



December 14, 2011

Joint Review Panel  
Enbridge Northern Gateway  
444 – 7<sup>th</sup> Avenue SW  
Calgary, Alberta  
T2P 0X8

Anne-Marie Erickson  
Secretary to the Joint Review Panel

Dear Madam,

**RE: Michel First Nation Traditional Land Use Study  
and  
Evidence for Consideration at JRP Hearings  
Proposed Enbridge Northern Gateway Pipeline (“Project”)**

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I am writing as the acting Chief, on behalf of the Council and Membership of the Michel First Nation (MFN) to raise the following concerns for consideration with the Joint Review Panel regarding the above-mentioned Project:

1. Project effects on MFN traditional land use and Section 35 rights have not been adequately assessed;
2. The TLUS completed by MFN for the Project has not been used or responded to by Enbridge Northern Gateway; and
3. MFN has not been consulted properly or treated equitably by Enbridge Northern Gateway.

Enbridge Northern Gateway did not consult with MFN prior to 2009, despite initiating Aboriginal consultation efforts for the Project in April 2002. Since the fall of 2009, MFN has requested Enbridge Northern Gateway to meaningfully consult with the Nation, and to identify

the potential adverse effects (including direct, indirect and cumulative) resulting from the Project on traditional use of lands and resources by MFN, as well as potential impacts on existing MFN Section 35 rights and interests. This has not occurred.

Further information regarding each of MFN's concerns with the Project is provided below.

1. The Project Environment and Socio-Economic Assessment (ESA), filed May 2010 by Enbridge Northern Gateway, does not contain any information related to MFN use of land and resources, or an assessment of Project adverse effects on MFN Section 35 rights or interests.

MFN did not have the opportunity to influence the scoping and assessment of issues, including identification of Valued Environmental Components and Key Indicators or the assessment methodology used by Enbridge to identify effects to TLU and Section 35 rights. These deficiencies in the ESA were highlighted to Enbridge Northern Gateway on numerous occasions but have not yet been rectified.

MFN went to considerable lengths to provide comments to the CEA Agency and Enbridge Northern Gateway on the May 2010 Project filing and the approach taken by Enbridge Northern Gateway to Aboriginal Consultation and the assessment of effects to TLU and Section 35 rights. These comments included the following:

- Enbridge Northern Gateway's use of multi-stakeholder groups (called Community Advisory Boards) as vehicle for Aboriginal consultation is an inappropriate approach for Aboriginal consultation;
- Enbridge Northern Gateway's reliance on biophysical component assessments for identification of effects on Traditional Use, rather than assessing traditional land and resources as a valued component in the ESA;
- Traditional Land Use Studies as a stand-alone document for the identification of effects by Aboriginal groups; and
- Lack of differentiation by Enbridge Northern Gateway between "issues and concerns" expressed by Aboriginal Groups and "potential adverse effects" to traditional land use and Section 35 rights resulting from the Project.

It has been the strategy of Enbridge Northern Gateway to focus primarily on considering the potential adverse effects on the underlying biophysical environmental components

only when assessing effects to TLU and Section 35 rights. This approach is inherently flawed and it is the opinion of the MFN that this does not identify the potential impacts of the Project on “socio-Aboriginal interests including asserted and proven Aboriginal rights and treaty rights; socio-economic matters including traditional land and resource use, social and cultural well-being” that is required by the Joint Review Panel. At minimum, it is our opinion that EA methodology used by Enbridge Northern Gateway is inadequate for the following reasons:

- Assessment methodology may determine, for example, no significant impact to a wildlife population when animals are displaced from a project area. However, wildlife displacement could adversely impact hunting activities if our people can no longer hunt close enough to home to make the activity viable;
- Methodology also does not address the fact that even if plants or animals have returned to an area that was disturbed by project activities, those resources may not be seen as usable or desirable by MFN members (proximity to development or disturbed lands is sometimes understood to contaminate or reduce the effectiveness of plants and animals harvested for traditional purposes);
- Use of biophysical VECS does not address impacts to Aboriginal cultural/spiritual sites, travel routes, or habitation sites. Some of these sites may be addressed in the ESA as heritage resources but others will not. Even if sites are addressed in the ESA, the frequently applied archaeological mitigation of site excavation may not be acceptable to Aboriginal groups;
- Use of biophysical VECs to assess impacts to TLU and Section 35 rights does not address Project effects to land access required to engage in traditional activities;
- Use of biophysical VECs to assess impacts to TLU and Section 35 rights also fails to consider indirect Project effects on social, cultural and economic aspects of land use activities (such as language, transmission of culture, community well-being, livelihood, etc.)

Michel First Nation also contends that Proponent funding of TLUS conducted by individual Aboriginal groups is not sufficient to achieve the assessment of effects to TLUS and Section 35 rights. To achieve this assessment, the information from the Proponent-funded TLUS must then be integrated and used *by the Proponent* in the ESA to identify adverse effects resulting from the Project.

MFN has repeatedly informed Enbridge Northern Gateway that a Traditional Land Use Study should not be used as a stand-alone assessment tool for the identification of adverse effects to either traditional use or Section 35 rights. A Traditional Use Study can identify baseline information regarding land use areas and resources; the study can identify the opinions of study participants concerning their issues and concerns related to industrial development, and; can be used as a basis for assessment when integrated into the broader environmental assessment. However, concerns identified by individual participants are not the same as identified Project effects and a Traditional Land Use Study cannot be used as a substitute for the identification of adverse effects on TLU activities; to do so is an inappropriate use of the Report.

2. *The Michel First Nation Traditional Land Use Study, August 2010* (“TLUS”) was completed by MFN and provided to Enbridge Northern Gateway on August 30, 2010 for use and integration into the ESA for the purposes of identification of potential adverse effects to MFN Section 35 rights and interests. To date, MFN has not received any confirmation or seen any evidence as to how the completed MFN TLUS was used by Enbridge Northern Gateway in the Project ESA. The Record of Communication compiled by MFN (and included in this submission) illustrates Enbridge Northern Gateway’s lack of attention to the completed TLUS since August 2010. Further, none of the Project information filed by Enbridge Northern Gateway subsequent to May 2010 contains an assessment of effects to MFN Section 35 rights and interests as required by the JRP. Instead, Enbridge Northern Gateway used the original Application conclusion of ‘no effect’ to the underlying biophysical components resulting from the Project to determine effects to MFN traditional land use and Section 35 rights.

MFN’s TLUS was available for use by Enbridge Northern Gateway since August 30, 2010. Contrary to repeated requests by MFN to Enbridge Northern Gateway to use and integrate the completed TLUS into the ESA, Enbridge has not used MFN’s information in the Project assessment. On October 5, 2011, Enbridge made the statement that “information from the TLUS *will be used as appropriate in Project planning* and will be available for consideration by the JRP as it reviews the Project.” Given the treatment of the MFN TLUS information since it was provided to Enbridge Northern Gateway, MFN has no confidence that this will occur.

Michel First Nation representatives have repeatedly communicated with Enbridge Northern Gateway representatives over the past year to request a meeting to discuss

the treatment of MFN Traditional Land Use study information in the Project ESA, to no avail. A Technical Meeting between Enbridge Northern Gateway and MFN representatives on October 18, 2011 did not address this outstanding issue.

It is clear that at no time has Enbridge Northern Gateway identified what potential adverse effects to the exercise of MFN existing Section 35 rights may result from the Project based on the land and resource use information contained in MFN's TLUS.

3. Michel First Nation maintains it has not been treated equitably by Enbridge Northern Gateway as compared with other Aboriginal Groups potentially affected by the Project. Firstly, Enbridge failed to identify Michel First Nation as a potentially affected Aboriginal Group and the Nation was therefore not involved in any environmental assessment activity completed for the Project and used in the application. Secondly, Enbridge Northern Gateway failed to provide capacity funding for MFN involvement in the consultation process. As MFN receives no capacity funding from either federal or provincial government, this places MFN at an extreme disadvantage in the consultation process. Thirdly, Enbridge Northern Gateway provided substantially less funding to MFN than was provided to neighbouring First Nations for the conduct of a project-specific Traditional Land Use Study. MFN requests clarification what is meant by Enbridge in their response to MFN Information Request No. 1:

“The agreed upon amount was comparable to amounts provided for similar studies with other group with *similar characteristics*.”

Subsequent to the original filing of May 2010, Enbridge Northern Gateway information filed with the JRP specific to MFN includes Update to Sec. 52 Volume 5A, Section 5 (dated June 2011) and Enbridge Northern Gateway's response to MFN IR No. 1 (filed October 5, 2011). Neither of these filings contain substantive responses to MFN requests for information or identification of effects. Finally, the Enbridge Northern Gateway document “Attachment Michel FN IR 1.1.6” which is purported to be a communication record “table that covers the period from August 2009 to September 7, 2011” is in fact a single letter from the MFN dated October 29, 2009. This letter is not the entirety of communication between Enbridge Northern Gateway and MFN; the complete communication record kept for the Project by MFN has been included with this submission.

Michel First Nation looks forward to discussing this information with the JRP.

Sincerely,

**Signed Original Sent Via Mail**

Acting Chief Gil Goerz

Michel First Nation

cc: Morgan Yates, Vice President, Stakeholder Relations ([morgan.yates@enbridge.com](mailto:morgan.yates@enbridge.com))  
Brett Maracle, Senior Program Officer, Project Reviews CEAA ([brett.maracle@ceaa-  
acee.gc.ca](mailto:brett.maracle@ceaa-acee.gc.ca))

**Enclosures**

MFN Submission to CEAA – August 27, 2010

MFN Gateway TLUS – August 2010

MFN TLUS Cover Letter – August 30, 2010

MFN Submission to Enbridge – October 29, 2009

MFN Record of Communication – December 2011

MFN Additional Application Comments – December 14, 2011



August 27, 2010

Natalie Bourbonnais-Spears  
**FMA Heritage Inc.**  
200, 1719 - 10 Avenue SW  
Calgary, AB T3C 0K1

Dear Natalie,

**RE: Enbridge Northern Gateway Michel First Nation Aboriginal Traditional Knowledge Study**

Please find enclosed a copy of the Michel First Nation Aboriginal Traditional Knowledge Study for the Northern Gateway Pipelines Project.

Firstly, Michel First Nation expects that the information contained within this Report will be analyzed by Enbridge to identify potential impacts to the exercise of their Treaty and Aboriginal rights in the vicinity of the Project that result from a direct, indirect or cumulative effect of the Project. Michel First Nation requires participation with Enbridge to identify these potential effects through discussions with the environmental practitioners who completed the biophysical and socio-economic studies.

Secondly, in the course of their review of the Northern Gateway Pipeline Environmental and Socio-Economic Report ("the Application"), the Michel First Nation notes that after a completed TLUS is received by Enbridge, a 'summary table' is created by Enbridge outlining "Mitigation Recommendations Proposed by XX First Nation." Michel First Nation wants to clear in stating that the identification of appropriate mitigation options solely from TLUS interview participants is an inappropriate use of the data.

Mitigation measures (which may include avoidance, environmental or financial/economic measures) are identified only after a clear understanding of the potential effect is understood. Michel First Nation looks forward to the clear identification of potential effects on the exercise of the Section 35 rights.

In summary, it is the expectation of the Michel First Nation that Enbridge:

- File this report, in its entirety with the appropriate Regulatory Authorities;
- Identify potential impacts to the exercise of treaty and Aboriginal rights based on the information contained within this Report and in concert with completed information contained in the Enbridge Application, and;
- Initiate discussions with MFN leadership about appropriate mitigation measures, including the accommodation of any impacts to the exercise of our Section 35 rights.

We look forward to those discussions.

Sincerely,



Chief Rosalind Callihoo

Michel First Nation

cc: Michel First Nation Council  
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# ***Traditional Land Use Study***

(A37732)

## **Michel First Nation**

*Enbridge Northern Gateway Pipeline Project*

*A Certificate of Public Convenience and Necessity Pursuant to Section 52 of the NEB Act*

### **Final Report**



**Calliou Group**  
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Final Report

# **Michel First Nation Traditional Land Use Study**

**Prepared For:**

Enbridge Northern Gateway Pipelines Project

National Energy Board  
Calgary, AB

**Prepared By:**

Calliou Group  
Calgary, AB

On Behalf of:

Michel First Nation

August, 2010

**Information collected for this study remains the sole property of the Michel First Nation. Citation, use or reproduction of the information contained in this Final Report is permissible only with the written consent of the Michel First Nation.**

## **Executive Summary**

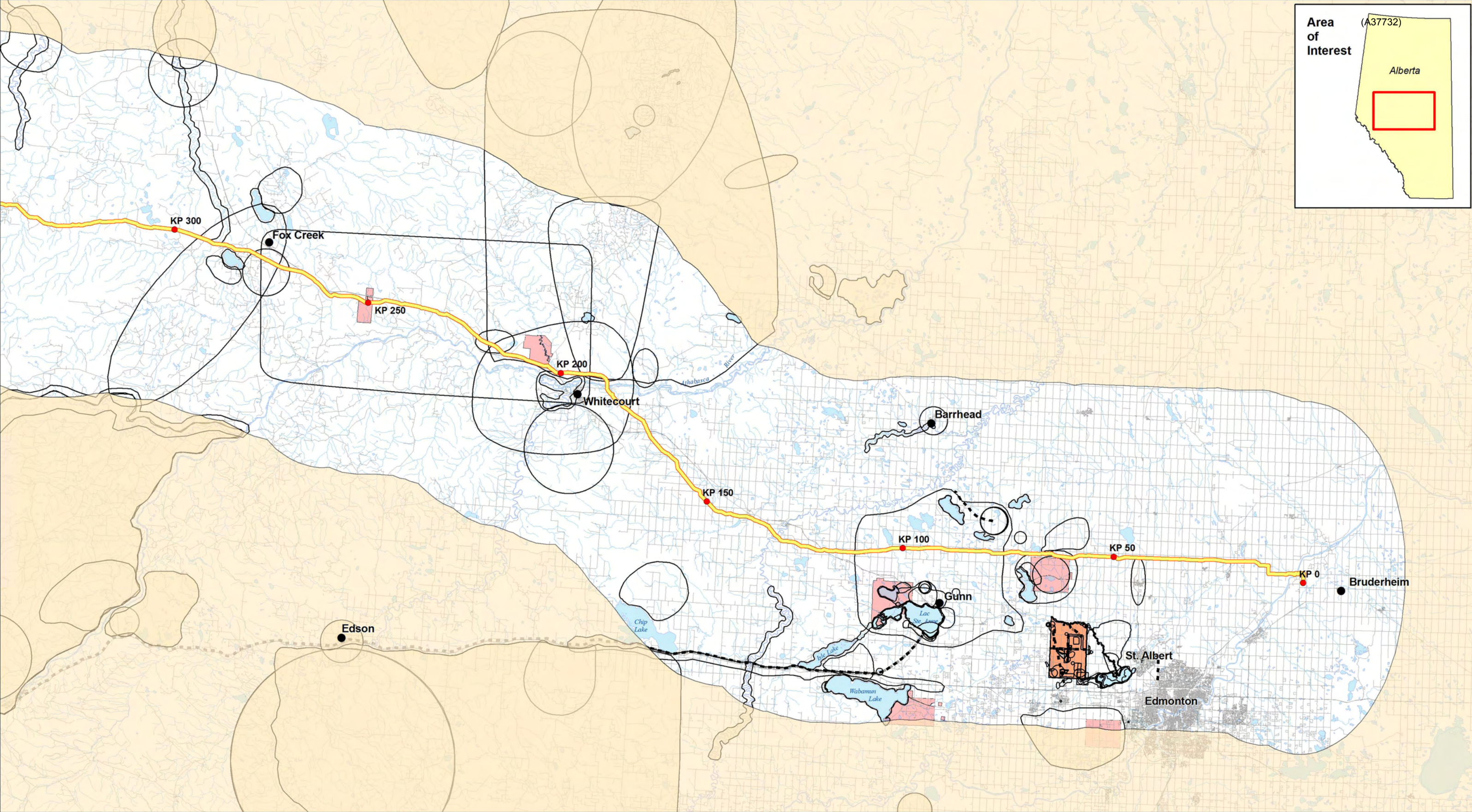
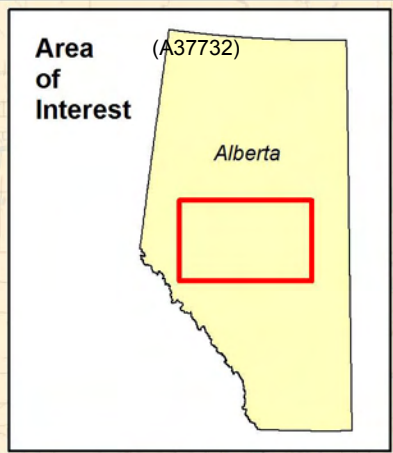
The following Report, *Michel First Nation Traditional Land Use Study* for the proposed Enbridge Northern Gateway Pipeline Project is intended to identify Michel First Nation Aboriginal knowledge and traditional land use information in the vicinity of the Project, which is located within Michel First Nation's traditional territory.

For the purposes of this Report, the Study Team conducted interviews with fifteen Michel First Nation members.

Based on the interviews, the Study Team concluded that Michel First Nation members have past and current use within the Project Regional Effects Assessment Area and that these uses may be potentially affected by the proposed project.

The Composite Study Map (Figure 1-1) illustrates information shared by all interview participants in all use categories.

MFN study participants expressed concerns, both specific to the Project and cumulative to the region, regarding anticipated impacts to their Aboriginal and treaty rights. These concerns have been summarized by the Study Team (Table 1-1).



**Composite Use Map**

The displayed information is the use collected during the MFN interviews for the Northern Gateway Pipeline Project Aboriginal Traditional Knowledge Study. However, some sites overlap and may not be immediately visible. Please see the maps throughout the report for detailed information.

All maps and information contained herein is the exclusive property of the Michel First Nation. Any use or reproduction without permission is strictly prohibited.

**Legend**

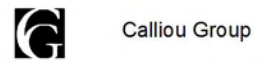
- Kilometre Post
- Pipeline Route
- MFN Travel Routes
- MFN Use Areas
- Michel Band Former Reserve (approximate)
- First Nations Reserve
- Regional Effects Assessment Area



Prepared For:



Prepared By:



Date:

10/06/2010

Figure Number:

1-1

Map Information:

Data Source: Enbridge, National Topographic Database, Michel First Nation  
NAD83 UTM ZONE 12N

**Table 1-1: Summary of Potential Impacts to Michel First Nation**

<b>Treaty Right</b>	<b>Category</b>	<b>Concern</b>	<b>Interview Reference</b>
<b>Hunting, trapping</b>	<b>Wildlife</b>	<b>Decreased animal populations resulting from increased industrial development</b>	<b>MFN1, MFN2, MFN11, MFN12</b>
<b>Hunting, trapping, gathering</b>	<b>Vegetation</b>	<b>Decreased availability of plants</b>	<b>MFN2</b>
<b>All<sup>1</sup></b>	<b>Water</b>	<b>Quality and quantity of water throughout MFN territory</b>	<b>MFN3, MFN11, MFN12</b>
<b>Fishing</b>	<b>Water</b>	<b>Impact of pipeline water crossings on fish and fish habitat</b>	<b>MFN11, MFN12</b>
<b>Hunting, gathering</b>	<b>Access</b>	<b>Increased access to hunting areas by recreational users and poachers resulting in a decrease in animals and berries</b>	<b>MFN1, MFN12</b>
<b>Hunting</b>	<b>Noise</b>	<b>Increase in noise levels</b>	<b>MFN13</b>
<b>All</b>	<b>Health</b>	<b>Use of herbicides and pesticides to maintain RoW and subsequent affects on human and animal health</b>	<b>MFN11, MFN12</b>
<b>Hunting</b>	<b>Safety</b>	<b>Cannot hunt in areas under construction: safety concern</b>	<b>MFN11, MFN12</b>
<b>All</b>	<b>Cumulative Effects</b>	<b>Pace and amount of development in traditional territory</b>	<b>MFN1</b>
<b>All</b>	<b>Culture</b>	<b>Cultural retention and continuance of traditional way of life</b>	<b>MFN12</b>

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<sup>1</sup> All includes hunting, trapping, fishing and gathering activities

## **Authorship**

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## **Abbreviations and Acronyms**

<b>MFN</b>	Michel First Nation
<b>TLUS; TLU</b>	Traditional Land Use Study; Traditional Land Use
<b>AK</b>	Aboriginal Knowledge
<b>ATK</b>	Aboriginal Traditional Knowledge
<b>The Project</b>	Enbridge Northern Gateway Pipeline Project
<b>NEB</b>	National Energy Board
<b>AB</b>	Alberta
<b>GIS</b>	Geographical Information Systems
<b>REAA</b>	Regional Effects Assessment Area
<b>RoW</b>	Right of Way
<b>IR</b>	Indian Reserve

## **Contents**

Executive Summary .....	2
Authorship .....	5
Abbreviations and Acronyms.....	6
1 Introduction .....	9
1.1 Purpose .....	9
1.2 Enbridge Northern Gateway Project Description .....	9
1.3 Traditional Land Use Studies.....	9
1.4 Limitations of TLU Studies.....	11
1.5 TLU Study Types and Application.....	12
2 Methodology .....	14
2.1 Project Design .....	14
2.2 Review of Existing Information .....	17
2.3 Interview Protocol.....	17
2.4 Interviews.....	17
2.5 Informed Consent.....	18
2.6 Maps .....	18
2.7 Site Visits.....	18
2.8 Map Digitization.....	19
2.9 Reporting.....	21
2.10 Community Verification .....	21
3 Community Information .....	22
3.1 Historical Background of Michel First Nation.....	22
3.2 Michel First Nation Today .....	24
3.3 Importance of Aboriginal Traditional Knowledge and Culture to Michel First Nation .....	24
4 Project-Specific TLUS Information .....	26
4.1 MFN Aboriginal Knowledge .....	26
4.2 TLU Information Organization.....	26

4.3	Hunting Areas .....	27
4.4	Trapping Areas .....	30
4.5	Fishing Areas.....	35
4.6	Gathering Areas.....	40
4.7	Travel Routes .....	44
4.8	Sacred Sites .....	45
4.9	Future Use Areas .....	48
5	Project and Environmental Concerns .....	50
6	References .....	52

## **1 Introduction**

### **1.1 Purpose**

The following Report, *Michel First Nation Traditional Land Use Study* for the proposed Enbridge Northern Gateway Pipeline Project (the Project), was commissioned by the Michel First Nation (MFN) in order to provide representative information on past, present and intended land use by MFN in the vicinity of the Enbridge Northern Gateway Pipeline Project. This study is intended to collect and document information for consideration in the regulatory review process for the Project.

### **1.2 Enbridge Northern Gateway Project Description**

The proposed Northern Gateway Pipeline Project is a 1,172 km long pipeline from Bruderheim, AB to Kitimat, BC. The proposed Project consists of an oil export pipeline and associated facilities, a condensate import pipeline and associated facilities, and a tank terminal and marine terminal (the Kitimat Terminal) to be located near Kitimat, British Columbia (Enbridge Northern Gateway 2010). The pipeline will be located within a 25m wide permanent Right of Way (RoW). Pump stations will be required at 10 locations along the pipeline. Enbridge estimates that Project construction will take 42 months with an earliest possible in service date of end of 2016 (Enbridge Northern Gateway 2010).

### **1.3 Traditional Land Use Studies**

Traditional Land Use Studies (TLUS) have many names. These studies are sometimes called a Traditional Land Use and Occupancy Study, Traditional Knowledge Study, Traditional Use Study or Aboriginal Knowledge Study. What these studies have in common, and at their core are Aboriginal communities telling their 'story' of their use of the land and resources. Most often they are used as a way to prove rights or ownership over a particular territory.

These are usually two main components to a TLU Study – qualitative interview survey or summaries, and maps (often called map biographies). The former is the land use story as a narrative in the words of the Aboriginal TLU study participant. The latter is the exercise of spatial representation on a two-dimensional map (either paper or digital) of the information shared by the participant.

There are two types of information collected during a study: TEK and TLU information. Traditional Environmental (or Ecological) Knowledge (TEK) is a cumulative body of qualitative knowledge and beliefs, handed down through generations by cultural transmission, describing the relationship of living beings (including humans) with one another and with their environment. Further, TEK is associated with societies with significant and historical continuity in resource use practices (Berkes 1993).

Qualitative TEK information provides the context behind land use by Aboriginal people, by providing the meaning behind the cultural practices. However, it is difficult to use and represent qualitative information. Short of reading and analyzing narrative historical accounts found in interviews with land users, it is difficult to represent TEK in a way that gets the reader's attention. Therefore, it is difficult for TEK to be practically used in modern applications, such as regulatory processes, land use planning exercises or land claims.

There are exceptions, as some aspects of TEK can be mapped (Tobias 2009). However, the gleaning of TEK information from a qualitative interview loses context as soon as it is placed statically on a map. Interviews should be read together with spatial representation of map biographies. That raises a caution about TLU Study maps which will be discussed in TLUS Limitations.

The second type of collected information is called Traditional Land Use (TLU) information, which is information that has the potential to be spatially represented on a map. Terry Tobias cites Dr. Peter Usher in his book *Chief Kerry's Moose* when defining Traditional Land Use as follows:

*"Use refers to activities involving the harvest of traditional resources; things like hunting, trapping, fishing, gathering of medicinal plants and berry picking and travelling to engage in these activities. For any given community or nation, use occurs over a specific geographic area."* (Tobias 2000)

TLU information includes harvest areas, trails, habitation sites, cultural and spiritual areas. Unfortunately for reasons explained, TLU information that has an element of 'movement' to it (such as animals, people, or activities like harvesting); therefore it is difficult to accurately represent on a map.

Quite often, the exercise of two-dimensional mapping can oversimplify Aboriginal use that will obliterate any social context that created the land use patterns over time (Roth 2006). In other words, "unlike qualitative studies (which probe deeply and capture

subtleties of meaning using the recorded word) map surveys cannot capture the richness of meaning. They can only scratch the surface.” (Tobias 2009, 389)

#### **1.4 Limitations of TLU Studies**

The execution of Traditional Land Use Studies, including the methodology utilized for this specific study is limited by a number of factors. These limitations include the following:

- Locating and identifying specific use sites on two-dimensional topographic maps is often difficult when participants are often not familiar with cartographic analysis. Correspondingly, one of the key limitations to commonly practiced community-based mapping is the assumption that the spatial organization of resource use and management is an abstract entity that can be mapped independent of the social relations that produce it. Quite often, the exercise of two-dimensional mapping can oversimplify Aboriginal use that will obliterate any social context that created the land use patterns over time (Roth 2006).
- Temporal distinctions are not easily captured using existing spatial representative methodology. For example, *when* participants would travel through large areas within their traditional territory depending on the season, or availability of traditional resources may be lost through representation.
- It is impossible to fully represent the extent of knowledge or areas of use on a two-dimensional map. Many traditional land users and interviewees commonly express the sentiment that they “went everywhere.” By definition, a representative map of traditional use will identify ‘used’ and ‘unused’ areas. This does not adequately or correctly capture Aboriginal land use over time.
- A limited interview format (e.g. two hour interview) does not adequately capture a participants’ full lifetime of knowledge.
- Although fifteen knowledgeable MFN traditional land users were identified and interviewed for this Project, the information contained within cannot be assumed to be a complete record of the past, current and future exercise of treaty rights by MFN members. In order to accomplish this, a much larger study would need to be undertaken including more comprehensive interviews conducted, both in terms of number of interviewees, topics addressed, and area covered in the interview process.
- Due to funding constraints, field visits were not conducted as part of this study, therefore the use areas identified on the maps contained within this report should be considered approximate.

## 1.5 TLU Study Types and Application

There are two types of Traditional Land Use studies: **project-specific** and **comprehensive**. *Comprehensive* or use and occupancy studies are primarily community or Nation-driven studies meant to collect and document comprehensive land use information throughout a Nation's traditional territory. These studies are not project-specific, and do not identify potential impacts from any specific or individual project. They are useful in documenting cumulative knowledge on a larger-scale; preserving culture and language information as part of the Nation's heritage; for educational purposes and raising community pride. They are long term, in depth and resource intensive. Comprehensive TLUS are also extremely useful in establishing the trigger for Aboriginal consultation, by documenting general TLU information unrelated to any specific projected project effects.

*Project-specific* TLU Studies collect and document Aboriginal knowledge in the context of single application or project-specific regulatory processes. These studies generally focus on the narrow spatial and temporal parameters dictated by the proposed project in question. Documented TLUS information arising out of project-specific studies tends to focus on the question, "what Aboriginal use exists in the area that will be potentially impacted by the project?"

Project-specific TLU Studies can be the mechanism to tell an Aboriginal Nation's 'story' to a Regulatory Authority of how land use has occurred or is occurring in relation to a potential project under consideration. It can also express community concerns about the intended use of the project area in question for the purposes of exercising Treaty or Aboriginal rights by a Nation. However, project-specific TLUS, by design, do not attempt to identify on their own (either qualitatively or quantitatively) project effects on the TLUS information collected. This is a separate process facilitated by the larger Environmental and Socio-economic assessment (ESA) process, and results from the integration of the collected information into that larger environmental assessment.

