



ASSEMBLY OF FIRST NATIONS

Additions to Reserve: *A Survey of First Nations*

JULY 2, 2024





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Executive Summary

The Government of Canada is undertaking a redesign of the Additions to Reserve (ATR) Policy. To ensure this re-design is informed by First Nations, the Assembly of First Nations (AFN) designed and implemented a survey to its member First Nations to gather facts and opinions on the current ATR process and to obtain insights into required changes to the ATR Policy (the Policy).¹

The survey had three goals:

- To understand First Nations' experiences with the existing Policy, specifically in developing and submitting proposals for an addition to reserve.
- To gather information on the most recent additions to reserve.
- To collect the views of First Nations on necessary changes to the existing Policy.

The questionnaire design started in 2021, with distribution in late 2022 and analysis starting in October 2023. The survey response reflects the distribution of the membership of the AFN. Of the total respondents, 74 reported that their First Nation had direct experience with an ATR, slightly higher than a third of the approximately 180 First Nations that have successfully concluded an ATR application since the Policy was created.

Region	Responses (n)
British Columbia	82
Ontario	77
Manitoba	52
Alberta	36
Saskatchewan	29
Quebec	12
Newfoundland/Labrador	11
New Brunswick	9
Nova Scotia	8
Yukon/NWT	5
Prince Edward Island	1
Total	322

Respondents reported low awareness of the Policy. Only 30% reported familiarity with the Policy, and 37% reported not being familiar at all.

¹ The report was prepared with the assistance of Gregory Mason, Associate Professor of Economics, University of Manitoba.



Are you familiar with the Additions to Reserve Policy?		
Answer Choices	Responses (n)	Percent
Yes	96	30.2
Somewhat familiar	105	33.0
No, not at all	117	36.8
318 responses, 4 skipped	318	

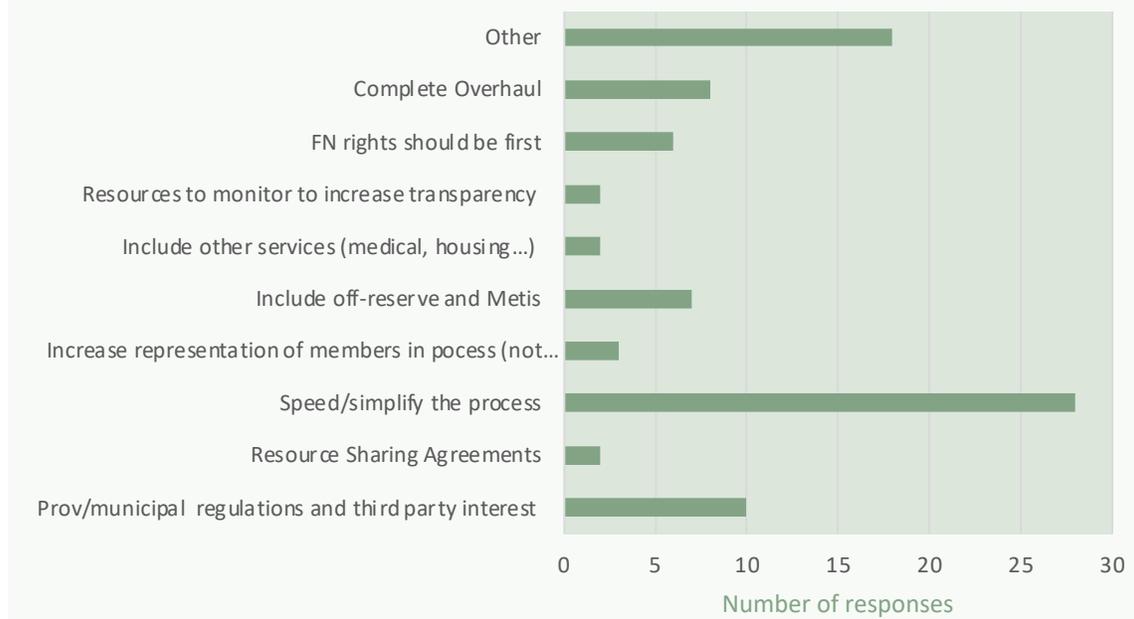
- First Nations have many reasons for preparing an ATR application, the most important are:
 - Land expansion for community purposes.
 - Exercising greater jurisdiction over its lands.
 - Taking advantage of economic opportunities.
 - Legal obligations (Tribunal Award or Specific Claims Settlement).
- The process for applying for an addition to reserve is complex and time-consuming. The fact that some First Nations have successfully negotiated multiple applications shows that the process can be successful. Still, most respondents reported that their First Nation had encountered many barriers in applying the Policy.
- Top issues in negotiating the most recent ATR included the time needed to prepare an ATR application. Other important issues included negotiating with federal, provincial, and municipal governments.
- The most significant barrier cited by respondents is the lack of capacity and financing for the costs of preparing applications.
- At the same time, some respondents did commend the support from federal government staff. Others noted that the process had increased capacity and knowledge for future applications.



- Most respondents contracted technical services such as surveys and legal advice. In general, the experience with these services has been favourable. Respondents expressed a need for increased funding and training for First Nations personnel in dealing with technical experts.
- Suggestions to change the existing process included allowing First Nations more authority in managing the process and increasing the transparency and communication about the process in general and specific applications in particular.

In summary, respondents view the ATR Policy and application process as too complicated and too slow. They see increased funding to support capacity building to prepare an application, and greater transparency in the process, as important for revising the Policy.

Q38 Are there priority areas in the ATR policy/process that need reform?





1. Introduction

The Government of Canada is undertaking a redesign of the ATR Policy. To ensure this redesign is informed by First Nations, the AFN constructed and implemented a survey to First Nations to gather facts and opinions on the current ATR process and to obtain insights into required changes to the Policy.

The survey had three goals:

- To understand First Nations' experiences with the existing Policy, specifically in developing and submitting proposals for an addition to reserve.
- To gather information on the most recent additions to reserve.
- To collect the views of First Nations on necessary changes to the existing Policy.

In addition to this introduction (Section 1), the report has five sections: Section 2 reviews the questionnaire design, logistics, and methodology, followed by an overview of the First Nations that participated; Section 3 provides a general overview of survey respondents; Section 4 presents First Nations' reported experience with the ATR process; and Section 5 concludes.

2. Survey design and logistics.

Collecting information from First Nations presents important design and logistical challenges. Like all surveys, researchers must balance comprehensive data collection with a reasonable burden on the respondents. Early in the design process, three essential themes emerged for the survey:

- Experience with additions to reserve
- Land Use planning and tools possessed by the First Nation and to gather
- Feedback on future ATR policies and required changes

These themes helped to gather information on First Nations. The questionnaire also collected basic information on lands controlled by the First Nation.

2.1. Logistics

The questionnaire design started in 2021, with multiple drafts reviewed by the lands sector and senior management of the AFN. The questionnaire was designed as a printed document to be mailed to all First Nations recorded in the AFN membership (n=634). Respondents could also provide their responses using an online link or complete the interview by phone. No First Nations opted to receive and fill out a mail-in response, nor did any First Nation complete the survey over the phone. All responses were therefore received via Survey Monkey online. First Nations also had the option to request a mailed paper copy, but no First Nations chose this option. The cover letter and questionnaire appear in Appendix A.



2.2. Methodology

Survey analysis comprised two steps:

- First, a tabular analysis of each question presents the “topline” results of the questionnaire.
- Second, many questions offered the opportunity for respondents to answer in their own words. This creates an opportunity and a challenge to extract meaning from the responses using a qualitative analysis.

The qualitative analysis used five steps:

1. All verbatim responses—written answers to prompts such as Other (specify) or responses to open questions where the respondent could only reply in their own words (no check boxes or numerical information option)—were extracted from Survey Monkey in Excel.
2. For each question, the verbatim text was translated into a limited number of codes, and then a “1” was assigned to each response if it included sentiments associated with that code. For example, Q34, What suggestions do you have for improving an ATR application’s survey and legal issues? had the following codes:
 - More communication.
 - Train more First Nation personnel.
 - Dedicated government staff to create consistency.
 - Increase survey funding/support to reduce costs to First Nations.
 - Federal government leadership needed to ensure the process works.
 - Technical suggestions.
 - Other.
3. Assigning a code to a response involved an initial assignment by the author and then cross-checked by an AFN staff member.
4. In some cases, a response offered more than one idea, which resulted in two or more response codes being assigned to a response.
5. This process supported a simple counting process to enumerate the frequency with which codes appeared for a set of responses and then the use of bar charts to summarize the sentiment for a question.



3. Overview of the survey participants

The overall response was good, with 322 of the original sample frame responding for an overall response rate of 52%. Over half the respondents offered their names, addresses, and email contacts for follow-up research, which offers important opportunities for future analysis.

This document presents summary tables from the AFN – ATR survey. It presents the results of each question and the qualitative responses as the basis for determining the next steps in the analysis and reporting analysis.

Q2: Please select your region.		
Answer Choices	Responses (n = 322)	Percent
British Columbia	82	25.5
Ontario	77	23.9
Manitoba	52	16.2
Alberta	36	11.2
Saskatchewan	29	9.0
Quebec	12	3.8
Newfoundland/Labrador	11	3.4
New Brunswick	9	2.8
Nova Scotia	8	2.5
Yukon/NWT	5	1.6
Prince Edward Island	1	.3

From Table Q3, most respondents reported that their First Nations are under the *Indian Act*. Other respondents have opted into the Framework Agreement on First Nations Land Management regimes under the *Indian Act* (14.2%), and 4.4% are First Nations members with Comprehensive Land Claim/ Self-Government Agreements. Finally, 5.7% have yet to have an agreement with Canada.



