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May 16, 2011

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[Via email and fax]

Dear Mr. Bartesko:

Re: Your letter dated May 3, 2011

We are in receipt of your letter to the two of us dated May 3, 2011 concerning the Lower Athabasca Regional Plan (“LARP”). We wish to respond to a number of issues raised in your letter.

You note that Alberta is following the First Nation Consultation Plan for the Lower Athabasca Region that was “distributed in 2009.” As we have pointed out on many occasions, that Plan was unilaterally developed by Alberta and imposed on our First Nations¹. Our First Nations asked Alberta on a number of occasions to work with us to jointly develop a mutually-acceptable consultation plan, MOU or protocol concerning LARP, and Alberta refused to do so.²

You also state that Alberta disagrees with the assertion made in our joint letter of April 11, 2011 that Alberta has been unresponsive. You go on to state that “Alberta has received and reviewed voluminous submissions from both ACFN

¹ See, e.g., our October 19, 2010 joint submission with CPDFN regarding the RAC vision document.

² For example, in their submissions dated April 16, 2009, July 31, 2009, August 28, 2009 and January 29, 2010 the First Nations asked for Alberta to work with them on the development of a consultation agreement or protocol to guide consultations on LARP.

and MCFN and met with both First Nations several times.” You also state that, in your view, “both ACFN and MCFN have had ample opportunity to influence the development of the LARP to date.” You also note that the draft LARP, released by Alberta in April, 2011, is Alberta’s response to comments received from various sources to date, including ACFN and MCFN.

These comments miss the point. ACFN and MCFN have worked diligently to provide extensive submissions and concerns throughout the LARP process. In addition to our submissions in the fall of 2010 which outlined a rationale for protection of various areas to ensure the exercise of our section 35 rights now and in the future, we have also provided various other materials to LUS including, without limitation, comments on the RAC Vision Statement, and we have also referenced various submissions made in public hearings and other places. The issue is that Alberta has not provided substantive feedback to ACFN and MCFN on how the information and concerns that we have provided in our “voluminous submissions” have been incorporated in the draft LARP or how the draft LARP responds, if at all, to the information in our submissions.

In written correspondence and in meetings with the LUS, our First Nations have requested specific feedback from Alberta on how our information and concerns in these “voluminous submissions” have been taken into account in the draft LARP. We have asked to meet with planners and other officials so that we can understand, prior to the adoption of LARP, how Alberta has considered the current and future exercise of our rights in the LARP process and to ensure that Alberta understands the information that we provided and how it can be meaningfully incorporated into LARP. Our submissions both in respect of LARP and in other submissions to Alberta over time have focused on our concern that previous, current and future industrial activities have already infringed, and stand to further infringe, our section 35 rights. We have noted that one of the reasons why we would like specific feedback is so that the drafters of LARP can ask questions, test our information, and work with us to better understand how our rights stand to be affected by LARP. On this front, we also note that both First Nations have tabled a series of questions for discussion to guide development of LARP. Those questions were tabled with Alberta in MCFN’s October 2008 submission on the Land Use Framework, in ACFN’s April 16, 2009 submission on LARP as well as in a joint meeting of the First Nations and officials from the LUS. Many of those questions also remain unanswered.

At par. 46 of its decision in the *Haida Nation* case, the Supreme Court of Canada, quoting from a New Zealand document relating to consultation with the Maori, set out what it considered to be aspects of meaningful consultation, as follows:

Consultation is not just a process of exchanging information. It also entails testing and being prepared to amend policy proposals in the light of

information received, and providing feedback. Consultation therefore becomes a process which should ensure both parties are better informed . . . (at s. 2.0 of Executive Summary)

. . . genuine consultation means a process that involves . . . :

1. gathering information to test policy proposals
2. Putting forward proposals that are not yet finalized
3. seeking Māori opinion on those proposals
4. informing Māori of all relevant information upon which those proposals are based
5. not promoting but listening with an open mind to what Māori have to say
6. being prepared to alter the original proposal
7. providing feedback both during the consultation process and after the decision-process. (at s. 2.2 of Deciding) (emphasis added)

