Aboriginal Consultation
NOTE: For the purpose of this information request, “potentially affected Aboriginal groups” refer to:
Alexis Nakota First Nation, Ermineskin First Nation (Mountain Cree (Smallboy) Camp), Foothills
Ojibway First Nation, Gunn Metis Local 55, Horse Lake First Nation, Metis Nation of Alberta – Region
4, Nakcowinewak Nation of Canada, O’Chiese First Nation, Paul First Nation, Samson Cree First
Nation, Stoney First Nation, Sunchild First Nation, Whitefish Lake First Nation.

1. Provide an update of consultation measures undertaken with potentially affected Aboriginal
groups, or any Aboriginal groups who have expressed an interest in the Project, since the
time of completion of the latest submissions included in the SIR II “ESRD Appendix 2: First
Nation Consultation” that includes:
   a. any updated consultation activities or current information provided by Aboriginal
groups that has been received; and
   b. any update to the identification of issues of concern organized in a disaggregated
   manner, attributable to a specific Aboriginal group.

This response has been generated to reflect those groups listed as “potentially affected Aboriginal
groups” as per the above. It provides a succinct history of discussions with each of the groups, but will
not seek to reproduce every detail found in the original application and responses to subsequent
Supplementary Information Requests. Appendix A contains 16 tables from the various Aboriginal groups
providing updates to the identification of issues of concern as per Part B of the question.


The potentially affected Aboriginal groups initially included under the Robb Trend Coal Mine Expansion
Project’s (Project) Aboriginal Consultation Plan were established using previous consultation efforts as
the precedent, and at the direction of Alberta’s Aboriginal Consultation Office (ACO; formerly SREM
Aboriginal Affairs Branch or SAAB). The list of potentially affected Aboriginal groups above does not
reflect those groups deemed by ACO as requiring project consultation (Alexis Nakota Sioux First Nation,
Ermineskin First Nation, O’Chiese First Nation, Paul First Nation, Samson Cree First Nation, Sunchild First
Nation, Whitefish Lake First Nation) or those groups otherwise included in consultation efforts on behalf
of the Proponent.

The Project is located in the Treaty 6 area; consultations efforts have not been limited to Treaty First
Nations groups, as the area has also been used by several non-Treaty Aboriginal groups in the region.
Westmoreland Coal Company (WCC) and its predecessors have been responsible for providing capacity
funding to those Aboriginal groups with asserted Treaty or Aboriginal Rights and traditional uses in the
area in order for effective consultation and traditional use studies to occur.

Consultation and traditional use studies were initiated for the Project in late July, 2006 when
information about three proposed mine extensions (Yellowhead Tower, Mercoal West, and the Project),
was sent to each potentially affected group included in the existing Aboriginal Consultation Plan of the
time. This process was re-initiated in February, 2011 specifically for the Project alone, along with more
recent changes and additions to the Project area. On February 23, 2011, Margaret Fairbairn, Acting Regional Director of CEAA, mailed early notification letters to potentially affected First Nations and Métis groups, noting that the Project was subject to a Provincial EA, consideration of an EA under CEAA, and participation by the Major Project Management Office (MPMO). Bi-monthly updates on the progress of the consultation program have been provided to the ACO and specific Aboriginal groups since the approval of the Project’s mandated Aboriginal Consultation Plan in February, 2011. At the request of the ACO, the Aboriginal Consultation Plan was revised in January, 2013 to include consultation with the Samson Cree Nation and to clearly reflect that consultation was voluntary with the Mountain Cree Camp and mandatory with the Ermineskin Cree Nation. In the time since approval of the Consultation Plan, all eleven aboriginal communities detailed in the Plan have been contacted to provide copies of the Consultation Plan, Project Description, Detailed Maps, Proposed Terms of Reference, Terms of Reference, and the federal Project Agreement for the Project. Other groups have been provided such documentation as relevant when engagement efforts were initiated with them at various times. All groups have been provided copies of the Robb Trend Project Environmental Impact Assessment and Mine Permit Application (April 2012) and encouraged to provide comment.

The Proponent’s responses to the first set of Supplemental Information Requests (SIR) were provided to Aboriginal groups in January 2013, the second set of SIRs were provided August, 2013, and to the third set of SIRs in April, 2014. Groups were supplied with detailed air photo maps of the proposed lease areas, and field studies to identify particular traditional use locations have been largely completed or are underway where appropriate. Numerous major or otherwise significant meetings have been held between the Proponent and Aboriginal groups to discuss the Project and any Aboriginal concerns, including those related to site specific concerns, concerns related to Treaty or Aboriginal Rights and traditional uses, general environmental impacts, and socio-economic impacts. Other consultation efforts have included open houses and tours of the Project area and existing Coal Valley Mine (CVM) operations. Subsequent consultation steps will include further discussion to consider avoidance, mitigation, and monitoring strategies to address Aboriginal concerns related to the development of the Project.

Throughout the consultation process representatives from the Proponent have included:
Past Representatives
Les LaFleur (retired) (Robb Trend Project Manager),
Dave Rutland (CVM General Manager),
Brian McKinnon (Director, Robb Trend Extension),
Current Representative:
Dan Rousseau (CVM General Manager),
Kari McDonald (Manager, Environmental and Regulatory Affairs, Westmoreland Coal Company),
Dr. Dan Meyer, Jason Roe, and Mary Attia (Lifeways of Canada),
Jim Gendron (LTG Consulting) and various others during the long history of the consultations.

During that time, Alberta Crown mandated consultation activities have been directed by Alberta Environment (AENV), then subsequently the SREM Aboriginal Affairs Branch (SAAB), and now rest with the Aboriginal Consultation Office (ACO). CEAA has undertaken consultation efforts on behalf of the Federal Crown.
2. Alexis Nakota Sioux First Nation (ANSN)

2.1 Consultation Activities August 2006 to June 2013

Over the course of the last eight and a half years numerous meetings have been held between representatives of CVRI and Alexis leadership and other community members to discuss the Project (among other consultation efforts). Consultations with Alexis regarding the Project began in August 2006, with a presentation by Rolfe Timm, then CVM general manager, to Elders, other members of the community, and to council members at a campout in the Grave Flats area. This presentation discussed current mine operations, plans for all extensions (including the Project, Mercoal West and Yellowhead Tower), and efforts to address environmental impacts. This presentation was followed by a bus tour of the existing CVM operations. A meeting with Chief and Council on January 15, 2007 discussed important topics such as reclamation, a memorandum of understanding or similar agreement, and contracting opportunities. Two other meetings were held in March and May 2007 between representatives of Coal Valley Resources Inc. (CVRI) and Alexis, including Nelson Alexis, Lands Manager, and Shakir Alwarid, a consultant for Alexis. Topics discussed have been economic, contracting, and employment opportunities, a draft memorandum of understanding and traditional use studies. Traditional use field studies originally commenced on July 3, 2007 with an environmental assessment based on traditional knowledge for the Project, Yellowhead Tower, Mercoal West, Pit 29, and 29 haul road. As a result of these earlier consultation efforts, CVRI and the Alexis Nakota Sioux Nation entered into an Memorandum of Understanding or Protocol Agreement (MOU) on October 29, 2009 to address Alexis concerns about the proposed extensions, which anticipated the development of the Project.

Consultations with Alexis were re-initiated in February 2011 for the Project specifically, with Darwin Alexis (Councillor, Consultation), Orlando Alexis (Lands Consultation Manager), and Rhonda Alexis (CVRI Liaison). This included continual discussions and a meeting in April in regards to the Project description, Aboriginal Consultation Plan, and proposed Terms of Reference (ToR). In June and August, 2011, meetings with Orlando Alexis discussed the scheduling and scope of field studies for the additional Project areas. Several meetings occurred in October, 2011 regarding scheduling of field studies, on-going consultation, environmental concerns, employment opportunities, and a development impact agreement. From October 13-19, 2011, representatives of the Alexis Nakota Sioux Nation Lands Consultation department completed the fieldwork for traditional studies and environmental monitoring of the additional Project areas with some visits to portions of the previously investigated Project areas. CVRI provided capacity funding for the fieldwork program. Personnel from Lifeways of Canada (Lifeways) provided some assistance in terms of showing best access or other logistics, but the Alexis Lands Consultation office was solely responsible for data collection, management, assessment, and presentation. The monitoring program included the collection of detailed information on traditional use sites and available resources by both Elders and environmental monitors. Alexis has supplied the Proponent with a report on these studies indicating their success. Numerous types of sites were found during the studies of the Project area, most commonly medicinal plants sites, trees, berry patches, and wildlife.

Traditional use studies identified resources potentially used by ANSN in the Project area and raised other concerns. Nelson Alexis initiated field studies for the program in early July, 2007 with the assistance of personnel from Lifeways. These efforts focused on Mercoal West, Yellowhead Tower, and the Project. Site visits to these areas were made over the course of six days in July and August 2007.
Personnel undertaking the studies included eight Elders (or traditional monitors) and four elder interpreters. Access was gained through truck, quad, and on foot. In addition to providing a physical description of the Project areas, the Alexis traditional use team noted a number of different plants important to them for medicinal and ceremonial purposes, including alder, aspen, blueberries, dock, raspberries, rat root, red willow, and sage (wort). Elders indicated that many such plants observed do not grow around the ANSN community along Lac St. Anne, and that information on their presence in the Project area would be shared with members of the community. At that time the Alexis noted that they would like to undertake studies of nearby areas outside of the proposed Project area in order to add to the medicinal plant knowledge base of Alexis. Other items of note observed included trails and markers, traplines, camps, cabins, and other meeting places.

Additional site visits to the Project area were made in October 2011 under the direction of Orlando Alexis’s Lands Consultation Office. Personnel undertaking the studies consisted of sixteen band members, including three Elders and thirteen interpreters and environmental monitors. Access was gained through truck, quad, and on foot. In addition to providing a physical description of the Project areas, the Alexis traditional use team noted a number of different plants important to them for medicinal and ceremonial purposes, including juniper, huckleberries, yarrow, raspberries, cranberries, cow parsnip, princess pine, mountain ash, rat root, tree fungus, and balsam fir. They did not note any traditional gathering places present in the Project area. Overall, the report indicates that the Alexis elders felt the monitoring program was successful.

