

November 14, 2014

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

VIA EMAIL

Dear Panel Members:

RE: Response to Information Request No. 4

On October 28, 2014, the Lower Athabasca Region Plan (LARP) Review Panel issued Information Request No. 4 to the Government of Alberta (GoA).

The GoA reiterates, as noted in its response to Information Request No. 1 (dated August 19, 2014) and its response to the Applicants' review requests, that the Panel is limited in its jurisdiction to reporting to the Minister as to whether the Applicants are directly and adversely affected by the content of specific, identified provisions of LARP.

Concerns about LARP implementation, potential future development activities, and potential consultation obligations are not within the Panel's jurisdiction. As well, the Panel's role is not to monitor progress on achieving or maintaining objectives in regional plans or to investigate compliance with regional plans.

General Update as to Progress of LARP

In any event, as an overall response in relation to the 16 questions contained within Information Request No. 4, please see the attached *Land-use Framework Regional Plans Progress Report: A Review of our Progress in 2013*, published in July 2014.¹

Specific Updates in relation to Information Request No. 4

The subparts of this Information Request, as originally provided in a spreadsheet attached to Information Request No. 4, have been numbered for convenience in the order in which they appeared in the spreadsheet.

¹ ISBN: 978-1-4601-1873-6 (printed version), 978-1-4601-1873-3 (online version), available through the Land Use Secretariat website

<https://landuse.alberta.ca/RegionalPlans/LowerAthabascaRegion/LARPPProgress/Pages/default.aspx> [TAB 1]

- 1. Request from Panel:** The GOA collaborates with aboriginal communities toward protecting traditional use locations of culture and spiritual significance. Update Status.

Response: The GoA, through Culture, continues to work with First Nations, as was done prior to LARP implementation, to protect traditional use sites of a historic resource nature. Alberta Culture, through the *Historical Resources Act*, manages historic resources which include Aboriginal traditional use sites of a heritage or cultural character that appear on the *Listing of Historic Resources*, a publicly available inventory of historic resources. Currently, Alberta Culture has recorded 124 traditional use sites in the Lower Athabasca Region, including 55 First Nations sites and 69 Metis sites. The specifics of traditional use data that has been shared only with Alberta Culture is considered confidential and sensitive and is not shared outside of Alberta Culture without the consent from the First Nation who has provided the data. LARP has not changed this process.

- 2. Request from Panel:** In developing 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 centers. Update Status.

Response: Consultation in relation to the biodiversity framework began in early 2014. Information sessions with stakeholders, including First Nations, were held throughout February and March 2014 in Calgary, Edmonton, Fort McMurray, Bonnyville and Lac La Biche. A series of workshops were held July to September 2014 to help build the framework. This included full day workshops with First Nations in Fort McMurray, Lac La Biche and Edmonton. In Fort McMurray, three First Nations attended, including Athabasca Chipewyan First Nation (ACFN) and Mikisew Cree First Nation (MCFN). In Lac La Biche, three First Nations attended, including Cold Lake First Nation (CLFN) and in Edmonton, four First Nations attended. Attendees were sent meeting summary notes following each of the sessions. One-on-one meetings were also offered to First Nations which were interested in this framework.

Further consultation in relation to the draft framework is currently underway including with First Nations. The draft framework document has been sent to all First Nations in the Lower Athabasca Region to review prior to the consultation sessions being held in November and December of 2014. Full-day workshops are scheduled to be held with First Nations in Fort McMurray, Lac La Biche, and Edmonton. Currently, two First Nations are confirmed to attend in Fort McMurray, including MCFN, and three First Nations are confirmed for the Edmonton workshop, including Fort McKay First Nation (FMFN). One-on-one meetings are again being offered to all First Nations interested in the framework. It is currently anticipated that the biodiversity framework will be final by the spring of 2015.

In relation to the Landscape Management Plan (LMP), which would apply to public lands located within the Green Area of the region, the plan will be developed using a phased approach. Using the best available information, the current phase (phase 1.0) will focus on characterizing the existing footprint and providing a general approach for managing the footprint in key areas within the regional planning boundaries. Based on stakeholder feedback, this phase will also outline the next steps for the LMP, subsequent deliverables, and timelines. Half-day workshops are scheduled to be held with First Nations in Fort McMurray, Lac La Biche, and Edmonton. Currently, two First Nations are confirmed to attend in Fort McMurray, including MCFN and FMFN, and three First Nations confirmed for Edmonton, again including FMFN. These consultation sessions are being held in November

and December of 2014. One-on-one meetings are also being offered to First Nations interested in this phase of the LMP. First Nations will also be consulted with in regard to the modules of the LMP (Ecosystem Forest Management Plan: Birch River Conservation Area and Moose Lake Access Management Plan) with each of these modules having their own consultation processes including workshops and one-on-one meetings.

