



Additions to Reserve Policy Redesign: Insights from Engagement Report



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This publication is also available in French under the title: Refonte de la Politique sur les ajouts aux réserves : Rapport des observations tirées de la mobilisation

Learn about the perspectives of First Nation partners on the redesign of the Additions to Reserve Policy.

Contents

- [Acknowledging the land](#)
- [Acknowledging the people](#)
- [Key takeaways and executive summary](#)
- [Introduction](#)
- [Who was heard from](#)
- [How data was analyzed from the CFP reports](#)
- [What was heard: Recommendations](#)
- [Findings](#)
 - Theme 1: Proposed changes to the ATR Policy and process
 - Theme 2: Proposed changes to land management practices
- [Conclusion](#)
- [Appendix A: First Nations and First Nation organizations that submitted reports on the Additions to Reserve Policy Redesign](#)

Acknowledging the land

Land is central to First Nation traditions, identity, and prosperity. Land is a crucial asset for advancing self-determination, economic development and well-being. Canada is committed to working with First Nations to remove systemic barriers and co-develop transformative changes to the Additions to Reserve Policy. These changes will align with the priorities of First Nations and remove barriers so that First Nation communities can determine the path forward to a strong local economy and healthy community.

Acknowledging the people

This work involved First Nation-led engagements which were carried out from coast to coast. We wish to thank the individuals who shared their knowledge, wisdom, and truths with us. We thank them for trusting us with their experiences. This knowledge and relationship building will contribute to a redesign of the Additions to Reserve Policy that puts First Nations first. Engagement, discussions, and relationship-building is a small piece of leaving behind a meaningful legacy and recording the significant impact of work being done.

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) is thankful for the contributions that First Nation partners have made towards the Additions to Reserves Policy redesign and looks forward to continuing dialogue during ongoing engagement.

Key takeaways and executive summary

The Additions to Reserves (ATR) Policy Directive, first introduced in 1972 and last updated in 2016, is commonly referred to as a federal policy. However, there is no evidence of formal approval by the federal Cabinet. What is currently presented in Chapter 10 of the Land Management Manual is the ATR Policy Directive.¹ In 2019, the Minister of Crown Indigenous Relations (CIR) received a mandate to redesign the ATR Policy. First Nations and First Nation organizations have also highlighted that the current policy remains too slow and costly, and the need for transformative change is long overdue. In response to this feedback, the Government of Canada is working alongside First Nations and First Nation organizations to redesign the ATR Policy through a First Nation-led engagement process.

The Call for Proposals (CFP) process was a response to preliminary engagement emphasizing that the ATR Policy redesign should be First Nations-led. The CFP process was launched in spring 2023 with funding to support First Nations-led engagement activities and to provide First Nations-developed reports with recommendations on the ATR Policy redesign. This report summarizes the key themes captured in reports submitted through the CFP.

CIRNAC supported engagement activities led by First Nation communities, tribal councils, political or other organizations representing First Nations, self-defined First Nation based collectives, and regional and national First Nation organizations. A total of 58 First Nation and First Nation organizations were funded and 46 provided reports as of April 2, 2025. From the reports received, a total of 672 unique recommendations were analyzed.² The recommendations were grouped into themes, sub-themes and then groups of recommendations under each sub-theme.

There were 2 overarching themes:

- Proposed changes to the ATR Policy and Process
- Proposed changes to Land Management Practices

Under the Proposed changes to the ATR Policy and Process theme there are 5 sub-themes that relate to recommendations that can improve the current ATR Policy, or the processes that flow from it.

Under the Proposed changes to the Land Management Practices theme, 1 sub-theme pertains to recommendations on how First Nations and First Nation organizations would prefer lands to be managed. The section below outlines the sub-themes and recommendations that support the two primary themes.

Theme 1: Proposed changed to the ATR Policy directive and process

¹ For the purpose of this document, the terms “ATR Policy” and “ATR Policy Directive” may be used interchangeably.

Sub-theme 1 (304 recommendations):

Review, adjust, enhance and tailor the ATR Policy so that it best serves the needs of First Nations and is well supported by the federal government. This needs to be done through aligning national ATR legislation with First Nations' rights and federal responsibilities, establishing appropriate federal operational support, and through ensuring a First Nations-led ATR policy and process.

Sub-theme 2 (238 recommendations):

Ensure that the ATR process is effective through: restructuring Environmental Site Assessments to include associated resources and timelines aligned with the ATR process; establishing facilitative dispute resolution mechanisms; increasing funding, building capacity and expertise for First Nations; improving relationships with all parties; implementing a standard practice to execute the Duty to Consult, and being flexible in carrying out the relevant steps within the ATR process.

Sub-theme 3 (38 recommendations):

Support operational stewardship of the ATR process through efficient file management and tracking and provision of information that is clear, transparent and accessible to all parties.

