



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Additions to Reserve (ATR) Overview

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Additions to Reserve Policy

- Developed by Indian and Northern Affairs (INAC) as national policy;
- Sets out conditions to be met and the issues to be addressed before land can become reserve;
- All ATR proposals reviewed by INAC to ensure policy requirements are met.



Goals of ATR Policy

- Promote good ongoing relationships with neighbours and third parties;
- Promote good working relationships with municipalities and provincial governments;
- Ensure all environmental concerns are identified and addressed;



Goals of ATR Policy (cont'd)

- Ensure all steps necessary for effective transfer of land are completed and all third party interest are properly recorded and addressed;
- Balance the interests of First Nations, government, third parties and the public.



Application of the ATR Policy

All proposals to grant reserve status to land are reviewed in reference to the criteria set out in Canada's 'Additions to Reserve'(ATR)Policy.

- The policy provides for a two stage review process:
 1. Review of Policy Criteria
 2. Review of Site Specific Criteria



Policy Categories

Legal Obligations

- Claim Settlements
- Court Orders
- Legal Reversions

Community Additions

- Normal Community Growth Additions
- Geographic Additions
- Return of Unsold Surrendered Land Additions

New Reserves / Other

- New reserves for social or commercial purposes
- Proposed reserve not within 'service area'
- Relocations & new reserves for landless bands / communities
- Agreement commitment exceeded
- Unresolved need and/or funding issues



ATR Review Process

3 phases in process

- Phase 1 – planning by the First Nation
- Phase 2 – review of proposal by INAC
- Phase 3 – final approval



Phase 1 - Planning

First Nation must provide INAC with information and documentation about the proposal:

- Identification of policy category;
- Description of land proposed for addition to reserve;
- Identification of any 3rd party interests to be addressed (e.g. leases, permits, rights of way) and any agreements in place;



Phase 1 – Planning (cont'd)

- Any available environmental information;
- Information about the current and proposed use of the land;
- Results of any communications and negotiations with local community, municipality and province;
- Other information related to issues particular to each proposal.



Phase 2 – Review of Proposal by INAC

Completion of an environmental assessment;

All land proposed for reserve status must undergo an environmental review to ensure that:

- Reserve populations are not exposed to health risks from contaminated land;
- The environmental condition of the land is consistent with the proposed use of the land; and
- The department does not inadvertently assume potential liability for contaminated land.



Third Party Interests

- have third party legal interests been identified and addressed (e.g. leases, permits, rights of way).
- *This step may take considerable time to complete but is critical to processing the proposal.*



Provincial consultation

Has the First Nation completed consultations with the province about the potential impact on programs and services

The province must be notified in writing and provided three months to respond in writing with concerns:

- Equivalent environmental regulatory regime
- Highway access issues
- No impact on provincial funding
- Municipal concerns addressed

There is no provincial veto



Municipal consultation

Has the First Nation completed consultations with the local municipality about concerns and common issues.

Where the proposed reserve is within municipal boundaries, the municipality must be notified in writing and provided three months to respond in writing with concerns:

- Tax Loss
- Municipal Services
- By-law Applications
- Land Use (drainage, etc.)
- Land Values
- Consultative Process

There is no municipal veto



Phase 2 – Review of Proposal (cont'd)

- Review of all documentation to ensure policy requirements have been met;
- If policy requirements are met, submit the proposal to the Regional Director General or Minister for approval in principle;



Phase 3 – Final Approval

- Undertake survey plan if required
- Land Acquisition and Transfer
- Order in Council
- Register Land as Reserve