



# Urban Reserves

Lessons Learned from Saskatoon, Saskatchewan

## Abstract

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The City of Saskatoon, Saskatchewan has a long history of providing opportunities for First Nations to create urban reserves. An urban reserve is land within a city that has been purchased by a First Nation and has been granted reserve status. In order to gain reserve status the First Nation has to go through an often-lengthy process, which involves research, consultations, meetings and negotiations with the municipality, land acquisition, development, urban reserve designation, and relationship maintenance. It is undisputable that Saskatchewan, particularly the City of Saskatoon and the First Nations of Saskatchewan, have become leaders in the process of creating urban reserves. The success that is seen in Saskatchewan has come from years of relationship building, communication, determination, dispute resolution mechanisms, follow-up, and learning from past designations. There is much that can be taken from the Saskatoon precedents, which will be outlined below.

# Urban Reserves

Over the past thirty years, urban reserves have emerged as a mechanism for First Nations in Canada to expand their land base while creating economic opportunities for themselves and their band members. Urban reserves have been proven successful for not just the First Nation but also the city where the reserve is located. "An urban reserve is land within a city which has been purchased by a First Nation and granted reserve status by the Federal Government" (City of Saskatoon, n.d., p. 1). There are two ways of creating an urban reserve: through the federal government's Additions to Reserve (ATR) policy, or through Treaty Land

Entitlement Agreements (TLEFA). A simplified version of the process to create an urban reserve under the federal government's Additions to Reserves policy is as follows. Creating an urban reserve starts when the "First Nation submits a proposal with required information, supported by a Band Council Resolution" (Peters, 2007, p. 8). Prior to this phase the First Nation "needs to compile a significant amount of information concerning the parcel of land and the justification for proposing that the land be converted to reserve status" (Peters, 2007, p. 8). The second phase is the consultation and negotiations phase. Consultations are conducted with a variety of stakeholders in order to address environmental concerns, "appraisal for the value of the land, and legal survey issues" (Peters, 2007, p. 8) among other topics. Negotiations "address issues such as compensation for the loss of municipal and school taxes, by-law compatibility between the reserve and the neighboring municipalities, service agreements, and a dispute mechanism for resolving disagreements" (Peters, 2007, p. 9). Other

negotiations take place with "school boards and police and fire protection services" (Anderson, 2013, p. 331). Once these agreements are made the proposal is recommended to the Deputy Minister of INAC. The proposal will then be either rejected or an Agreement in Principle will be granted. If there are any conditions attached to the Agreement in Principle those need to be dealt with prior to purchasing the land and receiving final approval. First Nations can also create an urban reserve through Treaty Land Entitlement Agreements (City of Saskatoon, n.d.).

The TLEFA process is much the same in regards to consultations and negotiations but in this process the land may be purchased earlier and "until the land is given reserve status, all provincial laws and municipal by-laws, including municipal taxation, apply" (Peters, 2007, p. 10). In both cases, once reserve status is granted, the First Nation becomes the governing body of that area (Dust, 1994). The City of Saskatoon, Saskatchewan provides a strong case for the creation of urban reserves and the potential for success.

**TO:** Secretary, Executive Committee  
**FROM:** General Manager, Community Services Department  
**DATE:** April 14, 2008  
**SUBJECT:** Treaty Land Entitlement (TLE) Communication Strategy Project  
**FILE NO:** PL 4010-21

**RECOMMENDATION:** that this report be received as information.

#### **BACKGROUND**

Over the past 20 years, the City of Saskatoon has partnered with a number of First Nations in the creation of urban reserves within the boundary of Saskatoon through the signing of municipal services, land-use compatibility, and protocol agreements. The City of Saskatoon recognizes that urban reserves are tremendous economic, social, and cultural development opportunities that benefit the entire community including First Nations and non-First Nations people.

Image 1: Treaty Land Entitlement Communication Strategy Project.

# Urban Reserves, Saskatchewan

Saskatchewan has seen tremendous success in regards to urban reserve creation. The creation of urban reserves in this prairie province has become more common place because “approximately 30 First Nations...established that they either did not receive the reserve land to which they were entitled when they signed their Treaty, or that reserve land was subsequently taken away from them” (City of Saskatoon, n.d., p. 1). In order to settle these claims an agreement was signed in 1992 between the Provincial and Federal Governments and the Treaty Land Entitlement First Nations (City of Saskatoon, n.d.). Currently there are three urban reserves in Saskatoon. These

reserves include Sutherland urban reserve & Cree Way Gas West (both Muskeg Lake Cree Nation), and Fire Creek Gas and Grill (One Arrow First Nation). Muskeg Lake Cree Nation established their first urban reserve back in 1988, which consists of commercial and industrial developments (City of Saskatoon, n.d.). Their second urban reserve, a gas station, was created in 2011. The third urban reserve found in Saskatoon is the One Arrow First Nation ‘Fire Creek Gas and Grill’, which was created in 2005 (City of Saskatoon, n.d.). Although each reserve was created at different times, the process that they went through was similar. These reserves are precedents in Canadian urban reserve creation. The reasoning for this includes the importance placed on relationship building, thoroughness of the

process, service and dispute resolution agreements, and follow-up between the City and the First Nations among other aspects.

