

**File No.: 4117**

**VIA FAX and EMAIL**

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October 3, 2012

Alberta Environment and Sustainable Resource Development  
Regional Integration  
111 Twin Atria Building  
4999-98<sup>th</sup> Avenue  
Edmonton, AB T6B 2X3

**ATTENTION: DIRECTOR ENVIRONMENTAL ASSESSMENT**

Dear Sir:

Re: Cenovus FCCL Ltd.  
Christina Lake Thermal Project - Phase H Expansion  
Proposed Terms of Reference for Environmental impact Assessment

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We represent the Métis Nation of Alberta Association Local Council No. 214 of Chard and their wholly owned corporations, Chard Métis Dene Inc. and Chard Métis Local #214 Ltd. (collectively the "Chard Métis").

Chard Métis Local #214 Ltd. and Chard Métis Dene Inc. are representative organizations of the Chard Métis people: some of the individual members of the Chard Métis are Métis; some of the individual members are "Indians" within the meaning of section 91(24) of the *Constitution Act*, 1867, the *Constitution Act*, 1930 and the *Constitution Act*, 1982; all such members are "aboriginal peoples of Canada" within the meaning of the *Constitution Act*, 1982 and notably section 35 thereof; and all such members are "indigenous peoples" within the meaning of the *United Nations Declaration on the Rights of Indigenous Peoples* and are recognized under international law.

The Chard Métis people live in—and hold compensable Aboriginal rights and title to, including riparian rights—the lands and waters in which the Project is proposed as being situated.

The proposed Project will negatively affect these rights, rights that are enshrined in s. 35 of the *Constitution Act*, 1982 and affirmed by Canada's obligations under international law and *minimum* international legal standards.

The Chard Métis make the following comments with respect to the proposed Terms of Reference for the Phase H Expansion of the Christina Lake Thermal project.

1. The Chard Métis dispute the proponent's assertion that no additional fresh water will be required by the proposed project. In this regard it must be acknowledged that Alberta's rights to water and its jurisdiction under the Alberta *Water Act* are subject to a pre-existing trust in favour of the Chard Métis.
2. The Chard Métis also have concerns as to how environmental conditions attached to any project approval will be enforced by Alberta Environment against owners who are state-controlled foreign entities. Present enforcement mechanisms may not be effective against such entities.
3. Cenovus has not complied with environmental mitigation terms in the existing Co-operation Agreement dated October 14, 2010 between Chard Métis Local #214 and Cenovus FCCL Ltd. as Operator for FCCL Partnership.

The Chard Métis look forward to the incorporation of these concerns into the Terms of Reference for the Phase H Expansion of the Christina Lake Thermal project.

Yours truly,

Rae and Company



for L. Douglas Rae  
LDR/ble

## Melanie Daneluk

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**From:** Peter Fortna [peter@willowsspringsss.com]  
**Sent:** Saturday, October 06, 2012 1:25 AM  
**To:** AENV Environmental Assessment  
**Cc:** Diane Scoville; William Landstrom; Anita Hardwick; Dermot O'Connor; Zacharias, Trent; ChristinaLake.Expansion@cenovus.com  
**Subject:** Comments on the Cenovus Christina Lake Expansion  
**Attachments:** Metis Nation Region 1 Submission - Cenovus FCCL LTD - Christina Lake Thermal Project Phase H expansion.pdf

Please find attached the MNA R1 comments on the proposed Christina Lake Expansion. If you would like to setup a meeting to discuss please contact Anita Hardwick at [metis102@telus.net](mailto:metis102@telus.net).

Best wishes,

Peter

Peter Fortna  
President  
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Oct. 5, 2012

Director Environmental Assessment

Regional Integration – Alberta Environment and Sustainable Resource Development

111 Twin Atria Building, 4999-98 Ave., Edmonton, AB, T6B 2X3

**RE: Cenovus FCCL Ltd.- Christina Lake Thermal Project Phase H Expansion Proposed Terms of Reference for Environmental Impact Assessment**

The Métis Nation of Alberta Region 1 (MNA R1) is the association which represents the interests of Métis people living in Northeastern Alberta. It is responsible to its Member Métis Local's and intercedes with various government agencies on behalf of members whose rights are at risk of infringement as a result of industrial development on traditional Métis territories.

