



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Assistant Deputy Minister

Sous-ministre adjoint

Ottawa, Canada
K1A 0H4

April 15, 1998

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WITHOUT PREJUDICE

Chief Chris Shade
Blood Tribe/Kainaiwa
P.O. Box 60
STANDOFF AB T0L 1V0

Dear Chief Shade:

On behalf of the Government of Canada and in accordance with the Specific Claims Policy, I offer, as set out below, to accept for negotiations the Blood Tribe/Kainaiwa's (the Tribe) Specific Claim regarding the September 2, 1889 Akers Surrender of 440 acres.

For the purposes of negotiations, Canada accepts that the Band has sufficiently established that Canada has an outstanding lawful obligation within the meaning of the Specific Claims Policy, with respect to the First Nation's allegation that the surrender of 440 acres was invalid. As a result of a recent review of our position on this surrender, the Department of Indian Affairs and Northern Development accepts that there exists a lawful obligation based on the premise that the full and informed consent of the adult, male members of the Tribe was not properly obtained, thereby rendering the September 2, 1889 surrender of 440 acres legally invalid.

The steps of the specific claims process, which will be followed hereafter, include agreement on a joint negotiating protocol, development of a settlement agreement, conclusion of the agreement, ratification of the agreement, and finally, implementation of the agreement. Throughout the process, all government files, including all documents submitted to the Government of Canada concerning the claim, are subject to the Access to Information and Privacy Legislation.

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Canada

All negotiations are conducted on a "without prejudice" basis. The acceptance of this claim for negotiation of a settlement is not to be interpreted as an admission of fact or liability by the Government of Canada. In the event that no settlement is reached and litigation ensues, the Government of Canada reserves the right to plead all defences available to it, including limitation periods, laches, and lack of admissible evidence.

The settlement of this claim will be in accordance with Canada's Specific Claims Policy, as explained in the booklet Outstanding Business. As for the elements of the claim accepted for negotiations, compensation will be based on Compensation Criteria 3 and 9. The value of the compensation will take into account all the relevant criteria. No individual criterion will be viewed in isolation. Compensation will be a global amount based on all applicable criteria.

It should be noted that 219 of the 440 acres were returned to the Tribe in 1970. More recently, negotiations on the matter of compensation were completed in 1996. As a result, these factors will be taken into account during any future negotiations on the 1889 Surrender. The settlement agreement between Canada and the Tribe dated November 7, 1996 provided for future negotiations on the matter of the validity of the surrender.

In the event that a final settlement is reached, Canada will require from the Tribe a final and formal release on every aspect of this claim, in order to ensure that the claim cannot be reopened. Canada would further stipulate that in order to obtain certainty with respect to the surrendered lands, an absolute present day surrender will be required as part of any prospective settlement of this claim. As part of the settlement, the Government of Canada will also require an indemnity from the Tribe.

I would like to thank the Tribal Elders and the members of the Tribe for their contributions to the Indian Claims Commission inquiry process. I look forward to a successful resolution of this matter.

Mr. Ian D. Gray of the Specific Claims Branch - Negotiations Operations Directorate has been designated as your primary contact on this claim. Mr. Gray can be reached at (819) 953-0031. I send you my best wishes and I am confident that a fair settlement can be reached.

Yours truly,



John Sinclair
Assistant Deputy Minister
Claims and Indian Government

c.c.: Indian Claims Commission
Lesia Ostertag, Pillipow & Company
Michel Roy
Cynthia Shipton-Mitchell