Q3: What is the land management regime for your First Nation?		
Answer Choices	Responses (n)	Percent
Indian Act	148	46.5
Framework Agreement on First Nations Land Management: Operational	33	10.4
No agreement with Canada	18	5.7
Reserve Lands and Environmental Management Program (RLEMP) ²	16	5.0
Comprehensive Land Claim/Self-Government Agreement	14	4.4
Framework Agreement on First Nations Land Management: Developmental	14	3.8
Don't Know	75	23.6
318 responses, 4 skipped	318	

Most respondents are “somewhat or not all” familiar with the ATR Policy (Table Q4). This is an important finding suggesting that communication and education on the Policy could form an element of future policy action. It also qualifies the responses presented below; some respondents may have offered answers without a strong basis of knowledge.

Q4: Are you familiar with the Additions to Reserve Policy?		
Answer Choices	Responses (n)	Percent
Yes	96	30.2
Somewhat familiar	105	33.0
No, not at all	117	36.8
318 responses, 4 skipped	318	

Question Q5 reflects both weak knowledge about additions to reserve among some First Nations as well as the interest by others in using the Policy. Some 43.5% of respondents reported interest in doing an ATR. The need to increase capacity concerning undertaking an ATR is an important theme running through the survey results.

² RLEMP is not a land management regime but a capacity-building initiative to support the land managers at a First Nation.



Q5: To the best of your knowledge, is your First Nation interested in doing an ATR?		
Answer Choices	Responses (n)	Percent
Yes	161	43.5
No	8	3.7
Unknown	150	52.8
319 responses, 3 skipped	319	

4. Survey findings.

This section of the report presents the findings from the survey in roughly the order the questions appear in the questionnaire (Appendix A), with some rearranging for clarity.

4.1. Natural Disasters and Additions to Reserve.

For many First Nations, the severe rain events in British Columbia and Quebec created substantial land loss due to flooding in the summer of 2021. Indeed, many areas of Canada have experienced extreme climate events affecting many First Nations. This suggests that revisions to the Policy could identify climate-related losses as another rationale for adding land to reserves.

Q6: Was or will your ATR application be based on an emergency need for land or to replace lands lost due to fires or flooding?

Q6: Was or will your ATR application be based on an emergency need for land or to replace lands lost due to fires or flooding?		
Answer Choices	Responses (n)	Percent
Yes, due to fires	14	4.6
Yes, due to flooding	40	13.0
Yes, due to another natural disaster	50	16.3
No	203	70.8
307 responses, 15 skipped	154	

Approximately 50 respondents (Table Q6) commented mainly on replacing land rendered unusable due to natural disasters. Many also commented that the original reserves had been located



on land that had little productive value. Selected comments include the following³

- *We have been trying for over 20 years to get a home for members, a gathering centre, cultural teachings, and other issues. It is important to have a place to lay our members to rest.*
- *Agriculture is not possible due to the size and nature of the ground. (Rocks)*
- *Due to us running out of our current land base and, unfortunately, our community was without a land base for many years when our ancestors were forced to vacant their livelihoods and lands so that others could gain the resources and land.*

The comments reinforce the view that many respondents see a general need to recover land and gain rights over its use.

Many respondents elected to skip to the last section, so the sample size dropped to about 40. This limits the survey’s capacity to present results by region or land management code (See Q3). Q9 established whether the respondents knew whether their First Nation had ever used the ATR policy. A large majority reported that they were aware of a recent ATR application by the band.

4.2. Experience with an ATR

Question 8⁴ offered a choice to respondents – either to continue to offer information on the experience of the First Nation with an ATR (the most recent) or to bypass these questions and move to Section D, which focused on future changes to the ATR Policy. Most elected to move to Section D; some 74 continued to answer questions about the ATR process. While the sample declines, it is important to understand that those offering opinions on the ATR are more likely to be speaking from direct knowledge of the process.⁵

Q8: Note: This question asked whether the respondent wished to continue to submit information on the current ATR policy and its impact on their community or skip to Section D to share their vision for a new/different ATR Policy.

Answer Choices	Responses (n)	Percent
Continue to provide information on the impact of the current ATR policy and its impact on their community	54	73.0
Share my vision for a new/different ATR policy	20	27.0
74 responses, 248 skipped	74	

³ Comments have been lightly edited for clarity and to remove information that could identify the respondent or community.

⁴ Q7 was an open question on whether the respondent knew their band used an ATR. It duplicates the responses in other questions and is redundant.

⁵ According to Indigenous Services Canada, about 180 First Nations have used the ATR process since its inception in the late seventies. The sample in this survey represents slightly more than a third of those communities.



The next set of questions, Q9–Q35, focus on recent additions to reserve undertaken by the 74 respondents that have had recent experience with the policy. It concludes with questions pertaining to suggested changes to the ATR process.

Q9: Are you aware of an ATR application submitted by your First Nation? (An understanding of some of the key elements, including year initiated, parcel(s), acres, etc., will be useful)		
Answer Choices	Responses (n)	Percent
Continue to provide information on the impact of the current ATR policy and its impact on their community	54	73.0
Share my vision for a new/different ATR policy	20	27.0
74 responses, 248 skipped	74	

Gaining land for community purposes (mainly economic development), cultural/spiritual purposes and extending governance are the most critical factors in preparing the ATR. The comments reinforce the numerical responses to this question and offer insights into Table Q10.

Q10: How important were the following reasons for preparing the ATR application?							
Answer Choices	Not important		Very important			Total	Weighted average
	1	2	3	4	5		
Community Need (not enough land for community purposes)	0%	5%	12%	16%	17%	42	4.6
	0	0	5	7	30		
Cultural and/or Spiritual Purposes	0%	5%	12%	10%	53%	41	4.5
	0	2	5	4	30		
Governance (exercising greater jurisdiction over the Nation's lands)	5%	0%	12%	12%	70%	40	4.4
	0	0	5	5	30		
Economic (taking advantage of economic opportunities)	15%	3%	8%	10%	65%	40	4.4
	6	1	3	4	26		
Legal Obligation (Tribunal Award or Specific Claims Settlement)	18%	3%	5%	5%	70%	40	4.1
	7	1	2	2	28		



Legal Obligation (Treaty Land Entitlement)	31%	3%	10%	0%	56%	39	3.5
	12	1	4	0	22		
42 responses, 280 skipped							

The quoted comments in this report are a single opinion, should not be inferred as applying to an entire or group of First Nations. The fact that several respondents offer essentially the same view, does indicate a common theme. The comments have been lightly edited to clarify intent and remove references that could identify the respondent or the community.

Selected written responses offered as part of Q10 included:

- *To connect individual parcels into a contiguous land base.*
- *Old Residential School site adjacent to reserve added to the reserve.*
- *The province failed to meet the obligations promised when municipal and industry infrastructure was built on and through the reserve lands.*
- *Working with the municipality made it difficult for economic purposes. So, we took the ATR route.*
- *Community is outgrowing the existing land; commercial and residential are kept separate, so we cannot do both with what is available.*
- *We bought a ranch with the monies we received for a four-lane highway project. Now, we're looking to add that ranch to the reserve.*
- *Increase opportunities for future members and a presence on the land.*

From Table Q12, the time to complete an ATR varies from two years to over 20. The time needed to move an application from submission to approval varies based on the complexity of the application, the capacity of a First Nation to mobilize the technical and legal skills necessary, and, of course, the deliberation process by Canada. Respondents may have included the time required by the First Nation to prepare the application. For these reasons, treat these estimates of the time required to complete the ATR as general and not precise estimates, which should come from the administrative data maintained by Canada.



Q12: If available, please provide some basic information about the recent ATR. ⁶	
Year application submitted (n=29)	Number
After 2020	2
2010	12
2000	5
Before 1990	10
Acres Added (n=29)	Acres
Average Acres Added	4364
Median	200
High	88162
Low	1
Rural/Urban (n=26)	Number
Rural	18
Urban	5
Both	3
Time to complete an ATR (Months) (n=25)	Months
Average	117.6
Minimum	24
Maximum	588

The next set of Tables (Q13 – Q16) offer details about the most recent ATR.

Q13: Did the Government of Canada support this application during the ATR process (informally or through a formal letter of support)?		
Answer Choices	Responses (n)	Percent
Yes	25	59.5%
No	8	19.1%
Unsure	9	21.4%
42 responses, 280 skipped	42	

⁶ Question 11 asked respondents to offer other reasons for undertaking an ATR. These responses largely duplicated the information in Q10 and are not included in this report.


Q14: Did/Will this ATR application create a reserve that previously did not exist?

Answer Choices	Responses (n)	Percent
Yes	16	38.1%
No	24	57.3%
Unsure	2	4.5%
42 responses, 280 skipped	42	

Q15: How many ATR applications does your First Nation currently have in the queue with ISC?

Answer Choices	Responses (n)	Percent
1	7	17.1%
2	9	21.9%
3	6	14.6%
4	2	4.9%
5	4	9.8%
Other (Specify)	13	31.7%
41 responses, 281 skipped	41	

Q16: What was the source of the land used in this ATR application? (check all that apply)

Answer Choices	Responses (n)	Percent
Federal Lands (Crown asset disposal)	10	23.8%
Provincial Crown Land	16	38.1%
Municipal Land	5	11.9%
Fee Simple Land (purchased from a third party)	25	59.5%
Unsure	3	7.1%
42 responses, 280 skipped	42	

Many bands have expressed frustration over several features of the ATR process. Question Q17 asked respondents to rate the importance of these features (issues) in preparing an ATR application. The comments added details to the respondents' perceptions.



Q17: Did the following issues play a role while preparing and submitting this ATR application? Please rank all that apply from minor to major.

