

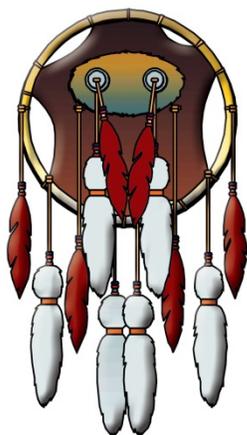
2012 - 2013



Implementation Monitoring Committee

Annual Report

MANITOBA FRAMEWORK AGREEMENT TREATY LAND ENTITLEMENT



2012 – 2013 ANNUAL REPORT
IMPLEMENTATION MONITORING COMMITTEE
1997 MANITOBA FRAMEWORK AGREEMENT ON TREATY LAND ENTITLEMENT

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EXECUTIVE SUMMARY 2012-2013

On behalf of the Implementation Monitoring Committee (IMC), the IMC Chairperson provides an Annual Report to the Parties of the 1997 Manitoba Framework Agreement on Treaty Land Entitlement (MFA) represented by the President of the Treaty Land Entitlement Committee of Manitoba Inc., the Minister of Aboriginal Affairs and Northern Development Canada and the Minister of Aboriginal and Northern Affairs for Manitoba in accordance with MFA p.34.09 (10) (b).

This Annual Report covers the fiscal year 2012/2013 which ended March 31, 2013 for the six month period that an IMC Chairperson was in office. The former IMC Chairperson's term extended from April 1 to June 30, 2012 and the current Chairperson's appointment commenced on January 1, 2013 for a two-year term to expire on December 31, 2014. The IMC was without a quorum as defined by the MFA one half of the fiscal period. However, certain Implementation Monitoring Committee (IMC) Work Plan 2012/2013 activities were addressed related to the IMC Referrals including a meeting of the Senior Advisory Committee on Crown Reservations–Portages, meetings of the IMC representatives on a draft Hydro Easement Agreement and internal reviews of a Draft Referral Protocol on a Selection of Land within a Provincial Park.

This is a summary on the progress in implementing the MFA and Treaty Entitlement Agreements (TEAs), the issues or matters in dispute that have been brought to the IMC by the Parties of the MFA, the "Referrals", resolved or outstanding during 2012/2013, areas for improvement that have been identified and the steps being taken to build on opportunities for improvement. The IMC is generally responsible for facilitating the implementation of the MFA and providing the SAC with recommendations for the improvement of the implementation of the MFA and any TEA. The IMC is responsible for an annual Work Plan that is jointly developed by the Parties, and the findings of the IMC in relation to its work plan activities lead to recommendations.

In sixteen years of MFA implementation, the Parties have set apart a total of 462,727.16 acres of land for Reserve comprised of 123 separate Selections and 23 Acquisitions which represents 48% of the total land amount committed to the 15 EFNs with signed TEAs. Only one parcel of land totalling 112.0 acres was set apart as Reserve in 2012/2013. More lands were identified by the Three Party Strategic Planning in its Treaty Land Entitlement (TLE) Annual Plan to be set apart as reserve under "Schedule A" totalling 8,346.28 acres of lands. However, the primary reason these lands were not set apart as Reserve according to Canada, is the Crown obligation on the duty to consult with Aboriginal groups had not been addressed by either the provincial or federal government. Canada advised there will not be any requests made for the transfer of any more Crown Land from Manitoba until a process to address the duty to consult obligation has been agreed to and implemented. Previous year Annual Reports identify the land parcels remaining to be transferred are generally smaller and often the most complex Selections or Acquisitions confirmed by the EFNs. The duty to consult before TLE lands can be set apart as Reserve requires priority attention by the Parties to finding solutions in accordance with the MFA and the common law that facilitates implementation of the MFA mutual obligations and to any TEA.

The 9 IMC Referrals remain unresolved at the end of the fiscal year, with one added in 2012/2013. Two Referrals from 2007 Hydro Easements (66,000 acres) and Crown Reservations – Portages (31,000 acres) affect the transfer of 97,000 acres of Selections. The Crown Reservations – Portages Referral did not achieve consensus at the SAC in July 2012 and was referred back to the IMC and the IMC by consensus proceeded to binding arbitration in accordance with the MFA 35.04 on March 22, 2013, confirmed by letters of the Parties. An IMC meeting was scheduled to address the next steps to proceeding to binding arbitration including a Reference for an Adjudicator, the selection and confirmation of an Adjudicator and identifying a budget, carried forward to the next fiscal year.

In 2012/2013, Canada issued new survey contracts for 17 parcels totalling 9,923.80 acres. These parcels were anticipated to be set apart as reserve by March 31, 2014, but 6 were later anticipated to be set apart as reserve by March 31, 2015. Some of the annual survey funds in a given fiscal year are for multi-year contracts. Once the surveyed parcels on Schedules A and B of the TLE Annual Plan have been set apart, (2012/2013 TLE Annual Plan projected 18 parcels totalling approximately 24,280 acres were to be set apart by March 31, 2013), and 50 parcels totalling approximately 43,900 acres are targeted to be set apart by March 31, 2014). The availability of parcels without significant outstanding issues such as complex third party interests, portages or hydro easements, the ability to resolve the third party interests and related costs, capacity of qualified survey contractors, each have an impact on the pace of transfer of lands to Reserve. These factors were identified to limit the land being surveyed to approximately 10,000 acres per year thereafter in the 2011/2012 Annual Report, also notes that the number of years required to implement the MFA for the existing 15 EFNs with TEAs will take between 17 and 30 years.

The six of the 21 Entitlement First Nations (EFNs) that have not signed a TEA under the MFA are; Shamattawa First Nation, Fox Lake Cree Nation, Sayisi Dene First Nation, York Factory First Nation, Marcel Colomb First Nation, and O-Pipon-Na-Piwin Cree Nation. One EFN is anticipated to sign their TEA early in the next fiscal year.

The IMC is pleased to offer the following recommendations to improve and facilitate the implementation of the MFA:

- 1.0 Duty to Consult:** Canada advised the IMC and the EFNs that the primary reason that more lands were not set apart as reserve in 2012-2013 is that Crown obligations on the duty to consult with Aboriginal groups had not been met. Also, Canada noted that it will not be requesting the transfer of any Crown lands from Manitoba until the duty to consult process has been agreed and implemented. It is recommended the Parties and the EFNs address this as a priority issue or matter to be resolved as it is a critical component of the implementation of the MFA and TEA obligations.
- 2.0 Issue/Matter in Dispute Referral Management by IMC:** During 2012-2013 there were 9 Referrals with one added by Canada/Manitoba on Acquisition Time Frames for the six "Schedule B" EFNs. Several referrals have been inactive for years without new information or progress towards resolution. One referral advanced to SAC was referred back to the IMC and the IMC by consensus determined a referral to binding arbitration, confirmed by letters of the Parties. It is recommended the Referrals be reviewed through the 2013-2014 IMC Work Plan for a determination on moving the referrals forward in accordance with the provisions of the MFA.
- 3.0 Crown Reservation – Portages, Binding Arbitration:** IMC is taking steps in accordance with the MFA on the selection of an Adjudicator and the reference in accordance with the MFA setting out in writing, a) the question or questions for the Adjudicator to determine; and b) any other terms of reference to define the jurisdiction of the Adjudicator. It is recommended that this process be facilitated expeditiously and budgeted accordingly to complete within the fiscal year.
- 4.0 Hydro Easement:** The Hydro Easement issue and matter in dispute affects the progress of the greatest number of parcels and acreage. It is recommended the Parties and Manitoba Hydro continue discussion by way of a table process to address the draft Hydro Easement Agreement proposed by Brokenhead Ojibway Nation and confirm an agreement on a resolution process.
- 5.0 Strategic Planning:** The Three Party Strategic Planning achieved its second TLE Annual Plan this year that provides a solid measure for MFA implementation. Canada has taken the lead in the first two years and request one of the other Parties take a lead. It is recommended the Strategic Planning and Annual Plan continue with the Parties finding a solution to work load sharing, and that the Parties target April for the release of each fiscal year's Annual Plan.
- 6.0 Third Party Interests:** There continues to be a low rate of resolution of Third Party Interests and encumbrances. It is recommended the Parties and EFNs affected are provided with a minimum of two special sessions for the development of a strategy to address the low rate of resolution of TPIs and encumbrances; and that this strategy include an examination of the methods available to resolve particular TPIs and to attain consensus amongst stakeholders on the most appropriate course of action.
- 7.0 Acquisition Rates and Time Periods:** The Parties and EFNs acknowledge the acquisition of the "Schedule B" EFNs confirming the balance of their "Other Land" within their 15 year land acquisition period(s) set out in the MFA will not be met. The EFNs have each requested extensions and submitted their plans to the IMC for response. Canada has advised that although the MFA principles will no longer apply after that period, the EFNs still hold the entitlement to acquire their "Other Land" amount. It is recommended that the MFA Parties consider flexibilities to the MFA provisions, as the Parties have informally extended the application of the principles beyond the expiry of the Selection time periods (and extensions).
- 8.0 Survey Capacity Limitations:** The remaining Selections are an average size of approximately 1,070 acres. With a similar size survey budget, it is projected that an average of approximately 17 parcels or an average of 10,000 acres can be surveyed annually moving forward. At this pace, implementation of the MFA for the 15 EFNs with TEAs, (was projected in the 2011-2012 Annual Report), to take between 17 and 30 years, and to require a survey budget of \$30 to \$50 million. Additional time and resources will be required to survey the land Selections of the six currently unsigned EFNs as well as the acquired parcels. In addition, the Parties will require staff to complete their MFA responsibilities for this same projected period of time. It is recommended that the Parties review the survey capacity situation and its affect on the pace of MFA implementation, and make a determination this next fiscal year on how this can be remedied.

1.0 INTRODUCTION

1.1 MANITOBA FRAMEWORK AGREEMENT ON TREATY LAND ENTITLEMENT (MFA)

Sixteen years has passed since the Treaty Land Entitlement Committee of Manitoba, Inc. (“TLEC”), the organization representing 19 First Nations in Manitoba with entitlement to land under Treaties 1, 3, 4, 5, 6 and 10, signed the May 29, 1997 *Manitoba Framework Agreement on Treaty Land Entitlement* (“MFA”), an agreement with Canada and Manitoba to secure outstanding Reserve land owed under Treaties with the Crown/Canada.

All of the 19 First Nations initially comprising the membership of the TLEC were entitled to individually choose to accept the terms of the MFA and, if so, enter into a specific Treaty Entitlement Agreement (“TEA”) with Canada and Manitoba. After the MFA was signed, a portion of the membership of two of the original 19 First Nations were independently recognized as two additional First Nations, with the result that there are now 21 First Nations entitled to sign TEAs under the MFA located throughout Manitoba¹. A map illustrating the geographical location of the Entitlement First Nations (EFNs) eligible to enter into TEAs under the MFA is in the appendices. (See **Appendix A**)

Under the terms of the MFA, the combined 19 (now 21) Entitlement First Nations secured entitlement to an additional 1,100,626 acres (approximately 1,720 square miles) of Reserve land. Circumstances encountered during the negotiations led to the distinction between the “selection” of Crown land as anticipated by the Treaties, and the purchase or “acquisition” of private land on the open market as set out in the following **Chart 1**. Although all of the First Nations secured entitlement to select Crown Land, six of the First Nations were also provided funds to purchase a portion of the Treaty Land Entitlement (TLE) on the open market due to the lack of sufficient Crown Land of suitable quality being available in the vicinity of their existing Reserves. Accordingly, if all 21 First Nations entered into agreements, the 21 EFNs would collectively be entitled to select a total of 985,949 acres of provincial Crown Land for Reserve. In addition, six of those First Nations - the Brokenhead Ojibway Nation, Buffalo Point First Nation, Opaskwayak Cree Nation, Rolling River First Nation, Sapotaweyak Cree Nation, and Wuskwi Sipiik First Nation are entitled to purchase or otherwise acquire the balance of 114,677 acres of land for Reserve.

As of March 31, 2013, 15 of the 21 First Nations have entered into a TEA. For various reasons, the six EFNs that have not entered into TEAs to date are; Shamattawa First Nation, Fox Lake Cree Nation, Sayisi Dene First Nation, York Factory First Nation, Marcel Colomb First Nation, and O-Pipon-Na-Piwin Cree Nation. The First Nations that have not signed TEAs continue to have outstanding TLE rights. Canada, TLEC, and Manitoba remain prepared to enter into Treaty Entitlement Agreements with these six First Nations. The O-Pipon-Na-Piwin Cree Nation has completed the Community Approval Process required by the MFA and the Marcel Colomb First Nation has completed all activities to support the signing of their TEA that is anticipated to be signed in the next fiscal year.

This Annual Report pertains to the fiscal year 2012/2013 which ended March 31, 2013, covering the six-month period that an IMC Chairperson was in office from April 31 to June 30, 2012 and January 31 to March 31, 2013. The former IMC Chairperson's appointment extended to June 30, 2012, and on January 1, 2013 the current Chairperson was appointed for a two year term to expire on December 31, 2014. The IMC was without a quorum as defined by the MFA one half of the fiscal period. However, certain Implementation Monitoring Committee (IMC) Work Plan 2012/2013 activities were addressed related to the IMC Referrals including a meeting of the Senior Advisory Committee (SAC) on Crown Reservations–Portages in July 2012, a meeting of the IMC representatives with Manitoba Hydro on a draft Hydro Easement Agreement in October 2012 and internal reviews of a Draft Referral Protocol on a Selection of Land within a Provincial Park circulated by the IMC Chairperson to the IMC and the EFN on June 29, 2012 for a written review and response.

The 2012-2013 IMC Annual Report is an update to activities on the IMC Work Plan 2012-2013 and utilizes certain Chart formats of previous Annual Reports for reference or to reflect progress in the current fiscal year. The previous IMC Annual Reports are available on the website at www.tleimc.ca.

¹ Canada declared divisions of the Mathias Colomb Cree Nation and Nisichawayasihk Cree Nation after the MFA settlement, accordingly, adding the Marcel Colomb First Nation (as of March 30, 1999) and the O-Pipon-Na-Piwin Cree Nation (as of November 25, 2005) to the list of MFA Entitlement First Nations. As of March 31, 2013, these two “new” First Nations had not executed TEAs under the MFA.

