



# Land Designations



PIIKANI NATION

Information Meetings


November 7, 8 & 9, 2018





# What is a Land Designation?



An aerial photograph of a residential area. A large, rectangular green field is the central feature. To the left of the field is a row of houses with dark roofs and some trees. To the right of the field is a road and more houses. In the bottom right corner, there is a large, modern building with a curved roof and a parking lot. A yellow text box is overlaid on the top left of the image, containing text about the Indian Act and land leasing.

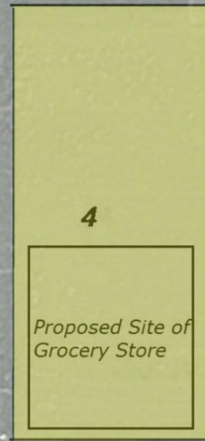
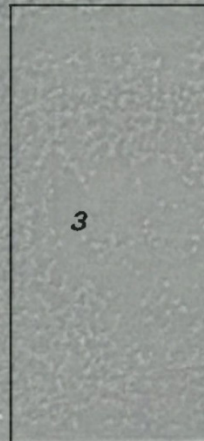
When a First Nation wants to lease out reserve land, the *Indian Act* requires the land be designated for leasing.

An aerial photograph of a residential neighborhood. A yellow text box is overlaid in the upper left quadrant. Two green rectangles are overlaid on a large grassy field in the center-right. The surrounding area includes houses, trees, and a road.

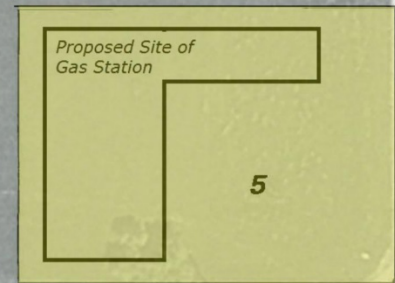
**A designation identifies a parcel of land to be used for a certain purpose, for a specified amount of time (“zoning”).**

The procedure for designating land is set out in sections 37 through 41 of the *Indian Act*.

Plan of Survey showing EXAMPLE LOTS of part of PLAN 12345



CANADA LANDS SURVEYS RECORDS  
**12345**  
DATE: March. 14. 2015



Registered Plan No. 12345



# What Makes a Designation Valid?

- A Designation is only valid under section 39.1 of the *Indian Act* if:

**It is made to Her Majesty**

**It is assented to by a majority of the electors of at a referendum held in accordance with the *Indian Referendum Regulations***

**It is recommended to the Minister by the Band Council**

**It is accepted by the Minister  
(Ministerial Order)**



# Status of Land After a Designation

- It is important to note that lands designated under section 38(2) of the *Indian Act* **DO NOT LOSE RESERVE STATUS**;
- Should plans for the land change, the designation status conferred upon the land can be revoked by a Band Council Resolution provided that the land has not yet been leased;
- Once the term of the designation ends or the designation status is revoked the land reverts back to common band land.

# Purpose of a Land Designation

- The Designation allows for the lands to be leased for economic development opportunities, examples of which include, but are not limited to the following:
  - Truck stop, gas station and/or convenience store;
  - Automotive service centres;
  - Restaurant and food sales facilities including kiosks;
  - Hotels and motels;
  - Retail or wholesale establishments or shopping centres;
  - Office, business or commercial establishments;
  - Parking areas;
  - Light manufacturing, fabricating, processing and packaging goods or products;
  - Movement or storage of goods;
  - Existing 'for profit' businesses – not yet leased;

# Benefits of a Land Designation and Lease

## **ECONOMIC DEVELOPMENT**

- Secure legal land tenure.
- Revenue from rent.
- Access to grants, loans and mortgages.
- On reserve job creation.

## **ENVIRONMENTAL PROTECTION**

- Mitigation measures in the lease ensure businesses don't pollute the land.
- Remediation provisions in the lease ensure contaminants are cleaned up.

## **COMMUNITY CONSENT**

- Provides membership opportunity to vote.
- Ensures that the Nation will benefit (lease revenues are deposited into band revenue account).

# Truck Stop

Loon River Cree





**Hotel/Restaurant**  
Cold Lake First Nations

# Campground

Alexis Nakota Sioux Nation





**Residential**  
Redwood Meadows – Tsuut'ina Nation



**Casino**  
Enoch Cree Nation

# Business Park

Siksika Nation



# Industrial Park

Fort McKay First Nation



Grocery Store  
O'Chiese

Produce  
Oow-Pik-Chig-Gun-Nun





# PIIKANI NATION Land Designation Referendum

- A Land Designation Referendum vote will be held on November 28, 2018 to seek the assent of the electors of the Piikani Nation, in regards to the proposed Land Designation at Piikani Reserve.



