



BARRISTERS & SOLICITORS

SASKATOON OFFICE  
209 2<sup>nd</sup> Ave N  
Saskatoon, SK  
S7K 2B6  
(306) 986-1557 (t)  
(403) 266-2701 (f)  
[www.mauricelaw.com](http://www.mauricelaw.com)

***“Privileged and Confidential”***

**To:** Piapot First Nation  
**From:** Ryan Lake & Logan Newlove  
**Date:** August 4, 2023  
**Subject:** **Specific Claims Update**

---

## MEMORANDUM

---

### INTRODUCTION

This Memo is meant to provide community members with a briefing as to the nature and status of the Piapot First Nation’s Specific Claims.

### SPECIFIC CLAIMS

Under the Specific Claims Policy, a First Nation submits its claim to the Crown by way of a “claim submission” detailing the factual basis of the claim and the specific legal allegations against the Crown. Canada then has three and a half years to assess the Claim Submission to determine whether, in Canada’s opinion, the claim discloses an outstanding “lawful obligation” owed by the federal government to the First Nation. If Canada’s assessment concludes that the claim discloses an “outstanding lawful obligation,” the First Nation and the Crown enter into settlement negotiations to determine the compensation owed to the First Nation.

If a claim is rejected for negotiation, the First Nation can proceed by way of litigation through the Specific Claims Tribunal (the “Tribunal”) and introduces timelines for the assessment and negotiation of specific claims. The Tribunal is an independent adjudicative body that has the power to issue monetary settlements (up to \$150 million) and issue binding decisions. It is presided over by Federal Court judges with specialized experience in Aboriginal law claims. Limitation defenses cannot be relied upon by Canada to defend a claim.

### FLOODING AND CHANNELIZATION

#### ***Basis of Claim***

The Piapot First Nation Flooding and Channelization Claim asserts that Canada breached its fiduciary duty when it allowed flooding of reserve lands beginning in 1906 and that the channelization of the Qu’Appelle River in 1986 throughout reserve lands and the disrepair and lack of maintenance exacerbated flooding

### ***Status of Claim***

This Claim was researched and submitted in 2019, and deemed filed in **June 2019**, triggering the mandatory three-year review period. The review period expired in **June 2022** at which time Canada offered to negotiate the claim. Negotiations began in Fall 2022 and the parties work to reach an agreement on compensation for the claim. Further information will be made available as the claim progresses. No settlement can be reached without a ratification vote from community members.

## **AGRICULTURAL BENEFITS (COWS & PLOWS)**

### ***Basis of Claim***

The Piapot First Nation Treaty 4 Agricultural Benefits claim deals with the unfulfilled promise of agricultural benefits and other agricultural assistance under the terms of Treaty 4.

The Treaty promise of Cows and Plows is a collective Treaty right held by the nation on behalf of its members. The intent of the Treaty promise was to provide the Nation with the means to transition to a sustainable agricultural economy in the face of famine, disease, and rapidly encroaching European settlement.

### ***Status of Claim***

Piapot's Cows and Plows Claim was finalized in late 2020 and deemed filed under the Specific Claims Policy in March 2021. Filing of the Claim triggered Canada's mandatory three-year review period under the Specific Claims Policy. The review period will expire in March 2024, at which time we expect an invitation to negotiate from Canada.

## **MISADMINISTRATION OF TRUST**

### ***Basis of Claim***

The Misadministration of Trust funds asserts that Canada breached its treaty, statutory, fiduciary, and honourable obligations in relation to the collection, management, administration, and expenditure of the Piapot Band's monies held in its Capital and Revenue Accounts.

### ***Status of Claim***

This Claim was researched and submitted in 2021, and deemed filed in **October 2021**, triggering the mandatory three-year review period. The review period expires in **October 2024** at which time we expect a response from Canada.

## **NRTA**

### ***Basis of Claim***

The NRTA claim is a claim for compensation for the de facto extinguishment of the First Nation's commercial rights without compensation or consent by Canada through the enactment of the Natural Resources Transfer Agreement

### ***Status of Claim***

This Claim is currently being researched and drafted. We aim to have the claim filed by **December 2023**, at which point the 6 month minimum standards review will take place and upon completion will be “deemed” filed by the minister, triggering the larger three-year review period.

## **TREATY ANNUITIES INDEXATION**

### ***Basis of Claim***

The Treaty Annuities Indexation claim is a claim for compensation in relation to the Crown’s failure to increase or adjust the treaty annuities payable under the terms of Treaty 4 to maintain their real value after inflation.

### ***Status of Claim***

This Claim is currently being researched and drafted. We aim to have the claim filed by **December 2023**, at which point the 6 month minimum standards review will take place and upon completion will be “deemed” filed by the minister, triggering the larger three-year review period.

## **CONCLUSION**

Chief and Council and legal counsel will continue to take all steps possible to expedite the resolution of these long outstanding Claims. It should be noted that no settlement can occur until the question of settlement is put to Piapot First Nation members in a ratification vote.

As these claim progress, there will be further community meetings to inform and consult community members. We will also provide further written updates with any new developments as they occur.

**RML/LN**