Chart 1: Dates of Treaty Entitlement Agreements and Amount of Crown Land and Other Land for Entitlement First Nations under the Manitoba Framework Agreement

Entitlement First Nations	Treaty Number	Date Treaty Entitlement Agreement (TEA) Signed	Crown Land (Acres)	Crown Land Set Apart	Other Land (Acres)	Other Land Set Apart	Total (Acres)
BARREN LANDS FIRST NATION	10	June 23, 1999	66,420	0	-	-	66,420
BROKENHEAD OJIBWAY NATION	1	September 9, 1998	4,344	672.00	10,137	7.46	14,481
BUFFALO POINT FIRST NATION	3	March 24, 1998	3,432	2,369.70	607	0	4,039
BUNIBONIBEE CREE NATION	5	February 17, 1999	35,434	31,342.34	-	-	35,434
FOX LAKE CREE NATION	5	Unsigned	26,391	-	-	-	26,391
GOD'S LAKE FIRST NATION	5	May 28, 1999	42,600	16,189.75	-	-	42,600
MANTO SIPI CREE NATION	5	May 19, 1999	8,725	4,284.00	-	-	8,725
MARCEL COLOMB FIRST NATION	6	Unsigned	17,007	-	-	-	17,007
MATHIAS COLOMB CREE NATION	6	October 1, 2003	217,364	172,538.49	-	-	217,364
NISICHAWAYASIIK CREE NATION	5	September 1, 1998**	61,761	33,816.01	-	-	61,761
NORTHLANDS FIRST NATION	10	November 9, 1999	94,084	4,134.00	-	-	94,084
NORWAY HOUSE CREE NATION	5	November 12, 1998	104,784	42,045.60	-	-	104,784
OPASKWAYAK CREE NATION	5	January 22, 1999	47,658	24,375.30	8,410	0	56,068
O-PIPON-NA-PIWIN CREE NATION	5	Unsigned	17,674	-	-	-	17,674
ROLLING RIVER FIRST NATION	4	March 6, 1998	2,356	2,350.70	44,756	3,117.85	47,112
SAPOTAWEYAK CREE NATION	4	September 1, 1998	108,134	99,701.73	36,045	0	144,179
SAYISI DENE FIRST NATION	5	Unsigned	22,372	-	-	-	22,372
SHAMATTAWA FIRST NATION	5	Unsigned	24,912	-	-	-	24,912
WAR LAKE FIRST NATION	5	May 28, 1999	7,156	480.40	-	-	7,156
WUSKWI SIPIHK CREE NATION	4	June 9, 1998	44,168	25,189.83	14,722	0	58,890
YORK FACTORY FIRST NATION	5	Unsigned	29,173	-	-	-	29,173
TOTAL			985,949	459,489.85	114,677	3,125.31	1,100,626

** The effective date of the NCN TEA is an issue that has been referred to IMC by NCN. File: 1999-NCN-003

After 16 years of implementation, the Parties to the MFA have transferred 462,727.16 acres of land as Reserve. This total is comprised of 123 separate selections and 23 separate acquisitions of land, representing approximately 48% of the overall Treaty Land Entitlement of the 15 EFNs that have signed their respective TEAs. A total amount

of 112.0 acres of land (comprised of 1 selection) were set apart as Reserve during the 2012/2013 fiscal year. The following **Chart 2** illustrates the acreage and number of parcels of land set apart as reserve annually since the signing of the MFA on May 29, 1997.

Chart 2: Acreage and Parcels Set Apart as Reserve Pursuant to the MFA between 1997 and March 31, 2013

DATES	SELECTIONS		ACQUISITIONS		TOTAL	
	Acres	Parcels	Acres	parcels	Acres	Parcels
May 29, 1997 – March 31, 1998	0	0	0	0	0	0
April 1, 1998 – March 31, 1999	0	0	0	0	0	0
April 1, 1999 – March 31, 2000	1,275.18	2	0	0	1,275.18	2
April 1, 2000 – March 31, 2001	0	0	0	0	0	0
April 1, 2001 – March 31, 2002	0	0	0	0	0	0
April 1, 2002 – March 31, 2003	0	0	0	0	0	0
April 1, 2003 – March 31, 2004	4,894.75	2	0	0	4,894.75	2
April 1, 2004 – March 31, 2005	7,040.30	9	0	0	7,040.30	9
April 1, 2005 – March 31, 2006	9,333.55	11	0	0	9,333.55	11
April 1, 2006 – March 31, 2007	24,362.48	13	158.14	1	24,520.62	14
April 1, 2007 – March 31, 2008	140,465.95	25	0	0	140,465.95	25
April 1, 2008 – March 31, 2009	123,874.29	29	2,571.39	19	126,445.68	48
April 1, 2009 - March 31, 2010	38,757.65	17	0	0	38,757.65	17
April 1, 2010 - March 31, 2011	100,604.70	13	0	0	100,604.70	13
April 1, 2011 – March 31, 2012	8,881.0	1	395.78	3	9,276.78	4
April 1, 2012 – March 31, 2013	112.0	1	0	0	112.0	1
TOTAL	459,601.85	123	3,125.31	23	462,727.16	146

It is important to re-emphasize that during the MFA negotiations, Canada had estimated that the average period of time from the date of Selection or Acquisition of a parcel of land to the date the land was set apart as Reserve was on average, 2.97 years. It is noted in the 2011/2012 Annual Report that this estimated time period has, among other things, been impacted by the volume of TLE settlements and parcels of land going through the process of Reserve creation in Manitoba. Volume affects the rate of processing and staff complements do not proportionately increase with each additional Settlement Agreement. (E.g. There were no additions to Manitoba and Canada staff levels when the Peguis First Nation TLE Settlement Agreement was signed in 2006.) The former IMC Chairperson's review on the approximate time required to process a parcel from the date confirmation is received to the date it is set apart as reserve concluded that on average, Acquisitions have taken approximately 9 years and Selections have taken approximately 7.4 years. All Parties have acknowledged that as the majority of land selections were confirmed shortly after a TEA was executed by an EFN with Manitoba, Canada, and the TLEC, the average time period required to set the Selections apart as reserve has lengthened. It needs to be recognized that the number of parcels with unresolved Third Party interests is greater since a lot of the unencumbered or "clear" parcels have been set apart as Reserve.

The MFA provides detailed guidelines in the form of Principles for Land Selection and Acquisition to provide direction for the First Nations with respect to Crown Land Selection and Acquisition of private land. The MFA Parties agreed that land selected or acquired in accordance with the Principles would be eligible to be set apart as Reserve provided the requirements of the MFA were satisfied. If issues or matters in dispute arise, the MFA provides for a detailed process and a structure for resolution, guidelines for means and methods and suggested timelines and procedures, and the Implementation Monitoring Committee ("IMC").

The IMC is generally responsible for facilitating the implementation of the MFA and providing the SAC with recommendations for the improvement of the implementation of the MFA and any TEA. The IMC is responsible for an annual Work Plan that is jointly developed by the Parties, and the findings of the IMC in relation to its work plan activities lead to recommendations.

This Annual Report is a summary on the progress in implementing the MFA and Treaty Entitlement Agreements (TEAs), the issues or matters in dispute that have been brought to the IMC by the Parties or the First Nations, the 'Referrals', resolved or outstanding during 2012-2013; to inform the Parties and EFNs, of the issues faced by the Parties and EFNs during the past fiscal year, the areas for improvement that have been identified, and the steps being taken to build on opportunities for improvement to achieving the Work Plan target results under the three parts of the IMC Work Plan 2012-2013. **(Appendix B)**

1.2 IMC STRUCTURE AND WORK PLAN FOR 2012 - 2013

Under the terms of the MFA, the IMC is comprised of five members, two representatives appointed by the TLEC, one representative appointed by each of Canada and Manitoba and an independent Chairperson. The Chairperson is appointed by the consensus of the President of the TLEC (First Nations), the Deputy Minister of Aboriginal and Northern Affairs (Manitoba) and the Regional Director General of the Manitoba Regional Office of Aboriginal Affairs and Northern Development Canada (Canada).

In this fiscal year, the Chairperson, IMC Representatives and Alternate Representatives are as follows:

Irene Linklater	Independent Chairperson (Commenced January 1, 2013) <i>(Lloyd Grahame from May 1, 2010 to April 30, 2012 and extended May 1, 2012 to June 30, 2012)</i>
Merrell-Ann Phare	TLEC representative
Councillor Paul Chief	TLEC representative
Chris Henderson	TLEC alternate representative
Cynthia Beadle	Manitoba representative
George Ryle	Manitoba alternate representative
Winona Embuldeniya	Canada representative
Diana Watson	Canada alternate representative

Section 31 of the MFA provides that the Parties, TLEC, Canada and Manitoba agree that they will, in good faith use their best efforts to fulfil the terms of the MFA, and that includes their assignment of appropriate personnel to discharge the IMC obligations under the MFA and all undertakings and work supplemental to the IMC. Section 32 of the MFA provides that each EFN that executes a TEA will have the responsibility for the Selection and Acquisition pursuant to their TEAs using their best efforts in its implementation.

Each Annual IMC Work Plan is jointly developed by the MFA Parties representatives of the IMC and assigns the lead role for an activity to either a representative of a Party appointed to sit on the IMC, or the Chairperson. The Work Plan describes the issues or tasks, the actions required and targeted results, with agreed upon dates.

Part 1.0 of the IMC Work Plan addresses the resolution of the issues/matters in dispute (I/M) that have been referred to IMC, and were determined to be the priority activities of the IMC.

Part 2.0 of the IMC Work Plan addresses topics that are to be monitored by the IMC but remain the responsibility of the Parties. The IMC is to monitor; TLE Strategic Planning, Third Party Interest resolution, EFN Priority Parcels, the Land Transfer Process, Hydro Easement Process, Information Management, Crown Land Selections, Acquisition Rates, Outstanding TEAs, and Other Specific Issues as they arise.

Part 3.0 of the IMC Work Plan addresses IMC reporting requirements.

IMC ROLE AND RESPONSIBILITY:

The IMC is responsible to facilitate the implementation of the MFA, by among other things;

- monitoring of the progress in implementation;
- making recommendations to the Parties for the resolution of an issue or matter in dispute relating to the implementation of the MFA or any TEA referred to it by any Party or EFN; and
- considering the appropriate method of resolution of an issue or matter in dispute; and

Under the general direction of the independent Chairperson:

- maintaining and distributing a record of decisions, awards and other pertinent information;
- determining the sufficiency of information provided to the IMC in relation to implementation;

- if necessary, requesting that appropriate steps be taken to provide information as may be deemed appropriate related to implementation;
- in relation to the resolution of issues or matters in dispute, proposing time periods for responding to referrals, directing the completion of reports, identifying strengths and weaknesses of proposed solutions; directing IMC members to assist in resolving issues or matters in dispute and proposing solutions;
- retaining technical, special or legal advisors to provide advice, guidance and opinions to assist in the proper discharge of the duties of the IMC, in dealing with implementation matters or handling of issues or matters in dispute, with or without the agreement of the IMC;
- recording the means of resolution or inability of the IMC to determine a means of resolution of an issue or matter in dispute referred to the IMC;

Referring any matter the IMC cannot resolve by consensus to the Senior Advisory Committee along with a statement of the issue, means recommended for resolution by the Chairperson, summary of directions given and response of each IMC Party to the recommendation; and preparing and tabling annual and other special reports to the Parties on the overall state of implementation, including a summary of issues addressed and resolved and recommendations for improvement of any aspect of the MFA implementation process.

2.0 PROGRESS ON THE 2012-2013 IMC WORK PLAN

The IMC is generally responsible for facilitating implementation of the MFA and any TEA that includes monitoring the progress of the Parties and the EFNs with implementation, and making recommendations to facilitate implementation, and assisting the Parties with the resolution of any matters or issues in dispute under the MFA.

The Work Plan represents the IMC's agreed scope of activities in the 2012-2013 fiscal year, but it does not replace nor is it intended to alter the terms of neither the MFA nor any of the obligations of the Parties or the IMC set out in the MFA. This section of the Annual Report is formatted to generally follow the IMC's 2012-2013 Work Plan.

PART 1.0 IMC WORK PLAN: RESOLVING OR REFERRING DISPUTES

The IMC provides for management of Referrals of Issues or Matters in dispute received to the IMC. The IMC prioritized Referral resolution in its 2012-2013 Work Plan. With respect to the unresolved issues/matters (I/M) in dispute referred to the IMC, the IMC process follows a structured submission approach. In accordance with the I/M Referral Protocol, once the representatives role in the I/M is detailed and each Party/EFN's views and opinions are reflected accurately and comprehensively, the IMC goal is to resolve the I/M by consensus.

Depending on if the I/M is broad based in nature or specific to an individual parcel of land, and the nature of the views and opinions submitted by the Parties, the Chairperson may recommend that: (i) a discussion paper be developed to analyze the situation and clarify linkages to the MFA provisions, or (ii) a Focus Group meeting(s) be convened to discuss the matter in detail, clarify misunderstandings if any, and arrive at a consensus.

If the IMC discussions of the Chairperson's summary document, and/or discussion paper and/or Focus Group discussions do not result in a consensus; the Chairperson may update his/her summary document, based on the IMC and Focus Group discussions, and add two additional sections, (i) The Proposed Interpretation of the MFA by the Chairperson, and (ii) Chairperson's Proposed Resolution as per MFA Paragraph 34.09(5)(e), and circulate this updated summary document to the IMC with a time frame for comments.

If the updated Chairperson's summary document does not result in a consensus, the Chairperson's summary document serves as the information required pursuant to MFA 34.09(7)&(9) for a referral of the I/M to the Senior Advisory Committee (SAC). (i.e. the I/M summary, any means recommended by the Chairperson for resolving the I/M, any direction to the members to consider the recommendation within a specified time period, any response of the IMC members provided to a recommendation of the Chairperson, and the Chairperson's recommendation on the proposed time period within which the SAC should attempt to resolve the I/M.)

The current status of the nine IMC Referral Files and lead responsibilities are presented as listed in the 2012-2013 IMC Work Plan and summarized on the following **Chart 3**. (See the Work Plan 2012-2013 at **Appendix B**)

At the March 17, 2011 IMC meeting consensus was confirmed that advancing resolution of the Referrals in accordance with the provisions of the MFA should be IMC's primary responsibility and continued into 2012-2013. The IMC also confirmed that while IMC representatives would continue to use their best efforts to reach resolution of Referrals by consensus; in cases where consensus is not forthcoming the Referral must be advanced to SAC, and if necessary through the progressive Methods of Dispute Resolution described in the MFA section 35.02. One Referral File # (2007-TLEC-005 Crown Reservations - Portages) was agreed by consensus to be advanced to SAC at the IMC Meeting of February 8, 2012 with the Referral Protocol completed and circulated to the Parties and the EFN affected on June 29, 2012; and at the January 31, 2013 IMC meeting a second Referral, File # (1999-NCN-001 Effective Date of TEA) was advanced to SAC, and the Referral Protocol is in development at year end.

