

**IN THE MATTER OF A TRANSFER OF CAPITAL MONEYS
UNDER PARAGRAPH 64(1)(K) OF THE *INDIAN ACT***

MINISTERIAL STANDING ORDER

WHEREAS the Bearspaw First Nation (the "Bearspaw Nation"), by way of Stoney Band Council Resolution No. 2020-019 dated October 15, 2020 and Bearspaw Band Council Resolution No. 2021-0014 dated April 7, 2021 requested that Her Majesty the Queen in Right of Canada transfer to a trust established by the Nation (the "Ozīja Thiha Legacy Trust" or the "Trust") all of the Bearspaw Nation's current and future capital moneys, subject to meeting all conditions set by the Minister of Indigenous Services;

AND WHEREAS the Stoney Tribal Council has confirmed that the Bearspaw Nation's proportionate membership of the Stoney Nakoda Nation is **36.3350%** as of February 15, 2021.

AND WHEREAS, the Minister of Indigenous Services has the authority to authorize such a transfer pursuant to section 64(1)(k) of the *Indian Act*;

AND WHEREAS, the Ozīja Thiha Legacy Trust Deed was executed by the Bearspaw Nation and its trustee(s) on February 16, 2021 and contemplates that all current capital moneys and all future capital moneys received by Her Majesty the Queen in Right of Canada for the benefit of the Bearspaw Nation will be transferred to the Trust;

AND WHEREAS, the Bearspaw Nation provided the Minister of Indigenous Services with the following documents to assist the Minister of Indigenous Services in determining whether the transfer of the Nation's capital moneys was for the benefit of the Nation;

- (a) the "Ozīja Thiha Legacy Trust Trust Deed entered into between the Bearspaw Nation and its trustees on February 16, 2021;
- (b) the Bearspaw Nation's statements of investment policies and procedures;
- (c) a Release of Crown liability executed on April 7, 2021 by the Bearspaw Nation's Council on behalf of the Bearspaw Nation;
- (d) a copy of the community consultation package;
- (e) a certificate of independent financial advice from James Sand CA CPA of Chartered Professional Accountants Alberta dated January 8, 2021; and
- (f) a certificate of independent legal advice from Michael John Flatters of Burnet Duckworth & Palmer LLP dated December 23, 2020.

AND WHEREAS, the Minister of Indigenous Services has decided that the transfer of the Bearspaw Nation's capital moneys is for the benefit of the Stoney Nation and the Bearspaw Nation;

AND WHEREAS, the Minister of Indigenous Services has decided that the conditions set by Minister of Indigenous Services have been fulfilled by the Stoney Nation and the Bearspaw Nation and their respective Chiefs and Councils;

NOW THEREFORE, pursuant to section 64(1)(k) of the *Indian Act*, I hereby order as follows:

1. The following capital moneys shall be transferred to the Ozija Thiha Legacy Trust:
 - (a) the Bearspaw Nation's per capita share of all current capital moneys held by Her Majesty the Queen in Right of Canada on behalf of the Stoney Nation; and
 - (b) the Bearspaw Nation's per capita share of all future capital moneys to be collected or received by Her Majesty the Queen in Right of Canada for the use and benefit of the Stoney Nation.
2. The Bearspaw Nation's per capita share of the capital moneys referred to in paragraph 1(a) will be in accordance with the Bearspaw Nation's 36.3350% proportionate membership in the Stoney Nation as of February 15, 2021, as confirmed by the Stoney Tribal Council on behalf of the entire Stoney Nation on February 17, 2021.
3. The capital moneys referred to in paragraph 1(a) shall be transferred within fifteen (15) business days after this order is made.
4. Following the initial transfer of Bearspaw Nation's per capita share of the capital moneys referred to in paragraph 1(a), and effective for the subsequent transfers of Bearspaw Nation's per capita share of the capital moneys referred to in paragraph 1(b) thereafter each month until March 31, 2022, and of each succeeding year, the Bearspaw Nation's per capita share of the capital moneys referred to in paragraph 1(b) will be calculated and transferred each month to the Ozija Thiha Legacy Trust based upon the Bearspaw Nation's proportionate membership in the Stoney Nation on or around January 1 of such year, as confirmed by the Stoney Tribal Council on behalf of the entire Stoney Nation.
5. In the event the Stoney Tribal Council does not confirm the Bearspaw Nation's proportionate membership in the Stoney Nation (as contemplated in paragraph 4 above) by March 31 of such year, then the Bearspaw Nation's per capita share of the capital moneys referred to in paragraph 1(b) shall be based upon the Bearspaw Nation's proportionate membership as last confirmed by the Stoney Tribal Council on behalf of the entire Stoney Nation.

6. The capital moneys referred to in paragraph 1(b) shall be transferred by the tenth (10th) business day of the month following the date on which such capital moneys are collected or received by Her Majesty the Queen in Right of Canada.

Made at Gatineau, Quebec
on this 13th day of August, 2021.



Minister of Indigenous Services