Decolonizing urban space: The future potentials of new urban reserves and the indigenization of cities

Zane Davey
School of Urban Planning
Faculty of Engineering
McGill University
Montreal, Quebec
July 2021

A report submitted to the School of Urban Planning in conformity with the requirements of the degree of Master of Urban Planning

Acknowledgement

I would like to take this opportunity to express my sincere appreciation to my supervisor Dr. Anna Kramer for both her valuable guidance, suggestions, and mentorship over the course of this research. Her assistance and support were unwavering.

I would also like to thank my faculty advisor and professor Dr. Nik Luka who encouraged this research when it was but an idea.

I would like to recognize and graciously thank both the Department of National Defence (DND) and the Social Sciences and Humanities Research Council (SSHRC) for both acknowledging and funding my research through the Mobilizing Insights in Defence and Security (MINDS) Scholarship Initiative and the Canada Graduate Scholarships – Master's (CGS M) award. Through such support was I able to accomplish this endeavor confidently and financially.

I would like to sincerely thank the open discussions had with representatives from the City of Saskatoon and the City of Winnipeg. Their commitment to the betterment of urban planning was genuine and impactful.

And finally, I would like to both acknowledge and humbly thank both Muskeg Lake Cree Nation and Long Plain First Nation for participating in my research. Speaking with both nations' representatives not only impacted the quality of this work, but also influenced my own personal Indigenous identity and understanding. From the bottom of my heart, thank you.

1.0 – Executive Summary

Stemming from settler-colonial narratives and romanticisms, Indigenous people's right to Canadian cities have long been contested and challenged. As reform and decolonization have slowly occurred, such narratives and facilitative policies have now either been condemned or altered. Additionally, Indigenous populations have demanded proper urban representation via placemaking and the indigenization of urban space. Within recent decades, First Nation bands have looked to enact their right to self-determination through the establishment of new urban reserves (NURs).

New urban reserves are best described as satellite land holdings in municipalities, acquired by First Nation bands in response to entitled land owed by the federal government. NURs should not be confused with urban reserves that were established within or nearby cities in the 1800s. NURs have largely been created within prairie provinces (i.e., Saskatchewan & Manitoba), with nations looking to both Treaty Land Entitlement (TLE) and Additions to Reserve (ATR) policies for the rectification of federally owed land. These NURs have largely been used as economic revenue ventures for First Nations, being described as "economic development zones" since the turn of the 21st century.

In the following research, I look to challenge and expand the scope and capabilities of NURs, believing them to act as spaces for increased urban indigenization and placemaking. I argue that NURs are tools which can facilitate the decolonization of both urban space and municipal governance structures.

This research uses a comparative case study analysis and a review of literature and policy to better understand the strengths and weaknesses of existing NURs, with specific focus on:

a. The dynamics of asymmetrical negotiation between First Nations and municipalities in establishing NURs.

b. New urban reserves' residential housing potential

c. Urban Indigenous placemaking in the face of racism and stigma

These findings were supplemented via interviews with First Nation and municipal representatives from two case studies: 1) Muskeg Lake Cree Nation and the City of Saskatoon, and 2) Long Plain First Nation and the City of Winnipeg. Both case studies exist under their own respective contexts, with varying degrees of overlap.

Strategies discussed to help project NURs towards their true potential as agents of decolonization include the subject of Indigenous resistance and historical urban placemaking. First Nations continue to navigate NURs through a settler-neoliberal system (i.e., the dominating capitalist system of economic growth and the pursuance/accumulation of capital—existing as arguably the antithesis to many Indigenous life ways). While First Nations participate in the neoliberal system, their reasoning to do so stems from supporting and uplifting their own communities that face continuing systemic disinvestment. The integration of indigeneity into municipal government and planning departments is then addressed, arguing

that such initiative can facilitate a "Third Space" as a new model of municipal governance. Indigenous understanding and knowledge would be intertwined within the existing settler model, creating both a new model and standard of co-existence. Finally, a brief overview of both the First Nation Land Management Act (FNLMA) and Canada's introduction of The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is explored with relation to NURs and federal policy.

A series of recommendations arising from the described case study analysis and discussion are:

1) The establishment of a "Third Space" model, harbouring better municipal-Indigenous relationships.
2) Reforms to municipal services agreements to help eliminate municipal leverage used coercively over First Nation authority and self-determination.
3) Municipal initiative that educates the non-Indigenous population about new urban reserves internally and externally
4) Combatting stigma and racism through municipal allyship with First Nations
5) Dedication and commitment towards the reform of state policies more broadly

The ambition of this research is not to provide an exhaustive list of recommendations, but rather contribute to a dialogue on decolonizing urban space. New urban reserves provide an opportunity to dismantle inequitable municipal-Indigenous structures and to rethink new, harmonious relations.

Table of Contents

2.0 – Introduction

Indigenous populations are rapidly increasing in Canadian urban contexts. According to the 2016 Canadian Census, over half of self-identifying Indigenous people lived in towns or cities of at least 30,000 people (Stats Canada 2016), which is considered an undercount (Paradkar, 2018). More than ever, many of Canada's urban Indigenous communities are asserting themselves as visible and unified polities that have been denied basic rights because of Euro-colonial supremacy (Peters & Anderson 2013, Pitawanakwat 2008, Guimond et al., 2009). While urban Indigenous communities both grow in population and increasingly seek both better representation and to enact self-determination, municipal governments tend to fall short in both communication and planning; opting out of what is now seen across Canada as a collective responsibility to facilitate transitions towards decolonization (Anderson 2013, Tomiak 2017).

With a growing urban Indigenous population, colonial strategies of Indigenous rural displacement and ostracization (i.e., The *Indian Act*, blood quantum policies, policing Indian status etc.) have significantly collapsed, bringing forth new challenges in determining mutual definitions and strategies of co-existence within settler dominated cities. Now a lopsided norm, Indigenous communities have simultaneously—if not always as a direct consequence of these failures of the state—sought to form mutual, cooperative agendas with municipalities, as a unique and constitutionally protected form of government (Barry & Thompson-Fawcett 2020). Disappointingly, however, municipalities and the state have failed to respect this reality, upholding settler-colonial neoliberal strategies that both marginalize, surveil, and discredit Indigenous peoples' right to self determination and attempts of decolonization. Put more simply, I believe Canadian cities are failing in meeting the now past due need for impactful decolonial municipal-Indigenous governance reform.

In hopes of realizing a decolonial future that includes mutual government-to-government co-existence, First Nations have, within recent decades, strived towards economic prosperities and social representation by reclaiming urban land via the formations of new urban reserves (NURs). To avoid confusion, new urban reserves are satellite land holdings, acquired by First Nation bands as compensation for entitled land owed by the federal government. NURs should not be confused with older standing urban reserves that were established within or nearby cities in the 1800s or have since been engulfed as a result of urban growth (Tomiak 2017). New urban reserves have become a contemporary approach for many First Nations to better assist Indigenous placemaking and representation, through acts of self-determination and varying degrees of municipal partnerships. Additionally, the formation of NURs pose new and challenging governance structures between the band, the federal government, and the municipality, which opens up an instance of potential government-to-government relations between municipalities and First Nations. I believe NURs have only scratched the surface of decolonizing urban spaces, as they hold the potential to facilitate harmony between indigeneity and settler space.

While cities and Indigenous populations have made advancements towards decolonizing urban spaces through NURs, First Nation frustrations persist towards the slow pace of urban Indigenous place-

making, and the lack of genuine efforts made by municipal bodies to facilitate First Nation efforts. Decisionmakers and city planners must work in tandem with First Nations, and more broadly all Indigenous peoples, to actively establish new norms based off both anti- and de-colonial practices. The period for using discussion and planning as a stalling tactic has long since passed. It is time for Canadian urban spaces to properly represent Indigenous populations, allowing for indigeneity to be intertwined within the urban fabric and continued efforts of decolonization. Through these actions, urban space can begin to embody and reconcile past colonial injustices, honouring the true spirit and intent envisioned between settlers and Indigenous peoples.

3.0 – Background

3.1 – New Urban Reserves

There are two methods of forming NURs in Canadian law: Additions to Reserve policy (ATR) and Treaty Land Entitlement frameworks (TLE). The creation of such policies stems from the colonial-states' responsibility to fulfill promises made to First Nations upon the signature of the numbered treaties during the 19th and 20th century. Previous studies have suggested that while NURs allow for economic wellbeing for First Nation communities (Anderson 2013), various institutional barriers have limited both social and residential infrastructure from developing, ultimately reinforcing the problematic foundations of Euro-colonialism and exogeneous capitalist control (Tomiak 2017). More specifically, the federal government, in general, only approves non-residential economic development proposals concerning First Nation municipal land purchases (Ibid). The following section looks to provide context into NURs and the policies from which they are created, including institutional barriers.

3.1.1 – Treaties as Land Taking

For sake of clarification, a treaty is a formal, legally binding, written agreement, typically entered upon by sovereign nations. The numbered treaties were a series of 11 treaties made between the Crown and First Nations. These negotiations took place between 1871 to 1921, during a period when Indigenous peoples were faced with an influx of settlers and the rapidly declining population of buffalo and other natural resources to sustain traditional lifeways (Starblanket & Dallas 2020). While hesitant to negotiate with the federal government, First Nation leaders saw few options in ensuring their communities' future well-being. Indigenous leaders who signed treaties agreed upon them with the understanding that both nations would live and learn from one another with neither being subordinate to the other (Ibid). Unfortunately, the Canadian federal government saw the treaties as an opportunity to solidify their dominion over present day Canada, securing plentiful resources and territory from the neighbouring United States, while also prompting an opportunity to assimilate Indigenous people into Anglo-Saxon, colonial society, and culture.

Following the signing of the first five treaties, the 1876 *Indian Act* was passed to further surveil and oppress First Nation people, administering Indian status to First Nation individuals who identified with a particular band (non-status First Nation, Métis, and Inuit were and continue to be excluded). The *Indian Act* was also used to administer local First Nation governments and the management of reserve land, while also committing to a multitude of colonial laws that aimed to diminish and destroy First Nations' culture (Henderson 2006). Many atrocities stemmed from the *Indian Act*'s role in policing First Nation identity, specifically the loss of status if choosing to live off reserve, or if a woman married a non-First Nation man. The initial design of the *Indian Act* was to accelerate the separation and erasure of First Nation cultures, communities, and lands, while amplifying the process of assimilation. Through these examples of targeting, was the federal government able to pathologize differences as well as place Indigenous groups under increased state surveillance and administrative control (Cowen 2005). Though amended several times, the

Indian Act remains a contested doctrine that is rooted in trauma and human rights violations (Henderson 2006). The state was able to "justifiably" maneuver out from its agreed upon treaty obligations, through the *Indian Act*'s indoctrination. Furthermore, because the courts were so intimately associated to the institutional structure of the settler state, the legal system was intentionally designed to naturalize and secure the reproduction of Canadian sovereignty over Indigenous lands and people (Starblanket & Dallas 2020). The insidious venture of not allocating all entitled land to various Nations was commonplace, resulting in debts still owed to this day. Now through the implementation of both the Additions to Reserve policy and the Treaty Land Entitlement framework reparation for these injustices is occurring.

3.1.2 – Additions to Reserve Policy

Canada implemented the Additions to Reserve policy (ATR) in 1972, considered by the federal government as a kind of reparation for stolen First Nation territory. The ATR policy was created to "rectify" this colonial fault, enabling First Nations to acquire more land for a variety of reasons, including land yet compensated or still owed (Indigenous Services Canada 2019). Though this policy addressed colonial wrongs, the ATR policy was still far from perfect, stemming from issues of power imbalance and both efficiency and effectiveness (Standing Senate Committee on Aboriginal Peoples & Canada 2012). The process of acquiring and converting urban land to reserve status remains tedious and painfully slow. In response to these frustrations, the federal government created new policy directives from First Nations' feedback in 2016, which included addressing the issue of slow inefficiencies.

