

Looking After Everyone Right: The Fishing Lake First Nation Approach to Treaty Settlements

Tasha Brooks and Bob Kayseas

ABSTRACT

This case study explores how Fishing Lake First Nation (FLFN) responded to the \$101.3 million “Cows and Plows” settlement under Treaty 4 by choosing long-term, Nation-led investment over one-time payouts. Confronted with internal tensions between per capita distribution demands and the need for intergenerational wealth, FLFN created the *Waywaynih Kunawapunteeing* Trust, a sovereign, legislated financial structure that protects capital, supports per capita payments through authorized loans, and generates sustainable returns to fund community priorities. Through culturally grounded governance, financial education, and strategic compromise, FLFN offers a replicable model for Indigenous Nations who are navigating the complexities of large-scale settlements. This study highlights the practical and political challenges of balancing immediate member benefit with enduring Nation-building, offering key insights for communities managing similar historic claims.

KEYWORDS: Treaty Settlements, First Nations Trusts, Per-capita distributions, Nation-building

Background

Over the past decade, Indigenous peoples and Nations across Canada have received a series of significant financial settlements related to historical injustices, such as the \$3.18 billion residential school settlement (Crown-Indigenous Relations and Northern Affairs Canada [CIRNAC], 2019), the \$1.47 billion Federal Indian Day School settlement (Needham, 2025), the \$500-\$750 million Sixties Scoop settlement (CIRNAC, 2020), and the \$15.1 billion Agricultural Benefits settlement (CIRNAC, 2025a). In the near future, additional settlements, including the up to \$200,000 individual Federal Indian hospitals class action and the Indigenous Services Canada (ISC) dental services class action, are anticipated (CIRNAC, 2025b; Lang, 2023). While these settlements represent important milestones for reconciliation, they also present new challenges and opportunities. Many individuals and communities are suddenly tasked with managing substantial sums of money, often without sufficient resources or culturally relevant financial literacy education (Blue, 2016).

A recent example can be found in the agricultural benefits specific claims, often referred to as the “Cows and Plows” settlements, which address the federal government’s longstanding neglect in providing First Nations with the agricultural equipment and support promised in their treaties. These provisions were intended to help communities transition to sustainable agricultural economies (CIRNAC, 2024). The resulting settlements acknowledge the Canadian government’s historic breach of its treaty obligations and responsibilities.

As of August 1, 2025, 53 agricultural benefit claims have been resolved in Treaties 4, 5, 6, and 10, resulting in more than \$6.9 billion in compensation (CIRNAC, 2025a). For generations, the absence of these promised resources contributed to significant socio-economic gaps and intergenerational hardship. As these settlements are distributed, First Nations face important decisions about whether to use funds for per-capita distributions, invest in community priorities, or create structures for long-term collective benefit.

The experience of tribal communities in the United States demonstrates that per capita distributions and other windfalls, when provided without long-term strategies or governance safeguards, can be quickly consumed by immediate needs, sometimes exacerbating dependency and leaving recipients and their Nations in weaker financial positions than before (Crepelle, 2024). Research shows that nearly 90 percent of every dollar spent within First Nations communities leaves the First Nations economy, meaning only approximately 10 cents of every dollar remains in the community to circulate further and benefit the community (Mirzaei et al., 2020). At both the individual and national levels, communities often face intense pressure to provide immediate benefits, most commonly through per-capita distributions. Nevertheless, inspiring examples demonstrate that when communities pool resources and plan for the future, investment can become a catalyst for nation-building and reducing leakage by focusing on collective priorities such as education, health, homeownership, and economic self-determination (Coast Funds, n.d.; Rainy River First Nations Trust, 2025).

Despite these challenges, the resolution of specific claims such as “Cows and Plows” represents a meaningful step in Canada’s reconciliation process and the

ongoing journey to restore trust and fulfill treaty promises. However, as highlighted by community leaders, the actual impact of these settlements will depend on the choices made today. Darcy Desjarlais, Chief of Fishing Lake First Nation (FLFN) expressed:

When our ancestors entered into Treaty, they did so at a time when our people were suffering. They signed not only for their own needs, but with foresight for the generations to come. That same thinking guided us as we created this Trust, designed not only to help our people today, but to ensure future generations have opportunities our ancestors were denied. This settlement is about more than money; it is about creating an economic foundation that can grow, give back, and pull our Nation forward, helping us reclaim what was lost and build a better future (D. Desjarlais, personal communication, August 2025).

