet been accepted or rejected by the Minister of Indian Affairs, and the First Nation asked the ICC to conduct an inquiry. The six years that had elapsed since the submission of the claims led the Commission to deem them constructively rejected, and it accepted the request to conduct an inquiry.

In 2004, the First Nation and Canada agreed to use the Commission's mediation services, and in 2006, the Saulteau First Nation requested the inquiry into their claims be concluded in anticipation of the acceptance of its treaty land entitlement claim by the Minister of Indian Affairs. In view of the First Nation's request, the Commission panel declared the ICC's inquiry closed in June 2006, and the Commission issued a report in April 2007.



## Summary of Specific Claims in Inquiry Between April 1, 2007, and March 31, 2008

This section provides a summary of the Commission's activities in each of the 37 claims in inquiry during the 2007-2008 fiscal year. The First Nation, the title of the claim and the province in which the claim is geographically situated are followed by a description of the issues and the Commission's progress in each of the files during the year.

On November 27, 2007, Bill C-30, the *Specific Claims Tribunal Act*, was tabled in the House of Commons. By Order in Council P.C. 2007-1789, the Commission was directed to cease all activities on inquiries that had not by that date reached the Community Session stage or in which final legal submissions had not been completed, to notify the affected First Nations of the cessation of their inquiries and to return all documents filed for the inquiries by the affected First Nations. Each of these inquiries is described below as "Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned." This Order also directed that all remaining inquiries be completed, including related reports, by December 31, 2008.

### **Athabasca Chipewyan First Nation**

#### *Compensation criteria for agricultural benefits, Alberta*

The First Nation's request for an inquiry into the compensation criteria applicable to its claim was accepted by the Commission in September 2003. The First Nation had submitted the claim in February 1994 and Canada accepted it for negotiation in May 1998, but later suspended the negotiations. A planning conference was held in March 2004; however, Canada subsequently decided not to participate in the inquiry. In April 2004, the First Nation commenced court action to compel Canada to negotiate. The court action was discontinued when Canada agreed to resume negotiations. The inquiry was placed in abeyance, at the request of the First Nation, pending the outcome of these negotiations. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

### **Blueberry River First Nation and Doig River First Nation**

#### *Compensation criteria – Highway right of way – IR 172 claim, British Columbia*

Canada accepted the claim of these First Nations for negotiation in September 2004, but the parties disagreed on the compensation criteria applicable to the claim. In March 2005, the Commission accepted the request of the First Nations to conduct an inquiry into which compensation criteria apply. At the request of the First Nations, the claim was placed in abeyance pending negotiation with Canada about the applicable criteria. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

This claim was the subject of a previous inquiry: the **Blueberry River First Nation and Doig River First Nation, Highway right of way IR 172** inquiry. See *Claims Addressed in Inquiries and Mediations Concluded with Reports* on page 69.



## **Carry the Kettle First Nation**

### *1905 surrender, Saskatchewan*

The First Nation claims that a surrender of 5,760 acres of the Assiniboine reserve taken in 1905 is invalid.

Its claim was rejected, and in 1994 the Commission began an inquiry into the claim. The community session was held in October 1995. In August 1998, the First Nation requested that the claim be put in abeyance until the Commission completed its inquiry into the Cypress Hills claim. The report on that inquiry was released by the Commission in July 2000. In October 2004, the First Nation requested that the Commission resume the inquiry into the surrender.

A staff visit was held in October 2005 and a community session was conducted in July 2006. An oral hearing was held November 20, 2007. A report, to be completed by December 31, 2008, is in preparation by the panel.

## **Chippewas of the Thames First Nation**

### *Ontario Hydro right of way, Ontario*

The Chippewas of the Thames First Nation alleges that the Crown has an outstanding lawful obligation with respect to an easement it granted to the Ontario Hydro-Electric Power Commission in 1926 and renewed in 1959.

The Commission agreed to conduct an inquiry in September 2006, and a planning conference was to be scheduled to agree on the issues and next steps. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Conseil des Montagnais du Lac-Saint-Jean**

### *Inondation d'une partie des terres de la réserve de Mashteuiatsh depuis 1928, Quebec*

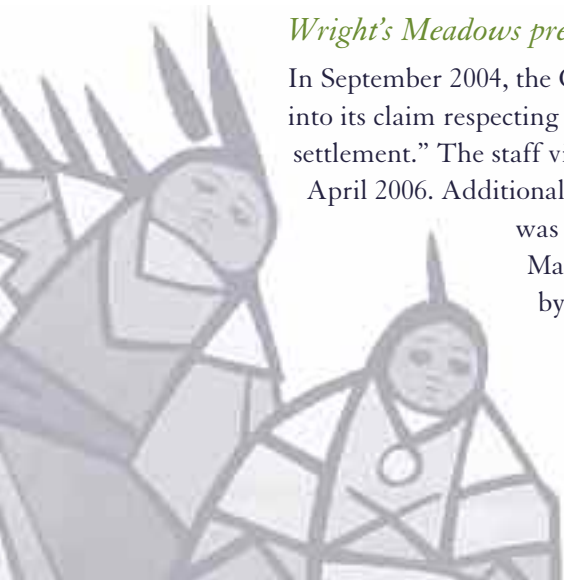
A portion of the Council's claim for flooding of their reserve from hydroelectric dam construction was accepted for negotiation by Canada, while another portion was rejected. In April 2007, the Commission accepted the request of the Council for an inquiry into the rejected portion of the claim. A planning conference had yet to be held when activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Esketemc First Nation**

### *Wright's Meadows pre-emption claim, British Columbia*

In September 2004, the Commission accepted the request of the First Nation to conduct an inquiry into its claim respecting the pre-emption by a settler, in 1893, of land it maintains was an "Indian settlement." The staff visit took place in January 2006, followed by the community session in

April 2006. Additional oral evidence given by an Elder was recorded in July 2006, and a site visit was also conducted at that time. An oral hearing was held in Williams Lake, May 9, 2007. A report, to be completed by December 31, 2008, is in preparation by the panel.





## **Fisher River Cree Nation**

### *1896 Alienation, Manitoba*

In October 2007, the Commission accepted the request of the First Nation for an inquiry into its claim that agreed-upon additions to their reserve were subsequently improperly reduced. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Kitselas First Nation**

### *Railway specific claim, British Columbia*

The Kitselas First Nation alleges that the Crown breached its fiduciary obligations by unlawfully expropriating lands for the construction of a railway and tramway through Kitselas reserves IR1, IR2, and IR4.

The First Nation's claim was accepted for inquiry in September 2006, and a planning conference was conducted in March 2007. A community session was to be held in the fall. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Lheidli T'enneh Band**

### *Surrender Fort George IR 1, British Columbia*

In December 2003, the Commission accepted the request of the First Nation to conduct an inquiry into its rejected claim respecting the surrender in 1911 of its reserve, in what is now downtown Prince George, for sale to the Grand Trunk Pacific Railway. A planning conference was held in June 2004, and Canada's documents were received in February 2005.

Following the planning conference, the inquiry became dormant as the First Nation concentrated on its treaty negotiations. This inquiry became active again once the treaty negotiations concluded. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Little Black Bear First Nation**

### *1928 Surrender, Saskatchewan*

In September 2007, the Commission accepted the request of this First Nation for an inquiry into elements of its specific claim that were not addressed in a settlement agreement of 1996. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Lower Similkameen Indian Band**

### *Vancouver, Victoria and Eastern Railway right of way, British Columbia*

In April 2003, the Commission accepted the Band's request to conduct an inquiry into its rejected claim regarding the taking of a railway right of way through its reserves by the Vancouver, Victoria and Eastern Railway and Navigation Company in 1905. A planning conference was held in September 2003 and a community session in April 2004. Written legal submissions were completed by the end of 2004, and an oral session was held in January 2005. The panel has completed its report, which will be released early in 2008-2009.



## **Lucky Man Cree Nation**

### *Treaty land entitlement – Phase II, Saskatchewan*

In March 1997, the Commission issued a report on Phase I of this inquiry, recommending that 1887 be used as the date of first survey (DOFS) of IR 116, for calculating the Lucky Man Band's treaty land entitlement population. The panel recommended that the parties undertake further research and playlist analysis to establish Lucky Man's correct DOFS population. Canada accepted the Commission's recommendations and submitted its further research in February 1998. The First Nation responded with its own research submission in June 2002, which Canada rejected in November 2003. In December 2003, at the First Nation's request, the Commission agreed to open a second phase of the inquiry into the issue of the DOFS population. A planning conference was held in April 2004 and a second planning conference in January 2005. The oral hearing in this inquiry was held in August 2005. A further evidentiary hearing was held in October 2006. The panel has completed its report, which will be released early in 2008-2009.

## **Madawaska Maliseet First Nation**

### *Alienation of Reserve Lands, New Brunswick*

In October 2007, the Commission considered the First Nation's request for an inquiry into its claim of improper Pre-Confederation alienation of parcels of land to which they claimed rights under 1725 treaties. This request was provisionally accepted on the basis that the claim should be deemed to have been rejected on account of delay. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Mississaugas of the New Credit First Nation**

### *Crawford Purchase, Ontario*

The First Nation claims that compensation was never paid for lands that the government took improperly in 1783. It also alleges that the government breached its fiduciary duty and that the First Nation suffered damages from misrepresentation and equitable fraud in the government's failure to compensate the First Nation for its interest in the land.

A planning conference was held in July 1998. In September 1998, the First Nation requested that the claim be put in abeyance while its Toronto Purchase claim is under consideration. The Toronto Purchase claim remains in negotiation. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Mississaugas of the New Credit First Nation**

### *Gunshot Treaty, Ontario*

The First Nation claims damages for loss of certain lands and rights to fish, hunt and trap in the area east of Toronto. It argues that these damages are a result of the non-binding nature of the 1788 Gunshot Treaty, under which the land was surrendered, and that the government breached its fiduciary duty to protect the First Nation in its possession of these lands. The Commission held a planning conference in July 1998. In September 1998, the First Nation requested that the claim be put in abeyance while its Toronto Purchase claim was under consideration. The Toronto Purchase claim remains in negotiation. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.



## **Muskowekwan First Nation**

### *1910 and 1920 surrenders, Saskatchewan*

This claim was submitted in 1992 and rejected in 1997, following which the First Nation made additional submissions to the Minister of Indian Affairs. In December 2003, the Commission accepted the First Nation's request to conduct an inquiry. The inquiry concerns the First Nation's claim respecting lands surrendered for the purpose of a townsite along the Grand Trunk Pacific Railway. A planning conference was held in February 2005, and a community session was held in September 2005. A further research project was conducted, and the oral hearing is planned for May 2008. The report of the inquiry is to be completed by December 31, 2008.

## **Nadleh Whut'en Indian Band**

### *Lejac School, British Columbia*

In December 2002, the Commission accepted the request of the Nadleh Whut'en Indian Band to conduct an inquiry into a claim regarding the construction and operation of Lejac Residential School. This claim was originally submitted to Canada in May 1992, and was rejected in September 1995. The First Nation made a supplementary submission in February 1997, but, with no response received by June 2002, the First Nation asked the Commission to conduct an inquiry.

At a planning conference in March 2003, it was agreed that both parties would undertake additional research. This research was completed by December 2003, and the First Nation made a revised submission in March 2004. Further documentation was provided, and a revised claim submission was made by the First Nation in September 2004. In December, Canada completed its confirming research and the First Nation provided comments in May 2005.

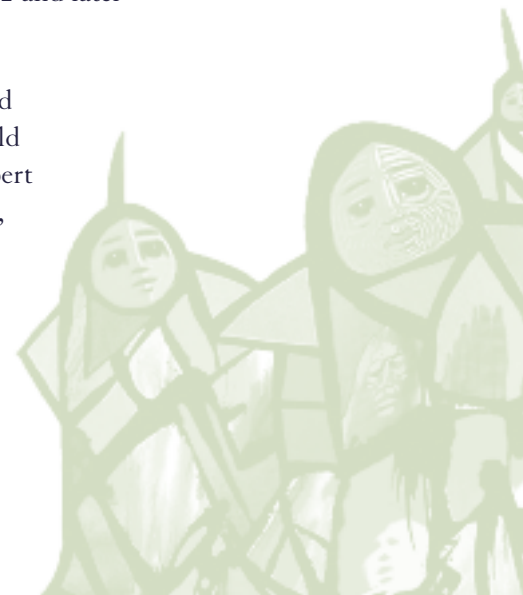
In 2006, owing to limited resources, Canada's review was delayed. The parties agreed to a joint project to facilitate Canada's legal review of the First Nation's submissions. The community session was held November 22, 2007. The oral hearing is planned for April 2008, and the report of the inquiry is to be completed by December 31, 2008.

## **Neskonlith, Adams Lake and Little Shuswap Bands**

### *Neskonlith Reserve, British Columbia*

In September 2003, the Commission accepted the request of these First Nations to conduct an inquiry into their rejected specific claim to a reserve they say was validly established under the authority of James Douglas, Governor of the Colony of British Columbia, in 1862 and later unlawfully reduced.

The First Nations' documents were received by the Commission in July 2004 and Canada's documents were received in September. A planning conference was held in November 2004, a community session was conducted in July 2005, and an expert session was held in July 2006. The oral hearing was held June 19, 2007. A report, to be completed by December 31, 2008, is in preparation by the panel.



## **Ocean Man First Nation**

### *Treaty land entitlement, Saskatchewan*

In July 1994, the Commission accepted the request of the First Nation to conduct an inquiry into its rejected claim that it was entitled to additional land under the terms of Treaty 4 (1874). As a result of changes in the federal treaty land entitlement (TLE) policy, resulting from the ICC's Fort McKay and Kawacatoose findings, new research was conducted in 1999 to determine if there was an outstanding TLE obligation. In October of that year, the government provided a payroll analysis indicating a shortfall of treaty land under the existing TLE policy. However, in May 2000, before Canada could complete its review process, the First Nation filed a claim in the courts against the federal government relating to issues beyond the scope of the inquiry, issues which may or may not have an impact on the current TLE claim. The inquiry was placed in abeyance pending resolution of the litigation. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Pasqua First Nation**

### *1906 surrender, Saskatchewan*

This claim, alleging that the 1906 surrender of IR 79 was invalid and that the federal government had breached its fiduciary obligations to the First Nation in the taking of the surrender, was submitted in 1987 and rejected in July 1997. The First Nation conducted additional research, which led to a supplementary submission in March 2000.

The Commission accepted the request of the First Nation to hold an inquiry into its rejected claim in December 2002. On agreement, Canada continued its review of the First Nation's 2000 submission, commissioning further research and conducting interviews, which were completed in the fall of 2003. The First Nation received a letter rejecting its claim in April 2006.

The First Nation elected to proceed with its inquiry. However, activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Red Earth and Shoal Lake Cree Nations**

### *Quality of reserve lands (agriculture), Saskatchewan*

In June 2004, the Commission accepted a request for an inquiry by the Red Earth and Shoal Lake Cree Nations into their claims that their right to farming lands under their treaty had not been fulfilled. Their claims at that time had not been expressly rejected, and were accepted by the Commission on a "deemed rejection" basis. Canada responded that it intended to submit a mandate challenge and, in April 2005, did so. The panel denied a request from the British Columbia Treaty 8 First Nations for intervenor status. The oral hearing of the mandate challenge took place in February 2006, in Saskatoon. In December 2006, Canada formally rejected the First Nations' claim. The mandate challenge was thus moot.

The First Nation requested that the Commission resume the inquiry. The community session was held October 16-17, 2007. The oral hearing is planned for May 2008, and the report of the inquiry is to be completed by December 31, 2008.



## **Roseau River Anishinabe First Nation**

### *1903 surrender, Manitoba*

This claim, submitted to Canada in 1982 and rejected in 1986, questions the validity of the 1903 surrender of a portion of the Roseau River reserve. In November 1993, the Commission accepted the request of the First Nation to conduct an inquiry. At a planning conference held in December 1993, the parties agreed that additional research was required, and they jointly engaged an independent contractor under the management of the Commission. On the basis of this research, counsel for the First Nation submitted a legal analysis to Canada. In July 2001, the Minister of Indian Affairs and Northern Development rejected the claim. In September 2001, the Commission accepted a request by the First Nation for an inquiry into this second rejection.

A planning conference was held in April 2002 and, in May 2002, the parties agreed on the legal issues. In July and September 2002, community sessions were held on the Roseau River reserve. In January 2003, terms of reference were finalized for an additional joint research project, and the research report was completed early in 2005. The joint project was presented to the panel by the expert in June 2005, and oral arguments were heard in March 2006 in Winnipeg. The report of the inquiry was released December 6, 2007. The Commission recommended that the claim be accepted for negotiation.