This is precisely the kind of process we have been asking for in LARP. Unfortunately, Alberta has declined to work with us prior to the finalization of LARP to understand our concerns and ask questions about, or comment on, our information and approach. In short, Alberta has received information from us in this and other Crown-led processes, but has not actually provided meaningful feedback during the consultation process.³

Instead, your letter now “encourages ACFN and MCFN to review the Draft’s content and consider to what extent the First Nations’ previous submissions have been incorporated, and whether the First Nations would like, to make additional submissions in light of that content. It is up to the First Nations to make their concerns known to Alberta in light of the draft LARP content, which is the subject-matter of LARP consultation at this time.” (emphasis added)

Alberta’s approach is troubling to us for a number of reasons. First, the courts have made it clear that consultation is a “two-way street.” ACFN and MCFN have been extremely diligent in providing feedback and information throughout the LARP process. We have also repeatedly requested Alberta’s feedback on the information and concerns that we have diligently provided; we have explained how Alberta’s feedback is necessary to ensure that we are meaningfully consulted on LARP; and, we have suggested ways of ensuring that our rights and concerns can be protected in LARP. Your approach, rather than being a cooperative one, essentially tells us to “figure it out” in terms of whether our input and concerns have been reflected in the draft LARP. If not, we are being told to raise our concerns, without prospect of Alberta’s feedback, yet again.

Second, besides being one-sided and unresponsive, this approach neglects our submissions about adverse impacts to and infringements of our rights that we

³ Indeed, in our recent meeting on April 27, 2011, Alberta informed us that it would only be providing a summary document of what Alberta views have been the themes in our submissions and that this summary will be presented to us after consultation has been deemed by Alberta to be complete.

have provided to you in respect of LARP and from other processes (most recently in respect of material filed in the Total Hearing) that we have provided to you for consideration in LARP.

Our First Nations have made submissions about adverse impacts to, and infringements of, our rights for a number of years in various Alberta-led processes. Time and time again, we have sought to engage Alberta in a discussion of our submissions so that we can determine areas of understanding and misunderstanding and so that planning can be done that avoids or minimizes adverse impacts and infringements in the future. At best, we are presented with “what we heard” documents, long after processes have ended.

In short, there appears to be no process in place to actually engage with us. This is evident in your statement that a “draft summary report of First Nations’ input will be provided to your First Nations close to the end of the 2-month timeline for consultations leading up to LARP finalization” (emphasis added). We take this to once again be a refusal by Alberta to engage with us in a timely fashion to discuss our submissions and to engage in meaningful consultation well in advance of the finalization of LARP. How can Alberta seek to engage with us and to possibly make meaningful changes to LARP to reflect the current and future exercise of our rights if Alberta refuses to provide feedback during the consultation process and if Alberta will provide a draft summary report close to the end of the consultation process?

We are also extremely surprised at your statement that if “either First Nation would like to discuss particular aspects of LARP content at [upcoming] meetings, it would enhance the meaningfulness of the meeting for the First Nations to indicate those aspects to Alberta in advance, so that Alberta can seek to arrange the appropriate meeting attendees.” We have proposed agendas for meeting and we have been very clear in correspondence and in meetings as to what we would like to discuss. We have been asking for Alberta to provide specific feedback to our submissions on various aspects of LARP (such as our submissions on protected areas, our comments on the RAC Vision document to name two examples) for many months. Despite being aware of what we would like to discuss, when we have met with Alberta, we have continuously been told that Alberta is unwilling or unable to discuss the very issues we are raising, namely, how our submissions have been taken into account.

