

BACKGROUND

HOG ISLAND SPECIFIC CLAIM



A Specific Claim, or Specific Land Claim, deals with past wrongs against First Nations caused by a breach of Canada's fiduciary duty. These claims relate to the administration of land or other First Nation assets and to the fulfillment of historic treaties and other agreements.

Hog Island (comprised of George Island, George's Sand Island, Fish Island, and Bill Hook Island) was purchased by Canada in 1942 with a view to it being added to Lennox Island Indian Reserve No. 1 but was never given reserve status. The Hog Island Specific Claim concerns the failure by Canada to add Hog Island to the Lennox Island Band reserve assets when it was purchased for that purpose in 1942. The lands in question continue to be held by Canada. They are currently under the administration of Indigenous Services Canada and are intended, with support from the PEI First Nations, to be turned over to Parks Canada to become part of the Pituamkek National Park Reserve.

Until 1972, there was only one Band in PEI, the Lennox Island Band. In 1972, a referendum resulted in the division of the Lennox Island Band into the Lennox Island Band and the Abegweit Band.

The Lennox Island Band originally filed the specific claim with Canada in 1996, specifically claiming that Canada breached its fiduciary duties in respect to the failure to add Hog Island to the Lennox Island First Nation reserve assets in 1942.

In 2002, following the landmark *Marshall* decision, the Lennox Island and Abegweit Bands came together through the Mi'kmaq Confederacy PEI to address Mi'kmaq rights issues in Epekwitk and other common areas of interest, including specific claims.

In 2019, the Bands re-established the common forum as the Epekwitk Assembly of Councils and launched L'nuey as the organization serving the EAC's Rights and Rights-related interests, including specific claims.



Following the establishment of the common forum in 2002, and because the original Band in PEI divided into the Lennox Island and the Abegweit Bands in 1972, which was after the date of the 1942 breach, the Abegweit Band was then added as a successor and claimant.

The claim was accepted by Canada for negotiations through the Crown Relations and Indigenous Affairs Specific Claims Branch in 2007, as a joint claim of the Lennox Island Band and the Abegweit Band.

Due to a dispute on the date of the breach, the claim was forced to be withdrawn and re-filed in 2012. In 2016, Canada accepted the claim for negotiation again on the basis that there was an outstanding lawful obligation on the part of the Government of Canada. Canada further accepted for the purpose of negotiation that its breach of fiduciary obligation arose in 1942 when it failed to add Hog Island to the Lennox Island Reserves.

Following appointment of a negotiator for Canada and formal acceptance of the negotiation process by the Band Councils in 2017, negotiations began in earnest. Following the launch of the Epekwitk Assembly of Councils and the establishment of L'nuey, the negotiations have been led by L'nuey under the guidance and direction of the Assembly.

Following a multi-year process involving independent studies and valuation negotiations, including exchange of verbal offers and counter offers, a letter of offer was received by the Councils in February 2025. The offer has been accepted by the Councils and the process of communication and planning for a community vote will now begin. A final settlement agreement is not finalized until a successful majority community vote.

The global offer of 18MIL includes negotiations funding support and ratification costs, with the total amount available for settlement of 17.5MIL.

The global without prejudice offer allows for the purchase of replacement lands that can be submitted to the Additions to Reserve process should the First Nations choose to do so. A final determination as to use or distribution of the settlement has not been made, and a final agreement is subject to community ratification.

For more information on specific claims, visit:

<https://www.rcaanc-cirnac.gc.ca/eng/1100100030291/1539617582343>