



COLD LAKE FIRST NATIONS

Agricultural Benefits (Cows and Plows) Specific Claim Community Update

April 8, 2021

This is an update on the status of the Cold Lake First Nations (“**Cold Lake**”) Agricultural Benefits Specific Claim. This type of claim is also referred to as “Cows and Plows”.

In the Spring of 2019, Cold Lake Chief and Council retained the services of Gowling WLG to begin the process of researching, assessing and drafting a specific claim submission regarding Cold Lake’s entitlements to agricultural benefits under Treaty 6.

As a first step, Cold Lake needed to assemble and assess all of the historical facts and documents related to the distribution of agricultural benefits under Treaty 6. As such, on June 25, 2019, Cold Lake retained Public History Inc., a professional research firm experienced in Specific Claims, to conduct historical research on agricultural benefits. As part of this process, the research firm was instructed to produce a report outlining the results of their research (“**Historical Report**”).

A draft version of the Historical Report was delivered to Cold Lake and Gowling WLG in late December 2019 with a series of follow-up meetings to discuss the contents of the draft Historical Report. Following a period of review and assessment, the Historical Report was finalized in January of 2020.

After a comprehensive review of the Historical Report, legal counsel determined that there were sufficient grounds upon which to base a specific claim. The Historical Report found generally that the Crown failed to distribute Cold Lake’s full entitlement to agricultural implements and livestock under Treaty 6. The historical record indicates that Cold Lake received limited quantities of most agricultural implements listed in Treaty 6 and that Cold Lake did not receive any cows, pigs or a hand-mill as promised under the Treaty. Finally, the Historical Report found that the Crown failed to keep clear and distinct accounts of the implements and livestock distributed to Cold Lake, which affected the ability to make an accurate assessment of the outstanding Treaty entitlements.

Based upon the results of the Historical Report, Gowling WLG was instructed by Chief and Council to draft a Specific Claim Submission. The Claim Submission was completed after a period of review and comment in the Fall of 2020. The Claim Submission is based upon the Crown’s non-fulfilment of the treaty promise to provide Cold Lake with the full entitlement of implements and livestock promised under Treaty 6. The Claim asserts that the Crown’s failure to honour the terms of Treaty 6 constitutes a breach of,

- i. a treaty promise;
- ii. the Crown's obligations arising from the honour of the Crown; and
- iii. the Crown's fiduciary duty.

Each of the above-noted breaches is an outstanding lawful obligation of the Crown. Cold Lake is claiming financial compensation under Canada's Specific Claims Policy for these outstanding lawful obligations.

Upon instruction from Chief and Council, the Specific Claim Submission, which includes both the Historical Report and historical document collection, was delivered to Canada on March 26, 2021.

The next steps are as follows:

1. Once Canada confirms receipt of the Submission, Canada will have up to 6 months to complete a preliminary review of the Claim Submission to determine whether it meets the Minimum Standard set under Canada's Specific Claims Policy and Process Guide.
2. If the Specific Claim Submission meets the Minimum Standard, it will be filed with the Minister and will enter the Assessment Period. Canada may take up to 3 years to review the Submission and assess whether to accept it for negotiations.
3. If the Claim is accepted for negotiations, Cold Lake will be invited to enter into negotiations with Canada. If the Claim is rejected, Cold Lake will have the option to take the Claim to the Specific Claims Tribunal for a determination of the Claim's validity and/or compensation value.

Additional updates will be provided as the Claim proceeds through the Specific Claims Process.

Prepared by Gowlings WLG on behalf of Cold Lake First Nations