Answer Choices	Minor				Major	Total	Average
	1	2	3	4			
Lack of available crown lands	33.3%	3.1%	18.2%	18.2%	27.3%	33	3.1
	11	1	6	6	9		
Mobilizing community support for the application	42.4%	9.1%	15.2%	12.2%	21.2%	33	2.6
	14	3	5	4	7		
Lack of technical expertise in community mapping	27.3%	21.1%	24.2%	9.1%	18.2%	33	2.7
	9	7	8	3	6		
Lack of legal expertise in land surveys	38.2%	14.7%	23.5%	11.8%	11.8%	34	2.4
	13	5	8	4	4		
Lack of finances to prepare application	28.1%	18.8%	18.8%	9.4%	25.0%	32	2.8
	9	6	6	3	8		
Lack of finances to pay for tax loss compensation	33.3%	6.1%	27.3%	3.1%	30.3%	33	2.9
	11	2	9	1	10		
Lack of available accurate land surveys	36.4%	9.1%	27.3%	6.1%	21.2%	33	2.78
	12	3	9	2	7		
Lack of a dispute resolution process	21.2%	21.2%	24.2%	12.1%	21.2%	33	2.9
	7	7	8	4	7		
Lack of environmental assessment expertise	30.3%	15.2%	21.2%	15.2%	18.2%	33	2.8
	10	5	7	5	6		
Environmental condition of the land parcels	30.3%	24.2%	15.2%	6.1%	24.24%	33	2.7
	10	8	5	2	8		
Environmental regulation(s) (e.g., species at risk)	34.4%	15.6%	25.0%	12.50	12.5%	32	2.5
	11	5	8	4	4		
Riparian water rights and other water issues	23.5%	11.8%	29.41	8.82	26.5%	34	3.0
	8	4	10	3	9		
Time for the application to move through all the ATR steps	3.13%	6.16%	3.13%	12.1%	75.8%	33	4.5
	1	2	1	4	25		



Engaging third-party technical (legal, financial, negotiations...etc) services	1	9.09%	27.27%	15.15%	24.24%	33	3.1
		3	9	5	8		
Unsure	37.50%	6.25%	25%	0%	31.25%	16	2.81
	6	1	4	0	5		
35 Responses, 287 Skipped							

Selected comments include:

- *The province took a lot of time to regularize a right-of-way agreement. It was the only third-party interest in the lands.*
- *The municipal government of "X" lacks an understanding of the ATR process.*
- *There was a lengthy land negotiation process prior to the ATR to get an agreement to transfer the land from the province to us.*

Responses that ranked specific issues in preparing the ATR application (Q18 below) show that negotiating with governments is the most onerous aspect of the ATR process; this is unsurprising since many ATRs involve crown lands or surplus public lands with other claimants.

Q18 Issues continued: Did the following issues play a role during this application? Please rank all that apply from minor to major.

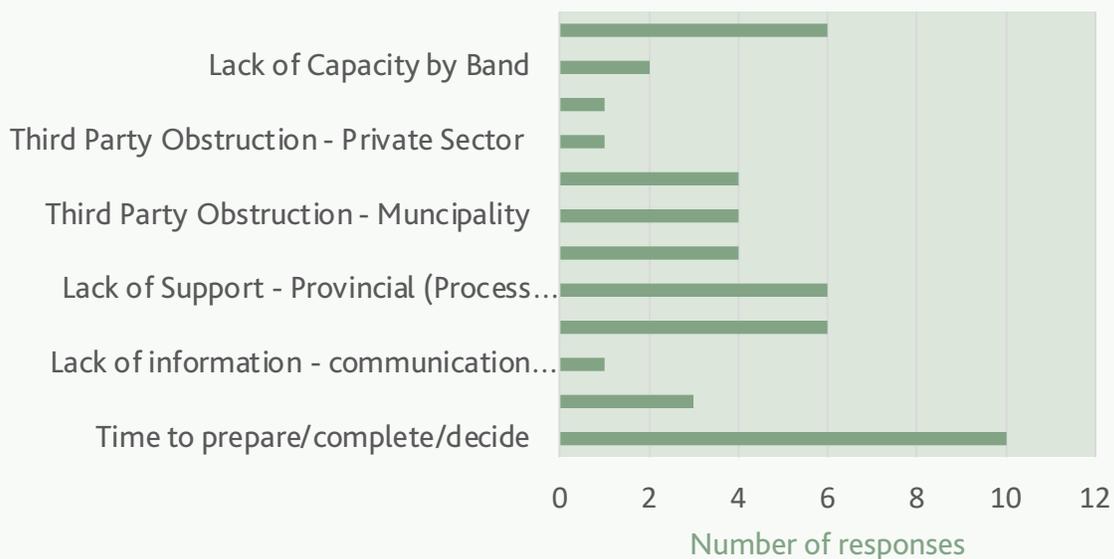
Q18 Issues continued: Did the following issues play a role during this application? Please rank all that apply from minor to major.								
Answer Choices	Minor					Major	Total	Average
	1	2	3	4	5			
Negotiating with other First Nations on claims to traditional territory	60.6%	12.1%	12.1%	3.0%	12.1%	33	1.9	
	20	4	4	1	4			
Negotiating with surrounding municipalities	21.2%	12.1%	9.1%	15.5%	42.4%	33	3.4	
	7	4	3	5	14			
Negotiating with the provincial government	14.7%	8.8%	8.8%	9.1%	54.6%	34	3.9	
	5	3	3	3	20			
Negotiating with the federal government	9.1%	9.1%	18.2%	11.8%	11.8%	33	3.9	
	3	3	6	3	18			
Negotiating with Metis communities	80.7%	9.7%	6.5%	0.0%	3.2%	31	1.4	
	25	3	2	0	1			



Dealing with utility companies	44.1%	2.9%	26.5%	2.9%	23.5%	34	2.6
	15	1	9	1	8		
Dealing with mineral/gas/oil license holders	63.6%	3.0%	12.1%	6.2%	15.2%	33	2.1
	21	1	4	2	5		
Obtaining information on the ATR process	36.4%	12.1%	9.1%	21.2%	21.2%	33	2.8
	12	4	3	7	7		
Obtaining financial resources to support the process	18.8%	6.3%	9.4%	25.0%	40.6%	32	3.6
	6	2	3	8	13		
Unsure	43.8%	0.0%	25.0%	6.3%	25.0%	16	2.7
	7	0	4	1	4		
35 Responses, 287 Skipped							

In Q19, many respondents deemed the time to prepare, complete, and receive a decision excessive. The lack of support by both orders of government tied for second, followed by third-party obstruction (utilities and municipalities), also emerged as perceived difficulties in the ATR process. Dealing with neighbouring First Nations or the private sector was mentioned only once.

Q19 What were the top three issues in negotiating the ATR (most recent) n =30





Comments offered in response to Q21: Comment on the time to complete the ATR included:

- *The time for the actual application isn't the issue; it is the time of the process of transfer, especially from religious land holdings.*
- *Should have only been a year or two at the most...but there is one that has been ongoing for over 20 years; this is the one with the municipalities involved.*
- *Time needed was extensive. Much of the information should not even be requested in the application.*
- *Expect delays with provincial departments on Forest Parcel Selections. There are so many third parties to both surface and mineral titles today.*
- *It probably would have been okay if there had been the capacity at the First Nations to push it along the process. Other bottlenecks occurred at the federal level, particularly with Justice, mostly because of changes to the persons working on the file.*
- *ATR applications take approximately one year to complete if you have all the due diligence done.*
- *It took us 10 years to have land added. This held up our new school funding as we could not start until the land was transferred.*

Though there were few, the respondents did offer some positive comments on the ATR application they were reporting on. Some respondents whose reserve added land did offer support for the process. Respondents cited supportive government staff and capacity building as the most common positive aspects of the current ATR process.

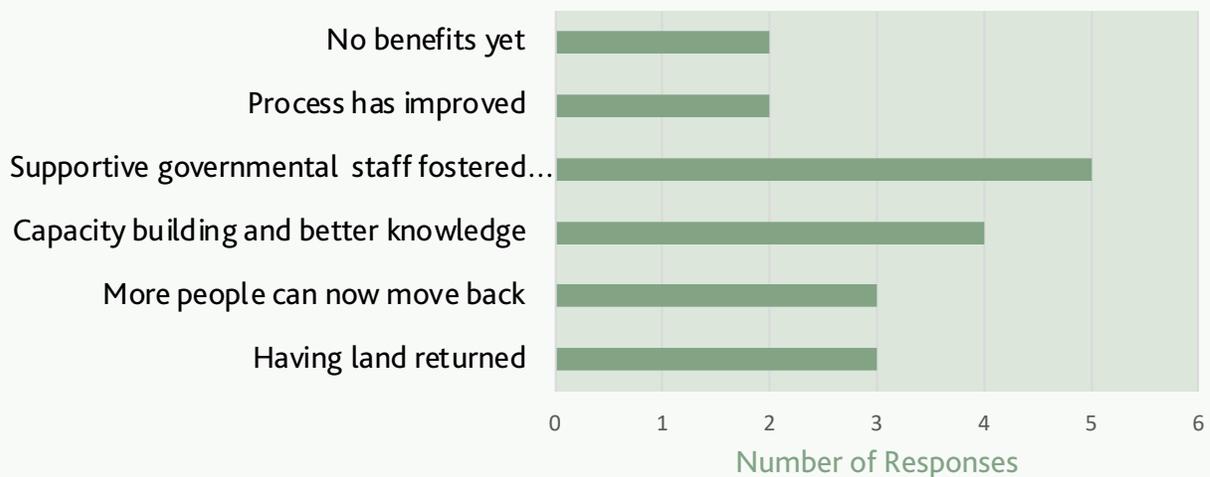
Q20: What external resources did your First Nation consult to support this (most recent) ATR application (Check all that apply)		
Answer Choices	Responses (n)	Percent
Land mapping (Federal/Provincial/Municipal)	22	62.9%
Land surveying (contracted)	26	74.9%
Legal services	30	85.7%
Real estate service	10	28.6%
Business/ATR consultants	6	17.1%
Environmental assessment	24	68.6%
Utilities (Hydro/Gas/Water) Rights and Easements	21	60.0%
Railway rights and Easements	5	14.3%
Provincial roads departments	17	48.6%
Municipalities (Municipal Service Agreements)	19	54.3%
Unsure	3	8.6%



36 responses, 287 skipped (Respondents could choose more than one response, which is why the total exceeds 100%)

Q21 asked for comments on the time needed to complete an ATR, almost all reporting “too long.”
Q22 asked respondents to report positive aspects of the process.