There are seven other Referral files currently before the IMC. The IMC Referral File # (2004-BLFN-002) Land in Severalty Referral had been referred to binding arbitration and awaiting information from the Barren Land First Nation Chief and Council (BLFN) who have advised that the resolution of the Reindeer Lake regulation matter continues to remain a priority. This affects 36,800 acres of BLFN selections. Two referrals filed by Manitoba in response to allegations of material failure are also to have been forwarded to binding arbitration in accordance with the MFA provisions. (These two affect 1,511 acres and 947 acres respectively.) A fourth referral is parcel specific and affects 116.4 acres, (Birch Point Park) and a fifth is related to the effective date of a TEA and not affecting any land transfers. Two of the seven referrals, the Hydro Easement referral and the Crown Reservations – Portage referral were both filed in 2007 together affect selections totalling approximately 97,000 acres. With respect to IMC Referral File # (2003-BON-001), the EFN removed itself as a party to the Notice of Application to the Federal Court and judicial review, and at the IMC meeting of June 21, 2012 at the request of the BON legal counsel letter, the IMC placed in the Referral in abeyance and remained as a Referral in the IMC Work Plan 2012-2013 to await information from the BON.

Chart 3: March 31, 2013 Status of IMC Referrals

REFERRAL FILE	SHORT TITLE	ACRES AFFECTED	STATUS	RESPONSIBILITY FOR NEXT STEP
2007-TLEC-002	Hydro Easement (H/E)	65,800	Parties began discussion July/2012, met on Oct.19/12 with TLEC co-presenting an alternate draft H/E Agreement proposed by BON, 4 affected First Nations attended, and Manitoba Hydro observed. BON initiated alternate 3-Party (BON, MB, CDA) discussion process and 3 Parties met March 1/13 on draft H/E Agreement. No process commitment has been made.	IMC
2004-BLFN-002	Material Failure re Land in Severalty (LIS)	230 members x 160 acres = 36,800	Referred to Binding Arbitration in 2005. Arbitration pending since 2006. BLFN advised TLEC in January 2013, Chief & Council addressing other priorities. IMC Referral to proceed pursuant to MFA 36.01(5)	Chairperson
2006-Manitoba-005	Material Failure re Portages	Trout Falls = 620 acres Wapanipanis Portage = 327	Referred to Binding Arbitration in 2006. BCN advised IMC it awaits outcome of 2007-TLEC-005 which may address the issue at the heart of their material failure allegation. IMC's request for information from BCN on Sept. 1/10 is outstanding. IMC referral to proceed pursuant to MFA 36.01(5)	Chairperson
2007-TLEC-005	Crown Reservations Portages	TF=620 WP=327 Total = 947	Referral Protocol referred to SAC on Feb. 8/12. SAC met March 22/12 and July 20/12 without reaching consensus, and sent referral back to IMC. On March 22/13 IMC reached consensus referred to Binding Arbitration. Process confirmed by letters of the Parties. IMC Referral to proceed MFA 35.04	IMC Chairperson
1999-BPFN-001	Selections in Provincial Park	116.4	Chairperson completed Referral Protocol on June 29/12 and circulation to Parties (and BPFN) review. Pending review responses of Parties and BPFN.	Chairperson IMC BPFN
1999-NCN-003	TEA Effective Date	0	IMC Referred to SAC on January 31, 2013 pursuant to MFA 39.04(8). Chairperson to finalize Draft Referral Protocol and submit to SAC review and decision by IMC pursuant to MFA 34.09(5)-(9) and copy NCN. No further information from NCN.	Chairperson NCN

2003-BON-001	Surplus Federal Land - Kapyong	160	BON reactivated referral on September 8/12. Chairperson's Sept.9/12 request for facts and documents from representatives of Manitoba and Canada are outstanding. Canada interprets BON abandoned the IMC process as the core of the issue is still before the courts even though BON is no longer part of the court action. At BON request June 2012 placed into abeyance. If no consensus to refer to SAC pursuant to MFA 34.09(8)	IMC BON Chairperson
2006-Manitoba-001	Material Failure re Knee Lake Lodge	1,511	MFA directs Chairperson to refer matter to Binding arbitration. Chairperson's request to BCN to provide IMC with information on BCN intentions on binding Arbitration made Aug. 8/11 and Mar. 30/13 are outstanding. Proceed with referral to MFA 38.01 (5)	IMC Chairperson BCN
2012-Canada/Manitoba-001	Acquisition Time Periods	114,677	Chairperson Jan. 28/11 letter to the 6 Schedule "B" EFNs requested their plan for Acquisition of Minimum Entitlement Acres to Other Land amounts MFA 4.02(4). EFNs responses during 2011/12 and 2012/13 request extensions up to 20 yrs. IMC interpreting IMC provisions.	IMC

During 2012-2013, there were 9 Referrals of issues/matters in dispute before the IMC, with one added in June 2012 2012 as IMC Referral # (2012-Canada/Manitoba-001) Acquisition Time Periods, to address the issue of EFNs entitled to "Schedule B" lands that will not have acquired their Other Land amount within the time frames set out in the MFA section 4.01 (b) that affects 114,677 acres. By year end none of the Referrals had been resolved, although as listed in the Chart summary there was progress made in the six month period this fiscal year.

The IMC Work Plan – Part 1.0 sets out the Parties Responsibilities to Resolving or Referring Disputes: (Please refer to **Appendix B** for the of the Referral File Number, Dispute-Main Issues; Required Action by IMC; IMC Lead, Target Date; and Target Results by March 31, 2013). The progress in 2012-2013 is summarized.

For further information please refer to the Annual Report 2011-2012 that provides Referral background details.

1.1 **REFERRAL #2007-TLEC-002: HYDRO EASEMENTS**

Referral Date: August 27, 2007.

Issue or Matter in Dispute (I/M): In its referral TLEC asserted that Manitoba is not entitled to retain partial constitutional jurisdiction that the Crown asserts is required to support an easement required by Manitoba Hydro; and secondly that the Hydro Easement should set out a resolution process whereby the EFNs can address alleged impacts on the EFN's existing aboriginal and Treaty rights, as well as any potential claim to compensation in respect of the easement area.

TLEC's letter of January 13, 2012 submitted its findings and recommendations on the main concerns of the EFNs with both the Hydro Easement document and the easement line determination process and proposed an alternate form of Hydro Easement document.

PROGRESS DURING 2012-2013: Manitoba and Canada agreed to reply to the Chairperson's letter of January 24, 2012 to confirming if they are willing to meet with TLEC to discuss the concepts and ideas proposed in TLEC's letter of January 13, 2012, to comment on if each feels legal counsel should be in attendance, by March 31, 2012. Manitoba and Canada are requested to confirm in writing that they are in agreement with the 2007 version of the Hydro Easement document that was being discussed immediately before TLEC filed its referral on this matter. Canada confirmed its agreement by letter of April 25, 2012 and Manitoba confirmed its agreement by letter of May 22, 2012. A meeting between TLEC and Canada was held on July 11, 2012 for the purpose of re-engaging in discussions on this Referral and an alternate Hydro Easement power point presentation provided by TLEC and the Brokenhead Ojibway Nation (BON).

On October 19, 2012 the TLEC hosted a round table discussion with Canada and Manitoba on Hydro Easements with the five First Nations with Selections affected by developed waterways, with Manitoba Hydro attending as an observer. The TLEC under letter of October 19, 2012 to Manitoba provided a copy of the alternate draft H/E agreement to respond to the Work Plan 2012-2013. At this meeting the TLEC and BON

co-presented the alternate Draft Hydro Easement Agreement and a copy of the BON Band Council Resolution of October 22, 2012 affirming BON's acceptance of the draft Hydro Easement Agreement. In addition TLEC proposed that comments be received and the Parties reconvene in 45 days on the proposed draft H/E Agreement. Manitoba provided a letter to TLEC on October 29, 2012 indicating its remained open to discussing an agreed form of Hydro Easement with TLEC, affected First Nations and Canada and Manitoba Hydro through a Round Table process. On March 1, 2013 the TLEC hosted a general meeting of the IMC Parties to discuss Manitoba's and Canada's comments on the Draft H/E Agreement presented on October 19, 2012 where the Parties agreed to continue discussions and meetings on a 'without prejudice' basis, with a target date for June 2013 to advancing the referral forward.

On March 20, 2013 Manitoba's letter provided its comments to the other Parties (TLEC/BON, and Canada) and to Manitoba Hydro. Manitoba also committed to hosting the next meeting scheduled for April 18, 2013 to continue 'without prejudice' discussion on the October 19, 2012 draft H/E Agreement. Canada advised at the IMC meeting of March 22, 2013 that at the March 1, 2013 roundtable discussion on the alternate draft H/E agreement that Canada made a commitment to provide a response prior to a proposed April 2013 meeting. Canada had previously provided a without prejudice comment to the IMC members for discussion purposes only on the TLEC December 12, 2011 draft version. Carried forward to 2013/2014.

1.2 REFERRAL #2004-BLFN-002: LAND IN SEVERALTY (LIS)

Referral Date: May 5, 2004.

Issue or Matter in Dispute (I/M): Barren Lands First Nation (BLFN) alleges that Canada had materially failed to comply with a fundamental term of the MFA regarding the LIS issue, that although its members had given Canada notice of their election to take LIS Severalty in accordance with MFA Subsection 9.01(1), Canada had failed to enter into discussion with those members pursuant to MFA Subsection 9.01(4).

The Annual Report 2011-2012 describes the IMC discussion and correspondence between the BLFN and Canada on Canada's proposal for an alternative approach rather than bringing this matter to arbitration, for completion of its policy. The Referral was forwarded to binding arbitration in 2005 and reactivated. It was again placed into abeyance in February 2006. A Binding arbitration process is set out in the MFA Subsection 36.01 (on allegations of) "Material Failure to Comply with Fundamental Term or Condition."

The BLFN Chief and Council are to reach a decision on how BLFN intends to proceed. Once the information is received from the BLFN, the Parties are to be re-engaged to discuss alternate forms of resolving the I/M, and next steps to advance towards resolution and the precise nature of the action and to BLFN intentions.

PROGRESS DURING 2012-2013: At the June 2012 IMC meeting the Chairperson advised he has contacted the BLFN's legal counsel for an update and has not received any further information. Throughout the previous fiscal year (2011-2012) the year Chairperson reported that BLFN's prioritized resolution was on the effect that the regulation of Reindeer Lake is having on its selections. In March 2013, TLEC contacted the BLFN and no further information was obtained. It is now six years since binding arbitration for this Referral has been held in abeyance. The IMC Work Plan and the MFA requires that the matter be advanced to binding arbitration pursuant to MFA 36.01 and that the BLFN be notified. Carried forward to 2013/2014.

1.3 REFERRAL #2006-MANITOBA-005: MATERIAL FAILURE – MAINTAINING AN INTEREST IN PORTAGES

Referral Date: March 22, 2006.

Issue or Matter in Dispute (I/M): Manitoba's referral to dispute the allegations of material failure by to the IMC for review in accordance with MFA Subsection 36.01(2). In February 2006 each of the Bunibonibee Cree Nation (BCN) and TLEC alleged that Manitoba materially failed to comply with a fundamental term or condition of the MFA, regarding the treatment of 'portages'. (to Manitoba's characterizing of portages as "reasonable competing considerations" as a basis for not proceeding with the transfer of the two BCN Selections (Trout Falls and Wipanipanis Portage), to Canada pursuant to the MFA 3.02(6) and 7.01(2) and the definition of "Crown Reservations" under the MFA Subsection 1.01(21). On February 4, 2011 TLEC wrote to IMC to request that TLEC's allegation be placed into abeyance on a without prejudice basis.

PROGRESS DURING 2012-2013: Since 2011/2012 the BCN has indicated to the IMC Chairperson of BCN's concern with the cost of proceeding with binding arbitration. The BCN representatives indicated BCN awaits the outcome of Referral # 2007-TLEC-005 (Crown Reservation-Portages) before considering proceeding with binding arbitration on its allegation of material failure that led to Manitoba's referral of 2006-Manitoba-005 to dispute the allegation. By May 2012, there had been no change in the status of this Referral and new elections had taken place.

At the IMC meeting of March 22, 2013 the IMC discussed a concern that the referral is regarding Manitoba's dispute of the BCN allegations and that the BCN intentions do not lead the process. However, it was also noted that the IMC Portage Group Final Report had attempted to address the portage issue and did not reach a resolution and the continued discussion with BCN was seen as a means to a flexible resolution of this referral. By letter of February 27, 2013 and March 2013 the Chairperson wrote to the BCN Chief and Council to request information on "BCN's intentions" in accordance with the IMC Work Plan on this Referral. No further written information was received from BCN at fiscal year-end. The IMC is to review the MFA provisions for the IMC Work Plan 2013/2014 fiscal year to focus on moving the Referral forward.

1.4 REFERRAL #2007-TLEC-005: CROWN RESERVATIONS – PORTAGES

Referral Date: July 18, 2007.

Issue or Matter in Dispute (I/M): TLEC referred Manitoba's treatment of "Crown Reservation – Portages" as an I/M to the IMC. TLEC asserted that a portage is defined as a Crown Reservation under MFA Subsection 1.01(21) and transferable to Canada in accordance with MFA 7.01(2). Manitoba asserts the need for continuation of public access to the portage areas, as a matter of public policy that Manitoba asserted was not considered under the MFA Principles in accordance with MFA Sections 3.01(4) and (5), and referable to the IMC under MFA Section 3.11. The portages cross two of Bunibonibee Cree Nation's (BCN) selections at Trout Falls and Wipanipanis Portage.

On February 8, 2012 in accordance with MFA Subsection 34.09(7) the Chairperson determined that the IMC was unable to make a decision on a means of resolving this issue or matter (I/M) in dispute by consensus and made a Referral to the Senior Advisory Committee.

A meeting of the Senior Advisory Committee held on March 22, 2012 to consider the referral, failed to come to a consensus on the means to resolve the I/M in dispute and as to the dispute resolution mechanism.

PROGRESS DURING 2012-2013: On April 3, 2012 the RDG of AANDC, on behalf of the SAC, wrote to the Chairperson and advised that the SAC considered the Referred file #2007-TLEC-005 on March 22, 2012, but failed to come to a consensus on the means to resolve this matter in dispute, or on the appropriate dispute resolution mechanism to be employed to resolve this matter in dispute. A further SAC meeting was held on April 17, 2012 with the Chairperson. Once again a consensus on the means to resolve the I/M in dispute was not resolved nor the appropriate method of dispute resolution determined.

On May 16, 2012 the Senior Advisory Committee held a meeting at which time the Province tabled a "Public Access Agreement" as a *Federal Real Property and Federal Immovables Act* (FRPFIA) instrument and be a binding interest on Reserve Land. Canada and TLEC committed to reply to the proposed Agreement within two weeks by May 30, 2012.