The process of identifying potential effects to traditional or Aboriginal uses of the land within the project area requires integration of Aboriginal people at several points throughout the environmental assessment (Larcombe 2000). Aboriginal people should be consulted to ensure the design of biophysical studies includes parameters which reflect their use of specific species and habitat. Aboriginal people should be involved in the execution of biophysical studies to ensure field or place-specific information is incorporated and reflected by each discipline study lead. A project-specific Traditional Land Use Study should be completed using temporal and spatial parameters specific to

the project in question. The integration of the project-specific TLU Study findings into each biophysical discipline assessment of effects is required to help identify what potential effects may result from the project on Traditional Land Use information. Finally, including an effect assessment specifically on environmental and social components required for the exercise of Aboriginal and treaty rights is also necessary.

Without specific and quantitative measurements, facilitated by integrating TLUS information into the conduct of an environmental assessment, a TLUS on its own does not analyze or identify *how or to what extent* the proposed project potentially impacts the exercise of Aboriginal and treaty rights. As stated, this is due to the lack of connection and incorporation of TLUS information in the analysis of the environmental assessment, which is meant to identify overall effects. Without integration of TLUS information into the design and execution of the environmental assessment and into the determination of effects, a project-specific TLU Study is limited in its application after the completion of assessment report has occurred, except to highlight information that should have been collected and used during the assessment process.

The collection and documentation of TLUS information and the identification of potential project effects related to that information remains grossly incomplete. As a result, the identified (either qualitative or quantitative) impacts of industrial development on the exercise of Aboriginal and treaty rights are largely undocumented. A project-specific TLU Study without integration into a broader assessment can only provide in part, the Aboriginal Study participants' individual estimation of the potential project effects (Larcombe 2000).

## 2 Methodology

### 2.1 Project Design

As mentioned, there is a lack of an identified, peer-reviewed methodology for conduct and use of project-specific TLUS in the literature (Larcombe 2000). However, the majority of provincial and federal regulators responsible for the conduct of environmental assessments require the incorporation of traditional use information into environmental assessment reports. However, accepted methodologies do exist for comprehensive use and occupancy studies which rely on sound approach, consistency and best practices. The execution of this TLU follows methodology and best practices outlined in several documents describing best practices for the conduct of comprehensive Traditional Land Use Studies, including:

- *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping*. Terry Tobias. Joint Publication, Union of BC Indian Chiefs and Eco Trust, 2000.
- *A Guide to Conducting Traditional Knowledge and Land Use Study*. Terry Garvin, Northern Forestry Centre Staff. Northern Forestry Centre, 2001.
- *Best Practices Handbook for Traditional Use Studies*: Ministry of Aboriginal Affairs and Northern Development, Government of Alberta, 2003.
- *Living Proof: The Essential Data-Collection Guide for Indigenous Use and Occupancy Map Surveys*. Terry Tobias. EcoTrust Canada, Union of British Columbia Indian Chiefs, 2009.

The Study Team also used their collective experience in conducting previous TLU studies to guide the execution and development of this Final Report.

Fifteen (15) interviews of Michel First Nation members were conducted and information resulting from those interviews was incorporated into this Final Report.

The spatial parameter used to identify MFN TLU information that may intersect with the project is a 40km buffer on either side of centre of the Project RoW. This area, or Regional Effects Assessment Area (REAA), was also used by Enbridge to identify and engage Aboriginal groups or Métis regions whose traditional territory may overlap with the Project corridor. Documented MFN TLUS information occurring within this boundary was considered by the Study Team to be potentially affected by the Project (See Figure

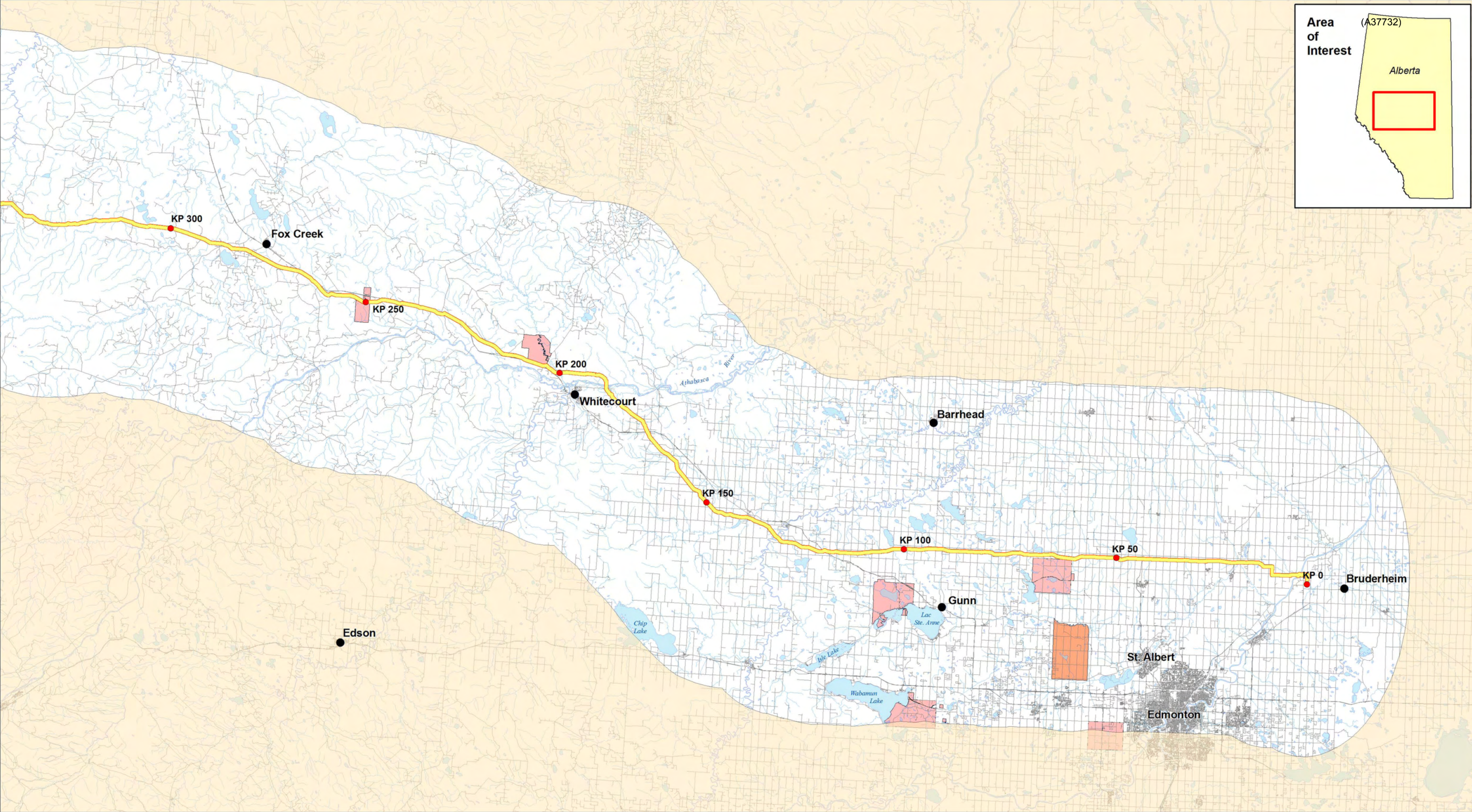
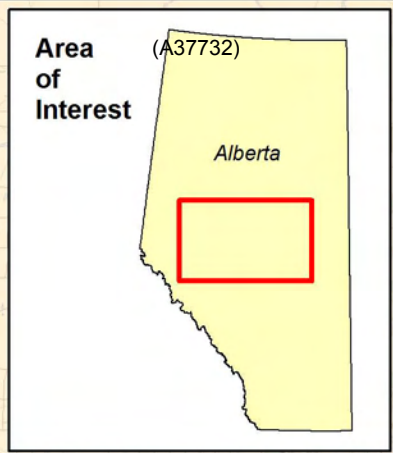
2-1); TLU sites or use areas identified by MFN participants within this 80km zone have been included in this report. TLU sites and use areas outside of this zone may have been identified during interviews but are not discussed here.

While there is very rarely enough time or financial resources to gather information from everyone in a community, the Study Team endeavored find a representative sample (or subset) of the MFN population that would broadly represent the MFN knowledge and information about the study area in question. Information collected from eight women and seven men, varying in age from 45 to 93 were included in this report.

The interview protocol for this study was developed by the Study Team. This protocol outlined themes for the conduct of interviews, and temporal parameters (past, current and future uses of land) as opposed to formulated or rigid questions, which are sometimes used for the conduct of TLUS. This was consciously done by the Study Team to ensure MFN participants were more comfortable and allow for better flow of information, as stories or topics often lead to different areas for discussion.

Field visits to locate individual sites identified during interviews were not conducted as part of the study due to funding constraints.

Following the completion of the Final Report, a community verification meeting was held to verify contents of this Report.



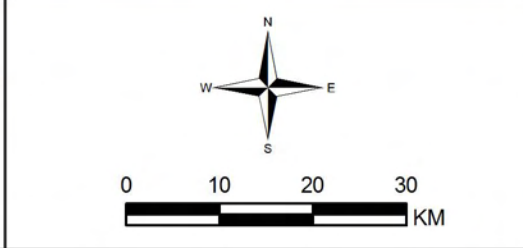
**Regional Effects Assessment Area**

The REAA displayed above is an 80km buffer applied to the pipeline.

All maps and information contained herein is the exclusive property of the Michel First Nation. Any use or reproduction without permission is strictly prohibited.

**Legend**

- Kilometre Post
- Pipeline Route
- Michel Band Former Reserve (approximate)
- First Nations Reserve
- Regional Effects Assessment Area



**Prepared For:** Michel First Nation

**Date:** 09/06/2010

**Map Information:** Data Source: Enbridge, National Topographic Database, Michel First Nation  
NAD83 UTM ZONE 12N

**Prepared By:** Calliou Group

**Figure Number:** **2-1**

## **2.2 Review of Existing Information**

The Study Team reviewed various published and unpublished material for relevant historical and cultural information to assist them in the development and execution of this Study, as well as to provide background information on Michel First Nation for this report.

## **2.3 Interview Protocol**

The interview protocol or questionnaire categories for this report were designed by Calliou Group. The interview categories outlined themes for the conduct of interviews. The semi-structured interview is deemed by the Study Team as the most appropriate method of eliciting participant information. This technique gives the interviewer control over the direction of the proceedings while eliciting an appropriate level of detail from the participant, who is free to raise points or add information as they see fit.

The discussion themes for interviews included:

- Specific-use sites (including locations of camps, cabins, graves, trails/travel routes, birth places, etc.);
- Areas where participants have practiced, currently practice, or intend to practice their Aboriginal and treaty rights, including hunting, trapping, fishing and gathering; and
- Project-related concerns.

## **2.4 Interviews**

Study participants were selected by the Study team and MFN leadership based on several criteria, including:

- MFN membership;
- Knowledge and use of MFN traditional territory; and
- Availability during the study time frame.

As previously stated, fifteen (15) interviews were conducted with MFN members by the Study Team from April 23 – 25, 2010, in Edmonton and surrounding area. The interviews were conducted wherever the participant felt most comfortable (home or MFN administration office).

The following individuals were interviewed for the study: Joanne Abbott, Ernie Callihoo, Rosalind Callihoo, Napoleon Callihoo, Norbert Howard Calliou, Ailine Jane Calliou, Bertha Calliou-Schadeck, Paul Callihoo, Carmen Callihoo, Dayle Callihoo-Campbell, Gil Goerz, Roy Goerz, Lorraine Hope, Charlie L'Hirondelle and Maureen Ligtvoet.

Each interview was an average of two hours and was voice recorded, video recorded (where permission was granted) and noted by the Study Team. The interviews were conducted in English.

## **2.5 Informed Consent**

Interview participants were asked to sign consent forms asking for permission to use the knowledge shared in this report, and to allow for voice and video recordings, and where permission was obtained, recordings were completed.

## **2.6 Maps**

A composite base map (1:455,388) was created by the Study Team to show an overview of the Project route within MFN traditional territory. The composite map showed the area of the Project ranging from KP 0 at Bruderheim to KP 300 near Fox Creek, Alberta.

In addition to the composite base maps, the Study Team also provided 1:250,000 NTS map sheets to focus in on use areas. NTS Sheets 83K, 83J, 83G, 83H were used during the interviews.

Mark-up maps are used to document traditional land use sites (e.g. cabins, graves, birthplaces, trails/travel routes, camps, etc.) as well as areas where MFN members exercise their treaty rights (either in the past, currently or potential future use) as discussed during study interviews. Areas identified by participants are given a corresponding numerical code on the map, and assigned to a number in the interview notes. If the participant or interviewer was unsure of locations, those sites were given an asterisk to be verified at a later date.

## **2.7 Site Visits**

Site visits were not conducted as part of this study. The contribution amount provided by Enbridge for the conduct of this study was not sufficient to include the execution of

field visits. However, as this report does note numerous MFN-identified sites that overlap the Project RoW, the Study Team recommends field visits be conducted to complete this TLUS.

## **2.8 Map Digitization**

Mapping for this project was conducted using ArcGIS 9, ArcMap Version 9.3 (ESRI 2009). In preparation for digitization, three digital shapefiles were created and associated attribute tables were developed specific for this Study. The files created included:

- A point file to document identified habitation points;
- A polyline file to document linear use features; and
- A polygon file to document use areas.

Each file contained an associated attribute table which was used to document information specific to each mapped site. The fields contained in each file were:

- Feature ID (generated by GIS software);
- Shape (generated by GIS software);
- ID (assigned by GIS analyst);
- Map Number (assigned to Mark-up maps);
- Site Number;
- Interview Date & Project;
- Label;
- Interviewers;
- Use Type (Past, Present, Future);
- Species (where applicable);
- Site Information;
- Informant; and
- Informant Number.

Mark-up maps taken during the interview and the first draft of notes were entered into the GIS database. The first draft notes were transcribed in a sequential manner, and were supplemented by voice recording where applicable. Also, notes included all numbers assigned to sites on the maps next to the site description. Mark-up maps were labelled and corresponded to the interview notes.

Areas and linear features were digitized into the above mentioned shapefiles using the Editor Tool in ArcGIS and the digital versions of the base maps which were printed for mark-up maps. If an area or feature was further described in the interview notes, this was also incorporated into the maps. For example, if a shape was drawn near a river and the Study participant specified that the boundary was the river, the edge of the polygon was adjusted to reflect their comments.

Once digitization of the mark-up maps was completed, the information was represented using the symbology available within ArcGIS 9 and was labelled using the 'Label' field from the attribute table.

In addition to the interview material, a visit was conducted to the Villeneuve Cemetery which was in close proximity to a participants home where an interview was conducted. Sites located during this visit were captured using Geographical Positional Systems (GPS). The waypoint(s) collected in this method were imported to an ArcGIS 9 point file. This file also contained an associated attribute table which was used to document information related to each site. The fields contained in this file were:

- Feature ID (generated by GIS software);
- Shape (generated by GIS software);
- Type;
- Identification Number;
- Latitude;
- Longitude;
- Y Projection (Northing);
- X Projection (Easting);
- Comment (Date and Time);
- Display;
- Symbol;
- Color;
- Altitude;
- Attribute; and
- Model (GPS unit model)

## **2.9 Reporting**

This final report was created by compiling the interview information then summarizing and categorizing the traditional knowledge shared by the participants. Interview participants were assigned a numerical code (e.g. MFN#) to provide some confidentiality. Quotes and references throughout this report are attributed to an interviewee's numerical code rather than their name.

## **2.10 Community Verification**

A community verification process was held on June 17, 2010 where a draft of the report was presented to MFN Chief and Council and community representatives to ensure the information contained within the report was accurate and respected any confidentiality concerns.

The following individuals were interviewed for the study: Joanne Abbott, Ernie Callihoo, Rosalind Callihoo, Napoleon Callihoo, Norbert Howard Calliou, Ailine Jane Calliou, Bertha Calliou-Schadeck, Paul Callihoo, Carmen Callihoo, Dayle Callihoo-Campbell, Gil Goerz, Roy Goerz, Lorraine Hope, Charlie L'Hirondelle and Maureen Ligtvoet.

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## **2.7 Site Visits**

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## 3 Community Information

### 3.1 Historical Background of Michel First Nation

Michel First Nation was signatory to Treaty No. 6 by way of an adhesion in 1878. Michel Callihoo was chief at the time of treaty making; Chief Michel and 178 members joined treaty and in 1880 a reserve of approximately 25,600 acres, or 40 square miles, was surveyed for the Michel Band (Ackroyd et al 1997). The members of the Michel Band were of mixed Cree and Iroquois decent and were living around the St. Alberta area. The reserve site chosen was on the Sturgeon River, north-west of Edmonton and called Michel Indian Reserve (IR) 132 (Martin-McGuire 1998).

Starting in the early 1900s various questionable practices were used by Canadian government officials to obtain title to the reserve land set aside for the Michel Band. For example, in 1903, 7,800 acres were purportedly surrendered and in 1906, 2,400 acres were purportedly surrendered (Martin-McGuire 1998). In 1911, the Crown granted title, without consent or compensation, of nearly 41 acres of land to the family dwelling on that land (Michel First Nation, 2010). The Michel Band reserve, located just outside of Edmonton, was prime agricultural land and there was a strong desire by non-Aboriginals to acquire the land. This desire to obtain title to the reserve lands was not unique to the Michel First Nation. Despite the promises of the treaties, this practice of government officials to have Indian reserve lands purportedly surrendered and sold was common and has been well documented in the report: [First Nation Land Surrenders on the Prairies 1896-1911, by Peggy Martin-McGuire.](#)

Following these suspect land surrenders of the Michel I.R. 132 in the early 1900s, another portion of the reserve was purportedly surrendered and a group of Michel families enfranchised in 1928. Many members cited dreadful living conditions on reserve, not wanting their children to attend residential schools and discriminatory actions by the Indian Agent as reasons enfranchisement seem a desirable option (Indian Claims Commission [ICC] 1996). Finally, in 1958, the remaining members of the Band were enfranchised as group under *Section 112 of the Indian Act*, dissolving the Band in the process. The Michel Band is the only Nation in Canada to be enfranchised as a group using *Section 112 of the Indian Act* in 1958 which was later repealed by the Federal Government (Michel First Nation 2010).

When Bill C-31 was passed in 1985, many members of the Michel First Nation regained Indian Status. Recently, with the proposed amendments to the Indian Act following the

McIvor decision, even more Nation members will have their Indian Status restored. Currently, there are at least 750 Status Indians who are members of the Michel First Nation. However, even though the individual people have Indian status, the Federal government will not restore band status to the Michel First Nation (Michel First Nation 2010).

Michel First Nation has been governed by an elected, volunteer Chief and Council since 1988. However, without federal recognition, the Nation has no access to the funding and programs provided to other Treaty 6 Nations in the province of Alberta. While Bill C-31 recognized and affirmed that enfranchisement was discriminatory, restoration of status under Bill C-31 did not account for people enfranchised as a group, leaving their collective treaty rights in question. Michel First Nation members maintain that the governments of Alberta and Canada are continuing to deny their rights as guaranteed by Treaty 6.

For the land surrenders of the Michel reserve, the Nation also has had no recourse. Canada has taken the position, that in order to be eligible to file a Specific Land Claim, the Nation must be recognized as a band. The Indian Claims Commission, in 1998, heard evidence from the Crown and Michel First Nation (represented by *Friends of Michel Society*) regarding their status as band under the Indian Act. The ICC found that Canada was technically correct; however concluded that *“this would result in manifest unfairness if Canada were allowed to ignore its legal obligations and not have to account for the damages suffered by the Michel Band and its descendants...[it] is unfair because it would allow Canada to benefit from past discrimination.”* (ICC 1998)

The ICC recommended:

*“That Canada grant special standing to the duly authorized representatives of the Friends of Michel Society to submit specific claims in relation to alleged invalid surrenders of reserve land for consideration of their merits under the Specific Claims Policy.”*  
(ICC 1998)

Canada ignored this recommendation.

The Michel First Nation launched a lawsuit in 2001 to try and regain Band Status. At the publication of this report, the claim has not yet gone to court and these issues remain outstanding.

### **3.2 Michel First Nation Today**

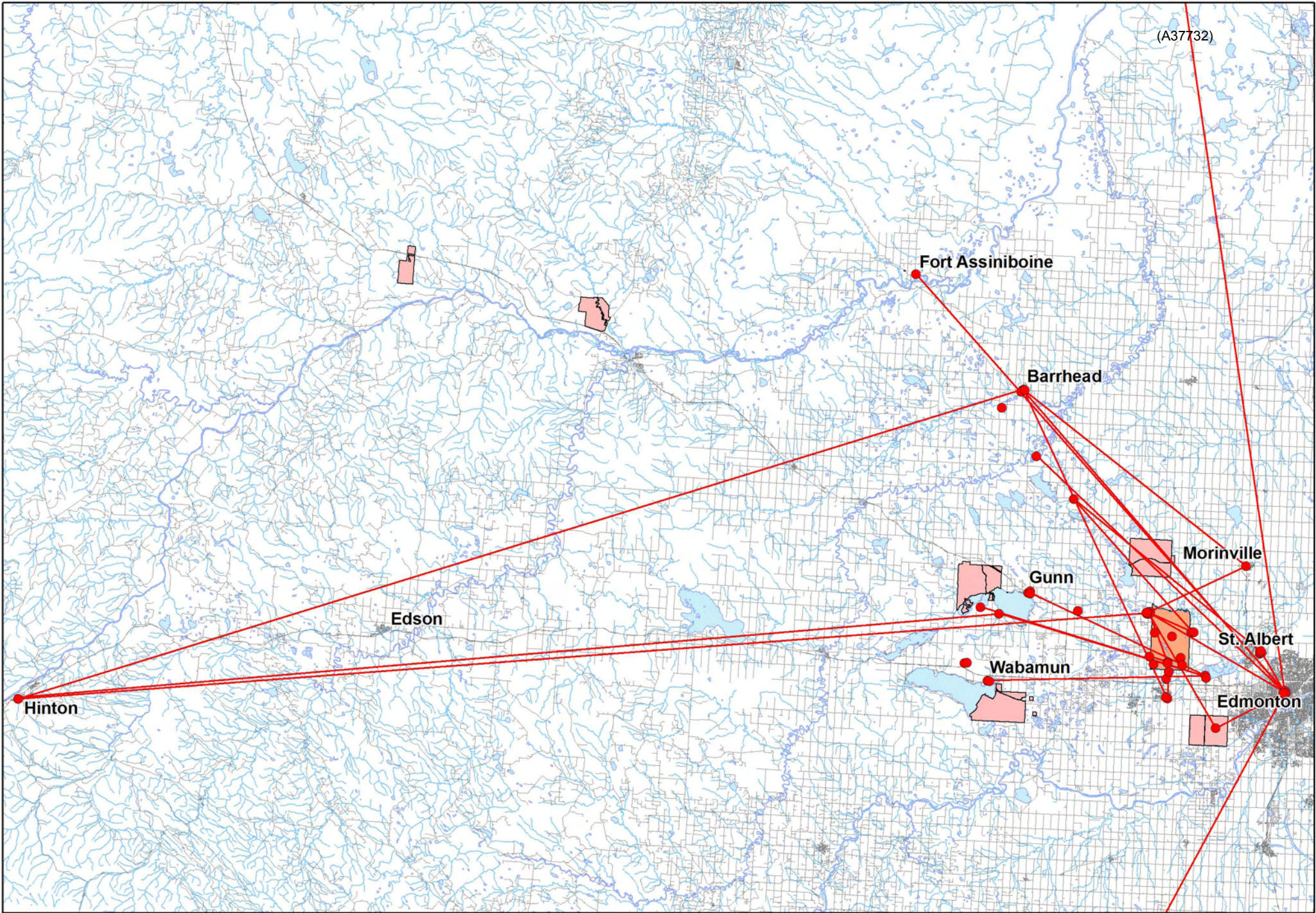
Following the enfranchisement of the Michel Band, some members were granted parcels of land from the former reserve and other members moved to various locales in Alberta and Canada. Many members settled in areas of Alberta such as Edmonton, Stoney Plain, St. Albert, Morinville, and Villeneuve. Michel First Nation members remain connected to each other through family ties and cultural identity. Figure 3-1 illustrates the past and current places of residence of some of the interview participants and their family members.

MFN is currently in the process of defining Michel traditional territory. The traditional territory includes, at a minimum, east to Edmonton, north to Lesser Slave Lake, west to Jasper and Grande Prairie, including Fox Creek and Whitecourt, and south to the Grande Cache area.

### **3.3 Importance of Aboriginal Traditional Knowledge and Culture to Michel First Nation**

Many interview participants expressed a desire to continue exercising their treaty rights. MFN members explained that traditional land use is a key way that they have maintained their culture. MFN12 described traditional practices as “integrally” important to his identity as an MFN member. He noted that this is particularly important since the Nation has no reserve lands. MFN11 and MFN12 explained that without a common place where the MFN community can gather, it is difficult to pass on traditions and culture to the younger generation.

MFN11 and MFN12 also reported that all of their meat comes from the land. MFN12 explained that “We depend on [traditional foods].”



Source: Michel First Nation Enbridge Northern Gateway Traditional Land Use Study (2010)

**Figure 3-1**

Following the surrender of the Michel Band Indian Reserve 132, Michel First Nation members dispersed to surrounding towns and cities. This figure displays where interview participants and their families moved (represented by dots) and where interview participants and their families travelled, maintaining the connectivity of the community (represented by lines).

## **4 Project-Specific TLUS Information**

### **4.1 MFN Aboriginal Knowledge**

During this study, MFN interview participants shared their Aboriginal Knowledge and Traditional Land Use information. As previously stated, the information represented in this Final Report was included when it overlapped or intersected with the identified Project REAA.

The Aboriginal Knowledge relayed to the Study Team by interview participants included first-hand or personal experience on the land, as well as oral history accounts passed on by parents, grandparents, Elders and other MFN community members.

### **4.2 TLU Information Organization**

For the purposes of analysis, this section of the Report has categorized this information into the following sections:

- Hunting Areas
- Trapping Areas
- Fishing Areas
- Gathering Areas
- Travel Routes
- Sacred Sites
- Future Use

Over 200 individual sites were identified during the interviews. Some of these sites were located outside of the REAA and therefore have not been included in this report. For the purposes of this report the sites were randomly assigned numbers in the GIS database, these numbers are reflected in the listed sites and on the maps. The numbers do not correspond to the order of the interviews or site importance.

### 4.3 Hunting Areas

Many interview participants (MFN1, MFN3, MFN4, MFN5, MFN7, MFN9, MFN10, MFN11, MFN12, and MFN13) reported past and current hunting in various areas throughout their traditional territory including in the vicinity of the proposed Project. Participants report hunting predominately moose, elk, and deer and occasionally hunting other species including bear, caribou, ducks, prairie chickens, grouse and partridges. In addition to hunting animals, participants would also collect eggs from birds like duck and prairie chicken (MFN5). MFN3 explained that one moose could feed her entire family with seven children. Typically, the meat is shared amongst family or community members (MFN7). Additionally, some MFN members use the hides for art or traditional crafts (MFN7).

Many interview participants relayed stories about using their status cards while out hunting instead of a provincial hunting licence (MFN3, MFN7, MFN10, MFN11, MFN12).

MFN1 noted that when the Nation still had reserve land they could hunt on the reserve “wherever you want...” The former Michel reserve was described by many participants as a good hunting area (MFN1, MFN10, MFN13).

MFN7 reported hunting mainly on Crown land currently and only on private land when they have permission. MFN10 noted that there are many areas that they hunt within their traditional territory. However the animals move around; as a result, one year an area may have no animals whereas the year before, there were many. MFN11 and MFN12 also report using cut lines and seismic lines to access hunting areas. They further noted that predators and other hunters also use these lines to access game.

Figure 4-1 is an overview of the hunting areas identified during the study. Figures 4-2, 4-3 and 4-4 are focused maps that show the hunting areas listed below. The maps include both current and past hunting locales.

Hunting locales within the Regional Effects Assessment Area include:

2. Northeast of Gladue Lake on the former reserve (MFN1)
18. South of Whitecourt (MFN1)
23. Swan Hills (MFN1)
28. Little Smokey River (MFN1)
29. Berland River/Grande Cache/Hinton (MFN1, MFN2)
32. Fox Creek to Berland Airport, including Grizzly (MFN1)

39. Road allowances near Villeneuve airport (MFN11, MFN12)
41. The “slough” on the former reserve (MFN11, MFN12)
43. South of Whitecourt for moose and elk (MFN11, MFN12)
44. Chickadee Creek for moose and elk (MFN11, MFN12)
45. East of Whitecourt, north of the Athabasca River (MFN12)
54. Along the rivers in the Little Smokey area for elk (MFN11, MFN12)
55. Around the Simonette River using seismic lines and cutblocks (MFN11, MFN12)
56. Iosegun Lake (MFN12)
58. Smoke Lake south of Kaybob (MFN12)
64. North of Chip Lake for moose and elk (MFN11, MFN12)
71. Fox Creek (MFN3)
72. North of Whitecourt (MFN3)
74. North of Lac St. Anne (MFN3)
90. Between Whitecourt and fox Creek (MFN3)
103. Big Lake and surrounding wetland for ducks and prairie chickens (MFN5)
110. Barrhead (MFN4)
111. Paddle River (MFN4)
131. Along Highway 16 between Smithfield and MacKay (MFN4)
132. Big Lake for duck (MFN7)
137. Whitewood beach near Wabamun for partridge (MFN10)
140. East of the former reserve between Sturgeon River and Big Lake for deer (MFN10)
146. South of Highway 16 between Chip Lake and Hornbeck (MFN7)
149. Between Wabamun Lake and Isle Lake (MFN7)
158. Northwest of the former reserve including the Alexander Reserve (MFN13)
159. Guy Lake, last caribou hunted by participant’s family (MFN13)
165. Big Lake for ducks (MFN15)
175. Between Lac la Nonne and Nakamun Lake (MFN14)
178. Lac la Nonne for ducks and duck eggs (MFN13)
179. Lac St. Anne for ducks and duck eggs (MFN13)
184. Near George Lake provincial natural area for moose (MFN13)
187. West of Sandy Lake, north of Lac la Nonne, south and west of Lac St. Anne (MFN13)
188. Athabasca River up to, and including, the Swan Hills (MFN13)
193. Throughout the former reserve (MFN1)

In addition to areas where participants reported hunting, many also identified locales, both current and in the past, that were good habitat for a variety of species. These are also represented on Figures 4-1, 4-2, 4-3, and 4-4. The following wildlife habitat locales are intersected by the proposed Project REAA.

