



# **PASQUA FIRST NATION MEMBERSHIP REPORT & INFORMATION: JUNE 15 & 16, 2016**

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# ITEMS:

## 1. Lands

- × TLE Update
  - \* Land acquisition
  - \* Litigation
- × Reserve Land Update
- × Fort Qu'Appelle Indian Hospital Lands
- × 1906 Surrender Claim

## 2. Housing

## 3. PFN Group of Companies

## 4. Education

- Post Secondary
- CPEC

# TLE LITIGATION:



- ✘ On June 17, 2014, Pasqua filed Statement of Claim against Canada & Saskatchewan for failing to fulfill the terms of the Pasqua TLE Agreement.
- ✘ PFN selected 15 quarter sections of land (2400 acres) that are deemed Provincial Crown Land.
- ✘ PFN TLE Agreement identifies a process when a FN is selecting Federal or Provincial Crown Lands.

# TLE LITIGATION:



- ✘ PFN seeking damages/relief in the amount of \$200,000,000.00 (two hundred million).
  - + Loss of resource revenues (potash royalties)
  - + Loss of land lease revenues
  - + Loss of Potash Sharing Act revenue.

# TLE LITIGATION:



- ✘ Saskatchewan rejected PFN selection of lands citing
  - + 5 quarters are protected by the Wildlife Habitat Protection Act (WHPA).
  - + 3 quarters are in advance exploration
  - + 5 quarters were not for sale
  - + 2 quarters were not replied to

# TLE LITIGATION:



- ✘ PFN hired realtor to investigate the specifics of each of the 15 quarters.
- ✘ Realtor report identified
  - + 5 quarters were sold after PFN selection
  - + 5 quarters that are to be protected by WHPA are subjected to environmental damage from K+S Potash Mine as per Minister of Environment approving K+S Potash Mine Project

# TLE LITIGATION:



- ✘ 3 quarters advance exploration
- ✘ 2 quarters – provincial crown lands

# TLE LITIGATION:



- ✘ Statement of Claim was filed in the Federal Court pursuant to Sec 20.19 of the Pasqua TLE Agreement:
  - + Canada filed Statement of Defense.
  - + Saskatchewan Filed own Motion to:
    - ✘ Strike PFN Statement of Claim
    - ✘ Federal Court does not have jurisdiction over Sask.





# TLE LITIGATION:

- ✘ Federal Court hearing was on October 9, 2014 with Justice Boswell Presiding
- ✘ Justice Boswell released decision on January 8, 2015
  - + That the Federal Court has jurisdiction in regards to PFN Statement of Claim.
- ✘ Saskatchewan filed appeal to Federal Court of Appeals on January 15, 2015.



# TLE LITIGATION:

- ✘ Federal Court of Appeals heard Saskatchewan appeal on November 10, 2015. Presiding Justices Pelletier, Neer & Gleason.
- ✘ Federal Court of Appeals Decision
  - + April 29, 2016
  - + That Federal Court has jurisdiction over PFN Statement of Claim

# TLE LITIGATION:



× June 8, 2016:

- + Saskatchewan informed PFN Legal Counsel Devlin Gailus Westaway (DGW) that Saskatchewan intends to file for leave to appeal to Supreme Court of Canada.

# FORT QU'APPELLE LANDS LITIGATION



- ✘ 2013 PFN finalized the Pasqua Flood Claim Agreement.
  - + Schedule “2” of Flood Claim is the “Tripartite” agreement between Canada, PFN & Sask.
    - ✘ Attached to Tripartite agreement is the Memorandum of Understanding (MOU) to transfer the water control structures (DAMS).

# FORT QU'APPELLE LANDS LITIGATION



- ✘ March 20, 2014
  - + Canada/Saskatchewan developed new Water Control Structure Transfer Agreement after PFN Flood Claim was resolved and settlement monies paid to PFN.
  - + New agreement included lands not associated with the DAMS.
  - + Two parcels of these lands are north of the old Fort Qu'Appelle Indian Hospital site.



