

Response to Aboriginal Consultation on the Lower Athabasca Regional Plan



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Introduction

Alberta's Land-use Framework (LUF), released in December 2008, set out a new approach to managing our province's land and natural resources to achieve Alberta's long-term economic, environmental and social goals. The LUF was developed with input from stakeholder groups, members of First Nations, the Métis Settlements General Council (MSGC), Métis organizations and the general public. The LUF also identified seven land-use regions and called for the development of a regional plan for each.

The Lower Athabasca Regional Plan (LARP) establishes seven desired regional outcomes. The regional outcomes are consistent with and support the provincewide outcomes set out in the Land-use Framework, namely:

- Healthy economy supported by our land and natural resources;
- Healthy ecosystems and environment; and
- People-friendly communities with ample recreation and cultural opportunities.

Successfully achieving the regional outcomes requires new and improved approaches and tools for managing our lands and natural resources.

The LARP also identifies strategic directions that will improve our ability to balance economic, environmental and social outcomes in the region.

These include:

- Improving the integration of industrial activities on the landscape;
- Encouraging timely and progressive reclamation of disturbed lands;
- Managing air, water and biodiversity through management frameworks that take proactive approaches and set limits and triggers and by minimizing land disturbance in the region;
- Creating new conservation areas that are large, interconnected and maintain intact habitat to support biodiversity;
- Strengthening infrastructure planning to support future growth of the region;
- Designating new recreation and tourism areas to provide diverse recreation opportunities to local residents and tourism products for visitors to the region; and
- Inclusion of aboriginal peoples in land-use planning.

Various governments, ministries and agencies will work together in an integrated manner as they develop the required system and tools to support implementation of the regional plan. While the strategies above each fall primarily into the mandate of one or more ministries, it is important to note that a government-wide approach will be taken to implement the strategies. This is part of the shift to a cumulative effects management system as envisioned by the Land-use Framework.

The Lower Athabasca Regional Plan was the first of the seven plans developed under the Land-use Framework. It was approved by Cabinet on August 22, 2012 and becomes effective September 1, 2012. All input—including aboriginal— was considered in developing the regional plan. Some of this input will also be used by the Government of Alberta (GOA) during implementation of the plan. During development of the LARP, every effort was made to balance all input received while recognizing aboriginal peoples' constitutionally protected rights, including treaty rights.

This response document provides First Nations and Métis organizations with:

1. a summary of the input heard,
2. information on how the GOA incorporated the input into the regional plan, and
3. the input that was not included in the final regional plan and why.



Methodology

Timeline

- December 20, 2008: The Lower Athabasca regional planning process started with the announcement and establishment of the Lower Athabasca Regional Advisory Council (RAC). A representative from the Métis Settlements was a RAC member.
- June 1, 2009: Representatives from Treaty 6 and Treaty 8 join the RAC.
- July 2009: The Land Use Secretariat (LUS) sent invitation letters to the following to participate in the consultation/engagement process:
 - all First Nations in the province,
 - Métis Settlement General Council (MSGC),
 - eight Métis Settlements,
 - Métis Nation of Alberta (MNA), and
 - six Métis Nation of Alberta Regions contacts.

These letters were intended to ensure each First Nation and Métis organization was aware the consultation/engagement process for the Lower Athabasca Regional Plan had started. The LUS followed up to confirm the letters were received by the First Nations and Métis organizations.

 - The First Nation Consultation Plan – Lower Athabasca Region was provided to each First Nation in the region.
- September 2009: The Métis Engagement Plan – Lower Athabasca Region was provided to each Métis organization in the region.

Consultation/Engagement Details

The Government of Alberta (GOA) consulted with 21 First Nations and engaged with nine Métis organizations on the Lower Athabasca Regional Plan. Specifically, the GOA consulted or engaged with:

- First Nations:
 - Athabasca Chipewyan, Beaver, Beaver Lake Cree, Bigstone Cree, Chipewyan Prairie, Cold Lake, Fort McKay, Fort McMurray #468, Frog Lake, Heart Lake, Kehewin Cree, Little Red River Cree, Mikisew Cree, Onion Lake, Peerless Trout, Saddle Lake Cree, Sawridge, Smith's Landing, Sunchild, Tallcree and Whitefish (Goodfish) Lake.
- Métis Organizations:
 - Métis Settlements Board, Buffalo Lake Métis Settlement, Elizabeth Métis Settlement, Fishing Lake Métis Settlement and Kikino Métis Settlement.