Unfortunately, with ATRs helping to create more new urban reserves, First Nation communities continue to experience drawn out negotiations with cities, largely because of the federal government's legal framework, which puts onus on First Nations to bear the costs and unilaterally fulfill the requirements of the process while failing to require reciprocal conduct from municipalities that would facilitate the process. According to the ATR policy, First Nations must pay property taxes on any land purchased until the ATR is complete, in addition to having to establish agreements for joint land use planning, by-law harmonization, compensation for tax loss, and compensation for basic municipal services such as sewage, water, and hydro with municipal governments (Ibid). Under the likely context where mutual agreement cannot be established, municipalities can essentially stall the process, draining First Nation communities via property taxes. In turn, municipalities hold a federally sectioned "*de facto veto*" power, allowing them to maintain the upper hand by making the successful negotiation of municipal service agreements a pre-condition for conversion to reserve status (Tomiak 2017). This veto has been used to effectively require conformity to municipal land use policies and zoning standards as well as to levy extra infrastructure fees. Although legally, new urban reserves are not within the jurisdiction of the municipal governance, the imbalance of leverage in the service agreements and other requirements enable *de facto* rather than *de jure* municipal control over these lands. The federal structuring of the ATR policy has created an asymmetrical municipal/First Nation power imbalance upon entering into negotiations of NURs. First Nation communities question why in fact they must negotiate tax loss adjustments with municipalities (SSCAP & Canada 2012), when the fiduciary federal government remains absent from this process. Surprisingly, the federal

government is not required to be a part of any concluding municipal-First Nation agreements (Assembly of First Nations 2012).

3.1.3 – Treaty Land Entitlement Policy

Another ongoing method for First Nations to acquire new urban reserves is via Treaty Land Entitlements (TLE), which were first implemented in Saskatchewan on September 22, 1992, as a TLE Framework Agreement. The TLE Framework Agreement exists within the ATR structure, where some 90 percent of TLE transactions have taken place in either Saskatchewan or Manitoba (Indigenous Services Canada 2017). The Framework Agreement is contextual by province, existing as an ever-continuing process where First Nation bands look to receive the entitled reserve land that was promised upon the signing of treaties. The majority of land selected is to be from unoccupied Crown land, with a smaller percentage available for purchase on a willing-buyer/willing-seller basis (Barry 2019). The funds are provided by the Canadian government according to the terms of the settlement agreement (Ibid). As mentioned, TLE's have dominated in both Saskatchewan and Manitoba, to which two of the latter selected case studies will be explored.

TLE's were first proposed by Saskatchewan Premier Grant Devine and his longstanding friend Roland Crowe, who was chief of the Federation of Saskatchewan Indian Nations from 1986 to 1994 (Flanagan 2017). Following the victory of Saskatchewan Premier Roy Romanow's New Democratic Party, Crowe convinced Romanow to continue moving forward with the TLE proposition, where it was formally signed at the federal level in 1992.

With respect to Manitoba, a TLE Framework Agreement was signed on May 29, 1997, by the Government of Canada, the Province of Manitoba, and the TLE Committee of Manitoba Inc., on behalf of 19 Nations that had outstanding TLEs (ISC 2017). The province of Manitoba also experienced Individual TLE Settlements, which the majority occurred between 1994-1996, preceding the 1997 TLE Framework Agreement.

It is important to keep in mind that selected lands must fall within the Entitlement First Nations' (EFNs) treaty area – resulting in northern First Nations limited to select lands far away from major urban areas (Barry 2019). Bands can select lands outside of their treaty areas, including private urban land, if they can demonstrate to the state a defined social and economic objective (i.e., something by which, I assume, to be both palatable and complimentary to a non-Indigenous, neoliberal definition) (Ibid). Again, federal approval is required when a Nation is interested in purchasing lands that fall outside of their Entitlement First Nations' (EFNs) treaty area according to TLE and ATR policy (Tomiak 2017). Once either the lands are selected (Crown lands) or purchased (private lands), the nation will go through the process to add them to the EFN's existing reserve lands, if approved (Barry 2019). This discretion given to the state, acts as means for both the federal and municipal government to prevent First Nations from independently acquiring land within municipalities under their own judgment and pursuance. This pitfall echoes the same "*de facto veto*" power held by municipalities under the ATR policy, once again demonstrating Can-

ada's refusal to relinquish its colonial hold over stolen lands.

3.1.4 – Existing Issues

Under these current realities of state formed policies, both Canada and municipalities are putting up barriers to Indigenous ownership, limiting the possibility for Indigenous representation and the indigenization of urban space. Both types of legal requirements (i.e., virtual urban exemption from TLE candidacy without a defined social and/or economic mandate approved by the state, and ATR's service agreement requirements that maintain *de facto* municipal control over NURs), create major barriers to First Nations land holding in cities, and limit the potential of NURs from creating decolonial urban spaces and relations. Such continued assertion of state sovereignty over Indigenous land is an example of ongoing dispossession (Barry & Agyeman 2020). These judicial oversights hinder impactful reform and a decolonial mandate. Further, the added difficulty and continued lengthy process of creating new urban reserves (or any reserves at that) remains tedious and unacceptably slow under a state that belies the state's claim to be actively decolonizing and falls short of the intent of treaty restitution.

In these imbalanced frameworks for NURs, it is obvious that the state aims to remain in control, refusing to abide for a governance model that would enable islands of Indigenous self-determination within cities. Canada has historically acted upon the fictitious colonial narrative of Indigenous peoples belonging outside of the city limits; largely stemming from settler perceptions pertaining to the uncivilized imagery and fears associated with the frontier, otherness, and savageness. Through the establishment of these early renderings and settler romanticisms of indigeneity as the antithesis to settler society, Indigenous people have been and continue to be targeted as the primary perceived threat to the 'civilized' settler state and social order imagined by colonial, Anglo-Saxon leaders (Starblanket & Dallas 2020). Tomiak emphasizes this indoctrinated perspective by explaining that First Nations' place in the city, from the perspective of the state, is solely for commercially based economic growth – satisfying the entrenched goals of a neoliberal mandate.

As I mentioned earlier, with respect to NURs, the federal government, in general, only approves non-residential economic development proposals concerning First Nation municipal land purchases (Tomiak 2017). This in turn limits First Nation's from: exploring other land uses, attaining municipal lands suitable for residential zoning, creating homes for First Nation people, and establishing a place for communities in the city (Ibid). Having ensured a level of restriction towards urban First Nation residency, the state must only monitor the non-residential economic development happenings of First Nation self-determination. Through such limitations, the state reinforces a neoliberal interpretation of land use, one which prioritizes and manages land for its business-economic output, echoing the urban planning justification of 'highest and best use' as the most profitable one to determine what type of development may occur. For example, in the early beginnings of new urban reserve creation, municipalities emphasized the importance of these spaces being unidentifiable from any other commercial economic hub; going so far as to even designate these spaces as "economic development zones," rather than new urban reserves (Tomiak 2017).

This assimilatory designation showed municipal desires that such spaces be portrayed as municipal initiatives and/or entities, rather than those of First Nations, in order to protect the non-Indigenous imagery that the city is to represent, from the perceived chaotic imagery of the rural reserve – imagery, mind you, that has been falsely attributed to Indigenous peoples as a repercussion of federal neglect. Further, by orchestrating a standard of assimilatory designation, the state was better able to avoid an engraved colonial fear of Indigenous people's committal of *economical waste* (i.e., referring to land, objects, or activities that are not fully enclosed/regulated by capitalist processes, and that need to undergo processes of improvement/valuation) (Wideman 2019, pg. 868). With these issues in mind, could a more liberatory NUR practice harbour and contribute to spaces of indigeneity, as well as support a future of decolonial cities?

4.0 – Research question

According to many First Nations, new urban reserves are still considered viable strategies to enact Indigenous self-determination, while also reclaiming municipal space for better Indigenous representation. New urban reserves may also act as the catalyst to initiate real and dramatic change with respect to placemaking and indigeneity within the city. Effort must be made to not be satisfied with the current state of NURs as "economic development zones," but rather as the building blocks to increasingly harbour spaces of indigeneity, where efforts for understanding and reconciliation may take place. This vision proposes that new urban reserves could include residential development and meaningful celebrations of Indigenous culture throughout the built environment, more importantly existing as a reclamation for First Nation self-determination.

This report addresses First Nation new urban reserves, exploring contextual dynamics between First Nation bands and municipalities. This work follows up with case studies exploring respective nation's NURs and their associated municipalities; interviews both First Nation and municipal representatives involved in the creation and planning of their respective NURs. Through the analysis of both case studies, a better understanding of NURs' benefits and failures is determined. Specifically, findings concern the dynamics of negotiation and cooperation between both Nations and municipalities, services agreements being contingent on land use conformity, NUR residential housing potentials, and how racism impacts the potential for Indigenous placemaking or assimilation. The report concludes with a discussion pertaining to how municipal-Indigenous relations and planning departments can move forward with respect to indigenizing urban space and how NURs can progress beyond spaces of commercial economic developments. A recommendations section outlines suggestions for how particular issues could be addressed moving forward.

5.0 – Methodology

An exploratory research methodology was adopted for this research. To date, there are few policy-focused recommendations for municipalities working with First Nations on new urban reserves; this report aims to address this gap.

This research focuses on two case studies of municipal-First Nation planning for NURs: (1) Muskeg Lake Cree Nation and the City of Saskatoon, and (2) Long Plain First Nation and the City of Winnipeg. Provided the primary focus of the report is on NURs that have emerged via the TLE and ATR policy framework, it was crucial to gain perspectives and insights from both nations and municipalities who are familiar with this current system. Both Muskeg Lake and the Long Plain were chosen as case studies because of their longstanding history in creating NURs, as well as their prairie context to which TLE frameworks have predominantly occurred.

I conducted semi-structured interviews with key informants from both municipalities and First Nations who were involved in the NUR planning process. Interviews were conducted by Zoom due to distance and Covid-19. In keeping with research ethics protocol, participants are not identified by name but by job title or role.

Participants were asked to describe the NUR planning process, their role in it, and their thoughts on municipal-First Nation relations, with particular attention to how jurisdictions were negotiated through land use and infrastructure plans and service requirements, the potentials for residential NUR housing, as well as strategies to mitigate the longstanding stigmas associated with both NURs and indigeneity in the city. Interview questions remained largely identical for all five interviews, with some variance occurring based on the interviewees position and title. Transcription of the interviews was facilitated through the program *Otter.ai*.

Following transcription, a thematic analysis was conducted pertaining to all interviewee responses. It was determined that three key themes emerged from the interviews, which were each examined and explored under the case studies' respective context. During this synthesis, similarities and differences were determined between the two case studies, in addition to findings that both supported and countered the relevant literature.

6.0 – Case Studies' Context

This section provides important details and context necessary for the latter findings and discussion section. Both case studies take place within Canadian prairie provinces that have established NURs via the TLE policy framework. Working under the current neoliberal economic system, both Nations have established partial NUR success that facilitate both economic independence and the indigenization of urban space. Additionally, the following case studies provide insight into the current configurations of municipal-Indigenous governance.

6.1 – Muskeg Lake Cree Nation

The Muskeg Lake Cree Nation's core reserve was first established in 1881, located 93 kilometers North of Saskatoon, Saskatchewan. The core reserve is home to approximately 367 community members, with 1,481 additional members living throughout Saskatchewan and Canada (Muskeg Lake Cree Nation - Investment Management Corporation n.d.a).

In 1988, the Muskeg Lake Cree Nation changed history by developing the first new urban reserve, establishing a precedent for municipal-Indigenous relations. The NUR was developed in Saskatoon, Saskatchewan via the Additions to Reserve policy, involving three levels of government (Muskeg Lake, the municipal government, and the federal government). Currently, Muskeg Lake have two new urban reserves in Saskatoon, the first named *Asimakaniseekan Askiy 102A* (Sutherland), and the second established in 2011, named *Asimakaniseekan Askiy 102B* (22nd Street). The name chosen for these NURs is a Cree name that roughly translates to "Soldier's Land" or "Veteran's Land," commemorating those Indigenous people that have served in Canada's wars (Ibid).

