

Treaty Land Entitlement in Saskatchewan

*“Helping to Fulfill Promises from the Past
for a Brighter Future”*



Saskatchewan
First Nations and
Métis Relations

Moving forward together

Since 1992, Treaty Land Entitlement (TLE) has become an integral part of Saskatchewan's geographic, social and economic landscapes.

Through the TLE process, Saskatchewan is working with the federal government to help fulfill promises from the past for a brighter future.

Resolving outstanding Treaty land obligations leads to greater economic and social development opportunities for First Nations; in turn, this extends to neighbouring communities and creates spin-off benefits that have positive impacts on the rest of the Province.

What is TLE and where does it come from?

TLE is aimed at resolving outstanding obligations to First Nations who did not receive all of the reserve land to which they are entitled under Treaty.

The federal Crown and First Nations signed Numbered Treaties (2, 4, 5, 6, 8 and 10) between 1871 and 1906 in a region that is now Saskatchewan; a key aspect of these Treaties is the allocation of reserve land to First Nations people.

Canada agreed to establish reserves based on the First Nation's population at the time of original survey, but this did not happen in all cases, which left the federal government with outstanding obligations.

Why is Saskatchewan involved in TLE?

While First Nations and the lands reserved for them are a federal responsibility, Saskatchewan is legally obligated to help Canada fulfill TLEs because of the *Natural Resources Transfer Agreement, 1930*.

Under this Agreement, Canada transferred the remaining Crown lands, minerals and resources to Saskatchewan and in return, the Province agreed, among other conditions, to make unoccupied Crown land available to fulfill these outstanding Treaty land obligations.

What is the significance of the *Saskatchewan Treaty Land Entitlement Framework Agreement (1992)*?

By the 1970s, the amount of available unoccupied Crown land was not sufficient and/or in the right location to settle all outstanding land claims, so another solution was developed.

After years of discussion and negotiation, the Governments of Canada and Saskatchewan and the Chiefs of 25 entitlement First Nations signed the *Saskatchewan Treaty Land Entitlement Framework Agreement (1992)*. The significance of the Agreement is that it established a framework that addresses these outstanding obligations and ensures First Nations receive the amount of reserve land to which they are entitled. In particular, Saskatchewan agreed to offer Crown land for sale and to contribute financially to settle outstanding TLE claims.

Since then, the Agreement has been the blueprint for all subsequent TLE agreements in Saskatchewan and is generally regarded as a model of success for the resolution and implementation of TLE.

What happens under TLE?

Each party in the TLE process has its own unique set of responsibilities including:

- 1) the entitlement First Nation's responsibility to select and purchase land;
- 2) Saskatchewan's role to make Crown land available for sale and evaluate lands selected by the First Nations for provincial interests; and
- 3) the federal government's procedures to transfer the land to reserve.

Entitlement First Nations receive monetary compensation, which enables them to acquire their respective "shortfall acres," which means each First Nation must acquire and transfer to reserve status the amount of land that should have been received at the date of first survey.

Once a First Nation acquires its shortfall acres, it may use the remaining funds to acquire additional reserve land up to its calculated "equity acres" (the maximum number of acres that the First Nation is entitled to have transferred to reserve status through its settlement agreement), or to enhance community and economic development.

Canada and Saskatchewan share the costs of TLE settlement agreements; Canada contributes 70% and Saskatchewan contributes 30%.

How are provincial interests addressed under TLE?

TLEs deal with a variety of matters that affect provincial interests, like land and mineral acquisitions, water and roadway matters, and the resolution of third-party and utility interests. TLE agreements ensure that provincial interests are protected. One example is that land purchased under TLE agreements must be on a "willing seller, willing buyer" basis for both private and Crown land.

The Department of First Nations and Métis Relations (FNMR) and the Provincial Treaty Land Entitlement Review Committee coordinate and implement Saskatchewan's responsibilities under the TLE agreements. The Committee, which includes representatives from numerous provincial departments and Crown corporations, works with federal, provincial, municipal, and First Nations officials to ensure provincial commitments are fulfilled.

FNMR coordinates provincial reviews of the Crown lands and minerals requested by entitlement First Nations and of lands already purchased to identify third-party and provincial interests that must be satisfied before the lands attain reserve status.

Under the TLE agreements, tax loss compensation is also cost shared by the federal and provincial governments when land in a rural municipality attains reserve status. Compensation payments are made to both the *Rural Municipal Tax Loss Compensation Fund* and the *School Division Tax Loss Compensation Fund* to compensate for the loss of tax base.

If a First Nation purchases land in an urban centre, it must negotiate a service agreement with the affected municipality on tax loss compensation, by-law compatibility and dispute resolution prior to reserve creation. The First Nation must also negotiate an agreement with any affected school division.

*"Helping to Fulfill Promises from the Past
for a Brighter Future"*

A brighter future

Treaty Land Entitlement addresses an unfulfilled Treaty promise of the federal Crown and demonstrates Saskatchewan's commitment to working together in partnership with Canada and First Nations to resolve long outstanding TLE claims.

Benefits include:

- strengthening local land markets through increased demand for saleable land;
- providing First Nations with entitlement money that can be used for community and economic development, which has positive outcomes for the rest of the Province;
- contributing to the creation of new employment opportunities for First Nations people and other Saskatchewan residents;
- strengthening the economy when entitlement money re-enters the economy of Saskatchewan;
- creating new intergovernmental partnerships with rural and urban municipalities; and
- ensuring a brighter future for us all.

Additional Treaty Land Entitlement information can be found on the Department of First Nations and Métis Relations (FNMR) website at: www.fnmr.gov.sk.ca or by contacting:

Lands and Resources Branch
220 – 1855 Victoria Avenue
REGINA SK S4P 3T2
Phone: (306) 787-5722

Cover: On September 22, 1992,
Premier Roy Romanow, Prime Minister Brian Mulroney
and the Chiefs of 22 entitlement Bands
signed an historic Indian land agreement at the
Wanuskewin Heritage Park near Saskatoon.