- Métis Nation of Alberta: Provincial, Region 1, Region 2, and the Conklin Métis Local. (Note: Other Métis Locals attended Métis Nation of Alberta Region 1 and Region 2 meetings. In addition, the Fort McKay Métis Local made submissions together with Fort McKay First Nation.)

The consultation and engagement plans described the process the GOA would be using to consult or engage with First Nations and Métis organizations throughout development of the Lower Athabasca Regional Plan. The Land Use Secretariat worked with the GOA's Aboriginal Consultation Coordination Group to ensure the First Nation Consultation Plan was consistent with The Government of Alberta's First Nations Consultation Policy on Land Management and Resource Development.

The GOA wanted to hear and consider the views of Métis people during regional planning, which is why the Métis Engagement Plan was developed. This plan was not intended to limit the range of options available for the GOA in developing a wider Métis consultation policy in the future. The engagement plan stated that—to date—the Government of Alberta has not recognized assertions of Métis aboriginal rights in the province as being credible.

The LUS set up meetings with First Nations and Métis organizations through phone calls, with follow-up confirmation emails sent to the contact names provided. A member from the LUS attended these meetings, as well as staff from a number of government departments. These departments included: Sustainable Resource Development; Environment and Water; Energy; Intergovernmental, International and Aboriginal Relations; and Tourism, Parks and Recreation.

A consulting firm was contracted to take summary notes at each meeting to document the main issues and feedback heard. These notes were circulated to participants from the GOA and attendees to verify the summaries accurately reflected the content of each meeting. In addition, several First Nations and Métis organizations submitted written responses to the GOA on the Lower Athabasca Regional Advisory Council's Advice to the Government of Alberta Regarding a Vision for the Lower Athabasca Region and the draft Lower Athabasca Regional Plan.

A total of 107 meetings were held with the above, some of which were joint meetings with more than one group. Most of the input received was on the RAC's advice document (released August 26, 2010) and the draft regional plan (released April 5, 2011).

Public, stakeholder, municipal and aboriginal consultation on the draft plan officially ended on June 6, 2011. Each participating First Nation and Métis organization received a summary of the GOA's understanding of their specific comments by June 13, 2011.



Themes

These theme areas are not mutually exclusive. The input received and the GOA's response under a specific theme may overlap with other theme areas.

First Nations and Métis organizations that participated in the consultation/engagement process for the Lower Athabasca Regional Plan offered a number of perspectives and themes, many of which were similar. This document summarizes the input received at consultation/engagement meetings as well as through written submissions. The consultation/engagement input and feedback was consolidated into six common themes:

- Participation in land-use planning;
- Consultation, rights and legal considerations;
- Land-use planning and traditional use;
- Emphasis on environmental and social outcomes;
- Development of cumulative effects management thresholds; and
- Economic development opportunities.

Participation in Land-use Planning

What we heard:

- First Nations felt a formal role must be created that would allow them to more effectively influence land-use planning, environmental assessment and protection of wildlife habitat; they stated this is fundamental to ensuring their constitutionally protected rights can be meaningfully exercised within proximity to their communities. This role should include co-management regimes with the First Nations, guided by principles of shared decision-making and joint stewardship of lands and resources.
- Aboriginal peoples believed they must be afforded a higher and more comprehensive consideration than is given to other stakeholders in land-use planning.
- Input said there must be consultation, capacity, accommodation and full participation in resource management and decision-making for aboriginal communities in recognition of their intimate connection and stewardship responsibilities with the land. Existing land and resource planning and regulatory processes need to be reviewed to ensure a fair and equitable participation.
- Some provincial parks were established that have a legacy of sacred sites and burial grounds within them. Some felt the GOA should include First Nations involvement in the management of these areas, and recognize there is opportunity for sustainable traditional uses within provincial park borders.

The Government of Alberta's Response in the LARP

The Lower Athabasca Regional Plan reflects an ongoing commitment to engage aboriginal peoples in land-use planning. The GOA recognizes that those First Nations and Métis communities which hold constitutionally protected rights are uniquely positioned to inform land-use planning.