This study explores how one Nation has approached the distribution and investment of settlement funds, offering lessons for communities navigating similar opportunities and challenges in a time of unprecedented financial change. As part of this work, we interviewed current Chief Darcy Desjarlais and former Chief Derek Sunshine to provide additional context and leadership perspectives.

Restoring Treaty Promises Through Nation-Led Investment and Governance: The Case of Fishing Lake First Nation

In 2025, FLFN ratified a \$101.3 million settlement agreement with the Government of Canada to resolve a longstanding Treaty 4 Agricultural Benefits Specific Claim (CIRNAC, 2025a). These provisions were designed to support First Nations in their transition to agriculture through the provision of tools, livestock, seed, and training. FLFN, like many other Nations, received little to no support from these promised resources, undermining their capacity to develop a self-sufficient agricultural economy and causing long-term structural harm to their economic development.

This settlement was not FLFN's first experience with land claims or settlement management. The Nation had previously pursued resolution for the 1907 surrender of part of its reserve lands, a surrender negotiated under questionable circumstances with the involvement of federal officials and the Reverend Dr. John McDougall (Indian Claims Commission Proceedings, 2002). That claim was resolved in 2002 with a \$35 million settlement, which at the time was the largest settlement in Saskatchewan (CBC, 2002). Leadership established a trust that has since returned approximately \$35 million to the community while simultaneously growing to \$44 million. With the Nation having already experienced the benefits of protecting capital and reinvesting earnings, members and leadership approached the 2025 Agricultural Benefits settlement with both the advantage of experience and a degree of confidence in the trust model as a vehicle for intergenerational prosperity.

Faced with this historic opportunity, FLFN made a deliberate decision to structure the settlement not solely as a one-time per-capita payout, but as a platform for

intergenerational health, wealth, and prosperity. While some members expected or hoped for complete per-capita distributions, Chief and Council took a principled stance: the compensation was not personal income, but restitution to the Nation for a collective breach of Treaty. This framing shaped the approach and guided every structural decision that followed.

To preserve the funds and ensure long-term benefit, FLFN established the *Waywaynih Kunawapunteeing* Trust. Translating to “looking after everyone right,” the Trust is designed as a permanent instrument for stewardship and Nation-building. The Trust is structured so that the principal remains protected, while annual returns support community needs.

Borrowing against the Trust is strictly controlled, ensuring that as long as borrowing costs stay lower than returns on the principal, the Trust continues to grow and provide benefits for future generations. At the same time, the Trust enabled a one-time per capita distribution to members, with minors to receive their share upon reaching the age of 18, delivering an immediate and tangible benefit while preserving the Trust’s long-term value.

Importantly, this payment was made through an authorized loan from the Trust, preserving the Trust capital while providing a short-term but meaningful benefit. This approach mitigated community tension, ensured fairness, and maintained fiscal responsibility. It provided both immediate benefits and future security.

Still, the decision was not without controversy. In the lead-up to the ratification vote, some members questioned why a greater share of the funds were not allocated directly to community members. Others questioned whether Council had the authority to restrict access to what they regarded as a personal entitlement. The debate was highly charged, shaped both by a long history of unmet needs and by the pressing realities faced by community members in the present.

Leadership Reflections

Chief and Council, with the support of legal and financial advisors, addressed this tension head-on by hosting information sessions, sharing the complete Trust agreement, and emphasizing the intent of the Treaty. The Treaty 4 Benefits Claim Agreement Information Package (Piapot First Nation, 2024) stated that the benefits were intended to last “as long as the sun shines and the rivers flow,” a principle that leadership embraced and carried forward. The decisions around the settlement were not made lightly. Both past and present leaders emphasized that genuine leadership entails a balance between immediate needs and long-term stability. Their reflections provide insight into the foundational values that underpin FLFN’s approach.

