

January 5, 2015

LARP Review Panel
c/o Land Use Secretariat
9th 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 Lower Athabasca Regional Panel
Information Requests 9 and 11 Issued to the Crown**

We write on behalf of Chipewyan Prairie Dene First Nation (“CPDFN”) in reply to the Crown’s response to Information Request #9 (IR 9) and Information Request #11.

Panel’s Jurisdiction to Issue IR 9

We disagree with the Crown’s comments on the Panel’s jurisdiction to issue IR9 and as stated before, the Crown’s narrow interpretation of the Panel’s limited “jurisdiction” in conducting this review of LARP. As stated in CPDFN’s Application for a Review of LARP, CPDFN has requested a review of LARP in its entirety as the plan as a whole fails to address or protect CPDFN’s rights and interests (Application App Letter to Minister). As submitted in CPDFN’s Reply to the Crown’s Response to its Application of August 25, 2014, the Panel has such jurisdiction upon the correct statutory interpretation of the *Alberta Land Stewardship Act*. In particular, the Panel’s review is to determine whether the regional plan meets the purposes and objectives of the Act, which includes respecting and not infringing on rights and interests and meeting the reasonable foreseeable needs of current and future needs of Albertans, including aboriginal peoples (ALSA at s.1). Therefore, contrary to the Crown’s view, we submit that the Panel has the requisite jurisdiction to issue IR9, including seeking information and clarification on how the LARP functions as a whole and how the Crown is meeting its obligations under LARP. This includes a review of the initiatives and organizations referenced in the content of LARP and its 2013 Progress Report.

We disagree with the Crown that because IR9 relates to responses to Information Request #4, it is improper. We confirm that the concerns raised in our letter of November 14, 2014 were not to raise an issue with the Panel’s jurisdiction to issue IR9 but to ensure the parties’ expectations with respect to the review process were met. Both Information Request #4 and IR9 relate to the matters raised by CPDFN’s Application for a Review of LARP, notably, the prioritization of oil

sands development in the region without any measures to address, consider or protect CPDFN's treaty and aboriginal rights and traditional land use. The Crown's response to IR9 confirms this.

CPDFN disagrees with the Crown's position that the Panel has somehow denied it the rights granted by Rule 31 of the *Rules of Practice for Conducting Regional Reviews*. Rule 31 does not grant the Crown the right to deny providing a response to an information request issued because of its own interest and views of the Panel's jurisdiction. Rather Rule 31 allows the Crown to provide reasons for why the information *cannot* be provided. This contemplates situations in which the information request is actually not available or protected by some kind of privilege.

Crown's Response to IR9

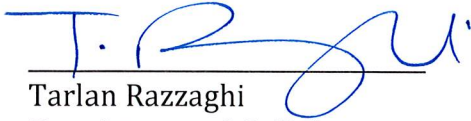
CPDFN submits that the Crown's response to IR9 again confirms that LARP as a whole does not respect or protect CPDFN's rights and interests, including its treaty rights and aboriginal rights, traditional land use and use of enjoyment of its Reserves lands, in particular:

- Irrespective of the completion dates of the frameworks established by LARP, LARP establishes no triggers and limits for CPDFN's treaty and aboriginal rights and traditional land use;
- The existing frameworks on air and water quality have not been developed in reference to CPDFN's health and needs for the continued exercise of treaty and aboriginal rights and traditional land use;
- LARP relies on Alberta's reclamation standards that fail to consider the needs of aboriginal and treaty rights and traditional land use irrespective of when a progressive reclamation strategy is developed;
- Irrespective of any monitoring being implemented, which CPDFN submits is inadequate, without monitoring of values intended to measure the needs of CPDFN's treaty and aboriginal rights and traditional land use, to be incorporated into project assessment and approval, monitoring fails to protect CPDFN's rights.

Panel's Jurisdiction to Issue Information Request #11

With respect to the Crown's argument that the information request is beyond the Panel's jurisdiction, we again submit that the Panel has broad jurisdiction to determine whether LARP meets the purposes of the *Alberta Land Stewardship Act*, which includes respecting and not infringing on rights and interests and meeting the reasonable foreseeable needs of current and future needs of Albertans, including aboriginal peoples (ALSA at s.1). Therefore, the Panel's complete and thorough understanding of the implementation of LARP and the content of LARP as it relates to aboriginal peoples is within its jurisdiction.

Sincerely,



Tarlan Razzaghi
Barrister and Solicitor

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