First Nations Reserve Creation in Rural Municipalities

All land selected by First Nations for reserve creation is reviewed by the provincial government to identify provincial and/or third-party interests and concerns.

Part of this review includes obtaining information from the Rural Municipality (RM).

First Nations may advance land for reserve creation under a Treaty Land Entitlement (TLE) Agreement, Specific Claims Agreement or under the federal Additions to Reserve policy. Any identified RM interests or concerns are addressed in accordance with the applicable TLE or Specific Claims Agreement, or federal policy prior to the land being transferred to reserve status.

Rural Municipality Role

Approval from RMs is not required prior to the land being transferred to reserve status; however, RMs are asked to provide information related to roads, the environment and outstanding taxes.

RMs are encouraged to engage First Nations to discuss issues of mutual concern such as municipal services, bylaw compatibility and a dispute resolution process. These discussions may take place before or after the land selection is transferred to reserve status.

Until the reserve is created, the land remains subject to RM policies, bylaws and assessment and taxation, similar to any other private property.

Roads

When land is selected by a First Nation, the RM will be contacted by the provincial Ministry of Highways (HI). HI requires that the RM identify any current or future road needs related to road widening, easements, undeveloped road allowances, trails, road diversions and unsurveyed and/or unregistered roadways. For more information on roadway concerns contact HI at 306-787-4828.

Environment

The First Nation or Canada will request RMs to identify issues related to the existence and location of any contamination, fuel tanks, garbage related items, landfills, sewage problems or livestock facilities on the selected land. This information may be requested before or after the provincial review has been completed.

Property Taxes

From the time a First Nation acquires land until the time it is transferred to reserve status, First Nations are required to pay property taxes assessed against the land.

If there are outstanding taxes on the land, RMs should first contact the individual First Nation, and then if payment is not received, RMs may follow up with Canada and the province for assistance.

Tax Loss Compensation

Once selected land within an RM is transferred to reserve status, it is no longer subject to property taxation. If the land is transferred under TLE or a Specific Claims Agreement, Tax Loss Compensation is provided in accordance with the applicable agreement.

For More Information

For more information, please contact:

Lands and Consultation Branch
Ministry of Government Relations
Phone: 306-787-5722
E-mail: fnlandclaims@gov.sk.ca
Address: 410 – 1855 Victoria Avenue, Regina SK S4P 3T2