The GOA will provide opportunities for aboriginal peoples in land-use planning, as well as opportunities to provide input into decision-making in recognition of the cultural and economic importance of land use to those aboriginal communities with constitutionally protected rights. This will provide both aboriginal communities and the GOA with a basis for better addressing current and potential land-use conflict in a manner supportive of aboriginal traditional uses, such as the exercise of treaty rights.

The Lower Athabasca Regional Plan's Outcome 7 describes an objective, strategies and indicators for inclusion of aboriginal peoples in land-use planning.

Objective:

To encourage aboriginal peoples' participation in land-use planning and input to decision-making in recognition of the cultural and economic importance of land use to those aboriginal communities with constitutionally protected rights. This will provide both aboriginal communities and the Government of Alberta with a basis for better addressing current and potential land-use conflicts, in a manner supportive of aboriginal traditional uses, such as the exercise of treaty rights.

Strategies:

- a) In accordance with applicable government policy as it may be from time to time, the Government of Alberta will continue to consult with aboriginal peoples in a meaningful way when government decisions may adversely affect the continued exercise of their constitutionally protected rights, and the input from such consultations continues to be considered prior to the decision.
- b) Engage aboriginal communities in the development of the Lower Athabasca Regional Trail System Plan.
- c) Engage aboriginal communities in the development of a surface water quantity management framework for the Lower Athabasca River.
- d) Engage aboriginal communities on initiatives to support tourism development including:
 - Tourism opportunity assessments for the Quarry of the Ancestors, Bitumount and Fort Chipewyan;



- The promotion of cross-cultural awareness and sharing cultural experience through visitor-based activities;
 - Opportunities to align and enhance partnerships at the provincial, regional and local levels to enhance Alberta's range of authentic products while promoting and protecting natural and cultural resources and heritage lifestyles;
 - Opportunities to balance tourism product expansion with the needs of communities through business opportunities (e.g., potential opportunity to focus on revenue generation by promoting small and medium-sized businesses, and developing careers and education thereby increasing employment opportunities); and
 - The development of partnerships based on the sensitive provision of authentic traditional tourism products, experiences, stories and imaginative product diversification.
- e) Invite First Nations expressing an interest in the Richardson Backcountry to be involved in a sub-regional initiative called the First Nations-Richardson Backcountry Stewardship Initiative (Richardson Initiative). Within the Richardson area, this initiative will consider:
- Impact to treaty rights to hunt, fish and trap for food;
 - Fish and wildlife management, access management and economic/business opportunities; and
 - Management of new wildland provincial parks and public land areas for recreation and tourism.
- f) In developing a biodiversity management framework and a landscape management plan, the Government of Alberta will work with First Nations to consider:
- How First Nations' exercise of constitutionally protected rights to hunt, fish and trap for food can continue to occur within reasonable proximity of First Nations' main population centres; and
 - How to minimize land disturbance in the Athabasca River corridor north of Fort McMurray.

Indicators:

- Participation rate of First Nations in the Richardson Initiative; and
- Aboriginal peoples continue to be consulted when Government of Alberta decisions may adversely affect their continued exercise of their constitutionally protected rights, and the input from such consultations continues to be reviewed prior to the decision.

The GOA will look for opportunities to engage these communities and invite them to share their traditional ecological knowledge to inform land and natural resource planning in this region. For example, the regional parks plan for the Lower Athabasca Region will explore and present potential new approaches to draw on the rich cultural, ecological and historical knowledge and stewardship practices of these communities into planning for new and existing parks within the provincial parks system.

Métis Settlements will maintain their responsibility and authority for local land-use planning and development on Settlement patented land.

