

February 8, 2024

VIA EMAIL: ec.minister-ministre.ec@canada.ca; information@iaac-aeic.gc.ca



Fontaine Building 12th floor
200 Sacré-Coeur Blvd
Gatineau QC K1A 0H3

Attention: The Honorable Steven Guilbeault

Dear Minister Guilbeault:

**Re: Request for a Regional Assessment – Beaver Lake Cree Nation
Traditional Territory**

With this letter, Beaver Lake Cree Nation (“**BLCN**”) submits a formal request that your Ministry conduct a regional assessment of BLCN’s traditional territory in northeastern Alberta. Specifically, we request that the Agency carry out a regional assessment in the Alberta portion of BLCN’s traditional territory.

Introduction

1. Industrial Development within BLCN’s Traditional Lands

The provincial and federal government have far exceeded the capacity for development in BLCN’s traditional territory, taking up more than 88% of BLCN’s traditional territory for industrial development. BLCN’s territory is now covered by over 35,000 oil and gas sites, 21,700 kilometers of seismic lines, 4,028 kilometers of pipeline and 948 kilometers of road.¹ BLCN has and continues to be adversely impacted by associated industrial activities and operations. While any one of these projects by itself may not infringe BLCN’s treaty rights, when taken together, they have infringed our rights and severely impacted our culture and way of life and the land that has sustained us since time immemorial.

Industrial development has polluted most of the water bodies in the region. Oil and gas wells and other infrastructure has displaced moose and elk, crippled the caribou population, and most traditional hunting and gathering grounds are no longer available.² Hunting large game was critical to our ability to survive through the millennia and central to our culture and identity. Specifically, Crown authorizations for the excessive taking up of land have, individually and collectively, resulted in the following effects on BLCN’s traditional territory:

¹ Beaver Lake Cree Nation, Defend the Treaties, online: <<https://beaverlakecreenation.ca/defend-the-treaties/>> “Defend the Treaties Website”.

² Defend the Treaties Website.

Visions of Tomorrow

- making lands and waters, including preferred lands and waters, inaccessible for hunting, fishing, trapping, and gathering;
- reducing, fragmenting and/or degrading habitat for wildlife, fish and plants, including species preferred by BLCN;
- diminishing the abundance and/or diversity of wildlife, fish and plants, including species preferred by BLCN;
- disrupting the wildlife migration patterns and/or diverting wildlife and fish from preferred hunting and fishing areas;
- diminishing water quality;
- diminishing the availability of land in its natural condition; and
- increasing noise and light pollution.

Crown authorizations for taking up land for industrial activities have also collectively resulted in numerous non-physical effects, including:

- reducing areas where BLCN can carry out culturally-appropriate harvesting;
- reducing areas where BLCN members can enjoy solitude which includes spiritual and cultural practices of fasting on the land, which is a vitally important developmental milestone for Cree peoples;
- increasing the potential for conflict with other land users;
- decreasing areas where it is safe to hunt;
- increasing fears of contamination and pollution of waters, lands, and natural resources for the exercise of Treaty rights;
- imposing regulations that restrict or impede the exercise of Treaty rights;
- compromising the cultural and/or spiritual integrity of BLCN's territory.

2. Regional Assessment Context

Sections 92-94, and 96-103 of the *Impact Assessment Act* ground the authority and requirements for Regional Assessments, including allowing the Minister to authorize the Agency to conduct a Regional Assessment.

Regional Assessments are one of the only statutory instruments available that move beyond a project-specific impact assessment to understand the regional context where

development occurs or may occur. Regional Assessments are critical in understanding and managing effects, including cumulative effects and impacts on Indigenous peoples and their rights, from a regional perspective.

A regional assessment of BLCN's traditional territory would:

- improve Canada's ability to address cumulative effects, including within federal jurisdiction;
- understand and quantify the staggering amount of development and subsequent environmental damage that has occurred within BLCN's traditional territory;
- inform future federal impact assessment decisions;
- inform future regulatory decisions;
- inform future land-use planning decisions;
- provide an opportunity to collaborate with Alberta, as well as potentially with other First Nations near or adjacent to BLCN's traditional territory; and
- provide a greater understanding of the potential impacts, including cumulative impacts, to BLCN's rights in the region.

BLCN's traditional territory is located within the northeastern portion of what is now known as Alberta, within the "tar sands region", an area that has been well-documented as contributing to environmental degradation.³ The excessive taking up of lands within BLCN's traditional territory has simultaneously posed significant environmental risks to the public. The adverse impacts to air and water quality, biodiversity, and climate change associated with the excessive taking up of lands within this region mean that there is considerable public interest in understanding the cumulative effects in this area.

BLCN has explicit concerns about the Pathways Project, which is a proposed carbon storage project that will have detrimental and novel impacts on our traditional territory, as will be discussed in greater detail below. A regional assessment in BLCN's traditional territory would inform future decision making related to this novel industrial activity taking place at the heart of our traditional territory and overlapping with our reserve lands.

³ See, for example, Lorenzo Rosa, Kyle Davis, Maria Rulli, Paolo D'Odorico, Environmental consequences of oil production from oil sands, *Earth's Future* (February 2017), online: <<https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2016EF000484>>; John Giesy, Julie Anderson and Steve Wiseman, Alberta oil sands development, PNAC (11 January 2010), online: <<https://www.pnas.org/doi/abs/10.1073/pnas.0912880107>>; Vipal Monga, *Canada's Oilsands Miners Want to Flush Oceans of Wastewater Downstream*, *The Wall Street Journal* (3 July 2023), online: <<https://www.wsj.com/articles/canadas-oil-sands-miners-want-to-flush-oceans-of-wastewater-downstream-56cc142f>>.

