

Tk'emlúps te Secwepemc Community Information Meeting
February 26, 2025, 4:30pm
Sk'wet'úse7 (Trout Lake) Specific Claim Settlement
Summary

Purpose:

This document provides a summary of information shared by Tk'emlúps te Secwepemc's (TteS') legal counsel at a Community Information Meeting held on February 26, 2025.

Canada and TteS have settled a specific claim under Canada's Specific Claims Policy related to Canada's failure to set aside a reserve for TteS near Sk'wet'úse7, also known as Trout Lake or Lac Le Jeune (the "Specific Claim").

Summary of Specific Claim:

Specific Claims are legal claims against Canada for historically failing to follow the requirements of the *Indian Act* or its fiduciary duty in matters related to reserve land or other assets. Specific Claims typically result in financial compensation only, and cannot be based on issues of aboriginal rights and title.

The Trout Lake Specific Claim relates to approximately 40 acres of land near Sk'wet'úse7 that was identified as "IR6" for TteS for camping and fishing purposes in about 1904 but the Department of the Interior ("DOI") refused to approve the reserve since the lands were within the Long Lake Forest Reserve.¹ Crown officials owed TteS a fiduciary duty of full disclosure and to act with loyalty, good faith in the discharge of their mandate, and ordinary prudence with a view to the best interests of TteS during the reserve creation process. Canada agreed to negotiate a settlement of the Specific Claim in 2022. For the purpose of negotiations, Canada and TteS agreed that Canada breached its fiduciary duty when it failed to:

- adjust the boundaries of the forest reserve to exclude the reserve lands,
- disclose to TteS that DOI had refused to confirm the Trout Lake reserve, and
- compensate TteS for the value of improvements TteS had constructed on the Trout Lake lands and for TteS' cognizable interest in the lands when Canada transferred the lands to BC in 1930.

Summary of Settlement:*Key Terms of the Settlement Agreement*

- Canada pays TteS \$12.2 million.
- TteS releases Canada from any further liability with respect to the Claim.
- TteS and its Members cannot sue Canada with respect to the Claim.
- In some situations, TteS must repay Canada if someone brings a successful lawsuit against Canada about the issues in the Claim.

¹ As the Trout Lake reserve was not approved and permanently set aside, the Hihium Lake reserve is now numbered No. 6.

- The settlement money will be deposited into a TteS bank account rather than into a Band Trust Account managed by Canada.
- How the settlement money will be used will be determined as per TteS's own laws and policies.
- Canada has not provided any advice and will take no responsibility with respect to where the money is deposited or how it is used.
- TteS releases Canada from any further liability with respect to how the settlement money is used.

Components of Compensation

Compensation under the Settlement Agreement includes:

- Current Unimproved Market Value of the parcel: \$415,000
- TteS' lost opportunity to use the reserve lands between 1885 and today: \$845,435
- Value of a cabin and other improvements which TteS had built on the land: \$175,000
- Cost to replace the trout TteS could have caught in Trout Lake had it had the reserve: \$10.6 million
- An amount to cover TteS' costs of negotiating the Claim: \$178,000

These amounts are estimates and include the estimated historic losses and the interest the funds would have earned in TteS' Band Trust Fund account.

Total Settlement: \$12,213,435

How will the funds be used?

TteS Council has directed the TteS Chief Financial Officer to develop, after consultation with TteS members, a plan for how the Compensation will be managed for the benefit of TteS.

Next Steps

TteS will pass final BCRs and sign the Settlement Agreement at an Extraordinary Council Meeting on February 27.

Council has directed that membership will be consulted on how to manage the settlement money.