



Elkhorn Ranch
Specific Claims Proceeds
August 2022

THIS LETTER CONTAINS INFORMATION REGARDING A PER CAPITA DISTRIBUTION YOU MAY BE ELIGIBLE FOR. ACTION IS REQUIRED TO RECEIVE PAYMENT. PLEASE REVIEW IN DETAIL IN ORDER TO ENSURE TIMELY PAYMENT. EMAIL ELKHORNPCD@AKISQNUK.ORG WITH ANY QUESTIONS.

Kiʔsuk kyukyit,

We are writing to update ʔAkisq̓nuk First Nation members (“Members”) on the Elkhorn Ranch Specific Claims proceeds (the “Proceeds”), and in particular, the Elkhorn Ranch Specific Claims Proceeds Policy (the “Policy”) passed by Chief and Council which enables a distribution to members.

We appreciate and thank you for your patience while we have undertaken the process to ensure we are making informed decisions based on input from Members, and the best-practices of other First Nations.

Elkhorn Settlement

Knowledge that has been passed down from generation to generation has included, in some form, the understanding that Elkhorn ranch was illegally stolen from our people. The early settlers warned our people to put up fences and farm the lands before the white people took everything. This 320-acre allotment connected us to the irrigation waters of Windermere Creek and the rich wildlife habitat and it was known that there was an Indian farm located here, making it Indian Land. The constant reminder of this land alienation taunts us daily as we drive by Elkhorn ranch. The old timers that spoke of and reminded us of our rights to Elkhorn Ranch brought us to the Specific Claim, and subsequent settlement.

The settlement that is being shared and distributed to everyone can help each of us in many ways. It is important to know, culturally, when Ktunaxa come into something big, they would “reciprocate” (share) as a way of giving thanks to the Creator and asking for continued safety. Perhaps it is a feast for the community; or bringing your friends and family to a big dinner or Bar-b-q; or maybe you gift a perfect stranger in need. In sharing, you can also send prayers that the gift you have is not cut short and that we continue to enjoy good health and prosperity long into the future. This is not to be taken lightly but remember the old timers that did not get to see this matter resolved and consider their desire for future generations to have what they did not. And like the old timers, use this gift wisely, pay off wanmunamuʔnis (one’s debts), prepare for times ahead.

In the settlement, the Band has the opportunity (or option) to purchase up to 320 acres to add to the Reserve. It would be great if we could add to our collective land base, but we also want you to know more about your history and where these settlement dollars come from.

Elkhorn Ranch Specific Claims Proceeds Policy

The Policy is the work product of Members who made up the Elkhorn Ranch Specific Claims Proceeds Task Group (the “Task Group”). The Task Group began its work in May of this year with a mandate of seeking the input of Members and making recommendations to the Finance, Audit and Investment Committee (“FAIC”) regarding a policy governing the Proceeds. Members of the Task Group directly engaged with approximately 70-80 Members and reviewed the policies of other First Nations as well as studies on direct distributions to members. Based on this work, the Task Group drafted the Policy and provided it to the FAIC for its consideration.

The FAIC reviewed and considered the Policy at its July 12, 2022 meeting. After consideration, the FAIC moved to put the Policy to the Chief and Council for approval. Particular revisions to the Policy were suggested by members of the FAIC, and these were presented to Chief and Council as well.

Chief and Council approved the Policy at its July 27, 2022, along with some of the particular revisions suggested by members of the FAIC.

A copy of the Policy has been provided along with this letter.

Per Capita Distribution

The Policy provides that 75% of the Proceeds are to be provided directly to eligible Members equally as a per capita distribution (“PCD”). Below are some key features of the Policy as it relates to the PCD – *full details of the PCD are provided in the Policy:*

- Members are eligible for the PCD if their name appears on the membership register maintained by Indigenous Services Canada (the “Register”) as of March 14, 2022 (being the date the settlement agreement was entered into). Each person who applied to become a member prior to March 14, 2022 and is added to the membership register by March 14, 2027 is also eligible if they identify themselves to the Band by September 23, 2022. **ANY PERSON WHO IS NOT YET ON THE MEMBERSHIP LIST BUT HAS APPLIED TO BE ADDED PRIOR TO MARCH 14, 2022 MUST IDENTIFY THEMSELVES AND PROVIDE A NOTARIZED COPY OF CONFIRMATION FROM INDIGENOUS SERVICES CANADA OF THEIR APPLICATION TO AKISQNUKPCD@AKISQNUK.ORG OR THE BAND OFFICE BY SEPTEMBER 23 IN ORDER TO QUALIFY FOR A DISBURSEMENT.** No payment will be made to these individuals until they are added to the membership register.
- Members are required to submit completed copies of the “Eligible Member Information Form” and “Release and Indemnification” in order to receive their payments. Blank copies of these can be found attached to this letter and attached to the Policy. Please submit these to the Band Administration Office, or by email to elkhornpcd@akisqnuk.org, or in person at the Band Administration Office. **DUE TO FRAUD AND SECURITY CONCERNS, IT IS HIGHLY RECOMMENDED THAT MEMBERS PROVIDE A VOID CHEQUE OR BANKING INFORMATION FOR DIRECT DEPOSIT AS OPPOSED TO REQUESTING A PHYSICAL CHEQUE.**
- Elkhorn PCD payments will occur on a rolling basis as members provide their Elkhorn Information Forms and Releases. Those Members who have returned these documents to elkhornpcd@akisqnuk.org, or the Band Office by September 16, 2022, will receive their

payments on September 29, 2022. Those Members who submit documents following the initial payment will be included in a subsequent payment which will occur at the middle and end of each month going through until the end of the year. Document cut off and payment dates are set out in the attached PCD Payment Schedule.

