



Athabasca Chipewyan First Nation
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September 20, 2010

Alberta Environment
Environmental Stewardship
Environmental Relations
111 Twin Atria Building
4999 – 98 Avenue
Edmonton, AB T6B 2X3

Attention: Alvaro Loyola, Senior Advisor, Aboriginal Relations

Canadian Environmental Assessment Agency
61 Airport Road NW
Edmonton, AB T5G 0W6

Attention: Sheila Risbud, Aboriginal Affairs

Dear Mr. Loyola and Ms. Risbud:

Re: Proposal to Develop Athabasca Chipewyan First Nation (ACFN) and Mikisew Cree First Nation (MCFN) Traditional Land and Resource Use Management Plans (TLRUMP)

We are pleased to submit our proposal to develop TLRUMP for our First Nations. The TLRUMP concept builds on the Traditional Resource Use Plan concept that was tabled with Alberta in submission on the Land Use Framework, Lower Athabaca Regional Plan, and in respect to various regulatory applications (namely Shell's Jackpine Mine and Pierre River Mine projects, and Total's Joslyn North project). Our joint proposal provides further detail on the rationale for TLRUMPs and our estimate of the time and resources required to develop a TLRUMP. We look forward to a positive response from your departments. We would be happy to discuss this proposal with you and answer any questions that you might have.

Sincerely,

(original signed)

Lisa King
ACFN IRC, Director

(original signed)

Melody Lepine
MCFN GIR Director

cc: ACFN Chief and Council
MCFN Chief and Council
Dave Bartesko, Land Use Secretariat



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Proposal to Develop Athabasca Chipewyan First Nation and Mikisew Cree First Nation Traditional Land and Resources Use Management Plans (TLRUMP)

Submitted to:

Alvaro Loyola, Alberta Environment

Sheila Risbud, Canadian Environmental Assessment Agency

Submitted by:

Lisa King, Athabasca Chipewyan First Nation Industry Relations Corporation

Melody Lepine, Mikisew Cree First Nation Government and Industry Relations

September 20, 2010

1. Introduction

The Athabasca Chipewyan First Nation (ACFN) and Mikisew Cree First Nation (MCFN) are proposing to each individually develop Traditional Land and Resource Use Management Plans (TLRUMP). A TLRUMP would provide information necessary to understand the land and resource uses, interests and rights of the First Nations in Provincial and Federal land and resource management planning, decision-making and consultation processes.

This concept was first first provided to the Government of Alberta (Alberta Sustainable Resources Development) as a “Traditional Resource Use Plan” in the October 31, 2008 joint submission of MCFN and Chipewyan Prairie Dene First Nation (CPFN) on the Land Use Framework. In a letter to Alberta Environment and Shell Canada on December 18, 2009, ACFN asked whether the parties were prepared to work with and fund ACFN, prior to any project approvals on the Jackpine Mine Expansion and Pierre Rive Mine projects, on developing a TLRUMP in order to determine the resources on which ACFN relies to exercise their rights. Subsequent to that letter, Alberta Environment requested more information on the TLRUMP concept, and ACFN provided a brief proposal as an appendix to a letter dated February 1, 2010 to Alberta Environment and Shell Canada.

AENV and CEAA have requested a more detailed proposal from ACFN and MCFN. This proposal for a TLRUMP includes the following:

- Study Purpose and Objectives
- Study Rationale
- Study Methodology
- Study Work plan
- Summary of TLRUMP Deliverables
- Timelines and budget

ACFN and MCFN are presenting this proposal to AENV, CEAA, and potential Industry funders.

2. Study Purpose and Objectives

The purpose of the Traditional Resource Use Plan is to provide scientifically credible and culturally appropriate information on the land and resource requirements of ACFN and MCFN for the meaningful exercise of Treaty 8 rights now and into the future. Specific objectives of the TLRUMP study are to:

- Create an appropriate, culture-group specific vision for what constitutes the conditions for the meaningful practice of Treaty 8 rights currently and into the future;
- Identify the Valued Components (“resources or conditions”), tangible and intangible, that are central to the Aboriginal and Treaty Rights (“rights”) of the First Nations;
- Identify criteria and culturally appropriate indicators that can be used to measure the First Nations’ ability to practice these rights;

- Examine the current nature and extent of the Valued Components in the First Nations' Traditional Lands, and a historical baseline of these components;
- Identify the current and likely pressures, including but not limited to industrial development on the Valued Components;
- Predict the likely future nature and extent of the Valued Components in the First Nations' Traditional Lands;
- Identify broad land and resource management strategies, as well as possible mitigation tools, that can support and improve the continued meaningful exercise of Treaty 8 rights (e.g., key protected or conservation areas; hunting restrictions; setbacks; timing windows; among others);
- Integrate the information into appropriate information and management tool formats (e.g., GIS; planning documents; management objectives for particular use areas or districts; community based monitoring and adaptive management strategies) for use in resource and land use planning, decision-making and consultation processes;

Developing the TLRUMP will require in-depth community consultation, rigorous socio-economic research, and tools for managing, analyzing, and communicating this information as explained in the methods section of this proposal.

