

TRENTY LAND ENTITLEMENT
MANUAL

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INTRODUCTION

The purpose of this Treaty Land Entitlement manual is to provide a general overview of the problems inherent with treaty land entitlement and the current situation in Saskatchewan, Manitoba and Alberta.

An Agreement-in-Principle has been reached in Manitoba and will be the main focus of this manual since those negotiations have reached the stage which will require Ministerial approval and subsequent approval by federal cabinet. The Agreement-in-Principle addresses all of the issues which arise in dealing with the subject of outstanding treaty land entitlement in the three prairie provinces.

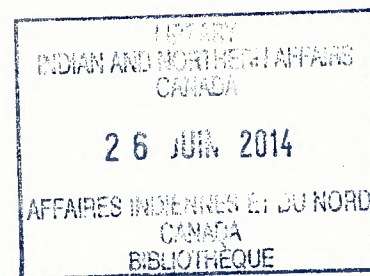


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A



The Treaties

Subsequent to Confederation in 1867, Canada looked toward incorporating the great Northwest into the Dominion. In order to do so, the Government negotiated a series of treaties with the Indians in order to allow for orderly and peaceful settlement of the land. The Indians ceded their aboriginal title to large territories of land, in exchange for tracts of land to be set aside as reserves, annuities, education, agricultural implements and other benefits. The land to be provided was intended to enable the Indian bands to be economically self-sufficient and, therefore, would be of good agricultural quality.

There was a direct correlation between the size of the reserves and the size of the Indian bands. The treaties specified how much land was to be set aside according to the numbers of families or individuals in the band. In the treaties of present day Alberta, Saskatchewan and Manitoba generally, the amount was based on one square mile (640 acres), per family of five or on a proportionate basis for larger or smaller families. In other words, a band would receive 128 acres for each Indian. This is what is referred to as treaty land entitlement. However, in Manitoba, Treaties 1, 2 and 5 provide for allocations based on 160 acres per family of five or 32 acres per individual.

The date to be used in the land quantum calculations is seldom clearly spelled out in any of the treaties, however, some of the treaties refer to

the laying aside or assignment of a reserve, others mention the selection of land. Legal advice from the Department of Justice suggests that although the treaties do not clearly identify the date for which a band's population base is to be determined for the land quantum calculations, the most reasonable date is not later than the date of first survey of land. Indeed the historical evidence supports this in that the dominion land surveyors frequently used the annuity paylists (the only record of band membership at the time) for the year they were surveying the reserves in order to calculate how much land was to be set aside. It is Canada's view, therefore, that the date of first survey is the date to be used to determine whether it has met its obligations under the treaties, to provide land to an Indian band based on the population of that band at the date of first survey.

SHORTFALL

The general principle which applies in all categories of land entitlement claims is that each treaty Indian band is entitled to a certain amount of land based on the number of members. Conversely, each treaty Indian is entitled to be included in an entitlement calculation as a member of an Indian band.

As the records show, when the reserves were set aside for the Indian bands of the Prairies it often happened that insufficient land was provided to satisfy the bands' land entitlement according to the treaty formula. This occurred for a number of reasons; for example, a large portion of a band may have been absent, hunting or trading, when the dominion surveyor arrived to survey the boundaries of the reserve. He may not have known how many Indians belonged to the band and, therefore, he surveyed only enough land for those who were present, as indicated on the annuity paylists. Also, a survey may have been interrupted because of seasonal difficulties such as bad weather, or from disagreements over the location of the reserves. Thus a band may have only received a part of its reserve allotment.

For whatever reason a number of Indian bands did not receive all of the land to which they were entitled pursuant to the treaties. This is what is known as an outstanding treaty land entitlement or a band's shortfall of land.

In the claims validation process a number of detailed steps are taken in order to determine the size of the shortfall owed to a band (these steps are outlined in Appendix 1). Basically, a calculation of a land quantum is made using the total number of Indians who were members of a band at the date of first survey plus those who were band members but were absent and, therefore, not counted; plus those who may have joined treaty for the first time and become entitled to be included in an entitlement calculation; plus those who may have come from other bands which had not received any entitlement land. This population figure is multiplied by the acreage specified in the treaty (128 or 32 acres per person) to give a total amount of land entitlement. From this amount the quantity of land which the band has already received is subtracted. The difference between the two amounts is the shortfall.

MANITOBA NATURAL RESOURCES TRANSFER AGREEMENT

During the years 1928-1929 negotiations between Manitoba and the Dominion government over the transfer of natural resources took place. The Dominion government took the position that the federal authorities had the sole and exclusive right to select Crown lands to be transferred to fulfill treaty land entitlements.

The provincial negotiator sought to limit the extent of land to be transferred to 1928 acreage and population figures as the Acting Deputy Minister of Justice informed the Deputy Minister of Indian Affairs on August 28, 1929:

... "The Province of Manitoba desires to stipulate some limitation in respect of the areas of land to be selected in fulfillment of treaty obligation with the Indians ...

Is it possible to stipulate such a limitation and if so what should the limitations be?"

The Deputy Minister of Indian Affairs replied on September 4, 1929

"that Manitoba's request could not be complied with as this was contrary to both the current practices and the precedents of the Indian Department in its fulfillment of the Dominion treaty obligation. The various treaties provide for so many acres per capita and the practice of the Department has been to take the census of the band at the time that the survey of the required acreage is made. The acreage hereinafter stated will be valued at the time of survey to meet the decrease or increase of the membership at such time."

By December 11, 1929 the Dominion government had revised its position regarding Canada's sole right to select land to fulfill entitlements. The new federal position (identical to Section 11 of the MNRTA) required that both the Dominion and Provincial governments agree upon the area of land to be transferred to Canada in order that Canada could fulfill its treaty obligation. On December 14, 1929 the Manitoba Natural Resources Transfer Agreement was signed. Both governments had compromised in the effort to conclude the transfer agreement. Canada could no longer arbitrarily select unoccupied Crown land to fulfill entitlement and Manitoba relinquished its claim to unilaterally determine the population base upon which to calculate unfulfilled entitlements. Thus, the question of how much land is required for transfer and the location of same were to be the subject of future negotiation between the two governments.

Section 11 of the Manitoba Natural Resources Transfer Agreement, 1930 is as follows:

"All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the appropriate Minister of the Province, select as necessary to enable Canada to fulfill its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof."

The above quoted paragraph is included in both the Alberta and Saskatchewan Transfer Agreements as paragraphs 10. The interpretation of the paragraph is that when Canada requests land to fulfill its outstanding treaty land obligations to Indian bands the Province is required to provide the land.

HISTORICAL PRACTICE FOR THE PROVISION OF ADDITIONAL RESERVE LANDS

In many cases after the date of first survey the federal government provided additional reserve lands to Indian bands for various reasons. This was done prior to the 1930 Natural Resources Transfer Agreements as well as afterwards.

Where additions to reserves were made, the government calculated the size of these additions based on current populations. For example a band may have received its first allotment of land based on its population in 1832, but also received additional land using its population in 1922, when its population was much higher. It appears from the historical records that social and economic needs were given consideration in the acquisition of additional lands, especially for those bands whose treaty land entitlements had been fulfilled. In some cases where it was recognized that a band had only received a part of its treaty land entitlement, or a band had a shortfall, the band's current population was used to make a land quantum calculation in order to fulfill the outstanding amount. Whatever the reason for provision of additional land, the use of a more current population to calculate the quantum resulted in some bands receiving more land than they were entitled to at the date of first survey.

Following the transfer of lands to the provinces in 1930, until approximately 1965, all three prairie provinces were cooperative in transferring to Canada, pursuant to the NRTA of 1930, the land necessary for

Canada to fulfill its treaty obligations, even if the land quantum was based on a more current band population. However, unoccupied land became more scarce as minerals, oil and gas exploration proved fruitful and consequently the provinces became less generous in providing land.

1975 MINISTERIAL REQUEST FOR FULFILLMENT OF OUTSTANDING
TREATY LAND ENTITLEMENTS

Since 1975, Indian bands from Saskatchewan, Manitoba and Alberta have presented claims to the federal government for outstanding treaty land entitlement. Almost immediately, the federal Minister for Indian Affairs called upon the three provincial governments to assist the federal government in meeting its treaty obligations, pursuant to their responsibilities under the Natural Resources Transfer Agreements of 1930.

Saskatchewan was the first of the three provinces to respond and in 1976/77, as a result of prolonged negotiations between the Federation of Saskatchewan Indian Nations and the provincial government, an agreement setting out broad parameters for settlement was reached. Canada endorsed the proposed settlement in April of 1977. The agreement became known as the Saskatchewan Formula. The key elements were:

- 1976 band population would be used as the basis for calculating the level of outstanding entitlement (1976 band population X 128 acres, less the reserve land already received);
- all federal and provincial Crown lands were available for selection on the condition that all third party interests held in selected lands be satisfactorily negotiated. Selection by a band does not necessarily mean transfer;

- bands were given the opportunity to accept valuable considerations in lieu of land (such as equity in resource development).

Manitoba initially responded with the view that the outstanding obligation owed to a band was fixed at the date the band first applied for land. However, Manitoba was open to negotiation of a more generous settlement.

In 1981 negotiations commenced in Manitoba and were to later intensify following the results of a Provincial Commission of Inquiry which conducted public hearings on entitlements during the fall and winter of 1982/83. The general principle underlying the recommendations of the provincial commission was that resolution of treaty land entitlements in Manitoba should be based on the 1977 Saskatchewan Agreement (band population at December 31, 1976). The result was that an Agreement-in-Principle was reached in September of 1984.

Although fairly generous in the past, Alberta adopted a more restrictive view that the population at the date of treaty is the basis to be used in calculating the extent of a band's treaty land entitlement. Furthermore, the provincial government is prepared to fulfill its obligations under the Natural Resources Transfer Agreement (1930) only on the basis of shortfall at the date of treaty. Alberta has contested Canada's views on lawful obligation and the basis for validation.

B

GENERAL SITUATION

Thirty (30) claims for outstanding treaty land entitlement have been accepted for negotiation in Saskatchewan. Three (3) of them have been settled. Negotiations are being conducted on a band by band basis among the twenty-seven (27) remaining bands, Canada and Saskatchewan. A number of substantive issues remain to be resolved.

Twenty-three (23) claims have been validated in Manitoba. An Agreement-in-Principle which addresses all of the substantive issues has been reached among twenty (20) of the entitlement bands, Canada and the Province of Manitoba. Three (3) of the bands from Treaty One which have validated claims declined to participate in the negotiations. Two (2) claims are under review.

The Agreement-in-Principle remains to be ratified by Federal and Provincial Cabinets, and by the entitlement bands.

Three (3) claims have been accepted for negotiation in Alberta. One (1) has been settled, an additional ten (10) are under review. To date there have been no tripartite negotiations with the Alberta government. Negotiations have taken place primarily between Canada and the bands.