The TLEC letter of February 5, 2013 did not support Manitoba's draft "Public Access Agreement" and viewed it as an easement that could not be supported by TLEC and proposed that the IMC discuss and decide on proceeding to binding arbitration as a means to resolve this referral. Canada's letter of January 26, 2013 stated that Canada is unable to support the IMC Chairperson's Referral Protocol recommendations proposed to resolving the matter in dispute on portages and refers the matter to the IMC and it too views the draft "Public Access Agreement" as an easement and not a public access document as set out in Canada's related e-mail correspondence between the AANDC and Manitoba IMC members and Canada's Department of Justice and Manitoba Justice.

A final SAC meeting was held on July 20, 2012 and Manitoba's letter of July 20, 2012 to the Parties and the Chairperson confirmed that the SAC did not reach agreement and advised the Chairperson to continue the dispute resolution pursuant to the MFA.

During the IMC Meeting of March 22, 2013 the IMC by consensus in accordance with the MFA 35.04 forwarded this Referral to Binding Arbitration. The IMC agreed that the Chairperson initiate a recruitment of potential Adjudicators from a previous Candidate list for Binding Arbitration; the process for developing the Terms of the Adjudication pursuant to MFA 35.04 (1) to determine the question or questions for the Adjudicator to determine was discussed. A Special meeting of the IMC to focus on the next steps is to be scheduled by the Chairperson.

The next steps are carried forward to the 2013-2014 fiscal year.

1.5 REFERRAL #1999-BPFN-001: LAND IN A PROVINCIAL PARK

Referral Date: June 23, 1999.

Issue or Matter in Dispute: The Buffalo Point First Nation (BPFN) wrote to IMC Chairperson and referred its Birch Point selection pursuant to MFA Subsection 6.02(8) of 116.4 acres that included Birch Point Provincial Park that had been determined as ineligible by Manitoba. BPFN states its understanding of the MFA 3.03(6) that EFNs may not 'generally' select lands in Provincial Parks may be interpreted so that the word "generally" implies that exceptions may be made, and that Manitoba erred in MFA Subsection 3.02(12) to the Selection.

In 2010/2011 the Chairperson circulated the Referral Protocol on January 19, 2011 and requested comments from the Parties, as well as copies of any additional documents/ information that each Party believes to be relevant to a full consideration of this referral. In particular, the Chairperson requested that the sections entitled "Interpretation of the Relevant Provisions of the MFA" and "Proposed Resolution and Options Considered" be submitted by TLEC and Canada, by April, 2011.

PROGRESS DURING 2012-2013: On June 29, 2012 the Chairperson circulated the final Referral Protocol document to the IMC representatives and the BPFN with the addition of the Chairperson's proposed interpretation of the MFA provisions and proposed resolution of the issue, requesting comments and seeking consensus. The IMC meetings of January 31, 2013 and March 22, 2013 discussions on the status of the Referral Protocol confirmed that the Parties are still to provide responses to the Chairperson. By consensus at the IMC meeting of March 22, 2013 the parties requested that the Chairperson re-circulate the Referral documents for each of TLEC, Canada and Manitoba to complete their review and provide their responses on the Referral to the Chairperson by May 9, 2013. This was carried forward to the next fiscal year 2013-2014.

1.6 REFERRAL #1999-NCN-003: EFFECTIVE DATE OF AGREEMENT

Referral Date: August 25, 1999.

The Nisichawayasihk Cree Nation (NCN) referred this issue to the IMC in disagreement with Canada on the 'Effective Date of Agreement' of NCN's Treaty Entitlement Agreement (TEA). The NCN and Manitoba signed the TEA on the ceremonial date of July 30, 1998 that occurred at NCN, and the Federal Minister of DIAND did not sign the TEA until September 1, 1998.

Issue or Matter in Dispute (I/M): The NCN alleged that the effective date of their TEA was July 30, 1998, as this was the date that was typed on the TEA, and the date of the signing ceremony in Nelson House. All parties signed the TEA that day and Canada had a representative initial beside the signature block. Canada subsequently sent the TEA to the Minister's office where it was signed by Minister Jane Stewart, (AANDC).

The July 30, 1998 date is the 90th anniversary date of NCN's signing its adhesion to Treaty No. 5. Canada provided its position on May 12, 2011 that the date of execution is "September 1, 1998". Canada references MFA Section 30.03 that reads "Coming into Force, 30.01 Effective Date of Agreement. This Agreement shall come into force as between the parties on the Date of Execution" and stated this is to mean when signatures are executed by all the Parties."

PROGRESS DURING 2012-2013: From the September 21, 2010 letter to and the Chairpersons phone calls during 2012 on requests to meet with the NCN Chief and Council to discuss the current status of the IMC Referral Protocol to ensure that NCN's current views are completely understood, and to discuss next steps, a meeting was not able to be confirmed.

During the IMC meeting of January 31, 2013 the IMC by consensus determined that due to the substantial period of time the IMC and Chairperson has not received any further information or response from NCN that in accordance with the MFA the Referral be forwarded to the SAC through the IMC procedure by Referral Protocol. In 2013 the Chairperson continued with completing the drafting of the Referral Protocol sections "Interpretation of the Relevant Provisions of the MFA" and "Proposed Resolution and Options Considered" to be submitted by all Parties. Prior to completing Draft #3 the Chairperson contacted an NCN representative on March 20, 2013 to request a meeting with NCN or an NCN representative to review the draft #3 Referral Protocol. There was no scheduled meeting confirmed. The Chairperson is to complete the Referral Protocol for submission to the SAC and the NCN in the new fiscal year. Carried forward to 2013/2014.

1.7 REFERRAL #2003-BON-001: DISPOSAL OF SURPLUS FEDERAL LAND AND THE MFA PROCESS

Referral Date: January 22, 2003.

Issue or Matter in Dispute (I/M): The Brokenhead Ojibway Nation (BON) referred the issue or matter in dispute to the IMC pursuant to MFA Section 34 alleging that Canada failed to forward notice of Surplus Federal Land; re the Kapyong Barracks to the BON, and Canada erred in interpreting that the MFA provisions dealing with Surplus Federal Crown property did not apply to the Kapyong Barracks and its classification of the lands as a "strategic disposal" under the Treasury Board Policy on the Disposal of Surplus Real Property and that it would be transferred to the Canada Lands Company for disposal.

In its referral letter of January 22, 2003 the BON requested the dispute resolution process pursuant to MFA section 34, alleging that Canada failed to forward a notice of Surplus Federal Land, with respect to the Kapyong Barracks to the BON, and that Canada erred in its interpretation that the MFA provisions dealing with surplus Federal Crown property did not apply to the Kapyong Barracks

The BON selected a parcel of approximately 160 acres of surplus federal Crown land (Kapyong Barracks in Winnipeg, Manitoba). On December 4, 2002, Canada had advised (BON) that the Kapyong Barracks had been designated as a "strategic disposal" under the Treasury Board Policy on the Disposal of Surplus Real Property and that it would be transferred to the Canada Lands Company for disposal. In addition Canada advised that the MFA did not apply to the strategic disposal process, as the interest of the EFN's cannot be considered on a priority basis.

On January 13, 2011 this Referral was formally placed in abeyance by the IMC due to continuing litigation of this matter by the Treaty No. 1 First Nations (including BON) who filed for an application for judicial review on January 25, 2008. A decision was rendered on September 30, 2009 in favour of the First Nation and appealed by Canada. The appeal was allowed and the matter returned to the Federal Court. Canada is currently on a further appeal to the Federal Court of Appeal to a second ruling in favour of the First Nations of November 2012. The BON) has formally advised the IMC it had extracted itself from the legal proceedings. Maurice Law, on behalf of BON, filed a Motion of Partial Discontinuance in the Federal Court of Canada on September 29, 2011 and thereby BON discontinued its participation as an Applicant in Action No. T-139-08.

The IMC decided by consensus at the IMC meeting of December 16 &17, 2010 to formally place this issue/matter in dispute in abeyance while the litigation is ongoing. The Chairperson wrote to BON Chief and Council on January 13, 2011 and advised that the 2003-BON-001 referral had been formally placed in abeyance by the IMC due to the ongoing litigation of this matter.

Canada explained that it does not feel BON is entitled to resume the IMC dispute resolution process, as its understanding is that BON has abandoned the IMC process. Canada acknowledged that all Party representatives agreed by consensus with IMC placing the Referral in abeyance on January 13, 2011, which decision implies that IMC had an open file to place in abeyance. Canada however, explained that it does not want to be engaged in two processes at once – one through court and one through the MFA, and therefore feels that the court and appeals processes must be completed first.

On September 8, 2011 the BON advised that it would like to continue pursuing the IMC dispute resolution process and on October 2, 2011 provided a copy of its notice of partial discontinuance relating to Action N. T-139-08. On September 9, 2011 the Chairperson requested that the IMC representatives begin to assemble the facts and documents each considers relevant to a full consideration of this referral. This request was formalized into the October 3, 2011 IMC meeting UND#9.

PROGRESS DURING 2012-2013: At the IMC meeting of June 21, 2012 the Chairperson advised that he had contacted BON's lawyer, Michael Bailey, and asked for confirmation on if BON was now placing its referral into abeyance again. On June 15, 2012 Michael Bailey of Maurice Law, BON's legal counsel wrote to the Chairperson and confirmed that BON has instructed his office to place the referral into abeyance. At the IMC meeting of March 22, 2013 the IMC was advised that the BON internal review is in progress and the IMC decided to await to hear from the BON. Carried forward to 2013/2014.

1.8 REFERRAL #2006-MANITOBA-001: PROCESS FOR LAND SELECTION AND ACQUISITION

Referral Date: February 3, 2006.

Issue or Matter in Dispute (I/M): In letter of Feb. 3, 2006 Manitoba disputes the Bunibonibee Cree Nation (BCN) allegation put forth on January 13, 2006 that Manitoba has materially failed to comply with a fundamental term or condition of the MFA responding that Manitoba does not consider itself to be in breach of the allegations of Manitoba's obligations contained in MFA Subsection 6.02(6), Manitoba's Response referred the matter to the IMC in accordance with MFA Subsection 36.02(2) a) the selection was registered in the Crown Land Register on July 20, 2000, and the selection was already subject to a prior existing Third Party Interest in miscellaneous lease No. 3482 in favour of Knee Lake Lodge Inc., b) the consent of Manitoba to an assignment of a lease by a leaseholder for collateral purposes is not a "disposition" as defined in the MFA 1.01(27) and c) Manitoba regularly consents to assignments for collateral purposes.

On January 13, 2006 BCN has brought its allegation under MFA 36.01(1) to the IMC with respect to the registration of Knee Lake Lodge selection; a) Manitoba's breach is contained in MFA 6.02(6) and b) Manitoba permitted several registrations to be made against lease #3482 which encumbers the Knee Lake Lodge selection.

TLEC's view is that the lease should not be renewed past 2013 when the lease term expires, as TLEC does not feel that it is subject to renewal as a matter of law.

The Chairperson advised he had a meeting met with and explained to the BCN representatives on October 20, 2011 and to the IMC Meeting July 5, 2011 meeting that the MFA directs the Chairperson to refer the matter to binding arbitration to determine whether the Party of EFN against which the allegation has been made has failed to materially comply with a fundamental term or condition of the MFA or a TEA.

PROGRESS DURING 2012-2013: At the IMC meetings of May 24, 2012 and June 21, 2012 the Chairperson advised that no response has been received from the BCN on this matter since the meeting held with the BCN Chief and Council on October 20, 2011 at which time the Council had indicated concerns with the cost of binding arbitration and was seeking to approach the third party interest holder, and resolve its concerns through negotiation.

The Chairperson wrote a letter on February 27, 2013 to the new Chief of BCN and Council to request that BCN provide information with the IMC on the outcome of BCN's approach to seeking resolution through negotiations with the Knee Lake Lodge owner and to request a meeting prior to the end of the fiscal year. A meeting was not confirmed by year end. In addition, in a telephone discussion of the Chairperson with the BCN representative it was restated that the Chief and Council were still considering an option to purchase the Knee Lake Lodge to the third party interest, and also, awaiting the 2007-TLEC-005 Referral Binding Arbitration outcome as it also deals with another BCN land selection. Carried forward to 2013/2014.

1.9 REFERRAL #2012-CANADA/MANITOBA-001: ACQUISITION TIME PERIODS

Referral Date: April 20, 2012.

Issue or Matter in Dispute (I/M): By way of two separate letters dated April 20, 2012 a joint referral was made by Canada and Manitoba to refer this matter to the IMC in accordance with 4.02(3) of the MFA (in order for IMC to consider extensions to the "Schedule B" EFN Land Acquisition periods pursuant to the MFA subsections 4.02(4) and (5) as the EFNs set out in "Schedule B" will not have acquired their Other Land amount within the timeframe set out in the MFA 4.01 (b)).

"Schedule B" EFNs are entitled to acquire 114,677 acres of "Other Land" for conversion to reserve land. During fiscal year 2010-2011, the IMC was asked by the Parties to determine the reasons behind the low rate

of acquisition of Other Land by the “Schedule B” EFNs. On November 2, 2011 the Chairperson completed a discussion paper on “Acquisition Process Considerations” and circulated the document to the “Schedule B” EFNs with a letter.

PROGRESS DURING 2012-2013: At the IMC January 31, 2013 meeting the TLEC advised that TLEC wrote to the AANDC Minister on this matter to confirm an indefinite extension time period for the “Schedule B” EFNs to complete their acquisitions, and that the Minister replied stating that no indefinite time period was required to acquire Other Lands and that the time frames only apply to the MFA Principles and that Canada’s legal obligation continues.

The AANDC Minister’s letter of December 3, 2012 was addressed at the IMC March 22, 2013 meeting on the ability of EFNs to acquire lands post-15 year period and confirming that while the ability to acquire these lands will continue, the MFA Principles will cease to apply, and these lands may still be set apart as reserve.

Most EFNs have confirmed by response letters to IMC that they will require more time to complete their acquisitions and formally requested extensions to the Schedule “B” EFN time periods during 2011/2012, 2012/2013 requesting extensions up to 20 years. The IMC identified this is a matter for MFA interpretations and that further discussion and a review of the Parties is required and to also provide information in this regard to respond to the EFNs letters of request on extensions. Carried forward to 2013/2014.

(Please refer to the previous year ‘2011-2012 Annual Report’, Appendix C, for a List of Historic Issues or Matters in Dispute that IMC has resolved.)

2.0 IMC WORK PLAN: MONITORING MFA IMPLEMENTATION

Part 2.0 of the IMC Work Plan assigned to the IMC by the Parties directs that the IMC monitor key topics and make recommendations to achieve the targeted results/goals developed for each activity.

2.1 TLE STRATEGIC PLANNING

This is the second year that the Parties have been engaged in Three Party Strategic Planning to aid each Party to implement its responsibilities under the MFA. Coordination and communication is essential to implementing the MFA consisting of a three Party, 21 First Nation, multi step process, involving hundreds of parcels of land. The key objectives of the Strategic Planning initiative was to reach consensus on a three Party land transfer plan, and share it with the EFNs, so that the EFNs can understand and anticipate the timeframes targeted for parcel by parcel land transfers, and co-ordinate their efforts with those of the Parties.

