

# SELECTING TLE LANDS

by *Justin Loma*  
Indigenous Planning Studio  
March 2020

## Summary

This fact sheet explains three possible stages to utilize in selecting lands for Treaty Land Entitlement. The process can include community area evaluation, site analysis and site selection. Selecting land is a key step during the complicated Treaty Land Entitlement process.

**Keywords:** collecting data, analyzing data, direction-setting, mapping, building capacity

## What Is Treaty Land Entitlement?

First Nations in Manitoba have land owed to them from unfulfilled treaty promises. These communities are accessing lands through the Treaty Land Entitlement (TLE) process. The Manitoba Treaty Land Entitlement Framework Agreement<sup>1</sup>

*First Nations in Manitoba have significant land owed to them from unfulfilled treaty promises.*

identifies which First Nations are owed lands through TLE and the total number of acres they are to be allotted. Many First Nations, the Government of Canada, the Province of Manitoba are signatories to this agreement. The agreement seeks to fulfill federal obligations to provide reserve land as part of previously signed treaties.<sup>2</sup>

### 1 COMMUNITY AREA EVALUATION

### 2 SITE ANALYSIS

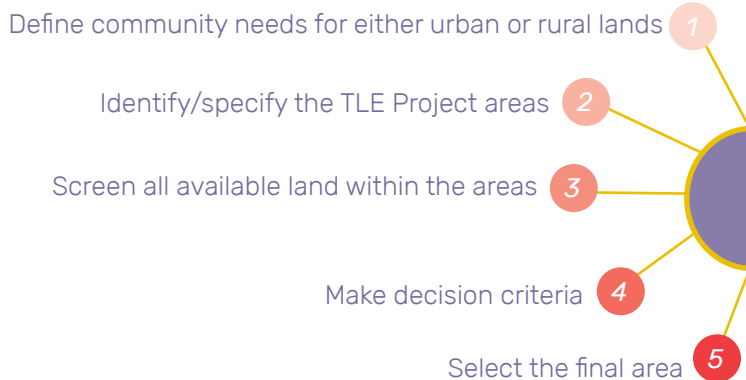
### 3 SITE SELECTION

**Figure 1** | Outline of stages for selecting lands.

Adapted from (Greyhill Advisors. "The Site Selection Process." Digital image. Greyhill Advisors. March 11, 2016. Accessed April 2, 2020. <http://www.greyhilladvisors.com/site-selection-process#Phase1>.)

First Nations must file a Treaty Land Entitlement (TLE) claim with the Government of Canada to acquire lands under this process.<sup>3</sup> This factsheet outlines three phases in selecting lands for a Treaty Land Entitlement claim. These phases are community area evaluation, site analysis, and site selection.

## 1 COMMUNITY AREA EVALUATION



**Figure 2** | Five steps for area evaluation.

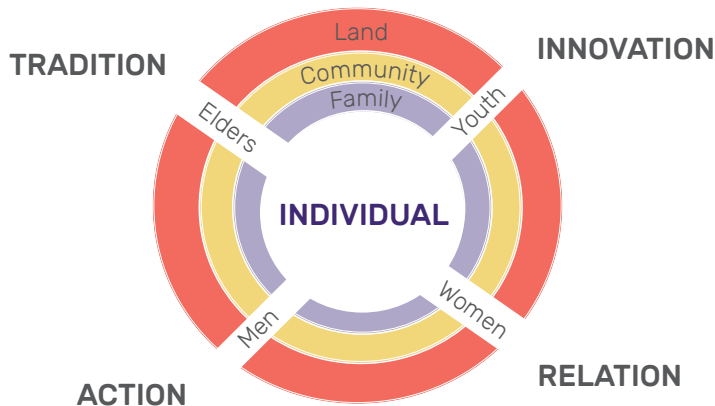
Adapted from (Thinking Maps. Accessed April 2, 2020. <https://www.tes.com/lessons/QUmj4qsqqKYrfA/copy-of-thinking-maps>.)