(See Annex 2 for claims process)

TREATY LAND ENTITLEMENT CLAIMS - SASKATCHEWAN

<u>VALIDATED</u>	<u>SASKATCHEWAN FORMULA (acres)</u>	<u>SHORTFALL (acres)</u>
6 Beardy's & Okemasis	46,080	4,608
10 Canoe Lake	44,773	2,917
6 Chitek Lake (Pelican Lake)	22,285	4,041.6
10 English River	44,401	9,968.7
8 Fond du Lac	29,761	4,197
6 Flying Dust	9,595	2,436
4 Keeseekoowase	83,200	2,560
6 Little Pine	77,696	22,272
6 Lucky Man	7,680	7,680
4 Muskowekwan	49,408	9,792.63
4 Nikaneet Band	15,136	16,160
6 One Arrow	55,936	1,664
6 Peter Ballentyne	229,284.36	14,884.36
4 Piapot	60,495	10,703
6 Red Pheasant	63,616	3,200
6 Saulteaux	44,238	13,361.14
4 Star Blanket	9,536	2,752
8 Stony Rapids	29,924	5,220
6 Thunder Child	88,384	12,480
6 Witchehan Lake	23,027	3,187
4 Okanese	11,571.7	2,611.67
6 Mosquito	16,543.84	1,280
6 Poundmaker	25,192	7,552
6 Joseph Bighead	28,704	287.1
6 Sweetgrass	6,235.77	2,496
6 Moosomin	15,522.42	1,920
6 Onion Lake	16,918.9	640
6 Muskeg Lake	48,640	896
4 Nut Lake	117,273.6	2,956.8
4 Ochapowace	17,664	768
TOTAL	1,338,721.5	175,492

(See Annex 3 for map of location of bands)

TREATY LAND ENTITLEMENT CLAIMS - MANITOBA

<u>BANDS</u>	<u>MANITOBA FORMULA (acres)</u>	<u>SHORTFALL (acres)</u>
Roseau River	16,218.18	922.16
Swan Lake	6,880	1,210.32
Long Plain	21,362.77	1,779.48
Brokenhead	3,865.4	1,433.4
Peguis (Under Review)	29,467.82	15,503.15
Rolling River	31,264	672
Gamblers (Under Review)	2,674	4,992
Indian Birch /Shoal River	22,813.71	(see Shoal River Band)
Shoal River	54,752.89	12,286.6
Norway House	56,897	6,849
Island Lake	-	2,875.8
- Wasagamack	14,747.86	-
- Red Sucker	8,605.18	-
- Garden Hill	43,134.14	-
- St. Theresa Point	32,580.61	-
Barren Lands	34,960.14	8,738.19
Churchill	12,052	10,804
Fox Lake	6,134	2,230
God's Lake	25,674.26	24
God's River	5,421.74	(see God's Lake Band)
Mathias Colomb	124,319	20,127
Northlands	41,490.05	(see Barren Lands Band)
Nelson House	45,356	108
Oxford House	20,687	15
Shamattawa	11,747	8,227
York Factory	13,184	13,184
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	TOTAL	
	686,288.75	111,981.1

(See Annex 4 for more details and map of band locations)

TREATY LAND ENTITLEMENT CLAIMS - ALBERTA

A	<u>Settled</u>	<u>Shortfall</u> (acres)
	Cree-Chip	128,000
B.	<u>Under Negotiation</u>	
	Sturgeon Lake	2,003.7
	Whitefish Lake	5,888
C.	<u>Under Review</u>	
	Alexis	
	Tall Cree	
	Beaver Lake	
	Bigstone/Wabasca (isolated communities)	
	Grouard	
	Janvier	
	Boyer River	
	Little Red River	
	Gordon Benoit	
	Alexander	

(See Annex 5 for map of location of bands)

C

POLICY ISSUES

GENERAL

LAWFUL OBLIGATION VERSUS CONTEMPORARY METHODS
FOR FULFILLMENT OF TREATY LAND ENTITLEMENTS

Canada views its lawful obligation as the amount of treaty land entitlement owed to an Indian band at the date reserve land was first surveyed for the band. This lawful obligation is determined using the bands population at the date of first survey. Bands which did not receive all of the lands to which they were entitled have an outstanding lawful obligation equal to the amount of shortfall.

In treaty land entitlement negotiations in all three prairie provinces, the use of a contemporary band population to calculate a land quantum to settle outstanding lawful obligations has been the main focal point. As was shown in the historical portion of this manual, the use of a contemporary population was common practice for Canada, with the participation of the provinces, to fulfill outstanding treaty land entitlement or to make additions to Indian reserves. However, with the scarcity of land in the southern portion of the three prairie provinces use of a contemporary population has become difficult, but not impossible.

In Saskatchewan and Manitoba, band populations as of December 31, 1976 are used as the basis for negotiation of the settlement of treaty land entitlement claims. This exceeds Canada's lawful obligations to the Indian bands. Alberta insists that the lawful obligation is based on a band's population at the date of treaty. This is less than Canada's lawful obligation to Indian bands.

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PURCHASE OF PRIVATE LANDS FOR FULFILLMENT
OF OUTSTANDING TREATY LAND ENTITLEMENT

Generally, treaty land entitlement bands are expected to make their land selections from unoccupied provincial and federal Crown lands. However, there are several considerations and steps to take in the process prior to arriving at land purchase. Where ultimately there is no land available, or in cases where the available land is of such poor quality as to be of little value to the band, it becomes necessary to purchase land in order to fulfill the outstanding treaty land entitlement.

The Manitoba Agreement-in-Principle addresses this issue and is discussed in section D of this manual.

THIRD PARTY INTERESTS

In some cases where bands make land selections from occupied federal or provincial Crown lands there may be lease holders on the land. These lease holders may be cottagers, mining companies, patrons of federal or provincial community pastures, etcetera. It is the policy of the Federal and Provincial governments that the interests of third parties will not be adversely affected and, therefore, must be addressed through the negotiation process.

TAX LOSS GRANTS TO MUNICIPALITIES

When land is transferred to reserve status, taxes or grants in lieu of taxes which were previously paid to municipalities for the property, cease. During the course of negotiations, municipal governments have become concerned over the loss of their tax base and have sought some form of compensation from either the Federal or Provincial governments.

IMPLICATIONS OF THE NATURAL RESOURCES TRANSFER
AGREEMENT, 1930

Section 10 of the Natural Resources Transfer Agreements (NRTA), 1930 (section 11 in Manitoba) imposes an obligation on the provinces to provide Canada with sufficient land out of the unoccupied Crown land which was transferred in 1930, to fulfill its outstanding treaty land entitlement obligations to Indian bands. It is Canada's view that the provinces should provide all of the land and, furthermore, where land is not available for selection and land purchase is required then the cash component in lieu of land should also be provided by the provincial governments.

However, for various sound reasons it may become necessary for Canada to contribute both land and cash towards achieving treaty land entitlement settlements.

- no land available
- no protection of Indian interests when Province alienated.
- poor quality land transferred

REACQUISITION OF LANDS

Provincial governments wish to ensure that the provision of land to fulfill treaty land entitlement would not be detrimental to the public. Therefore attempts have been made to negotiate a right of reacquisition of new acreages provided if required for public purposes.

Under section 35 of the Indian Act the Governor-in-Council may expropriate Indian reserve land if it is required for public purposes and provided compensation is paid. However, it has been and still is the policy to acquire the consent of the Indian bands before this is done. Therefore, if an Indian band does not give its consent the land will not be expropriated and transferred to the provincial government. This has been addressed in the Manitoba Agreement-in-Principle and may have to be addressed in Saskatchewan and Alberta.

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LOANS TO BANDS FOR TREATY LAND ENTITLEMENT
NEGOTIATIONS

Loans are not provided to Indian bands to negotiate settlement of their outstanding treaty land entitlements. This was not an issue in Manitoba as will be explained in part D of this manual. However, this is an emerging issue in Saskatchewan and Alberta especially since negotiations are being pursued on a band by band basis. Funds are required for travel, appraisals, legal fees etcetera and some consideration should be given to this.

D

DETAILS OF THE MANITOBA AGREEMENT-IN-PRINCIPLE

HOW IT SETTLES THE ISSUES

FEDERAL OBLIGATIONS

PROVINCIAL OBLIGATIONS

BAND BENEFITS

1. LAND QUANTUM

Outstanding Treaty Land Entitlement to be settled on basis of Band populations as at Dec. 31, 1976 multiplied by per capita treaty land allotment less reserve land already transferred.
Article 2.01

3. LAND SELECTION

A) Once provincial order in council is received transferring a selection previously agreed upon by the 3 parties, Canada to set apart selection as a reserve 6 months from the date of receipt of provincial order.
Article 4.08

B) Canada to provide legal descriptions of land selected and to pay for survey costs.
Articles 4.09, 4.11

C) Canada to review all selection requests made by bands within 90 days of receipt of BCR. If request is to be rejected, Canada is to state reasons in writing to the Band.
Article 4.10

1. LAND QUANTUM

Transfer to Canada available crown lands on basis of 1976 population and treaty land quantum.
Article 2.02

2. MINERAL RIGHTS

All mineral rights owned by province in lands selected are to be transferred with the surface rights. Province's 50% share of mineral royalties pursuant to section 12 of MNRTA is waived and share to be paid to the Band.
Article 3

3. LAND SELECTION

Once survey plan of a selection has been registered Manitoba is to transfer land to Canada by Order-in-Council within 6 months of receipt of registered plan.

1. LAND QUANTUM

Receive 1976 land quantum rather than shortfall at first survey quantum.

2. MINERAL RIGHTS

Band receives 100% of sub-surface rights on crown lands and 100% of royalties.
Article 3.03

3. LAND SELECTION

Band has assurances of response to selection requests in a reasonably short time frame. Band development plans have reasonable start-up date as date for land to become reserve can be estimated in advance.

FEDERAL OBLIGATIONS

PROVINCIAL OBLIGATIONS

BAND BENEFITS

4. TYPE OF LANDS FOR SELECTION

Surplus crown lands available for selection within legislation and T.B. Policies. Value of improvements to be taken into consideration. Article 7 as amended 19/12/86

5. COMPENSATION TO MUNICIPALITIES

For lands purchased to fulfill entitlement Canada to compensate for loss of taxes. Agreement with municipality is to be concluded for provision of and payment for such municipal services as are required. Article 10

6. FINANCIAL ASSISTANCE

A) Of total \$10,733,301* Canada to contribute 79% of monies for purchase of privately owned lands where insufficient crown lands are available and towards assisting bands to extinguish 3rd party interests in crown lands selected. Article 13

B) Canada to provide financial assistance to bands for land selection and use studies. Article 13.12

4. TYPE OF LANDS FOR SELECTION

A) Both unoccupied and occupied crown lands are to be available for selection. Article 5.01, 5.02

B) Manitoba has 120 days to review selection requests.

C) If selection is to be rejected, Manitoba is to state reasons in writing to the Band. Article 5.07

6. FINANCIAL ASSISTANCE

Manitoba contributes 21% of total fund for purchase and 3rd party interest extinguishment. Article 13

4. TYPE OF LANDS FOR SELECTION

Band has greater choice in selection. Provincial crown lands of any value have some type of occupation - e.g. forestry, water power reserve.

5. COMPENSATION TO MUNICIPALITIES

Potential opposition to addition to reserves defused as new reserve established through purchase would not erode tax base for existing levels of municipal services.

6. FINANCIAL ASSISTANCE

A) Bands in the south where insufficient crown lands exists are able to purchase land of use and benefit to them. Bands in the north will have seed money with which they could buy out some 3rd party interest or use for development purposes.

B) Funding to conduct comprehensive studies on land capability and usefulness will allow bands to make informed selections. Article 13.12

FEDERAL OBLIGATIONS

PROVINCIAL OBLIGATIONS

BAND BENEFITS

7. COMPENSATION FOR RESERVE LAND
REQUIRED FOR PUBLIC PURPOSES

A) Canada to set apart compensation as reserve lands substituted by Manitoba.

B) Minister of DIAND to recommend to cabinet transfer of lands required for public purposes on new reserve lands where proposed taking conforms to MTLE agreement.

C) Minister of DIAND to recommend to Cabinet transfer of lands required for public purposes on existing reserves where proposed taking consented to by Band Council.
Article 15

* This amount is applicable to all Treaty Entitlement Committee Bands only. A further sum of \$22,041,699 is provided for in a separate contribution agreement with Manitoba in respect of Treaty One Bands. Overall the contribution of Canada for the \$32,775,000 involved is \$26,000,000 while Manitoba is responsible for \$6,775,000.

7. COMPENSATION FOR RESERVE LAND
REQUIRED FOR PUBLIC PURPOSES

A) Manitoba to provide "value for value" compensation for the 5% of reserve lands acquired for specific public purposes.
Article 15

B) For reserves to be established in a water power reserve, Manitoba to provide acre for acre compensation for all land below designated severance line.
Article 6

7. COMPENSATION FOR RESERVE LAND
REQUIRED FOR PUBLIC PURPOSES

A) Bands assured of fair compensation. Provincial public purposes limited in scope and restricted to 5% of future reserve land. Bands retain present discretion to agree or not to provincial requests for the taking of 5% from existing reserve land.

B) Band's total land quantum not diminished because of amounts below the severance line.
Article 6

LAWFUL OBLIGATIONS VERSUS CONTEMPORARY SETTLEMENT

The Manitoba Agreement-in-Principle proposes to settle all outstanding treaty land entitlements using band populations as of December 31, 1976.

The total lawful obligation owed to the 23 Manitoba Indian Bands with valid claims, and the 2 which are under review, is 111,981.1 acres.

The Agreement-in-Principle will provide 686,288.75 acres of land, or 574,307.65 acres more than the total lawful obligation. The agreement covers slightly over 23,000 Indians from 25 bands.

