

Mikisew Cree First Nation Submission

October 1, 2012

In the Matter of Energy Resources Conservation Board
Application No. 1554388

And In the Matter of Alberta Environment Environmental Protection and Enhancement Act
Application No. 005-00153125, 006-0015325

And In the Matter of Water Act File No. 00186157

And In the Matter of Fisheries and Oceans Canada
Section 35(2) Authorization Application

PROWSE CHOWNE LLP
Donald P. Mallon, Q.C.

Suite 1300, 10020 101 A Avenue
Edmonton, Alberta T5J 3G2
Phone: (780) 439-7171
Fax: (780) 439-0475
E-mail: dmallon@prowsechowne.com

JANES FREEDMAN KYLE LAW CORPORATION
Robert Freedman
Mark Gustafson

816 - 1175 Douglas Street
Victoria, British Columbia V8W 2E1
Phone: (250) 405-3460
Fax: (250) 381-8567
Email: rfreedman@jfklaw.ca
mgustafson@jfklaw.ca

TABLE OF CONTENTS

I.	INTRODUCTION	3
II.	DESCRIPTION OF INTERVENERS	7
III.	REASONS FOR INTERVENTION	9
IV.	REQUESTED DISPOSITION AND REASONS.....	12
V.	FACTS TO BE SHOWN IN EVIDENCE.....	14
VI.	EFFORTS MADE BY THE PARTIES TO RESOLVE THE MATTER.....	16
VII.	NATURE AND SCOPE OF INTENDED PARTICIPATION.....	17
VII.	APPENDIX.....	18
	A. Treaty 8 Documents	18
	B. Mikisew Proposed Recommendations	23
	C. Traditional Use Report.....	26
	D. Intergovernmental Correspondence Regarding Cumulative Effects	26

I. INTRODUCTION

1. The Mikisew Cree First Nation (“Mikisew”) are intervening in the joint Government of Canada and Energy Resources and Conservation Board review panel (the “Joint Review Panel”) of the application by Shell Canada Ltd. (“Shell”) for approval of the Jackpine Mine Expansion Project, Energy Resources Conservation Board (“ERCB”) Application No. 1554388 (the “Project”).
2. In December 2007, Shell filed an application and supporting documents regarding the Project including:
 - An application with the Energy Utilities Board under Sections 12 and 13 of the *Oil Sands Conservation Act*, R.S.A. 2000, O-7 to amend the Jackpine Mine – Phase 1 Approval No. 9756 for approval to access additional mining areas on certain leases held by Shell, to modify and add processing units to the Jackpine Mine Phase 1 oil sands processing facilities, and to receive third-party oil sands material (mined ore or intermediate process streams, such as bitumen froth) at the Jackpine Mine Expansion facilities, as well as to produce and ship oil sands material from the Jackpine Mine Expansion facilities.
 - The Project Environmental Impact Assessment (the “EIA”) to the Director of Alberta Environment (now Alberta Environment and Sustainable Resource Development, “ESRD”), pursuant to s. 50 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (“EPEA”) and for a decision, in due course, by the Director that the EIA is complete pursuant to s. 53 of EPEA.
 - An application for approval from Alberta Environment (now ESRD), pursuant to ss. 67 and 70 of EPEA and the *Approvals and Registrations Procedure Regulation*, to amend EPEA Approval No. 153125-00-00 to include the activities as described in the EIA and EIA updates, including

the construction, operation and reclamation of the Project and to renew EPEA Approval No. 153125-00-00 to continue operating the Jackpine Mine for another 10-year period.

- An application to Alberta Environment (now ESRD), pursuant to ss. 49, 50, 51, 54, and 59 of the *Water Act*, R.S.A. 2000, c. W-3, for an amendment and renewal of an existing licence to divert water for use at the Jackpine Mine – Phase 1 Project and a new licence to divert additional quantities of water from the Athabasca River and other surface and groundwater sources for the Jackpine Mine Expansion as set out in the Project Application.
 - The EIA also stated that other municipal, provincial and federal approvals for the Project will be required. With respect to federal approvals, the Project will require approvals under the *Navigable Waters Protection Act* and the *Fisheries Act*.
3. The Project is located approximately 70 kilometres north of Fort McMurray on the east side of the Athabasca River. Mining areas associated with the Project include Oil Sands Leases 7277080T13 (Lease 13), 728101AT36 (Lease AT 36), 7288080T88 (Lease 88), 7288080T89 (Lease 89), 7405120015 (Lease 015), and 7405090631 (Lease 631). The expected production capacity of the Project will be approximately 47,700 cubic metres per calendar day of bitumen, increasing the Jackpine Mine's bitumen production capacity by 15,900 cubic metres per day.
4. On September 1, 2011, the Joint Review Panel was established to review the Project. The Joint Review Panel agreement was subsequently amended on August 3, 2012 to reflect recent amendments to the *Canadian Environmental Assessment Act* and to provide the Joint Review Panel with power to coordinate aspects of its review of the Project with Shell's concurrent application for approvals to construct and operate the Pierre River Mine, which, if approved, would be a new oil sands mine, bitumen extraction plant and associated

infrastructure on the west side of the Athabasca, about 90 kilometres north of Fort McMurray, with an expected production rate of 31,800 cubic metres per calendar day of bitumen.

5. The revised Joint Review Panel agreement states that the scope of the factors to be considered by the Joint Review Panel includes, in part:

Aboriginal Rights and Interests

The Joint Review Panel shall consider:

- Evidence concerning any potential project effects to asserted or established Aboriginal and treaty rights presented by participants, such as:
 - Any potential effects on uses of lands and resources by Aboriginal groups for traditional purposes;
 - Any effects (including the effects related to increased access and fragmentation of habitat) on hunting, fishing, trapping, cultural and other traditional uses of the land (e.g. collection of medicinal plants, use of sacred sites), as well as related effects on lifestyle, culture, health and quality of life of Aboriginal persons;
 - Any effects of alterations to access into areas used by Aboriginal persons for traditional uses;
 - Any adverse effects of the project on the ability of future generations to pursue traditional activities or lifestyle;
 - Any effects of the project on heritage and archaeological resources in the project area that are of importance or concern to Aboriginal groups;
- The methods and measures proposed to manage, mitigate and compensate to an acceptable level, any identified effects on asserted or established Aboriginal rights and interests.

Cumulative Effects Assessment

...

The Joint Review Panel should focus its consideration of cumulative effects on key valued components. Without limiting itself thereto, the following components should be considered:

- water quality and quantity, including any potential effects on navigable waters or navigation;
- air quality and greenhouse gas emissions;
- asserted or established Aboriginal and treaty rights and interests;
- wildlife and wildlife habitat for valued species including: federally and provincially listed species at risk, and migratory birds; and
- valued vegetation communities and wetlands.

The cumulative effects assessment should provide a justification and description of the temporal boundaries and include, but not be limited to, the following:

- a pre-industrial case to allow the Joint Review Panel to take into account the effects that may have already been experienced prior to the project; and

- future foreseeable projects or activities as of the issuance of the Joint Review Panel's Terms of Reference.

