
**INFORMATION DOCUMENT
CONCERNING THE PIAPOT FIRST NATION RESERVE LANDS
(SURFACE) INDIAN RESERVES NO. 75, 75E, 75J, AND 75T
DESIGNATION AND AMENDMENT OF 2019 DESIGNATION
DOCUMENTS**

INFORMATION DOCUMENT

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1. **WHAT IS A DESIGNATION VOTE**

The *Indian Act* limits the granting of leases or other interests in reserve land. A designation vote of a band (First Nation) under subsection 38(2) of the *Indian Act* is a process through which a band authorizes His Majesty to lawfully grant a lease or other interest in reserve land. The subsection reads:

“A band may, conditionally or unconditionally, designate, by way of a surrender to His Majesty that is not absolute, any right or interest of the band and its members in all or part of a reserve, for the purpose of its being leased or a right or interest therein being granted.”

A designation under subsection 38(2) of the *Indian Act* does not extinguish the First Nation’s interest in the designated lands, nor does it cause such lands to ever lose their status as reserve lands.

A designation under subsection 38(2):

- 1) is not absolute;
- 2) is made to His Majesty the King in right of Canada (“His Majesty”);
- 3) is not forever but is limited to the term of the designation; and
- 4) limits the rights of the lessee (being the person or entity occupying or using the lands) to use the lands only for the purposes for which they have been designated and leased.

2. **RESERVE LAND DESIGNATION**

Under the *Indian Act*, a designation vote may be held with respect to reserve lands. That is, lands to which legal title is currently vested in His Majesty and that have been set apart by His Majesty for the use and benefit of the First Nation.

3. **THE SPECIFIC LANDS TO BE DESIGNATED IN THIS CASE**

In the context of the Reserve Lands (Surface) Indian Reserves No. 75, 75E, 75J, and 75T Designation, the reserve lands included in this particular designation involve 19 quarters of lands located within the rural municipalities of Caledonia and Elmsthorpe. A complete listing of the legal descriptions associated with the lands are included in Appendix “A” of the Reserve Lands (Surface) Indian Reserves No. 75, 75E, 75J, and 75T Designation Document.

If approved by the electors, the designation will allow His Majesty on behalf of the First Nation, and subject to approval of the band council, to open up for leasing purposes the lands identified within the designation for various permitted purposes including commercial, industrial, retail, recreational, educational, institutional, agricultural and residential purposes, subject to the terms of the designation document. Any leasing or

granting of interests in the lands would be subject to the execution of appropriate lease agreements, permits or other required documents as described further below.

The second document to be considered and voted on as part of the referendum process involves an amendment to the three previous designation documents which were approved by the Piapot First Nation in January of 2019 (the “2019 Designations”). All three of these designation documents are attached as Appendices in the document entitled “Piaopot First Nation – Amendment of 2019 Designation Documents”.

The 2019 Designations were titled as follows:

- a. Piaapot Band Designation Document: Reserve Lands (Surface) – Indian Reserves No. 75, 75E Through and Including 75K, and 75T;
- b. Piaapot Band Revocation of 2007 Designation and New Designation Document: Reserve Lands (Surface) – Regina Angus Street; and
- c. Piaapot Band Designation Document: Pre-reserve Lands (Surface) – RM of Caledonia.

Included within the 2019 Designations was condition #2 which reads as follows:

“2. Prior to the granting of each and every particular proposed lease pursuant to this Designation, Council shall hold a meeting of the electors of the First Nation and provide information as to the proposed lessee, the lease term, and the essential provisions and conditions of the lease, including a reasonable estimate of the annual fair market rent that may be proposed to be forgone under that lease, if the rent is less than fair market rent, and the reason(s) for this. If any other party will be entitled to receive payment of fair market rent, Council shall inform which party and under what circumstances the fair market rent shall be paid. Council shall then seek the consent of the electors to the proposed lease, which consent shall be obtained pursuant to a vote of the electors present to be conducted by Council. A vote of 50% plus one vote of the votes cast by the electors in attendance at the meeting in favour of the grant of the proposed lease shall constitute consent of the First Nation. The consent obtained pursuant to this process shall be confirmed by Council by Resolution delivered to the Minister prior to the granting of the lease.”

