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MEMORANDUM OF AGREEMENT

Facilitation of the Implementation of Specific Claims Settlements

This Agreement is made this [31] day of March, 2000

BETWEEN:

THE GOVERNMENT OF CANADA as represented by the Minister of Indian Affairs and Northern Development (herein "Canada")

AND:

THE GOVERNMENT OF SASKATCHEWAN as represented by the Minister of Intergovernmental and Aboriginal Affairs (herein "Saskatchewan")

WHEREAS:

- A) Canada has negotiated or will negotiate with certain Indian Bands in Saskatchewan the settlement of their Specific Claims against Canada;
- B) These Specific Claim settlement agreements with the Bands may provide, in addition to other terms, that the Specific Claims Band is entitled to acquire by purchase a certain number of acres of land to which Canada is prepared to grant reserve status;
- C) Canada and Saskatchewan recognize that there are certain issues which must be addressed when bringing land into reserve status;
- D) Canada and Saskatchewan are desirous of facilitating the implementation of the Specific Claims settlement agreements of Indian Bands and recognize the need to co-operate;

Canada and Saskatchewan, therefore, agree as follows:

1. Definitions:

- a) "Band", "Reserve" and any words herein which are used or defined in the Indian Act, R.S.C. 1985, c.I-5 shall have the same meaning as they have in the Indian Act, R.S.C. 1985, c.I-5 and the Regulations made thereunder;

- b) “Specific Claim” means the claim for damages an Indian Band has against Canada for breach of Canada’s obligations to the Band which claim Canada has acknowledged; and
 - c) “Specific Claims Settlement Agreement” means the negotiated and signed agreement entered into between Canada and an Indian Band in settlement of that Band’s Specific Claim.
2. The parties have identified a number of areas the resolution of which would expedite the implementation of Specific Claims Settlement Agreements. In consideration of Saskatchewan entering this Agreement and agreeing to assume responsibility for the undertakings in connection with the topics set out in Schedule “A” to this Agreement, Canada shall:
- a) Pay to Saskatchewan the sum of \$4.1 million upon the execution of this Agreement which includes \$261,400 for item 3(b), and
 - b) Provide to Saskatchewan semi-annual reports which will identify any reserve created under Specific Claims that are part of the 300,000 acres addressed in this Agreement. These reports will be provided by August 1 and March 31 of each year. Canada will also provide copies of Orders-in-Council setting apart lands as Indian Reserves which are subject to this Agreement within 30 days of the Orders being passed.
3. In consideration of the above-mentioned payments by Canada, Saskatchewan agrees to:
- a) Assume responsibility for the undertakings in connection with the topics set out in Schedule “A”;
 - b) Satisfy the claims of the Rural Municipalities of Golden West, Brock, Hazelwood, Edenwold and Filmore in connection with the reserve lands for Ocean Man and Pheasant Rump Bands for 23,680 and 11,680 acres respectively;
 - c) Obtain releases, minutes of settlement and discontinuance of Queen’s Bench action No. 1453 of 1997 Judicial Centre of Regina from the Saskatchewan Association of Rural Municipalities, the Rural Municipalities of Golden West No. 95, Brock No. 64, Hazelwood No. 94, Cana No. 214, Grayson No. 184, McLeod No. 185, Saltcoats No. 213 and Sherwood No. 159 and provide executed copies to Canada; and

- d) Facilitate reserve creation for Specific Claims for up to 300,000 acres within Saskatchewan rural municipalities commencing with claims as of January 1st, 1987; and
 - e) Enter into the attached Memorandum of Understanding on Partnership To Benefit First Nations And Other Aboriginal Peoples marked as Appendix A.
4. Consistent with the Additions to Reserves Policy of the Department of Indian Affairs and Northern Development, Canada has provided, for all existing Specific Claims Settlements with Bands, other than Ocean Man and the Pheasant Rump, sufficient monies to enable Bands to address tax loss compensation at a minimum of five times the annual municipal share of taxes based on the year prior to reserve creation. In the future Canada agrees to continue to provide monies to the same extent to Bands that conclude Specific Claims Settlements involving a land component. Further, Canada agrees not to create any reserves under Specific Claims unless the Specific Claims Band has either reached an agreement for tax loss with the affected rural municipality or has offered to pay to the affected rural municipality five times the annual municipal share of taxes based on the year prior to reserve creation as tax loss compensation for lands to be set apart as reserves.
 5. The parties acknowledge the sensitive nature of the subject matter contained herein and accordingly agree to put in place a joint communication strategy.
 6. It is agreed and understood that the provisions of the Federal-Provincial Agreements Act of Saskatchewan R.S.S. 1978 Chapter F-13 will apply to this Agreement.
 7. Upon execution of this Agreement, Canada will proceed with reserve creation in Specific Claims as it deems appropriate.
 8. No member of the House of Commons shall be entitled to any share or part of this Agreement or to any benefit to arise therefrom.
 9. In accordance with Section 40 of the Financial Administration Act, any payment by Canada under this Agreement is subject to there being an appropriation for the fiscal year in which the payment is to be made.

