

# PRINCE ALBERT GRAND COUNCIL ACT, 2005



1.	SHORT TITLE.....	PAGC Act, 2005 – Page 3
2.	DEFINITIONS.....	PAGC Act, 2005 – Page 3
	<i>Aboriginal Rights</i> .....	PAGC Act, 2005 – Page 3
	<i>Annual Assembly</i> .....	PAGC Act, 2005 – Page 3
	<i>Chief</i> .....	PAGC Act, 2005 – Page 3
	<i>Convention Act</i> .....	PAGC Act, 2005 – Page 3
	<i>Council of Chiefs</i> .....	PAGC Act, 2005 – Page 3
	<i>Crown</i> .....	PAGC Act, 2005 – Page 3
	<i>Current Registration</i> .....	PAGC Act, 2005 – Page 3
	<i>Delegate</i> .....	PAGC Act, 2005 – Page 3
	<i>Executive Council</i> .....	PAGC Act, 2005 – Page 3
	<i>Federation of Saskatchewan Indian Nations</i> .....	PAGC Act, 2005 – Page 4
	<i>First Nations / Band</i> .....	PAGC Act, 2005 – Page 4
	<i>Grand Chief</i> .....	PAGC Act, 2005 – Page 4
	<i>Grand Council</i> .....	PAGC Act, 2005 – Page 4
	<i>Member First Nation / Band</i> .....	PAGC Act, 2005 – Page 4
	<i>Sector Representatives</i> .....	PAGC Act, 2005 – Page 4
	<i>Speaker of the Annual Assembly</i> .....	PAGC Act, 2005 – Page 4
	<i>Term of Office</i> .....	PAGC Act, 2005 – Page 4
	<i>Treaty</i> .....	PAGC Act, 2005 – Page 4
	<i>Treaty Rights</i> .....	PAGC Act, 2005 – Page 5
	<i>Vice Chief</i> .....	PAGC Act, 2005 – Page 5
3.	GRAND COUNCIL.....	PAGC Act, 2005 – Page 5
4.	COUNCIL OF CHIEFS.....	PAGC Act, 2005 – Page 7
5.	SECTOR REPRESENTATIVES.....	PAGC Act, 2005 – Page 8
6.	ANNUAL ASSEMBLY.....	PAGC Act, 2005 – Page 8
7.	BOARDS, COMMISSIONS AND COMMITTEES.....	PAGC Act, 2005 – Page 9
8.	MEMBERSHIP.....	PAGC Act, 2005 – Page 10
9.	HEAD OFFICE.....	PAGC Act, 2005 – Page 11
10.	POWERS AND DUTIES OF EXECUTIVE COUNCIL.....	PAGC Act, 2005 – Page 11
11.	ELDERS.....	PAGC Act, 2005 – Page 12
12.	SENATORS.....	PAGC Act, 2005 – Page 12
13.	HONORARY MEMBERS.....	PAGC Act, 2005 – Page 12
14.	LIABILITY.....	PAGC Act, 2005 – Page 13
15.	FEDERATION OF SASKATCHEWAN INDIAN NATIONS (FSIN) AND ASSEMBLY OF FIRST NATIONS (AFN).....	PAGC Act, 2005 – Page 13
16.	AMENDMENT.....	PAGC Act, 2005 – Page 13

1. **SHORT TITLE**

This Act may be cited as *The Prince Albert Grand Council Act*.

2. **DEFINITIONS**

In this Act:

- 2.1 **Aboriginal Rights** mean those rights which Aboriginal peoples have because of their occupation of North American before the coming of their Europeans. These rights encompass all aspects of their distinctive culture, including rights to land and traditions. The *Royal Proclamation of 1763* recognized these rights and established that only the Crown, and not individuals, could purchase land from Indians. Existing Aboriginal Rights are protected under the *Constitution Act, 1982*.
- 2.2 **Annual Assembly** means the annual meeting of the Prince Albert Grand Council convened for the purpose of ratifying / amending legislation, receiving the annual report, reviewing comparative financial statements, appointing an auditor for the Grand Council, and electing members of the Executive Council.
- 2.3 **Chief** means the person elected according to the custom of the Member First Nation/Band and who sits on the PAGC Council of Chiefs or his/her delegate.
- 2.4 **Convention Act** means the agreement identifying the common principles that will govern the organization of the Prince Albert Grand Council.
- 2.5 **Council of Chiefs** shall consist of the Chiefs of each Member First Nation/Band or their delegate and one representative of the Women's Commission. The Council of Chiefs shall have the power to develop, enact and enforce legislation in areas of executive, judicial and legislative authority designated by the Member First Nations/Bands.
- 2.6 **Crown** means the Crown of Great Britain and Ireland who has vested his/her legal and fiduciary powers, duties and obligations in the Federal Government of Canada.
- 2.7 **Current Registration** for the purposes of this Act, the population as determined in consultation with each First Nation/Band, no later than September 30<sup>th</sup> annually.
- 2.8 **Delegate** means a Delegate to the Annual Assembly, who is eighteen (18) years of age, and who is a registered member of the Member First Nation/Band he or she seeks to represent and includes the individual members of the Council of Chiefs as defined herein.
- 2.9 **Executive Council** means the Grand Chief and the Vice Chiefs.

- 2.10 Federation of Saskatchewan Indian Nations (FSIN)** means the Federation of Saskatchewan First Nations/Bands organized for the purpose of promoting and protecting the inherent aboriginal and treaty rights of Saskatchewan First Nations/Bands, based upon the primacy of Member First Nations/Bands who are signatory to the *FSIN Convention*.
- 2.11 First Nation / Band** means a jural society of sovereign indigenous people who exercise their distinct culture, language, customs and traditions and who claim inherent and treaty rights within a defined territory.
- 2.12 Grand Chief** means the Chief elected pursuant to *The PAGC Election Act* who sits as the senior presiding elected official at the Council of Chiefs as defined herein, and on various Designated Boards, Commissions, and Committees and who is accountable to the Chief and Councils/Headmen of the Member First Nations/Bands.
- 2.13 Grand Council** means the Prince Albert Grand Council (PAGC) identified by agreement between the twelve (12) First Nations/Bands who were signatory to *The Prince Albert Grand Council Convention, 1993* and its successor legislation.
- 2.14 Member First Nation/Band** means a First Nation/Band who was signatory to the *Prince Albert Grand Council Convention, 1993* or its successor legislation.
- 2.15 Sector Representative** means the person selected by each Tribal Council/Joint Tribal Council to serve as a liaison between the Grand Council and the Member First Nations/Bands that comprise that Tribal Council/Joint Tribal Council and to sit on various designated Boards, Commissions and Committees.
- 2.16 Speaker of the Annual Assembly** means the person appointed on an annual basis by the Council of Chiefs as Speaker of the Annual Assembly.
- 2.17 Term of Office** means the term of office for all elected positions of the Prince Albert Grand Council which shall ordinarily be three (3) years.
- 2.18 Treaty** means a compact between two or more independent nations, formally signed by persons properly authorized, and solemnly ratified by the several sovereigns, by which the parties agree to enter into a legal and political relationship based on certain terms and conditions.

- 2.19 Treaty Rights** includes, but is not limited to, various promises which were made when the treaties were signed with First Nations/Bands. The exact nature of these rights is often in dispute because of differences between the written text and the text transmitted through oral tradition. Existing Treaty Rights are protected under the *Constitution Act, 1982*.
- 2.20 Vice Chief** means one of two Vice Chiefs, second in point of rank, who sit on the Executive Council of the Grand Council and who are elected by Delegates pursuant to *The PAGC Election Act*.

### 3. GRAND COUNCIL

**3.1** The Convention is hereby incorporated and there is hereby established in and for the territories governed by the Member First Nations/Bands, a Grand Council which shall henceforth be called the Prince Albert Grand Council.