Our First Nations will provide feedback concerning the draft LARP. It would be helpful if Alberta would actually make a commitment to work with us now and prior to the adoption of LARP and not “close to the end of the 2-month timeline” (imposed unilaterally by Alberta) to explain how our submissions thus far have been incorporated into LARP and what questions, issues or concerns Alberta has about our submissions. To assist Alberta in this regard, we attach two charts – one for each of our First Nations – in which we kindly ask Alberta to indicate how it incorporated or reflected our submissions to Alberta in connection with LARP in

the Draft Plan or, where Alberta declined to incorporate our submissions, to explain why it declined to do so. As we have made a number of joint submissions, you will note that some of the questions are identical. We also still await response to the outstanding questions raised on April 16, 2009.

Either prior to or once our review of the draft LARP is complete, we would like to meet with you and the technical planners to discuss the draft LARP and how it can incorporate our submissions. We suggest that the meeting occur between May 25 to June 1. During the meeting, we strongly encourage Alberta's technical planners to ask any questions they may have with respect to the information in our submissions and how that information can be incorporated in the LARP strategic plan, implementation plan and draft regulations. As we expressed during the April 27, 2011 meeting, we encourage the planners to call or email us at any time prior to such a meeting so that we can prepare useful responses to their questions prior to the meeting. Please send copies of the attached charts to the technical planners, as these charts should assist them as well.

The LARP is incredibly important to our future as First Nations peoples in this region and we want to ensure that Alberta understands our needs in regards to that future.

Sincerely,



Lisa King
ACFN IRC Director



Melody Lepine
Mikisew Cree GIR Director

Encl.

cc: Sheila Risbud, CEAA

MCFN Information Requests

Set out below in question form are a number of submissions which MCFN has made throughout the LARP process. It is unclear whether Alberta considered these submissions and/or how Alberta incorporated them into the Draft Plan. Incorporation of these submissions is essential for ensuring that the Draft Plan respects and accommodates MCFN's ability to meaningfully exercise its constitutionally-protected rights now and into the future in the region.

We would appreciate knowing how Alberta has responded to each of the following submissions and how Alberta has incorporated the submissions listed below in the Draft Plan. Where Alberta is of the view that the submission is incorporated in the Draft Plan, could you please also indicate where MCFN can find that material the Draft Plan. Where Alberta has not responded or has declined to incorporate the submission in the Draft Plan, please explain why. MCFN is happy to meet with Alberta to discuss these issues.

MCFN Submission	How MCFN's submission is incorporated or reflected in the Draft Plan	Location of response	Alberta's reason(s) for declining to respond to or incorporate MCFN's submission
CONSULTATION ON LARP			
How did Alberta consider and integrate the consultation proposals submitted by MCFN in consulting and accommodating regarding LARP?			
How were land designations in the Draft Plan determined through consultation with MCFN?			
GENERAL INFORMATION REQUIREMENTS			
How does the Draft Plan establish and adequately fund information collection activities to inform land-use planning, including development of a MCFN Traditional Lands and Resource Use Management Plan?			
How does the Draft Plan require the collection of sufficient data before setting frameworks, particularly in cases where there are identified data gaps (e.g., water quality at Firebag,			

<p>variability at Muskeg River, lack of data for unmonitored elements, temporal resolution, exceedence effects, baseline data for water quality, data on groundwater quality)? In cases where data is missing or uncertain, how does the Draft Plan ensure that land use planning will respect and accommodate the exercise of MCFN's section 35 rights?</p>			
<p>Serious impacts to MCFN's rights have already been experienced by MCFN members as a result of industrial development, government policies, increased population in the region, and other sources.</p> <p>How does the Draft Plan take into account the existing industrial development and disturbance levels within MCFN's traditional territories and the adverse affect it has already had on MCFN's ability to exercise its rights and various environmental indicators?</p>			
<p>How does the Draft Plan take into account the impacts of the grants and tenures throughout MCFN's traditional territories on its ability to exercise its rights?</p>			
<p>Was a full cumulative effects analysis conducted by Alberta to assess impacts to MCFN from oil sands mining and exploration as requested by MCFN? If this was conducted, how was it incorporated in the Draft Plan?</p>			
<p>How does the Draft Plan take into account the cumulative effects and disturbance level analyses contained in MCFN's submissions to Alberta regarding LARP, including, inter alia, MCFN's November 11, 2010 LARP submission, MCFN's materials submitted from the Joslyn North hearing (such as expert reports and witness statements), and MCFN's TEMF review, among others?</p>			

