

SASKATCHEWAN TREATY LAND ENTITLEMENT

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Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

INFORMATION INDEX

Canada

MAP

TREATY LAND ENTITLEMENT BANDS

HISTORICAL OVERVIEW

FRAMEWORK AGREEMENT

BAND SPECIFIC AGREEMENT

TRUST AGREEMENT

RATIFICATION PROCESS

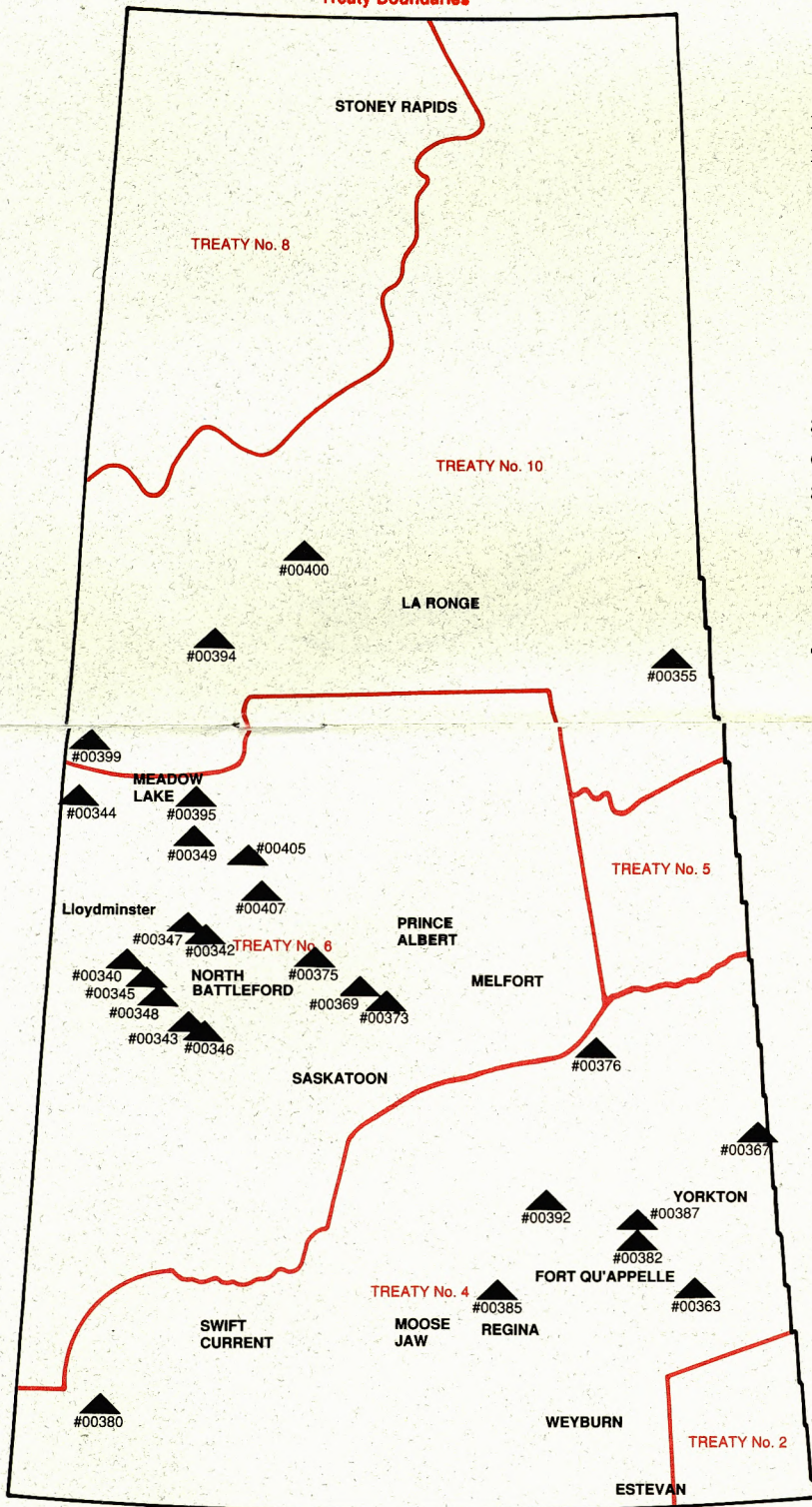
DISPUTE MECHANISMS

LAND ACQUISITION

QUESTIONS and ANSWERS

DEFINITIONS

Treaty Boundaries



"I see this as a great day for treaty Indian people in this province. We are well on the way to finally resolving a land debt that has existed for too long."

Chief Roland Crowe

"For Saskatchewan Indian Nations and, indeed, for all Canadians, this is truly a remarkable day. A day for which so many of you have worked so hard and for so long. Today, you will begin to recover what has always been rightfully yours, land owed to you under the solemn treaties signed by our forefathers more than a century ago."

Tom Siddon

Saskatchewan Treaty Land Entitlement Bands

BAND #	RESERVE
00369	Beardy & Okemasis Band
00400	English River Band
00399	Joseph Bighead Band
00340	Little Pine Band
00343	Mosquito Band
00394	Canoe Lake Band
00395	Flying Dust Band
00367	Keeseekoosie Band
00342	Moosomin Band
00375	Muskeg Lake Band
00392	Muskowekwan Band
00376	Yellowquill Band
00382	Okanese Band
00344	Onion Lake Band
00355	Peter Ballantyne Band
00380	Nekaneet Band
00363	Ochapowace Band
00373	One Arrow Band
00405	Pelican Lake Band
00385	Piapot Band
00345	Poundmaker Band
00347	Saulteaux Band
00348	Sweetgrass Band
00407	Witchehan Lake Band
00346	Red Pheasant Band
00387	Star Blanket Band
00349	Thunderchild Band

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T747
c.1

MAP

TREATY LAND ENTITLEMENT BANDS

HISTORICAL OVERVIEW

FRAMEWORK AGREEMENT

BAND SPECIFIC AGREEMENT

TRUST AGREEMENT

RATIFICATION PROCESS

DISPUTE MECHANISMS

LAND ACQUISITION

QUESTIONS and ANSWERS

DEFINITIONS

TREATY LAND ENTITLEMENT BANDS

BAND	LAND RECEIVED UP TO 1955	ADOFS POPULATION	MARCH 91 POPULATION	REVISED EQUITY ACRES
TREATY 4:				
Keeseekoose	18,304.00	202	1,302	48,676.75
Muskowekwan	22,966.74	321	927	51,555.52
Ochapowace	52,864.00	764	921	54,160.59
Okanese	13,830.40	162	350	14,337.58
Piapot	37,598.98	599	1,243	81,081.41
Star Blanket	13,760.00	144	348	11,235.58
Yellowquill	14,310.40	204	1,754	101,470.62
TREATY 10:				
Canoe Lake	9,627.00	129	1,096	49,973.33
English River	15,631.30	224	886	37,646.66
TREATY 6:				
Beardy's & Okemasis	28,160.00	311	1,908	71,137.51
Flying Dust	9,596.00	128	644	33,910.08
Joseph Bighead	11,616.90	119	541	16,435.03
Little Pine	14,720.00	355	1,088	92,870.31
Moosomin	15,360.00	315	951	75,355.43
Mosquito Grizzly				
Bears Head	46,208.00	518	855	33,153.33
Muskeg Lake	26,880.00	234	1,049	13,385.62
One Arrow	10,240.00	164	899	58,615.79
Onion Lake	52,480.00	613	2,561	108,550.57
Pelican Lake	8,630.40	114	683	35,714.68
Peter Ballantyne	32,958.44	433	4,593	234,248.85
Poundmaker	19,200.00	258	890	47,687.44
Red Pheasant	24,170.00	346	1,244	72,331.77
Saulteaux	9,010.87	202	681	56,144.17
Sweetgrass	42,496.00	396	1,156	23,914.02
Thunderchild	21,440.00	468	1,470	120,816.41
Witchehan	4,237.00	95	389	32,442.60
SUMMARY	576,296.43	7,818	30,429	1,576,851.63