The first NUR (*Asimakaniseekan Askiy 102A)* is located in the Sutherland area, consisting of an industrial and commercial development on 48 acres of land, with 15 acres undeveloped. The NUR is located on the eastern edge of the city in the corner of an industrial park and within a residential context near the University of Saskatchewan. Currently the site allows for a variety of development uses, including office, retail, institutional, and light industrial (MLCN-IMC n.d.a). The *Assimakaniseekan Askiy 102A* NUR currently includes a diverse assembly of non-residential uses, including educational (Indian of Technologies and First Nations University), institutional (Federation of Sovereign Indigenous Nations, Saskatoon Tribal council offices), recreational (Flynn's Forest Indoor Playground), and financial (the Peace Hills Trust). Most recently, this NUR has seen the development of its Lakeside Centre with health-related uses –Lakeside Medical Clinic, Saskatoon Medical Imaging, Zone Physiotherapy, Kennedy Eye Centre, Lakeside Dental, and London Drugs. Muskeg Lake has established a second NUR on 22nd Street (*Asimakaniseekan Askiy 102B)*, taking up 0.9 acres, in the form of a Petro-Canada gas bar named Creeway Gas and Convenience.

The Muskeg Lake Cree Nation promises to ensure that zoning by-laws are "generally" complied with (City of Saskatoon 2019). Though wiggling room may exist, Muskeg Lake by and large must comply

with the city's zoning by-laws, leaving a degree of scepticism surrounding jurisdictional independence of the First Nation's title.

6.2 – Long Plain First Nation

The Long Plain First Nation's core reserve was first established in 1876 following the signature of Treaty 1 in 1871. The core reserve is located 15 kilometers outside of the town Portage La Prairie and 174 kilometers west of the City of Winnipeg.

In 1981, Long Plain acquired a former residential school and 45 acres of land within Portage La Prairie for one dollar through the acknowledgement of an outstanding treaty and entitlement (Long Plain First Nation n.d.a). In 1994, Long Plain settled the Nation's first Individual Treaty Land Entitlement claim (i.e., different from the federally established 1997 Manitoba TLE Framework Agreement), which formalized the 45 acres acquired in 1981, and also included money to purchase an additional 4,169 acres in Portage La Prairie and Winnipeg. At this point the TLE process was now somewhat familiar to the federal government, following the Muskeg Lake Cree Nation's establishment of precedent in 1988.

The *Keeshkeemaquah Reserve* developed out of the original treaty and entitlement in Portage La Prairie in 1981. *Keeshkeemaquah* covers 45 acres and comprises of several businesses and establishments developed by the Nation's development arm, Arrowhead Development Corporation (ADC): a Microtel Inn & Suites – Wyndam Hotel, The Keesh Gaming & Conference Centre, Arrowhead Portage Gas Bar, and Mishwaanakwadook Office Building. Further, *Keeshkeemaquah* reserve has also uncommonly developed a residential subdivision, composed of 54 residential homes that are rented out to bandmembers.

Most recently in 2006, Long Plain purchased 2.81 acres within the City of Winnipeg from Manitoba Hydro. By 2010, the Nation and the City had entered into a Municipal Service and Development Agreement (MSDA), extending services to the property. In 2013 the site officially attained reserve status, becoming Winnipeg's first new urban reserve – *Long Plain Madison Reserve No.1* (Long Plain First Nation n.d.a). The *Madison Reserve* is located near Polo Park shopping complex and is bounded by St. Matthews Avenue on the north, Madison Street on the west, Silver Avenue on the south and Kensington Street on the east (Arrowhead Corporation n.d.a). Currently, several establishments exist on the *Madison Reserve*: Meta Cannabis Supply Co., Madison Petro-Canada, and 480 Madison Office Building, which houses eight business needs of the Long Plain First Nation.

Arrowhead Development Corporation is also in the midst of developing two new projects: Wyndham Garden Hotel & Conference Centre on the *Madison Reserve* in the City of Winnipeg and a Truck and Travel Centre on the *Keeshkeemaquah* Reserve just off of the Trans-Canada Highway.

These small fractions of peripheral urban land are situated in industrial parks near highways and suburbs, and generally conform to the types of uses allowed by the municipality. Despite this, they serve a variety of needs including indigenous organizations, businesses and housing.

7.0 – Findings

The findings are taken from interviews with representatives from the First Nations and municipalities who were involved with the creation of each new urban reserve.

7.1 – Dynamics of NUR cooperation and negotiation

The establishment and creation of NURs has prompted both First Nation bands and municipalities to intimately collaborate and cooperate with one another. Under the context of NURs, the city does not have direct dominion or authority over such lands, with NURs falling under their own separate jurisdiction. Though existing under two separate jurisdictions, both parties acknowledge the importance for a seamless and permeable connection between the two land titles. While such recognition exists, the power dynamics to ensure this reality are questionable. Municipalities have long been the kings of their own castles, bending the knee to their respective provincial governments, but maintaining leverage on inferior stakeholders. Now in the face of NURs, municipalities must learn to relinquish dominion and strive towards equitable standards of negotiation and compromise with First Nations. Currently, cooperation between these two separate entities is unsustainable, as municipalities have failed to commit to co-existence and the relinquishment of absolute authority via services agreements.

7.1.1 – Cooperation on the basis of power imbalance, leverage, and "one-offs"

A tremendous amount of cooperation is said to exist between Muskeg Lake/Saskatoon governments, largely stemming from the two's cooperative journey since 1988. Given that Muskeg Lake/Saskatoon established the precedence of TLEs and NURs in the country, the two governments had to cooperate if they were to realize a similar vision. Muskeg Lake emphasized that the Nation's outlook was that of "buying into their City," reasoning that it was their NUR's obligation to align with the City of Saskatoon's vision because the Nation wanted the City's land and opportunity. Muskeg Lake described their relationship using the proverb "good fences, good neighbors," which from their explanation ensured that trust could be developed between the two governments. Though cooperation was established, this idea of "buying into their City" suggests that the state has always had a legitimate claim to the land, here by leveraging the municipality into a state of dominance and authority.

In the case of the Long Plain First Nation, cooperation and relationship building was required between two separate municipalities: the *Keeshkeemaquah* reserve in Portage la Prairie and the *Madison Reserve* in the City of Winnipeg. According to Long Plain, negotiations with either municipality "didn't start off to be cooperative. There was a misunderstanding from municipalities that First Nations are not a form of government." Rather than recognizing Long Plain's separate jurisdiction, the municipalities saw themselves as superior governments, and ultimately succumb to deeply systemic normalcies of settler colonial dominance. The Long Plain went further to describe how it "took time for cities to recognize that First Nations are sovereign nations and have their own bylaws."

Long Plain also emphasized a difference in difficulty regarding collaboration with the City of Win-

nipeg, stating how it was "more challenging." Winnipeg did not initially prioritize cooperation and understanding, as was also determined in Tomiak's work (Tomiak 2017). According to an interviewed Winnipeg planner, "[the City of Winnipeg] certainly wouldn't have been sensitive to any issues [pertaining to power imbalances], and, you know, quite possibly maybe even thought this is just a one off." The City originally opted to not invest its complete effort or concern with those of First Nations, instead committing to hasty negotiations, rather than approaching this historic partnership as an opportunity to establish both precedence and repair municipal-Indigenous relations. Whether the City did or did not view this partnership as a "one off," evidence suggests that the municipality was not completely willing to establish equitable, nation to nation standards of cooperation, in light of its passive and unsupportive approach towards the First Nation.

Additionally, both Nations shared that time and geography may have played into establishing collaborative cooperation, to which I accredit both a blend of context and state-imposed legalities. For example, Portage la Prairie has a higher and more visible Indigenous population, as it is surrounded by four reserves, which Long Plain said has impacted the municipality's willingness to be "more cooperative…with respect to negotiating a services agreement." Similar to Muskeg Lake/Saskatoon's 1988 NUR, Long Plain First Nation was able to cultivate and establish trust through the luxury of time with Portage la Prairie, as the Nation acquired its first piece of urban reserve land in 1981. Today, a level of trust and understanding has been reached between Long Plain and Portage la Prairie where the Nation "no longer has to go through readings…for development, [they] could just build, [they] don't need to ask the City's permission" (Long Plain representative). This statement echoes Muskeg Lake's sentiment regarding how the City of Saskatoon eventually became comfortable or familiar enough to not "impose…something that isn't in [Muskeg Lake's] vision." I believe that while degrees of trust and cooperation have now been established, both municipalities committed a certain level of systemic paternalism, initially approaching the NUR agreement as requiring permissions and approvals. Through the careful efforts of the First Nations, the dynamics were shifted over time as trust was established.

7.1.2 – Reducing First Nation jurisdiction via a service agreement

New urban reserves fall under the jurisdiction of the respective First Nation, with the Nation free to enact its own bylaws and administration. Common practice has resulted in Nations and municipalities negotiating Municipal Service Agreements (MSA), allowing the Nation to connect to municipal infrastructures including sewage, water, and other city services. Municipalities could use the condition of infrastructure connections to re-position First Nations as any other developer, requiring them to conform to built form and land use policies and bylaws of the city's plan. However, First Nations are not legally like any other landowner, so the service agreement negotiation becomes a 'contact zone' for contesting planning.

According to the City of Saskatoon's urban planning department, the City respects and recognizes that NURs are under Muskeg Lake's jurisdiction, while also supporting the existence of a seamless

operational boundary between municipal land and the NURs. In practice, this meant that services were provided on the condition of conformity with Saskatoon's land use policy. Muskeg Lake supports this outlook, adopting a developer's perspective in the process of achieving economic reconciliation. A City of Saskatoon planner emphasized that "there is a recognition by both parties of what this sort of development does for the community…it's about economic prosperity for [the Nation] and for the City." The relationship here more closely resembles a conventional administrative collaboration between developers and municipalities.

During negotiations of the first NUR (*Asimakaniseekan Askiy 102A*) it was agreed upon that Muskeg Lake would pay an annual fee-for-service or Municipal Service Agreement (MSA), which the City receives in lieu of property taxes (City of Saskatoon 2021). Further, the City of Saskatoon has assured that the services payment is calculated identically to that of municipal property taxes (Ibid). Muskeg Lake's NURs receive all municipal services (policing, fires, snow removal, infrastructure repair, etc.,) on the condition that the "band agrees that the use and development of the Land…shall at all times be in accordance with the laws of the Province of Saskatchewan and the bylaws of the City of Saskatoon" (The Muskeg Lake Indian Band No 375, & The City of Saskatoon, pg. 7). As mentioned, Muskeg Lake approached negotiations similar to that of a developer, with the expectations that their parcel of land look no different than the rest of the City of Saskatoon (Federation of Canadian Municipalities 2011). The signed services agreement was said to be administratively similar to an agreement that would be signed between the City and developers (Ibid).

By adopting a developer like identity, Muskeg Lake may have facilitated the administrative processes of approval and negotiation familiar to the municipality-developer relationship. Unfortunately, it could have also unintentionally assisted the municipality into failing to administratively recognize a First Nation as different from a non-First Nation developer, thus formatting a services agreement insensitive to the context of First Nations. While the Nation's parcel of land was under its own jurisdiction, these negotiations were required if they were to receive any services from the City of Saskatoon. Muskeg Lake noted that "we need to just follow the rules that those services are based on." Further adding that while they could "get away with bucking the system" and doing "what [they] want, the City could very well tell [them], well, then you're not going to use [our] infrastructure" (Muskeg Lake representative).

Ultimately, the Nation is placed into a position where they must comply with the City's land use policy. While the City of Saskatoon emphasizes the services agreement's importance for establishing compatible land uses (largely because the infrastructure in place is already designed for a particular land use), it does seem like a lackluster excuse, especially when considering how developers regularly upgrade infrastructure when they change or intensify uses. Further, Saskatoon seems unaware of the leverage and power imbalance used during these negotiations, which systemically ensures that First Nations comply and compromise to an agreement that best aligns within the state context. It is one thing for a municipality to recognize a Nation's separate jurisdiction, and it is another thing for municipalities to administer processes that reflect such recognition.