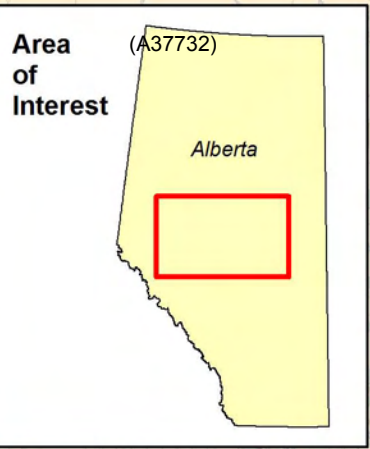
- 83. Deer, rabbit, wild chickens, partridge, weasel, chipmunks and squirrels north of Lac St. Anne (MFN3)
- 88. Geese and ducks in Big Lake (MFN3, MFN13)
- 148. Deer south of the former reserve to the western edge of Edmonton (MFN10)
- 160. Moose, deer, rabbit on the former reserve (MFN13)
- 185. Moose calving area near George Lake provincial natural area (MFN13)
- 189. Moose, deer, badger, lynx, squirrel, coyote, porcupine, eagles, hawks, owl, moles, and songbirds between Lac la Nonne and Nakamun Lake (MFN14)
- 190. Black bear cubs and hibernation area on the former reserve near berry hill (MFN13)

#### **4.4 Trapping Areas**

Three study participants discussed trapping as a specific land use (MFN3, MFN5, and MFN13). For example, MFN3 and her husband held a provincial trap line near Whitecourt, Alberta. She reported trapping numerous species including: rabbit, weasels, chipmunk, and squirrel. Historically, MFN5's parents trapped muskrat, rabbits, weasel and squirrels. They would eat the meat and prepare the pelts for sale by pulling them on the stretcher.

Past and current trapping areas are represented on Figures 4-1, 4-2, 4-3, and 4-4. Trapping locations within the Regional Effects Assessment Area include:

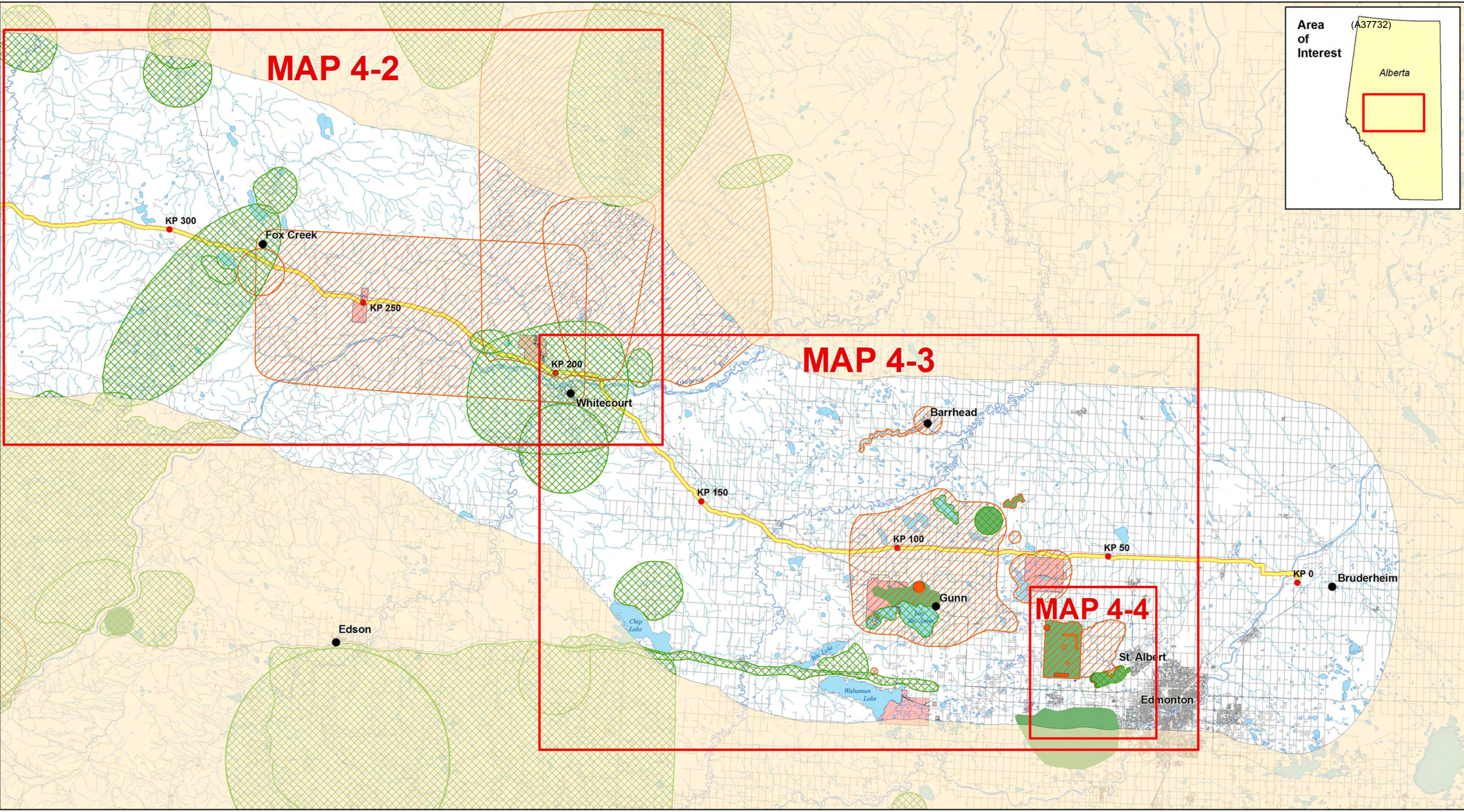
- 76. North of Lac St. Anne for weasels and squirrels (MFN3)
- 96. East of Calahoo on the former reserve for rabbits (MFN5)
- 104. West end of Big Lake for muskrat (MFN5)
- 161. South end of Section 26 and 27 on the former reserve for weasels and squirrels (MFN13)
- 162. Near Atim Creek (MFN14)



# MAP 4-2

# MAP 4-3

# MAP 4-4



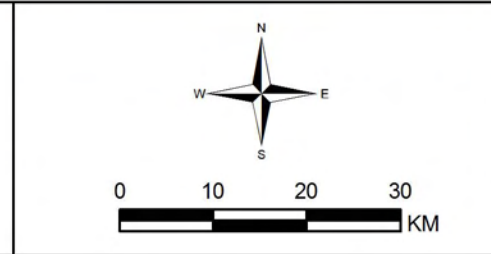
**Overview of Hunting, Trapping and Wildlife Areas**

The REAA displayed above is an 80km buffer applied to the pipeline.

Maps are representative of MFN use that was collected in conjunction with the Enbridge Northern Gateway Pipeline Project. Maps should not be used in lieu of consultation with MFN.

All maps and information contained herein is the exclusive property of the Michel First Nation. Any use or reproduction without permission is strictly prohibited.

Legend	
	Hunting Area (Current)
	Hunting Area (Past)
	Trapping Area (Current)
	Trapping Area (Past)
	Wildlife Habitat
	Kilometre Post
	Pipeline Route
	Michel Band Former Reserve (approximate)
	First Nations Reserve
	Regional Effects Assessment Area



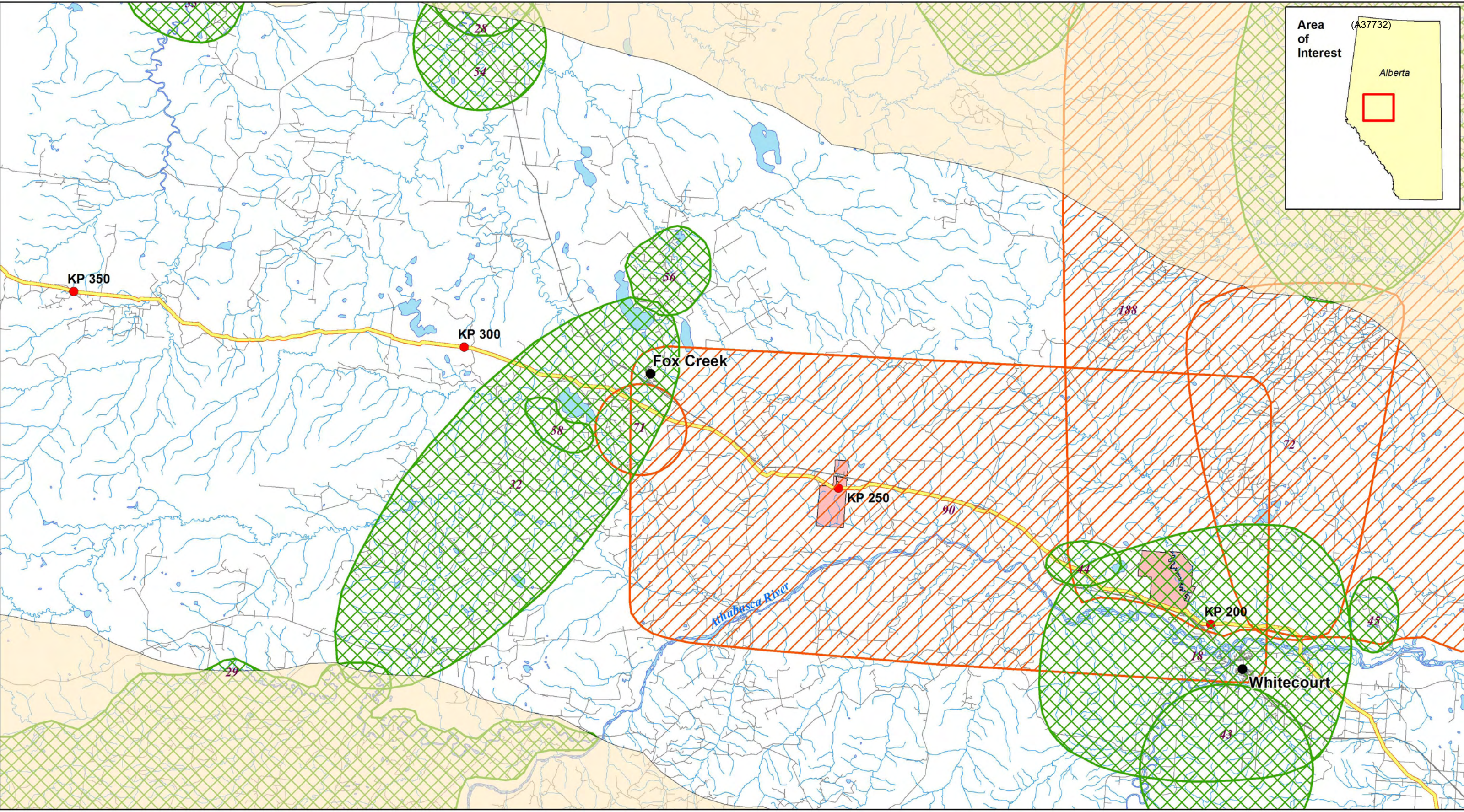
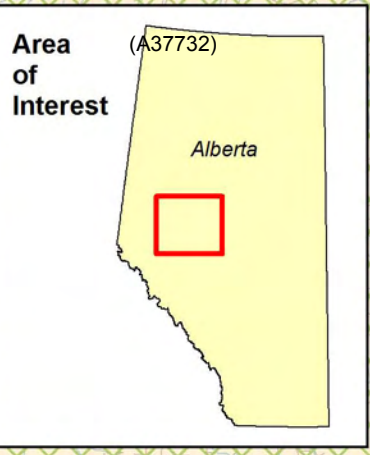
**Prepared For:** Michel First Nation

**Date:** 09/06/2010

**Prepared By:** Calliou Group

**Figure Number:** 4-1

**Map Information:** Data Source: Enbridge, National Topographic Database, Michel First Nation  
NAD83 UTM ZONE 12N



### Hunting, Trapping and Wildlife Areas

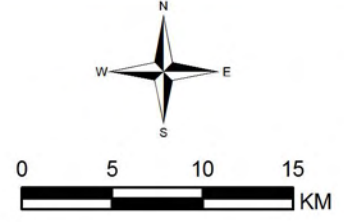
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#### Legend

- Hunting Area (Current)
- Hunting Area (Past)
- Kilometre Post
- Regional Effects Assessment Area
- Pipeline Route
- Michel Band Former Reserve (approximate)
- First Nations Reserve



Prepared For:



Prepared By:



Date:

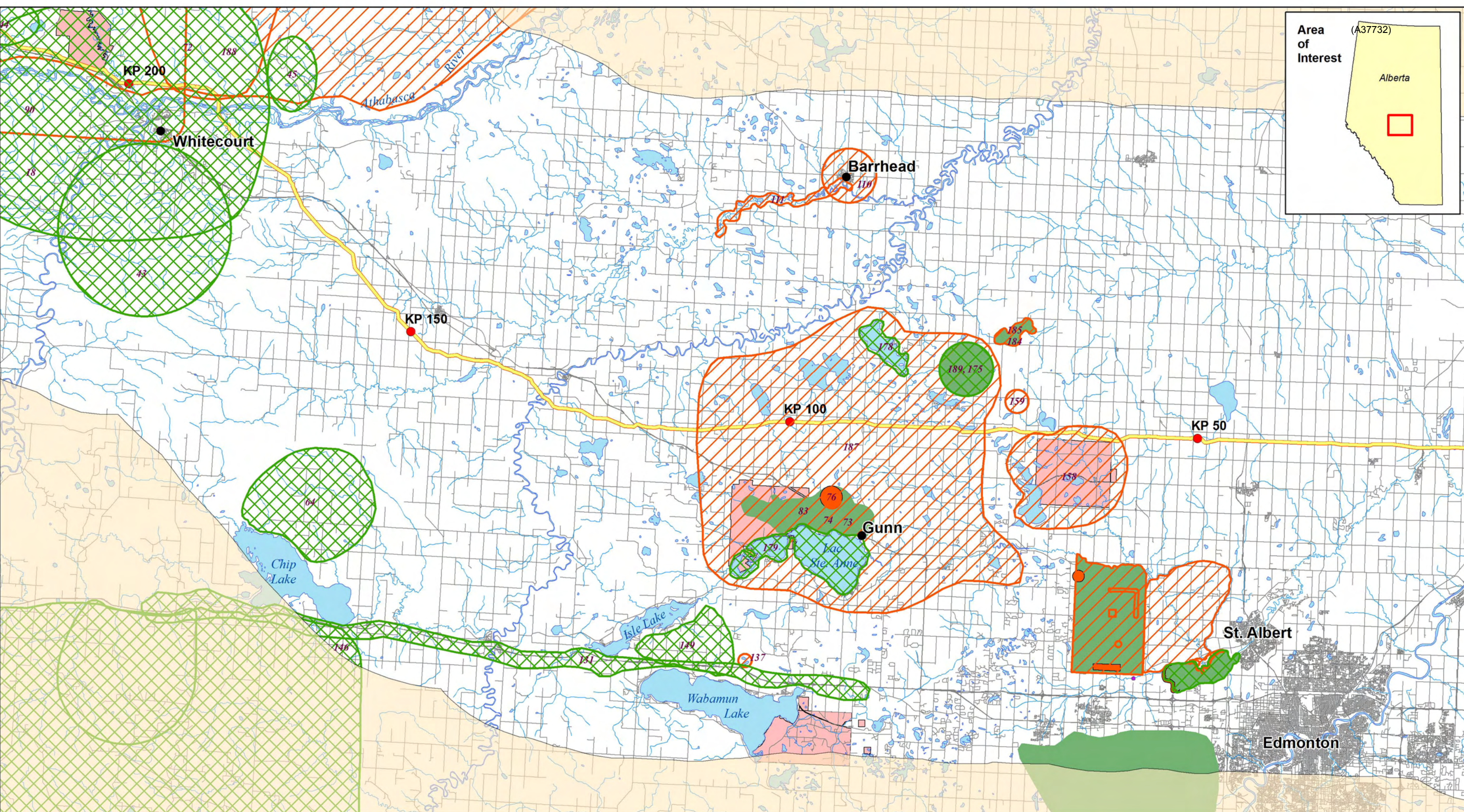
09/06/2010

Figure Number:

4-2

Map Information:

Data Source: Enbridge, National Topographic Database, Michel First Nation  
NAD83 UTM ZONE 12N



### Hunting, Trapping and Wildlife Areas

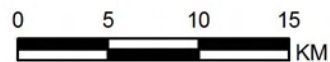
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### Legend

- Hunting Area (Current)
- Hunting Area (Past)
- Trapping Area (Current)
- Trapping Area (Past)
- Wildlife Habitat
- Kilometre Post
- Pipeline Route
- Michel Band Former Reserve (approximate)
- First Nations Reserve
- Regional Effects Assessment Area



Prepared For:



Michel First Nation

Prepared By:



Calliou Group

Date:

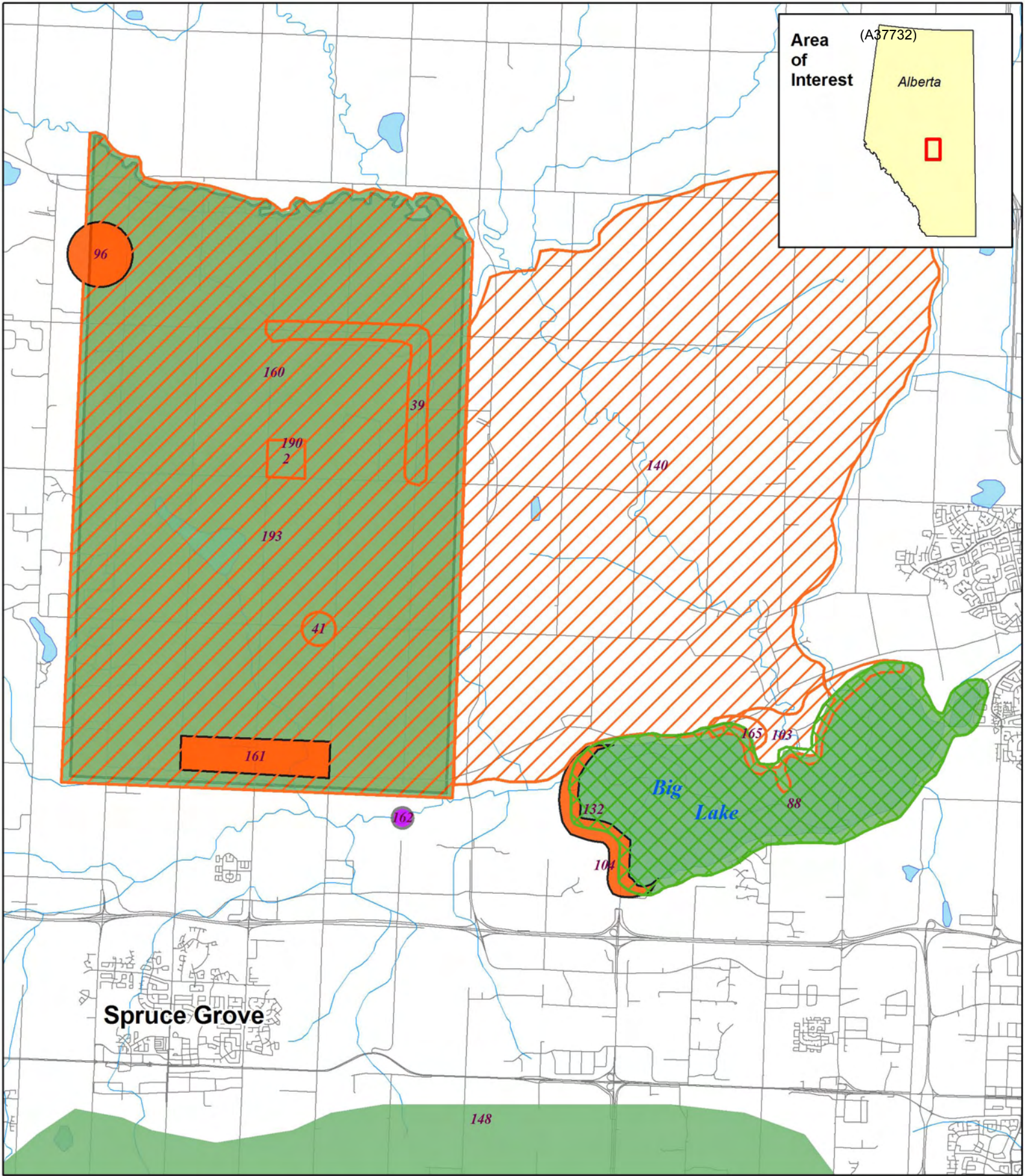
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Figure Number:

4-3

Map Information:

Data Source: Enbridge, National Topographic Database, Michel First Nation  
NAD83 UTM ZONE 12N



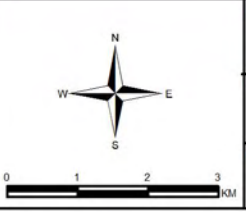
**Hunting, Trapping and Wildlife Areas**

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**Legend**

- Hunting Area (Current)
- Hunting Area (Past)
- Trapping Area (Current)
- Trapping Area (Past)
- Wildlife Habitat
- Michel Band Former Reserve (approximate)



Prepared For:	Michel First Nation
Date:	09/06/2010

Prepared By:	Calliou Group
Figure Number:	<b>4-4</b>

**Map Information:**  
 Data Source: Enbridge, National Topographic Database, Michel First Nation  
 NAD83 UTM ZONE 12N

## 4.5 Fishing Areas

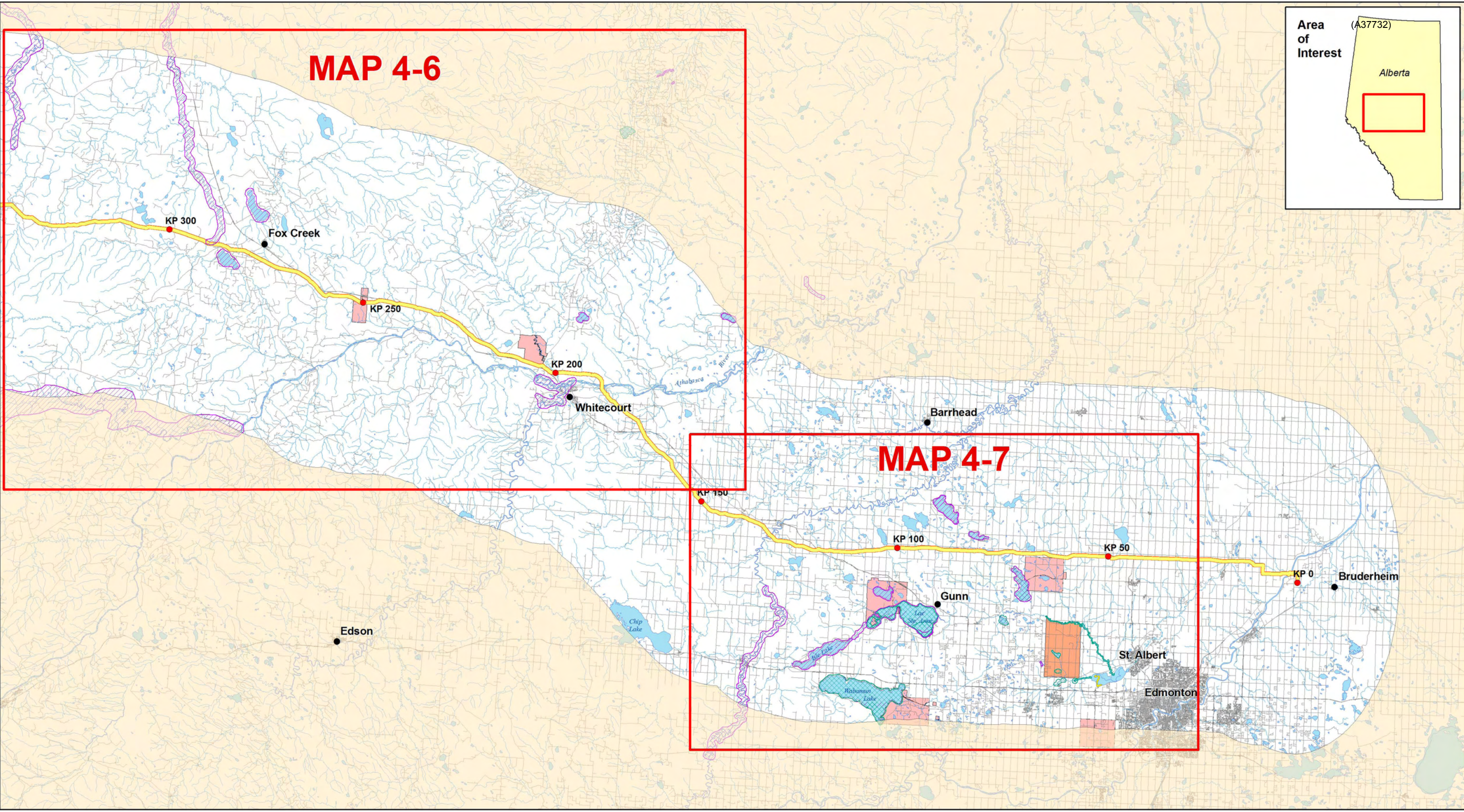
Interview participants reported past and current fishing areas in numerous lakes, rivers and creeks throughout their traditional territory including in the vicinity of the proposed Project. MFN members report fishing for various species of fish including: whitefish, perch, jackfish, suckers, trout, sturgeon, and grayling (MFN1, MFN2, MFN3, MFN4, MFN5, MFN11, MFN12, MFN13). Similar to the accounts about hunting, many MFN members relayed stories about using their status card when fishing in lieu of a provincial fishing licence (MFN11, MFN12, MFN14, MFN15). Members reported fishing predominantly with a fishing line; however some participants also net fish or have in the past.

Figure 4-5 is an overview of the fishing areas identified during the study. Figures 4-6, and 4-7 are focused maps that show the fishing areas listed below.

Fishing locales within the Regional Effects Assessment Area include:

6. Gladue Lake for jackfish (MFN2)
8. Sturgeon River for jackfish, pike and sturgeon (MFN1, MFN11, MFN12)
9. Atim/Dog Creek to Big Lake for jackfish and pike (MFN1)
10. Muir Lake (MFN1)
11. Wabamun Lake, catch and release only (MFN1)
12. Alberta Beach (MFN1)
14. Devil's Lake/Matchayaw (MFN1, MFN13)
15. Nakamun Lake (MFN1)
16. Isle Lake (MFN1)
17. Lac la Nonne (MFN1)
19. McLeod River forks near Whitecourt (MFN1)
21. Pembina River near Evansburg (MFN1)
24. Iosegun Lake (MFN1)
25. Simonette River (MFN1)
26. Smoke Lake (MFN1)
27. Little Smokey River (MFN1)
31. Berland River/Grande Cache/Hinton area (MFN1)
46. Carson Lake for trout and perch (MFN11, MFN12)
52. Thunder Lake for walleye/pickrel and jackfish/northern pike (MFN11, MFN12)
63. South end of former reserve (MFN11, MFN12)
67. Wabamun Lake for whitefish and pike (MFN11, MFN5)

- 70. West end of Atim/Dog Creek (MFN11, MFN12)
- 77. Lac St. Anne for walleye, whitefish and pike (MFN3, MFN14, MFN15)
- 78. Lac la Nonne for perch (MFN3)
- 80. Birch Lake on the Alexis Reserve (MFN3)
- 81. Un-named creek from Sturgeon River to Lac St. Anne for suckers (MFN3)
- 82. East end of Atim/Dog Creek (MFN3)
- 152. Lac St. Anne for whitefish (MFN7)
- 162. Cunningham Bridge in St. Albert for jackfish (MFN13, MFN14)
- 173. Western edge of big lake, spawning for suckers and jackfish (MFN13)
- 180. Lac la Nonne for walleye and pike (MFN13)
- 195. Sandy Lake (MFN1, MFN13)



# MAP 4-6

# MAP 4-7

### Overview of Fishing Areas

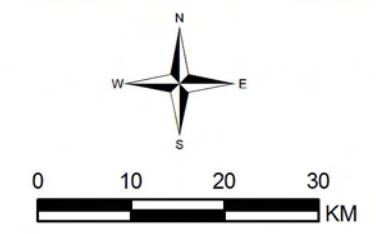
The REAA displayed above is an 80km buffer applied to the pipeline.

Maps are representative of MFN use that was collected in conjunction with the Enbridge Northern Gateway Pipeline Project. Maps should not be used in lieu of consultation with MFN.