When considering the history of the settlement, Chief Darcy Desjarlais suggested that “This settlement isn’t just for those alive today, it’s also for those who came before, who never benefited, and for future generations who deserve stability” (D. Desjarlais, personal communication, August 2025.) Furthermore, in an interview with Former Chief Derek Sunshine, he stated, “It’s always best to leave something for those not yet here. It’s not their fault we’re in this situation; it’s the history of Canada, a history that

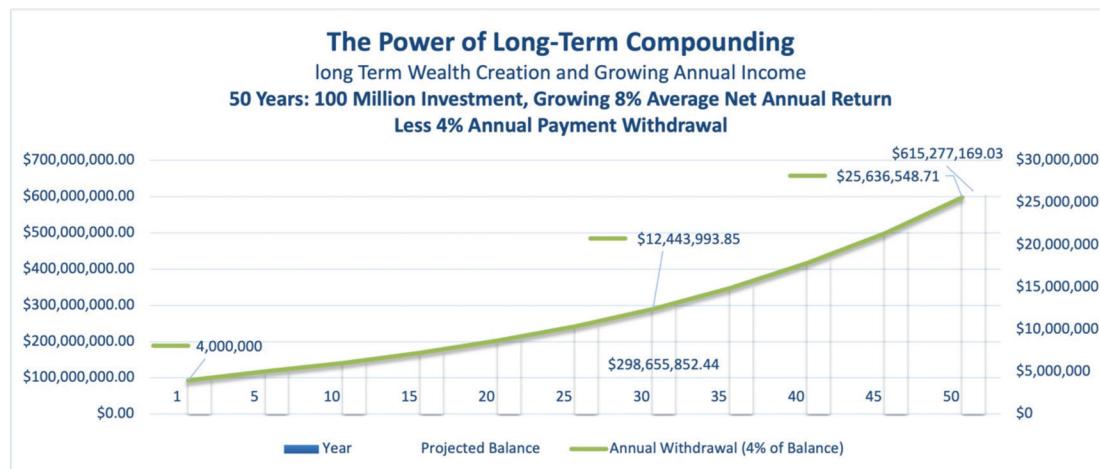
forgot the real First Peoples of this country" (D. Sunshine, personal communication, August 2025).

Both Chief Desjarlais and Former Chief Sunshine were supported by Council members who shared the same understanding and values, creating a common understanding of the rationale for structuring the Trust in the way that was ultimately chosen. Former Chief Sunshine stated, "Opportunities like this don't happen every day. When they do, we must make sure they benefit the Nation far into the future."

The Waywaynih Kunawapunteeing Trust

"Thirty, forty, fifty years from now, people will look back and know this was the right decision," (D. Desjarlais, personal communication, August 2025). The Trust is designed to grow steadily, As illustrated in Figure 1, The Power of Long-Term Compounding, the Trust is structured for steady growth. With careful investment targeting approximately 8% annual returns, projections indicate that its value could surpass \$615 million within 50 years, generating roughly \$25 million annually to support community priorities. Strict rules govern the Trust. The Chief and Council cannot alter the Trust to access the principal, and all spending must align with the Nation's Revenue Trust Law. The Nation selects the investment managers and receives quarterly and annual performance reports, which will also be shared with members.

FIGURE 1
The Power of Long-Term Compounding



This model offers clear lessons for other Nations. First, FLFN's experience demonstrates that settlements can be more than just restitution; they can also serve as the foundation for economic self-determination and intergenerational wealth. Second, balancing immediate needs with long-term benefit is not only possible but essential. The hybrid approach taken by FLFN, providing a meaningful per capita distribution while preserving capital for future generations, reflects a pragmatic and values-driven compromise. Third, the use of Indigenous legal frameworks (in this case, the Revenue

Trust Law) ensures that financial governance remains grounded in community values and priorities, rather than being dictated by federal oversight. Chief Desjarlais offered his viewpoint about why long-term thinking is so important, “opportunities like this don’t come often. Leadership means thinking long-term, not just giving in to short-term pressure” (D. Desjarlais, personal communication, August 2025).