In this letter, we:

1. provide information about BLCN and the history of development in our traditional territory;
2. discuss the need for cumulative effects assessment, particularly in light of the proposed Pathways Project;
3. outline Alberta's insufficient efforts to manage cumulative effects to date;
4. describe the unique jurisdictional issue of the Cold Lake Air Weapons Range;
5. provide an initial vision for the assessment; and
6. propose other interested stakeholders.

We understand that the development of a regional assessment can be an iterative and collaborative process and look forward to working with you and other stakeholders to further develop the parameters and scope of the assessment.

3. About BLCN and the Cumulative Impacts to our Land and Rights

BLCN is a Treaty 6 First Nation located in what is now northeastern Alberta. BLCN's traditional territory, which extends into Saskatchewan, is identified in Figure 1 below. BLCN's collective obligation is to ensure that those lands are sustainably and responsibly managed.

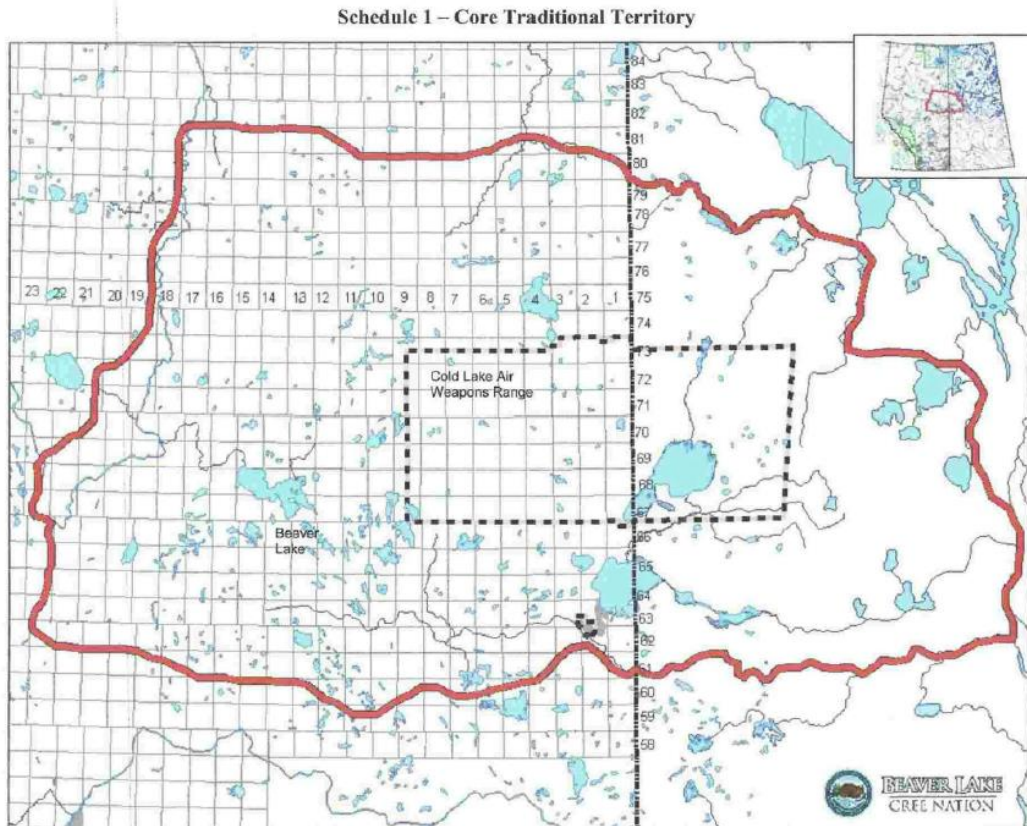


Figure 1: BLCN Traditional Territory in Alberta and Saskatchewan.

The Alberta portion of BLCN’s traditional territory is approximately 38,799 km² and includes: Athabasca County, County of St. Paul No. 19, Lac La Biche County, Municipal District of Bonnyville No. 8, Municipal District of Lesser Slave No. 124, Municipal District of Opportunity No. 17, Smoky Lake County, Thorhild County, and Wood Buffalo Regional Municipality.

BLCN’s territory also encompasses several of Alberta’s Land Use Planning Regions: Lower Athabasca, Lower Peace, North Saskatchewan, and Upper Athabasca. The majority of BLCN’s territory falls within the Lower Athabasca Region. These planning regions have failed to address the cumulative impacts of development within BLCN’s traditional territory.

BLCN’s lands are industrially desirable, and as such the provincial and federal governments have authorized development over much of BLCN’s land including through leases to oil companies, and other industrial uses. BLCN is uniquely situated as it straddles the Athabasca Oil Sands and the Cold Lake Oil Sands.⁴ The bituminous oil sands in northern Alberta and Saskatchewan comprise 97% of Canada’s proven oil

⁴ Alberta Energy, *Oil Sands and Petroleum and Natural Gas*, online: <<https://gis.energy.gov.ab.ca/Geoview/OSPNG>>.

reserves. They represent the world's third largest oil reserves, and significantly influence North America economic growth and development, and have a staggering growth trajectory.⁵

As the oil and gas industry becomes increasingly scrutinized, new developments and industries are arriving to our lands which are equally concerning. For example, Canadian Natural Resources Ltd., Cenovus Energy Inc., ConocoPhillips Canada Resources Corp, Imperial Oil Ltd., MEG Energy Corp. and Suncor Energy Inc. launched the Pathways Alliance in 2021. Together, these companies make up 95% of the oil sands production in Canada.⁶ The Pathways Alliance has proposed to launch a major carbon capture and sequestration project (the "Pathways Project") that intends to capture and store CO₂ emissions within BLCN's traditional territory and raises significant risks of degradation to and interference with the occupation, use, and enjoyment of our reserve land and our exercise of rights within our traditional territory.

BLCN has and continues to fight the ongoing violation of our Treaty rights as a result of these authorizations and proposals.