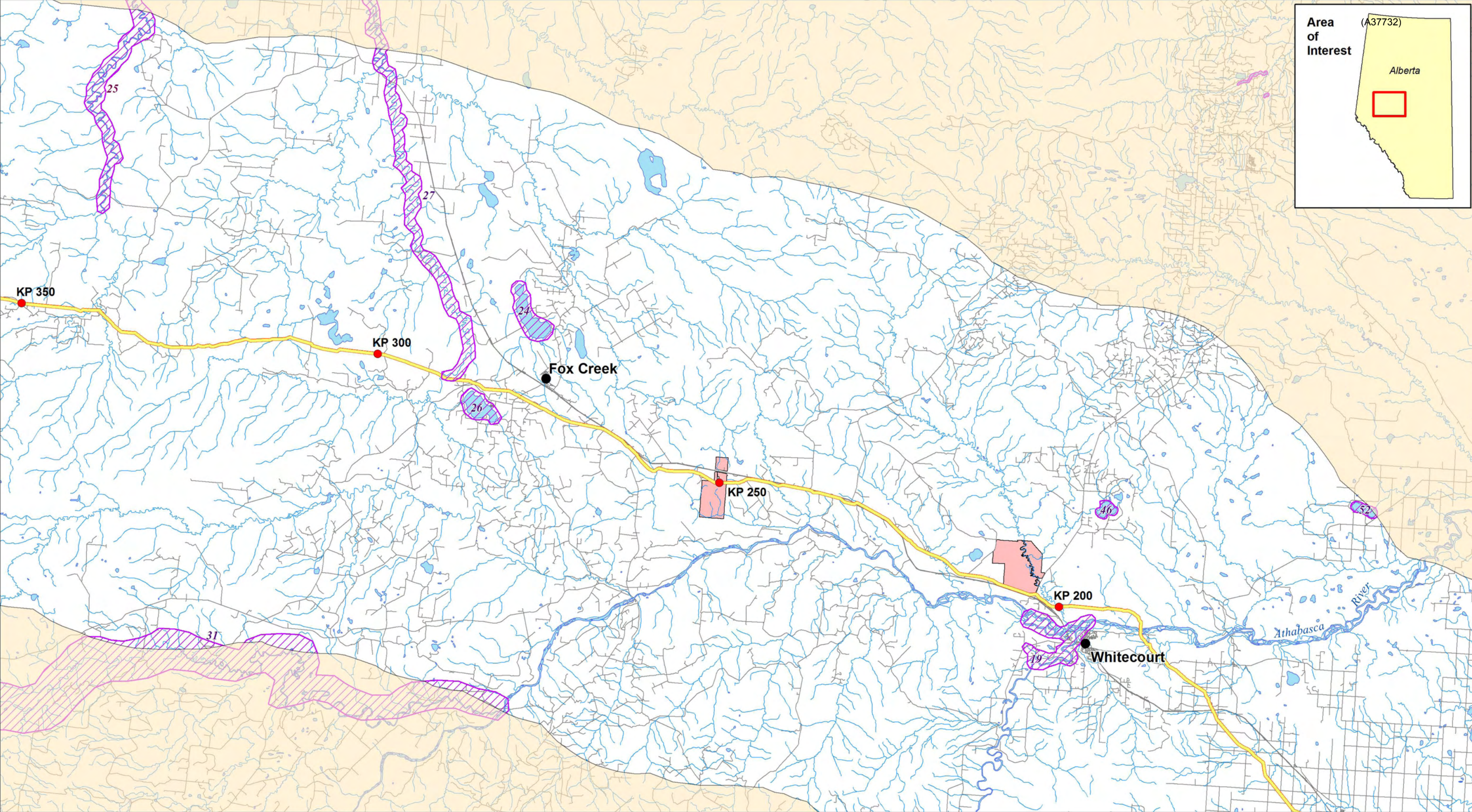
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### Legend

- Fish Spawning Area
- Fishing Area (Current)
- Fishing Area (Past)
- Kilometre Post
- Pipeline Route
- Michel Band Former Reserve (approximate)
- First Nations Reserve
- Regional Effects Assessment Area



<b>Prepared For:</b> Michel First Nation	<b>Prepared By:</b> Calliou Group
<b>Date:</b> 11/06/2010	<b>Figure Number:</b> 4-5
<b>Map Information:</b> Data Source: Enbridge, National Topographic Database, Michel First Nation NAD83 UTM ZONE 12N	



**Fishing Areas**

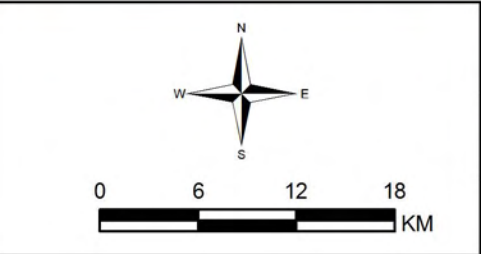
The REAA displayed above is an 80km buffer applied to the pipeline.

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**Legend**

- Fishing Area (Current)
- Pipeline Route
- Kilometre Post
- First Nations Reserve
- Regional Effects Assessment Area



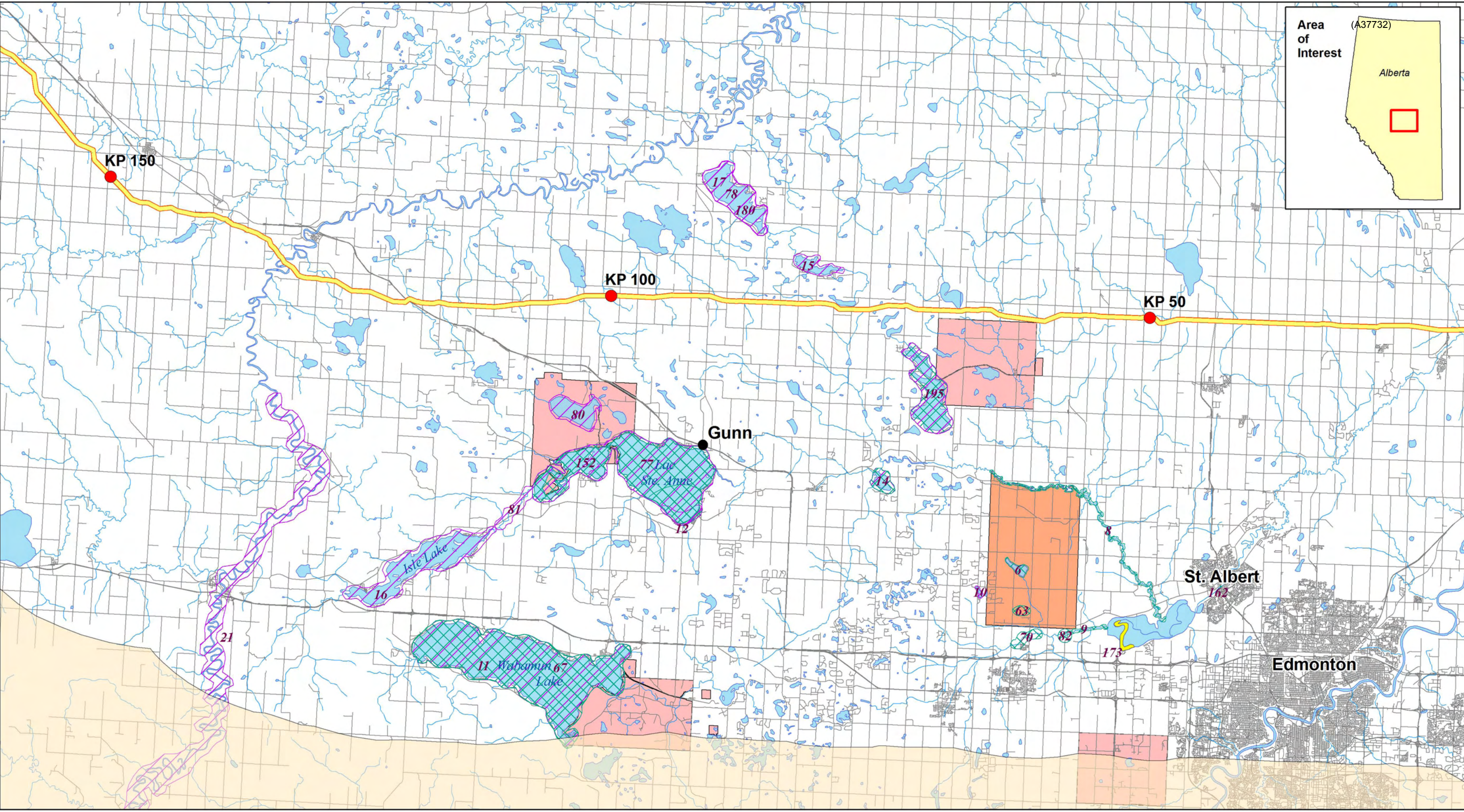
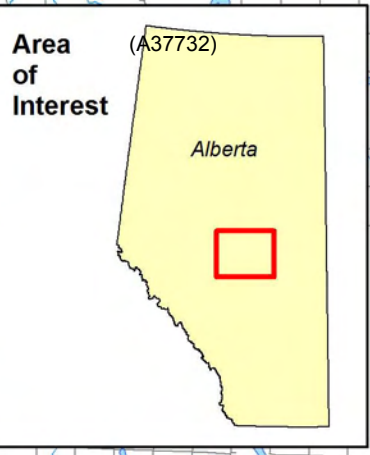
**Prepared For:** Michel First Nation

**Date:** 11/06/2010

**Map Information:** Data Source: Enbridge, National Topographic Database, Michel First Nation  
NAD83 UTM ZONE 12N

**Prepared By:** Calliou Group

**Figure Number:** **4-6**



**Fishing Areas**

The REAA displayed above is an 80km buffer applied to the pipeline.

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**Legend**

- Fish Spawning Area
- Fishing Area (Current)
- Fishing Area (Past)
- Kilometre Post
- Pipeline Route
- Michel Band Former Reserve (approximate)
- First Nations Reserve
- Regional Effects Assessment Area

**Prepared For:** Michel First Nation

**Date:** 11/06/2010

**Prepared By:** Calliou Group

**Figure Number:** **4-7**

**Map Information:** Data Source: Enbridge, National Topographic Database, Michel First Nation  
NAD83 UTM ZONE 12N

## 4.6 Gathering Areas

Aboriginal knowledge related to gathering areas encompasses plants used for food and medicinal purposes, but also vegetation that supports the animals which MFN members hunt. Many types of berries are gathered by interview participants, including: Saskatoon berries, strawberries, raspberries, pincherries, gooseberries, hazelnuts, red currants, white currants, black currant, cranberries and blueberries (MFN2, MFN3, MFN5, MFN9, MFN11, MFN14, MFN15). Berries would be eaten, dried, used to make preserves or fried in grease (MFN11, MFN12, MFN13).

Similarly, the type of plants gathered for medicinal uses is varied and includes a variety of species identified during interviews, but considered confidential by the Nation (MFN2, MFN3, MFN15).

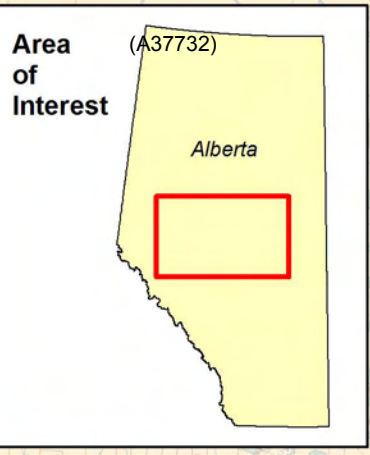
Interview participants explained that knowledge about plants and their uses is learned from other community members, often from mothers, grandmothers, and aunts (MFN2). In turn, these participants are teaching their grandchildren, children and nieces/nephews (MFN2, MFN3). MFN3 explained that “every herb that I pick, I pick in fall or in spring and I pick in the bush out of the sunlight.” MFN3 further explained that plants need water, shade and a lack of pollution to grow. MFN9 noted that berries grow in sloughs. MFN13 reported open areas are best for berry picking; for example, lightly forested poplar trees.

MFN interview participants noted that there are many areas throughout their traditional territory that are good for gathering berries or medicines. MFN2 noted that it is difficult to pinpoint the locales on the map because “It’s everywhere”. However, she further noted that the plants are not as abundant as in the past. Additionally, participants explained that medicinal plant uses are confidential. In order to protect the confidentiality of medicinal plants, the following gathering areas do not give specific information on the species of plant or use of that plant. Figure 4-8 is an overview of the gathering areas identified during the study. Figure 4-9 is a zoomed-in map that shows the gathering areas listed below.

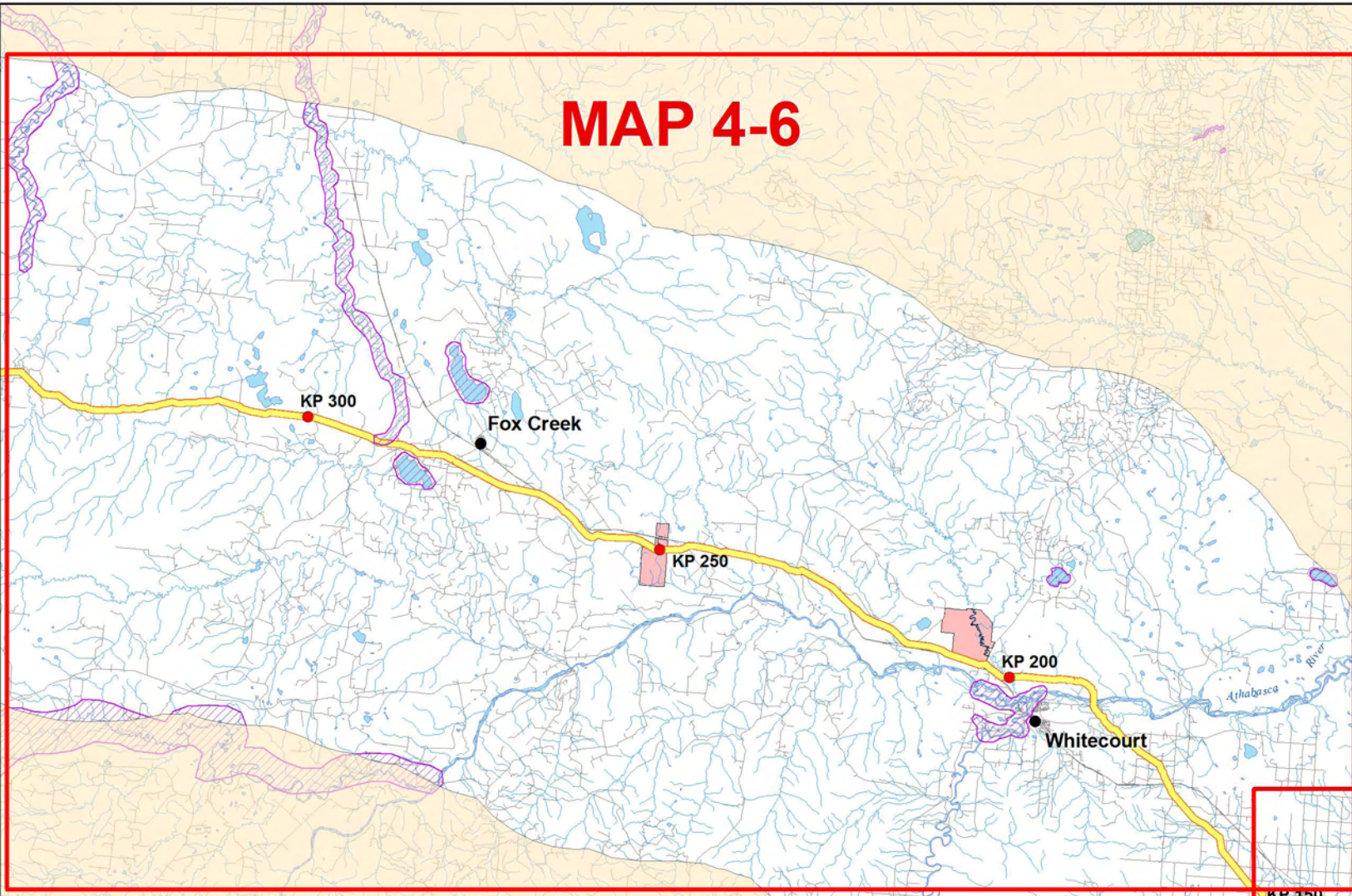
Gathering locales intersected by the Regional Effects Assessment Area include:

3. Northeast of Gladue Lake on the former reserve (MFN1, MFN2)
4. Along Highway 633 (MFN2)
5. Gladue Lake (MFN1, MFN2)

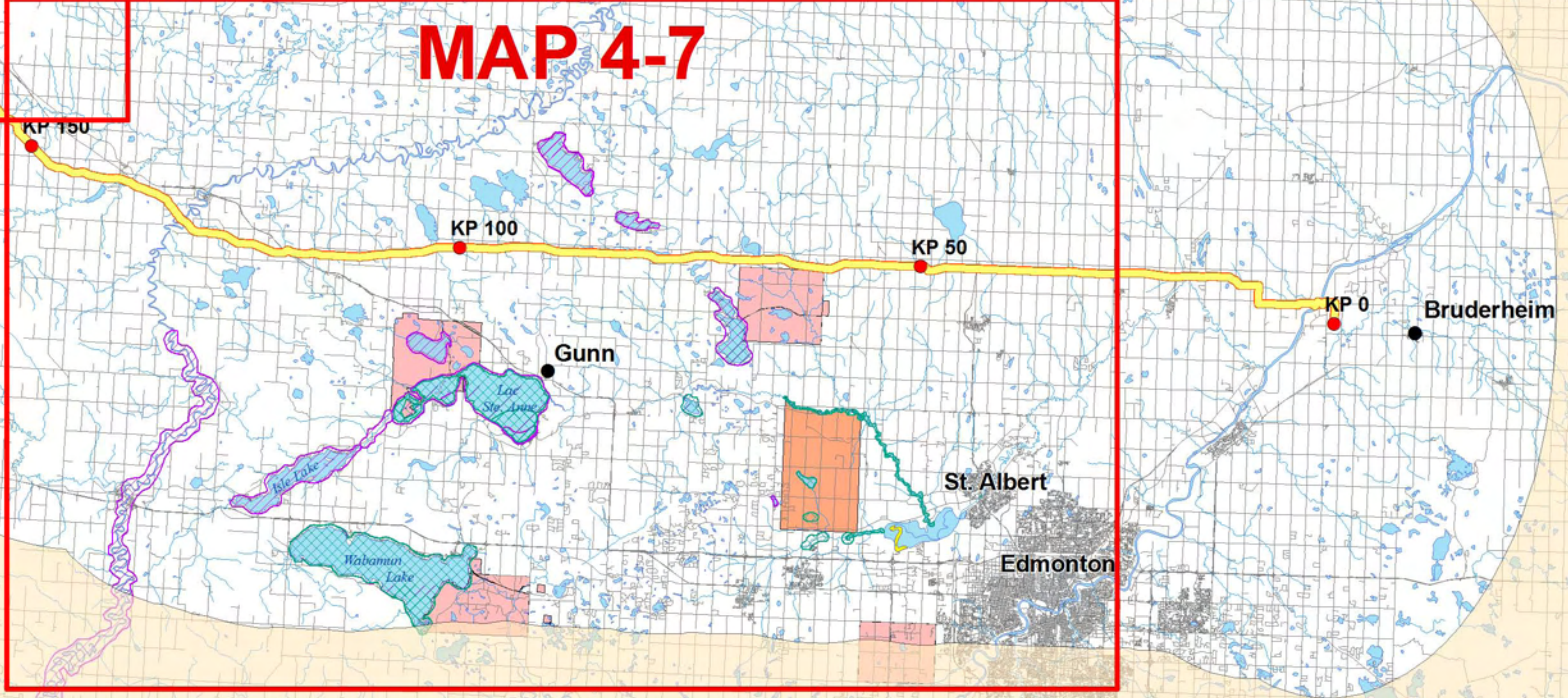
20. Whitecourt area (MFN1)
36. East of Gladue Lake (MFN11)
38. Southeast of Gladue Lake (MFN11, MFN12)
40. Along the roads on the former reserve (MFN11, MFN12)
84. North of Lac St. Anne (MFN3)
85. Sloughs on the east side of Birch Lake (MFN3)
86. Marshes north of Lac St. Anne, south of Birch Lake (MFN3)
94. East of Calahoo on the former reserve (MFN5)
95. Generally around Calahoo (MFN5)
97. In the bush near their former home (MFN5)
112. Maxwell Lake (MFN4)
115. Spruce Grove area (MFN5)
116. Road near Morinville (MFN5)
117. Sandy Beach (MFN4)
118. North of the Alexander Reserve (MFN4)
127. Roads and wet areas on the Alexander reserve (MFN4)
128. East end of Lac St. Anne (MFN4)
138. Sturgeon River on the northeastern corner of the former reserve (MFN10)
139. West end of Big Lake in the wetland (MFN9)
150. Southwest portion of former reserve (MFN9)
151. Southeast portion of former reserve (MFN10)
154. West end of Wabamun (MFN8)
169. Trail along the southwest portion of the former reserve (MFN15)
170. South end of former reserve (MFN15)
182. Between Lac la Nonne and Nakamun Lake (MFN14)
189. Berry Hill on the former reserve (MFN13)
192. Southeast portion of the 1958 surrendered land on the former reserve (MFN15)



# MAP 4-6



# MAP 4-7



## Overview of Fishing Areas

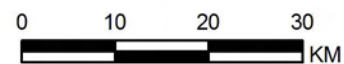
The REAA displayed above is an 80km buffer applied to the pipeline.

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### Legend

- Fish Spawning Area
- Fishing Area (Current)
- Fishing Area (Past)
- Kilometre Post
- Pipeline Route
- Michel Band Former Reserve (approximate)
- First Nations Reserve
- Regional Effects Assessment Area



Prepared For:



Michel First Nation

Prepared By:



Calliou Group

Date:

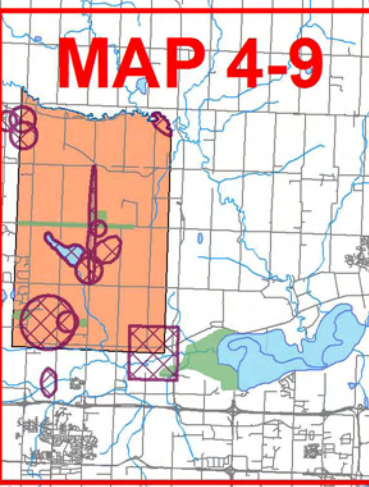
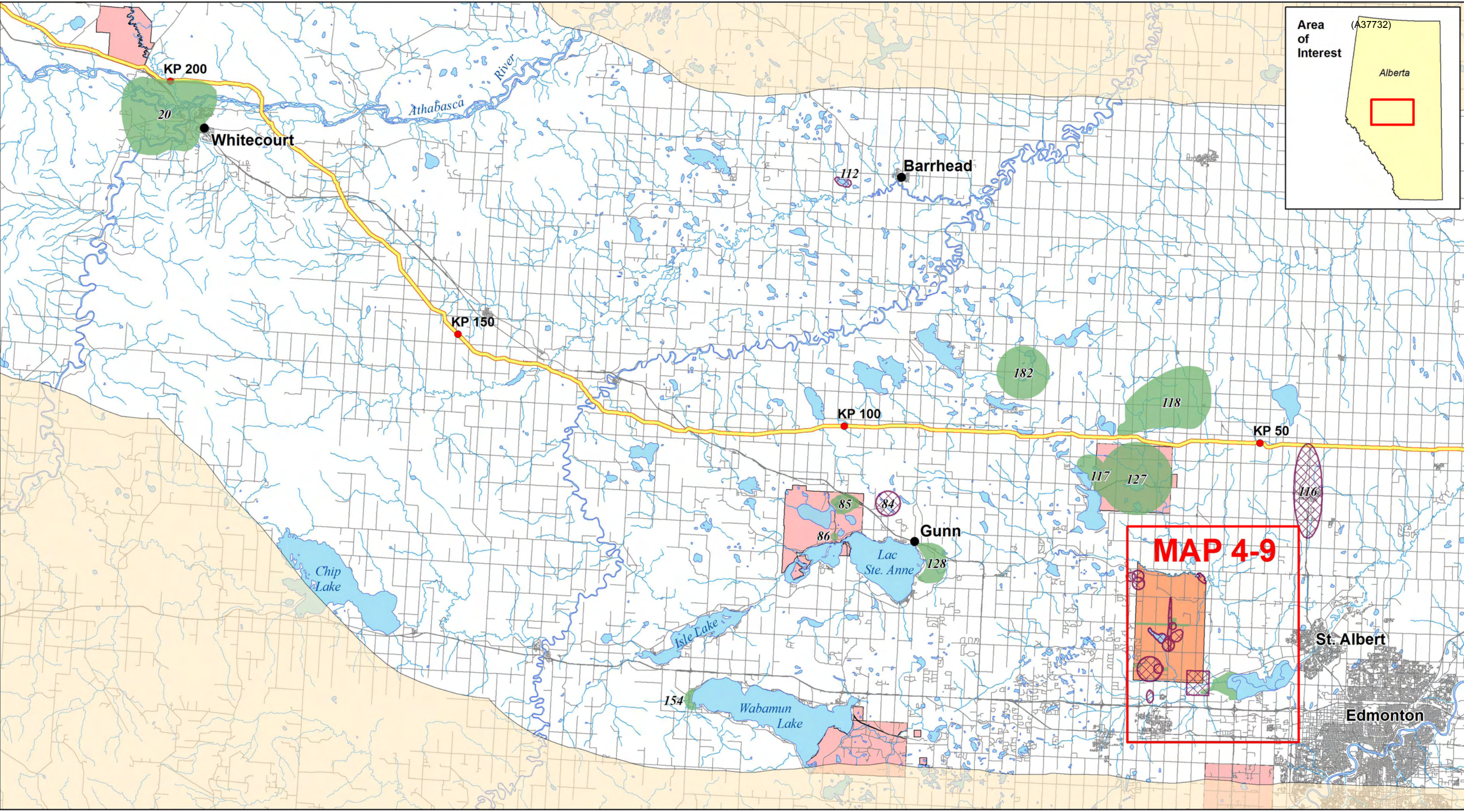
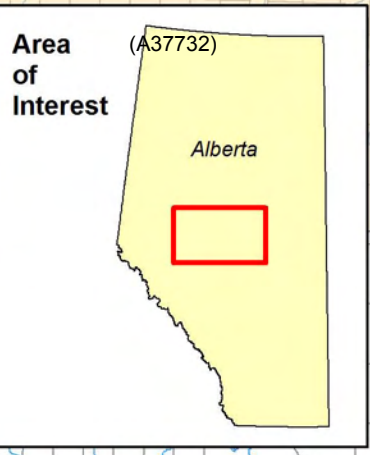
11/06/2010

Figure Number:

4-5

Map Information:

Data Source: Enbridge, National Topographic Database, Michel First Nation  
NAD83 UTM ZONE 12N



**Overview of Plant Gathering Areas**

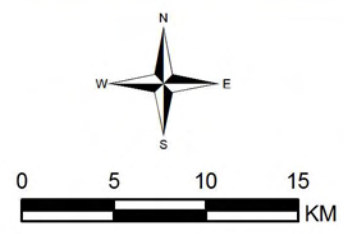
The REAA displayed above is an 80km buffer applied to the pipeline.

Maps are representative of MFN use that was collected in conjunction with the Enbridge Northern Gateway Pipeline Project. Maps should not be used in lieu of consultation with MFN.

