

**Spuzzum First Nation
CNR Right-of-Way through 1.26 acres of Chapman's Bar IR 10 Specific Claim
NEGOTIATION WORK PLAN
April 1, 2021 – March 31, 2022**

SECTION A - APPLICATION INFORMATION

First Nation:	Spuzzum First Nation
Name of Claim:	CNR Right-of-Way through 1.26 acres of Chapman's Bar IR 10
Primary Contact:	Krista Robertson
Address:	422 - 1080 Mainland Street, Vancouver BC
Phone:	604-566-8564
Email	krista@mandellpinder.com

Brief Claim Description:

This claim relates to Canada's breach of fiduciary duty and failure to obtain compensation on behalf of the Spuzzum First Nation for the CNR's taking of a right-of-way for railway purposes. Canada accepted the claim into the Specific Claims negotiation process on February 15, 2019. Spuzzum First Nation executed a BCR on September 01, 2020 agreeing to enter into negotiations with Canada under the Specific Claims Policy, which BCR is still in effect. A 2020-2021 Workplan was signed by Spuzzum on October 29, 2020. On February 16, 2021, Canada offered basic negotiation funding in the amount of \$30,695.

SECTION B – NEGOTIATION TEAMS

First Nation's Negotiation Team:

Name	Position
Chief James Hobart	Lead Negotiator
Councillor Diana Stromquist	Councillor
Councillor Angie Mitchell	Councillor
Krista Robertson	Legal Counsel
Erica Stahl	Assistant Legal Counsel

Canada's Negotiation Team:

Name	Position
Deanna Sitter	Assistant Negotiator, Specific Claims Branch
Neha Munshi	Negotiation Analyst, Specific Claims Branch
Denis Gosselin	Legal Counsel, DOJ

SECTION C – GOALS AND OBJECTIVES

Previous Year:

If loan funding was received for the year prior to the year covered by this submission, fill in this table:

Objective	Status
Negotiate and finalize a negotiation protocol	Complete
Identify approaches to compensation, including loss of use, severance, and injurious affection	Ongoing

Develop joint terms of reference for valuation studies and identification of expert(s)	Ongoing
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Subject Year:

- Approach(es) to compensation to be identified, including loss of use, severance and injurious affection;
- Development of joint terms of reference for valuation studies and identification of expert(s).

SECTION D – ANTICIPATED ACTIVITIES RELATED TO BASIC FUNDING

- *While there is now more flexibility for funding to be reallocated between Basic Funding Costs, the First Nation is to inform the Negotiation Support Directorate as soon as possible of any major changes to the anticipated activities set out in the approved work plan which may affect the budget requirement and payment schedule;*
- *Maximum Basic Funding (for Legal Costs, First Nation Costs, Professional Costs and Other Costs) for a claim is \$200,000 per year*
- *Studies and Reports are not part of Basic Funding;*
- *Ratification Costs are also not part of Basic Funding; and*
- *First Nations should be cautious in assuming large loans in small value claims; the amount of negotiation costs included in a final settlement offer will not exceed the compensation amount except in extraordinary circumstances*

Meetings:

Face to Face Negotiation Meetings: # of meeting 2 # Day per meeting 1 Total # Days 2

- Summer or Fall of 2021, early 2022 (exact dates TBD depending on public health orders and participant schedules)
- 6 participants, one meeting in Vancouver, one in Spuzzum

Negotiation Conference Calls: # of meeting 8 Total # Days 4

- May, June, July, September, October, November 2021; January, March 2022
- 5 participants

First Nation Community Meetings: # of meeting 1 # Day per meeting 1 Total # Days 1

- 1 anticipated this fiscal year

Legal Work:

- Review and/or prepare draft terms of reference for valuation study (35 hours)
- Review and/or prepare research and position documents as required (20 hours);
- Provide legal advice regarding the negotiation process (20 hours);
- Participate in negotiation sessions as warranted; (20 hours);
- Finalize legal agreements (10 hours).

Consultants/Experts/Professional Costs:

- n/a

Other Costs:

Travel and administration costs of the Nation will be included in the detailed budget.

SECTION E – STUDIES AND REPORTS

- Joint Preliminary Valuation Report and Joint Terms of Reference for Expert Studies.

SECTION F – RATIFICATION ACTIVITIES

- n/a

SECTION G - WORK PLAN SUBMISSION

- This work plan is approved by Canada and Spuzzum First Nation.
- Spuzzum First Nation has prepared a budget based on this work plan for consideration of Negotiation Loan Support Funding for the fiscal year.
- The work plan, budget and supporting documentation will be submitted by Spuzzum First Nation to the **Negotiation Support Directorate, Policy Development & Coordination Branch, TAG** at:
 - [aadnc.unitedufinancement-nego-fundingunit-nego.aandc@canada.ca](mailto:aandc.unitedufinancement-nego-fundingunit-nego.aandc@canada.ca)
- It is understood that costs will be assessed against the Specific Claims Negotiation Cost Guidelines and the total maximum annual allocation indicated in the guidelines. Annual amount of funding to a funding recipient will be determined based on a jointly approved work plan(s), availability of loan funding and the funding recipient budget describing the activities, deliverables and reasonable costs to support the negotiation of the claim.
- It is understood that there is no guarantee that the maximum annual allocation will be provided, nor that funding will be provided for all approved activities.
- It is understood that any reporting requirement not submitted in accordance with previous year(s) Loan agreement(s), where applicable, may impact on future loan funding offer and payments.
- It is understood that the Negotiation Support Directorate is not responsible for:
 - any expenditure incurred by the First Nation prior to a Promissory Note and loan funding agreement being signed; and
 - any deficit incurred by the First Nation spending over the amounts identified as eligible expenditures in the signed Loan Agreement for the fiscal year.

APPROVED BY:



**Chief James Hobart,
Spuzzum First Nation**

Date

APPROVED BY:

**Deanna Sitter, Assistant Negotiator,
Specific Claims Branch, CIRNAC**

Date