Appendix 2a.1  Fort McMurray Métis Local 1935 Statement of Concern (April 10, 2013)
April 10\textsuperscript{th}, 2013

Mr. Patrick Marriott  
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Dear Mr. Marriott:

Métis Local 1935 (ML1935) is the association which represents the interests of Métis people living in Fort McMurray. ML1935 is a member of the Métis Nation of Alberta, Region 1 (MNA R1) and has supported the MNA R1 in its interactions with various government agencies on behalf of the region and the Métis Locals they represent.

Our members have legal interests in the area north of Fort McMurray and their interests are at risk of infringement as a result of oil sands development. This is why we were troubled to see the Government of Alberta’s letter to MNA R1 dated October 10\textsuperscript{th}, 2012 which stated that they had received “direct correspondence from various Métis Locals in the region who have shown they are directly affected by the activities proposed in the subject application” and that they therefore would not officially consider the MNA R1’s Statement of Concern. As you know ML1935 had not submitted a Statement of Concern with respect to the Teck project. ML1935 relied on the Statement of Concern filed by the MNA R1 which was filed within the timelines set out by the Environmental Protection and Enhancement Act.

ML1935 did not feel the need to “duplicate” the efforts the MNA R1 and therefore did not file a Statement of Concern on the project at the time. With the position of the Government now being clarified in the October 12\textsuperscript{th}, 2012 letter we would like to now file this Statement of Concern relating to Teck Resources’ Frontier Oil Sands Mine Project, Environmental Protection and Enhancement Act Application No. 001-00247548, Water Act File No. 00303079. In this letter we will clearly outline how ML1935’s members clearly meet the recognized Powley Test and how their use of the land will be substantially altered if this project is approved.

ML1935 has members whose ancestors belong to the historic Métis community of Northeastern Alberta. The Government of Alberta’s Métis Harvesting Policy recognizes some communities within this area but does not recognize the community of Fort McMurray. ML1935, through the MNA R1, have asked the Government of Alberta to clarify how we may be
recognized as an historic community. We are still awaiting a response.¹ The ML1935 does not accept that the communities recognized by Alberta adequately represent the Metis people in Northern Alberta. This is a gap which the MNA R1 has tried to fill. However we understand that the Alberta Government is not willing to recognize the MNA R1 as a representative of ML1935 in this regard.

**Concerns of Fort McMurray Métis Local 1935**

ML1935 is made up of a broad and diverse membership of approximately three hundred people who continue to utilize the land and rivers surrounding the proposed Frontier Project to practice their traditional ways of life. The areas where ML 935 members have an interest in are outlined in the recently published book *Mark of the Métis: Traditional Knowledge and Stories of the Métis people of Northeastern Alberta*² though it should be understood that this study is regional in scope. To gain a full understanding of project specific concerns a project specific study that specifically considered Métis people’s use of the area needs to be completed.

**Capacity Funding**

It is our understanding that funding has been provided to similarly affected First Nation’s groups and we only ask to be treated fairly since our members use the area in a similar way. The findings from the Mark of the Métis project are supported by research completed by the Government of Alberta, the Government of Canada, and by reports commissioned by ML1935 and the Métis Nation of Alberta. All of these studies confirm the existence of an historic Métis community centred around Fort McMurray since at least the 1870s. Of specific relevance is a 2006 report completed by Neil Reddekopp that identifies probable territories utilized by historic Métis communities in Alberta. This report refers to Northeastern Alberta as:

> [O]ne of the first areas in which a Métis community emerged in Alberta. The area includes Fort Chipewyan, the first trade settlement in Alberta, as well as areas associated with it from both trading and transportation standpoints. Other settlements that area included in the area include Fort McMurray and Fort Mackay, both of which were outposts of Fort Chipewyan. Fort McMurray, also being the point at which the lower Clearwater River Flows into the lower Clearwater River Flows into the lower Athabasca River, was of significance as a part as a part of the fur trade’s transportation system making use of Methye Portage.³

Fort McMurray is part of an historic Métis community that is well within the Frontier Mine study area, and should be consulted. Other reports including the Government of Canada’s commissioned “A Historical Profile of the Northeast Alberta Area’s Mixed European-Indian or

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¹ Peter Fortna, MNA R1 Regulatory Coordinator to Neil Brad, Provincial Compliance Advisor, Field Logistics Section, Justice and Solicitor General, 25 March 2013.
Mixed European-Inuit Ancestry Community,” the ML1935 Commissioned “Key or Leading Families in the Wood Buffalo/Fort McMurray Region” and the Métis Nation of Alberta, Region 1 commissioned “Historical Métis Communities in Region One of the Métis Nation of Alberta, 1881-1916” similarly note the existence of a “significant” Métis community in and around Fort McMurray by the turn of the twentieth century that was connected to the historic community identified in the Reddekopp report. All these reports come to a similar conclusion that Fort McMurray is part of a historic Métis community spanning the length of Fort Chipewyan to Lac La Biche that meets the Powley Test. Furthermore, each of these reports is attached to this letter to further substantiate our position.4

In addition to the above historic evidence, ML1935 can provide evidence of both current and modern historical (1950-present) that demonstrates its members continue to use the land in and around the Teck project area and will likely be directly and adversely impacted if this project is allowed to proceed. This said, ML1935 has unfortunately does not have capacity nor have they been not been provided with funding to complete a technical review of the project application which based on previous experience with applications such as this one likely includes many thousands of pages of technical information.