TREATY LAND ENTITLEMENT BANDS

HISTORICAL OVERVIEW

FRAMEWORK AGREEMENT

BAND SPECIFIC AGREEMENT

TRUST AGREEMENT

RATIFICATION PROCESS

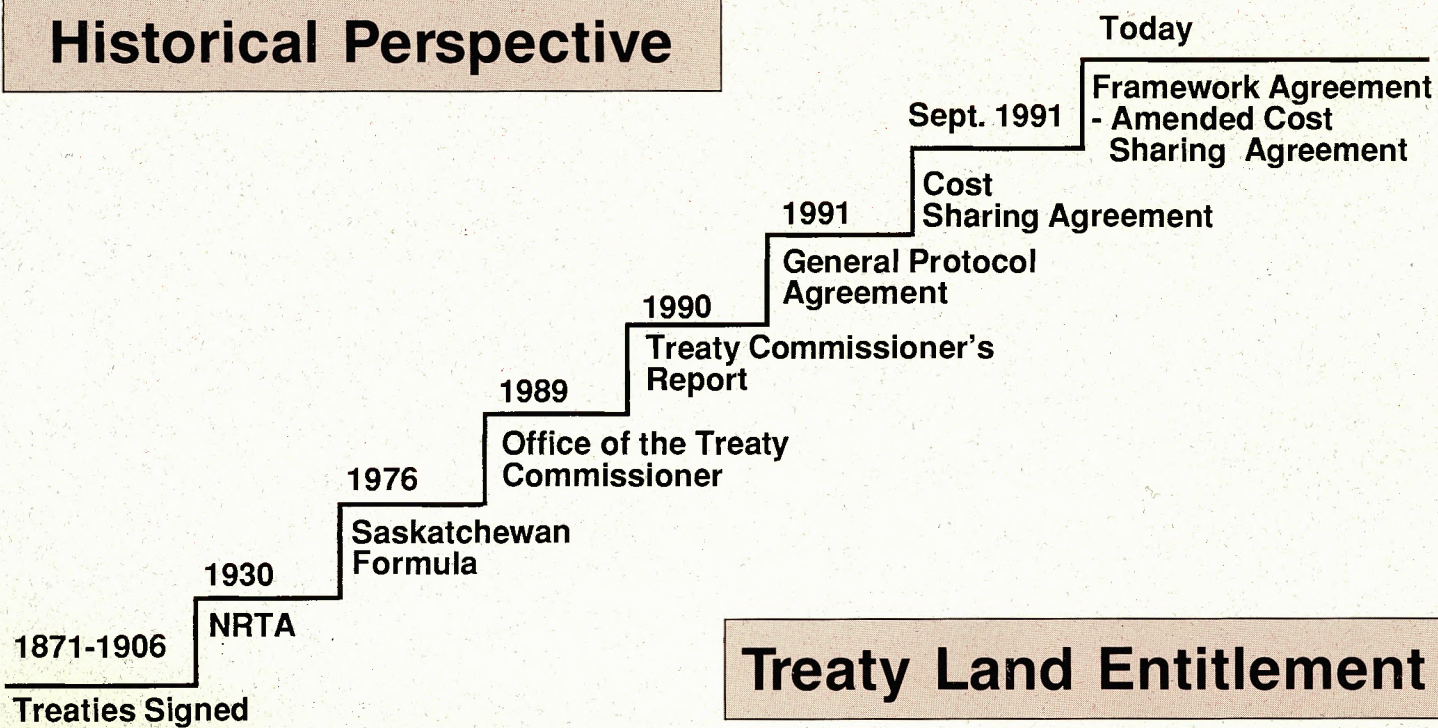
DISPUTE MECHANISMS

LAND ACQUISITION

QUESTIONS and ANSWERS

DEFINITIONS

Historical Perspective



From 1871 to 1906 **TREATIES** were signed between the Crown and the Indian First Nations. The treaties provided reserve land (128 acres per person) and hunting, fishing, trapping and other rights. However, many bands did not receive their full entitlement of land and, today, 26 bands in Saskatchewan have outstanding land entitlements.

Until 1930, the administration and control of public crown lands rested with the federal government. Through the 1930 **NATURAL RESOURCES TRANSFER AGREEMENT (NRTA)**, lands were transferred to the provinces subject to a legal requirement that unoccupied Crown land be provided to Canada for treaty land entitlement. This would allow Canada to meet its obligations under the Treaties.

In 1976, Canada and Saskatchewan proposed the **SASKATCHEWAN FORMULA** for settling treaty land entitlement. This formula would have provided 946,532 entitlement acres using the December 31, 1976 band population. However, because of insufficient blocks of crown land, third party interests, and other obstacles, little land was transferred to reserve status.

In 1989, the FSIN and the federal government established the **OFFICE OF THE TREATY COMMISSIONER**. The Treaty Commissioner made his recommendations as to how outstanding treaty land entitlement in Saskatchewan should be resolved. His report and recommendations were submitted in May, 1990.

On January 16, 1991, the chief negotiators for Canada, Saskatchewan and the Assembly of Entitlement Chiefs signed the **GENERAL PROTOCOL AGREEMENT**. This Agreement set out the process for three-party negotiations and led to the drafting of the Treaty Land Entitlement Framework Agreement.

On September 13, 1991, Canada and Saskatchewan signed the **FEDERAL/PROVINCIAL COST-SHARING AGREEMENT**. This Agreement provided for Canada and Saskatchewan sharing the cost of the TLE settlement. Three funds were established: the Treaty Land Entitlement (Saskatchewan) Fund, the Rural Municipal Compensation Fund and the School Division Compensation Fund (rural school divisions).

On September 22, 1992, Canada, Saskatchewan and 22 of the Assembly of Entitlement Chiefs signed the **SASKATCHEWAN TREATY LAND ENTITLEMENT FRAMEWORK AGREEMENT**. This negotiated Agreement outlines the terms and conditions for a full and final settlement of outstanding treaty land entitlement. The four Bands that did not sign the Framework Agreement on September 22, 1992 have until March 1, 1993 to adhere.