During Strategic Planning meetings the Parties confirmed that their TLE Annual (fiscal year) Plan needed to include at a minimum the work/tasks required to advance:

- the parcels on Appendix “A” which are targeted for transfer by fiscal March 31, 2013;
- the parcels on Appendix “B” which are targeted for transfer by March 31, 2014;
- the parcels on Appendix “C” which are targeted for transfer by March 31, 2015; and,
- the remaining EFN priority parcels listed on Appendix “D” (which are anticipated to take more than three years to transfer).

The key objectives of the TLE Strategic Planning on Treaty Land Entitlement initiative is to reach consensus on a three Party land transfer plan, and share it with the EFNs, so that the EFNs can understand and anticipate the timeframes targeted for parcel by parcel land transfers, and co-ordinate their efforts with those of the Parties.

The planning process begins with an annual three Party assessment of the land transfer steps that can be completed during the fiscal year for each parcel. If it is determined by the Parties that a particular parcel can meet the dates for transfer during the fiscal year, it is listed on Appendix A. If the remaining steps will take two years to complete it is included on Appendix B, and if the remaining steps will take three years to complete it is included on Appendix C. For some time the Parties have recognized that the degree of effort and administrative overhead required to transfer small parcels of land is comparable to that required to transfer large parcels of land, and with the largest parcels now transferred, the Parties recognized that it

would be difficult to maintain the rate of implementation moving forward. (**Chart 2** compares the acreage and number of parcels set apart annually.)

PROGRESS DURING 2012-2013: The IMC Chairperson attended the TLE Three Party Strategic Planning meetings of January 17, 2013 and March 8, 2013, that were both chaired by MANA. The meetings identified the importance of coordination and regular communication necessary for self monitoring of the three Party Strategic Planning process. The IMC discussed the importance of the Strategic Planning as a positive support to implementing the IMC Work Plan in conjunction with the Strategic Plan the past two years since this planning was implemented. Canada has taken the lead in the first two years and requested one of the other Parties take a lead. It is recommended to the SAC and the IMC that the Strategic Planning and Annual Plan continue with the Parties finding a solution to work load sharing, and that the Parties target April for the release of each fiscal year's Annual Plan.

The IMC and all Parties believe the Annual Plan should be confirmed and shared with the EFNs earlier in the fiscal year, and the target date for release of the Annual Plan is to be in June each year.

In 2012-2013, the EFNs were:

- advised of the Annual Plan and parcel by parcel milestone goals in June, 2012,
- received updated tracking charts in October confirming progress made during the first 6 months of the fiscal year (between April 1st and September 30th), and
- received updated tracking charts again in March, 2013 which will confirm the success made during the year, and identify the milestone goals for 2013-2014.

The Survey planning and resources are also addressed in the Three Party discussions. On January 8, 2012 a Survey Meeting was chaired by MANA. TLEC indicated at the IMC meeting of May 24, 2012 that a positive development from Canada contributing additional survey resources in 2011-2012 allowed for the surveying of the 9 parcels with completed signed RSMs. The Chairperson circulated a summary report for comments that he prepared that identified the time and budget required to survey all Crown land selections for the 15 EFNs with TEAs. The report estimated that it will take 17 to 30 years to survey the remaining selections at a cost of \$30 to \$50 million excluding the six Unsigned EFNs or the remaining Acquisition land that has implications for staff complements to perform the land transfer steps for another generation.

2.2 THIRD PARTY INTEREST (TPI) RESOLUTION

The IMC representatives agree that there is a need to improve the progress of resolving outstanding Third Party Interests (TPSs). There are a number of third party interests and encumbrances affecting the MFA selection lands according to the latest information obtained from Manitoba noting that there are 35,000 acres affected by Portages, 65,000 acres affected by hydro easements, mines and minerals interests, lands in municipalities, and utility and general permits.

PROGRESS DURING 2012-2013:

At the invitation of the TLEC the Chairperson to the MFA Parties and the IMC Chairperson, the Chairperson participated in the TLEC hosted dialogue session with TLEC's Third Party Interest (TPI) Coordinators on February 14, 2013. The two-day session focused on the TPIs and encumbrances affecting current TLE parcels and to propose possible options to the TPI Coordinators in resolving the TPIs pursuant to the IMC Annual Work Plan regarding facilitating the implementation of the MFA on TLE. The Agenda topics included Unresolved Issues on the Manitoba Conservation's TLE Issues Summary Report (TRELES) dated December 27, 2012, Terms of Reference for the TPI Working Group, Preliminary Discussion on Options to Resolve TPI/Encumbrances on Selections and Acquisitions – for Discussion purposes dated December 7, 2010.

The Parties expressed their views at the IMC meeting of May 24, 2012 that the best approach for addressing the TPI issues is during discussion with the EFNs at parcel review meetings. The Party representatives on IMC agreed to add regular parcel review meetings to the Three Party Annual Plan for 2012-2013

There continues to be a low rate of resolution of third party interests and encumbrances. The Chairperson is recommending to the SAC that the Parties and EFNs affected are provided with a minimum of two special sessions for the development of a strategy to address the low rate of resolution of third party interests and encumbrances in the next fiscal year; and that this strategy specifically include an examination of the

methods available to resolve particular TPIs and that supports attaining MFA implementation and consensus amongst stakeholders on the most appropriate course of action.

2.3 EFN PRIORITY PARCELS

Over the past few years, TLEC has annually submitted listings to Canada and Manitoba identifying the selections and acquisitions deemed by the EFNs to be their Priority Parcels. The 2011-2012 Annual Report noted that the listing contains 141 priority parcels, 120 of them are selections and 21 of them are acquisitions. (Twenty-one of the 37 acquisitions of Other Land listed in TRELES.) With 141 parcels to be treated as priorities, it is not clear how the Parties and the EFNs can focus on so many at once and achieve the results the EFNs are seeking.

PROGRESS DURING 2012-2013:

The three Parties have confirmed which of the milestone goals set for 2012-2013 were completed by year end, and which would need to be carried forward on the 2012-2013 Annual Plan.

The following milestone targets for priority parcels were set and the achievements monitored as follows:

The main issues delaying the advancement of the Priority Parcels is the unresolved TPIs, encumbrances and concluding Municipal Development and Services Agreements (MDSAs) with municipalities.

In the 2012-2013 three Party Annual Plan the Parties decided to place the advanced priority parcels on Schedules A, B, and C; with the remainder found on Schedule D. In 2012-2013 the priority parcels will be found on:

- 1 is on Schedule "A", and targeted for reserve status by March 31, 2013.
- 5 are on Schedule "B", and targeted for reserve status by March 31, 2014.
- 7 are on Schedule "C", and targeted for reserve status by March 31, 2015.
- 58 are on Schedule "D". (with no associated time frame for reserve creation)

In summary, while the EFNs consider these parcels as their priorities, they are heavily encumbered with TPIs and encumbrances, and many require municipal discussions and possibly MDSAs. Accordingly, the majority cannot be targeted for reserve status before 2015-2016. In terms of interim achievements, it is clear from the above assessment that little progress was achieved with respect to advancing the EFN priority parcels during 2012-2013. A strategic focus to address the resolution of these matters will assist the progress of the priority parcels through the land transfer process

2.4 LAND TRANSFER PROCESS

One of the provisions of the MFA 1997 (section 6.04) was for the MFA Parties to jointly produce a Land Transfer and Reserve Creation Process Manual. The LTRCPM was developed and approved at the SAC in November 1999. In 2009/2010 the Parties reviewed the 1999 version and an updated revised version signed by the SAC officials was presented in August 2010. Canada maintains the LTRCPM tracking charts and provides and circulated the regular updates to the IMC and EFNs.

2.5 HYDRO EASEMENT PROCESS

TLEC submitted a proposed refinement to the "Hydro Easement Line Determination Process" on April 17, 2012. Canada responded to confirm it was prepared to meet with TLEC to review the proposal by way of letter of April 25, 2012 and a meeting was scheduled.

2.6 INFORMATION MANAGEMENT

The IMC receives the information on the LTRCPM that is now in place for an effective information management system to track the progress of EFN parcels.

2.7 CROWN LAND SELECTIONS

Many EFNs have not completed their Crown Land Selections in order for lands to be converted to reserve.

2.8 ACQUISITION TIME FRAMES

In 2011-2012 the Chairperson was asked by the IMC to contact the EFNs with outstanding selections, advise them of the IMC decision, and request Land Selection Plans. On April 27, 2011 the IMC wrote to the EFNs with outstanding land to be selected, and advised the EFNs that the Parties have agreed that the MFA principles should continue to apply subject to the EFN developing and submitting a plan for the selection of the balance of its Crown land amount.

In 2011-2012 a planning system to support the EFNs in this process was provided consisting of:

Step #1: Determining the type of land the EFN wishes to acquire.

Step #2: Determine who will make the final decision on specific parcels of land to purchase.

Step #3: Determine what requirements need to be addressed as the land transfer process unfolds, and to every extent possible take up front action to initiate/complete these requirements in advance.

- MDSA
- Property Taxes
- Third Party Interests (TPIs)
- Pre Designation Process

Step #4: Acquiring land.

- Working with Agents
- Other Considerations During Acquisition/ Purchase

Step #5: After Purchase.

- Establish a Paper Trail
- Invite Manitoba and Canada to the RM/EFN MDSA meetings
- Environmental Site Assessment and Additions To Reserves Approval in Principle
- Annual Plan
- Survey Requirements

Step #6: Time Periods

PROGRESS DURING 2012-2013 On April 17, 2012 it was confirmed that Canada and Manitoba had met to jointly submit a referral to the IMC pursuant to the MFA subsection 4.02(3) in order for the IMC to consider extensions to the "Schedule B" EFNs as both Canada and Manitoba perceived that the EFNs in "Schedule B" will not have Acquired their Other Land amount within the time frame set out in the MFA subsection 4.01 (b). The Chairperson prepared letters of information to the "Schedule B" EFNs advising of the Canada/Manitoba Referral to IMC and requested each EFN to develop a detailed plan for the Acquisition of its Minimum Entitlement Acres in accordance with the MFA subsection 4.02 94).

2.9 OUTSTANDING TREATY ENTITLEMENT AGREEMENTS (TEAS):

By the end of the 2012-2013 fiscal year six EFNs which are entitled to enter into TEAs under the MFA had not executed a TEA. None of these six EFNs is included in "Schedule B", and their entitlement is comprised of 100% Provincial Crown land, and totals 137,529.00 acres. These six EFNs are; Shamattawa First Nation, Fox Lake Cree Nation, Sayisi Dene First Nation, York Factory First Nation, Marcel Colomb First Nation, and O-Pipon-Na-Piwin Cree Nation.

At the meeting of the IMC there was consensus amongst the MFA Party representatives on the IMC that the lead role should not be assumed by IMC, but rather it is a responsibility of the Parties to drive this initiative.

The IMC Work Plan calls for a follow up on the IMC recommendation arising from the review of the low level summary report prepared by the IMC Chairperson. The task is for the Parties to develop a proactive Action Plan specific to each EFN currently without a TEA. Upon receipt and review of the three Party Action Plan, the IMC would monitor implementation.

TLEC had proposed that Manitoba and Canada consider convening a one-day roundtable exclusively for the leadership of the six unsigned EFNs, and suggested that this concept be discussed at the next IMC meeting of March 6, 2012. At the Strategic Planning meeting held February 14, 2012 the Parties decided that during 2012-2013 they would target the execution of one TEA for the unsigned EFNs.

PROGRESS DURING 2012-2013: The Parties have moved the development of an EFN specific Action Plan as recommended by the IMC into the Three Party Strategic Planning process for 2012-2013. Canada, TLEC, and Manitoba remain prepared to enter into Treaty Entitlement Agreements with the six First Nations and discussions are held with the First Nations at their option from the MFA Parties. This fiscal year two of the six EFNs have moved closer towards completing the MFA process for their TEA. The O-Pipon-Na-Piwin Cree Nation has completed the Community Approval Process required by the MFA. The Marcel Colomb First Nation has completed all activities to support the signing of their TEA and all Parties anticipate it is to be signed in the next fiscal year.

2.10 OTHER SPECIFIC ISSUES

Other matters of concern may be identified from time to time. In this event, the IMC will analyze the matter, determine if IMCs involvement is appropriate, if so determine the nature of IMC's involvement, and integrate the matter into the IMC Work Plan. The specifics of the approach will be dependent upon the issue, but in general will include; issue analysis, and development of an IMC consensus on; how best to resolve the matter, enable implementation of the MFA, and advance land parcels through the land transfer process.

Other specific issues are occasionally identified that affect MFA Implementation. A current example of this that is included in the IMC Work Plan 2012-2013 is the regulation of Reindeer Lake and its impact to one First Nation.

2.10.1 REINDEER LAKE

The regulation of Reindeer Lake has had negative effects on implementation of the Barren Lands First Nation (BLFN) TEA. In 2010-2011 a number of meetings between the Parties and BLFN were facilitated by the former IMC Chairperson that discussed among other matters, an agreement on an easement in favour of SaskPower (which regulates Reindeer Lake), and of benefit to the BLFN would be an appropriate manner of addressing this matter. The Barren Lands First Nation Chief and Council were contacted by TLEC and TLEC advised the IMC that the BLFN is continuing to address this matter as a priority.

2.11 BEST EFFORTS REVIEW

This was a new topic added for the IMC Work Plan 2012-2013. At the IMC meeting of May 24, 2012 the Chairperson summarized the discussion and scope of what a 'Best Efforts' review might consist of and subsequently circulated a draft for IMC review. At fiscal year-end the IMC continued to address this topic. Carried forward to 2013-2014.

3.0 IMC WORK PLAN: REPORTING

3.1 EFFECTIVE IMC OPERATIONS

A brief summary of the IMC operations history and administrative developments is provided in the Annual Report 2011-2012. Since 2007 the MFA Parties had been in agreement to establish a separate office of the independent Chairperson of the IMC to assist them in improving the MFA implementation process. The relocation of the IMC Office to its current location at 200-1765 Sargent Avenue is a shared office premises with the TLEC as determined by the MFA Parties instruction to the Chairperson in 2011-2012. The relocation was completed on May 12, 2012 and it is noted in the IMC meetings summary of proceedings that an inventory was completed and an administrative agreement was developed between the IMC and TLEC. This relocation required a considerable amount of management time and coordination by the former Chairperson.