3. Study Rationale

Current land and resource use planning and decision-making (including regulatory EA processes) in Alberta do not analyze adequately the direct, indirect and cumulative impacts of development and land use on First Nations land and resource use, Aboriginal and treaty rights and interests. Project-specific approaches to environmental assessment, especially in absence of an appropriate cumulative effects management framework, do not yield a comprehensive understanding of impact to the First Nations. These gaps are compounded by a lack of capacity in First Nations communities to bring forward credible and relevant information to these processes in a timely fashion. The result is often errors in decision-making, misunderstandings, and conflicts due to inadequate information. This is particularly troublesome in the Lower Athabasca Region given the sheer number of operating, proposed and potential oil sands development in the Traditional Lands of the two First Nations.

A TLRUMP is meant to be a tool facilitating more timely and effective integration of ACFN and MCFN information and interests into decision making and planning processes. This will result in greater capacity for each First Nation to provide critical inputs of information at all stages of the EIA/regulatory process, allowing EIA and consultation to proceed substantively at the same time, and establishing earlier in the process how Aboriginal and treaty rights may be impacted. Meaningful and adequate accommodation measures can then be built into the EIA mitigation process. The coherent TLRUMP and supporting studies are expected to increase the First Nations-specific data consistency, timeliness and availability for proponents.

Developing a TLRUMP would have benefits for Crown consultation, land and resource use planning, environmental impact assessment, regulatory stages of approvals, cumulative effects monitoring and management, and other elements of decision-making. Benefits include:

- Timely data that is accessible by project for government and proponents;
- Data consistency;
- A streamlined consultation process; and
- Increased capacity for ACFN and MCFN.

4. Study Methodology

Geographic scope of study

The studies will be limited to impacts on traditional use and practices within ACFN and MCFN traditional lands, as well as mobile resources (e.g., water, air, wildlife) that seasonally reside within or travel through traditional lands that may be impacted by activities outside those lands.

Temporal scope of study

A principle of good EIA practice is that the baseline conditions wherever possible should be those conditions that were present prior to industrial development occurring (in this case, around 1965), or where that data is not available or sparse, an examination of trends in conditions over time somewhere in between “pre-development” and the “present case” should be used. This study will ground the framework as far back in time as possible. Where data gaps are evident and assertions of change are uncertain, these will be identified and noted as limitations of the analysis.

Issues scope

The focus of the TLRUMP differs from that of many other impact assessment studies by focusing on the intersection of impacts on rights and impacts on resources.

The First Nations maintain that each have Treaty and Aboriginal rights protected by section 35 of the *Constitution Act, 1982*. For the purposes of the study, Treaty rights include hunting, fishing, trapping and gathering. This includes incidental rights that support the meaningful practice of the treaty right, including sufficient quality and quantity of required traditional resources within traditional lands. For example, the right to hunt can only be meaningfully practiced when there is adequate amounts of *healthy game* (e.g., within the range of natural variation for the species; healthy as evaluated from the perspective of the harvester) within areas that are accessible to harvesters.

Identification of First Nations-specific limits of acceptable change for key “rights-based resources” is thus central to both EIA and Crown s.35 consultation.

In addition, the practice of these rights may be influenced by a variety of other factors related to environmental impact concerns, such as a lack of faith in the health associated with consuming country foods. Thus, while these underlying Treaty and Aboriginal rights and the resources required to

meaningfully practice these rights are at the foundation of the proposed TLRUMP, the First Nations will take a broader perspective on what the exercise of those rights mean in terms of social, economic, and cultural health and well-being of each First Nation. A community vision concerning the relationship between the land and the people (including health, well-being and culture) is required in order to define this broader perspective. The community vision will provide the basis for an assessment framework for linking impacts to traditional resources to impacts to culture, community health and well-being.

