

**URBAN RESERVES:
THE CITY OF SASKATOON'S PARTNERSHIP WITH FIRST NATIONS**

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I. INTRODUCTION

Over the past 20 years, the City of Saskatoon has partnered with a number of First Nations in the groundbreaking creation of Urban Reserves within the boundaries of the City through the signing of land-use and land servicing agreements. Urban Reserves provide unique economic development opportunities, which are benefiting both First Nations and the City of Saskatoon.

A decade ago, the City of Saskatoon recognized that to ensure a healthy and growing local economy, the expanding Aboriginal population of Saskatoon must be considered and included. This recognition has been consistently documented in the City of Saskatoon's *Strategic Plan*. The City made it a priority to help foster the economic opportunities within the municipality for First Nations. This understanding will continue to produce important economic developments and solidify the contributions of First Nations in the future growth of the City of Saskatoon.

II. TREATIES IN SASKATCHEWAN

A. HISTORY

The Federal Government entered into treaties with First Nations of Alberta, Saskatchewan and Manitoba between the years of 1871 and 1906. Among other obligations, in exchange for signing treaties, the Federal Government agreed to provide reserve land to the First Nations people. These lands were to serve as areas where Aboriginal people could practice their traditional lifestyle and allow for a smooth transition from a hunter-gatherer society to an agrarian way of life. According to the original treaties, treaty Bands were entitled to one square mile of land for every family of five, which is the equivalent of 128 acres per person.

B. REASONS FOR NEGOTIATING TREATIES

1. Some reasons the Federal Government had for negotiating treaties include:

- Royal Proclamation of 1763 decreed that only the Crown could negotiate land agreements with First Nations, making it illegal for deals with private companies or citizens to occur. The Crown would then see to the distribution of the land, allowing for the eventual settling of the Prairies;
- A goal of Confederation was to extend the borders of Canada to the Pacific Ocean, as well as building a railway across the continent, which required land agreements with First Nations;

- Treaties were seen as a way to avoid violence similar to the battles over land occurring in the United States; and
 - Concern that the United States was considering an attempt to expand its borders northward.
2. Some reasons First Nations had for negotiating treaties include:
- Recognition that colonization would likely occur with or without an agreement;
 - Belief that retaining some land through the establishment of reserves would help ensure their way of life was given an opportunity to live on; and
 - Recognized as a way to avoid violence over land disputes.

III. FEDERATION OF SASKATCHEWAN INDIAN NATIONS

A. BACKGROUND

The Federation of Saskatchewan Indian Nations (FSIN) was created in 1982 to give the people of First Nations a political voice. The FSIN now represents 74 Bands throughout Saskatchewan. Prior to the establishment of the FSIN, Saskatchewan's First Nations were represented by three organizations, including the League of Indians of Western Canada, the Association of Saskatchewan Indians and the Protective Association for Indians and their Treaties. In 1946, the organizations amalgamated to create the Union of Saskatchewan Indians, which would later be renamed the Federation of Saskatchewan Indians (FSI) in 1958. The FSI was able to generate significant successes, especially through the creation of several First Nation educational institutions.

Despite the organization's considerable progress, there were concerns the FSI's non-profit status did not accurately represent its changing mandate. In 1982, Saskatchewan First Nations Chiefs agreed to form Canada's first Indian Legislative Assembly. The FSI was re-organized and restructured to incorporate the changing nature of the association. As a result, the name was also expanded to reflect this change, becoming the Federation of Saskatchewan Indian Nations. Today, the FSIN continues to act as an influential and unified political voice for Saskatchewan's First Nations, not only within the province, but also across Canada.

B. OBJECTIVES

The FSIN has a number of goals and objectives, including:

1. The protection of treaties and treaty rights;

2. The fostering of progress in economic, educational and social endeavours of First Nation people;
3. Co-operation with civil and religious authorities,
4. Constructive criticism and thorough discussion on all matters;
5. The adherence of democratic procedure; and
6. The promotion of respect and tolerance for all people.

