

FILE NO.: SCT-3001-14
DATE: 20181017

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
SHOAL LAKE NO. 40 FIRST NATION)	
)	Kate Gunn, for the Claimant
Claimant)	
)	
– and –)	
)	
ISKATEWIZAAGEGAN NO. 39)	
INDEPENDENT FIRST NATION)	Terence Douglas, for the Claimant
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Lisa Cholosky, for the Respondent
Affairs and Northern Development)	
)	
Respondent)	
)	
)	
)	
)	HEARD: October 15, 2018

ENDORSEMENT

Honourable Paul Mayer

A Case Management Conference (CMC) was held by teleconference on October 15, 2018, at 4:30 P.M., Eastern Time (Ottawa).

[1] In a joint brief filed on October 5, 2018, the Parties indicated that they have made significant progress since the last CMC held on September 5, 2018.

[2] The Respondent confirmed that it now has the necessary mandate to negotiate the entire Claim, including issues surrounding the Manitoba Garden Islands.

[3] The Claimants indicated that they wish to update and rely upon a 2011 expert report that addresses the compensation issues of current unimproved market value and loss of use. They wish to update the report by using present-day as the operative valuation date. Counsel for the Claimant Iskatewizaagegan No. 39 Independent First Nation indicated that it will likely be the same expert that will do the additional work on loss of use.

[4] Both Claimants indicated that they will soon have instructions as to whether they can commit to a joint expert report.

[5] In the joint brief, the Parties also indicated that after the Terms of Reference for the expert report had been finalized, they could decide whether the expert report could be used in a subsequent Tribunal hearing should negotiations fail. This is because the Terms of Reference could include significant compromises that the Parties would only be willing to make for the purposes of negotiations.

[6] The Parties plan to meet monthly by teleconference to finalize the Terms of Reference for the expert report, to work on a negotiation protocol, and to discuss any funding issues. The Parties aim to hold an in-person meeting in November 2018.

[7] The next CMC will be held by teleconference on **January 24, 2019**, at 4:30 P.M., Eastern Time (Ottawa). Prior to that CMC the Parties intend to submit an application for a stay of proceedings based on a work plan for negotiations.

PAUL MAYER

Honourable Paul Mayer