Sub-theme 4 (31 recommendations):

Reform the ATR Policy to incorporate broader changes including Land Set Aside processes, access to suitable land, and the removal of colonial aspects and language within the policy.

Sub-theme 5 (33 recommendations):

Clarify the ATR processes used to convert land to reserve status through concrete, enforceable time-related guidelines, milestones, and authorities.

Theme 2: Proposed changes to land management practice

Sub-theme 6 (31 recommendations):

Support First Nations capacity and autonomy in land management through sufficient training and First Nations-led practices as well as work with First Nations to address improperly surrendered land.

Introduction

This initiative began with preliminary engagement with First Nations and First Nation organizations to seek direction from communities, leadership, and First Nation organizations on what meaningful, effective engagement on the ATR Policy would look like.

In response to preliminary engagement, which emphasized that the ATR Policy redesign and engagement must be First Nation-led, the Call for Proposals (CFP) process was launched in spring 2023. The CFP supported First Nation-led engagement activities that provided reports with recommendations on the ATR Policy Directive redesign.

To include a diversity of perspectives, CIRNAC communicated the CFP with all First Nations in Canada. This report includes data from all CFP reports received by April 2, 2025. Reports received after this time will be included in the policy redesign.

Who was heard from

CIRNAC funded individual First Nation proposals, and broadened engagement reach by supporting activities led by:

- tribal councils
- political or other organizations representing First Nations
- self-defined First Nation based collectives
- regional and national First Nation organizations

In total, 58 First Nation communities and organizations were funded to carry out First Nation-led engagement activities and 46 provided reports on the results of these activities. The recommendations from the 48 reports received as of April 2, 2025, are included in this report.

The list of First Nations and First Nation organizations that provided reports with recommendations that are included in this Insights from Engagement report can be found in Appendix A.

How data was analyzed from CFP reports

Each First Nation and First Nation organization provided their recommendations in a reporting style that best suited their needs, and each report structure was uniquely written and presented. For reports that did not have clearly specified recommendations, information in the CFP report that could be interpreted as a recommendation was included in the analysis.

The recommendations on the ATR Policy and process were organized into thematic groups. Thematic groups which focused on similar approaches to redesigning the ATR Policy were further consolidated into sub-themes. This report of sub-themes and recommendations has been validated by First Nations and First Nation organizations.

What was heard: Recommendations

The 46 First Nations and First Nation organizations' reports outlined 672 recommendations to enhance the ATR Policy to better serve their priorities. The list of recommendations is available in its entirety as a separate document: Technical Appendix: Recommendations included in the ATR Insights from Engagement Report.

Two overarching themes were identified from the analysis of recommendations: Proposed Changes to the ATR Policy and Process and Proposed Changes to Land Management Practices. These 2 themes are further categorized into several sub-themes and groups of recommendations for greater clarity. Further supporting groups of recommendations are also outlined.

These findings primarily reflect the recommendations put forth by First Nations, rather than highlighting Canada's independent analysis of these recommendations.

Findings

Theme 1: Proposed changes to the ATR Policy and process

Sub-theme 1:

Review, adjust, enhance, and tailor the ATR Policy so that it best serves the priorities of First Nations and is well supported legislatively by the federal government. This needs to be done through aligning national ATR legislation with First Nations rights and federal responsibilities, establishing appropriate federal operational support, and through ensuring a First Nations-led ATR Policy and process.

Issues

The ATR process is lengthy and complicated with multiple procedural requirements that can create barriers for First Nations participation. The ATR process has not kept pace with First Nations economic development and land management. First Nations noted that, while the process identifies steps to be taken, there is no accountability around timelines when delays occur. In particular, delays can be caused by lengthy ministerial approvals that occur near the end of the ATR process.

There is a lack of coordination and clarity on the roles and responsibilities of contributing federal departments. The involvement of both ISC and CIRNAC can create confusion in the ATR process for all involved parties. Further, other contributing federal government departments may not be familiar with the ATR process. Federal and provincial/territorial policies are also sometimes misaligned. Provinces and territories can differ from the federal government in approaches, practices, and principles (such as a lack of compatibility for Specific Claims settlements). These differences, along with a lack of coordination and clarity on roles, also contribute to delays in the ATR process.

The ATR Policy, as a federally developed tool, imposes restrictive requirements on First Nations. These include:

- narrow categories of ATR
- restrictions on improvements to proposed reserve lands
- excessive requirements for joint reserve proposals
- environmental issues to be solved in advance of an ATR
- a required justification for reserve creation
- the need for lands to be contiguous/adjacent³
- completing municipal service agreements (MSA) in general, or in advance of an ATR
- the need to consult with third parties even when perceived as unnecessary by First Nations
- rules on having to navigate tax-loss negotiations and paying taxes on land before an ATR is complete
- lack of sub-surface rights for First Nations

Requirements in the policy are rigid and mandatory for all ATRs. Many First Nations provided examples where a requirement was perceived as unnecessary to the ATR process for their specific reserve creation proposal, given their own familiarity with their own priorities. Through engagement, First Nations voiced their frustration with the paternalism around ATR and reflected this as a lack of recognition of the government-to-government relationship, and a departure from commitments to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Further, this “one-size-fits-all” ATR Policy does not take into consideration the differences between types of governance of First Nations (such as the *Indian Act*, *self-governing agreements* or various stages of Land Code governance).