At this time ML1935 is unable to speak about specific impacts or proposed mitigation strategies as we have little information about the project impacts (and/or no capacity to review the information they have). Instead, ML1935 can in this correspondence identify their use of the region and assume negative impacts unless it is proven to them otherwise.

Specific Métis Traditional Land Use and Current Land Use in the Project Area
As has been clearly identified by members of the ML1935 at the Shell Jackpine Joint Review Panel Hearing, ML1935 members have a number of concerns about how proposed projects situated along the Athabasca River will directly and adversely impact their use of the River and the surrounding lands.5

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In addition to this more general concern, the Grant family and their Métis friends and extended families, are long-time members of ML1935 who continue to use the land in and around traplines 1743 and 2939 to hunt, trap, fish and harvest resources and have specific concerns about the impacts to their legal interests.

The Fort McMurray Métis community as a whole value these areas and view them as spots of “last refuge” to carry out their traditional life ways and keep their traditions alive. In addition Métis harvesters from the Loutitt, Dragon, Golosky, Flett, Descharme, and Castor families continue to use land in and around this area and are concerned about the potential development proposed by Teck Resources.

In addition Métis trappers historically used and still in many instances continue to own and use traplines throughout the area or near to where Teck proposes to build their oil sands mine. For example Trapline 2555 (Alex Oakley) was located directly in the centre of the project LSA. Other areas identified by ML1935 community where they have an ongoing interest in include Sled Island (on the Athabasca River directly across from the LSA), the Birch Mountains (directly East of the project areas), points north of the project lands (Lake Athabasca, Ronald Lake, Poplar Point and Brule Point) points east (Birch Mountains) and West (Firebag River, Margaret River) of the LSA as being key areas for the community. A great deal of this material describing the cultural importance of these areas was provided by ML 1935 members at the Shell Jackpine Joint Review Panel as part of the MNA R1 submissions and is available in the community testimony. Additionally, expert witness testimony from the hearing substantiates much of what the community put forward as evidence. Together this information should help the Government of Alberta to determine that:

1. Fort McMurray is a historic Métis community;
2. That members of the community have used and currently use the lands on or near the project lands and
3. ML1935 has a collective legal interest that may be impacted by an approval of the project by the Government of Alberta.

In your assessment of the proposed Teck project, we ask that you take into account our concerns about infringement on our traditional harvesting rights by the project. In order to more fully identify our specific concerns with this project and we ask that the Director initiate a formal consultation process with ML1935 and other potentially affected Métis Locals to determine the extent to which the project will impact Métis aboriginal rights. We understand that you, as a representative of the Crown are entrusted with the duty to consult with Aboriginal organizations on behalf of and in respect of the honour of the Crown. If you are unwilling to consult with us directly we trust that you will advise us of such and you will instruct

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Teck to consult with ML1935 and for the company to provide the capacity necessary for us to fully review the project EIA and other associated documents so we may fully understand what the specific impacts of this proposed project will be.

ML1935 has a credible claim legally recognized rights to use Crown land in areas directly surrounding the project. The Athabasca River and the surrounding areas are vitally important to the Métis subsistence harvesting and way of life. Our members are gravely concerned about how the proposed project will impact local ecosystems and Métis harvesting practices. We believe we have a right to be considered as a formal stakeholder in this project and we request a formal response to our concerns.

Sincerely,

James R. Dragon
President, Métis Local 1935

Kyle Harrietha
General Manager, Métis Local 1935

CC: William Landstrom, President, Métis Nation of Alberta, Region 1
Ian MacKenzie, Regulatory Coordinator, Teck Resources Ltd.
Janais Turuk, Community Relations, Teck Resources Ltd.
Mr. Cory Enns, Alberta Ministry of Aboriginal Relations
Honourable Donald Scott, MLA for Fort McMurray-Conklin
Mr. Mike Allen, MLA for Fort McMurray-Wood Buffalo

Enclosure (5)
*available for download at http://bit.ly/ZhGM6a

- Stantec, “A Historical Profile of the Northeast Alberta Area’s Mixed European-Indian or Mixed European-Inuit Ancestry Community: Department of Justice – Canada.” Ottawa: Department of Justice, 2005;
- Métis Archival Project, “Research Findings: Key or Leading Métis Families in the Wood Buffalo/Fort McMurray Region.” Edmonton: University of Alberta, 2009;
- Neil Reddekopp, “Conklin as an Aboriginal Community: Legal Analysis”