Consultation, Rights and Legal Consideration

What we heard:

- Aboriginal peoples felt the LARP must explicitly recognize the constitutional protection afforded to aboriginal peoples' rights, the legal duty to consult with First Nations about potential adverse impacts to treaty rights and the desire for the LARP to accommodate these rights in land-use planning and resource and land allocation.
- First Nations believed these rights mean they are of a higher status than other stakeholder groups and therefore First Nations should be afforded greater influence in the LARP process.
- Some First Nations and Métis organizations felt that engagement with them should be more comprehensive than for other stakeholders, and consultation should occur on a government-to-government (elected official to elected official) basis.
- Some thought infringement of treaty and aboriginal rights already exists, and felt this infringement would grow with the potential increase in resource development within the region. They added that the GOA must recognize that any infringement of aboriginal and treaty rights must meet the standard of justified infringement, including priority allocation of resources.
- Input suggested the GOA must ensure a priority allocation of resources to aboriginal peoples, and the accommodation of aboriginal and treaty rights is done when balancing resource and land allocation.
- It was stated that there is a lack of recognition of Métis rights. Métis want to be recognized and have the same hunting, fishing and trapping rights as First Nations. Some said there needs to be a formal GOA consultation policy for Métis. Most Métis Settlements would like to have a 25-kilometre buffer around their Settlement that requires them to be consulted on anything that occurs or is proposed inside that buffer. They added that currently there is no consultation and no compensation for activity impacting the Settlement.



- First Nations have concerns about the Government of Alberta's First Nations Consultation Policy on Land Management and Resource Development (2005). They felt the GOA did not provide adequate feedback on input provided by the First Nations during the process, nor did the GOA provide sufficient funding to provide input. Some said that Alberta needs to enter into a more collaborative and mutually agreeable process.
- Some advised that the GOA should negotiate a consultation and accommodation agreement with those aboriginal communities most affected to address the trade-offs being made that affect their rights and interests.

The Government of Alberta's Response in the LARP

The Lower Athabasca Regional Plan states, "Alberta recognizes that those First Nations and Métis communities that hold constitutionally protected rights are uniquely positioned to inform land-use planning. Consulting aboriginal communities on regional planning, particularly those aspects that have the potential to adversely impact their constitutionally protected rights, and reconciling interests are essential to achieving the regional vision. In accordance with applicable government policy as it may be from time to time, the Government of Alberta will continue to consult with aboriginal peoples when government decisions may adversely affect the continued exercise of their constitutionally protected rights, and the input from such consultations continues to be considered prior to the decision."

The GOA has consulted with the participating First Nations and engaged the participating Métis organizations in good faith. The provincial government understands the significance of the constitutionally protected rights of aboriginal communities. The GOA continues to be committed to engaging aboriginal communities to better understand their perspectives and develop meaningful relationships with them.

While input regarding the GOA's First Nations Consultation Policy and its development process is valuable, government felt it was more appropriately addressed through Alberta's current policy review process. As set out in the LARP terms of reference, modifications to the GOA's aboriginal consultation policies are out of scope. The government is reviewing its First Nations Consultation Policy under a separate process.

Land-use Planning and Traditional Use

What we heard:

- First Nations said that access management regimes must be developed with them, and must ensure access to the areas where rights are exercised and any restrictions on access are developed in consultation with First Nations. They added that restrictions must not impair the rights of the First Nations to access their preferred hunting, fishing, trapping and gathering areas.
- Some believe a sub-region should be established in and around the surface minable area because of the unique impacts this area has on traditional use.
- The input stated the LARP must require the inclusion of traditional ecological knowledge in land use, monitoring, planning and decisions.
- The conditions that traditional lands are in and the health concerns associated with the environmental impacts are of great concern to aboriginal community members. They said there has been a high loss of medicinal plants such as blueberries and rat root. Some stated that the GOA must understand people still use the land in traditional ways.
- It was felt that very little of some aboriginal communities' traditional territory will be protected, and there will be no protected conservation areas close to those communities. Some said this severely limits practical and meaningful traditional-use opportunities for community members in these conservations areas, and does not meet the requirement for conservation areas to "support aboriginal traditional land uses" as stated in the LARP. They added that a priority land-use classification needs be established for aboriginal use.
- Most aboriginal communities felt they should be compensated for any losses to—or harvesting in—what they see as their traditional lands.
- Aboriginal peoples said traditional trail areas should be preserved to provide access through leases. Areas around the reserves should be protected to provide more opportunity for traditional land uses.
- It was stated that the population of some aboriginal communities is growing, so they will need to increase their use of the land and its traditional resources.
- Many aboriginal communities favour preserved and protected areas to ensure the future exercise of what they consider their treaty rights, aboriginal rights or traditional land uses.
- Some felt there should be areas in each region set aside exclusively for traditional uses and not accessed by other land users.