Recommendations

First Nations provided 304 recommendations to support this sub-theme. These recommendations were analyzed and those that aligned were organized together into 10 groups.

Group 1 of recommendations for sub-theme 1:

The largest number of recommendations within this sub-theme (81) specified the removal of certain restrictions in the policy, which include requirements that are not necessarily needed for every ATR but create delays.

Other examples within this group of recommendations included:

³ While this may not be a current requirement of the ATR Policy, recommendations on this issue were provided in the Call for Proposals reports. For this reason, this restriction is included in this list.

- removing the narrow categories of ATRs: this will help speed up the process if there are not certain requirements for certain types of ATRs (such as legal obligation ATRs and their settlement through Specific Claims)
- removing the restrictions on improvements to proposed reserve lands: this will allow First Nations to continue to move forward while respecting applicable rules and regulations
- removing complexities in proposing joint reserves: for example, removing referendum-style votes in communities
- removing the requirement for environmental issues to be solved in advance of an ATR: First Nations can indemnify Canada's liability for any transferred land where there are no major environmental concerns and cut down on Environmental Site Assessment (ESA) costs and processing times
- removing required justification for reserve creation: Canada's values for justification may not reflect the values of First Nations, and it was seen as disrespectful to have to justify adding land back that is already considered the territory of First Nations
- removing the need for lands to be contiguous/adjacent: adjacent land should have a streamlined process to be added to reserve
- removing rules on having to navigate tax-loss negotiations and paying taxes on land before an ATR is complete: First Nations articulated the need to develop a clear and fair tax framework, specifically that there should be no taxes paid on ATRs, there should be adjustments to the process of tax-loss compensation (such as the Government of Canada to pay, First Nations to pay tax-loss compensation upon acquisition of land as opposed to before), and there should be a review of the 25-year tax payment

Group 2 recommendations for sub-theme 1:

The second largest number of recommendations (62) within this sub-theme emphasized the importance of **creating an ATR Policy and process that is First Nations-led and First Nation-specific**. Many recommendations detailed the need for First Nations to craft the ATR Policy and process in order to manage and implement it while leading decision-making with their land. Within this, specific requirements, including Municipal Service Agreements, ESAs, third-party consultation and Third-Party Interests (TPI) should be determined by the First Nation, or at least be considerate of the values and priorities of the First Nation.

One recommendation detailed that "First Nations should manage all aspects of their affairs and make their own decisions regarding their land." A few recommendations focused on First Nations leading the process to focus on specific Nations' priorities.

Some recommendations focused on making sure ATR policies and processes were reflective of First Nations values, principles, and priorities, noting that there should be flexibility since a one-size-fits-all approach does not reflect the uniqueness of communities and circumstances. As one recommendation detailed, "the policy needs to be flexible enough to accommodate the differences between our communities. This cannot be a 'cookie cutter' process."

Some recommendations were more focused on the need to transfer the responsibility of the ATR process to First Nations, given that First Nations operate within their own Nation's best interests.

Group 3 recommendations for sub-theme 1:

Thirty-four (34) recommendations described that **recognizing First Nations authority and governance structures** is paramount in these discussions. It was seen as crucial for the Government of Canada to acknowledge First Nations sovereignty and freedom to make decisions, as well as for Canada to respect treaties, agreements, and First Nations legal and historical rights. Similar recommendations wanted to have the ATR process tailored to the governance structure of the First Nation. Specifically, ensuring the process is accommodating to the differences between First Nations that are governed under the *Indian Act*, Nations which are developing a land code, and First Nations that are operational under a land code.

Group 4 recommendations for sub-theme 1:

Thirty-three (33) recommendations focused on **working toward a more streamlined ATR process that fully incorporates all parties, including:**

- third parties
- municipalities
- provincial governments
- multiple federal departments

In general, First Nations and First Nation Organizations saw a need for a clear and coordinated approach between First Nations, all governments, and third parties, as well as enhanced communication to avoid delays and complications in the process.

Group 5 recommendations for sub-theme 1:

Thirty (30) recommendations were further focused on **aligning the ATR Policy with First Nations economic development**. First Nations and First Nation organizations were interested in exploring reforms that could unlock economic opportunities, improve community infrastructure, and prioritize the economic wellbeing of First Nations (such as initiatives that support the use of land for community-owned enterprises, commercial development, tourism, resource management, or renewable energy). ATR delays were also seen as preventing First Nations from moving forward with economic development activities.