## **Sandy Bay Ojibway First Nation**

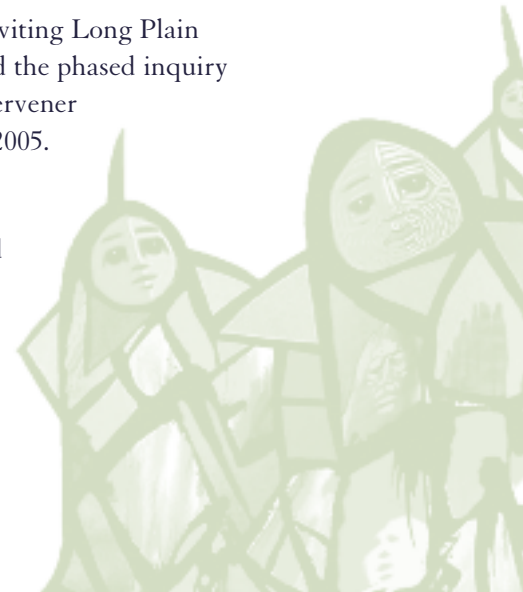
### *Treaty land entitlement, Manitoba*

In April 1998, the First Nation requested an inquiry into its rejected claim that non-arable land was included in its treaty land entitlement (TLE), and that additions of land in 1930 and 1970 should not be counted in the TLE calculation. Shortly thereafter, it restated its legal arguments because the original claim had been filed in November 1982 without the benefit of legal counsel. In November 1998, the government challenged the Commission's mandate to inquire into this claim on the basis that the restatement essentially represented a new claim. In June 1999, the panel ruled that the inquiry would proceed.

Planning conferences were held in August and November 2002. During the winter of 2002-2003, a joint working group, made up of representatives of the First Nation, Canada, and the Commission, discussed a paylist analysis of the First Nation. In the spring of 2003, the inquiry was placed in abeyance for a period of time before resuming in October. Planning conferences were held in February, June and September 2004.

In the fall of 2004, Canada proposed splitting the inquiry into two phases and inviting Long Plain First Nation's intervention in the inquiry as an affected party. The panel rejected the phased inquiry request. In December 2004, Long Plain First Nation submitted a motion for intervenor status, and Sandy Bay First Nation made submissions on the matter in January 2005. An oral hearing regarding this matter was held in June 2005, as was a site visit.

Oral arguments were heard in June 2006. The report of the inquiry was released September 27, 2007. The Commission recommended that the claim not be accepted for negotiation.



### **Shuswap Indian Band**

#### *1940-acre claim, British Columbia*

In September 2007, the Commission accepted the Band's request for an inquiry into its claim that it did not obtain 1940 acres to which it believed it is entitled as a result of reserve allotment in the 1880s. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

### **Shuswap Indian Band**

#### *1914 Railway Right of Way, British Columbia*

In September 2007, the Commission accepted the Band's request for an inquiry into its claim that it suffered statutory and fiduciary breaches in connection with the granting of a railway right of way in 1914. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

### **Siksika Nation**

#### *1910 surrender, Alberta*

This claim involves alleged irregularities in the surrender vote; the reservation of coal, oil and gas rights from the 1910 land surrender; and the reduction and subsequent discontinuance of perpetual rations from the proceeds of the sale of surrendered lands. The claim was first submitted to the Department of Indian Affairs and Northern Development in 1985. The First Nation and the government conducted a series of cooperative research studies, and the claim was submitted to the Department of Justice, in 1995, for its review.

In January 2002, the Commission agreed to conduct an inquiry into the claim. In March 2002, a planning conference was held at which the parties agreed to begin the initial stages of the inquiry process (that is, document compilation) while Canada finalized its legal review. By agreement of the parties, the inquiry was placed into abeyance in May 2002 while the Commission facilitated Canada's review of the claim. Further legal submissions were made by the First Nation in 2003. A conference call was held in June 2004, and Canada submitted a further research report in February 2005. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

### **Stanjikoming First Nation**

#### *Treaty land entitlement, Ontario*

In July 1999, the First Nation requested that the Commission conduct an inquiry into a claim it had submitted in 1990, arguing that the federal government's lack of response amounted to a "constructive rejection." The claim involves an alleged shortfall of 1,408 acres of treaty land and flooding of reserve land by hydro development. In April 2000, the First Nation requested that the Commission put the inquiry in abeyance, but that it continue to facilitate discussions. In February 2005, the First Nation requested that the flooding portion of this inquiry be put in abeyance once again, as the First Nation, Canada, and the Province of Ontario agreed to meet to negotiate the matter.

In June 2007, Canada accepted the treaty land entitlement issue for



negotiation. At the First Nation's request, the ICC maintained the file in abeyance pending resolution of the land quality issue. However, activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Stó:lō Nation**

### *Douglas reserves, British Columbia*

This claim is brought by 14 bands within the Stó:lō Nation, the Aitchelitz, Kwantlen, Kwaw-Kwaw-Apilt, Lakahahmen, Matsqui, Scowlitz, Skowkale, Skwah, Skway, Soowahlie, Squiala, Sumas, Tzeachten and Yakweakwioose Bands. The claim alleges that in 1864, James Douglas, Governor of the Colony of British Columbia, established reserves for the various bands of the Stó:lō Nation, reserves that were subsequently unlawfully reduced, and that when British Columbia entered Confederation in 1871, Canada inherited the duty to rectify this situation. The claim was submitted to Canada in 1988 and rejected in 1997; it was again rejected again in 1999, after a supplementary submission had been made.

In July 2000, the Stó:lō Nation made an initial request for an inquiry, which was confirmed a year later. Scheduling of the first planning conference was postponed pending clarification of the conditions and nature of the parties' participation in the inquiry. Subsequent conference calls did not resolve these issues and, in September 2003, the Stó:lō Nation requested that the inquiry be placed in abeyance. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Sturgeon Lake First Nation**

### *1913 surrender, Saskatchewan*

In August 1996, the First Nation requested that the Commission conduct an inquiry into this claim respecting alleged irregularities in the surrender vote of 1913. The inquiry was placed in abeyance in December 1996 while both parties conducted supplementary research. In May 1998, the government advised the First Nation that its review of the claim had disclosed no lawful obligation and in June, the First Nation asked the Commission to resume the inquiry. The inquiry was placed in abeyance again in April 1999, at the First Nation's request. In November 2002, the First Nation asked the Commission to resume the inquiry.

The community session was held in December 2006, at which time the First Nation provided a taped interview of an Elder who had passed away. The interview was in Cree and was translated.

The oral hearing is planned for May 2008, and the report of the inquiry is to be completed by December 31, 2008.

## **Touchwood Agency Tribal Council**

### *Mismanagement claim – compensation criteria, Alberta*

Early in 1998, the Day Star, Fishing Lake, George Gordon, Kawacatoose and Muskowekwan First Nations of the Touchwood Agency Tribal Council collectively submitted a claim to Canada alleging that their assets had been



mismanaged by government agents from 1920 to 1924. This claim was accepted for negotiation in March 1998. Negotiations commenced, but eventually reached an impasse and came to a halt in March 2002.

In August 2003, the First Nations requested an inquiry into the application of compensation criteria. This request was accepted in September 2003. The Commission then attempted to obtain the necessary documentation and a list of issues from both parties, but disagreement regarding disclosure of documentation, the scope of the inquiry, and the Commission's mandate led to an impasse. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

### **Treaty 8 Tribal Association**

#### *Consolidated annuity claim, British Columbia*

The seven claimant First Nations of the Treaty 8 Tribal Association – Doig River, Blueberry River, Fort Nelson, Halfway River, West Moberly, Sauteau, Dene Tsa Tse K'Nai (Prophet River) – submitted a claim to Canada in February 1995 for treaty annuities from 1899, the date of Treaty 8, to the date each First Nation adhered to the treaty. In August 2003, the claimants asked the Commission to conduct an inquiry, and the Commission, deeming the claim to be rejected, agreed to their request in November of that year. In March 2006, Canada formally rejected this claim for negotiation. The First Nations requested that the inquiry into their claims begin, and Canada agreed to participate. A planning conference was to be scheduled, however activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

### **Treaty 8 Tribal Association**

#### *Treaty land entitlement and land in severalty claims, British Columbia*

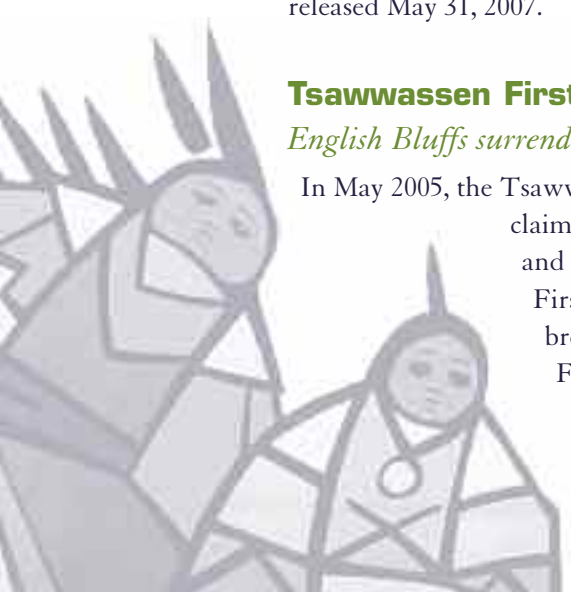
In August 2003, the Treaty 8 Tribal Association on behalf of the Sauteau First Nation requested that the Commission conduct an inquiry into its claim, submitted in February 1995 and to which Canada had not responded. The First Nation alleges that Canada breached its legal and fiduciary duty by failing to perform its obligations under the land entitlement provision of Treaty 8, and claims a shortfall of 4,898 acres. The First Nation also maintains that a claim to land known as Deadman Creek should be recognized as entitlement under the severalty provision of Treaty 8.

The Sauteau First Nation anticipates that its claims will be accepted for negotiation. Therefore, the Sauteau First Nation has requested that the inquiry into its claims be closed. A brief report was released May 31, 2007.

### **Tsawwassen First Nation**

#### *English Bluffs surrender claim, British Columbia*

In May 2005, the Tsawwassen First Nation asked the Commission to conduct an inquiry into this claim, and in June the Commission agreed. The claim relates to the surrenders and sales, in 1957, of two parcels of land at the Tsawwassen Reserve No. 0. The First Nation alleges undue or improper influence, conflict of interest, and breaches of fiduciary duty by Canada in failing to maximize benefits to the First Nation. The claim does not question the validity of the surrenders.





A statement of issues was agreed to at a conference call in January 2006. A planning conference was held in March 2006, but the inquiry was overtaken by the treaty process in which the First Nation is engaged, it being agreed between the First Nation and Canada that the specific claim would be addressed in the comprehensive claims settlement. The inquiry was placed in abeyance in October 2006, pending completion of the treaty process. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **U'mista Cultural Centre**

### *Prohibition of the potlatch, British Columbia*

In April 2002, the 'Namgis First Nation, representing itself, the U'mista Cultural Centre, the Nuyumbalees Cultural Centre and 13 other Kwakwaka'wakw First Nations, requested an ICC inquiry, which the Commission accepted in May 2002. The claimants alleged a breach of Canada's fiduciary obligation through *Indian Act* amendments in 1884, 1895, and 1918 that prohibited the potlatch and also through measures taken by the government and its officials in enforcing such legislation, particularly in the case of a potlatch held at Village Island in December 1921. After a planning conference in October 2002 and several subsequent conference calls, the parties came to an agreement on the issues before the Commission in February 2003. At the end of that month, a community session was held at the \*Namgis First Nation and, in March 2003, the Commission initiated discussions with Canada regarding the possibility of considering the claim as a special claim. (Special claims, formerly known as "Claims of a Third Kind," are those claims from First Nations that fall outside the Specific Claims and Comprehensive Claims policies.) By July 2003, the parties agreed on this manner of proceeding. In February 2005, the First Nation revised and submitted its claim as a special claim. The inquiry was placed in abeyance at the request of the First Nation, pending a decision on the special claim. Order in Council P.C. 2007-1789 gave the First Nation the option of requesting that the inquiry cease and a report not be issued. The First Nation exercised this option, the inquiry ceased, the First Nation's documents were returned, and no report will be issued.

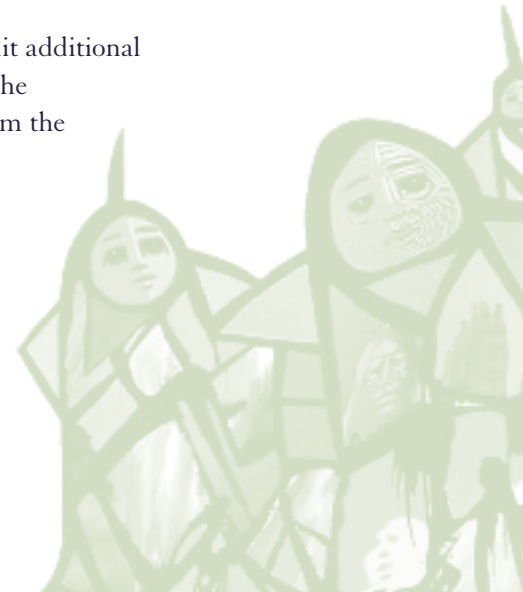
## **Whitefish Lake First Nation**

### *Agricultural benefits pursuant to Treaty 8: compensation criteria, Alberta*

A specific claim by the Whitefish Lake First Nation to agricultural benefits under Treaty 8 was accepted by Canada as a claim to contemporary benefits. The First Nation requested that the Commission conduct an inquiry regarding compensation criteria. This request was accepted in September 2003.

Negotiations were subsequently suspended by Canada in February 2004 to permit additional research to be conducted on the subject of agricultural benefits. In March 2004, the Commission accepted an inquiry into a claim of the First Nation for benefits from the time of its adhesion to Treaty 8. The inquiry into compensation criteria for the contemporary claim was deferred.

In March 2005, Canada resumed negotiations with the First Nation on the contemporary claim. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.



## **Whitefish Lake First Nation**

### *Agricultural benefits pursuant to Treaty 8: historic claim, Alberta*

In March 2004, the Commission accepted the Whitefish Lake First Nation's request to hold an inquiry into its claim for agricultural benefits from the time of its adhesion to Treaty 8. In March 2005, Canada resumed negotiation with the First Nation on the contemporary claim. The inquiry into the claim for historic benefits was put into abeyance. Activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.

## **Wolf Lake First Nation**

### *Reserve lands, Quebec*

One of the few landless First Nations in Canada, Wolf Lake alleges that the federal government has not fulfilled its fiduciary duty or commitment to provide reserve lands. In January 2002, the First Nation requested that the ICC conduct an inquiry and the Commission accepted this request. In March 2002, however, the inquiry was placed in abeyance on the understanding that the Commission would facilitate Canada's review of a revised claim submission.

A series of research meetings, planning conferences and conference calls, chaired by the Commission, was held through 2002, 2003 and into 2004. During this time, the parties refined the scope of the evidence required and the issues in question, and established a joint statement of facts, all of which facilitated the writing of a new legal submission by the First Nation. This submission was provided to Canada in May 2004.

In July 2006, the Minister of Indian Affairs advised Wolf Lake that its reserve creation claim did not disclose an outstanding lawful obligation on the part of the Crown. After meeting with representatives of Canada in October 2006, Wolf Lake decided to revive the inquiry into its rejected claim.

In March 2007, the parties submitted issues for the inquiry. However, activity ceased November 27, 2007, the First Nation was notified, and their documents were returned.



# THE ICC'S ACHIEVEMENTS IN 2007-2008

## MEDIATION AND FACILITATION



### What you'll find in this section:

**54 Mediation and Facilitation: What Is Mediation and Facilitation?**

Introduction and definitions

**55 The Mediation Process**

ICC's mediation process

**55 Summary of Specific Claims in Mediation and Facilitation  
between April 1, 2007, and March 31, 2008**

Describes each claim in mediation/facilitation at the ICC and lists the ICC's activities over the past year within each file

## What Is Mediation and Facilitation?

Mediation is a consensual way of resolving disputes. In this process, a neutral third party, the mediator, assists the parties to reach a settlement that each of them can accept.

Mediation can advance negotiations by:

- narrowing the issues in dispute;
- helping the parties reach an agreed-upon settlement; or
- providing independent advice on a particular issue.

The mediator facilitates discussions by bringing the two sides together to examine the issues in dispute and the particular interests, needs, and concerns of each side. Out of the discussions emerge options for a binding settlement.