Effects of Changes to the Environment

The Joint Review Panel shall consider the effects of any changes to the environment caused by the project on the following factors:

- Health and Socio-Economic Conditions, including effects on navigation
- Physical and Cultural Heritage
- Current use of lands and resources for traditional purposes by Aboriginal persons
- Any structure, site or thing that is of historical, archaeological or architectural significance

Capacity of Renewable Resources

Renewable resources are resources such as fish, wildlife, trees, water quality and quantity and airshed which are replaced or replenished, on an ongoing basis, either naturally or by human actions.

The Joint Review Panel shall consider the capacity of renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future. The following points should be addressed:

- a description of the renewable resources that may be affected by the project;
- a brief description of the project's environmental effects on the renewable resource;
- an indication as to the way in which the capacity of this resource was measured or evaluated;
- an indication of the temporal and geographic boundaries used to assess the capacity of the affected resource;
- a description of any other appropriate mitigation measures;
- a determination of the significance of the residual effects on the renewable resource and its capacity to meet the needs of current and future generations;
- an identification of the risks and uncertainties that remain and the description of the next steps, if any, that will be required to address this effect.

6. In light of these factors and the power of this Joint Review Panel to make recommendations to the governments of Alberta and Canada regarding the management of cumulative effects, the focus of this intervention is to share Mikisew's concerns regarding the cumulative effects of oil sands development on Mikisew's rights, culture and way of life and, in particular, to demonstrate that Alberta and Canada have not taken appropriate and effective steps, with Mikisew, to assess and manage the cumulative effects of this development in a way that ensures present and future Mikisew members possess the conditions required to sustain their rights and culture.

II. DESCRIPTION OF INTERVENERS

7. The Mikisew are an Indian Band, registered in accordance with the *Indian Act*, R.S.C., c. I-6. The band is comprised of approximately 2800 members, or approximately 50% of the aboriginal people living within the Regional Municipality of Wood Buffalo. Approximately half of Mikisew members live in and around Fort Chipewyan, Alberta and the surrounding traditional trapping, hunting and fishing lands. Most of the remaining half live in the vicinity of Fort McKay and Fort McMurray, Alberta. The population of Mikisew is increasing, such that greater traditional resources are likely to be needed to sustain Mikisew's traditional use activities and rights in the future.
8. The traditional lands of the Mikisew extend around Lake Athabasca over the entire Peace-Athabasca Delta, and south to and including Fort McMurray and the Clearwater River. The proposed Project location and the various study areas used by Shell to assess the potential extent of cumulative effects of the Project are within Mikisew's traditional lands.
9. The Mikisew hold constitutionally protected rights under Section 35 of the *Constitution Act, 1982*, including rights under Treaty 8. In 1899 when Mikisew entered into Treaty 8 with the Crown it was promised certain harvesting rights which embodied a promise that by signing the treaty they were not giving up their way of life. While the use of land would change after the treaty, Mikisew and the other treaty signatories understood that their harvesting practices would be protected and not limited or interfered with to such an extent as to render them meaningless as constitutionally protected treaty rights. In essence, the treaty provided that there would be a balanced sharing of the land – the Crown and Euro-Canadian society would be able to use the land to carry out certain practices and to develop resources while the beneficiaries of Treaty 8 would be guaranteed the continuation of their way of life, the protection of the Crown and certain material benefits (such as the annuity payment). A list of documents relating to Mikisew's Treaty 8 rights is attached at **Appendix A**.

10. The evidence set out in the various historic records that are filed at **Appendix A** describes the government's understanding of the events leading up to and motivating the negotiation of the treaty as well as reports concerning the negotiation of the treaty. This evidence shows that the Crown understood that the aboriginal signatories of Treaty 8 were concerned about threats to their way of life posed by the influx of non-aboriginal people into their territory. The aboriginal signatories were clearly interested in entering into treaty not just to obtain the material benefits that came from treaty (such as the five dollar annuity) but most importantly to actually protect their way of life and livelihoods, including, for example, the conditions required to meaningfully hunt, trap, fish and gather within their traditional lands. This accorded well with the government's objectives at that time as they were keen to see the aboriginal people support themselves through the prosecution of their traditional activities and not become dependent upon welfare or other forms of assistance. These records also describe the process in the twentieth century by which the government of Alberta worked in the twentieth century to limit the Mikisew to Wood Buffalo National Park.

11. Today, just as in the past, the Mikisew are determined to preserve, develop and transmit to future generations their ancestral territories and their distinct identity in accordance with Mikisew cultural patterns and social institutions, as promised in Treaty 8. The evidence in **Appendix A**, **Appendix C**, and elsewhere on the Joint Review Panel registry, demonstrates that the ability to use their traditional lands and resources continues to have great cultural, social and economic significance to the Mikisew. Harvesting traditional resources still provides a significant source of food both for hunters and other members of the Mikisew community and these practices still have cultural and spiritual significance to Mikisew members. Mikisew members continue to harvest and see harvesting as an important part of maintaining the connection between their community, their lands and their spirituality and an important part of passing down their distinct culture to future generations.

12. For this reason, the Mikisew have participated in numerous ERCB hearings to provide information about their concerns with the cumulative effects of oil sands development on Mikisew's rights, culture and well-being and about the lack of credible and effective ways to manage the cumulative effects of development on Mikisew. The Mikisew have also diligently attempted to engage the governments of Alberta and Canada in meaningful consultation regarding cumulative effects. Unfortunately, Mikisew's Treaty rights are under threat by the rapid industrial development in their traditional lands because the governments of Alberta and Canada are failing to manage cumulative effects in a way that sustains the exercise of Mikisew's rights and culture now and into the future.

III. REASONS FOR INTERVENTION

13. Aboriginal peoples, including the ancestors of the Mikisew, have inhabited the lands surrounding and downstream of the Project for over 8,000 years. These lands and waters are at the heart of Mikisew culture, traditions, identity, well-being, spirituality and rights.
14. Mikisew's traditional lands have always been a central location for the harvesting, social, economic, political cultural and spiritual activities that are vital to the physical and cultural continuity of Mikisew. Hunting, trapping, fishing and gathering still occur as part of their way of life and remain part of their livelihood. In addition to providing habitat for the fish, plants, and animals harvested by the Mikisew to support their livelihoods, the traditional lands of the Mikisew supply resources for medicinal, spiritual, and cultural purposes. These practices are integral to Mikisew's ability to pass on their culture to future generations and meaningfully exercise their rights.
15. Mikisew's traditional lands also include water bodies and waterways that sustain the community in numerous ways. For generations and to this day, many Mikisew people traveled up and down the Athabasca River to and from Fort McMurray to Fort Chipewyan for various activities such as resource harvesting,