- a) The membership of the Prince Albert Grand Council shall be comprised of the following twelve (12) Member First Nations/Bands:

Black Lake	Cumberland House
Fond du Lac	Hatchet Lake
James Smith	Lac La Ronge
Montreal Lake	Peter Ballantyne
Red Earth	Shoal Lake
Sturgeon Lake	Wahpeton

- b) The above Member First Nations/Bands will be divided into the following Tribal Councils:

Athabasca Denesuline Tribal Council:	Black Lake Fond du Lac Hatchet Lake
Dakota Tribal Council:	Wahpeton
Plains Cree Tribal Council:	James Smith Sturgeon Lake
Swampy Cree Tribal Council:	Red Earth Shoal Lake Cumberland House
Woodland Cree Joint Tribal Council:	Lac La Ronge Peter Ballantyne Montreal Lake

c) The Member First Nations/Bands are divided into the following Sectors:

Athabasca Sector:	Black Lake Fond du Lac Hatchet Lake
Eastern Sector:	Cumberland House Red Earth Shoal Lake
Southern Sector:	James Smith Sturgeon Lake Wahpeton
Woodland Cree Sector:	Lac La Ronge Montreal Lake Peter Ballantyne

- 3.2** The Member First Nations/Bands of the Prince Albert Grand Council may maintain their individual First Nation/Band memberships in the Federation of Saskatchewan Indian Nations (FSIN) and/or the Assembly of First Nations (AFN).
- a) There shall be an annual review of the Chief and Executive Council of the Federation of Saskatchewan Indian Nations and of the Assembly of First Nations by the Prince Albert Grand Council.
- b) There shall be an annual review of the Grand Chief and Vice Chiefs of the Prince Albert Grand Council by the Council of Chiefs.
- 3.3** The Grand Council shall not abrogate nor derogate from the autonomy of the Member First Nations/Bands and shall only possess those powers delegated by the Member First Nations/Bands individually or collectively from time to time.
- 3.4** The Grand Chief may, from time to time, in consultation with the Member First Nations/Bands, determine the seal(s) to be used by the Prince Albert Grand Council for purpose of business.
- 3.5** All laws, by-laws, proclamations, orders, minutes and contracts enacted or entered into the Prince Albert Grand Council shall be of no force or effect unless sealed and initialed by either the Council of Chiefs, Members of the Executive Council, or their designate.
- 3.6** The office of the Clerk of the Prince Albert Grand Council may be established to record, file, process and store all legislation, agreements and contracts of the Prince Albert Grand Council. Alternatively, the Administration Office of the Prince Albert Grand Council shall record, file, process and store all legislation, agreements and contracts executed on behalf of the Prince Albert Grand Council and these or copies of the same shall be available for inspection by any of the Member First Nations/Bands.

3.7 The real and personal property of the Prince Albert Grand Council shall be handled in accordance with trust instruments and these trust instruments shall be held in safekeeping by the Executive Director, the Director of Operations or another designate of the Council of Chiefs.

#### 4. COUNCIL OF CHIEFS

4.1 The Council of Chiefs shall have the power to develop, enact and enforce legislation in areas of jurisdiction designated by the Member First Nations/Bands.

4.2 The Council of Chiefs shall determine the remuneration, scope and duties and responsibilities of the Prince Albert Grand Council Chief and the Vice Chiefs from time to time.

4.3 The Council of Chiefs shall meet on a regular basis and shall conduct business by discussion and resolution duly moved and seconded. Motions shall be determined through a simple majority vote. Unless otherwise agreed, each Member First Nation/Band shall have one (1) vote and the Women's Commission shall have one (1) vote.

4.4 The Quorum required for the conduct of business is any combination of seven (7) Chiefs or their delegates and the representative from the Women's Commission.

4.5 The Council of Chiefs may prioritize the political and socio-economic agenda to be carried out by the Prince Albert Grand Council.

4.6 From time to time, the Council of Chiefs may enact laws, by-laws or regulations with respect to procedures for carrying on the business of the Prince Albert Grand Council.

4.7 The Council of Chiefs shall determine and approve the annual budget of the Prince Albert Grand Council.

4.8 The Council of Chiefs:

- a) shall have the power to impeach, remove, and/or suspend the Grand Chief and/or Vice Chiefs pursuant to *The Executive Act* for breaches of *The PAGC Act*, *The PAGC Convention*, *The PAGC Election Act* or *The PAGC Executive Act*;
- b) having impeached, removed, or suspended the Grand Chief and/or Vice Chiefs, they may appoint an interim person/body to carry out the same functions until an Election or By-election can be held in accordance with *The Election Act* and Regulations thereto.
- c) The Grand Chief and/or the Vice Chiefs may appeal to the Council of Chiefs to review their impeachment, suspension or removal and the decision of the Council of Chiefs shall be final and binding upon all parties