- **MEMBERS MUST COMPLETE A SHORT FINANCIAL LITERACY COURSE IN ORDER TO RECEIVE THEIR PCD AS A SINGLE LUMP SUM PAYMENT. THOSE WHO DO NOT COMPLETE THE SHORT FINANCIAL LITERACY COURSE WILL RECEIVE 60% OF THEIR PCD IN AN INITIAL PAYMENT AND THE REMAINING 40% IN A PAYMENT SIX MONTHS LATER.** You can choose either an online or in person literacy course option:
 - o The online course is called “McGill Personal Finance Essentials” and can be accessed at: <https://mcgillpersonalfinance.com/>. Please submit the attestation of completion with your Elkhorn Information Form.
 - o We are arranging with the Columbia Basin Alliance for Literacy to provide two hour in person courses during the week of September 19, 2022. Additional scheduling information will be provided.
- The ʔAkisq̓nuk First Nation is working to put safeguards in place for Vulnerable Adults and Safety as outlined in the Policy.

Distributions for Minors

The Policy requires that PCD payments for those Members under the age of 18 will be held in trust for the minor until the earlier of:

- the Member turning 18 if they have achieved their high school diploma or equivalency (GED), or
- the Member turning 25.

The intent of the policy is to not create an incentive for Members to not complete their high school diploma in reliance on their PCD.

We have asked a number of trust companies to put together proposals to set up trusts for Members under 18 (including proposals on inflation adjustments, interest, etc.). These proposals will be presented to the FAIC to consider which of the options best protects the interests of our youth. Once a trust company is selected, PCD payments in respect of Members under 18 will be made from the ʔAkisq̓nuk First Nation to the selected company to hold until release to the Member. We are intending to have the selected trust company provide information sessions for minors and their parents with respect to the trusts.

Lasting Community Benefit

The Policy provides that 20% of the Proceeds will be used for a general “Community Investment and Legacy Fund Plan” that fosters a sense of community and inclusivity. The particulars of this plan have not yet been determined. In the coming months we will set out a plan to engage with Members on the priorities for the remaining Proceeds, and the best way to ensure continued lasting benefit for the ʔAkisq̓nuk First Nation and Members, now and in the future.

We'd like to thank everyone who has assisted in achieving the Elkhorn Ranch Settlement and developing this Policy setting out what we will do with the Proceeds. The settlement was for past wrongs; but this is now an exciting time full of opportunity for the ?Akisq'nuq First Nation. We look forward to moving forward, together.



- I wish to receive my PCD in incremental amounts. If this option is chosen, the AFN Finance Department will contact you to set up this up.

Signature of Eligible Member

Date signed



Akisqnuq First Nation

Elkhorn Ranch Specific Claims Proceeds Per Capita Distribution

Release and Indemnification

1. I HEREBY CERTIFY THAT I, _____:
print full name
- a. am a registered member of the Akisqnuq First Nation on or before March 14, 2022, my Indian Registration number is _____; or
- My application for Indian registration enrollment in the Akisqnuq First Nation was received by Indigenous Services Canada on or before March 14, 2022 and is still in progress.
- b. The information provided in Appendix "A" and all other information described herein is true and correct.
- c. I request the release of my Elkhorn Ranch Specific Claims Proceeds Per Capita Distribution payment (the PCD);
2. In consideration of the PCD, do hereby release, waive and forever discharge and indemnify the Akisqnuq First Nation and the present and future Chief and Councillors of the Akisqnuq First Nation and its managers, agents, committees, employees, heirs, executors, administrators, assigns, officers, directors, members, and representatives (the Releasees) from any and all manner of action, cause of action, proceedings, suits, cost, demand, losses, liabilities, damages, judgements or claim of whatever nature or kind whatsoever or howsoever arising, whether now known or unknowns, foreseen or unforeseen, suspected or unsuspected, in law or in equity, in contract or in tort (the Claims) which I now have, or hereafter can, shall, or may have including without limitation any impact which the said payment may have upon any government benefits or payments being received by me or which the undersigned or any other person shall or may against the Releasees from and against all Claims in relation to the PCD; and
3. I acknowledge that:
- a. I have made and executed this release and indemnification of my own free will and that I bear sole responsibility for determining the legal, financial, and economic impact, if any, associated with having received the PCD; and

b. I have been offered the opportunity to participate in an approved financial literacy course by AFN.

DATED THIS _____ DAY OF _____, 2022

AT _____

SIGNATURE OF AKISQNUK MEMBER

SIGNATURE OF WITNESS

Witness Fullname (please print clearly)

Witness Address

PCD Payment Schedule

1st PCD deposit date: Thursday September 29th

Cut-off date for Members' information submission to ?Akisq̄nuk First Nation: 4PM, September 16th

2nd PCD deposit date: Friday, October 14th

Cut-off date for Member's information submission to ?Akisq̄nuk First Nation: 4PM, October 3rd

3rd PCD deposit date: Friday October 28th

Cut-off date for Members' information submission to ?Akisq̄nuk First Nation: 4PM, Friday October 14th

4th PCD deposit date: Tuesday November 15th

Cut-off date for Members' information submission to ?Akisq̄nuk First Nation: 4PM, Tuesday November 1st

5th PCD deposit date: Wednesday November 30th

Cut-off date for Members' information submission to ?Akisq̄nuk First Nation: 4PM, Wednesday November 16th

6th PCD deposit date: Thursday December 15th

Cut-off date for Members' information submission to ?Akisq̄nuk First Nation: 4PM, Friday December 2nd

7th PCD deposit date: Friday December 30th

Cut-off date for Members' information submission to ?Akisq̄nuk First Nation: 4PM, Friday December 16th