

LAND CLAIMS PRESENTATION

November 2011

PASQUA FIRST NATION #79

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Part 1: Types of Land Claims

❖ Specific Claim:

- *Specific claims deal with the past grievances of First Nations. These grievances relate to Canada's obligations under historic treaties or the way it managed First Nation funds or assets.*
- *The Government of Canada prefers to resolve these claims by negotiating settlements with First Nations.*
- *Negotiations lead to “win-win” solutions that bring closure, benefits and certainty for all Canadians.*

❖ Treaty Land Entitlement (TLE):

- *Treaty Land Entitlement claims are intended to settle the land debt owed to those First Nations who did not receive all the land they were entitled to under historical treaties signed by the Crown and First Nations.*

❖ Comprehensive Claim:

- *Comprehensive claims deal with the unfinished business of treaty-making in Canada. These claims arise in areas of Canada where Aboriginal land rights have not been dealt with by past treaties or through other legal means. In these areas, forward-looking modern treaties are negotiated between the Aboriginal group, Canada and the province or territory.*

Part 2: Flood Claim

- In 1941, the Prairie Farm Rehabilitation Administration (PRFA), a branch of the federal government constructed a water control structure at the mouth of Echo Lake near the town of Fort Qu'Appelle. The structure was originally constructed for agricultural and irrigation purposes, but is now used primarily to control water levels along Echo Lake and Pasqua Lake for recreational and other purposes. Similar water control structures were also erected downstream in the Qu'Appelle Valley at Crooked Lake and Round Lake.

○ *Settlement Agreement: Pasqua & Canada*

- > *The Settlement Agreement is the main agreement and has many other important attachments/schedules to it that are required in order to resolve the flood claim.*
- > *The Settlement Agreement does not have any impacts on Pasqua's Treaty and/or Aboriginal Rights.*
- > *The Settlement Agreement is to allow Canada and/or Saskatchewan to use those lands for water management required in order to operate Echo Lake Water Control Structure.*
- > *Those lands required for water management will remain Pasqua First Nation Lands.*
- > *Canada indemnifies Pasqua from any third party demands.*

◉ *Settlement Agreement Continued*

- > The total compensation to be received by the First Nation will be approximately \$20,622,278.00. The settlement proceeds will be paid into the Capital Trust Account to be established by the First Nation under its Trust Agreement within 45 days following the execution of the Settlement Agreement by Canada.
- > The Settlement Agreement will also allow the First Nation the ability to acquire up to an additional 640 acres of rural land or 200 acres of urban land in the Province which may be added to the reserve.

- ◎ *Tri-Partite Agreement: Pasqua, Canada & Sask.*
 - > *The Tri-Partite Agreement is similar as the Settlement Agreement but includes Saskatchewan.*
 - > *Saskatchewan has to be a party to the agreement as Sask. Ministry of Environment will administer the easement required by Pasqua.*
 - > *Pasqua will give permission to Canada to grant **Easement** to Saskatchewan.*
 - > *Easement is a non-possessory right to use another person's land for a stated purpose.*
 - > *When lands are no longer required for water management, Canada is to restore those lands to original condition.*

○ Tri-Partite Agreement Continued

- > Easement authorizes flooding up to 1574 feet above sea level but, Saskatchewan is obligated to keep the water at normal operating levels of 1572 feet above sea level.
- > Saskatchewan is responsible for any damages caused to third parties due to the flooding.
- > Saskatchewan indemnifies Pasqua from any third party demands.

○ *Water Management: Pasqua & Saskatchewan*

- > *Establishes a process on how Pasqua, Saskatchewan and Muscowpetung First Nation will manage the water.*
- > *Each Party will appoint two members to the “Water Management Board”.*
- > *The Board will receive reports, make decisions about projects that may have negative impacts on water quality.*
- > *Establish annual operating budgets for approval by Saskatchewan.*

◎ *Legal Survey: Pasqua, Canada & Sask.*

- > *The Survey will identify those lands impacted by Echo Lake Dam.*
- > *The survey will be registered with INAC land titles.*
- > *The survey cannot be used as a legal defense by either party to any claim brought forward.*