The taking up of land within BLCN's territory occurs through two primary mechanisms:

- a) Footprint Take-up: the direct occupation of land through construction of non-natural (anthropogenic) features ("**footprint**"); and
- b) Restrictions on Access: the granting of tenure or other dispositions that fully or partially prevent access by BLCN members to portions of their traditional territory.

A. Footprint Take-up

The taking up of land through direct footprint construction includes a variety of activities, and amounts to 554,138 ha, or 14.2% of the total area of the BLCN traditional territory.⁷ This footprint is shown in Figure 2.

⁵ Joshua Kurek, Jane Kirk, Derek Miur and John Smol, Legacy of half century of Athabasca oil sands development recorded by lake systems, PNAS (7 January 2013), online: <[https://www.pnas.org/doi/10.1073/pnas.1217675110#:~:text=In%201980%2C%20oil%20production%20was,2010%20and%202025%20\(2\)>](https://www.pnas.org/doi/10.1073/pnas.1217675110#:~:text=In%201980%2C%20oil%20production%20was,2010%20and%202025%20(2)>)>.

⁶ Holly McKenzie-Sutter, *Alberta agrees to study proposed oil sands carbon storage hub*, BNN Bloomberg (5 January 2023), online: <<https://www.bnnbloomberg.ca/alberta-agrees-to-study-proposed-oil-sands-carbon-storage-hub-1.1866225>>.

⁷ Included footprint is: agricultural crops and pasture, airports, cemeteries, feedlots, industrial features, lagoons and other water features, landfills, major and minor roads, mining, oil and gas wells, pipelines, power-generation facilities, powerlines, rail lines, recreational features, urban and rural settlements, seismic lines, and trails and winter roads. The dataset is based on disturbance layers from the Alberta Biodiversity Monitoring Institute and AltaLIS current as of 2015.

The main contributors to the footprint are:

- a) Agricultural features, primarily in the southern portions of the traditional territory and accounting for 421,744 ha, which is 10.8% of the area of the traditional territory; and
- b) Footprints associated with the energy sector, which sum to approximately 83,247 ha, which is 2.2% of the area of the traditional territory, and 15% of the total footprint in the territory. These footprints are much more evenly distributed across the territory, with concentrations in that area to the northeast of Cold Lake and in the vicinity of Conklin.

Footprint 2010

Beaver Lake Cree Nation Traditional Territory 38,984.19km²

Total: 5,541.375 km²

Legend

Footprint (%)

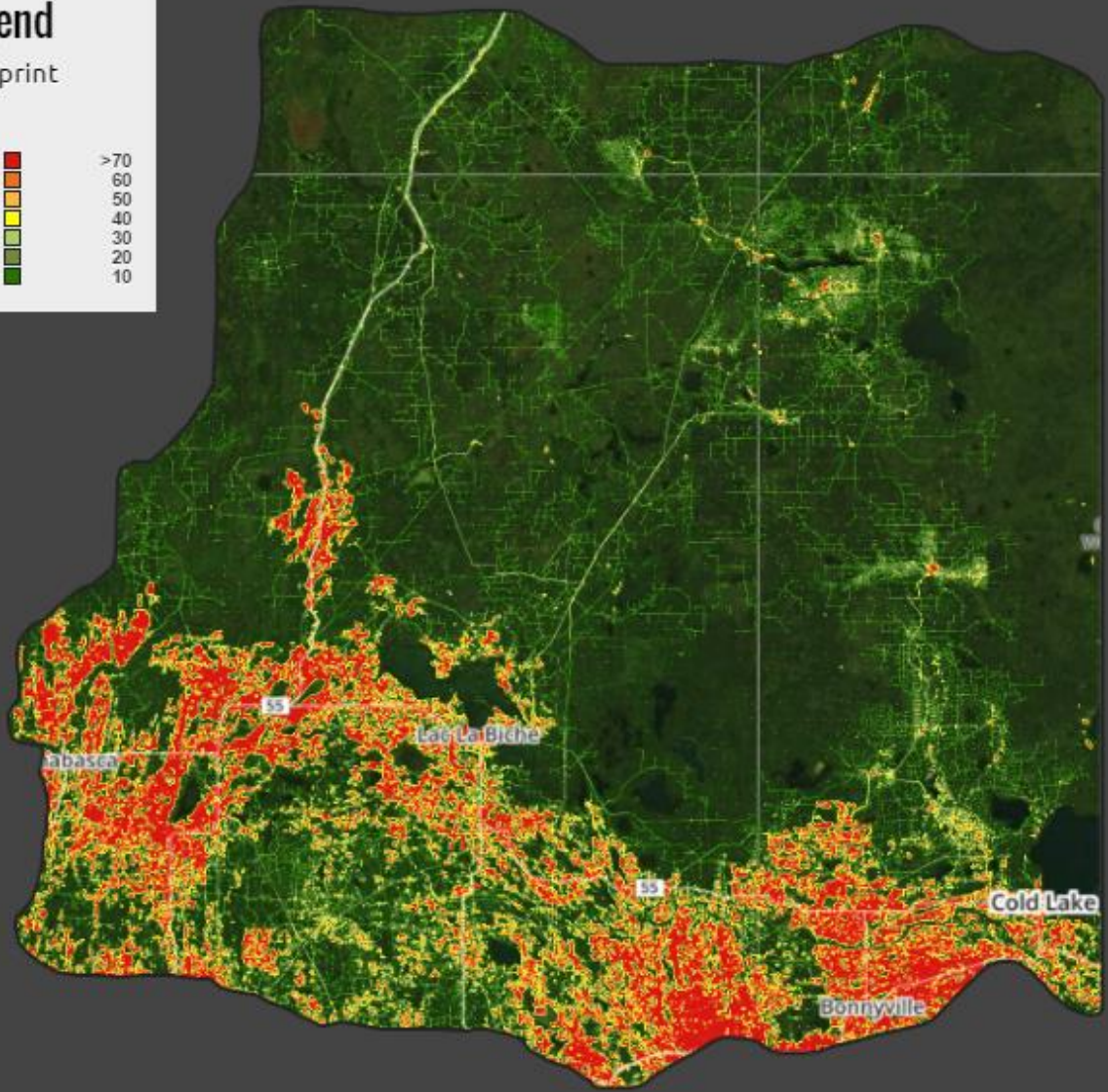
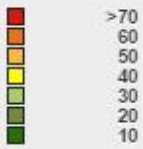


Figure 2: Map of anthropogenic footprint (2015) in the BLCN traditional territory (Alberta portion).