The IMC representatives had also determined that the IMC had evolved into an administrative bottleneck arising from the possibly premature referral of issues or matters in dispute without sufficient discussion among the Parties. In 2007, IMC agreed upon a format for referral issue definition and resolution which was called the "Protocol for the Referral and Review of an Issue or Matter in Dispute", (Referral Protocol) to

ensure that adequate discussion had first occurred between the Parties and EFNs, and to ensure that adequate background was included with the referral. A referral can be made to the IMC based on any aspect of the MFA, however it is anticipated each Party will have fully determined the issue and made best efforts to resolve the issue or matter in dispute prior to referral. The IMC office adheres to the Referral Protocol format, resulting in a more structured review of an issue or matter in dispute. The Chairperson and IMC representatives have and will continue to encourage the Parties to make every effort to resolve implementation matters before making a referral to the IMC and, expect the referral detail will reflect the most relevant information and documentation.

There was one new referral to the IMC in 2012-2013. No referrals were brought to the IMC from 2008-2009 to 2012-2013 up to the last Referral in April 2012). There are several long standing inactive Referral files to be addressed by IMC in the next year work plan 2013-2014. It is recommended the Referrals be reviewed through the 2013-2014 IMC Work Plan for a determination on moving the referrals forward in accordance with the provisions of the MFA.

In 2011-2012 the Parties determined in response to cost-cutting measures required by Manitoba, that the stand alone IMC office would be closed at the termination of its five year lease on May 31, 2012, and the IMC would rent space from the TLEC commencing in the 2012-2013 fiscal year. This was deemed to provide a more affordable base of operations for the independent Chairperson, and a secure place to house the records and files of the IMC, which have grown substantially during 15 years of implementation.

In summary the main revisions were that; an IMC Work Plan would be developed by the Parties (and attached to the Chairperson's Service Agreement), the Assistant Chairperson and Executive Assistant positions would no longer be utilized, and the Chairperson would privately retain an executive assistant on a part time basis subject to the allocations provided in the IMC annual budget. This structure has been in place for fiscal years 2010-2011, 2011-2012 and 2012-2013. In 2012-2013, the IMC Budget experienced a significant budget reduction and a financial management planning system was one of the first orders of business that the incoming Chairperson had to address. In January 2013 the IMC Chairperson entered into a Terms of Service Agreement between the IMC and TLEC to provide the IMC with Financial and Administrative Assistance Services for a two year term.

PROGRESS DURING 2012-2013:

The IMC was relocated to a different office location to accommodate the IMC requirements as determined by the Senior Advisory Committee. The IMC was without a Chairperson for a six month period and without a quorum it did not meet during the second quarter and third quarter in 2012-2013. However, a number of achievements were made one being that a 2007 Referral is now to proceed to Binding Arbitration and this will be completed in the 2013-2014 fiscal year. A separate budget cost will need to be identified to implement the next steps. Three IMC meetings were held in the first quarter and two in the fourth quarter. Each meeting resulted in a meeting summaries recording progress towards the targeted results and were confirmed and circulated. The majority of Undertakings were completed for each meeting.

3.2 LAND TRANSFERRED

The IMC representatives have considered this matter and have not given specific updates at the IMC meetings as this linked to the Three Party Strategic Planning and Annual Plan and need not be a separate task item.

3.3 FINANCIAL MANAGEMENT

Sections 3.3, Financial Reporting 3.4, Annual Report 3.5: Annual Unaudited Financial Statements: The Financial Management items are reported regularly with quarterly review by the IMC Meetings and the Chairperson advises the SAC as required. At the IMC meeting of May 24, 2012 the Audit was complete and the circulation letter sent with copies at month's end and the Party representatives undertook to provide comments by June 22, 2012. The Annual Audit Report was approved.

3.0 SUMMARY AND CLOSING OBSERVATIONS OF THE IMC CHAIRPERSON

It is an honor and privilege to have been appointed Chairperson of the IMC by the Senior Advisory Committee to be a part of contributing to the transfer of land to Reserve that arises from the Treaty obligations in part with respect to Treaty No. 1, Treaty No. 3, Treaty No. 4, Treaty No. 5, Treaty No. 6, and Treaty No. 10 through the Manitoba Framework Agreement on Treaty Land Entitlement of May 29, 1997 and the resulting Treaty Entitlement Agreements for each of the Entitlement First Nations.

My focus of the short three months in office in 2012-2013 has been to understand the full capacity of the role of the IMC Chairperson and the MFA provisions to assist the MFA Parties in resolving the Issues and Matters in dispute that have been brought before the IMC by the IMC Parties or the EFNs. Several downsides in working as a sole Chairperson without any staff or resource person in-place on stepping into this operation was an enormous administrative challenge that in large measure negatively impacted the Chairperson's ability to make a strategic and methodical transition period into this vast and complex system. The constant technical malfunctions of the IMC office systems experienced certainly tested one's stamina as this required regular technical service arrangements.

The experience of the new Chairperson warrants a review of the IMC and this includes the financial process to ensuring that there should at minimum be an improved funding arrangement to be put into place. The 'no advance funding' to IMC that came into effect in 2012-2013 has presented unnecessary administrative challenges to the Chairperson who has brought these concerns to the IMC meeting. The IMC representatives have been responsive to the concerns expressed on these matters, and unfortunately the institutional financial systems of the Parties appear to be immovable due to their existing internal financial accountabilities and policies.

On behalf of the Implementation Monitoring Committee established under Section 34.01 of the 1997 Manitoba Framework Agreement on Treaty Land Entitlement, I herewith respectfully submit this the Annual Report of the IMC to the President of the TLE Committee, the Minister of Aboriginal Affairs and Northern Development Canada, and the Minister of Aboriginal and Northern Affairs for Manitoba, as of March 31, 2013.



Irene Linklater
Chairperson

4.0 SUMMARY OF APPENDICES

Appendix A Location of Entitlement First Nations Map

Appendix B 2012-2013 IMC Work Plan

Appendix A

Location of Entitlement First Nation Map

Appendix B

2012 – 2013 IMC Work Plan

IMC ANNUAL WORKPLAN for 2012 / 2013

DATE: April 25, 2012

The IMC is generally responsible for facilitating implementation of the MFA and any TEA by way of monitoring the progress of the Parties with implementation, making recommendations for improving implementation, and assisting the Parties and EFNs with resolution of any matters or issues in dispute under the MFA.

As per Section 31 of the MFA, the Parties shall use their best efforts to fulfill the terms of the MFA, and that includes assignment of appropriate personnel to fully and effectively discharge obligations under the MFA and all undertakings work supplemental to the IMC.

While this Workplan represents the agreed scope of activities for the IMC, including the representatives of all Parties and the Chairperson, during the 2012-2013 fiscal year, it does not replace nor is intended to alter the terms of the MFA nor any of the obligations of the Parties or the IMC set out within the MFA.

Work Plan Responsibility # 1.0: Resolving or Referring Disputes						
1.0	REFERRAL FILE NUMBER	DISPUTE MAIN ISSUES	REQUIRED ACTIONS BY IMC	IMC LEAD	TARGET DATE	TARGET RESULTS BY MARCH 31/13
1.1	<u>TLEC</u> 2007-TLEC-002	In its referral TLEC asserted that Manitoba is not entitled to retain partial constitutional jurisdiction that the Crown asserts is required to support the easement required by Manitoba Hydro; and secondly that the H/E should set out a resolution process whereby the EFNs can address alleged impacts on the EFNs existing aboriginal and Treaty rights, as well as any potential claim to compensation in respect of the easement area. On January 13, 2012 TLEC submitted its findings and recommendations on the main concerns of the EFNs with the proposed Hydro Easement Agreement. Manitoba and Canada are reviewing this submission and are to respond with comments.	Parties Reconvene and discussions ensue to better understand TLEC/EFN concerns and develop options for resolution. Decision by Parties on if consensus can be reached on a means to move forward. If no consensus reached, IMC to proceed in accordance with the IMC Policies and Procedures Manual. IMC to facilitate implementation of SAC decision, which could be arbitration. Administration of the specific Dispute Resolution Mechanism.	CHAIR/PARTIES PARTIES CHAIRPERSON CHAIRPERSON SAC Chairperson	May 31, 2012 June 30, 2012 Initiate: July 1, 2012 – September 30/12 October 1/12 November 30/12 March 31, 2013	Discussions between Parties with respect to identified/confirmed issues and proposed means of resolution. IMC to review situation and determine status of referral and ongoing role if Parties reengage on this matter. Consensus reached on Hydro Easement Agreement. Finalization of the Referral in the Form of the Protocol Document. Confirm if consensus can be reached or not. If no consensus by IMC, refer to SAC. Referral in the form of the Protocol advanced to SAC. Decision by SAC or if no decision reached, identification by SAC of a specific dispute resolution mechanism to be engaged. Management of specific Dispute Resolution Mechanism
1.2	<u>BARREN LANDS</u> 2004-BLFN-002	Barren Lands alleged Canada materially failed to comply with a fundamental term or condition of the MFA regarding Lands in Severalty issue.	Decision reached by BLFN Chief and Council on how BLFN intends to proceed. Reengagement of the Parties to discuss status, alternate forms of resolving the I/M in dispute, and next steps. IMC may proceed with binding arbitration in accordance with direction received from BLFN, the MFA provisions, and the IMC Policies and Procedures Manual.	BLFN Parties, BLFN, and Chairperson CHAIRPERSON	May 31/12 June 30, 2012 September 30, 2012	BLFN makes a decision on how it wishes to proceed with this referral. Engagement of the Parties and determination of the preferred form of proceeding towards resolution of the I/M. Advance I/M towards resolution. Precise nature of action dependent upon BLFN decision.

1.3	<p><u>MANITOBA</u> 2006-Manitoba-005 (formerly 2006-BCN/TLEC-003)</p>	<p>Bunibonbee & TLEC alleged Manitoba materially failed to comply with a fundamental term or condition of the MFA regarding the treatment of "portages".</p>	<p>TLEC and BCN have been advised on September 1, 2010 that given history of file, matter to now proceed to binding arbitration. TLEC placed allegation of material failure in abeyance on February 4/11, and BCN is to confirm intentions.</p> <p>Upon confirmation by BCN, proceed to binding arbitration, or in accordance with BCN decision.</p> <p>If no consensus reached, IMC to proceed in accordance with the IMC Policies and Procedures Manual.</p>	<p>BCN</p>	<p>May 31, 2012</p>	<p>Confirmation of BCN intentions</p>
1.4	<p><u>TLEC</u> 2007-TLEC-005 (formerly 2006-BCN/TLEC-003)</p>	<p>TLEC referred Manitoba's treatment of Crown Reservations - Portages.</p>	<p>IMC to facilitate implementation of SAC decision, which could be arbitration.</p> <p>Administration of the specific Dispute Resolution Mechanism.</p>	<p>SAC Chairperson</p>	<p>September 30, 2012 March 31/12 June 30/12 March 31, 2013</p>	<p>Upon BCN confirmation, initiation and conclusion of Binding Arbitration process, as more particularly described in IMC letter to BCN dated September 1/10, or act in accordance with BCN decision. If IMC does not reach consensus, reference of the matter to SAC. Decision by SAC or if no decision reached, identification by SAC of a specific dispute resolution mechanism to be engaged. Management of specific Dispute Resolution Mechanism</p>
1.5	<p><u>BUFFALO POINT</u> 1999-BPFN-001</p>	<p>Buffalo Point disagrees with MB assertion that selection in Birch Point Provincial Park is ineligible.</p>	<p>Upon receipt of information requested by Chairperson, the material is reconciled into a summary document, and it is circulated to IMC seeking consensus.</p> <p>Chairperson proposes interpretation, and proposes resolution.</p> <p>Meeting to discuss submitted comments and determine if a consensus can be reached</p> <p>If no consensus reached, IMC to proceed in accordance with the IMC Policies and Procedures Manual</p> <p>IMC to facilitate implementation of SAC decision, which could be arbitration.</p> <p>Administration of the specific Dispute Resolution Mechanism.</p>	<p>CHAIRPERSON CHAIRPERSON PARTIES/IMC CHAIRPERSON SAC Chairperson</p>	<p>June 30, 2012 September 30/12 November 30, 2012 January 15, 2013 March 1, 2013 2013 - 2014</p>	<p>Draft #3 of the Protocol for the Referral and Review of the IMC completed.</p> <p>Protocol for the Referral and Review of the IMC augmented with Proposed Interpretation of the MFA and proposed resolution by the Chair, circulated with time frame for final comments.</p> <p>Consensus on the Referral Protocol or decision to advance the Referral to SAC</p> <p>If IMC does not reach consensus, reference of the matter to SAC.</p> <p>Decision by SAC or if no decision reached, identification by SAC of a specific dispute resolution mechanism to be engaged.</p> <p>Management of specific Dispute Resolution Mechanism</p>
1.6	<p><u>NISICHAWAYASIIHK</u> 1999-NCN-003</p>	<p>NCN disagreed with Canada on Date of Execution of NCN TEA</p>	<p>Chairperson discussion with NCN Chief and Council</p> <p>If discussions do not lead to consensus, Chairperson proposes interpretation, and proposes resolution.</p> <p>Meeting to discuss submitted comments and determine if a consensus can be reached</p> <p>If no consensus reached, IMC to proceed in accordance with the IMC Policies and Procedures Manual</p> <p>IMC to facilitate implementation of SAC decision, which could be arbitration.</p> <p>Administration of the specific Dispute Resolution Mechanism.</p>	<p>CHAIRPERSON CHAIRPERSON PARTIES/IMC CHAIRPERSON SAC Chairperson</p>	<p>May 31, 2012 July 31, 2012 September 15, 2012 October 30/12 December 31/12 March 31, 2013</p>	<p>Update of NCN's views for Referral Protocol. All Party discussions completed.</p> <p>Protocol for the Referral and Review of the IMC augmented with Proposed Interpretation of the MFA by Chairperson and proposed resolution and circulated with time frame for final comments.</p> <p>Consensus on the Referral Protocol or decision to advance the Referral to SAC</p> <p>If IMC does not reach consensus, reference of the matter to SAC.</p> <p>Decision by SAC or if no decision reached, identification by SAC of a specific dispute resolution mechanism to be engaged.</p> <p>Management of specific Dispute Resolution Mechanism</p>