- 4.9 For the purpose of exercising any of the powers or carrying out any of the duties assigned to the Council of Chiefs by this Act, the Council of Chiefs may engage the services of or retain any technical, professional, or other specialists or consultants that are considered necessary.
- 4.10 The Council of Chiefs shall establish such legal entities as are deemed necessary to carry out the duties imposed upon the Council of Chiefs by this act.
- 4.11 In the event that an Executive Council member dies, resigns, is incapacitated while in office, the Council of Chiefs may appoint someone to step into their shoes until a By-election can be called.
- 4.12 If an Executive Council Member will be absent from his or her office for a period of longer than five (5) working days, he/she shall reassign his/het duties and delegate his authority to another Executive Member and the Council of Chiefs and Band Offices shall be so advised.

## **5. SECTOR REPRESENTATIVES**

- 5.1 The Woodland Cree First Nations/Bands are multi-community Bands and each of these might, at some point in time, become Tribal Councils in their own right. Thereafter, the Woodland Cree may form a Joint Tribal Council.
- 5.2 The First Nations/Bands have Sector meetings from time to time and there are occasions where the First Nations/Bands that form each sector have collective interests or issues that could be spoken to be a Sector Representative at Board, Commission or Committee meetings.
- 5.3 Each Tribal Council/Joint Tribal Council shall have the power to select, remove or replace their Sector Representative and shall notify the Council of Chiefs in writing of their decision to do so.
- 5.4 Each Tribal Council/Joint Tribal Council shall determine how their Sector Representative is selected.
- 5.5 The Sector Representatives shall serve as the liaison between the Tribal Council /Joint Tribal Council they have been selected to represent and the Grand Council.
- 5.6 The job description of the Sector Representatives shall be jointly determined by the First Nations/Bands and the Executive Council.

## **6. ANNUAL ASSEMBLY**

- 6.1 The Council of Chiefs shall be members of the Annual Assembly and shall appoint the Speaker and Deputy Speaker of the Annual Assembly. The duties of the Speakers shall be:
  - a) to chair the Annual Assembly;



- b) to maintain order at the Assembly following *Roberts Rules of Order*;
- c) to entertain motions or resolutions properly before the Assembly; and
- d) to confirm the status of motions or resolutions before the Assembly.

6.2 Each Assembly shall have, in addition to the Council of Chiefs, a designated number of Delegates from each Member First Nation/Band. The number of Delegates shall be determined in accordance with the following formula:

No Member First Nation/Band shall have fewer than five (5) Delegates including the Chief and Councillors/Headmen. Each Member First Nation/Band shall have five (5) Delegates, including the Chief and Councillors/Headmen, for the first 400 or fewer band members *plus* one (1) Delegate for every two hundred (200) band members over and above the first 400.

6.3 Each Member First Nation/Band shall provide to the Speaker of any Assembly, **at Least ten (10) days** before the date of the commencement of the Assembly, a list of all their Delegates and a list of all their Alternate Delegates.

6.4 The Annual Assembly shall review the annual report, receive comparative financial statements, approve the budget for the forthcoming year, appoint an auditor for the Grand Council, and elect members of the Executive Council.

6.5 The Quorum required for the transaction of business at an Assembly is a simple majority of Delegates as determined herein above.

6.6 The Assembly shall approve the application for admission of new Member First Nations/Bands to the Prince Albert Grand Council as determined herein.

6.7 The Annual Assembly shall appoint an auditor for the Prince Albert Grand Council and all other related or subsidiary corporations on a yearly basis.

## 7. **BOARDS, COMMISSIONS AND COMMITTEES**

7.1 (a) The Council of Chiefs may establish such Boards, Commissions and Committees consisting of representatives from the Member First Nations/Bands, the Women's Commission, any Tribal Councils/Joint Tribal Councils or Sectors as may be required from time to time.

(b) The Council of Chiefs may establish Boards, Commissions and Committees consisting of representatives from the Member First Nations/Bands and such technical, professional or other advisors, specialists or consultants as may be considered necessary from time to time. The Council of Chiefs will determine who has voice and/or vote on such committees.

7.2 The role, function and composition of such Boards, Commissions and Committees may be set forth in regulations and/or by-laws as established by the Council of Chiefs from time to time.