The report on the Alexis environmental monitoring program based on traditional ecological knowledge produced a few stated concerns about the impact of the Project. It was noted that the protection of groundwater sources in the area including lakes, swamps, small streams, and creeks was important, as these are crucial to both wildlife and important medicinal plants. It was also noted that the abundant wildlife in the area would be displaced by the development of the Project area, and that environmental changes may affect the health of the wildlife. Another concern noted was that the forest, wildlife, and medicinal plants would be impacted by clear-cutting in the area and mining operations. Further, noise pollution created might cause displacement of the animals in the area. Another concern was raised in regards to reclamation efforts, specifically, the length of time required for the successful re-establishment of mushrooms, tree fungus, trees, and plants. This also included concern of how the landscape would look after reclamation and if prior reclamation studies had been completed. Interest in business and job opportunities associated with the Project were also raised by participating band members.

The 2011 traditional use studies were followed by a field visit with Bridget Bull of the ANSN Lands Consultation Office and Beth MacCallum (Bighorn Wildlife Technologies Ltd.) on behalf of CVRI. At her request Bull was shown different ecological areas including reclaimed areas and an un-reclaimed mine pit. The two discussed reclamation of plants, berries, trees, and mushrooms, and Bull noted that ANSN would like to be kept informed regarding berry plot reclamation.

On October 31, 2011, a formal meeting between Alexis Chief and Council and CVRI leadership occurred, topics of discussion included the encroachment of industry on traditional land, environmental concerns, long-term communication and consultation, employment opportunities, and community engagement and involvement. This resulted in a number of on-going activities related to the established consultation process between CVRI and ANSN regarding the CVM operations. New ANSN liaison Barry Mustus
reviewed the Robb Trend EA process with Blaine Renkas of CVRI in February, 2012. A second meeting with Barry Mustus, Les LaFleur, Dave Rutland, and Jarred Zezel of CVRI at the CVM reviewed a number of on-going consultation items, most not directly related to the Project, but the background of the Project was reviewed, and copies of the past ANSN traditional use reports were supplied to Mustus.

In response to an email regarding the provision of a copy of the Project application, Orlando Alexis inquired as to how CVRI could submit a project application prior to full mitigation of ANSN concerns, and stated that Barry Mustus was having issues with CVRI. This was followed by a phone call from Barry Mustus to Dan Meyer requesting that ANSN see the Project application prior to its filing to ensure that ANSN interests were fully addressed. Meyer indicated that ANSN would be provided the final Project application as indicated with opportunity to review and provide comment. At a meeting between Barry Mustus, Les LaFleur, Dave Rutland, and Jared Zezel, LaFleur provided additional Project information to Mustus and reiterated that ANSN would be provided a copy of the application at the time of government submittal, he would then have an opportunity to review and comment on the document, and that CVRI would likely request a letter of support following this review. Mustus indicated in a follow-up email indications of satisfaction with the results of the meeting. Concerns regarding ANSN review of the application vis a vis ANSN review prior to submission and responses to the traditional use report and its recommendations were reiterated in a letter from ANSN’s legal counsel to CVRI’s legal counsel on March 18, 2012. On May 1, 2012 Les LaFleur provided copies of the Robb Trend application to Barry Mustus during a meeting at the CVM.

Another meeting between representatives of CVRI management and ANSN Chief Cameron Alexis and Council occurred on May 4, 2012. Items reviewed included summer students, employment, contracting, review of the Robb Trend application and capacity funding, and pow wow funding. In subsequent emails to Les LaFleur in 2012, Barry Mustus indicated a desire to discuss Robb Trend reclamation plans and capacity funding for additional traditional use studies of the Robb Trend.

On October 15, 2012 Tracy Utting of CEAA sent ANSN a letter outlining CEAA’s current understanding of the community and the status of consultation efforts between CVRI and ANSN regarding the Robb Trend Project, and information available on ECN traditional studies and stated concerns regarding the Project. The letter invited Barry Mustus to confirm those details and/or provide additional information. It indicated that SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting.

On January 8, 2013 CVRI sent a copy of the responses to the first set of SIRs to Bridget Bull, acting Lands Consultation Manager for ANSN. At a meeting on January 30, Les LaFleur provided these to Barry Mustus also, and indicated that CVRI had approved funding for Dillon Consulting’s review of the Project application on behalf of ANSN, which was to include consultation with elders and community members about the Project. Subsequent communications between Les LaFleur and Barry Mustus finalized the particulars of the review process.

On February 13, 2013 Barry Mustus emailed Les LaFleur with a table of concerns regarding consultation with CVRI that he had recently presented to CEAA during a meeting. These concerns, not all of which were specifically directed at the Project, included concerns of inadequate traditional use baseline studies, the need for environmental monitoring, use of traditional knowledge in reclamation, assessing correlation to accommodation through compensation, contracting opportunities, economic
development, cumulative impacts to water, selenium dust, medicinal plants, the wash plant, reclamation, worker retention, and an impacts benefits agreement. On March 12, 2013 Les LaFleur responded to these concerns in a letter to Lori Crozier of CEAA shared with Barry Mustus.

2.2 Consultation Activities June 2013 to Present

In July, 2013 Dillon Consulting forwarded a technical review of the Project Application prepared on behalf of the ANSN using the capacity funding provided by CVRI. The report provides a review by Dillon of Air Quality, Aquatic Resources (Fish), Historical Resources, Socio-Economic, Water Resources, Traditional Knowledge (Aboriginal Consultation), Vegetation, and Wildlife components of the application. The primary concerns summarized include the lack of ANSN direct involvement in determining VECs, the lack of documentation in the application related to Aboriginal consultation, the lack of specific documentation of Aboriginal concerns and how these were addressed, the lack of clarity on future communication, mitigation, and monitoring, and the lack of specific discussion on socio-economic impacts on Aboriginal groups. CVRI continued to work with ANSN representatives on other initiatives, including the implementation of additional ANSN traditional use studies of on-going CVM operations.

Following this, CVRI provided ANSN representatives with copies of the second and third rounds of responses to SIRs, project newsletters, invitations to Project open houses, and bi-monthly consultation updates. Following the environmental incident at CVRI’s Obed Mountain Mine on October 31, 2013, both CVRI and ANSN shifted focus of consultation-related activities to that, resulting in few Project-specific consultation activities through the first half of 2014.

In July, 2014 Kurt Borzel from the ACO sent Duane Kootenay of ANSN correspondence indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Robb Trend Project consultation by CVRI was expected.

CVRI has continued consultation with the ANSN on the Project guided by the existing Agreement between the parties. In November, 2014 Les LaFleur and CVM general manager Dan Rousseau met with ANSN liaison Barry Mustus, Elders, one Councillor, and past Chiefs to discuss the Project. Items discussed included a review of the existing Agreement, CVM 2014 operations and results, and plans for CVM’s 2015 operations. A need to meet the new ANSN Chief and Council was identified during this meeting.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to include a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The ANSN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

Further discussion with ANSN regarding the conclusions of the traditional use reports, the potential impacts of the Project, and any recommended mitigation is forthcoming. These discussions will be structured by the agreement in place between ANSN and CVRI.
3. Ermineskin First Nation (ECN)

Mountain Cree Camp leadership have indicated to representatives of the Proponent that they do not consider themselves to be represented by Ermineskin First Nation (ECN) Chief and Council, nor do the Mountain Cree assert that they represent ECN. Therefore, a separate discussion of consultation activities specifically with Mountain Cree Camp is to be found below.

3.1 Consultation Activities May 2011 to June 2013

At the request of Carol Wildcat, Consultation Coordinator for ECN, CVRI’s representatives sent copies of the Project Description, Aboriginal Consultation Plan, and proposed Terms of Reference to EFN in June, 2011. A follow-up meeting between Dan Meyer and Carol Wildcat discussed issues of Mountain Cree Camp representation and ECN use of the Project area. The parties agreed that a meeting between representatives of Alberta Environment (then in charge of Alberta Crown consultation activities for the Project), CVRI, ECN, and Wayne Roan (Mountain Cree Camp Chief) would be required to resolve these issues and move forward on consultation. In the months that followed, CVRI provided copies of its bi-monthly reporting on activities with Mountain Cree Camp, an invitation to Project open houses, and a Project update. In May 2012 copies of the Project application on CD were sent to ECN.

On September 28, 2012 ECN submitted a Statement of Concern to the Alberta Energy Resource Conservation Board (ERCB; now the Alberta Energy Regulator [AER]) regarding the Project application. The SOC asserted that the Project has the potential to affect EFN Aboriginal and Treaty rights to hunt, fish, gather, and trap. The letter included affidavits from “harvesters” indicating general use of the region including the Project area. The letter specifically cited impacts to grizzly bear, marten, fisher, lynx, wolf, water quality, environment, and fish habitat. ECN requested intervener status at hearings, and requested that the application be denied. The ECN letter cited CVRI’s “failure” to consult ECN elected leadership about the Mountain Cree Camp as an additional issue.

On October 15, 2012 Tracy Utting of CEAA sent ECN a letter outlining CEAA’s current understanding of the community and the status of consultation efforts between CVRI and ECN regarding the Project, and information available on ECN traditional studies and stated concerns regarding the Project. The letter invited ECN to confirm those details and/or provide additional information. It indicated that SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting.