It is our understanding the Cenovus FCCL LTD. is proposing an expansion to its existing Christina Lake central plant site which will increase production by 50,000 gross barrels of oil per day and will have an estimated life of 25 years. The project will utilize SAGD technology to extract the oil and will require infrastructure projects typically associated with such developments including power lines, fuel gas pipelines and oil transportation lines. The Director responsible for Environmental Assessment has directed the proponent to prepare an Environmental Impact Assessment Report (EIA) for the project. In preparation for this, the Director has asked Cenovus to prepare a Proposed Terms of Reference for the EIA (ToR). They have also asked for public comments to be submitted on the ToR by Oct. 5, 2012.

Below we respond to the request for public comments on the ToR. Unfortunately the MNA R1 does **NOT** have the capacity to respond to the ToR in detail and in no way should this document be seen as the only concerns that the Metis community in the region may have with this project. Without a meaningful commitment from the Government of Alberta to engage with the Métis community in MNA R1 the specter of uncertainty will be raised for this, and all projects taking place in MNA R1.

As a show of good faith, the MNA R1 has compiled an initial list of potential concerns with the project in hopes that they may be incorporated to ensure the document is creditable and clearly demonstrates what the potential impact may be on the Metis community in MNA R1.

**1. Content of the EIA Report**

[C] Section C: Discuss the Proponent's aboriginal consultation for the Project considering the approved First Nations Consultation Plan

**ADD:** Discuss the Proponent's aboriginal consultation for the Project considering Metis Consultation Guidelines outlined in the "Government of Alberta's Consultation Guidelines FAQ" where it is stated that

“Alberta recognizes the constitutionally protected aboriginal rights of Métis communities and will consult with Métis peoples where there may be potential adverse impacts to credibly-asserted aboriginal rights. The strength of the asserted right, and its potential to be adversely affected, will inform the scope and nature of the consultation undertaken. The province will determine, on a case-by-case basis, whether consultation is necessary with Métis communities who may credibly assert constitutionally protected rights.”

Specifically comment on how the proponent will work with the Metis Nation of Alberta, Region One to determine what creditable rights may be impacted by the project and to develop a consultation plan that addresses those concerns with affected Metis communities.

## 2. Project Description

**ADD:** k) provide maps outlining currently known traditional use areas used by Metis communities.

2.2 e) **ADD:** all known traplines; and whether they are Aboriginal people including their affiliation (Metis Local or FN Band).

2.2 e) **ADD:** All known Aboriginal harvesters and land users in the project area. List by community and individual.

2.5-2.8 **ADD:** Provide a description about how you will utilize Metis Environmental Knowledge (MEK) to inform Air Emissions Management, Water Management (Supply, Surface Water, Wastewater), Waster Management, Conservation and Reclamation.

## 3. Environmental Assessment

**ADD:** Describe how you will utilize MEK traditional indicators to determine impacts to: Air, Water, Land, Vegetation, Wildlife, Terrain and Soils, and Biodiversity.

**ADD:** Describe how you will incorporate MEK and Metis Traditional Land-Use into your access management plan.

## 5. Traditional Ecological Knowledge and Land Use

**ADD:** Describe how you plan to ensure Aboriginal people and communities will be co-researchers in your EIA Traditional Knowledge report.

6. **ADD:** [C] Document any health concerns identified by aboriginal communities or groups resulting from impacts of existing development and of the Project specifically on their traditional lifestyle and include an aboriginal receptor type in the assessment. **Describe how you plan to mitigate these concerns.**

10. **ADD:** Describe how the proponent will incorporate a community based monitoring program involving Metis community members.

The Metis Nation of Alberta, Region 1 has a good working relationship with Cenovus and have provided these comments and recommendations with the belief that they will help the proponent and the Government of Alberta to develop a better EIA Report that will provide a clear understanding of the potential project impacts to the affected Metis community. We encourage the Government of Alberta and Cenovus to meet with the MNA R1 directly to discuss these comments and recommendations so that they may be contextualized and fully understood.

Best regards,

Original Signed

**Willie Landstrom**

President Region 1  
Metis Nation of Alberta  
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Original Signed

**Diane Scoville**

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