<p>Please describe how MCFN's TEK, including evidence of observed changes, was collected and incorporated in the Draft Plan?</p>			
<p>Please describe how the Draft Plan incorporates the Aboriginal perspective of what is necessary for the meaningful practice of the First Nations' rights.</p>			
<p>How did Alberta consider and incorporate MCFN's evidence regarding the importance of big game and other species for the exercise of their rights when Alberta designated land use areas?</p>			
<p>How did Alberta consider and incorporate the evidence of MCFN land, water, and ice travel routes in the Draft Plan?</p>			
<p>MCFN sent Alberta links to the materials MCFN submitted in connection with the ERCB hearing regarding the Joslyn North Mine so that Alberta would better understand what information was necessary to assess impacts of land-use planning to MCFN's rights:</p> <p>How does the Draft Plan incorporate the following:</p> <ul style="list-style-type: none"> • the need to study MCFN's cultural and traditional land use and to model and assess the impacts of planning assumptions on traditional land use tipping points • the need to identify possible thresholds, and the effects of crossing those thresholds, on traditional use • the socio-economic and cultural impacts that have already been imposed on MCFN in the region • the need to develop appropriate land-use mechanisms, such as timing restraints and access management, in the region 			

<p>How did Alberta consider and incorporate the following information from MCFN's Joslyn North submissions</p> <ul style="list-style-type: none"> • Evidence of how oil sands developments adversely affect the exercise of section 35 rights • Evidence of how the increase in recreational users in the region adversely affects the exercise of section 35 rights • Evidence of how oil sands projects have direct, indirect and cumulative impacts on section 35 rights • Evidence of how the quantity of land already taken up for industrial purposes in the region already constitutes an infringement of MCFN's rights • Evidence from MCFN members, including transcripts and witness statements, regarding current use patterns, current difficulties in exercising their rights because of industrial and other disturbances, current difficulties in maintaining cultural continuity because of industrial and other disturbances • Detailed evidence from MCFN members, including transcripts and witness statements, describing the environmental and geographic requirements for the meaningful exercise of their rights 			
<p>How did the Draft Plan incorporate answers to the questions in MCFN's October 2008 submission regarding the LUF?</p>			
<p>Please describe how Alberta incorporated the materials submitted by MCFN in the LARP process in their totality.</p> <ul style="list-style-type: none"> • If only certain information or submissions were considered and incorporated, please specify which submissions and materials those were. • If Alberta identified gaps in MCFN's submissions, please specify what it identified and how/when Alberta conveyed this information to MCFN. 			

LAND-USE PLANNING APPROACH			
How has the need to ensure the meaningful exercise of MCFN's section 35 rights now and in the future been incorporated as a purpose of land planning?			
How does the Draft Plan identify and protect the lands and resources that MCFN requires to sustain itself now and in the future? How was information regarding the lands and resources required to sustain MCFN collected?			
Treaty 8 must be a foundation of the Vision for LARP. How does the Vision Statement in the Draft Plan reflect the constitutional requirement to protect section 35 rights? How does the Vision Statement promote outcomes and strategies that adequately protect and accommodate section 35?			
How does the LARP planning process in the Draft Plan take the connectivity of ecosystems in the region into consideration when designating use areas and establishing frameworks?			
How does the Draft Plan avoid a planning process that takes a site- and use-specific approach, rather than an ecosystem approach? If the Draft Plan uses a site- and use-specific approach, please describe how the Draft Plan appropriately considers the impacts of development on or the function of traditional land use?			
Please describe how First Nations' land uses for traditional livelihood and cultural purposes are treated as a "land use", just as conservation, recreational, agricultural and oil sands developments are "land uses" in Draft Plan.			
How does the Draft Plan require that when a planning decision adversely impacts section 35 rights an immediate			