◎ *Pasqua Trust: Pasqua*

- > *The purpose of the Trust is to hold and invest the settlement monies for and on behalf of the Pasqua First Nation.*
- > *The Trust is to generate a reliable and sustainable source of income (interest).*
- > *Pasqua can use the trust revenue (interest) for programs and services.*
- > *The Trust will allow for a one-time Per Capita Distribution (PCD) to all Pasqua Membership.*
- > *55 years and older: \$3,000.00*
- > *18 to 54 years: \$1,500.00*
- > *Under 18 years: \$1,500.00 in trust*



PASQUA FIRST NATION FLOOD CLAIM INVESTMENT OPTIONS

Flood Claim Settlement		\$20,622,278.00	PCD
PCD: 55 years plus:	218	\$654,000.00	\$3,000.00
PCD: 18 to 54 years	985	\$1,477,500.00	\$1,500.00
PCD: 17 years & younger	649	\$973,500.00	\$1,500.00
Total PCD:	1852	\$3,105,000.00	
Balance for Investment		\$17,517,278.00	
Re-invest:	20%		
Interest Rate:	4.000%		

Year	Investment	Investment Return	Re-Invest	PFN Programs
1	\$17,517,278.00	\$700,691.12	\$140,138.22	\$560,552.90
2	\$17,657,416.22	\$706,296.65	\$141,259.33	\$565,037.32
3	\$17,798,675.55	\$711,947.02	\$142,389.40	\$569,557.62
4	\$17,941,064.96	\$717,642.60	\$143,528.52	\$574,114.08
5	\$18,084,593.48	\$723,383.74	\$144,676.75	\$578,706.99
6	\$18,229,270.23	\$729,170.81	\$145,834.16	\$583,336.65
7	\$18,375,104.39	\$735,004.18	\$147,000.84	\$588,003.34
8	\$18,522,105.22	\$740,884.21	\$148,176.84	\$592,707.37
9	\$18,670,282.06	\$746,811.28	\$149,362.26	\$597,449.03
10	\$18,819,644.32	\$752,785.77	\$150,557.15	\$602,228.62
11	\$18,970,201.48	\$758,808.06	\$151,761.61	\$607,046.45
12	\$19,121,963.09	\$764,878.52	\$152,975.70	\$611,902.82
13	\$19,274,938.79	\$770,997.55	\$154,199.51	\$616,798.04
14	\$19,429,138.30	\$777,165.53	\$155,433.11	\$621,732.43
15	\$19,584,571.41	\$783,382.86	\$156,676.57	\$626,706.29
16	\$19,741,247.98	\$789,649.92	\$157,929.98	\$631,719.94
17	\$19,899,177.96	\$795,967.12	\$159,193.42	\$636,773.69
18	\$20,058,371.39	\$802,334.86	\$160,466.97	\$641,867.88
19	\$20,218,838.36	\$808,753.53	\$161,750.71	\$647,002.83
20	\$20,380,589.07	\$815,223.56	\$163,044.71	\$652,178.85

Investment Return	Re-Invest	PFN Programs
\$15,131,778.89	\$3,026,355.78	\$12,105,423.11

Pasqua First Nation Flood Claim Investment Options

Per Capita Distribution: Minor's Trust 1,500.00

Balance for Investment 1,500.00

Re-invest:

100%

Interst Rate:

4.000%

Year	Investment	Return	Re-Invest
1	\$1,500.00	\$60.00	\$60.00
2	\$1,560.00	\$62.40	\$62.40
3	\$1,622.40	\$64.90	\$64.90
4	\$1,687.30	\$67.49	\$67.49
5	\$1,754.79	\$70.19	\$70.19
6	\$1,824.98	\$73.00	\$73.00
7	\$1,897.98	\$75.92	\$75.92
8	\$1,973.90	\$78.96	\$78.96
9	\$2,052.85	\$82.11	\$82.11
10	\$2,134.97	\$85.40	\$85.40
11	\$2,220.37	\$88.81	\$88.81
12	\$2,309.18	\$92.37	\$92.37
13	\$2,401.55	\$96.06	\$96.06
14	\$2,497.61	\$99.90	\$99.90
15	\$2,597.51	\$103.90	\$103.90
16	\$2,701.42	\$108.06	\$108.06
17	\$2,809.47	\$112.38	\$112.38
18	\$2,921.85	\$116.87	\$116.87

