



COMMUNIQUE

TREATY ENTITLEMENT TO CATTLE SPECIFIC CLAIM

ADDITIONAL QUESTIONS

AUGUST 25, 2021

A Community Information meeting on the Cattle Claim was held virtually on August 18, 2021. At that time not all questions posed were able to be answered due to time constraints. Outstanding questions are being responded to through this Communique. Please note that we tried to zero in on key questions and have combined some questions that shared a similar theme from various sources. Additional questions may be addressed to 1(877)331-6070 and responses will be provided.

1. What is the outcome if the majority vote NO?

If a majority of the eligible Voters vote NO then there will be no Compensation.

2. How was compensation calculated?

The proposal for settlement that was provided to Canada sets out the Compensation owed in the following categories:

- The value of the cattle that should have been provided in 1882 based on a recorded population of 3,560 resulting in 1,424 cows and 71 bulls, or 1495 cattle in total.
- The value of the natural increase in the cattle; and
- The loss of opportunity to earn income from ranching operations.

The values from these numbers were brought forward to today's date.

Canada initially only wanted to accept the physical loss of the Cattle from the time when they should have been received and perhaps loss of income up to 1893 or some later date. Canada advised the Blood Tribe that if it wanted a quick settlement of the Claim they could accept an offer of \$50 million. The Blood Tribe refused to negotiate anything less than the full amount as it strongly believed that it had more than enough evidence to support \$150 million.

3. What is the timeline to receive funds if there is a Yes vote?

If there is a successful Ratification Vote on September 16, 2021, the Chief and Council will sign the Settlement Agreement and will send it, along with a BCR

and the results of the Ratification Vote to Canada. Specific Claims will request an Order-In-Council (O.I.C.) which authorizes the Minister of ISC to sign the Agreement. Once the Agreement is signed by the Minister, the compensation amount will be sent to the Blood Tribe within 45 days. We are hoping to receive the funds before December 25, 2021.

4. 150 M is not a cap for Negotiations, only for Tribunal, is C&C aware of this?

The Specific Claims negotiation process also has a cap of \$150 million for the settlement of claims. Claims valued over \$150 million require the Minister to obtain a discrete mandate prior to being accepted for negotiation. Canada did not seek that mandate prior to accepting this claim for negotiation. Note that if the Blood Tribe continued in the Specific Claims Tribunal process there is a statutory limit of \$150 Million and there is no guarantee of what amount, if any, the Blood Tribe would have received through this process.

5. Can you clarify....We are getting \$2,000 from the federal government whether we vote YES or No.

No, this is a rumour that has no basis in truth. There would be no reason for Canada to provide payments to Blood Tribe members. On what basis would Canada provide payments?

6. Why are department's being bailed out. NO to that.

There are no department's being bailed out. The projects identified in the Trust Agreement are community structures or facilities that will be enhanced or constructed.

7. Why must band allocate funds for Bus Coop losses and please elaborate on the piece of land to be purchased?

The plan is to contribute to the purchase of the old Bus Coop building/Tall Timber and the land it is situated on. The facility will be used to house much needed social programs.

8. Why is the ice rink and Red Crow park included in this settlement, when we previously voted on them with the Mismanagement of Assets claim?

5M was allocated to the ice/hockey rink and \$500,000. each to Red Crow Park and the rodeo grounds from the Mismanagement of Assets claim for basic renovations. A new ice/hockey rink will cost 22M, so the plan is to provide additional funds up to 17M from the Cattle Claim for this purpose. As well additional funds will be contributed to Red Crow Park and the rodeo grounds from the Cattle Claim so renovations can be completed and bring these facilities up to standard.

9. Who will operate and maintain spray parks and skate parks, how will O&M be covered?

The relevant departments for each of these structures or facilities will need to prepare a plan, including a budget and cash flow projections for approval by Chief and Council and the Trustees. The plan will need to show how they will address O&M.

10. After previous settlements, no significant change going forward, how is this plan different?

We would like to provide a brief overview of the previous land claim settlements. Akers 1 was settled in 1997 for \$2,250,000. for the purchase of 444 acres of replacement lands. These funds were put into trust and to date 444 acres of land have been purchased and are in the process of being converted to reserve status.

Akers 2 was settled in 2003-2004 for \$3,550,000. for the purchase of 225 acres of land. These funds were also put into trust and to date 213.3 acres of land has been purchased and are in the process of being converted to reserve status. There is a balance of approximately \$900,000 left in the Akers 2 trust and 11.7 acres of land left to be purchased. Akers 1 and 2 purchased lands are adjacent to the northeast end of the reserve and development plans are in place.