HISTORICAL OVERVIEW

FRAMEWORK AGREEMENT

BAND SPECIFIC AGREEMENT

TRUST AGREEMENT

RATIFICATION PROCESS

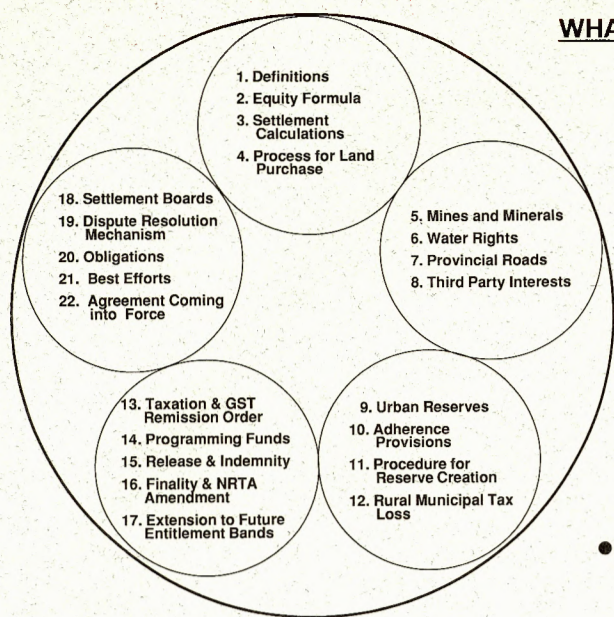
DISPUTE MECHANISMS

LAND ACQUISITION

QUESTIONS and ANSWERS

DEFINITIONS

WHAT IS IT?



- Three - party Agreement (Canada/Sask/Entitlement Bands);
- Outlines the terms and conditions for a full & final settlement of outstanding Treaty Land Entitlement in Saskatchewan;
- Provides a formula for calculating entitlement acreages and settlement monies;
- Outlines the obligations of all parties to ensure lands are purchased and set apart as reserves;
- Applies to 26 Entitlement Bands who have validated outstanding treaty land entitlement claims under Treaties # 4, 6 and 10;
- Although Entitlement Bands are party to the Framework Agreement, the Agreement does not bind a Band until the Band-Specific and the Trust Agreements are ratified by the Band.

- The Agreement comes into full force and effect when a Band-Specific Agreement has been negotiated, ratified and signed/approved by Canada and an Entitlement Band;
- The Framework Agreement and the Band-Specific and Trust Agreements make up the entire settlement between an Entitlement Band and Canada.

NOTE:

- The Treaty Land Entitlement Settlement Agreement for the Nekaneet Band was separately negotiated.
- The principles of the Framework Agreement apply to Nekaneet, where applicable.

CORE PRINCIPLES OF THE FRAMEWORK AGREEMENT

WHAT ARE THEY?

- Canada recognizes its unfulfilled obligations in respect to Saskatchewan Treaty Land Entitlement;
- Saskatchewan has an obligation to provide unoccupied crown lands to Canada as a requirement of the Natural Resources Transfer Agreement;
- As recommended in the Treaty Commissioner's Report of May, 1990, entitlement settlements are based on an Equity Formula and lands will be purchased on a "Willing Seller/Willing Buyer" basis;
- Lands up to the Adjusted Date of First Survey shortfall must be purchased and set aside as reserves;
- Lands up to the Adjusted Date of First Survey shortfall must include land, minerals and improvements;
- All third party rights/titles in lands up to the Adjusted Date of First Survey shortfall must be extinguished and clear title placed in the Right of Canada;
- Saskatchewan and Canada shall share in the total settlement costs in accordance with the Federal/Provincial Amended Cost-Sharing Agreement;
- This Framework Agreement shall constitute a full and final settlement of outstanding Treaty Land Entitlement.

WHAT ARE THE IMPACTS OF THIS AGREEMENT?

The Framework Agreement:

- has no effect on Treaty rights;
- does not prejudice the rights or obligations of Canada in respect to any Indian band not a party to this Agreement or the rights of any Indian band not a party to this Agreement;
- does not create Treaty obligations;
- does not create rights in respect to any Indian band who is not a party to this Agreement;
- has no effect on band membership; and
- has no effect on existing programs.

FRAMEWORK AGREEMENT

BAND SPECIFIC AGREEMENT

TRUST AGREEMENT

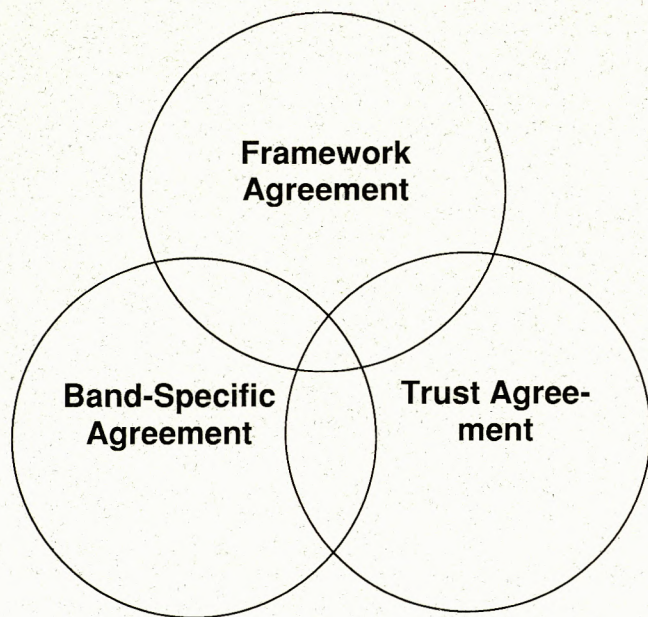
RATIFICATION PROCESS

DISPUTE MECHANISMS

LAND ACQUISITION

QUESTIONS and ANSWERS

DEFINITIONS



Implementation Agreements

WHAT IS IT?

- A negotiated agreement between Canada and an Entitlement Band based on the principles and provisions of the Framework Agreement. The Framework Agreement is available for reference At your Band office.
- May include items unique to an individual band as well as the main elements of the Framework Agreement, ie: Equity, Mineral and Honour Payments, shortfall acres, equity quantum, etc.
- Will be negotiated on the basis of a standard agreement as Appended to the Framework Agreement.
- A Band Trust Agreement must be developed and ratified along with the Band-Specific Agreement.

WHEN DOES IT TAKE EFFECT?

- Band-Specific Agreements come into force and effect once ratified by an absolute majority (50% + 1) of its eligible voters and signed by the Chief and Council on behalf of the Band and by Canada.

HOW DOES IT WORK?

- Five critical process steps are identified:
 - Development
 - Information Sessions
 - Ratification of Band-Specific and Trust Agreements
 - Execution and delivery
 - Implementation
- Items which may be negotiated in Band-Specific and Band Trust Agreements:
 - Ratification costs.
 - Bands may negotiate the upper limit on the average price per acre as long as it does not diminish their capacity to acquire shortfall acres.
 - Other provisions specific to an Entitlement Band.
- In situations where conflicts arise between a Band-Specific Agreement and the Framework Agreement, the Framework Agreement prevails.