The Government of Alberta's Response in the LARP

The Alberta government will continue to collaborate with aboriginal communities toward protecting traditional-use locations of cultural and spiritual significance. These places can be determined to be historic resources and be subject to protection under the *Historical Resources Act*. The GOA appreciates the importance of traditional land use to aboriginal communities and recognizes that the extent of traditional land use does not necessarily coincide with the boundaries of the regional planning areas. The GOA believes aboriginal communities were provided with opportunities to address this concern through their involvement in the LARP, where traditional land use continues.

The Alberta government will look for opportunities to engage aboriginal communities and invite them to share their traditional ecological knowledge to inform land and natural resource planning.

In developing a biodiversity management framework and a landscape management plan, all aboriginal communities, stakeholders and public will have the opportunity to participate. The Government of Alberta will work specifically with First Nations to consider how First Nations' exercise of constitutionally protected rights to hunt, fish and trap for food can continue to occur within reasonable proximity of First Nations' main population centres.

The biodiversity management framework will include indicators, targets and thresholds. Measures of biodiversity will follow International Union of Conservation of Nature (IUCN) conventions for legally designated species. For non-designated species, a risk-based approach informed by IUCN protocols will be used.

The landscape management plans will include landscape assessment, scenario modeling, and landscape planning. These will build on the success of voluntary integrated land management approaches by industrial and commercial operators as a means of reducing the extent and duration of land disturbance and development footprint.

A progressive reclamation strategy will be implemented which will provide mechanisms to define, measure and report on the return of equivalent capability—including the return of a suite of acceptable land uses such as commercial forestry, wetlands, wildlife and biodiversity, traditional use and recreation.

In collaboration with aboriginal and other communities, stakeholders and partners, co-ordinate the development of the Lower Athabasca Regional Trail System Plan to designate trails, routes and areas. This will link communities, destinations and other jurisdictions with the region's parks, recreation features

and open spaces. The development of the regional trail system plan will include the gathering and analysis of environmental, resource, land-use, aboriginal and other social data and land-use commitments.

In addition, the Government of Alberta is committed to achieving naturally sustaining woodland caribou populations. Stabilizing, recovering and sustaining woodland caribou populations is an investment in maintaining Alberta's diverse natural environment. Successfully achieving this result will require the identification, maintenance and restoration of sufficient caribou habitat.

Within the context of sustaining Alberta's caribou populations, planning and implementation will consider:

- provincial and federal legislative requirements;
- First Nation rights and traditional uses;
- social/economic impacts; and
- stakeholder interests.

In accordance with applicable government policy, as it may be from time to time, the GOA will continue to consult with aboriginal peoples when government decisions may adversely affect the continued exercise of their constitutionally protected rights, and ensure the input from such consultations continues to be considered prior to the decision.

Emphasis on Environmental and Social Outcomes

What we heard:

- Aboriginal peoples felt the Government of Alberta must slow the pace of extraction in areas of intensive development until knowledge of the current state of affairs becomes clearer. They added that this precautionary approach to development should be a statutory requirement, as it is the social responsibility of the government to protect its citizens.
- In general, First Nations and Métis organizations did not feel there was an appropriate balance among the three outcomes (social, environmental and economic) in the LARP. They said environmental and social outcomes must carry more weight than economic outcomes in order to create balance.
- Protection of the surface water quality and quantity in the Athabasca River and its tributaries and other water bodies in the region is necessary, according to those who provided input. Water withdrawals should be limited or stopped during low flow periods as this impacts treaty rights.



- Many said air quality must be protected and that air quality should include all parameters, not just nitrogen oxide (NO_x) and sulfur dioxide (SO₂).
- Some people said frameworks must set thresholds and triggers that relate to the meaningful practice of aboriginal and treaty rights.
- It was felt that social aspects need to be part of the plan.
- Several wanted to see environmental regulations better enforced.
- Input suggested environmental monitoring is essential, (e.g., groundwater monitoring) because some aboriginal communities are subject to heavy industrial activity in northern Alberta.
- Environmental assessment and monitoring data collected by aboriginal peoples was felt to be important, and must be used to revise and update frameworks.
- Many wanted to see environmental standards and systems and management options, as well as a formal system for ensuring buffers between development and the community lands established. They felt this would protect the health and well being of community members and the ecology of the lands.
- Respondents believed management frameworks must have clearly defined thresholds and precautionary triggers established in a way that allows proactive actions and that are protective of human and ecological health. Frameworks must set thresholds and triggers that relate to the meaningful practice of aboriginal and treaty rights.