- 3. Request from Panel:** Engagement with aboriginal communities is desired as air, water, land and biodiversity strategies and plans are developed. Identify which Aboriginal communities have been engaged.

Response: In relation to biodiversity and land, please see Response with respect to Question 2.

In relation to air, the Air Quality Management Framework was implemented in 2013 after being developed with input from First Nations. The first annual report for this framework was published in August 2014 in conjunction with the annual report for the Surface Water Quality Management Framework and is attached.²

In relation to water, the Surface Water Quality Management Framework was also implemented in 2013 after development with input from First Nations.

Such input included:

- In May and July 2010, five First Nations attended Phase I “Setting the Stage- An Executive Overview” and Phase II “Gathering Technical Input” for the Air, Groundwater, and Surface Water Quality Management Frameworks (Fort McKay, ACFN, MCFN, Little Red River, Peerless/Trout First Nation). Three Métis groups (Métis Nation of Alberta both the head office and Region 1, Métis Settlements General Council) attended the sessions, as well.
- Phase III “Overview of the draft Frameworks” sessions were held in April and May 2011. The GoA met with First Nations (Chipewyan Prairie, Little Red Deer River, Fort McMurray), and Métis Region 1 in Fort McMurray on April 29, 2011, and with Fort McKay First Nation on May 18, 2011.

Engagement of First Nations continues with respect to the ongoing development of an updated Surface Water Quantity Framework and the Groundwater Management Framework.

In relation, to the Surface Water Quantity Framework, the draft Framework was shared, with stakeholders, including First Nations, during a final round of consultation in July and August, 2014. The input received, including from MCFN, ACFN and FMFN, informed the development of a final framework document that is anticipated will be finalized by the end of 2014.

- 4. Request from Panel:** The GoA is committed to achieving naturally sustaining woodland caribou populations. Planning and implementation will consider: a) provincial and federal legislative requirements; b) First Nations rights and traditional uses; c) social/economic

² *Lower Athabasca Region: Status of Management Response for Environmental Management Frameworks- Air Quality Management Framework – Surface Water Quality Management Framework As of March 2014*, printed August 2014, ISBN: 978-1-4601-1537-4 (printed edition), 978-1-4601-1538-1 (online edition), available online at <http://esrd.alberta.ca/focus/cumulative-effects/cumulative-effects-management/management-frameworks/lower-athabasca-regional-plan.aspx> [TAB 2]

impacts; and d) stakeholder interests. Submit policy update which First Nations have been consulted.

Response: Consultation in relation to strategies to address stressors on woodland caribou populations occurred as part of the Biodiversity Management Framework, which included First Nation consultation as indicated in response to question 2.

Specific consultation has also occurred on this issue with First Nation communities as part of Alberta's development of the Woodland Caribou Policy for Alberta. Beginning in March of 2011, all Alberta First Nations were invited to participate in a series of meetings across the province to discuss the proposed Woodland Caribou Policy for Alberta. Through April 2011, the GoA met with a number of First Nations, including Onion Lake Cree Nation (OLCN), ACFN, MCFN and FMFN. Additional written submissions were also received from ACFN, MCFN, and FMFN.

5. **Request from Panel:** Government will engage with First Nations and stakeholders on initiatives to designate motorized areas such as identification of trails or areas when developing the regional parks plan and regional trail system plan. Update Status.

Response: Inventory of known trails within the Lower Athabasca region is underway and nearing completion, as part of developing the Lower Athabasca Regional Trail System Plan. The GoA is currently developing a business plan for the next phase of this project which is anticipated to include the hiring of a consultant to undertake more detailed planning as well as stakeholder consultations, including with First Nations communities.

The Regional Parks Plan (RPP) is underway and nearing completion. The RPP will provide the public, including First Nations, with an understanding of the significance of each park site in the region along with the values that the site contributes to the broader parks program. Strategies for providing the public, including First Nations, with opportunities to participate in the decision affecting these parks will be outlined in the RPP itself.

6. **Request from Panel:** The GoA will invite First nations who have expressed an interest in the Richardson Backcountry to be involved in a sub-regional initiative called the First Nations-Richardson Backcountry Stewardship Initiative. Update Status on initiative with First Nations.