IV. LAND CLAIMS

A. REASONS FOR CLAIMS

Problems with surveying Band populations and the provision of insufficient reserve land from the Saskatchewan treaties signed between 1874 and 1906 left many Bands short of the acreage to which they were entitled. Despite negotiations, an agreement regarding entitlement lands was never fully implemented.

A number of incremental steps toward settling outstanding land claims can be identified, such as the Natural Resources Transfer Agreement in 1930. This agreement transferred virtually all federal Crown land and mineral resources over to the provinces. Another major development in land claims was the 1976 Saskatchewan Formula, which worked to establish the number of acres owed to each First Nation through the creation of a formula using the December 31, 1976 Band population figures. Difficulties were experienced in the actual implementation of this formula because of problems with identifying enough Crown land available for transfer. In 1989, the Office of the Treaty Commissioner was created, which is an independent office given the specific mandate to work on treaty land entitlement (TLE) in Saskatchewan. This authority was able to facilitate progressive negotiations, which, ultimately, resulted in the signing of the Treaty Land Entitlement Framework Agreement (TLEFA).

B. 1992 TREATY LAND ENTITLEMENT FRAMEWORK AGREEMENT

The 1992 TLEFA was reached through negotiations between the Federal Government, the Province of Saskatchewan and 25 Saskatchewan entitlement Bands, with 4 more Bands signing individual agreements later. The document established a formula to calculate the total land compensation value owed to each particular Band.

The formula itself is quite complicated, but the reasoning behind most steps is very easily understood. The population of the first Band survey, regardless of when it was completed, is multiplied by 128, which is the original acreage agreed to be set-aside in the treaties. Subtracting the Crown land received up until 1955 from the original land quantum owed provides the number of shortfall acres required for fulfillment of the land obligations. These shortfall acres are turned into a percentage of the original land base to be provided. This percentage is multiplied by the population of the Band, as of March 31, 1991, showing, in essence, the number of people who still need to receive land compensation. Negotiators agreed to use the most up-to-date population figures, being March 31, 1991, to make certain all TLE Band members were being represented in the land settlement. As before, this population number is multiplied by the 128 acres agreed to in the treaties. Any land received after 1955 by the Band is subtracted from these equity acres.

At this point, consideration is given to the previously mentioned 1976 Saskatchewan Formula. If the 1976 Saskatchewan Formula totals a greater number of acres owed than the revised equity acres, the difference is multiplied by \$141.81, which is the agreed value of an average acre of land in Saskatchewan, at that time. This figure will be added to the final compensation settlement and ensures that no First Nation will be negatively affected by the TLEFA calculation, as opposed to using the 1976 Saskatchewan Formula.

The revised equity acres are multiplied by \$262.19, which is the agreed value of an average acre of land in Saskatchewan, at the time of the agreement. The TLEFA also takes mineral value into consideration by paying out \$45 per shortfall acre, as all Indian Reserve land will also include ownership to mineral deposits beneath the surface. Adding the value of minerals, revised equity acres and any shortcomings compared with the 1976 Saskatchewan Formula gives the total land compensation settlement to be paid through the TLEFA.

The TLEFA will provide entitlement Bands with approximately \$500 million in compensation for outstanding treaty claims, paid out over a 12-year period. A compensation cost-sharing partnership has been agreed to, with the Federal Government covering 70% and the Provincial Government responsible for the remaining 30%. This money has presented entitlement Bands with the opportunity to purchase private or Crown land in Saskatchewan, including land within urban municipalities. Each TLE Band is required to purchase at least as much land as the TLEFA calculation declared was the number of shortfall acres owed. Already,

at least 20 of the 29 TLE Bands have fulfilled this obligation by purchasing the required acres and having it declared Indian Reserve land by the Federal Government. It is important to note that any land transfers under TLE agreements must occur on a "willing seller - willing buyer" basis.

