

Aboriginal Input on the Provincial Land Use Framework Initiative

Summary Report

Prepared by: Alberta Aboriginal Affairs and
Northern Development - November, 2006



FIRST NATIONS FEEDBACK

*Initial Phase of Consultation on the Land Use Framework
Issues, Outcomes, and Attributes*

Report prepared by Alberta Aboriginal Affairs and Northern Development
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First Nations Perspective

Summary of Feedback Collected on the Initial Phase of Consultation on the Land Use Framework

INTRODUCTION

As part of the Government of Alberta's initiative to develop a province-wide Land Use Framework (LUF), First Nations and stakeholders were invited to participate in the initial phase of consultation to identify potential issues to be addressed, outcomes to be achieved, and attributes of the proposed LUF.

Within the context of The Government of Alberta's First Nations Consultation Policy and Guidelines, the Aboriginal Consultation Coordination Group (ACCG) was tasked with coordinating and facilitating an initial session with First Nations intended to parallel the Stakeholder and Elected Municipal Official Focus Groups.

Within Alberta, there are 47 First Nations, ten Tribal Councils and three Treaty organizations. For this stage of the consultation, letters of invitation were sent to existing advisory groups and consultation contacts at the treaty and tribal levels as per current communication protocols. This included First Nations representatives on the Joint Technical Team for Treaty 8, the Protocol Working Group for the Athabasca Tribal Council, Treaty 7 Management Corporation, and the Treaty 6 Confederacy Office. The invite was to participate in a half-day session or send written comments on the same three questions used at the stakeholder and municipal focus groups. The questions were:

1. What are the key issues you would like to see addressed by a province-wide Land Use Framework?
2. What are the key outcomes you would like to see achieved by this Framework, and how might we achieve those outcomes?
3. What would you recommend as the key attributes or principles for a province-wide Land Use Framework?

BACKGROUND AND CONTEXT

In The Government of Alberta's First Nations Consultation Policy on Land Management and Resource Development, Alberta acknowledged its duty to consult First Nations where land management and resource development on provincial Crown land may infringe First Nations rights and traditional uses. Although the Land Use Framework is expected to be a policy document and not directly infringe any First Nations treaty rights, Alberta has, and will continue to encourage First Nations to fully participate in consultation on the Land Use Framework.

Alberta and First Nations have been discussing land management issues for several years. In general, First Nations view decisions about Crown land as critical to their ability to exercise their treaty rights and traditional uses and have demonstrated a long standing interest in participating in those decisions. With this in mind, the timing of the invitation to participate in this phase of the Land Use Framework consultations unfortunately coincided with some critical milestones in Government policy development that may have impeded the ability or readiness of First Nations to participate. More specifically, Alberta publicly released The Government of Alberta's First Nations Consultation Guidelines on Land Management and Resource Development on September 1, 2006. On September 14, 2006, 23 of 47 Chiefs signed a resolution to reject Alberta's Consultation Guidelines. All parties have agreed to continue the dialogue on the Guidelines, however the limited participation of First Nations in Land Use Framework discussions is inextricably linked to the release of the Guidelines.

FEEDBACK FROM FIRST NATIONS

One meeting was held with representatives from Treaty 8 and Grand Chief Arthur Noskey also sent a general letter to Minister Pearl Calahasen regarding consultations on the Land Use Framework. The specific input included here is representative of the comments received at the meeting and in the written correspondence. However, Alberta acknowledges that this issue is of paramount importance to First Nations and will continue to seek feedback from First Nations as the development of the Land Use Framework progresses.

Two key issues identified in written correspondence by Treaty 8 were cultural sustainability and economic sustainability.

As the Crown "takes up" Treaty 8 land for resource development, the Crown will maintain an environment within those Treaty 8 lands "not taken up" that can support ongoing traditional use activities of First Nations peoples.

As the Crown allocates resources within Treaty 8 lands for development, the Crown allocation processes used, and the actual patterns of resource allocation achieved through these processes have the result that First Nations peoples receive "equitable economic benefit" in relation to ongoing resource development activities within their traditional territories.

Question #1: What are the key issues that you would like to see addressed by a province-wide Land Use Framework?

- Treaty 8 FN requested GOA to ensure as they take up lands and resources for development that they maintain an environment within Crown lands not taken up that can support ongoing traditional use practices of T8FN peoples within their traditional territories.
- T8FN have the legitimate expectation that as the GOA takes up land and resources for development the processes used for allocation and the actual patterns for allocation will result in equitable economic benefit for T8FN within their traditional territories.
- First Nations should be involved in conversion of Crown land to white zone.
- Treaty 8 have identified the need for a class Environmental Impact Assessment related to multiple cumulative impacts of heavy oil, infrastructure and industrial development that would have to address ecological, economic and social impacts. This type of EIA could form the basis for the LUF.
- T8FN role is facilitative: “first drafts” tend to be too firm and the timeframe may be too short to gather input.
- Alberta should provide any informative documents on land use planning to T8FN to provide background technical input/ideas that may assist First Nations to accurately and effectively participate in this process. (e.g. key documents that may help give insight to the LUF) First Nations need to be properly informed and equipped on these issues.
- Background information would be helpful in providing good feedback. It is also critical in involvement of field staff to help with timelines.
- Would like to see ministries and First Nations representatives work more closely together on information sharing to help with limited First Nations capacity.
- Need the proper GOA mandate to implement the final LUF.
- Ultimately, First Nations are partners with the GOA.

No other feedback was received from First Nations on the outcomes or attributes of a successful land use framework.

IN CONCLUSION

The feedback received and presented in this report was preliminary and First Nations have made it clear they are interested in participating in further consultations on the development of a Land Use Framework.

Alberta will continue to work with First Nations to identify opportunities to participate in further discussions on the Land Use Framework.