- trading, shopping, working and maintaining family relationships. The Athabasca River was and remains an important “highway” for the Mikisew. Rivers, such as the Athabasca and Muskeg, and their tributaries, are also a critical means for accessing lands for traditional purposes. These water bodies are important for the further reason that many of them flow into the Peace-Athabasca Delta and areas around Fort Chipewyan, where they support wildlife and vegetation and provide access to traditional resources.
16. The Mikisew depend on there being a sufficient quality and quantity of wildlife species, aquatic species, plants or other things gathered, resource habitat and, as the context requires, air, water and ecosystems to support the exercise of their rights and culture.
 17. The Mikisew submit that the massive scale of development of Mikisew’s traditional lands since at least the 1960’s, and in particular the rapid pace of the growth of the oil sands and their associated development during the last 20 years, has cumulatively driven the lands, waters and resources required to maintain Mikisew’s rights, culture and way of life to a point of crisis as a result of the failure of the Crown to effectively assess and manage the cumulative effects of development.
 18. The responsibility and authority to monitor, address and manage cumulative effects rests with the Crown. The Mikisew work diligently and in good faith with proponents to address project effects as they relate to project footprints, where possible. However, the cumulative effects that the Mikisew see to the rivers, wetlands, forests, wildlife, vegetation and air within their traditional lands are a result of the governments of Alberta and Canada failing to assess or manage development in the Lower Athabasca Region with any regard to the rights, culture and way of life of the Mikisew.
 19. The Mikisew submit that the governments of Alberta and Canada have not taken appropriate or effective steps, with the involvement of Mikisew, to address the

- cumulative effects of development in the Lower Athabasca Region on Mikisew's rights and culture. Despite Mikisew's repeated efforts at engagement in the context of this Project and previous ones, Alberta and Canada have failed to meaningfully engage Mikisew and develop monitoring programs, land-use decision making criteria, thresholds and measures and other cumulative effects initiatives that consider how to manage cumulative effects on Mikisew's rights and culture. Each time a further section of Mikisew's traditional lands is removed, the quality of traditional lands and resources is further diminished, water levels are further reduced, or Mikisew members lose trust in traditional resources and/or avoid traditional resources because of cumulative effects of industrial development, these cumulative effects make it more difficult for the Mikisew to maintain their way of life and exercise their rights and culture.
20. Mikisew's participation in this hearing is limited to providing evidence regarding the management of cumulative effects by the governments of Alberta and Canada. The Mikisew raise these cumulative effects concerns in the context of the hearing for this Project because the Mikisew have the most to lose if regional initiatives, land-use frameworks or other tools for assessing and managing cumulative effects do not withstand rigorous scrutiny and, in particular, if these initiatives, frameworks and tools are not developed with adequate input from Mikisew or appropriate consideration of their rights and culture.
21. As noted in the introduction to this submission, the Joint Review Panel has been given authority to consider issues relating to Treaty rights, cumulative effects and the capacity of renewable resources under its terms of reference. It is critical that the Joint Review Panel review Mikisew's evidence regarding the Lower Athabasca Regional Plan, the World Class Monitoring Program and other initiatives that have a bearing on the management of cumulative effects when determining what recommendations to issue in its final report.

22. Representatives of Alberta and Canada have informed Mikisew that they must raise their concerns about cumulative effects – including the contribution of this Project to regional cumulative effects and the lack of sufficient information and proper rights-based frameworks to credibly address and manage cumulative effects in the oil sands region – to the Joint Review Panel for consideration. As set out below, Mikisew is seeking that the Joint Review Panel, based on the evidence filed and presented by Mikisew, issue strong recommendations to the governments of Alberta and Canada to ensure that future applications are not considered in the absence of a credible and effective system – developed through meaningful consultation on the basis of Mikisew’s rights and culture – to assess and manage the cumulative effects on Mikisew’s rights, culture and way of life.

IV. REQUESTED DISPOSITION AND REASONS

23. The Mikisew do not object to the approvals sought by Shell and take no position on the conditions or terms that the Joint Review Panel may impose on Shell regarding the Project. While Shell has taken steps to resolve Mikisew’s lease-specific concerns to the extent possible, Shell is not in a position to resolve Mikisew’s fundamental concerns about the failure of the governments of Alberta and Canada to credibly assess or effectively manage the cumulative effects of oil sands development on Mikisew’s rights, culture and way of life. Those concerns remain unaddressed.
24. The Mikisew ask the Joint Review Panel to take note of Mikisew’s concerns about the cumulative effects of oil sands development on Mikisew’s traditional lands and Treaty rights in its final report. In this regard, the Mikisew also ask the Joint Review Panel to take note of Mikisew’s evidence that the governments of Alberta and Canada are failing to uphold the honour of the Crown in their approach to the assessment and management of cumulative effects in the Lower Athabasca Region and to similarly take note of the need for a rights-based cumulative effects monitoring program or framework in the region.

25. The Mikisew further ask the Panel to issue specific recommendations to Alberta and Canada regarding the study and management of cumulative effects of oil sands development on Mikisew's traditional lands, rights and culture. The recommendations sought by Mikisew are set out at **Appendix B**.
26. The Mikisew seek these recommendations because governments are not listening to the concerns of the Mikisew when they are voiced by the Mikisew. As noted above, the Mikisew have the most to lose if the governments of Canada and Alberta continue to approve project after project without a credible and efficient process, established through meaningful engagement with Mikisew, for managing the cumulative effects of development on Mikisew's rights, culture and way of life.
27. Previously, Alberta has said that it takes the recommendations of the ERCB and joint review panels very seriously. Mikisew observes that the power to make recommendations to the government is part of the normal responsibilities of the ERCB. Indeed, section 2(g) of the *Energy Resources Conservation Act*, RSA 2000, c E-10, sets out that one of the purposes of the legislation creating the ERCB is "to provide agencies from which the Lieutenant Governor in Council may receive information, advice and recommendations regarding energy resources and energy." Similarly, pursuant to section 4(h) of the *Canadian Environmental Protection Act, 2012*, SC 2012, c19, s52, one purpose of that Act is "to encourage federal authorities to take actions that promote sustainable development in order to achieve or maintain a healthy environment and a healthy economy."
28. Now is a critical time for the Joint Review Panel to assess what frameworks and initiatives need to be established to monitor and manage cumulative effects of oil sands developments on Section 35 rights and how aboriginal peoples are to be meaningfully involved in any efforts to assess, monitor and manage the current state of cumulative impacts on their rights and cultures. In the period since the

last major oil sands application, numerous developments demonstrate the need for firm recommendations that government stop ignoring aboriginal peoples, such as the Mikisew, with respect to the cumulative effects of oil sands developments. First, two federal reports recently highlighted that monitoring systems required to understand cumulative effects remain incomplete.¹ Second, Alberta and Canada jointly created a “World Class Monitoring System” for the Lower Athabasca Region but have excluded the Mikisew and consideration of Mikisew’s rights, culture and traditional knowledge from the initiative. Alberta and Canada have also informed Mikisew that they were no longer incorporating Mikisew in the development of a surface water quantity framework for the region. Alberta also recently finalized the Lower Athabasca Regional Plan without meaningful consideration of Mikisew’s rights and culture, despite extraordinary efforts by Mikisew to have Alberta take Mikisew’s rights and culture seriously. Finally, Alberta and Canada recently declined to assist Mikisew to develop a traditional land and resource use management plan that could be implemented by the Crown and Joint Review Panels, such as this one, to guide the effective management of cumulative effects of development on Mikisew’s rights and culture. The Mikisew look to the Joint Review Panel to make recommendations to Alberta and Canada that they stop ignoring aboriginal peoples, such as the Mikisew, when determining how to appropriately assess, monitor and manage the cumulative effects of oil sands developments on First Nations’ rights and culture.