Group 6 recommendations for sub-theme 1:

Twenty-two (22) recommendations outlined the need to **align federal and provincial policies**, as well as provide clarity on their differences. Ensuring consistency within requirements and mutual understanding of policies was considered essential to prevent unreasonable delays.

Regular review of policies in the changing landscape was suggested. Recommendations also detailed the need to ensure that the ATR Policy is compatible with Specific Claims settlements. In particular, providing funding for this process, automatically rezoning land to reserve land, prioritizing land-based settlements, and respecting Treaty Land Entitlement (TLE) and other Specific Claims equally in policy.

Group 7 recommendations for sub-theme 1:

First Nations and First Nation organizations also provided fourteen (14) recommendations that lobbied to **ensure federal accountability for the priority and timelines of ATRs**.

Recommendations detailed that Canada should behave in a reconciliatory manner by recognizing the importance and urgency of ATRs and should be held accountable for its responsibilities regarding ATRs.

Group 8 recommendations for sub-theme 1:

Ten (10) recommendations suggested that the Government of Canada should **clarify policy requirements and decentralize approval processes to expedite decision-making** in order to improve efficiency, expedite decision-making, reduce delays, and empower local governance. For example, recommendations included that the need for Ministerial approvals should be removed, and Deputy Ministers and Regional Director Generals should instead hold this authority. Additionally, recommendations suggested that Ministerial approvals should take no more than 3 months or in excess of this time, should be automatically granted.

Group 9 recommendations for sub-theme 1:

Ten (10) recommendations noted that **the ATR Policy principles should be aligned with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**, ensuring clear direction and tangible application of UNDRIP.

Group 10 recommendations for sub-theme 1:

In addition, 8 recommendations suggested **simplifying the ATR application process to be more user-friendly** by reducing steps and only asking First Nations to provide basic information. This would help avoid superfluous and/or duplicate work from First Nations, as well as cut down on time.

Sub-theme 2

Ensure that the ATR process is effective through:

- restructuring Environmental Site Assessments to include associated resources and timelines aligned with the ATR process

- establishing facilitative dispute resolution mechanisms
- increasing funding, building capacity and expertise for First Nations
- improving relationships with all parties
- implementing a standard process for the Duty to Consult, and being flexible in carrying out the relevant steps within the ATR process

Issues

Navigating the ATR process requires First Nations to have support with capacity and resources to complete complicated, necessary activities. First Nations highlighted several challenges, including difficulties in accessing information and databases for title searches and TPIs, a lack of clarity and guidance on ESA requirements, the absence of standardized tools for MSAs, reliance on outdated surveying methods, and limited access to qualified land surveyors. This process also requires that First Nations community members understand the ATR process so that they can participate fully as needed. ATR capacity and knowledge is currently a gap for many communities which makes the ATR process less effective for them.

Procedural requirements are challenging for many First Nations. First Nations identified a lack of flexibility in the process, duplication of steps throughout the process and bureaucratic hurdles that are unnecessary and create delays. In particular, ESA requirements may hold standards that are unnecessarily:

- high
- costly
- confusing
- too rigid
- sometimes deemed unnecessary for First Nations unique circumstances

ESAs are also time-consuming and may require renewals before other ATR elements can be completed. First Nations also recognized procedural issues such as limited access to comprehensive templates, agreements, and information that address potential issues related to TPIs. This hinders their ability to effectively assess and determine the level of risk they are willing to undertake.

Relationships between parties are often impacted by poor communication and a lack of planning. The ATR process can quickly become disjointed, confusing, and frustrating when there is miscommunication between parties. When parties do not work together, plan in advance, or have standardized frameworks and agreements between them, it can delay the process.

Consultation requirements create frustrations and delays. While the Duty to Consult principle is accepted by all parties, the way in which it is implemented can often be passive and superficial, alongside inconsistent and unclear practices and protocols. Consultation was viewed as unnecessary in some ATR processes where governments and third parties would not have

interests in the advancement of the ATR. As a result of their involvement, they could stall the approval processes. Consultation requirements for municipal and provincial governments and third parties are also seen as carried out to mitigate and avoid liability and issues for themselves. This is often at the expense of delays in the ATR process in addition to costs for First Nations and its membership. Finally, alongside consultation issues, is a lack of facilitative dispute resolution mechanisms that create frustrations for First Nations and First Nation organizations.

Recommendations

First Nations provided 238 recommendations to support this sub-theme. These recommendations were analyzed and those that were similar were placed together into 7 groups of recommendations.