Similar to the services agreement signed between Muskeg Lake/Saskatoon, Long Plain would pay an annual "General-Service-Fee equal to the total of: a) property taxes for general municipal purposes; and b) business taxes" in exchange for all general services from the City of Winnipeg (The City of Winnipeg, & The Long Plain First Nation, pg. 5). However, there was one significant difference in that Long Plain contested being subject to Winnipeg's land use policy conformity. According to Long Plain, roughly 15 drafts were proposed to and rejected by the Nation until consensus was reached. The point of contention that caused so many drafts was the municipalities' failure to recognize the Nation's separate jurisdiction regarding bylaw creation. As explained by Long Plain, there always existed a clause, in the services agreement drafts, where the Nation was to adhere to the municipal bylaw until the Nation created their own—which would then require City approval. Long Plain rejected this clause, stating that they were free to create their own bylaws without the approval of the municipality. The wording used in the agreed upon services agreement states in Section 1.3 that:

> "*The First Nation agrees that all land use and development, activities, persons and things on the Land must conform to requirements, standards, restrictions and prohibitions in force in the City through City by-laws, or to requirements, standards, restrictions and prohibitions that are in force through First Nation by-laws that are accepted under the procedure provided for in Section 1.4*" (Ibid., pg. 3).

Section 1.4 goes on to note that any proposed bylaw by the Nation will be submitted "to the City for comment and consultation" (Ibid). Further, "if the parties do not reach agreement on the contents of the proposed by-law…then either party may refer the matter to dispute resolution" (Ibid). Though the services agreement is proactive in mitigating disagreements, it outlines a framework that ultimately allows the municipality to holdup any proposed First Nation bylaw until compromise is reached. In the end, the city retained control, despite sustained attempts by the First Nation to exercise independent land use planning.

According to the City, those originally working with Long Plain "who aren't [retired], didn't really have any experience with dealing with First Nations. And [one] can kind of see that in the MDSA (Municipal Development Services Agreement) …Knowing what we know now, I don't know that we would expect to see an MDSA like that." While the City could claim ignorance, the services agreement is currently committing a similar sort of "*de facto veto*" power, permitting the City of Winnipeg to holdup progress. Based on these current conditions the state has ensured that it remain dominant and deeply involved in the First Nation's lands.

Long Plain agreed to these conditions largely because they were anxious to begin development. The Nation stated that "[they] agreed to work with the City in terms of [bylaws], kind of almost treated like a developer." Again, the Long Plain First Nation embodied a developer like identity, simply because they wanted to begin their economic ventures quickly to minimize lost revenue. Long Plain added that they were limited in their methods to acquire and control their own lands in 2010, prior to the establishment of a First Nation Land Management Agreement (for a more in-depth explanation refer to Section

8.4.1).

Even while the services agreement allowed for both Muskeg Lake and Long Plain to create flourishing NURs, the municipality continues to assert jurisdictional control and regulation and limit the Nations' degree of agency and self-determination. From the perspective of a current City of Winnipeg planner "back in 2010, [the services agreement] was meant to mean, you're just going to adopt our rules, and you're going to use our building permit officers and our processes." The planner went on to emphasize how this style of negotiation and agreement "is a problem," believing that "the agreement [will need] to be opened up, which [they] expect to eventually happen." In their current state, the services agreement "serves the [municipalities] very well (City of Winnipeg representative)."

7.2 – NUR residential housing potentials

For the moment, NURs predominantly act as spaces for economic-commercial development, helping to stream revenue for both the First Nation and the respective municipality. NUR developments have tended to take place on the fringes of cities, often times zoned as commercial or industrial. Now having existed under the ATR policy for several decades, Nations are beginning to expand and challenge this normative, economic-commercial model of NURs to include residential land uses. This adaptation remains largely unexplored; however, as Nations become better financially positioned, they may begin investing into much needed residential housing, including de-commodified housing for urban Indigenous populations.

7.2.1 – De-commodified Indigenous housing options

The City of Saskatoon does not currently have any NURs zoned for residential housing, with all NURs currently zoned as spaces for commercial or light-industrial uses. From the perspective of Muskeg Lake, they currently do not have any intention of developing residential housing. Muskeg Lake emphasized that many questions exist when discussing residential housing on NURs: "what does urban residential housing look like? [Are we] going to create bandmember housing? Does it mean that we're going to be selling lease lots?" This degree of ambiguity can be intimidating, especially considering Muskeg Lake believe they "haven't figured out housing on reserves," no thanks to the abandonment of the federal government. Further, Muskeg Lake questioned why they would try to convolute their housing problem by bringing it into the City, especially when considering that their NURs are located in commercial/light-industrially zoned areas.

In contrast with Muskeg Lake, Long Plain have implemented residential development on one of their NURs – *the Keeshkeemaquah* Reserve in Portage la Prairie. When asked why the Nation chose to build residential housing, the representative described how NURs are often in parts of the city where the land use and zoning is commercial or industrial—typically on the fringes of cities and not in residential areas. For the case of *Keeshkeemaquah*, the Nation truly had a blank canvas, as the land was both greenfield and along the fringes of a small town. Besides the land use conformity, the Nation also saw

residential development as a response to both the outdated infrastructure existing on the original reserve and a growing population. Long Plain emphasized how they had outgrown their water system within ten years of its construction in the early 1990s. After achieving a level of economic success, the Nation began exploring residential development strategies, originally leaning towards building a subdivision of 39 lots for private ownership to First Nations people. Ultimately, the idea surrounding "private ownership…kind of fizzled out," because the Long Plain First Nation "view [their] lands as communal, and [their] homes are built by [their] Nation" (Long Plain representative). Today, 54 de-commodified residential homes now exist, which are rented out by bandmembers from the Nation. The Nation is paying off seventy percent of the homes under mortgages with the Canadian Mortgage and Housing Corporation. Long Plain emphasized how it was necessary that they provide good housing for their population; housing that is both well serviced and connected to good water. Unfortunately, poor water infrastructure is a reality faced by Long Plain; a reality that plagues so many other reserves to the fault and neglect of the federal government.

Long Plain has successfully provided affordable, urban housing for its people, both addressing a great housing need and also providing a potential model for cities facing housing crises. The efforts made by Long Plain showcase the potentials for decolonial place-making and indigenous urban presence.

7.2.2 – Other varieties of Indigenous urban housing

Though the current landscape for Muskeg Lake regarding de-commodified Indigenous residential housing is empty, private Indigenous housing options do exist throughout Saskatoon. The Saskatoon Tribal Council's (STC) Cress Housing Corporation is dedicated to providing affordable and adequate housing for First Nations persons living in the City of Saskatoon (Saskatoon Tribal Council website). Cress Housing exists as an extension of the STC, whose seven-member Nations collectively hold extensive lands in fee simple ownership. Of these seven member nations is the Muskeg Lake Cree Nation, who stated how the seven nations "don't need to convert the land to Indigenous land to be successful. They found a way to just build their portfolio and still provide good housing…all over the City." While these lands may not fall under the category and separate jurisdiction of NURs, they are examples of how Indigenous peoples have indigenized the urban fabric and facilitated Indigenous housing representation. As Muskeg Lake stated, "our seven member bands, for decades, have been members of the economic fabric of Saskatoon and the residential fabric of Saskatoon for decades, and nobody even knows."

Similarly, Long Plain also does not have any residential developments planned for the *Madison Reserve* in the City of Winnipeg. Given the NURs location and current land use, residential housing would not be the best fit. From the City of Winnipeg's perspective regarding residential NUR housing, "[they]'re not for it or against it, [they] invite it." The municipality again emphasized that the decision is not up to them, and that they will facilitate the Nation where they can. According to the City, it will come down to the servicing agreement, suggesting that the two governments would have to workout an agreement that takes residential housing services into account.

Finally, the Long Plain First Nation and the six other First Nations signatory to Treaty One, have

formed the Treaty One Development Corporation and are in the middle of planning the *Naawi-Oodena* development on the former Kapyong Barracks in the City of Winnipeg. These 160 acres of land, in the City of Winnipeg, were acquired by the seven nations of Treaty One (T1N) through an extensive judicial battle regarding the Treaty Land Entitlement process. Originally existing as federal surplus land given to the Canada Lands Company (CLC), the nations collectively argued that the surplus of land should honour the TLE process. Now, in collaboration with the CLC, Treaty One Nation looks to develop this space "into a diverse and vibrant mixed-use community that emphasizes Indigenous design excellence and connectivity with surrounding established neighborhoods" (Treaty One Development Corporation, & Canada Lands Company 2021). Under this partnership with the CLC, 68% of the land developed will be considered a NUR under T1N jurisdiction, while the other 32% will be under the CLC and be developed under fee simple and subject to Provincial and City land planning regimes (Ibid., pg. 3). Significant residential housing has been proposed, under varying types of ownership, including a diversity of housing options. Currently, a great deal of decisions and planning remain unfinalized, including de-commodified Indigenous housing; however, residential development within the *Naawi-Oodena* development is sure to establish significant precedence (For additional insight into the *Naawi-Oodena* development refer to the "Former Kapyong Barracks Master Plan").

7.3 – Indigenous urban placemaking, indigeneity, and the threat of racism and stigma

Since the original establishment of new urban reserves, (non-Indigenous) public perceptions have been contentious and concerning. NURs have faced a level of stigma and racism that continuously devalues and defaces the efforts of respective Nations. Substantial responsibility falls on the shoulders of municipalities, as they must educate their settler populations and internal governance structures. NURs can better flourish, accelerating the process of urban decolonization, through the elimination of stigma and racism. This will also ensure that Indigenous placemaking becomes rooted into the urban fabric, facilitating indigenization.

7.3.1 – The realities of racism and stigma; how can it be addressed?

The Muskeg Lake and Long Plain have become integral parts of their respective urban fabrics, positively impacting the quality of life within both Saskatoon and Winnipeg. Unfortunately, stigma and stereotypes continue to hinder both the nations and cities from reaching their envisioned potential and understanding, as defined during the signature of treaty.

From the perspective of the Muskeg Lake, a significant degree of stigma has arisen from the settler population's ignorance regarding the Municipal Service Agreement. As a result of poor understanding, non-Indigenous people tend to believe that Nations do not pay property taxes towards their NURs, hereby giving the Nation's businesses an additional competitive edge. According to Flanagan and Harding, a 2012 survey of public opinion in Saskatchewan showed that 75 per cent of non-Indigenous respondents agreed either to "strongly agree" or "somewhat agree" that First Nation peoples fail to pay enough taxes (2017). In line with the settler colonial fear of displacement and loss of control, additional levels of an-

imosity have fuelled stigmas and racism. As previously emphasized, the respective Nation pays a "tax" through the services agreement, which is both calculated similarly and equates to a traditional property tax. According to Muskeg Lake, the City of Saskatoon "should just call it a tax" as it would quickly solve any confusion and perhaps alleviate added levels of animosity. Muskeg Lake believe that the City has not adequately explained to the non-Indigenous population that they do in fact collect tax revenue from them in the form of a services agreement. Additionally, from an economically sustainable perspective, Muskeg Lake fears that businesses will be less inclined to lease commercial space on a NUR if they will experience runoff from this stigma and scrutiny.

Long Plain's NURs have also been the subject of stigma, with levels varying between Portage la Prairie and the City of Winnipeg. As mentioned earlier, Long Plain believe the social climate within Portage la Prairie to be more understanding because of the higher and more visible Indigenous population. By recognizing and respecting Indigenous culture, Portage la Prairie have managed to alleviate the public stigma. However, issues do persist, even though measures of understanding and cooperation have been said to have been established. During this discussion, Long Plain did specifically emphasize the stigma that exists surrounding both the *Madison Reserve* and the Treaty One Nation *Naawi-Oodena* development in the City of Winnipeg. According to Long Plain, non-Indigenous fears pertaining to imagery of stereotypical reserves and reserve housing have often been vocalized in response to any mention of NURs – a response based on ignorance and misunderstanding. This misconception could also hinder plans for Indigenous affordable housing in cites, amplifying affordable housing's already notorious fight for approval. Further, there is a stigma that NUR businesses will be substandard, in addition to the largest misconception that the Nation is developing NURs on federal dollars. Similar to the case of Muskeg Lake, misconceptions pertaining to First Nations and taxes is deeply rooted into settler colonial narratives, generally impacting NURs public perception.