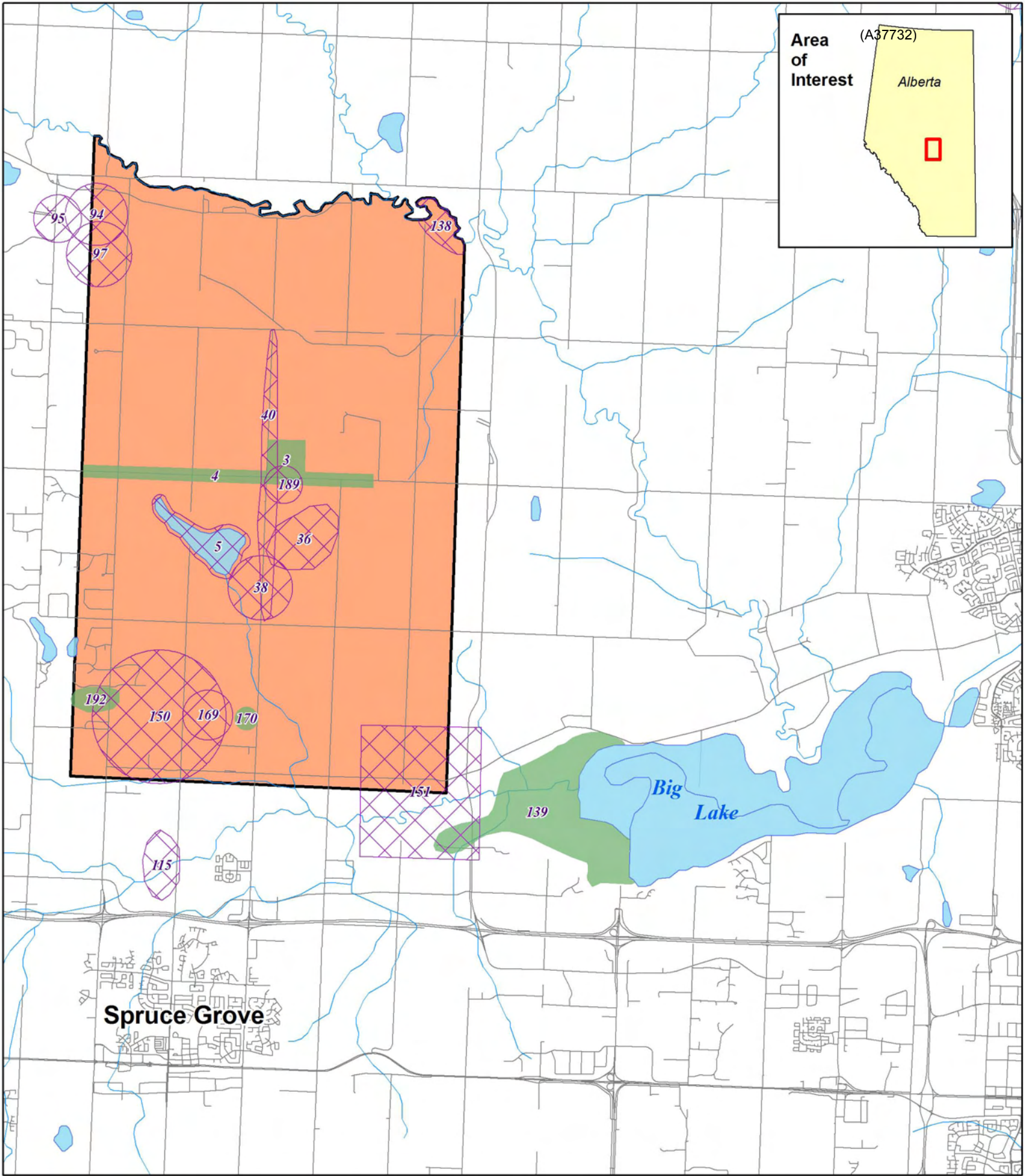
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**Legend**

- Plant Gathering Area (Current)
- Michel Band Former Reserve (approximate)
- Plant Gathering Area (Past)
- First Nations Reserve
- Kilometre Post
- Regional Effects Assessment Area
- Pipeline Route



<b>Prepared For:</b>	Michel First Nation	<b>Prepared By:</b>	Calliou Group
<b>Date:</b>	16/07/2010	<b>Figure Number:</b>	<b>4-8</b>
<b>Map Information:</b> Data Source: Enbridge, National Topographic Database, Michel First Nation NAD83 UTM ZONE 12N			



**Spruce Grove**

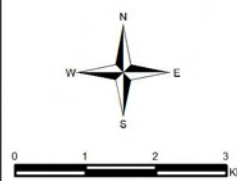
**Big Lake**

**Plant Gathering Areas**

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- Legend**
- Plant Gathering Area (Current)
  - Plant Gathering Area (Past)
  - Michel Band Former Reserve (approximate)



**Prepared For:**  
 Michel First Nation

**Date:**  
 16/07/2010

**Prepared By:**  
 Calliou Group

**Figure Number:**  
**4-9**

**Map Information:**  
 Data Source: Enbridge, National Topographic Database, Michel First Nation  
 NAD83 UTM ZONE 12N

## **4.7 Travel Routes**

An important historical travel route was identified by participants during the interview process. The Lac St. Anne trail begins in St. Albert, crosses through the former Michel band reserve and continues to the Lac St. Anne gathering site. This trail was used by many people, including MFN members, to travel to the annual Lac St. Anne pilgrimage. MFN11 explained that he went every year on the pilgrimage until a few years ago. MFN11's grandparents travelled to Lac St. Anne along the trail by horse and wagon and later by car.

Figure 4-10 shows the following travel routes intersected by the Regional Effects Assessment Area include:

1. Trails on the former reserve (MFN11)
2. Travel along Highway 16 to St. Albert by wagon (MFN5)
3. Travel between the former reserve to Spruce Grove (MFN5)
4. On the former reserve west on what is now Highway 633 (MFN5)
5. Travel to Lac St. Anne from Hinton for the annual pilgrimage (MFN5)
6. Old trail east of Lac la Nonne to connected to the Klondike trail (MFN13)
7. Lac St. Anne trail (MFN4, MFN11)

## **4.8 Sacred Sites**

Sacred sites include sites that are ceremonial sites or burial sites. MFN participants reported both ceremonial and burial sites within the Regional Effects Assessment Area.

A number of participants shared a story about the 1918 flu epidemic. At the time, the Michel Band was living on the former reserve and many people became sick. One family lost 9 people to the flu in one night. These individuals were buried in an unmarked grave that is either located on the reserve or in the Villeneuve cemetery (MFN5, MFN6, MFN7, MFN11, MFN13). The Villeneuve cemetery is a very important locale for MFN as it contains the graves of numerous Michel families (MFN5, MFN6). MFN6 reported that the Villeneuve cemetery was established in 1914; prior to this date the cemetery was located in a different spot but due to flooding issues the cemetery, and the graves it contained, were relocated to their present locale.

MFN2 reported that in the past, before there were cemeteries, people were buried everywhere. Participants explained that there could be burials throughout the reserve (MFN2, MFN5, MFN11, and MFN13). MFN2 also noted that rock caches would often mark a grave.

Additionally, participants reported that they may be graves from former residential school students near where the Sturgeon River feeds into Big Lake (MFN4). MFN believes that much more research must be conducted into identifying the locale of these burials and associated information.

Other participants reported ceremonial locales throughout the former reserve. MFN2 explained that ceremonies such as sweats occurred on the former reserve, although these were often done in secret because First Nations traditions and ceremonies were illegal.

The Lac St. Anne pilgrimage grounds (see Section 4.7 Travel Routes) are also an important ceremonial location for many MFN members. Participants reported participating in the pilgrimage on an annual basis both in the past and currently (MFN1, MFN5, MFN8, MFN9, MFN10, MFN11). MFN7 told a story about how Lac St. Anne may have healing properties.

Other spiritual places throughout MFN traditional territory could include areas that are good teaching locales or family gathering places (MFN2). Sacred sites are shown on Figure 4-10.

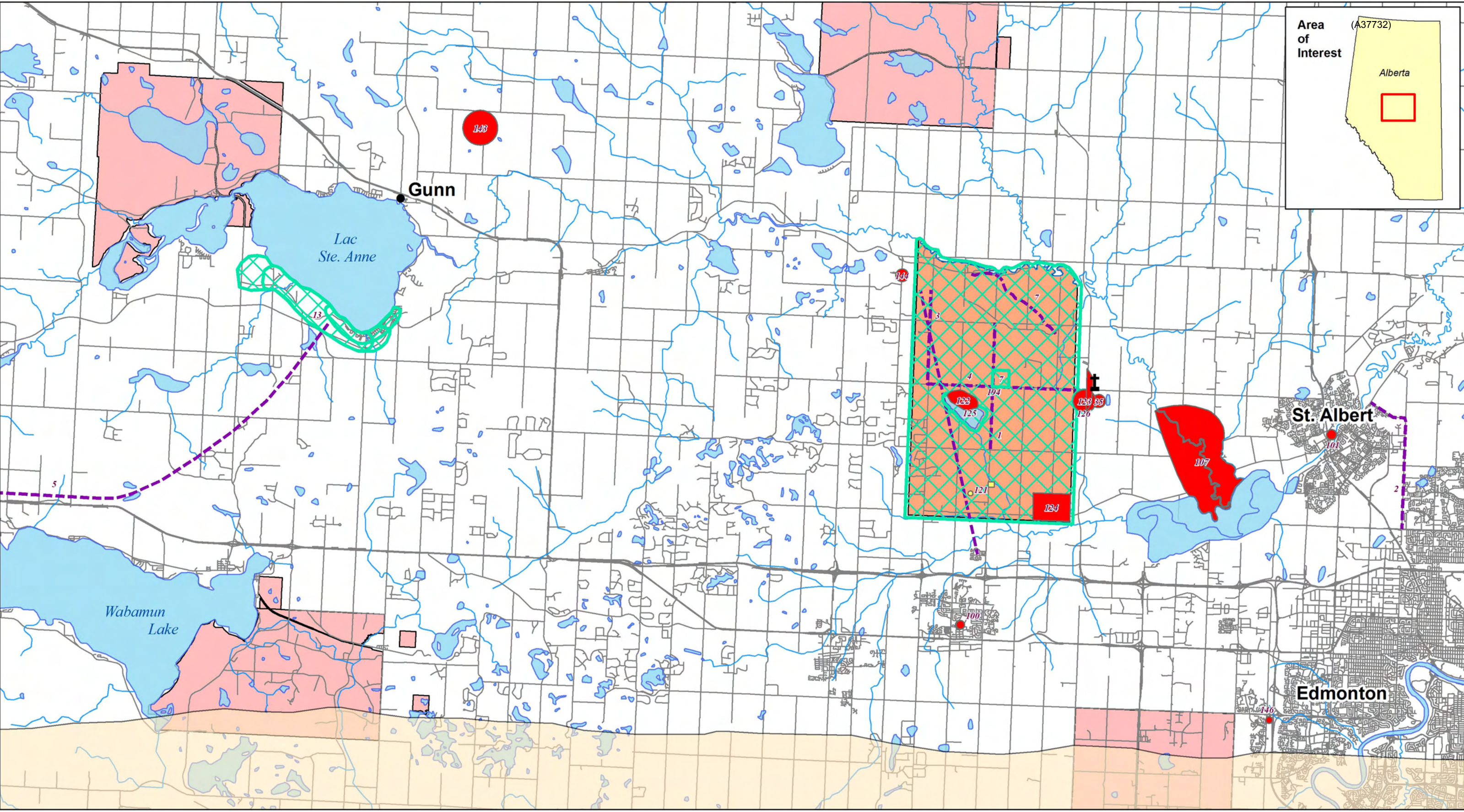
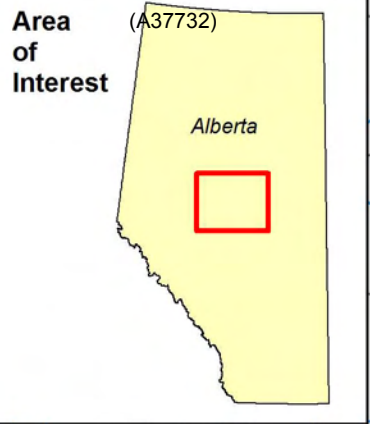
Sacred sites intersected by the Regional Effects Assessment Area include:

### ***Burials***

- 35. Villeneuve cemetery (MFN6, MFN5, MFN9, MFN15)
- 100. Spruce Grove cemetery (MFN5, MFN15)
- 101. St. Albert cemetery near St. Albert trail (MFN5, MFN9, MFN13)
- 107. Potential unmarked burial of MFN children on either east or west side of the Sturgeon River, north of Big Lake (MFN4)
- 122. North side of Gladue Lake (MFN4)
- 123. Potential burials near Villeneuve Hall (MFN4)
- 124. Potential burials in southeast corner of the former reserve (MFN4)
- 143. Northeast of Lac St. Anne (MFN10)
- 144. Town of Calahoo (MFN10)
- 146. Cemetery in Edmonton on a surrendered portion of the Enoch reserve (MFN10)

### ***Ceremonial, or other Sacred, Sites***

- 7. Meeting place for family and youth camp northeast of Gladue Lake (MFN1, MFN2)
- 13. South end of Lac St. Anne for the annual pilgrimage (MFN1, MFN11, MFN8, MFN9, MFN10)
- 121. Old Michel School (MFN4)
- 125. Gladue Lake for tobacco offerings (MFN4)
- 126. Town of Villeneuve for tobacco offerings (MFN4)
- 194. Former reserve for ceremonies (MFN2)



### Ceremonial Sites & Travel Routes

The REAA displayed above is an 80km buffer applied to the pipeline.

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### Legend

- Graveyard
- Burials
- Ceremonial Site
- Historic School
- Michel Band Former Reserve (approximate)
- First Nations Reserve
- Travel Routes
- Regional Effects Assessment Area



Prepared For:



Michel First Nation

Prepared By:



Calliou Group

Date:

11/06/2010

Figure Number:

4-10

Map Information:

Data Source: Enbridge, National Topographic Database, Michel First Nation  
NAD83 UTM ZONE 12N

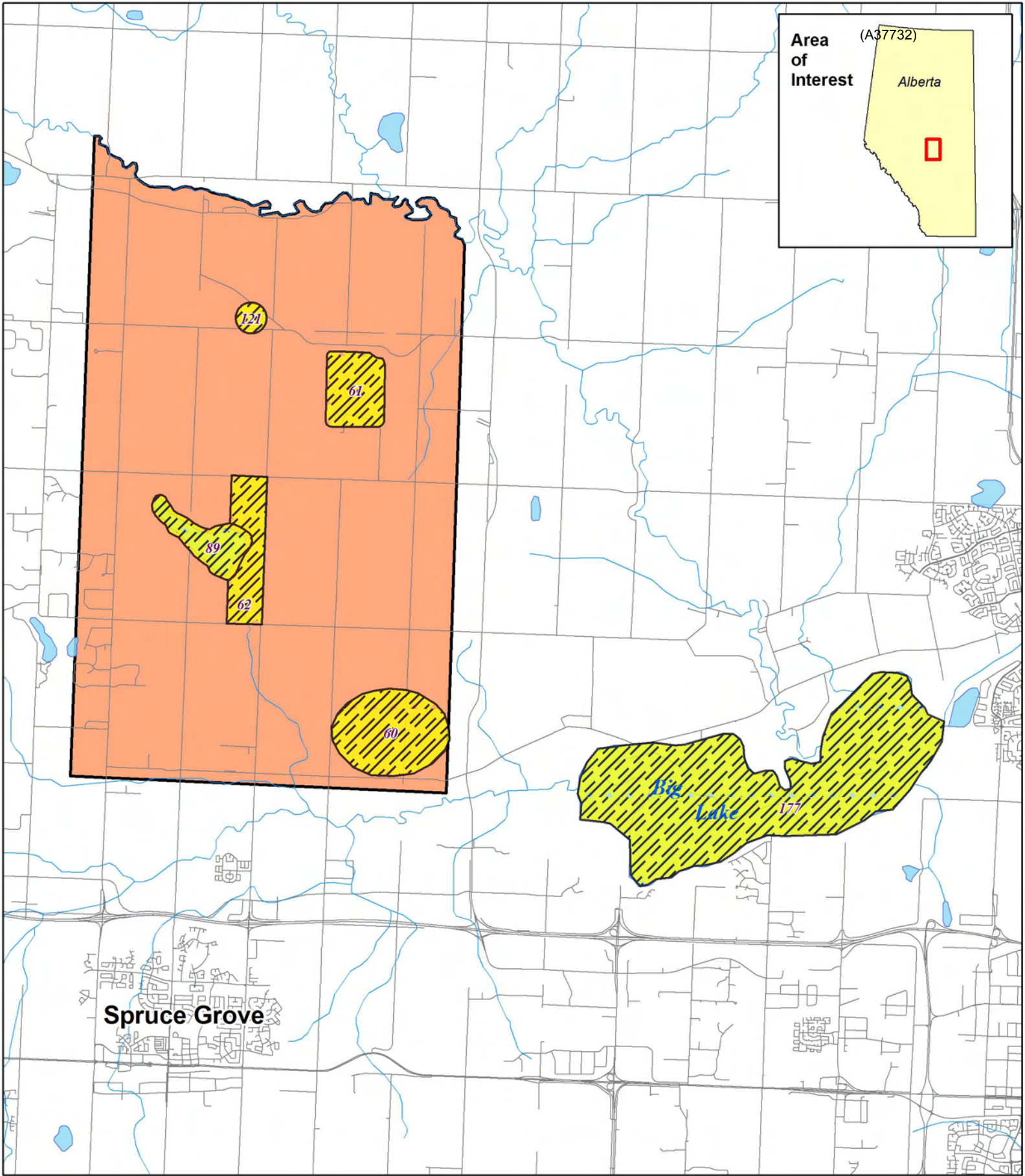
#### **4.9 Future Use Areas**

In addition to areas where MFN members exercise their treaty rights, either in the past or currently, some participants identified important areas that they would like preserved for future generations of Michel members.

These areas include location on the former reserve or within MFN traditional territory for uses that include hunting, trapping, fishing and gathering as well as ceremonial and cultural activities (MFN1, MFN2, MFN3, MFN5, MFN11, MFN12, and MFN13).

Future use areas, shown of Figure 4-11 within the Regional Effects Assessment Area include:

- 60. Southeast corner of the former reserve (MFN11, MFN12)
- 61. Land where the Villeneuve airport is now located (MFN11, MFN12)
- 62. Near Gladue Lake (MFN11, MFN12)
- 89. Gladue Lake (MFN3)
- 177. Areas around rivers and lakes, specifically big Lake (MFN13)



**Spruce Grove**

**Big Lake**



**Future Use Areas**

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**Legend**

- Proposed Conservation Area
- Michel Band Former Reserve (approximate)



Prepared For:  
 Michel First Nation

Date:  
 11/06/2010

Prepared By:  
 Calliou Group

Figure Number:  
**4-11**

Map Information:  
 Data Source: Enbridge, National Topographic Database, Michel First Nation  
 NAD83 UTM ZONE 12N

## **5 Project and Environmental Concerns**

MFN participants reported several general changes and observations about their traditional territory during the interviews for the study. Participants also reported concerns about the impact of the Project on the exercise of their treaty rights.

### ***Wildlife***

MFN1 and MFN2 said they were concerned about the impact of the proposed Project, and any industrial development, on animals. MFN2 said: "Every day there is another house, every day there is a new development and every time you see that new building you know that's another animal that's lost a home."

MFN11 said: "We know it's [the Project] going to affect the game that's in there."

Some participants reported that they have noticed a decrease in animals in general; noting that they have observed a decline within their lifetime in the availability of animals.

### ***Vegetation***

MFN2 expressed concerns about a loss of plants, stating, "It's really sad from a cultural point of view...each one of these medicinal plants that we pick they are a gift from mother earth...from a cultural perspective it's heartbreaking."

### ***Water***

Participants expressed concerns about water generally, noting a decrease in the amount of water in certain areas, such as Gladue Lake, located on the former Michel Band reserve (MFN3, MFN11, MFN12).

In relation to the proposed Project, MFN11 and MFN12 reported a concern about pipeline water crossings. They noted their preference is for trenchless water crossing as it is less destructive, MFN12 said "As soon as they disturb a water bed, the fish and everything downstream, they get screwed up."

### ***Access***

Participants expressed concerns about increased access to areas from pipeline RoWs, or similar footprints. MFN1 reported an increase in poachers killing animals for only their

antlers and leaving the rest. He noted that this happens often on cutlines or pipeline RoWs because the poachers have easier access to the animals.

MFN12 reported that he has observed past pipeline Projects and has noticed an increase in recreational users. He has observed that this increased access affects the land, causing the animals and berries to disappear. MFN12 said: "There is definitely more people who get in and use the area...that really degrades the land."

### ***Noise***

MFN13 expressed a concern about noise, further explaining that "if there is noise, there are people."

### ***Health***

In reference to the operations RoW, MFN11 and MFN12 expressed concerns about pesticides and herbicides used to maintain a RoW. They recommended replanting native species and using hand control rather than chemicals to control re-growth. MFN12 explained: "In the wintertime a lot of animals will subsist on that, on the bushes and the buds...if they spray that stuff and the animals eat it, eventually it's ending up in our systems."

### ***Safety***

MFN11 and MFN12 reported that if construction workers are in an area, they have to find somewhere new to hunt as they are concerned for the safety of the workers; they don't want to be hunting in close range of other people.

### ***Cumulative Effects***

The pace and amount of development in MFN traditional territory was a concern; MFN1 asked, "What are you going to do? Where is the balance?"

### ***Culture***

MFN participants also expressed concerns about cultural retention and the importance of being able to continue their traditional way of life. MFN12 explained: "Another concern is ensuring whatever traditions, any that we have alive, stay alive...and as we learn and grow we can pass those on."

## 6 References

**Alberta, Government of.** *Best Practices Handbook for Traditional Use Studies:* Ministry of Aboriginal Affairs and Northern Development, Government of Alberta, 2003

**Ackroyd, Piasta, Roth and Day.** Submission to the Indian Claims Commission: Submission on behalf of the Michel Band. Edmonton, 1997.

**Garvin, Terry and Northern Forestry Centre Staff.** *A Guide to Conducting Traditional Knowledge and Land Use Study.* Northern Forestry Centre, 2001.

**Indian Claims Commission.** Transcript of the Community Session The Friends of Michel Society Claim. Edmonton, 1996.

**Indian Claims Commission.** Friends of the Michel Society Inquiry 1958 Enfranchisement Claim. Ottawa, 1998.

**Larcombe, Pat.** *Determining Significance of Environmental Effects: An Aboriginal Perspective.* Winds and Voices Environmental Services Inc. For the Research and Development Monograph Services, <http://www.ceaa-acee.gc.ca>, 2000.

**Martin-McGuire, Peggy.** *First Nation Land Surrenders on the Prairies 1896-1911.* Prepared for the Indian Claims Commission. Ottawa, 1998.

**Michel First Nation.** <http://www.michelfirstnation.net/index.html>. Accessed May 2010.

**Roberts, John and Pamela Williamson.** *First Nations People, Second Edition.* Toronto: Emond Montgomery Publications, 2004.

**Robinson, Michael, Terry Garvin and Gordon Hodgson.** *Mapping How We Use Our Land.* Calgary: Arctic Institute of North America, 1994.

**Roth, Robin.** Two-Dimensional Maps in Multi-dimensional Worlds: A case of community-based mapping in Northern Thailand. Department of Geography, York University, 4700 Keele Street, Toronto, Ont., Canada, 2006.

**Tobias, Terry.** *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping.* Joint Publication, Union of BC Indian Chiefs and Eco Trust, 2000.

**Tobias, Terry.** *Living Proof: The Essential Data-Collection Guide for Indigenous Use-and-Occupancy Map Surveys.* Ecotrust Canada and Union of BC Indian Chiefs, Vancouver, BC, 2009.

**Valaskakis, Gail Guthrie.** *Indian Country: Essays on Contemporary Native Culture.* Wilfred Laurier University Press, 2005.



Mr. Roger Harris  
Vice President  
Enbridge Northern Gateway Pipelines  
Aboriginal & Community Partners  
P.O. Box 50, One Bentall Centre  
Suite 660, 505 Burrard Street  
Vancouver, BC V7X 1M4

October 29, 2009

**RE: Aboriginal Consultation on the Proposed Enbridge Northern Gateway Pipeline**  
**("Project")**

Dear Mr. Harris,

I am writing as the elected Chief, on behalf of the Council and Membership of the Michel First Nation (MFN) respectfully requesting consultation be immediately initiated by your company regarding the above mentioned Project.

The Michel First Nation is a signatory to Treaty No. 6. It is the only Nation in Canada to be forcibly enfranchised under s. 112 of the Indian Act, 1951. The Michel First Nation has over 750 members registered on the General List at the Department of Indian and Northern Affairs Canada. The Michel First Nation is governed by an elected Chief and Council since 1988, and holds annual meetings with our membership. Further, we are a recognized member of the Confederacy of Treaty Six Chiefs, and we are a recognized voting member of the national organization, the Assembly of First Nations.

It remains our position that our forced enfranchisement as a Nation had no impact on our collective section 35 rights, as guaranteed by the Constitution of Canada to hunt, trap and fish

and gather throughout our traditional territory. Despite our forced enfranchisement and loss of the majority of our reserve, we continue to claim and exercise our inherent Aboriginal and treaty rights throughout our traditional territory today, and intend to continue to do so in the future. Specifically, Michel First Nation members assert the following:

- MFN members have historically, and continue to hunt, fish, trap and gather in the vicinity of the proposed Project. There is Crown land and lands which our members have a right of access that are routinely used for traditional purposes that are potentially affected by your Project.
- We are concerned about adverse impacts to our rights from the proposed Project and the direct, indirect, and cumulative impacts of other existing, planned and reasonably foreseeable development combined with the proposed Project.
- We are concerned about potential adverse impacts to culturally significant sites, including gravesites located on or near the proposed Project.
- As our Traditional Territory is inundated by more and more industrial activity, this reduces the places where the MFN Elders can take younger MFN members onto the land. Being out on the land is a key means by which our Elders and parents teach the MFN youth how to hunt, fish, trap and gather. Engaging in these activities is a key means by which we pass down our culture, and as more areas of our Traditional Territory that are taken up for industrial activities, the harder it is for this to happen.
- ***Tracts of land on our former reserve that are still held in trust for benefit of the Michel First Nation is potentially impacted by your proposed Project.***

As you may be aware, Michel First Nation does not receive any capacity funding for the purpose of consultation from either the Provincial or Federal Crown. This profoundly affects our ability to engage and be meaningfully involved in any consultation process. This is especially true in the case of the Enbridge Northern Gateway Project. Michel First Nation was not contacted by CEAA representatives or any other federal regulatory agency in regards to this project, including opportunities for capacity funding available through CEAA's Aboriginal Funding Envelope, or

Funding to Participate in Environmental Review. As a result, Michel First Nation was unaware until very recently that funding was available to participate in the environmental assessment process.

Both the Federal and Provincial Crown are acutely aware of the Michel First Nation, and of our claims and assertions regarding the exercise of our section 35 rights. Further, we have been in active litigation with the Federal Crown for many years. The Crown, including CEAA and NEB representatives should have not only been aware of the existence of Michel First Nation asserted rights, but made your company aware of our existence as a potentially affected Aboriginal Group. The Governments of Canada and Alberta were both named in our Statement of Claim filed in 2001.

We are now also aware of the meticulous research Enbridge completed to identify potentially affected Aboriginal Groups. Michel First Nation should have been included in this identification process. This was a gross oversight and requires immediate rectification.

Michel First Nation also lacks capacity for professional advice in the field of Aboriginal consultation or environmental assessments. We were unaware, until very recently of the opportunities for involvement in the environmental assessment. As a result, our specific knowledge of Project is lacking. Further, we have had no opportunity for input into the Project Terms of Reference or design of studies intended to identify impacts to natural resources required for the exercise of our section 35 rights.

Michel First Nation requires capacity to specifically document the historical and current traditional uses of land by our membership that are potentially affected by your Project. Without this capacity, which we currently do not have, we will be unable to present at NEB proceedings the evidence with sufficient specificity required for NEC proceedings. To compile this information ourselves without capacity assistance would be an unreasonable expectation by your company. As Justice Barnes in *Brokenhead Ojibway v. Attorney General of Canada (2009)* stated:

...there must be some evidence presented which establishes both an adverse impact on a credible claim to land or to Aboriginal rights accompanied by a failure to adequately consult. (34)

The environmental assessment process itself is designed to first identify potential impacts to Aboriginal and treaty rights. Without involvement in and capacity for a **Traditional Land Use**

**Study** specifically for this project, Michel First Nation will be unable to formally document adverse impacts to our Section 35 rights.

We respectfully enclose a map showing the proposed Project overlap with the land that is being litigated as the Michel First Nation Reserve Lands, and our Statement of Claim

We look forward to meeting with you at your earliest convenience to discuss the consultation process. We understand from our limited knowledge of the Project that the regulatory process is progressing quickly and the opportunity for meaningful involvement is passing with each day.

