

December 12, 2014

LARP Review Panel
c/o Land Use Secretariat
9th Floor, Centre West Building
10035- 108 Street NW
Edmonton, AB T5J 3E1
VIA EMAIL

Dear Panel Members:

RE: Response to Information Request No. 11

On November 27, 2014, the Lower Athabasca Region Plan (LARP) Review Panel issued Information Request No. 11 to the Government of Alberta (GoA). The below response is that of the GoA to this Information Request No. 11.

As noted by the Chair of the Review Panel in Information Request No. 11, the Review Panel must adhere to Rule 28 of the *Rules of Practice for Conducting Reviews of Regional Plans* (Rules) in seeking clarifying information. This Rule provides that the Panel may request such further information necessary “to permit a full and satisfactory understanding of the matters in the review.”

It is obvious on the face of Information Request No. 11 that it relates directly to the responses provided to Information Request No. 4 by the GoA on November 14, 2014.

Therefore, Information Request No. 11 is improper as it does not relate in any way to any of the matters in the review raised by any of the Applications for a Review of LARP.

Further, the Panel is limited in its jurisdiction to reporting to the Minister as to whether the Applicants are directly and adversely affected by the content of specific, identified provisions of LARP.

A review of the initiatives and organizations mentioned in the GoA response to Information Request No. 4, and the supporting material, including “Connecting the Dots: Progress Highlights” is far beyond the Panel’s limited jurisdiction. Therefore, the information requested in Information Request No. 11 is not potentially relevant within the meaning of Rule 29(c). As an example, it is implausible that the details of steps being taken to support young Aboriginal Albertans to be successful in school could have any impact on or relationship to whether the Applicants are adversely affected by the content of specific provisions of LARP.

The GoA is further concerned, based on the preamble to Information Request No. 11, that the Panel has already closed its mind both to the jurisdictional issues raised by the GoA with respect to the ultimate matter before the Panel and with respect to any and all future jurisdictional issues that the GoA may raise in relation to any further information requests.

Indeed, the preamble of Information Request No. 11 pre-judges and apparently rejects all future objections by the GoA by indicating that the Panel has considered the GoA's objections to previous Information Requests and has decided that 1) it has jurisdiction to proceed with this information request and 2) the GoA is no longer afforded the options expressly set out under Rule 31 and must provide a full and adequate response.

However, this request contains different questions than previous information requests, with different issues as noted above. Further, Rule 31, upon which the Panel relies, provides clearly that for each information request the party receiving the request has the opportunity to either respond with a full and adequate response or may provide reasons why the information cannot be provided. It is only the Minister who can vary or dispense with the Rules, where considerations of fairness so require. Removing an expressly available option for only one party to this matter would not be in the interests of fairness.

In any event, in the interests of being as transparent and supportive of the Panel's process as possible, the GoA has provided the below information in response to the Panel's Information Request No. 11.

1. **Request from Panel:** In your response to Information Request No. 4 paragraph 8, page 5 concerning the issue of traditional knowledge in Aboriginal communities, you refer to the "Cumulative Environmental Management Association" (CEMA). Traditional Knowledge Working Groups who are in the process of developing a Traditional Knowledge Framework. Could you please provide the following information:

- Who chairs this group?
- What First Nations have participated in this Group?
- How many First Nations are still remaining in the Group?
- What is the Groups mandate?
- When is the Framework due to be submitted to the GOA?
- When the Framework is complete, how is it intended to assist both the GOA and the First Nations communities?

Response:

- Chair of Group

This group is currently co-chaired by two Metis organizations and Environment and Sustainable Resource Development.

- First Nation participants

The First Nation participants in this working group are as follows:

- Athabasca Chipewyan First Nation
- Mikisew Cree First Nation
- Fort McKay First Nation

This working group also engages with the Fort McMurray First Nation.

