



VIA COURIER

March 3, 2021

The Honourable Marc Miller
Minister of Indigenous Services Canada
10 rue Wellington
Gatineau, QC
K1A 0H4

Dear Minister Miller:

Re: Transfer of Bears paw First Nation Capital Moneys to Ozîja Thiha Legacy Trust

This has reference to your correspondence dated February 18, 2021 to the Bears paw First Nation Chief and Council confirming the collaborative effort currently underway as between your department and the Bears paw First Nation for the transfer Bears paw's per capita share of the Stoney Indian Band's Capital Moneys presently administered by Canada, to an independent trust established by the Bears paw First Nation. We can advise that we believe we have now met all of the Department of Indigenous Services Canada ("ISC") requirements for your approval of the transfer.

Over the past few months, we have worked closely and continuously with officials of ISC and Justice Canada in relation to this initiative. All steps have been taken in accordance with the ISC Policy on the Transfer of Capital Moneys through paragraph 64(1) (k) of the Indian Act.

The COVID-19 pandemic created many challenges for the Bears paw Chief and Council to provide the necessary information to all of our members in relation to the Capital Moneys transfer issue. We followed, at all times, the guidelines and policies of Health Canada throughout the process. Notwithstanding all of the barriers presented by the COVID-19 pandemic, we found many innovative and creative ways to educate and inform the Bears paw membership in regard to the transfer of the Capital Moneys and the establishment of our independent trust fund.

The Bears paw First Nation worked very diligently to ensure that our members were familiarized with the issues associated with the transfer. This is not a new issue to the Stoney-Nakoda Nation (Bears paw, Chiniki, and Wesley Nations). The matter of the establishment of an independent heritage trust fund has been discussed and worked on for over twenty-five (25) years. Over this period of time negotiations took place with ISC and Justice Canada officials, numerous public meetings were held both collectively by the Stoney-Nakoda Nation and individually by the Bears paw, Chiniki and Wesley Nations. The Wesley Nation attempted to establish its own heritage trust fund in 2012. Work was also carried out in relation to a Stoney-Nakoda trust last year. The Stoney people are very familiar with the matter.

The following steps were taken to satisfy the requirements for the transfer of Bears paw's per capita share of the Stoney Capital Moneys under ISC Policy and to ensure community engagement of Bears paw members.

- Over the past twenty-five (25) years numerous meetings and conferences were held with the Stoney membership (Bears paw, Chiniki, and Wesley Nations) with presentations by Stoney leadership, ISC officials, legal counsel and financial advisors.
- Several meetings were held by Bears paw Chief and Council throughout the years. In July of 2020 a formal decision to move forward with the transfer of Bears paw's per capita share of the Stoney Capital Moneys was made.
- On October 15, 2020 the Stoney Tribal Council met and passed a Resolution which stated in part:

Pursuant to their Treaty rights and inherent rights of self-government and section 64 (1) (k) of the Indian Act, the Stoney Nakoda Nations and each of the Bears paw, Chiniki and Wesley First Nations consent to and request the Minister of Indigenous Services to divide and transfer to Bears paw First Nation for settlement upon a secure trust arrangement for the benefit of present and future generations of the people of the Bears paw First Nation.

This included:

Bears paw First Nation's per capita share of amounts credited to the Capital account of the Stoney Indian Band. The Bears paw First Nation's per capita share of all future Capital Moneys to be collected or received by Canada for the use and benefit of the Stoney Nation Nations.