The Government of Alberta's Response in the LARP

There is significant investment in environmental monitoring, evaluation and reporting systems in the Lower Athabasca Region, including systems for air, surface water, groundwater, land and biodiversity. Recognizing the limitations in environmental monitoring, evaluation and reporting, the GOA is currently undertaking a review of these systems. In 2009, government started building the foundation for a new integrated environmental monitoring system to support Alberta's transition to a cumulative effects management approach.

Following extensive discussions in 2011 between the Governments of Canada and Alberta, a *Joint Canada-Alberta Implementation Plan for Oil Sands Monitoring* ("Joint Implementation Plan") has been developed. The Joint Implementation Plan builds on a foundation of existing monitoring, and is intended to enhance existing monitoring activities. The Joint Implementation Plan describes a phased implementation with monitoring activities over the next three years.

The purpose of the Joint Implementation Plan is to describe how the Governments of Alberta and Canada will put in place a world-class monitoring program for the oil sands to provide assurance of environmentally responsible development of the resource.

Specifically, the GOA wishes to engage aboriginal communities in the development of a surface water quantity management framework for the Lower Athabasca River. In addition, as the provincial government develops a biodiversity management framework and a landscape management plan, the GOA will work with First Nations to consider:

- How First Nations' exercise of constitutionally protected rights to hunt, fish and trap for food can continue to occur within reasonable proximity of First Nations' main population centres; and
- How to minimize land disturbance in the Athabasca River corridor north of Fort McMurray.

The Alberta government is also committed to working with Alberta residents to better understand and assess their health concerns. A Letter of Intent was signed between the Fort McKay community and the Government of Alberta on September 26, 2011. The Letter of Intent serves as a symbol of joint commitment to work collaboratively to design and implement a community health assessment in Fort McKay. Community residents will identify their health priorities and be actively engaged in identifying appropriate actions to address those priorities. The process will be led by the community with the support of government.

Monitoring, evaluation and reporting are key activities for the success of the LARP. To respond effectively to changing circumstances and new information, the GOA must have a way to assess regional planning progress on objectives and outcomes, and initiate corrective action where required. A system of monitoring, evaluation, reporting and improvement is needed to determine the effectiveness of the regional plan (i.e., to determine if land-use strategies and actions will fulfill the regional plan's objectives and outcomes).

On an ongoing basis, the GOA will systematically collect and store data for indicators about the progress of achievement of the LARP outcomes. The GOA will be responsible for collecting data for these indicators over the span of the regional plan and for monitoring the data trends showing changes occurring in the region. The monitoring data will undergo rigorous evaluation, analysis and interpretation of results within the context of government policies and strategies designed to achieve the regional objectives and assure management actions are appropriate. This includes evaluation of monitoring data against the limits and triggers established for the region. Wherever possible, the contributions of subject matter experts within the community will be encouraged as input into this process.



The Government of Alberta is committed to the following:

- Complete and implement a surface water quantity management framework for the Lower Athabasca River, ensuring aboriginal communities are engaged in its development.
- Complete an update of the phase I Water Management Framework for the Lower Athabasca River. The current framework provides guidance for managing water withdrawals by the oil sands mining industry. The phase I management framework was approved by Alberta Environment and Water and the federal department of Fisheries and Oceans in 2007. Work is continuing to update this surface water quantity management framework.
- Implement the Surface Water Quality Management Framework for the Lower Athabasca River.
- Implement the Air Quality Management Framework for the Lower Athabasca Region. The ambient air quality limits and triggers in the Air Quality Management Framework for the Lower Athabasca Region are based on accepted Alberta ambient air quality objectives. If monitoring indicates that a trigger or limit has been exceeded, there will be a regional management response. The kinds of management actions that may be required include the preparation of management plans (individual or collective), further modeling and/or monitoring, development and application of new performance standards and the use of best management practices. Taking action to manage air quality in the region will involve the provincial government and a number of parties, including industry, municipalities and others. The framework establishes a commitment to ongoing monitoring, evaluation and reporting of ambient air quality conditions and verification if triggers or limits are exceeded.
- Complete and implement the Groundwater Management Framework for the Lower Athabasca Region. The Groundwater Management Framework for the Lower Athabasca Region encompasses three areas: the north Athabasca oil sands, the south Athabasca oil sands and the Cold Lake-Beaver River areas. A set of indicators has been chosen based on the nature of the aquifers and potential impacts of both mining and in situ operations. The framework includes interim triggers and provides for the future establishment of final triggers and limits. The information required to finalize triggers and limits will be collected through the establishment of a regional groundwater monitoring network and development of regional groundwater models. Industry operators are required to prepare facility groundwater management plans to describe how site-specific management will contribute to the achievement of regional groundwater outcomes.

