



Office of the Treaty Commissioner

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Ministry of Agriculture
Hon. David Marit
Room 334, 2405 Legislative Drive
Regina, SK S4S 0B3

February 15, 2022

Re: Increased Sales of Provincial Crown Lands and the Trespass to Property Act, Limits and Breach to Treaty Obligations

Dear Minister Marit,

As Treaty Commissioner for Saskatchewan I have fielded a number of complaints about the Province of Saskatchewan's increased dispersal of Crown Lands. As you may know, the Office of the Treaty Commissioner negotiated Treaty Land Entitlement (TLE) with the Government of Canada, Federation of Sovereign Indigenous Nations and the Province of Saskatchewan in 1992. Under section 4.06 of the Saskatchewan TLE Framework Agreement the Province of Saskatchewan "agrees to give favorable consideration from Entitlement Bands to purchase federal or provincial Crown Land."

Unfortunately, some entitlement First Nations have been unable to purchase their shortfall acres allotted under the TLE process. They expect the province to honor the TLE agreement by providing advanced notice of Crown land sales and giving First Nations right of first refusal for lands in their traditional territories. The increasing rate of Crown land sales is also concerning as these place limits on where First Nations peoples can exercise their Treaty rights and the land available for exercise of those rights and the overall Crown holdings. Lands that were meant to be protected and shared are now being literally sold off from the people of this land to the highest private bidders.

As Treaty Commissioner it is my responsibility to ensure that Treaties benefit both Indigenous and non-Indigenous peoples throughout these Treaty territories where the province of Saskatchewan was created after the conclusion of negotiated Treaties that were meant to share the land with newcomers for settlement. TLE helped Saskatchewan achieve the first of its 7 balanced budgets (beginning in 1994-95) with the investment of over 312 million dollars from the Federal Government. These funds went to Saskatchewan landholders and were then absorbed into the provincial economy. The province must now work with Saskatchewan entitlement First Nations to ensure they fulfill the shortfall acres that were promised under TLE and to halt immediately the sale of any other Crown lands. Stating that the FSIN is given notice is not good enough and does nothing to protect the legal obligations of which the Crowns have undertaken. Fulfillment of TLE is not the only land availability issues behind claims being fulfilled either; there are also the Nations which have Specific Claims being honored wherein they wish to create reserve status lands within their traditional territory from their compensation.

The Trespass to Property Act is another example of how drastic the implications are from ignoring the obligations and principles of the Treaty relationship that we all inherited. The impacts it can have to Treaty rights are drastic and protection of property does not have paramountcy over Treaty rights nor will it have impact on property protection when agencies cannot investigate due to lack of resources and interest.

It is my duty to inform you and your government that these are interpreted as direct breaches of Treaty and limits the exercise of the rights of not only Treaty rights holders but the citizens in this province. Parties to these Treaties have stated unequivocally they will take these breaches to task and how these acts and legislations affect them. To avoid litigation and senseless expense of dollars and resources the Treaty relationship simply needs to be understood and applied. Parties to this agreement have stated they will take this course if these acts and legislation are not ceased.

If there is anything the Office of the Treaty Commissioner can do to assist in elevating this understanding and how these acts and legislation are breaching the Treaty obligations set out by our ancestor's intentions please do not hesitate to contact me to mitigate these drastic damages.

Yours in service,



Mary Culbertson, J.D.

Treaty Commissioner of Saskatchewan

Cc; FSIN Chief's Office and Lands & Resources Secretariat
Treaty Land Sharing Network and Affiliates of March 17, 2021 Joint Statement

List of Signatories

Anishnabek Nation Treaty Authority

Birds Canada

Black Lives Matter YXE

Buffalo People Arts Institute

Calling Lakes Ecomuseum

Camp Wolf Willow

Citizens Environmental Alliance

Climate Justice Saskatoon

Department of Educational Foundations, University of Saskatchewan

EnviroCollective Network

First United Church

For Peat's Sake - Protecting Northern Saskatchewan Muskegs

Fort Qu'Appelle Nature Society

Heritage United Church

Idle No More

Indian Head Natural History Society

National Farmers Union

Native Plant Society of Saskatchewan

Nature Regina

Nature Saskatchewan

Northeast Swale Watchers

Office of the Treaty Commissioner

Public Pastures – Public Interest

Regina and District Labour Council

Saskatchewan Environmental Society

Saskatchewan Federation of Labour

Saskatoon Nature Society

SaskForward

Treaty Land Sharing Network

United Church, Living Skies Regional Council Executive

Yellowhead Flyway Birding Trail Association

Wild About Saskatoon

Wesley United Church