According to both Muskeg Lake and Long Plain, further education is needed to alleviate stigma; a sentiment which both municipalities agree with and are attempting to better implement. After speaking with two urban planners with the City of Saskatoon, both strongly emphasized a need to nurture a better understanding of NURs. One city planner noted how it begins with educating from within, followed by "providing clear information to [its] community." The City of Saskatoon is actively producing educational resources through its website, including detailed and easily accessible information about both NURs and First Nation Community Profiles of Nations who have land holdings and reserves within the City (City of Saskatoon n.d.a). Additionally, one urban planner emphasized the City's *ayisiyiniwak*: *A Communications Guide,* which is part of the City's commitment to respond to the Truth and Reconciliation of Canada's Call to Action #57: "[to] provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations" (City of Saskatoon & The Office of the Treaty Commissioner 2019, pg. 22). While the sincerity and commitment to municipal Indigenous "toolkits" is suspect (Barry 2019), the City of Saskatoon demonstrates a genuine

work which has been shared with varying organizations across Canada, including government agencies, other municipalities, educational institutions, and community groups (Ibid). *Ayisiyiniwak* was created in partnership with the Saskatchewan Indigenous Cultural Centre and the Office of the Treaty Commissioner, including guidance and knowledge offered by 23 Elders. The City of Saskatoon ensured that this document was a collaborative endeavor that facilitated the process of establishing trust and relationships with varying First Nations and Indigenous groups.

In line with Muskeg Lake's call for better education, Long Plain stated the following: "I guess the City administration has an Indigenous accord…but I need to see more come out of that accord." Such an opinion is echoed by a planner at the City of Winnipeg, who mentioned the municipality's 2002 Municipal Aboriginal Pathways Secondary Plan. The public servant went on to describe the plan as old and forgotten about; "[it] could probably be updated." They went on to state how the City of Winnipeg is attempting to figure out what reconciliation really means and that in the near future the City will be more proactive with First Nations. It could be argued that the time is now, with the development of NURs becoming more frequent and growing in scale (i.e., the *Naawi-Oodena* development). Under this current approach, First Nations are having to pick up the slack, as Long Plain described the undertakings of Treaty One Nation (T1N) with respect to public engagement. Originally, the *Naawi-Oodena* development project had a surveyed approval rating of less than fifty percent, which the Treaty One Nation looked to rectify. T1N hired consultants to figure out the public's misconceptions, which then allowed for them to strategize and eventually sway the majority's opinion to be in favour of the project. While NURs fall under the jurisdiction of the Nation, should the City not be actively pursuing an understanding and supportive community?

According to the City of Winnipeg, council provides tremendous direction, which in turn impacts the level of overall commitment. This insight was also shared by the City of Saskatoon, who stated "you have to have the right people participating in the conversation," in reference to the City's mayor and council placing municipal-Indigenous relations as a top priority. One City of Saskatoon urban planner passionately emphasized that both cities and planners "need to be prepared to spend the time and the energy needed in building relationships with these individual communities." They went further to say how meetings and technical details will not help solve stigma, but rather that one must "take the time to make it a bit personal," which they acknowledged "isn't how municipalities typically do business, but it's definitely how First Nations like to do business and other Indigenous groups."

7.3.2 – The indigenization of urban space through placemaking, education, and reform

The methods by which Indigenous people have strived towards indigenizing settler urban space have varied significantly. What may work well for one Nation, may not work well for another, emphasizing the importance and significance of proper context. What can be agreed upon, however, is the requirement for Indigenous representation and the reclamation of urban space. NURs have only scratched the surface of their potential; a potential that could be more easily realized through the allyship of municipalities towards decolonization.

When asked about indigenizing urban space, Muskeg Lake provided a level of insight that had otherwise been missed throughout the literature review. Muskeg Lake asked, "what signifies or at what level is [something] Indigenous?" The Nation then followed with the proverb "we can hang a feather on [it]," but challenged this concept of the visual cue as a requirement to indigenization. Rather, the Muskeg Lake stated:

> *"As soon as we're doing something, it's Indigenous. Just because it doesn't have the tell-tale signs of what we've all been led to believe is Indigenous [does not make it any less Indigenous]. Every time we take a step forward, it's good not only just for us, but it's good for everyone else. We've created something Indigenous, whether they like it, or whether the public likes it or not."*

Muskeg Lake emphasized how the moment they purchase a piece of land from a city it becomes Indigenous, whether it is considered fee simple or not. The challenge, however, rests with both the city and the general public regarding proper recognition and understanding. Muskeg Lake believes that it is not up to the City of Saskatoon to indigenize urban space, but rather that they should be open and supportive to the Nation's wishes. Muskeg Lake did share that there exists an unfortunate balancing act between indigenizing space, while also not making non-Indigenous people uncomfortable. As previously noted, better education and recognition of indigenized urban spaces help alleviate misunderstandings and help with decolonization. Though it might not be the City's responsibility to indigenize urban space, it is the City's duty to inform and educate its population. This comes down to educating the population on how the municipal economy has been indigenized through the economic return of NURs and Indigenous businesses. If the public can better understand that their municipal economic fabric is supported by indigeneity, then perhaps they will better recognize and respect the indigenization of urban space.

Long Plain believe that the indigenization of urban space is contingent on the level of trust and understanding shared between the municipality and the Nation, stating how their "people are a lot more educated and experienced than [they] were 20 years ago, 50 years ago." Long Plain emphasized how "we all want the same thing, we all want to prosper, we all want to look after our families and look after our communities." To do so, Long Plain described how a seamless community must exist between Indigenous and non-Indigenous space. This is not to say that these spaces must be homogenous and static, but rather that both representations of space are interwoven and recognized within the urban fabric. A similar framework of thinking is being implemented into the *Naawi-Oodena* development by Treaty One Nation.

The Long Plain First Nation representative pointed to how the *Naawi-Oodena* development will execute the indigenization of urban space, again reiterating both education and cultural learnings. During the initial discussions of the development, Treaty One Nation's inhouse planners proposed the formation of an Indigenous design team, consisting of urban and interior designers, architects, a botanist, and a museum curator to name a few. This inclusion of proper representation allowed for the development to progress towards a proposal and vision that embodied the T1N. In addition, this example showcases the

success that can be established when Indigenous community planning and settler planning intersect. The *Naawi-Oodena* development is planned to include a cultural campus, that looks "to promote an integrated mix of institutional uses, including educational, cultural, and governance facilities that serve as a prominent centre for T1N government and First Nations identity" (Treaty One Development Corporation 2021, pg. 38). Long Plain shared that this decision was necessary and integral for both the longevity and success of the proposed major NUR development. Both public art and the naming of spaces are also stressed within the *Naawi-Oodena* development plan, emphasizing their importance to transmit the cultural identity of T1N, while also drawing connections to the site's former military history as Kapyong Barracks.

Both municipalities echoed many similar concerns and outlooks towards the indigenization of urban space, particularly with respect to reconciliation. According to the City of Saskatoon, "it's important for [the municipality] to understand how [they] can incorporate the principles of [the] First Nation communities into [their] design," while also respectfully recognizing it. The City of Saskatoon noted how it is not reconciliation to merely have a First Nation artist paint a mural on a building, but rather that indigeneity be celebrated and understood at all levels. A second planner with the City shared how they believe "the more visual cues there are, the more accessible that education and knowledge will be to everyone, including Indigenous people who live in the city that maybe are detached from their own culture." Though Muskeg Lake challenged how visual cues are not the only method to indigenize space, the strategy of using visual cues to educate the general public is promising. A City of Saskatoon planner went further to acknowledge how the story behind an art or cultural installation or even the land behind a new development is so important with respect to education.

Similar to the City of Saskatoon, the City of Winnipeg acknowledged the importance of visual cues with respect to indigenization – a trait that will be deeply engrained throughout the design of the *Naawi-Oodena* development. The City of Winnipeg planner also sympathized with the struggle faced by Indigenous groups between indigenizing settler space and not making non-Indigenous people uncomfortable. The planner believed that it would be in the City's best interest to administer a team "of experts...who are the contact for the First Nations." This team would resemble an Indigenous community planning team, composed of engineers, planners, lawyers etc., and would work closely with all Nations to better support and facilitate a municipal-Indigenous relationship. By creating this team within the municipal governance structure, the indigenization of urban space could be better accessible for Nations that are considering establishing future NURs.

8.0 – Discussion

Having now thoroughly studied the literature and analyzed two relevant case studies, the following discussion will look to address the future potential of new urban reserves. As it would seem, a future involving continued economic development seems inevitable, which supports NURs original design, as they adhere to the neoliberal model of growth. What is necessary, however, is their progression towards a new definition, one of which challenges the normalcy of settler colonial urban space, including municipal-Indigenous relations. The next section looks at strategies and literature that will help move NURs towards a future of continued urban indigenization, assisting indigeneity to be interwoven within the urban fabric.

8.1 – Resistance, indigeneity, and the city

During the early history of Canadian colonial cities there existed an opposition assumed between the civilization cities were imagined to represent, and the imagined savageness of Indigenous peoples (Halliday 2020). This colonial inspired dichotomy has facilitated in the longstanding narrative of othering Indigenous peoples from urban society; deeply rooted in the colonial strategy of dispossession and segregation. Federal orchestration systemically dispossessed First Nation people from their lands for the purpose of resettlement (Peters 2002), where early treaty agreements were used to limit First Nation people to small reserve land. Métis peoples also felt the burden of dispossession from both their lands and their settlements on urban fringes (Newhouse & Peters 2003). Treaties were signed by First Nation leaders based upon the agreed consensus, between two sovereign nations, that all promises would be fulfilled, allowing for an ongoing relationship. By nature of colonialism, European colonists failed to honour the spirit and intent of the treaty agreements, resulting in the loss of First Nation lands, in return for federal surveillance and confinement. By and large, a normative ideology was painted that Indigenous people both lived and belonged on reservations outside of the city. Colonial settlement narratives facilitated in either expunging Indigenous peoples entirely from settler space, or when they did appear, were confined to occupying a role that would not interfere with the settler lifestyle (Starblanket & Dallas 2020). As a result, this romanticised conception was a part of the marketing strategy for conquering the Canadian frontier, deeply embedding the romanticism into settler culture and space. Such narratives, intentional or not, have carried over into the 21st century, impacting municipal-Indigenous relations, as well as prairie focused policy initiatives such as the Treaty Land Entitlement framework and Addition to Reserve policy. As urban Indigenous populations continue to grow, this culturally embedded romanticism is being contested, with Indigenous placemaking and indigeneity becoming visible.

Following the mid 20th century, the increased urban Indigenous population was largely attributed to the pressures and lack of economic possibilities on resource-poor reserves, in addition to the longstanding neglect and lack of support provided by the federal government (Peters 2002). However, nearing the turn of the 21st century, the mass exodus theory no longer held true (if it ever did), as it was affirmed that urban Indigenous populations were increasing primarily because of a resurgence of self-declaration (Guimond et al. 2009). Since contact, Indigenous peoples have attempted to navigate the euro-colonial structures of

cities, continuously proving resilient to the inherent forces of oppression within them. Through both a national call for reconciliation and Indigenous led social reform, a new horizon exists for both placemaking and indigeneity within the city. Though commitment and willingness for dismantling dominant settler-colonial governance structures remains inadequate, Indigenous resistance persists.