On January 8, 2013 Dan Meyer sent a letter to Carol Wildcat on behalf of CVRI indicating that SAAB had directed continuing consultation with the ECN regarding the Project. At the same time, at the request of SAAB the Aboriginal Consultation Plan was revised to reflect clearly that on behalf of the Alberta Crown consultation is voluntary with the Mountain Cree Camp and mandatory with the ECN. The materials sent to ECN included a CD with responses to SIRs regarding the Project application and asked ECN to review the information and notify the Proponent of any site specific concerns regarding the Project by February 1, 2013. CVRI requested a meeting with ECN to discuss the Project with the inclusion of SAAB and CEAA representatives. CVRI requested from ECN that if there are concerns regarding potential impacts from the Project to prepare information related to site specific concerns and locations. A follow-up to these requests was sent to ECN on January 22, 2013.
On January 28, 2013, ENC emailed a letter from Chief Craig Mackinaw responding to the letter sent January 8, 2013 regarding the Project. Chief Mackinaw outlined that there are ECN members in the Mountain Cree Camp and there was concern that there has been no formal delegation of authority from the ECN. Because the Mountain Cree do not represent the ECN, the ECN held that an agreement between CVRI and Mountain Cree is not valid. The letter noted that the Government of Alberta has given improper advice on the duty to consult and CVRI, Alberta, and Canada have engaged a small group of ECN members to circumvent consultation with the ECN. The letter outlined concerns that Alberta's First Nations Consultation Policy is not being followed in regards to consultation with First Nations and that aspects of *The Declaration on the Rights of Indigenous People* is not being followed in terms of consultation, with cooperation and good faith for informed consent prior to approval of any development affecting the lands or territories of First Nations. Chief Mackinaw noted concern over lack of consultation and review of their SOC and its contents. Chief Makcinaw outlined that traditional use studies would need to be performed with the ECN, rejected any previous traditional use studies or reports with the Mountain Cree, and rejected the notion that their people do not often use this area. He noted concern that the Project is taking up crown land which impacts ECN Treaty Rights.

As a result of that correspondence a meeting was held on February 13, 2013 between representatives of ECN (Chief and Council) and CVRI including legal counsel, and including representatives from SAAB, Alberta Justice, CEAA, DFO, NRCAN, and Transport Canada. Les LaFleur provided copies of the Project description and maps of the area and gave a presentation on the Project and CVM, outlining its history and information including reclamation efforts, water management, the regulatory process, end-pit lakes, and other issues. ECN raised questions regarding water quality. The past history of and current status of consultations were examined as was moving forward on consultation. ECN requested a presentation on the Project to the community members and Elders in order for them to identify any concerns. Les LaFleur provided responses to concerns listed in the SOC, but ECN declined to discuss these in detail not having had the opportunity to review CVRI’s document beforehand. Agreement was made regarding future meetings and the development of a traditional use proposal by ECN.

The following months witnessed numerous email exchanges and meetings between representatives of ECN and CVRI to discuss the scope and scale of traditional use studies of the Project area.

### 3.2 Consultation Activities June 2013 to Present

Discussions and meetings regarding the scope of traditional use studies extended through June, 2013 and following. CVRI also provided ECN with copies of the second round of SIR responses in July, 2013, and subsequently copies of the third round of responses to SIRs, project newsletters, invitations to Project open houses, and bi-monthly consultation updates. Representatives from ECN attended the Project open house in Robb on September 7, 2013, and additional discussions regarding relationship building, and a traditional use proposal for the Project area occurred. Carol Wildcat stated that the impacts of larger projects are everyone's concern, with emphasis on clean water, the environment, and traditional ways of life. Additional meetings and other discussions followed this to continue working on an ECN traditional use study framework for the Project. Notably, a meeting on January 31, 2014 included an update on the Project, further discussion of traditional use studies, a request for withdrawal of the SOC, and a framework for an agreement between the parties.

Following the environmental incident at CVRI’s Obed Mountain Mine on October 31, 2013, both CVRI and ECN shifted focus of consultation-related activities to that, resulting in few other Project-specific
consultation activities through the first half of 2014. In July, 2014 Kurt Borzel from the ACO sent ECN correspondence indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Project consultation by CVRI was expected.

On October 22, 2014 CVRI and ECN reached an agreement on scope and funding for Project related traditional use studies, two community meetings at ECN to discuss the Project, and discussions on a long-term agreement between CVRI and ECN. On December 22, 2014, CEAA announced that it has allocated $72,171 for ECN participation in the environmental assessment and Joint Panel Review hearings for the Project. On January 20, 2015 legal counsel for ECN and Whitefish Lake First Nation (WLFN) submitted to CEAA the results of a third-party review of the draft Agreement to establish the Joint Review Panel on behalf of both ECN and WLFN. A full review of those recommendations goes beyond the scope of this document, but items noted include: amending the draft TOR to include principles and criteria of assessment; specifying the role of Aboriginal groups in defining the VC’s; requiring the cumulative effects assessment to be based on VC’s and not the Project; that a pre-CVM case be considered the baseline for the cumulative effects assessment; the definition of environmental impacts to Aboriginal peoples under CEAA 2012 in SIRs; cumulative analysis of environmental impacts upon Aboriginal peoples; the definition of current use to include historic and future uses; determination of impact significance upon Aboriginal groups should be done by Aboriginal groups themselves; Proponent should be required to describe how Traditional Ecological Knowledge (TEK) will be considered in Project design, operation, and reclamation; rational should be provided for selection of key wildlife species and how TEK used in the selection; funding for reports on Project impacts to Aboriginal groups; and impact assessments should occur on group-by-group basis. This submission includes comments on portions of the TOR for the Project EIA issued in 2011.

The traditional use report from ECN is to be produced by April, 2014, and the community meetings still remain to be scheduled. Further discussion with ECN regarding the conclusions of traditional use reports or other studies, the potential impacts of the Project, and any recommended mitigation is forthcoming, as are discussions regarding a long-term agreement between the parties.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The ECN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

4. Foothills Ojibway First Nation (formerly Foothills Ojibway Society)

4.1 Engagement Activities August 2006 to June 2013

Over the course of the last eight and a half years numerous meetings have been held between representatives of CVRI and Foothills Ojibway First Nation (FOFN) leadership and other community members to discuss the Project. CVRI, and in particular Les LaFleur, have been engaged with Jim O’Chiese, Chief (President) of the FOFN, for many years regarding their on-going operations and previous extensions. The FOFN were officially informed of the then newly proposed extensions in July 2006 (Yellowhead Tower, Mercoal West, and the Project), and undertook traditional field studies in
2007. Capacity funding for these traditional studies was provided by CVRI. An interim community agreement was entered into between FOS and CVRI on October 2, 2010 that anticipated the Project.

In January 2011, Jim O’Chiese and the FOFN were notified of the changes to the Project area and were provided maps to review with the community and assess any needs for any additional traditional field work. Few meetings and telephone conversations with Jim O’Chiese and other representatives were held between February 2011 and November 2011. Topics of conversation included the plans for the Project, assessment of need for additional traditional field work, finalization of the community agreement, long-term employment opportunities, community liaison, and an agreement for the protection of FOFN historic and cultural sites, burials, and continuing uses of the area.

Over the following months in 2011 and 2012, several meetings were held between representatives of CVRI and FOFN, including consultant Keith Shephard, to discuss several drafts of a memorandum of understanding or community benefits agreement to replace the interim agreement in place between the parties. In this context CVRI provided detailed Project information, shapefiles of existing or planned development areas, what it knew of locations of traditional use sites in the region associated with FOFN shared from pre-2006 contexts, and repeatedly requested information on locations and types of FOFN sites associated with the Project area. Save for a single small-scale map with dots, FOFN has not shared any specific information related to traditional use sites in the Project area. FOFN declined to undertake any further traditional use work associated with the Project until a final community benefits agreement is in place. General information related to traditional use activities as provided in 2007 traditional use reports is reviewed below.

After discussions with the Elders in the community, in 2007 traditional use studies of the Project areas on behalf of the FOFN were undertaken with a selection of Elders most familiar with the region, and several assistants to record information and provide logistical support. These studies occurred primarily over a ten-day period using capacity funding provided by CVRI. Subsequent site visits were made. These studies recorded a number of ceremonial sites, burials, cabins, salt-licks, traditional hunting areas, and medicinal plant collecting locations spread across the area. The locations and importance of these sites were provided to the Foothills Model Forest Aboriginal Involvement Program for continued curation. In 2012 the Foothills Research Institute (formerly FMF) asked the FOFN to maintain its own database. The data produced as a result of the studies of the Mercoal West, Yellowhead Tower, and the Project area apparently indicate substantial historic and contemporary use of the area by members of the FOFN. The results of the studies have not yet been fully reported on, but a summary of results and concerns has been provided, as well as the small-scale map noted above. The January 2008 FOFN summary of the results of the fieldwork provides information about the concerns that the elders have about CVM mining in the area based on the field program and a review of the environmental assessment report filed in support of the Mercoal West and Yellowhead Tower applications. The concerns detailed in that report are clearly identified as applying to the Project area.

There are numerous ceremonial locations known in the area (apparently over 100 in the CVM region, not the Project area specifically) that are still actively used by members of the FOFN. These include burials located in the vicinity of the Project that the community demands be protected from development activities. Water quality was a major concern noted in the report. The FOFN would like to see unobstructed, un-polluted, natural flow maintained in streams and rivers, with no harm to aquatic organisms, no sediment, and maintenance of natural pH levels. They stated that the streams should be
monitored for selenium leaching, and the natural clays in the water important to purification should also not be disturbed. FOFN requested that water quality monitoring reports be sent to the community. Concerns about the impact of the Project on wildlife were also noted. FOFN requested that wildlife corridors be maintained, especially for the important large ungulates such as elk, moose, deer, bighorn sheep, and caribou. Mineral and salt licks need to be identified and protected, as do all calving areas. FOFN recommended the regular monitoring of carnivores including bears, wolves, coyotes, and wolverines. In addition, important wildlife habitat such as bear dens, squirrel trees, and bird habitat need to be identified and protected. Concerns with impact to vegetation specifically noted were the protection of healing mosses growing in marshes and muskeg, and the effect on air quality from the destruction (i.e. harvesting) of trees. The re-introduction of local medicinal plants during reclamation activities, as opposed to non-native species, has of course been noted on numerous occasions by FOFN.

On March 7, 2012 FOFN legal counsel submitted a letter to CVRI and the Federal Ministers of Fisheries and Oceans, Environment, Natural Resources, Aboriginal Affairs and Northern Development, CEAA, and select Provincial ministries outlining FOFN concerns with the Project and previous and existing CVM operations, most notably the lack of adequate Crown consultation with FOFN, but also with future protection of FOFN lands, sacred sites, burials, social, cultural, and economic well-being. Following that, the parties held numerous additional meetings and exchanged correspondence continuing to discuss aspects of a long-term MOU or community benefits agreement to establish a permanent relationship between CVRI and FOFN and to address FOFN concerns regarding the Project and on-going CVM operations. During this period, copies of the Project Application, SIR responses, and copies of the bi-monthly updates were provided as per the details given in Section 1.