In order to facilitate greater economic efficiency for leasing transactions on the designated lands, the First Nation wishes to remove condition #2 from each of the 2019 Designations. By removing the condition, the First Nation will be in a better position to address and respond to economic and leasing opportunities which may arise in the future in respect of the lands covered by the 2019 Designations, without the risk of potentially losing out on such opportunities as a result of further processes being required in respect of such opportunities.

4. THE PURPOSE OF THE RESERVE LANDS (SURFACE) INDIAN RESERVES NO. 75, 75E, 75J, AND 75T DESIGNATION

The overall purpose of this designation is to provide lawful authority for the subject properties covered by the designation to be made available for the various types of leasing and other permitted developments as outlined in the designation document.

Designating the subject properties will allow the lands covered thereby to be made available for leasing and other forms of development utilizing approved permits, lease agreements and other documents as entered into with His Majesty and third parties including any entities (ie: corporations or limited partnerships which are 100% owned and controlled by the First Nation).

By designating the subject properties for the various purposes outlined in the designation document, the First Nation will:

- 1) avoid the cost and delay of having to have multiple designation votes in the future;
- 2) have the flexibility to plan and develop, both commercially and economically, the subject properties covered by the designations;
- 3) be better able to take advantage of opportunities for the economic development of the subject properties as and when they arise in the future for the benefit of the First Nation; and
- 4) have the ability to actively pursue the long-term leasing and development of the subject properties both internally and with third parties.

The First Nation is proposing that the subject properties be designated for the various purposes outlined in the designation document such that should economic opportunities arise in respect of the designated lands, they can be pursued by the First Nation. For example, by allowing the surface of the selected lands covered by the designation to be opened up for a variety of purposes such as those proposed which include commercial, industrial, retail, recreational, educational, institutional, agricultural and residential purposes, most economic development opportunities or projects arising in the future would likely fall under one of these categories. For instance, without restricting the generality of the foregoing, when dealing with commercial or retail projects, this could potentially include anything from office and retail complexes to the establishment of retail and commercial businesses. For institutional or educational projects, this could potentially include schools, along with technical and training institutes. For residential projects, this could potentially include residential housing, apartment or condominium developments. For recreational purposes, this could include designated parks, campgrounds, and other resort developments. For industrial projects, this could potentially include wind, solar and other non-renewable energy projects along with the development of storage and warehouse facilities and small scale industrial or manufacturing facilities.

The properties covered under the designation may only be leased to entities approved by His Majesty and the band council and all leases, permits, licenses or other dispositions

granted in relation to the lands shall require the approval of the band council prior to their issuance.

The designation also provides that the lands may be leased to an entity that is 100% owned and controlled by the Piapot First Nation which may include a corporation, limited partnership or other entity of the First Nation (a "First Nation Entity"). Save and except for leases to a First Nation Entity, all leases granted to third parties shall be leased at fair market rent and shall require periodic rent reviews as stipulated in each applicable lease agreement. At present, it is the policy of Indigenous Services Canada ("ISC") to require that rent reviews be undertaken at a minimum every five (5) years. Fair market rent would be determined in accordance with the provisions of each lease agreement. Appraisals to determine fair market rent would be required to be undertaken in conjunction with the lease agreement. The lease agreements are developed by ISC utilizing standard template agreements and are negotiated to and with the lessees.

Where the lessee is a First Nation Entity, the band council may request that the Minister grant to the lessee a lease agreement at a nominal rent (ie: \$1.00). This would essentially allow the First Nation Entity the ability to undertake the development of the lands without the necessity of having to pay to His Majesty an amount equivalent to fair market rent. This may assist the First Nation Entity in obtaining financing or other lending required to develop the lands. In those instances where the First Nation no longer owns and controls 100% of the First Nation Entity, the designation documents specifically provide that the rent shall be increased to fair market rent. The designation document also contains provisions allowing for the subleasing of the subject properties, but provide that in the case of a nominal rent lease to a First Nation Entity, all subleases shall be issued at fair market rent.