8.2 – Working within a settler-neoliberal system

The success of a NUR is currently defined by their economic return; an act of neoliberal conformity which Tomiak (2017) argues hinges on how well the new urban reserve is undistinguishable from non-First Nation business areas – a phenomenon explored throughout both case studies. While the two Nations emphasized economic importance, I would argue, that the creation of NURs is more complex than simply equating them to the intensification of the colonial-capitalist agenda (Tomiak 2017). According to Barry and Thompson-Fawcett (2020), unlike conventional property developers or public/private enterprises, First Nation bands and organizations have deep ancestral connections to such areas and are explicitly responsible to ensure that any form of development facilitates the economic and cultural well-being of the entire nation. A City of Winnipeg planner supported this statement by explaining how they sometimes feel jaded when so many developers' plans use buzzwords and propose catchy, marketable ideas, only to never follow through on them. With respect to First Nation developers, however, "it's probably going to happen. They're not just saying it to sound neat; you truly believe it's going to happen" (City of Winnipeg representative). First Nation developers' circumstances go beyond a normative neoliberal investment into the economy, for their endeavor not only supports possible Indigenous job opportunities etc., but also puts capital back into the hands of a sovereign people, while uplifting and celebrating their respective cultures.

As previously emphasized, although municipalities tend to frame First Nation bands similarly to conventional property developers or neighbouring municipalities, these Nations' separate jurisdictions of governance are acknowledged. The current neoliberal model pertaining to growth, capital, and economic development has indeed been pushed onto Indigenous peoples, however, that does not consequently affirm a complete denial of Indigenous independence. I believe that even while "Indigenous sovereignty is converted into private property and framed as 'progress' by the settler state," (Tomiak 2017, pg. 934) a movement towards self-determination, in coordination with economic benefits for First Nations' bands, still better positions Indigenous communities to fight for improved municipal-Indigenous relations and the process of reclaiming territory under the neoliberal system. A recent case study of the Squamish Nation's development project *Seȼnáḵw* coincides with the indigenization of urban space, while participating in the colonial-capitalist game of economic growth. Though existing under a separate context from the prairie Nation's use of the ATR and TLE policies, the Squamish Nation development provides further insight into the benefits of the indigenization of urban space, even while working under a neoliberal system.

8.2.1 – Squamish First Nation and the *Seȼnáḵw* development

Taking up a total space of 11.7 acres below and surrounding Vancouver's Burrard Bridge, rests one of the smallest First Nation reserves in Canada. In a tale that is all too familiar, the Kitsilano Indian

Reserve No. 6 was an 80-acre site, which was tremendously reduced in 1913 when the British-Columbia government annexed the land, ultimately displacing the Squamish people who resided there (St. Denis 2019). Following an exhaustive court battle beginning in the late 1970s, ownership of 10.5 acres of the Kitsilano Reserve lands were given back to the Squamish Nation in 2003. The Squamish Nation now look to develop one of the densest developments in Canada, titled *Seȼáḵw,* which will consist of 11 towers providing 6,000 new units for 10,000 people. The construction costs are projected to be $3 billion, to which a 50-50 revenue sharing partnership with private developer *Westbank* has been established, with *Westbank* responsible for raising the $3 billion in construction financing (St. Denis 2019). What is different between this endeavour, as opposed to the new urban reserves previously discussed, is that the band already has underlying title and ultimate control of the reserve land.

Optimistically, the development acts as a landmark moment for the Nation, providing social, cultural, and economic benefits for generations. The project's life cycle of approximately a century is projected to generate between $16 billion and $20 billion, based on a residential mix of 70% market rental housing and 30% condominiums (Chan 2019). This return in revenue will ensure prosperity for generations to come, in addition to making visible and politicizing the reclamation of cities as Indigenous places.

While able to avoid some of the oppressive pressures of the settler state, the band is still participating in the neoliberal capitalist model of economic development, in turn acting upon settler colonial norms. In venturing into this large-scale development project, the argument can be made that the Squamish Nation is adhering to fit the agendas of neoliberalization, by adopting the ideology of the capitalist urban growth machine. *Westbank*, typically associated with luxury developments, looks to profit billions, while the City of Vancouver conveniently stands with open arms at the thought of 6,000 new units becoming available during their ever-ongoing housing crisis. In sum, the very elites that have benefitted from the settler-colonial capitalist model continue to profit on the backs of the First Nations people, as the cogs of the urban growth machine remain well oiled. There exists, however, a silver lining to this circumstance; one of which is similar to the earlier prairie case studies. The Squamish Nation has positioned itself to make a lasting space of indigeneity within settler space, all the while securing lucrative longevity for its community.

In Logan and Molotch's *The City as a Growth Machine*, they expand upon the idea of instilling civic pride towards the urban growth machine (Logan & Molotch 2007). This phenomenon is similar to that of the *Seȼáḵw* development, with the Squamish Nation pursuing self-determination and prideful indigeneity within a context that otherwise condemns Indigenous civic pride. Rather than oppressively abiding by the settler-colonial doctrine of denying any form of indigeneity within the city, the Squamish Nation is ensuring that both the City of Vancouver and the rest of settler Canada see and know that Indigenous people belong within the neoliberal, colonial city. Aside from building one of the densest developments in Canada, the Squamish Nation has emphasized that the space and design of *Seȼáḵw* will pay homage to the history of the site and its relationship with the natural environment (Halliday 2020). Further, the early architecture renderings show the towers inscribed with Indigenous art, covered in greenery, portraying the

vision of a forest within the city (Ibid). Any existence of Indigenous displacement, marginalization, and settler-colonial regulation has been pushed back, defining a space created by and for Indigenous peoples. The same can be said about both prairie case studies, particularly the discussed Treaty One Nation's *Naa-wi-Oodena* development.

8.3 – Needed integration of indigeneity within municipal government and planning departments

In an effort to pivot beyond municipalities' current efforts of intergovernmental municipal-Indigenous relations, Hirini Matunga has proposed the necessary construction of a new model that collaboratively blends both Indigenous community planning and state-based planning for better representation. To clarify, Indigenous planning is planning by/with (not for) Indigenous peoples (Matunga 2017). Indigenous planning actually 'unsettles' 'Western' planning theory, "exposing them as a bit more 'Anglo/Euro' culturally specific and laden then they might otherwise care to admit" (Ibid, pg. 641). I would go further by emphasizing how Indigenous planning reveals state planning's inherent settler-colonial tendencies, amplified from that of a neoliberal model of economic growth. This new model, Matunga's "Third Space," or Porter and Barry's described "Contact Zone" (2015), acts as a true intersection between the two standards of planning, aiming for co-existence in its truest sense. Rather than continuously orchestrating new toolkits, best practice reports, and personal agendas, this new hybrid space calls for the tearing down of boundaries, and acts as a space where both entities, municipalities and Indigenous communities, may supportively strive for a common venture and goal. Indigenous planning and deliberation would be intertwined within the state model of planning, creating what Porter and Barry (2015) call a "seamless border" between two equals striving towards a common good. In turn, such reform would facilitate both planners and government to move beyond a period of stagnant reflection and into one of genuine action (Matunga 2017).

Both case studies' Nations and their associated municipalities emphasized this idea of a "seamless border," with the City of Winnipeg planner going so far as to describe the need for a "Third Space" or "Contact Zone." Not only would this model be a proper step towards genuine municipal-Indigenous collaboration, but it would also better extinguish the longstanding colonial narrative of urban space being exclusively settler space and would facilitate future Nations to navigate the administrative process for establishing NURs. Further, collaboration with Indigenous communities will not be truly successful without the recognition of Indigenous rights and aspirations for meaningful measures of self-determination (Walker 2008). In the case of the "Third Space," Indigenous self-determination would indeed be prioritized, predominantly because the model is designed collaboratively and equitably between municipal governments and Indigenous peoples. Within this "Third Space" the formation of municipal-Indigenous advisory committees would take shape, where both Indigenous and non-Indigenous employees would coordinate and review consultation and decision-making matters and issues involving community services, planning, and design (Ibid). According to academics, this "Third Space" advisory committee would require frequent tangible projects to remain most effective (Ibid), by which I argue is not a problem, provided all participants of the "Third Space" be eventually integrated into and considered as principal stakeholder in all decisions

related to municipal urban planning.

Indigenous planning looks to redefine and decolonize property and development rights such as leases, titles, deeds, and licences because they constrain the spatial extent of Indigenous recognition and placemaking (Porter & Barry 2016). These property and development measures further indoctrinate both a capitalist-ownership based system, which inherently dominate Indigenous communities from enacting any strategy other than that which fits with neoliberalism. Within built-up areas where non-Indigenous private property rights are most protected (i.e., cities), Indigenous silencing and non-recognition is spatially intense (Ibid). It is for this exact reason that indigeneity must receive an adequate foothold within all levels of government; specifically planning departments through the establishment of the "Third Space." Anything less will result in prolonging Indigenous oppression and the avoidance of decolonizing urban space; not to mention a lost opportunity of disrupting long dated, euro-colonial structures of municipal governance.

Municipalities, however, must be careful to not uphold existing statutes and regulations that will bind Indigenous collaboration and authority to something analogous to that of a non-Indigenous stakeholder (Barry 2019). In the past, similar "Third Space" type approaches have been created, such as the recently disbanded *Lower Mainland Treaty Advisory Committee* of British Columbia (LMTAC). This regionally formed group of municipalities aimed to collaborate with First Nations, but only within the group's pre-existing framework, which stemmed from a well-oiled, settler-colonial conception of property and ownership (Ibid). While modelled as opportunities to move First Nation-municipal relations forward, this committee failed to re-evaluate and re-craft a new understanding of negotiations, in turn adhering to a familiar and comfortable non-Indigenous model of municipal-to-stakeholder relations (Barry & Thompson-Fawcett 2020). Equitable, collaborative success cannot be achieved if reform is not stressed. Similar to what a City of Saskatoon planner said, a "Third Space" requires time and energy spent in building relationships. As they mentioned, we must take the time to make things a bit personal. The work of non-Indigenous people, specifically white-dominated governments, is to relinquish power and control, refuse the colonist impulse to possess, move over and make space (Porter 2017). Indigenous planning and people cannot simply be treated as another quota to meet, or neighbouring stakeholder to satisfy. It is time for the practice to be recognized and intertwined into municipal-state planning sectors, without succumbing and assimilating to the terms of a non-Indigenous institution.

8.4 – Federal Reform

While is it beyond the purview of this report to critically analyze both the First Nation Land Management Act (FNLMA) and Canada's introduction of The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) to legislation in 2020, it is critical to briefly review both policies when considering the future of new urban reserves. If NURs are to continuously evolve in structure and identity, federal commitment and decolonial allyship must be made.

8.4.1 – First Nation Land Management Act

Coming into effect in 1999, the First Nation Land Management Act (FNLMA) allowed First Nations to opt-out of 40 sections of the *Indian Act* with respect to land management (ISC 2021). Through a community developed Land Code, Nations are able to act at the "speed of business," allowing them to set terms for land related transactions, business licencing, zoning, and drafting their own land management bylaws (Jobin & Riddle 2019, pg. 5). By establishing a FNLM Land Code, Nations no longer must acquire permission from the Minister of Crown Indigenous Relations to allow commercial development of reserve land (Ibid). From the perspective of NURs, the FNLMA allows Nations to access economic development more easily, which, as illustrated through this report, can facilitate the economic independence of a Nation. For example, the Long Plain described how the FNLMA has greatly assisted in their ability to govern their own economic development ventures more rapidly and freely. The Long Plain shared that through their own Land Code were they able to legally operate their own self-sustaining building, thereby running their business prior to receiving permits from the City of Winnipeg. According to the First Nations Development Institute (FNDI) a key element in the sustainable longevity of an Indigenous community is gaining control of assets, which in this case are lands (Ibid). Though the FNLMA allows for First Nations to better control their own assets, it does facilitate the larger neoliberal system.

