

December 1, 2014

TO: J. Gilmour, Chair, LARP Review Panel

FROM: Cold Lake First Nations ("CLFN")

RE: Reply to GOA's Response to Information Request No. 5 ("IR#5) and Request for Information Contained Therein to Remain Confidential pursuant to Rule 46

Thank you for the opportunity to respond to Alberta's Response to Panel Information Request No. 5.

We share the observation of many of the other First Nations involved in this Review that Alberta's answers to the Panel's information request appear non-responsive to the questions posed. IR# 5 requested that Alberta provide information to the Review Panel on traditional land use, including maps, if available for each applicant First Nation to determine if there are shared or overlapping traditional land use areas in relation to the following types of areas or regions:

- Conservation Areas;
- Recreation and Tourism Areas; and
- Lakeland Country Iconic Tourism Destination

a) Alberta's Response Is Non-Responsive

CLFN interpreted this request as a request for a comprehensive map containing all of these elements in order to facilitate the Panel's understanding of the issues raised by the First Nations Applicants. Most, if not all, of the First Nations Applicants' submissions have raised concerns that the LARP does not adequately plan for the continuing exercise of their communities' Treaty and Aboriginal Rights and that this concern is amplified because the only areas available for the exercise of rights (which are inadequate in size and location) must be shared between a number of other aboriginal communities.

In CLFN's view, it is telling that no such comprehensive map exists. The failure of Alberta to collect and map TLU data from all of the aboriginal communities within LARP further demonstrates Alberta's failure to meaningfully consider traditional land use information in the development of LARP.

b) Alberta's Response is Incomplete

CLFN was surprised to receive a copy of Map #3 from Alberta (the geodata map) as such a map has not been previously disclosed to CLFN as part of any ongoing project specific consultation process. It is not clear to CLFN why the map was prepared in the manner chosen by Alberta or how it has been used by Alberta (if at all). As acknowledged by Alberta, the map is "not a comprehensive representation of traditional land use". In CLFN's submission, the "data" contained on the map is potentially misleading as most information related to CLFN's TLU is not included. Rather, what is included is a random collection of "interactions" with Fish and Wildlife Officers in Alberta's designated Wildlife Management Units. Having no ability to review Alberta's methodology and no ability to interpret this information in any context, it is entirely unclear what use can be made of this map.

CLFN wonders why Alberta has chosen to map this limited information when it has received a vast amount of TLU information from CLFN over the years, including archaeological reports (for locations around Cold Lake and Burnt Lake for example), traditional land use reports for specific projects, expert reports regarding cumulative impacts of land use and information submitted in Statements of Concern and multiple environmental impact assessments ("EIA's") for projects which have been approved by Alberta Environment and Sustainable Resource Development over the past decade. These reports invariably speak to the Nation's concerns with the cumulative impacts of development, the imposition of parks and recreation areas and concerns with declining ability to exercise their Treaty and Aboriginal Rights. Various levels of TLU information are provided in the Reports from higher level cumulative impacts to site-specific historic resources and traditional land use features. Notably, Alberta's response includes none of this information.

Again, CLFN interprets the failure of Alberta to include any of this information in its Response (or in its mapping exercises) as demonstrative of its failure to review, meaningfully consider or integrate any of CLFN's TLU information into the LARP.

c) Confidentiality under Rule 46

CLFN agrees with Alberta's request that the maps contained provided as part of Alberta's Response be kept confidential.