Under its mediation mandate, the Indian Claims Commission (ICC) provides broad mediation and facilitation services, not just when a claim has been accepted for negotiation, but at any stage of the claims process. Seventeen years of history and experience demonstrate that the use of the Commission's mediation, facilitation and research/study coordination services by the parties – be it before or after the acceptance of a claim by the Minister of Indian Affairs and Northern Development - greatly increases the chance of a positive outcome. Open discussion amongst the parties, in the presence of a neutral third party, promotes a better understanding and relationship. In this atmosphere, settlements are easier to reach

The Commission's mediation services can include:

- arranging for and chairing negotiation meetings;
- coordinating joint studies (e.g., loss-of-use studies);
- monitoring the parties' decisions and following up on their undertakings; and
- providing or arranging for mediation on specific issues when the parties have reached an impasse.

The Commission has provided mediation/facilitation services on 53 files since its creation in 1991.

Commission mediation reports can be found on our website at [www.indianclaims.ca](http://www.indianclaims.ca).

The four stages which make up the Commission's mediation process are illustrated in the chart which follows.



## The Mediation Process

<b>Stage 1</b>	<b>Preparation for Mediation</b>
	The Commission reviews the claim being negotiated and brings representatives of the negotiating parties together face to face to discuss the issues and terms of the negotiation and mediation protocol agreements.
<b>Stage 2</b>	<b>Negotiation Process</b>
	The Commission facilitates discussions on compensation, assists the parties by coordinating the gathering of information, including land appraisals and joint loss-of-use studies, and monitors the parties' decisions and undertakings.
<b>Stage 3</b>	<b>Settlement</b>
	When and after the negotiating parties reach an agreement in principle, lawyers for the First Nation and Canada work together to draft a final settlement agreement, which is initialled by the negotiators and ratified by both parties.
<b>Stage 4</b>	<b>Final Mediation Report</b>
	The Commission reports to the federal government, the First Nation and the public on the outcome of the negotiation.

## Mediations Completed in 2007-2008

From April 1, 2007, to March 31, 2008, the Commission completed mediations on Fort Pelly Agency [Pelly Haylands Claim Negotiations], George Gordon First Nation [Treaty Land Entitlement Negotiations], Metepenagiag Ni'kmaw Nation [Hosford Lot and Red Bank Reserve 7], Michipicoten First Nation [Pilot Project], Muskoday First Nation [Treaty Land Entitlement Negotiations] and Sturgeon Lake First Nation [Treaty Land Entitlement Negotiations].

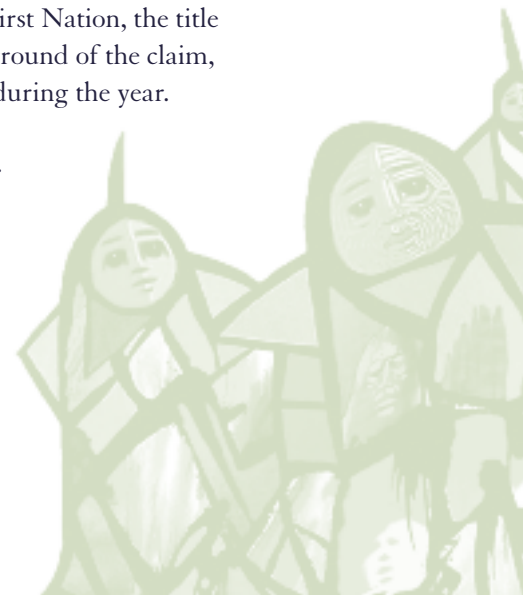
Reports on the completed mediations will be issued in the 2008-2009 fiscal year.

## Summary of Specific Claims in Mediation and Facilitation Between April 1, 2007, and March 31, 2008

This section reports on the Commission's mediation activities in 2007-2008. The First Nation, the title of the claim, and the province in which it is situated, are followed by a brief background of the claim, a description of the issues, and an update on progress made in each of the 27 files during the year.

From April 1, 2007, to March 31, 2008, the Commission completed six mediations.

All of the Commission's reports can be found on our website at [www.indianclaims.ca](http://www.indianclaims.ca).



## Blood Tribe/Kainaiwa

### *Cattle claim, Alberta*

The Blood Tribe/Kainaiwa Nation is located 195 km south of Calgary. The land base consists of two parcels of encompassing 136,264 hectares. The Blood Tribe currently has a population of 10311, of whom 7454 members live on-reserve.

In November 2002, the Indian Claims Commission was asked by the Blood Tribe to facilitate further research on its cattle claim. Following a review of the existing research and reports in 2003, the ICC recommended an independent historical review and analysis based on a renegotiated terms of reference. Over the next several months, the Blood Tribe undertook a review of the research. In early 2004, the ICC was asked to place this matter in abeyance so that the Blood Tribe could focus its efforts and resources on other claims. As of March 31, 2008, the claim remained in abeyance.

## Chippewa Tri-Council

### *Coldwater-Narrows reservation claim, Ontario*

The Coldwater-Narrows reservation claim related to the alleged 1836 surrender of a strip of land, 14 miles long, averaging one and one-half miles wide, running from the narrows at Lakes Couchiching and Simcoe, westward to Matchedash Bay, comprising approximately 10,000 acres. The Chippewa Tri-Council, composed of three First Nations (Beausoleil First Nation, Chippewas of Georgina Island First Nation, and Chippewas of Mnjikaning [Rama] First Nation), claimed that the surrender in 1836 was not consistent with the instructions set out in the *Royal Proclamation of 1763*.

Originally submitted to Canada in November 1991, the claim was accepted for negotiation in July 2002, following an inquiry conducted by the Commission into Canada's 1996 rejection of the claim. The ICC has provided facilitation and study coordination services to the table since September 2002.

At the end of the 2007-2008 fiscal year, negotiations continue with the parties focussing on determining an appropriate settlement.

## Cote First Nation

### *Pilot project, Saskatchewan*

Saulteaux Chief, Gabriel Cote, was a signatory to Treaty 4 on behalf of his followers, in 1874. The Cote First Nation has a registered population of 3043, of whom 750 live on IR 64, the 8088 hectare area of land adjoining Kamsack, Saskatchewan, which is 16 kilometres west of the Manitoba/Saskatchewan border.

The Cote pilot project relates to a number of transactions involving the First Nation's lands, beginning with the taking of land for a railway in 1903 and ending in a reconstitution of reserve lands in 1963. Brought to the Commission as an inquiry in the mid-1990's, the parties later agreed to work together, with the Commission's facilitation, to discuss and research the many interrelated transactions and issues.

Since 1997, considerable joint research has taken place, with the result that 12 potential claims have been identified. The complexity and interrelatedness of the claims led Cote First Nation and Canada to group the claims into bundles. The first bundle of four surrender claims was submitted, accepted and is currently in negotiation (details below).



The remaining claims have yet to be submitted by the First Nation.

## **Cote First Nation**

### *1905, 1907, 1913 and 1914 surrender claims, Saskatchewan*

Saulteaux Chief, Gabriel Cote, was a signatory to Treaty 4 on behalf of his followers in 1874. The Cote First Nation has a registered population of 3043, of whom 750 live on IR 64; a 8088 hectare area of land adjoining Kamsack, Saskatchewan, which is 16 kilometres west of the Manitoba/Saskatchewan border.

The 1905, 1907, 1913 and 1914 surrender transactions constitute the first group of claims coming out of the Cote First Nation Pilot Project. The four claims were jointly discussed and researched and then submitted by the First Nation to Canada. In April 2006, Canada accepted the 1905, 1907, 1913 and 1914 specific claims for negotiation.

In May 2006, the Indian Claims Commission was asked by Cote First Nation and Canada to act as a facilitator for the negotiations. During the course of the fiscal year, the ICC's mandate at the table was expanded to include the coordination of the loss of use studies. In this role, the Commission acted as the liaison between the negotiating parties and independent consultants retained to complete research and loss-of-use studies, which include forestry loss of use, agriculture loss of use, mines and minerals loss of use, and a current unimproved fair market value land appraisal.

Negotiations and loss of use studies are ongoing as of March 31, 2008.

## **Cowessess First Nation**

### *Flooding claim, Saskatchewan*

Cowessess IR 73, contains 30,781.7 hectares and is located 13 km northwest of Broadview, Saskatchewan. The First Nation population is 3,508, 740 of whom live on reserve.

Originally part of the Qu'Appelle Valley Indian Development Authority (QVIDA), the Cowessess First Nation was one of a number of First Nations whose lands were lost to recurrent and, in some areas, continuous flooding resulting from the construction in the 1940s of a series of water-control structures under the *Prairie Farm Rehabilitation Act*. When negotiations between Canada and QVIDA broke down in August 2003, the Cowessess First Nation chose to continue negotiations directly with Canada, with the Commission facilitating the negotiations. The Province of Saskatchewan (Saskatchewan Watershed Authority) is also at the table. In January 2007, Cowessess First Nation tabled a settlement proposal to Canada.

At the end of March 2008, the parties were continuing with negotiations.

## **Fort Pelly Agency (Cote, Keeseekoose and Key First Nations)**

### *Pelly Haylands, Saskatchewan*

This claim involves 12,800 acres northeast of Regina, known as the Pelly Haylands. Cote, Keeseekoose and the Key are Treaty Four First Nations with three reserves bordering on the Assiniboine River in the Kamsack area of central Saskatchewan. As of November 2007, the combined population of the three First Nations was 6251, of whom 1693 live on reserve.



The three First Nations joined together as the “Fort Pelly Agency” in 1997 to collectively present their individual claims to a block of land which they alleged had been set apart for them in the early 1890’s as a reserve. Submitted to Canada in 1997, the claim was accepted for negotiation in July 2000, with Canada acknowledging that it had breached a lawful obligation by disposing of parts of the Pelly Haylands in 1898 and 1905 without a surrender.

The Commission’s facilitation and study coordination services date back to October 2000, and since that time, the First Nations and Canada have completed land appraisals and a number of loss of use studies. The parties began discussing a compensation package in late summer 2004 and by November that same year, a settlement amount had been agreed to at the table. The terms of the settlement agreement were successfully ratified by two of the First Nations in 2005-2006 with the third First Nation successful on its second vote in early 2006-2007. In March 2008, the ICC completed a final report, which is scheduled for release early in 2008. A judicial review of the ratification vote of the third First Nation has been requested.

## **Fort William First Nation**

### *Pilot project, Ontario*

Fort William Indian Reserve No. 52 contains 5815 hectares of land along the north shore of Lake Superior, on the southern edge of the city of Thunder Bay in northwestern Ontario. The registered membership of the band is 1803, of whom 835 live on reserve.

Since 1998, the Commission has been participating in a pilot project to facilitate the resolution of a number of specific claims identified through independent research. The claims involve surrenders and expropriations of reserve land for settlement, railway, mining, and military purposes.

The Rifle Range claim, which involves a parcel of land surrendered in 1907 for a rifle range, was the first of the Fort William First Nation’s eight claims to be jointly submitted to Canada. Accepted by Canada for negotiation in mid-2000, an agreement on compensation was reached in 2002 and subsequently ratified in 2006.

At the end of the 2007-08 fiscal year, the status of the remaining claims was as follows: the boundary claim is in negotiation (see below); the Neebing claim was accepted for negotiation in August 2007. Canada is working on opinions for Loch Lomond (water) claims, Chippewa Park, and mining claims; the additions to reserve process on the hydro claim is ongoing; a claim is unlikely to be submitted respecting the timber; and the First Nation is pursuing the Grand Trunk Pacific Railway claim in the courts.

## **Fort William First Nation**

### *Boundary claim, Ontario*

Fort William Indian Reserve No. 52 contains 5815 hectares of land along the north shore of Lake Superior, on the southern edge of the city of Thunder Bay in northwestern Ontario. The registered membership of the band is 1803, of whom 835 live on reserve.

Fort William First Nation is a signatory to the Robinson Superior Treaty negotiated between the Crown and the Ojibwa along the northern shores of Lake Superior in 1850. In 1852, the First Nation petitioned the Crown,





saying that the reserve as described in the Treaty was not as agreed during the Treaty negotiations, and protested again in 1853 when the reserve was surveyed.

In 1985, the First Nation submitted a claim to Canada and Ontario, alleging that the boundary of the reserve did not reflect the First Nation's understanding of the location and size of the reserve. Canada accepted the claim for negotiation in 1994 but negotiations were suspended in 1996 pending Ontario's decision to join the table. In 2001, Ontario offered to participate in the negotiations but only with regard to specifically limited aspects. In 2002, Canada and Fort William First Nation began bilateral negotiations, including loss-of-use studies, and in 2005 Canada agreed to Ontario's offer of limited participation. The parties began tripartite meetings to develop an approach for completing the negotiations.

The ICC's role during the Canada-Fort William First Nation bilateral negotiations has been to facilitate the negotiations and also to lead the loss of use study process. In this latter role, the Commission acts as the liaison between the negotiating parties and independent consultants hired to complete research and loss-of-use studies, including a land appraisal, forestry, agriculture, mines and minerals loss of use studies, together with a historical research study looking at other land developments. At the conclusion of this past fiscal year, all but one loss of use study had been completed and the parties were working with Ontario to finalize a second land appraisal.

### **George Gordon First Nation (formerly Gordon First Nation)**

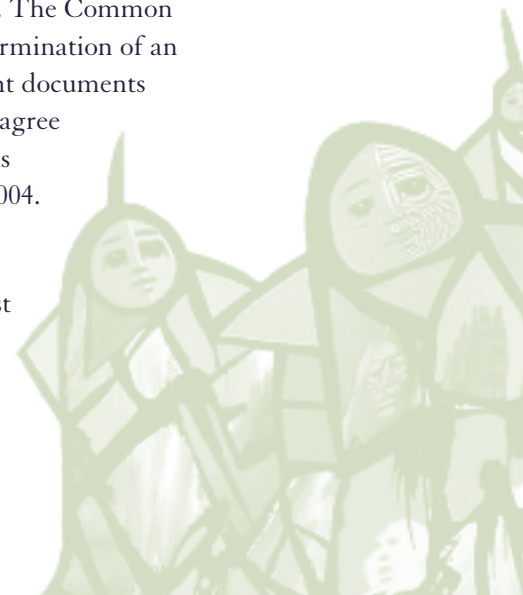
#### *Treaty land entitlement, Saskatchewan*

George Gordon IR 86, contains 14,438.3 hectares of land and is located 61 kilometres northwest of Fort Qu'Appelle, Saskatchewan. The total band population is 3044, of whom 991, live on reserve. This Cree/Saulteaux First Nation adhered to Treaty 4 in 1874.

Research has determined that George Gordon First Nation did not receive the reserve land to which it was entitled according to the formula set out in the treaty. The claim alleges that the First Nation received a shortfall of reserve land pursuant to the terms of Treaty 4. In March 2004, for the purposes of negotiation - and under the 1998 Historic Treaty Land Entitlement Shortfall Policy - Canada accepted that the George Gordon First Nation had sufficiently established a breach of obligation and a shortfall of 5,376 acres of land.

The ICC has acted as facilitator of the George Gordon First Nation TLE negotiations from their beginning in mid-2004, and also for negotiations at a Treaty Land Entitlement Common Table involving Sturgeon Lake, George Gordon, Muskoday and Pasqua First Nations. The Common Table worked to reach a common approach respecting issues relating to the determination of an adjusted-date-of-first-survey (ADOFS) population. After an exchange of relevant documents and two meetings, held in October and December 2004, the parties were able to agree on eligibility criteria for ADOFS so that each First Nation could proceed with its individual negotiations. The Common Table concluded its work in December 2004.

By the end of March 2007, the George Gordon First Nation TLE negotiating parties, including the Province of Saskatchewan, had come to agreement on most of the settlement issues. Canada made its formal offer to settle on June 14, 2007, and the First Nation accepted the offer by Band Council Resolution on June 18, 2007. The agreement was successfully ratified on February 15, 2008. The George Gordon report is in progress and is scheduled to be released early in 2008.



## Lac Seul First Nation

### *Flooding claim, Ontario*

Lac Seul First Nation is located approximately 40 kilometres northwest of Sioux Lookout, in northwestern Ontario. The reserve is composed of three communities - Kejick Bay, Whitefish Bay and Frenchman's Head and is bounded to the north and east by the lake called Lac Seul. Lac Seul First Nation has a total membership of approximately 2829, of whom about 772 live on reserve.

In 1922, Canada, along with the provinces of Manitoba and Ontario, constructed a dam at Ear Falls, the outlet of Lac Seul, to store the waters of the lake for hydroelectric generation. As a result, by the mid-1930s, the average level of Lac Seul had risen approximately three metres, resulting in widespread flooding of the surrounding lands.

Negotiations in 1943 resulted in Lac Seul First Nation receiving some financial compensation from Ontario and Manitoba, however, subsequent research demonstrated that the amount of reserve land that was flooded had been underestimated by approximately 3,000 acres. The First Nation submitted its specific claim to Canada in 1985, and it was accepted for negotiation in 1995. After six years of talks, negotiations were put on hold in 2001 so that Canada could complete a thorough re-evaluation of its legal position with respect to the claim.