1.7	<p><u>BROKENHEAD</u> 2003-BON-001</p>	<p>Surplus Federal land Brokenhead selected Kapyong "Strategic Disposal".</p>	<p>IMC placed this referral in abeyance given the ongoing litigation, and this situation needs to be monitored.</p> <p>On September 8/12 BON advised that it would like to continue pursuing the Dispute Resolution Process in the IMC referral file 2003-BON-001 and on October 4/11 provided a copy of its notice of partial discontinuance relating to Action No. T-139-08. On September 9, 2011 the Chairperson requested that the IMC representatives begin to assemble the facts and documents each considers relevant to a full consideration of this referral. This request was formalized into the October 3/11 IMC meeting UND#9. This was not addressed by the representatives of the Parties and carried forward to the January 17&18/12 IMC meeting UND #6, which is due by February 7, 2012.</p> <p>Upon receipt of information requested by Chairperson, the material is reconciled into a summary document, and it is circulated to IMC seeking consensus.</p> <p>Chairperson proposes interpretation, and proposes resolution.</p> <p>Meeting to discuss submitted comments and determine if a consensus can be reached</p> <p>If no consensus reached, IMC to proceed in accordance with the IMC Policies and Procedures Manual</p> <p>IMC to facilitate implementation of SAC decision, which could be arbitration.</p> <p>Administration of the specific Dispute Resolution Mechanism.</p> <p>Discuss options to proceeding with binding arbitration with BCN. (One option is possibly a referral on I/M at heart of material failure allegation?) BCN has concerns with costs of binding arbitration. BCN to look at opportunities to purchase TPL.</p> <p>Upon confirmation by BCN, proceed to binding arbitration, or in accordance with BCN decision.</p> <p>If BCN replaces allegation with referral on I/M at heart of material failure allegation, accept and request the formal views of the</p>	<p>CHAIRPERSON</p> <p>IMC representatives of the Parties</p>	<p>On Going</p> <p>February 7, 2012</p>	<p>IMC to make a decision on action after considering results of the litigation, and possible appeals.</p> <p>Submission of facts and documents that each Party representative feels is relevant to a complete review of the I/M.</p>
1.8	<p>MANITOBA 2006-Manitoba-001</p>	<p>Bunibonbee alleged Manitoba materially failed to comply with a fundamental term or condition of the MFA regarding registration of the Knee Lake Lodge Selection on the Crown Land Registry, and because Manitoba permitted several registrations to be made against the lease encumbering the selection. Manitoba referred the I/M on February 3, 2006.</p>	<p>CHAIRPERSON</p> <p>CHAIRPERSON</p> <p>PARTIES/IMC</p> <p>CHAIRPERSON</p> <p>SAC</p> <p>Chairperson</p> <p>BCN</p> <p>CHAIRPERSON</p> <p>BCN/PARTIES</p>	<p>June 30, 2012</p> <p>September 30/12</p> <p>November 30, 2012</p> <p>January 1, 2013</p> <p>February 28, 2013</p> <p>2013 - 2014</p> <p>June 30, 2012</p> <p>September 30, 2012</p> <p>March 31, 2013</p>	<p>Draft #1 of the Protocol for the Referral and Review of the I/M completed.</p> <p>Protocol for the Referral and Review of the I/M augmented with Proposed Interpretation of the MFA and proposed resolution by the Chair, circulated with time frame for final comments.</p> <p>Consensus on the Referral Protocol or decision to advance the Referral to SAC</p> <p>If IMC does not reach consensus, reference of the matter to SAC.</p> <p>Decision by SAC or if no decision reached, identification by SAC of a specific dispute resolution mechanism to be engaged.</p> <p>Management of specific Dispute Resolution Mechanism</p> <p>Decision reached by BCN Chief and Council.</p> <p>Upon BCN confirmation, initiation and conclusion of Binding Arbitration process, as more particularly described in proposed IMC letter to BCN, or act in accordance with the BCN decision.</p> <p>Protocol for the Referral and Review of the I/M completed, and consensus reached that it reflects the views of each Party.</p>	

1.9	CANADA/ MANITOBA 2012-Canada/ Manitoba-001 Referral Date: April 20, 2012 (Acquisition Time Periods)	Canada and Manitoba submitted a joint referral by separate letters April 20, 2012 pursuant to MFA 4.02(3) to address the issue of the EFNs entitled to SCHEDULE B Lands will not have acquired their Other Land Amount within the timeframes set out in MFA 4.01 (b).	Parties to the BCN referral. IMC examines options to addressing the timeframe issue for Schedule B EFNs – Acquisition Time Periods IMC Follows up to June 13, 2012 letter from Chairperson to Schedule B EFNs for their Land Acquisition Plans for the Acquisition Minimums of each EFN Minimum Entitlement Acres in accordance with MFA 4.02 (4)	IMC Chairperson	EFNs provide letters/Action Plans Schedule B EFNs are provided a response to each of their letters and notified of planning process	Confirmation of EFN Action Plans for their Acquisition Plans for Schedule B lands Proposed process identified to addressing the MFA
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Work Plan Responsibility # 2.0: Monitoring MFA Implementation and Taking Action when appropriate/necessary to Facilitate Implementation of the MFA						
#	MONITORING TOPIC	FOCUS OF CONCERN	REQUIRED ACTIONS BY IMC	IMC LEAD	TARGET DATE	TARGET RESULTS BY MARCH 31, 2013
2.1	<p><u>STRATEGIC PLANNING:</u></p> <p>The Parties are engaged in 3 Party Strategic Planning to aid each Party in implementing its responsibilities under the MFA.</p>	<p>Parties need to fulfill their Strategic Planning undertakings by due dates to facilitate the success of the Strategic Planning Process.</p> <p>IMC to monitor if Parties are on track with respect to development and implementation of the 3 Party Annual Plan.</p>	<p>Chair to participate in Strategic Planning meetings and monitor performance of Parties re completing undertakings as per commitments. Make periodic recommendations respecting Strategic Planning considerations that may not have been fully considered, and Strategic Planning effectiveness.</p> <p>Monitor to ensure that 2012/13 Annual Plan is adopted by the 3 Parties, provided to SAC, and circulated to the EFNS.</p> <p>Promote and facilitate the 2013/14 Annual Plan preparation by the Parties during March / 13, ensure it is provided to SAC, and circulated to the EFNs by March 31/13.</p>	CHAIRPERSON	<p>June 30/12, September 30/12 December 31/12 February 28/13</p> <p>May 15/12</p> <p>March 31/13</p>	<p>Monitor the performance of the Parties with respect to adopting an Annual Plan, implementing the Annual Plan, and responding to recommendations provided by the Chair for facilitating the effectiveness of the Strategic Planning process. Parties complete their Strategic Planning undertakings in accordance with their commitments to each other.</p> <p>Annual Plan completed by Parties and circulated to EFNs with confirmation of milestone targets for each EFN priority parcel at minimum.</p> <p>2013/2014 Annual Plan developed by the Parties and circulated to SAC and the EFNS by March 31/ 13.</p>
2.2	<p><u>TPI RESOLUTION:</u></p> <p>Third Party Interests (TPI) require resolution before selected land can be converted to reserve.</p>	<p>Numerous unresolved TPIs are hindering the progress of selected/acquired land moving towards reserve status.</p> <p>The Parties are addressing this within and as part of the Strategic Planning process. IMC is to monitor the Parties progress, and facilitate the resolution of TPIs</p>	<p>The Parties are to review the list of TPIs and encumbrances affecting parcels and analyze and determine consensual options to resolve issues specific to each parcel. IMC is to monitor the performance of the Parties.</p> <p>IMC is to monitor if the Parties have written to each EFN and advised of consensual options to resolve each TPI and encumbrance.</p> <p>IMC to analyze and determine why IMC feels each TPI/encumbrance is not being resolved as per the recommended consensual options, and prepare recommendations to resolve identified issues, beginning with EFN priority parcels. Monitor and analyze the success of the Parties in working with the EFNs towards TPI resolution.</p>	CHAIRPERSON	<p>May 1, 2012</p> <p>April 30, 2012</p> <p>October 30, 2012</p> <p>November 30/12</p>	<p>IMC is to report on if the three Parties have reached agreement on consensual options to resolve the specific TPIs and encumbrances affecting the parcels on Schedules A, B, and C and the EFN priority parcels, as per the Annual Plan of the Parties,</p> <p>IMC to report on if Parties have contacted the EFNs with a summary of consensual options for TPI and encumbrance resolution on each parcel.</p> <p>Recommendations to the Parties on an action plan to advance resolution of TPIs and encumbrances.</p> <p>Monitor and analyze the success of the Parties with reaching their Annual Plan milestone goals set in relation to TPI resolution (data from the September 30/12 Tracking Chart update) and comparison to milestone targets.</p> <p>Final 2012/13 report on the success of the Parties in reaching their Annual Plan milestone goals set in relation to TPI resolution (data from the March 31/13 Tracking Chart update and/or TRELES report</p>

<p>EFN PRIORITY PARCELS: Steady advancement of EFN priority parcels towards reserve status.</p>	<p>The Parties are committed to setting and reaching annual milestone targets with respect to advancing EFN Priorities through the land transfer process. The Parties are to develop these targets within and as part of the Strategic Planning process, and include these targets in the Annual Plan. IMC is to monitor the Parties progress and facilitate the achievement of the milestone targets.</p>	<p>Updated tracking charts with status current to September 30, 2012 are circulated to the EFNs and Chairperson. IMC will monitor the achievement of the milestones set by the Parties for EFN Priority parcels within their Annual Plan, and determine if the IMC can assist and facilitate the Parties reaching their common goals. When it appears that the Parties are having difficulty in reaching their milestone targets with respect to the EFN Priority Parcels, make recommendations to facilitate the Parties reaching their milestone goals. IMC will monitor the achievement of the milestones set by the Parties for EFN Priority parcels within their Annual Plan, and determine if the IMC can assist and facilitate the Parties reaching their common goals.</p>	<p>CHAIRPERSON</p>	<p>October 30/12</p>	<p>IMC completes monitoring analysis of Parties success in attaining milestone targets set by the Parties for the EFN priority parcels within their Annual Plan. (data current to September 30/12 Tracking Chart update) Based on its monitoring analysis, IMC may make recommendations to the Parties and EFNs to facilitate achieving the milestones confirmed by Parties within their 3 Party Annual Plan. Final 2012/13 report on the success of the Parties in reaching their Annual Plan milestone goals set in relation to EFN Priority parcels (data current to March 31/13 and/or TRELES report) included in the 2012-2013 Annual Report.</p>
<p>2.3</p>			<p>CHAIRPERSON</p>	<p>November 30/12</p>	
			<p>CHAIRPERSON</p>	<p>May 1/13</p>	

<p>2.4</p> <p><u>LAND TRANSFER PROCESS:</u> Three Party adoption and utilization of a common Land Transfer Process</p>	<p>The Parties follow the <u>Land Transfer and Reserve Creation Process Manual</u> adopted by SAC. The IMC is to monitor the Parties adherence to this common process and the Parties utilization of this process while reporting to the EFNs with respect to the status of parcels moving through the land transfer process.</p>	<p>Monitoring and facilitating the Parties updating their Selection and Acquisition Tracking Charts and circulating them to the EFNs biannually. (Charts current to September 30/12 circulated by November 15/12, and charts current to March 31/13 circulated by March 15, 2013)</p> <p>IMC to monitor the progress accomplished between each iteration of the tracking charts to determine the achievements of the Parties with respect to meeting their milestone objectives and MFA implementation</p>	<p>IMC Party representatives</p>	<p>Charts are updated to reflect status current to September 30/12 and circulated to EFNs and CHR by November 15, 2012.</p> <p>Charts updated to reflect status current to March 31, 2013 and circulated to the EFNs and CHR by May 15, 2013.</p> <p>November 15/12</p> <p>May 15/13</p>	<p>Three Party Compliance with the SAC adopted land transfer process, and regular biannual circulation of the complimentary Tracking Charts to the EFNs to ensure the EFNs are aware of; advancement of their parcels through the process, progress is made towards the milestone goals set by the Parties, and next steps in the process, and primary responsibility are commonly understood.</p>
<p>2.5</p> <p><u>HYDRO EASEMENT PROCESS:</u> The MFA sets out requirement for a 'Hydro Easement' to be granted, when land is selected along a developed waterway.</p>	<p>Ensuring consensus with the definition of and process for determining the scope of 'Hydro Easements'.</p>	<p>Monitor to ensure consensus is maintained on the proposed process for determining 'Hydro Easements', and facilitate this with recommendations when required.</p> <p>Review concerns with process as they arise, and facilitate issue resolution with analysis and recommendations.</p> <p>Monitor and review to ensure H/E process meshes seamlessly with overall L TRCPM process.</p>	<p>TLEC</p> <p>IMC</p> <p>CHAIRPERSON</p> <p>CHAIRPERSON</p>	<p>February 29, 2012</p> <p>May 15, 2012</p> <p>On Going</p> <p>On Going</p>	<p>Comments (redlined version of existing draft process) received on refining process</p> <p>Parties engage to discuss TLEC comments and reach consensus on the process for determining 'Hydro Easements'.</p> <p>Consensus maintained on the process for determining 'Hydro Easements' and the process is being consistently implemented.</p> <p>Consensus on how the H/E process meshes with the overall LTRCPM land transfer process.</p>
<p>2.6</p> <p><u>INFORMATION MANAGEMENT:</u> Effective Management and Use of information</p>	<p>Effective information management systems are in place to track the progress of EFN parcels through the land transfer process.</p> <p>Adherence of the information management systems to the SAC adopted <u>Land Transfer and Reserve Creation Process Manual</u> process.</p> <p>A clear identification of issues affecting progress of the Parcels through the process</p>	<p>Monitor the adequacy of the information being tracked, and if additional information is identified as required by the Parties, assess the situation and consider recommendations on how this might be achieved.</p> <p>Monitor and assess the effective use of the <u>Land Transfer and Reserve Creation Process Manual</u> and complimentary Tracking Charts by all three Parties on a biannual basis. (Dependent on the timely receipt of updated tracking charts from the IMC representatives.)</p> <p>Monitor the resolution/remaining issues affecting the progress of the parcels, and summarize this in the IMC Land Selection/Acquisition Monitoring Charts for biannual circulation to the Parties.</p>	<p>CHAIRPERSON</p> <p>CHAIRPERSON</p> <p>CHAIRPERSON</p>	<p>Semi annually</p> <p>November 15/12</p> <p>May 15/13</p> <p>November 15/12</p> <p>May 15/13</p>	<p>An effective information management system(s) is in use by the Parties to the MFA.</p> <p>Adherence to the LTRCPM process steps and complimentary Tracking Charts by all Parties when tracking progress and communicating with the EFNs.</p>

2.7	<p>CROWN LAND SELECTIONS: Many EFNs have not completed their Crown Land Selections in order for lands to be converted to reserve.</p>	<p>Ten EFNs have still to complete their Crown Land Selections. (NOTE: IMC extended timeframe for BLFN and NFN in recognition of unresolved severalty matter)</p>	<p>Encourage EFNs with outstanding selection acreage to confirm selections, and assist EFNs at Parcel Review meetings.</p> <p>Monitor Progress.</p>	Parties	Ongoing	100% of Selections confirmed
				Chairperson	Quarterly	100% of Selections confirmed

2.8	<p>ACQUISITION TIME FRAMES: Schedule B EFNs are entitled to acquire Other Land for conversion to reserve.</p>	<p>The time period for acquisition of Other Land is nearing completion without all possible acres having been purchased by the Schedule "B" EFNs.</p>	<p>With respect to confirmed Acquisitions: Identification of "next steps and barriers and issues to be resolved" in order to advance all acquisition parcels. The Parties are to do this through completion and circulation of the Acquisition Tracking Charts to EFNS as part of the Strategic Planning initiative.</p> <p>IMC to monitor and review the Acquisition Tracking Charts, next steps for each parcel, and milestones targeted for completion by the Parties for each parcel during 2012/2013. To facilitate achieving milestones, IMC will consider recommendations on how best to advance the parcels towards the milestone goal.</p> <p>Analysis by IMC of trends observed through the Acquisition Tracking Chart monitoring process, and report with recommendations to Parties on the results of this analysis of trends respecting the land transfer processing of acquisitions.</p> <p>Review of the next iteration of Tracking Charts (data current to September 30/12, with receipt anticipated by October 15/11) and monitor Parties progress towards meeting milestone goals. Facilitate achieving the milestones with analysis and recommendations.</p>	PARTIES	April 30, 2012	"Next steps and barriers and issues to be resolved" to advance all acquisition parcels have been identified and circulated to the EFNs.
				CHAIRPERSON	November 15/12	Where deemed appropriate, recommendations are to be submitted to Parties and EFNs on ways and means to resolve issues delaying advancement of acquisitions towards milestone goal of Parties for 2012/2013
				CHAIRPERSON	November 15/12	Analysis and recommendations submitted to Parties.
				CHAIRPERSON	November 15/12 May 1, 2013	Monitor status of achieving milestone goals set by Parties in 3 Party Annual Plan, and facilitate goals with analysis and recommendations in a report to Parties.