<p>“management response” is triggered, the impact is a “driver” for required change (e.g. such as establishing offsets), or land-use decisions can be rescinded or amended?</p>			
<p>How does the Draft Plan create a land-use planning process that can require different scales and paces of bitumen developments in the region, depending on existing and future impacts to section 35 rights?</p>			
<p>How does the Draft Plan employ a planning approach that requires linear disturbances to be prevented and eliminated? Similarly, how does the Draft Plan ensure that contiguous habitats are protected?</p>			
<p>How does the Draft Plan use a planning approach that ensures that there is no net loss of wetland functions?</p>			
<p>How does the Draft Plan ensure that conservation areas are connected by, among other measure, comprehensive river buffers and protected ecosystems?</p>			
<p>How does the Draft Plan require that land-use decision made in the context of project-specific regulatory review processes are made in a way that protects and accommodates the exercise of section 35 rights?</p>			
<p>How does the Draft Plan require that Traditional Land and Resource Use requirements of MCFN are understood before land-use decisions are made? In particular, how does the Draft Plan require decision-makers to conduct or review the following before making land-use decision:</p> <ul style="list-style-type: none"> • comprehensive cultural and social impact assessments for aboriginal peoples; • a comprehensive cumulative impact assessment of livelihood rights for aboriginal peoples; 			

<ul style="list-style-type: none"> • traditional land, resource-use and management plans; • co-management systems to control the pace and scale of development; • aboriginal representation on regulatory decision-making boards 			
MEANINGFUL PRACTICE OF RIGHTS			
<p>How does the Draft Plan ensure that MCFN has sufficient lands and resources for the exercise of their rights? In this regard,</p> <ul style="list-style-type: none"> • How does the Draft Plan use a definition of “sufficient” that refers not only to quantity but quality, but uses the perspective of what is required to fulfill subsistence requirements and cultural needs of the First Nation now and into the future? • How does the Draft Plan use a definition of “sufficient” that encompasses a suite of interconnected tangible and intangible resources that underlie the meaningful practice of practice of rights? These “resources” include, but are not limited to: routes of access and transportation; water quality and quantity; healthy populations of game in preferred harvesting areas; cultural and spiritual relationships with the land; abundant berry crops in preferred harvesting areas; traditional medicines in preferred harvesting areas; the experience of remoteness and solitude on the land; feelings of safety and security; lands and resources accessible within constraints of time and cost; sociocultural institutions for sharing and reciprocity; spiritual sites; etc. 			
<p>How did Alberta consider and incorporate the land qualities used by MCFN members when selecting land for hunting purposes when designated conservation, recreation and mixed</p>			

use zones? In particular, how did Alberta consider and incorporate MCFN's definition of suitable hunting, fishing, gathering and trapping terrain when designating lands?			
What quantitative and qualitative information on current and historical uses of lands for hunting, fishing, trapping, gathering plants and medicines, spiritual and cultural uses, and traditional economic pursuits was incorporated into the Draft Report to ensure that the LARP would result in planning decisions that respect and accommodate section 35 rights?			
How does the Draft Report incorporate the information that would have been collected through the TLRUMP process?			
How does the Draft Plan provide concrete means for how the rights and livelihoods of Aboriginal peoples will be ensured into the future?			
In designating the land-use areas in the Draft Plan, how does the Draft Plan recognize that MCFN's traditional land use has changed over time and how does the Draft Plan take into account that some areas are now used more intensively?			
How does the network of protected areas designated in the Draft Plan take into account the culturally significant and sensitive areas that are integral to the long term ability of MCFN to meaningfully practice their traditional pursuits?			
How does the Draft Plan accommodate any loss of use of areas outside of conservation areas in planning area?			
How does the Draft Plan ensure that the exercise of MCFN's section 35 rights is protected and accommodated in mixed use areas?			