Status Indians presently comprise approximately 9% of the population of Saskatchewan, while reserve land accounts for only 1% of the provincial land base. Upon completion of the TLE process, reserve land will still only account for just over 2% of Saskatchewan's entire land base.

The desire of many entitlement Bands to acquire urban properties and land with the intention of receiving official Indian Reserve designation was recognized by all parties during the negotiation of the agreement. Article 9 of the TLEFA outlines the agreements that need to be signed, as one of the main requirements for Urban Reserve creation in Saskatchewan.

In addition to fulfilling original treaty commitments, TLE agreements have already led to greater economic and social independence and self-sufficiency for Saskatchewan First Nations. It is also providing economic development opportunities for all people of the City and province.

C. URBAN RESERVES

An Urban Reserve is simply land that has received official Indian Reserve status by the Federal Government and is located within the boundaries of an Urban Municipality, a Northern Municipality or within the Northern Administration District. Indian Reserve land is owned by the Crown and held-in-trust for the use and benefit of First Nations.

One important condition before receiving official Urban Reserve designation from the Federal Government is contained in Article 9 of the TLEFA, which requires the TLE Band and the affected urban municipality sign agreements regarding specific potential concerns. The agreements need to take into consideration a variety of issues, such as responsibility and level of land servicing, bylaw application and enforcement, and a mechanism for resolving disputes.

V. CITY OF SASKATOON AND FIRST NATIONS

A. BASIS FOR RELATIONSHIP BETWEEN CITY AND ABORIGINAL COMMUNITY

The City of Saskatoon's *Strategic Plan* states that it is necessary to form mutually beneficial partnerships with Aboriginal people in order for the community to achieve the vision of its

mission statement, which also establishes an ultimate goal to consistently act as a responsive, adaptive, proactive and accountable municipal organization. Economic development priorities focus on encouraging Aboriginal business in Saskatoon and positioning the City as a national centre for Aboriginal enterprise and administration.

The City of Saskatoon intends to pursue its goals for the Aboriginal population through initiatives to help with specific Aboriginal issues within Saskatoon, such as:

- Providing support for TLE Bands to initiate economic development projects within the City;
- Strengthening relationships with Aboriginal people in Saskatoon, which encourages them to discuss their needs and concerns, to be used as the basis for future action plans;
- Working with the Aboriginal community in facilitating Aboriginal leadership training programs that meet their needs;
- Developing cross-cultural training programs for Council, civic staff and the public; and
- Continuing employment equity initiatives.

B. CREATING AN URBAN RESERVE PARTNERSHIP

The Article 9 TLE Urban Reserve agreements signed by First Nations and the City of Saskatoon specify that at all times the land use and development on Urban Reserves within the City of Saskatoon will essentially be the same as if the site were not reserve land. This compatibility allows First Nations to retain the right to govern the land through their own law making system, while assuring consistent land use and development throughout the City.

Under the Article 9 TLE Municipal Services Agreement, the City of Saskatoon agrees to provide all normal City services to Urban Reserve land at the same level as that provided to similarly zoned lands in a comparable state of development. Some of these normal services include snow removal, police and fire protection. The City also agrees to supply direct services, such as water, sewage and electricity to each individual customer on Urban Reserve land.

While Urban Reserve Bands don't pay municipal taxes to the City of Saskatoon, they pay an annual fee for municipal services. This payment is intended as a municipal compensation mechanism and is the equivalent to the municipal taxes, which would have been payable to the City, if the property were not reserve land. The City of Saskatoon is not involved in the collection of taxes payable to the school board for the Urban Reserve of a First Nation. However, Bands enter into their own agreement with the school boards regarding this issue.

First Nations also have the authority to tax the users occupying Urban Reserve land. The City of Saskatoon recognizes First Nations as the exclusive taxing authority on Indian Reserve land. However, it has been agreed upon that the system of taxation used on reserve land will result in a level of taxation that is at least the same amount that the City of Saskatoon would have collected, if it were the taxing authority of the land. This ensures that there is no tax advantage for having located on reserve land, other than the benefits received by Status Indian employees able to work for on-reserve businesses.

