

Report to Roseau River Anishinabe First Nation November 2023

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This report will provide a summary of the following matters:

1. Agricultural Treaty Benefits Claim;
2. Capital and Revenue Accounts Mismanagement Claim;
3. Treaty Annuities Claim; and
4. Treaty Land Expansion Claim.

1. AGRICULTURAL TREATY BENEFITS CLAIM

The claim relates to the Crown's failure to fulfill the treaty agricultural benefits owed to the First Nation under the terms of Treaty 1 (commonly referred to as a cows and ploughs claim). The treaty benefits include, amongst other things, agricultural implements and tools, buggies, farm animals and livestock, seed wheat, potatoes and garden seeds. *Joan Holmes & Associates* were retained and prepared a *Treaty One Benefits Report*, and a Claim Submission has now been prepared and sent to the Specific Claims Branch on October 10, 2023 for processing under Canada's Specific Claims Policy. The following is an outline of the anticipated timelines for completion of the next steps in this matter:

<i>Anticipated Timeline</i>	<i>Progress</i>
April 2024 (6 monthly)	Deadline for <i>Specific Claims Branch</i> to assess whether the Claim Submission meets Minimum Standards and to officially file the claim
3 years from date Claim filed Approximately April 2027	The Specific Claims Branch has three years from the date the Claim is filed to determine whether or not the Claim will be accepted for negotiation.

2. CAPITAL AND REVENUE ACCOUNTS MISMANAGEMENT CLAIM

The *Indian Acts* in force from time to time included specific provisions pertaining to the use of trust money held by the Government of Canada on behalf of Indian bands, such as money in the Roseau River capital and revenue (sometimes also referred to as "interest") accounts. The provisions of the *Indian Acts* pertaining to these trust account funds generally included information on what the funds could be spent on and what the authority required for each type of expenditure. There were three types of authority named in the various Acts:

1. The Superintendent General of Indian Affairs (later Minister of Indian Affairs);
2. The Governor in Council; and
3. The Band Council.

This claim involves a historical analysis of the capital and revenue account records of Roseau River. The purpose of the analysis would be to categorize each individual expenditure from the

accounts for Roseau River as either “Allowable” or “Not Allowable”, based upon whether there was a provision in the *Indian Act* effective at the time allowing for such an expenditure and if the provision allowing the expenditure was subject to conditions of authorization, whether the conditions of that authorization were met. If there was no provision allowing for the expenditure, or if the conditions of authorization were not met, the expenditure would be categorized as “Not Allowable” and would be the subject of the claim.

Joan Holmes & Associates was retained and has completed a research and categorization report. Based on this report a claim submission is in the process of being completed. The following is an outline of the anticipated timelines for completion of the next steps in this matter:

<i>Anticipated Timeline</i>	<i>Progress</i>
January 2024	Draft Claim Submission to be prepared
February 2024	Draft Claim Submission presented to RRAFN Council for approval
February 2024	Final Claim Submission sent to with the <i>Specific Claims Branch</i> for processing under Canada’s <i>Specific Claims Policy</i>
August 2024 (6 months)	Deadline for <i>Specific Claims Branch</i> to assess whether the Claim Submission meets Minimum Standards and to officially file the claim
3 years from date Claim filed Approximately August 2027	Deadline for <i>Specific Claims Branch</i> to determine whether or not the Claim will be accepted for negotiation.

3. TREATY ANNUITIES CLAIM

Under the written terms of Treaty 1, the Crown promised to provide various monetary and other benefits to those adhering to treaty. These benefits included a one-time present of three dollars for each person belonging to the signatory bands and an annual payment of three dollars to each person (paid in articles or cash). By Order in Council P.C. 424, dated April 30, 1875, a memorandum of “Outside Promises” was appended to the treaty. The Order in Council settling the “Outside Promises” raised the annual payment (annuity) to \$5 per person. This claim relates to the Crown’s failure to provide these monetary benefits owed to the First Nation.

Joan Holmes & Associates has been retained to research and investigate the provision of annuities and gratuities paid out to Roseau River Anishinabe First Nation. This research will determine the number of RRAFN members who should have been paid the annual annuity and determine how many payments were not made. This research can be used for two purposes. The first is to assist with the Treaty annuities expansion class action proceeding that is before the court. It can also be used to prepare a separate claim regarding the missed payments.

Once this research is completed a separate claim submission will be prepared regarding the missed payments.

<i>Anticipated Timeline</i>	<i>Progress</i>
January 2024	Research Report to be completed
May 2024	Draft Claim Submission to be prepared

June 2024	Final Claim Submission to be sent to the with <i>Specific Claims Branch</i> for processing under Canada’s Specific Claims Policy
December 2024 (6 monthly)	Deadline for <i>Specific Claims Branch</i> to assess whether the Claim Submission meets Minimum Standards and to officially file the claim
3 Years from date claim filed Approximately December 2027	Deadline for <i>Specific Claims Branch</i> to determine whether or not the Claim will be accepted for negotiation.

4. TREATY LAND EXPANSION CLAIM

The First Nation is considering pursuing a claim to a land expansion clause contained in Treaty No. 1. We are currently discussing a retainer arrangement with the Council. Once a retainer agreement is finalized research will be undertaken and once completed a Claim Submission prepared and sent to Canada for processing under Canada’s Specific Claims Policy.