- 7.3 (a) Each Member First Nation/Band shall appoint at least one (1) female representative to the Women's Commission.
- (b) The Women's Commission shall have at least one (1) representative on each and every Board, Commission, and/or Committee established by the Council of Chiefs.

## 8. MEMBERSHIP

- 8.1 First Nations/Bands seeking membership in the Prince Albert Grand Council shall submit a resolution indicating the same to the current Member First Nations/Bands of the Prince Albert Grand Council.
- 8.2 Upon the unanimous consent of the Member First Nations/Bands of the Prince Albert Grand Council, as evidenced by a Band Council Resolution from *each* current Member First Nation/Band of the Prince Albert Grand Council, a resolution shall be presented to the Annual Assembly accepting the First Nation/Band as a member of the Prince Albert Grand Council which motion shall also be ratified by the Annual Assembly. There may be conditions placed on the member such as a buy-in at fair market value of a fractional share of the assets held in common for the benefit of the Member First Nations/Bands.
- 8.3 Notwithstanding subsections 8(1) and (2), no Member First Nation/Band shall withdraw from the Prince Albert Grand Council without first giving notice in writing to the Grand Council of their intention to withdraw. Such notice shall be in the form of a Band Council Resolution of the Member First Nation/Band indicating an intention to withdraw from the Prince Albert Grand Council:
- (a) Within sixty (60) days from the date of notice provided by the Member First Nation/Band, the Grand Council and the Member First Nation/Band shall conduct a review of the withdrawal, and set forth and agree upon a schedule for effecting the withdrawal.
- (b) The above noted review shall include a proper accounting of the First Nation's/Band's interest, and the decision of the Grand Council will be final as to the value of that interest (assets and liabilities).
- (c) The Member First Nation's/Band's decision to withdraw is final and binding.
- (d) The Member First Nation/Band shall cease any and all participation in the Grand Council effective as of the date of the notice of withdrawal.
- (e) The Member First Nation shall not incur any new liabilities effective as of the date of the notice of withdrawal provided to the Grand Council.
- (f) The Member First Nation/Band shall be responsible for all costs incurred with respect to effecting the withdrawal.

**9. HEAD OFFICE**

**9.1** Unless otherwise agreed by the Council of Chiefs, the head office of the Prince Albert Grand Council shall be located on the Opawakoscikan Reserve #201 of the Peter Ballantyne Cree First Nation.

**10. POWERS AND DUTIES OF EXECUTIVE COUNCIL**

**10.1** The Executive Council shall have the following powers and duties:

- (a) report and be responsible directly to the Council of Chiefs and their designated Boards, Commissions and Committees.
- (b) provide overall direction in administrative, judicial and legislative areas through the senior management of the Prince Albert Grand Council. The Senior Management Team shall include the Executive Director, the Director of Operations, the Director of Human Resources, the Director of Finance and such technical, professional or other advisors, specialists or consultants as may be considered necessary to make informed decisions.
- (c) implement those policies, procedures, programs and services as established by the Council of Chiefs and make the appointments established herein.
- (d) actively promote, protect, apply, enforce and clarify the Treaties through the management and legislation functions of the Prince Albert Grand Council.
- (e) plan and assist the Member First Nations/Bands with respect to all of their intergovernmental affairs.

**10.2** The Grand Council shall submit a report to the Annual Assembly.

**10.3** The Executive Council shall ensure that an auditor is appointed as directed by the Annual Assembly for the Grand Council and all other related or subsidiary corporations.

**10.4** The Term of Office of each Member of the Executive Council shall be three (3) years unless otherwise determined by the Council of Chiefs.

**10.5** For the purposes of exercising any of the powers or carrying out any of the duties imposed upon the Executive Council by this Act, the Executive Council may engage the services of, or retain any technical, professional or other advisors, specialists or consultants that may be considered necessary, and which are authorized by the Council of Chiefs or the designated Boards and Commissions and Committees.

**10.6** The Grand Chief shall have the power to supervise the Vice Chiefs and make representations to the Council of Chiefs with respect to the impeachment, removal and/or suspension of any of the Vice Chiefs.