B. Restrictions on Access

Taking up of land through granting of tenure amounts to approximately 1,070,159 ha, or 28% of BLCN Traditional Territory. This tenure takes three primary forms:

- a) The CLAWR, which has an area of approximately 537,000ha;
- b) Provincial parks, which have an area of approximately 25,000ha⁸; and
- c) Various dispositions, which account for approximately 508,000ha⁹, after removal of overlap with the CLAWR.

The locations of these tenures are shown in Figure 3.

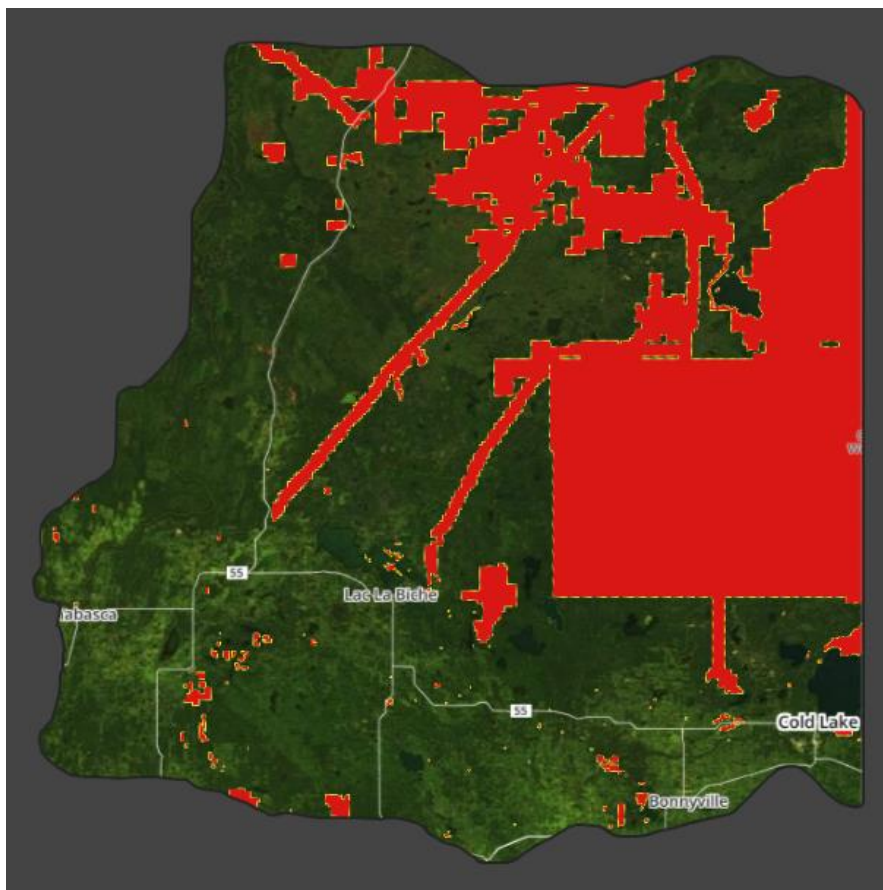


Figure 3: Locations in the Beaver Lake Cree traditional territory of tenure types (show in red) which may limit access of BLCN members.

⁸ Provincial parks in the study area include the Cold Lake, Crow Lake, Moose Lake, Long Lake, Garner Lake, and Sir Winston Churchill series of parks, as well as Lakeland Provincial Park.

⁹ Dispositions included in this analysis include Protective Notations, Consultative Notations – Company, Holding Reservations, Grazing Leases, and Surface Material Exploration dispositions, and were sourced from the Alberta Digital Integrated Dispositions (DIDs) dataset, 2016.

There is overlap of tenure with footprint, so it is difficult to understand the total impacts of the two forms of “taking up” simply by summing the two values. Without overlap, the total area occupied by either tenure or footprint amounts to approximately 1,592,000 ha, or 41% of the BLCN traditional territory. This is shown through a spatial arrangement in Figure 4.

