

December 12, 2014

LARP Review Panel
c/o Land Use Secretariat
9th Floor, Centre West Building
10035 – 108 Street N.W.
Edmonton, AB T5J 3E1

VIA EMAIL: LUF@gov.ab.ca

Dear LARP Review Panel:

Re: Review of Lower Athabasca Regional Panel

We write on behalf of Chipewyan Prairie Dene First Nation (“CPDFN”) in response to the Panel’s Information Request No. 10.

Due to references made to the Crown’s response to Information Request #5, we have not copied the other applicants on this response, and request that it remain confidential.

1. CPDFN’s Concerns with the new Dillon Conservation Area

CPDFN’s concerns with the Dillon Conservation Area are as follows.

a. Location of the Dillon Conservation Area is Uncertain

It is CPDFN’s understanding that the Dillon Conservation Area under LARP has yet to be designated under the *Provincial Parks Act* pursuant Schedule G; this, despite the *Land Use Framework Regional Plan Progress Report a Review of our Progress in 2013* attached to the Crown’s response to Information Request #4 as Tab 1, stating that the Dillon Conservation Area was to be designated under the *Provincial Parks Act* in 2014.

In the Crown’s Response to Information Request #5 at Appendix 1(b) (“Appendix 1(b)”), which is confidential in these proceedings, the location of the “Dillon River Conservation Area” is different than the area shown in Schedule G and is stated to be a new Public Land Use Zone to be designated under the *Public Lands Act*. CPDFN understand such designated has not yet occurred under the *Public Land Act* either.

The difference in Schedule G and Appendix 1(b) is of concern to CPDFN because it is unclear of the Conservation Area’s location and size, and how it will be implemented and

managed. This uncertainty further raises doubts about Alberta's commitment to designating the lands as Conservation Areas for the purpose of traditional land use.

b. Inadequate Protection of CPDFN's Traditional Land Use

In its submissions to Alberta on the areas it sought to have protected under LARP, CPDFN set out the requirements for such areas to support and protect its traditional land use. This information is before the Panel in CPDFN's Application for a Review of LARP, including at the following documents:

- App Ecological Considerations by MSES ("MSES Report")
- App CPDFN Planning Considerations ("TLU Planning")
- App LARP Fig1 TradTerr 12Apr10 Appendix B ("Figure 1")
- App LARP Fig2 KKD Watershed 12Apr10 Appendix B ("Figure 2")
- App LARP Fig3 CRWS 12Apr10 Appendix B ("Figure 3")
- App LARP Fig4 CRWS Harvesting LARP4 12Apr10 Appendix B ("Figure 4")
- App LARP Fig5 TT Boundaries 10May10 Appendix B ("Figure 5")
- App LARP Fig6 CRWS CumEff 12Apr10 Appendix B ("Figure 6")
- App LARP Fig7 RMWB Devel 12Apr10 Appendix B ("Figure 7")
- App LARP Fig8 TT Waterbodies 09Apr10 Appendix B ("Figure 8")
- App LARP Fig9 CRWS Waterbodies 12Apr10 App B ("Figure 9")

The TLU Planning summarizes, the requirements for LARP's protected areas to support and protect CPDFN's traditional land use including:

- the protection of Kai' Kos' Deseh/Christina River Watershed (Figures 3 and 4);
- intact and functioning forest and wetland ecosystems;
- sufficiently large and diverse ecosystems to ensure traditional harvesting practices, which by their nature span large areas;
- the protection of important waterbodies, including, lakes, rivers, muskegs, wetlands and riparian areas, including the Christina River watershed, Horseshoe Lake, Otter Lake and Hook Lake, and the White Muskeg (Figures 8 and 9);
- the protection of sacred ecological features, including the White Muskeg/Nil tale ghi' a/ Egg Lake/Egeze Tue, which are sacred lands and birthing grounds for caribou (Figures 8 and 9).
- changes to Alberta's existing conservation management regime in parks, which are generally prohibitive to traditional land use;
- an abundant supply of moose, caribou and whitefish for consumption and to ensure adequate biodiversity on CPDFN's traditional lands;
- protection of locations of cultural and spiritual significance including settlements, sacred areas, burials and valued landscapes (Figure 9).