Group 1 recommendations for sub-theme 2:

Ninety-nine (99) recommendations highlighted the need to **support and fund First Nations education, training, and capacity to participate in the ATR process** in order to make the process more viable for First Nations. In particular, it was requested that support be provided for training and capacity-building for First Nations staff to undertake ATR responsibilities and related requirements, including Environmental Site Assessments and title search processes. Similarly, tailored education and outreach programs for community members to learn more about the ATR process and land management were seen as important. Further suggestions included:

- the development of user-friendly materials in a wide variety of formats (such as online resources)
- training workshops
- mentorship programs
- access to expert guidance
- building practitioner networks, and funding in-house ATR technical experts

Group 2 recommendations for sub-theme 2:

Forty-nine (49) recommendations deemed it important to **facilitate productive relationships** (such as joint planning and communication). To do this, the following was suggested:

- meetings with relevant, decision-making officials
- consistent relationships with federal officials
- federal employees broadly included in relationships to support the continuity of the ATR file if there are federal personnel changes
- development of communication protocols
- early and often communication

- ensuring dialogue and cooperation between governments
- hearing directly from community members and First Nations
- co-developing workplans

Group 3 recommendations for sub-theme 2:

There were also 36 recommendations to **use clear, strong, and impartial dispute resolution mechanisms** that serve the priorities of:

- First Nations
- the federal government
- provincial/territorial governments
- municipal governments
- third parties

It was noted that, since third parties and municipalities can often be a stalling factor in the progress of an ATR, dispute resolution mechanisms should focus primarily on First Nations priorities. Further, it was suggested to build capacity and provide funding for dispute resolutions and negotiations to take place.

Group 4 recommendations for sub-theme 2:

It was also suggested that the **federal ESA requirement be reconsidered or eliminated** (19). Some recommendations preferred that the First Nation itself determine the parameters and need for an ESA, as sometimes they may not be necessary to complete in specific contexts (such as culturally significant sites) or that the use of First Nations knowledge should be preferred.

Group 5 recommendations for sub-theme 2:

Fifteen (15) recommendations noted that a **standard practice to execute the Duty to Consult should be created**. Specifically, the federal government should uphold their responsibilities regarding consultation and inform the First Nation where there should be a minimum Duty to Consult. Additionally, a standardized framework for municipalities to consult with First Nations should be developed, ensuring that the respective duties of all parties are clear and adhere to respectful and timely practices.

Group 6 recommendations for sub-theme 2:

Further, recommendations (10) suggested that **procedural requirements should be streamlined to reduce processing times**. Examples included reducing the number of steps, avoiding the duplication of steps, clarification within the ATR process where steps can be carried out flexibly and simultaneously, and finding commonalities in multiple submissions/combined parcels to reduce delays in the review of ATRs.

Group 7 recommendations for sub-theme 2:

Finally, 10 recommendations deemed it important that the **current requirements for applicable environmental and remediation standards be clarified**, specifically regarding levels of contamination, and the federal liability/responsibility to clean up lands proposed for reserve creation.

Sub-theme 3

Support operational stewardship of the ATR process through efficient file management and tracking and provision of information that is clear, transparent, and accessible to all parties.

Issues

The National Additions to Reserve Tracking System (NATS) does not offer enough transparent support to manage a file efficiently. This system does not yet have the flexibility to allow Nations to use the system as a checklist to offer real-time tracking of ATR applications including milestones, timeframes, and progress reporting. As a result, all parties do not know exactly where they are in the ATR process, as well as their associated roles and responsibilities, which hinders timely completion.

Document control and protection is a challenge, not adapted to First Nations priorities and causes delays and sensitivities. Frequent turnover in staff (for both the federal government and First Nations), results in difficulty with locating key documents. Moreover, communities which have lost documents are sometimes forced to revisit those tasks, at times reopening sensitive discussions unnecessarily. Documents shared with First Nations do not take into consideration individual communities' existing data-sharing systems.

The current approach is not sufficient to manage multiple tasks in parallel, such as surveys, ESAs, and consultations. This means that the ATR process can easily become lengthy and inefficient.

Recommendations

First Nations provided 38 recommendations to support this sub-theme. These recommendations were analyzed and those that were similar were placed together into 3 groups of recommendations.

Group 1 recommendations for sub-theme 3:

Regarding federal capacity, there appeared to be a consensus (across 17 recommendations) that **the federal government needed to dramatically increase staffing resources and their specialized knowledge base**. This will assist with prioritizing the efficient finalization of long-

outstanding requests for ATRs submissions and assist in the timely processing of applications to avoid lengthy periods of knowledge transition during periods of turnover. Tied to this was a general note that efficiencies would be found if additional efforts were made to ensure government staff retention for not only institutional memory purposes but also to continue developing relationships between officers and communities. It was also noted that increasing specialized capacity through hiring land management and regional planning specialists would make the process more efficient.

Group 2 recommendations for sub-theme 3:

Among the 14 recommendations, several highlighted that the existing systems could be leveraged to improve file management **and tracking to better manage documents**. For example, NATS could be modified to allow First Nations to upload key completed documents. Some reports also suggested that the system could even include reports on all proposed land purchases, such as deals that did not make it to final purchasing. In other words, NATS could provide tracking for targets, deliverables, and progress reporting, and allow First Nations to share current statuses with CIRNAC and other government departments.