Response: The GoA sent letters (specifically from the Assistant Deputy Ministers of Environment and Sustainable Resource Development's Integrated Resource Management Planning Division and Parks Division) to MCFN, ACFN and FMFN in July 2014 indicating the Richardson Backcountry project is being initiated and welcoming a meeting to discuss. Dialogue by phone and email has been ongoing with the all three First Nations and meetings took place with ACFN in September and October 2014. An initial commitment has been made by ESRD to provide funding to ACFN to support participation. Meetings with FMFN and MCFN have not yet taken place and ACFN has requested to be the primary contact in relation to this initiative.

7. **Request from Panel:** The GoA will also work with aboriginal people to identify tourism and cultural synergies which could provide economic opportunities to aboriginal communities. Update Status.

Response: Please see Responses to Questions 10 and 11 below.

- 8. Request from Panel:** The GoA will consult with aboriginal communities concerning traditional knowledge. What consultation has taken place regarding this issue?

Response: The GoA has not initiated consultation or engagement on the specific issue of traditional knowledge and, at the current time, does not anticipate doing so outside of other processes. Currently, the GoA participates in the Cumulative Environmental Management Association (CEMA)'s Traditional Knowledge Working Group, who are actively engaged in conversations with the aboriginal community, government, industry and non-government organizations, to develop a Traditional Knowledge Framework. This framework will be submitted as a recommendation to Government. GoA staff are working to better inform themselves about Traditional Knowledge and in September of 2014, some ESRD staff gathered together to hear presentations from Elders, Traditional Knowledge holders and experts. In all parts of LARP implementation, the GoA continues to encourage aboriginal groups to share their traditional knowledge to help inform the various initiatives that are taking place.

- 9. Request from Panel:** Implementing key recommendation in "Connecting the Dots: Aboriginal Workforce and Economic Development in Alberta." What recommendations have been implemented?

Response: Please see the attached *Connecting the Dots: Progress Highlights Aboriginal Workforce and Economic Development in Alberta*, dated October 2013.³

- 10. Request from Panel:** Work collaboratively with local aboriginal communities, the private sector and local governments to enlarge and expand the supply of tourism products and infrastructure. Update Status.

Response: See response below in relation to Question 11.

- 11. Request from Panel:** Complete tourism opportunity assessments beginning with Quarry of the Ancestors, Bitumount and Fort Chipewyan. The assessment will identify a range of potential aboriginal opportunities, including guided tours, education progress, attractions, exhibits or interpretive sites. What assessments have been completed?

Response: Quarry of the Ancestors site has been analysed and it was determined that at this time, the site cannot be further explored for tourism opportunities. In relation to Bitumount, the intent is to assist in furthering a plan which is already in development. Further public engagement in relation to Bitumount and Fort Chipewyan will continue to occur in 2014 and early 2015.

- 12. Request from Panel:** Develop a "Biodiversity Management Framework" for public lands in the Green Area and provincial parks by the end of 2013 (include aboriginal communities). Status on Framework Agreement?

Response: Please see the Response to Question 2 above.

³ ISBN 978-0-7785-5969-6 (print), 978-0-7785-5970-2 (PDF) Available online at work.alberta.ca/documents/connecting-the-dots-progress-highlights.pdf [TAB 3]

13. Request from Panel: Develop an Integrated water-shed based “Landscape Management Plan” for public land in the green area by the end of 2013 (include aboriginal communities).

Response: Please see the Response to Question 2 above.

14. Request from Panel: In collaboration with aboriginal and other communities, stakeholders and partners, coordinate the development of the Lower Athabasca Regional Trail System Plan. Update Status.

Response: Please see the Response to Question 5 above.

15. Request from Panel: Outcome 7 – Inclusion of Aboriginal Peoples in Land use Planning Strategies (a-f). Update Status.

Response: Please see the Responses to Questions 2, 3, 5, 6, 10, and 11 above.

16. Request from Panel: Note 6 – Hunting, Fishing, and Trapping (including Aboriginal Peoples). Update Status.

Response: The intent of this question is unclear. As noted in LARP itself, and the GoA’s previous submissions, hunting, fishing and trapping (including by aboriginal peoples) continues in accordance with existing provincial laws governing such activities. At this time, there have been no changes affecting this status quo.

Conclusion

The GoA reiterates that the information requested in Information Request No. 4 does not appear to be within the Panel’s jurisdiction to consider.

However, a general update as to the status of LARP is contained in the attached *Land-use Framework Regional Plans Progress Report: A Review of our Progress in 2013*. Further specific information concerning the status of various LARP initiatives has been provided as requested.

Yours truly,



Lisa Semenchuk
Barrister and Solicitor