Settling on a contemporary basis is consistent with historical practice in both manner and intent. It uses a contemporary population base and it provides a better socio-economic base for the entitlement bands. Furthermore, the provision of additional lands over and above the lawful obligation eliminates the potential for lawsuits for damages and loss of use for the period of time that the Indian bands did not have the land still owed to them.

LAND SELECTION CRITERIA AND PURCHASE POLICY

The nature of the obligation to provide land in accordance with the treaty establishes the fact that the main objective is fulfilling such an obligation with land. It is important to have selection criteria acceptable to the two levels of government and the Indian bands. The land selection criteria provides a vehicle whereby all the entitlement bands can be dealt with as equitably as possible, based on the availability of Crown land.

In Manitoba the bands have agreed that, where possible, all treaty land entitlement should be fulfilled from available Crown lands and where possible land selection should be contiguous to existing reserves in a manner that best suits the needs and interests of the bands.

In Northern Manitoba there is considerable Crown land available and thus there is no difficulty in meeting the first selection criteria. In agro-Manitoba that is south of the 53° parallel, the situation is different due to the shortage of acceptable Crown land.

As the second criteria a twenty-five mile radius around each existing reserve in agro-Manitoba is plotted on a map. The twenty-five mile radius was chosen on the basis that had a band received all its entitlement at first survey, it would undoubtedly have been within the 25 mile radius.

The next step is to establish the soil capability of the existing reserve for agricultural purposes. This is carried out using the Canada Land Inventory, Soil Capability Classification for Agriculture published by Environment Canada (Annex 8).

For example Class 1 - Soils in this class have no significant limitations in use for crops.

Class 5 - Soils in this class have very severe limitations that restrict their capability to produce perennial forage crops and improvement practices are feasible.

The classifications are also divided into sub-classes. For example, sub-class "R" is made up of soils where the depth of the rooting zone is restricted by consolidated bedrock.

Once the soil capability of the existing reserve is established an examination of the soil capability of Crown land in the 25 mile radius of the existing reserve is carried out.

If we take the case of the Brokenhead Band, we find that within the 25 mile radius of that reserve there is enough comparable Crown land to satisfy 30% of the band's entitlement, the remaining 70% would require purchase of private lands.

In cases where there is no comparable Crown land within the 25 mile radius of a band's reserve, then the purchase of 100% of the band's entitlement is required.

THIRD PARTY INTERESTS

In negotiating any settlement involving a number of parties, and in this case a number of bands, it is necessary that such a settlement be attractive to the different parties so that each receives some consideration in the settlement.

Such is the case of third party interest money which is a provision of the Agreement.

This provision has two objectives; firstly, to give those bands who are to select land solely some monetary compensation and not restrict monetary compensation to those bands requiring purchase funds; and secondly, to place the responsibility for paying off third parties on the shoulders of the band which, if it chooses, can select land with no third party interests and thus not have to use its monetary compensation for that purpose. The amount of compensation provided is \$7.50 per acre with a minimum of \$150,000 per band. The total amount of third party interest money is \$5,495,435. This provision gives an incentive to ratify and at the same time a disincentive to select land encumbered with third party interests.

TAX LOSS GRANTS TO MUNICIPALITIES

Under the proposed Manitoba Agreement-in-Principle, where land is purchased to fulfill a band's treaty land entitlement, it will be necessary for Canada to negotiate an agreement with the municipal authority with respect to compensation.

IMPLICATIONS OF THE NATURAL RESOURCES TRANSFER
AGREEMENT, 1930

Federal-Provincial Contribution to the Settlement

On December 14, 1929 an agreement, to come into effect on July 15, 1930 was entered into between the Government of the Dominion of Canada and the Government of the Province of Manitoba providing for the transfer from the Dominion to the Province of the unalienated natural resources within the boundaries of Manitoba. As Mr. Leon Mitchell, Treaty Land Entitlement Commissioner, stated in his report in 1983, the transfer of unoccupied Crown land was done in such a way that Canada gave Manitoba notice of its treaty obligations to the Indians and thus the notice was analagous to a caveat being placed on the land transferred.

Manitoba's obligation is that from unoccupied land transferred in 1930, it must assist Canada in meeting its treaty obligations to the Indians.

As in other provinces, colonization of southern Manitoba took place early in its history. It was for this reason that in July, 1930 when the transfer of unoccupied land took place, very little suitable land for meeting treaty obligations was transferred in the southern part of Manitoba where six of the twenty-three treaty land entitlement bands are situated (being the Treaty One Bands).

The ability to meet Canada's treaty obligation through land selections diminishes as we go from the north to the south of the province.

The province, as the owner of public lands has, since 1930, granted rights of various kinds to many parties both individual and corporate. Relying on these grants, the parties have built on the land, developed industries and farms and contributed to the growth and prosperity of the province and all its residents.

The province, for its part, is contributing 496,989.99 acres of land of which 422,625.73 are beyond Canada's lawful obligation. In addition, the province is to contribute \$6.775 million. Canada for its part will contribute \$26 million of which \$16 million is to be used to purchase land in the southern part of the province where little or no suitable land was transferred to Manitoba in 1930.

The shortfall at first survey for the validated bands north of 53° is 74,364.26 acres. 1976 land quantum north of 53° totals 496,989.99 acres for a balance of 422,625.73 acres which the province is expected to provide over and above the "lawful obligation".

This land has a minimum dollar value of \$25 an acre (now under revision by Manitoba). Indications are that the minimum value will double to \$50 per acre and increase as selections become closer to townsites. The minimum value of the land from the province therefore would be in the neighbourhood of \$12.5M. However, in applying practical experience, under Northern Flood Agreement, 65% of the total acres selected (or 17% of the sites) are for "community development"

which is defined as "residential, commercial and industrial development, local forestry production (saw mill and lumber yard), gardening, historic/cultural significance, 'agriculture' (hay, field crops, domestic and wild game)". These selections are adjacent to the existing reserve or within a 10 mile radius thereto and as such there is generally ready access to the selections. This being the case, then, based on the \$50 per acre value assigned to such lands by the Chief Appraiser for Crown Lands, the TLE values would increase. Therefore, the minimum value of the land being provided by the province would be \$20.5M. If a balance sheet were to be struck to compare federal and provincial contributions it would resemble the following.

	CANADA	MANITOBA
<u>Cash</u>	26.0M cash for land purchase and third party interests	6.775M includes purchase money and share of third party interest money
<u>Land</u>	0 - acres of land	496,989.99 acres of land North of 53° = dollar value of \$12.5M - \$20.5M.
	<hr/>	<hr/>
	Total land contribution -	496,989.99 acres
	Total dollar value 26.0M	*19.275M - 27.275M

* Note the province will transfer land in the south to two bands. No dollar value has been given as land values in the south are site specific. Therefore, the total dollar value of the land being transferred by the province will be higher.

REACQUISITION OF LANDS

Manitoba wished to ensure that the provision of land to fulfill treaty land entitlement would not be detrimental to the public of Manitoba. It was for this reason that Manitoba exacted from the Chiefs the right of reacquisition of up to 5% of the new acreage provided it was required for public purposes. This provision had two objectives: the reacquisition with prior consent of the bands, and an indication to the public that Manitoba had retained certain rights for public purposes.

LOANS TO BANDS FOR ENTITLEMENT
NEGOTIATIONS

Loans were not provided to bands for treaty land entitlement negotiations in Manitoba. The Treaty and Aboriginal Rights Research Center funded and participated in the negotiations as the Agreement-in-Principle is an umbrella agreement covering all of the bands.

March 11, 1987

Bob Weir
Negotiator
Specific Claims Branch

Your file / Votre référence

Our file / Notre référence

1.45.5.224(6)

Re: M.T.L.E. Agreement

The following is a brief summary of the major concerns of the Department of Justice relating to the above agreement for inclusion in the package you are preparing.

The Department of Justice identified major concerns with the M.T.L.E. Agreement in Principle. This agreement would provide for the settlement of the treaty land entitlement claims of 26 bands (assuming all claims are validated) with a total population of 23,840 band members as of December, 1983. The shortfall of lands based on lawful obligation is 111,981 acres however, this agreement proposes to settle on the basis of a band's population as of December 31, 1976, resulting in a significant increase in acreage, direct costs and possibly hidden costs and would be viewed by bands in other provinces as the precedent for treaty land entitlement settlements. This is a move away from lawful obligation in relation to treaty entitlement which to date has been defined as date of first survey.

Treaty entitlements are protected by section 35 of the Constitution Act (1982) and therefore the following proposals are of concern.

1. Canada is purporting to affect or vary the rights of Treaty One bands who are not present at negotiations and who have not agreed to such variations.
2. Manitoba is required by the Constitution Act (1930) (i.e. M.N.R.T.A.) to make lands available to Canada for the purpose of fulfilling treaty entitlements as if the lands had never passed from Canada and yet Manitoba is agreeing only to provide land subject to stringent easements and conditions. (See Schedule "H".) This may, in fact, mean that these lands do not comply with the spirit

Canada

MAR 11 1987

#177

and intent of the treaty adhesions at least some of which recognized the importance to the Indians of location on the water and access to it.

Canada is agreeing to release Manitoba from any further obligation under the M.N.R.T.A. and if found to be in breach of treaty land promises would be solely liable to the bands. It is not entirely certain that the bands can, by agreement, vary the terms of a treaty, but assuming they can, there is still a heavy onus on Canada to ensure that the band is fully informed, understands the implications of these provisions and has independent legal advice.

The Northern Flood Agreement (Article 1.15) provides that the agreement applied to presently existing and subsequently created reserve lands. Schedule "H" to the M.T.L.E. Agreement negates certain of the rights under the N.F.A. Again Canada would bear a heavy responsibility for ensuring that the N.F.A. bands were informed, understood and had independent legal advice.

Problems similar to those experienced by the N.F.A. bands could be expected to arise when flooding rights are exercised by the province or hydro (eg. lack of potable water, sewage problems, disrupted transportation, changes in wildlife habitat affecting hunting, fishing, trapping) leading to hidden costs.

Justice views Article 19, the non-severability clause, as the most serious cause for concern. This clause would, in effect, make the entire agreement void ab initio if any one of a number of clauses was found by a court to be unenforceable. This might not happen for years but the effect would be as if the agreement had never come into effect, throwing into doubt

- (1) the status of lands made available to Canada and set aside as reserves, and
- (2) the rights of third parties who have obtained rights or interests in land from Canada.

In addition to the above major concerns, Justice has identified a number of minor concerns which, for the most part, could be addressed by clarifying the intentions of the parties and the language of the agreement.

I am sorry that the above concerns could not be addressed more concisely but in our view it is important that our concerns be clear. Please call me if you have any questions.

Marion E. Green

Marion E. Green
Counsel
Native Claims

LAND SELECTION AND WATER ISSUES

Water rights is an issue that has delayed the resolution of the Lucky Man entitlement in Saskatchewan. The Province of Saskatchewan has taken the position that the ownership and control of all water resources must remain with the province. The Lucky Man selection contains a water course which would fall under this category.

The Province of Manitoba is exceedingly sensitive to the water issues due to its experience with the Northern Flood Agreement where it has lost nearly every arbitration case.

The province agreed to permit the selection of Crown land in Water Power Reserves, Water Power Licence Areas and Interim Water Power Licence Areas but in so doing, has overly protected the interests of Manitoba Hydro.

The bands who are in those areas are concerned with the conditions attached to the selections. It would probably have been better to have refused the bands the option to select lands in those areas than to agree and then add an unreasonable number of restrictions.

This is a matter that has been dealt with by the province and the bands without federal participation except for Canada's position that the Northern Flood Agreement and the Manitoba Treaty Land Entitlement Agreement must be considered as separate documents without one being conditioned by the other.

CAPPING OF PROVINCIAL LIABILITY

At the outset, the Chiefs' Treaty Land Entitlement Committee represented all the bands in Manitoba whose claims had been validated as well as those bands whose claims were under review.

During the course of negotiations, the bands who are parties to Treaty One (with the exception of Brokenhead where the Chief of the Treaty Land Committee is also the Chief of the band), withdrew from the negotiations. Three of the Treaty One Bands (Long Plain, Swan Lake, Roseau River) have validated claims while the remaining three (Fort Alexander, Peguis and Sandy Bay) have claims that are currently under review.