Group 3 recommendations for sub-theme 3:

Seven (7) recommendations focused on providing ATR information in a more accessible, clear, and transparent manner. Some noted that a best practice would be to share documents with First Nations in a way that takes into consideration individual communities existing data-sharing systems and to collaborate with First Nations at the beginning of the ATR process to determine the best way to share and store data for their communities.

Tied to this, it was recommended to implement a system for regular review and evaluation of the ATR process, with feedback from First Nations communities to make ongoing improvements to the process, ensuring that it remains responsive to the priorities of the communities that it serves.

Moreover, CFP reports recommended that it would be most beneficial to formalize systems to plan, prepare and budget the actual costs of completing an ATR in full coordination with First Nations and across all necessary federal departments.

Sub-theme 4

Reform the ATR Policy to incorporate broader changes including Land Set Aside processes, access to suitable land, and the removal of colonial aspects and language within the policy.

Issues

First Nations identified additional issues to be addressed by the redesigned ATR Policy. For instance, the ATR process does not prioritize First Nations access to lands while addressing broader land-related challenges. In some regions of Canada, suitable land for ATR may be scarce or expensive or held by provinces, territories, and municipalities. Further, land available for ATRs may be deemed unsuitable by the Nation for its proposed use. Additionally, according to First Nations, when the federal government has surplus land, this is perceived to be made available to municipalities rather than First Nations. These factors create challenges for First Nation communities to acquire additional land for their growing populations or economic development. There are also issues with the policy's lack of consideration of the impact of land-related challenges, such as rapidly changing landscapes due to climate change, or taking the importance of cultural and traditional territories into account.

In addition, there is currently **no process to address Land Set Aside (LSA) through the ATR Policy.** “Land Set Aside” means land in the Yukon reserved or set aside by notation in the property records of the Northern Affairs organization, Department of Indian Affairs and Northern Development, for the use of Indigenous people in the Yukon (“terres mises de côté”). First Nations who operate on LSA have limited rights to the use of that land since ownership is vested in the Crown.

Additionally, First Nations specified that a wrong which needs to be corrected was borne out of colonialism. Traditional lands that were taken from First Nations are proposed ATR additions.

Finally, First Nations recommended that **discriminatory and colonial language be eliminated in the ATR Policy** through the redesign process.

Recommendations

First Nations provided 33 recommendations to support this sub-theme. These recommendations were analyzed and those that were similar were placed together into 3 groups of recommendations.

Group 1 recommendations for sub-theme 4:

Twenty (20) recommendations focused on **prioritizing First Nations access to suitable lands while addressing broader land-related challenges (such as climate change, access to land, and cultural and traditional territory).** First Nations recommended that the federal government work with the provinces to identify Crown lands, thereby eliminating the reliance on the acquisition of private land for ATR. There were suggestions to create First Nation Reconciliation Reserve Land which would fall under the current zone use of the municipality for development and land use planning cohesiveness or go through a joint review process. They also detailed

that surplus federal land should be offered to First Nations first as an act of reconciliation, over municipalities. Recommendations also identified the need to make it easier to create First Nations urban reserve lands. As well, there is a need to include the waters, not just the lands.

In regard to addressing broader land-related challenges, recommendations were given to consider the effects that climate change and climate change emergencies would have when making policy changes and mitigating these issues through special funding and an expedited process. Several recommendations suggested that First Nations who have experienced climate disasters, particularly with regard to recovering land, should be prioritized.

It was further recommended that the ATR Policy Directive should consider the importance of cultural and traditional territory and First Nation's land use (such as hunting, medicinal and food gathering, and grave and cultural sites). There was also a recommendation to take the approach of protecting lands currently used for the Northern Boreal Forest and use it in designating reserve land.

Group 2 recommendations for sub-theme 4:

Eight (8) recommendations had the position that a pathway needs to be provided within the ATR Policy to **convert LSA to reserve land**, including new definitions of land and reserve creation categories.

Group 3 recommendations for sub-theme 4:

Further recommendations (5) highlighted the need to **address colonialism and negative language in the ATR Policy**. By recognizing the colonial nature of the policy itself, and the history of the land that was taken from First Nations, this perspective of respect should guide the ATR Policy. Further amendments to colonial and disrespectful language were suggested.

Sub-theme 5

Clarify the ATR processes used to convert land to reserve status through time-related guidelines, milestones, and authorities.

Issues

The ATR process does not have time-related milestones, which creates a lack of accountability in the process. Claims can take years to negotiate, and the subsequent ATR implementation process can also be lengthy. Land-related provisions do not always detail implementation processes in a timely and efficient way. Nationally, there are no ATR process service standards, including the federal government and First Nations. As well, there are no clear criteria for what constitutes unreasonable delays within the ATR process.