V. FACTS TO BE SHOWN IN EVIDENCE

29. The Mikisew have filed written evidence of Mikisew’s Treaty rights in **Appendix A**. Written evidence relating to Mikisew’s use of the Athabasca River and portions of Mikisew’s traditional lands is set out in **Appendix C** as well as in portions of **Appendix D**.

¹ 2011 October Report of the Commissioner of the Environment and Sustainable Development, available at http://www.oag-bvg.gc.ca/internet/English/parl_cesd_201110_02_e_35761.html ; http://www.ec.gc.ca/Content/8/A/1/8A1AB11A-1AA6-4E12-9373-60CF8CF98C76/WQMP_ENG.pdf

30. **Appendix D** sets out Mikisew’s extensive efforts to engage the governments of Alberta and Canada with respect to the management of cumulative effects on Mikisew’s rights and culture. The documents in **Appendix D** provide context to Mikisew’s serious concerns about the lack of a credible and effective system to assess and manage cumulative impacts on Mikisew’s rights and culture and the lack of thresholds designed to ensure that renewable resources can meet the needs of current and future Mikisew members. Mikisew has filed these materials to assist the Joint Review Panel in understanding why Mikisew are asking the Joint Review Panel to issue the recommendations to the Crown set out in **Appendix B**.
31. The documents in **Appendix D** demonstrate the main problems Mikisew have encountered, particularly with the government of Alberta, in respect of the initiatives, reports and programs the governments of Alberta and Canada purport to rely on for the management of cumulative effects on Mikisew’s rights and culture. In particular, the documents in **Appendix D** demonstrate that the following Crown initiatives, reports and programs, among others, do not adequately assess, address or manage cumulative effects in a way that sustains Mikisew’s rights and culture and way of life now and into the future:
- i. the In stream Flow Needs (now the Lower Athabasca Water Management Framework),
 - ii. the Mineable Oil Sands Strategy,
 - iii. Comprehensive Regional Infrastructure Sustainability Plans,
 - iv. Alberta’s Land Use Framework,
 - v. the Lower Athabasca Regional Plan,
 - vi. the proposed World Class Monitoring Program,
 - vii. Alberta and Canada’s Caribou recovery strategies,
 - viii. the Guide to Mine Financial Security Program,
32. For example, the evidence in **Appendix D** demonstrates how Alberta developed the Lower Athabasca Regional Plan – which has been highlighted in past hearings as the centerpiece of Alberta’s cumulative effects management approach – in a

way that: excluded Mikisew's concerns; ignored Mikisew's diligent and extensive efforts to provide comprehensive information to Alberta; refused to provide feedback on Mikisew's concerns and submissions; lacked critical information needed for responsible planning prior to finalizing the plan; declined to meaningfully protect the lands and terrestrial and aquatic resources relied upon for the exercise of Mikisew's rights and culture, despite Mikisew's submissions; and failed to develop environmental and other thresholds that relate in any way to the conditions required for the exercise of Mikisew's rights and culture, despite relevant submissions by Mikisew.

33. The documents in **Appendix D** also highlight the failure of the governments of Alberta and Canada to meaningfully engage with Mikisew regarding the effective management of cumulative effects, including the failure of both governments to:
- i. develop a credible, rights-based approach to managing cumulative effects;
 - ii. ensure that there are credible measures, criteria and thresholds in place for the Joint Review Panel and the Crown to rely upon to manage, mitigate and compensate for cumulative effects;
 - iii. conduct necessary studies, in collaboration with Mikisew, regarding community health, traditional foods, water bodies and waterways, reclamation, land use planning, and others;
 - iv. work with Mikisew to develop a traditional land and resources use management plan; and
 - v. consider the capacity of renewable resources to meet the present and future needs of the Mikisew in order to exercise their rights and culture and maintain their way of life.

VI. EFFORTS MADE BY THE PARTIES TO RESOLVE THE MATTER

34. As referenced above, the Mikisew and Shell have worked in good faith to identify and address Project effects on the mine site, to the extent possible. The Mikisew

do not object to the Project and take no position on the conditions or terms that the Joint Review Panel may impose on Shell regarding the Project.

35. However, Shell is unable to address Mikisew's remaining and serious concerns regarding the Crown's approach towards monitoring, assessing and managing the cumulative effects of oil sands development on Mikisew's rights, culture and way of life.
36. The governments of Alberta and Canada have repeatedly told the Mikisew that they must raise their concerns about cumulative effects, including the urgent need for sufficient information and proper rights-based frameworks to credibly address and manage cumulative effects in the oil sands region, to this Joint Review Panel. The Mikisew are following the Crowns' guidance in filing this submission and seeking the recommendations set out in **Appendix B**.

VII. NATURE AND SCOPE OF INTENDED PARTICIPATION

37. The Mikisew will be participating through the filing of written evidence.
38. The Mikisew ask for the opportunity to cross-examine witnesses put forth by the Crown and other interveners.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

MIKISEW FIRST NATION,

by their legal Counsel,

PROWSE CHOWNE LLP

"Donald P. Mallon"

Donald P. Mallon, Q.C.

JANES FREEDMAN KYLE LAW CORPORATION

"Robert Freedman"

"Mark Gustafson"

Robert C. Freedman

Mark A. Gustafson

VII. APPENDIX

A. Treaty 8 Documents

TAB	DATE (DD/MM/YYYY)	APPENDIX A - TREATY 8 DOCUMENTS
1.	1880	Alexander Morris, The Treaties of Canada with the Indians of Manitoba and the North-West Territories Including the Negotiations on which they were Based and other Information Relating Thereto
2.	05/11/1883	L. Vankoughnet, Deputy Superintendent General of Indian Affairs, to John A. Macdonald, Superintendent General of Indian Affairs
3.	25/04/1884	Letter from Office of the Commissioner of Indian Affairs, North-West Territories, File Number 12650
4.	26/01/1891	Order in Council P.C. 52
5.	29/05/1894	Hayter Reed to Charles Constantine
6.	21/12/1896	L. W. Herchmer, Commissioner, NWMP, to Inspector A. M. Jarvis, NWMP
7.	24/04/1897	A. M. Jarvis, Inspector in charge of Northern Patrol, NWMP
8.	30/11/1897	James Walker to Clifford Sifton, Minister of the Interior
9.	02/12/1897	L. W. Herchmer, Commissioner, North West Mounted Policy, to Comptroller, NWMP
10.	18/12/1897	J. D. McLean, Secretary, Department of Indian Affairs, to A. E. Forget, Indian Commissioner
11.	12/01/1898	A. E. Forget, Indian Commissioner, North West Territories, to Secretary, Department of Indian Affairs
12.	04/04/1898	W. H. Routledge, Inspector, NWMP, Commanding Northern Patrol, to the Commissioner, NWMP
13.	16/04/1898	A. E. Forget, Indian Commissioner, to J. A. J. McKenna, Department of Indian Affairs

**MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388**

TAB	DATE (DD/MM/YYYY)	APPENDIX A - TREATY 8 DOCUMENTS
14.	25/04/1898	A. E. Forget, Indian Commissioner, North West Territories, to Secretary, Department of Indian Affairs
15.	18/06/1898	Clifford Sifton, Superintendent General of Indian Affairs, to the Governor General in Council
16.	27/06/1898	John J. McGee, Clerk of the Privy Council, to Superintendent General of Indian Affairs Order in Council P.C. 1703
17.	06/07/1898	J. A. J. McKenna to A. E. Forget, Indian Commissioner
18.	30/11/1898	Clifford Sifton, Superintendent General of Indian Affairs, to Governor General in Council
19.	03/12/1898	J. A. Macrae, Commissioner, to J. A. J. McKenna
20.	05/12/1898	J. A. J. McKenna to David Laird, Indian Commissioner
21.	06/12/1898	Clerk of the Privy Council to the Superintendent General of Indian Affairs
22.	07/01/1899	David Laird, Indian Commissioner, "Memorandum respecting proposed Indian Treaty No. 8 and Halfbreed claims"
23.	14/01/1899	J. D. Moodie, Inspector, NWMP, to the Commissioner, NWMP
24.	17/02/1899	Clifford Sifton, Superintendent General of Indian Affairs, to the Governor General in Council
25.	02/03/1899	Order in Council P.C. 330
26.	17/04/1899	J. A. J. McKenna, Treaty Commissioner, to Clifford Sifton, Superintendent General of Indian Affairs
27.	12/05/1899	Clifford Sifton, Superintendent General of Indian Affairs, to David Laird, J. A. J. McKenna, and J. H. Ross, Treaty Commissioners
28.	14/07/1899	Debates of the House of Commons
29.	22/09/1899	D. Laird, J.H. Ross and J.A.J. McKenna to C. Sifton, Superintendent General of Indian Affairs, Report of Commissions for Treaty No. 8

**MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388**

TAB	DATE (DD/MM/YYYY)	APPENDIX A - TREATY 8 DOCUMENTS
30.	30/09/1899	James Walker and J. Arthur Cote, Half-breed Commissioners, to Clifford Sifton, Minister of the Interior
31.	31/12/1899	Annual Report of the Department of Indian Affairs for the Year Ended June 30, 1899
32.	01/01/1900	L. W. Herchmer, Commissioner, NWMP, to the President of the Privy Council
33.	05/02/1900	David Laird, Indian Commissioner, to Secretary, Department of Indian Affairs
34.	01/04/1900	Chief and Councillors, Lesser Slave Lake Band, to Superintendent General of Indian Affairs
35.	10/11/1900	J. A. Macrae, Inspector of Indian Agencies and Reserves, to Secretary, Department of Indian Affairs
36.	11/12/1900	J.A. MacRae to Superintendent General of Indian Affairs, Report of Commissions for Treaty No. 8
37.	19/01/1901	J. A. Macrae, Commissioner, to Clifford Sifton, Minister of the Interior
38.	05/10/1903	H. A. Conroy, Inspector, Treaty No. 8, to the Superintendent General of Indian Affairs
39.	29/04/1904	D. Laird, Indian Commissioner, to Secretary, Department of Indian Affairs
40.	05/02/1907	H. A. Conroy, Inspector, Treaty No. 8, to Frank Pedley, Deputy Superintendent General of Indian Affairs
41.	1908	Charles Mair, Through the Mackenzie Basin: A Narrative of the Athabasca and Peace River Treaty Expedition of 1899
42.	19/02/1909	H. A. Conroy, Inspector, Treaty No. 8, to Frank Pedley, Deputy Superintendent General of Indian Affairs
43.	11/01/1910	D. Laird, Indian Commissioner, to Deputy Minister, Department of Indian Affairs
44.	10/10/1910	R. Field, In charge Chipewyan Detachment, to the Officer Commanding, RNWMP, Athabaska Landing

**MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388**

TAB	DATE (DD/MM/YYYY)	APPENDIX A - TREATY 8 DOCUMENTS
45.	14/11/1910	H. A. Conroy, Inspector, Treaty No. 8, to Frank Pedley, Deputy Superintendent General of Indian Affairs
46.	02/08/1911	Frank Pedley, Deputy Superintendent General of Indian Affairs, to Frank Oliver, Superintendent General of Indian Affairs
47.	01/09/1913	Appendix Q - Sergeant A. H. L. Mellor, Fort Chipewyan to Fort McMurray, Attending Treaty Payments
48.	31/03/1915	Report of Henry A. Conroy, Inspector for Treaty No. 8
49.	1923	Emile Grouard, Souvenir de mes Soixante Ans d'Apostolat dans l'Athabasca Mackenzie
50.	18/12/1929	Deputy Superintendent General of Indian Affairs to Charles Stewart, Superintendent General of Indian Affairs
51.	18/02/1938	G.H. McGill to K.R. Daly, Senior Solicitor, Legal Division, Department of Mines and Resources
52.	25/02/1938	W. W. Cory, Solicitor, Legal Branch, Department of Mines and Resources, to H. W. McGill
53.	09/03/1940	C. Pant. Schmidt, Inspector of Indian Agencies, Alberta Inspectorate, to Secretary, Indian Affairs Branch, Department of Mines and Resources
54.	12/08/1943	C. W. Jackson, Chief Executive Assistant, to R. A. Hoey, Acting Director, Indian Affairs Branch
55.	06/10/1945	Gabriel Breynat, Cinquante Ans au Pays des Neiges
56.	1946	J. Alden Mason, Notes of the Indians of the Great Slave Lake Area
57.	10/12/1959	Report of the Royal Commission Appointed to Investigate the unfulfilled provisions of Treaties 8 and 11 as they apply to the Indians of the Mackenzie District
58.	1968	Jack Sissons, Judge of the Far North: The Memoirs of Jack Sissons
59.	1971	Morris Zaslow, The Opening of the Canadian North, 1870-1914
60.	1972	Peter Cumming and Neil Mickenberg, Native Rights in Canada

**MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388**

TAB	DATE (DD/MM/YYYY)	APPENDIX A - TREATY 8 DOCUMENTS
61.	1974	Keith Crowe, A History of the Original Peoples of Northern Canada
62.	1975	Rene Fumoleau, As Long As This Land Shall Last: A History of Treaty 8 and Treaty 11, 1870-1939
63.	1975	Indian Claims Commission, Indian Claims in Canada: An Introductory Essay and Selected List of Library Holdings
64.	14/04/1976	Martin O'Malley, The Past and Future Land: An Account of the Berger Inquiry into the Mackenzie Valley Pipeline
65.	1977	Richard Daniel, Indian Rights and Hinterland Resources: The Case of Northern Alberta
66.	1977	Richard T. Price, Indian Land Claims in Alberta: Politics and Policy-Making (1968-77)
67.	1979	Richard Daniel, The Spirit and Terms of Treaty Eight
68.	1979	Ronald Maguire and George Brown, Indian Treaties in Historical Perspective
69.	1979	J. E. Foster, Indian-White Relations in the Prairie West during the Fur Trade Period - A Compact?
70.	1980	Richard Daniel, Treaties of the Northwest, 1871-1930
71.	1981	Hugh Brody, Maps and Dreams: Indians and the British Columbia Frontier
72.	1981	D. J. Hall, Clifford Sifton, Volume 1; The Young Napoleon, 1861-1900
73.	1981	Joe Sawchuk, Patricia Sawchuk, and Theresa Ferguson, Metis Land Rights in Alberta: A Political History
74.	1981	Dennis Madill, British Colombia Indian Treaties in Historical Perspective
75.	1983	D. J. Hall, Clifford Sifton and Canadian Indian Administration, 1896-1905
76.	1984	William R. Morrison, Under the Flag: Canadian Sovereignty and the Native People in Northern Canada