# FORT QU'APPELLE LANDS LITIGATION

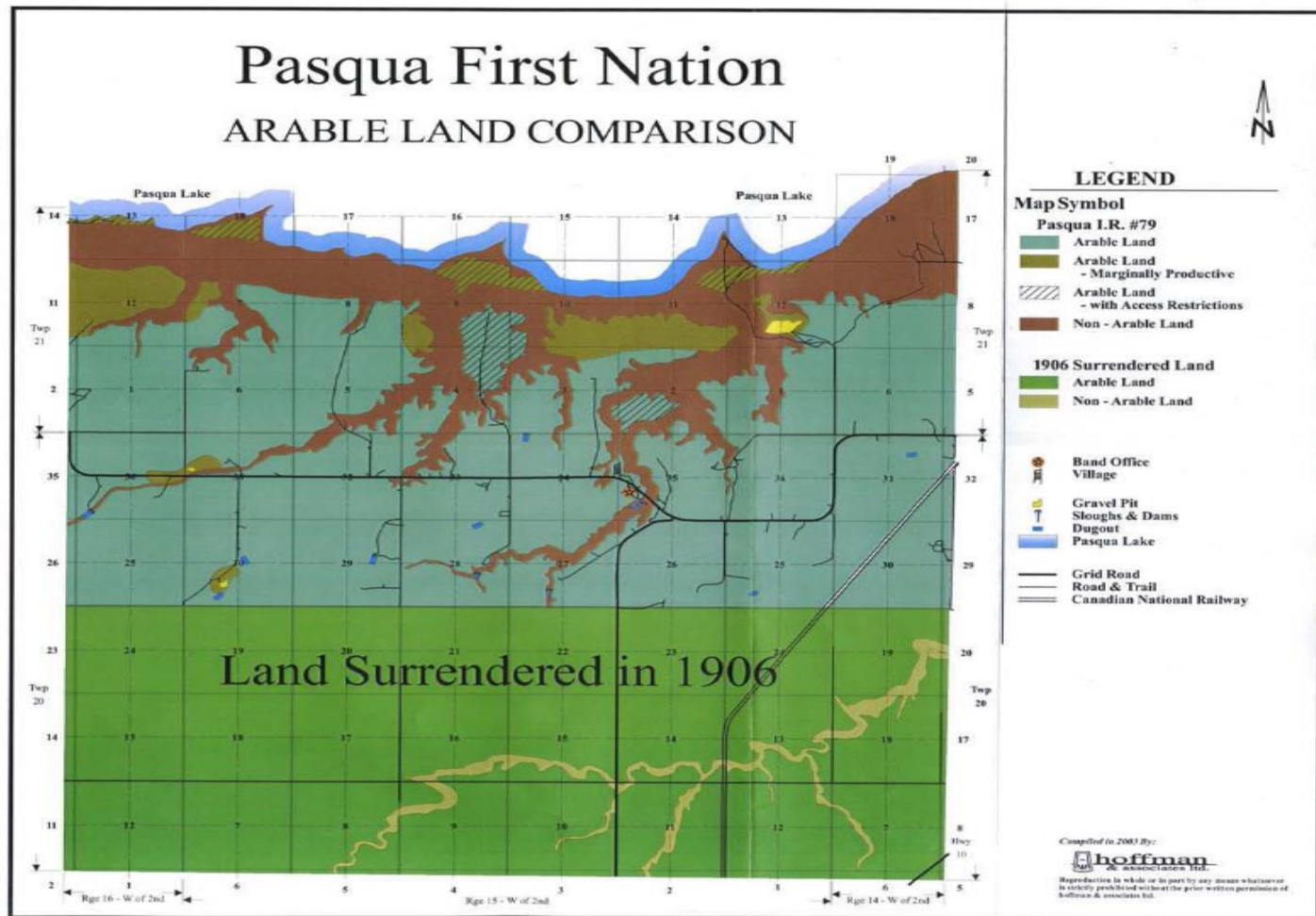
- ✘ Canada transferred ownership of these lands to the Water Security Agency (WSA) of Sask.
- ✘ WSA proposed to sell lands to an American Company: Abaco Energy Services.
- ✘ PFN intervened and began discussions with WSA and Abaco.
- ✘ WSA refused to allow PFN to purchase lands and will sell to Abaco.

# FORT QU'APPELLE LANDS LITIGATION



- ✘ PFN filed Statement of Claim in both Federal and Provincial Courts.
  - + PFN also filed Lis Pendens (Freezing Sale of Lands)

# 1906 SURRENDER CLAIM:







# 1906 SURRENDER CLAIM:

- ❖ We have completed an new 1906 Surrender Historical report.
- ❖ This report has been presented to the Federal Government as part of our Claim to assist with getting our Claim validated.
- ❖ The new Legal Submission report was prepared by Maurice Law Group.
- ❖ Ensure that the Specific Claims office reviews our claim in a timely manner



## 1906 SURRENDER CLAIM:

- ❖ PFN Submitted new settlement proposal to the newly elected Liberal Government and directly to Madame Minister Carolyn Bennet and Minister Ralph Goodale
- ❖ PFN proposing \$130,00,000.00 as fair settlement.
- ❖ PFN is working with the Minister's office and Specific Claims to obtain acceptance letter to negotiate and settle under Canada's Specific Claims Policy.



# 1906 SURRENDER CLAIM:

- ✘ PFN's 1906 claim was filed and verified received by Canada on July 17, 2013.
  - + Specific Claims puts a 3 year time frame to review a FN submission and provide the FN with formal acceptance or rejection of the claim.
  - + PFN's 1906 Surrender Claim 3 year time frame is July 17, 2016.
  - + PFN is confident that the Claim will be accepted for negotiations and settlement.

# EDUCATION: POST SECONDARY



- ❖ Annual Budget: \$698,000.00
- ❖ Funding is inadequate to address needs
- ❖ PFN contributes approximately \$200,000.00 from other revenue to address student applications.
- ❖ Funds PFN students to attend University or Technical Institute
- ❖ Applications for funding are received by PFN Education Board
- ❖ Board reviews applications pursuant to PFN Post Secondary Student Support Policy.

# EDUCATION: POST SECONDARY



- ❖ Sept 2015 to April 2016 Students
  - ❖ Full Time: 36 students
    - ❖ Includes Tuition, Books and Living Allowance
  - ❖ Part Time: 12 students
    - ❖ Includes either Tuition and/or books



# EDUCATION: SECONDARY

- ❖ Chief Paskwa Education Centre (CPEC)
  - ❖ 89 students enrolled in 2014 – 2015 school year
  - ❖ 138 students enrolled in 2015 – 2106 school year.
  - ❖ Employs 8 teachers and 2 Behavioral/High Cost Specialized Teachers
  - ❖ Employs 10 Education Assistants



**THANK YOU!**

**QUESTIONS!**

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