Q22 Describe any positive aspects of the ATR process



A sample of comments on the positive aspects of the ATR process include:

- *The new way they assign program officers to specific cases. Working with the same individual and team is helpful.*
- *We had to develop a plan for the land parcel, which was important as our elders were our main resource. We learned a lot of history from our elders and about our people.*
- *Federal government staff were eager to assist in filing documents and assisting in the ATR. Having a TLE negotiating table probably helps with the process as well as meeting with various folks to navigate meetings with decision makers.*
- *ISC staff is supportive of the process when talking to them.*
- *We can do ATRs quickly and efficiently. It is bureaucracy holding us up.*
- *Canada representatives were easy to work with and answered questions, but the process is long, slow, and cumbersome.*
- *Highways provided capacity funding, and the bands affected along the TCH-1 developed a five-band corridor-wide agreement that's renewed every 5 years.*



A few negative comments posted for this question included:

- *Too bureaucratic to be positive.*
- *Lots of work and time-consuming to beg for land that was stolen from us.*

Overall, respondents viewed the ATR process as very challenging (Q23).

Q23: Overall, please rate your experience, or the experience of your First Nation, with this ATR application.

	Very easy			Very challenging		Total	Average
	1	2	3	4	5		
This ATR application was:	3.0%	6.1%	15.5%	30.30%	45.5%	33	4.1
	1	2	5	10	15		

33 responses, 289 skipped.

The culmination of an ATR is a land transfer agreement, which legally transfers property between owners and typically specifies the price, date of ownership transfer, financing, and other details about the exchange.⁷ Q26 – Q28 offer more details on the most recent ATR.

Q26: Does your First Nation have a settlement Land Transfer Agreement

Answer Choices	Responses (n)	Percent
Yes	9	25.7%
No	19	54.3%
Unsure	7	20.0%
Total	35	

35 responses, 287 skipped.

Q27: If so, how many acres?

Average	22,265
---------	--------

⁷ <https://www.isc.ca/LandTitles/Transfer/Pages/default.aspx>



Minimum	0
Maximum	85,000
Number of responses	8

Q28: How much money was awarded?

Four responses with values of \$117 million, \$95 million, \$12 million, and \$24.8 million. One respondent reported that the agreement was still being negotiated.

4.3. Capacity issues in preparing an ATR.

Within the ATR policy/process, *capacity* refers to the resources a band has available to support the preparation of an application. While these resources may be available within band administration, communities often perform technical functions externally. Capacity, in this sense, refers to the ability to secure and manage external resources. About half of respondents generally report having a plan to add to the reserve and the capacity to support the ATR process. Since this table has slightly more than 30 respondents, this only represents a fraction of the approximately 180 First Nations that have completed an ATR.

Some First Nations have community plans that may include all or some of them, consisting of land management (zoning and building management), various bylaws (noise, animal control), and development regulations. About half the respondents reported having such a plan (Q24).

Q24: Does your First Nation have:				
	Yes	No	Unsure/ NA	Total
A land use or community plan?	58.2%	32.5%	8.8%	34
	20	11	3	
If yes, do you have the capacity to manage your land use and community plan?	50.0%	25.0%	25.0%	32
	16	8	8	
Does the plan include/consider land acquisitions and designated lands under the Indian Act?	30.0%	30.0%	40.0%	33
	10	10	13	



Does the plan include/consider a community addition for proposed land acquisitions	51.0% 17	24.2% 8	24.2% 8	33
Does the plan include/consider cultural, or ceremonial uses for the proposed land acquisitions?	53.1% 17	12.5% 4	34.4% 11	32
Reserve lands surveying capability?	42.9% 15	37.1% 13	20.0% 7	35
In-house GIS mapping capacity	54.3% 19	31.4% 11	14.3% 5	35
35 responses, 287 skipped				

Q25: How many staff does your First Nation have trained in ATR for managing the ATR process?

Responses	Number
None	8
1	15
2	2
3	1
>= 4	2
Total	28

33 responses, 289 skipped (Note: Some responses offered no count and were dropped)

Preparing an ATR application involves technical and legal tasks, including a land survey. Many respondents reported needing specific knowledge of the technical aspects of preparing an ATR application. From Tables Q29 to Q33, anywhere from 11.1% (understanding of survey requirements) to 51.5% (costs of surveys). Of the remainder, most reported having a positive experience with the land survey process, including whether contracting for the survey process was a problem (57.6% said no – Q31); whether communication with the survey was a problem (57.6% said no – Q31), and relationships with the government surveyor. Provincial Surveyors received more positive support than Federal Surveyors (Q29). About 40% of respondents believed that technical and legal issues



with the survey process slowed the application preparation, and most (75.5%) believe the legal requirements and regulations should be simplified (Q33).

Q29: Does your First Nation have/had/been:				
	Yes	No	Don't know	Total
... good relations with the Federal Surveyor General?	41.2%	14.7%	44.1%	34
	14	5	15	
... good relations with the Provincial survey office?	26.5%	35.3%	38.2%	34
	9	12	3	
... satisfied with their ATR survey job(s) delivered?	44.1%	23.5%	32.4%	34
	15	8	11	

34 responses, 288 skipped.

Q30: ATR Survey Relationships				
	Yes	No	Unsure/NA	Total
Were your ATR survey plan(s) sufficiently accurate for your First Nation's application?	63.6%	15.2%	21.2%	33
	21	5	7	
Did your ATR team understand the survey products delivered/needed for your application?	26.5%	35.3%	38.2%	33
	9	12	3	
Did your ATR team understand the survey requirements for completing your application?	44.1%	23.5%	32.4%	33
	15	8	11	
Were your ATR survey products prepared when needed?	57.6%	24.2%	18.2%	33
	19	8	6	

34 responses, 288 skipped.

Q31: ATR Survey Products.



	Yes	No	Unsure/NA	Total
Was contracting land surveying services a problem?	18.2%	57.6%	24.2%	33
	6	19	8	
Was communicating with the ATR surveyor a problem?	9.1%	57.6%	33.3%	33
	3	19	11	
Did you need to have the survey revised more than once before it could support your ATR application?	45.5%	24.2%	30.3%	33
	15	8	10	
Were the costs associated with the survey reasonable?	33.3%	15.2%	51.5%	33
	11	5	17	

33 responses, 289 skipped.

Q32: Who paid for the surveys?

Answer Choices	Responses (n)	Percent
Indigenous Services Canada	9	27.3%
First Nation (100%)	10	30.3%
ISC/First Nation	6	18.2%
Don't know	7	21.2%
Other (Shared between First Nation and province)	1	3.0%

33 responses, 289 skipped.

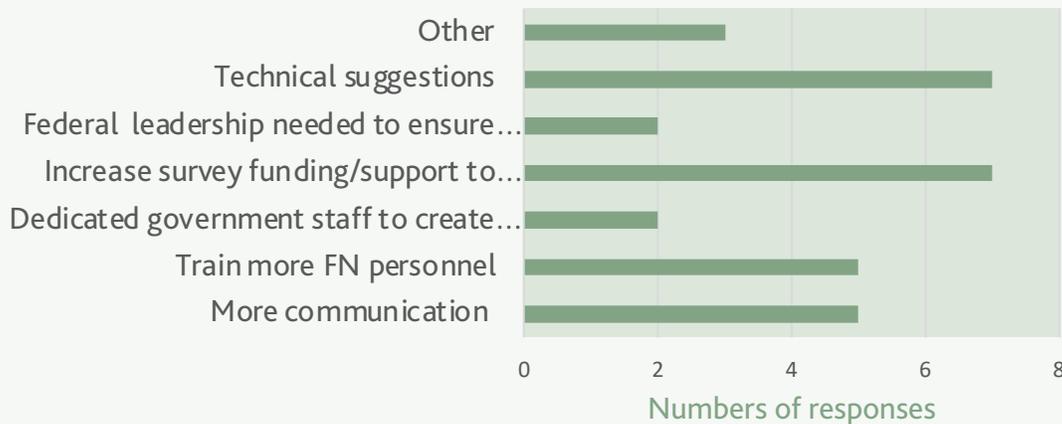
Q33: ATR Legal Issues.

	Yes	No	Unsure/NA	Total
Did the ATR survey plans have legal boundary problems?	38.2%	38.2%	23.5%	34
	13	13	8	
Did the need to show a "clear land title" slow your ATR application?	50.0%	23.5%	26.4%	34
	7	8	9	



Did the ATR survey legal land description requirements slow your application?	42.4%	33.3%	24.2%	34
	14	11	8	
Does your First Nation think the ATR survey regulations should be simplified in this legal land transfer process?	75.5%	8.8%	17.7%	34
	25	3	6	
33 responses, 289 skipped.				

Q34 What suggestions do you have for improving the survey and legal issues of an ATR application?



This question prompted a range of specific suggestions reflecting the cost, complexity, and unfairness that First Nations need to fund the return of their own land.

- *Make exception for provincial land surveyors to do CLSRs (limited firms in MB qualified) + push fed for survey budget and work plan to complete TLE in MB, stop the lawyers from getting rich on 15+ year ATRs.*
- *Have a dedicated team of legal advisors on this issue... very few law firms in rural "X" or in general have a good understanding of the ATR process. Finding a good firm outside the territory is difficult. Having a list of firms that have been vetted by a working group or a team of experts would be beneficial.*
- *You have to do this faster; it should be abolished totally. We should not have to go through this process ever. I mean, it's not ok that we have to buy back our own land and then not to be able to use it as soon as we buy it! This [is] so unfair. Why can't the government see that it's as clear as glass at how unfair it is? Frustrating.*



- *Approval of ATRs subject to provincial interests registered on title. It will allow for a much faster implementation.*
- *Less bureaucracy at all levels. Many federal staff assume its cut-and-dry, but “burnout issues” are very complex when dealing with the municipality. Make more staff available from the national side of the table. Fund the whole process so First Nation doesn’t have to use their own funds.*
- *NRCan, OSG, and the Cadastre office should have dedicated staff to deal with reserve lands.*
- *An ATR application should be able to be submitted with encumbrances on the title, with a note advising that the First Nation is in the process of clearing the title. this would allow the application to be submitted earlier in the process.*
- *It is a process that is far too slow and far too costly. What is the use of applying if it will take a dozen years at least to complete? It is very expensive to hire a lawyer to complete and there is no financial support from Canada. We do not understand the policy and legal requirements. A lawyer has to advise us on that and to the application.*

The additions to reserve process created important issues for First Nations (Q35). Most important were a need for increased training (79.1%), a lack of finances to pay for expertise (64.7%)⁸, and a lack of suitable land (61.8%).

