

Fast Facts

on First Nations Consultation



In the Spotlight

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Lubicon Lake First Nation Consultation Notification Policy

Lubicon Lake Nation's current governance situation has created questions for government and industry proponents as to how to best communicate with the First Nation regarding consultation on land management and resource development opportunities.

Although the Government of Alberta has no jurisdiction over Lubicon's governance matters, the Ministry of Aboriginal Relations is responsible for co-ordinating the provincial government's activities on Aboriginal land initiatives related to First Nations consultation.

Acting on behalf of the cross-ministry Aboriginal Consultation Coordination Group, Aboriginal Relations staff visited

the Lubicon Band office in August, 2010 to formally notify the First Nation that the provincial government will send all future consultation notifications to the Band's office mailing address. This notification process is the recommended approach for all Lubicon project proponents and will also be used by Government of Alberta consultation staff.

The goal is to provide clarity on where and to whom notifications should be sent in order to ensure adequate and meaningful consultation efforts are taking place with the Lubicon Nation. This is an interim policy until Lubicon's governance situation is resolved and is meant to clarify the notification process in a way that is helpful to Lubicon members, government consultation staff and industry project proponents, without interfering with Lubicon's internal governance situation.

Alberta respects and honours the Lubicon's constitutionally protected rights. Consultation with First Nations, including the Lubicon Lake Band, is in accordance with *The Government of Alberta's First Nations Consultation Policy on Land Management and Resource Development*.

Alberta is committed to consult with First Nations where land management and resource development decisions on provincial Crown land may adversely impact Treaty rights and traditional uses.

Consultation Updates

First Nations Consultation Policy and Guidelines Review

Alberta's review of *The Government of Alberta's First Nation Consultation Policy on Land Management and Resource Development*, released in 2005, and the associated Guidelines, is continuing. The government is committed to engaging First Nations, industry and municipalities in the review process to continue strengthening the current Policy and Guidelines.

Thoughtful and informed feedback from First Nations and industry during the review will help Alberta satisfy its duty to consult while respecting First Nations' Treaty rights and traditional uses. Improvements in the Policy and Guidelines will also help create a more confident business environment for industry investment in Alberta.

The Treaty 6, 7 and 8 First Nations Grand Chiefs are participating in the review process and have provided their formal feedback. Under the *Protocol Agreement on Government-to-Government Relations*, the Grand Chiefs requested creation of a

joint First Nations-Alberta Policy Review Sub-table.

Alberta has also engaged municipal governments and industry in the Policy and Guidelines review. An industry Guidelines Advisory Group – consisting of resource development associations and the Alberta Chamber of Resources – have provided feedback from the business perspective. The Alberta Urban Municipalities Association and the Alberta Association of Municipal Districts and Counties will also participate in the review process.

The Minister of Aboriginal Relations, the Honourable Len Webber, has also invited all interested First Nations, Tribal Councils and resource industry associations representing their member companies to meet with Alberta as part of the review process. Alberta remains open to engaging with both First Nations and industry representatives as the review proceeds.

For more information on Alberta's Consultation Policy and Guidelines review process, please contact Terrance Flynn, Policy Co-ordinator, Aboriginal Relations,

at 780-644-1840, or by email at terrance.flynn@gov.ab.ca. Alberta's current First Nations Consultation Policy and Guidelines can be found on Aboriginal Relations' website at www.aboriginal.alberta.ca

Aboriginal Consultation Information System

Alberta's Aboriginal Consultation Information System (ACIS) maintains a cross-ministry record of consultation and coordinates information among the consultation ministries. ACIS allows Government of Alberta consultation staff to share consultation project information referenced by Treaty area or by First Nation.

Using an interactive SharePoint website, ACIS stores consultation information such as documents and maps in an electronic repository. The system allows consultation ministry staff to share information to help effectively implement Alberta's consultation process and carry out the Crown's duty to consult. An ACIS Development Team works to constantly improve the system, and ACIS training for current and new government staff occurs frequently.

Consultation Updates

Protocol Agreement Update

Alberta's historic *Protocol Agreement on Government-to-Government Relations* was signed on May 22, 2008 by Premier Ed Stelmach, the Ministry of Aboriginal Relations, and the Treaty 6, 7 and 8 Grand Chiefs and Vice-Chiefs. It established the formal government-to-government relationship between the Treaty groups in Alberta and the provincial government. The Agreement commits Alberta's Aboriginal Consultation Ministers to at least two meetings with the Grand Chiefs and Vice-Chiefs, and at least one annual meeting between the Chiefs and Premier.

The three Treaty Grand Chiefs and Vice-Chiefs met with Alberta's Consultation Ministers on April 21, 2010, the fourth such meeting resulting from the Protocol Agreement. Alberta's review of the First Nations Consultation Policy and Guidelines was discussed as well as other topics of shared interest. This meeting was followed on June 14, 2010 by a meeting between Premier Stelmach and the Grand Chiefs and Vice-Chiefs. The Premier and Chiefs previously met under the Protocol Agreement in May 2009.

Ongoing dialogue between the Alberta government and First Nations leadership

through the Protocol Agreement has helped create a spirit of cooperation and partnership. Strong relations under the Agreement will help resolve challenges to the consultation process and other important issues of mutual interest such as the creation of an Education MOU.

To view the *Protocol Agreement on Government-to-Government Relations*, please visit Aboriginal Relations' website at www.aboriginal.alberta.ca/532.cfm

GeoData Mapping

Identifying the geographic areas where First Nations exercise Treaty rights is an ongoing challenge in the consultation process. Knowing which First Nations to notify and consult on resource development projects is a crucial step in effective and meaningful consultation.

The Government of Alberta is developing a series of maps to show where First Nations may have an interest in being consulted on land management and resource development. Together with Sustainable Resource Development, Aboriginal Relations has begun working with First Nations to gather their input.

The Geodata Cross Ministry Committee has held the following meetings: Montana Band (preliminary meeting February 25); Piikani Nation (March 17);

Alexis Nakota Sioux Nation (April 8); Whitefish (Goodfish) Lake First Nation (April 12); Saddle Lake Cree Nation (April 15); Whitefish Lake First Nation (April 29); Blood Tribe (May 19 and July 20); Duncan's First Nation (June 10); Paul Band (June 14); Frog Lake First Nation (June 15); Tsuu T'ina Nation (July 21); Heart Lake First Nation (Sept. 10); Kehewin (Sept. 24); and Tallcree First Nation and Smith's Landing First Nation (Oct. 22). Follow-up meetings with Blood Tribe and Tsuu T'ina Nation are also on the horizon.

The end result will be standardized maps created and updated by Alberta with First Nations input. Standardized maps will help guide important decisions during the consultation process. Standardized maps are also expected to reduce the large number of consultation referrals First Nations regularly receive from industry, which often hinders their capacity to effectively engage in the consultation process.

The GeoData Committee is on track to have initial meetings with all First Nations completed by the end of 2011. First Nations interested in arranging a meeting with Alberta can contact Shane Gauthier, Consultation Manager, Aboriginal Relations, at 780-644-4653, or by email at shane.gauthier@gov.ab.ca.

Contact Us

Feedback, story ideas and updates can be sent to Lorne Fidgette, email: lorne.fidgette@gov.ab.ca, phone: **780-427-2034** or toll free by dialling 310-000 then the phone number.

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