In the Spring of 2005, the ICC was asked by the parties to facilitate their talks. Negotiations continue to move ahead and are focussed on determining the number of acres affected by the flooding and a land valuation model.

A new Chief Federal Negotiator was appointed in the summer of 2007, and formal negotiation sessions have resumed.

## Metepenagiag Mi'kmaq Nation

### *Hosford Lot and Indian Reserve 7 claim, New Brunswick*

The Red Bank First Nation is also known as the Metepenagiag Mi'kmaq Nation. They have four parcels of land totalling 3,907 hectares, about 22 kilometres west of Newcastle and 160 kilometres northwest of Moncton, New Brunswick. The First Nation has a population of 553 with 387 members resident on reserve.

There are two claims involved in these negotiations: Indian Reserve (IR) 7 consisting of 64 acres purported to have been surrendered in 1904 and the Hosford Lot consisting of 100 acres taken in 1906. The IR 7 claim was negotiated and a settlement amount agreed upon in August 2000. Three ratification votes were subsequently held, none of which were successful. The Hosford Lot claim was accepted in 2001 and a decision was made by the parties to negotiate a settlement to both claims together. Negotiations continued sporadically from 2002 to 2005.

In April 2005, the parties jointly requested ICC facilitation of the Hosford Lot negotiations. The ICC's involvement began at that time and concluded in January 2006 when an unofficial offer was made by Canada and accepted by the First Nation. By April 2007, the settlement agreement was finalized. At a referendum held on June 14, 2007, the ratification vote was successful.

The Metepenagiag Mi'kmaq Nation report is in progress and is scheduled for release early in 2008.



## **Michipicoten First Nation**

### *Pilot project, Ontario*

The main reserve of the Michipicoten First Nation is Gros Cap IR 49, with an area of 3492 hectares on the north shore of Michipicoten Bay in Lake Superior, 4 km west of Wawa, Ontario. Their membership is 752, of whom 56 people reside on reserve. They are descendants of the Ojibway Chiefs who negotiated the Robinson Superior Treaty with the Crown in 1850.

Of the original bundle of potential claims researched and discussed under the pilot project process, six were negotiated and settled, three were resolved through administrative referral, and four resulted in no claim being filed.

The last remaining claim was the boundary claim. Accepted for negotiation by Canada in 2003, and with the ICC's continued help as facilitator and study coordinator, the negotiating parties have concluded joint land appraisals and loss of use studies and reached an informal agreement on compensation. Canada made a formal offer to settle on June 14, 2007, which the First Nation accepted by Band Council Resolution dated June 28, 2007. The settlement agreement was ratified on January 12, 2008.

The Michipicoten First Nation report is in progress and is scheduled for release in 2008.

## **Missanabie Cree First Nation**

### *Treaty land entitlement, Ontario*

The Missanabie Cree First Nation is a distinct group of Mushkegowuk Cree whose traditional territory is centered on Missanabie Lake, Dog Lake and Wabatongushi Lake, about 120 kilometres north of Wawa, Ontario, and within the Chapleau Crown land preserve. This past year, as a result of negotiations on another claim, the First Nation has acquired a land base of 87 hectares. Of the roughly 345 members, 187 currently live on the land.

In 1993, the Missanabie Cree First Nation submitted a claim to Canada alleging that, under the terms of Treaty 9, a reserve should have been set aside for its members. Following Canada's initial review, the First Nation and Canada jointly undertook research into the claim, and in 1999 Canada accepted the claim for negotiation.

In late 2003, the ICC was asked by the parties to act as study coordinator for the loss of use studies including a natural resource study (minerals, forestry and water), a traditional activities study, a mapping project, and loss of use studies covering tourism, recreation and agriculture. With these studies nearing completion in mid-2006, the ICC was also asked to facilitate the negotiation process.

At the end of the 2007-2008 fiscal year, the studies were finalized. The parties continue to work towards a fair and appropriate settlement.

## **Mississaugas of the New Credit First Nation**

### *Toronto Purchase claim, Ontario*

The Mississaugas of the New Credit First Nation has approximately 1785 members, with 846 resident on the 2,392 hectare reserve. The First Nation is located adjacent to Hagersville, Ontario, approximately 32 kilometres southeast of Brantford.



This claim pertains to the Crown's purchase in 1805 of 250,880 acres of land from the River Credit Mississaugas. Through the purchase, the Mississaugas surrendered much of what is now Metropolitan Toronto, including the Toronto Islands.

Submitted in 1986, the claim was rejected by Canada in 1993. In February 1998, the ICC was asked to conduct an inquiry into Canada's decision to reject the claim. During the course of the inquiry, the First Nation revised its allegations and submitted additional research. Canada conducted a legal review of the revised submission and new evidence, and determined that the claim disclosed an outstanding lawful obligation, accepting the claim for negotiation in mid-2002.

The Commission has facilitated these negotiations since May 2003 at the parties' request. As of March 2008, the negotiating parties continue to search for a way to assess the value of the Toronto Purchase lands and the loss of use of those lands and to arrive at a fair and appropriate settlement.

### **Mohawk Council of Akwesasne**

#### *Dundee claim, Ontario*

The Mohawk territory called "Akwesasne" is located adjacent to the city of Cornwall, Ontario, and straddles the international boundary of Canada and the United States, the Ontario and Quebec provincial boundaries and the New York state line. On the Canadian side, the elected government is the Mohawk Council of Akwesasne, composed of 12 District Chiefs and a Grand Chief. The community has a registered population of 10,446, of whom approximately 8,433 live on the 4,739 hectares of reserve land on Cornwall Island and other islands in the St Lawrence River.

The claim lands, known as the Tsikaristisere or "Dundee lands," are on the south shore of the St Lawrence River roughly opposite Cornwall. They consist of approximately 20,000 acres in the most westerly portion of the Province of Quebec, in the area now known as the Township of Dundee. Historically, they were part of the land recognized as set apart for the Mohawks of Akwesasne. From the early 1800s, the Dundee lands had been leased out to non-Mohawk settlers. None of the leases were preceded by a surrender.

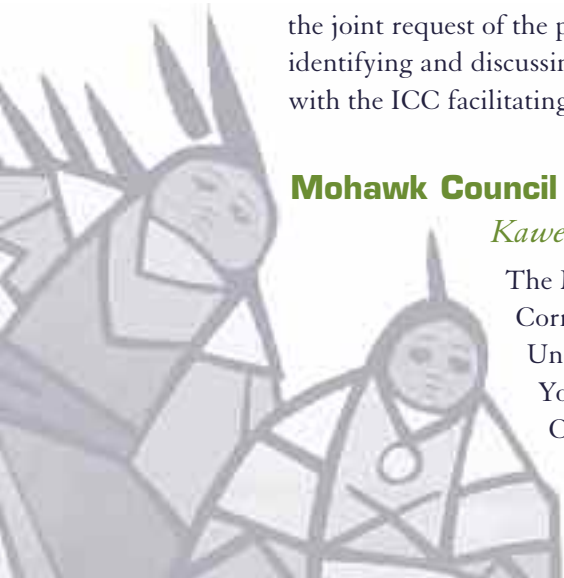
The Mohawk Council of Akwesasne's claim to the Dundee lands was accepted for negotiation in December 2002 on the basis that the Crown breached a pre-surrender fiduciary duty in relation to the 1888 surrender and that the Crown owed an outstanding lawful obligation to the Mohawks of Akwesasne in relation to certain leases not validated by the 1864 *Dundee Act*.

The Indian Claims Commission's involvement as facilitator to the negotiations began in late 2005 at the joint request of the parties. A negotiation protocol was signed and the negotiating parties began identifying and discussing the issues to be negotiated. As of March 31, 2008, negotiations continue with the ICC facilitating the study coordination process for a land appraisal.

### **Mohawk Council of Akwesasne**

#### *Kawehno:ke claim, Ontario*

The Mohawk territory called "Akwesasne" is located adjacent to the city of Cornwall, Ontario, and straddles the international boundary of Canada and the United States, the Ontario and Quebec provincial boundaries and the New York state line. On the Canadian side, the elected government is the Mohawk Council of Akwesasne, composed of 12 District Chiefs and a Grand Chief.



The community has a registered population of 10,446, of whom approximately 8,433 live on the 4,739 hectares of reserve land on Cornwall Island and other islands in the St Lawrence River.

The Kawehno:ke claim dates back to the early 1800s when Solomon Chesley became an Indian agent after the War of 1812. As agent, Chesley arranged a 999-year lease of 196 acres on Cornwall Island to himself. The Mohawk Chiefs objected that the lease contravened the Royal Proclamation of 1763. Chesley eventually became Deputy Superintendent General of Indian Affairs and sublet the land to a New Englander named Easterbrook. After the first century of the lease expired, the Government of Canada took Easterbrook to court seeking to terminate the lease. The Supreme Court of Canada concluded the lease was void from the beginning and Easterbrook had no rights to the land nor right to compensation for the improvements on the land. The Mohawk Council of Akwesasne presented a formal claim to Canada in 1995 and Canada agreed to negotiate in 2006. The land was returned to the Mohawk Council of Akwesasne and the negotiations will focus on compensation.

The Grand Chief of the Mohawks of Akwesasne wrote to the Indian Claims Commission (ICC) requesting mediation/facilitation services in May 2007. In June 2007, Canada's negotiator consented to the ICC facilitating the negotiations. A negotiation protocol was signed and the negotiating parties began identifying the issues to be negotiated.

## **Mohawks of the Bay of Quinte**

### *Culbertson Tract, Ontario*

The Mohawks of the Bay of Quinte have a total membership of approximately 7724, with approximately 2093 residing on the Tyendinaga Reserve adjacent to the town of Deseronto and about 10 kilometres east of Belleville, Ontario. The Mohawks have been settled at this location since May 1784.

This claim is based on the disposition in 1836-37 of some 827 acres of land, known as the Culbertson Tract. The tract consists of land within the original Mohawk Tract granted to and reserved for the Six Nations by the Simcoe Deed, also known as Treaty No. 3 ½, in 1793. The basis of the claim is that no surrender of the Culbertson Tract was ever sought by the Crown nor given by the Six Nations, as required by the mandatory provisions of the Simcoe Deed. The claim was submitted to Canada in 1995 and accepted for negotiation in 2003.

In September 2004, the ICC began providing facilitation services to the parties at their joint request. Since that time, the parties have worked to identify the boundaries of the claim lands and discussed various approaches to compensation. Negotiations have been difficult, with community unrest and protests marking the urgency of this settlement. Negotiations continue.

## **Muscowpetung First Nation**

### *Flooding claim, Saskatchewan*

Muscowpetung IR 80, contains 8,849 hectares and is located 31 kilometres west of Fort Qu'Appelle, Saskatchewan. The First Nation's population is 1168, of whom 280 live on reserve.

Originally part of the Qu'Appelle Valley Indian Development Authority (QVIDA), the Muscowpetung First Nation was one of a number of First Nations



whose lands were lost to recurrent and, in some areas, continuous flooding resulting from the construction in the 1940s of a series of water-control structures under the *Prairie Farm Rehabilitation Act*. When negotiations between Canada and QVIDA broke down in August 2003, the Muscowpetung First Nation chose to resume negotiations with Canada directly. The Commission is at the negotiation table as mediator/facilitator. The Province of Saskatchewan (Saskatchewan Watershed Authority) is also at the table.

Muscowpetung First Nation has completed a number of loss of use studies and other research in assessing past losses. In March 2007, the First Nation presented a settlement proposal to Canada. Over the course of the past fiscal year, the parties have continued to discuss terms for a final settlement agreement.

## **Muskoday First Nation**

### *Treaty land entitlement, Saskatchewan*

Muskoday IR 99, contains 9,686 hectares and is located 19 kilometres southeast of Prince Albert, Saskatchewan. The total band population is 1564, of whom 561 live on reserve.

This Cree/Saulteaux First Nation adhered to Treaty 6 in 1876 under Chief John Smith. Research has determined that Muskoday First Nation did not receive the reserve land to which they were entitled according to the formula set out in the treaty. The claim was submitted to Canada alleging that the First Nation received a shortfall of reserve land pursuant to the terms of Treaty 6. In April 2003, for the purposes of negotiation and under the 1998 Historic Treaty Land Entitlement Shortfall Policy – Canada accepted that the Muskoday First Nation had sufficiently established a breach of obligation and a shortfall of 5,376 acres of land.

Negotiations began in February 2004 with the Province of Saskatchewan also at the table. The Indian Claims Commission has facilitated the Muskoday TLE negotiations since that time, as well as the negotiations of a Treaty Land Entitlement Common Table comprised of Sturgeon Lake, George Gordon, Muskoday and Pasqua First Nations which wound up in late 2004.

Considerable progress was made by the Muskoday First Nation TLE table during 2006-2007, with a tentative settlement reached and negotiators on both sides recommending the agreement for ratification to their principals. The Muskoday First Nation was not successful in ratifying the agreement in March 2007. A second ratification vote on May 23, 2007, was successful.

On January 10, 2008, a signing ceremony took place, attended by the Muskoday First Nation, the federal Minister of Indian Affairs and the Minister of First Nations and Metis Relations for the Province of Saskatchewan.

The report is nearly complete and is scheduled for release early in 2008.

## **Nekaneet First Nation**

### *Treaty benefits, Saskatchewan*

Nekaneet First Nation is located in the Cypress Hills of southwest Saskatchewan, 40 kilometres southeast of Maple Creek. This Cree First Nation was a signatory of Treaty 4 and has a membership of 419, including 173 people who live on reserve. The land base consists of 11,669 hectares in and around the Maple Creek area.



Nekaneet First Nation received reserve land in 1913 which its members commenced farming. Through the years, Nekaneet farmers did not receive a portion of the agricultural assistance – stock, seed, implements – promised them under Treaty 4. In addition, the First Nation did not receive its share of the ammunition and twine benefit promised in Treaty 4.

In February 1987, the Nekaneet First Nation submitted a specific claim to the Minister of Indian Affairs and Northern Development seeking compensation under Treaty 4 for outstanding provisions of agricultural benefits, programs and services, annual payments to band members and damages for failure to provide a reserve at the time the treaty was signed in 1874. The claim was accepted for negotiation by Canada in October 1998.

The Indian Claims Commission has facilitated talks between the negotiating parties since July 2002. Negotiations paused for approximately two years to allow Canada to complete a policy review regarding the modern implementation of treaty benefits relating to the provision of agricultural implements. Since the resumption of negotiations and by working with the help of agricultural economists, Nekaneet First Nation and Canada have been able to agree on a methodology to value the loss of the agricultural benefits.

Over the past year, the parties continued to work together on the terms of a fair and appropriate settlement of this claim and came to an agreement on July 5, 2007. As of March 2008, a tentative ratification vote was set for mid-summer.

## **Pasqua First Nation**

### *Flooding claim, Saskatchewan*

Pasqua IR 79, contains 8960 hectares and is located 16 kilometres west of Fort Qu'Appelle, Saskatchewan. The total band population is 1770, of whom 557 live on reserve.

Originally part of the Qu'Appelle Valley Indian Development Authority (QVIDA), the Pasqua First Nation was one of a number of First Nations whose lands were lost to recurrent and, in some areas, continuous flooding resulting from the construction in the 1940s of a series of water-control structures under the *Prairie Farm Rehabilitation Act*. When negotiations between Canada and QVIDA broke down in August 2003, the Pasqua First Nation chose to negotiate directly with Canada. The Commission is at the table as mediator/facilitator. The Province of Saskatchewan (Saskatchewan Watershed Authority) is also at the table.

Over the course of the past year, the Commission facilitated a number of negotiation meetings between the parties. Most recently, building on work it has done to assess past losses, Pasqua First Nation presented a settlement proposal to Canada. Since then, the parties have continued to discuss terms for a final settlement agreement.

## **Pasqua First Nation**

### *Treaty land entitlement claim, Saskatchewan*

Pasqua IR 79, contains 8,960 hectares and is located 16 kilometres west of Fort Qu'Appelle, Saskatchewan. The total band population is 1,770, of whom 557 live on reserve.



Pasqua First Nation adhered to Treaty 4 in 1874. Research determined that the First Nation did not receive the reserve land to which it was entitled, according to the formula set out in the treaty. Pasqua First Nation submitted its claim to Canada in 2001, and while the claim was being reviewed by Canada, Pasqua First Nation participated as an observer in the Treaty Land Entitlement Common Table. These discussions, also facilitated by the Commission, resulted in Canada and the Sturgeon Lake, Gordon, Muskoday and Pasqua First Nations agreeing on a common approach to various issues relating to the determination of an adjusted-date-of-first-survey population.

Pasqua's TLE claim was accepted for negotiation in May 2005 and the ICC agreed to facilitate these negotiations at the request of the parties. The Province of Saskatchewan is also at the table.