During the tripartite negotiations, the six bands referred to above indicated their disagreement with the position presented by the Chiefs' Committee and wished to negotiate a separate bilateral agreement with Canada. It was the position of the Treaty One Bands that the Province of Manitoba should not participate in the discussions since the treaties were between Canada and the bands.

The Treaty One Bands were seeking entitlement based on current population rather than the population of December 31, 1976. Despite the position taken by the Treaty One Bands, the Agreement-in-Principle of August 31, 1984 provides that the Treaty One Bands can, if they so wish, opt into the agreement since the Agreement Schedules indicate

what these bands would be eligible to receive under its terms. The Chiefs' Treaty Land Entitlement Committee urged Canada and Manitoba to remove the reference to the Treaty One Bands from the Agreement. For its part, Canada believed Treaty One Bands should have the right to opt in, whereas Manitoba was more interested in including Treaty One Bands for the purpose of bringing finality to the question of treaty land entitlement in Manitoba.

As events proceeded, Canada became convinced that the inclusion of Treaty One Bands would surely have a detrimental effect on the ratification process.

Manitoba resisted the removal of the reference to Treaty One Bands and because of this the discussions with Manitoba on the remaining issues have been protracted. Manitoba took the position that the benefits it derived from the inclusion of the Treaty One Bands had to be protected.

Manitoba's objective of finality seems to be the rationale behind the position they have taken.

At a meeting in October, 1985 involving the Minister of Northern Affairs of Manitoba and the Minister responsible for Treasury Board, the Minister of Indian Affairs and Northern Development advised that he was not about to enter into an Agreement for bands that were not represented at the negotiations, i.e the Treaty One Bands.

The Minister of Indian Affairs and Northern Development offered to cap the provincial liability for land and money at the December 31, 1976 level which is the basis in the Agreement-in-Principle, for those bands who would not be parties to that Agreement in exchange for the deletion of reference to Treaty One Bands in the Agreement-in-Principle.

The mandate for future negotiation with the Treaty One Bands will of necessity be predicated on the Treaty Land Entitlement Agreement, particularly in the short term.

It is highly possible that once the Treaty Land Entitlement Agreement is ratified, the Treaty One Bands will enter into a similar agreement.

IMPLICATIONS OF THE MANITOBA AGREEMENT-IN-PRINCIPLE

ON THE OTHER TWO PRAIRIE PROVINCES

There is no doubt that the finalization of the Agreement in Manitoba will establish the guidelines for settlement of all the substantive issues in Saskatchewan and Alberta, since those issues are common to both provinces. The Agreement will clearly establish Canada's position with respect to those issues.

F

STRATEGY

In the event that authority is granted to proceed with negotiations, it is recommended that negotiations resume on a tripartite basis. We understand that the bands covered by the Northern Flood Agreement are indicating opposition to the terms of the Agreement-in-Principle with respect to the water issues which are referred to already in this manual. We must enable the negotiators for the Indians to put matters back on track.

There are some issues in the Agreement-in-Principle which require clarification and must be dealt with. One of the major issues is the question of non-severability. Efforts have been made by the federal representative to delete this provision but the Indians supported the province. We believe that the Indians may support the deletion at this stage of the negotiations.

Manitoba is exceedingly concerned with the March 31, 1987 deadline imposed by the bands.

The fact that Manitoba has recently appointed the Honourable Elijah Harper, former Chief of the Red Sucker Band as Minister of Northern Affairs should expedite the settlement of the Agreement on terms that will be more satisfactory to the Indians and Canada.

F

INDEX DES COURS SUBJECT INDEX

HORAIRE

CLASS SCHEDULE

HEURE TIME									
LUN. MON.									
MAR. TUE.									
MER. WED.									
JEU. THU.									
VEN. FRI.									
SAM. SAT.									

NOM
NAME _____

TÉLÉPHONE
TELEPHONE _____

ADRESSE
ADDRESS _____

ÉCOLE
SCHOOL _____

CLASSE
CLASS _____

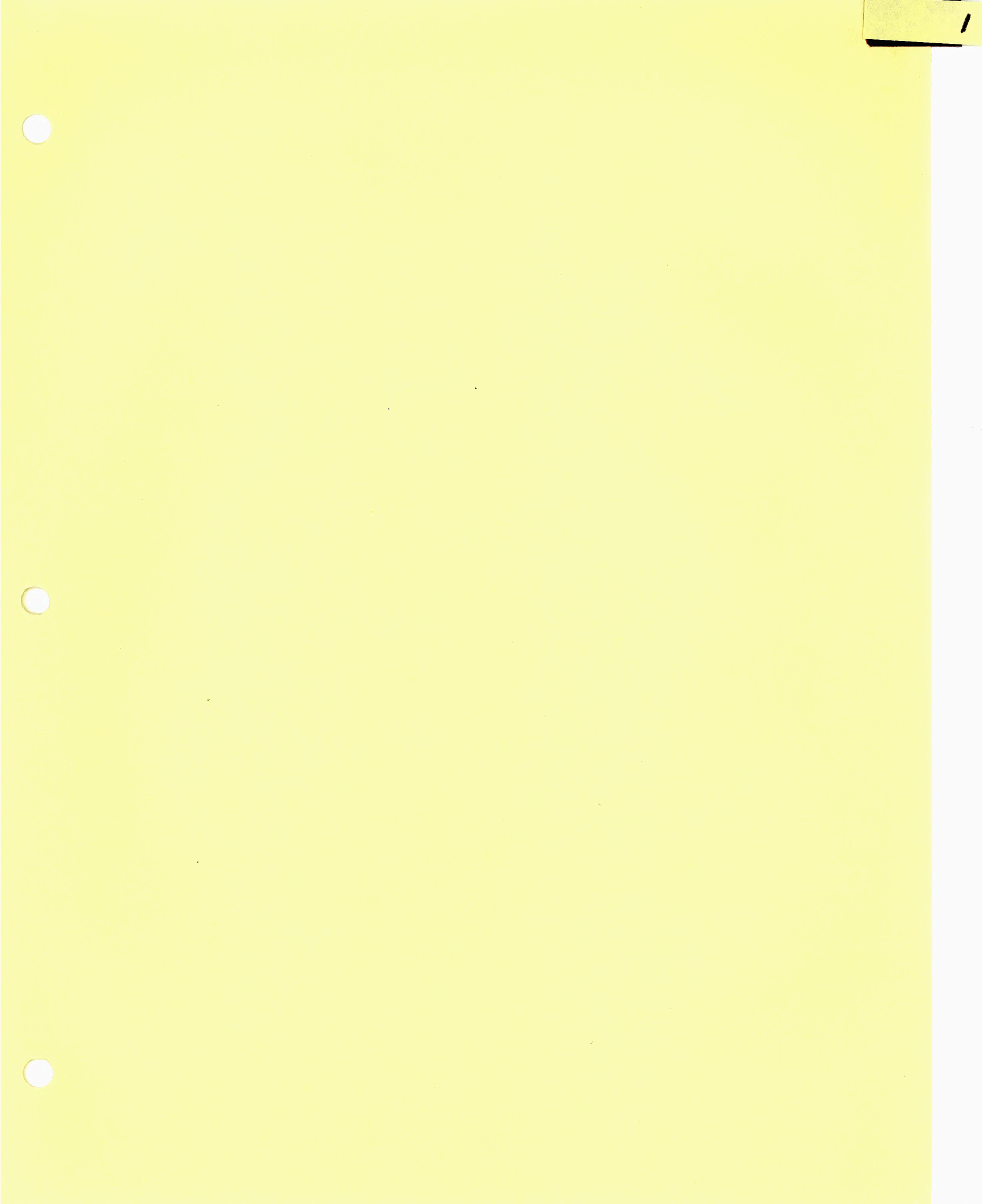
ANNÉE

SUJETS—SUBJECTS

YEAR

EXAMENS—EXAMINATIONS

JOUR - DAY	DATE	HEURE - TIME	SUJET - SUBJECT	ENDROIT - PLACE



Office of Native Claims Historical Research Guidelines
for Treaty Land Entitlement Claims

The general principle which applies in all categories of land entitlement claims is that each Treaty Indian Band is entitled to a certain amount of land based on the number of members. Conversely, each treaty Indian is entitled to be included in an entitlement calculation as a member of an Indian Band.

The following criteria are intended as guidelines in the research and validation process for treaty land entitlement claims. They have evolved from historical research done by the Office of Native Claims (ONC) in consultation with the Federal Department of Justice, and in consultation with the research representatives of the claimant bands. Each claim is reviewed on its own merits keeping in mind these guidelines. However, as experience has taught, new and different circumstances have arisen with each claim. Therefore, the review process is not intended to be restricted to these guidelines.

Determining a Band's treaty land entitlement involves five basic steps:

- 1) Identification of the band and the applicable Treaty.
- 2) Determination of the relevant survey date.
- 3) Determination of the total lands received by the band.
- 4) Determination of the population base.
- 5) Overall entitlement calculations.

A Identification of Claimant Band

The claimant Band may be known by its original name or a new name. The present day band is traced to the ancestral band which originally signed or adhered to treaty. Depending on which of the eleven numbered treaties the band signed or adhered to, the band is entitled to a reserve acreage based on a per capita allotment of 32 acres per member or 128 acres per member.

B Date for Entitlement Calculation

The date to be used in the land quantum calculations is seldom clearly spelled out in any of the treaties. Some of the treaties refer to the laying aside or assignment of a reserve, others mention the selection of land. Legal advice from the Department of Justice suggests that, although the treaties do not clearly identify the data for which a band's population base is to be determined for the land quantum calculations, the most reasonable date is not later than the date of first survey of land. It is Canada's general view that this is the date to be used to determine whether it has met its obligation under the treaties, to

provide a quantum of land to an Indian Band based on the population of that Band at date of first survey.

Generally the date to be used is taken from the plan of survey of the first reserve set aside for the use and benefit of an Indian Band. This is the date which is noted by the surveyor as the date which he carried out the survey. Other indicators that ought to be noted include the date on which the surveyor signed the plan and the date noted in the surveyor's field book.

In some cases, the date which is chosen for entitlement purposes is not the date of the first actual survey for a band's reserve. A reserve may have been surveyed for the band, but it was never administered as a reserve. Furthermore, if the band rejects the

survey and abandons the reserve after the survey, another reserve may be surveyed elsewhere at a later date and confirmed by Order-in-Council. Depending on the facts in each case, this could be considered as the date of first survey. The later survey date could be used as date of first survey because this is when the first reserve, officially recognized by Order-in-Council, was set aside for the band.

C Lands Received

The amount of land received by a Band is determined by totalling the acreages of all Reserve lands set aside for the use and benefit of the Band in fulfillment of treaty land entitlement.

The acreage figure is taken from the Order in council setting aside the reserve. Subsequent surveys are also relevant and ought to be considered. In cases where an Order-in-Council confirming the reserve did not state the acreage of the reserve it was taken from the plan of survey of the reserve.

In determining the total amount of land received by a Band, only those lands received as treaty entitlement were included. Lands received for the following reasons were not included in the total unless the historical record warranted it:

- i) Lands received in exchange for lands surrendered for sale.
- ii) Lands received in compensation for lands taken for public purposes.
- iii) Lands purchased with Band funds.

D Population Base for the Determination of an Outstanding Land Entitlement

An outstanding treaty land entitlement exists when the amount of land which a band has received in fulfillment of its entitlement is less than what the band was entitled to receive under the terms of the treaty which the band adhered or signed. This is referred to as a shortfall of land. There are two situations where a shortfall may exist. The first is when the land surveys fail to provide enough land to fulfill the entitlement. The second is when new members who have never been included in a land survey for a band, join a band that has had its entitlement fulfilled. The objective is to obtain as accurate a population of the band as is possible on the date that the reserve was first surveyed. The only records which recorded membership of Indians in the bands prior to 1951 were the annuity paylist and the occasional census. The annuity paylists are what is generally relied upon in order to discover the population at the date of first survey. This is done by doing an annuity paylist analysis.

In paylist analysis, all individuals being claimed for entitlement purposes are traced. This includes a review of all band paylists in a treaty area for the years that an individual is absent, if necessary. All agent's notations are investigated regarding the movements, transfers, payment of arrears, or any other event that affects the status of a band member. A ten to fifteen year period is usually covered depending on the individual case. This period would generally begin at the time the treaty was first signed, through the date of first survey and a number of years afterwards. Where a claim depends solely on new adherents or transfers from landless bands, the band memberships may be traced through to the present day.