There is a lack of guidance or authority in the ATR process to inform land selection. Part of the issue is that First Nations in some situations are competing against other First Nations for land acquisition or are experiencing limitations in land acquisition due to provincial boundaries. They may also have competing priorities that must be addressed before purchases are finalized.

The centralized authority to grant reserve status creates bottlenecks and delays. As a result, First Nations may face delays for the final step in the process which can create economic risks for time-sensitive ATRs.

Recommendations

First Nations and First Nation organizations provided 30 recommendations to support this sub-theme. These recommendations were analyzed and those that were similar were placed together into 3 groups of recommendations.

Group 1 recommendations for sub-theme 5:

The need to reduce processing time through milestone development came up in 21 recommendations across all the reports. Recommendations focused on identifying time-related milestones and service standards as well as clear criteria for unreasonable delays. Some suggested that timelines should be legally binding while others suggested hard deadlines with measurable goals, established timeframes, and service standards for ATR processes, response times, and approvals for all parties (provincial and federal departments) involved in the process. One recommendation suggested that a tax incentive would encourage timely cooperation from third parties.

Additional recommendations detailed a phased approach to transfer the agreed-upon lands when delays occurred. Others suggested that after a specific period of time, the land should be automatically added to the First Nation's reserve.

Group 2 recommendations for sub-theme 5:

First Nations provided 5 recommendations on **establishing guidelines to inform land selection/land purchase**. These recommendations stated that the federal government should:

- assist Nations in developing a strategic plan supporting the way in which lands would be purchased under settlement
- develop policies and procedures for land acquisition and administration
- look at ATR Policy and ensure no provincial boundaries are creating limitations for First Nation communities to purchase interprovincial lands for reserve creation

They also suggested that the federal government look at opportunities for land purchase outside of TLE and Specific Claims.

Recommendations identified that the federal government should work with each First Nation involved in competition over the same land. This would ensure that purchases and agreements were settled appropriately.

Group 3 recommendations for sub-theme 5:

First Nations provided 4 recommendations about **modifying the authorities for granting reserve status**. They recommended using a First Nation organization or a Regional Director General to authorize the granting of reserve status. They recommended that, if First Nations owned land in fee simple, it should be viewed as part of the reserve land. These recommendations also suggested that the federal government use its prerogative authority to set aside land with clear agreements about the consequent authority to administer the land.

[Theme 2: Proposed changes to land management practices](#)

Sub-theme 6

Support First Nations capacity and autonomy in land management through sufficient training and First Nations-led practices. Work with First Nations to clear the ATR backlog and to address improperly surrendered land.

Issues

First Nations do not have the support or training needed for land management. Increased capacity is required in order to develop autonomy. Capacity can be supported through establishing First Nations institutions focused on issues of land sovereignty and land management. Training is needed to aid in identifying key decision points throughout the ATR process.

First Nations do not have the necessary autonomy to manage their land. The ATR process rigidly specifies the nature of land to be added and does not provide guidance for sustainable land management. First Nations autonomy must be better respected by ensuring that lands being added are under one consistent governance approach, include sustainable practices, and contribute to community wellbeing. There is a need for greater recognition of First Nations stewardship of their own lands alongside accepting greater federal responsibility for land that was improperly surrendered during the return process.

The backlog in ATRs is negatively impacting First Nations in their critical Nation-building processes. Outstanding ATRs, often over a period of years, means that future time-sensitive claims may not be addressed. Delays in the process are well known; at this point, it is critical that the federal government act with urgency to conclude ATR processes that are experiencing lengthy delays.

Recommendations

First Nations and First Nation organizations provided 31 recommendations to support this sub-theme. These recommendations were analyzed and those that were similar were placed together into 5 groups of recommendations.

Group 1 recommendations for sub-theme 6:

Most recommendations in this group (14) focused on the need for training and capacity building to support First Nations land management. Recommendations reinforced First Nations current ability to manage their land through community-developed land management practices and user-friendly internal processes while using less colonial tools like Band Council Resolutions. They detailed the need for sufficient capacity to be aware of all interests in advance, and to have permits in place ahead of reserve creation.

First Nations recommended that they exercise autonomy in developing and implementing their own land management practices. They also suggested that sustainable support systems be established to provide communities with resources and expertise for effective land management.

There were also recommendations to establish long-term support mechanisms to ensure that communities receive ongoing assistance and guidance in developing and implementing effective land management practices. This may involve incentives in the form of funding, the creation of dedicated support teams or partnerships with external organizations specializing in First Nations land governance.

Group 2 recommendations for sub-theme 6:

Seven (7) recommendations focused on **recognizing and respecting traditional land stewardship practices while integrating them with contemporary land management frameworks.** They recommended dialogue between traditional knowledge holders and modern land management experts to find commonalities and develop culturally sensitive hybrid approaches. They also detailed the need for the ATR process to reflect and support their cultural heritage, ensuring that land additions are harmonious with traditional practices.