- On October 20, 2020 correspondence from Chief Darcy Dixon to ISC Minister Marc Miller advising that work was ongoing in relation to the Capital Moneys transfer and that the Bears paw Nation looked forward to the Minister's approval of the process in order to transfer the moneys. **Appendix 1**
- The October 15, 2020 Stoney Tribal Council Resolution was unanimously signed by the Chiefs and Councillors. Prior input from ISC and Justice Canada officials was obtained and all were in agreement with the text of the key document. **Appendix 2**
- On November 24, 2020 a Bears paw Council Resolution was passed authorizing the name of the trust which also made reference to a Council Resolution of July 7, 2020 for Bears paw to move forward with the transfer. **Appendix 3**
- A Bears paw Motion and a comprehensive Critical Timeline for a 64(1)(k) Capital Moneys transfer was approved and adopted by the Bears paw Chief and Council on November 9, 2020. **Appendix 4**
- A Bears paw Newsletter was created and published to re-introduce the membership to the Capital Moneys transfer issue. The newsletter was distributed to each Bears paw member's residence on Reserve with copies available at public buildings such as administrative office, health center and at Nation businesses. **Appendix 5**

- In November 2020 the Bearspaw First Nation designed and created a professional comprehensive website specifically for the Capital Moneys transfer issue. www.bearspawfirstnation.ca. As information and documentation became available the website was updated. An email address was provided for members to ask questions or make comments. **Appendix 6**
- In November and December 2020 information cards were designed and printed in order to make certain all members were aware of the Bearspaw website and drive traffic to same. Over one thousand cards were printed and distributed throughout the Reserves. In addition, cards were delivered to each post office box belonging to Bearspaw members. **Appendix 7**
- During the months of November, December, January and February annual reports of other First Nation's trust funds were distributed to Bearspaw members. These annual reports demonstrated to Bearspaw members that other First Nations had successfully transferred their Capital Moneys to independent trusts. **Appendix 8**
- In addition, the Chiefs of these particular First Nations provided messages of encouragement to the leadership and members of Bearspaw Nation. These messages were posted on the Bearspaw website. **Appendix 6**
- In accordance with ISC Policy on the transfer of Capital Moneys, a number of meetings took place with legal counsel on this matter. A Certificate of Independent Legal Advice signed in December 2020 is attached **Appendix 9**. The presentation to the Bearspaw First Nation by legal counsel is also attached. **Appendix 10**
- In accordance with ISC Policy on the transfer of Capital Moneys, a number of meetings took place with a financial expert. A Certificate of Independent Financial Advice signed in January 2021 is attached. **Appendix 11**. The presentation to the Bearspaw First Nation by the financial expert is also attached. **Appendix 12**
- In order for Bearspaw members to have access to all of the facts concerning the Capital Moneys transfer, Bearspaw First Nation created a document titled *Ozija Thiha Legacy Trust Basic Facts – December 2020*. This document provides a comprehensive guide to the concept of a trust fund and the specifics to the Ozija Thiha Legacy Trust. This important document was posted on the Bearspaw website and distributed in the community. **Appendix 13**
- From November 2020 through February 2021 the Bearspaw First Nation utilized many forms of social media to inform members about the proposed transfer. Various postings were made on Facebook including information about the Bearspaw's website. Additional communications were carried out via email, twitter and other social media platforms. **Appendix 14**
- Nakoda-Sioux translators were utilized throughout the consultative and communication process in order to enlighten as many Bearspaw members as was possible. A large number of members especially the Elders, were appreciative that efforts were made to explain the Capital Moneys transfer process to them in the Nakoda-Sioux language. They stated that they gained a better understanding of the goal of the Nation and were very supportive of the establishment of a trust.