The following principles are generally observed in an annuity pay list analysis:

Persons included for entitlement purposes:

- 1) Those names on the paylist in the year of survey.
- 2) Absentees who are paid arrears. These are band members who are absent for the year of survey but who return and are paid arrears for that year.

Absentees who return and who are not paid arrears. These people must be traceable to: when they became band members and how long they remained as members during say, a ten to fifteen year period around the date of survey. Generally, continuity

in band memberships is required. Also it must be shown that they were not included in the population base of another band for treaty land entitlement purposes, while absent from the band.

- 3) New Adherents to treaty. These are Indians, who had never previously signed or adhered to treaty and consequently have never been included in an entitlement calculation.
- 4) Transfers from Landless Bands. These are Indians who have taken treaty as members of one band, then transferred to another band without having been included in the entitlement calculation of the original band, or of the band to which they have transferred. The parent band may not have received land, whereas the host band may have already had its entitlement fulfilled. These Indians are acceptable, as long as they have never been included in a land quantum calculation with another band.
- 5) Non-Treaty Indians who marry into a Treaty Band. This marriage, in effect, makes them new adherents to treaty.

Persons not included

- 1) Absentees, new adherents and transfers from landless bands, who do not retain a reasonable continuity of membership in the band i.e.: they are away most of the time. However, these are dealt with on a case by case basis and there may be circumstances which warrant the inclusion of a band member even though he may be absent for an extended period of time.
- 2) Where the agent's notes in the paylist simply states "married to non-treaty", those people are not included. They could be non native or métis and therefore ineligible.
- 3) Where the agents notation simply reads "admitted" (which often meant admitted to band and not to treaty) and no letter of admission to treaty can be found, these persons are excluded.
- 4) Persons who are not readily traceable i.e: they seem to appear from nowhere and disappear in a similar fashion.
- 5) Persons who were included in the population base of another band for treaty land entitlement purposes.
- 6) Persons names which are discovered to be fraudulent.

Land Entitlement Claims Arising from Band Amalgamations

There are cases where a present day band was formed as a result of the amalgamation of two or more bands. An outstanding land entitlement will occur when one or more of the component bands has a shortfall of land before amalgamation with the other band or bands, and that shortfall causes a shortfall to exist for the amalgamated band. The payroll analysis is done for the component band or bands which have a shortfall, employing the same principles previously described.

In cases where one or more of the component bands has a surplus of land, and this surplus is greater than the deficit of the other component band(s), then the entitlement of the amalgamated band has been fulfilled. The Department of Justice concurs with this view. The deficit component bands would have had full use of the surplus land as full members of the amalgamated band.

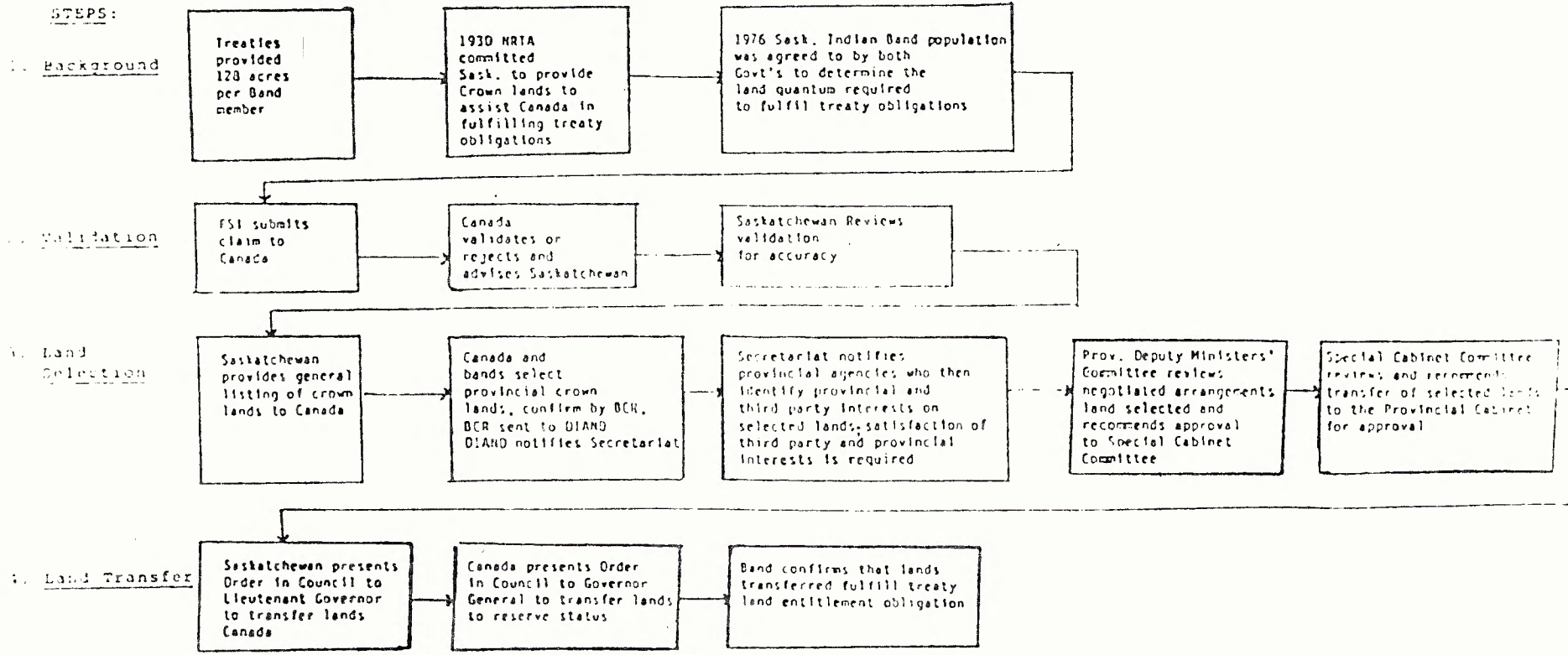
E Calculation of a Shortfall

This is a simple calculation where the most accurate population figure obtained from the payroll analysis, is multiplied by the per capita allotment of the appropriate treaty. Where the amount of land received is less than the calculated entitlement, a shortfall is said to exist and therefore an outstanding land entitlement is owed to the band. Where the land quantum received is equal to or exceeds this calculation, the entitlement has been fulfilled.

MAY 1983

LAND ENTITLEMENT PROCEDURE

The following chart indicates the original of Canada's obligation in the treaties, the provincial obligation under The Natural Resources Transfer Agreement, 1930 to assist Canada to resolve any unfulfilled treaty rights, and the validation process, the land selection procedure, and finally, the land transfer.