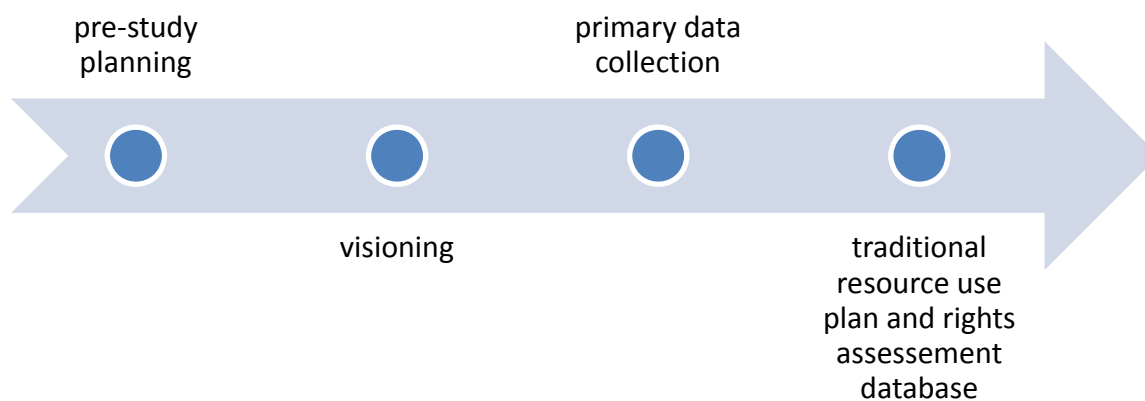
Project capacity and staff

A committee from each Nation will be formed to provide input into key research stages, to work closely with the interdisciplinary research team to understand the key issues of concern, to advise on liaising with the remainder of the community and on the selection of participants for workshops, interviews (and fieldwork).

We anticipate that an interdisciplinary research team consisting of people with social science, landscape ecology, GIS mapping expertise, traditional use practitioners, ecology, land and resource planning and project management expertise would be key to successful completion of the TLRUMP

5. Study Work Plan

The First Nations propose a four phase Work Plan for this study proceeding from high-level planning and visioning, through detailed data collection, to the production of tools and deliverables.



Phase 1: Pre-Study Planning

In this phase, we will build the project team, hold government to government meetings, agree on project methodology, set up data management and communications protocols, define research protocols (e.g., Traditional Knowledge or Ethics Protocols) and finalize the study scope.

Phase 2: Visioning

Phase 2 focuses on developing a community vision for the Traditional Land Use Plan. Sessions in Fort Chipewyan, Fort McMurray, Fort Smith and Edmonton will focus on culture and well-being in relation to traditional resources. For example, what vision do people have for continuing their way of life? What are the key practices, resources and relationships needed for health and well-being to be maintained? The vision that is identified through these sessions will be used to identify the first draft of the core valued components for the TLRUMP.

A research and gaps analysis exercise will be done to surface any existing knowledge and data related to these valued components, the result of which will be a State of Knowledge report. Sources will include:

- Collection and analysis of existing secondary data from environmental assessments. This will involve drawing together all existing completed environmental assessment reports on operating and proposed developments in the region. Analysis of the reports will focus on the core areas of focus, such as traditional use, food security issues, culture and social and economic impacts, with reports and data mainly from consulting companies hired by the oil sands producers.
- Collection and analysis of existing secondary data from internal community sources. This will involve drawing together all the data that has been collected in the past by consultants.

Full-day workshops, open to all First Nation community members, are then envisioned again in Fort Chipewyan, Fort McMurray, Fort Smith and Edmonton. The Project Team will provide short presentations about the valued components, criteria and indicators that have emerged through the vision sessions, and the “State of Knowledge” report.

Community members can provide input on whether these are the culturally relevant and accepted valued components to understand the present and trends in the health of the environment and the associated ability to exercise land-based Aboriginal and Treaty rights. They will then be asked to suggest management objectives and planning tools (e.g., zoning, restricted areas, among others) for each valued component.

These visioning sessions will allow community members to provide input on the accuracy of the State of Knowledge report, to review proposed study scopes, parameters, and methods, and to identify any additional work being conducted (or already completed) by any other stakeholders in the region (e.g., developers, AENV, and CEMA).

The key goal of this phase will be to build a preliminary model for the TLRUMP, to be tested and validated in the next phase.

Phase Three: Primary data collection and analysis

Data will be gathered on selected valued components, criteria and indicators related to the TLRUMP. This will include surveys, interviews, focus groups, TUS and TEK inputs, mapping and modelling exercises. The focus of this work will be to establish the conditions needed for the practice of rights, and gather the data on all the key valued components that were identified in earlier phases.