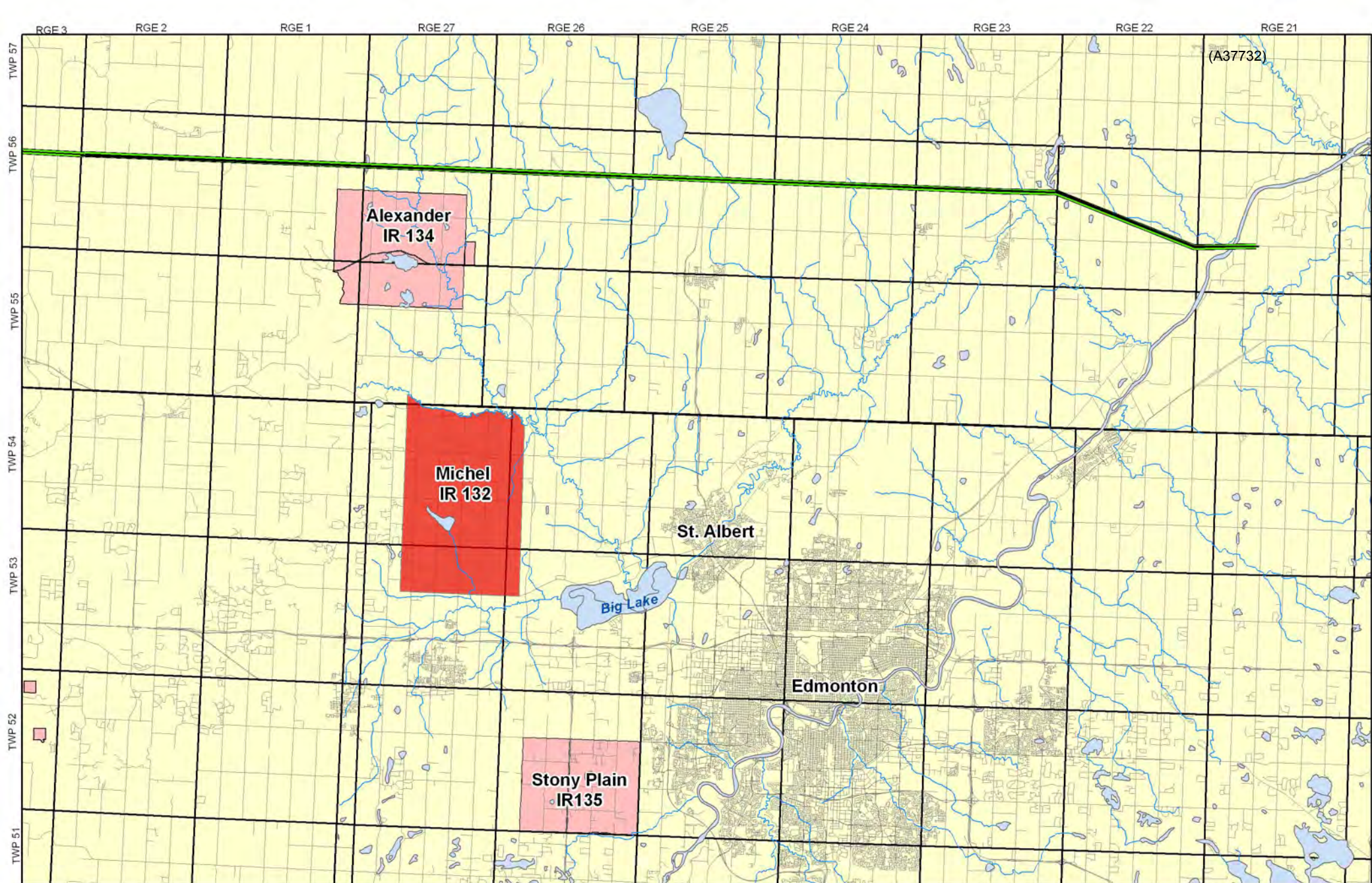
Sincerely,

**Signed Original Sent Via Mail**

Chief Rosalind Callihoo

Michel First Nation

cc: John Carruthers, Northern Gateway President ([john.carruthers@enbridge.com](mailto:john.carruthers@enbridge.com))  
Marlane Christensen, Northern Gateway Aboriginal Relations Director  
([marlane.christensen@enbridge.com](mailto:marlane.christensen@enbridge.com))  
Margaret McQuiston, Socio-Economic Specialist, NEB ([Margaret.McQuiston@neb-one.gc.ca](mailto:Margaret.McQuiston@neb-one.gc.ca))  
Brett Marcale, Senior Program Officer, Project Reviews CEAA ([brett.maracle@ceaa-acee.gc.ca](mailto:brett.maracle@ceaa-acee.gc.ca))  
George Arcand, Regional Director, Indian and Northern Affairs Alberta

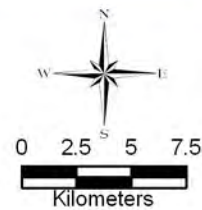


### Michel Band Reserve in relation to proposed Northern Gateway Pipeline

Disclaimer:  
This map does not delineate the  
Traditional Territory of the Michel Band.

#### Legend

- Michel Band Reserve (approximate)
- Gateway Pipeline Route (approximate)
- Other First Nations Reserve
- Township Grid



Prepared For:



Prepared By:

Calliou Group

Date:

October 29, 2009

Prepared By:

K. Janssen

Map Information:

Datum: NAD 83, UTM ZONE 11  
Source: NTDB

IN THE COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL DISTRICT OF EDMONTON

COPY

BETWEEN:

**DENNIS CALLIHOO and ROSALIND CALLIHOO,  
acting on their own behalf and on behalf of all Members of  
THE MICHEL FIRST NATION, and on behalf of all Members of  
the former MICHEL INDIAN BAND NO. 472  
and the Descendants of Members of the former  
MICHEL INDIAN BAND NO. 472**

PLAINTIFFS

- and -

ATTORNEY GENERAL OF CANADA

\_\_\_\_\_  
\_\_\_\_\_

DEFENDANT

AMENDED AMENDED AMENDED STATEMENT OF CLAIM

1. THE MICHEL FIRST NATION, the Members and Descendants of the former MICHEL INDIAN BAND NO. 472, DENNIS CALLIHOO and ROSALIND CALLIHOO are all of the Cree and Iroquois people and are all "Indians" within the meaning of Section 91(24) of the *Constitution Act, 1867*, the Imperial Order in Council of June 23, 1870, and the *Constitution Act, 1982*, within the meaning of Treaty No. 6 and within the meaning of the *Indian Act*, R.S.C. 1985, c.1-5, and are aboriginal peoples within the meaning of the *Constitution Act, 1982*.
2. The individual Plaintiffs act on their own behalf and as representatives of and on behalf of the other members of THE MICHEL FIRST NATION, all of whom have the same interest in these proceedings.

- 2 -

3. THE MICHEL FIRST NATION (" the First Nation") consists of the descendants of the group of Indians which entered into treaty with the Federal Crown under the leadership of Chief Michel and who were recognized as an "Indian Band" (and identified as Michel Band No. 472) by the Department of Indian and Northern Affairs until 1958, and who are registered or entitled to be registered under the *Indian Act* as "Indians". The Michel First Nation is a Band as defined under the *Indian Act* and/or a Band under the common law.
  
4. The Defendant, ATTORNEY GENERAL OF CANADA, is the head of the Government of Canada (hereinafter referred to as the "Federal Crown"), is seized with jurisdiction over Indians and lands reserved for Indians pursuant to section 91(24) of the *Constitution Act, 1867*, is subject to the Federal Crown's obligations under Treaty No. 6 and the *Royal Proclamation of 1763* and is charged with a fiduciary responsibility with respect to Indians and lands reserved for Indians. The Department of Indian Affairs and Northern Development is the department of the Federal Crown charged with the responsibility of administering the Federal Crown's obligations to Indian people, including protecting their interests in the reserve lands held in trust by Her Majesty for them.
  
5. The Plaintiffs are descended from Indians who were aboriginal occupants of land and territory within Rupert's land from time immemorial and as such the *Royal Proclamation of 1763* and the constitutional provisions referred to in this claim were enacted for their benefit.
  
6. The Imperial Crown, by the *Royal Proclamation of 1763*:
  - (a) confirmed the title of the Indian Nations to the area in and around Alberta,
  - (b) confirmed that Indian lands could not be surrendered except to the Federal Crown upon the consent of the Indians and

- 3 -

- (c) established a treaty process predicated upon
- (i) nation to nation dealings between the Indian Nations and the Federal Crown and
  - (ii) the self-governing powers of those Nations.
7. In 1876 Treaty No. 6 was entered into between Her Majesty the Queen and the "Plains and Wood Crees and other tribes of Indians, inhabitants of the country within the limits hereinafter defined and described by their Chiefs...".
8. In 1878 the Michel First Nation entered into treaty with the Federal Crown by way of an adhesion to Treaty No. 6.
9. The bounty and benevolence which was promised to the Indians, including the Michel First Nation, for adherence to Treaty No. 6 included, *inter alia*:
- a) reserve lands to be set aside for the use and benefit of each Band in the amount of one square mile for ~~each family of five which could not be alienated~~ except with the consent of the Band;
  - b) provision of education;
  - c) health care;
  - d) assistance for economic development in the form of agricultural implements and livestock and a yearly allowance for the purchase of ammunition and twine;
  - e) an annual payment of \$5.00 for each Indian person;
  - f) an annual salary of \$25.00 for each Chief and \$15.00 for each subordinate officer, as well as a ceremonial suit of clothing for each Chief and officer every three years; and
  - g) the provision of assistance for the relief of poverty or destitution.

- 4 -

10. In addition, the Treaty guaranteed certain rights and benefits, including the right of the signatories to continue to pursue their avocations of hunting and fishing throughout their traditional lands and a right to continued self-determination and self-government.
11. After adhering to Treaty, the Michel First Nation was designated a "Band" within the meaning of the *Indian Act* and given number 472 in accordance with the Federal Crown's administrative procedures.
12. In 1880 certain lands located north and west of Edmonton near the present-day village of Calahoo were set aside by the Federal Crown in trust for the use and benefit of the Michel First Nation. This reserve was designated Michel Indian Reserve No. 132 (the "Michel Reserve").
13. The interest of the Michel First Nation in their reserve lands included the beneficial ownership of the surface rights, the beds and shores of water bodies, riparian and littorial rights and mines and minerals, including precious metals.
14. The Michel reserve lands could not be alienated, except by the First Nation's consent and by surrender in trust to the Federal Crown in accordance with certain procedures set out in the *Royal Proclamation of 1763* and the *Indian Act* of 1876 and its subsequent amendments. These requirements include consent of the majority members of the band obtained at a meeting called for the purpose of voting on a proposed surrender.
15. The Defendants at all material times owed trust, trust like and fiduciary obligations to the Plaintiffs arising from:

- 5 -

- a) the historical relationship between the Federal Crown and First Nations in Canada;
  - b) the undertakings of the Federal Crown to First Nations as confirmed by the Royal Proclamation of 1763;
  - c) the undertakings of the Federal Crown in Treaty No. 6;
  - d) the setting aside of reserve lands in trust for the Plaintiffs;
  - e) the provisions of the Indian Act;
  - f) the vulnerability of the Plaintiffs to the unilateral discretion, authority and control which the Federal Crown has exercised, and continues to exercise, over the legal and practical interests of the Plaintiffs, including their lands.
16. These fiduciary, trust and trust-like obligations are enshrined in section 35 of the *Constitution of Canada, 1982*.
17. As set out below, the Federal Crown has repeatedly exercised its discretion to the detriment of the Plaintiffs and has wrongfully deprived them of their reserve lands, refused and failed to honour the terms of its treaty with the Plaintiffs, and violated the Plaintiff's common law, statutory and constitutional rights, including the right to equal protection and benefit of the law.
18. On September 12, 1903 the Governor-in-Council approved by O.C. #1545 the surrender of 7,800 acres of the Michel Reserve covering Townships 53, 54 and 55, in Ranges 26 and 27, west of the 4th Meridian (the "1903 Surrender Lands").
19. A surrender of approximately 8,278 acres on the eastern boundary of the Michel Reserve was confirmed by Order-in-Council #1413 on July 19, 1906 (the "1906 Surrender Lands").

- 6 -

20. On December 10th, 1911 the Defendant Federal Crown approved the alienation of 40.92 acres of the Michel Reserve in section of 24, Township 53, Range 27, west of the 4th Meridian without the consent of the Michel First Nation. No surrender as required by the *Royal Proclamation of 1763* and the *Indian Act* was purported to be taken. No compensation was paid by the Federal Crown for the taking of these lands, except for \$9.00 which the Federal Crown deemed to be the value of certain improvements made to the land by the Michel First Nation.
21. In 1928 the Federal Crown purported to "enfranchise" 10 members of the Michel First Nation and their families.
22. Pursuant to P.C. 35/811 on May 15, 1928, each of the enfranchisees was given a share of the Michel First Nation's funds and were given six sections of land, being Sections 25, 26, 27, 34, 35 and 36 in Township 53, Range 27, west of the 4th Meridian, which were lands belonging to the Michel First Nation.
23. In 1956 the Federal Crown appointed a Committee of Inquiry pursuant to section 112 of the *Indian Act*, S.C. 1952 which was comprised of an employee of the department of Indian affairs, a local judge, and one member of the Michel First Nation.
24. This committee conducted an inquiry into the advisability of enfranchising all of the members of the Michel Band on July 10 and 11, 1956. At the time of the inquiry the *Indian Act* was silent on the effect of an order of enfranchisement of all members of a band pursuant to sections 111 and 112 thereof.
25. In August of 1956 the *Indian Act* was amended to include section 109, which provided that a person who was subject to an order of enfranchisement would

- 7 -

thereafter be deemed not to be an Indian within the meaning of the Act or any other statute or law.

26. In 1958, upon the recommendation of the Committee of Inquiry, the majority of the members of the Michel Band were declared enfranchised by Order-in-Council No. 1958-375.
27. Order-in-Council No. 1958-375 also approved a plan (the "Enfranchisement Plan") for the transfer of certain reserve lands to some members of the Michel First Nation, the transfer of some mineral rights of lands to a corporation and the distribution of the Band's funds to the enfranchising members.
28. No surrender has ever been taken by the Federal Crown of the lands and interests that were included in the Enfranchisement Plan.
29. ~~The road allowances, precious metals and beds and shores of water bodies located within the reserve were not included in the Enfranchisement Plan and were not surrendered.~~
30. The Federal or Provincial Crown continue to hold title to various interests in the former Michel Indian Reserve, including the road allowances, precious metals and beds and shores of water bodies. These interests, including royalties from the sale of some of the precious metals are held in trust for the use and benefit of the Plaintiffs.
31. After the 1958 "enfranchisement", the Federal Crown transferred the un-enfranchised members of the Michel Band from the Michel Band List to the "General List" maintained by the Indian Register. Certain members who had

- 8 -

been erroneously omitted from the Michel Band list prior to 1958 were reinstated to Indian status and also placed on the General List of the Indian Register.

32. All of the individuals listed in O.C. 1958-375 were removed from the Indian Register and thereafter the Federal Crown refused to recognize the Michel First Nation as a First Nation or Indian Band and refused to honour its treaty obligations to the Michel First Nation and its members.

33. In or around 1985, the Federal Crown amended the Indian Act to allow various enfranchised persons removed from Indian status and band membership to be placed on the Indian Register and restored to membership in their original bands. The Plaintiffs rely on the *Indian Act* 1985 R.S.C. c. I-5, and in particular on sections 6 and 11 of that Act.

34. Since the 1985 amendments to the *Indian Act*, most of the members of the Michel First Nation have been reinstated to Indian status.

35. However, the Federal Crown has refused to restore the members of the First Nation to the Michel \_\_\_\_\_ Band List and membership in the Michel Band and has refused to recognize their membership in the Michel First Nation.

36. Alternatively, the Plaintiffs state that the amendments to the *Indian Act* failed to allow for the reinstatement of the Plaintiffs to their original band, namely, the Michel Indian Band.

37. Section 11 of the *Indian Act 1985*, by failing to allow for the reinstatement of the Plaintiffs to the Michel Indian Band denies the Plaintiffs equal protection and benefit of the law, violates section 15 of the *Charter of Rights and Freedoms*, and cannot be justified under section 1. It is also inconsistent with section 35 of the

Constitution Act 1982 and the Federal Crown's fiduciary obligations to the Plaintiffs.

38. The reinstated members of the Michel Band have had some of their Treaty rights restored, including their annual annuity payments. However, they continue to be denied their collective treaty rights such as community schools, community health care, economic development and recognition by the Federal Crown of their Chiefs and Councillors and right to self government. The Federal Crown also refuses to provide to the First Nation's Chief and Councillors the annual salaries and the biannual suits of clothes to which they are entitled under the Treaty.
39. The Plaintiffs continue to be denied the rights and benefits of band membership provided to other First Nations pursuant to government policy and pursuant to the Indian Act, such as the powers of self government under the Indian Act, financial assistance for band governance (band support funding), funding for infrastructure such as housing and administration offices, support for cultural programs, training and funding for the development of community education, health programs and community economic development.
40. The Federal Crown's refusal to recognize the rights of the Michel First Nation, including its right to self-determination and self-government, and its refusal to provide the programs and services available to other First Nations with whom Canada has treaty relations, is discriminatory and in violation of the Federal Crown's treaty, constitutional, common law and equitable obligations to the Plaintiffs.

- 10 -

41. Since approximately 1973, the Federal Crown has had a policy of recognizing its lawful obligations to Indian peoples and providing a process for the submission, validation and negotiation of Indian claims, called the Specifics Claim Policy.
42. Since 1985, the Plaintiffs have repeatedly requested that the Federal Crown address their claims under the Specific Claims Policy, to no avail.
43. The Federal Crown's refusal to allow the Plaintiffs access Specific Claims Policy is due to the terms of the Policy itself, or the exercise of discretion under the Policy, or some other reason which is in the knowledge of the Defendant Federal Crown.
44. In 1992 the Privy Council issued a Royal Commission establishing the Indian Claims Commission (the "I.C.C.") to inquire into whether Indian claimants had valid claims for negotiation pursuant to the Specific Claims Policy which had been rejected by the Minister of Indian Affairs.
45. In 1995 the Plaintiffs requested the I.C.C. inquire into the failure of the Minister to accept their claims under the Specific Claims Policy.
46. On March 27th, 1998 the I.C.C. released the results of its inquiry: a recommendation that the Federal Crown grant standing to the Plaintiffs to submit specific claims in relation to alleged invalid surrenders of reserve land for consideration on their merits under the Specific Claims Policy.
47. Despite the Plaintiffs' repeated requests for a response to the I.C.C.'s recommendation and the passage of three years, the Minister of Indian Affairs has failed to respond.

48. The Plaintiffs state that the refusal of the Federal Crown to allow the Plaintiffs access to the Specific Claims Policy denies the Plaintiffs equal protection and benefit of the law, violates section 15 of the *Charter*, and cannot be justified under section 1. It also violates s. 35 of the *Constitution Act*, 1982 and is inconsistent with the Honour of the Federal Crown.
49. The Federal Crown has breached its fiduciary, trust and constitutional obligations to the Plaintiffs by, *inter alia*:
- (a) alienating portions of the Michel reserve lands in 1911 without obtaining the First Nation's consent, a valid surrender, or any surrender of the lands;
  - (b) failing to honour the terms of Treaty No. 6 and honouring its constitutional obligations to the Nation and its members ;
  - (c) failing to recognize the Michel First Nation as a self governing entity consisting of original inhabitants of Canada with whom Canada has treaty and fiduciary obligations;
  - (d) withholding and failing to accord the Plaintiffs' the rights and benefits, including programs, services and funding to which the Plaintiffs are entitled under Treaty No. 6, the Indian Act and government policy;
  - (e) refusing to provide the members of the Michel First Nation the same rights and benefits as other enfranchised Indians who have been reinstated to Indian status under the *Indian Act*; and
  - (f) denying the Plaintiffs access to the benefit of a negotiated settlement of their historical claims under the Specific Claims Policy.
50. Treaty No. 6 has never been terminated and the Federal Crown remains bound, as a matter of law and honour, to fulfil the promises made to the Michel First Nation.

51. As a result of the Federal Crown's wrongful taking and disposition of the property of the Plaintiffs, including their reserve lands, the wrongful withholding and denial of the Plaintiffs' treaty rights and benefits and the refusal to provide the same programs and services to the Michel First Nation as are provided to other First Nations in Canada, the Plaintiffs have suffered severe hardship and deprivation, including the loss of their ability to live and work together as a community, and their ability to govern themselves and to practice and preserve their language and culture has been severely compromised.
52. By failing to honour the obligations undertaken pursuant to Treaty No. 6, the Federal Crown has breached and continues to breach the terms of Treaty No. 6 and its statutory, common law, equitable and constitutional obligations to the Plaintiffs.
53. In addition to the equitable obligations of the Federal Crown, the Plaintiffs' ~~corresponding right to be dealt with in a fair and even-handed manner and in~~ addition to the constitutional responsibility of Her Majesty pursuant to s. 94(24) of the *Constitution Act*, 1867, the Plaintiffs rely upon their rights of equality before and under the law and guaranteed by section 15(1) of the Canadian Charter of Rights and Freedoms and upon sections 25, 35 and 36 of the *Constitution Act*, 1982 and the common law.
54. The Plaintiff proposes that the trial of this action be held at the Law Courts, in the City of Edmonton, in the Province of Alberta.
55. Trial of this action will require more than 21 days of court time.

WHEREFORE THE PLAINTIFFS PRAY FOR THE FOLLOWING RELIEF AGAINST THE DEFENDANT:

1. A declaration that the Specific Claims Policy and/or the Federal Crown's exercise of discretion under the Specific Claims Policy violates section 15 of the Charter in a manner that cannot be justified under section 1 and is inconsistent with s. 35 of the *Constitution Act, 1982*;
2. A declaration that section 11 of the Indian Act violates section 15 of the Charter in a manner that cannot be justified under section 1 and is inconsistent with section 35 of the *Constitution*.
3. An accounting by the Federal \_\_\_\_\_ Crown of all lands, interest in lands and property retained by the Defendants from the former Michel Reserve and a declaration that this property is held for the use and benefit or in trust for the Plaintiffs;
4. A declaration that the Michel First Nation is an "Indian Band" within the meaning of the *Indian Act* and/or under the common law;
5. A declaration that the Federal Crown's treaty obligations to the First Nation and its members are protected by s. 35 of the *Constitution* and have never been terminated;
6. An accounting of all members and former members of the Michel First Nation who were enfranchised and the annuity and other treaty benefits due to each of them;

- 14 -

7. A declaration that the 1911 Surrender Lands were wrongfully taken from the Michel First Nation without its consent and contrary to the terms of Treaty 6 and the Federal Crown's fiduciary obligations;
8. Subject to any limitations of actions defenses, a declaration that the Plaintiffs are entitled to compensation for the wrongful taking of their lands in 1911;
9. Subject to any limitations of actions defenses, a declaration that the Plaintiffs are entitled to compensation for the Federal Crown's failure to recognize and fulfill its treaty obligations to the Plaintiffs;
10. Subject to any limitations of actions defenses, a declaration that the Plaintiffs are entitled, on a prospective basis from the date of judgment, to the same program services as other First Nations in Canada;
11. A declaration that the honour of the Crown and *Constitution of Canada* obligates the Federal Crown to reinstate the rights of the Plaintiffs to Band membership and their collective treaty and statutory rights as a Band and First Nation;
12. Such further and other relief as this Honourable Court may deem just and fit; and
13. Costs of this action on a solicitor and client basis.

DATED at the City of Edmonton, in the Province of Alberta this \_\_\_ day of February, 2001, AND DELIVERED by Ackroyd, Piasta, Roth & Day, Barristers and Solicitors, Solicitors for the Plaintiff, whose address for service is in care of said solicitors at 1500, 10665 Jasper Avenue, Edmonton, Alberta T5J 3S9.

ISSUED out of the Court of Queen's Bench of Alberta, Judicial District of Edmonton, this 27 day of February, 2001.

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CLERK OF THE COURT

Amended this 30 day of May, 2005 under Order dated 22 day of March, 2005.

Amended Amended this \_\_\_\_\_ day of September, 2005 under Order dated \_\_\_\_\_ day of September, 2005.

Amended Amended Amended this \_\_\_\_\_ day of April, 2008 under Order dated the 16<sup>th</sup> day of April, 2008.

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Project Name: Northern Gateway Proponent: Enbridge Regulator: CEEA/NEB					
*entries do not include carbon copy or blind carbon copy information. Please see original correspondence for this information					
General Comments and Concerns					
Communication/Activity Log					
Date of Contact	Primary Lead/Contact	Proponent/Regulator Contact	Method of Contact and/or Activity (Direct mail; Phone Call; Email; Meeting*; Other)	Summary of Issues Discussed	Notes
18-Aug-10	Vivienne Biesel	Karen Crowshoe	Meeting	A meeting was held between Vivienne Biesel, legal counsel for MFN and Karen Crowshoe on behalf of Enbridge. MFN indicated that they have concerns about the Northern Gateway project and that Gateway should be consulting MFN on the project. Karen Crowshoe requested that MFN follow-up with a letter that outlines MFN's interests and position.	MFN to send follow-up letter with background information on MFN.
29-Oct-09	Chief Rosalind Callihoo	Roger Harris, VP	Letter	Chief Rosalind Callihoo sent a letter to Enbridge and Federal Government representatives to request consultation on the Northern Gateway Pipeline project with the Michel First Nation. Chief Callihoo provided a background of the MFN, namely that the Nation was forcibly enfranchised yet maintains section 35 rights that are potentially impacted by the Project. Chief Callihoo noted that the project intersects MFN traditional territory. MFN requested capacity funding to conduct a Traditional Land Use study. MFN also provided a map showing the Gateway Project in relation to MFN's former reserve lands.	Require response from Northern Gateway
2-Dec-09	Tracy Campbell	Jennifer Stewart	Email	Tracy Campbell emailed Jennifer Stewart to request an electronic copy of the Enbridge response to MFN.	Awaiting response on issues outlined in Oct 29, 2009 letter.
2-Dec-09	Chief Rosalind Callihoo	Roger Harris, VP	Letter	Roger Harris sent to letter to Chief Callihoo acknowledging receipt of the previous letter and was in the process of reviewing the contents of the letter.	Awaiting response on issues outlined in Oct 29, 2009 letter.
15-Jan-10	Tracy Campbell	Jennifer Stewart	Email	Tracy Campbell emailed Jennifer Stewart to note that Enbridge has not yet responded to the issues raised in MFN's October 29, 2009 .	Awaiting response on issues outlined in Oct 29, 2009 letter.
19-Jan-10	Tracy Campbell	Jennifer Stewart	Email	Tracy Campbell emailed Jennifer Stewart to note that Enbridge has not yet responded to the issues raised in MFN's October 29, 2009 .	Awaiting response on issues outlined in Oct 29, 2009 letter.
19-Jan-10	Tracy Campbell	Karen Crowshoe	Email	Karen Crowshoe responded to Tracy's email advising that Enbridge is the process of reviewing the letter received from Chief Callihoo and hopes to respond in the next while.	Awaiting response on issues outlined in Oct 29, 2009 letter.
11-Feb-10	Chief Rosalind Callihoo	Karen Crowshoe	Letter	Chief Callihoo sent a letter to Karen Crowshoe summarizing the correspondence with Enbridge to date, noting that MFN is still awaiting a response from Enbridge.	Awaiting response on issues outlined in Oct 29, 2009 letter.
16-Feb-10	Tracy Campbell, Chief Rosalind Callihoo	Karen Crowshoe	Email	Karen Crowshoe responded to Chief Callihoo's letter, noting that Enbridge would like to meet with MFN representatives. Karen noted that attending on behalf of Enbridge would be herself, the team member who oversees Aboriginal Traditional Knowledge studies and a team member who provides administrative support.	set meeting date and time
18-Feb-10	Tracy Campbell	Karen Crowshoe	Phone Call	Tracy Campbell called Karen Crowshoe to schedule a meeting between MFN and Enbridge. A meeting was set up for March 3, 2010 at 3pm at the Home Fire Grill in Edmonton.	Send list of attendees to Karen Crowshoe

25-Feb-10	Tracy Campbell	Karen Crowshoe	Email	Tracy Campbell emailed Karen Crowshoe with a list of attendees for the March 3, 2010 meeting. MFN attendees to include: Dayle Callihoo-Campbell, Gil Goerz, Randy Calahoo, Lorraine Hope, Roy Goerz, Rosalind Callihoo, Dennis Callihoo (MFN Chief and Council) and Tracy Campbell, Germaine Conacher (Calliou Group consultants). Tracy also noted that agenda items for the meeting include a Project update and Traditional Knowledge Study scoping.	
1-Mar-10	Tracy Campbell	Karen Crowshoe	Email	Karen emailed Tracy to note that for planning purposes, she does not expect the meeting to go beyond 4:30pm.	
1-Mar-10	Tracy Campbell	Karen Crowshoe	Email	Tracy replied asking for clarification if the meeting and meal would be concluded by 4:30 or the meeting by 4:30 and meal to follow.	
1-Mar-10	Tracy Campbell	Karen Crowshoe	Email	Karen responded that the meeting will start at 3:00 and participants can order a meal at that time and the meeting can occur during the meal.	
2-Mar-10	Tracy Campbell	Karen Crowshoe	Email	Tracy responded to Karen's email and noted she was attaching MFN's proposed budget and work plan for a Traditional Land Use Study in advance of the meeting in order to maximize the time at the upcoming meeting.	
3-Mar-10	Tracy Campbell	Karen Crowshoe	Meeting	Meeting between MFN and Northern Gateway. Attendees included, from MFN: Rosalind Callihoo, Randy Calahoo, Gil Goerz, Lorraine Hope, Roy Goerz, Dayle Callihoo Campbell, Tracy Campbell, Germaine Conacher. From Northern Gateway: Kate McAnally, Karen Crowshoe, Tara Whitney. Introductory meeting provided info on MFN to Enbridge and provided info on the Gateway Project to MFN Chief and Council. Meeting also discussed Enbridge consultation process and ATK study process (note: Karen indicated the MFN TLU study budget was too high).	Commitments from the meeting include: follow-up discussions around ATK study work plan and budget, extra PIP copies to MFN, JRP info to MFN, more info on Gateway archaeological work in MFN former reserve vicinity and meeting notes from an Aug 2009 meeting between Gateway and Vivienne Biesel to be sent to MFN.
8-Mar-10	Tracy Campbell	Kate McAnally	Phone call	Tracy called Kate as promised after the meeting to follow-up on the ATK study budget for MFN. Kate indicated that Enbridge wants the budget to be between \$20,000 and \$40,000	Issue: Enbridge budget of \$20,000 - 40,000. MFN budget of \$160,000.
8-Mar-10	Tracy Campbell	Kate McAnally	Email	Tracy emailed Kate a reduced budget for the MFN TLU study. Tracy noted that the reduced budget reduced MFN interviews to 15 from 25-30, removed the field visits and reduces community capacity by 75%.	Issue: New budget proposed by MFN \$70,000
9-Mar-10	Tracy Campbell	Kate McAnally	Phone Call	Tracy called Kate to discuss the reduced budget. Kate noted that she would send the budget to Enbridge as she does not have the authority to approve a budget over \$40,000. Tracy requested a written rationale from Enbridge as to how they arrived at the funding amount.	require budget response and written rationale for funding amount.
10-Mar-10	Tracy Campbell	Kate McAnally	Phone Call	Kate called to indicate that Enbridge based their \$40,000 funding amount on internal reasons including MFN's status	
10-Mar-10	Chief Rosalind Callihoo	Karen Crowshoe	Letter	Chief Callihoo sent a letter to Karen Crowshoe summarizing the conversations around the ATK scope to date. Chief Callihoo requested a written rationale to explain the funding amount of \$40,000. Chief Callihoo indicated that from MFN's relationship with other Treaty 6 Nations, she understand the funding amounts to be very different and wants to know why MFN is being treated differently.	Issue: Other Nations (e.g. AFN) funding amounts for TLU are significantly higher than that offered to MFN; Require response in writing for rationale of funding amount.
11-Mar-10	Tracy Campbell	Tara Whitney	Email	Tara Whitney emailed Tracy and Chief Callihoo with the follow-up items from their March 3, 2010 meeting. Follow ups: 1. follow-up discussions around ATK study work plan and budget with FMA 2. extra PIP copies to MFN and Calliou 3. JRP info to MFN. 4.more info on Gateway archaeological work in MFN former reserve vicinity from FMA and 5. meeting notes from an Aug 2009 meeting between Gateway and Vivienne Biesel to be sent to MFN	Follow ups: 1. follow-up discussions around ATK study work plan and budget with FMA 2. extra PIP copies to MFN and Calliou 3. JRP info to MFN. 4.more info on Gateway archaeological work in MFN former reserve vicinity from FMA and 5. meeting notes from an Aug 2009 meeting between Gateway and Vivienne Biesel to be sent to MFN.
12-Mar-10	Tracy Campbell	Tara Whitney	email	Tara Whitney emailed Tracy with a link to the JRP ToR as promised	
17-Mar-10	Tracy Campbell	Karen Crowshoe	email	Tracy emailed Karen to ask when MFN could expect a response to Chief Callihoo's March 10, 2010 letter	await response from Karen Crowshoe