IN WITNESS WHEREOF the Parties have executed this Agreement.

SIGNED)
 in the Presence of:)
)
 _____)
 Witness

THE GOVERNMENT OF CANADA
[Original signed by Robert Nault]

 Minister of Indian Affairs and Northern

Development

SIGNED)
in the Presence of:)
)
)
_____)
Witness

THE GOVERNMENT OF
SASKATCHEWAN
[Original signed by Jack Hillson]

Minister of Intergovernmental and Aboriginal
Affairs

Schedule “A” to Memorandum of Agreement

**FACILITATION OF THE IMPLEMENTATION
OF SPECIFIC CLAIMS SETTLEMENTS**

**THE PROVINCE AGREES TO ESTABLISH STANDARD SPECIFIC CLAIMS
REPLACEMENT AGREEMENTS AND RELATED DOCUMENTS AND
PROCESSES TO FACILITATE THE FOLLOWING:**

1. Section 28(2) Public Utility Replacement Permit for SaskTel facilities.
2. Section 35 Public Utility Replacement Easement Agreement for SaskTel facilities.
3. Notice and Declaration for Public Utility Replacement Agreements SaskTel.
4. Agreements with respect to Laws and Regulations entered into between First Nations and SaskTel arising out of for Public Utilities Replacement Agreements.
5. Section 28(2) Public Utility Replacement Permit for SaskPower facilities.
6. Section 35 Public Utility Replacement Easement Agreement for SaskPower facilities.
7. Notice and Declaration for Public Utility Replacement Agreements with SaskPower.
8. Agreements with respect to Laws and Regulations entered into between First Nations and SaskPower arising out of for Public Utilities Replacement Agreements.
9. Section 28(2) Public Utility Replacement Permit for SaskEnergy facilities.
10. Notice and Declaration for Public Utility Replacement Agreements with SaskEnergy.
11. Agreements with respect to Laws and Regulations entered into between First Nations and SaskEnergy arising out of for Public Utilities Replacement Agreements.
12. Section 35 Public Utility Replacement Easement Agreement for TransGas facilities.
13. Notice and Declaration for Public Utility Replacement Agreements with TransGas.
14. Agreements with respect to Laws and Regulations entered into between First Nations and TransGas arising out of for Public Utilities Replacement Agreements.

II THE PROVINCE AGREES TO:

Resolve with the major provincial associations representing rural local authorities any tax loss compensation issues arising from the setting apart of up to 300,000 acres of reserve lands within Saskatchewan rural municipalities pursuant to Specific Claims Settlements.

III THE PROVINCE AGREES TO ESTABLISH FORMAL PROCEDURES AND PROCESSES FOR THE FOLLOWING:

1. The exclusion of water bodies identified by SaskWater for its retention.
2. The surveying of water bodies and amending of titles.
3. The transfer of wholly enclosed water bodies.
4. The surveying of roads, road widenings and unsurveyed roads and amending of titles.
5. The transferring of internal undeveloped road allowances (pursuant to a four party roads agreement).
6. To provide available mediation services.
7. To negotiate replacement agreements for water rights projects.
8. To make provincial Crown surface land available for sale subject to the provincial policies and procedures that exist at that time. It being agreed and understood that the foregoing does not preclude the sale of minerals in accordance with provincial policies and procedures by the Province to Specific Claims Bands.
9. To apply priority and specified time frames on provincial reviews as soon as practicable on lands that have been purchased by Specific Claim Bands to facilitate the creation of reserve lands.
10. To facilitate the resolution of road issues, including road widenings and unsurveyed roads, prior to reserve creation, unless there is an agreement to wait until after reserve creation.

**Appendix A to Memorandum of Agreement
Facilitation of the Implementation of Specific Claims Settlements**

**MEMORANDUM OF UNDERSTANDING
ON
PARTNERSHIP TO BENEFIT FIRST NATIONS
AND OTHER ABORIGINAL PEOPLES**

Between:

THE GOVERNMENT OF CANADA as represented by the Minister of Indian Affairs and Northern Development (herein “Canada”)

And:

THE GOVERNMENT OF SASKATCHEWAN as represented by the Minister of Intergovernmental and Aboriginal Affairs (herein “Saskatchewan”)

WHEREAS:

- 1) Canada and Saskatchewan recognize that First Nations and other Aboriginal people constitute an important part of Saskatchewan society and, as such, are prepared to undertake initiatives to further the goals and interests of Aboriginal peoples; and
- 2) The settlement and implementation of Specific Claims is one of the primary goals of Indian Bands with Specific Claims and would serve to promote economic development.

The Parties, therefore, have agreed to the following Memorandum of Understanding to demonstrate their commitment to the goal of improving the socio-economic status of First Nations and other Aboriginal peoples in Saskatchewan. This Memorandum of Understanding does not create any legal rights or obligations.