- Mandate of Group

The CEMA Traditional Knowledge (TK) Working Group was established to promote the inclusion of traditional knowledge with CEMA and its work. This group's goals are to ensure meaningful Aboriginal input in environmental management frameworks and recommendations to government and hence to ensure the land, forest, air, water, wildlife and biodiversity in the Regional Municipality of Wood Buffalo will be protected and reclaimed for long term sustainability.

- Timing of Framework

The TK Framework should be ready for each of the First Nation, industry and non-governmental organization representatives involved to ratify the document for presentation to, and approval by, the Government of Alberta by September 2015.

- Framework's assistance to the GoA and First Nations Communities

The Framework document will be presented to the GoA as a recommendation. The Framework is anticipated to provide guidance and standards for meaningful inclusion of Aboriginal traditional knowledge and Aboriginal knowledge-holders in regional planning, regulatory processes and environmental assessment, and monitoring and follow-up. A successful TK framework may be a major step toward protecting Aboriginal communities' rights and values, and improving environmental outcomes, regulatory certainty and public trust regarding critical environmental decisions and processes that affect the region.

2. **Request from Panel:** In the document provided "Connecting the Dots: Progress Highlights" published in October 2013, it states that the Aboriginal Workforce Strategy Steering Committee, which was assembled in 2012, established the nine strategies in the document. Could you please provide the following clarification:

- Are any of the Applicant FN's on this Steering Committee?
- Who chairs this Committee? Who sits on the Committee?
- As a result of these strategies, has the unemployment rate for Aboriginal peoples improved this past year?
- What significant steps are being taken "to support young Aboriginal Albertans to be successful in school and the workplace".

Response:

- Membership of Committee

Currently, the Aboriginal Workforce Strategy Committee is chaired by Alberta Jobs, Skills, Training and Labour with representatives from the following:

Government of Alberta committee representatives:

- Jobs, Skills, Training and Labour
- Aboriginal Relations
- Innovation and Advanced Education
- Human Services
- Education
- Culture

Aboriginal Group representatives:

- The Confederacy of Treaty Six First Nations
- Métis Settlements General Council
- Treaty 7 Management Corporation
- Treaty 8 First Nations of Alberta
- Rupertsland Institute
- Oteenow
- Aseniwuche Winewak Nation of Canada

Non- Profit/Voluntary Sector

- Calgary Urban Aboriginal Initiative
- Alberta Urban Municipalities Association

Industry representatives:

- Enbridge

Government of Canada representatives:

- Service Canada
- Health Canada
- Aboriginal Affairs and Northern Development Canada

- Strategy results regarding unemployment rates for Aboriginal peoples

As noted in "Connecting the Dots: Progress Highlights" the Aboriginal Workforce Strategy Committee did not establish nine strategies but rather identifies nine strategic priorities. One of those strategic priorities was to develop an Aboriginal Workforce Strategy. This strategy is expected to be released later this spring of 2015.

- Significant steps to support young Aboriginal Albertans

The GoA has a range of initiatives to assist young Aboriginal people in succeeding in school and the workplace, including the following:

- Northern Alberta Apprenticeship Initiative
- Labour market information and training programs
- Aboriginal economic development
- Aboriginal Entrepreneurship
- Internet connectivity in Aboriginal communities in Alberta
- Alberta Aboriginal Training and Jobs on Social Media (launched on Facebook - Jan. 31, 2013)
- Web resources for Aboriginal Peoples (launched)
- Summer camps in partnership with industry
- Driver's Training
- Memorandum of Understanding for First Nations Education in Alberta Long Term Strategic Action Plan (Draft MOU approved September 24, 2013, with all parties agreeing to move forward on work to implement the plan.)

Conclusion

The GoA reiterates that the information requested in Information Request No. 11 is not within the Panel's jurisdiction to consider or is otherwise inappropriate as noted above.

However, in the interests of assisting the Panel's process, the GoA has provided the above responses to the requests contained in Information Request No. 11.

Yours truly,



Lisa Semenchuk
Barrister and Solicitor