4.2 Engagement Activities June 2013 to Present

Discussions and meetings regarding an MOU extended through June, 2013 and beyond. CVRI also provided FOFN with copies of the second round of SIR responses in July, 2013, and subsequently copies of the third round of responses to SIRs, Project newsletters, invitations to Project open houses, and bi-monthly consultation updates. As previously, communications towards an agreement have included exchanges of draft wording and discussions about capacity funding, data sharing, community benefits, reclamation, and mitigation. To date, FOFN have not shared other information related to specific traditional uses of the Project area with CVRI.

On December 22, 2014, CEAA announced that it has allocated $71,800 for FOFN participation in the environmental assessment and Joint Panel Review hearings for the Project. On January 23, 2015, legal counsel for the FOFN submitted a series of comments on the Agreement to establish the Joint Panel Review to CEAA. A thorough review of the comments goes beyond the scope of this document, but recommendations include: selecting a panel member who is Aboriginal and has cultural impact assessment training; the insertion of the term “cultural impacts” in numerous sections; consideration of impacts to cultural use, ceremonial sites, and traditional medicines from accidents and malfunctions; details on how decisions are made regarding oral hearings in or near Aboriginal communities; and accounting for the Aboriginal perspective of the proposed Aboriginal panel member.

The most recent meetings with Jimmy O’Chiese of the FOFN occurred in late 2014 with Les LaFleur and Dan Rousseau of CVM, and in late 2014 and January, 2015 with Kari McDonald of WCC. Advanced details of the terms of the proposed final community benefits agreement between CVRI and FOFN were discussed. On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that
includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The FOFN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

After years of discussion CVRI and FOFN are close to reaching a final community agreement that will address a number of the above concerns and other issues in the long-term. Agreement is expected in Spring, 2015.

5. Gunn Métis Local 55 (GML55)

The following summary provides an update on engagement activities with Gunn Métis Local 55 (GML55) only. Any discussions with other Métis representatives are to be found below under “Métis Nation of Alberta, Region 4.” GML55 is part of the Métis Nation of Alberta (MNA), Region 4, but has opted to engage CVRI separately and directly regarding the Project.

5.1 Engagement Activities December 2013 to Present

Although the representatives of MNA Region 4 occasionally mentioned membership in the Lac St. Anne area that may have an interest in the Project area, no engagement with GML55 was undertaken until December, 2013 when Tracy Freidel emailed Les LaFleur at the direction of Sean Carriere of CEAA to request information about the Project and set up a meeting to discuss impacts to GML55 members’ use of the Foothills of west-central Alberta. In a series of emails in January, 2014 Les LaFleur indicated that CVRI had been working with MNA Region 4 and provided basic Project information to Tracy. GML55 raised concerns regarding lack of consultation, and expressed a desire to meet with both GML55 leadership and community members.

A meeting was arranged on March 18, 2014 in which CVRI representatives provided the Project application on CD, and described the history of past discussions with MNA Region 4 and their outreach to Hinton/Edson/Marlboro locals, the community mailout, and general lack of response. GML55 representatives described the Lac St. Anne connection to the Coal Branch area and expressed interest in tracing "oral history' in the area. Les LaFleur offered to share additional Project information, to present that information to the community, and to provide a tour of the CVM. GML55 was to prepare a proposal for ethnohistory studies for CVRI’s consideration. In late March, 2014 GML55 provided said proposal, including elements related to protocols for consultation and sharing of traditional knowledge, ethnohistorical studies, traditional use studies, and additional capacity funding for consultation coordination and spatial data management. In April, 2014 CVRI indicated that it could in general support an ethnohistorical study, a community meeting or other outreach to gauge direct use of the Project area, but that the other proposed elements were beyond what could be considered. CVRI noted that additional studies could be undertaken if merited based upon the results of the studies of ethnohistory and community outreach. Citing huckleberry patches, a camping area, and hunting, GML55 suggested that indeed a traditional use study was in order, and prepared another proposal for additional traditional use and general capacity funding. In April, 2014 CVRI also sent GML55 a copy of the responses to the third set of SIRs, which included the original Project application and SIRS I and II.

In June, 2014 CVRI reiterated its stance that an ethnohistorical study could be supported up to a maximum amount of capacity funding, but was concerned about more substantial studies in the
absence of information indicating significant use of the specific Project lands. CVRI also requested that in order to move ahead, it would like to see any objections to the Project currently in front of the AER withdrawn. Upon further discussion GML55 agreed that objections to the mine permit phase of the approvals process could be withdrawn, which would still provide opportunity to register objections at the operational approvals stages of the process, and requested confirmation that agreement had been reached by July 9. On July 8, 2014 Les LaFleur indicated to Tracy Freidel that he hoped confirmation would be forthcoming as early as July 9 as requested.

On July 9, 2014 GML55 filed a Statement of Concern (SOC) regarding the Project with the AER. The SOC states that the Project will affect the Aboriginal rights and interests of their members and they are concerned with the construction in waterways, going through large game hunting areas used by members, through key wildlife and biodiversity areas for ungulates, through key huckleberry areas, that the Project will increase roads and traffic from hauling coal, sensory disturbances from the Project, impact to key habitat areas, increased competition for game and resources their members harvest in the Project area, potential for spills and contamination and risk to waterways and negative impact of development on lands. Further, GML55 expresses concern that their attempts to assess Project impacts have been denied by CVRI. GML55 would like to document site-specific land use values in relation to the Project and impacts to Aboriginal land uses and rights. The letter states objection to approval of the Project by the AER if their potential impacts are not assessed.

On July 20, 2014 Kurt Borzel from the ACO sent a letter to GML55 in response to the SOC filed with AER. Kurt stated that Alberta administers its duty to consult with Métis collectives on a case-by-case basis when credibly asserted rights may be potentially impacted. Kurt asked Tracy Freidel to provide specific information regarding community information and membership, how many members are directly affected by the Project, specific areas used by GML55 members, specific areas of concern regarding the proposed Project, specific locations of heritage, and specifically how hunting, fishing, and trapping may be impacted by the proposed Project, no later than August 20, 2014. On September 30, 2014 Murleen Crossen, President of GML55, sent a letter to ACO providing responses to the questions posed in ACO’s earlier correspondence. The letter outlines the lack of GML55 capacity to gather information for consultation regarding the Project, and asserts that Alberta should not discharge its duty to consult with GML55 regarding the proposed Project as the Province has recognized Lac St. Anne as a rights-bearing community. GML55 objects to ACO’s approach to consultation. The letter provides responses to the information request by the ACO pertaining to membership numbers, membership requirements, distribution of membership, area represented by GML55, relationship to historic Métis communities, number of members to be directly affect by the Project, specific areas and environmental concerns related to the Project, and any specifics on how hunting, fishing, and trapping may be impacted.

In November, 2015, Rachel Van Deventer of CEAA asked that Dan Rousseau of CVM follow-up with GML55 on a request for information related to the Project. On November 28 Tracy Freidel emailed Dan Rousseau and requested shapefiles for the Project and requested a meeting. Dan replied with the requested information and agreed to a meeting between CVRI and GML55 on January 28, 2015. On December 22, 2014, CEAA announced that it has allocated $72,171 for GML55 participation in the environmental assessment and Joint Panel Review hearings for the Project.

Following an email exchange of information, Kari McDonald of WCC and Dan Meyer of Lifeways met with Tracy Freidel and Murleen Crossen of GML55 on January 28. Items discussed included past contact
efforts, engagement and ethnohistory study funding, coal export, the mining permit, the CEAA process, technical support, approach to engagement, Aboriginal employment, site tours, reclamation, historical resources studies, and the Project application. GML55 expressed their belief that Les LaFleur had committed to funding ethnohistory studies of the Project and requested that that funding and additional capacity for consultation efforts be provided. Kari provided the Project application on CD, and indicated intent to send AER’s Mine Financial Security Program (MFSP), an updated Project description, future possible meeting dates, and a potential funding scenario. Follow-up email exchanges provided the MFSP, with a commitment to provide the other information discussed, including potential capacity funding, when available.

On January 30, 2015, Kurt Borzel of the ACO sent GML55 a letter in response to the additional information provided by GML55 on September 30, 2014. The letter from the ACO indicates that upon review of the material provided by GML55, the Government of Alberta does not have enough information to determine whether there is a credible assertion that GML55 represents a historic rights-bearing community and will not be requiring consultation with GML55 on the Project. Tracy Freidel responded on February 6 indicating GML55 disagreement with this finding, and indicating that further relevant information would be provided when available.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The GML55 table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

6. Horse Lake First Nation (HLFN)

On December 22, 2014, CEAA announced that it has allocated $41,599 for Horse Lake First Nation (HLFN) participation in the environmental assessment and Joint Panel Review hearings for the Project. On January 20, 2015 Chief Eugene Horseman of HLFN submitted comments on the draft TOR for the Agreement to establish the Joint Panel Review. This submission states that HLFN exercises Treaty and Aboriginal Rights in the vicinity of the Project area, and are concerned about the cumulative effects of industrial development. It proposes revisions to the TOR to address the interests of HLFN. Suggested Agreement revisions include: determining effectiveness of any accommodation; ensuring Treaty 8 knowledge and Aboriginal law expertise on the panel; ensuring that no panel members are employed by the Government of Alberta or Government of Canada; that a fourth member be added to the panel; a neutral location be chosen; consultation with HLFN on the panel’s report; translation of the report into Beaver and Cree; consideration of elders and land users as expert witnesses; AER funding to First Nations for participation; and consultation with HLFN on any amendments to the Agreement. Numerous revisions to the TOR are recommended. The letter cites a lack of engagement with HLFN and provision of capacity funding from CVRI to HLFN to assist in assessment of potential impacts to Treaty and Aboriginal Rights.