## Facts

Creating an urban reserve is a complex process, which takes much dedication, organization, and communication.



Image 3: Muskeg Lake Cree Nation Urban Reserve, Saskatoon, Saskatchewan.

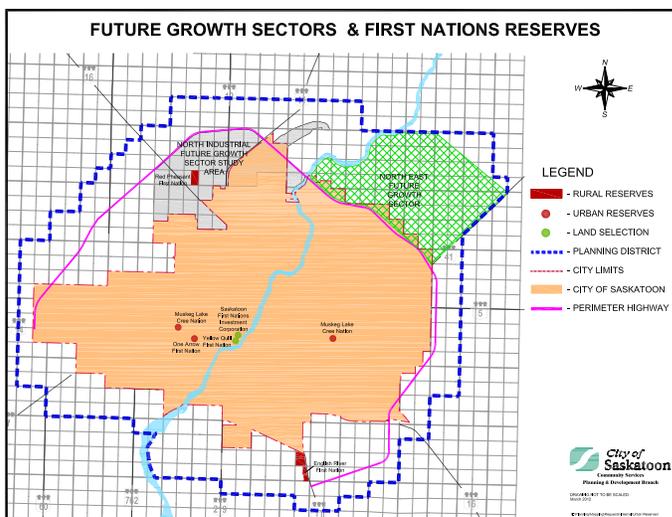


Image 2: Future Growth Sectors & First Nation Reserves.

This section will outline some of the facts of Saskatoon’s urban reserves. According to Lorne Sully, Saskatoon’s former city planner, one of the major contributors to success has been the relationship building that has taken place between the City of Saskatoon and the First Nations

(personal communication, March 21, 2014). In the City of Saskatoon's 2012-2023 Strategic Plan, the city outlined that they would "strengthen relations with local Aboriginal organizations...[and]...develop partnerships and programs with Aboriginal organizations that will assist in enhancing economic, employment and training opportunities" (City of Saskatoon, 2013, p. 28). This important piece of the Strategic Plan is meant to build and maintain relationships in the coming years. One way this is done is by having regular meetings between the First Nations and the City (Peters, 2007). These relationships often start when negotiations begin for an agreement of "tax loss compensation, providing services to the property, and having compatible bylaws and enforcement mechanisms in place" (Dust, 1994, p. 2).

The negotiation process

for municipal services and compatibility agreements is something that all First Nations creating urban reserves must go through. These negotiations and agreements often end up being quite similar to one another. Muskeg Lake Cree Nation's second agreement ended up having two main features. These features included the City agreeing to "provide all regular City services to the property in return for an annual fee-for-service payment...[and agreeing to]... bylaw compatibility" (City of Saskatoon, n.d., p. 1). Prior to this agreement being brought to City Council for approval, the city required a "City-led notification process in the immediate neighbourhood to let the community know that an urban reserve [was] being created" (City of Saskatoon, n.d., p. 2). An earlier initiative occurred in 2007, with the hiring of a consultant by the Saskatoon city planning branch. The consultant was asked to "determine the need for human, technical, and city planning resources which would assist First Nations pursuing reserve creation and development within

and adjacent to the City of Saskatoon" (City of Saskatoon, n.d., p. 3). A number of stakeholders were involved in this consultation process and the results indicated that the proposition of land use planning assistance for the First Nations was much needed.

Another important aspect is the dispute resolution mechanism that is required by the *Saskatchewan Treaty Land Entitlement Framework Agreement* (STLEFA). Among other agreements mentioned above such as tax loss compensation, municipal service provision, by law application and enforcement, the STLEFA recognized the need to create "a dispute resolution mechanism for resolving matters or disagreements" (Peters, 2007, p. 10). It seems that Manitoba has also established dispute resolution mechanisms for their First Nation-municipal negotiations as well. "The Manitoba Manual notes that... First Nation and municipalities will need to build long term relationships, and this will likely require mechanisms to resolve disputes" (Peters, 2007, p. 21). Peters (2007) outlines the

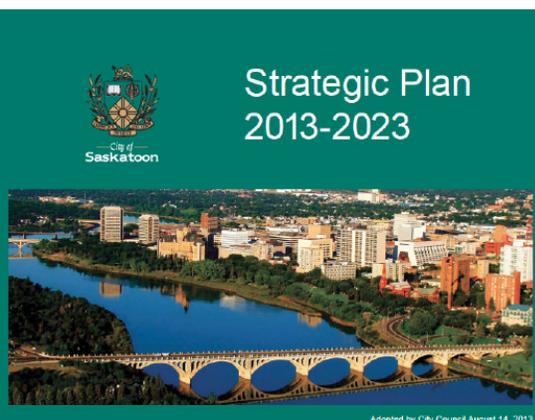


Image 4: The City of Saskatoon's Strategic Plan 2013-2023

mechanisms that might be used to resolve an issue, which includes conciliation, mediation, and/or arbitration. Conciliation is where the parties would attempt to work it out on their own. Mediation would see a third party assist in the matter and then a decision would be made through consensus. Arbitration would see the matter referred to a third party, which would decide the outcome. Depending on the issue, one or more of these resolutions may be used (Peters, 2007). Having dispute resolution mechanisms in place allows for the urban reserve to become and remain successful over the years.