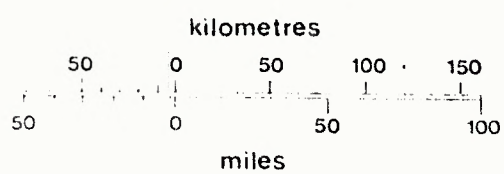
SASKATCHAWAN INDIAN LANDS

TERRES INDIENNES DE LA SASKATCHEWAN

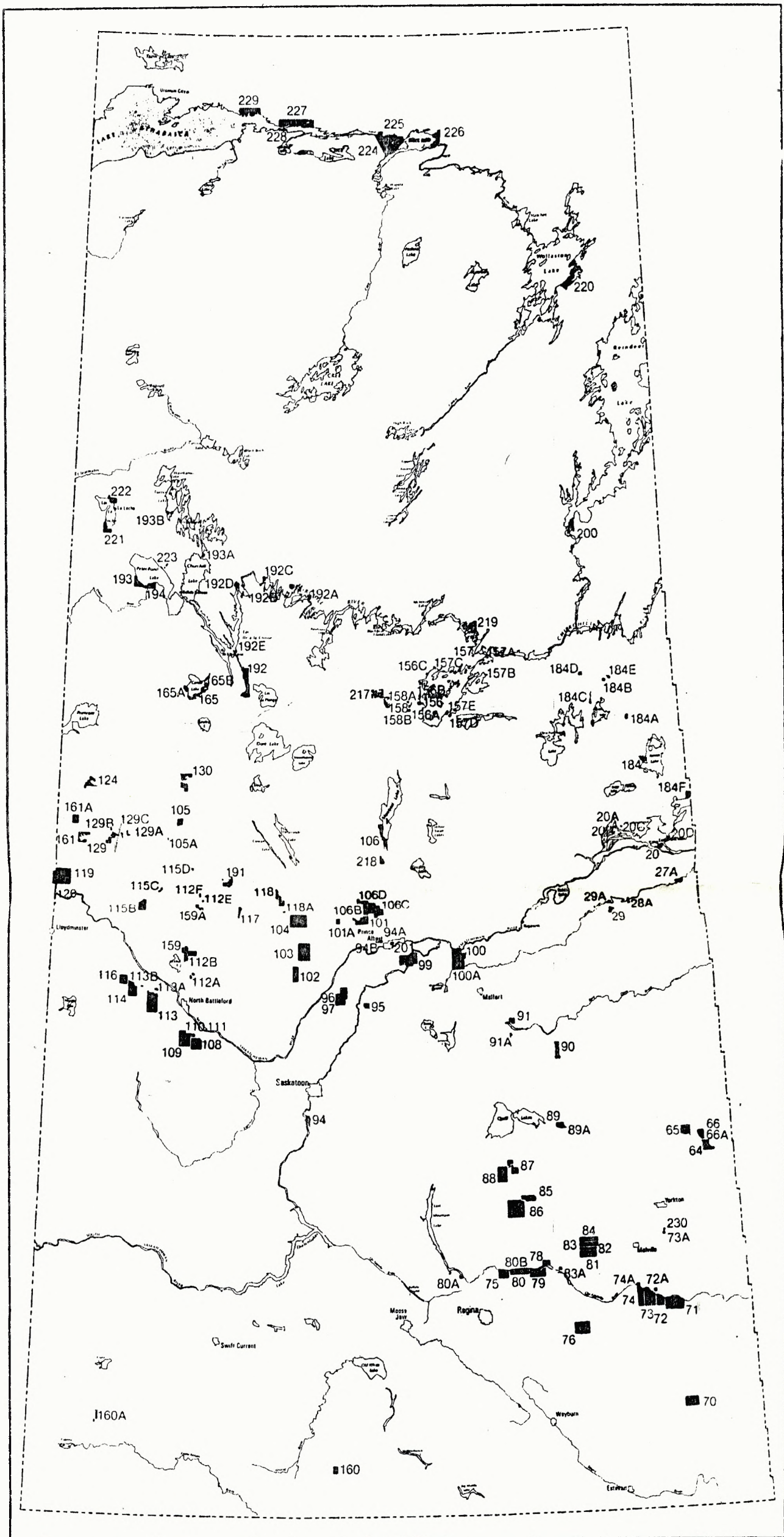
INDIAN RESERVE INDEX

Res. No.	Name of Reserve	Res. No.	Name of Reserve
20	Cumberland	114	Poundmaker
20A	Pine Bluff	115B	New Thunderchild
20B	Pine Bluff	115C	New Thunderchild
20C	Muskeg River	115D	Thunderchild
20D	Buods Point	116	Little Pine & Lucky Man
27A	Carroll River (administered from Manitoba)	117	Witchekan Lake
28A	Shoal Lake	118	Big River
29	Red Earth	118A	Big River
29A	Carroll River	119	Seekaskootch
64	Cote	120	Makao
65	The Key	124	Bighead
66	Keeseekoose	129	Makwa Lake
66A	Keeseekoose	129A	Makwa Lake
66B	Keeseekoose	129B	Makwa Lake
70	White Bear	129C	Makwa Lake
71	Ochapowace	130	Waterhen
72	Kahkewistahaw	156	Lac La Ronge
72A	Kahkewistahaw	156A	Potatoo River
73	Cowessess	156B	Kitsakie
73A	Little Bivie	156C	Sucker River
74	Sakimay	157	Stanley
74A	Sesheep	157A	Stanley
75	Prabot	157B	Old Fort
76	Assiniboine	157C	Four Portages
76	Standing Buffalo	157D	Fox Point
79	Pascua	157E	Fox Point
80	Muscowpetung	158	Little Hills
80A	Last Mountain Lake	158A	Little Hills
80B	Hay Lands	158B	Little Hills
81	Peepeekisis	159	Saulteaux
82	Okanese	159A	Saulteaux
83	Starblanket	160	Wood Mountain
83A	Wa pi moo-toosis (White Call)	160A	Nekaneoi
84	Little Black Bear	161	Ministikwan
85	Muskowkwan	161A	Ministikwan
86	Gordon	165	Canoe Lake
87	Day Star	165A	Canoe Lake
88	Phormar	165B	Canoe Lake
89	Fishing Lake	164	Amisk Lake
89A	Fishing Lake	184A	Birch Portage
90	Nut Lake	184B	Pelican Narrows
91	Kinistino	184C	Sandy Narrows
91A	Kinistino	184D	Woody Lake
94	White Gau	184E	Mirond Lake
94A	Wapeton	184F	Sturgeon Weir
94B	Wapeton	191	Chetek Lake
95	Grizzly Bear's Head & Lean Man	192	LaPlonge
96	Grizzly Bear's Head & Lean Man	192A	Elak Dase
97	Grizzly Bear's Head & Lean Man	192B	Knee Lake
99	Muskoday	192C	Dipper Rapids
100	James Smith	192D	Wapachewunak
100A	Cumberland	192E	Ile A La Crosse
101	Sturgeon Lake	193	Peter Pond Lake
101A	Sturgeon Lake	193A	Churchill Lake
102	Muskeg Lake	193B	Turnor Lake
103	Mistawasis	194	Turnor Lake
104	Atakapup	200	Southend
105	Meadow Lake	201	Opawakoskikan
105A	Meadow Lake	217	Morin Lake
106	Montreal Lake	218	Bittern Lake
106B	Montreal Lake	219	Grandmother's Bay
106C	Little Red River	220	Lac La Hache
106D	Little Red River	221	La Loche
108	Red Pheasant	222	La Loche
109	Mosquito	223	La Loche
110	Grizzly Bear's Head & Lean Man	224	Chicken
111	Grizzly Bear's Head & Lean Man	225	Chicken
112A	Moosomin	226	Chicken
112B	Moosomin	227	Fond du Lac
112C	Moosomin	228	Fond du Lac
112F	Moosomin	229	Fond du Lac
113	Sweetgrass	230	Minoachuk
113A	Sweetgrass		
113B	Sweetgrass		

SCALE 1:4000000



Energy, Mines and Resources
Energie, Mines et Ressources



MANITOBA TREATY LAND ENTITLEMENT: LAND STATISTICS

BELOW 53° LATITUDE N.

- #1 Roseau River Band
Shortfall: 922.16 acres
Manitoba formula: 16,218.18 acres
Purchase: 100% - \$7,946,908.
Unoccupied Crown lands in 1930: 0
Third party interest monies: 0
- #2 Swan Lake Band
Shortfall: 1,210.32 acres
Manitoba formula: 6,880 acres
Purchase: 100% - \$1,616,800.
Unoccupied Crown lands in 1930: 6,560 acres
Third party interest monies: 0
- #3 Long Plain Band
Shortfall: 1779.48 acres
Manitoba formula: 21,362.77 acres
Purchase: 100% - \$10,360,943.
Unoccupied Crown lands in 1930: 2,480 acres
Third party interest monies: 0
- #4 Brokenhead Band
Shortfall: 1,433.4 acres
Manitoba formula: 3,865.4 acres
Purchase: 70% - \$759,055.
Unoccupied Crown lands in 1930: 87,520 acres
Third party interest monies: \$45,000.00
- #5 Peguis Band (Under Review)
Shortfall: 15,503.15 acres
Manitoba formula: 29,467.82 acres
Purchase: 50% - \$994,539.
Unoccupied Crown lands in 1930: N/A
Third party interest monies: 0
- #6 Rolling River Band
Shortfall: 672 acres
Manitoba formula: 31,264 acres
Purchase: 100% - \$3,772,297.
Unoccupied Crown lands in 1930: 11,920
Third party interest monies: 0
- #7 Gamblers Band (Under Review)
Shortfall: 4,992 acres
Manitoba formula: 2,674 acres
Purchase: 100% - \$326,913.
Unoccupied Crown lands in 1930: 3,040
Third party interest monies: 0

#8 Indian Birch / Shoal River
 Shortfall: (see Shoal River Band)
 Manitoba formula: 22,813.71 acres
 Purchase: 25% - \$321,821.
 Unoccupied Crown lands in 1930: 75,680
 Third party interest monies: \$128,327.

#9 Shoal River Band
 Shortfall: 12,286.6 acres
 Manitoba formula: 54,752.89 acres
 Purchase: 0% - 0
 Third party interest monies: \$410,647.

ABOVE 53° LATITUDE N.

#10 Norway House Band
 Shortfall: 6,849 acres
 Manitoba formula: 56,897 acres
 Purchase: 0% - 0
 Third party interest monies: \$426,727.

Island Lake Bands
 Shortfall: 2,875.8 acres

<u>Bands</u>	<u>Manitoba formula</u>	<u>Purchase</u>	<u>Third party interest monies</u>
#11 Wasagamack	9,763 acres	0% - 0	\$150,000.
#12 Red Sucker Lake	9,921 acres	0% - 0	\$150,000.
#13 Garden Hill	47,984.8 acres	0% - 0	\$323,506.
#14 St. Theresa Point	31,399 acres	0% - 0	\$244,355.

#15 Barren Lands Band
 Shortfall: 8,738.19 acres
 Manitoba formula: 34,960.14 acres
 Purchase: 0% - 0
 Third party interest monies: \$262,201.

#16 Churchill Band
 Shortfall: 10,804 acres
 Manitoba formula: 12,052 acres
 Purchase: 0% - 0
 Third party interest monies: \$150,000.

#17 Fox Lake Band
 Shortfall: 2,230 acres
 Manitoba formula: 6,134 acres
 Purchase: 0% - 0
 Third party interest monies: \$150,000.

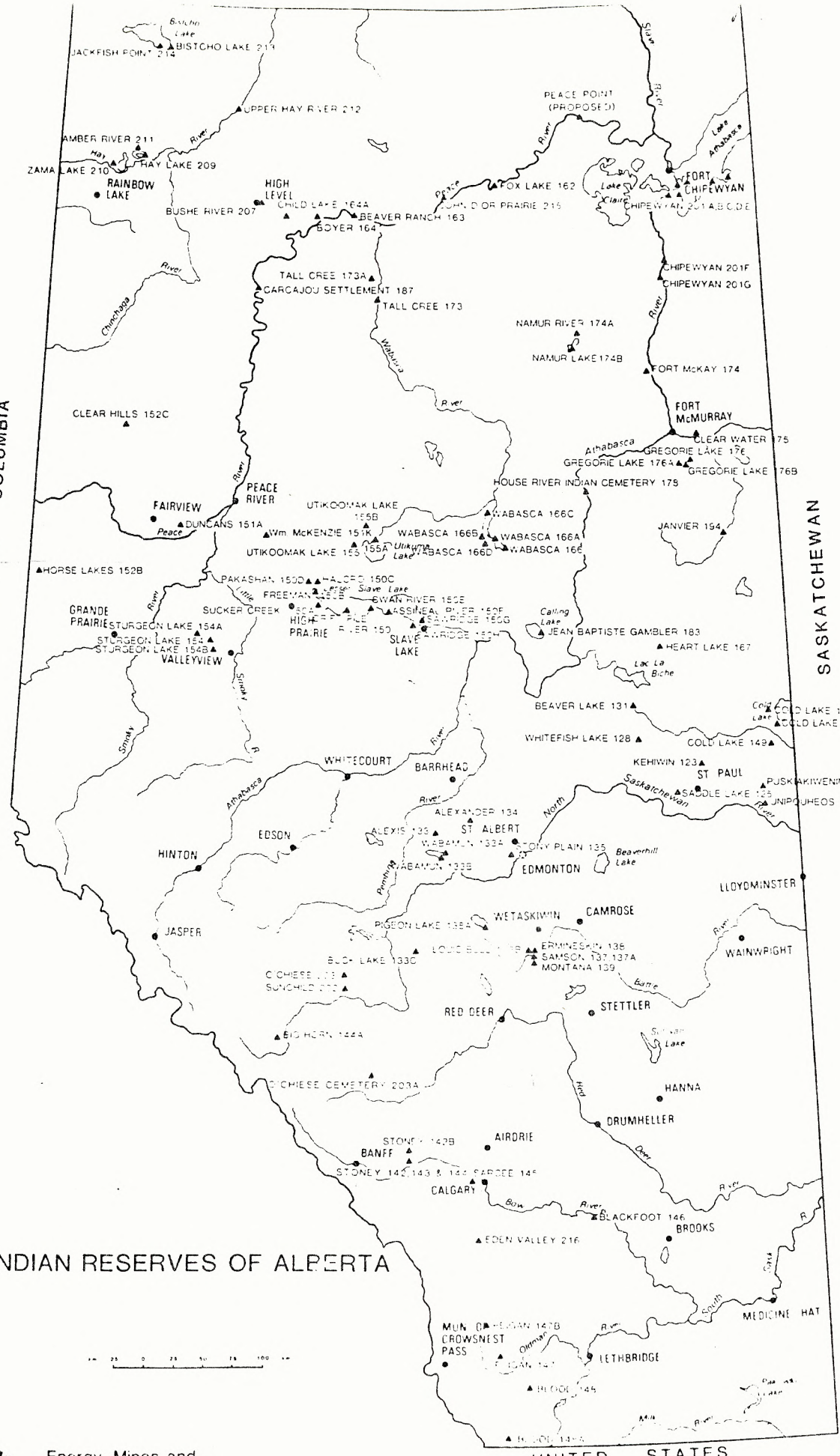
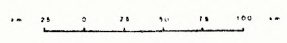
#18 God's Lake Band
 Shortfall: 24 acres
 Manitoba formula: 24,660 acres
 Purchase: 0% - 0
 Third party interest monies: \$192,557.00

- #19 **God's River Band:**
Shortfall: see God's Lake Band
Manitoba formula: 6,436 acres
Purchase: 0% - 0
Third party interest monies: \$150,000.
- #20 **Mathias Colomb Band**
Shortfall: 20,127 acres
Manitoba formula: 124,319 acres
Purchase: 0% - 0
Third party interest monies: \$932,392.
- #21 **Northlands Band**
Shortfall: see Barren Lands Band
Manitoba formula: 41,490.05 acres
Purchase: 0% - 0
Third party interest monies: \$311,175.
- #22 **Nelson House Band**
Shortfall: 108 acres
Manitoba formula: 45,356.0 acres
Purchase: 0% - 0
Third party interest monies: \$340,170.00
- #23 **Oxford House Band**
Shortfall: 15 acres
Manitoba formula: 20,687 acres
Purchase: 0% - 0
Third party interest monies: \$155,152.
- #24 **Shamattawa Band**
Shortfall: 8,227 acres
Manitoba formula: 11,747 acres
Purchase: 0% - 0
Third party interest monies: \$150,000.
- #25 **York Factory Band**
Shortfall: 13,184 acres
Manitoba formula: 13,184 acres
Purchase: 0% - 0
Third party interest monies: \$150,000.

BRITISH COLUMBIA

SASKATCHEWAN

INDIAN RESERVES OF ALBERTA



Chief Thomas Leon Cook,
Stoney Rapids Band,
BLACK LAKE, Saskatchewan
SOJ OHO

Dear Chief Cook:

As you may already know, the Federation of Saskatchewan Indians, the Province of Saskatchewan, and the Federal Government have, by an exchange of correspondence, agreed on a formula under which Saskatchewan will provide provincial Crown lands for the purpose of fulfilling outstanding treaty land entitlements in the Province.

This is to confirm that, subject to the conclusion of a formal agreement between Canada and Saskatchewan, your Band has an outstanding treaty land entitlement. This was also made known in a public announcement made in August, 1977 by Chief David Ahenakew and Mr. Allmand, former Minister of Indian and Northern Affairs. A copy of this announcement is attached for your information. You will note in the public announcement that in order to discharge its obligations to the Federal Government under the 1930 Natural Resources Transfer Agreement, Saskatchewan has made a very favourable settlement offer which was negotiated with the Federation of Saskatchewan Indians. By the terms of the Saskatchewan offer, each band having an outstanding entitlement is able to calculate that entitlement on the basis of their December 31, 1976 population multiplied by the per capita allotment for reserve land provided for under the relevant treaty provisions. Lands already allocated under treaty are subtracted from this amount. The December 31, 1976 population will be based on official figures provided by the Registrar of the Indian Register.