On February 10, 2015 HLFN legal counsel Jennifer Bayly-Atkin phoned Kari McDonald of WCC to discuss potential meeting dates, to be finalized in subsequent follow-up communications. On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other
concerns, and the mitigation thereof. The HLFN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

7. Métis Nation of Alberta, Region 4 (MNA Region 4)

The following summary provides an update on engagement activities with Métis Nation of Alberta (MNA), Region 4 and those Métis living in the region and covered by MNA Region 4. Although GML55 is part of the MNA, Region 4, it has opted to engage CVRI separately and directly regarding the Project. A discussion of those engagement activities is found under “Gunn Métis Local 55” (GML55).

7.1 Engagement Activities July 2008 to June 2013

Over the course of the last six and a half years a number meetings have been held between representatives of CVRI and MNA, Region 4 leadership and other community members to discuss the Project. Early in the engagement process, members of the MNA, Region 4 community potentially affected by proposed CVM extensions (Mercoal West, Yellowhead Tower, and the Project) were only indirectly contacted through public notifications, open houses, and meetings and discussions with the local trappers’ associations. These Métis contacts continue informally to this day, as individuals self-identify to CVRI personnel through the public engagement process.

The formal process of engagement with potentially affected members of the Métis community through elected leadership was initiated in July 2008 upon receipt of an SOC filed by the MNA, Region 4 for the CVRI Mercoal West and Yellowhead Tower projects. After discussion and with the assistance of staff of AENV, an initial meeting was scheduled with representatives of Métis Hinton Local #474 of the MNA, Region 4. At this meeting the President of the Local was provided with the history of consultations, the desire to enter into consultations with potentially affected Métis, and a background of the proposed CVM extensions (including the Project area). At this meeting, it was asserted that the Métis Hinton Local #474 was the proper group to engage with for Métis in the area.

A second meeting including Métis Hinton Local #474 general membership occurred on October 23, 2008. At this meeting, Les LaFleur of CVRI presented the plans for the proposed extensions to the membership, and fielded questions surrounding the return of certified lands for public use, the protocols when burials or historic resources are encountered, native versus non-native plants in reclamation activities, excessive animal population growth and disease during regeneration stages, hunting access, contracting or employment with Métis or other Aboriginal groups, environmental monitoring, and Métis/First Nations hiring commitments or apprenticeship opportunities. Maps of the Project area and other information were provided for distribution to members not present at the meeting. As of July 2009, no further concerns from local Métis had been presented to Collette Walker or CVRI directly. In the interim, WCC understands that the Métis Hinton Local #474 is no longer in operation.

On October 1, 2009 representatives from CVRI and the MNA Region 4 met to discuss the proposed extensions including the Project, studies of Métis traditional pursuits in the region, and on-going engagement. CVRI committed to maintaining a dialogue with the MNA Region 4 supported by a written agreement, and to funding studies of Métis traditional uses of the areas to be impacted by the projects. Additional discussions, exchanges of draft documentation and budgets, and meetings included one on
November 10, 2009 that continued dialogue regarding a long-term agreement and studies of Métis traditional uses of the region. As a result of those discussions, both CVRI and the MNA Region 4 remain committed to ongoing engagement activities.

On February 23, 2011 Les LaFleur and Dan Meyer met with the leadership of MNA Region 4 to discuss the additions to the Project. The possibility of traditional studies was examined, as was disseminating information and gathering input regarding concerns from the MNA Region 4 community through a mailout and possible open house. A similar meeting was held in October to discuss the preliminary results of the mailout, and the leadership of MNA Region 4 attended open houses later that month in Robb and Edson. Full results of the input gathered as a result of the MNA-led mailout process have not been shared with CVRI at this time. CVRI was informed in October, 2011 that out of a total of approximately 500 addresses to which the MNA had sent information, 10 responses had been received with comments.

In the following months, CVRI continued to provide MNA Region 4 with copies of its bi-monthly report to ACO, as well as copies of the Project Application and responses to SIRs as discussed previously, along with periodic Project newsletters and updates. On October 15, 2012 Tracey Utting of CEAA sent MNA Region 4 President Cecil Belrose a letter outlining CEAA's current understanding of his community and the status of consultation efforts between CVRI and MNA Region 4 regarding the Project, and information available on MNA Region 4 traditional studies and stated concerns regarding the Project. The letter invited Cecil to confirm those details and/or provide additional information. SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting. On October 30, 2012 Melanie Omeniho of MNA Region 4 sent a response letter to CEAA agreeing with the outline of issues and discussions posed in the CEAA letter, and indicating that one outstanding item was a verbal commitment from CVM to undertake a traditional use study which has not occurred. In November CEAA acknowledged the response and indicated future follow-up with CVRI would happen.

After follow-up emails requesting results of the 2011 mailout, the parties had an additional meeting on December 6, 2012. Issues reviewed included mailout results, Métis history in the region, and scope and scale of potential traditional use studies of the Project. Further engagement was to occur following MNA Region 4 delivery of results of the 2011 mailout and a proposal for traditional use studies. CVRI sent MNA Region 4 additional Project maps and information following this meeting to assist in delivery of a proposal. In the following months several other exchanges occurred regarding traditional use studies, but a proposal was never forwarded. In January, 2013 the first set of SIR responses was provided to MNA Region 4.

A number of concerns have been expressed to CVRI by Métis individuals and MNA Region 4 leadership over the course of consultations to date. Métis and the MNA Region 4 have expressed interest in employment opportunities, apprenticeships and training, contracting opportunities, and specifically the training of youth as environmental monitors or to be involved in the reclamation process. As with other Aboriginal groups, the Métis have expressed concerns regarding the reclamation process and the incorporation of traditional knowledge into that regarding the use of native versus non-native species. The reclamation and land certification process have also been noted. Métis are concerned about the effects of reclamation on ungulate population densities, and believe reclaimed areas (such as those already present) need to be returned to traditional activities such as hunting more quickly and efficiently. The effects of this Project and other industrial development on trapping and individual
trappers have also been discussed, as has the potential effects of the Project on local Métis members, those living closest to the Project and likely most heavily impacted.

MNA Region 4 leadership have expressed interest in studies of Métis history and genealogy in the region, traditional use studies, the protection of cemeteries and burials, historical resources such as cabins and townsites, and the Historical Resources Impact Assessment (HRIA) process. And finally, MNA Region 4 leadership has expressed interest in direct community support from CVRI, and the encapsulation or mitigation of many of the concerns noted above in a formal MOU or similar agreement.

7.2 Engagement Activities June 2013 to present

MNA Region 4 has not presented a proposal for traditional use studies associated with the Project, and have not provided the official results of the 2011 mailout. At the request of MNA Region 4, additional Project information to be shared with membership was sent in July, 2013, as was the set of responses to the second round of SIRs. Project updates, newsletters, invitations to open houses, and bi-monthly reports were also sent to MNA Region 4 in this period. In late December, 2013 GML55 contacted CVRI regarding the Project, and the majority of Métis contacts in this period have been with that group.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The MNA Region 4 table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

8. Mountain Cree Camp

8.1 Consultation Activities July 2006 to June 2013

Over the course of the last eight and a half years many meetings or other events have been held between representatives of CVRI and the Mountain Cree Camp leadership and other community members to discuss the Project. The results of the previous consultation efforts resulted in an agreement between CVRI and the Mountain Cree regarding potential impacts of the Project (and Mercoal West and Yellowhead Tower) and community support. CVRI and the Mountain Cree have developed a strong relationship and will continue to consult on CVRI developments and the Project specifically as outlined in agreements between the parties. The consultations will continue in the future as the Project proceeds.

Information regarding the proposed developments was first sent in July 2006 to ECN, and from subsequent conversations it is clear that the information sent was seen by Chief Wayne Roan of the Mountain Cree Camp at that time. AENV had asked that all correspondence regarding the proposed CVM extensions (Mercoal West, Yellowhead Tower, and the Project) be copied to the ECN. In September 2007, Chief Wayne Roan indicated that given recent community recognition by the Province, communication should be directly with the Mountain Cree themselves. Dan Meyer, Wayne Roan, and Reinhart Roan met in late August 2007 at the Camp to discuss the proposed extension projects, their use of the area, and potential impacts on the community. The departure at that time of Carol Wildcat, previously responsible for traditional studies, from the Ermineskin administration was a set-back to this process, but it was agreed that traditional studies in advance on the proposed CVRI extensions would
help establish a traditional studies program within the community itself. Traditional studies were to be undertaken as soon as possible, and that a report on those activities would be prepared by Dan Meyer of Lifeways for approval by the Mountain Cree board, which included the ECN Chief.

In July, 2008 the Mountain Cree, accompanied by Jason Roe of Lifeways, participated in field studies of the Project area (original footprint, this did not include the more recent additions). In May, 2011 the Mountain Cree undertook additional field studies of the areas subsequently added to the Project with the assistance of Dan Meyer of Lifeways.

Capacity funding for the traditional use programs was provided by CVRI. Reports on the 2008 and 2011 studies of traditional ecological knowledge (TEK) have been provided to CVRI. The Mountain Cree Camp representatives indicated that they do not actively use all of these areas given the distance from their home and the existing CVM operations in the area, but appreciate the opportunity to collect data in the areas and to assess impact to their potential use of natural resources. Information was collected on a variety of plants available in the area, as well as spring locations, salt-licks, and rock deposits. This information was written up by Lifeways, and contributes to a database of TEK for the community that can be used in the Kisiko Awasis school and by community members. The community knowledge holders of the Mountain Cree Camp identified many of the plants and other resources in the proposed Project area that they commonly use. Although they do not use the proposed Project area as actively as the area around Camp, particularly because of nearby CVM operations, they recognize the importance of the natural resources in the area, and that the Project will impact those plants, animals, and other resources. The Mountain Cree Camp members do not wish to stop development, but they urge CVRI to protect those resources as much as possible during the development of the proposed Project. The water, plants, and animals must be preserved for future generations and the benefit of all people. The Mountain Cree Camp members are particularly concerned about any developments in the vicinity of Camp, particularly those that affect water quality. In addition, the Mountain Cree Camp are interested in employment opportunities afforded with Project development, and are interested in the reclamation process particularly of the native species, and youth involvement in this process.