It has been argued that the FNLMA is an extension of the settler neoliberal agenda, placing reserve land on the global market, in turn subjecting communities to increased market forces (Ibid). As expressed earlier, the dominant model of NURs as "economic development zones" supports neoliberal norms of continued growth, thereby existing under a settler-colonial system. Additionally, the federal government is able to offload fiscal, fiduciary, and environmental responsibilities, while benefitting from a Nation's economic prosperities (Ibid). Given that the FNLMA prioritizes economic development, the policy caters to urban development, thus applying only to specific First Nations that either have had the means to establish NURs via the TLE or ATR frameworks, or have reserve land that now exists within or on the edges of municipalities. It should be emphasized, however, that entering into the FNLMA does not lead to the extinguishment of title and does not affect treaty rights or other constitutional rights of First Nations (Ibid). Concerns do exist that the FNLMA could result in the conversion of land into fee simple land tenure through the municipalization of First Nations reserves, even though there is nothing in the legislation that requires such a scenario to take place (Ibid).

8.4.2 – United Nations Declaration on the Rights of Indigenous Peoples

Within the current context of neoliberalism, Indigenous communities have adopted the rigid parameters allowed to them by the setter-colonial state. Though this reality comes as a disheartening truth, Indigenous self-determination, through ingenuity and persistence, has allowed for indigeneity to leak outside of the colonial framework. Additionally, Indigenous efforts towards reform and reconciliation have progressed, allowing for levels of disruption to the status quo. Most recently, the Canadian federal government rectified the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which

includes various articles aimed to challenge normative settler-colonial structures pertaining to land-use, property ownership, and development.

More specifically, *Article 23* outlines Indigenous peoples' right to development, in particular, stating the right to be actively involved in developing housing, and other economic and social programs (Department of Justice Canada 2020). Through my own interpretation, I would imagine that NURs will benefit from this rectification, as it supports a more rounded vision regarding NURs' potential. A new narrative surrounding NURs could be founded, moving beyond spaces defined as predominantly economic zones. By this reasoning, NURs could begin to be more readily zoned for residential use, allowing for increased urban Indigenous housing, or spaces such as Treaty One Nation's *Naawi-Oodena* development, which will embed education and culture into the urban fabric. Further, *Article 26* emphasizes that Indigenous peoples have the right to own, use, develop, and control lands that they possess (Ibid). Though both municipal case studies recognized and respected their associated Nation's separate jurisdiction, the current underpinnings of leverage used within the services agreement hinders *Article 26* in its truest sense. I believe *Article 26* will call into question the nature of municipal services agreements' coercive handling of municipal-Indigenous relations.

9.0 – Recommendations

Having addressed multiple NUR policies, systems, and ongoing normalities under the context of municipal-Indigenous relations, the following section looks to briefly address possible recommendations and reforms to facilitate the decolonization of urban space and relationships.

First, it is contingent to both decolonization and new urban reserve's success that a strong relationship exists between the respective Nation and the municipality. By the nature of NURs, separate jurisdictions must work within close proximity of one another for the benefit of a shared community. Both governments must ensure a high level of trust and understanding, with specific focus coming down to how the state utilizes its systemic colonial dominance. Recognition of this power imbalance is crucial and must be mitigated to help move towards the levels of cooperation imagined upon the signature of treaties.

Further, as stressed throughout this report, the creation of Matunga's "Third Space" will not only allow for better representation throughout municipal governments but will also accelerate difficult conversations, while harbouring better municipal-Indigenous relationships. A proper representative team has proven to succeed under the *Naawi-Oodena* development, as Long Plain First Nation shared how the inclusion of Indigenous professionals enabled a better understanding and perspective into the creation of the NUR. Not only will this assist in deconstructing and decolonizing municipal governance structures, but it will also permit new expressions of indigeneity from varying professions and generations. What must be stressed, however, is that the "Third Space" be readily used and progressively interwoven into all levels of municipal governance. From my own perspective, this does not mean simply providing Indigenous education and/or workplace sensitivity training to employees, but rather to deliberately blend Indigenous perspectives and learnings into the creation of a new governance structure and how we see and develop all urban space.

In sum, for municipalities to attain an accurate level of commitment towards the "Third Space" I propose that they: 1) embrace the true spirit and intent of co-existence and collaboration, as Indigenous people had agreed upon, and 2) move beyond a normative, tokenistic approach of co-existence, that tends to simplify and manipulate municipal-Indigenous relations to that of a familiar "neighbourly" structure, resembling a settler-colonial model of municipal-to-municipal partnership. Bringing the "Third Space" into fruition would, by many means, amplify the chances of success for future NURs, while also addressing current issues within the NUR process.

Arguably the most contentious and oppressive process of creating a NUR is the services agreement's requirement for bylaw conformity. As was illustrated throughout both case studies, neither Nation experienced equitable negotiations; with Muskeg Lake reasoning that they must buy into the city, and with the Long Plain agreeing to the services agreement for the sake of getting on with their development. Though both municipalities reasoned how negotiations were based on understanding and respect, settler-colonial mechanisms are interwoven into the services agreement process. In their current state, these services agreements are used as tools of leverage for municipalities, calling for immediate reform.

By creating a "Third Space" advisory committee, services agreements, among other administrative processes, would be revaluated and founded on the principles of equity, by which bylaw conformity is not a prerequisite condition. This in turn would eliminate oppressive scenarios such as in the case of the City of Winnipeg, where the Long Plain's bylaws are held up for the sake of state revision. By creating a "Third Space," a First Nation's administration would deal directly with the municipal advisory committee, where longstanding relationships could be formed. This would better prepare negotiations to be handled between partners, as opposed to separate, impersonal government agencies. In tandem with the ongoings of deconstructing the *Indian Act* through policy reform, greater degrees of self-determination will be allowed for current and future NURs.

Municipalities can also actively strive towards a committed response to educating the non-Indigenous population about NURs. It was clearly expressed by both the Muskeg Lake Cree Nation and Long Plain First Nation that ignorance has disrupted their nation's ventures, in addition to supporting and normalizing longstanding colonial stereotypes. City of Saskatoon planners have acknowledged the importance of having political representatives who view municipal-Indigenous relations as a top priority, expressing how commitment and results are far greater with the support of municipal leaders. Of course, not all municipal leaders share this level of obligation; however, planning departments can do more than they think. In reference to the very nature of treaties, they are mechanisms used for talking to strangers and starting relationships (Starblanket & Dallas 2020). Along the same vein, municipal planning departments can establish relationships with respective First Nations and Indigenous peoples, cooperatively striving towards methods to better educate the public. Initiative does not need to begin at the top, but even by one empathetic individual. The endeavor of decolonizing is no easy feat; however, similar to treaty, or rather, similar to any relationship, it takes work. Municipalities have a responsibility to respect and honour treaties, hereby committing to a relationship with First Nations that is not predetermined or fixed, but rather something that must be restored and worked on at different times and spaces (Ibid., pg. 109).

Difficult conversations will be inevitable for this to occur. A Saskatoon planner emphasized how Indigenous engagement is often pushed to the side, stating how many planners avoid difficult conversations. They stated that "the profession is moving in the right direction," explaining how the conversation surrounding urban indigeneity "is weaving its way into all facets of what we do as a profession," however, growing pains persist. To this, I call upon current and future planners to have those difficult conversations. I am under the belief that urban planners strive for the collective benefit of all peoples, by which includes the lives of Indigenous peoples. It is crucial, that as planners, we strive to alter the narrative and profession away from an Anglo-Saxon, white-male structure, whether that be uncomfortable or not.

Municipalities must help to better manage and eliminate stigmas from their non-Indigenous populations, considering NURs are framed as cooperative agreements between two sovereign governments. The effort cannot solely rest on the shoulders of the First Nation if municipalities are indeed sincere in their commitment towards equitable cooperation and community. As described, the City of Saskatoon is taking steps to better combat racism and stigmas towards urban Indigenous peoples, providing the *ayisi-*

yiniwak: *A Communications Guide* to other municipalities. Though the City of Winnipeg created a report with the assistance of both academics and the Office of the Treaty Commissioner titled "An Overview of Best Practices for the Establishment of and Development with Aboriginal Economic Development Zones" in 2016, it would seem that a better commitment to education at all levels of government is necessary. Further, as emphasized by a Saskatoon planner, if cities are to better address existing stigmas and provide allyship to Indigenous groups, they need to have the right compassionate and dedicated people involved. Both planning departments and other municipal agencies must screen and search for future employees that are committed to decolonization. If cities can provide allyship in the endeavor of proper representation and decolonization, then perhaps the indigenization of urban space can continue to become a part of the urban fabric.

Finally, continuous dedication and commitment towards the reform of state policies is necessary to facilitate the climate and movement of decolonization. More specifically, reform may be necessary to correct the First Nation Lands Management Act's neoliberal economic development agenda, in turn better facilitating First Nations' ability to conduct self-determination how they see fit. If NURs are to exist beyond spaces of intense neoliberal-economic development, it is imperative that federal policy facilitate such an agenda. Though the Canadian federal government rectified the United Nations Declaration on the Rights of Indigenous Peoples, committed effort and results must begin to take shape. If the Canadian federal government is to abide by this new declaration, serious changes should occur to both the Addition to Reserve and Treaty Land Entitlement process, extinguishing municipal superiority and leverage during the creation of new urban reserves. If both adopted and enforced, UNDRIP will facilitate mutually beneficial Indigenous-state relations, ensuring a more democratic and equitable relationship between both governments. Through such levels of commitment can Indigenous peoples be better positioned to indigenize urban space.

10.0 – Conclusion

The landscape and variance surrounding municipal-Indigenous relations is vast and context dependent. No one strategy will work for all relationships, especially under the conditions of forming new urban reserves. While I recognize that a level of ambiguity exists, First Nations must continue to push forward in an attempt to continuously be heard and seen throughout urban space. Gone is the era by which indigeneity was not permitted in the "civilised" walls of settler cities. Through the success of NURs, have First Nation communities been able to better assert their self-determination, simultaneously acquiring economic prosperity, while also indigenizing urban space. The ambition and goal of this report was to question the nature of NURs, exploring methods and strategies to help expand these "economic development zones" into Indigenous spaces defined beyond economic prosperity, as they facilitate the decolonization of urban space.

Prior to the case study interviews, I favoured the optimistic perspective that NURs served as spaces to uplift First Nations and all Indigenous peoples within urban spaces. Though some of the literature challenged NURs' dependence on the neoliberal settler model of economic development, I believed that they could progressively expand to include a more holistic representation of elements such as housing and cultural/educational amenities. I simply refused the idea that NURs could solely exist as spaces that fit both the definition created and allowance permitted by non-Indigenous society. Reassuringly, having participated in thoughtful and meaningful conversations with both First Nation representatives and city planners, my opinion of NURs has remained largely the same.

Originating from the Addition to Reserve and Treaty Land Entitlement policy, NURs were born in response to federal compensation, in an attempt to rectify colonial faults. These indigenized urban spaces have been largely contested and challenged, with academics questioning NURs' agency and freedom under a neoliberal settler structure (i.e., the current capitalist system of continuous economic growth and accumulation of capital). I have argued that even while under the influence of this system, NURs hold the potential to indigenize settler urban space, facilitating in the decolonization and the restructuring of municipalities. Through the analysis of two case studies: 1) the Muskeg Lake Cree Nation and the City of Saskatoon, and 2) the Long Plain First Nation and the City of Winnipeg, was I able to develop three themes pertaining to similar and contrasting responses from both the Nations and municipalities. The results of these case studies were insightful, providing ample points of discussion for how NURs can better indigenize space, while also exploring how municipal-Indigenous relations can be improved. From the perspective of both Muskeg Lake and the Long Plain, more tangible and genuine efforts are asked to be seen from the municipalities; calling on municipal governing structures to progress beyond action plans and good intentions. City planners largely agreed with this statement, emphasizing that more could be done through municipal agendas and with planning departments. It is paramount that allyship and equitable cooperation be provided by municipalities if NURs are to reach their true potential. This is the unfortunate reality, as Indigenous communities can only push the limit of these spaces so far under a dominating, colonial system. During the "Recommendations" section of this report, a variety of strategies

were explored regarding how NURs could move forward.