Development of Cumulative Effects Management Thresholds

What we heard:

- It was felt that the “cumulative effects management approach” and frameworks must guide decision-makers so that land-use decisions are made in a way that respects and accommodates aboriginal knowledge and constitutionally protected rights.
- Some stated a need to complete a regional cumulative environmental, cultural and socio-economic assessment to ensure that frameworks meet the objectives of protecting air, water and biodiversity, and traditional resources and land use.
- Regular community-based monitoring of cumulative effects is believed to be needed on the health of aboriginal community members and environment.
- Input reflected that the Government of Alberta, together with aboriginal peoples, must develop criteria, methods and thresholds for assessing the direct and cumulative impacts of existing, planned and reasonably foreseeable development on the meaningful exercise of section 35 constitutional rights.
- Some said a holistic understanding of the effects of development is needed. They felt the LARP should describe how the enhanced understanding of cumulative effects will be used in the planning process, and should make provisions for further research into the health effects of development in the LARP area.
- Many First Nations and Métis organizations indicated they are willing to work with the GOA to establish regional and local cumulative effects management (CEM) thresholds. The thresholds should be developed through both scientific measures and traditional knowledge and experience from local aboriginal communities, and should cross regional boundaries when appropriate.
- The receipt of funding/capacity for traditional knowledge was believed to be critical to meaningful participation in the development of CEM thresholds.



The Government of Alberta's Response in the LARP

The cumulative effects of population growth and economic development in the region are increasing pressures on the region's air, water, land and biodiversity. The Alberta Government is committed to responsible development. Alberta's current environmental management system is intended to reduce and minimize the impacts of development on the environment. This system is supported by provincial policy and legislation which are implemented using a full range of both regulatory and non-regulatory tools.

Through regional planning, as well as other initiatives, Alberta is shifting to a more effective and efficient management system that considers the cumulative effects of all activities and improves integration across the economic, environmental and social pillars. This system must adapt to place-based challenges and opportunities as well as allow decision-makers to see the bigger picture.

This direction is a foundation of the Land-use Framework, where the Alberta government committed to manage the cumulative effects of development on air, water, land and biodiversity at the regional level. Cumulative effects management focuses on achievement of outcomes, understanding the effects of multiple development pressures (existing and new), assessment of risk, collaborative work with shared responsibility for action and improved integration of economic, environmental and social considerations.

Outcomes and objectives are established, along with the strategies and actions that will be used to achieve them. Integrated monitoring, evaluation and reporting systems are essential as they are used to assess achievement of outcomes and objectives. The elements of a cumulative effects management system are outcomes-based, place-based, knowledge-based, adaptive and shared stewardship.

It is recognized that managing cumulative effects on air, water, land and biodiversity is important to the needs of aboriginal communities in the region that hold constitutionally protected rights. Accordingly, engagement with these communities is desired as air, water, land and biodiversity strategies and plans are developed, for example:

- Enhancing the regional network of conservation areas to support biodiversity and ecosystem function by increasing conservation areas in the region; and
- Developing a sub-regional plan, using a strategic environmental assessment approach, for the south Athabasca oil sands area. Undertaking this assessment at a sub-regional scale will contribute to the management of cumulative effects and support efficiencies in the regulatory review process for in-situ oil sands operations.