17-Mar-10	Tracy Campbell	Karen Crowshoe	email	Karen replied to Tracy to say that a written response to Chief Callihoo will be ready on Friday March 19, 2010.	
17-Mar-10	Chief Rosalind Callihoo	C. McArthur, CAB Planning Team	fax/letter	Chief Callihoo received a fax with a letter from the Community Advisory Board (CAB) Planning team indicating that Tara Whitney had asked it to be sent to MFN. The letter included a membership registration (due March 31, 2010) and the Terms of Reference and Operation Guidelines.	
19-Mar-10	Chief Rosalind Callihoo	Karen Crowshoe	email	Karen sent an email to Chief Callihoo to say that the response to her March 10, 2010 letter would come early the following week.	
19-Mar-10	Tracy Campbell	Karen Crowshoe	Email	Karen Crowshoe wrote to MFN and CC Tracy that her response to the letter is delayed, and will be provided next week.	await response from Karen Crowshoe
23-Mar-10	Chief Rosalind Callihoo	Karen Crowshoe	letter	Karen Crowshoe replied to Chief Callihoo providing the rationale behind the amount of funding offered to MFN to conduct the TLU study. Karen noted that the amount of funding to other Nations is confidential; however, she said that the amount offered to MFN is comparable to that offered to other Nations.	Issue: Other Nations (e.g. AFN) funding amounts for TLU are significantly higher than that offered to MFN
24-Mar-10	Germaine Conacher	Kate McAnally	email	Germaine emailed Kate to inquire about next steps to scope MFN study with modified budget amounts	clarify next steps
24-Mar-10	Germaine Conacher	Kate McAnally	email	Kate replied saying she had prepared a modified budget that they could start from or Germaine could send a proposed budget	
24-Mar-10	Germaine Conacher	Kate McAnally	email	Germaine replied that should like to start from the budget Kate prepared.	
24-Mar-10	Germaine Conacher	Kate McAnally	email	Kate emailed with an attached budget noting that the changes she made were: group interviews, time of community coordinator and hours for integrated community review results	
24-Mar-10	Germaine Conacher	Kate McAnally	email	Germaine replied asking for a few more modifications. She also asked if Enbridge can advance funding for the study.	
24-Mar-10	Germaine Conacher	Kate McAnally	email	Kate emailed the revised budget based on Germaine's modifications. She also indicated that they can advance funds on a 75% basis. She asked Germaine to put together a schedule of deliverables for the phases and advance funding. Additionally Kate requested written confirmation that the Chief and one Council member are in agreement with the budget.	provide written confirmation that Chief and Council are in agreement with the budget
26-Mar-10	Germaine Conacher	Kate McAnally	email	Germaine replied to Kate attaching a schedule and deliverables for advance funding. Germaine also attached written confirmation from Chief Callihoo and Councillor Gil Goerz approving the budget.	
26-Mar-10	Germaine Conacher	Kate McAnally	email	Kate replied to say she would pass along the documents so the budget could be approved.	
30-Mar-10	Germaine Conacher	Kate McAnally	email	Kate emailed Germaine to let her know that the budget and letters from MFN had been passed on, she said the approval process should not take too long. Kate indicated they are concerned that sites near the RoW are not being ground-truthed as part of the study.	
12-Apr-10	Germaine Conacher	Kate McAnally	email	Germaine replied to say she and MFN are also concerned about sites not being field verified. Germaine indicated that the only reason this phase had been removed from the study was because of the funding amount and if Enbridge wanted to fund an additional portion of the study they would be happy to arrange to conduct site visits.	
12-Apr-10	Germaine Conacher	Kate McAnally	email	Germaine emailed Kate to say that MFN recently signed the Northern Gateway funding agreement. She said they were beginning to plan the interviews. Germaine requested a copy of the archaeological work and asked for shape files of the route.	await shapefiles and copies of previously completed archaeological work
12-Apr-10	Germaine Conacher	Kate McAnally	email	Kate emailed with a agreement for signature prior to sending the shape files. She said she would look into the archaeology and get back to Germaine.	complete information sharing agreement for release of shapefiles
12-Apr-10	Germaine Conacher	Kate McAnally	email	Germaine replied with a signed copy of the agreement attached, she asked Kate if she also needed the original.	

16-Apr-10	Germaine Conacher	Kate McAnally	email	Germaine emailed to follow-up re: shape files noting that she needed routing till Fox Creek, not Whitecourt. Germaine asked if she needed to <u>sign a new agreement.</u>	
16-Apr-10	Germaine Conacher	Kate McAnally	email	Kate replied to say she didn't need a new agreement and would follow-up <u>on the request for files.</u>	
16-Apr-10	Germaine Conacher	Kate McAnally	email	Germaine replied thanks	
16-Apr-10	Germaine Conacher	Kate McAnally	email	Kate emailed that Germaine should receive shape files shortly, she asked for a <u>hard copy of the agreement.</u>	
16-Apr-10	Germaine Conacher	Kate McAnally	email	Germaine replied thanks and said she would mail the original electronic <u>file user agreement</u>	
19-Apr-10	Tracy Campbell	Cheryl Rodger	Letter	Letter of understanding. Acknowledges the time frame for the TK study: phase 1 April 15, phase 2 April 30, Phase 3 May 31 and Phase 4 June 30; 2010. Kate McAnally forwarded the budget for all phases to their office. <u>Attach: Budget and work plan.</u>	Invoices for the TK study should be sent to Natalie Bourbonnais-Spear, project coordinator at FMA heritage.
16-Apr-10	Germaine Conacher	Kate McAnally	Email	Kate sent revised budget.	
16-Apr-10	Germaine Conacher	Kate McAnally	Email	Germaine emailed that she would forward the budget to Chief Callihoo. Reported that she revised the budget and work plan to reflect changes. <u>Sent to K. As attachment.</u>	
19-Apr-10	Germaine Conacher	Kate McAnally	Email	Germaine wrote that shape files weren't yet received.	
19-Apr-10	Germaine Conacher	Kate McAnally	Email	Kate replied to Germaine that she will follow up.	
20-Apr-10	Germaine Conacher	Kate McAnally	Email	Germaine reminded Kate that shape files hadn't arrived but were required <u>by Friday prior interviews</u>	
20-Apr-10	Germaine Conacher	Kate McAnally	Email	Kate replied to Germaine that she will follow up.	
20-Apr-10	Germaine Conacher	Michael O'Rourke	Email	Michael sent the shape files for the pipeline, project effects area, KP's and ancillary facilities. <u>Zip file attachment.</u>	
20-Apr-10	Germaine Conacher	Kate McAnally	Email	Germaine emailed Kate thanks for assistance with obtaining the zip files	
20-Apr-10	Germaine Conacher	Kate McAnally, Natalie Bourbonnais-Spear	Email	Germaine sent the invoice for MFN TK study. Germaine provided notice that invoice originals sent by mail. Requested advice on preferred method <u>for future invoice submissions.</u>	
22-Apr-10	Germaine Conacher	Natalie Bourbonnais-Spear	Email	Natalie responded that invoices are welcome by email; also should be <u>cc'ed to Kate.</u>	
30-Apr-10	Germaine Conacher	Kate McAnally	Email	Kate sent information sharing agreement from MFN for Enbridge to use existing TK for <u>environmental assessment.</u>	Signatures required.
30-Apr-10	Germaine Conacher	Natalie Bourbonnais-Spear,	Email	Germaine notified Natalie MFN stage 2 was completed. Submitted invoice <u>and advance on stage 3.</u>	
30-Apr-10	Germaine Conacher	Natalie Bourbonnais-Spear	Email	Natalie replied that she had received invoice; provided notice that it would <u>be processed the following week.</u>	
3-May-10	Germaine Conacher	Kate McAnally	Email	Germaine returned information sharing agreement to Kate with signatures <u>from MFN representatives.</u>	
25-May-10	Germaine Conacher	Kate McAnally	Email	Germaine sent an email to Kate requesting information: spatial parameters for the study including biophysical Regional Assessment Areas <u>used in the Environmental Assessment.</u>	
25-May-10	Germaine Conacher		publication	New Brochure for Enbridge Northern Gateway Pipelines	
25-May-10	Germaine Conacher	Natalie Bourbonnais-spear,	email	Natalie responded to request for information, May 25. Suggested that report concentrate on area as identified by the community as information from other disciplines about assessment is unavailable.	
26-May-10	Germaine Conacher	Natalie Bourbonnais-Spear,	Email	Germaine responded that RAA's are useful to tie TLU info into assessment areas as MFN is in process of delineating territory. Requested confirmation that MFN and Gateway discussed an 80 kms buffer zone.	
26-May-10	Germaine Conacher	Natalie Bourbonnais-Spears	Email	Natalie confirmed that 80 kms buffer zone; 40 kms on either side of RoW is correct. Reported that she would try to obtain RAA's. Requested <u>information on timelines.</u>	
26-May-10	Germaine Conacher	Natalie Bourbonnais-Spears	Email	Germaine responded that the community report review for June 17 was nearly finished, but mapping required additional information that is not available.	

27-May-10	Germaine Conacher	Rosalind Callihoo	Letter	Hard copy of letter sent by Enbridge to MFN notifying them of the formation of the Joint Review Panel and Project application to the NEB and CEAA. They sent a DVD that explains the project, the economies, public consultation process, aboriginal engagement and other items.	
27-May-10	Germaine Conacher	Marie-France Therrien	Email	Panel Manager for Gateway Review sent electronic copies of the project's news release and q+a sheet.	
28-May-10	Tracy Campbell	Karen Crowshoe	Email	Karen Crowshoe informed Calliou that a hard copy of the letter will be sent as fax number is not working.	
3-Jun-10	Germaine Conacher	Michel First Nation	Email	MFN emailed Germaine saying they had requested Karen Crowshoe to forward a copy of the letter to them but they had not received it. MFN requested Germaine forward them a copy	
4-Jun-10	Germaine Conacher	Kate McAnally	Email	Germaine requested for information: shape files to KP400	
7-Jun-00	Germaine Conacher	Kate McAnally	Email	Kate sent electronic copy of electronic data transfer agreement	
8-Jun-10	Tracy Campbell	Karen Crowshoe	email	Tracy notifies Karen Crowshoe that MFN would like a printed copy of the application in addition to the electronic file offered by Enbridge.	
8-Jun-10	Germaine Conacher	Michael O'Rourke (FMA)	Email	Michael O'Rourke provided Calliou Group with a copy of the Route project data between KP's 0 and 400., as requested	
9-Jun-10	Germaine Conacher	Michael O'Rourke (FMA)	email	Germaine sent thanks for electronic file	
10-Jun-10	Germaine Conacher	Natalie Bourbonnais-Spear	Email	Germaine notifies Natalie that MFN had not yet received payment. Request for status update.	
11-Jun-10	Germaine Conacher	Natalie Bourbonnais-Spear	Email	Natalie provides explanation for late payment. Payment to be processed on June 11.	
14-Jun-10	Germaine Conacher	Natalie Bourbonnais-Spear	Email	Germaine sends thanks.	
9-Jul-10	Tracy Campbell	Tara Whitney	Email	Tara informs Tracy that a hard Copy of regulatory application to be dropped off later that day.	
9-Jul-10	Germaine Conacher	Tara Whitney	Email	Germaine informs Tara what time is best.	
9-Jul-10	Germaine Conacher	Tara Whitney	Email	Tara replies that application will be dropped off that afternoon.	Application dropped off by Tara on July 9.
27-Aug-10	Rosanne Kyle	Glynn Davis	Email	Rosanne sends an email with attached copy of letter on behalf of Michel First Nation.	
27-Aug-10	Rosanne Kyle	Rosalind Callihoo	Email	Rosanne sends an email with attached copy of letter on behalf of Michel First Nation.	
30-Aug-10	Germaine Conacher	Kate McAnally, Natalie Bourbonnais- Spear	Email	Germaine sent out an email on behalf of the Michel First nation with a link to the MFN TLU.	
1-Sep-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Natalie sent an email thanking all the First Nation Participants and coordinators who were involved in this study.	
15-Sep-10	Germaine Conacher	Natalie Bourbonnais-Spear	Email	Natalie sent out an email saying they have put together a summary table for Michel First Nation (from the report.) They request that table is discussed with Michel First Nation and discuss required changes.	Germaine to get back to Stantec with required changes to the table
16-Sep-10	Germaine Conacher	Natalie Bourbonnais-Spear	Email	Germaine sent Natalie an email about Chief Callihoo submitting a cover letter to accompany the report indicating that the MFN expects the report to be filed in addition to the Summary table and if this had happened or will it occur in conjunction with the summary document. MFN is also not comfortable with the ATK data being distributed in digital form.	Germaine confirms that she will provide feedback/comment by the beginning of next week.
16-Sep-10	Germaine Conacher	Natalie Bourbonnais-Spear	Email	Germaine sent an email requesting additional info from table.	
17-Sep-10	Germaine Conacher	Natalie Bourbonnais-Spear	Email	Natalie responds that the ATK files are not filed directly and additional information on details of summary table.	
23-Sep-10	Germaine Conacher	Natalie Bourbonnais-Spear	Email	Germaine sent an email to Natalie with comments about the summary table. Hopes that the table, as written, is not submitted as is to regulator without clarification on the raised issues.	
24-Sep-10	Tracy Campbell	Tara Whitney	Email	Tara sent an email containing a meeting note summary from initial meeting ENGP had with Michel First Nation. (August 18, 2010)	



28-Sep-10	Germaine Conacher	Natalie Bourbonnais-Spear	Email	Natalie emailed Germaine to clarify that the table would not be submitted to regulators or used internally until it is approved by Michel First Nation.	Proposed a plan to meet in the next few weeks to discuss point about the table further.
29-Sep-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Germaine emails Natalie stating that MFN would need Northern gateway to provide money for the meeting to occur.	Natalie to reply if Northern gateway can provide this capacity. Germaine to discuss scheduling with Chief Callihoo.
29-Sep-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Natalie responds that Northern Gateway can provide costs for a meal but is unable to cover other travel expenses.	Natalie suggests setting up a conference call instead.
05-Oct-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Germaine emails Natalie with times that Chief Callihoo is available as well as Rosanne Kyle.	
05-Oct-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Natalie is unable to attend proposed date.	
05-Oct-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Rosanne is unable to attend any meeting for the week.	Will get back to Natalie with times Rosanne is available.
05-Oct-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Natalie verified dates with Karen. Also wanted to know why legal council will be present. If they need to have a NPG legal counsel present it might delay scheduling the meeting.	
05-Oct-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Germaine sent Natalie an email saying that Michel is concerned about the issues, has engaged legal counsel and is more comfortable having legal counsel on the call. If they need to work around scheduling Gateways legal counsel Natalie is to let Germaine know and try to reschedule if necessary.	
06-Oct-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Germaine sent an email to Natalie asking if 9 Or 10 o'clock on the 7th would work and to get back to her if it was possible or not.	
06-Oct-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Karen emailed Germaine and said that she was not available.	
25-Oct-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Germaine sent an email as follow up to previous email. Wanted to know if there were any dates that would work for a meeting.	
03-Nov-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Germaine sent an email asking if her previous email was received and wanted to try and reschedule for MFN conference call	
04-Nov-10	Germaine Conacher	Natalie Bourbonnais- Spear	Email	Natalie responded that she had forwarded the emails to Karen.	Waiting for confirmation from Karen on which dates she is available.
11-Feb-11	Tracy Campbell	Natalie Bourbonnais- Spear	Email	Tracy sent an email saying that MFN had requested a conference call to discuss ATK Report submitted to Enbridge and how that information was being treated by Enbridge. Asking to be provided with dates that Enbridge might be available.	
14-Feb-11	Tracy Campbell	Natalie Bourbonnais- Spear	Email	Tracy sent an email requesting an alternate contact for the 'out of office reply' received from previous email.	
14-Feb-11	Tracy Campbell	Colin Buchanan	Email	Tracy forwarded request to Colin. Wondering if it was possible to discuss with Stantec Enbridge next steps for reviewing the completes Michel First Nation ATK Study for Northern gateway.	
15-Feb-11	Tracy Campbell	Colin Buchanan	Email	Colin replies that he has taken over for Natalie while she is on Maternity leave.	
15-Feb-11	Tracy Campbell	Colin Buchanan	Email	Tracy responded that Colin's reply was much appreciated	
18-Feb-11	Tracy Campbell cc Germaine Conacher	Karen Crowshoe	Email	Tracy sent Karen an email requesting possible dates to discuss next steps on the Michel First Nation ATK for Northern Gateway	*Attached to March 14th 2011
01-Mar-11	Tracy Campbell	Karen Crowshoe	Email	Karen requested possible dates for consideration for meeting	
01-Mar-11	Tracy Campbell	Karen Crowshoe	Email	Tracy replies back with thanks. Assuming Enbridge will not provide any capacity for a meeting with Michel First Nation, it will likely have to be a conference call with the meeting based in Edmonton.	Dates will be identified with Chief and Tracy will get back to Karen as soon as possible.
14-Mar-11	Tracy Campbell , Germaine Conacher	Rosalind Callihoo	Email	Rosalind emailed the response from CEAA. They disallowed legal fees.	
14-Mar-11	Tracy Campbell	Rosalind Callihoo	Email	Tracy emailed Rosalind to see if she had a copy of the MFN contribution agreement	
14-Mar-11	Tracy Campbell	Rosalind Callihoo	Email	Rosalind did not have the agreement	
15-Mar-11	Tracy Campbell	Karen Crowshoe	Email	Tracy proposes March 21 or March 23 for Enbridge in Edmonton with Chief and Council and Tracy.	
15-Mar-11	Tracy Campbell	Karen Crowshoe	Email	Neither of the date mentioned would work. Karen proposes March 24th.	

15-Mar-11	Tracy Campbell	Karen Crowshoe	Email	Tracy confirms the time for 5:30	
16-Mar-11	Tracy Campbell	Karen Crowshoe	Email	Tracy sent an email to Karen saying that she was just double checking with Council on their availability.	
17-Mar-11	Tracy Campbell	Karen Crowshoe	Email	Karen confirms time for 5:30. Likely to book Homefire Grill. Confirmation of venue at the end of the week.	
18-Mar-11	Tracy Campbell	MFN Chief and Council	Email	Tracy sends an email to say that the meeting has been confirmed for 5:30 Thursday March 24. Location Homefire Grill. Meet 30 minutes prior to discuss strategy or conference call on Thursday night.	
23-Mar-10	Tracy Campbell	Karen Crowshoe	Email	Tracy sent an email that had the link to the completed Michel First Nation Traditional Land Use submitted to Enbridge August 30th 2010 for discussion at the meeting on March 24 2010. Tracy also asked if Karen had a copy of the document "MFN ATK Key Interest and Summary Table" for is also going to be part of the meeting tomorrow.	
23-Mar-11	Tracy Campbell	Karen Crowshoe	Email	Karen wrote an email back to Tracy saying that they did not get a copy of the document "MFN ATK..." She said that they were under the impression that Natalie and Germaine had not come to an understanding on the final contents of the table as of October 2010	
23-Mar-11	Tracy Campbell	Karen Crowshoe	Email	Tracy sent an email to Karen saying that the MFN TLUS was sent to both FMA and Enbridge on August 30 2010. The summary table was sent in September. MFN requested multiple times for meetings with Enbridge and there was no response from Enbridge until February 2011. Tracy gave an agenda for the meeting on March 24 2011.	
23-Mar-11	Tracy Campbell	Tara Whitney	Email	Tara sent Tracy an email saying that due to unexpected matters the meeting for Mar 24 2011 will have to be postponed. She gave the date mar 29 2011 as a possible date for the meeting.	
23-Mar-11	Tracy Campbell	Morgan Yates	Email	Tracy sent Morgan an email explaining the situation with not being able to get a meeting with Enbridge for close to 6 months. The date of April 15 2011 is the new date for the meeting. Tracy asked to discuss the matters further and how Enbridge and MFN can improve MFN involvement in the Northern Gateway process.	
28-Mar-11	Tracy Campbell	Tara Whitney	Email	Tracy emailed Tara and proposed March 31 2011 for the next meeting. She asked if that date would work for Karen.	
28-Mar-11	Tracy Campbell	Karen Crowshoe	Email	Karen sent Tracy and email explaining that March 31 would not work and March 29 would no longer work. Dates proposed for April, they will try and accommodate one of the dates proposed by the Michel First Nation.	
31-Mar-11	Tracy Campbell	Karen Crowshoe, Tara Whitney	Email	Tracy sent and email saying that after canvassing MFN Chief and Council would be available April 11 or 12 would be the dates that work best.	
01-Apr-11	Tracy Campbell	Tara Whitney	Email	Tara responds to Tracy's Email to say that neither of those dates would work but suggested April 13 2011 in Edmonton.	
01-Apr-11	Tracy Campbell	Karen Crowshoe	Email	Tracy emails Karen to say that she will canvass Chief and Council to see if the afternoon of the 13th will work as a meeting date.	
05-Apr-11	Germaine Conacher	Tara Whitney, Karen Crowshoe	Email	Germaine emailed Tara and Karen to confirm that MFN representatives will be available late in the afternoon on April 13th in Edmonton. Germaine asked them to confirm a time and place. Germaine provided a list of attendees from MFN as well as a proposed agenda for the meeting.	
06-Apr-11	Germaine Conacher	Tara Whitney, Karen Crowshoe	Email	Germaine sent an email for confirmation of the meeting occurring on April 13th.	
06-Apr-11	Germaine Conacher	Tara Whitney, Karen Crowshoe	Email	Tara sent Germaine an email saying that the meeting has been confirmed and that they would like it to commence at 5:30 pm. Tara is to follow up before the end of the week to confirm meeting location.	

06-Apr-11	Chief Rosalind Callihoo	Jan Whitney	Letter	Jan sent a letter to advise that Northern Gateway had recently filed their response to the JRP's request for additional information as well as an Oil spill response plan. Jan provided a copy of the updated Application Volume 4 which relates to Public Consultation on CD. Jan invited Chief Callihoo to contact her should she have any questions or concerns.	
07-Apr-11	Germaine Conacher	Tara Whitney, Karen Crowshoe	Email	Germaine sent an email to Tara thanking her for the confirmation and she is to send an attendee list prior to Tuesday April 12 2011.	
07-Apr-11	Chief Rosalind Callihoo	Sheryl Manychief	Email	Sheryl emailed Chief Callihoo and provided correspondence regarding additional and updated information to the ENGP regulatory application. She advise that in the event of any questions, to contact Jan Whitney.	
07-Apr-11	Tracy Campbell	Sheryl Manychief	Email	Sheryl re-sent the email that was originally provided to Chief Callihoo as there was an error in Tracy Campbell's email address.	
12-Apr-11	Germaine Conacher	Tara Whitney, Karen Crowshoe	Email	Tara sent Germaine an email saying that she had booked a room for 5:30 for 10 people.	
12-Apr-11	Germaine Conacher	Tara Whitney, Karen Crowshoe	Email	Germaine sent an email back with thanks and a list of the attendees.	
13-Apr-11	Various	Tara Whitney, Karen Crowshoe	Meeting	There was a meeting in Edmonton on April 13th 2011 to discuss MFN ATK summary table, and how Enbridge will be using ATK info filed by MFN. Karen Crowshoe indicated that MFN would not receive a response specific to their concerns, but that general sections would be in the EIS update filing. Karen also indicated that she did not believe that MFN was eligible for the equity participation. MFN asked if they could have the criteria for funding to explain why they were not eligible.	
27-Apr-11	Rosalind Callihoo	Tara Whitney	Email	Tara sent Chief Callihoo an email as a follow up to confirm receipt of their latest filing update to the NEB which was mailed to MFN on April 6th 2011 and April 7th 2011. Tara enclosed a letter for reference	
15-Jun-11	Rosalind Callihoo	Tara Whitney	Email	Tara sent an email to Chief Callihoo with supplemental filing to the NEB for MFN reference.	
15-Jun-11	Rosalind Callihoo	Tara Whitney	Email	Tara sent another email to Chief Callihoo explaining that previous email was sent to the explore net email address and has now been sent to the proper email address	
27-Jun-11	Rosalind Callihoo	Tara Whitney	Email	Tara sent an email to Chief Callihoo saying that Northern Gateway will be mailing out hard copies of the notification letter as well as copies of the DVD. Tara explains that there are links enclosed in the letter to access the information online but if Chief Callihoo would like a copy of the DVD then she will have to follow up with Tara with the correct mailing address. Tara says that they have received returned mail from 70 Echo Ave, Morinville Alberta T8R 1P3.	
08-Aug-11	Tracy Campbell	Aurora Van Buren	Email	Aurora provided Tracy a draft version of the summary table from the Michel First Nation ATK Study. She explained that Jan Whitney advised Stantec that MFN would like to revise the table. Aurora invited Tracy to contact herself or Colin should she have any questions.	
16-Aug-11	Tracy Campbell	Colin Buchanan	Email	Colin emailed to ask whether MFN wished the summary table that Aurora forwarded to be provided to Gateway in its current form or whether MFN would prefer it to remain confidential for the time being.	respond to Stantec
16-Aug-11	Tracy Campbell	Colin Buchanan	Email	Tracy responded to Colin and identified a number of issues. Tracy asked for confirmation that the MFN study has been provided to the Gateway biophysical and socio-economic disciplines. Tracy indicated that information related to this exercise was not included in the summary table. Tracy also asked for confirmation that the study has been filed with the regulator. Tracy indicated that MFN considers the table that Gateway developed, already in their possession.	

