



## Claim Background Research & Analysis

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

### Summary:

This briefing document reviews the key findings of a data-driven analysis exploring potential resource management claims the Enoch Cree Nation (ECN) may have against the Government of Canada. The analysis leverages data science and industrial information architecture to examine historical government actions and policies impacting ECN's resource revenue and land use rights.

### Historical Background:

- **Origins & Treaty:** The ECN, originally the Lapotac Band, has inhabited their territory since 1670. They adhered to Treaty 6 in 1877, committing to productive relationships with settlers and economic development. (Page 3)
- **Reserve Lands:** ECN controls two reserves: IR No. 135 (established 1889) and a smaller, uninhabited reserve, IR No. 135a. (Page 4)
- **Resource Production:** Oil and gas production on IR No. 135 represents a significant economic activity, with identified "producing lands" forming the focus of this analysis. (Page 5-6)

### Basis for Claims:

The analysis highlights a pattern of wrongful actions and inactions by the Government of Canada, specifically through Indian Oil and Gas Canada (IOGC) and its preceding organizations. These actions center around a failure to uphold fiduciary duty and trust in managing ECN's resources:

- **Breaches of Trust & Fiduciary Duty:** The analysis identifies systematic failures in the government's mandate to regulate resource development on behalf of ECN. This includes allowing energy corporations to avoid agreed-upon payments, wrongful billing practices, and favoring off-reserve producers over the equitable development of ECN's mineral pools. (Page 20)

### Specific Claim Areas:

Data analysis supports ECN's cause to pursue claims in the following areas:

- **Take-or-Pay Gas (TOPGAS) 1982-1994:** Producers on ECN lands wrongly deducted fees from owed royalties for repayment of the TransCanada Pipelines Corporation (TCPL) fund, a program designed to support producers during an economic crisis. ECN did not participate in this program and should not have been subject to these deductions. (Page 21)

## ENOCH CREE NATION

maskêkosihk

## BRIEFING NOTE

- 1 • **Overhead, Marketing & Administrative Costs (OMAC) 1986-1990:** IOGC wrongly applied  
2 OMAC deductions to royalties owed to ECN and other First Nations. Interest calculations  
3 on these historical deficits were based on CPP and BTF interest rate benchmarks. (Page  
4 21)
- 5 • **Drainage 1961-2023:** Analysis of pool utilization demonstrates inequitable development  
6 of ECN's reserves, with potential under-exploitation of mineral pools benefiting off-  
7 reserve producers, a breach of IOGC's fiduciary duty. (Page 22)
- 8 • **Export Tax 1973-1980:** While not detailed in the provided excerpts, the analysis indicates  
9 potential claims related to the Canadian Government's intervention in the oil and gas  
10 industry during this period. (Page 22)
- 11 • **Environmental Liabilities 1950-Present:** Failure to address end-of-life issues related to  
12 oil and gas wells has detrimental impacts on ECN's treaty rights, potentially interfering  
13 with their ability to utilize their land and traditional territories. (Page 22)

14 **Evolving Policy Context:**

15 The pursuit of these claims occurs within a shifting landscape of Indigenous rights and evolving  
16 legal frameworks:

- 17 • **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP):** While  
18 initially opposed by Canada, UNDRIP came into force in 2021, outlining Indigenous rights  
19 to autonomy, security, and territorial continuity. Concerns remain regarding its  
20 compatibility with existing treaties and potential impact on First Nations sovereignty.  
21 (Page 15-19)
- 22 • **Indian Act & Specific Claims Tribunal:** Potential changes to these legal mechanisms,  
23 including the replacement of "modern surrender" with "promissory estoppel" for settled  
24 land claims, may significantly impact future economic reconciliation efforts. (Page 19)

25 **Further Exploration:**

26 The analysis suggests significant legacy pollution stemming from federally permitted oil and gas  
27 development requires further investigation. These impacts on ECN's ecosystems, cultural  
28 practices, and agricultural land use may necessitate ecological restoration as a critical aspect of  
29 the reconciliation process. (Page 7)

30 **Conclusion:**

31 This research highlights a compelling case for potential ECN claims against the Government of  
32 Canada for historical mismanagement of their resources. The analysis provides a data-driven  
33 foundation for pursuing these claims within the evolving legal and political landscape of  
34 Indigenous rights and resource management.