By the close of the 2006-07 fiscal year, the Pasqua First Nation and Canada had agreed on most of the terms of settlement. Canada made a formal offer of settlement, and the First Nation accepted the offer in June 2007. The date for the ratification vote is set for April 25, 2008.

### **Sakimay First Nation**

#### *Flooding claim, Saskatchewan*

Sakimay First Nation's main reserve, IR 74, contains 8,751 hectares and is located 16 km northwest of Broadview, Saskatchewan. The total band population is 1393, 225 of whom live on reserve.

Originally part of the Qu'Appelle Valley Indian Development Authority (QVIDA), Sakimay First Nation was one of a number of First Nations whose lands were lost to recurrent and, in some areas, continuous flooding resulting from the construction in the 1940s of a series of water-control structures under the *Prairie Farm Rehabilitation Act*. When negotiations between Canada and the larger QVIDA group of First Nation broke down in August 2003, Sakimay chose to continue negotiating its flooding claim together with Ochapowace First Nation and with Piapot First Nation also at the table (Piapot was at the table with observer status, having submitted a flooding claim which was still under review by Canada).

In late spring 2006, Sakimay, Ochapowace and Piapot First Nations participated in a program aimed at organizing the negotiating parties, their issues and negotiation time lines by means of a results-based management approach. Despite the success of this approach, Ochapowace and Piapot First Nations subsequently chose to abandon negotiations in order to pursue their flooding claims by means of a court action against Canada. Sakimay First Nation decided to stay and continue negotiating with Canada directly, facilitated by the Commission. The Province of Saskatchewan (Saskatchewan Watershed Authority) is also at the table.

In early 2007, Sakimay First Nation presented a settlement proposal to Canada. At the end of March 2008, the parties were continuing with negotiations.

### **Sakimay First Nation**

#### *Treaty land entitlement, Saskatchewan*

Sakimay First Nation's main reserve, IR 74, contains 8,751 hectares and is located 16 km northwest of Broadview, Saskatchewan. The total band population is 1393, 225 of whom live on reserve.





Sakimay First Nation submitted its TLE claim to Canada in 1997, arguing that the treaty land entitlement owed to them had not been fulfilled. Having received no response to its claim by May 2000, the First Nation requested that the Commission hold an inquiry on the grounds that the delay should be deemed a rejection. When Canada informed the First Nation that its confirming research would likely be completed by December 2000, however, the First Nation chose not to pursue an inquiry.

Canada's confirming research was shared with Sakimay First Nation in January 2002 and its TLE claim was rejected. In July 2003, the First Nation renewed its request for an inquiry, which was accepted in September 2003. The Commission's proposal for a joint research project was accepted by both parties and a report was completed by August 2004. Based on this additional research, the First Nation made a renewed submission to Canada in October 2004. Canada accepted the claim in 2006 and the ICC was asked by the negotiating parties to facilitate the negotiations. The Province of Saskatchewan is also at the table.

A methodology for the settlement of the claim is being discussed. Negotiations are expected to continue.

## **Siksika Nation**

### *Castle Mountain claim, Alberta*

The Siksika Nation (formerly known as the Blackfoot Band) has a reserve of 70,985 hectares located 80 kilometres east of Calgary, Alberta. It has a total registered population of 6327, with about 3514 residents on reserve.

This claim relates to an area of about 68 square kilometres of land at Castle Mountain (located between Banff and Lake Louise) that was surveyed as a timber limit for the Blackfoot people in 1892. The Department of Indians Affairs later concluded that a timber limit in a different location would be preferable, and in November 1908, it returned the land to the Department of the Interior. No replacement timber limit was ever selected for Siksika.

In 1982, Siksika submitted the Castle Mountain specific claim to Canada, and it was partially accepted for negotiation in 1985. In 1993, Canada rescinded its 1985 acceptance of the claim and accepted it on the basis that Canada "has a lawful obligation within the meaning of the Specific Claims Policy to set aside a timber limit as a reserve for the use and benefit of the Siksika Nation."

The ICC came to the negotiation table in mid-2005 as study coordinator, acting as liaison between the negotiating parties and independent consultants hired to complete research and loss-of-use studies including a consolidated land-use study, resource harvesting, mines and minerals, land appraisals, forestry and other land development including tourism and recreation. By the end of March 2008, the consultants' reports were still in progress.

## **Shxwha:y Village**

### *Shweyey Road claim, British Columbia*

Shxwha:y Village (formerly known as the Skway First Nation), IR 5, is located 2 kilometres west of Chilliwack, British Columbia, between the Chilliwack and Fraser Rivers. Shxwha:y Village has 319 members, 59 of whom live on reserve and are part of the Sto:lo Nation.



Accepted for negotiation by Canada in April 2003, this claim concerns the dyke and road on Shxwha:y Village Indian Reserve (IR) 5. In its claim submission, the First Nation successfully established that Canada had breached its lawful obligation to the Shxwha:y Village First Nation, in that the lands for the dyke and road across IR 5 (4.52 acres) were not lawfully taken, and the First Nation had not been properly compensated for this taking.

Negotiations commenced in the fall of 2003, with the Commission at the table as facilitator. Parties to the negotiation include Shxwha:y Village First Nation, Canada, the Province of British Columbia and the City of Chilliwack.

Despite having reached a tentative understanding regarding settlement some time ago, several unresolved issues prevented the parties from concluding the agreement. During the past fiscal year, the ICC has been providing facilitative support to the negotiating parties in an effort to resolve these issues and conclude a fair settlement to the claim.

## **Sturgeon Lake First Nation**

### *Treaty land entitlement, Saskatchewan*

The Sturgeon Lake First Nation is located near Shellbrook, Saskatchewan, about 50 kilometres northwest of Prince Albert. There are approximately 2419 registered members with 1656 residing on the 9209 hectare reserve.

This Cree/Saulteaux First Nation adhered to Treaty 6 on August 23, 1876. Subsequent research determined that they did not receive the reserve land to which they were entitled, according to the formula set out in the treaty. In March 2004, Canada accepted the Sturgeon Lake First Nation's claim that it had breached its lawful obligation in that there is an outstanding treaty land entitlement shortfall of 2,032 acres of land.

Negotiation of the claim began in September 2004 with the Province of Saskatchewan also at the table. The Indian Claims Commission has acted as facilitator of these negotiations, as well as facilitating discussions aimed at reaching a common approach with Canada respecting issues relating to the determination of an adjusted-date-of-first-survey (ADOFS) population at a Treaty Land Entitlement Common Table involving the Sturgeon Lake, Gordon, Muskoday and Pasqua First Nations.

Sturgeon Lake First Nation and Canada agreed on the terms of a settlement agreement, and on January 25, 2007, the First Nation successfully ratified the agreement. On June 19, 2007, a ceremony was held at Sturgeon Lake First Nation to sign a ceremonial document acknowledging the TLE settlement agreement. The Ceremony was attended by the Chief, Council, Elders and community members, the Minister of Indian Affairs and the provincial minister of Regional Economic and Co-operative Development for Saskatchewan.

The Sturgeon Lake First Nation report is in progress and is scheduled for release early in 2008.



# CLAIMS ADDRESSED BY THE ICC IN INQUIRIES AND MEDIATIONS CONCLUDED WITH REPORTS



## What you'll find in this section...

- 70**    **Claims Addressed in Inquiries and Mediations Concluded with Reports as of March 31, 2008**  
Table providing information on the status of each claim addressed in inquiries and each mediation the ICC has completed
  
- 81**    **Claims Addressed in Inquiries and Mediations Concluded with Reports Index: Provincial**  
Index of all claims addressed in inquiries and mediations concluded with reports, grouped by province
  
- 85**    **Claims Addressed in Inquiries Index: Thematic**  
Index of all claims addressed in inquiries, grouped by theme

## Claims Addressed by the ICC in Inquiries and Mediations Concluded with Reports

This table updates readers on the status of claims for which the Commission has completed its inquiry or mediation activities. In all of the claims listed below, an inquiry or mediation report has been published and is available from our website at [www.indianclaims.ca](http://www.indianclaims.ca).

The table tracks the progress of each claim through the specific claims process once the ICC has completed its inquiry or mediation/facilitation services.

The first column lists the name of the First Nation and the type or title of the specific claim it brought to the ICC for inquiry or mediation/facilitation. This information is followed by the outcome of the ICC's inquiry or its mediation activities. The next column contains the date of the ICC's report, which is followed by a column containing the date of Canada's response to ICC's recommendation(s). The nature of that response and any settlement information available are also found in the last column.

## Claims Addressed by the ICC in Inquiries and Mediations Concluded with Reports as of March 31, 2008

Name of First Nation, Province Type or title of claim Outcome	Date and Type of ICC Report	Canada's Response
1 <b>Alexis, AB</b> TransAlta Utilities rights of way ICC recommendation to negotiate rejected by INAC	Inquiry March 2003	In July 2005, government rejected recommendations, stating that a lump sum payment was adequate compensation, that there was no duty to advise the First Nation respecting its taxation powers, and that informed consent to the expropriation was not required.
2 <b>Athabasca Chipewyan, AB</b> W.A.C. Bennett Dam and damage to IR 201 ICC recommendation to negotiate rejected by INAC	Inquiry March 1998	In April 2001, government rejected recommendation, disagreeing that it had a fiduciary duty or a duty under Treaty 8 to protect reserve from effects of Bennett Dam caused by BC Hydro, a third party, or to invoke <i>Navigable Waters Protection Act</i> respecting the dam.
3 <b>Athabasca Denesuline, SK</b> Treaty harvesting rights ICC recommendation to negotiate outside specific claims process rejected by INAC. 1995 supplementary report noted failure of negotiations; recommended government recognize treaty rights or provide litigation funding.	Inquiry December 1993 Supplementary report November 1995	In August 1994, government rejected recommendations made in December 1993 report. November 1995 supplementary report acknowledged; no further response.



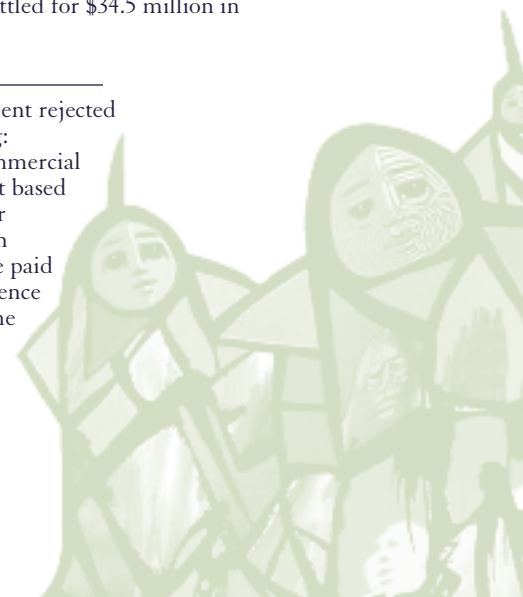
Name of First Nation, Province Type or title of claim Outcome	Date and Type of ICC Report	Canada's Response
4 <b>Betsiamites Band, QC</b> Highway 138 <i>Accepted for negotiation without full inquiry</i>	Inquiry March 2005	In January 2004, government accepted claim for negotiation while inquiry underway.
5 <b>Betsiamites Band, QC</b> Rivière Betsiamites Bridge <i>Accepted for negotiation without full inquiry</i>	Inquiry March 2005	In January 2004, government accepted claim for negotiation while inquiry underway.
6 <b>Bigstone Cree Nation, AB</b> Treaty land entitlement <i>Accepted for negotiation without full inquiry</i>	Inquiry March 2000	In October 1998, government accepted claim for negotiation while inquiry underway.
7 <b>Blood Tribe/Kainaiwa, AB</b> 1889 Akers surrender <i>Accepted for negotiation without full inquiry</i>	Inquiry June 1999	In April 1998, government accepted claim for negotiation while inquiry underway.
8 <b>Blood Tribe/Kainaiwa, AB</b> Akers surrender <i>Settled with assistance of Commission</i>	Mediation August 2005	In September 2003, claim settled for \$3.55 million in compensation.
9 <b>Blood Tribe/Kainaiwa, AB</b> Big Claim <i>Recommended claim respecting southern boundary be accepted for negotiation and that position on TLE claim be re-evaluated</i>	Inquiry March 2007	Outcome as yet unknown.
10 <b>Blueberry River and Doig River, BC</b> Highway right of way IR 172 <i>Accepted for negotiation without full inquiry</i>	Inquiry March 2006	In September 2004, government accepted claim for negotiation while inquiry underway.
11 <b>Buffalo River, SK</b> Primrose Lake Air Weapons Range II – loss of commercial and treaty harvesting rights <i>ICC recommendation that part of claim be accepted for negotiation rejected by INAC</i>	Inquiry September 1995	In March 2002, government rejected recommendation, stating: “[C]ompensation for commercial harvesting rights was not based on either Indian status or membership in an Indian Band; rather, it was to be paid to anyone who held a licence on the land which became the Primrose Lake Air Weapons Range.”
12 <b>Canoe Lake, SK</b> Primrose Lake Air Weapons Range – breach of treaty and fiduciary obligations <i>ICC recommendation to negotiate accepted by INAC</i>	Inquiry August 1993	In June 1997, claim settled for \$13,412,333 in federal compensation and a requirement that the First Nation purchase between 2,786 hectares and 20,224 hectares of land.
13 <b>Canupawakpa Dakota, MB</b> Turtle Mountain surrender <i>Recommended claim not be accepted, but recommended Canada and the First Nation work together to acquire and properly designate the burial sites; recommendation rejected</i>	Inquiry July 2003	Recommendation rejected June 2007 on ground that it was not within the Specific Claims Policy.



Name of First Nation, Province Type or title of claim Outcome	Date and Type of ICC Report	Canada's Response
<b>14 Carry the Kettle, SK</b> Cypress Hills <i>Recommended claim not be accepted, but, pursuant to supplementary mandate, recommended government recognize the Carry the Kettle First Nation's historical connection to the Cypress Hills and restore to the Assiniboine people their connection to the territory</i>	Inquiry July 2000	Rejected in January 2001. Government agreed with the Commission's conclusion that the claim did not disclose a lawful obligation on the part of the government under the Specific Claims Policy. The government rejected the Commission's recommendation to restore to the Assiniboine people their connection to the territory.
<b>15 Chippewa Tri-Council, ON</b> Collins Treaty <i>Accepted for negotiation without full inquiry</i>	Inquiry March 1998	In December 1998, claim settled for \$565,000 in federal compensation.
<b>16 Chippewa Tri-Council, ON</b> Coldwater-Narrows reservation surrender <i>Accepted for negotiation without full inquiry</i>	Inquiry March 2003	In July 2002, government accepted claim for negotiation while inquiry underway.
<b>17 Chippewas of Kettle and Stony Point, ON</b> 1927 surrender <i>Recommended claim be accepted for negotiation, finding fiduciary duty to have been breached</i>	Inquiry March 1997	No response yet received from government. In 1998, the Supreme Court of Canada affirmed the judgment of the Ontario Court of Appeal finding the surrender valid. The courts expressly did not deal with the fiduciary issue.
<b>18 Chippewas of the Thames, ON</b> Muncey land inquiry <i>Accepted for negotiation without full inquiry</i>	Inquiry December 1994	In January 1995, claim settled for \$5,406,905 in federal compensation.
<b>19 Chippewas of the Thames, ON</b> Clench defalcation <i>Accepted for negotiation without full inquiry</i>	Inquiry March 2002	In June 2001, government accepted claim for negotiation while inquiry underway.
<b>20 Chippewas of the Thames, ON</b> Clench defalcation <i>Settled with assistance of Commission</i>	Mediation August 2005	In November 2004, claim settled for \$15 million in federal compensation.
<b>21 Cold Lake, AB</b> Primrose Lake Air Weapons Range – breach of treaty and fiduciary obligations <i>ICC recommendation to negotiate accepted by INAC</i>	Inquiry August 1993	In March 2002, claim settled for \$25.5 million in federal compensation.
<b>22 Cowessess, SK</b> QVIDA flooding claim <i>ICC recommendation to negotiate accepted by INAC</i>	Inquiry February 1998	In December 1998, government accepted claim for negotiation.