Group 3 recommendations for sub-theme 6:

Similarly, 6 recommendations focused on **federal acceptance of greater responsibility for land that was improperly surrendered** during the return process. These recommendations suggested that improperly surrendered land should be restored to the same status as the rest of the community's land, as it should still be considered First Nations lands.

Group 4 recommendations for sub-theme 6:

Two (2) recommendations were made to **provide better support for First Nations that are interested in developing land codes under the First Nations Land Management Process**. These recommendations specified that the backlog in the processing of ATR submissions was a dishonourable grievance holding First Nations back in their critical Nation-building processes.

Group 5 recommendations for sub-theme 6:

There were 2 recommendations focused on **establishing First Nation institutions to build First Nation capacity to address land sovereignty and land management**. It was recommended that this be a hybrid institution located in a First Nation organization with First Nation staff advisors, access to departmental officials to provide legal, environmental, survey, planning and other expertise, and connection with a network of experts.

Conclusion

The intention for a renewed ATR Policy is to meet First Nations priorities to help advance self-determination, economic development and well-being and support the Government of Canada in working with First Nations to remove systemic barriers.

This report gathered information directly from 46 First Nations and First Nation organizations about the ATR Policy and process and land management, through reports submitted as of April 2, 2025. The 672 recommendations across the reports provided insight into the ATR process and the use of reserve lands.

Recommendations (304 in total) were made to review, adjust, enhance and tailor the ATR Policy so that it best serves the priorities of First Nations and is well supported by the federal government. This was suggested to take place through aligning national ATR legislation with First Nations rights and federal responsibilities, establishing appropriate federal operational support, and through ensuring a First Nations-led ATR Policy and process.

Recommendations (238) were made to ensure that the ATR process is effective through:

- restructuring Environmental Site Assessments to include associated resources and timelines aligned with the ATR process
- establishing facilitative dispute resolution mechanisms
- increasing funding, building capacity and expertise for First Nations
- improving relationships with all parties
- implementing a standard process for the Duty to Consult and being flexible in carrying out the relevant steps within the ATR process.

Further, 38 recommendations were made to support operational stewardship of the ATR process through efficient file management and tracking and provision of information that is clear, transparent and accessible to all parties.

As well, 33 recommendations were made to reform the ATR Policy to incorporate broader changes including Land Set Aside processes, access to suitable land, and the removal of colonial aspects and language within the policy.

Another key area was to clarify the ATR processes used to convert land to reserve status through time-related guidelines, milestones, and authorities (in total 30 recommendations).

Finally, 31 recommendations were made to support First Nations capacity and autonomy in land management through sufficient training and First Nations-led practices as well as work with First Nations to address improperly surrendered land.

Appendix A: First Nations and First Nation organizations that submitted reports on the Additions to Reserves Policy Redesign

First Nations and First Nation organizations

- Adams Lake Indian Band
- Alderville First Nation
- Anishinabek Nation
- Biigtigong Nishnaabeg
- Bloodtribe - Kainaiwa Specific Claims Trust No. 1 and 2
- Chiefs of Ontario (CoO)
- Confederacy of Mainland Mi'kmaq (CMM)
- Cowichan Tribes
- Dauphin River First Nation
- English River First Nation
- Enoch Cree Nation
- Fort McKay First Nation
- Federation of Sovereign Indigenous Nations (FSIN)
- James Smith Cree Nation
- K'ómoks First Nation
- Kahkewistahaw First Nation #72
- Lac La Ronge Indian Band
- Lennox Island First Nation
- Loon River First Nation
- Mamalilikulla First Nation
- Manitoba Keewatinowi Okimakanak (MKO)
- Meadow Lake Tribal Council (MLTC)
- Mi'gmawe'l Tplu'taqnn Inc. (MTI)
- Mississaugas of the New Credit First Nation
- Mohawk Council of Akwesasne
- Mohawks of the Bay of Quinte
- Nishnawbe Aski Nation (NAN)
- Old Massett Village Council
- Pays Plat First Nation
- Pelican Lake First Nation
- Peskotomuhkati Nation at Skuitk
- Quatsino First Nation
- Samson Cree Nation
- Seabird Island Band

- Six Nations of the Grand River
- Skownan First Nation
- Southern Chiefs Organization (SCO)
- The First Nations Lands Managers Association for Quebec and Labrador (FNLMAQL)
- The National Aboriginal Lands Managers Association (NALMA)
- The Wolastoqey Nation of New Brunswick (WNNB)
- Tsartlip First Nation
- Tseshaht First Nation
- United Chiefs and Councils of Mndioo Mnising (UCCMM)
- Wasauksing First Nation
- White River First Nation
- Wikwemikong Unceded Indian Reserve