<p>How does the Draft Plan clarify and revise the regulatory scheme regarding access management, conservation areas and mixed use so that the exercise of MCFN's section 35 rights is protected and accommodated in the LARP area? In this regard, how does the Draft Plan establish regulatory backstops to ensure that section 35 rights can be practiced in the LARP area?</p>			
<p>How does the Draft Plan ensure that MCFN members have priority access to sufficient quantity and quality of tangible and intangible resources that underlie the meaningful practice of rights?</p>			
<p>MCFN submitted that a 5km buffer along the Athabasca River is required as part of protecting the meaningful exercise of MCFN's rights. How did Alberta consider and incorporate in the Draft Plan the need for a 5km buffer along the Athabasca River?</p>			
<p>MCFN submitted that a buffer that takes into account TLU features, intact forests, ungulate populations, waterways and other factors within and around the Peace-Athabasca Delta is required as part of protecting the meaningful exercise of MCFN's rights. How did Alberta consider the need for a buffer which takes in the areas of importance to MCFN within and around the Peace-Athabasca Delta?</p>			
<p>MCFN submitted that industrial impacts on all remaining intact landscapes must be eliminated or limited as part of protecting the meaningful exercise of MCFN's rights. How did Alberta consider the need to limit or eliminate industrial impacts on all remaining intact landscapes in the LARP region?</p>			
<p>How does LARP ensure adequate protection for large tracts of</p>			

habitat suitable for moose, bison and woodland caribou that are vital for the meaningful exercise of section 35 rights?			
How did Alberta incorporate MCFN's submission that a buffer one kilometre wide on each side of category 1, 2 and 3 streams throughout MCFN traditional use territory and a buffer one kilometre wide around all lakes are needed?			
How did Alberta incorporate and accommodate the almost 24,000 land and resource use sites and features identified by MCFN? Did Alberta conduct its own statistical and distributional analysis on the MCFN TLU data points? If so, did Alberta identify different factors than MCFN regarding the factors that MCFN members take into account in their definition of terrain favourable for the exercise of their rights and how did Alberta provide feedback to MCFN and incorporate the factors into the LARP?			
How did Alberta determine that leaving 70% of MCFN's TLU sites outside of proposed protected areas was sufficient to ensure the protection of MCFN's rights?			
How did Alberta determine that leaving 86% of MCFN's travel routes outside of proposed protected areas was sufficient to ensure the protection of MCFN's rights?			
The Draft Plan does not designate the Athabasca River as a conservation area, despite numerous submissions regarding the importance of that River, among others, to MCFN's culture and to the exercise of its section 35 rights. Specifically, the Athabasca River is a vital transportation corridor that gives ACFN and MCFN access to a large part of their traditional territories and harvesting sites. The Draft Plan does not			

designate any waterways as conservation areas. Please explain how the Draft Plan adequately protects the exercise of MCFN's section 35 rights on the River and how it adequately protects the exercise of MCFN's rights that depend on the quality and quantity of water in the Athabasca.			
FRAMEWORKS			
How does the Draft Plan include current and future of aboriginal and treaty rights in the frameworks? Please describe how rights-based thresholds are incorporated in the Draft Plan.			
How was MCFN meaningfully involved in establishing local and regional thresholds, triggers and benchmarks for air and water quality, wildlife/wildlife habitat, fish, plants?			
<p>Please describe how the thresholds and frameworks:</p> <ol style="list-style-type: none"> 1. Established objectives that meaningfully and properly take Treaty and Aboriginal rights into account; 2. Determined and established culturally appropriate thresholds for sociocultural and ecological indicators; 3. Identified priority areas and issues for protection and integration into protected areas networks; 4. Provided a basis for cumulative effects assessment on treaty and aboriginal rights 			
Please describe how the frameworks are based on a pre-disturbance baseline concerning the First Nations' use of lands and resources (i.e., 1965). If Alberta only considered "post disturbance" baseline information, please describe how this adequately relates to ensuring the practice of section 35 rights.			
How does the Draft Plan consider the land disturbance levels in relation to what is necessary to sustain ecological integrity			