Name of First Nation, Province Type or title of claim Outcome	Date and Type of ICC Report	Canada's Response
23 <b>Cowessess, SK</b> 1907 surrender – Phase II <i>ICC recommendation that the portion of IR 73 surrendered in 1907 be accepted for negotiation rejected by INAC</i>	Inquiry March 2001	In March 2002, government rejected recommendation, disagreeing with finding of number of voters present and with interpretation of “majority,” but proceeded to phase II of this inquiry as previously agreed.
24 <b>Cowessess, SK</b> 1907 surrender – Phase II <i>Majority recommended that claim not be accepted for negotiation; minority found a fiduciary breach and recommended that claim be accepted; majority recommendation accepted</i>	Inquiry July 2006	In December 2007, government accepted majority recommendation that claim not be accepted for negotiation.
25 <b>Cumberland House, SK</b> IR 100A <i>Recommended that the claim regarding IR 100A be accepted for negotiation</i>	Inquiry March 2005	Outcome as yet unknown.
26 <b>Duncan's, AB</b> 1928 surrender <i>Majority of claim not recommended for negotiation; however, recommended that the surrender of IR 151E be accepted for negotiation</i>	Inquiry September 1999	In June 2001, government rejected recommendation regarding IR 151E made in September 1999 report, stating: “[T]he Commission did not examine the terms of the proposed lease and, as a result, made no finding that the 1923 lease proposal was either more or less advantageous to the First Nation than a surrender.”
27 <b>Eel River Bar, NB</b> Eel River Dam <i>Recommended claim not be accepted for negotiation</i>	Inquiry December 1997	Outcome as yet unknown.
28 <b>Esketemc, BC</b> IR 15, 17, and 18 <i>ICC recommendation that the disallowance or reduction of IR 15, 17, and 18 be accepted for negotiation, rejected by INAC</i>	Inquiry November 2001	In June 2005, government rejected recommendation, stating that Canada had no obligation or power to create reserves for the First Nation, and that the Commission's conclusions “are largely premised on findings ... that the First Nation had aboriginal rights and title to the land at issue.”
29 <b>Fishing Lake, SK</b> 1907 surrender <i>Accepted for negotiation without full inquiry</i>	Inquiry March 1997	In August 1996, government accepted claim for negotiation while inquiry underway.
30 <b>Fishing Lake, SK</b> 1907 surrender <i>Settled with assistance of Commission</i>	Mediation March 2002	In August 2001, claim settled for \$34.5 million in federal compensation.
31 <b>Flying Dust, SK</b> Primrose Lake Air Weapons Range II – loss of commercial and treaty harvesting rights <i>ICC recommendation that part of claim be accepted for negotiations, rejected by INAC</i>	Inquiry September 1995	In March 2002, government rejected recommendation, stating: “[C]ompensation for commercial harvesting rights was not based on either Indian status or membership in an Indian Band; rather, it was to be paid to anyone who held a licence on the land which became the Primrose Lake Air Weapons Range.”



Name of First Nation, Province Type or title of claim Outcome	Date and Type of ICC Report	Canada's Response
32 <b>Fort McKay, AB</b> Treaty land entitlement <i>ICC recommendation that government owed outstanding entitlement of 3,815 acres to First Nation, accepted by INAC</i>	Inquiry December 1995	In April 1998, government accepted claim for negotiation.
33 <b>Fort Pelly Agency, SK</b> (Pelly Haylands Claim) <i>Settled with assistance of the Commission</i>	Mediation March 2008	Outcome as yet unknown.
34 <b>Friends of the Michel Society, AB</b> <i>1958 enfranchisement</i> <i>No lawful obligation found, but recommended that government grant special standing to submit specific claims</i>	Inquiry March 1998	In October 2002, government “declined to accept the ICC’s recommendation to grant the Friends of the Michel Society special standing to advance specific claims.”
35 <b>Gamblers, MB</b> Treaty land entitlement <i>ICC recommendation that outstanding treaty land entitlement, if any, should be based on 1877 date of first survey and that claim not be negotiated, accepted by INAC</i>	Inquiry October 1998	In November 1998, government accepted recommendation.
36 <b>Homalco, BC</b> Aupe IR 6 and 6A – statutory or fiduciary obligation to obtain 80 acres of land from province of BC <i>ICC recommendation to negotiate part of claim, re: 10 acres, rejected by INAC</i>	Inquiry December 1995	In December 1997, government rejected recommendation, stating that, as the lands were not alleged to be reserve lands, the Policy does not apply, and that Canada does not “recognize a general duty to protect traditional Indian lands (as distinct from reserve lands) from the actions of others.”
37 <b>James Smith, SK</b> Chakastaypasin IR 98 <i>Recommended claim be accepted for negotiation</i>	Inquiry March 2005	Outcome as yet unknown.
38 <b>James Smith, SK</b> IR 100A <i>Recommended that the lawful obligations that arise from Canada’s dispositions of IR 100A be accepted for negotiation</i>	Inquiry March 2005	Outcome as yet unknown.
39 <b>James Smith, SK</b> Treaty land entitlement <i>Recommended claim not be accepted for negotiation</i>	Inquiry February 2007	Outcome as yet unknown.
40 <b>Joseph Bighead, SK</b> Primrose Lake Air Weapons Range II – loss of commercial and treaty harvesting rights <i>Recommended claim not be accepted for negotiation</i>	Inquiry September 1995	Outcome as yet unknown.





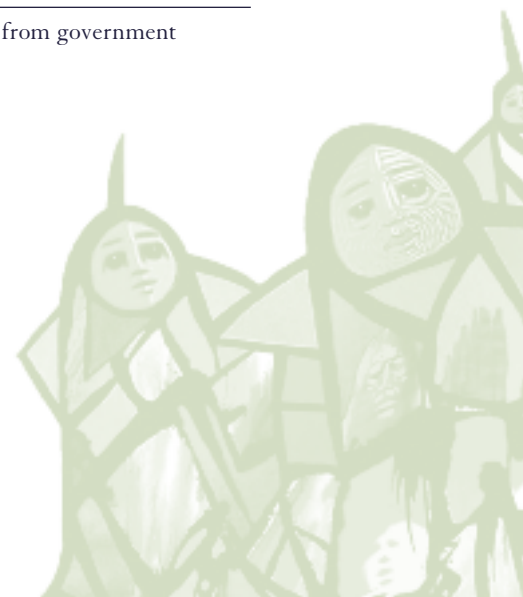
Name of First Nation, Province Type or title of claim Outcome	Date and Type of ICC Report	Canada's Response
41 <b>Kahkewistahaw, SK</b> Treaty land entitlement <i>Recommended claim not be accepted for negotiation</i>	Inquiry November 1996	Outcome as yet unknown.
42 <b>Kahkewistahaw, SK</b> 1907 reserve land surrender <i>Recommended claim be accepted for negotiation</i>	Inquiry February 1997	In December 1997, government accepted claim for negotiation.
43 <b>Kahkewistahaw, SK</b> 1907 surrender <i>Settled with assistance of Commission</i>	Mediation February 2003	In November 2002, claim settled for \$94.65 million in federal compensation.
44 <b>Kawacatoose, SK</b> Treaty land entitlement <i>ICC recommendation that government owed a shortfall of 8,576 acres to Band, subject to confirming research, accepted by INAC</i>	Inquiry March 1996	In October 2000, claim settled for \$23 million in federal compensation.
45 <b>Keeseekoowenin, MB</b> 1906 land claim <i>Settled with assistance of Commission</i>	Mediation August 2005	In March 2005, claim settled for \$6,999,900 in compensation.
46 <b>The Key, SK</b> 1909 surrender <i>Recommended claim not be accepted for negotiation</i>	Inquiry March 2000	Outcome as yet unknown.
47 <b>Kluane, YK</b> Kluane Game Sanctuary and Kluane National Park Reserve creation <i>Claim resolved by agreement related to comprehensive claim settlement</i>	Inquiry February 2007	No substantive response from government required.
48 <b>Lac La Ronge, SK</b> Treaty land entitlement <i>Recommended that treaty land entitlement obligation was satisfied, and that any claim to be made on restitutionary or fiduciary grounds should be subject of a separate inquiry</i>	Inquiry March 1996	Recommended that treaty land entitlement obligation was satisfied, and that any claim to be made on restitutionary or fiduciary grounds should be subject of a separate inquiry.
49 <b>Lax Kw'alaams, BC</b> Demand for absolute surrender as precondition to settlement <i>ICC recommendation that Aboriginal interests be excluded from the surrender that was to be a condition of the claim settlement, rejected by INAC</i>	Inquiry June 1994	In December 2001, government rejected recommendations on ground that, as Aboriginal interests were included in appraisals considered in negotiations, they cannot be excluded from settlement discussions; their inclusion is also required to achieve certainty. However, Canada hopes "to move toward settlement" based on "a revised mandate."



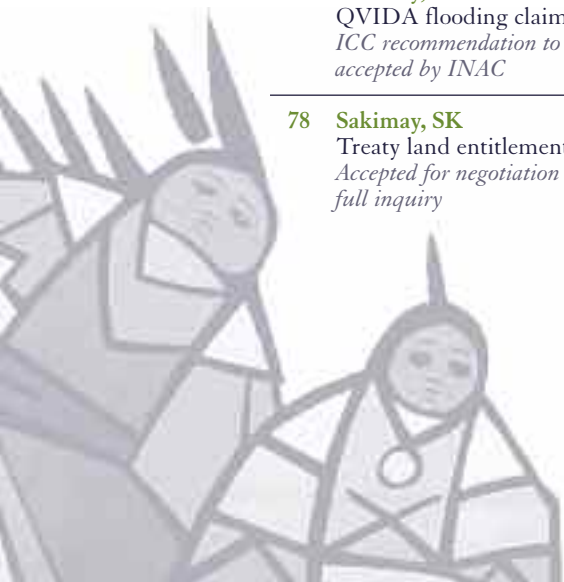
Name of First Nation, Province Type or title of claim Outcome	Date and Type of ICC Report	Canada's Response
50 <b>Long Plain, MB</b> Loss of use of treaty entitlement land <i>ICC recommendation to negotiate accepted by INAC</i>	Inquiry February 2000	In November 2005, government accepted claim for negotiation.
51 <b>Lower Similkameen, BC</b> Railway right of way <i>Recommended claim for compensation be accepted for negotiation, and steps be taken to ensure status of former R/W as reserve lands</i>	Inquiry February 2008	Outcome as yet unknown.
52 <b>Lucky Man, SK</b> Treaty land entitlement <i>ICC recommendation for further research to establish proper TLE population, accepted by INAC</i>	Inquiry March 1997	In May 1997, government accepted recommendation; government research indicated no TLE shortfall; First Nation is reviewing and conducting its own research.
53 <b>Lucky Man, SK</b> Treaty Land entitlement <i>Recommended claim be accepted for negotiation</i>	Inquiry February 2008	Outcome as yet unknown.
54 <b>Mamaleqala Qwe'Qwa'Sot'Enox, BC</b> McKenna-McBride applications <i>ICC recommendation to negotiate rejected by INAC</i>	Inquiry March 1997	In December 1999, government rejected recommendations, disagreeing with the interpretation of "lawful obligation" in <i>Outstanding Business</i> , and asserting that no fiduciary obligation can exist "in relation to Aboriginal interests in non-reserve lands."
55 <b>Micmacs of Gesgapegiag, QC</b> Pre-Confederation claim to 500-acre island <i>No substantive recommendations made because government agreed to reconsider merits of claim</i>	Inquiry December 1994	In March 1995, government acknowledged receipt of report and advised claim was in abeyance pending outcome of related court case.
56 <b>Mikisew Cree, AB</b> Economic benefits under Treaty 8 <i>Accepted for negotiation without full inquiry</i>	Inquiry March 1997	In December 1996, government accepted claim for negotiation while inquiry underway.
57 <b>Mississaugas of the New Credit, ON</b> Toronto Purchase <i>Accepted for negotiation without full inquiry</i>	Inquiry June 2003	In July 2002, government accepted claim for negotiation while inquiry underway.
58 <b>Mistawasis, SK</b> 1911, 1917, and 1919 surrenders <i>Accepted for negotiation without full inquiry</i>	Inquiry March 2002	In September 2001, claim settled for \$16.3 million in federal compensation.



Name of First Nation, Province Type or title of claim Outcome	Date and Type of ICC Report	Canada's Response
59 <b>Moose Deer Point, ON</b> Pottawatomi rights <i>ICC recommendation for additional research rejected by INAC</i>	Inquiry March 1999	In March 2001, government rejected recommendations, stating that the claim submission had already been "fully researched."
60 <b>Moosomin, SK</b> 1909 reserve land surrender <i>ICC recommendation to negotiate accepted by INAC</i>	Inquiry March 1997	In December 1997, government accepted claim for negotiation.
61 <b>Moosomin, SK</b> 1909 reserve land surrender <i>Settled with assistance of Commission</i>	Mediation March 2004	In September 2003, claim settled for \$41 million in federal compensation.
62 <b>Muscowpetung, SK</b> QVIDA flooding claim <i>ICC recommendation to negotiate accepted by INAC</i>	Inquiry February 1998	In December 1998, government accepted claim for negotiation.
63 <b>Nak'azdli, BC</b> Aht-Len-Jees IR 5 <i>Accepted for negotiation without full inquiry</i>	Inquiry March 1996	In January 1996, government accepted claim for negotiation while inquiry underway.
64 <b>'Namgis, BC</b> Cormorant Island <i>ICC recommendation to negotiate rejected by INAC</i>	Inquiry March 1996	In May 2001, government rejected recommendation, disagreeing that any fiduciary obligation arose on the facts of this claim.
65 <b>'Namgis, BC</b> McKenna-McBride applications <i>ICC recommendation to negotiate part of claim rejected by INAC</i>	Inquiry February 1997	In December 1999, government rejected recommendation, disagreeing with the interpretation of "lawful obligation" in <i>Outstanding Business</i> and disagreeing that any fiduciary obligation arose on the facts of this claim.
66 <b>Nekaneet, SK</b> Agricultural and other benefits under Treaty 4 <i>Accepted for negotiation without full inquiry</i>	Inquiry March 1999	In October 1998, government accepted claim for negotiation while inquiry underway.
67 <b>Ochapowace, SK</b> QVIDA flooding claim <i>ICC recommendation to negotiate accepted by INAC</i>	Inquiry February 1998	In December 1998, government accepted claim for negotiation.
68 <b>Opaskwayak, MB</b> Streets and lanes claim <i>First Nation withdrew claims during inquiry</i>	Inquiry February 2007	No substantive response from government required.



Name of First Nation, Province Type or title of claim Outcome	Date and Type of ICC Report	Canada's Response
69 <b>Pasqua, SK</b> QVIDA flooding claim <i>ICC recommendation to negotiate accepted by INAC</i>	Inquiry February 1998	In December 1998, government accepted claim for negotiation.
70 <b>Pasqua, SK</b> Kapasiwin townsite <i>Recommended claim not be accepted for negotiation</i>	Inquiry February 2007	Outcome as yet unknown.
71 <b>Peepeekisis, SK</b> File Hills Colony <i>ICC recommendation to negotiate rejected by INAC</i>	Inquiry March 2004	In June 2006, government rejected recommendation.
72 <b>Peguis, MB</b> Treaty land entitlement <i>Accepted for negotiation without full inquiry</i>	Inquiry March 2001	In June 1998, government accepted claim for negotiation while inquiry underway.
73 <b>Qu'Appelle Valley Indian Development Authority (Cowessess, Kahkewistahaw, Muscowpetung, Ochapowace, Pasqua, Piapot, Sakimay), SK</b> Flooding claim <i>Parties unable to come to an agreement; separate negotiations ongoing with Cowessess, Muscowpetung, Pasqua, Sakimay</i>	Mediation December 2005	Outcome as yet unknown.
74 <b>Roseau River Anishinabe, MB</b> Treaty land entitlement <i>Settled with assistance of Commission</i>	Mediation March 1996	In March 1996, claim settled for \$14 million in federal compensation.
75 <b>Roseau River Anishinabe, MB</b> Medical aid <i>ICC recommendation to negotiate rejected by INAC</i>	Inquiry February 2001	In September 2003, government rejected recommendations, stating that medical aid deductions from the trust fund account were permissible, that no treaty promise of medical aid was made or survived, and that no outstanding lawful obligation exists.
76 <b>Roseau River Anishinabe, MB</b> 1903 Surrender <i>Recommended claim be accepted for negotiation</i>	Inquiry September 2007	Outcome as yet unknown.
77 <b>Sakimay, SK</b> QVIDA flooding claim <i>ICC recommendation to negotiate accepted by INAC</i>	Inquiry February 1998	In December 1998, government accepted claim for negotiation.
78 <b>Sakimay, SK</b> Treaty land entitlement <i>Accepted for negotiation without full inquiry</i>	Inquiry April 2007	In September 2006, government accepted claim for negotiation while inquiry underway.