Urban reserves have the



Image 5: Piapot First Nation Urban Reserve, Regina, Saskatchewan.

## Outcomes

ability to make tremendous contributions to both First Nations and the municipalities where they are located. It can be argued that these contributions are not only found in Saskatoon but also the rest of Saskatchewan and that it is possible for other First Nations and municipalities to see these benefits. Evelyn Peters (2007) outlines a number of the contributions from Saskatchewan. In regards to economic impacts, on urban reserves there tends to be “more potential for self-generating revenue than on rural land and reserves...[and an] increase [in] employment opportunities for First Nations closer to growing populations of urban First Nations” (p.4).

There is also an opportunity for First Nation individuals to start and run successful businesses. Peters (2007) also states that urban reserves have the ability to:

“Reduce dependence on federal government funding, raise the standard of living for their members, increase the ability to contribute

to meeting social services needs in urban areas, as well as on parent reserves in rural areas, help First Nations meet their cultural and political development objectives, provide a cultural environment for First Nations’ members to interact as entrepreneurs, clients, educators, students, and public citizens, [and] provide a centralized location for First Nations government businesses and organizations to operate” (p. 4).

The municipality where an



Image 6: Tim Horton's franchise owners.

urban reserve is located also experiences benefits, which are equally important. First, “municipal governments benefit from increased revenue from service provision” (p. 4). Other benefits include the relationships and

linkages that are created between the First Nation and municipal government, the “increased demand for professional service during the development...[and the]... positive impact on local real estate markets” (p. 4). Many of these contributions/benefits would not have been possible without the emphasis that was placed on relationship building.

## Lessons Learned

An important aspect of the Saskatoon precedents is to build and maintain relationships between the First Nation’s and the City. The first lesson that can be taken from the Saskatoon example is that there should be a heavy emphasis placed on relationship building between the two entities in general. These relationships should be formed long before an application is placed to create an urban reserve. Like the City of Saskatoon, other cities should realize the benefits

of forming longstanding relationships regardless of whether an urban reserve will be or is being created. With more and more First Nation individuals and families moving to urban centres, and the increased interest in creating economic opportunities in cities such as urban reserves, the formation of these relationships is crucial.

Another lesson is to learn from the successes and challenges of the past. Because Saskatoon has a long history with urban reserves it was able to learn from the reserves that were previously created. Although parts of the process change depending on the First Nation, the land that is acquired, and the stakeholders, there are many similarities as well. When creating an urban reserve, it would help to look at what other First Nations and cities have gone through in order to make the process more beneficial for all stakeholders.

The final lesson that can be taken from Saskatoon is that it is possible to not only integrate First Nation individuals into the urban scene but also to integrate reserves into an urban

setting. There is a common misconception of what an urban reserve will look like. Many think that the reserve will become run down and will invite unwanted activity. The urban reserves in Saskatoon have successfully blended into the urban fabric and it is often hard to tell where they actually exist. Some may say that this is an indicator of success—when you can’t tell that it is an urban reserve because it blends into the urban framework so well. Related to this final lesson is the possibility for urban reserves to change people’s attitude towards First Nation individuals. Not only is there a misconception of urban reserves but also of First Nation individuals as well. It is possible that one of the reasons this is changing is due to the successes these First Nation’s are seeing with the urban reserves.



Image 7: Lesson learned: Build relationships & maintain them.

# Conclusion

Urban reserves have been proven as economically beneficial for First Nations. This being said, there are numerous other benefits, for both the First Nation and the municipality, that comes from creating an urban reserve. Saskatoon, Saskatchewan and the First Nations that have created urban reserves there provide proof of the successes that can come from this kind of investment. Although this paper outlines the more social contributions and successes that urban reserves create rather than the economic benefits, the economic benefits should not be understated. The economic benefits created from urban reserves allows for greater opportunities for First Nations in the city but also on the rural reserves. The focus and attention that the City of Saskatoon and the First Nations placed on building relationships with one another is something to be admired. Simply put, there are numerous benefits, whether they are social, economic, or political, that come from creating an urban reserve. The three

urban reserves in Saskatoon, Saskatchewan provide proof and lessons for others who are looking to follow in their footsteps.

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Image 1: City of Saskatoon  
Image 2: City of Saskatoon  
Image 3: City of Saskatoon  
Image 4: Muskeg Lake Cree Nation  
Image 5: Canada.com  
Image 6: Edward Pond  
Image 7: Google Images

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