Canada is not a party to the Trust, nor does it hold any oversight. This was, from beginning to end, a Nation-led process. The FLFN case challenges the narrative that per capita distribution and long-term investment are mutually exclusive. It also challenges the assumption that financial stewardship must come at the expense of community empowerment. Instead, it shows that with strong leadership, clear communication, and culturally grounded financial design, Nations can reclaim their treaty rights and transform them into long-term economic sovereignty.

In the words of FLFN Chief Desjarlais, “This money belongs to people past, present, and future. If our ancestors had paid it all out, there would be nothing for us today” (D. Desjarlais, personal communication, August 2025) and former Chief Sunshine explained, “if we gave it all out right away, it wouldn’t have helped our people. The money would have ended up in white society, and a year later, our members would be in the same place, asking the same questions” (D. Sunshine, personal communication, August 2025). As other Nations consider how to approach specific claims and settlement negotiations, the Fishing Lake First Nation model provides a compelling and practical blueprint, one that centres Nationhood, intergenerational wealth, and the vision of Mino Pimâtiwiin: a good life, for all, for as long as the sun shines.

REFERENCES

Blue, L. (2016). Financial literacy education with Aboriginal people: The importance of culture and context. *Financial Planning Research Journal*, 2(2), 91-105. <http://dx.doi.org/10.1007/s13384-017-0226-y>

CIRNAC. (2019). *Statistics on the implementation of the Indian Residential Schools Settlement Agreement*. <https://www.rcaanc-cirnac.gc.ca/eng/1315320539682/1571590489978>

CIRNAC. (2020). *Are you part of the Sixties Scoop class litigation?* <https://www.rcaanc-cirnac.gc.ca/eng/1517425414802/1559830290668>

CIRNAC. (2024). *Canada settles agricultural benefits specific claims with nine First Nations under Treaties 5, 6, and 10*. <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2024/10/canada-settles-agricultural-benefits-specific-claims-with-nine-first-nations-under-treaties-5-6-and-10.html>

CIRNAC. (2025a). *Fishing Lake First Nation and Canada reach agricultural benefits settlement agreement*. <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2025/08/fishing-lake-first-nation-and-canada-reach-agricultural-benefits-settlement-agreement.html>

CIRNAC. (2025b). *Final agreement reached to resolve Hardy class action*. <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2025/03/final-agreement-reached-to-resolve-hardy-class-action.html>

Coast Funds. (n.d.). *Structure of the funds*. <https://coastfunds.ca/about/structure-of-the-funds/>

Crepelle, A. (2020). The tribal per capita payment conundrum: Governance, culture, and incentives. *Gonz. L. Rev.*, 56, 483. <https://ssrn.com/abstract=4727814>

Indian Claims Commission. (2002). Report on the Mediation of the Fishing Lake First Nation 1907 Surrender Claim. Government of Canada. <https://publications.gc.ca/Collection/RC31-13-2002E.pdf>

Lang, B. (2023, April 5). 'That smell. That's that trigger': Indigenous class action aimed at dental work done by ISC. CTV News. <https://www.ctvnews.ca/regina/article/that-smell-thats-that-trigger-indigenous-class-action-aimed-at-dental-work-done-by-isc/>

Mirzaei, O., Natcher, D. C., & Micheels, E. T. (2020). Estimating the regional economic impacts of First Nation spending in Saskatchewan, Canada. *Review of Regional Studies*, 50(1), 53-69. <https://www.proquest.com/scholarly-journals/estimating-regional-economic-impacts-first-nation/docview/2360975293/se-2>

Needham, F. (2025, July 7). \$200M McLean Legacy Fund officially launches in support of Indian day school survivors. *APTN News*. <https://www.aptnnews.ca/national-news/200m-mclean-legacy-fund-officially-launches-in-support-of-indian-day-school-survivors/>

Rainy Rivers First Nations Trust. (2025). *News*. https://www.rainyriverfirstnationstrust.ca/news_details.php?news_id=98

Piapot First Nation. (2024). [vhttps://piapotnation.com/wp-content/uploads/2024/11/AG-Benefits-Information-Package-2.pdf](https://piapotnation.com/wp-content/uploads/2024/11/AG-Benefits-Information-Package-2.pdf)