## **11 ELDERS**

**11.1** The Grand Council may appoint a resident Elder.

**11.2** Each Member First Nation/Band may appoint an advisor to sit on the Council of Elders except for Peter Ballantyne Cree Nation and Lac La Ronge Indian Band which, because of their relative size, may appoint one additional representative each. These appointments shall coincide with the term of office of the Chief and Council of each Member First Nation/Band. Elders may be re-appointed for an additional term or terms. The role and responsibilities of the Council of Elders will be determined by the Council of Chiefs and the Executive Council.

**11.3** The Elders:

- (a) shall attend to the opening and the closing prayers of every meeting;
- (b) may, if asked, provide advice to the Council of Chiefs and/or members of the Executive Council;
- (c) shall perform such traditional ceremonies as may be required by any event; and
- (d) may participate in other forums, processes and institutions at the invitation of the Council of Chiefs or Executive Council.

## **12 SENATORS**

**12.1** The Council of Chiefs may from time to time at their discretion or as recommended by Member First Nations/Bands, appoint Statespersons to be known as Senators of the Prince Albert Grand Council, whose function and roles may be set forth in laws, by-laws and/or regulations as established by the Council of Chiefs from time to time.

**12.2** The roles and responsibilities of the Senate will be determined by the Council of Chiefs and the Executive Council.

## **13 HONORARY MEMBERS**

**13.1** The Council of Chiefs may from time to time at their discretion, appoint Honorary Members of the Prince Albert Grand Council, whose function and roles may be set forth in regulations and/or by-laws as established by the Council of Chiefs from time to time.

**14 LIABILITY**

- 14.1** The Prince Albert Grand Council shall not be liable in any manner whatsoever for any liabilities of any Member First Nation/Band and no Member First Nation/Band shall be responsible for any liabilities of the Prince Albert Grand Council and each agrees to indemnify the other and save them harmless from any action including, *inter alia*, any claim, suits, demands, losses, and/or damage against one or the other.
- 14.2** Nothing in *The PAGC Convention Act*, *The PAGC Act* or any other constituting documents of the Grand Council shall be construed to mean that a general partnership has been created by the Member First Nations/Bands nor authorize any Member First Nation/Band to act as agent for another Member or as agent for the Prince Albert Grand Council.

**15 FEDERATION OF SASKATCHEWAN INDIAN NATIONS (FSIN) AND ASSEMBLY OF FIRST NATIONS (AFN)**

- 15.1** The Prince Albert Grand Council may be a member of the Federation of Saskatchewan Indian Nations (FSIN) and/or the Assembly of First Nations (AFN).
- 15.2** Each Member First Nations/Band may be a member of the Federation of Saskatchewan Indian Nations (FSIN) and/or the Assembly of First Nations (AFN) as they determine.

**16. AMENDMENT**

- 16.1** An amendment to this Act may be initiated by a Member First Nation/Band.
- 16.2** Any amendment shall be approved in principle by a simple majority (50% *plus one*) of the Council of Chiefs.
- 16.3** The amendment shall then be subject to a ratification vote passed by a simple majority (50% *plus one*) of the Delegates of the Prince Albert Grand Council Annual Assembly.

This is to certify that *The PAGC Act* is the only document by that name in effect as of this date and that this Act was duly passed at an Annual Assembly of the Prince Albert Grand Council on the 18<sup>th</sup> day of October, 2005 A.D. by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ opposed and \_\_\_\_\_ abstentions. A quorum was present.

**IN WITNESS WHEREOF** the Chiefs now enter into the amended *PAGC Act*, dated this 18<sup>th</sup> day of October, 2005.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chief  
Black Lake Denesuline First Nation

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chief  
Cumberland House Cree First Nation

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chief  
Fond du Lac Denesuline First Nation

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chief  
Hatchet Lake Denesuline First Nation

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chief  
James Smith Cree First Nation

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chief  
Lac La Ronge Indian Band

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chief  
Montreal Lake Cree First Nation

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chief  
Peter Ballantyne Cree First Nation

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Witness

\_\_\_\_\_  
Chief  
Red Earth Cree First Nation

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Witness

\_\_\_\_\_  
Chief  
Shoal Lake Cree Nation

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chief  
Sturgeon Lake Cree Nation

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chief  
Wahpeton Dakota Nation