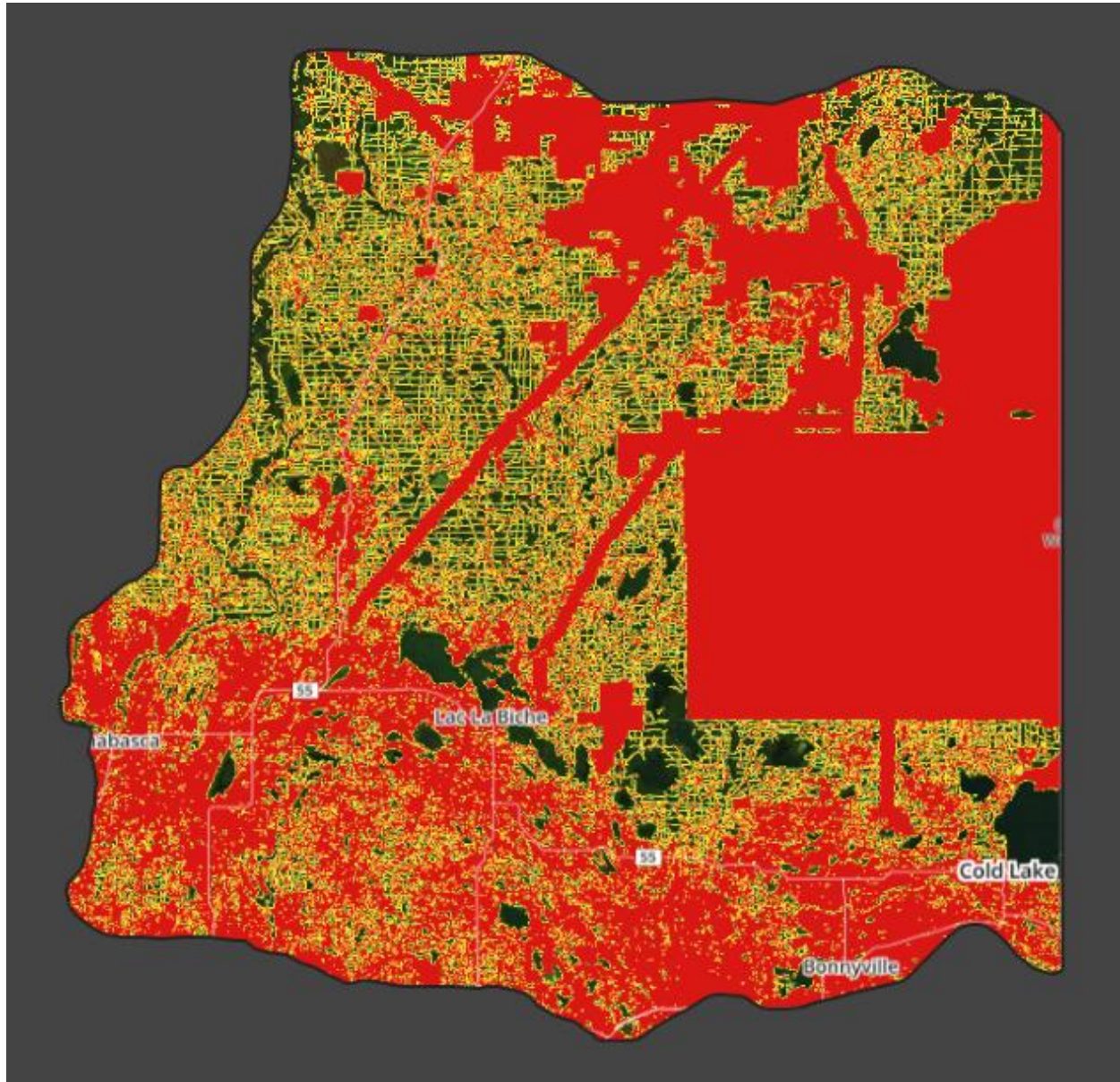


Figure 4: Presence of tenure and footprint in the BLCN traditional territory, where red colours indicate presence of tenure or higher intensity footprint.

For many years, BLCN has made known, identified, and tried hard to escalate concerns to Crown agencies and industry about the cumulative impacts of development in its traditional territory.¹⁰ BLCN's members have witnessed significant industrial and other development in their territory, which has led to serious cumulative impacts on our ability to exercise our Treaty rights and maintain our culture and way of life. Among other things, our Elders, knowledge holders, land users, and community members report the following physical effects:

- the remaining accessible Treaty/Crown lands in our traditional territory have been subjected to increasing development, including from energy, conventional oil and gas, pipeline and power line transmission, forestry, access road construction, and agriculture, giving rise to a range of adverse impacts to our Treaty rights;
- lands and waters, including preferred lands and waters, have been made inaccessible for hunting, fishing, trapping and gathering;
- habitat for wildlife, fish and plants, including species preferred by BLCN has been reduced, fragmented, or degraded;
- a steady increase in natural predators, such as wolves and bears, and non-Indigenous hunters, is taking a worsening toll on important species such as moose and caribou;
- in areas where there has been a lot of resource development, with a heavily developed access network and linear development, even our experienced hunters find it difficult to locate and successfully hunt large game;
- procuring large game, small game, fish, berries, other foods, and medicinal plants is difficult;
- an increasing network of oil fields and industry roads, has resulted in an increased amount of pollution and habitat fragmentation;
- our large mammals have had an increase of disease-related stressors, which potentially makes it dangerous for community members to consume them;
- out-of-control wildfires damage large game habitat, creeks, rivers, and plant communities over the long-term;

¹⁰ Among other actions within regulatory environments and participation in Alberta's Regional and Sub-Regional Planning Processes, BLCN commenced a court action for Treaty infringement against the Government of Alberta in 2008: *Beaver Lake Cree Nation v. Alberta and Canada*, ACQB Action No. 0803-06718.

- caribou – to which our people have a Treaty right and interest and which were once plentiful and helped support our people through key times of the year– are now decimated;
- moose, another key species which are critical to our people and our identity, are not doing well across our Territory and our people struggle with successful hunting;
- a marked decline in other culturally important species, including squirrel, lynx, marten, and various kinds of fish; and
- decreased water quantity and water quality throughout many portions of BLCN's territory.

Our Elders, knowledge holders, land users and community members have also reported the following non-physical effects, including without limitation:

- decrease in areas where it is safe to hunt;
- increasing concerns about the health and safety risks of pollutants and other contaminants, and how that impacts our health and exercise of Treaty rights, especially in areas with high levels of development; and
- compromising of cultural and spiritual integrity of BLCN's traditional territory.

As a result of these devastating impacts, our members have experienced a significant and adverse transformation in the land, waters, and natural resources such that our way of life and the exercise of Treaty rights has been impeded. As a result, we must urgently hold on to, use, and access areas within our traditional territory that remain free from development or which have been subjected to less intense development – areas which are quieter, cleaner, less disturbed, and more conducive to the successful exercise of our rights and the practice of our culture. Many of these areas continue to be under pressure from and stand to be adversely affected by increased development and new industrial proposals.

Notwithstanding our need, however, there have been very limited governmental efforts to date to review and regulate cumulative impacts, and to protect remaining areas from unconstrained development, as set out below.