On April 27, 2011 Dan Meyer met with Reinhart Roan and provided the Proposed Terms of Reference (PTOR), official consultation plan, and Project Description for the Project. Topics of discussion included the process of commenting on the PTOR, offering of as many documents as required by the community, explanation of the Project moving towards application, and the differences between the original footprint and latest. The need for additional traditional studies was also discussed.

In May 2011, Dan Meyer visited Reinhart Roan twice again at the camp, provided copies of large-scale maps of Project areas for review, and discussed of the scope and scale of additional traditional field studies. Between May 28- May 31, 2011 field studies were completed with the assistance of Dan Meyer in the additional Project areas. In August 2011 Dan Meyer met with Carol Wildcat, now again consultation coordinator for the ECN, who requested that all consultation with the Mountain Cree Camp occur through her office. During subsequent meetings with Mountain Cree Camp leadership, they asserted their position that they felt consultation should be directly with them. In subsequent months official Project information, updates, and bimonthly reports were provided as outlined elsewhere, discussions were had regarding the finalization of the latest traditional use report, and discussions regarding the issue of Mountain Cree versus ECN consultation continued.
In May 2012 CVRI provided the Mountain Cree Camp copies of the Project application, and subsequently Project newsletters and bi-monthly updates. In September 2012, the ECN submitted an SOC to the ERCB (now the AER) about the Project, citing among other things the failure of CVRI to consult ECN elected leadership about the Mountain Cree Camp. Subsequent discussions with the Mountain Cree Camp, including a meeting in November, 2012, indicated a desire on behalf of the Mountain Cree Camp to maintain direct communication. That meeting also featured discussions regarding completion of the traditional use report, history of the school, the possible drilling of a water well, and other capacity funding items. Additional communications occurred through January 2013 regarding finalization of the traditional use report.

In January, 2013, at the request of SAAB the Aboriginal Consultation Plan was revised to clearly reflect that on behalf of the Alberta Crown, consultation is voluntary with the Mountain Cree Camp and mandatory with the ECN.

8.2 Consultation Activities June 2013 to Present

In addition to bi-monthly consultation reports on appropriate dates, CVRI provided newsletters, invitations to open houses, and the responses to the second round of SIRs to the Mountain Cree Camp in July, 2013. The responses to the third round of SIRs were sent in April, 2014. In January, 2015 Dan Meyer contacted Reinhart Roan at the Mountain Cree Camp to facilitate contact with CEAA consultation representatives.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The Mountain Cree table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

9. Nakcowinewak Nation of Canada (NNC)

9.1 Engagement Activities July 2006 to June 2013

Over the course of the last eight and a half years several important meetings have been held between representatives of CVRI and Nakcowinewak Nation of Canada (NNC) leadership and other community members to discuss the Project. A number of these have been in conjunction with the O’Chiese First Nation. The NNC was first informed of the extension areas (including the Project) as with other groups, by letter in July 2006. In October 2006, Dan Meyer met with Bill Whitehorse (President), Jean Whitehorse (traditional use coordinator), Daryl McLeod (industry liaison), and Byron Whitehorse (traditional use assistant) to explain the extension plans (Mercoal West, Yellowhead Tower, and the Project) and discuss consultation and traditional use work. It was clear that the group originally had direct interest in the Project area, and it was agreed that a work program would be developed once large-scale maps were produced. The NNC, in joint venture with the O’Chiese First Nation, first participated in field studies of the Yellowhead Tower, Mercoal West, and the Project areas in 2007. Subsequent meetings with the NNC community culminated in an agreement between CVRI and NNC in the autumn of 2007 that indicated that NNC concerns with the developments had been addressed. This agreement included the Project area as then proposed.
During the 2007 field program, numerous sites including burials and plant collecting locales were recorded by NNC and O’Chiese First Nation participants, some of these sites were included in the Project area. Given the joint nature of the 2007 program, reporting of the results was prepared by the O’Chiese First Nation and their consultant, Emil Owlchild Consulting and the Human Environment Group. As detailed most cogently in the report by NNC and the O’Chiese First Nation for the Project, NNC Elders are most concerned about long-term preservation of important medicinal/ceremonial/food plants and the avoidance of two marked graves and associated hunting area near the Project.

CVRI has agreed in writing to avoid impact to an area around the two graves and hunting area on the southern edge of the Project. The issue of mitigation for important plant species identified required the development of a long-term plan. These plans will be reviewed versus data collected during the traditional studies, and it will be determined if plant collecting locales are threatened. After an assessment of plant rarity and presence of other acceptable sources, plants may be transplanted following Aboriginal protocol.

NNC were first informed of the additions to the Project development as with other groups, by letter in February, 2011. In March, 2011, Dan Meyer met with Bill Whitehorse, Jean Whitehorse, Daryl McLeod, and Sarah Whitehorse to discuss the changes to the Project area. It was determined by the members that field visits would likely be required and large scale maps would need to be provided for Elder review. In June and August, 2011 Dan Meyer provided tours of the additional Project areas, where the Elders inspected the areas for traditional use sites and medicinal plants. CVRI provided capacity funding for these field inspections. The NNC Elders identified no new specific concerns as a result of these additional field visits and inspections. Although previous burials were identified during the 2007 field program, during the 2011 field visits, the Elders indicated that no burials were known in the additional Project areas, but many medicinal plants used by the community were identified.

In the months following the 2011 field visits, contact was maintained with NNC through bi-monthly reporting and Project newsletters and updates. CVRI provided copies of the Project application in May 2012. On October 15, 2012 Tracey Utting of CEAA sent NNC President Bill Whitehorse a letter outlining CEAA’s current understanding of his community and the status of consultation efforts between CVRI and NNC regarding the Project, and information available on NNC traditional studies and stated concerns regarding the Project. The letter invited Bill to confirm those details and/or provide additional information. SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting. On December 10, 2012 Les LaFleur from CVRI and Dan Meyer from Lifeways met with NNC representatives to discuss donations for ceremonies, the existing agreement and review of annual maps, the possibility of a liaison position, Christmas donations, and the scheduling of a field visit (non-Project related). Contacts in the months following included bi-monthly reporting, and providing copies of responses to the first round of SIRs in January, 2013.

9.2 Engagement Activities June 2013 to Present

Contacts following June, 2013 included bi-monthly reporting, sending of Project updates, newsletters, and invitations to open houses, responses to the second round of SIRs in July, 2013, and responses to the third round of SIRs in April, 2014.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as
a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The NNC table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

The agreement in place between CVRI and NNC has resulted in the avoidance of certain important locales, and established certain protocols for continuing consultation between the parties regarding the Project. Further discussions regarding potential impact to NNC traditional uses and other concerns will occur in the coming months.

10. O’Chiese First Nation (OFN)

10.1 Consultation Activities July 2006 to June 2013

Over the course of the last eight and a half years many important meetings or other events have been held between representatives of CVRI and the O’Chiese First Nation (OFN) leadership and other community members to discuss the Project. The OFN was first informed of the Project by letter in July 2006 along with the Yellowhead Tower and Mercoal West extension areas. In May 2007, the OFN, in conjunction with the NNC, commenced field studies of the Yellowhead Tower, Mercoal West, and Project areas. A field program during August of the same year more formally focussed on the Project area specifically. This work program culminated in an agreement between CVRI, the OFN, and NNC regarding the development areas, including the Project.

Formal discussions of the Project and its additions since original consultation efforts began in March 2011, with a meeting between Dan Meyer, Darren Bradshaw, and Cheyenne Yellowface, where copies of the consultation plan and Project description were provided. A review followed of previous traditional use studies done by OFN and the relationship to the revised Project area, as well as the need for any additional traditional studies. Further in March 2011, a meeting with representatives of CVRI and Chief Darren Whitford, Darren Bradshaw, and Beatrice Carpenter (Band Manager) occurred, where the Project scope and plan for field studies was discussed. A subsequent meeting took place at the beginning of May where a detailed plan for the fieldwork and budget were reviewed. OFN undertook those additional traditional field studies in May, 2011, and provided a report of the results in June.

During the traditional studies field program in 2007 numerous sites including burials and plant collecting locales were recorded by OFN participants. Reporting of results was prepared by the OFN and their consultants, Emil Owlchild Consulting and the Human Environment Group. In May, 2011 the OFN began implementing their field program focused on the additions to the Project area since the original field programs. This work was undertaken with capacity funding from CVRI and with the assistance of Dan Meyer (Lifeways). The results of these studies mirror the results of the earlier 2007 field programs. No ceremonial or burial locations were observed or otherwise noted, but a series of plants important for medicinal and food purposes were recorded.

As detailed most cogently in the report by the OFN and NNC for the field studies involving the Project in 2007, OFN elders are most concerned about long-term preservation of important medicinal/ceremonial/food plants, and the avoidance of two marked graves and associated hunting area near the Project. CVRI has agreed in writing to avoid impact to an area around the two graves and hunting area on the southern edge of the Project. The issue of mitigation for important plant species identified required the development of a long-term plan. These plans will be reviewed versus data.
collected during the traditional studies, and it will be determined if plant collecting locales are threatened. After an assessment of plant rarity and presence of other acceptable sources, plants may be transplanted following Aboriginal protocol. This plan was reaffirmed at a meeting on January 14, 2008. Letters of approval of the CVM extensions from those groups participating in the OFN campouts were issued. Written communication of results of the 2011 traditional field program indicated that no specific concerns (other than previous discussed environmental stewardship issues) had been noted. The OFN has issued a letter of authorization indicating that it has no further concerns with the development of the Project.

Communications in the following months consisted of the provision of bi-monthly reports, official Project updates and newsletters, and copies of the Project application in May, 2012. In June and August, 2012 meetings were held to discuss important OFN sites in the area but outside of the Project area, assistance with the maintenance of one of those sites, and capacity funding for cultural programs. On October 15, 2012 Tracey Utting of CEAA sent OFN consultation coordinator Darren Bradshaw a letter outlining CEAA’s current understanding of his community and the status of consultation efforts between CVRI and OFN regarding the Project, and information available on OFN traditional studies and stated concerns regarding the Project. The letter invited Darren to confirm those details and/or provide additional information. SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting. In January, 2013 CVRI provided a copy of the responses to the first round of SIRs to OFN.