Economic Development Opportunities

What we heard:

- First Nations and Métis organizations want to protect, conserve and sustain traditional ways of life while ensuring that there are economic opportunities for community members.
- First Nations and Métis organizations want a formal process created for the selection of targeted recreation areas that do not adversely impact aboriginal and treaty rights, and which also offer opportunities for the communities to be involved in economic opportunities arising from recreation and tourism.
- First Nations and Métis organizations want to have an active role in the stewardship and area facility management to promote economics within the community.
- Some First Nations and Métis organizations want to explore innovative ways to develop a sustainable economic development model with their various assets (including timber quota).
- Feedback stated that traditional trails were the economic historical backbone of the province, and these trails could be a huge draw and economic boon for aboriginal communities.

The Government of Alberta's Response in the LARP

Abundant opportunities exist for local residents, including aboriginal people, to participate in economic activities, and there are already more than 100 aboriginal-owned businesses in the region.

The Alberta government will work with aboriginal people to identify tourism and cultural experiences which could provide economic opportunities for aboriginal communities. Specifically, the LARP will engage aboriginal communities on initiatives to support tourism development, including:

- Developing and implementing the Lakeland Country Destination Development Strategy and Tourism Opportunity Plan in collaboration with aboriginal peoples, municipalities and local stakeholders.
- Working collaboratively with local aboriginal communities, the private sector and local governments to enhance and expand the supply of tourism products and infrastructure – including attractions, activities, amenities and accommodations.
- Identifying, designating and marketing tourism development nodes in consultation with aboriginal peoples, municipalities and stakeholders.



- The completion of tourism opportunity assessments beginning with Quarry of the Ancestors, Bitumount and Fort Chipewyan. The assessments will help identify a range of potential aboriginal tourism opportunities, including guided tours, education programs, attractions, exhibits or interpretive sites.
- The promotion of cross-cultural awareness and sharing cultural experience through visitor-based activities;
- The development of partnerships based on the sensitive provision of authentic traditional tourism products, experiences, stories and imaginative product diversification.

The GOA will implement key recommendations in Connecting the Dots: Aboriginal Workforce and Economic Development in Alberta to increase labour force participation and economic development opportunities for aboriginal people.

The GOA will continue implementation of the Building and Educating Tomorrow's Workforce strategy to develop the knowledge and skills of Albertans, attract and retain workers in Alberta's labour market and to improve workplace productivity; and facilitate implementation of the Workforce Strategy for Alberta's Energy Sector, an initiative led by industry stakeholders.

Final Statements

With respect to balance, the Lower Athabasca Regional Plan is intended to have a positive impact on the region. When taking into account and balancing the economic, environmental, and social needs of all residents of the region and all Albertans, it is not possible to address or accommodate all concerns in the manner proposed by a First Nation or Métis organization. Balancing and reconciling objectives has been achieved to the extent possible, while keeping in mind the economic, environmental and social needs of the region as a whole.

Some incoming proposals raised issues that were outside the scope of the LARP and its terms of reference. These issues are:

- Request for land to be set aside for First Nations' exclusive use; and
- Requests for a new or modified consultation policy.

The first issue is outside the scope of the LARP because the creation of Indian reserves is the responsibility of the federal government. With respect to the second issue, there exists a separate Government of Alberta review of its First Nations consultation policy, which has engaged First Nations communities and treaty organizations.

The Lower Athabasca Regional Plan increases the amount of land protected from development that may be incompatible with hunting, fishing and trapping for food. In many cases, the protected land will include areas where a particular First Nation most often exercises treaty rights. Management of a protected area could impact a First Nation's member's access; however, the First Nation would continue to be consulted as management details for new conservation areas are worked out

In some cases, the social and economic benefits of potential development outweigh the social and environmental benefits of a protected area at that location. Non-inclusion of a protected area does not mean that any and all industrial activities will be allowed to occur. The usual regulatory approval processes would continue to apply to proposed industrial activities in the non-included area and consultation would occur. The LARP anticipates the status quo will be maintained on some matters.

Setting measurable targets and objectives that aim to protect water quality, air quality and biodiversity, where there were no such targets previously, helps support continued hunting, fishing and trapping for food, as does effective reclamation of disturbed land and the creation of conservation areas. While traditional activities might not be expressly mentioned in a particular portion of the LARP, that does not mean they cannot occur to the extent permitted by law, depending on the nature of the activity.