17-Aug-11	Tracy Campbell	Colin Buchanan	Email	Colin thanked Tracy for her reply and indicated that he had brought the matter to the attention of Karen Crowshoe for follow-up	await follow-up from Karen Crowshoe.
07-Sep-11	Tracy Campbell	Karen Crowshoe	Email	Tracy followed-up with Karen and requested specific clarification on a number of matters previously raised with Colin and noted that MFN would like to follow-up on next steps with the Summary Table developed by Northern Gateway.	await follow-up from Karen Crowshoe.
07-Sep-11	Tracy Campbell	Karen Crowshoe	Email	Karen indicated that she would address Tracy's inquiries in the next while but indicated that she was in the midst of attending to Project related matters at this time.	await follow-up from Karen Crowshoe.
11-Oct-11	Chief Gil Goerz	Tara Whitney	Email	Tara indicated that Northern Gateway would be conducting additional technical sessions and offered one to Michel First Nation. Tara proposed a date and time and asked for confirmation of availability on the date proposed above.	confirm date, time and availability.
12-Oct-11	Chief Gil Goerz	Tara Whitney	Email	Tara re-sent the email to an additional email address as the original email was returned from Gil's address.	confirm date, time and availability.
17-Oct-11	Chief Gil Goerz	Tara Whitney	Email	Tara followed up to provide the location of the technical session. Tara also outlined the procedure for calling into the session for those attending by phone.	
17-Oct-11	Tracy Campbell	Tara Whitney	Email	Tracy thanked Tara for the information and asked if she could provide MFN with a list of attendees, the presentation and more detail around the agenda.	await presentation and items for clarification
17-Oct-11	Tracy Campbell	Tara Whitney	Email	Tracy re-sent the email with the attachment	await presentation and items for clarification
18-Oct-11	Germaine Conacher	Various	Meeting	MFN representatives attended a technical session with Northern Gateway.	
07-Nov-11	Chief Gil Goerz	Jason Louis	Email	Jason followed-up to the technical session and watercourse meeting, particularly with information on sensitive crossings.	
12-Dec-11	Chief Gil Goerz	Morgan Yates	Email	Chief Goerz requested clarification on MFN eligibility for equity participation	await response from Morgan Yates

**Enbridge Northern Gateway Application, Filed May 2010**  
**Michel First Nation (“MFN”) Additional Comments**  
**December 2011**

<b>Application Section</b>	<b>Sub Section</b>	<b>MFN Comment</b>	<b>MFN Request</b>
Volume 1	Section 1.3	Considering MFN has been informed by Enbridge that they are ineligible for any economic benefits resulting from the Project, MFN requires additional information for the basis of the accuracy of the statement that “total benefits flowing to all Canadians are greater.” Specifically, MFN requests information to illustrate how increase of GDP, property and corporate income tax will specifically benefit MFN members proportionally with all Canadians as stated.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 1	Section 1.4	MFN was not engaged in Aboriginal equity, employment, training, business procurement or environmental protection discussions with Northern Gateway as specified in this section.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 1	Section 1.4	MFN was not involved in employment and training workshops	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 1	Section 1.4	MFN was not involved in establishing a baseline on local skills, education or business	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 1	Section 1.4	MFN was not involved in any of the business development initiatives outlined in this section	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 5	Table 2-1	MFN was not engaged or consulted on the ESA. MFN were only engaged in the conduct of an ATK study for the Project and find their inclusion in an engagement table to misrepresent the level that MFN were involved.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5A	Section 2.6.2	MFN requires engagement in Phase 2, throughout the regulatory phase, construction, operations and eventual decommissioning.	Meaningful and adequate consultation needs to be undertaken with MFN

Volume 5A	Section 2.8.1.2	MFN requires involvement in the development of a fisheries liaison committee plan.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 5A	Section 2.8.1.2	MFN requires the development of species-specific monitoring and management plans for sensitive species prior to project approval. Additionally, MFN requires involvement in the implementation during construction and operations.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 6A	Table 5-4	The L eq, 9h for the Bruderheim site on both dates exceeded the PSL of 40 dBA L eq for night-time outlined in Section 5.2.6. As this already exceeds the permissible sound levels how can additional development such as the pipeline not create a significant impact?	Requires clarification of baseline noise levels;
Volume 6A	Section 6.4.3.2	MFN requires ongoing monitoring to ensure that any soil erosion does not further affect the exercise of MFN Aboriginal rights along the pipeline route.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 6A	Section 7	MFN requires ongoing monitoring to ensure the identified Geohazards within their traditional territory are effectively mitigated.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 6A	Section 7.4.4.2	MFN requires ongoing monitoring of mass wasting in the Southern Alberta Uplands and Alberta Plateau.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 6A	Section 8.4.3.4	MFN requires ongoing monitoring to ensure that wetland function will be restored following mitigation measures and therefore the effects on wetlands rendered not significant. (Eastern Alberta Plains, Alberta Plateau and Southern Alberta Uplands)	Require ongoing monitoring
Volume 6A	Section 8.4.3.4	MFN requires ongoing monitoring to ensure predictions of 5% of old growth loss within the PEAA in the Southern Alberta Uplands and Alberta Plateau is accurate. In addition, MFN require long term monitoring to ensure the claim that these forests will be restored over long periods is maintained.	Require ongoing monitoring
Volume 6A	Section 11.5.3.1	MFN requires consultation on high sensitivity water crossings indentified in Alberta between KP 0 and KP 350 as any effect to these areas could potentially affect MFNs Aboriginal rights.	Meaningful and adequate consultation needs to be undertaken with MFN and information obtained incorporated into the Application
Volume 1	Section 1.3	Seeking to establish positive relationships with Aboriginal groups along the route should not be considered a "Project Benefit"	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 1	Section 4	No description of consultation on the proposed project was described in the Alternatives and Justification.	Meaningful and adequate consultation needs to be undertaken with MFN.

Volume 1	Section 6.3.6	The monitoring approach outlined in this section as an "alliance with...a First Nation" is deficient. There are a minimum of 60 First Nations potentially affected by the Project, MFN included. Each Nation has diverse priorities, interests and needs. A single First Nation cannot represent the collective interests of all First Nations. Monitoring must be proposed and negotiated.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 3	Section 2.2.2	As MFN has not been consulted on the siting for the Pipeline Route the blanket statement that the location was based on "limited potential adverse effects on communities, landowners, land users and Aboriginal Groups" cannot be applied to MFN.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 3	Section 2.4.2	MFN Traditional Land Use Study was not completed prior to application filing due to the late engagement. Therefore the blanket statement that the Route Selection accommodated suggestions and concerns raised by participating Aboriginal groups, where practical, does not apply to MFN.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 3	Section 6.3.1	The statement that "no other significant issues identified" in relation to 690 of the 773 crossings met threshold conditions to be considered isolation or open cut is deficient as MFN had no opportunity to review or provide any issues related to water crossings within their traditional territory	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 3	Section 8	MFN was not consulted on the locations or potential impacts of Pump stations and the associated containment ponds.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 4	Section 1	Aboriginal groups and Public Stakeholders have distinct and diverse issues which is why Aboriginal consultation is required as a separate component in ESAs. By adding Aboriginal consultation into public consultation the ESA runs a risk of minimizing, missing or not adequately addressing Aboriginal and treaty rights that may have been included in this section and not carried over to the Aboriginal consultation section. MFN finds this approach confuses economic development, good neighbour activities and required Aboriginal Consultation.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 4	Section 2	The regulatory requirements for Aboriginal consultation have been directed as distinct from the requirements for a public consultation program through recent case law. The Consultation Program design mixes the two.	Meaningful and adequate consultation needs to be undertaken with MFN

Volume 4	Section 2.7	Northern Gateway statement that "Northern Gateway believes that because of the public consultation program design and process, virtually all potentially affected persons and groups have currently been identified and provided with a meaningful opportunity to participate in reviewing the Project"; is incorrect. MFN has not had any prior opportunity to be involved or review the study nor has any information provided by MFN influenced or changes the study as all information was gathered post submission.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 4	Section 3.2	Description of Public Open houses contains information on Aboriginal Consultation; public forums are not appropriate venues for Aboriginal Consultation.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 4	Section 3.2.1	The findings that show general community support for the project are vague. How many respondents were from each community and what percentage of the overall population was surveyed. Require the backing information to the statistical analysis that 86% of unspecified communities support the Northern Gateway Project.	Responses to questions required. Meaningful and adequate consultation needs to be undertaken with MFN
Volume 4	Section 3.3.1	MFN was not offered invitational participation in the ESA workshops held in November 2005. MFN has, to date, not been engaged in discussions of Project effects or potential mitigation.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 4	Section 3.3.1.2	This section displays an inappropriate use of public forums for identification of Aboriginal "interests"; Aboriginal groups and organizations were targeted as having or anticipated to have an active interest in the ESA aspects of the Project."	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 4	Section 3.3.1.2	This section states that "...stakeholders were first contacted by telephone in early Sept. 2005 to introduce them to the Project and gauge their interest in attending a (ESA) workshop." How were phone participants selected? Individual MFN community members cannot represent the collective rights of MFN in public forums without the sanction of the Nation as a whole.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 4	Section 3.3.2	Extending an invitation to Aboriginal Groups for public ESA forums in an inappropriate way to engage Aboriginal communities and cannot be used as meaningful consultation. MFN was not engaged as a Nation and therefore a meaningful consultation program has not been completed.	Meaningful and adequate consultation needs to be undertaken with MFN

Volume 4	Section 3.3.2.2	MFN was not included as one of the 975 stakeholders that received notice of upcoming ESA consultation activities. As no specific Aboriginal notice was provided and this was the only forum through which to receive information, information on consultation activities were never received.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 4	Section 3.3.2.4	MFN was not engaged prior to the completion of the ESA to ensure their specific interests were included in the necessary biophysical studies.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 4	Section 3.4.2.2	Public directed mail surveys do not constitute meaningful consultation with Aboriginal communities. MFN requires an Aboriginal directed program.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 4	Section 3.4.2.3	The Community Advisory Boards (CAB) are inappropriate forums for meaningful Aboriginal consultation.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 4	Section 3.5	MFN was not included in any collaborative initiatives (Advisory Working Groups, CABs or Quantitative Risk Analysis Working Group) and have not been consulted to date on the information discussed in these forums.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 4	Appendix D.2	MFN notes the inclusion of information in the display boards about Aboriginal Traditional Ecological Knowledge and Aboriginal Relations, but notes the lack of any information related to Aboriginal Consultation.	
Volume 4	Appendix E.2	The 2008 Open House Display Boards go through the goals of Northern Gateway's Aboriginal Engagement process, and notably absent is an assessment of how potential environmental and socio-economic effects may impact Aboriginal rights and how those effects will be addressed.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 4	Appendix G	MFN was not presented with the notice to Aboriginal Groups that was provided to Alberta Aboriginal Groups.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 4	Appendix H	MFN was not surveyed by telephone as part of the stakeholder survey documentation.	Meaningful and adequate consultation needs to be undertaken with MFN

Volume 4	Appendix H	MFN was not included on the Mail Survey Contact List from March 2009 and therefore not afforded the opportunity to provide Northern Gateway with information on how to effectively communicate with MFN and engage with MFN to provide information and resolve their concerns.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 4	Appendix J.1.3.1	Slide #5 of this power point specified "Aboriginal groups and stakeholders have a right to provide input into projects that potentially affect them" however, due to lack of consultation and engagement with MFN to date, this statement has not been followed up by Northern Gateway with actions.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 4	Appendix M, Table M-2	MFN was not "invited to undertake or participate in a number" of fieldwork programs that have been completed to date. Therefore the qualifier "thorough" is misused. MFN traditional land use and ecological knowledge are not included.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5	Section 2.3	This section of the ESA interchanges the term consultation with the term engagement. This is an inappropriate interchange of terminology as engagement is defined in the application as "inform, educate, engage and learn" whereas consultation can be defined as the process of identifying and seeking to address potential impacts to Aboriginal rights and title.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5	Section 2.3	This section specifies that Northern Gateway would provide "Aboriginal groups with project information in a timely and culturally sensitive manner so they can consider the information" however, this is directly contradicted by the lack of Aboriginal specific CABs, no provision of plain language, project specific, Aboriginal direct brochures and by the lack of Aboriginal community specific open houses.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5	Section 2.3	This section of the ESA specifies that Northern Gateway will "Provide opportunities for Aboriginal groups to assess the effects of the Project" however, to date MFN has not been provided this opportunity.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5	Section 2.4.1	The "community-based approach" outlined in this section is insufficient in assessing or accommodating potential project impacts on collective Aboriginal rights. This approach states that the goal is "to align opportunities for benefits stemming from the Project with the specific interests of each group". This is a deficient approach to Aboriginal Consultation	Identify adequate accommodation measures for potential impacts to MFN rights

Volume 5	Section 2.4.2	MFN was not engaged in a multi-disciplinary approach. No MFN indicator species and/or community issues/concerns were included in the ESA. MFN was only engaged on the conduct of an ATK study.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5	Section 2.4.3	MFN had not, to that date identified, completed their ATK study for the Project. In the absence of a completed ATK, how does Northern Gateway propose to describe an impact to MFN Aboriginal rights?	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5	Section 2.5.1	MFN was not engaged in the early engagement program of 2002.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5	Section 2.5.2	Northern Gateway has misused the criteria identify Aboriginal Nations for consultation, including that "formal recognition as a band as defined by the Indian Act..." and evidence of an Indian Reserve. This has prohibited MFN from meaningful consultation on this project. MFN has 750 Status Indians that claim membership and hold treaty and Aboriginal rights. These rights must be considered.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Section 2.7	MFN was not provided an opportunity to comment on the development of the PIP, particularly on the scope of assessment.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Section 2.7	MFN was not provided an opportunity to host an Aboriginal Open House in their community.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Section 2.7.1	As the June and July 2009 CAB meetings are an inappropriate venue to conduct Aboriginal Consultation, relying on these to distribute important ESA information to Aboriginal communities is a deficient method of information dissemination.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Section 2.8.1.2	"identifying interests and concerns underlying Aboriginal rights and title...in a manner that achieves alignment..." is not the point of Project consultation. Instead, consultation is meant to identify project effects on Aboriginal and Treaty Rights and Interests as the heading implies. The heading of this section is misleading insofar as the section does not contain information on effects to Aboriginal and treaty rights and interests or proposed methods to manage and mitigate any such effects to an acceptable level as directed in the CEAA scope of factors.	Identify adequate accommodation measures for potential impacts to MFN rights

Volume 5A	Section 2.8.1.2	MFN finds the statement that "Based on the extensive work done to develop the environmental and socio-economic assessment for this project, including ATK work, Northern Gateway has determined that the Project is not likely to cause significant adverse effects on the environment. Northern Gateway is therefore confident that the Project will not have a significant adverse effect on the land and water for sustenance, including Aboriginal Groups who may exercise their Aboriginal or treaty rights in the use of land or water for traditional purposes" to be overly generalized and flawed. Spending a lot of time on an ESA and conducting an ATK does not, in itself, identify impacts, or limit effects.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 5A	Section 2.8.1.2	MFN issues and interests have not been "identified and addressed, as appropriate, to the extent that they have not already been dealt with in ATK studies undertaken for the Project". ATK studies on their own are not meant to address Nation issues and interests, this is the purpose of the ESA and accommodation discussions.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 5A	Section 2.8.1.2	The statement "These programs will have the effect of reducing potential adverse project effects on Aboriginal rights and interests" directly contradicts the previous assertion that "Northern Gateway is confident that the Project will not have a significant adverse effect on those who depend on the land and water". How does Northern Gateway propose to reduce an effect they refuse to acknowledge exists?	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 5A	Section 2.8.1.2	In this section Northern Gateway specifies that they will "undertake continued Aboriginal engagement during construction and operations...including opportunities for Aboriginal involvement in: developing and implementing fisheries habitat compensation plans" however, the CEAA scope of factors directs this to be completed as part of the application.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 5A	Section 2.8.1.2	The assumption that "These programs will have the effect of reducing potential adverse effects on Aboriginal rights and interests by reducing effects on the resources utilized" is fundamentally flawed because Northern Gateway had not fully identified resources used by all Aboriginal Groups, specifically MFN at that time.	Identify adequate accommodation measures for potential impacts to MFN rights

Volume 5A	Section 2.9	Just because Northern Gateway has embarked on a long engagement project that "began eight years ago" does not ensure that this process has been fulsome and inclusive. This is clear in the lack of meaningful engagement of MFN. A long engagement process does not automatically equal a good or comprehensive study.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Section 2.9	Identifying the Aboriginal groups along the project corridor does not translate into an identification of project effects on Aboriginal rights and interests.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5A	Section 3.1.1	MFN disagrees with the statement that the "...early engagement was successful in: identifying Aboriginal groups and informing them about the Project; building relationships; preliminary scoping issues and concerns; creating an awareness and knowledge of Northern Gateway pipelines Inc." as none of these items were successful with MFN	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Section 3.1.2	MFN was not a part of the Aboriginal Open Houses; this section implies that all potentially affected groups were separately scheduled for such an event.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Section 3.2	MFN was not involved in the development or the execution of field assessments associated with the ESA.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5A	Section 3.3	No Aboriginal Open Houses were held with MFN. This highlights the mischaracterization of "participating Aboriginal groups" as the potentially effected Aboriginal groups.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Table 3-3	The issues and concerns outlined in this table do not accurately reflect MFN issues and concerns. MFN is concerned that information such as this was used in the professional determination of potential effects of the Project.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Section 3.5.1	MFN was not included in the Discussion Forums. MFN is concerned that information such as this was used in the professional determination of potential effects of the Project.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Section 3.5.2	MFN was not included in the Advisory Working Groups. MFN is concerned that information such as this was used in the professional determination of potential effects of the Project.	Meaningful and adequate consultation needs to be undertaken with MFN

Volume 5A	Section 3.5.3 to 3.5.4	This section is a copy and paste of the section 3.5.3 of Volume 4: Public consultation with the non-Aboriginal attendees deleted. This is a misrepresentation of the CABs as a process for Aboriginal consultation.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5a	Section 3.5.3.1	CAB attendees agree that the CAB "is not: an Aboriginal consultation process". MFN agrees with this statement and question the CAB presence in the Aboriginal Engagement volume	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Section 3.6	As MFN was not meaningfully engaged throughout the Northern Gateway engagement process, MFN did not have the opportunity to participate in Issue-specific meetings. In addition, MFN has not hosted technical sessions specific to their community issues.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Section 3.8	MFN feels the comment that "Northern Gateway will also continue to offer Aboriginal groups the opportunity to participate in ATK studies during the regulatory, detailed design, construction and operations, although the degree to which ATK could be used in project planning will be reduced as the Project progress" effectively renders the completion of a MFN ATK study useless. MFN must be assured that their ATK will lead to their input, issues and concerns given full weight and can still influence the project planning should an impact be identified.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5A	Section 4.1	MFN interests and concerns are not included in this section. MFN objects to the use of blanket terminology which gives the impression of a global Aboriginal view. MFN is unique and has specific community based issues that must be considered independently and weighed appropriately against the Project.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5A	Appendix B, Table B-1	MFN was not contacted during the 2002 feasibility studies.	Meaningful and adequate consultation needs to be undertaken with MFN

Volume 5B	Section 1.2	MFN finds the focus of the ATKs to be unacceptable as described. ATK on its own cannot be used to identify the potential effects of the Project on traditional lands. An ATK is not a parallel ESA process. An ATK can be used to identify Aboriginal use and general concerns but must be integrated into an ESA along with a robust consultation program in order to identify effects. The onus must be on the Proponent, not the community to identify the impacts of their project.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5B	Section 1.3	The use of the ATK to document anticipated project effects to be unacceptable. This cannot be done independently of the ESA and in the absence of completed biophysical assessments. An ATK study is not a parallel ESA process.	
Volume 5B	Section 1.3	Individual MFN harvesters cannot be given the responsibility to develop mitigation measures on behalf of the Nation. This is a responsibility delegated to the MFN leadership who have a global view of MFN community priorities. Placing this responsibility on individual community members is inappropriate.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 5B	Section 1.3	As MFN have noted the inappropriate nature of deriving project effects and mitigation strategies from an ATK, MFN believe that the use of this information for project planning purposes is also inappropriate. Using this information, independently of the ESA and biophysical field study results in a deficient project planning exercise.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 5B	Section 1.3	Placing the onus on individual community members to derive mitigation recommendations for potential project effects is inappropriate.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 5B	Section 1.4	No mention of meetings or collaboration between Aboriginal groups and the ESA team	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5B	Section 1.4	MFN finds the statement "incorporating ATK input, based on the information available at time of writing" to be unacceptable. The ESA should not have been finalized without Aboriginal information fully incorporated.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5B	Section 1.5	The information contained in section 5A regarding the status of engagement with MFN has yet to be verified, pending MFN review of applicable ROCs	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5B	Section 1.5	The level of confidentiality applied to ATK information makes it impossible to assess what, if any, MFN information was included in the report. MFN require identification of where and how any information was used.	Requires clarification

Volume 5B	Section 4.1	Reliance on individual harvesters to describe baseline conditions, assess potential effects of the Project on traditional lands and activities, and recommend mitigation measures is inappropriate. An ATK study cannot be used as a parallel ESA and must be integrated with the biophysical disciplines in order to achieve these objectives. It is inappropriate to put the onus of a parallel ESA on community members.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5B	Section 4.1	MFN disagrees that "ATK assessments pertain to the social and physical well-being of communities as a whole and of individuals within that community". ATK studies are a sampling of the traditional use of a community that, when properly integrated into an ESA, can identify potential effects of a Project and inform mitigation discussions. They are not socio-economic assessments of the social dynamics of a community nor are they health assessments which identify the physical well being of a community. MFN feel that ATKs are being grossly misrepresented as stand alone ESAs conducted from a community perspective,.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5B	Section 4.2.2	The description of Traditional Use information is generalized and does not include any mention of how these uses relate to Aboriginal rights and title.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5B	Section 4.2.3	The definition given for VEC in this section of the report is not consistent with the definition of VEC throughout the ESA. The usage of the term VEC attributes a scientific analysis which is not applied throughout this section as it is continually dismissed due to the perceived Aboriginal worldview.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5B	Section 4.2.3	The approach section of this volume specifically refers to the collection and analysis of effect pathways however these are not actually completed as this section dismisses the ability to conduct effect pathways for Aboriginal use.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5B	Section 4.2.4.1	It is inappropriate to place the onus on ATK participants to evaluate the Project's cumulative effects as proposed in this section; "The REAA is also used by ATK participants to evaluate cumulative effects."	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5B	Section 4.3	The ATK process does not allow for the integration of ATK information into the ESA, participation by the community in the biophysical studies or the necessary mitigation/accommodation discussions following the completion of the report.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights

Volume 5B	Section 4.3.3	The onus must not be placed on MFN community members to provide baseline conditions as this is studied as part of the ESA. Information from these studies should be provided to MFN prior to the ATK to allow for comment, review, and integration.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5B	Section 5.1	MFN requires the identification of areas with "high cultural values" to be completed in consultation with MFN rather than if the areas overlap numerous traditional territories.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5B	Section 5.1	Northern Gateway acknowledges that Aboriginal groups have noted concerns related to the Projects potential effects on their Aboriginal and treaty rights, it is additionally noted that Aboriginal title concerns are also raised in regard to lands crossed by the PDA. However, there is no further analysis of these effects or further comment by Northern Gateway on how this will be addressed.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5B	Section 4.2.4.1	MFN was not provided sufficient funding by Northern Gateway to conduct field visits, therefore no sites or areas that are potentially affected by the project have been accurately documented within the PDA. In addition, MFN has not had the opportunity to assess the area within which surface and sub surface ground disturbance will occur.	Require additional funding to conduct robust field visit to identify TLUS fixed sites
Volume 6A	Section 2.2.9	MFN requires more information on hydrostatic testing prior to application approval such as: the source of the water to be used for the testing, whether this waterbody is fish bearing, grade of screening for the intake pipe and where the water will be discharged.	Requires clarification on hydrostatic testing of pipeline
Volume 6A	Section 5.4.3.2	MFN does not find the statement that "site-selection process for pump stations tried to avoid locations near residents or communities" as these remote areas are critical to MFN for the exercise of their Aboriginal rights. There is no mention of consideration of Aboriginal use in the site selection for pump stations.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights

Volume 6A	Section 5.4.3.4	The application notes that "Pipeline construction activities will be carried out in remote and sparsely populated areas; therefore, the noise levels during pipeline construction are not expected to pose problems". This does not take into account the Aboriginal use of these remote, sparsely populated areas for the exercise of Aboriginal rights. MFN members routinely use such areas for traditional activities and require an assessment of the effect of noise on these activities.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 6A	Section 7.2.2	This section specifies that the key terrain issues associated with the Project were identified from participating Aboriginal groups. No consultation on these issues were undertaken with MFN.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 6A	Section 9.4.1.2	MFN was not consulted during the baseline modelling for moose	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 6A	Section 9.4.1.4	MFN was not consulted during the baseline modelling for caribou.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 6A	Section 9.4.1.5	MFN was not consulted during the baseline modelling for grizzly bears.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 6A	Section 9.6.3.2	MFN find the conclusion that because there is a relatively low density of moose effected by relatively high key habitat loss the effect is not significant to be deficient. MFN feel that if the population density is lower any effects of key habitat loss would be felt more by Aboriginal harvesters and the herd itself.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 6A	Section 9.6.3.2	MFN finds the rationale that "in some locations construction will be along or near existing RoWs and roads that caribou <b>may</b> already be avoiding" [emphasis added] to be unsatisfactory. MFN require quantitative study on this issue prior to application approval.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 6A	Section 9.6.3.2	MFN requires information on whether any of the caribou habitat areas studied during this assessment have reached or are nearing the threshold of disturbance allowable for the continuance of the herd and how this related to the habitat losses predicted to occur during construction and continuing through operations of the Northern Gateway pipeline.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights

Volume 6A	Section 9.6.3.2	MFN disagrees that the habitat loss predicted for grizzly bears will be not significant as any habitat disturbance to the PA during construction will persist throughout operations and will have a long term alteration of habitat for grizzly bears.	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 6A	Section 9.6.5.2	MFN finds the use of mitigation techniques with "little to no evidence of the success of these mitigation techniques" in existence to be unsatisfactory. MFN requires ongoing monitoring and more rigorous study techniques be undertaken to address this.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 6A	Section 9.8.4.2	MFN finds the determination that the "cumulative effects on grizzly bear mortality is high magnitude, adverse, long term, regional and reversible" to be not significant to be extremely deficient. MFN believe that any effect that is quantified as high in magnitude, adverse, long term and regional is significant to the exercise of MFN treaty and Aboriginal rights. Especially when this effect is cumulative and will "likely act cumulatively with those from other past, present and future development activity." MFN requires extensive planning be implemented prior to application approval to address this effect in addition to extensive species monitoring to ensure an already high magnitude effect does not go higher than predicted levels.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 6A	Section 10.2.1.1	While this section lists issues relevant to Project effects as identified through the Aboriginal consultation and ATK programs, there is no explanation of how these issues will be examined or addressed.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 6A	Section 10.4.1	MFN requires an identification of water bodies and volumes that will be used for hydrostatic testing within the Prairies and Foothills Hydrological Zone. This section states that "Water withdrawals would decrease flows in watercourses and, depending on the withdrawal volume relative to the source volume, decrease water levels in lakes and surface watercourses."	More information is required on hydrostatic testing of pipeline, including sources and disposal sites
Volume 6A	Section 10.4.4.4	This section only outlines residual effect for the Hault and Clore tunnels and does not provide details on any other Key Environmental Effects outlined in Table 10-1. Require explanation of the effects outlined in Table 10-1, including residual effects.	Require an explanation of Key Environmental Effects outlined in table 10-1 including residual effects.

Volume 6A	Section 10.4.4.5	There has been no quantitative analysis of Surface Water effects therefore the implications of effects and specifically cumulative effects cannot be relied upon for quantitative accuracy.	Analysis of surface water effects required. Meaningful and adequate consultation needs to be undertaken with MFN
Volume 6A	Section 15.2	MFN disagrees with the conclusion that "the residual effects of pipeline construction will not be significant" as this determination cannot be made in the absence of a comprehensive consultation program on the effects to MFN. MFN also disagree with the minimization of the residual effect on Grizzly bear mortality as this is a species of importance to MFN.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 7A	Section 3.2	MFN was not consulted on the construction EPMP and until consultation has occurred MFN views the claim that the Project will be constructed in an environmentally responsible manner as suspect.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 7A	Section 6.1.4	Should environmental timing constraints not be accommodated by construction between KP 0 and KP 350, MFN requires consultation and monitoring. This is critical for species that MFN rely upon for the exercise of their Aboriginal rights.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 7A	Section 7.3	As MFN has not been adequately consulted to date, their input has not been incorporated into the construction EPMP. MFN requires consultation and a completed EPMP prior to application approval.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 7A	Appendix A.3.2.5	MFN has not, to date, been offered the opportunity to harvest medicinal and food source plants from the RoW and pump station sites prior to clearing. MFN requires this opportunity be presented to their community members for consideration.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 7B	Section 9.3.4	MFN is not included in the list of Aboriginal groups with traditional lands or territories overlapping this example location.	Meaningful and adequate consultation needs to be undertaken with MFN
Volume 5	Section 2.4.2	Did the multi-disciplinary approach include Aboriginal directed ESA workshops where biophysical and social disciplines gathered information to ensure their studies included the correct indicator species and issues for Aboriginal Groups?	Integration of MFN ATK information for effects assessment on MFN treaty and Aboriginal rights
Volume 5A	Section 2.8.1.2	Require specific information on who at Northern Gateway will be responsible for working with MFN to address their site specific concerns during the construction and operational phase of the Project as no authorship or accountability has been provided throughout the application.	Require information on who will be responsible for working with MFN to address site specific concerns as per section 2.8.1.2

Volume 5B	Section 1.1	MFN requires more information on how the ATK work was "conducted within the context of Aboriginal and treaty rights." As no further information was provided regarding Aboriginal and treaty rights, and no information at all was provided regarding Aboriginal title MFN questions this statement. Please provide clarification or methodological details that outline how the ATK was conducted in this specified context.	Require clarification and/or methodological details on how the ATK was conducted in the context of Aboriginal and treaty rights.
Volume 5B	Section 3	Require clarification of the sentence "Another cultural element is that of norms, values and beliefs that are grounded in and shaped by Aboriginal worldviews." The information and intent behind this sentence are not clear.	Require clarification
Volume 5B	Section 3	Require clarification of the statement "These issues are increasingly the subjects of court decisions and government policies respecting Aboriginal rights and treaties (as discussed)" Please provide details on where Aboriginal rights and treaties are discussed within the application.	Requires clarification
Volume 5B	Section 5.2	Require information on the statistical basis for the method of counting the "number of times a potential effect was discussed and the number of participants bringing forward the same effect". Was the sample size for each community consistent to formulate the basis for this statistical approach.	Require additional methodological information on determining significance of effect
Volume 6A	Section 2.2.3	MFN requires a copy of the Timber Salvage Plan for review.	Require a copy of the Timber Salvage Plan.
Volume 6A	Section 9.6	This section continually states "Where disturbance is unavoidable, Northern Gateway will consult with regulators and, as appropriate, interested and participating Aboriginal groups to identify options and management strategies". MFN requires a tangible agreement with Northern Gateway to ensure they are consulted on all terrestrial wildlife species they consider key and where this statement applies.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 6A	Section 9.6.5.2	If confidence in the success of habitat availability mitigation is low to moderate, how can these mitigation measures be used to negate the significance of effects? MFN finds this approach instils little to no confidence for MFN in results.	Identify adequate accommodation measures for potential impacts to MFN rights
Volume 6A	Section 10.4.5.2	As vegetation will be managed and not allowed to re-establish on the RoW, how can the environmental effects be predicted to last only one or two years?	Meaningful and adequate consultation needs to be undertaken with MFN