Q35: How important were the following issues when pursuing an addition to reserve?						
	Not important			Very important		Total
	1	2	3	4	5	
Lack of community understanding of the benefits of an ATR.	23.5%	14.7%	11.7%	14.7%	35.3%	34
Lack of expertise in dealing with the technical issues in preparing an ATR application.	8.8%	8.8%	23.5%	17.6%	41.2%	34
Lack of finances to pay for external expertise.	11.8%	5.9%	17.7%	11.8%	52.9%	34
Lack of suitable land (Crown or fee simple purchase).	11.8%	8.8%	17.7%	5.9	55.9%	34
Increased ATR training.	6.1%	9.1%	6.1%	21.2%	57.9%	33

⁸ This is the sum of responses 4 and 5 in Table Q35.



Increased support for building community capacity to support ATR.	9.1% 3	3.0% 1	12.1% 4	9.1% 3	66.7% 22	33
Local opposition (from private landowners, municipalities, or another First Nation).	6.1% 2	0% 0	30.3% 10	18.2% 8	45.5% 15	33
Lack of community support for new land.	24.2% 8	10% 3	34.4% 11	15.2% 5	24.2% 8	33
Lack of finances to resolve third-party interest.	18.2% 6	9.1% 3	20.0% 7	15.2% 5	42.2% 8	33
Lack of finances to purchase lands.	9.1% 3	12.1% 4	14.3% 5	12.1% 4	48.5% 16	33
35 responses, 287 skipped						

Q35 reveals that respondents perceive many issues impeding their pursuit of an addition to reserve. Most important were the need to build capacity to support the ATR process, the need for specific training, the lack of suitable land, and the lack of finances.

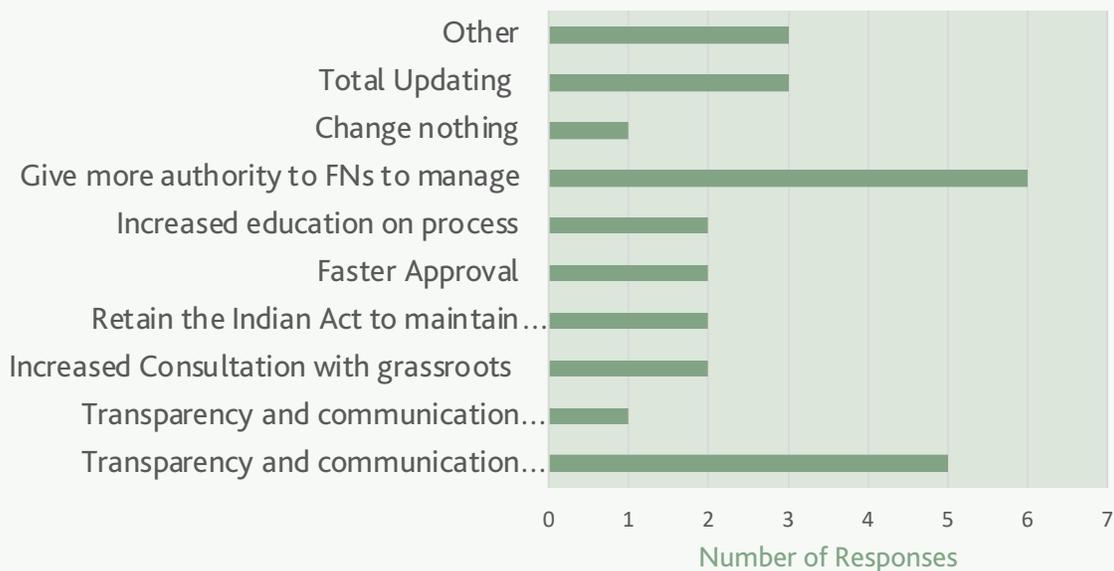
4.4. Suggested changes to the ATR process.

Respondents offered many opinions on the ATR process. Some advocated for policy adjustments (47.6%), while others (33.6%) wanted complete replacement (see Table Q36).

Q36: In your opinion, the existing ATR policy/process requires...		
Answer Choices	Responses (n)	Percent
Policy improvements	61	40.9%
Complete replacement	50	33.6%
Minor adjustments	10	6.7%
Other (please specify)	28	18.8%
Other (Shared between First Nation and province)	1	3.0%
149 responses, 173 skipped	173	



Q36 In your opinion, the existing ATR policy/process requires... (other)



The selected comments reflected the range of responses appearing in Figure Q36.

- *[N]eeds not to have Federal government's approval or input. If there is a need for more reserve lands, those should be added by those communities without interference or delay by the process or the government.*
- *Better communications to the grassroots.*
- *I couldn't only select one as I believe the whole policy needs to be totally revamped and replaced. We are now living in a modern era and need abolish policies that were created back when our First Nations had no voices. All existing policies need to be updated or replaced with the true voice of our grassroots people—meeting face to face and gathering this information is the way to go!*
- *Keep Indian [A]ct, this gives land health hunting/fishing etc. Without IA we are just Canadians and landed immigrants. No status no reserves no Aboriginal rights etc.*
- *Everything the government has offered in the past has not happened. How many times and by whom have the treaties not been honoured in the past? What makes this one any different? What little I know about the issue is to divide Aboriginal people from the rest of the population. Presently according to the "Two Wampum Treaty" for our country in our "Constitution" "...us including the UK, we are in breach of many International Laws, including the "Statute of Rome". I am not schooled in all of this information but it seems to me for our country have allowed this to happen, gives me little confidence in our present government. In view of what has been going on with the United Nations, I do not have confidence in them either as they want to have one rule for all under their power. Please do not proceed! From where I stand, they are not sincere...trying to pit Aboriginals against all*



others. Aboriginal people are already fighting an uphill battle. They are creating division!

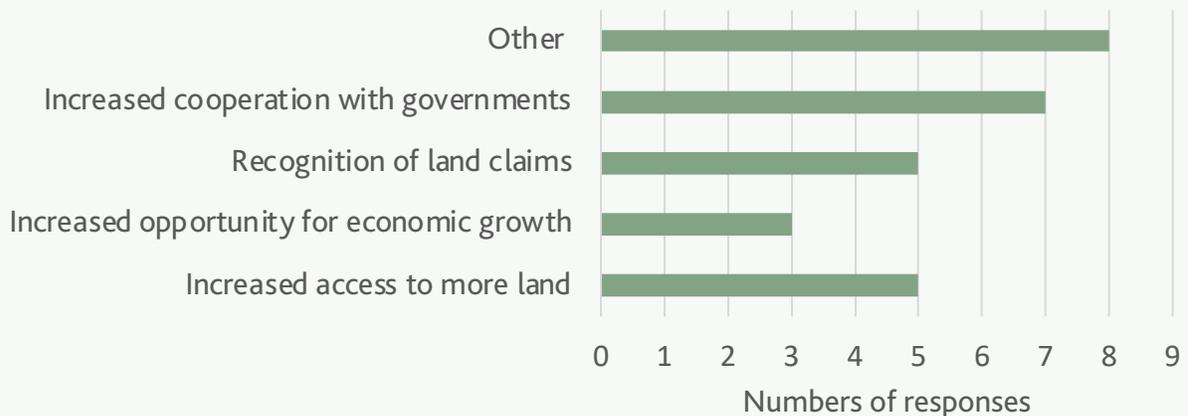
- *Total revamping, it takes the oppressing government seconds to take land away OIC, but it takes 10+ years and countless roadblocks along the way to get back lands. These roadblocks need to be eliminated, the Federal Government should be forced to do the consultation to the municipalities and legal reps should be paid for by the Feds as well, don't forget....all of Canada is on surrendered land. They need to answer to us.*

Q37 has two parts. The first (Q37a) provides a more detailed insight into whether processes worked well. Many responses to this question reflected qualified satisfaction with the ATR process. Several respondents commented favourably on the support they had received from the Federal government.

- *Acknowledgement of existing land claims from federal agencies.*
- *In recent years, they have created new road for housing lots and water treatment plant*
- *being able to call Canada on clarity where required.*
- *Great assistance and guidance from ISC*
- *Were entered in on currently, seems to be more driven to meet quicker resolution.*

Q37b continues by asking respondents to reflect on what did/does not work well. List and number of comments is longer.

