

September 18, 2014

VIA E-MAIL

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

Dear Sir/ Madam:

**Subject: LARP Review Panel Information Request No. 2
(Our File: #7900-10-33)**

On September 3, the Lower Athabasca Regional Plan (LARP) Review Panel issued an information request. The Government of Alberta (Crown) objects to the information request on the basis that the information requested:

- is already in the Panel's possession;
- does not exist;
- may be in the Crown's possession but cannot be provided;
- if it exists, the Applicants are best placed to provide it; or
- relates to matters outside of the Panel's jurisdiction.

In response to the components of the Information Request, the Crown submits as follows:

Part 1 of the Information Request

- a) The map on page 92 and 93 of the LARP already shows the LARP-designated new Conservation Areas and LARP-designated additions to existing Conservation Areas (see numbered and lettered items in the map legend). This requested information is already in the Panel's possession.
- b) The LARP does not designate any "historical resource sites". The LARP (page 22) merely mentions that some such sites have been identified to date under the applicable Act (being the *Historical Resources Act*) and more may be identified in the future. The requested information therefore does not exist.
- c) The Crown does not regulate, designate, or set aside "traditional use areas" for any particular First Nation. To that extent, the requested information does not exist.

Outside the LARP process, the Crown has had discussions with First Nations throughout the province regarding the geographic area where the Crown has information indicating where a First Nations' members hunt, fish, or trap. As part of those discussions, the Crown has invited First Nations to comment on the Crown's information and to provide new or additional information. First Nations involved in that process were informed that the Crown will not be disclosing information exchanged during those discussions to other First Nations or publicly, without the consent of the FN to which it relates. In that light, Crown is unable to provide that information to the Panel.

In the process leading up to LARP enactment, some of the Applicant First Nations may have submitted information pertaining to "traditional use areas", although not necessarily using that term. Some of that information may have been submitted as part of the Applicants' review requests. If the Panel wishes to be informed of what a particular Applicant First Nation currently considers to be "traditional use areas" within the meaning intended by the Panel, then the Crown suggests that the Applicants are best placed to provide such information, as with the information request made by the Panel to Onion Lake Cree Nation.

Part 2 of the Information Request

As noted in the Crown's response to the Applicants' review requests, 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. The Panel's role is not to review the process leading up to LARP enactment, such as to inquire what the Crown may or may not have contemplated prior to LARP enactment.

In any event, the Crown's views in relation to the submissions made by First Nations and how those concerns are addressed in LARP are outlined in the Response to Aboriginal Consultation on the Lower Athabasca Regional Plan documents¹ already referenced in the Crown's response to the review requests.

Conclusion

For all the above reasons, the Crown objects to the information request of the Panel and will not be providing the information as requested.

Sincerely,



Witek Gierulski
Barrister and Solicitor

/gs

¹ *Response to Aboriginal Consultation on the Lower Athabasca Regional Plan*, printed June 2013, ISBN. 978-1-4601-0456-9 (Online Version), available on the Land Use Secretariat website at <https://landuse.alberta.ca/LandUse%20Documents/Response%20to%20Aboriginal%20Consultation%20on%20the%20Lower%20Athabasca%20Regional%20Plan%20-%202013-06.pdf>