4. Need for Cumulative Effects Assessment

In addition to our grave concerns about past and ongoing impacts to our Territory, BLCN is also extremely concerned about imminent future development in its territory, specifically the proposed Pathways Project and other carbon capture and storage proposals.

BLCN is concerned that these types of projects will exacerbate and accelerate oil and gas extraction. This is in addition to the fact that development and extraction in the oil

sands is already predicted to continually grow.¹¹ As the Canada Energy Regulator explained:

Nearly all currently operating projects are expected to continue operation for decades, reaching 2.9 MMb/d by 2040. In technical terms this means that they have near zero decline rates. Having this large existing production base means any new projects or expansions will add to total production. The largest contributor to this growth will be expansions of existing facilities which are projected to add over 1.2 MMb/d. Lastly, construction of completely new or greenfield projects is projected to add 0.4 MMb/d.

Oil sands bitumen production is projected to continue increasing despite persistently low oil prices. In the near term, growth is due to projects coming online that were sanctioned or had begun construction prior to the price collapse in late 2014. Longer term, growth continues but at a slower pace. This is because the oil price required to incent expansions to currently operating projects, or to construct entirely new ones has fallen significantly in the last two years. Estimates now indicate that some expansion projects can be built with a WTI price lower than US\$ 50/bbl, while new projects can be built with WTI lower than US\$ 60/bbl.¹²

It is likely that this growth will disproportionately affect BLCN, due to the unique position of its traditional territory.

Notwithstanding the significant economic potential of the region, little work has been undertaken to date to understand cumulative effects of the development within BLCN's traditional territory and on BLCN's exercise of treaty rights. Further, the purported land use planning work that has been done has been insufficient and was not planned or implemented with the important objective of understanding, assessing, and addressing cumulative impacts on rights, culture, and way of life.

A. Carbon Storage Projects

Despite BLCN's increasing concern regarding the environmental impacts of development in their traditional territory, major projects are still being proposed.

Most notably, the Pathways Alliance has proposed to launch a major carbon capture and sequestration project (the "Pathways Project") that intends to capture CO₂ emissions from the Fort McMurray oil sands region and from producers in the Cold Lake region before transporting CO₂ through the Cold Lake Air Weapons Range via pipeline and sequestering vast amounts of CO₂ in a "storage hub" in the pore space under the

¹¹ Canada Energy Regulator, *Market Snapshot: Oil Sands Bitumen Production will continue to grow to 2040* (31 January 2018), online: <<https://www.cer-rec.gc.ca/en/data-analysis/energy-markets/market-snapshots/2018/market-snapshot-oil-sands-bitumen-production-will-continue-grow-2040.html>>.

¹² Canada Energy Regulator, *Market Snapshot: Oil Sands Bitumen Production will continue to grow to 2040* (31 January 2018), online: <<https://www.cer-rec.gc.ca/en/data-analysis/energy-markets/market-snapshots/2018/market-snapshot-oil-sands-bitumen-production-will-continue-grow-2040.html>>.

traditional homelands of numerous First Nations, including BLCN (see Figure 5).¹³ This project is unprecedented in both scope and scale and raises significant risks of degradation to and interference with the occupation, use, and enjoyment of our reserve land and our exercise of rights within our traditional territory.

¹³ The other First Nations impacted by the Pathways Project include: Cold Lake First Nations, Frog Lake First Nation, Heart Lake First Nation, Kehewin Cree Nation, Onion Lake Cree Nation, Saddle Lake Cree Nation, and Whitefish Lake First Nation.

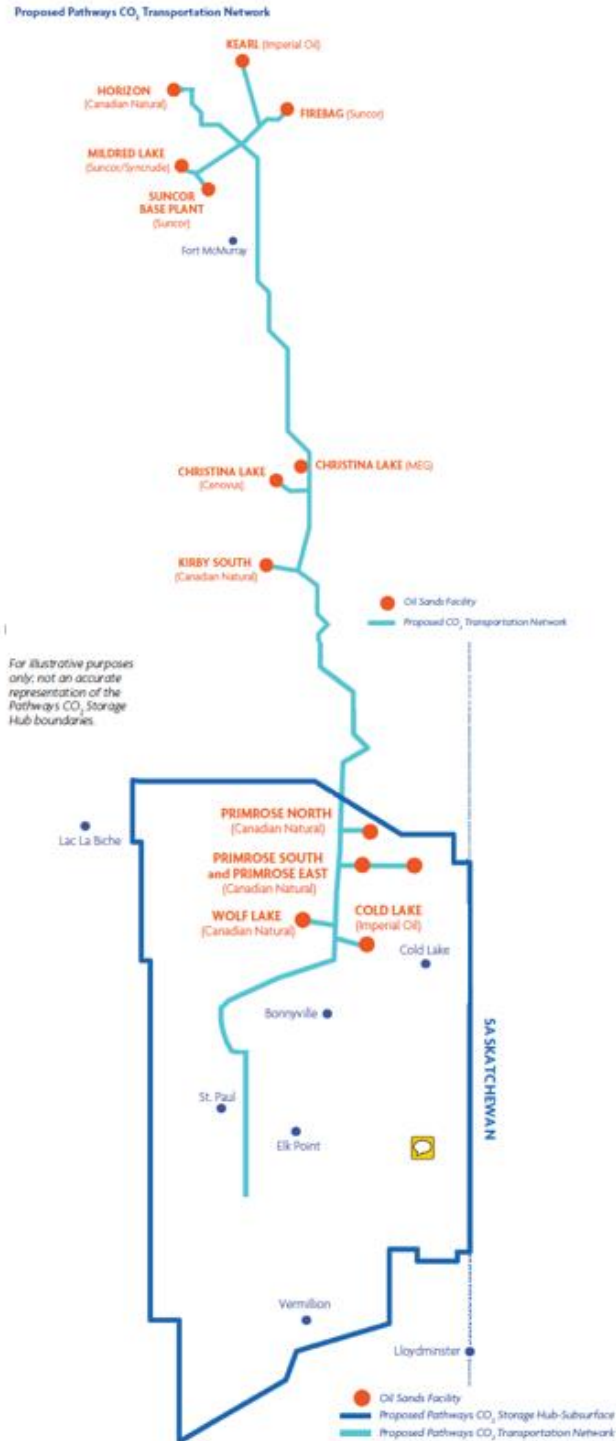


Figure 5: This figure presents a rough overview of the location and proposed routing for the Pathways CO₂ Transportation Network.¹⁴

¹⁴ Canadian Natural on behalf of Pathways Alliance, Pathways CO₂ Transportation Network and Storage Hub Project (August 2023), Project Overview.