Q37a Are there existing ATR policy/processes that worked well for you First Nation? (Yes)



Comments on what has not worked well included the following:

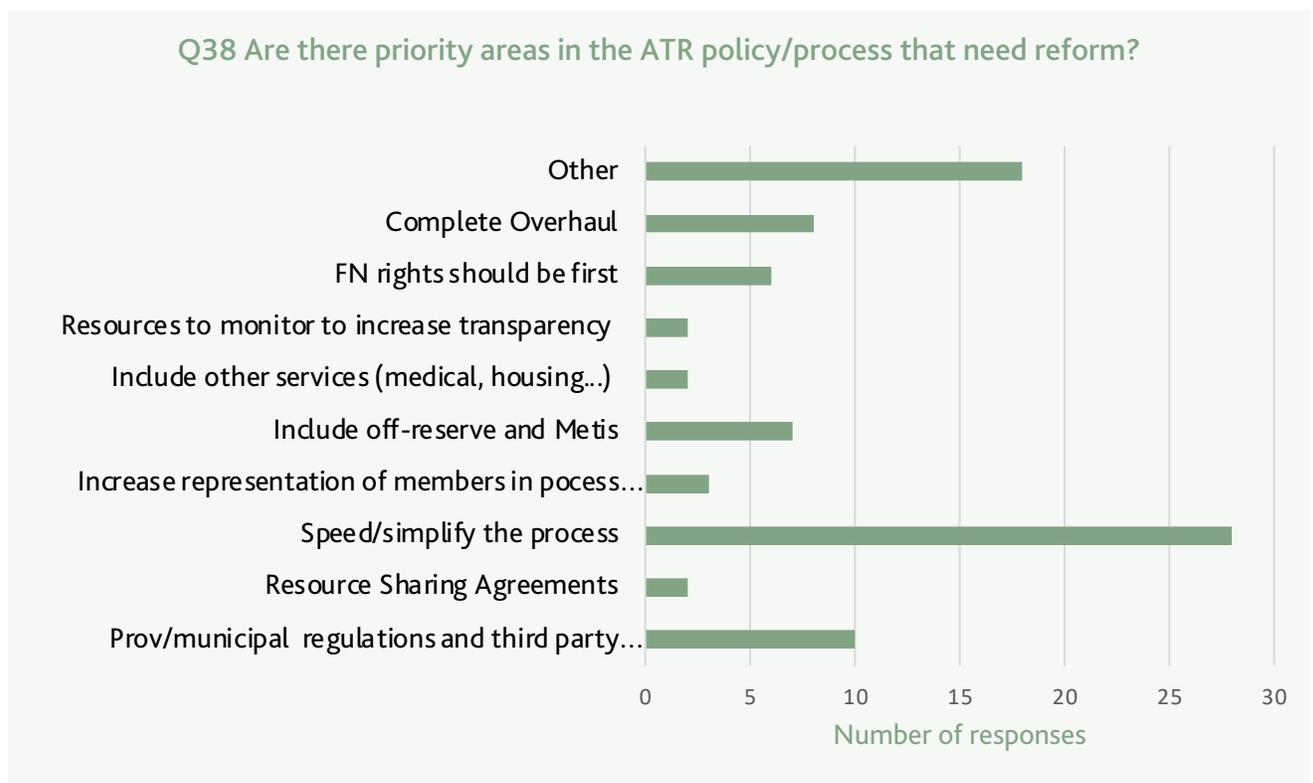
- *Policy should be based on community resiliency and fiduciary duty of the crown . We are considering a class action lawsuit on flooding similar to the one on Drinking water if our ATR is not expedited to a two-year timeframe.*



- Cumbersome and expensive process, not like regular land processes.
- We don't need any more "reserves", AFN should advocate for Land Back through other initiatives get creative with "land reserved for Indians", revamp the entire reserve system.
- The current ATR was created to stall processes and immediate ownership.
- No. Too little resources allocated to off-reserve.

4.5. Looking forward to change

The last three questions focus on directions for the future; respondents had many suggestions for improvement. As Figure Q36 shows, respondents see simplifying preparation and accelerating the decision process as the most important priorities. Many diverse comments too varied to classify appeared in response to this question.



Selected comments in response to Q38 included:

- *Sole decision making should be up to the communities in what is added. Not a long bureaucratic, Indian agent type of process.*
- *Strengthen Indian [A]ct. Without it we are very poor Canadians and no reserve status just small poor towns. Let me tell all: NO one or NOTHING is taking my Status card or my future generation's status cards tell the end of time and forever.*
- *Yes, it needs to be more than land back. What good is land back, but we are miles from nearby*

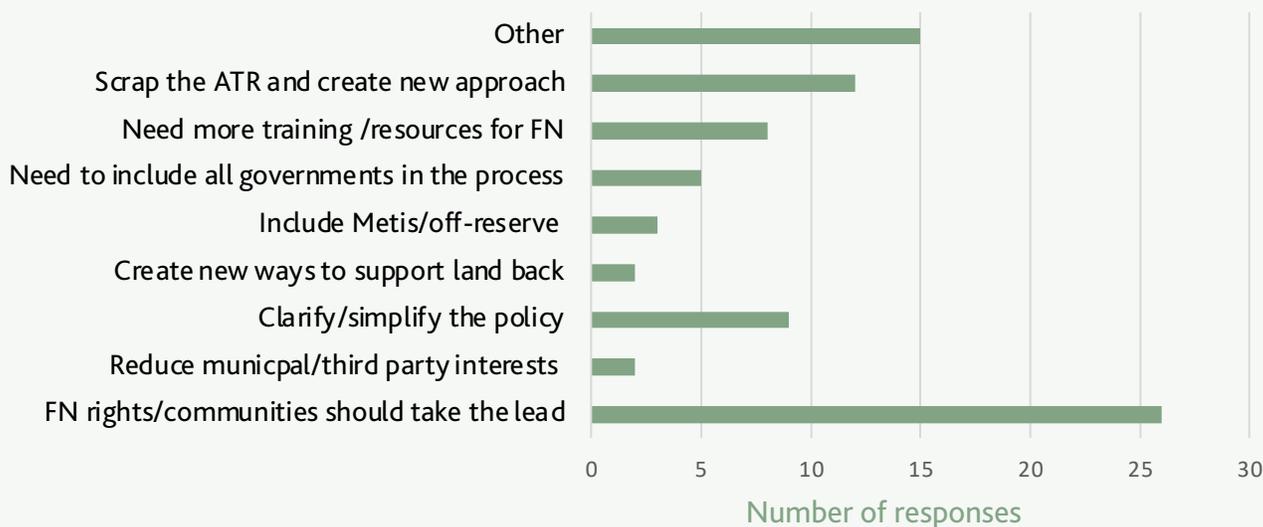


cities/towns. We need land back near cities and towns to join in on economies where we do not need to rely on tearing up the earth. Also, we need more urban areas, look at stats for reserves how many memberships want to live in town/city. We need urban areas that are designated for all indigenous folks so that we can create "Little Indigenous towns" like how they have little Italy and China town, Japan town in larger cities and even smaller ones. We need each other.

- At present, the Canadian gov't is judge, jury and executor of ATR and the requirement to work with municipalities before the federal gov't intervenes...requires too much burden of proof on our communities. The process leads to a lot of jurisdictional issues where our communities are the last to benefit rather than having our basic rights upheld.*
- The purpose of ATR is not relevant. Why does municipal zoning play a part? Why must we produce a letter of cooperation from the city or municipality? Questions around municipal services agreements should not play a factor.*
- Consultation with off-reserve members in urban centers respective of the members of that given urban center. They are residents of the legitimate nation's broader land base. Urban centers should have established agreements with the respective First Nation members off reserve and of that territory to create a new ATR for us to benefit as off-reserve members like our programs and services are supposedly intended for but only delivered on reserve, resulting in gaps and back and forth of provincial/federal jurisdictions. This would also test relationships at all levels to iron out a new way forward while reconciling land concerns in the broader land base. This will give us a good chance in Canadian economic markets as Canadians would respect our rightful place in this country. It would also serve as a central place for that nation to connect with most off-reserve members. This can be duplicated in all areas of the country in major cities.*
- Priority areas [state] the First Nation must meet with the municipality, province, federal government, and environmental groups just to start the process.*
- Time frames, consultations, expanded reasonings for adding or taking back lands (or no reason at all should be an option), access to free legal advice. The Treasury board having final say must be eliminated....just to name a few.*
- We should be able to add any of our traditional territory to our reserve without being restricted as to size or justification. We have a future to prepare for.*
- Clear the back log. Canada's conflict in deciding and approving. And province has all the land encumbered and taken up under assumed provincial Crown jurisdiction. Under UN Declaration re-design or replacement needed as ATR does not align.*
- The process is unclear, and lengthy multiple steps in the process to employ ISC and CIRNAC employees' approval processes from municipalities and regional districts veto power and control by province.*



Q39 What do you think an UNDRIP compliant ATR policy/process looks like.
Are there existing models or ideas that you want to identify?



A strong sentiment from the questionnaire responses is that First Nations need more control over the process (Q39 and Q40). For some, the ATR process cannot be salvaged and requires a complete overhaul. Another recurring theme is that the process needs to be simplified and focused.

Selected comments from Q39 include:

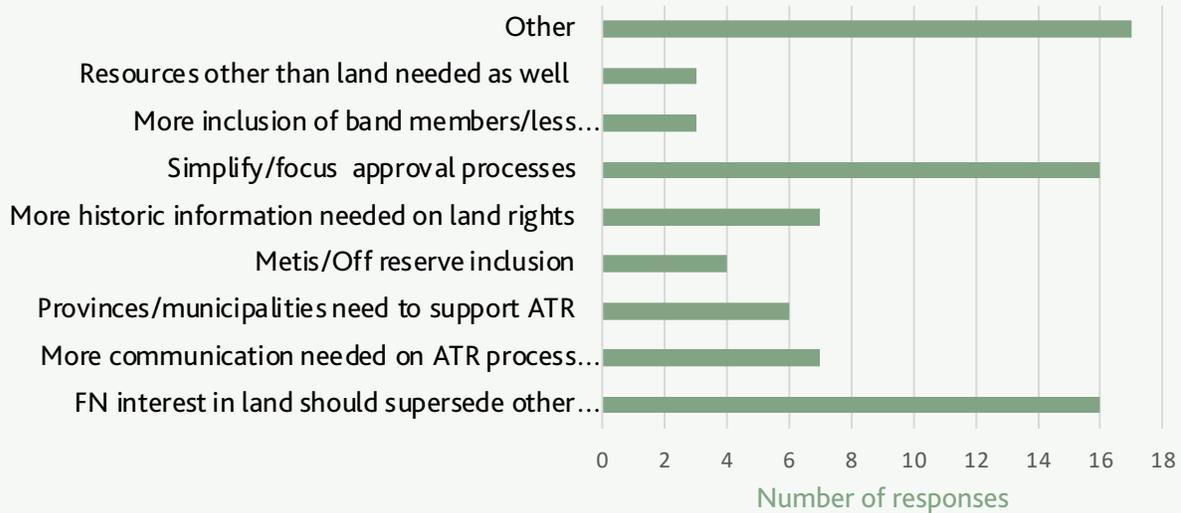
- *Existing models are good to look at so that you're not starting from scratch but so much has changed since those models were created. Host a series of regional meetings to gather the voices and insights from communit[ies] who are and have gone through the ATR process from that build the models. We need new so new should be built...*
- *Need more powerful Indian Act expanding it as it stands—no new garbage acts. Indian [A]ct gives status to me and my reserve, without it I am a Canadian living in a small, extremely poor town. No one is ever changing me now as a Status Indian. Confirm and strengthen Sections in the Canadian constitution pertaining to my Indian act status. We need a lot more entrenched Canadian constitutional laws, power, and rights. We are not Canadians, but Status Indians under the Indian Act and we are Aboriginal Landowners, we own Canada. No Indian [A]ct, no aboriginals, just all Canadians in a country called Canada.*
- *Why is UNDRIP the solution? In order to speed up claims, you need to work with the provinces. There is no framework for this.*
- *Our communities to be empowered to make decisions for our own communities and not have paternalistic frameworks that maintain "ward of the state" management. If it is "crown land" within our Treaty regions we should have control over how it is used for the benefits of our*



communities. This can include ATR's where needed and land management frameworks in other areas. The gov't should be required to propose their plans to us not the other way around.