BAND SPECIFIC AGREEMENT

TRUST AGREEMENT

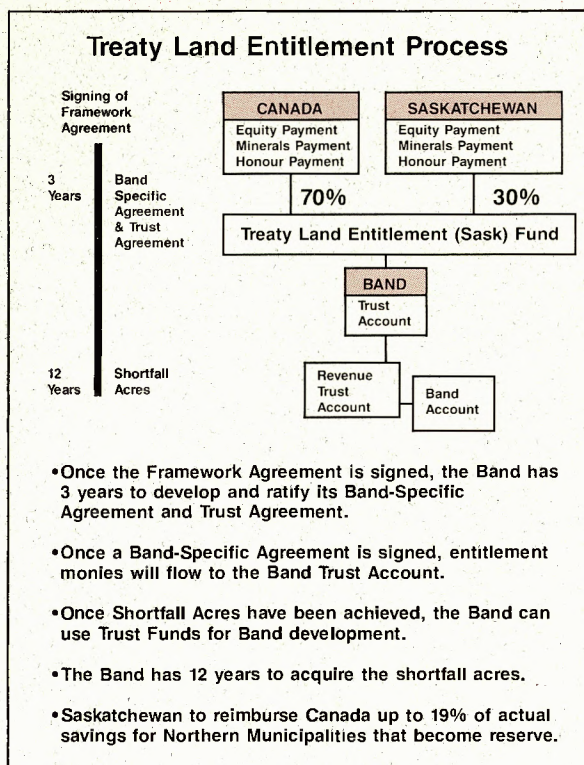
RATIFICATION PROCESS

DISPUTE MECHANISMS

LAND ACQUISITION

QUESTIONS and ANSWERS

DEFINITIONS



WHAT IS A TREATY LAND ENTITLEMENT TRUST AGREEMENT?

- Three-party agreement involving the Entitlement Band, the Trustees and the Financial Institution;
- Initiates the release of Entitlement Monies from the Treaty Land Entitlement (Saskatchewan) Fund to a Band Trust Account; and
- Allows for expenditures of settlement monies (through the Trustees) for the purchase of Entitlement land and for band development expenditures.

WHAT DOES THE TRUST AGREEMENT ACCOMPLISH?

- Ensures that expenditures of Entitlement Monies on behalf of a band are made in accordance with the Framework Agreement and the Band-Specific Agreement.
- Establishes three accounts with an approved Financial Institution.

WHY IS THERE A NEED FOR THREE ACCOUNTS?

- The BAND TRUST ACCOUNT allows for the purchase of entitlement land, moving revenue money to the Revenue Trust Account, the purchase of approved investments, and band development after shortfall acres have been bought and set apart as reserve land.
- The REVENUE TRUST ACCOUNT allows for the purchase of authorized investments, the transfer of revenue money to the band account, and the payment of authorized expenses.
- The BAND ACCOUNT allows for expenditures for the socio-economic benefit of the band members such as:
 - band development
 - agriculture
 - recreation and culture
 - education

NOTE:

(These accounts are to be specifically established for Treaty Land Entitlement as per the Framework Agreement and are not to be confused with the Indian Act Capital and Revenue Trust accounts.)

ACCOUNTABILITY:

- The Trustees have the responsibility to administer the band trust in accordance with the Trust Agreement;
- The first objective of the band trust is to acquire entitlement land up to shortfall acres for reserve creation; and
- Once shortfall acres have been achieved, the band trust will be administered at the direction of the Chief and Council for band development.

TRUST AGREEMENT

RATIFICATION PROCESS

DISPUTE MECHANISMS

LAND ACQUISITION

QUESTIONS and ANSWERS

DEFINITIONS

RATIFICATION PROCESS

WHY IS A RATIFICATION VOTE NECESSARY?

- A ratification vote is required to give band consent to a Band-Specific and Band Trust Agreement, and associated instruments.
- The procedures and guidelines for the ratification vote are established and attached to the Framework Agreement.
- A Band will have three years from the date of signing the Framework Agreement to agree to and approve a Band-Specific and Band Trust Agreement.
- Information sessions will be held with band members prior to a ratification vote. The band members may contact their Band for dates, times and places of sessions.

WHO IS AN ELIGIBLE VOTER?

- A voter is a member of a Band who has reached the age of 18 years on the day the vote is conducted. A voter may reside on or off reserve. All registered Indians recorded in the Department's Indian Register shall be included.
- Coded Bands may negotiate, in their Band Specific Agreements, the use of their membership list to establish voters' lists.

VOTING:

- On-Reserve voting stations;
- Off-Reserve voting stations;
- Mail in ballots.
- A Band-Specific and Band Trust Agreement will be ratified and approved if 50% plus 1 of the eligible voters vote "YES".
A "YES" vote will give a Chief and Council permission and authority to sign, deliver and execute a Band-Specific Agreement and associated documents and to set up a Band Trust.
- If 50% plus 1 of the eligible voters do not vote "yes", a second vote may be held under the same ratification guidelines. If a second vote does not result in ratification, the Band may negotiate with Canada an alternate method of ratifying the Band-Specific and Band Trust Agreements.
- For details concerning information meetings and voting, please contact your Entitlement Band offices.

RATIFICATION PROCESS

DISPUTE MECHANISMS

LAND ACQUISITION

QUESTIONS and ANSWERS

DEFINITIONS

WHAT DISPUTE MECHANISMS ARE AVAILABLE?

SETTLEMENT BOARD:

- To be established within six months from the date Canada and Saskatchewan sign the Agreement.
- Provides an informal, non-binding forum to consider questions affecting implementation of this Agreement or any Band-Specific Agreement.

ARBITRATION:

MATTERS REFERRED TO AN INDEPENDENT CHAIRPERSON:

- Certain matters of dispute among the parties (Canada, Saskatchewan and an Entitlement Band), may be referred to the Chairperson of the Arbitration Board for resolution. For example:
 - selection of independent appraisers for land, minerals or compensation valuation;
 - determination as to whether Crown land is shore land, productive forest land, and within or not within 50 kilometers of an urban or northern municipality.

MATTERS REFERRED TO THE ARBITRATION BOARD:

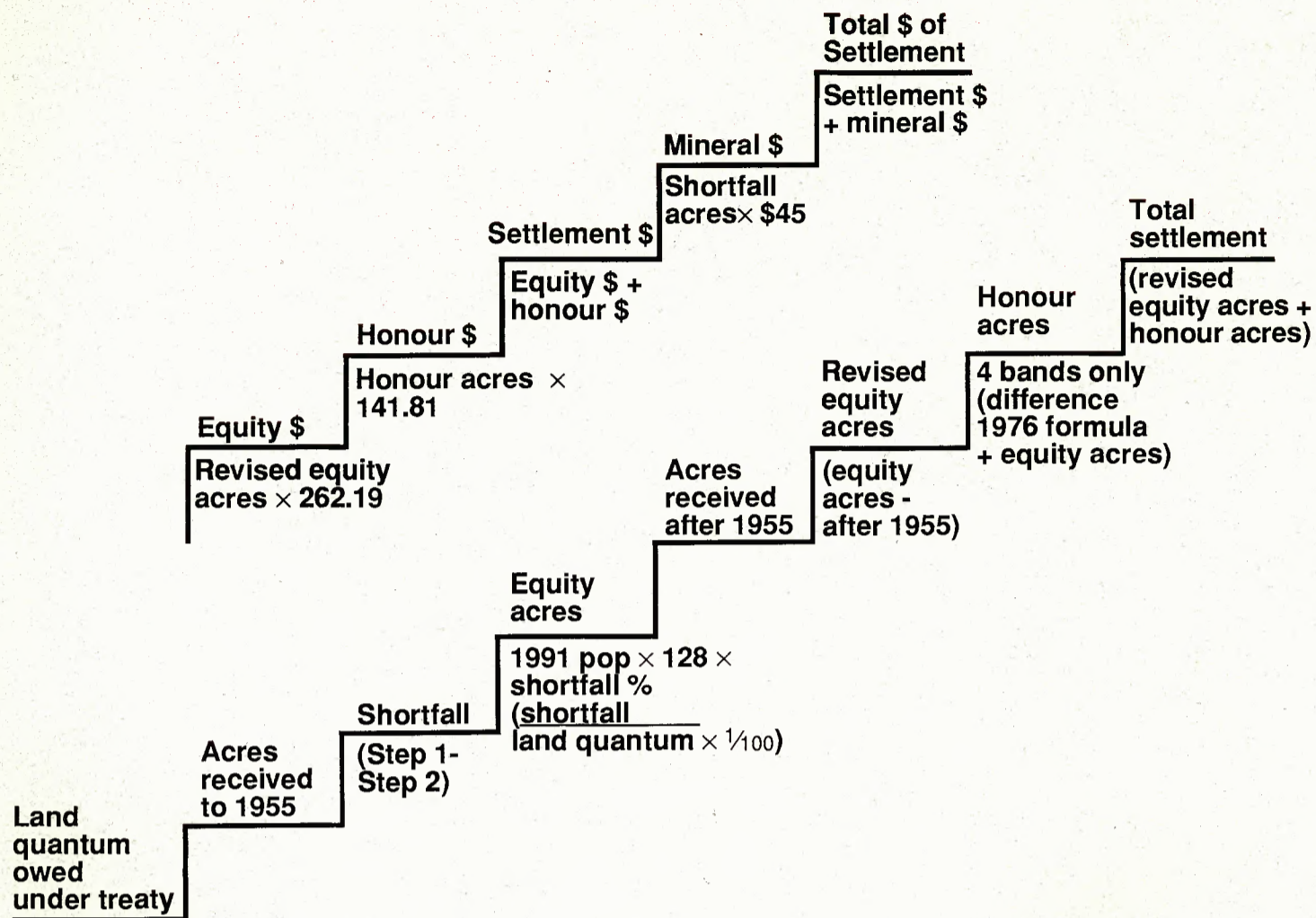
- Certain matters of dispute among the parties (Canada, Saskatchewan and an Entitlement Band) may be referred to the Arbitration Board for resolution. For example:
 - whether a waterbody is wholly enclosed within an entitlement reserve and has no discernible surface outlet;
 - determination of appropriate representation of an Entitlement Band on a co-management board; and
 - determination of matters concerning provincial roads and road allowances within an entitlement reserve.

DISPUTE MECHANISMS

LAND ACQUISITION

QUESTIONS and ANSWERS

DEFINITIONS



LAND ACQUISITION

WHAT ARE SOME OF THE PRINCIPLES OF LAND ACQUISITION?

- Entitlement Bands may purchase federal, provincial or private land anywhere in Saskatchewan.
- Land will be purchased on the basis of "willing seller, willing buyer" by Band Trustees at the direction of the Chief and Council.
- An Equity Formula establishes the entitlement acreages owed to Bands and is calculated on the basis of a percentage shortfall at the time of initial reserve creation. This percentage shortfall is applied to Band population figures as of March 31, 1991 on the basis of 128 acres per person.
- Shortfall acres are a part of the Equity Formula. The shortfall acreage for a Band is set out in the Framework and Band-Specific Agreements. Acquisitions up to shortfall acres must include land, minerals, and improvements.
- After acquiring shortfall acres, a Band may spend its entitlement monies for socio-economic development as well as for further land purchases (which may be set apart as reserve).
- Entitlement Bands are required to address all interests in selected land to ensure that title is acceptable and that lands are environmentally suitable. (Interests include minerals, surface access and improvements).
- Orders-in-Council are passed by Federal Cabinet to create Indian reserve lands.
- Rural lands are to be set apart as reserve land subject to the Terms and Conditions of Entitlement Reserve Creation in the Framework Agreement.
- Land in urban or northern municipalities will be set aside as reserve land subject to the Terms and Conditions of the Departmental Additions to Reserve Policy.

LAND ACQUISITION

QUESTIONS and ANSWERS

DEFINITIONS

QUESTIONS AND ANSWERS

1. **Is the Framework Agreement binding upon an Entitlement Band?**

Although an Entitlement Band has signed the Framework Agreement, the Agreement shall only have force and effect when a Band-Specific Agreement and a Band Trust Agreement have been negotiated and executed by Canada and an Entitlement Band.

2. **How much time does an Entitlement Band have to ratify and sign the Framework Agreement?**

Entitlement Bands are signatories to the Framework Agreement as of its execution date based on a Band Council Resolution approving its execution and delivery. Any Entitlement Band whose Chief is not, as of the execution date, signatory to the Agreement, may adhere to the Agreement through Band Council Resolution approving its execution and delivery, on or before March 1, 1993.

3. **What is the term of the Framework Agreement?**

The Framework Agreement comes into force and has no expiry date. However, components of the Agreement are subject to stipulated conditions and time limits regarding entitlement reserve creation:

- i) a 15 year time limit; or
- ii) a negotiated time limit beyond 15 years with negotiations commencing on the 14th anniversary date; or
- iii) an automatic 3 year extension if the negotiating parties have not agreed to an extended time limit by the end of the 14th anniversary date.

4. **What effect does the Framework Agreement have on Treaty? Does the Framework Agreement create any new Treaty obligations?**

The Framework Agreement does not add to, take away from, or change Treaty. The Framework Agreement provides for a full and final settlement of Treaty Land Entitlement in Saskatchewan.

5. **How much time does a Band have to ratify and deliver a Band-Specific Agreement?**

Bands have three years from the execution date of the Framework Agreement to execute, ratify and deliver to Canada a Band-Specific Agreement and Trust Agreement in accordance with established procedures.

6. **How will a Band-Specific and Band Trust Agreement be ratified?**

A Band-Specific and Band Trust Agreement will first be developed by the Band negotiator(s) and will be ratified on the basis of a (50% + 1) majority of eligible voters. This will authorize a Chief and Council to sign a Band-Specific and Band Trust Agreement on behalf of a Band.

Canada will accept a Band-Specific Agreement upon receiving:

- a Band Council Resolution confirming the results of the ratification vote;
- an executed copy of a Band-Specific Agreement; and
- an original copy of the Trust Agreement executed by the Band, the Trustees and the Institution.

