



Treaty 8 First Nations of Alberta

To Protect, Promote, Bring to Life, Implement, and Sustain the True Spirit and Intent of Treaty No. 8 as long as the sun shines, the grass grows, and the waters flow.

HEAD OFFICE

Sawridge First Nation
PO Box 326
Slave Lake, AB T0G2A0
Telephone: (780) 849-4331
Fax: (780) 849-3446

SUB OFFICE

c/o Santa Fe Plaza
18178 – 102 Avenue
Edmonton, Alberta T5S 1S7
Telephone: (780) 444-9366
Fax: (780) 484-1465

May 17, 2013

Minister of Aboriginal Relations
323 Legislature Building
10800 97 Avenue
Edmonton, AB T5K 2B6
Fax: (780) 644-8389

Dear Minister Campbell

Dear Sir:

Re: Comments on The Government of Alberta's Policy on Consultation with First Nations on Land and Natural Resource Management, 2013 (the "Policy") and the Corporate Guidelines for First Nations Consultation Activities, 2013 (the "Corporate Guidelines")

The purpose of this letter is to outline our comments and concerns with the Policy and the Corporate Guidelines.

At the outset, however, we again express concern that Alberta has declined to engage the Treaty 8 First Nations of Alberta in a meaningful fashion. As you know, our organization has provided extensive comments and information to Alberta in concerning the development of various iterations of Alberta's approach to consultation over the last few years. This has included extensive comments sent in September, 2010, as well as comments provided in response to the Alberta Government's Discussion Paper on First Nations Consultation (the "**Paper**"). We remain concerned that throughout the development of the Policy and Guidelines, Alberta has refused to enter into substantive discussions with us on consultation issues, and has failed to incorporate the comments we have provided into these policies, as outlined below and in the attached in the table at Appendix "A".

This general concern arises for two reasons: first, as shown in the table attached to this letter, the Policy and the Corporate Guidelines fails to respond to, much less address, many of the comments and suggestions raised in previous comments delivered to Alberta by our organization, including comments in September, 2010 and comments on the Paper made in November 2012. Those tables are attached to this letter. It is disconcerting that the myriad

comments and suggestions that we have been making in relation to consultation over the last several years have not been addressed. Second, despite our offer of working together, Alberta continues to take positions (in project-specific referrals as well as in Crown-led initiatives) which either ignore or downplay our input. This failure to engage with our repeated comments has resulted in the development policies that are highly problematic in a number of respects.

We have a number of comments and concerns relating to the draft Policy, Corporate Guidelines and the Consultation Process Matrix (the “**Matrix**”). Given Alberta’s lack of engagement with our organization to date, we would like to once again state that in our view, more engagement is needed than the one-day “technical briefing” and the half-day multi-party meeting proposed in Minister Campbell’s letter of April 2, 2013.

As a general concern, which has been echoed in our previous submissions, the Policy and Guidelines fail to set out criteria, measures or indicators focused on determining a) the level of required consultation with First Nations and b) the content of that consultation. There are any number of ways that decisions – both direct and cumulative – can adversely affect First Nations – through impacts to our section 35 rights, through impacts on our ability to exercise and pass down our culture, and through impacts to the environment. Yet again, Alberta has neglected to work with us to develop ways of dealing with these issues. As explained more fully below, Alberta’s consistent failure to work with members of our organization on initiatives like TRUMP and Alberta’s failure to incorporate our concerns within land use planning, undermines the Policy and Guidelines. Put simply, how can Alberta know whether not the actions of the Crown and industry are adversely impacting our rights, culture and way of life, if Alberta will not work with us to develop baseline information and criteria to make those determinations?

As you can see from our comments, we are extremely concerned about the approaches proposed in the Policy, Corporate Guidelines and Matrix. We are hopeful that opportunities exist to substantively revise the documents so that our concerns are addressed. Again, we request that Alberta meet with our Treaty Organization and member First Nations to discuss our concerns in a substantive and meaningful way.

Yours truly,

Chief Roland Twinn
Grand Chief
Treaty 8 First Nations of Alberta

cc: Treaty 8 Chiefs
Members of the Legislative Assembly of Alberta