However, the Federal Government recognizes that the official population figures do not include late registrations for people eligible to be band members on December 31, 1976. I am therefore prepared to consider ways of taking this fact into account. However, in order that I can indicate to the Province the exact acreage of your Band's entitlement, a fixed population figure for

to cover anticipated late registrations. You will see that this has been done in Appendix 1 in calculating your entitlement.

As a result of consultations with the Federation of Saskatchewan Indians, it was determined that your Band has an entitlement for the reasons outlined in Appendix 1. I am sure you will wish to discuss the above with the members of your Band.

If your Band accepts the calculations as indicated in Appendix 1 and agrees to select the acreages stated therein as final fulfillment of treaty land entitlement under the terms of Treaty No. 6 we would ask that you indicate this concurrence by passing a Band Council Resolution and forward it to your District Office for processing in the normal manner. A suggested wording of such a resolution is attached for your use as Appendix 2. You should also be aware that once the lands have been selected and surveyed, your Band will be asked to sign an agreement along the lines of the attached draft (Appendix 3) indicating that Canada has discharged its obligation to the Band to provide land under treaty.

Once the Band Council Resolution has been passed, the land selection process can be completed. In this regard, you may wish to maintain contact with Mr. Al Gross, Regional Intergovernmental Relations Manager, Saskatchewan Regional Office of the Indian and Eskimo Affairs Program in the federal Department of Indian and Northern Affairs. Mr. Gross is working with Mr. Rob Milen, Coordinator of Treaty Indian Land Claims in the Government of Saskatchewan, and Mr. Cy Standing of the Federation of Saskatchewan Indians, on the technical aspects of the land selection process. Mr. Gross' work includes the provision of advisory services to bands to assist them in assessing available lands for selection or to examine other alternatives offered by the Province. He, Mr. Milen or Mr. Standing will be glad to answer any questions you may have. If they have not already done so, these persons will be contacting you very shortly.

Land selection is taking place from provincial Crown lands which the Province of Saskatchewan has agreed to provide for this purpose. In the case of occupied provincial Crown lands, the Province will make these lands available provided suitable arrangements can be made by the Province to satisfy the occupants. Saskatchewan is also prepared to fulfill its obligations under the Natural Resources Transfer Act by providing, instead of land, opportunities for bands to negotiate with the Province for resource development or participation in joint ventures.

As my predecessor, Mr. Allmand, indicated in previous letters to Chief Ahenakew and to Mr. Bowman, the Federal Government is hopeful that all outstanding entitlements can be met from

Province and the Federation of Saskatchewan Indians have questioned whether there is enough provincial Crown land in certain parts of the province to meet the outstanding entitlements. They have asked that consideration be given to other alternatives for obtaining land, including purchase and making federal Crown lands available for selection by some bands. As Mr. Allmand made clear to Chief Ahenakew in September, it should be noted that at the present time there are no federal funds for the purchase of private lands. I should also add that, pending consultations with other federal Ministers, I am not in a position to make federal lands available for selection.

However, I am in the process of reviewing the situation and look forward to meeting with Mr. Bowerman and Chief Ahenakew to discuss these matters to try and expedite a settlement. Meanwhile, my officials are meeting with representatives of the Province and the Federation of Saskatchewan Indians to discuss the drafting of a formal agreement embodying the principles of the settlement and setting out the contributions of each government. I understand that, in the meantime, you are continuing your discussions on land selection. As part of this process I urge you to give every consideration to currently available provincial Crown lands and the possibilities of revenue-sharing which the Province has offered.

In conclusion, I should like to reiterate how pleased I am that with the cooperation of all concerned, in particular the Federation of Saskatchewan Indians, we have been able to make such progress towards settlement of your outstanding treaty land entitlement.

Yours sincerely,

J. Hugh Faulkner.

in 1950, Chicken Reserves No. 225 and 226 were surveyed for the Stoney Rapids Band. At that time the Band population was 417 which entitled it to 53,376 acres under the terms of Treaty 8. Since the total land received to date under treaty is only 15,815 acres, it is recognized that an outstanding land entitlement exists which has never been fulfilled.

Under the Saskatchewan Formula the amount of land that your Band is entitled to select to fulfill this outstanding entitlement is calculated as follows:

1. December 31, 1976 population 585 plus 1% late registration (6) = 591 people.
2. Entitlement: $591 \times 128 = \underline{75,648}$ acres.
3. Acreage originally received under the terms of Treaty No. 8.

Reserve	<u>Chicken No. 225</u>	<u>5,395 acres</u>
	<u>Chicken No. 226</u>	<u>10,420 acres</u>

Total acres 15,815

4. Total outstanding entitlement (item 2 minus item 3) equals 59,833 acres.

We, the Chief and Council of the Stoney Rapids Band have given full consideration to the letter of (date) (attached as Exhibit "A" hereto) and agree with the formula for fulfilling our treaty entitlement agreed to by the Province of Saskatchewan and the Federation of Saskatchewan Indians. We also concur that our outstanding entitlement is acres, and that the setting aside of lands for the use and benefit of the Stoney Rapids Band, have been selected and surveyed, is subject to a release from the Stoney Rapids Band, in form and content satisfactory to the Deputy Attorney General of Canada, discharging Canada from its obligation to provide land pursuant to Treaty No. 8, and is also subject to the conclusion of a formal agreement between Canada and Saskatchewan respecting the fulfillment of treaty land entitlements in the Province of Saskatchewan.

Chief Philip Bighetty,
BROCKTON, Manitoba.
R08 080

Dear Chief Bighetty:

I am writing regarding the treaty land entitlement claim of the Barron Lands Band. The claim which has been under consideration for some time, has been the subject of detailed historical and legal review and extensive discussion with your representatives. After reviewing the available facts and related evidence, I wish to advise you that the Barron Lands Band, in conjunction with the Northman's Band, has a valid treaty land entitlement claim. This validation was determined within the context of the federal government's Specific Claims Policy of "lawful obligation".

The recently appointed Commissioner, Mr. Leon Mitchell, has requested pertinent information for his review of the treaty land entitlement situation in Manitoba. My officials in the Office of Native Claims will be cooperating with Mr. Mitchell so that he may make recommendations to the Manitoba government by the end of this year. I am hopeful that this procedure will lead to a satisfactory resolution of these long outstanding treaty entitlement claims.

Yours sincerely,

OFFICIELLEMENT SIGNED BY
ORIGINAL SIGNÉ PAR
J. MUNRO

John C. Munro

KENNEDY/cl

November 1, 1982.

AEG/C-20
WORKSPACE/CAC.2
JOE/C
LIST/LIST/C

c.c. Jay Cowan
Leon Mitchell

Minister of Indian Affairs
and Northern Development

Ministre des Affaires
indiennes et du Nord

SPECIFIC CLAIMS (2)
J.R. GOUDIE'S OFFICE
LOIS - P.J. - PENDING

David Crombie

SEP 12 1985

Chief Edward Goodswimmer
Sturgeon Lake Indian Band
P.O. Box 975
Valleyview, Alberta
TOH 3N0

Dear Chief Goodswimmer:

I am writing in connection with the Sturgeon Lake Band's claim to outstanding treaty land entitlement. The claim, which has been under consideration for some time, has been the subject of detailed historical and legal review. After reviewing the available facts and related evidence I have arrived at the conclusion that the Sturgeon Lake Band has not received all the land to which it is entitled under the terms of Treaty 8. I would like to confirm, therefore, that the federal government recognizes that the Sturgeon Lake Indian Band has an outstanding treaty land entitlement.

The evidence presented in support of your claim indicates that at the time when reserve land was first set aside for the Sturgeon Lake Band, 14 band members were absent and therefore not counted in the population base used to calculate the size of the reserve. Subsequent to the survey of the Sturgeon Lake reserves, 18 Indians adhered to Treaty 8 as members of the band. These Indians also had never before been included in a population base for the calculation of reserve land quantum. Based on these statistics, it has been determined that not enough reserve land was set aside at the time of the first survey to include all of the Sturgeon Lake members and, therefore, additional treaty land entitlement is owed to the Sturgeon Lake Band.

The next step is for the federal government, the Band, and the Province of Alberta, to proceed with the negotiation of an equitable settlement. The acceptance of the claim for negotiation is not to be interpreted as an admission of liability and, in the event that no settlement is reached and litigation ensues, the government reserves the right to

.../2

F 28460

plead all defenses available to it, including limitation periods, laches, and lack of admissible evidence. In the event that a final settlement is reached, your Band must ensure that the claim cannot be reopened by executing a formal release in favor of Canada.

My officials from the Office of Native Claims will contact you in the near future in order to discuss possible approaches for the settlement of your claim. I am confident that once these discussions have occurred a successful resolution of the Sturgeon Lake Band's outstanding treaty land entitlement may be achieved. If I can be of any further service, I would be pleased to hear from you again. Take care.

Sincerely,

ORIGINAL SIGNED BY
ORIGINAL SIGNÉ PAR
DAVID CROMBIE

David Crombie

c.c. F. Oberle, M.P.
R.B. Kohls, R.D.G., Alberta

b.c.c. W. Jacknife
W. McDougall

SCHEDULE E

FINANCIAL ASSISTANCE

BAND	OUTSTANDING QUANTUM 1976 Formula (ACRES)	LAND - PURCHASE RATIO		LAND SELECTION ACRES	THIRD PARTY INTEREST MONIES (\$)	PURCHASE MONIES QUANTUM ALLOTTED AMOUNT (\$)	
		% LAND	% PURCHASE			(ACRES)	(ACRES)
Barren Lands	34,960.14	100%	-	34,960.14	\$262,201	-	-
Brokenhead	3,865.4	30%	70%	1,159.62	45,000	2,705.78	\$947,023.
Fort Churchill	12,052.00	100%	-	12,052.00	150,000	-	-
Fox Lake	6,134.00	100%	-	6,134.00	150,000	-	-
Gamblers * **	2,674.00	-	100%	-	-	2,674.00	347,620.
Garden Hill	47,984.8	100%	-	47,984.8	359,886	-	-
God's Lake	24,660.	100%	-	24,660.	184,950	-	-
God's River	6,436.	100%	-	6,436.	150,000	-	-
Indian Birch	22,813.71	75%	25%	17,110.28	128,327	5,703.43	342,206.
Mathias Colomb	124,319.00	100%	-	124,319.00	932,392	-	-
Nelson House	45,356.00	100%	-	45,356.00	340,170	-	-
Northlands	41,490.05	100%	-	41,490.05	311,175	-	-
Norway House	56,897.00	100%	-	56,897.00	426,727	-	-
Oxford House	20,687.00	100%	-	20,687.00	155,152	-	-
Red Sucker Lake	9,921.	100%	-	9,921.	150,000	-	-
Rolling River	31,264.	-	100%	-	-	31,264.	4,064,320.
St. Theresa Point	31,399.	100%	-	31,399.	235,493	-	-
Shamattawa	11,747.00	100%	-	11,747.00	150,000	-	-
Shoal River	54,752.89	100%	-	54,752.89	410,647	-	-
The Pas *	25,334.92	100%	-	25,334.92	190,012	-	-
Wasagamack	9,763.	100%	-	9,763.	150,000	-	-
York Factory	13,184.00	100%	-	13,184.00	150,000	-	-

* Under Review

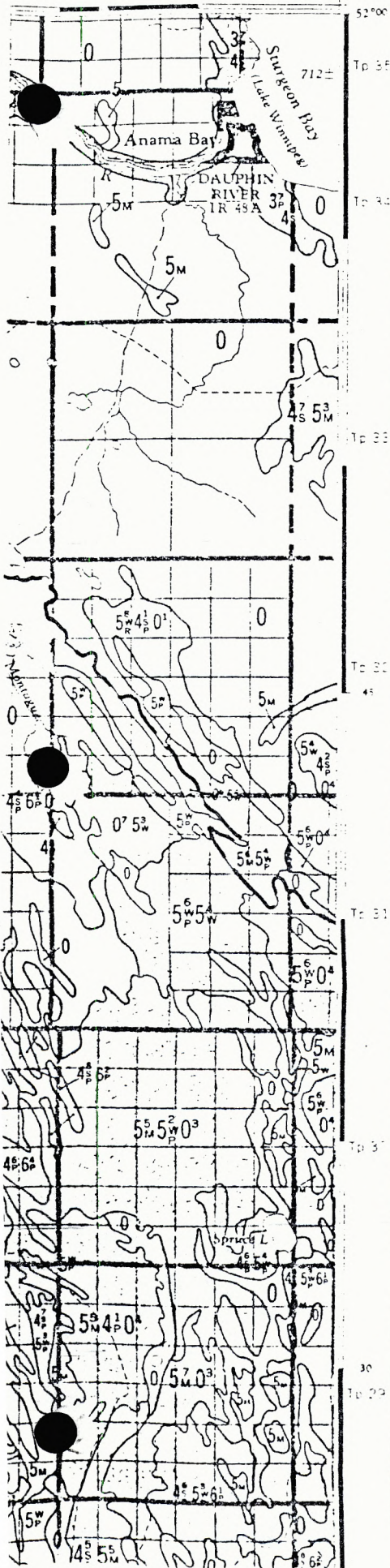
** Gamblers Quantum determined by multiplying 31/12/76 population by per Capita Treaty Allotment, minus existing Reserve holdings: 29 x 128 acres - 1,038 acres = 2,674 acres.

