



Fisher River
CREE NATION

Fisher River Cree Nation Specific Claim

**Member Information Update
March 15 & 16, 2021**

The Subject Lands

- Treaty No. 5 was signed at Norway House on 24 September 1875.
 - The terms of the treaty provided for the establishment of a reserve in the vicinity of Fisher River.
- The initial survey of Fisher River was conducted in 1877 and this survey set the size of the reserve at 9,000 acres.
 - In 1886 Fisher River Chief Rundle made a formal request to have the reserve increased to provide for hay and timber for the expanding band.
 - Two additional pieces of adjoining land at the southeast and southwest corners of the reserve were set aside by the Crown in 1887 and 1893 respectively.

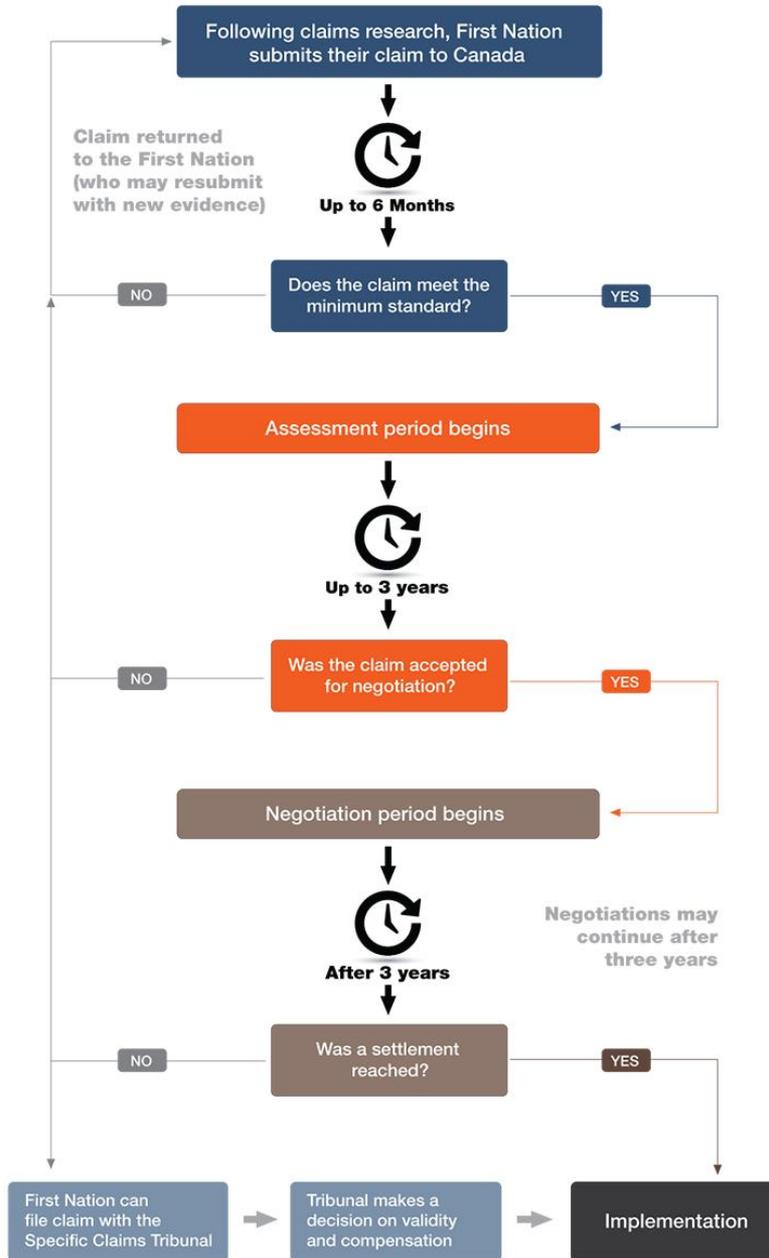
The Subject Lands

- The original reserve addition of 7,377 acres was legally approved and set aside in 1893.
 - The actual lands that were surveyed in 1896 were only 4,614.4 acres.
 - As a result, Fisher River Cree Nation lost 2,762.6 acres that were supposed to be included in the reserve additions.

The Claim - History

- This Claim was originally submitted by FRCN to Canada's Specific Claims Branch in December 1994
 - This claim was rejected in August 2006.
- FRCN then initiated a review of the Specific Claims Branch decision in September 2006.
 - This review resulted in an affirmation of the previous rejection of the claim in February 2009.
- In 2008, Canada created the Specific Claims Tribunal, allowing a different method for First Nations to have specific claims independently reviewed.
 - FRCN resubmitted the claim under the Specific Claims Tribunal framework in September 2014 and has now reached a settlement with Canada as of February 2021.

SPECIFIC CLAIMS PROCESS



The Claim

- The First Nation's claim for damages was based on the following grounds:
 - The Crown agreed to set apart the southwest and southeast additions totaling 7,377 acres as reserve lands;
 - The Crown breached its obligations by either alienating or failing to provide the full additions; and
- The Crown Breached its duties by:
 - Failing to have the agreed upon lands correctly surveyed and formally confirmed as additions to the reserve;
 - Failing to cause corrections to be made to the survey conducted in September 1895;
 - Deeming the lands erroneously described in the said 1895 survey as being all the lands needed by the First Nation at that place; and
 - Approving the 1896 Order in Council which confirmed the removal of 2,762.6 contrary to the previous agreement with the First Nation.