The focus of the interviews, focus groups and research in this stage will be to establish the geographic scale for resources for practicing rights, the required condition of the resources, and the future strategies that might need to be implemented to protect rights. Research in this phase will:

- Identify why the protection of resources is culturally important to both First Nations, including ACFN and MCFN defined concepts of environmental stewardship;
- Identify what pressures (e.g., road access and habitat fragmentation) have been threats to the meaningful practice of Treaty 8 rights;
- Identify what resources are integral to the meaningful practice of Treaty 8 rights;;
- Integrate the information into an appropriate management tool format (e.g., GIS; planning documents) for use by decision-makers;
- Determine the socio-cultural, ecological and economic conditions (including desired conditions of manageable or acceptable change) that support the meaningful practice of Treaty 8 rights for each identified resource currently;
- Recommend land and resource management strategies, including monitoring, that would ensure the continued meaningful exercise of Treaty 8 rights (e.g., protected or conservation areas; hunting restrictions; setbacks; timing windows; etc.); and,
- Develop Aboriginal and treaty rights enhancement strategies and a suite of mitigation measures for the exercise of rights that are grounded in cultural realities.

Phase Four: Traditional Land and Resource Use Management Plan (TLRUMP)

The purpose of the TLRUMP is to provide credible, sufficient, defensible, and reliable information on the land and resource needs of the First Nations for the meaningful exercise of their Treaty 8 rights within their Traditional Lands now and into the future. At this point, the TLRUMP will be presented to the communities, with a focus on reporting on the current state of the traditional resources. This effort will be twinned with proactive development of strategies and tools for maintaining the health of the traditional resources of the region that people depend on for practice of Aboriginal and treaty rights. A variety of management options will already have been developed, which will then be field tested with the communities, and negotiated in government to government tables, where appropriate. For example, where there is an existing threat to traditional resources, there may need to be both government and community strategies in place for management and mitigation.

6. Summary of TLRUMP Deliverables

The specific outcomes of developing the TLRUMP will include:

- Baseline and trend dataset for valued components related to traditional resources, with qualitative and quantitative components;
- A State of Knowledge report on the valued components that have been community selected, bringing together data and knowledge from disparate sources;
- A pressure-state-response framework from the cultural framework that illustrates pathways of change. This will enable future impact assessments to accurately model their own impact pathways and predict changes;

- Mapping of areas of special sensitivity (confidentiality provisions may apply to external use); and,
- Replicable, community-accepted methods of assessment (thus applicable for both future project-specific and cumulative effects assessments).

The primary deliverable to Government will be a **Traditional Land Resource Use Plan Management and Assessment Framework** that includes the following:

- MCFN and ACFN Guidelines for assessing Traditional Land and Resources. This guidance document will provide clear expectations for proponents regarding the process for accessing traditional land and resource data from MCFN and ACFN, as well as guidelines for quality traditional use, socioeconomic and ecological research;
- Management objectives, criteria and thresholds for traditional lands and resources; and
- Management and mitigation options for traditional lands and resources.

In order to enable implementation of the TLRUMP, it is necessary to develop internal capacity within ACFN and MCFN. This will consist of an internal database, data management procedures and formalizing functional roles within each organization. While this “deliverable” is internal, we can provide a report to our external funders on the structure of this system (the guidance document mentioned above).

7. Timelines and Budget

Provided the required funding is made available, this project will be completed within two years, with the following schedule, deliverables and updates to funders. The cost for each individual First Nation (ACFN and MCFN) to complete a TLRUMP specific to their First Nation is anticipated to be \$1,435,500 (total budget of \$2,871,000).

Project Phase/Step	Estimated Timeline	Deliverables	Consultants	Community engagement	Project Manager	
Phase 1	Month 1	Project team formation	\$10,000	0	\$5,000	
Phase 2	Months 2-4	Vision sessions	\$25,000	\$100,000	\$15,000	
	Months 5-8	State of knowledge report	\$60,000	0	\$15,000	
	Months 8-10	Testing of VCs, criteria and indicators with communities	\$25,000	\$100,000	\$10,000	
	Months 7-16	Design of dataset for VCs, criteria and indicators	\$200,000	\$50,000	\$50,000	
Phase 3	Months 15-19	Community data reports and management systems	\$300,000	\$50,000	\$15,000	
Phase 4	Months 18-24	TLRUMP planning and validation	\$150,000	\$100,000	\$25,000	
		Subtotal of costs	\$770,000	\$400,000	\$135,000	\$1,305,000
		Administration (10%)				\$130,500
		Total project value per First Nation				\$1,435,500
		x 2				\$2,871,000