

MEMBERS OF THE SUCKER CREEK FIRST NATION

Questions and Answers about the Agricultural Benefits Claim

This document was prepared by the legal counsel for the First Nation and as a follow up to the community meetings held during the months of May and June 2019.

Members are welcome to advise Chief and Council of their views on the questions.

This FAQ and Questionnaire is designed to supplement information already provided and to gauge feedback from the Nation's membership on the potential use of the agricultural benefit settlement.

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FREQUENTLY ASKED QUESTIONS

Sucker Creek First Nation Treaty #8 Agricultural Benefits Claim

Background to FAQ's and Questionnaire

- It is important to note that at the time of writing this document, there is no current “Cows and Plows” settlement offer from Canada, nor is one guaranteed at this stage.
- This FAQ and questionnaire is intended to engage the Members of the Sucker Creek First Nation on the allocation of a **POTENTIAL** settlement and to seek feedback as to the current needs of the Nation. The hope is that the Members will be fully apprised and participate in any decision that would impact any potential settlement on an ongoing basis.
- Please keep in mind that this questionnaire in no way indicates a settlement offer is forthcoming - it is uncertain when a resolution to the Cows and Plows claim may be. This questionnaire is provided on a confidential basis to the membership of the Sucker Creek First Nation.

1. What are “Agricultural Benefits”?

- Sucker Creek First Nation (“SCFN”) was one of the original signatories to Treaty 8 in 1899.
- During the negotiations that led to the signing of Treaty 8, both Treaty Commissioners and Chiefs expressed the hope that the signatories to Treaty 8 would be able to support themselves through their traditional pursuits of hunting, fishing, and trapping for a considerable amount of time.
- Therefore, the Treaty contained provisions by which the Crown would provide First Nations with assistance in pursuing farming or ranching. The goal was that from the time the first reserves were surveyed, First Nations would be able to supplement the products of their traditional pursuits with products of farming or ranching, so that about half the income of First Nations would come from farming or ranching.
- Some of the assistance to be provided by the Crown was identical for all First Nations and other parts of it varied with the size of each Nation.

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- For example, all Nations, however small or large, were to receive:
 - one bull;
 - two horses or a yoke of oxen;
 - one mowing machine; and
 - one reaper.
- Additionally, each Nation would receive:
 - two hoes, one spade, one scythe, and two hay forks for each family;
 - one plough and one harrow for each three families;
 - seed potatoes, barley, oats, or wheat as appropriate to where the Nation's reserves were located;
 - one cow for every family that wished to raise crops and two cows for each family that wished to raise stock; and
 - provisions for one month at the start of the year when land was ploughed and seeds were planted.
- All of these benefits other than the annual one month of provisions were to be provided once only, and the month of provisions would be received for “several years”.
- The Agricultural Benefits in Treaty 8 were particularly important to SCFN, which was one of the few places with a considerable amount of potentially productive agricultural land.

2. **How did SCFN become involved in the Agricultural Benefits Negotiations?**

- SCFN submitted its Claim in March 2017 alleging that Canada failed to provide the Treaty promises related to agricultural benefits.
- Canada then confirmed that the Nation's claim met the minimum standard and that Canada would proceed to determine whether the Claim would be accepted for negotiation under the Specific Claims Policy.

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- SCFN retained legal counsel to advance the Claim on the Nation's behalf on January 29, 2019.
- The Nation's Claim was accepted for negotiations on April 16, 2019.
- The Nation held information meetings throughout May and June of 2019.

3. Has SCFN received an offer from Canada?

No. However, SCFN's Claim has been accepted for negotiation and the Nation has entered into a formal Negotiation Protocol Agreement with Canada which will allow legal counsel and Chief and Council to formally negotiate the settlement of the Nation's Claim.

4. Can SCFN Chief and Council accept a settlement offer if one is made by Canada?

No. Chief and Council do not have the authority to accept an offer if one is made by Canada. An offer, if made, could only be accepted by the SCFN membership in a ratification vote.