Upon comparing the Figures 1 -9 with the Schedule G, the Dillon Conservation Area fails to adequately provide CPDFN with these traditional land use requirements demonstrated by the following:

- it does not include a majority or a even large portion of the Kai' Kos' Deseh/Christina River Watershed, leaving the remaining portion to be fragmented and disturbed by further development;
- it does not include many of the waterbodies required for protection, including Horseshoe Lake, Otter Lake, Hook Lake; the White Muskeg or Egg Lake and includes only a very small portion of the other significant waterbodies identified in Figure 8;
- it only provides for 2% (based on Alberta's reply submission) of the LARP Conservation Areas when CPDFN advised Alberta that even 20% for the whole Region was inadequate in consideration of the combined effects of aboriginal and non-aboriginal harvesting;
- it places no limitations on non-aboriginal harvesting despite the declining supply of traditional land use species in the region (MSES Report);
- is in very close proximity to the Winefred Lake Provincial Recreation Area, which promotes recreational harvesting in close proximity, which will likely promote recreational harvesting in the conservation area and will have ecological and other effects on the Dillon Conservation Area;
- it includes almost no or very little moose and caribou habitat (MSES Report at Figures 2-4), which are declining in supply and cultural keystone species for CPDFN;
- confirms Alberta's existing conservation and management of (LARP at page 90 at Note 6; TLU Planning at p.5);
- Does not include sacred ecological features, including the White Muskeg/Nil tale ghi' a/ Egg Lake/Egeze Tue; and
- Includes only a very small portion of locations of cultural and spiritual significance.

Figure 12 of the MSES Report shows the area needed to support CPDFN's traditional land use as determined by a combination of traditional land use and ecological requirements. As provided in CPDFN's Application for Review at paragraph 19 that the Crown's Reply at paragraph 98 refers to, the Dillon Conservation Area provides for only a small portion of this recommended area.

c. Incompatible Land Uses Permitted in Dillon Conservation Area

As noted in Information Request #10, Alberta claims that "new forestry and mineral activities are not contemplated." However, Alberta fails to acknowledge that LARP permits recreational and industrial activities in the Dillon Conservation Area that are incompatible and cause adverse impacts on CPDFN's traditional land use.

LARP at page 30 outlines permitted activities in the Dillon Conservation Area including:

- Recreational leases;
- Surface access for existing conventional oil and gas agreements, which will be honored;
- Recreation, nature based tourism and commercial guiding and outfitting, which will be promoted; and
- Limits on motorized vehicles to designated trails;

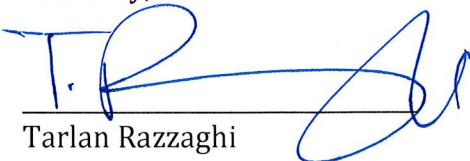
At page 89-90 of LARP, a series of industrial activities are contemplated in the Dillon Conservation Area including surface and subsurface activities to honour existing conventional oil and gas leases, surface material developments, a series of activities including highways, power lines and pipelines, and water resources access and associated infrastructure. Therefore, while it may be true that oil sands development is not permitted in the Dillon Conservation Area, this does not protect against the adverse impacts of the numerous other industrial activities that are. CPDFN can confirm that such industrial activity is not hypothetical and since LARP's implementation has received notice of applications for industrial activities such as disposal wells.

LARP's promotion of recreational land use in the Conservation Area is also of concern to CPDFN, which has adverse impacts on CPDFN's traditional land use. These impacts include increased competition for resources necessary for CPDFN's traditional uses; decreased opportunities for traditional use due to increased safety concerns restricting hunting opportunities; and increased human activity, which is incompatible with the cultural and spiritual components of CPDFN's traditional land use. Limitations on the use of motorized vehicles to designated trails have adverse impacts on CPDFN's traditional land use because CPDFN's use of traditional access routes is an essential component of its traditional land use. The permitted industrial activity permitted in the Conservation Area has adverse impacts on CPDFN. It takes up land available in the Conservation Areas for the exercise of CPDFN's traditional land use and causes indirect impacts on CPDFN's traditional land use.

2. Location of Dillon Conservation Area Relative to Traditional Land Use Lands

The Dillon Conservation Area is located on a portion of the east boundary of CPDFN's Traditional Territory within Alberta and on the east boundary of CPDFN's highly significant traditional land use area of Kai' Kos Deseh (Christina River) Watershed. Although some traditional land use lands overlap the Dillon Conservation Area, for the reasons provided above, it is insufficient in quality and size to support and protect CPDFN's traditional land use and permits industrial and recreation activities that have adverse impacts on CPDFN's traditional land use.

Sincerely,



Tarlan Razzaghi

Barrister and Solicitor

cc: Witek Gierulski: Witek.Gierulski@gov.ab.ca
Wendy Thiessen: wendy.thiessen@gov.ab.ca
Lisa Semenchuk: Lisa.Semenchuk@gov.ab.ca