Part 3: 1906 Specific Claim

- On June 5, 1906 Pasqua First Nation surrendered 16,077 acres of their most productive farmland.
- October 4, 1995: Research started
- May 25, 1998: Litigation became active & Claim filed with Specific Claims Branch.
- April 7, 2006: Specific Claims rejected claim.
- January 30, 2009: Specific Claims closed file.
- Pasqua can opt to do:
 - > File with Specific Claims Tribunal
 - > File new submission to Specific Claims

Part 4: 1910 Railway Claim

- June 10, 1910: Grand Truck Pacific Railway applied to have a South East portion of Pasqua lands set aside for railway purposes.
- September 16, 1910: OIC approving the granting of 26.56 acres of Pasqua for railway purposes.
- Grand Truck Pacific advised to make payment of: \$647.70 for the 26.56 acres of land.
- January 18, 1912: A further 0.8 acres used for railway purposes: Totaling 27.36 acres.
- October 2011: Pasqua First Nation receives draft Claim submission from Maurice Law.
- Chief and Council to review submission & file with Specific Claims Branch.

Part 5: Kinookimaw Claim

- Last Mountain Lake Indian Reserve #80A also known as Kinookimaw (Long Lake) was confirmed by Order in Council (OIC) on May 17, 1889.
- Last Mountain Lake consists of 1408 acres primarily as a Fishing Station for the Touchwood and Qu'Appelle Bands consisting of: Day Star, Kawacatoose, Muskowekwan, Gordon, Piapot, Muscowpetung and Pasqua First Nations
- September 13, 1907 Canadian Pacific Railway forwarded a plan to set aside part of Reserve #80A.

○ Kinookimaw Claim Continued

- > October 2, 1907 OIC was passed setting aside 48.45 acres for right-of-way for Canadian Pacific Railway.
- > April 29, 1907: Frank Pedley instructed Indian Agent, William Graham to take up question of surrendering I.R. #80A.
- > May 4, 1907: William Graham ask for clarification on surrender of #80A. Does he approach each of the 7 Bands or just those individuals living on #80A.
- > Secretary McLean responds to William Grahams letter by stating: Receive surrender of those Indians living on #80A.

○ Kinookimaw Claim Continued

- > February 24, 1908: Graham wrote to Secretary Mclean stating that those Indians interested in I.R. #80A would not consider the surrender proposition.
- > Between 1908 and 1913, Indian Affairs received numerous correspondence from interest groups wanting I.R. #80A lands for a Public Park.
- > March 10, 1913: Indian Agents Murison and Nichol visited I.R. #80A and advised Secretary McLean that I.R. #80A is only used as a resort for drinking and immoral purposes. Both Murison and Nichol recommended that all of I.R. #80A be up for a surrender.

○ Kinookimaw Claim Continued

- > May 22, 1914: W. Orr wrote to Graham that the matter of surrender of I.R. #80A be shelved.
- > Between 1914 and 1919, Indian Affairs received a number of request for I.R. #80A lands for use:
 - Hotel Development
 - Water Pipeline usage
 - Sanitation Concerns
 - Camping Site
 - Grazing and Hog production

○ Kinookimaw Claim Continued

- > February 14, 1918: Duncan Scott requests forms for a surrender of I.R. #80A be sent to William Graham.
- > June 29, 1918: OIC approving surrender of I.R. #80A.
- > Indian Affairs developed cottage lots on surrendered I.R. #80A.
- > June 4, 1919: Public Auction of 461 lots on sub-division of Lakeview.

○ Kinookimaw Claim Continued

- > April 21, 1970: Kinookimaw Beach Association (KBA) was incorporated
- > June 23, 1971: Lease of those unsold portions of I.R. #80A was given to KBA. Some 1196.16 acres which include some 55 acres that were given back to KBA after rail line abandonment.
- > December 11, 2008: KBA filed a claim with Specific Claims Branch alleging that the surrender of I.R. #80A was invalid and that those sold portions of I.R. #80A be returned to I.R. #80A. Approximately 170 to 200 acres.
- > Specific Claims Branch will provide response to either acceptance or rejection of claim by December 11, 2011.

◎ THANK YOU.

◎ QUESTIONS!