- The Stoney Nakoda Nation owns a number of Superboards situated along the TransCanada Highway No. 1 near the Stoney Reserve that rental income is earned from. The Bears paw First Nation has control of one of these Superboards to lease or for its own use to promote its businesses etc. The Bears paw leadership authorized the use of the Superboard to advertise and apprise their members (and the public) about the proposed transfer of Capital Moneys. It also provided the Bears paw website address for further information. **Appendix 15**
- The Stoney-Nakoda electronic billboard located on Stoney Reserve in townsite of Morley, Alberta ran a Capital Moneys Transfer message from December 2020 to end of February 2021. **Appendix 16**
- From November 2020 through February 2021 a number of the required documents were created including the Ozija Thiha Legacy Trust trust deed. The trust deed was drafted by Bears paw First Nation with its legal counsel and advisors together with the input and suggestions of ISC and Justice Canada officials. **Appendix 17**
- The Ozija Thiha Legacy Trust Statement of Investment Policy and Procedures was created by Bears paw First Nation with its advisors and reviewed by ISC and Justice Canada officials. **Appendix 18**
- The Stoney Tribal Council Resolution of October 15, 2020 **Appendix 2** (3) requires Notice to the ISC Minister of the calculation for the proportionate membership of the Stoney Nation for each of the Bears paw, Chiniki and Wesley Nations. Attached is Stoney First Nation population information (as at February 15, 2021) as required by the aforementioned Resolution. **Appendix 19**
- The Bears paw First Nation undertook a comprehensive executive search for three (3) individuals to serve as the first trustees of the Ozija Thiha Legacy Trust. The three-and-a-half-month search resulted in the approval of three (3) highly qualified professionals to serve as trustees. **Appendix 20**
- A tremendous effort was made by the Bears paw First Nation to prepare a comprehensive Bears paw Newsletter of eight (8) pages to provide an overview and all details pertaining to the establishment of the Ozija Thiha Legacy Trust and the transfer of Bears paw's per capita share of the Stoney Capital Moneys. Included in the Bears paw Newsletter is a Questions and Answers Section. This document was delivered to all Bears paw homes on the Morley, Eden Valley and Big Horn Reserves, placed in all Canada Post boxes of Bears paw members, made available at Bears paw administration, offices, Bears paw businesses including two gas stations, hockey rink, health center, schools and other locations frequented by Bears paw members. **Appendix 21**
- Given the circumstances created by the COVID-19 pandemic, translators were not permitted to enter homes to speak with Elders and other members. Translations were carried out in a wide variety of ways including, telephone, text, email, videoconferencing, Facebook, other social media platforms and well as small meetings with proper social distancing.

- The Bearspaw Chief and Council passed and signed a Council Resolution on February 16, 2021 wherein it approved the Ozija Thiha Legacy Trust trust deed and the provisions within; appointed three (3) qualified individuals as the first trustees of the Ozija Thiha Legacy Trust and approved the Ozija Thiha Legacy Trust Statement of Investment Policies and Procedures. **Appendix 22**
- Distribution Agreement and Release, this document was reviewed, amended and agreed to by Bearspaw First Nation and officials of ISC and Justice Canada. The document was signed by the Bearspaw Chief and Council on January 27, 2021 and is now awaiting the forthcoming signatures from Chiniki and Wesley Nations. **Appendix 23**

The benefits and potential benefits of the transfer of Bearspaw's per capita share of Stoney Capital Moneys to an independent trust were highlighted through the many documents that were distributed to the membership and are attached with this submission. Potential benefits were also demonstrated by the results obtained by other First Nations that have previously transferred their Capital Moneys to independent trusts. **Appendix 8.**

This entire process is indeed a historic and important initiative of the Bearspaw First Nation to exercise our treaty, aboriginal and inherent rights for the control of our moneys. It is also an advancement in our Right to Self-Determination as provided for in the United Nations Declaration on the Rights of Indigenous Peoples and the implementation of Treaty no. 7.

We believe we have now met all of ISC's policy requirements in relation to this matter. We wish to thank you and all those individuals from ISC and Justice Canada that work with us to make our long-held desire a reality.

We look forward to your approval and the signing of a Ministerial Standing Order for the immediate transfer of all of Bearspaw's Capital Moneys, present and future, to the Ozija Thiha Legacy Trust.

Sincerely,

BEARSPAW FIRST NATION



Chief Darcy Dixon

Encl.

cc: Bearspaw First Nation (with)
Councillor Rod Hunter
Councillor Rex Daniels
Councillor Pierre Lefthand
Councillor Anthony Bearspaw
Jamie Brown, RDG, ISC Alberta Region (with)
Roxanne Warrior, ISC, Alberta Region
Hema Vijay Anand, ISC Alberta Region
Sean Sullivan, ISC, Ottawa
Rob Shotclose, CEO, Bearspaw First Nation