The Bombing and Gunnery Range claim was settled in 2015 for \$5,869,573, the compensation amount was put in trust for capital projects. It was utilized for the construction of a new Public Works building and a new Elders Ceremonial building. All the funds in the trust have been utilized for their intended purpose.

The Mismanagement of Assets (MOA) claim was settled in 2018 for 150M. The compensation amount was also put into trust and is being invested and expended in accordance with the Trust Agreement. 25 million was used for a per capita distribution, and negotiation and ratification costs were paid. To date approximately 3.3M has been flowed to Red Crow College for the construction of the new campus and 1.7M for the Akers Development project. The balance remains in the trust in low risk investments. The interest on the investment for 2020 was paid out to the Blood Tribe for a per capita distribution of \$250 on October 5, 2020 and the interest from 2021 will be paid out to the Blood Tribe for a per capita distribution once a distribution date has been set.

The MOA Trustees hold the Trust Property for the exclusive benefit of the Blood Tribe and distribute the funds upon a request by Blood Tribe Chief and Council to pay or transfer to the Blood Tribe an amount for the purpose of completing a Community Capital Project, as per the Trust Agreement.

The Departments/Projects identified to receive capital funding from the MOA Trust provide a plan, budget and cash flow projections to Blood Tribe Chief and Council, which would then need to be approved by Chief and Council who would then request that the Trustees pay or transfer specific amounts for the capital project.

11. Why haven't a lot of these projects already have been in the works from previous settlements?

As you can see from the response to Q.10 above, replacement lands have been purchased under the Akers 1 and 2 settlements and the 2 capital projects have been completed under the Bombing and Gunnery Range settlement. Some of the projects to be funded or contributed to under the Mismanagement of Assets settlement are in progress. Others will come on line as they are ready. In the mean time the funds remain in trust in low risk safe investments and the interest earned in each year is used for per capita distributions.

12. Will we be updated on details of the mortgage payment? Is Kainai Market Place privately owned? Why is it the people's responsibility?

Kainai Market Place is owned by the Blood Tribe and its establishment was based on a marketing survey conducted by Economic Development indicating this was a community need and received wide support. Kainai Market Place provides ready access to groceries for the community and provides employment. The exact mortgage amount outstanding, on the date it is to be paid out, will be provided by Blood Tribe Economic Development and its banking institution. This information will be part of the required reporting and will be shared with Blood Tribe members.

13. What are checks and balances to ensure transparency and accountability? (Re: Trust Property. There were also questions on the composition of the Board of Trustee and how they will be selected and input.)

The Trustees will be required to maintain accurate records of all transactions affecting the Trust Property and to have audited financial statements prepared every year by an independent qualified auditor who then reports to the Trustees and Blood Tribe Council. The Trustees are required to report to the Blood Tribe annually on the administration and status of the Trust Property. The Trustees are also required to make every effort to ensure the Trust is administered on a tax effective basis.

Five to seven trustees will be appointed by Council. Four of the trustees will be Council members and one to three will be independent trustees. An independent trustee is defined as being a non-Blood Tribe Member who has specific skills that would contribute to, and be of benefit in the management and administration of the Trust Property.

14. Can amendments be made where members ratify the Cattle settlement and Trust Agreement for banking institute only and not the terms and conditions meaning the allocations?

The Trust Agreement as drafted and presented to the Blood Tribe Voters cannot be amended. It is a term of the Settlement Agreement that both the Settlement Agreement and the Trust Agreement as drafted must be ratified in order for the compensation to be paid.

15. Why can't we get \$10,000 each, why only \$3,000?

Why are we not following suit, other bands divided all their compensation?

Each First Nation's leadership decides how compensation from claim settlements will be utilized. In our case our leadership, past and present, has opted to invest in long term benefits for the Blood Tribe community. Leadership is looking at ways to enhance the community and improve the quality of life for our community in key areas such as housing, economic development, employment, education, youth and recreation and long term financial investment for future generations.

We know there has been talk in the community about the Cattle Claim being an individual entitlement. The Federal Court of Appeal has held that communal interests in land and rights reside with the First Nation, which is separate from interests of the individuals. While a First Nation may decide to distribute certain proceeds to individual members, it does not mean that individuals have a right to the proceeds in their individual capacities. The Treaty Entitlement Cattle Claim compensation is communal, not individual, and therefore the decision has been made to not only provide proceeds to individual members but also to use the remaining compensation for the betterment and long term best interests of the community.