# Referendum Regulations and Guidelines

- The designation vote is being held in accordance with the *Indian Referendum Regulations*.
- The Regulations require that an officer of Indigenous Services Canada (ISC) run the vote as the Electoral Officer.
- Deputy Electoral Officers from ISC, along with Nation appointed representatives will assist in facilitating the vote.
- The Polling Station will be managed under the *Guidelines for Polling Station Etiquette* (available from the Electoral Officer).
- Any individual(s) who, with the intention of delaying or obstructing the electoral process, contravenes the *Guidelines for Polling Station Etiquette*, shall be deemed to be causing a disturbance and will be asked to leave the Polling Place by the Electoral Officer, Deputy Electoral Officer and/or a Nation appointed representative.



# Referendum Procedures pre-vote

- A list of eligible Nation electors which includes the addresses of off-Reserve members was prepared by the Nation and provided to the Electoral Officer.
- On October 16, 2018 the Notice of Referendum, Designation Document, Information Document and voter list were posted by ISC at the Band Office
- On the same day; information packages including the Notice of Referendum and Information Document were mailed to each eligible off-Reserve elector for whom an address was known and provided.



## Referendum Procedures pre-vote (cont.)

- The packages mailed to off-Reserve electors contain mail-in ballots which the off-Reserve elector can fill out and send in using the pre-paid return envelope provided.
- Mail-in ballots are also available from the Electoral Officer for on-Reserve Nation electors who will not be able to vote in person on the scheduled vote day.
- Any elector who has received a mail-in ballot may vote in person by returning the mail-in ballot to the Electoral Officer or by providing the Electoral Officer with a written affirmation that the elector has lost, or has failed to post, or deliver, the mail-in ballot.



# Informed Decision

- Before a land designation vote, Nation electors must be provided with information regarding the intent of the designation and the process for designating Reserve land.
- In addition to receiving the Information Document and attending the Information Meetings, Nation electors have the right and opportunity to ask questions and receive information about the proposed designation so that they can make an informed decision regarding the acceptance or rejection of the proposed designation.



# Referendum Procedures

## Vote day – <<INSERT VOTE DATE>>

- The ISC appointed Electoral Officer and Deputy Electoral Officer(s) will oversee the referendum process with assistance from Nation appointment representatives.
- Electors showing up in person must present a **VALID FORM OF IDENTIFICATION**.





# Referendum Question

- On the day of the referendum, Nation electors will vote on the following ballot question:
  - *“Having had full opportunity to consider and review the Designation Document which was attached to the Notice of Referendum dated October 16, 2018, do you agree to the Designation?”*

# Referendum Results

- When the polls close, the ballots for each polling station (including mail-in ballots) are counted by the Electoral Officer in the presence of the Chief/Councillor(s) and any observers.
- In accordance with the *Indian Act*, a vote will pass if a majority of electors who cast ballots in the referendum vote in favour of the proposed land designation (simple majority).
- If the vote passes, Chief and Council would consider the signing of the designation document and recommend by Band Council Resolution (BCR) that the Minister accept the designation.
- A designation that does not receive a majority approval by voting electors cannot be approved by Council or submitted to the Minister.

# Acceptance Process

- Upon receipt of a BCR, ISC regional staff will prepare a submission for the Minister's consideration.
- Once the Minister accepts the submission, a Ministerial Order is signed, registered in the Indian Land Registry, and the lands are considered "designated".
- The time frame between the referendum and the passing of the Ministerial Order depends on the number of submissions in the system.



