



Additions to Reserve Policy Redesign Update

Prepared for the Ontario Joint Gathering
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Background

- Preliminary engagement with 61 First Nations partners to find out how Canada can work with them on ATR Policy redesign – January 2022 to March 2023
- Key messages from the preliminary engagement included the need for:
 - First Nation-led approach to ATR Policy redesign;
 - First Nation-led engagement activities; and
 - Co-development approach.
- The summary “What We Heard” report aligned with AFN survey on ATR reform and influenced the 2023 Call for Proposals (CFP).
- This report is available on CIRNAC’s website: [Engaging on Additions to Reserve Policy Redesign](#)





Technical Advisory Committee

- Technical Advisory Committee was formed in summer 2024. The TAC:
 - provides First Nation-led technical advice on the co-development of policy options and other issues; and
 - supports work on interim changes, ensuring they will be applicable to all First Nations, regardless of which land management regime they use operate under.
- Permanent members include: NALMA, LABRC, AFN, Self-Governing First Nations, CIRNAC and ISC.
- Meets weekly and has sub-committees on specific ATR technical issue areas:
 - Municipal Service Agreements;
 - Environmental Site Assessments; and
 - Risk-Based Approach to a new redesigned ATR Policy.





Call for Proposals (CFP)

- CFP launched in 2023 to support First Nation-led policy development – closed July 2024:
 - 58 funded First Nations/organizations for approximately \$4 million;
 - Received 40 reports with over 500 recommendations to improve ATR Policy and Process (e.g., over 20 recommendations for less federal involvement and First Nation-led process);
 - CFP What We Heard report is being prepared to share with participating First Nations/organizations for validation.
 - Most common recommendations:
 - Modify and prioritize national ATR legislation to be better aligned with First Nations' rights and federal responsibilities;
 - Support a First Nations-led ATR policy and process that draws on First Nations authority and governance;
 - Build an ATR policy approach that is better tailored to First Nations' needs and lived realities
- Ontario CFP What We Heard Report Profile:
 - Ontario First Nations and organizations the largest recipients of funding;
 - 15 funded in Ontario for approximately \$1 million or 25% of all funding;
 - 1 recipient withdrew;
 - 13 CFP reports submitted;
 - 162 ATR Policy and Process recommendations





CFP Report: Ontario Specific Recommendations

- **ATR Policy**

- Enforceable national ATR legislation
- Reduce federal involvement and focus on First Nations goals
- New ATR Policy approach supports First Nations priorities
- Flexible timeframe for Environmental Site Assessment report
- Vigorous and facilitative dispute resolution mechanisms
- Clarifying relationships with First Nation/Municipal/Local Government
- Return outstanding land to First Nations
- Consider an alternative to the ATR process

- **ATR Process**

- A tracking tool that is user friendly
- Funding for capacity building and implementation of ATR proposals
- Consistent application of Duty to Consult
- Streamline procedural requirements and reduce processing time





Interim Changes on ATR Policy

- In May 2024, the LAB proposed nine interim changes to the ATR Policy:
 1. Restrictions around environmental assessments;
 2. Narrow ATR categories;
 3. Lengthy application process;
 4. Requirement to justify a need for land;
 5. Dispute resolution provisions;
 6. Restrictions on improvements to proposed reserve lands;
 7. 3-month waiting period for other levels of government to provide input;
 8. Requirement for municipal service agreements prior to Ministerial Order; and
 9. Additional requirements for Joint ATR proposals.
- These are consistent with the recommendations provided by First Nation partners under the CFP.
- Two interim changes are implemented – removing requirements for justification and ATR categories.
- Work is ongoing to validate and implement the remaining seven interim changes.