Name of First Nation, Province Type or title of claim Outcome	Date and Type of ICC Report	Canada's Response
79 <b>Sandy Bay Ojibway, MB</b> Treaty land entitlement <i>Recommended that claim not be accepted for negotiation</i>	Inquiry June 2007	Outcome as yet unknown.
80 <b>Saulteau, BC</b> Treaty land entitlement <i>First Nation requested conclusion of inquiry in anticipation of acceptance of claim</i>	Inquiry April 2007	Outcome as yet unknown.
81 <b>Standing Buffalo, SK</b> QVIDA flooding claim <i>ICC recommendation to negotiate accepted by INAC</i>	Inquiry February 1998	In December 1998, government accepted claim for negotiation.
82 <b>Standing Buffalo, SK</b> QVIDA flooding claim <i>Settled with assistance of Commission</i>	Mediation March 2004	In March 2003, claim settled for \$3.6 million in compensation and the ability to acquire up to 640 acres of agricultural land to be set apart as reserve land pursuant to Canada's Additions to Reserves Policy.
83 <b>Sturgeon Lake, SK</b> Red Deer Holdings agricultural lease <i>Accepted for negotiation without full inquiry</i>	Inquiry March 1998	In October 1998, claim settled for \$190,000 in federal compensation.
84 <b>Sumas, BC</b> IR 6 railway right of way <i>ICC recommendation to negotiate accepted by INAC</i>	Inquiry February 1995	In June 2005, government accepted claim for negotiation.
85 <b>Sumas, BC</b> 1919 surrender of IR 7 <i>Recommended joint research to assess fair market value of surrendered land</i>	Inquiry August 1997	In January 1998, government stated it was willing to explore possibility of joint research to determine if evidence exists for a claim.
86 <b>Taku River Tlingit, BC</b> Wenah specific claim <i>Recommended claim be accepted for negotiation</i>	Inquiry March 2006	Outcome as yet unknown.
87 <b>Thunderchild, SK</b> 1908 surrender <i>Settled with assistance of Commission</i>	Mediation March 2004	In September 2003, claim settled for \$53 million in compensation and ability to acquire up to 5,000 acres of land within 15 years to be set apart as a reserve.
88 <b>Touchwood Agency, SK</b> Mismanagement (1920–24) claim <i>Parties unable to come to an agreement; Agency requested ICC inquiry</i>	Mediation August 2005	Outcome as yet unknown.



Name of First Nation, Province Type or title of claim Outcome	Date and Type of ICC Report	Canada's Response
<b>89 Walpole Island, ON</b> Boblo Island <i>ICC recommendation that First Nation resubmit its claim under the Comprehensive Claims Policy, and that claim not be negotiated, accepted by INAC</i>	Inquiry May 2000	Outcome as yet unknown.
<b>90 Waterhen Lake, SK</b> Primrose Lake Air Weapons Range II – loss of commercial and treaty harvesting rights <i>ICC recommendation to negotiate part of claim, rejected by INAC</i>	Inquiry September 1995	In March 2002, government rejected recommendation, stating: “[C]ompensation for commercial harvesting rights was not based on either Indian status or membership in an Indian Band; rather, it was to be paid to anyone who held a licence on the land which became the Primrose Lake Air Weapons Range.”
<b>91 Williams Lake, BC</b> Village site <i>Recommended claim be accepted for negotiation rejected</i>	Inquiry March 2006	In August 2007, government rejected recommendation on ground that pre-emptions were not challenged by Band at the time, and any fiduciary duty was not breached.
<b>92 Young Chipeewayan, SK</b> Stoney Knoll IR 107 <i>Recommended that claim not be accepted for negotiation but that further research be undertaken</i>	Inquiry December 1994	Outcome as yet unknown.



## Claims Addressed in Inquiries and Mediations Concluded with Reports Index: Provincial

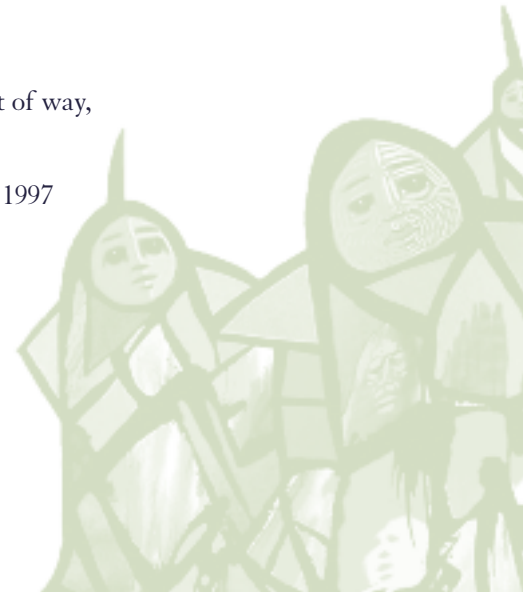
The concluded inquiries and mediations presented in the preceding section are displayed below. They are grouped by province and listed in alphabetical order. Each claim is listed as follows: name of the First Nation, title of the claim and date of ICC's report.

### ALBERTA

- Alexis First Nation, TransAlta Utilities rights of way, March 2003
- Athabasca Chipewyan First Nation, W.A.C. Bennett Dam and damage to Indian Reserve 201, March 1998
- Bigstone Cree Nation, Treaty land entitlement, March 2000
- Blood Tribe / Kainaiwa, 1889 Akers surrender, June 1999
- Blood Tribe / Kainaiwa, Akers surrender [Mediation], August 2005
- Blood Tribe / Kainaiwa, Big Claim, March 2007
- Cold Lake First Nation, Primrose Lake Air Weapons Range, August 1993
- Duncan's First Nation, 1928 surrender, September 1999
- Fort McKay First Nation, Treaty land entitlement, December 1995
- Friends of the Michel Society, 1958 enfranchisement, March 1998
- Mikisew Cree First Nation, Treaty 8 economic benefits, March 1997
- Paul Indian Band, Kapasiwin townsite, February 2007

### BRITISH COLUMBIA

- Blueberry River First Nation and Doig River First Nation, Highway right of way IR 172, March 2006
- Esketemc First Nation, Indian Reserves 15, 17, and 18, November 2001
- Homalco Indian Band, Aupe Indian Reserves 6 and 6A, December 1995
- Lax Kw'alaams Indian Band, Tsimpsean Indian Reserve 2, June 1994
- Lower Similkameen Indian Band, Vancouver, Victoria, and Eastern Railway right of way, February 2008
- Mamaleleqala Qwe'Qwa'Sot'Enox Band, McKenna-McBride applications, March 1997
- Nak'azdli First Nation, Aht-Len-Jees Indian Reserve 5, March 1996
- 'Namgis First Nation, Cormorant Island, March 1996
- 'Namgis First Nation, McKenna-McBride applications, February 1997



Saulteau First Nation, Treaty land entitlement and lands in severalty, April 2007

Sumas Band, Indian Reserve 6 railway right of way, February 1995

Sumas Indian Band, 1919 Indian Reserve 7 surrender, August 1997

Taku River Tlingit First Nation, Wenah specific claim, March 2006

Williams Lake Indian Band, Village site, March 2006

## **MANITOBA**

Canupawakpa Dakota First Nation, Turtle Mountain surrender, July 2003

Gamblers First Nation, Treaty land entitlement, October 1998

Keeseekoowenin First Nation, 1906 land claim [Mediation], August 2005

Long Plain First Nation, Loss of use, February 2000

Opaskwayak Cree Nation, Streets and lanes claim, February 2007

Peguis First Nation, Treaty land entitlement, March 2001

Roseau River Anishinabe First Nation, 1903 Surrender, September 2007

Roseau River Anishinabe First Nation, Medical aid, February 2001

Roseau River Anishinabe First Nation, Treaty land entitlement [Mediation], March 1996

Sandy Bay First Nation, Treaty land entitlement, June 2007

## **NEW BRUNSWICK**

Eel River Bar First Nation, Eel River Dam, December 1997

## **ONTARIO**

Chippewa Tri-Council, Coldwater-Narrows reservation surrender, March 2003

Chippewa Tri-Council, Collins Treaty, March 1998

Chippewas of Kettle and Stony Point First Nation, 1927 surrender, March 1997

Chippewas of the Thames First Nation, Clench defalcation, March 2002

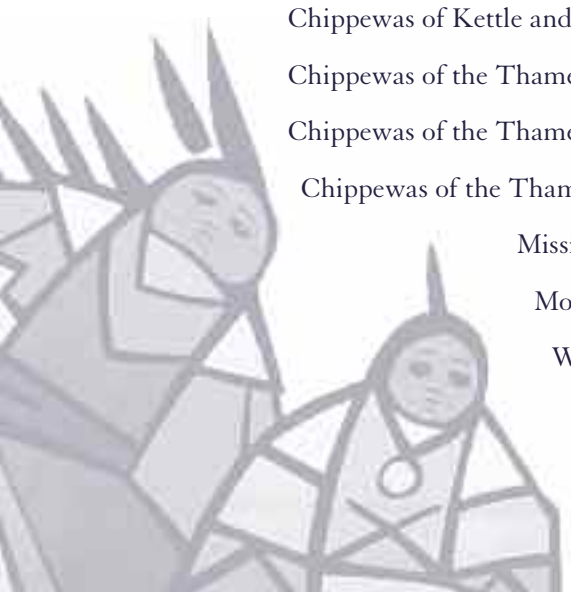
Chippewas of the Thames First Nation, Clench defalcation [Mediation], August 2005

Chippewas of the Thames First Nation, Muncey land inquiry, December 1994

Mississaugas of the New Credit First Nation, Toronto Purchase, June 2003

Moose Deer Point First Nation, Pottawatomi rights, March 1999

Walpole Island First Nation, Boblo Island, May 2000





## QUEBEC

Betsiamites Band, Highway 138, March 2005

Betsiamites Band, Rivière Betsiamites Bridge, March 2005

Micmacs of Gesgapegiag First Nation, Horse Island, December 1994

## SASKATCHEWAN

Athabasca Denesuline, Treaty harvesting rights, December 1993

Buffalo River First Nation, Primrose Lake Air Weapons Range II, September 1995

Canoe Lake Cree Nation, Primrose Lake Air Weapons Range, August 1993

Carry the Kettle First Nation, Cypress Hills, July 2000

Cowessess First Nation, 1907 surrender, March 2001

Cowessess First Nation, 1907 surrender – Phase II, July 2006

Cowessess First Nation, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Cumberland House Cree Nation, Indian Reserve 100A, March 2005

Fishing Lake First Nation, 1907 surrender, March 1997

Fishing Lake First Nation, 1907 surrender [Mediation], March 2002

Flying Dust First Nation, Primrose Lake Air Weapons Range II, September 1995

Fort Pelly Agency, Pelly Haylands claim [Mediation], March 2008

James Smith Cree Nation, Chakastaypasin Indian Reserve 98, March 2005

James Smith Cree Nation, Indian Reserve 100A, March 2005

James Smith Cree Nation, Treaty land entitlement, February 2007

Joseph Bighead First Nation, Primrose Lake Air Weapons Range II, September 1995

Kahkewistahaw First Nation, 1907 reserve land surrender, February 1997

Kahkewistahaw First Nation, 1907 reserve land surrender [Mediation], January 2003

Kahkewistahaw First Nation, Treaty land entitlement, November 1996

Kawacatoose First Nation, Treaty land entitlement, March 1996

The Key First Nation, 1909 surrender, March 2000

Lac La Ronge Indian Band, Treaty land entitlement, March 1996

Lucky Man Cree Nation, Treaty land entitlement, Phase II Inquiry, February 2008



Lucky Man Cree Nation, Treaty land entitlement, March 1997

Mistawasis First Nation, 1911, 1917 and 1919 surrenders, March 2002

Moosomin First Nation, 1909 reserve land surrender, March 1997

Moosomin First Nation, 1909 reserve land surrender [Mediation], March 2004

Muscowpetung First Nation, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Nekaneet First Nation, Agricultural and other benefits under Treaty 4, March 1999

Ochapowace First Nation, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Pasqua First Nation, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Peepeekisis First Nation, File Hills Colony, March 2004

Qu'Appelle Valley Indian Development Authority (Cowessess First Nation, Kahkewistahaw First Nation, Muscowpetung First Nation, Ochapowace First Nation, Pasqua First Nation, Piapot First Nation, Sakimay First Nation), Flooding [Mediation], December 2005

Sakimay First Nation, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Sakimay First Nation, Treaty land entitlement, February 2007

Standing Buffalo Dakota Nation, Flooding [Mediation], March 2004

Standing Buffalo First Nation, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Sturgeon Lake First Nation, Red Deer Holdings agricultural lease, March 1998

Thunderchild First Nation, 1908 surrender [Mediation], March 2004

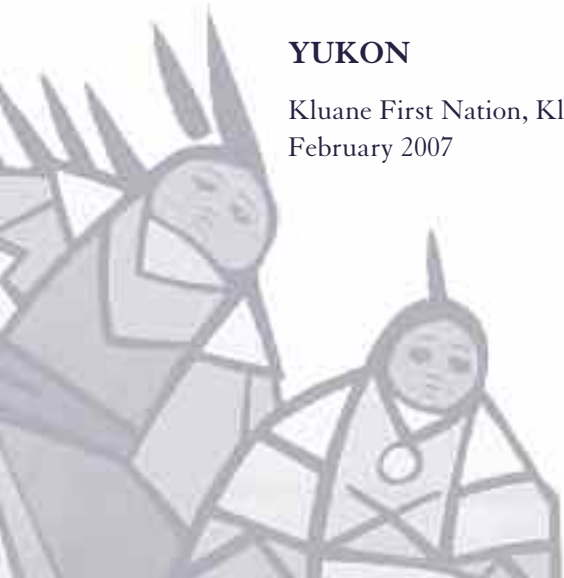
Touchwood Agency (Day Star First Nation, Fishing Lake First Nation, George Gordon First Nation, Kawacatoose First Nation, Muskowekwan First Nation), Mismanagement (1920–24) claim [Mediation], August 2005

Waterhen Lake First Nation, Primrose Lake Air Weapons Range II, September 1995

Young Chipeewayan First Nation, Stoney Knoll Indian Reserve 107, December 1994

## **YUKON**

Kluane First Nation, Kluane Game Sanctuary and Kluane National Park Reserve creation, February 2007



## Claims Addressed in Inquiries Index: Thematic

The concluded inquiries presented in the preceding section are displayed below. They are grouped thematically and listed in alphabetical order. Each inquiry is listed as follows: name of the First Nation, province, title of the claim and date of ICC's report.

### TREATY RIGHTS

Athabasca Chipewyan First Nation, AB, W.A.C. Bennett Dam and damage to Indian Reserve 201, March 1998

Athabasca Denesuline, SK, Treaty harvesting rights, December 1993

Buffalo River First Nation, SK, Primrose Lake Air Weapons Range II, September 1995

Canoe Lake Cree Nation, SK, Primrose Lake Air Weapons Range, August 1993

Cold Lake First Nation, AB, Primrose Lake Air Weapons Range, August 1993

Eel River Bar First Nation, NB, Eel River Dam, December 1997

Flying Dust First Nation, SK, Primrose Lake Air Weapons Range II, September 1995

Joseph Bighead First Nation, SK, Primrose Lake Air Weapons Range II, September 1995

Mikisew Cree First Nation, AB, Treaty 8 economic benefits, March 1997

Moose Deer Point First Nation, ON, Pottawatomi rights, March 1999

Nekaneet First Nation, SK, Agricultural and other benefits under Treaty 4, March 1999

Roseau River Anishinabe First Nation, MB, Medical aid, February 2001

Waterhen Lake First Nation, SK, Primrose Lake Air Weapons Range II, September 1995

### FIDUCIARY DUTY

Alexis First Nation, AB, TransAlta Utilities rights of way, March 2003

Athabasca Chipewyan First Nation, AB, W.A.C. Bennett Dam and damage to Indian Reserve 201, March 1998

Buffalo River First Nation, SK, Primrose Lake Air Weapons Range II, September 1995