1. Band Council Resolution No. 308-93 dated June 23, 1983 (File E-4058-5-308) states that the Barren Lands/Northlands joint entitlement is to be distributed on a per capita basis amongst the Bands calculated by the most recent Band population statistics. The populations as at December 31, 1982 were used for these calculations. This was confirmed by Chief Michel 25/8/84.

2. The terms of the September 1982 Band separation stated that Shoal River is to receive 12/17th of the joint Shoal River/Indian Birch entitlement and Indian Birch is to receive the balance of 5/17ths.

FINANCIAL ASSISTANCE

BAND	OUTSTANDING QUANTUM 1976 Formula (ACRES)	LAND - PURCHASE RATIO		LAND SELECTION ACRES	THIRD PARTY INTEREST MONIES	PURCHASE MONIES	
		% LAND	% PURCHASE			QUANTUM (ACRES)	ALLOTTED AMOUNT (\$)
Fort Alexander *	58,210.10						
↳ Long Plain	21,362.77						
↳ Peguis *	29,467.82						
↳ Roseau River	16,218.18						
Sandy Bay *	41,179.19						
↳ Swan Lake	6,880.00						
* Under Review							



capable of sustained use for cultivated field crops, those in classes 5 and 6 only for perennial forage crops and those in class 7 for neither.

Some of the important factors on which the classification is based are:

- The soils will be well managed and cropped, under a largely mechanized system
- Land requiring improvements including clearing, that can be made economically by the farmer himself, is classed according to its limitations or hazards in use after the improvements have been made. Land requiring improvements beyond the means of the farmer himself is classed according to its present condition.
- The following are not considered: distances to market, kind of roads, location, size of farms, type of ownership, cultural patterns, skill or resources of individual operators, and hazard of crop damage by storms.

The classification does not include capability of soils for trees, tree fruits, small fruits, ornamental plants, recreation, or wildlife.

The classes are based on intensity, rather than kind, of their limitations for agriculture. Each class includes many kinds of soil, and many of the soils in any class require unlike management and treatment.

CLASS 1 SOILS IN THIS CLASS HAVE NO SIGNIFICANT LIMITATIONS IN USE FOR CROPS.

The soils are deep, are well to imperfectly drained, hold moisture well, and in the virgin state were well supplied with plant nutrients. They can be managed and cropped without difficulty. Under good management they are moderately high to high in productivity for a wide range of field crops.

CLASS 2 SOILS IN THIS CLASS HAVE MODERATE LIMITATIONS THAT RESTRICT THE RANGE OF CROPS OR REQUIRE MODERATE CONSERVATION PRACTICES.

The soils are deep and hold moisture well. The limitations are moderate and the soils can be managed and cropped with little difficulty. Under good management they are moderately high to high in productivity for a fairly wide range of crops.

CLASS 3 SOILS IN THIS CLASS HAVE MODERATELY SEVERE LIMITATIONS THAT RESTRICT THE RANGE OF CROPS OR REQUIRE SPECIAL CONSERVATION PRACTICES.

The limitations are more severe than for Class 2 soils. They affect one or more of the following practices: timing and ease of tillage; planting and harvesting; choice of crops; and methods of conservation. Under good management they are fair to moderately high in productivity for a fair range of crops.

CLASS 4 SOILS IN THIS CLASS HAVE SEVERE LIMITATIONS THAT RESTRICT THE RANGE OF CROPS OR REQUIRE SPECIAL CONSERVATION PRACTICES, OR BOTH.

The limitations seriously affect one or more of the following practices: timing and ease of tillage; planting and harvesting; choice of crops; and methods of conservation. The soils are low to fair in productivity for a fair range of crops but may have high productivity for a specially adapted crop.

CLASS 5 SOILS IN THIS CLASS HAVE VERY SEVERE LIMITATIONS THAT RESTRICT THEIR CAPABILITY TO PRODUCING PERENNIAL FORAGE CROPS, AND IMPROVEMENT PRACTICES ARE FEASIBLE.

The limitations are so severe that the soils are not capable of use for sustained production of annual field crops. The soils are capable of producing native or tame species of perennial forage plants, and may be improved by use of farm machinery. The improvement practices may include clearing of bush, cultivation, seeding, fertilizing, or water control.

CLASS 6 SOILS IN THIS CLASS ARE CAPABLE ONLY OF PRODUCING PERENNIAL FORAGE CROPS, AND IMPROVEMENT PRACTICES ARE NOT FEASIBLE.

The soils provide some sustained grazing for farm animals, but the limitations are so severe that improvement by use of farm machinery is impractical. The terrain may be unsuitable for use of farm machinery, or the soils may not respond to improvement, or the grazing season may be very short.

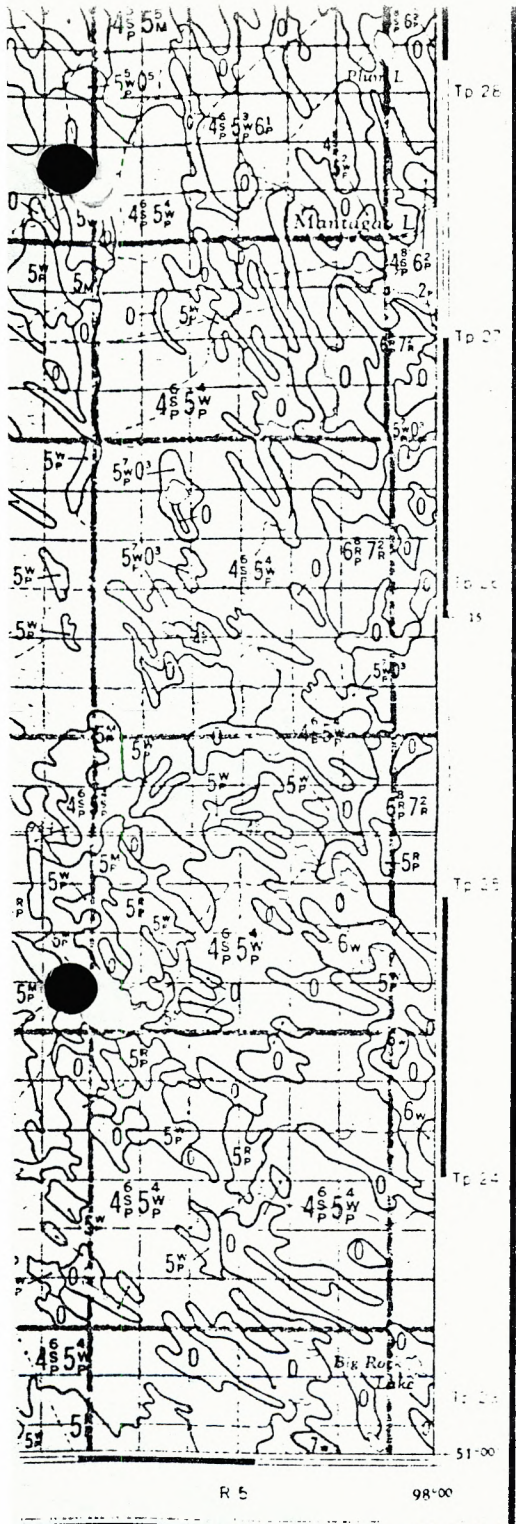
CLASS 7 SOILS IN THIS CLASS HAVE NO CAPABILITY FOR ARABLE CULTURE OR PERMANENT PASTURE.

This class also includes rockland, other non-soil areas, and bodies of water too small to show on the maps.

0 ORGANIC SOILS (Not placed in capability classes)

SUBCLASSES

Excepting Class 1, the classes are divided into subclasses on the basis of



Excepting Class 1 the classes are divided into subclasses on the basis of kinds of limitation. The subclasses are as follows:

- * SUBCLASS C adverse climate—The main limitation is low temperature or low or poor distribution of rainfall during the cropping season, or a combination of these
- * SUBCLASS D undesirable soil structure and/or low permeability—The soils are difficult to till, absorb water slowly or the depth of the rooting zone is restricted.
- SUBCLASS E erosion damage—Past damage from erosion limits agricultural use of the land.
- * SUBCLASS F fertility—Low natural fertility due to lack of available nutrients, high acidity or alkalinity, low exchange capacity, high levels of calcium carbonate or presence of toxic compounds.
- SUBCLASS I inundation—Flooding by streams or lakes limits agricultural use.
- SUBCLASS M moisture—A low moisture holding capacity, caused by adverse inherent soil characteristics, limits crop growth. (Not to be confused with climatic drought)
- SUBCLASS N salinity—The soils are adversely affected by soluble salts
- SUBCLASS P stoniness—Stones interfere with tillage, planting, and harvesting.
- SUBCLASS R shallowness to solid bedrock—Solid bedrock is less than three feet from the surface
- SUBCLASS S soil limitations—A combination of two or more subclasses D, F, M and N
- SUBCLASS T adverse topography—Either steepness or the pattern of slopes limits agricultural use.
- SUBCLASS W excess water—Excess water other than from flooding limits use for agriculture. The excess water may be due to poor drainage, a high water table, seepage or runoff from surrounding areas.
- SUBCLASS X minor cumulative limitations—Soils having a moderate limitation due to the cumulative effect of two or more adverse characteristics which individually would not affect the class rating. (This subclass is always used alone and only one class below the best possible in a climatic sub-region)

CONVENTIONS

Large arabic numerals denote capability classes.
 Small arabic numerals placed after a class numeral give the approximate proportion of the class out of a total of 10. Letters placed after class numerals denote the subclasses, i.e. limitations.

* Denotes class or subclass not present on this map.

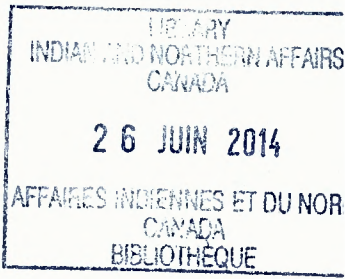
EXAMPLES

An area of Class 4 land with topography and stoniness limitations is shown thus: 4¹_P

An area of Class 2 with topographic limitation, and Class 4 with stoniness limitation, in the proportions of 7:3 is shown thus: 2⁷4³_P

N.B. The color used for a complex area is determined by the first digit of the symbol. Generally the dominant class appears first in a complex symbol. However, in complexes of two arable classes (1-4) and one non arable class (5-7), the arable classes are shown first if they total one half or more of the map unit.

 This pattern is overprinted on the color in complex areas, except those having ratios of 8:2, 8:1, 1 and 9:1.



Research Branch, Canada Department of Agriculture, with the aid of the Department of Regional Economic Expansion, Base map and data by the Manitoba Soil Survey with the support of the Department of Energy, Mines and Resources, Ottawa 1971.

**CLIMATIC SUBREGIONS
 DAUPHIN LAKE 62 O**

Subregion	Limitation
I	None
II	Moderate
III	Moderately severe
IV	Severe
V	Very severe
Ca	Due to acidity
Ch	Due to coldness