7. **What is meant by Shortfall Acres?**

Shortfall Acres for each Entitlement Band are the entitlement acres (established by multiplying the Adjusted Date of First Survey population by 128 acres) and subtracting the total acreage of all reserve lands set apart for entitlement purposes on or before December 31, 1955.

8. **A number of different Funds will be established pursuant to the Framework Agreement. What are these and how will they operate?**

Three funds will be established to ensure the flow of settlement monies (annual payments) to Entitlement Bands, and to compensate Rural Municipalities and Rural School Divisions for tax loss:

- A. Treaty Land Entitlement (Saskatchewan) Fund
- B. Rural Municipal Compensation Fund
- C. School Division Compensation Fund

Bands will also establish a Band Trust Account pursuant to an acceptable Trust Agreement. Monies will be deposited into the Trust Account from the Treaty Land Entitlement (Saskatchewan) Fund.

9. **What settlement monies will the Entitlement Bands receive?**

Total settlement funds consist of three payments: an equity payment, a minerals payment, and an honour payment.

NOTE: Only 4 bands will receive an honour payment.

10. **How will the Band Trust be established and paid?**

Each Entitlement Band will establish a Trust Account in accordance with the provisions of its Trust Agreement and the Band-Specific Agreement. The Entitlement Band will appoint Trustees to manage the Trust Agreement and the Trust Account. Canada will pay entitlement monies to the Trust Account and not directly to an Entitlement Band's revenue account, capital account or any other account which is now in existence or that may be established under the provisions of the Indian Act.

11. **Are there any limitations in the use of Trust Account monies?**

An Entitlement Band's shortfall acres must be acquired. Until this point, the trustees shall not mortgage, pledge, or in any way encumber the Trust property or the interest therein for any purpose whatsoever, other than acquiring shortfall acres.

12. **What is considered to be a legitimate purchase expenditure?**

The purchase of land, minerals and improvements, are legitimate expenditures. These include: the purchase price of land, minerals or improvements; acquisition costs; the satisfaction or accommodation of occupants of Crown land, mineral disposition holders and third party interest holders. The costs of conducting feasibility studies, appraisals and environmental assessments (other than those costs incurred by Canada) are also legitimate purchase expenditures.

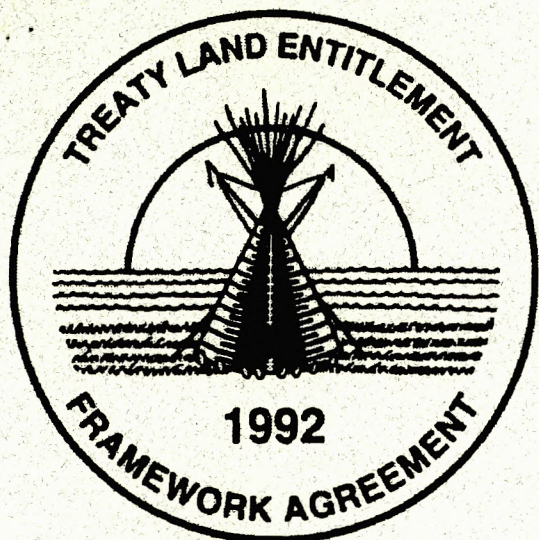
DEFINITIONS

These definitions have been taken from the Framework Agreement.

- "Adjusted Date of First Survey Population" means, in respect of a particular Entitlement Band, the population of the Entitlement Band on its date of first survey as such number has been negotiated and finally agreed upon between Canada and the Entitlement Band, and which is set forth in column 1 of Schedule 1;
- "Agreement", "this Agreement", "hereto", "hereof", "herein", "hereunder", "hereby" and similar expressions, and any reference to "Framework Agreement" refer, unless otherwise expressly stated, to this agreement, including the recitals, the Schedules and the Appendices attached in the Framework Agreement and not to any particular article, section subsection, subparagraph or other subdivision hereof or thereof;
- "Band Specific Agreement" means, in respect of a particular Entitlement Band, an agreement containing the same provisions as those in Articles 1 to 6 inclusive, and Article 8 of the agreement annexed as Appendix 1, to be entered into between the Entitlement Band and Canada to give effect to the provisions of this agreement among the Entitlement Band, Canada and Saskatchewan;
- "Current Population" means, in respect of a particular Entitlement Band, the number of members entitled to be registered as such on the 31st day of March, 1991, and who were registered on April 15, 1992, as such number has been negotiated and finally agreed upon between Canada and the Entitlement Band, and which is set forth in column 6 of Schedule 1;
- "Date of First Survey" means, in respect of a particular Entitlement Band, the year set forth in column 1.1 of Schedule 1 hereto;
- "Entitlement Band" means any of those twenty-six (26) bands (which, for greater certainty, excludes the Nekaneet Band of Indians of Saskatchewan) in respect of which:
 - (a) Canada has, prior to the execution date, accepted for negotiation a claim for outstanding treaty land entitlement under the terms of Treaty Number Four, Treaty Number Six or Treaty Number 10; and
 - (b) its Chief is now signatory hereto or, alternatively, hereafter becomes a signatory hereto in accordance with the provisions of Article 10;
- "Entitlement Land" means Lands, Minerals or Improvements in Saskatchewan hereafter purchased and which are intended to be set apart as an Entitlement Reserve pursuant to the provisions of a Band Specific Agreement, the Trust Agreement and this Agreement;
- "Equity Payment" means, in respect of a particular Entitlement Band, the payment to be made to the Entitlement Band as calculated in accordance with section 3.01, the amount of which is set forth in column 12 of Schedule 1;
- "Equity Quantum" means, in respect of a particular Entitlement Band, the total area of land, expressed in acres, which has been calculated in accordance with section 2.02, and which is set forth in column 7 of Schedule 1;
- "Honour Payment" means, in respect of a particular Entitlement Band, the payment, if any, to be made to the Entitlement Band as calculated in accordance with section 3.03, the amount of which is set forth in column 13 of Schedule 1;
- "Member" means, in respect of a particular Entitlement Band, a member of such Entitlement Band within the meaning of the Act and shall include all registered Indians recorded on the Department's Indian Register in respect of the Entitlement Band;
- "Minerals" means any non-viable substance formed by the processes of nature, irrespective of chemical or physical state, and includes such substances both or before and after extraction, or any interest in the same, and further includes any interest or improvement in the nature of a mine but does not include any surface or ground water, agricultural soil, sand or gravel;
- "Minerals Payment" means, in respect of a particular Entitlement Band, the payment to be made to the Entitlement Band as calculated in accordance with section 3.02, the amount of which is set forth in column 15 of Schedule 1;
- "Natural Resources Transfer Agreement" means the Saskatchewan Natural Resources Transfer Agreement, as confirmed by The Saskatchewan Natural Resources Act, S.S. 1929-30, c. 87, The Saskatchewan Natural Resources Act, S.C. 1930, c. 41 and the Constitution Act, 1930;
- "Revenue Trust Account" has the meaning ascribed thereto in the model trust agreement annexed as Schedule 5;
- "Saskatchewan Formula Quantum" means, in respect of a particular Entitlement Band, that area of land, expressed in acres, referred to in column 10 of Schedule 1;
- "Shortfall Acres", in respect of a particular Entitlement Band, means area of land (including all existing Minerals in respect thereof), the total acreage of which is set forth in column 4 of Schedule 1;
- "Shortfall Acres Acquisition Date" means, in respect of a particular Entitlement Band, the date upon which Entitlement Land (including existing Minerals in respect thereof), in an aggregate area at least equal to the Entitlement Band's shortfall Acres, has hereafter been transferred to Canada in accordance with the terms of this Agreement to be set apart as an Entitlement Reserve or Entitlement Reserves;

This Information Index to Treaty Land Entitlement and Treaty Land Acquisition provides a general overview. It includes the highlights of the various elements of the entitlement and land acquisitions process. For complete details, refer to the Framework Agreement, the Band-Specific Agreement, and the Trust Agreement along with the terms and conditions, the articles, and the definitions included in those documents. These documents are available at band offices, district and regional offices of Indian and Northern Affairs Canada, and the Federation of Saskatchewan Indian Nations' Office.