Aerial Imagery Subject Lands

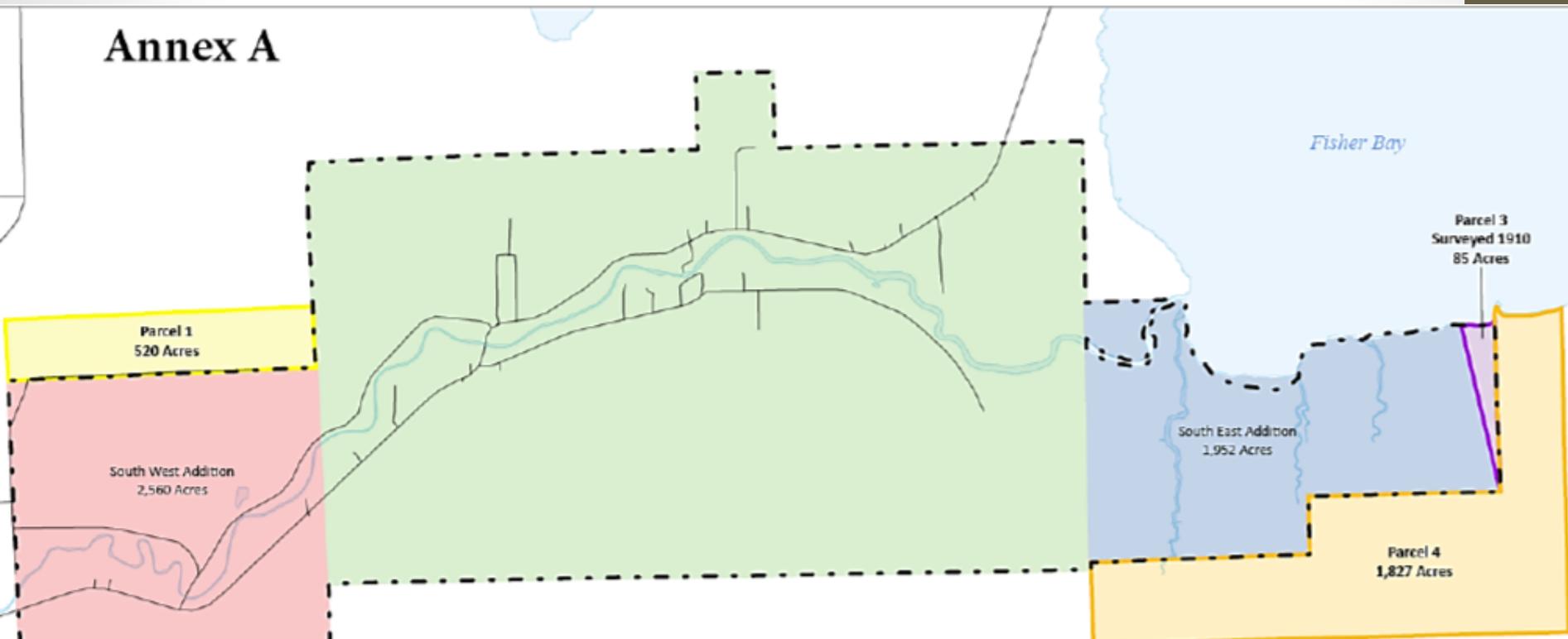
Legend

-  Current IR 44 Boundary
-  Parcel 1 - 520 Acres (July 8, 1893 - Current)
-  Parcel 2 - 520 Acres (July 8, 1893 - Current)
-  Parcel 3 - 85 Acres (March 1, 1887 - Current)
-  Parcel 4 - 1,827 Acres (March 1, 1887 - Current)

Fisher River



Annex A



Claim Land Approximate Area

Parcel #	Area (Acres)
1	520
2	520
Subtotal SW Claim Land	1,040
3	85
4	1,827
Subtotal SE Claim Land	1,912
Total Claim Land	2,952



Fisher River Cree Nation Alienation Claim
Draft Claim Land Illustration



Scale 1:40,000



0 0.5 1 1.5 2 Kilometers

February 26, 2019

For Discussion Purposes Only



HTFC
HUMANITY THROUGH CULTURE

*Note: Acreages were not calculated through GIS

Negotiation

- FRCN entered into negotiations with Canada with a view to reach a settlement of the claim.
- As part of these negotiation, it was agreed that the “proxy model” for determining the value of alienated land would be used, rather than more costly loss of use studies.
 - In exchange, Canada agreed not to consider any argument of set off related to the provision of reserve 44A and to use certain inputs for the proxy model which were favourable to FRCN.
- In 2019, Hal Love Real Estate Advisory Services (HLREAS) was jointly retained by FRCN and Canada to provide a report regarding the current and historical unimproved market value of the land.
 - These numbers were to be the basis of the proxy model inputs and therefore Canada’s offer to settle.
 - The final report was received from HLREAS in August 2020.

Canada's Offer to Settle

- In February 2021, FRCN Chief and Council received an offer to settle from Canada in the amount of \$15,095,391.00.
 - Chief and Council accepted the terms of this offer via Band Council Resolution dated February 16, 2021.
- This offer was close to the high end of the estimated range provided by FRCN's technical team upon reviewing the HLREAS Final Report.
 - Early estimates of the claim value were between \$3-5 million.
 - As recently as January 2020, the value of the claim was estimated at \$9 million by a lawyer well versed in Specific Claims.

Payment and Trust

- Canada has suggested that this settlement be finalized through a consent judgement with the Specific Claims Tribunal.
 - As such, the settlement funds are expected to be provided in a very short timeframe.
- This method means that there are no requirements from Canada for a ratification vote or community consultation.
 - The current information meetings are being held by Chief and Council on their own initiative.
 - The purpose of this meeting is to provide an update to the community and receive feedback and suggestions regarding the trust to be established with the settlement funds.

Questions?

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