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Our File: 4733

November 14, 2014

LARP Review Panel  
c/o Land Use Secretariat  
9<sup>th</sup> Floor, Centre West Building  
10035 – 108 Street N.W.  
Edmonton AB T5J 3E1

VIA EMAIL: LUF@gov.ab.ca

Dear LARP Review Panel:

**Re: Review of the Lower Athabasca Regional Plan  
Information Request #6**

We write on behalf of the Athabasca Chipewyan First Nation and further to the LARP Review Panel's October 28th, 2014 correspondence wherein it issued Information Request #6. In the said request the LARP Review Panel advised it sought clarifying information based on the Submission of the Athabasca Chipewyan First Nation's Request for Review of the Lower Athabasca Regional Plan. Specifically, the LARP Review Panel requested for the Athabasca Chipewyan First Nation to provide it with:

1. The Athabasca Chipewyan First Nation's definition of Traditional Use, and
2. A map outlining the Athabasca Chipewyan First Nation's Traditional Use Area.

**Traditional Land Use**

The Athabasca Chipewyan First Nation submits its traditional lands radiate north, east, west and south from the Peace-Athabasca Delta, including the Lower Athabasca River and lands to the south of Lake Athabasca, extending the lands around Fort McMurray and Fort McKay. However, it is important to note that the traditional lands is note defined in a manner that fits neatly within European patterns of land use and land holding.<sup>1</sup>

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<sup>1</sup> Dr. Pat McCormack: An Ethnohistory of the Athabasca Chipewyan First Nation at pages 108-139. [*Ethnohistory of the ACFN*].

Aboriginal land use and concepts of lands have been poorly understood by Europeans and Euro-Canadians. The Athabasca Chipewyan First Nation, with other Indigenous peoples, has been asked to identify boundaries where their legitimate interest in the land stop and start. Such boundaries are European constructions that not part of traditional Chipewyan land management practices, which are instead grounded in the understanding of the land as autonomous living being.<sup>2</sup>

At different times, the Athabasca Chipewyan First Nation have used tools such as maps and planning units or ones in an attempt to explain its use and occupation on its traditional lands in a manner that might be understood by non-Chipewyan decision makers.<sup>3</sup> For example, although *Footprints on the Land* attempted to explain the core areas of the Athabasca Chipewyan First Nation's traditional lands in part through the use of a map, which Shell has inappropriately relied upon to draw a regional study area for the assessment of the Jackpine Mine Expansion project, the author's of *Footprints on the Land* and the accompanying traditional land use study were careful to explain that

in the context of the large, nomadic territory likely occupied by the Chipewyan people and the context of the continually evolving culture and adaptation of these aboriginal people, it is inappropriate to speak of boundaries.<sup>4</sup>

Further, in an attempt to communicate its land use values in a manner which the government of Alberta's representative could understand, the Athabasca Chipewyan First Nation presented some its lands in the form of planning units in its submissions on the LARP. These Cultural Protection Areas/Zones include Homeland Zones – areas of critical importance to past, present and future practice of the Athabasca Chipewyan First Nation's rights within core traditional lands. Proximate zones are another type of Cultural Protection Area/Zone, which is relied upon for the practice of rights by the increasing number of the Athabasca Chipewyan First Nation members living in and around Fort McKay and Fort McMurray.<sup>5</sup>

The Athabasca Chipewyan First Nation have been clear that the planning areas/zones represented on the LARP maps are just that – planning areas/zones based on traditional use and other factors – subsets of the traditional lands, rather than definitive statements regarding the entirety of Athabasca Chipewyan traditional lands.

The traditional territory of the Athabasca Chipewyan First Nation is geographically defined by social networks. It did not in the past nor does it now have clear boundaries that can be surveyed. The use of maps by the Athabasca Chipewyan First Nation is for communication purposed with other governments and represents its good faith attempts to reconcile an Indigenous concept of territory that is broad in nature with a Euro-

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<sup>2</sup> *Ethnohistory of the ACFN* at pages 108, 110 and 115.

<sup>3</sup> Nih Boghodi: We are stewards of the land, April 2012.

<sup>4</sup> *Ethnohistory of the ACFN* at page 123.

<sup>5</sup> *Ethnohistory of the ACFN* at pages 178 – 183.

Canadian concept of territory that is intended to erect boundaries and confer restricted rights of ownership and use.<sup>6</sup>

Due to the inherent difficulties in defining and delineating traditional land use areas, the Athabasca Chipewyan First Nation provided the government of Alberta with a comprehensive vision, including concrete tools to achieve the vision, for how a regional planning process could consider and protect the Athabasca Chipewyan First Nation's Aboriginal and Treaty rights.<sup>7</sup> The document also provides information on the rights incidental to the Athabasca Chipewyan First Nation's Aboriginal and Treaty rights to hunt, trap, fish and gather and delineates "Cultural Protection Zones" that, if specifically managed, could contribute to the continued ability of the Athabasca Chipewyan First Nation members' to exercise their Aboriginal and Treaty rights. Further, in the said document, the Athabasca Chipewyan First Nation:

1. explains to the government of Alberta how the LARP conflicts with the protection of the Athabasca Chipewyan First Nation's Treaty rights and traditional use needs;
2. provides detailed feedback on how the LARP could be protective of its Treaty and Aboriginal rights; and
3. advises how the Athabasca Chipewyan First Nation had not been consulted with on critical questions that set the direction of the LARP process at the outset regarding regional priorities, assumptions, land-use conflicts and key land use questions.

