

1. What is an urban reserve?

An urban reserve is land within a city which has been purchased by a First Nation and granted reserve status by the Federal Government. Land does not become a reserve just because it is owned by a First Nation. Reserve status is obtained by going through a process which results in a Federal designation of the land as reserve.

Urban reserves are created by a First Nation purchasing a parcel of land on the open market and then proceeding through the reserve creation process.

2. Why are urban reserves being created?

Approximately 30 First Nations in Saskatchewan have 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. In other words, they are owed reserve land by the Provincial and Federal Governments.

In 1992, the Treaty Land Entitlement First Nations, and the Provincial and Federal Governments, signed an agreement to settle these outstanding claims. First Nations received specific sums of money for the purpose of purchasing land on the open market which would then become reserve land. Most of that land is agricultural land, but a small portion is urban land.

3. What are the benefits of an urban reserve?

There are tremendous economic, social, and cultural development opportunities that benefit the entire community.

Benefits for First Nations:

- Economic opportunities to create new businesses and increased employment opportunities for the

growing number of Aboriginal people living in cities.

- Another way for First Nations to create financial resources.

Benefits for the City:

- Investment in building new businesses or refurbishing and renewing existing businesses. The City also benefits indirectly by other investment in the community (e.g. Job creation and the economic spin-offs from those jobs).

Benefits for both the City and the First Nations:

- Positive relationships between Saskatchewan First Nations and the City.
- A symbol of the positive contributions that First Nations make to the community.
- Overall, a strengthening of the First Nations community in Saskatoon builds a stronger and more inclusive city.

4. What do urban reserves look like?

It is hard to distinguish an urban reserve from the surrounding land simply by looking at it. What you will see is simply a piece of urban property. It can be a vacant lot, an office building, a school, a hotel, a residential subdivision, a gas station, or a commercial or industrial development.

5. Does Saskatoon have any urban reserves?

Yes, there are three:

- the Sutherland urban reserve, "Asimakaniseekan Askiy Reserve", of the Muskeg Lake Cree Nation (commercial and industrial development), created in 1988;

- the urban reserve at 20th Street and Avenue P, “Fire Creek Gas and Grill”, of the One Arrow First Nation (commercial development), created in 2005; and
- the urban reserve at 22nd Street and Witney Avenue, “Cree Way Gas West”, of the Muskeg Lake Cree Nation (commercial Development), created in 2011.

6. Are there any other City lands which are identified as future urban reserves?

Yes, there are two that are awaiting reserve status:

- Avord Towers (office tower and retail space) - on Spadina Crescent - owned by the Battlefords Tribal Council; and
- Canterbury Towers (office tower and parking lot) - on 4th Avenue South - owned by the Yellow Quill First Nation.

7. Can anyone go on a reserve?

Yes, it is just like any other urban property.

8. What is the effect of obtaining reserve status?

The land shifts to being under the jurisdiction of the First Nation, rather than the City. For example, City taxes do not apply. The First Nation becomes the taxing authority on the land. Many City bylaws also do not apply. They are replaced with First Nation jurisdiction. Federal laws such as the *Criminal Code* do apply.

Before land becomes a reserve, the City and the First Nation sign a Municipal Agreement to address this shift in jurisdiction.

9. Does City Council have the right to approve or deny an urban reserve?

No. City Council has the right to enter into good faith negotiations for a Municipal Agreement before the reserve is created. City Council does not have veto power. If negotiations fail, the matter goes to arbitration. If the arbitrator finds that the City has not negotiated in good faith, the Federal Government may proceed to create the reserve without an agreement.

Saskatoon City Council has successfully concluded Municipal Agreements for all reserve land and proposed reserve land in Saskatoon to date.

10. What is included in a Municipal Agreement?

The two main topics which are negotiated are Fee-for-Service and Bylaw Compatibility.

11. What is Fee-for-Service?

Fee-for-service is the annual payment which the City receives from the First Nation in lieu of property taxes. It is calculated in exactly the same way as property taxes and is the exact same amount as would be billed for municipal and library taxes. The fee-for-service also includes any applicable local improvement charges, business improvement district levies, or special charges. The fee-for-service is billed at the same time, and is payable at the same time, as a property tax bill.

In return, the City is required to provide to the urban reserve all municipal services which would be provided to neighbouring land and at the same level. Municipal services include policing, fire, snow removal, infrastructure repairs, etc.

The First Nation also enters into a separate agreement with the School Boards

regarding the education portion of the standard property tax levy.

12. What is Bylaw Compatibility?

The First Nation's independent jurisdiction is clearly recognized, as is the need for compatibility in an urban environment.

The First Nation will ensure, through its bylaws and leases that the urban reserve has the same zoning uses, building standards and business regulations as exist on surrounding non-reserve properties.

13. Are there any items that the Municipal Agreements do not cover?

Yes, retail taxes, such as taxes on fuel and tobacco, are not covered. Retail taxes are under either Provincial or Federal jurisdiction. The City has no right to negotiate with the First Nations regarding how much retail tax they will charge on urban reserves.

Customers with a Treaty Card are not required to pay GST or PST for on-reserve purchases. They may also be given a rebate of all or a portion of the Provincial gas tax and the Provincial tobacco tax for on-reserve purchases.

The First Nations' store owner pays the full amount of gas tax and tobacco tax when they receive the product. The tax is then rebated by the Province upon proof that the sale was made to someone with a Treaty Card.

Any gas or tobacco tax which is not rebated to the customer is kept by the First Nation as tax revenue to be used for their own government purposes.

Customers without a Treaty Card must pay full taxes on reserve. Their taxes are remitted to the Provincial and Federal Governments. They are not retained by the First Nation.

The first urban reserve gas bar and confectionary opened in Saskatoon in 2000, on the Muskeg Lake reserve in Sutherland. A second opened in 2006, on the One Arrow reserve on 20th Street and Avenue P. Muskeg Lake Cree Nation opened their second urban reserve gas bar and confectionary in 2011, at 22nd Street West and Witney Avenue.

If you have further questions, please contact:

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Visit the City of Saskatoon website at www.saskatoon.ca

(look under 'U' for Urban Reserves & Treaty Land Entitlement in the alphabetical listing)