<p>2.9</p>	<p><u>OUTSTANDING TEAS:</u> There are still 6 EFNs without signed TEAs.</p>	<p>Ensuring that the Parties develop an action plan specific to each EFN without TEAs, to address this situation.</p>	<p>The IMC representatives are to ensure that the 3 Party Action Plan is forwarded to IMC.</p>	<p>PARTY REPS</p>	<p>May 30/12</p>	<p>Receipt and review of the 3 Party Action Plan.</p>
<p>2.10</p>	<p><u>OTHER SPECIFIC ISSUES:</u> Other specific issues are occasionally identified that affect MFA Implementation.</p>	<p>Upon identification of specific issues that may be affecting implementation; conduct an analysis of the matter leading to a recommended strategy for facilitating resolution for the Parties.</p>	<p>Monitor implementation of the 3 Party Action Plan</p>	<p>CHAIRPERSON</p>	<p>On-going</p>	<p>Comments to Parties on implementation of the 3 Party Action Plan.</p>
<p>2.11</p>	<p><u>OTHER SPECIFIC ISSUES:</u> Other specific issues are occasionally identified that affect MFA Implementation.</p>	<p>Reindeer Lake regulation – Effect on BLFN TLE selections. Chairperson is to facilitate the meetings of SaskPower with the Parties.</p> <p>Other: As identified from time to time. IMC will analyze the matter, determine if IMCs involvement is appropriate, the nature of IMC's involvement, and integration of the matter into the IMC Work Plan.</p>	<p>Reindeer Lake regulation – Effect on BLFN TLE selections. Chairperson is to facilitate the meetings of SaskPower with the Parties.</p>	<p>CHAIRPERSON</p>	<p>March 31/13</p>	<p>Consensus amongst the Parties, BLFN, and Sask Power on the accommodation that is required to enable the BLFN TLE selections along Reindeer Lake to advance through the land transfer process.</p> <p>Specifics dependent upon issue. In general: issue analysis, and development of an IMC consensus on how best to resolve the matter, enable implementation of the MFA, and advance land parcels through the land transfer process.</p>
<p>2.11</p>	<p>Best Efforts Review</p>	<p>Conduct an analysis of the Parties and the ability to complete the required tasks in order to understand the areas that may require focus.</p>	<p>Review the undertakings completed by the Parties.</p>	<p>CHAIRPERSON</p>	<p>March 31/13</p>	<p>A completed assessment and analysis of the undertakings assigned to the IMC Representatives.</p>

Work Plan Responsibility # 3.0 : Reporting						
#	REPORTING TOPIC	FOCUS	REQUIRED ACTIONS BY IMC	IMC LEAD	TARGET DATE	TARGET RESULTS BY MARCH 31/13
3.0	<u>EFFECTIVE IMC OPERATIONS:</u>	<p>Efficient and effective implementation of the IMC Work Plan.</p> <p>To structure the required actions by IMC on each Work Plan topic by fiscal year quarter.</p> <p>To meet to review progress accomplished during that quarter, and to discuss the topic in light of the completion of the work plan sub components, and information to date.</p> <p>Confirmed meeting summaries will summarize the progress made by IMC towards the year and targeted results, and serve as a self assessment on the extent to which the Annual IMC Work Plan has been achieved.</p> <p>To circulate these IMC meeting summary reports on Work Plan progress to the Parties for their information, and to report on the extent to which the Annual IMC Work Plan has been achieved.</p> <p>To convene other meetings as required to focus discussion on specific topics included within the IMC Work Plan.</p>	<p>Initial meeting: April 17, 2012. Meeting summary circulated by April 27, 2012.</p> <p>June 13, 2012 meeting to review progress made during first quarter. Meeting summary confirmed by June 30, 2012.</p> <p>Oct. 3, 2012 meeting to discuss progress made during second quarter. Meeting summary confirmed by October 31, 2012.</p> <p>January 9, 2013 meeting to discuss progress made during third quarter. Meeting summary confirmed by February 1, 2013.</p> <p>March 6, 2013 meeting to discuss progress made during the final quarter, and overall during the fiscal year. Meeting summary confirmed by March 27, 2013.</p> <p>March 27, 2013 Meeting to discuss achievements of IMC with respect to Work Plan and develop 2013/2014 IMC Work Plan.</p>	CHAIRPERSON	<p>May 1/13</p> <p>June 30/12</p> <p>On or about the dates referenced. March 31/13</p>	<p>Confirmed 2012-2013 IMC Work Plan</p> <p>IMC Chair Outgoing report for the period of April – June.</p> <p>IMC meets Work Plan Target Results by Due Dates</p>
3.1		<p>The IMC is committed to undertaking an ongoing review of the effectiveness of the representatives assigned to the Committee, the effectiveness of the Committee in dealing with its work plan, and the effectiveness of the Chairperson.</p>	<p>Reviews will be conducted every six months and will include self evaluation by the Chairperson and evaluation by the IMC representatives on their own performance. The evaluation will assess the extent to which the Annual IMC Work Plan has been achieved.</p> <p>The Chairperson and the IMC will also assess the Work Plan structure, content, and context; and when appropriate make recommendations to improve the IMC effectiveness and efficiency.</p>	<p>Party representatives serving on IMC. CHAIRPERSON</p>	<p>July 29/12</p> <p>November 1/12</p> <p>February 7, 2013</p> <p>March 31, 2013</p>	<p>The IMC meeting summaries are to record the extent to which the Annual IMC Work Plan has been achieved by Quarter, and these will be circulated to the Parties upon confirmation. (Approx. 1 month after quarter and 3 weeks after quarterly meeting)</p> <p>IMC will strive for continually improving effectiveness and completion of the Work Plan by year end.</p>

3.2	<p><u>LAND TRANSFERRED:</u> Land must be transferred to reserve in order for MFA to be fulfilled.</p>	<p>Monitor Three Party Selection and Acquisition Tracking Charts which are to be current to March 31 and September 30 and report on progress in achieving milestone targets set by 3 Parties within their Annual Plan.</p>	<p>Report on Parties success in achieving Annual Plan milestones (Dependent upon receipt of Tracking Charts (data current to September 30/11; receipt anticipated by November 15/12), and at year end. (Date current to March 31/13; receipt anticipated by May 15/13)</p>	CHAIRPERSON	November 15/12 In Annual Report at year end.	Progress of implementing Annual Plan and transferring lands is monitored and compared to milestone goals set by Parties for 2012/2013 and reported on.
3.3		<p>Tracking quantity and type of land transferred to reserve status.</p>	<p>Report on land transferred to reserve status in accordance with appropriate indicators, including: total acres and parcels, Crown acres and parcels, Other acres and parcels, smaller parcels - less than 1000 acres, large acres and parcels, acres by EFN, priority acres by EFN, parcels by EFN, and priority parcels by EFN).</p>	CHAIRPERSON	On Going throughout year. March 31/13	Report on Lands Transferred to reserve status during the 2012/2013 fiscal year, in accordance with appropriate indicators.
3.3	<p><u>FINANCIAL REPORTING:</u></p>	<p>Effective financial administration within the approved IMC budget and reporting to the Parties on the actual revenues and expenditures of the IMC Office.</p>	<p>Produce financial (actual revenue/expenditure) statements, and submit to Parties along with Chairperson's Statement of Account on a monthly basis. Operate within the budget level set by SAC, and the line item limits set by IMC.</p>	CHAIRPERSON	Monthly reports by the 15 th of subsequent month.	Acceptable financial reports within approved IMC budget levels produced throughout the fiscal year 2012/2013.
3.4	<p><u>ANNUAL REPORT:</u></p>	<p>Annual Report to Parties summarizing MFA implementation, including the recommendations of the IMC and the Chairperson for implementation improvement, and a summary of the Issues/Matters in Dispute resolved and outstanding at year end.</p>	<p>Produce IMC Annual Report.</p>	CHAIRPERSON	June 30/13	Annual Report produced by June 30, 2013.
3.5	<p><u>ANNUAL AUDITED FINANCIAL STATEMENTS:</u></p>	<p>Accountability for IMC finances</p>	<p>Engage auditor to produce Audited Financial Statements.</p>	CHAIRPERSON	June 30/13	Unqualified audited statements produced by June 30, 2013.



IMPLEMENTATION MONITORING COMMITTEE

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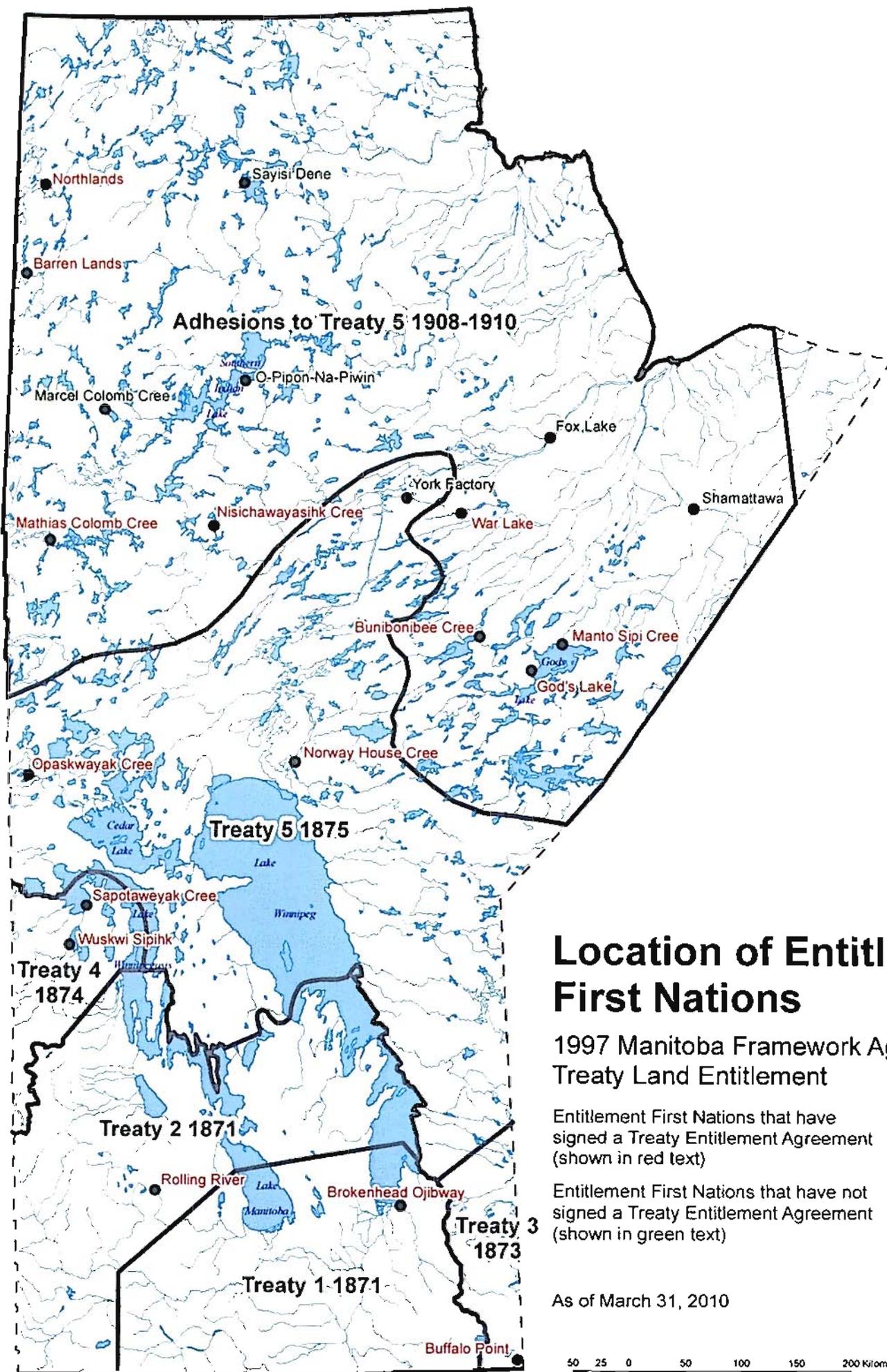
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Appendix A

Location of Entitlement First Nation Map



Northlands

Sayisi Dene

Barren Lands

Adhesions to Treaty 5 1908-1910

O-Pipon-Na-Piwin

Marcel Colomb Cree

Fox Lake

Mathias Colomb Cree

Nisichawayasihk Cree

York Factory

War Lake

Shamattawa

Bunibonibee Cree

Manto Sipi Cree

God's Lake

Opaskwayak Cree

Norway House Cree

Treaty 5 1875

Sapotaweyak Cree

Treaty 4 1874

Wuskwi Sipiik

Treaty 2 1871

Rolling River

Brokenhead Ojibway

Treaty 3 1873

Treaty 1 1871

Buffalo Point

Location of Entitlement First Nations

1997 Manitoba Framework Agreement on Treaty Land Entitlement

Entitlement First Nations that have signed a Treaty Entitlement Agreement (shown in red text)

Entitlement First Nations that have not signed a Treaty Entitlement Agreement (shown in green text)

As of March 31, 2010