Based on the applicability and relevance to Information Request #6, the Athabasca Chipewyan First Nation kindly requests for the LARP Review Panel to carefully review the above referenced document in its entirety as the information contained therein directly pertains to its information requests (including the map of the Cultural Protection Zones identified by the Athabasca Chipewyan First Nation). The Athabasca Chipewyan First Nation would also like to highlight for the LARP Review Panel the passage noted below that is contained in its advice to the government of Alberta:

From the outset, ACFN has consistently declared in their correspondence on LARP, that their utmost concern in respect of land use planning is to ensure that the meaningful practice of their Treaty 8 rights can be sustained for future generations. For the purposes of this submission, the Treaty Rights of ACFN are understood to include, but are not limited to, hunting, fishing, trapping and gathering for sustenance and livelihood purposes. The full practice of these rights reasonably includes, and is not limited to, access to sufficient lands and resources in which the rights can be exercised. "Sufficient" refers not only to quantity but quality, and is

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<sup>6</sup> *Ethnohistory of the ACFN* at page 125.

<sup>7</sup> *Athabasca Chipewyan First Nation Advice to the Government of Alberta Regarding the Lower Athabasca Regional Plan, Provided to the Land Use Secretariat*, dated November 22, 2013. [ACFN Advice to the GoA].

evaluated from the perspective of what is required to fulfill not only subsistence requirements, but also cultural needs, of the First Nation now and into the future. Determining what is “sufficient” encompasses a suite of interconnected tangible and intangible resources that underlie the meaningful practice of practice of rights. These “resources” include, but are not limited to: routes of access and transportation; water quality and quantity; healthy populations of game in preferred harvesting areas; cultural and spiritual relationships with the land; abundant berry crops in preferred harvesting areas; traditional medicines in preferred harvesting areas; the experience of remoteness and solitude on the land; feelings of safety and security; lands and resources accessible within constraints of time and cost; sociocultural institutions for sharing and reciprocity; spiritual sites; etc.<sup>8</sup>

Information provided herein is the most current available to ACFN, but is not complete due to lack of resources. Nothing in this submission should be construed as to waive, reduce, or otherwise constrain ACFN rights within, or outside designated cultural protection areas. ACFN reserves the right to amend, refine, or add to this document, and to its understanding of associated needs, at any time.<sup>9</sup>

A Traditional Land and Resource Use Management Plan (TRUP, see appendix 2), or similar land and resource use analysis and planning process, is critical to filling information gaps on the criteria, thresholds and indicators necessary to sustain Treaty 8 rights into the future. This information is required in order for any planning process to adequately assess and accommodate ACFN Treaty 8 rights. To date, the ACFN has not received a response from GoA regarding provision of resources for an identification of resources and requirements necessary for the practice of rights by ACFN members, although a few meetings have taken place.<sup>10</sup>

The Athabasca Chipewyan First Nation anticipates the government of Alberta stating that the extent of the Athabasca Chipewyan First Nation’s traditional lands is overly board to undermine the importance of the lands within the LARP boundaries. However, the Athabasca Chipewyan First Nation submits that the reduction of its relationship to its lands to a line on a map, or the square kilometres within said line, is overly simplistic and ignores the culture reality that different parts of traditional lands are relied on for different resources, at different times. It also ignores the Dene cultural reality that knowledge about the land is more than simply physical features that can be empirically discovered and charted.

Yours truly,

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<sup>8</sup> *ACFN Advice to the GoA* at page 1.

<sup>9</sup> *ACFN Advice to the GoA* at page 2.

<sup>10</sup> *Ibid.*

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Melissa Daniels

MD/bb

Enclosures     *Nih Boghodi: we are stewards of our land* (April 2012)  
Dr. Patricia McCormack, *An Ethnohistory of the Athabasca Chipewyan First Nation*  
*Athabasca Chipewyan First Nation Advice to the Government of Alberta Regarding the Lower*  
*Athabasca Regional Plan, Provided to the Land Use Secretariat, dated November 22, 2013.*

cc                 ACFN Chief and Council  
Lisa King  
Doreen Somers  
Witek Gierulski: counsel to the government of Alberta  
Keltie Lambert: counsel to Cold Lake First Nation  
Mark Gustafson: counsel to Mikisew Cree First Nation  
Wallace Fox: Chief of Onion Lake First Nation  
Tarlan Razzaghi: Counsel to Fort McKay First Nation and Chipewyan Prairie First Nation  
Will Randell  
Jodie Hierlmei