



ALBERTA

ENVIRONMENT AND PARKS

Office of the Minister

Government House Leader

MLA, Rimbey-Rocky Mountain House-Sundre

February 12, 2020

Chief Allan Adam
Athabasca Chipewyan First Nation
Box 366
Fort Chipewyan AB T0P 1B0
aadam@acfn.com

Dear Chief Adam:

I am responding on behalf of Premier Jason Kenney to letters, dated February 4, 2020, you sent to Premier Kenney and to Minister Jonathan Wilkinson. In your letter to Premier Kenney, you include a list of items your Nation is seeking and indicate there has been little to no progress by Alberta to address your concerns. You also shared concerns during an interview on CBC Power and Politics on February 10th where you discussed issues related to the engagement process and to specific environmental issues. It is clear that you are dissatisfied with what has been accomplished to date and I want to reiterate Alberta's commitments moving forward in good faith and efforts thus far.

It is important that all who consider the Teck Frontier Oil Sands Mine project look at the accumulation of Alberta's efforts over the last 10 years. Alberta has a strong record of environmental management and has been able to continuously improve this record through our collaboration with Indigenous communities, industry partners, and the federal government over the years. We must not get caught in incrementalism, continually addressing new requests that do not recognize good work from the past. At the same time, Alberta recognizes we cannot rely solely on the past, so we have made commitments both to present and future actions.

Past – The Environmental Management System

Alberta established an environmental management system for the Lower Athabasca region in 2012, which resulted in numerous triggers and limits for managing air and water. The Lower Athabasca Regional Plan (LARP), and the corresponding environmental management frameworks, are key foundational pieces for our regulatory system. Through regional planning, key conservation areas were identified and protected so that development could occur in other areas and so that regulators would be clear about what was permitted, and where. These decisions were not made in isolation or by government alone. They were determined through robust conversation with Indigenous groups, industry, and others who live, work, and recreate in the region.

A couple of examples of how your Nation's submissions were incorporated into the Regional Plan: your "As the River Flows" report had a direct impact on the creation of the Aboriginal Navigation Index which was included in the Surface Water Quantity Management Framework for the Athabasca River. In addition, the submission from your Nation regarding the importance of the Dené homeland zone resulted in protection for part of this zone in the Richardson Wildland Provincial Park.

Present – More Protected Areas

I am aware that your Nation was not fully satisfied with the original decisions made in LARP related to protected areas. Over the years, Alberta has been able to respond to some of those concerns. For example, last year Alberta successfully established the 161, 880 hectare Kitaskino Nuwenënë Wildland (KNW). This achievement was made possible through our collaboration with Indigenous groups, industry, and the federal government to expand beyond the other wildland parks in the region. The expansion of protected land from future industrial activity accomplishes: greater habitat for bison and caribou protection; land to support Treaty rights and traditional land use; achieves mutual environmental goals of maintaining ecological integrity. The KNW is half the size of the country of Belgium, to achieve mutual environmental goals of protecting bison habitat and a key watershed. This area is approximately 3 times the size of the Teck Frontier project.

In addition to expanding the protection of land in the region is Alberta's commitment to a cooperative management board for managing the wildland parks in the area was created with a Terms of Reference co-developed with Indigenous groups, including your Nation. These Terms of Reference were not easy to achieve; they represent the positive results of listening and understanding different points of view by both Indigenous people and government. We were told by Indigenous groups this process was a successful example of Indigenous people and government working together on co-development of a significant initiative.

A cooperative management board for managing the Ronald Lake Bison herd was also developed, with their first task to create a Terms of Reference. In the meantime, a Technical Team with indigenous representation currently informs the herd's management team. Your Nation is involved in all of these initiatives.

Future – Advancing Mutual Interests and Collaborative Discussions

As you may already know, AEP is contemplating how increased decision making related to KNW, and the Ronald Lake Bison herd management can shift to Indigenous people in the area.

It is important to consider that many of ACFN's requests do not just involve Alberta. Over the years, key governance has been put in place to recognize the competing interests at stake on many issues. For example, the Oil Sands Monitoring (OSM) program is not Alberta's to do with as we will. Alberta is part of a larger OSM governance structure, all of whom must be involved in making critical decisions on how to use the constrained resources we have for monitoring.

In addition, land use decisions cannot be determined bilaterally. The success of creating Kitaskino Nuwenënë Wildland arose from mutual collaboration between Indigenous people, industry and governments. Alberta cannot enter into protection decisions with just ACFN on areas such as Richardson back country; others must be involved. But Alberta is absolutely willing to have those discussions with ACFN, and to recognize the need to consider the Lower Athabasca Regional Plan (LARP) Review Panel recommendations that Indigenous groups initiated with their review of LARP in 2014-15. The *Alberta Land Stewardship Act* recognizes that regional planning is only valid for a time and so mandates a review for LARP in 2022.

Regarding climate obligations, Frontier would be subject to Alberta's regulatory regime, which has been granted federal equivalency. What's more, even with Frontier, oilsands emissions will be far below the 100MT cap put in place by the previous NDP government and endorsed by the current government in Ottawa.

We have a shared interest in working together, and with other interested participants, including the federal government, on a community health baseline study. Alberta commits to work with ACFN, in partnership with other community parties and the federal government, to collaboratively develop such a study and identify funding opportunities.

Conclusion

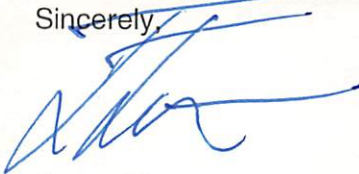
Alberta has been working directly with your Nation since December of 2018 to explore areas of mutual interest in relation to environmental concerns in the region. We have provided capacity funding for your Nation to discuss concerns with Alberta. My staff who have been engaged with your staff have done so with my full authority and have regularly briefed me on the progress of the discussions.

Alberta has already taken significant action, having worked for decades with your Nation and other First Nations in the area and more recently, working with a wide array of Indigenous groups on cooperative management of both the bison and the protected areas in north east Alberta. The Government of Alberta must also carefully consider the interests of Alberta taxpayers as well as the interests of others who work, play and live in the region, including other Indigenous groups.

I anticipate working with you and including ACFN in important land use conversations. ACFN's interests are valued and will impact the results of environment and land use decisions moving forward. In the meantime, Alberta has made significant contributions and is willing to make the commitments outlined above and the ones in discussion with your staff.

I look forward to continuing to build a positive relationship with you and your Nation.

Sincerely,



Jason Nixon
Minister