

FEBRUARY 2025 LANDS ADVISORY BOARD RECOMMENDATIONS

At the Lands Advisory Board (LAB) 2025 Annual General Meeting, we will seek resolutions to confirm support for a new “First Nation Lands Policy” designed for land code self-governing First Nation signatories to the *Framework Agreement on First Nation Land Management* (Framework Agreement), and other self-government agreements. Our goal is an ATR policy that aligns with the speed of business. Canada’s current *Indian Act* Additions to Reserve (ATR) Policy is focused almost exclusively on fears of federal liabilities, destroying economic opportunities. In contrast, self-governing First Nations have been driving success, not incurring federal liabilities.

The current ATR process throttles self-government authority, with First Nations having no control over timing or decision-making, offering no certainty for members, developers or investors. **To support our position, we are conducting an economic analysis in collaboration with external experts to assess the substantial savings that could be realized through a more efficient ATR approach.**

A NEW FIRST NATION LAND POLICY SUPPORTING SUCCESSFUL SELF-GOVERNMENT

- **ATRs can drive economic development in urban areas.** Self-governing First Nations can acquire land in fee simple and seek to redevelop those lands under municipal authority. However, where there is an ATR, the First Nation can move more effectively with major redevelopment by combining government, land ownership and economic investment powers (for example, Treaty One’s Naawi-Odena lands in Winnipeg).
- **Stop the current anti-ATR policy.** Canada should support self-government ATR requests unless there are valid reasons to object. The current process assumes risks and liabilities that do not apply to self-governing First Nations, which do not generate such concerns.
- **ATRs should reflect self-government efficiencies.** Canada’s existing ATR process creates years of delays for ALL First Nations. The risk analysis that drives Canada’s policy should not apply to self-governing First Nations.
- **Reasonable limitations on federal liability.** We will consider reasonable measures to confirm that Canada is not liable for ATRs. Consider amendments to add ATRs to the Framework Agreement’s current liability and indemnity provisions. We reject unreasonable measures, such as BCRs requesting ATRs in the current policy.
- **Reduce reliance on federal bureaucracy in favour of the new Registry.** The new First Nations Land Governance Registry is built with technology and expertise ideal for supporting an accurate and high-speed ATR process: electronic document and process tracking, mapping, surveys, and registration of all interests affecting land.
- **Rely on the new Registry to deliver ATR service to First Nations and deliver on deadlines.** Creating a new organization is unnecessary, as improvements to the current process take years due to the challenge of building broad consensus for change.
- **Engage provinces and municipalities where they support ATRs.** Fast ATRs, particularly in urban areas, should be prioritized when provincial and municipal partners are committed to successful implementation. Proper upfront commitments will help finalize ATRs and allow partners to address land use, infrastructure, and services.

- **Support ATRs even if municipalities oppose them, except under narrow conditions.** ATR proposals should be approved unless valid objections arise, such as when a municipal expropriation for public purposes is underway.

FRAMEWORK AGREEMENT AMENDMENTS FOR A NEW FIRST NATION LAND POLICY

- **Option for First Nation title to ATR lands,** with no delay from transfers to Canada. These ATR lands would be set apart for the use and benefit of the First Nation (not individual fee simple title) per section 91(24) of the *Constitution Act, 1867*. First Nation title would respect existing provincial interests (any existing limitations on title when land is acquired from a province or in the private market would continue in an ATR).
- **Option to rely on legal description of lands for Ministerial Orders** - no obligation for updated Canada land surveys prior to an ATR and new First Nations Survey Authority to assist in speeding up surveys where desired.
- **Electronic ATR process built into the new Registry.** Where a First Nation opts for title held by the First Nation, the registry can commit to fixed deadlines for an ATR decision at the speed of business. Where title is transferred to Canada, the registry will still be used but cannot be responsible for the timing of Canada's title process.
- **Efficiency in consultations,** ie. the Framework Agreement to describe circumstances under which province-led consultation processes can be relied on by Canada
- **Framework Agreement should clarify authority for "conditional" ATRs.**
- **Establish a new option for temporary "reservation" or "withdrawal" of lands, triggered only when agreed upon by both the First Nation and Canada,** pending resolution of parcel boundaries. This would prevent mining and other land acquisitions while final selections are made, with incentives or time limits implemented to avoid detrimental delays to the First Nation.
- **Option to carry over existing third-party interests.** Work with provinces and utilities to avoid unnecessary replacement and renegotiation of existing third-party interests where a First Nation has no concerns. The Framework Agreement should address special powers of the provincial Crown that should not apply on reserve.
- **Explore delegation of Minister's authority to an ATR service,** similar to the evolution of First Nation taxation authority away from the Minister deciding on by-laws. This requires a streamlined governance model, not a delayed federal appointment process.