Chief and Council would first be required to execute a BCR confirming that a settlement offer would be presented to members in a ratification vote and that Chief and Council would recommend that members accept the offer. The Nation would then be required to hold a ratification vote of all SCFN members in order to accept an offer. All persons on the Nation's Membership List (**not** the registration list kept by Canada) who are 18 years of age on the final day of voting on the ratification would be eligible to vote.

Any Settlement Agreement and the recommended use and distribution of the money between immediate expenditure and a long-term Trust would need to be ratified by a majority of those who vote, provided that at least 50% +1 of all eligible voters vote. For example, if there are 800 electors in the Nation as of the ratification date, at least 401 members must vote in the referendum and a majority of them (at least 201) must vote in favour in order for it to be approved.

If a majority of those persons who vote are in favour of accepting an offer but fewer than 401 members voted, a second vote could be scheduled. At the second vote, it would still be necessary (in our example) for at least 201 votes in favour of ratification. However, as long as a majority of votes cast were in favour of the settlement, it would be ratified whether or not a majority of members voted.

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5. What will happen with the potential settlement funds?

Use of the potential settlement funds has yet to be determined.

- A portion of the settlement funds will be used for one-time purposes (examples may include PCDs, legal, ratification and negotiation costs).
- The remaining funds may be placed into a trust and will be governed by the terms and conditions of the trust (includes permitted and prohibited uses).
- Chief and Council will not and can not have permission to access the settlement funds for any purpose prior to the settlement being finalized. The settlement funds cannot be used until the membership votes on how the funds will be used.

6. What is a Trust?

A trust is a relationship and a legal obligation which is established by the party who creates the trust (the “settlor”) on another party (the “trustee”) to hold and deal with certain defined property for the benefit of a third party (the “beneficiary”). It is designed to provide certainty to future generations on how the settlement funds are used.

Both the settlor and the beneficiary of the Trust would be SCFN and the trustee will be a corporate trustee, such as CIBC, Royal Bank or Scotiabank.

The trustee and SCFN would enter into a trust agreement which would specify how the settlement funds from SCFN’s agricultural benefits claim are to be used, distributed, managed and invested by the trustee.

QUESTIONS TO CONSIDER REGARDING THE POTENTIAL USE OF SETTLEMENT FUNDS- THIS IS COMMUNITY ENGAGEMENT TO HELP INFORM THE STRUCTURE OF THE PROSPECTIVE TRUST

1. Are there any “immediate needs” on which settlement funds could be spent?

Are there future needs, items that could assist future generations on which settlement funds could be spent?

- Examples could include but not be limited to:
 - i. Education
 - ii. Health

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- iii. Infrastructure
- iv. Culture
- v. Housing
- vi. Economic Development

2. Should some money be placed in trust to be dedicated to specific uses (education, housing, health, infrastructure, economic development etc.), or should the funds be used at the discretion of the leadership at any given time based on the Nation’s needs and priorities? Any expenditure will be subject to audit and disclosure requirements and the membership shall be kept aware of the status of the Trust on an ongoing basis.

QUESTIONNAIRE (PLEASE ATTACH A SECOND SHEET IF MORE SPACE IS REQUIRED)

1. Are there any short-term priorities for which some of the potential settlement funds should be used? Are there long-term priorities that will help sustain future generations?

2. Should the Trust have more than one set of permitted uses for the potential settlement funds (housing, education, economic development, health etc.)?

YES

NO

3. If the answer to Number 2 is YES, what permitted uses should be included in the Trust?

EDUCATION

HOUSING

ECONOMIC DEVELOPMENT

HEALTH

CULTURE

OTHER _____

PLEASE COMPLETE BY FEBRUARY 28, 2020

QUESTIONNAIRES CAN BE RETURNED BY MAIL to the ADMINISTRATION OFFICE c/o Debbie Willier Cows and Plows, FAX 780-523-3111 or by email to scfnagben@gmail.com