Indigenous peoples are no strangers to navigating through an oppressive system, proving time and again the spirit and resiliency that defines them. The indigenization of urban space and the establishment of NURs owes its success to an unwavering people; a success that has no intent on slowing down. As discussed, even while utilizing and adopting the mechanisms of settler neoliberalism, First Nation communities have stuck to their own goals and ambitions, differentiating themselves from settler capitalists. Based off both literature and interviews, Nations are not looking to better the lives of the few, but rather the lives of both their communities and of all Indigenous peoples. In particular, First Nations have found ways to provide de-commodified Indigenous housing in urban areas, providing a model for cities facing housing crises that disproportionately harm Indigenous residents. Additionally, municipal governance structures could stand to adopt a more inclusive Indigenous inspired structure, facilitating the act of decolonization. Through the integration of Indigenous knowledge and representation, can both municipal governance and planning departments better provide for their respective Indigenous and non-Indigenous populations. The ongoing relationships between Indigenous groups and city planners created through NURs is a starting point for the "Third Space" model of planning/governance proposed. This commitment to decolonization also extends to and calls upon the federal government, who hold a fiduciary relationship with all Indigenous peoples of Canada. Policy reform and commitment were explored in relation to their potential impact on NURs and the indigenization of urban space. Both the First Nation Land Management Act and the United Nations Declaration on the Rights of Indigenous Peoples were briefly overviewed and evaluated in relation to their potential impact on NURs. It was determined that both policies serve to benefit Indigenous communities; however, certain settler-colonial pitfalls remain in place, hindering accelerated reform.

This report by no means provides an exhaustive account of all the potentials for new urban reserves and cooperative municipal-Indigenous relations. Additional research is required, especially when considering the level of variance between First Nation communities and municipalities. As stated, the intention of this report was to challenge the current framework of NURs, questioning the nature and status of municipal-Indigenous governance structures. Interviews with other First Nations and municipalities should be conducted moving forward, in addition to the creation and standardization of an equitable strategy when forming municipal services agreements. It is highly recommended that both Treaty One Nation's *Naawi-Oodena* development and the Squamish Nation's *Sen̓áḵw* development be studied and analyzed following their completion.

The decolonization of urban space remains a gradual process, one of which exists predominantly as an uphill battle. Though steadily becoming more popular, the benefit and true potential of NURs remains to be realized. As a future planner, having now studied the current and future endeavors of Muskeg Lake and Long Plain, including the Treat One Nation *Naawi-Oodena* development, I am optimistic for Nations to continuously push the boundaries of what NURs can be. This ultimate realization unfortunately cannot be accomplished by First Nations and Indigenous peoples alone, for municipalities and the state must support this vision.

To conclude, I would like to repeat “that Indigenous peoples, while undoubtedly affected by the processes of settler colonialism, are not passive in the throes of history—that we are active agents carving out pockets of livability in a system that demands and facilitates our deaths” (Starblanket & Dallas 2020, pg. 121). New urban reserves are agents that hold the potential to carve out pockets of livability; a potential that I believe can help deconstruct settler colonial injustices and decolonize urban spaces.

References

Anderson, B. (2013). *Home in the City: Urban Aboriginal Housing and Living Conditions*. Toronto: University of Toronto Press.

Arrowhead Corporation. (n.d.a). Long Plain Madison Reserve No.1. Retrieved from https://www.arrowheadcorp.ca/long-plain-madison-reserve-no-1/

Assembly of First Nations. (2012). Additions to reserve: Regional dialogue forums - roll-up report, final. Retrieved from https://www.afn.ca/uploads/files/land_claims/additionstoreservesregionalsessions.pdf

Barry, J. (2019). Being Neighborly: Urban reserves, treaty settlement lands, and the discursive construction of municipal-First Nation relations. *The International Indigenous Policy Journal, 10*(5), 1-18.

Barry, J., & Agyeman, J. (2020). On belonging and becoming in the settler-colonial city: Co-produced futurities, placemaking, and urban planning in the United States. *Journal of Race, Ethnicity, and the City, 1*(1), 22-41.

Barry, J., & Thompson-Fawcett, M. (2020). Decolonizing the Boundaries between the 'Planner' and the 'Planned': Implications of Indigenous Property Development. *Planning Theory & Practice, 21*(3), 410-425.

Chan, K. (2019, December). Squamish Nation approves 6,00-home Senakw development in Vancouver. Retrieved from https://dailyhive.com/vancouver/senakw-vancouver-approved-squamish-first-nation-westbank

City of Saskatoon. (2021). Urban Reserves in Saskatoon: Frequently Asked Questions. Retrieved from https://www.saskatoon.ca/sites/default/files/documents/community-services/planning-development/future-growth/urban-reserves-treaty-land-entitlement/urban_reserve_faq.pdf

City of Saskatoon. (n.d.a). Urban Reserves & Treaty Land Entitlement. Retrieved from https://www.saskatoon.ca/business-development/planning/regional-planning/urban-reserves-treaty-land-entitlement

City of Saskatoon, & Office of the Treaty Commissioner. (2019, July). *ayisiyiniwak: A Communications Guide*. Retrieved from https://www.saskatoon.ca/sites/default/files/documents/community-services/planning-development/ayisiyiniwak_a_communications_guide_2.0_web_sept2019.pdf

Cowen, D. (2005). Suburban Citizenship? The Rise of Targeting and the Eclipse of Social Rights in Toronto. *Social and Cultural Geography, 6*(3), 335-356.

Department of Justice Canada. (2020). *Implementing the United Nations Declaration on the Rights of Indigneous Peoples: The Declaration.*

Federation of Canadian Municipalities [FCM]. (2011, September). *First Nation - Municipal Community Infrastructure Partnership Program Service Agreement Toolkit.*

Flanagan, T., & Harding, L. (2017). Treaty Land Entitlement and Urban Reserves in Saskatchewan: A Statistical Evaluation. *Frontier Centre for Public Policy, 1*, 1-19.

Guimond, E., Robitaille, N., & Senecal, S. (2009). Aboriginal populations in Canadian Cities: Why are they growing so fast? *Canadian Issues*, 11-18.

Halliday, M. (2020). The bold new plan for Indigenous-led development in Vancouver. Retrieved from https://www.theguardian.com/cities/2020/jan/03/the-bold-new-plan-for-an-indigenous-led-development-in-vancouver

Henderson, W. B. (2006, February 7). Indian Act. *The Canadian Encyclopedia*. Retrieved from https://www.thecanadianencyclopedia.ca/en/article/indian-act

Indigenous and Northern Affairs Canada [INAC]. (2014). Charting a path for prosperity – Long Plain First Nation's urban reserves story.

Indigenous Services Canada [ISC]. (2017, April 11). Treat Land Entitlement. Retrieved from https://www.sac-isc.gc.ca/eng/1100100034822/1612127247664

Indigenous Services Canada [ISC]. (2017, April 11). Treaty Land Entitlement in Saskatchewan. Retrieved from https://www.sac-isc.gc.ca/eng/1100100034825/1611943779434

Indigenous Services Canada [ISC]. (2017, April 11). Treaty Land Entitlements in Manitoba. Retrieved from https://www.sac-isc.gc.ca/eng/1305306991615/1611939771671

Indigenous Services Canada [ISC]. (2019). Additions to Reserves. Retrieved from https://www.sac-isc.gc.ca/eng/1332267668918/1611930372477#chp1

Indigenous Services Canada [ISC]. (2021). First Nations Land Management. Retrieved from https://www.sac-isc.gc.ca/eng/1327090675492/1611953585165

Jobin, S., & Riddle, E. (2019). *The Rise of the First Nations Land Management Regime in Canada: A Critical Analysis.* Yellowhead Institute.

Logan, J., & Molotch, H. (2007). The City as a Growth Machine. In *Urban Fortunes: The Political Economy of Place* (pp. 50-98). Los Angeles University of California Press.

Long Plain First Nation. (n.d.a). Long Plain First Nation. Retrieved from https://lpband.ca/long-plain-first-nation/

Matunga, H. (2017). A Revolutionary Pedagogy of/for Indigenous Planning. *Planning Theory & Practice, 18*(4), 639-666.

Muskeg Lake Cree Nation Investment Management Corporation. (n.d.a). Featured Businesses. Retrieved from http://mlcninvestment.ca/featuredbusinesses/

Muskeg Lake Cree Nation Investment Management Corporation. (n.d.a). Muskeg Lake History. Retrieved from http://mlcninvestment.ca/history/

Newhouse, D., & Peters, E. (2003). Not Strangers in These Parts: Urban Aboriginal Peoples. *Policy Research Initiative*.

Paradkar, S. (2018, January). Census vastly undercounts Indigenous population in Toronto, study says. Retrieved from https://www.thestar.com/opinion/star-columnists/2018/01/24/census-vastly-undercounts-indigenous-population-in-toronto-study-says.html

Peters, E. (2002). "Our city Indians": Negotiating the meaning of first nations urbanization in Canada, 1945-1975. *Historical Geography, 29*, 75-92.

Peters, E., & Anderson, C. (2013). *Indigenous in the City: Contemporary Identities and Cultural Innovation*. Vancouver: University of British Columbia Press.

Pitawanakwat, B. (2008). Bimaadzwin oodenaang: A pathway to urban Nishnaabe resurgence. In L. Simpson (Ed.), *Lighting the Eighth Fire: The Liberation, Resurgence, and Protection of Indigenous Nations* (pp. 161-173). Winnipeg: Arbeiter Ring.

Porter, L. (2017). What is the Work of Non-Indigenous People in the Service of a Decolonizing Agenda? *Planning Theory & Practice, 18*(4), 639-666.

Porter, L., & Barry, J. (2015). Bounded recognition: urban planning and the textual mediation of Indigenous rights in Canada and Australia *Critical Policy Studies, 9*(1), 22-40.

Porter, L., & Barry, J. (2016). *Recognizing Indigenous Rights through Land-Use Planning in Canada and Australia*. New York: Routledge.

Saskatoon Tribal Council [STC]. (n.d.a). Cress Housing Corporation. Retrieved from https://www.sktc.sk.ca/corporations/cress-housing-corporation/

St. Denis, J. (2019). Explained: The Sen̓áḵw Plan that Could Add 6,000 Unites to Kitsilano. Retrieved from https://thetyee.ca/News/2019/12/04/Senakw-Westbank-Squamish-Development-Proposal-Kitsilano/

Standing Senate Committee on Aboriginal Peoples, & Canada. (2012, November). *Additions to reserve: Expediting the process.* Retrieved from https://sencanada.ca/content/sen/Committee/411/appa/rep/rep09nov12-e.pdf

Starblanket, G., & Dallas, H. (2020). *Storying Violence: Unravelling Colonial Narratives in the Stanley Trial* Winnipeg: ARP Books.

Stats Canada. (2017, October 25). Aboriginal peoples in Canada: Key results from the 2016 Census. Retrieved from https://www150.statcan.gc.ca/n1/daily-quotidien/171025/dq171025a-eng.htm

The City of Winnipeg, & The Long Plain First Nation. (2010, July 3). *Municipal Development and Services Agreement [MDSA]*.

The Muskeg Lake Indian Band No 375, & The City of Saskatoon. (1993, September 15). *Municipal Services Agreement*.

Tomiak, J. (2017). Contesting the Settler City: Indigenous Self-Determination, New Urban Reserves,

and the Neoliberalization of Colonialism *Antipode, 49*(4), 928-945.

Treaty One Development Corporation, & Canada Lands Company. (2021, March). *Former Kapyong Barracks Master Plan* Retrieved from https://treaty1.ca/kapyong/

Walker, R. (2008). Improving the Interface between Urban Municipalities and Aboriginal Communities *Canadian Journal of Urban Research, 17*(1), 20-36.

Wideman, T., J. (2019). Property, waste, and the "unnecessary hardship" of land use planning in Winnipeg, Canada. *Urban Geography*, 41(6), 865-892.