10.2 Consultation Activities June 2013 to Present

In July, 2013 CVRI sent a copy of the responses to the second round of SIRs to Andrew Scott, OFN consultation coordinator. Following contacts included supplying copies of bi-monthly reports on consultation activities, official Project updates and newsletters, and invitations to Project open houses. In April, 2014 OFN was provided a copy of the responses to the third round of SIRs. Following a chance meeting during a session on First Nations consultation in Edmonton, Dan Meyer of Lifeways emailed Andrew Scott on June 6, 2014 with Les LaFleur’s contact information should OFN have interest in setting up a meeting to discuss the Project and the existing relationship between the parties. In July, 2014 Kurt Borzel from the ACO sent Andrew Scott of OFN correspondence indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Project consultation by CVRI was expected.

On October 17, 2014 Tracy Campbell of the Caillou Group emailed CVRI legal counsel Lynette Stanley-Maddocks requesting a copy of the bi-monthly consultation report provided to the ACO regarding OFN consultation for the Project. This was relayed to Les LaFleur and the request implemented soon thereafter by Lifeways. Subsequent copies of the bi-monthly consultation report have been supplied to Andrew Scott following past procedures.

On December 22, 2014, CEAA announced that it has allocated $70,951 for OFN participation in the environmental assessment and Joint Panel Review hearings for the Project. Andrew Scott emailed Dan Meyer a request for copies of the OFN 2007 and 2011 traditional use field studies reports and other related information on January 7, 2015, which were supplied on January 14 via email.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as
a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The OFN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

CVRI and the OFN have developed a strong relationship and will continue to consult on CVRI developments and the Project specifically as outlined in agreements between the parties.

11. Paul First Nation (PFN)

11.1 Consultation Activities July 2006 to June 2013

Over the course of the last eight and a half years many meetings or other events have been held between representatives of CVRI and Paul First Nation (PFN) leadership and other community members to discuss the Project. The PFN was first informed of the development by letter in July 2006, including the Yellowhead Tower, Mercoal West and the Project extensions. Formal discussions began in September 2006 with a meeting between representatives of CVRI and the PFN, including Dennis Paul (Consultation and Policy Special Advisor for the Nation). An Elders’ tour of the development areas occurred in October. On November 8, 2006 an open house and a feast for all members of the community was held at the PFN. In June 2007, field studies were done for the developments including the Project area, with capacity funding provided by CVRI.

Traditional field studies of the originally proposed Project areas were undertaken and completed by Dennis Paul and members of the PFN. Field visits were made and interviews were conducted with Dennis Paul and 26 elders, hunters, trappers, and other custodians of knowledge who have engaged in traditional use pursuits in the CVM area. Many areas were visited and recorded, but only certain locations were provided to CVRI in the report. PFN members identified a large hunting territory encompassing all of the proposed Project mine permit areas, a sun dance and ceremonial area, plant collecting locales, a trapper's cabin, and two modern camping areas. Members of the PFN stress that their interest in the region extends beyond the points identified in the report, and the traditional use areas inspected are not restricted to the proposed Project mine permit areas only.

The participants in the PFN studies stressed that it is their responsibility to safeguard the environment and ensure that sustainable practices are used in this and other development projects. They noted that although development has provided easier access to the land, other development activities have had a heavy impact on the land. Among particular concerns noted is the potential impact to water sources. They noted that there is a sacred purpose to all of the rivers and hills, and that development will remove sacred medicines and forests, affecting the balance of nature. The PFN recommended that First Nations knowledge be used in conjunction with western scientific studies to better understand future impacts, contribute to mitigation efforts, and increase the potential of the plants and animals to return after reclamation. Although camping and ceremonial locations are present in the region, none were identified in the specific proposed CVM permit areas. PFN has also expressed interest in business and employment opportunities involved with the development, or in helping to train Aboriginal youth.

These field studies culminated in a ceremony attended by representatives of PFN and CVRI on July 6, 2007 near the Pembina Forks. The purpose of the ceremony was to ask the Creator’s forgiveness for the impacts of the proposed developments. In early November, 2009, the PFN and CVRI reached an agreement regarding the proposed developments and potential impact to PFN interests in the area.
Based on this result, the PFN officially provided a letter of endorsement for the Mercoal West, Yellowhead Tower, and the Project extensions on November 18, 2009.

Formal discussions were re-initiated in April, 2011 during a meeting with Dennis Paul and Keith Rain where the consultation plan, Project description, additional Project areas, and the need to re-engage in consultation were discussed. Specific items or issues discussed included additional traditional field studies, funding for youth programs, funding for a film, and contracting and job opportunities. Other highlights of the consultation program include a brief meeting in May, 2011 with Chief Casey Bird and Council members, where there was a review of CVRI extension history, and copies of the PTOR and large-scale Project maps for field studies were provided. Another formal meeting with Chief and Council occurred on September 30, 2011 where copies of the final TOR and Federal Project agreement were provided. Les LaFleur, Dan Meyer, and Dennis Paul described some of the background of the CVRI-PFN relationship and consultation on the Project. Chief and Council indicated the need to send Elders and environmental monitors out in the area again to record salt licks and hunting areas in the vicinity. These additional visits were not arranged. Potential items for an MOU/community agreement were discussed, as were employment, a cultural awareness camp, and a round dance.

Additional capacity funding was provided to the PFN in 2011 to undertake further discussions with Elders regarding the additional Project areas and field visits/studies as necessary to assess the areas. Results of these discussions or visits have not been supplied to CVRI. The PFN has not reported any additional concerns regarding the Project on the basis of the 2011 discussions or visits. Chief Casey Bird has noted that he would like additional visits to assess known salt lick and hunting locations in the vicinity of the Project. These visits have not been arranged despite efforts to that end.

Subsequent contacts included the provision of bi-monthly consultation reports, and email exchanges to arrange the sharing of information or meetings regarding procurement and contracting, and requests for meetings to continue discussions around the Project and a long-term MOU between the parties. Such a meeting was ultimately consummated on April 10, 2012 between CVRI representatives, PFN including Chief Casey Bird and some members of Council, and their consultants from Grizzco. Items discussed included an MOU, employment and training programs, sponsorships for campouts, corporate Aboriginal policy, mine tours, contracting opportunities for supplies, and reclamation. Follow-up contacts attempted to arrange a date for a CVM tour. CVRI provided PFN a copy of the Project application and Project newsletters in May, 2012.

Andy Andersen of Grizzco emailed Les LaFleur on July 17, 2012 requesting an update on the regulatory process so that an agenda could be drafted for a meeting. Les LaFleur responded with the requested information and confirmed a meeting date for July 23 in Edmonton. At that meeting Andy Andersen and Dennis Paul indicated that Grizzco had been given a Band Council Resolution to negotiate on behalf of PFN. Items reviewed at the meeting included the current status of the Project’s regulatory process, an MOU for opportunities including joint venture partnerships, other CVRI and Sherritt operations and opportunities, corporate aboriginal policy, additional letters of support from PFN, employment, reclamation, compensation, contracting, and a benefits agreement. As a result, CVRI was to provide additional copies of the Mercoal West, Yellowhead Tower, and Project applications directly to Grizzco, and a meeting was to be arranged to further discuss a benefits agreement. Andersen sent CVRI Vice-President Mike Peck an email with a request for such a meeting on September 12, 2012.
On October 15, 2012 Tracey Utting of CEAA sent PFN’s Dennis Paul a letter outlining CEAA’s current understanding of his community and the status of consultation efforts between CVRI and PFN regarding the Project, and information available on PFN traditional studies and stated concerns regarding the Project. The letter invited Dennis Paul to confirm those details and/or provide additional information. SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting.

On October 19, 2012 Les LaFleur emailed Andy Andersen in response to his previous letter. LaFleur recommended a mid-November meeting and requested an agenda and an information package referenced. Andersen indicated that an agenda would be forthcoming, and reiterated that an agreement between the parties should incorporate both the Project and the Highvale Mine in a single corporate-level agreement. The meeting occurred on December 3, 2012. Grizzco presented a package outlining the structure of Grizzco and its relationship with PFN. Information on PFN “traditional territory,” Rights, Treaty 6, and way of life were presented, as well as information on joint venture partnerships, development of a PFN Consultation Policy and Guidelines, economic development, and consultation. Grizzco asserted that the CVM had not positively impacted PFN in the past 35 years, and that PFN was not consulted on previous land tenure sales. PFN was concerned that to date no adequate project review for the Project had occurred, no proper assessment had been undertaken for the loss of use of the existing mine area, there had been a lack of investment in education, employment, contracting, and capacity building. Grizzco asserted that CVRI had failed to adequately engage PFN since 2007, PFN was never supplied environmental reports for review, watercourses are to be destroyed, and billions of dollars are to be made by the mine resulting in the loss of hunting, fishing, and trapping.

Grizzco stated that CVM has said that no job or economic opportunities would be available, and has failed to address issues related to water pollution, water consumption, waste coal pollution, transportation, thermal pollution, sulfur dioxide, radioactivity, particulates, scarring of land, and toxic emissions. Grizzco noted that resources companies have a contingent liability for past actions. A draft benefit agreement was presented which included a draft loss of use model. Terms of a potential MOU were discussed. A proposed January meeting would examine a CVRI response to the proposed terms.

In January, 2013 CVRI provided the responses to the first round of SIRs to PFN. On January 22, 2013 Les LaFleur indicated to Andy Andersen that CVRI had rejected Grizzco’s proposed draft benefits agreement, but would be willing to meet to review the existing agreement. On January 28 Andy Andersen sent a letter to Lori Crozier of CEAA outlining his concern about CVRI’s lack of consultation efforts and cooperation towards an agreement with PFN regarding the Project. This was followed by a second letter of February 13, 2013. In this letter Andersen outlined specific concerns with the Project. Concerns included the elders dissatisfaction with reclamation, and lack of adequate consultation and addressing of potentially infringed treaty rights. Specific concerns that they felt had been not fully addressed or accommodated included: impact to water, air quality, traditional food source loss, loss of traditional territory, need for detailed report and map of the Project, accommodation, social development funding, ongoing monitoring, training, and employment. The letter stated further that PFN's Treaty Rights will be infringed by the proposed Project and that the duty to consult and accommodate includes the obligation of sufficient capacity funding for identifying interests/concerns with the Project. Andersen stated that the Project should be put on hold until these concerns are addressed and meaningful consultation has occurred. Les LaFleur of CVRI responded to Andersen’s stated concerns in an email of March 11, 2013, identifying the existing agreement between PFN and CVRI, previous funding provided, and the earlier ceremony. He acknowledged that PFN desires an additional benefits agreement that focuses on
contracting and employment, and would be willing to meet again to discuss that and the proposed mitigation measures outlined in the Project application to address some of the potential impacts noted by Grizzco.

