First Nation Settles Claim Over UXO

Posted At : November 17, 2020 10:59 AM | Posted By : Admin
Related Categories: Legal Issues and UXO

West Edmonton, Canada The Enoch Cree Nation reportedly agreed to a $91M settlement from the Canadian Government as compensation for the continued clean-up of UXO at the site; loss of the use of their land; trauma that band elders experienced; and for the loss of income from the golf course which was closed due in part to UXO hazards.

The military history of the approximately 1,280 acres of First Nations land, which includes Yekau Lake, dates back to the 1940s when the Canadian Government leased land from the Enoch Cree Nation for bombing and target practice. At the time, Band Elders agreed to donate the proceeds from the lease to the war effort as part of their allegiance to Canada. At the time of the lease, the Canadian military reportedly told the Band Elders that only practice or smoke rounds would be used.

Fast forward decades later after the Canadian Government established a UXO Program, similar in concept to the U.S. Government's Military Munitions Response Program (MMRP), Department of National Defence Canada (DND) drafted a letter to the Enoch Nation (2013) instituting a $150-million cap on financial compensation requests along with a requirement that the Enoch Nation "indemnify to hold harmless" the government for the condition of the land.

DND Canada did hire contractors to sweep the area for UXO including surveys in Yetau Lake where hundreds of UXO were found and disposed. At the time, representatives of the First Nation became concerned that munitions other than practice and smoke rounds were found during the cleanup, which prompted efforts to seek further compensation. The First Nation also announced the indefinite closure of the Indian Lakes Golf Course due to safety concerns.

DND assured Enoch members the land was safe and there was a "low probability of any of the munitions exploding" but this did not stop the First Nation from moving forward with their claims.