It is also important to note that under the designation, the terms and conditions of all leases, permits, easements, rights-of-way, licenses and any other similar instruments granted to or issued in relation to the subject properties would be required to be consented to and approved by the band council of the First Nation by way of band council resolution. This ensures that the band council is fully aware of and is given the opportunity to consent to the issuance of any required interests granted in relation to the subject properties. In addition, the band council by resolution may, at any time, subject to existing third party rights, withdraw all or any portion of the subject properties from the designations. Once withdrawn, such lands will not be able to be leased as described above without a future designation vote of the First Nation permitting such leasing.

5. THE DESIGNATION VOTE

Electors will be given the opportunity to cast a ballot on both the Reserve Lands (Surface) Indian Reserves No. 75, 75E, 75J, and 75T Designation along with the Amendment to the 2019 Designations. The ballots to be voted on read as follows:

BALLOT 1 - Piapot First Nation Reserve Lands (Surface) Indian Reserves No. 75, 75E, 75J, and 75T

As an elector of the Piapot First Nation, having had the opportunity to consider and review the **Piapot First Nation Reserve Lands (Surface) Indian Reserves No. 75, 75E, 75J, and 75T Designation Document**, the lands described therein and related information, **ARE YOU IN FAVOUR OF THE SAID DESIGNATION?**

BALLOT 2 – Piapot First Nation Amendment of 2019 Designation Documents

As an elector of the Piapot First Nation, having had the opportunity to consider and review the **Piapot First Nation Amendment of 2019 Designation Documents** the lands described therein and related information, **ARE YOU IN FAVOUR OF THE SAID AMENDMENT?**

Each elector shall be required to mark their ballot by placing a cross “X”, check mark “√” or other mark in the “Yes” or “No” box in the ballot so as to clearly indicate the response and intent of the elector.

6. WHO CAN VOTE

Electors shall include those members who are 18 years of age or older as of the date of the referendum vote and who are registered on the band list of the Piapot First Nation.

7. VOTING

A mail-in ballot package enclosing the ballots to be voted on will be mailed to each elector resident off reserve for which the First Nation has a current address at least forty-two (42) days prior to the conducting of the referendum vote being March 26, 2025 (the “Voting Date”). Electors who reside on reserve will receive a hand delivered package that does not include the ballots. On reserve electors can request a mail in ballot package from the Electoral Officer (Joyce Woolhether) or vote in person at the polling station to be held on the Piapot First Nation as described below.

If an elector does not receive his or her mail-in ballot package, such person should immediately contact Joyce Woolhether (the Electoral Officer), Selena Reid or Deverell Crowe (the Deputy Electoral Officers). The contact information for these individuals is referenced in section 10 of this information document.

An elector may vote in one of three ways:

- 1) firstly, each elector may complete and return the ballots and supporting declaration enclosed with their mail-in ballot package to the Electoral Officer by using the self-addressed stamped envelope included with their package. As the mail-in ballots must be received by the Electoral Officer prior to the close of the polling station on the Voting Date being 8 pm on March 26, 2025, we would strongly encourage all electors who wish to vote by mail-in

ballot to have their ballots and supporting declaration forms completed and returned to the Electoral Officer as soon as possible;

- 2) secondly, electors may bring their completed ballots with them or have their ballots completed at the information meeting listed in section 10 and delivered to the Electoral Officer or Deputy Electoral Officers. Additional ballot packages will be available at the information meeting; and
- 3) thirdly, electors may attend at the polling station to be held on the Piapot First Nation on the Voting Date (being March 26, 2025) and cast their ballots personally.

8. THE MAJORITY REQUIRED

The vote in relation to the Reserve Lands (Surface) Indian Reserves No. 75, 75E, 75J, and 75T Designation and the Amendment to the 2019 Designations is to be conducted pursuant to section 39.1 of the *Indian Act* along with the *Indian Referendum Regulations*, C.R.C. 1978, c. 957. Under section 39.1 of the *Indian Act*, in order for the proposed designation and amendment to be considered approved by the electors, the designation and amendment must be approved by a majority of those electors who vote in respect of the designation and amendment. It is open to the electors to either approve or disapprove of the proposed designation and/or amendment.