## How Is a Community Area Evaluation Conducted?

A First Nation can carry out an evaluation of suitable and desirable land in the region. Under TLE, First Nations can either request Crown land be converted to reserve, or request federal funds to purchase private land to convert to reserve. Figure 2 shows five possible steps to conducting an area evaluation.

### Who Is Involved?

Community Area Evaluation involves the participation of the entire community. The perspectives and knowledge of Elders, Chief and Council, community members, and youth are vital to Community Area Evaluation and the entire process of selecting lands for TLE.<sup>4</sup> Figure 3 below shows a model used by the Penticton Indian Band.<sup>5</sup>



**Figure 3 | Holistic Indigenous community participation.**  
Adapted from (Hodge, Gerald, Heather M. Hall, and Ira M. Robinson. *Planning Canadian Regions Second edition*. Vancouver: UBC Press, 2017, p.174)

### Land Use Mapping Technology

A land manager can also use land use mapping technology to provide analysis of where suitable land exists. This information would inform the Community Area Evaluation.

## 2 SITE ANALYSIS

### How Is a Site Analysis Conducted?

A Site Analysis can be conducted within the evaluated area of interest. While full participation is ideal, Land managers and Elders may conduct the Site Analysis on behalf of the community. They can develop criteria for site selection, make a shortlist of potential sites, and conduct community engagement sessions. Figure 4 shows a summary of the steps involved in Site Analysis.

### Who Should I Contact?

For property within the City of Winnipeg, contact the City of Winnipeg Property Assessment Services Department.<sup>6</sup> For property in another municipality, contact the Property Assessment Branch of the Government of Manitoba Municipal Relations Department.<sup>7</sup>



**Figure 4 | Five steps in Site Analysis.**  
Adapted from (Greyhill Advisors. "The Site Selection Process." Digital image. Greyhill Advisors, March 11, 2016. Accessed April 2, 2020. <http://www.greyhilladvisors.com/>)

## 3 SITE SELECTION

### How Is a Site Selected?

Selecting the desired site is the final step before a claim can be filed. A financial evaluation can be conducted to compare all costs involved. If purchasing privately-owned land is desired, it is necessary to plan for price negotiations and to know what is feasible for your community to pay.

### Final Thoughts

Many First Nations have a right to increase their land base through Treaty Land Entitlement. The process is complicated, but can result in economic opportunities, social benefits, and the return of traditional territories. While there is more to the process than this quick factsheet outlines, selecting the land in question and identifying the intended uses of the land is the first, and a key, step.

## Further Reading

### **Treaty Land Entitlement** by Indigenous and Northern Affairs Canada

Provides information about the numbered treaties and individual TLE settlements. Also includes a summary of TLE Lands converted to Reserves.

<https://www.aadnc-aandc.gc.ca/eng/1305306991615/1305307177471>

### **Treaty Land Entitlement - The Indigenous and Northern Relations** by Province of Manitoba

Record of land transfers to Canada and First Nation reserves can be found at the Manitoba Relations website under "Indigenous and Northern Relations." Also has a record of Treaty Land Entitlement settlement claims validated by Canada, and a list of First Nations entitled to the claims.

## Endnotes

- 1 The Government of Manitoba. "Treaty Land Entitlement Framework Agreement." The Government of Manitoba, 1997. Accessed April 8, 2020. <https://www.gov.mb.ca/inr/resources/pubs/tle%20framework%20agreement%201997.pdf>.
- 2 The Government of Canada. "Treaty Land Claim." 2017. Retrieved from <https://www.aadnc-aandc.gc.ca/eng/1100100034822/1100100034823>.
- 3 The Government of Canada, 2017.
- 4 The Government of Canada, 2017.
- 5 Hodge, Gerald, Heather M. Hall, and Ira M. Robinson. *Planning Canadian Regions Second edition*. Vancouver: UBC Press, 2017.
- 6 Assessment and Taxation Department. "Property Assessment Details." City of Winnipeg, 2020. Accessed April 8, 2020. <http://www.winnipegassessment.com/AsmtTax/english/propertydetails/>.
- 7 Municipal Relations. "Property Assessment." Province of Manitoba, 2020. Accessed April 8, 2020. <https://www.gov.mb.ca/mr/assessment/index.html>.