TAB	DATE (DD/MM/YYYY)	APPENDIX A - TREATY 8 DOCUMENTS
77.	1985	William R. Morrison, A Survey of the History and Claims of the Native Peoples of Northern Canada

B. Mikisew Proposed Recommendations for Canada and Alberta

The Mikisew request the Joint Review Panel make the following recommendations:

1. That Alberta and Canada jointly fund Mikisew to develop a Traditional Land and Resource Use Management Plan. Following the development of the plan, that Alberta and Canada take the necessary steps to implement that Plan including adhering to the thresholds, limits and criteria identified in the Plan in subsequent regulatory processes conducted by and decisions of the ERCB or future joint review panels.
2. That monitoring be conducted by the federal government through a program overseen by a committee of independent experts and aboriginal representatives, including the Mikisew. This should include, at a minimum:
 - a. that Alberta and Canada work with Mikisew to develop and fund a community-controlled health assessment of water and terrestrial resources, including wildlife, and monitoring;
 - b. implementation of an independent and scientifically rigorous monitoring program for the Delta in consultation with local First Nations to address the effects of current and reasonably foreseeable development on the Delta; and
 - c. that Mikisew be meaningful included in the World Class Monitoring Program and that no further projects, after this one, be approved until the World Class Monitoring Program is operational and had at least 5 years to gather and assess data, including traditional knowledge.
3. That, through consultation with aboriginal peoples, Canada and Alberta take the necessary steps to regionalize the regulation of certain aspects of the oil sands such as reclamation, tailings reduction, and water use, giving equal weight to traditional knowledge and western science and having regard to the protection of Section 35 rights now and into the future.
4. That Alberta work with aboriginal peoples to jointly develop and finalize a wetland policy and reclamation standards that includes compensation for destroyed or altered wetlands particularly bogs and fens.

MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388

5. Specifically with respect to water bodies and waterways:
 - a. That the Athabasca and Firebag Rivers be designated as a Heritage River;
 - b. That Alberta and Canada establish a comprehensive and transparent monitoring program for water flows and water quality for the Lower Athabasca River Basin, including monitoring of tailings reclamation and tailings seepage, that is overseen by a government-funded committee of independent experts and aboriginal representatives, including Mikisew;
 - c. That Alberta and Canada establish a precautionary aboriginal base flow for the Athabasca River at 1600 cubic metres per second, and a precautionary aboriginal extreme flow at a level of 400 cubic metres per second during the months that the river is used for travel;
 - d. That Alberta and Canada immediately implement a precautionary base flow of the Athabasca River of 100 cubic metres per second. No withdrawals below this flow should be allowed;
 - e. That governments work with aboriginal peoples to develop a process for altering water permits to existing mines so as to lower and cap the peak water withdrawal that will be needed by the oil sands industry from the lower Athabasca River;
 - f. That Canada and Alberta include tributaries in their calculations of in-stream flow needs as they finalize the Lower Athabasca Management Framework in Phase 2; and
 - g. That Canada and Alberta adopt and implement all recommendations, including those listed above, as set out in the “Review of the Phase 2 Framework Committee Recommendations: Synthesis Report.”
6. That Canada actively assume a stronger federal role in protecting fresh water in the oil sands through monitoring the release of toxic substances and the impacts of such substances on such fisheries and through a stronger enforcement presence.
7. That Canada and Alberta expand the testing parameters of drinking water at Fort Chipewyan to include PAHs and toxic metals using methodology capable of measuring at thresholds relevant to human health.
8. That Wood Buffalo National Park be included in any impact study in respect of oil sands activity.
9. That Alberta work with Mikisew and other Lower Athabasca First Nations to develop a Lower Athabasca Regional Plan (“LARP”) that appropriately addresses First Nation concerns and that uses a rights-based approach to land-use planning, including:

MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388

- a. That the results of a Mikisew-led traditional land and resource management plan be incorporated in the amended LARP.
 - b. That Canada and Alberta acknowledge the First Nations exercise of Treaty rights as a priority land use in their traditional territories and cause that priority to be reflected in land use and resource development policies such as LARP and all Crown decision-making.
 - c. The establishment of First Nation-specific land use conservation areas with viable corridors that are managed jointly with First Nations and Alberta.
10. That resources be provided to First Nations to conduct a regional cumulative effects assessment which includes comprehensive traditional land use and traditional ecological knowledge with the aim of developing a traditional resource use plan. That plan would be a key focus in other policies, such as LARP.
 11. That Canada and Alberta utilize a terrestrial "No Net Loss" standard when considering disturbance approvals, giving equal weight to traditional knowledge and western science.
 12. That Canada and/or Alberta establish predisturbance baseline information, including the range of natural variation for wildlife populations and the conditions required to support Mikisew's rights and culture before disturbance of any further industrial activity.
 13. That Canada and Alberta work with Mikisew to identify and protect key species affected by cumulative effects, such as bison, caribou and moose. In this regard, Canada must revise the recovery plans for Wood Bison and Woodland Caribou identifying critical habitat which must be protected under the Species at Risk Act.
 14. That Canada conduct with Mikisew a traditional food study to examine the impact of oil sands contaminants on traditional foods, such as: fish, moose, caribou, small game, bird eggs, and berries in the region. Special attention should be drawn to the location of traditional foods in relation to oil sands mine development.
 15. That Alberta finalize the Oil Sands Mine Liabilities Management Program with input from Mikisew.
 16. That Alberta and Canada conduct a comprehensive Baseline Health Study for Fort Chipewyan residents as recommended in the 2003 EUB Decision Report. In addition, a study of contaminant intake and body burden of members of Fort Chipewyan should be undertaken.
 17. That Canada develop a comprehensive sustainable employment strategy with the Mikisew to address employment and training issues in the region.

18. That Canada and Alberta ensure the Mikisew has adequate capacity for meaningful consultation on all resource development activities that may impact their traditional lands.
19. That Canada and Alberta resource additional First Nations-directed analysis related to health, diet, practice of treaty and aboriginal rights and avoidance patterns related to contaminants.