**SASKATCHEWAN
TREATY
LAND
ENTITLEMENT**

An Overview



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Canada

Why Is There A Treaty Land Entitlement Settlement?

- Twenty-six bands have verified land entitlements that have not been fulfilled.
- The Office of The Treaty Commissioner was established to resolve treaty rights issues in Saskatchewan.
- Canada and Saskatchewan wish to fulfil the treaty obligations to provide land.

What's The Settlement Package?

- It is land settlements for the 26 entitlement bands.
- It covers 1.671 million acres with a dollar value of 496.4 million.

What Are The Terms Of Reference For This Settlement?

- There are three major components:
 - The Framework Agreement
 - The Band-Specific Agreement
 - The Band Trust Agreement

What Has To Take Place For This Settlement To Happen?

- Entitlement bands that did not sign the Framework Agreement have until March 1, 1993, to adhere to the Framework Agreement.
- Entitlement bands must ratify and sign a Band-Specific Agreement and a Trust Agreement within three years of the signing or adherence to the Framework Agreement.

What Activities Have Been Planned?

- Information sessions for band members are available and are being presented by staff from the FSIN and INAC.
- Contact the TLE technician at your reserve for further information about planned activities.

Where Can I Get More Information?

- The Treaty Land Entitlement and Specific Claims Sector of Indian and Northern Affairs Canada has staff at the regional and district offices to answer your questions.
- The Treaty Land Entitlement Unit of the Federation of Saskatchewan Indian Nations has staff at Saskatoon and Regina to answer your questions.
- The TLE band technician at your reserve is available to answer your questions.

What Printed Information Is Available?

- An Information Index on Treaty Land Entitlement and a Synopsis on the Framework Agreement are available from regional and district offices of Indian and Northern Affairs Canada.
- A Treaty Land Entitlement Handbook is available from The Federation of Saskatchewan Indian Nations.

How Can I Learn More About Treaty Land Entitlement Settlements?

- Read copies of the two documents mentioned above.
- Attend information sessions scheduled at your reserve.
- Contact the TLE technician for your band.

Addresses:

Federation of Saskatchewan Indian Nations

109 Hodsman Road
Regina, Saskatchewan
S4N 5W5

Ph: 721-2822

or

1940 Avenue C North
Saskatoon, Saskatchewan
S7L 1M1

Ph: 665-1215

Indian & Northern Affairs Canada

Regional Office

2110 Hamilton Street
Regina, Saskatchewan
S4P 4K4

Ph: 780-7593

South District Office

Box 760
Fort Qu'Appelle, Saskatchewan
S0G 1S0

Ph: 332-8500

North West District Office

Box 280
Meadow Lake, Saskatchewan
S0M 1V0

Ph: 236-4472

North Central District Office

District Chiefs Building
Box 5500
3601 - 5th Ave. E.
Prince Albert, Saskatchewan

S6V 7V6
Ph: 953-8522





Saskatchewan

Treaty Land

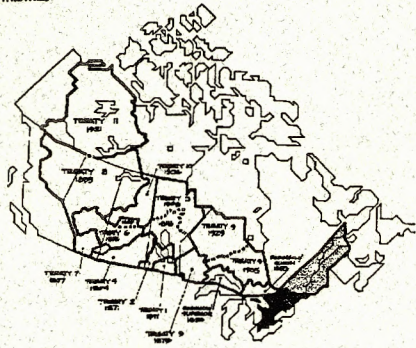
Entitlement



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Canada



History of Treaty Land Entitlement in Saskatchewan

One of the most significant developments in recent years has undoubtedly been the emphasis placed on fulfilling outstanding Aboriginal land entitlements. To some, the issue of land claims is relatively new. In reality, outstanding land claims have been a concern for many First Nations for over 100 years. Much of the recent emphasis placed on accelerating the land claims process results from the commitments of the Prime Minister's Native Agenda. This acceleration of land claims processing has had a significant impact for the Saskatchewan Region, especially in the area of Treaty Land Entitlement.

From 1871 to 1910, treaties were signed between the Crown and various Indian Nations. Canada promised to fulfil various obligations to each signatory band including the provision of reserve land. The amount of land each band received was based on its population which was multiplied by 32 or 128 acres depending on the treaty. Although the majority of bands initially received their full entitlement of land, some did not. These initial land shortfalls have resulted in the outstanding land entitlements of today. At present, there are 27 bands in Saskatchewan recognized as having outstanding treaty land entitlements.

1930 Natural Resources Transfer Agreement

There have been many factors affecting the fulfilment of treaty land entitlement in Saskatchewan. One of these, the *1930 Natural Resources Transfer Agreement (NRTA)*, had a significant impact on the availability of suitable Crown land. Under the agreement, the administration and control of public Crown lands were transferred from federal to provincial jurisdiction. Although the agreement included a legal requirement that the province provide sufficient unoccupied Crown lands to allow Canada to fulfil its treaty land obligations, problems arose when most of the suitable Crown lands had been sold to farmers, homesteaders, and other third party interests.



The Saskatchewan Formula

By 1976, the vast majority of Saskatchewan treaty land entitlements still remained outstanding. In yet another attempt to deal with this long standing issue, a new proposal was drawn up. Known as the Saskatchewan Formula, this new approach acknowledged the fact that

each entitlement band's population had increased significantly since the signing of the treaties. To compensate, the Saskatchewan Formula proposed to settle each band's land entitlement based on its population as of December 31, 1976. As such, bands whose initial shortfall was just a few acres would now be entitled to very large amounts of land. Although this new approach seemed apt to please all, the complications that arose led to its eventual abandonment.



Office of the Treaty Commissioner

In June of 1989, the Federation of Saskatchewan Indian Nations and the Department of Indian Affairs and Northern Development signed an agreement that formally established the *Office of the Treaty Commissioner (OTC)* for Saskatchewan. The mandate of this independent office was to develop recommendations to resolve treaty land entitlement issues in the province. After carrying out extensive consultations with Indian people and other concerned groups, the Treaty Commissioner presented his recommendations to Chief Roland Crowe and Minister Tom Siddon in May of 1990. The report recommended that all outstanding treaty land entitlements be resolved as soon as

possible in a comprehensive rather than piecemeal fashion. To determine the amount of land owing to each band, a settlement model based on a percentage or equity formula was proposed. The amount of lands owing would then be given a monetary value based on the present (1989) cost of unimproved private agricultural land. These funds could be placed in trust for the entitlement bands who should have the choice of purchasing either private or crown lands on a "willing seller/willing buyer basis".