Canoe Lake Cree Nation, SK, Primrose Lake Air Weapons Range, August 1993

Canupawakpa Dakota First Nation, MB, Turtle Mountain surrender, July 2003

Chippewas of Kettle and Stony Point First Nation, ON, 1927 surrender, March 1997

Chippewa Tri-Council, ON, Coldwater-Narrows reservation surrender, March 2003

Cold Lake First Nation, AB, Primrose Lake Air Weapons Range, August 1993



- Cowessess First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998
- Duncan's First Nation, AB, 1928 surrender, September 1999
- Eel River Bar First Nation, NB, Eel River Dam, December 1997
- Esketemc First Nation, BC, Indian Reserves 15, 17 and 18, November 2001
- Fishing Lake First Nation, SK, 1907 surrender, March 1997
- Flying Dust First Nation, SK, Primrose Lake Air Weapons Range II, September 1995
- Homalco Indian Band, BC, Aupe Indian Reserves 6 and 6A, December 1995
- Joseph Bighead First Nation, SK, Primrose Lake Air Weapons Range II, September 1995
- Kahkewistahaw First Nation, SK, 1907 reserve land surrender, February 1997
- The Key First Nation, SK, 1909 surrender, March 2000
- Kluane First Nation, YK, Kluane Game Sanctuary and Kluane National Park Reserve creation, February 2007
- Lac La Ronge Indian Band, SK, Treaty land entitlement, March 1996
- Long Plain First Nation, MB, loss of use, February 2000
- Lower Similkameen Indian Band, BC, Vancouver, Victoria and Eastern Railway right of way, February 2008
- Mamaleleqala Qwe'Qwa'Sot'Enox Band, BC, McKenna-McBride applications, March 1997
- Mississaugas of the New Credit First Nation, ON, Toronto Purchase, June 2003
- Mistawasis First Nation, SK, 1911, 1917 and 1919 surrenders, March 2002
- Moosomin First Nation, SK, 1909 reserve land surrender, March 1997
- Muscowpetung First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998
- 'Namgis First Nation, BC, McKenna-McBride applications, February 1997
- Ochapowace First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998
- Pasqua First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998
- Paul Indian Band, AB, Kapasiwin townsite, February 2007
- Peepeekisis First Nation, SK, File Hills Colony, March 2004
- Roseau River Anishinabe First Nation, MB, 1903 surrender, September 2007
- Sakimay First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998



Standing Buffalo First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Saulteau First Nation, BC, Treaty land entitlement and lands in severalty, April 2007

Sumas Band, BC, Indian Reserve 6 railway right of way, February 1995

Sumas Indian Band, BC, 1919 Indian Reserve 7 surrender, August 1997

Taku River Tlingit First Nation, BC, Wenah specific claim, March 2006

Waterhen Lake First Nation, SK, Primrose Lake Air Weapons Range II, September 1995

Williams Lake Indian Band, BC, Village site, March 2006

## **FLOODING CLAIM**

Athabasca Chipewyan First Nation, AB, W.A.C. Bennett Dam and damage to Indian Reserve 201, March 1998

Cowessess First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Eel River Bar First Nation, NB, Eel River Dam, December 1997

Muscowpetung First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Ochapowace First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Pasqua First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Sakimay First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Standing Buffalo First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

## **MANDATE OF THE ICC**

Alexis First Nation, AB, TransAlta Utilities rights of way, March 2003

Athabasca Denesuline, SK, Treaty harvesting rights, December 1993

Buffalo River First Nation, SK, Primrose Lake Air Weapons Range II, September 1995

Canupawakpa Dakota First Nation, MB, Turtle Mountain surrender, July 2003

Carry the Kettle First Nation, SK, Cypress Hills, July 2000

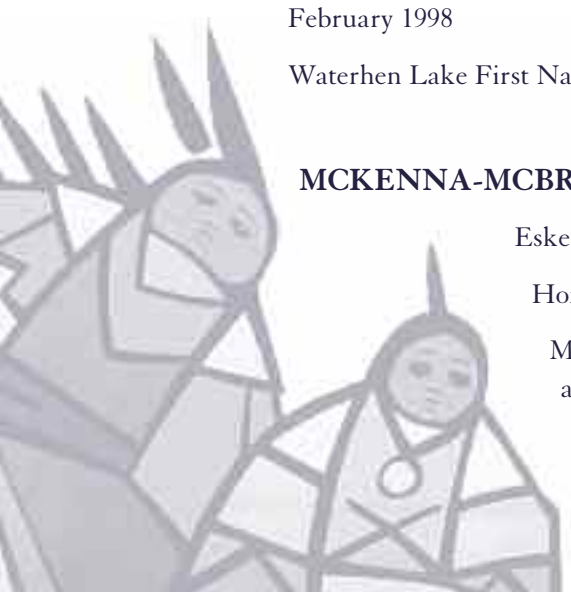
Chippewas of the Thames First Nation, ON, Muncey land inquiry, December 1994



- Cowessess First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998
- Esketemc First Nation, BC, Indian Reserves 15, 17 and 18, November 2001
- Flying Dust First Nation, SK, Primrose Lake Air Weapons Range II, September 1995
- Friends of the Michel Society, AB, 1958 enfranchisement, March 1998
- Joseph Bighead First Nation, SK, Primrose Lake Air Weapons Range II, September 1995
- Kluane First Nation, YK, Kluane Game Sanctuary and Kluane National Park Reserve creation, February 2007
- Lac La Ronge Indian Band, SK, Treaty land entitlement, March 1996
- Lax Kw'alaams Indian Band, BC, Tsimpsean Indian Reserve 2, June 1994
- Mamaleleqala Qwe'Qwa'Sot'Enox Band, BC, McKenna-McBride applications, March 1997
- Micmacs of Gesgapegiag First Nation, QC, Horse Island, December 1994
- Mikisew Cree First Nation, AB, Treaty 8 economic benefits, March 1997
- Muscowpetung First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998
- 'Namgis First Nation, BC, Cormorant Island, March 1996
- 'Namgis First Nation, BC, McKenna-McBride applications, February 1997
- Nekaneet First Nation, SK, Agricultural and other benefits under Treaty 4, March 1999
- Ochapowace First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998
- Pasqua First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998
- Peepeekisis First Nation, SK, File Hills Colony, March 2004
- Sakimay First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998
- Standing Buffalo First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998
- Waterhen Lake First Nation, SK, Primrose Lake Air Weapons Range II, September 1995

### **MCKENNA-MCBRIDE COMMISSION – BRITISH COLUMBIA**

- Esketemc First Nation, BC, Indian Reserves 15, 17 and 18, November 2001
- Homalco Indian Band, BC, Aupe Indian Reserves 6 and 6A, December 1995
- Mamaleleqala Qwe'Qwa'Sot'Enox Band, BC, McKenna-McBride applications, March 1997



Nak'azdli First Nation, BC, Aht-Len-Jees Indian Reserve 5, March 1996

'Namgis First Nation, BC, McKenna-McBride applications, February 1997

## **RIGHTS OF WAY**

Alexis First Nation, AB, TransAlta Utilities rights of way, March 2003

Betsiamites Band, QC, Highway 138, March 2005

Betsiamites Band, QC, Rivière Betsiamites Bridge, March 2005

Blueberry River First Nation and Doig River First Nation, BC, Highway right of way IR 172, March 2006

Cowessess First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Eel River Bar First Nation, NB, Eel River Dam, December 1997

Lower Similkameen Indian Band, BC, Vancouver, Victoria and Eastern Railway right of way, February 2008

Mistawasis First Nation, SK, 1911, 1917 and 1919 surrenders, March 2002

Muscowpetung First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Ochapowace First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Pasqua First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Sakimay First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Standing Buffalo First Nation, SK, Qu'Appelle Valley Indian Development Authority flooding, February 1998

Sumas Band, BC, Indian Reserve 6 railway right of way, February 1995

## **SPECIFIC CLAIMS POLICY**

Alexis First Nation, AB, TransAlta Utilities rights of way, March 2003

Athabasca Denesuline, SK, Treaty harvesting rights, December 1993

Canupawakpa Dakota First Nation, MB, Turtle Mountain surrender, July 2003

Chippewas of the Thames First Nation, ON, Muncey land inquiry, December 1994

Duncan's First Nation, AB, 1928 surrender, September 1999

Esketemc First Nation, BC, Indian Reserves 15, 17 and 18, November 2001



Fishing Lake First Nation, SK, 1907 surrender, March 1997

Friends of the Michel Society, AB, 1958 enfranchisement, March 1998

Homalco Indian Band, BC, Aupe Indian Reserves 6 and 6A, December 1995

Kahkewistahaw First Nation, SK, 1907 reserve land surrender, February 1997

The Key First Nation, SK, 1909 surrender, March 2000

Lax Kw'alaams Indian Band, BC, Tsimpsean Indian Reserve 2, June 1994

Mamaleleqala Qwe'Qwa'Sot'Enox Band, BC, McKenna-McBride applications, March 1997

Micmacs of Gesgapegiag First Nation, QC, Horse Island, December 1994

Mikisew Cree First Nation, AB, Treaty 8 economic benefits, March 1997

Moose Deer Point First Nation, ON, Pottawatomi rights, March 1999

Moosomin First Nation, SK, 1909 reserve land surrender, March 1997

'Namgis First Nation, BC, Cormorant Island, March 1996

'Namgis First Nation, BC, McKenna-McBride applications, February 1997

Nekaneet First Nation, SK, Agricultural and other benefits under Treaty 4, March 1999

Peepeekisis First Nation, SK, File Hills Colony, March 2004

Roseau River Anishinabe First Nation, MB, Medical aid, February 2001

Sturgeon Lake First Nation, SK, Red Deer Holdings agricultural lease, March 1998

Young Chipeewayan First Nation, SK, Stoney Knoll Indian Reserve 107, December 1994

## **SURRENDER**

Blood Tribe / Kainaiwa, AB, 1889 Akers surrender, June 1999

Blood Tribe / Kainaiwa, AB, Big Claim, March 2007

Canupawakpa Dakota First Nation, MB, Turtle Mountain surrender, July 2003

Chippewa Tri-Council, ON, Coldwater-Narrows reservation surrender, March 2003

Chippewas of Kettle and Stony Point First Nation, ON, 1927 surrender, March 1997

Cowessess First Nation, SK, 1907 surrender, March 2001

Cowessess First Nation, SK, 1907 surrender – Phase II, July 2006

Duncan's First Nation, AB, 1928 surrender, September 1999

Fishing Lake First Nation, SK, 1907 surrender, March 1997

Kahkewistahaw First Nation, SK, 1907 reserve land surrender, February 1997





The Key First Nation, SK, 1909 surrender, March 2000  
 Mississaugas of the New Credit First Nation, ON, Toronto Purchase, June 2003  
 Mistawasis First Nation, SK, 1911, 1917 and 1919 surrenders, March 2002  
 Moosomin First Nation, SK, 1909 reserve land surrender, March 1997  
 Nak'azdli First Nation, BC, Aht-Len-Jees Indian Reserve 5, March 1996  
 Paul Indian Band, AB, Kapasiwin townsite, February 2007  
 Sumas Indian Band, BC, 1919 Indian Reserve 7 surrender, August 1997  
 Walpole Island First Nation, ON, Boblo Island, May 2000

### **TREATY LAND ENTITLEMENT**

Bigstone Cree Nation, AB, Treaty land entitlement, March 2000  
 Blood Tribe / Kainaiwa, AB, Big Claim, March 2007  
 Fort McKay First Nation, AB, Treaty land entitlement, December 1995  
 Gamblers First Nation, MB, Treaty land entitlement, October 1998  
 James Smith Cree Nation, SK, Treaty land entitlement, February 2007  
 Kahkewistahaw First Nation, SK, Treaty land entitlement, November 1996  
 Kawacatoose First Nation, SK, Treaty land entitlement, March 1996  
 Lac La Ronge Indian Band, SK, Treaty land entitlement, March 1996  
 Long Plain First Nation, MB, Loss of use, February 2000  
 Lucky Man Cree Nation Phase II, SK, Treaty land entitlement, February 2008  
 Lucky Man Cree Nation, SK, Treaty land entitlement, March 1997  
 Peguis First Nation, MB, Treaty land entitlement, March 2001  
 Sakimay First Nation, SK, Treaty land entitlement, February 2007  
 Sandy Bay First Nation, MB, Treaty land entitlement, June 2007  
 Saulteau First Nation, BC, Treaty land entitlement and lands in severalty, April 2007

### **OTHER**

Chippewa Tri-Council, ON, Collins Treaty, March 1998  
 Chippewas of the Thames First Nation, ON, Clench defalcation, March 2002  
 Opaskwayak Cree Nation, MB, Streets and lanes claim, February 2007





# THE ICC – WHAT WE DO (continued)



## What you'll find in this section:

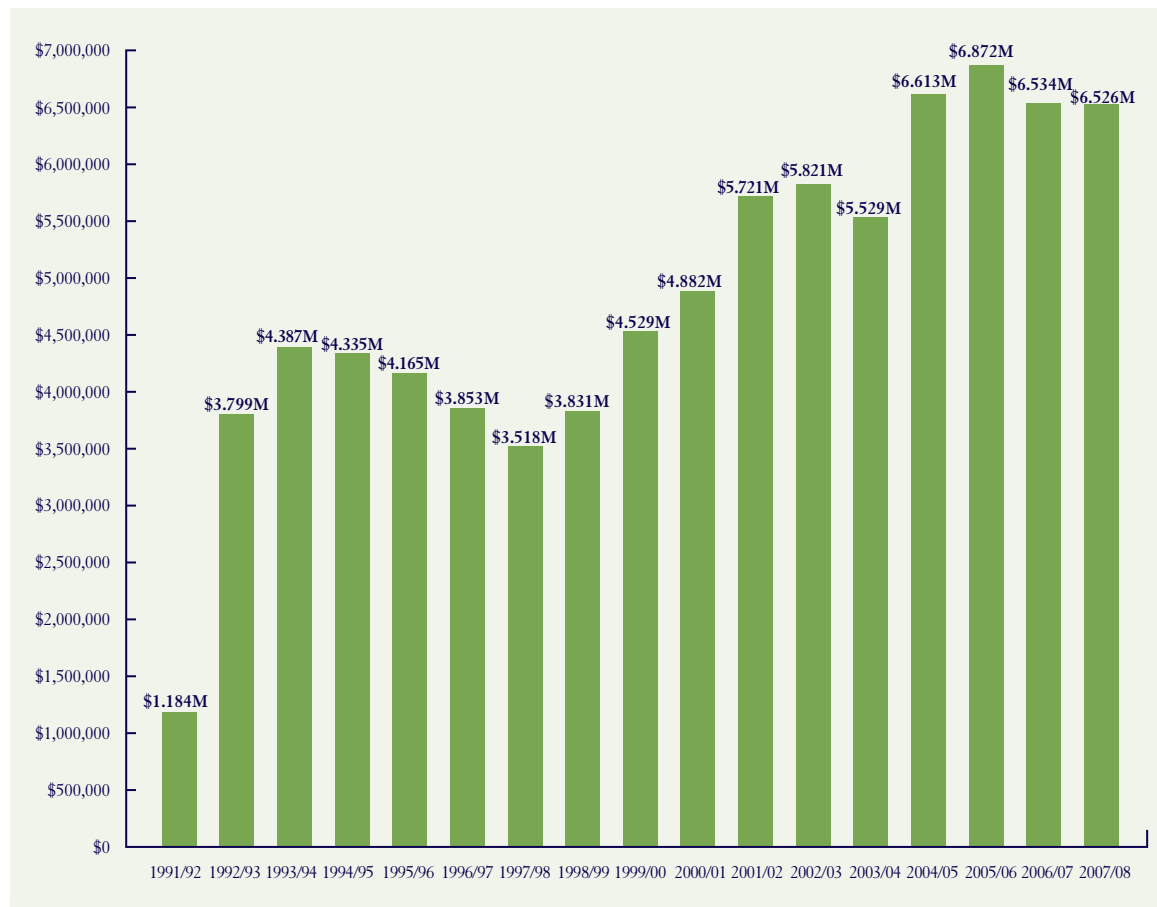
- 94 Financial Information**  
Budget, expenditures of the ICC
  
- 95 In Fact...**  
Facts on specific claims at the ICC
  
- 96 How to Contact Us**  
Contact information for the Indian Claims Commission

## Financial Information

The Commission strives to ensure that adequate mechanisms and processes are in place to enable it to maintain the high quality and impartiality of its services.

In 2007/2008, the Commission’s activities in both inquiries and mediation resulted in expenditures of \$6.678 million. Of this amount, \$4.168 million was for salaries and benefits and \$2.510 million was for other operating costs.

### YEARLY EXPENDITURES SYNOPSIS – 1991–2008



## In Fact...

Some little known facts about the Indian Claims Commission from the 2007-2008 reporting period:

...**9** First Nation communities were visited , with a total population of 12,061 community members in 3 provinces (inquiries only)

---

...**5,305** kilometres is the greatest distance travelled by the ICC to reach a First Nation community

---

...**88** days were spent in mediation/facilitation/negotiation meetings

---

... ICC Mediation Services were involved in **67** conference calls

---

...**6** new requests for inquiry were received

---

...**1** new request for mediation were received

---

...**78** requests for information were received

---

...**726** requests for publications were received

---

...**5** inquiries were completed and 8 were released in 2007-2008, affecting a total of 26,275 First Nations people

---

...**165,069** website hits were counted

---

...**350** information kits were distributed

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## How to Contact Us

### FOR MORE INFORMATION

Indian Claims Commission  
P.O. Box 1750, Station B  
Ottawa, Ontario  
K1P 1A2

**Website:** [www.indianclaims.ca](http://www.indianclaims.ca)

**Collect calls will be accepted for all information or publication requests:**

Tel: 613-943-2737

Fax: 613-943-0157