# Referendum Day

**Date: NOVEMBER 28, 2018**

**Polling Hours: 9:00 a.m. to 8:00 p.m.**

**Polling Location: Piikani Multipurpose Centre,  
1975 – 17 Ave, Brocket , AB**

***All mail-in ballots must be received by 8:00 pm on November 28, 2018 in order to be counted.***

***Please provide valid Identification when voting in person.***

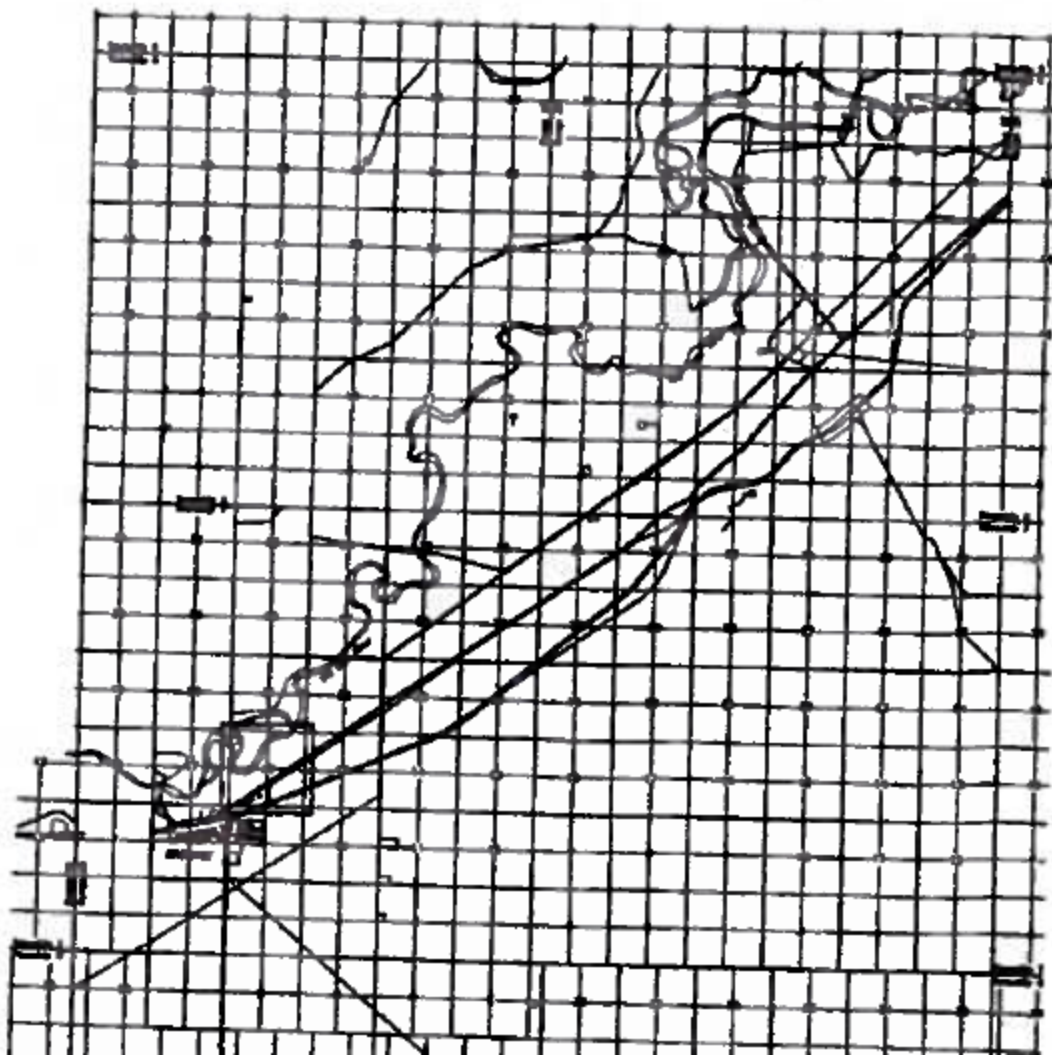
# Lands proposed under the designation

## ▪ LANDS:

- Lot 93, within the SE ¼ SEC 16, TWP 7, RGE 28, W4M as shown on CLSR No. 107440, said lot containing 15.3 hectares (37.8 acres) more or less

## ▪ TERM:

- The Designation will be for a term of forty-nine (49) years commencing on the date the Minister accepts the Designation.



UTM COORDINATE TABLE

STA	NORTHING (m)	EASTING (m)	ELLIPSOIDAL HEIGHT
1	5,493,013.73	301,962.80	1046.82
2	5,492,696.43	302,082.93	1043.34
3	5,492,863.63	302,096.63	1043.57
4	5,493,330.63	302,713.62	1044.83
5	5,492,848.02	302,826.62	1044.22
6	5,492,693.33	302,863.13	1044.70
7	5,492,536.93	301,874.36	1046.44
8	5,492,513.15	301,873.02	1046.82
9	5,492,534.93	301,898.00	1047.76
11	5,492,830.22	301,940.03	1046.29
13	5,493,010.86	301,908.08	1046.70
15	5,493,021.31	302,023.86	1047.17
16	5,492,896.78	301,766.54	1047.48
17	5,493,306.79	302,457.95	1046.29
1002	5,492,780.18	302,319.02	1043.13
1004	5,493,233.23	302,331.14	1045.48
1006	5,492,871.73	301,962.70	1046.45





# Further Information:

**Jennifer**

Electoral Officer

Lands Operations

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