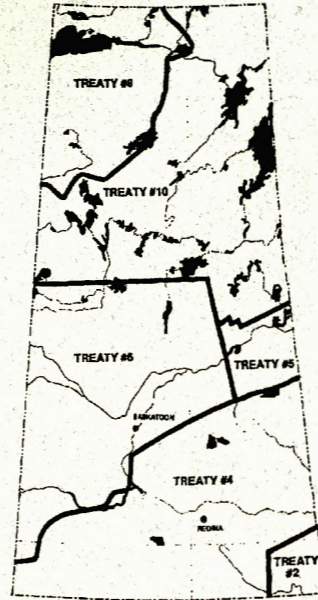
The Negotiations

Based on these recommendations, the General Protocol Agreement that outlined process for negotiations was signed between Canada, Saskatchewan and the Assembly of Entitlement Chiefs in January of 1991. This was followed by a Federal/ Provincial Cost-Sharing Agreement in September of 1991.



The TLE Framework Agreement

A final major agreement signed by the three parties on September 22, 1992, is the Treaty Land Entitlement Framework Agreement. Besides defining the terms and conditions, this agreement outlines timeframes, provides certain formulae to be used in settlements and describes the respective obligations of each signing party. The agreement does not affect treaty rights, and it does not create treaty obligations for the governments. Now that the TLE Framework Agreement has been signed a clear process exists for the full and final settlement of all outstanding treaty land entitlements in Saskatchewan.



Under the Framework Agreement, Canada recognizes that it has unfulfilled Treaty obligations with respect to lands with twenty-six Saskatchewan bands. Although negotiations for the Nekaneet Band's settlement proceeded separately, Nekaneet has been recognized as the 27th entitlement band. Where applicable, the principles of the Framework Agreement also apply to the Nekaneet Settlement.

Band Specific Agreement(s)

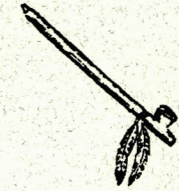
To complete the TLE process, each band must sign a Band-Specific Agreement (BSA) and a Band Trust Agreement. The Band Specific Agreement outlines the terms and conditions specific to a particular band's settlement. After a BSA has been negotiated, the membership of each band must ratify the agreement before it can be implemented. The Band Trust Agreement defines the financial management process. The three parties to this agreement are the band, the

band trustees (appointed from within the band), and a financial institution such as a bank or trust company. Upon the signing of a Band Trust Agreement, funds will be placed into that band's trust account. Band trustees will then manage the funds which will be transferred via 12 annual payments.

Following the successful completion of this procedure, the process of purchasing lands and transferring them to reserve status can begin. The purchases will follow the equity formula and willing seller/willing buyer basis outlined in the OTC report. Bands must purchase lands up to at least the original "date of first survey" shortfall. Once this has been realized, bands can then direct the remaining funds towards purchasing more lands, or for economic development purposes.

Entitlement Bands in Saskatchewan:

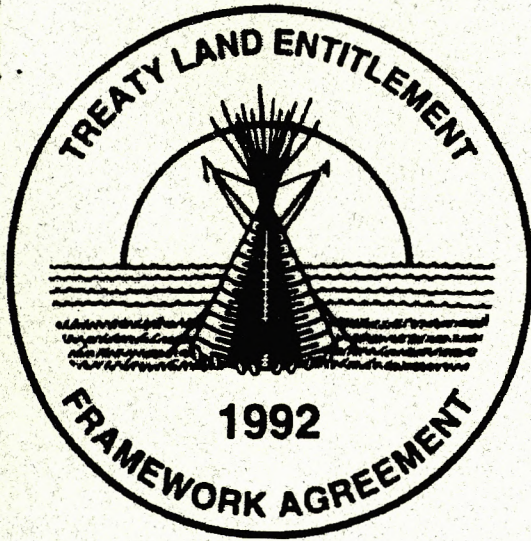
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- Little Pine
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- Muskeg Lake
- Muskowekwan
- Nekaneet
- Ochapowace
- Okanese
- One Arrow
- Onion Lake
- Pelican Lake
- Peter Ballantyne
- Piapot
- Poundmaker
- Red Pheasant
- Saulteaux
- Star Blanket
- Sweetgrass
- Thunderchild
- Witcheekan Lake
- Yellowquill



For more information please contact:

Director, Treaty Land Entitlement / Specific
Claims Sector
Department of Indian Affairs and Northern
Development
Saskatchewan Region
2nd Floor
First Canadian Place
2110 Hamilton Street
Regina, Saskatchewan
S4P 4K4

Information available in French upon request.



Saskatchewan

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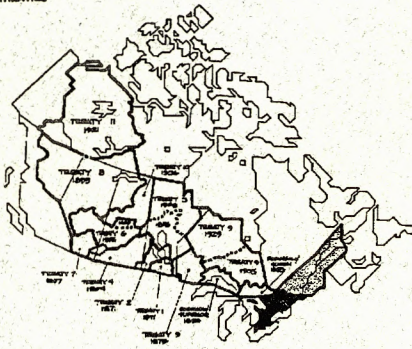
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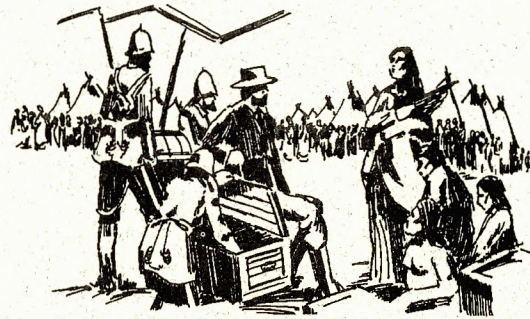
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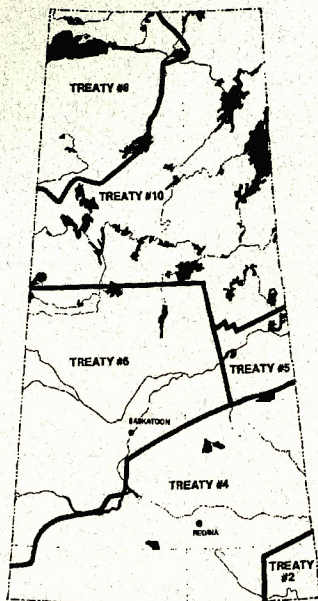
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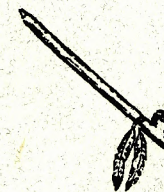
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- Sweetgrass
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- Yellowquill



For more information please contact:

Director, Treaty Land Entitlement / Specific Claims Sector
 Department of Indian Affairs and Northern Development
 Saskatchewan Region
 2nd Floor
 First Canadian Place
 2110 Hamilton Street
 Regina, Saskatchewan
 S4P 4K4

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