C. Traditional Use Report

TAB	AUTHOR	APPENDIX D – TRADITIONAL USE REPORT
1.	Firelight Group	Mikisew Cree First Nation Indigenous Knowledge and Use Report and Assessment for Shell Canada’s Proposed Jackpine Mine Expansion, Pierre River Mine, and Redclay Compensation Lake

D. Intergovernmental Correspondence Regarding Cumulative Effects

TAB	DATE DD/MM/YY	APPENDIX F – INTERGOVERNMENTAL CORRESPONDENCE REGARDING CUMULATIVE EFFECTS
1.	22/09/04	Correspondence from CEMA to Mikisew regarding IFN task group and upcoming workshop
2.	07/04/05	Correspondence from Mikisew to AENV regarding notice of CEMA task group
3.	27/05/05	Correspondence from Mikisew to CEMA expressing concern over process for IFN
4.	14/07/05	Correspondence from Mikisew to EUB regarding IFN for Athabasca River, attaching CEMA email
5.	19/09/05	Correspondence from Mikisew to RAMP regarding hydrogeology monitoring
6.	16/10/05	Correspondence from Mikisew to CFO regarding lack of consultation in respect of No Net Loss Plan for Horizon and Jackpine mines
7.	16/11/05	Correspondence from RAMP to Mikisew regarding regionally organized groundwater monitoring program

**MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388**

TAB	DATE DD/MM/YY	APPENDIX F – INTERGOVERNMENTAL CORRESPONDENCE REGARDING CUMULATIVE EFFECTS
8.	22/02/06	Correspondence from Mikisew to AENV and DFO regarding IFN for Athabasca River
9.	02/03/06	Correspondence from Mikisew regarding formal response to proposed interim framework for IFN
10.	24/03/06	Mikisew response to interim IFN and Water Management System, submitted to AENV
11.	31/03/06	Correspondence from Minister for AENV in connection with Mikisew letter regarding IFN
12.	10/05/06	Correspondence from Athabasca Tribal Council requesting meeting regarding IFN framework
13.	16/05/06	Correspondence from Mikisew to ASRD regarding point of contact and noting that Mikisew participation in PWG is not substitute for consultation
14.	17/05/06	Alberta Press Release: Backgrounder on Oil Sands Consultation Group
15.	05/07/06	Correspondence from AENV to Mikisew
16.	19/07/06	Correspondence from Alberta to Mikisew regarding Consultation policy and point of contact
17.	19/07/06	Correspondence from ASRD regarding recommendations of oil sands consultation advisory group
18.	08/08/06	Correspondence from Alberta to Mikisew regarding proposed consultation guidelines and current projects
19.	18/09/06	Correspondence from Mikisew to AENV and DFO regarding August, 2006 IFN stakeholder meeting
20.	10/11/06	Spreadsheet entitled "AENV background information for Nov. 10, 2006 High Level Meeting with Mikisew."
21.	10/11/06	Notes from 11/10/06 meeting between Mikisew and AENV
22.	15/11/06	Correspondence from Mikisew to AENV regarding November 10 meeting and regarding consultation

**MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388**

TAB	DATE DD/MM/YY	APPENDIX F – INTERGOVERNMENTAL CORRESPONDENCE REGARDING CUMULATIVE EFFECTS
23.	06/12/06	Correspondence from AENV to Mikisew acknowledging Mikisew's November 15 letter
24.	02/02/07	Correspondence from Mikisew officially withdrawing from CEMA
25.	15/03/07	Mikisew's response to DFO's invitation to peer review meeting of IFN assessment
26.	26/03/07	Correspondence from AENV noting completion of Water Management Framework
27.	05/04/07	Correspondence from AENV noting AENV has sent Mikisew correspondence to DFO
28.	10/04/07	Correspondence from Mikisew to AENV and DFO rejecting March 1, 2007 IFN and water management framework
29.	06/01/07	Report "Response to Multi-Stakeholder Committee Phase II and to submissions of Alberta"
30.	01/01/08	Mikisew Response to Muskeg River Watershed Framework for Water Quality, December 2007, submitted to AENV
31.	26/03/08	Correspondence from Mikisew to Alberta regarding failure of Alberta to consult Mikisew on Land Sales
32.	11/09/08	Correspondence from Mikisew to AENV and DFO regarding IFN P2 Consultation process and the Dan Olsen process
33.	19/06/08	Correspondence between Mikisew and AENV regarding scheduling meeting with Alberta SRD regarding consultation process
34.	28/11/08	Correspondence from AENV to Athabasca Tribal Council responding to consultation framework agreement submitted on August 28, 2008
35.	12/05/08	Correspondence from Mikisew to AENV regarding IFN process, Ohlson process, and urging acceptance of Framework Agreement
36.	12/01/08	Alberta Land-Use Framework
37.	08/01/09	Forwarding correspondence from Mikisew to AENV regarding IFN Phase 2

**MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388**

TAB	DATE DD/MM/YY	APPENDIX F – INTERGOVERNMENTAL CORRESPONDENCE REGARDING CUMULATIVE EFFECTS
38.	13/02/09	Correspondence from Alberta Aboriginal Relations to Mikisew regarding Mikisew letter to Hon. Rob Renner in respect of consultation process
39.	19/02/09	Correspondence from Mikisew to ASRD regarding consultation process on dispositions
40.	16/04/09	Joint Submissions of Mikisew and CPDFN on Land Use Framework
41.	29/04/09	Correspondence from Mikisew to AENV urging consultation with Mikisew
42.	08/05/09	Correspondence from AENV responding to Athabasca Tribal Council consultation proposal
43.	25/05/09	Correspondence from Alberta Justice to R. Freedman regarding LARP
44.	27/05/09	Correspondence from R. Freedman to Alberta Justice regarding consultations with Mikisew on LARP
45.	28/05/09	Agenda for June 11th meeting with AENV and correspondence from Mikisew to AENV regarding AENV's position on IFN2 consultation proposal
46.	28/05/09	Correspondence from Alberta Justice to R. Freedman regarding LARP
47.	15/06/09	Correspondence from Mikisew to AENV regarding lack of government consultation on UTS-Teck Cominco projects
48.	19/06/09	Correspondence from R. Vermillion to Oil Sands Secretariat regarding concerns with consultations and RAC
49.	13/07/09	Correspondence from K. Buss regarding June 26, 2009 PWG meeting and government-to-government consultation process
50.	30/07/09	Correspondence from Alberta Justice to K. Buss regarding use of PWG Guidelines
51.	31/07/09	Alberta press release announcing release of guidelines for LARP and Backgrounder on Terms of Reference for LARP and RAC
52.	19/08/09	Correspondence from Mikisew to ASRD transmitting Mikisew's work plan for LARP

**MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388**

TAB	DATE DD/MM/YY	APPENDIX F – INTERGOVERNMENTAL CORRESPONDENCE REGARDING CUMULATIVE EFFECTS
53.	28/08/09	Correspondence from ACFN and Mikisew regarding ASRD's response to First Nation Consultation Plan in connection with LARP
54.	08/09/09	Correspondence between R. Freedman and Alberta regarding scheduling meeting in connection with LARP
55.	09/09/09	Correspondence from Mikisew to Alberta requesting status update on LARP consultation work plan
56.	17/09/09	Correspondence from Mikisew to AENV following up on Mikisew's request for GIS data to assist in consultations
57.	17/11/09	Correspondence from Mikisew withdrawing from RAMP
58.	24/09/09	Consultation Protocol of the Mikisew Cree First Nation
59.	12/11/09	Correspondence from Alberta declining consultation in connection with transfer of crown lands
60.	01/02/10	Correspondence from ACFN and Mikisew to H. Kennedy re LARP
61.	10/03/10	Correspondence from ACFN and Mikisew to H. Kennedy, ADM re CRISP
62.	12/03/10	H. Kennedy's response to ACFN- Mikisew correspondence regarding CRISP
63.	30/03/10	Correspondence from R. Vermillion concerning disappointment with LARP
64.	25/05/10	Correspondence from ACFN and Mikisew regarding LARP information session and asking questions about LARP
65.	11/06/10	Correspondence from AENV to ACFN and Mikisew denying additional funding for draft management plan review
66.	13/07/10	P2FC Final Report
67.	27/07/10	Correspondence from D. Bartesko regarding funding agreement for LUF in connection with LARP
68.	19/08/10	Correspondence from Mikisew to Alberta and DFO regarding disappointment with Phase Two Framework Committee conclusions

**MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388**

TAB	DATE DD/MM/YY	APPENDIX F – INTERGOVERNMENTAL CORRESPONDENCE REGARDING CUMULATIVE EFFECTS
69.	20/08/10	The Relationship Between The Lower Athabasca River And The Traditional Uses And Rights Of The Athabasca Chipewyan First Nation And Mikisew Cree First Nation, a Summary Report
70.	23/08/10	Correspondence from ACFN and Mikisew to AENV and DFO regarding Technical Reviews of the Phase 2 Framework Committee Recommendations
71.	16/08/10	Report, As Long as the Rivers Flow: Athabasca River Use, Knowledge and Change, MCFN Community Report, provided to Alberta and Canada in connection with the Phase 2 Framework
72.	20/08/10	Correspondence on behalf of Mikisew to Alberta regarding the Public Lands Administration Regulation
73.	16/09/10	Correspondence on behalf of Mikisew to Alberta regarding the Public Lands Administration Regulation
74.	20/09/10	Meeting minutes from meeting regarding the Public Lands Administration Regulation
75.	24/09/10	Correspondence on behalf of Mikisew to Alberta regarding the Public Lands Administration Regulation
76.	18/10/10	Correspondence from Mikisew to Alberta regarding LARP consultation
77.	19/10/10	Mikisew comments on the Lower Athabasca Regional Advisory Council's Advice to the Government of Alberta Regarding a Vision for the Lower Athabasca Region
78.	20/10/10	Correspondence from Alberta regarding the Public Lands Administration Regulation
79.	25/10/10	Correspondence from Alberta regarding the Public Lands Administration Regulation
80.	11/11/10	Mikisew submission on LARP
81.	14/12/10	Alberta consultation summary for the Public Lands Administration Regulation
82.	17/01/11	Correspondence on behalf of Mikisew to Alberta regarding the Public Lands Administration Regulation
83.	08/02/11	Correspondence from Mikisew requesting follow up on Phase 2 Framework
84.	23/02/11	Correspondence from Mikisew to Alberta regarding LARP consultation
85.	09/03/11	Correspondence from Alberta regarding the Public Lands Administration Regulation
86.	30/03/11	Correspondence on behalf of Mikisew to Alberta regarding the Public Lands Administration Regulation
87.	11/03/11	Correspondence from Alberta regarding LARP
88.	17/03/11	Joint Response of Athabasca Chipewyan First Nation & Mikisew Cree First Nation to the Report of the Joint Review Panel for the Joslyn North Mine Project

**MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388**

TAB	DATE DD/MM/YY	APPENDIX F – INTERGOVERNMENTAL CORRESPONDENCE REGARDING CUMULATIVE EFFECTS
89.	11/04/11	Correspondence from Mikisew to Alberta regarding LARP
90.	13/04/11	Correspondence from Alberta regarding the Public Lands Administration Regulation
91.	03/05/11	Correspondence from Alberta regarding LARP
92.	11/05/11	Correspondence from Mikisew to Alberta regarding LARP
93.	16/05/11	Correspondence from Mikisew to Alberta regarding LARP, including information requests and request for feedback
94.	03/06/11	Mikisew submission on LARP
95.	14/07/11	Correspondence from Mikisew to Alberta regarding the Public Lands Administration Regulation
96.	29/07/11	Correspondence on behalf of Mikisew to Alberta regarding the Public Lands Administration Regulation
97.	29/07/11	Correspondence from Mikisew to Alberta regarding Woodland Caribou Policy
98.	04/08/11	Correspondence from Alberta and Canada regarding Phase 2 Framework
99.	14/08/11	Correspondence from Mikisew regarding involvement new Oil Sands Monitoring Program
100.	22/08/11	Correspondence from Alberta regarding the Public Lands Administration Regulation
101.	31/08/11	Correspondence from Environment Canada regarding draft National Recovery Strategy for Boreal Caribou
102.	02/09/11	Correspondence from Mikisew to Alberta regarding LARP
103.	12/09/11	Correspondence from Alberta regarding finalization of the Public Lands Administration Regulation
104.	29/09/11	Correspondence from Mikisew to Environment Canada regarding Proposed National Recovery Strategy for the Woodland Caribou,
105.	12/10/11	Correspondence from Mikisew to Alberta regarding the Public Lands Administration Regulation
106.	12/10/11	Correspondence from Mikisew requesting consultation on Phase 2 Framework
107.	07/11/11	Correspondence from Alberta regarding finalization of the Public Lands Administration Regulation
108.	21/11/11	Correspondence from Alberta regarding finalization of the Public Lands Administration Regulation
109.	29/11/11	Correspondence from Environment Canada regarding draft National Recovery Strategy for Boreal Caribou
110.	17/02/12	Correspondence from Mikisew to Alberta regarding traditional land and resource use management plan
111.	17/02/12	Correspondence from Mikisew to CEAA and Alberta regarding traditional land and resource use management plan

**MIKISEW CREE FIRST NATION SUBMISSION
ERCB APPLICATION NO. 1554388**

TAB	DATE DD/MM/YY	APPENDIX F – INTERGOVERNMENTAL CORRESPONDENCE REGARDING CUMULATIVE EFFECTS
112.	22/02/12	Correspondence from Mikisew to Environment Canada regarding Proposed National Recovery Strategy for the Woodland Caribou, Boreal Population (<i>Rangifer taranda caribou</i>) in Canada
113.	09/03/12	Correspondence from Mikisew regarding World Class Monitoring Program
114.	30/04/12	Correspondence from Mikisew to Alberta regarding consultation procedures
115.	16/05/12	Correspondence from Alberta regarding consultation procedures
116.	22/06/12	Correspondence from Alberta regarding traditional land and resource use management plan
117.	26/06/12	Correspondence from Mikisew regarding exclusion from World Class Monitoring Program
118.	13/07/12	Correspondence from Mikisew to Alberta regarding consultation procedures