In the event of a successful vote on the Reserve Lands (Surface) Indian Reserves No. 75, 75E, 75J, and 75T Designation and Amendment to the 2019 Designation, the band council will sign the respective designation and amendment documents and provide the same to officials at ISC for processing and approval by His Majesty. In the event of an unsuccessful vote, the designation and/or amendment documents will not be signed.

9. SPECIFIC ISSUES

(1) Processing of Rental Payments

Rent paid under a lease agreement to His Majesty on behalf of the First Nation qualifies as “Indian moneys” under the *Indian Act* and is payable to His Majesty as either capital or revenue moneys credited to the First Nation’s capital or revenue accounts. Such moneys are to be administered by the Minister for and on behalf of the First Nation in accordance with the provisions of the *Indian Act* and its regulations.

Rent paid under a sublease is not payable to His Majesty and is not considered “Indian moneys” under the *Indian Act* and subject to the administrative requirements of the Act. The right to access and use such proceeds will depend on how the applicable sublease is structured in terms of its payments as well as the makeup of the sublandlord (ie: whether the sublandlord is a First Nation Entity).

(2) First Nation Entity

As indicated in the Reserve Lands (Surface) Indian Reserves No. 75, 75E, 75J, and 75T Designation document, the Minister may, upon request from the First Nation, issue a

lease covering any portion of the lands covered by the designation to a First Nation Entity. A First Nation Entity may include a corporation, limited partnership or other entity that is 100% owned and controlled by the First Nation.

It should be noted that in many respects a First Nation Entity does not share the same legal or structural characteristics as the First Nation itself. For example, depending on the type of First Nation Entity established, the First Nation Entity may be a taxable entity, may have its own governance and operational procedures separate and apart from the First Nation and may also be responsible for expenses related to its business operations. Also, should a First Nation Entity obtain mortgage or other related financing in relation to its leasehold interest in a lease agreement, the First Nation Entity would be responsible for complying with the terms and conditions associated with such financing. In addition, His Majesty is not responsible for the establishment or administration of the First Nation Entity or its operations. Such responsibility will rest with the First Nation and its established entity.

10. MORE INFORMATION

(a) Contacts

For more information on the specific documents, you may contact the following individuals:

- (i) Joyce Woolhether (the Electoral Officer)
Indigenous Services Canada
Alvin Hamilton Building
Mailroom 098
1783 Hamilton Street
Regina SK S4P 2B6
Telephone: (306) 501-4620
Email: Joyce.Woolhether@sac-isc.gc.ca
- (ii) Selena Reid (the Deputy Electoral Officer)
Piapot First Nation
General Delivery Zehner SK S0G 5K0
Telephone: (306) 781-4848
Fax: (306) 781-4853
- (iii) Deverell Crowe (the Deputy Electoral Officer)
Piapot First Nation
General Delivery Zehner SK S0G 5K0
Telephone: (306) 781-4848
Fax: (306) 781-4853
Email: deverell.crowe@piapotfirstnation.com

(b) Information Meetings

Information meetings concerning the proposed designation will be held at the following dates, times and locations.

LOCATION	ADDRESS	DATE & TIME OF INFORMATION MEETING
Piapot First Nation	Piapot First Nation Community Hall	March 24, 2025 commencing at 5:00 pm

(c) Additional Documentation Attached

In addition to this information document, the following documents should also be included in your information package:

1. Copy of the Notice of Referendum Vote;
2. Copy of open letter to the Piapot First Nation membership from the First Nation providing information on the vote;
3. Piapot First Nation Reserve Lands (Surface) Indian Reserves No. 75, 75E, 75J, and 75T Designation Document;
4. Amendment of 2019 Designation Documents;
5. Instructions on completing of mail-out ballots by the Electoral Officer;
6. Ballots 1 and 2;
7. Voter declaration form / ballot envelope; and
8. Postage paid return envelope addressed to the Electoral Officer upon which the mail-in ballot and voter declaration forms are to be returned.

In the event the foregoing additional documents are not included within your information package, please contact Joyce Woolhether, Electoral Officer, to obtain copies of the documents.