- First off, the ATR process needs to reflect that it's not new land(s) and that it always belonged to First Nations. The process needs to identify simpler processes for First Nations to go out and take back the use of their original lands with the help of the Federal Government and not roadblock us with their processes. The ATR must be re-done with First Nations sitting in the working groups.
- A more streamlined approach; less red tape; less involvement of 3rd parties; more funding to First Nations to get support from technical ppl needed—surveyors, lawyers, real estate consultants etc.; fair and equitable treatment

Q40 Do you have specific recommendations or ideas that should be incorporated into the ATR policy/process?



Finally, responses offered to Q40 often featured considerable detail.

- Any and all "crown" land should be available to First Nation.
- Every land purchased by any registered treaty person be automatically registered as treaty land to fall under protection of ownership of the title hold whom purchased the land in agreement with land purchase by treaty status and First Nation band.
- Feds veto Provinces to fulfill TLE obligations—the Prov of "X" is the biggest hindrance to Treaty Land Entitlement.
- Having to justify an ATR based on established criteria is outmoded and paternalistic.
- Communication...organizations are always sending the information to a small group of busy people and that information isn't always disseminated in a timely manner...resources from feds to have a dedicated resource person (aside from land manager) who specializes in ATRs.



- *More powerful Canadian constitutional entrenched protection of our status rights, expanding on existing Indian status.*
- *An archival registry that holds precious historic testimonies and research evidence for the future generations.*
- *Increased supports for off-reserve Indigenous [P]eoples and increase the accessibility of an urban reserve (for purposes of tax rebates, etc.)*
- *We need urban areas that are designated for [I]ndigenous folks with plenty of housing and retail spaces for [I]ndigenous folks, including urban outdoor/indoor ceremony spaces that we can practice our cultures. It needs to be transparent and available too all [I]ndigenous folks from all over Turtle Island. I love and respect that we are looking to local [First Nations], but many of our people live in major cities [where] they are very little local [Indigenous][that] have capacity/funding to host other nations people to join in on their cultural spaces. Sharing is caring, plus we need to build more nationhood between each other we are stronger together.*
- *Ensure provincial/federal bodies have qualified support people to carry out the process. Ensure provincial/federal representatives are qualified. Set controls for land selections are protected from registering mining claims during negotiations. Ensure other [I]ndigenous communities do not overlap in the ATR. Make available "park lands" for selection.*
- *We should be looking back to the original treaties, verbal vs written. Our history shows that verbal agreements did not always carry the weight of what was verbally discussed at treaty signing. This verbal agreement carried back to Ottawa and then to the Queen, did not accurately capture the essence of the verbal discussions. An example is the value of the treaty payments arrived at for use of our lands, and the lack of inflation has had on this value. Also, the correct definition of the top 6 inches of the land and the lack of knowledge at the time of signing of the value of under 6 inches was, should be factors. If this is going to be true UNDRIP guided process.*
- *More ability for First Nations to directly negotiate. We should not have land held up for years because Canada and the province are in a dispute with each other over technical surveying matters.*
- *Provinces and federal governments resolve the problems they created that have created obstacles for nations to go through the ATR process. (Overlapping territorial boundaries that the province gave to Chiefs without any consultation with other nations). The Federal government should take responsibility for the actions of predecessors, make the negotiating process easier, and support nations with the provincial governments.*



5. Conclusion and summary

The 2023 survey of AFN member First Nation on the ATR Policy has identified First Nations' challenges in undertaking an addition to reserve. Key themes emerging from the responses included the following:

- The process for developing and applying for an addition to reserve is complex and time-consuming. The fact that some First Nations have successfully negotiated multiple applications shows that the process can be successful. Still, most respondents reported that their First Nation had encountered many barriers in applying the ATR Policy.
- Top issues in negotiating the most recent ATR included the time needed to prepare an ATR application. Other important issues included negotiating with federal, provincial, and municipal governments.
- The most important barrier cited by respondents is the lack of capacity and financing for the costs of preparing the application.
- At the same time, some respondents did commend the support from federal government staff. Others noted that the process had increased capacity and knowledge for future applications.
- Most respondents contracted technical services such as surveys and legal advice. In general, the experience with these services has been favourable. Respondents expressed a need for increased funding and training for First Nations personnel in dealing with technical experts.
- Suggestions to change the existing process included allowing First Nations more authority in managing the process and increasing the transparency and communication about the process in general and a specific application in particular.

In summary, respondents view the ATR Policy and application process as too complicated and too slow. They see increased funding to support capacity building to prepare an application and greater transparency in the process as important for a revision to the Policy.



Appendix A: Covering Letter and Questionnaire (Online version)

Additions to Reserve National Survey

This Assembly of First Nations (AFN) questionnaire will collect data from First Nations on their awareness, understanding and experience using Canada's additions to reserve (ATR) process. This information identifies challenges First Nations face when trying to convert lands to reserve status and will inform AFN efforts to redesign the ATR process to make it work better for First Nations.

What is an ATR?

An ATR is a parcel of land added through legal statute to either the existing reserve of a First Nation, or a brand-new reserve. Land can be added adjacent to the existing reserve land (contiguous) or separated from the existing reserve land (non-contiguous). An ATR can be added in rural or urban settings. It features a formal process of initiation, assessment, and approval. For more information about the ATR process and policy: Indigenous Services Canada

Who should complete this questionnaire?

This questionnaire is open to all First Nations. We are particularly interested in the views and experiences of those First Nations either with experience using the ATR process, or with an interest in adding lands to reserve with the ATR process. The questionnaire does not require specific respondents to identify themselves or their communities but instead focuses on the region or Treaty area of each respondent.

How can you participate?

The questionnaire is available online through Survey Monkey: <https://www.surveymonkey.com/r/TVVKRP7>

For those respondents with connectivity issues, AFN staff are available to facilitate a telephone interview or provide a paper copy of the survey with a pre-paid return envelope.

If you wish to pursue either of these options, please contact the AFN at lands@afn.ca.

Is the information confidential?

The AFN will ensure that all information collected from respondents is kept confidential indefinitely. The AFN will protect all information collected from unwarranted access and disclosure and



abide by the principles of OCAP™ (Ownership, Control, Access, and Possession) throughout the survey process. The AFN will prepare reports using collected information, classified by community features such as region or Treaty area. It will not be possible to identify any individual responses from any of these reports.

What happens to the information collected?

AFN will prepare an analysis of the information collected and make it public on the AFN website. This analysis will assist in identifying the persistent challenges First Nations face when using the ATR process and ultimately will support the development of comprehensive policy reform for consideration by First Nations leadership.

Outline of the Questionnaire

The questionnaire has four parts:

- A. Respondent attributes (This section collects baseline information about the respondent)
- B. Past ATR experiences (This section focuses on past experiences using the ATR process)
- C. Land Use Planning Tools and Land Surveys
- D. Feedback on future ATR policy direction (This section allows respondents to identify ATR re-design options and priorities)

Q1 Contact: Please enter the name/phone/email of the individual we can contact for follow-up and clarification.(optional)

Q1 Contact: Please enter the name/phone/email of the individual we can contact for follow-up and clarification.(optional)					
Name (please print)		Phone		Email	
Questions? Please contact either					
Judith Wasacase			Natalie Dube		
jwasacase@afn.ca			NDube@afn.ca		
Saskatchewan	<input type="radio"/>	Newfoundland / Labrador	<input type="radio"/>	Yukon/NWT	<input type="radio"/>
Manitoba	<input type="radio"/>	New Brunswick	<input type="radio"/>		
Q3 What is the land management regime for your First Nation?					Check one



• Indian Act					<input type="radio"/>
• Reserve Lands and Environmental Management Program					<input type="radio"/>
• Framework Agreement on First Nations Land Management - developmental					<input type="radio"/>
• Framework Agreement on First Nations Land Management – developments – operational					<input type="radio"/>
• Comprehensive Land Claim/Self-government Agreement					<input type="radio"/>
• No agreement with Canada					<input type="radio"/>
• Don't know					<input type="radio"/>

Knowledge of ATR process

Q4 Are you familiar with the Additions-to-Reserve policy	Yes	<input type="radio"/>
	Somewhat familiar	<input type="radio"/>
	No, not at all	<input type="radio"/>
	Go to Part D	
Q5 To the best of your knowledge, is your First Nation Interested in doing an ATR?	Yes	<input type="radio"/>
	No	<input type="radio"/>
	Unknown	<input type="radio"/>

Use of ATR process

Q6 Was or will your ATR application be based on an emergency need for land or to replace lands lost due to fires or flooding?	Yes, due to fires	<input type="radio"/>
	Yes, due to flooding	<input type="radio"/>
	No	<input type="radio"/>
Q7 To the best of your knowledge, has your First Nation ever used the ATR process to add land or to create a new reserve?	Yes	<input type="radio"/>
	No	<input type="radio"/>
	Unsure	<input type="radio"/>



Q8 With the recent passing of the United Nations Declaration on the Rights of Indigenous Peoples Act in Canada, the government has an obligation to ensure all of its existing laws and policies align with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration/UNDRIP) Our goal is to ensure the redesign of the ATR policy is fully compliant with UNDRIP. If you wish to provide feedback on the current ATR policy, please click "I want to continue with the survey" (you will still be able to provide comments on an UNDRIP compliant ATR policy/process at the end of the survey) To submit suggestions on how the future ATR policy or process can align with UNDRIP, or share your vision on what you think the ATR policy should be, please select "I wish to continue to Part D" to go to the last section.