and to sustain section 35 rights?			
Please describe how the need for a terrestrial ecosystem management framework was incorporated in the Draft Plan.			
<p>The First Nations' Phase 2 Framework Committee report, jointly submitted by the First Nations in July 2010, raises a number of issues and concerns that should have been included in the Draft Plan. In particular, how does the Draft Plan:</p> <ol style="list-style-type: none"> 1. Take the importance of the Athabasca River to the First Nations into account 2. Consider and set the criteria, thresholds and measures that support the meaningful exercise of rights along the river 3. Set frameworks that reflect that the First Nations' rights in the region have already been affected because of water issues 4. Consider and implement the Aboriginal Base Flow (ABF), Aboriginal Extreme Flow (AXF) and Ecosystem Base Flow thresholds (EBF) 5. Consider and implement precautionary thresholds for use in adjudicating future water licence applications 6. Require Alberta to work with First Nations to develop additional thresholds, criteria and measures to assess potential impacts on Treaty and rights using a traditional resource use plan model 7. Require additional studies and other steps to address the scientific and knowledge gaps to determine the appropriate instream flow needs, including the EBF, ABF and AXF, before implementing the LARP? 8. Consider delaying the regional plan until these scientific and knowledge gaps had been identified? 9. Establish an appropriate framework for joint decision making regarding water management once a Phase 2 			

<p>framework is in place?</p> <ol style="list-style-type: none"> 10. Require a TRLUMP consisting of a comprehensive regional planning level study of aboriginal knowledge, use, Treaty and aboriginal rights related to the Athabasca River and adjoining watersheds 11. Require a regional cumulative effects assessment on the aboriginal and treaty rights of the first nations 12. Requiring that frameworks include an adaptive management plan that addresses the actual degree of scientific uncertainty? 			
<p>The First Nations' As Long as the Rivers Flow report, jointly submitted by the First Nations in July 2010, raises a number of issues and concerns that need to be included in the Draft Plan. In particular, how do the frameworks in the Draft Plan:</p> <ol style="list-style-type: none"> 1. Incorporate the information regarding the First Nations' preferred modes of practicing their section 35 rights 2. Incorporate the information on knowledge and use of the Athabasca River which shows how water quality and quantity have changed over time 3. Ensure that rights-based thresholds are implemented 4. Ensure that thresholds and triggers are set at levels that protect what is necessary for the full practice of section 35 rights on the river, in the delta and along adjoining tributaries 5. Incorporate the ABF, AXF framework information and rationale 6. Require rights-based cumulative effects thresholds for the tangible and intangible factors that underlie the exercise of section 35 rights 7. Include First Nations in water management? 			
<p>How is traditional ecological knowledge included in the</p>			

frameworks?			
How do the frameworks address the declining indicators of ecosystem integrity in the region that adversely affects the exercise of section 35 rights?			
How does the Draft Plan require decision-makers to work collaboratively with MCFN to establish, and provide adequate funding for, an MCFN community based monitoring and enforcement program? This program would collect data, and regularly review and report on rights-based performance indicators. The intent of this monitoring would be early identification of, and response to, changes that (a) may affect the use and access of MCFN members within cultural protection areas and (b) may affect wide ranging species relied upon for cultural use.			
CO-MANAGEMENT & ACCESS MANAGEMENT			
How does the Draft Plan adequately protect MCFN's access rights?			
How does the Draft Plan require the establishment of co-management boards, or other cooperative land and resource management arrangements, guided by the principles of shared decision-making and joint stewardship for lands and resources of critical importance to the continued practice of rights?			
How does the Draft Plan include MCFN in shared watershed planning and cumulative effects management?			
How does the Draft Plan require the meaningful involvement of aboriginal peoples in scoping, terms of reference and throughout the process to assess infrastructure, social and economic implications of major projects?			