

| DECISION LOCATION | DECISION WORDING | SEE EVIDENCE AT | EVIDENCE |
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| Para. 578 | . . . 2408 of those birds belonged to the duck group. . . | | . . . 2408 of those birds belonged to the duck <u>guild</u> . . . |
| Para. 578 | ACFN noted that birds were able to fly away in many of these cases but worried that the reproductive fitness of birds exposed to PAW may be reduced. | Transcript Vol. 11 page 2460 lines 18-24 | Contamination may result in death, reduced health due to sublethal effects or reproductive impairment. . . |
| Para. 1316 | Shell and ACFN agreed, however, that Shell had consulted. . . in good faith | Transcript Vol. 10, page 2113 line 24 – 2116 line 10; page 2120 line 10 – 2121 line 12; 2098 lines 2-23; 2099 line 3-2101 line 10 | |
| Para. 1316 | Shell and ACFN agreed, however, that Shell had consulted and negotiated in good faith | Transcript Vol. 10, page 2215, lines 10-19, | Q: . . . is it fair to say that the relationship was better <u>in the past</u> than it has been recently? A: . . . where there was an understanding made in good faith and we see where it went wrong. I could honestly say <u>when the agreements were struck upon, there was good faith on both parties. Its just what happened after the agreement was signed.</u> . . . |
| Para. 1316 Para. 1458 | Shell and ACFN agreed, however, that Shell had consulted and negotiated in good faith but could not agree on one aspect of the measures necessary to mitigate the effects of the Project. The Panel understands that ACFN and Shell were not able to come to agreement on one aspect of the measures necessary to have mitigate the effects of the Project. | Transcript Vol. 9, page 1968 line 20 – page 1969 line 15 | Ms. Jefferson said. . . “We did offer to negotiate mitigation with ACFN and ACFN declined our negotiating offer.” That is misleading to the Panel. . . We just couldn’t agree to the fact that what was put on the table in regards to what we wanted to see on our end. |
| Para. 1316 | Shell and ACFN agreed, however, that Shell had consulted and negotiated in good faith | Transcript Vol. 10, page 2214, lines 11 - 23 | Q: . . .yesterday in the transcript, and I’ll just read it to you, its only a short |

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| Para. 1458 | <p>but could not agree on one aspect of the measures necessary to mitigate the effects of the Project.</p> <p>The Panel understands that ACFN and Shell were not able to come to agreement on one aspect of the measures necessary to have mitigate the effects of the Project.</p> | | <p>passage, you talked about discussions with Shell and then you had a concern about something Ms. Jefferson had said in her opening remarks. . . . as I understood it from my client, that ACFN had a precondition to entering into discussion with them and it was a precondition that wasn't acceptable to them, so the parties couldn't get together. Is that fairly accurate? A: I could say yes.</p> |
| Para. 1324 | <p>Shell responded that the issues discussed with AENV would be summarized in the detailed meeting notes that it shared with the Aboriginal groups</p> | <p>Transcript Vol. 4, page 505 line 5; page 506 lines 9-14</p> | <p>I'm not aware of minutes being taken. . . Shell didn't keep minutes of those meetings, no. . . I'm not aware of Alberta Environment keeping minutes of those meetings. They weren't shared with Shell.</p> |
| Para. 1376 | <p>. . . substantial and long-term that would. . .</p> | <p>Effects on Traditional Resources of the Athabasca Chipewyan First Nation (MSES) at adobe 4 and 22</p> | <p>. . . substantial and long-term <u>reorganization</u> that would. . .</p> |
| Para. 1383 | <p>ACFN documented more than 215 site specific values within the RSA</p> | <p>ACFN IKLU at page 53</p> | <p>2,251 site specific values in the RSA</p> |
| Para. 1395 | <p>14 site specific instances of lost use due to concerns regarding water quality downstream from the Firebag River</p> | <p>Athabasca River Use, Knowledge and Change at Map 4 and adobe page 26. <i>Note: many of the lost use sites re quality are upstream of the firebag, they are all downstream from oil sands operations.</i></p> | <p>a cluster of lost use, or avoidance due to quality, near FortMcKay, as well as instances in the delta area, and north into the Peace River drainage.</p> |
| Para. 1412 | <p>ACFN relies on the Ronald Lake herd. . .</p> | <p><i>Note: I did not have time</i></p> | <p>ACFN is not permitted to hunt buffalo in</p> |

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| | because it is the only herd of wood bison available to ACFN hunters outside of Wood Buffalo National Park | <i>to track down these references, but they are throughout ACFN's evidence, likely Pat McCormack's Ethnohistory, Larcombe Report, IKLU and potentially from the community witnesses</i> | the park, Ronald Lake herd is the only herd available to them at all |
| Para. 1415 | ACFN's expert, Dr. Komers agreed with Shell's assertion that bison are not habitat limited in the RSA. | Transcript Vol. 11, page 2619 line 13 – 2620 line 7 | Habitat is one of the factors. . . there are at least three factors, diseases, predation and habitat that need to be considered for the recovery of the wood bison. Habitat is one of them. |
| Para. 1420 | Members are currently cautious regarding the hunting of moose and collection of other animals in the Firebag area in the RSA because of fear of contamination. | <i>Should read " . . . collection of other animals <u>south</u> of the Firebag. . . "</i> IKLU Report at Figure 8 and text page 51; | Effects from existing industry in the area has already resulted in shifts in land use by some ACFN members to north of the Firebag River |
| Para. 1461 | Shell also provided funding to allow ACFN to complete its own cultural assessment, which ACFN submitted to the Panel. | Supplemental Social, Economic and Cultural Effects Submission; at s. 2.4. <i>Could read " . . . to complete a cultural submission, which ACFN submitted"</i> | . . . this study does not claim to be a comprehensive social economic and cultural impact assessment. . . additional studies are necessary to fill existing information gaps regarding ACFN socio-economic and cultural values, baseline conditions, change over time, causes, impact loads. . . . Recommended additional work is included in section 9. |
| Appendix 1, page 309 | Dr. Larcombe | Larcombe Report, | Ms. Larcombe |

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| | | Attachment A (CV) | |
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