



Votre référence - Your file

Notre référence - Our file

NCR-E 5440-2/L240 PRB

BY E-MAIL; ORIGINAL BY MAIL

April 30 2015

Chief Scott Martin
Listuguj Mi'gmaq Government
P.O. Box 298
Listuguj QC G0C 2R0

Dear Chief,

Re: *Listuguj Mi'gmaq First Nation and al. v. Canada* (hereinafter the *Listuguj* litigation), Federal Court file no.: T-2478-03

Delays in signing Settlement Agreement

This is further to your letter of April 8, 2015 and the meeting of April 17, 2015 between yourself and Jeff Basque for the Listuguj Mi'gmaq Government and myself and my Acting Director General, Blake McLaughlin, for Canada.

Firstly, I am happy to report that yesterday, April 29, we secured signature of the Settlement Agreement by Canada's representative, making that the Effective Date of the settlement. As agreed, three (3) original copies are enclosed for your records.

Secondly, and though you have previously provided in e-mail form some of the banking information required to effect the payment, I had indicated that a form would need to be completed and signed. I now attach that form. Please complete it. You are required to acquire the signature (certification) of both an appropriate official at your financial institution and an appropriate representative on behalf of the Listuguj Mi'gmaq Government (Applicant). Then return this form to me (scan followed by original in the mail). Also, please provide me with the phone number and e-mail of the same person as is identified on the form as Applicant. He or she would be the one contacted to confirm receipt of the test deposit of a nominal amount to the account.

NCR-#7458756 – Letter to LMG (Chief Scott Martin) April 30, 2015 Re: Delays in signing Settlement Agreement

Page 1 of 3

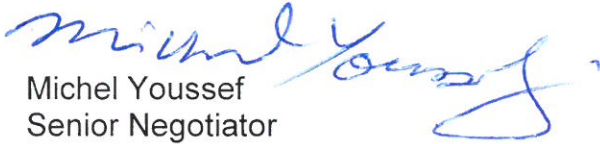
With these matters attended to, I also now provide you the following answers to your three specific questions:

1. Reasons for the delay: As we explained on April 17 and in earlier and subsequent phone conversations, Canada could not sign the Settlement Agreement until the negotiations mandate was renewed for the current federal fiscal year. This was recently secured, clearing the way for signature of the Settlement Agreement itself.
2. Impact of signing delay on PCD payout date: As you know, the matter of whether the community will receive a per capita distribution (PCD) of any portion or the totality of the Settlement Funds is a matter outside of the scope of the Settlement Agreement and entirely at the discretion of the Listuguj Mi'gmaq Government. As such, Canada offers no comment on whether the date of entitlement to any such PCD should or may be tied to the Effective Date of the Settlement Agreement. The consequences of any such internal decision by the Listuguj Mi'gmaq Government are for you alone to assess.
3. If the PCD payout date is changed to what extent will this differ?: Again, Canada has no role in regards to the PCD or its payout entitlement date. That said, if the payout entitlement date is tied to a delayed Effective Date of the Settlement Agreement, then you may want to account for any births and deaths which have occurred between the Effective Date and any earlier date which you may have envisaged and discussed publicly for the PCD payout entitlement date. I also understand the Listuguj Mi'gmaq Government is planning to give individuals who may be entitled to be registered as Members but who are not now registered a reasonable opportunity to commence registration procedures in order to be considered among those entitled to a PCD. The Listuguj Mi'gmaq Government has complete discretion to determine a reasonable notice period for this.

Chief Scott Martin, April 30, 2015

I trust the foregoing is satisfactory. I am pleased we were able to complete signing by Canada of the Settlement Agreement.

Sincerely,



Michel Youssef
Senior Negotiator
Negotiations Directorate
Negotiations – Centre Branch
Treaties and Aboriginal Government Sector
Aboriginal Affairs and Northern Development Canada
10 Wellington Street, Room 1639
GATINEAU QC K1A 0H4
Tel: (819) 997-7807
Fax: (819) 994-1831
e-mail: michel.youssef@aadnc-aandc.gc.ca

Attch : Three (3) original signed copies of Settlement Agreement
Large Value Transfer System (Over 25 million) form

c.c : (by e-mail only)
Me Virginie Lieber, Justice Canada
Me Franklin S. Gertler