



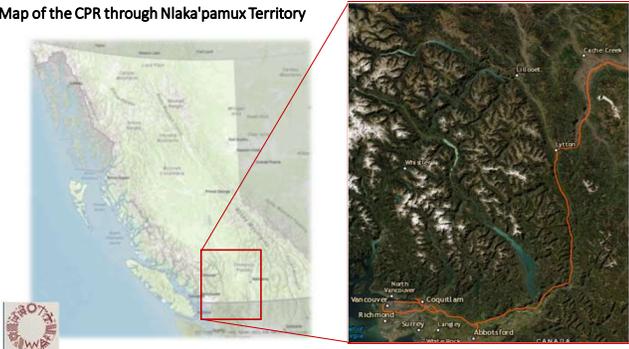
**Nlaka'pamux Nation
Tribal Council**

**CPR Pilot Project – Update and
Lessons Learned to Date**

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Map of the CPR through Nlaka'pamux Territory

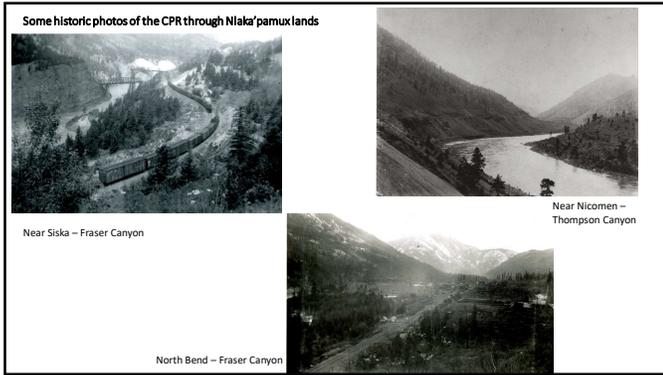


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What is the Nlaka'pamux CPR Specific Claims Pilot Project?

- The CPR Pilot Project's purpose is to facilitate the efficient and fair resolution of Nlaka'pamux Specific Claims related to the takings of Nlaka'pamux reserve lands for the Canadian Pacific Railway ("CPR") rights of way.
- CPR rights of way cut through most Nlaka'pamux communities, so there is commonality in the claims. However, each claim has unique aspects as well.
- Five Nlaka'pamux communities signed on to negotiate the settlement of their CPR claims through the CPR Pilot Project
- The Nlaka'pamux Nation Tribal Council ("NNTC") is coordinating the project and administers the funding, but work done for signatory communities is confidential to each community, and after appraisals each community negotiates their own claim.

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Brief history of Nlaka'pamux CPR Claims

- 1880s – CPR Right of Way takings through Nlaka'pamux territory
- 2002 - NNTC proposed negotiating CPR claims on a nation basis
- 2005 - Canada refused to negotiate CPR claims on a nation basis
- 2007 - one Nlaka'pamux CPR claim settled
- 2012 - mass rejection/partial acceptance of Nlaka'pamux CPR claims
- 2014 - One Nlaka'pamux community took claim to Specific Claims Tribunal.
 - Many Nlaka'pamux communities intervened.
 - Tour of the area.
 - Claim settled in 2016.
- 2017 - meetings between Nlaka'pamux communities and Canada –
- 2019 - Canada accepts all Nlaka'pamux CPR claims for negotiation and agrees to a Pilot Project

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Important documents

- Statement of Shared Intent:
 - sets out how Canada and the Nlaka'pamux communities will proceed in resolution of their CPR claims
- Terms of Reference for appraisals:
 - to guide experts in quantifying the losses associated with the CPR takings
- Templates for communities to use or adapt:
 - Negotiation Protocol Template
 - Settlement Agreement Template

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Current Status

- Draft appraisals completed
 - Meeting with Canada to discuss any additions/modifications before the appraiser finalizes the appraisals
- Discussing additional reports or valuation approaches
 - E.g. Fishing, timber, global damages
- Site visit planned for summer 2023
 - Planning and logistics

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Lessons Learned to date

- You need strong political support and champion(s) from the Community (e.g. Chief) to move a project like this forward.
- Federal negotiators seem to have no power to make innovative decisions, and projects such as this require innovation. Delays with negotiators having to get approval from senior officials for most decisions.
- Canada's bureaucratic approval processes have significantly delayed the project (e.g. PWGSC approval).
- Reluctance to innovate. Canada will use standard templates, which aren't suited for a pilot project. Use plain language for documents.
- Changing staff on the part of Canada has been a challenge.
- Schedule regular meetings with Canada (monthly), keep good minutes and send minutes to others so all are clear on responsibilities between meetings.
- Communities need to push back on a lot of things and remind Canada this is a unique project that requires flexibility and innovation.
- Confusion about when the pilot moves from a joint process with all signatory communities to negotiation at the individual community level. We are not far enough along to have an opinion about this, but communities could consider having a joint process all the way through to settlement.
- Communities may need to sever claims and ensure the settlement agreement only relates to the CPR claims, so other claims relating to the same area can still go forward (e.g. road right of ways).
- Canada needs to visit the lands in question to understand the claims.

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Despite the above...

- The CPR Pilot Project provides:
 - economies of scale:
 - negotiation of documents (e.g. terms of reference for appraisals, negotiation protocol template and settlement agreement template) done as a single process for all communities.
 - Joint appraisals done by common appraiser at the same time providing cost savings, consistent approach to appraisals and joint appraisals with Canada
 - cost savings:
 - Non-loan funding
 - joint appraisals coordinated by NNTC

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