With the limited information that BLCN has about the Pathways Project, identifiable risk arising from this untested technology include:

- Poisoning of animals, fish and human beings from unexpected releases from the storage area (unidentified natural fissures and suspended wells) or transmission pipelines;
- Induced seismic activity;
- Caprock fracture;
- Emergency response failures (e.g. vehicles cannot operate to evacuate in low oxygen environments in the event of a large scale release);
- Pressure and leakage into aquifers along with associated impacts to our lakes and rivers;
- Interference with other valuable subsurface resources, such as limitation on our ability to develop oil and gas resources within our Reserve boundaries.

The Pathways Project also carries other significant concerns. If approved, it will provide license to industry to continue to expand oil production. Expansion will lead to further cumulative effects on the ability of our members to exercise Treaty No. 6 rights in our traditional territory. The cumulative benefits to Canada, Alberta and industry of oil sands projects have amounted to trillions of dollars. By contrast, our members have borne the burden of unaddressed cumulative impacts and the taking up of lands, waters and resources without compensation or consent.

We view the Pathways Project as a transformational and novel project that may have novel and adverse impacts on our traditional territories and reserve lands, and which presents unique challenges due to its large scale and jurisdictional intersections. We do not yet know the extent of the impacts, nor do we feel the Crown or the Pathways Alliance fully understand the extent to which the Pathways Project may interfere with our traditional territories and reserve lands.

A regional assessment is critical to understand the cumulative effects and potential future impacts of the Pathways Project. In addition, and as previously mentioned, the approval of the Pathways Project has the potential to expand oil production and give unfettered license to industry to continue with oil and gas production.

5. Insufficient Cumulative Effects Management

The *Alberta Land Stewardship Act* (“ALSA”) is meant to be a tool to manage cumulative effects.¹⁵ On paper, the Land Use Framework and ALSA’s regional plans are part of the process for cumulative effects management.

¹⁵ *Alberta Land Stewardship Act*, S.A. 2009, c A-26.8 [**ALSA**].

Unfortunately, regional land use plans have largely stalled, and they do not sufficiently address the cumulative impacts that the BLCN experiences in our traditional territory. The few regional and subregional land use planning studies Alberta has undertaken to date do not seek to understand, assess, or address cumulative impacts on rights, culture, and way of life, despite BLCN's pleadings and requests that they do so.

For example, BLCN's traditional territory partly encompasses the Lower Athabasca Regional Plan ("**LARP**"). The development of LARP occurred through a process tightly controlled by the Government of Alberta, and the LARP has been thoroughly critiqued by the public, First Nations, and academics for various shortcomings, including:

- failing to include robust environmental management frameworks that would properly assess and manage cumulative environmental effects on Treaty rights;¹⁶
- failing to develop a mechanism to directly involve the public in final decision making (Alberta's regional planning processes are designed based on a top-down management approach);¹⁷
- failing to properly consider the overlap of development in different planning regions (with respect to BLCN specifically, it does not provide a sense of how BLCN's traditional territory is being impacted as a whole – rather, BLCN's traditional territory is segmented into different regions);
- including only limited and insufficient consultation with Indigenous peoples;¹⁸ and
- failing to meaningfully consider the exercise of Indigenous peoples' treaty rights and traditional land use in the context of the Jackpine Mine Expansion project's approval.¹⁹

This last-noted criticism prompted the First Nations in the region who opposed the project to apply under the ALSA for a review of the LARP. The findings of this review are communicated in the non-binding Review Panel Report 2015 (the "**LARP Review Panel Report**").²⁰ Based on publicly available information, it does not appear that the Government of Alberta has implemented, or even addressed, the criticism in the LARP Review Panel Report.

¹⁶ Review Panel, *Review Panel Report 2015: Lower Athabasca Regional Plan*, September 2012, online: <<https://open.alberta.ca/dataset/5c910acf-9e8c-46b5-b52d-60fc8bd2bbbd/resource/d9a6bff5-f9b5-45fe-81ed-a8de3492e271/download/2016-review-panel-report-2015-lower-athabasca-regional-plan-2016-06-22.pdf>> "LARP Review Panel Report".

¹⁷ Monique Passelac-Ross, Public Participation in Alberta's Land-Use Planning Process, *Canadian Institution of Resources Law*, online: <<https://ciril.ca/sites/default/files/teams/1/Resources/Resources112.pdf>>.

¹⁸ LARP Review Panel Report.

¹⁹ Joint Review Panel Report, Shell Canada Energy, Jackpine Mine Expansion Project, Application to Amend Approval 9756 (2013 ABAER 011), July 2013, online: <<https://iaac-aeic.gc.ca/050/documents/p59540/90875E.pdf>>.

²⁰ LARP Review Panel Report.

With development in the oil sands exponentially increasing, and the advent of concerning progress toward carbon storage within our traditional territory and in some instances under our reserve land, we are on the cusp of accelerated and unprecedented growth in BLCN's traditional territory.

6. Cold Lake Air Weapons Range

The CLAWR is enclosed within BLCN's traditional territory, spanning lands within both Alberta and Saskatchewan, and further demonstrates the critical position of the Agency in understanding and measuring the cumulative impacts of development.