Another agreement between the First Nation and the City of Saskatoon is the Protocol Agreement, which creates a joint committee that enables a forum for the sharing of information, the development of approaches to common issues and the formulation of dual solutions to joint problems. This agreement is designed to keep vital lines of communication open between entitlement Bands and the City and to act as a dispute resolution mechanism.

C. BENEFITS OF URBAN RESERVES

1. Benefits to the City

The creation of Urban Reserves in Saskatoon has resulted in benefits to the City in the capacity of financial, political and social advantages. Financially, the City benefits directly from revenue generated through services it provides to Urban Reserve developments and indirectly from taxation revenue and job creation generated by off-reserve economic spin-offs. Politically, the creation of reserves within Saskatoon has created positive relationships between Saskatchewan First Nations and the City. Socially, Urban Reserves within the City stand as a symbol that First Nations people are making a positive contribution to the community.

2. Benefits to First Nations

First Nations have benefited significantly from the creation of Urban Reserves. Through the acquisition and development of lands in and around Saskatoon, economic and commercial opportunities are being provided to the growing urban population of Aboriginal people. There are now increased employment and business opportunities for Aboriginal people within the City. The Bands are now able to capitalize on both rural and urban economic benefits resulting from the diversification of their land base. Bands have also been able to secure the financial resource

base that will ensure a stable self-sufficient and autonomous future for First Nation people. Through this process, self-government becomes possible and can be initiated.

D. SASKATOON'S FIRST URBAN RESERVE

In 1988, the City of Saskatoon and the Muskeg Lake Cree Nation completed negotiations that led to the creation of Canada's first, true, commercial Urban Reserve. In the past, other cities had expanded their City limits to engulf previously existing reserves, but this was the first reserve established inside an urban municipality that was specifically intended as a First Nation's commercial and economic development project.

The once vacant 33-acre site has been transformed into a true success story. The First Nation has constructed three buildings on the Urban Reserve, which total more than 100,000 square feet of overall space. The site is now home to 37 businesses, providing employment for more than 350 people. Some of the largest on-reserve employers are central First Nations' governance and gaming offices, including the head offices of the FSIN, the Saskatoon Tribal Council and the Saskatchewan Indian Gaming Authority. The FSIN is the largest employer on the Urban Reserve, providing jobs for more than 100 people.

Muskeg Lake Cree Nation has focused great effort on attracting varied businesses to help generate an economically diversified site. The wide array of valuable services offered on the Urban Reserve includes: legal, medical, education, banking, insurance, arts, retail, gas and convenience.

Today, the Muskeg Lake Urban Reserve is a model for First Nation economic development. The impact of the project continues to positively influence the businesses and people across the entire City through economic spin-offs and employment, bringing greater prosperity for all.

VI. CONCLUSION

Following the success of the City of Saskatoon's partnership with the Muskeg Lake Cree Nation, the City has proudly signed agreements to establish five more Urban Reserves and is now awaiting official designation from the Federal Government on the locations. As well, the City is presently negotiating agreements with a number of other First Nations, in the hopes of laying the groundwork to create additional Urban Reserves. The success of the Muskeg Lake Cree Nation Urban Reserve has proven that these economic development projects are especially

effective in attracting other Aboriginal businesses to the City. This creates further employment opportunities for First Nation people, with economic spin-offs that benefit the entire population of the City of Saskatoon. Urban Reserves also play an important role in providing economic and social opportunities generally not available in a rural reserve setting.

As the Bands fulfill aspirations to gain more control over their own affairs and become further involved in the mainstream economy, the prosperity enjoyed will continue to translate into the City of Saskatoon's prosperity, which bodes well for the future.

Cities have become the economic engines powering Canada. While traditional Indian lands are very important to Native history and culture, urban lands, developed by First Nations, hold bold promise for the economic advancement of all Aboriginal Canadians.

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