- 1) The Parties have identified the following existing Government of Saskatchewan initiatives which support Aboriginal peoples, as residents of Saskatchewan, in achieving greater access and participation in the economy as well as other initiatives that serve to increase greater understanding and appreciation of Aboriginal cultures, languages and traditions among all citizens of the province. These initiatives, are, of course, subject to the year to year appropriation by the Saskatchewan Legislature where it involves the disbursement of public funds:

- 1) Facilitate multi-stakeholder partnerships with industry and government in support of Aboriginal participation in the forestry sector as demonstrated by:
 - Lac La Ronge First Nation, Peter Ballantyne Cree Nation and Montreal Lake Cree Nation partnership with Weyerhaeuser to expand the Big River Sawmill and construct the new Wapawekka sawmill.
 - Peter Ballantyne Cree Nation partnership with Ainsworth Lumber Ltd. to build new sawmills at Creighton and Deschambault, and a finger jointer plant in Prince Albert.
 - Lac La Ronge First Nation partnership with Zelensky Brothers to build a new sawmill in La Ronge.
 - James Smith Cree Nation with Suntec Forest Products to build a sawmill and value-added remanufacturing facility.
 - Meadow Lake Tribal Council, via NorSask Forest Products partnership with Ainsworth Lumber Ltd., to develop an oriented strand board mill in Meadow Lake.

- 2) Establish a relationship with the First Nations focusing on lands and resources management and policy development as demonstrated by:
 - Support for the Federation of Saskatchewan Indian Nations' initiatives.
 - Support for the First Nations' Fire Protection Program.
 - Support for the Beverly-Qamanirjuaq Caribou Board.
 - Support for the Resource Management Personnel Program.

- 3) Ensure that First Nations and other Aboriginal people continue to receive economic opportunities and jobs and other benefits from the profits and operations of the Regina Casino and the four First Nations-run casinos.

- 4) Provide financial support through loans and grants to northerners, including aboriginal peoples, for new development and expansion of businesses and industries as demonstrated through the Northern Development Fund.

- 5) Ensure that Aboriginal peoples have the opportunity to access and benefit from the *Western Economic Partnership Agreement* that encourages new jobs and supports new economic infrastructure, tourism (including eco-tourism), export and marketing initiatives, and new economic opportunities, including rural, northern and Aboriginal economic development.

- 6) Ensure that Aboriginal peoples participate in, and benefit from, the tourism industry in Saskatchewan as demonstrated by major developments in cultural tourism and eco-tourism. Eco-tourism showcases land and nature, particularly the wilderness experience and living off the land. This initiative is in the early planning stages and involves a northern economic opportunities study.

Cultural tourism showcases Aboriginal traditions, history and culture. A three-year planning and development study has been completed. A number of key projects include:

- Treaty Four Administration Centre and Tourism Complex involving 33 First Nations.
 - Prince Albert Cultural Tourism Partnership involving four First Nations and the City of Prince Albert.
 - Swampy Cree Partnership Coalition involving four First Nations to develop a wilderness lodge.
 - Whitecap Dakota Cultural Village.
 - Key Saulteaux Cultural Camp Partnership involving two provincial parks.
- 7) Ensure that urban Aboriginal peoples can access and benefit from special training and employment opportunities in urban settings under the Labour Market Development Agreement.
 - 8) Ensure representative workforce participation by aboriginal peoples in the provincial economy by improving employment opportunities and representation in private and public sectors as demonstrated through the Aboriginal Employment Development Program.
 - 9) Develop a *Framework for Co-operation* to facilitate discussions with off-reserve Aboriginal peoples aimed at shaping provincial policies, programs and services to meet Aboriginal needs in the area of individual and community well being, education, preparation for the workforce, and participation in the provincial economy.
 - 10) Ensure that Aboriginal peoples have the opportunity for input and participation in the provincial centennial (2005) and observance of the millennium (2000).
 - 11) Continue to assist Canada in settling validated new outstanding Treaty land entitlement claims pursuant to the *Treaty Land Entitlement Framework Agreement* as demonstrated by provincial participation in negotiations involving the Kawacatoose treaty land entitlement claim.
 - 12) Support the concept of the corporate business circle developed by the Federation of Saskatchewan Indian Nations which promotes and helps facilitate partnerships between First Nations and the private sector.

- 13) Support and promotion for Aboriginal historic and cultural sites as evidenced by Wanuskewin Heritage Park.
 - 14) Ensure that Aboriginal students and families can access and participate in an expanded Community Schools Program located in urban settings.
 - 15) Ensure that Aboriginal heritage and culture are reflected in the curriculum and instruction as part of the public education system.
 - 16) Ensure that northern communities, including Aboriginal companies, can benefit from government contracting and purchasing of goods and services under the Northern Procurement Policy.
2. The Government of Canada recognizes the importance of the above-mentioned initiatives and supports Saskatchewan's efforts to accomplish them. The Government of Canada is committed to increase its efforts to work in partnership with the Province and Aboriginal peoples and support for existing and new initiatives designed to increase Aboriginal participation in the economy and society of Saskatchewan and Canada.

Signed this [31] day of [March], 2000.

*(Original signed by
Robert Nault)*

Minister of Indian Affairs
and Northern Development

*(Original signed by
Jack Hillson)*

Minister of Intergovernmental
and Aboriginal Affairs