For millennia, BLCN and its ancestors have used the area where the CLAWR now exists. In the early 1950s, the federal government created the CLAWR, and those Treaty rights were breached. BLCN people who depended on the land for sustenance, livelihood, and culture were forced to vacate the entire region. BLCN continues to be excluded from access to the CLAWR.

Under the 1986 Federal/ Provincial agreement governing access for oil and gas development on the CLAWR, CLAWR Range Control Safety and Coordination Team has been assigned the responsibility for coordination and granting of access to all persons involved in oil and gas operations and development activities on the CLAWR.²¹

The following companies with legal access rights to the CLAWR include:

- Cenovus Energy Inc.;
- Canadian Natural Resources Limited;
- Husky Energy;
- Bow River Energy;
- Enbridge Pipeline;
- Inter Pipeline Limited; and
- TransCanada Pipeline.²²

As BLCN has been prevented from engaging in traditional land use activities in the CLAWR, BLCN cannot fully measure or understand the impacts of development within the CLAWR. Accordingly, the Agency is uniquely positioned to measure the cumulative impacts of development within the CLAWR, and BLCN's traditional territory at large.

²¹ Range Control CLAWR, *CLAWR Policies and Procedures*, online: <<https://pdf4pro.com/view/clawr-policies-and-procedures-cfb-cold-lake-1ea319.html>> (CLAWR Policies and Procedures) at p. 2.

²² CLAWR Policies and Procedures at p. 6.

7. Initial Vision for Regional Assessment

Appreciating the iterative and collaborative nature of regional assessments, BLCN proposes the following vision for a regional assessment our traditional territory.

Scope: The regional assessment should focus on the Alberta portions of the BLCN's traditional territory (Fig. 1), with specific emphasis along the proposed Pathways Project Route (Fig. 5).

- Accelerated development is expected for the region, especially with the imminent Pathways Project, and much of this development likely to engage federal regulatory processes.

Type: The regional assessment should focus on data gathering and trend analysis, particularly with respect to impacts on Indigenous physical and cultural heritage, traditional land use, culturally important sites, and Aboriginal and Treaty rights.

- As it stands, there is little available information and data focusing on non-project-specific cumulative effects, or cumulative impacts more generally, in BLCN's traditional territory.
- There is also little available information about the Pathways Project, and the novel impact that it may have on BLCN's traditional territory.
- The region is extremely significant to BLCN, as we have used the region since time immemorial to hunt, fish, trap, harvest, and carry out other important cultural activities and continue to exercise constitutionally protected Aboriginal and Treaty rights in the region.
- BLCN has continuously and persistently raised concerns around the cumulative impacts of development on our rights, interests, and way of life in the region, including on account of agricultural development, forestry, transportation networks, and extensive (and ever increasing) oil and gas exploration and development.
- BLCN's concerns will only grow worse as the pace of development accelerates and new industrial activities are proposed in the region.

By conducting a regional assessment in the Alberta portion of BLCN's traditional territory, Canada would be able to improve the effectiveness and efficiency of the impact assessment process for other projects in the Athabasca oil sands and Cold Lake oil sands. Canada also has an opportunity to collect "baseline" information to understand the existing impacts within BLCN's territory and to make fully informed decisions about carbon capture and storage projects that have the potential for further radical transformation within BLCN's traditional territory. Every day that passes is

another missed opportunity to collect this baseline information, with the baseline continually, and exponentially, increasing. Data on the cumulative effects in BLCN's traditional territory and cumulative impacts on BLCN's rights would lead to more informed decision-making by the Crown. This is especially so given the potential of the projects to further cumulative impacts on the rights of BLCN.

8. Interested Indigenous Governments and Stakeholders

The Alberta portion of BLCN's traditional territory is home to other interested parties, including: Athabasca County, County of St. Paul No. 19, Lac La Biche County, Municipal District of Bonnyville No. 8, Municipal District of Lesser Slave No. 124, Municipal District of Opportunity No. 17, Smoky Lake County, Thorhild County and Wood Buffalo Regional Municipality. We would welcome their involvement.

In addition, numerous First Nations have expressed their concern with respect to the Pathways Project, including Cold Lake First Nation, Frog Lake First Nation, Heart Lake First Nation, Kehewin Cree Nation, Onion Lake Cree Nation, Saddle Lake Cree Nation, and Whitefish Lake First Nation. We would also welcome their involvement.

Further, BLCN is hopeful that the Province of Alberta will support and participate in the requested regional assessment as an interested provincial jurisdiction.

9. Conclusion

Canada is at an important crossroads with respect to the Alberta oilsands, either business continues as usual, or meaningful and long-term change to measure past effects and help mitigate future impacts. The Pathways Project poses unique and unprecedented environmental concerns, as well as the potential to increase oil and gas development in BLCN's traditional territory. The Agency is uniquely positioned to address the cumulative impacts that are occurring within BLCN's traditional territory, and the historic and continuing wrongs that have decimated northern Alberta's ecological landscape.

Time is of the essence, as development is occurring daily, and extraction is increasing.

BLCN implores the Minister to direct the Agency to conduct a regional assessment to:

1. Provide a more comprehensive understanding of the large-scale development that is expected in the region over the next 5-10 years, specifically including the Pathways Project;
2. Offer a baseline analysis for the environmentally sensitive areas in the region that will be impacted by the foregoing development;
3. Understand the numerous adverse impacts on the BLCN as Indigenous peoples; and

4. Inform future federal impacts assessments as it will provide a strong baseline upon which future development can be assessed.

We ask that you direct any correspondence to Darlene Paradis (consultation@blcn.ca).

We have also enclosed a Band Council Resolution authorizing this request on behalf of BLCN.

Yours Truly, 
<Signature removed>

Chief Gary Lameman

CC

Louise Kyle, JFK Law LLP

Karey Brooks, JFK Law LLP