I would like to continue the survey and provide information on the current ATR policy and my community's ATR experiences

I would like to continue on to Part D: Future Direction of the ATR Policy, where I can leave comments and share my vision for a new/different ATR Policy and how to improve the process

Note this question appeared in the online version of the questionnaire

Part B: Past ATR Experiences

Think about any recent ATR application submitted by your First Nation (This ATR application could include an approved or finalized ATR or one that is submitted/pending).

If your First Nation has not used the ATR process or you have no familiarity with the ATR process, please go to **Part D: Feedback on future ATR policy direction**.

ATR Application

Q9 Are you aware of an ATR application submitted by your First Nation? (An understanding of some of the key elements, including year initiated, parcel(s), acres, etc., will be useful)	Yes	<input type="radio"/>
	No	<input type="radio"/> Go to Part D



Q10 How important were the following reasons for preparing the application?	Not important ←	Very important →
a. Legal Obligation (Tribunal Award or Specific Claims Settlement)	○ ○	○ ○
b. Legal Obligation (Treaty Land Entitlement)	○ ○	○ ○
c. Economic (taking advantage of Economic opportunities)	○ ○	○ ○
d. Cultural and/or Spiritual purposes	○ ○	○ ○
e. Governance (exercising jurisdiction over the Nations' Lands)	○ ○	○ ○
f. Community need (not enough land for community purposes)	○ ○	○ ○
Q11 Comment on other reasons you started your most recent ATR.		

Q12 If available, please provide some basic information about the ATR (Final approval, informal communication, or formal Letter of Support)	
a. Approximately how many acres in total	
b. Year ATR application was submitted	
c. Approximately how many parcels gained	
d. Rural or urban acres	
e. Governance (exercising jurisdiction over the Nations' Lands)	
f. Community need (not enough land for community purposes)	

Q13 Did the Government of Canada provide support for this application during the ATR process (either informally or through a formal letter of support)?	
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Q14 Did/will this ATR create a reserve that did not previously exist?	
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Q15 How many ATR applications does your First Nation currently have in the queue with ISC?	
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Q16 What is/was the source of the land used in this most recent addition?	(Check all that apply)
a. Federal Lands (Crown or asset disposal)	<input type="radio"/>
b. Provincial Crown Land	<input type="radio"/>
c. Municipal Land	<input type="radio"/>
d. Fee simple Land (purchased from a third party)	<input type="radio"/>
e. X`	<input type="radio"/>

Q17 Did the following issues play a role while preparing and submitting this ATR application? Please rank all that apply from minor to major.	Minor ←	Major →
a. Lack of available crown lands	<input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/>
b. Mobilizing community support for the application	<input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/>
c. Lack of technical expertise in community mapping	<input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/>
d. Lack of legal expertise in land surveying	<input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/>
e. Lack of finances to prepare application	<input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/>
f. Lack of finances to pay for tax loss compensation	<input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/>
g. Lack of available accurate land surveys.		



h. Lack of a dispute resolution process.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Lack of environmental assessment expertise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Environmental condition of the land parcels	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Environmental regulation(s) (e.g., species at risk)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Riparian water rights and other water issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. Time for the application to move through all ATR steps	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n. Engaging third party technical (legal, financial, negotiations ...) services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o. Unsure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If engaging third party was an issue for you, please explain which third party and how it was an issue:				

Q18 Issues continued: Did the following issues play a role during this application? Please rank all that apply from minor to major.	Minor		Major	
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
a. Negotiating with other First Nations on claims to traditional territory	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Negotiating with surrounding municipalities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Negotiating with provincial government	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Negotiating with the federal government	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Negotiating with Métis communities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Dealing with utility companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Dealing with mineral/gas/oil license holders	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Obtaining information on the ATR process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Obtaining financial resources to support the process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Unsure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Q19 Please describe the three most significant issues your First Nation faced with this ATR application:

Q20 What external, third-party resources did your First Nation consult to support this ATR application?	(Check all that apply)
a. Land mapping (Federal/Provincial/Municipal)	<input type="radio"/>
b. Land surveying (contracted)	<input type="radio"/>
c. Legal services	<input type="radio"/>
d. Real estate services	<input type="radio"/>
e. Business/ATR consultants	<input type="radio"/>
f. Environmental assessment	<input type="radio"/>
g. Utilities (Hydro/Gas/Water) Rights and Easements	<input type="radio"/>
h. Railway Rights and Easements	<input type="radio"/>
i. Provincial roads departments	<input type="radio"/>
j. Municipalities (Municipal Service Agreements)	<input type="radio"/>
k. Unsure	<input type="radio"/>

Q21 Comment on the time needed to complete this ATR application.



Q22 Please describe any positive aspects during this ATR application. This could include, but is not limited to, steps that were easy, effective, or beneficial to the community (such as relationship or capacity building).

Q23 Overall, please rate your experience, or the experience of your First Nation, with this ATR application.	Very easy ←	Very challenging →
This ATR application was:	○ ○	○ ○

Part C - Land Use Planning Tools and Land Surveys

This part of the questionnaire refers to the land survey and planning processes used to prepare your First Nation's ATR application (approved or pending).

Q24 Does your First Nation have:	Yes	No	Unsure
a. A land use or community plan	○	○	○
i. If yes, do you have the capacity to manage your land use and community plan?	○	○	○
b.	○	○	○
i. If yes, how many acres? _____	How much money was awarded?		\$ _____
acres			
c. Lands acquisition plan that includes/ considers:	○	○	○
i. land acquisitions and Designated Lands under the Indian Act	○	○	○
ii. Community addition for proposed land acquisitions	○	○	○
iii. Cultural/Traditional/Ceremonial use for proposed land acquisitions	○	○	○



d. Reserve lands surveying capability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. In-house GIS mapping capacity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q25 How many staff does your First Nation have trained in ATR for managing the ATR process? (Enter "0" for none)

Q26 Does your First Nation have a settlement Land Transfer agreement?

Q27 If yes, how many acres?

Q28 How much money was awarded?

Q29 ATR Survey Relationships.	Yes	No	Don't know
a. Has your First Nation had good relations with the Federal Surveyor General?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Has your First Nation had good relations with the Provincial survey office?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Has your First Nation been satisfied with their ATR Survey job(s) delivered?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q30 ATR Survey Products.	Yes	No	Don't know
a. Were your ATR survey plan(s) sufficiently accurate for your First Nation's application?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Did your ATR team understand the survey products delivered needed for your application?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Did your ATR team understand the survey requirements for completing your application?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



d. Were your ATR survey products prepared when needed?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Q31 ATR Surveying Services.	Yes	No	Don't know
a. Was contracting land surveying services a problem?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Was communicating with the ATR surveyor a problem?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Did you need to have the survey revised more than once before it could support your ATR application?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Were the survey services costs reasonable?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q32 Who paid for the surveys?	Check one
a. Indigenous Services Canada (ISC) (100%)	<input type="radio"/>
b. First Nation (100%)	<input type="radio"/>
c. ISC/First Nation (Shared)	<input type="radio"/>
d. I don't know	<input type="radio"/>
e. Other (please specify):	

Q33 ATR Surveying Legal Issues.	Yes	No	Don't know
a. Did the ATR survey plans have legal boundary problems?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Did the need to show "clear land title" slow your ATR application?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Did the ATR survey legal land descriptions requirements slow your application?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



d. Does your First Nation think the ATR survey regulations should be simplified in this legal land transfer process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Q34 What suggestions do you have for improving the survey and legal issues of an ATR application?

Part D Future direction of the ATR Policy

The final section of this questionnaire asks for your opinion about improvements needed to the ATR policy and process to ensure it meets the goals and needs of First Nations.

What is Additions-to-reserve?

Additions-to-Reserve website: [Indigenous Services Canada](http://www.indigenous-services.ca)

As background, here is the Additions-to-reserve policy directive from 2016:

2016 Policy Directive

Q35 How important are the following issues when pursuing an addition to reserve?	Not very important ←	Very important →
a. Lack of community understanding of the benefits of an ATR	<input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/>
b. Lack of expertise in dealing with the technical issues in preparing an ATR application	<input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/>
c. Lack of finances to pay for external expertise	<input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/>



d. Lack of suitable land (Crown or fee simple purchase)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Increased ATR training	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Increased support for building community capacity to support ATR	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Local opposition (from private landowners, municipalities, other First Nations,)				
h. Lack of community support for new land	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Lack of finances to resolve third-party interests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Lack of finances to purchase lands	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q36 In your opinion the existing ATR policy/process requires...:	
Policy improvements	
Complete replacement	
Minor adjustments	
Other (Specify)	
e. Governance (exercising jurisdiction over the Nations' Lands)	
f. Community need (not enough land for community purposes)	

Q37 Are there aspects of the ATR Policy and process this questionnaire has not addressed? Please explain.

Q38 Are there priority areas in the ATR policy/process that need reform? If yes, please identify



Q39 What do you think an UNDRIP compliant ATR policy/process looks like? Are there existing models or ideas that you want to identify.

Q40 Do you have specific recommendations or ideas that should be incorporated into the ATR policy/process? Please explain.

Q41 Do you have any final comments about ATR Policy and process?



50 O'Connor Street
Suite 200, Ottawa
Ontario K1P 6L5
Tel: 613.241.6789
Fax: 613.241.5808