Follow-up discussions were held on May 7, 2013, and during a tour of the Project area and the CVM on June 7. Issues pertaining to environmental impacts and an impacts benefits agreement were discussed.

11.2 Consultation Activities June 2013 to Present

Throughout this period contacts have included provision of bi-monthly consultation reports, Project updates and newsletters, and invitations to Project open houses. On June 21, 2013 representatives of CVRI and PFN (Grizzco) again met to discuss a potential benefits agreement including capacity funding, employment opportunities, a proposed PFN industrial park, a company called Canadian Matting, an accountability committee, social responsibility, education, and scholarships. CVRI provided a copy of its responses to the second round of SIRs on July 18, 2013. On August 13, 2013 another meeting was held to review the terms of an impacts benefits agreement, and those negotiations continued in September.

Les LaFleur emailed Andy Andersen on October 29, 2013 with a proposed draft agreement based upon recent discussions. Follow-up contacts on this matter found that as of December, 2013 PFN and Grizzco had terminated their agreement.

In April, 2014 PFN was sent the responses to the third round of SIRs, and on July 16, 2014 Kurt Borzel from the ACO sent Dennis Paul of the PFN correspondence indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Project consultation by CVRI was expected. Dennis contacted Lifeways on September 8, 2014 to set up another meeting with CVRI, but a meeting was not arranged.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The PFN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

12. Samson Cree First Nation (SCN)

12.1 Consultation Activities September 2012 to Present

The Samson Cree First Nation (SCN) was not included in the Aboriginal Consultation plan as a group with which Alberta required the Project to consult. On September 28, 2012 the SCN submitted an SOC regarding the Project with the ERCB (now the AER). The letter asserted that the Project has the potential to affect SCN Aboriginal and Treaty Rights to hunt, fish, gather, and trap. The letter included affidavits from “harvesters” indicating general use of the region including the Project area. The letters specifically cite impacts to grizzly bear, marten, fisher, lynx, wolf, water quality, environment, and fish habitat. They requested intervener status at hearings, and requested that the application be denied. On January 8, 2013 Dan Meyer of Lifeways mailed and emailed a notification letter and information package on behalf of CVRI indicating that SAAB had directed consultation with the SCN regarding the
Project. Dan noted that the information package included the Plain-language Project Description, Project Application on CD, and SIR responses on CD regarding the Project application, and asked SCN to review the information and notify if there are any specific concerns regarding the Project by February 1st, 2013. CVRI requested a meeting with SCN to review the Project with the support of SAAB and CEAA representatives at the meetings. Further, CVRI requested from SCN that if there are potential impacts regarding the project to prepare site-specific concerns and locations at the meeting. A follow-up to this letter was sent on January 23.

Following a number of exchanges around scheduling and conflicting dates, the first meeting between CVRI and SCN representatives occurred on March 15, 2013. Items discussed included SCN’s concern about this Project in its “traditional use territory,” consultation coordination, SCN independent site visits to the Project area, SCN consultation strategy, procurement opportunities, employment and business opportunities particularly for youth, a presentation to Chief and Council, and CVRI attendance at a career fair. In advance of a meeting with Clayton Leonard, SCN legal counsel, and representatives of SCN, ECN, and WLFN, several exchanges occurred regarding a proposed work plan for a traditional use study. The meeting on July 5, 2013 included a discussion of potential terms of a traditional use study and a long-term agreement between the parties. CVRI’s response to the second round of SIRs was sent to SCN on July 18. Following this were additional exchanges regarding a traditional use study proposal, and Norinne Saddleback accepted an invitation to attend a Project open house in Robb. At the open house on September 7, 2013, CVRI and SCN representatives discussed the finalization of a traditional use work plan, relationship building, Project details, training programs, and a presentation to Chief and Council.

From October, 2013 to January, 2014 contacts consisted of many minor exchanges regarding proposed traditional use work plans and estimates. A meeting between CVRI and SCN representatives on January 31, 2014 continued these consultations, but also indicated that upcoming band elections would likely delay a conclusion. Subsequent to this there were another series of minor exchanges involving a proposed traditional use work plan, and CVRI supplied the responses to the third round of SIRs in April, 2014. Further attempts were made to arrange a meeting between CVRI and Chief and Council.

On July 16, 2014 Kurt Borzel from the ACO sent Norinne Saddleback of the SCN correspondence indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Project consultation by CVRI was expected. Chief Patrick Buffalo responded to this letter and others on August 28 indicating that a decision has not been made in respect to the adequacy of Crown Consultation and that SCN remained concerned that the Director did not consider Project-specific direct, indirect, and cumulative impacts to SCN Aboriginal and Treaty Rights in determining if the EIA is complete. He concludes that CVRI’s EIA is not complete as it does not address Project-specific concerns. SCN feels that consultation has not gotten off of the ground and therefore Project-specific concerns have not been considered by the Director in determining EIA completeness. Chief Buffalo noted surprised that ACO assumed that consultation records provided by CVRI are correct and accurate, and stated that SCN has not been provided adequate time or funding to comment on consultation records for the ACO to conclude the level of consultation on the Project. SCN requested that the ACO provide final consultation records for review and comment at least 30 days prior to determining the adequacy of Crown Consultation.
On the 18th of September, Chief Buffalo and John Schaden, Executive Vice President for WCC - Canada Division, signed an agreement related to capacity funding for SCN traditional use studies of the Project, an agreement that anticipates future negotiations towards a final agreement between the parties to address SCN concerns regarding the Project. The study scope was to be provided by October, 2014, with the report on the studies provided when ready. Neither the study scope nor the final traditional use report have been provided to CVRI to date. On the same day Kurt Borzel of ACO emailed CVRI and SCN representatives regarding the status of consultation with CVRI and SCN and inviting an opportunity to meet and review consultation between the two. The meeting would clarify the role of ACO versus AER on consultation and Project approvals and strategize the next steps for consultation between CVRI and SCN. Kurt noted that SCN is concerned with the current state of consultation with the Project. Les LaFleur indicated that as the parties were about to enter into an agreement, a meeting at that point would likely not be necessary. On September 30 Borzel repeated a similar suggestion.

On November 12, 2014 Stan Rutwind, Assistant Deputy Minister of Aboriginal Relations sent a letter to Councillor Patrick Buffalo. The letter states an understanding that SCN is still awaiting a response from ESRD regarding EIA completeness for the Project. He notes that Alberta recognizes the duty to consult rests with the Crown, with delegation of aspects of consultation to the proponent while still overseeing the consultation process and including the assessment of consultation adequacy as indicated in the SCN August 18, 2014 letter. Alberta directed WCC to consult with SCN on the Project and it is their (ACO) understanding that consultation is ongoing with WCC, concerns have been provided to WCC, and have been attempted to be addressed by WCC, including an agreement to conduct a traditional use study and to consider site specific concerns. SCN has received Project information and has had the opportunity to review and comment. This information along with supporting documents will be considered by Alberta when determining adequacy. Alberta has engaged with SCN and invites them to provide potential adverse impacts related to the proposed Project. Lastly, Rutwind acknowledged the request for a tripartite meeting with Alberta, WCC, and SCN and would prefer to engage in a meeting to discuss the consultation process, ensure that SCN concerns are considered, to identify SCN concerns regarding the proposed Project that may adversely impact SCN Treaty Rights and traditional use activities, and to work towards a “go forward” plan in addressing SCN concerns with WCC.

On November 17, 2014 the SCN filed an SOC regarding CVRI’s proposed Coal Exploration Program in the proposed Project area. In this SOC SCN requests a hearing for CVRI's Program Application based on the direct and adverse impacts on SCN Aboriginal and Treaty 6 rights. On October 9, 2014 CEAA wrote to SCN indicating referral of the Project to environmental assessment by a Joint Review Panel and sought SCN's participation. SCN have taken steps to ensure participation so that proper assessment of the Project’s impacts can be determined. SCN also requested the AER to provide a hearing as SCN will be directly and adversely affected by a decision of the AER on the Application. The nature of the objection to the Application cites specific impacts to Aboriginal and Treaty Rights from the Project including hunting and trapping, preferred use sites, plant harvesting and cultivating, sacred sites and cultural heritage sites, bears, fishing, and habitation sites. SCN stated that their concerns have not been addressed by the Project application and CVRI has not meaningfully engaged with SCN. In conclusion their concerns in regards to the Project include the lack of consideration of SCN’s interests in the application, and SCN lack of opportunity to review and provide comments on CVRI's reclamation plans. SCN is concerned with increased traffic and access to the Project Area, with impacts of increased dust from CVRI's program activities, with impact to Aboriginal and Treaty rights, with impact to biodiversity of the resource-rich area, and that the Project will impact wildlife habitat, which will affect SCN hunters.
and the community’s reliance on hunting for nutrition as well as social and cultural purposes. SCN is concerned with the impact from destroying plant harvesting areas during construction and operations of the Project which would affect SCN physically, socially, and culturally.

In response to the above letter, Kurt Borzel from the ACO sent a letter to Les LaFleur of CVRI. The ACO directed further consultation on behalf of CVRI to address the potential site specific SCN concerns with the Project including preferred use sites, plant harvesting and cultivating, sacred and cultural heritage sites, and habitation sites.

On December 22, 2014, CEAA announced that it has allocated $72,171 for SCN participation in the environmental assessment and Joint Panel Review hearings for the Project. On the 20th of January, 2015 the SCN sent a letter to Brett Maracle, Robb Trend CEAA Panel Manger, with SCN comments on the Draft Agreement to establish a Joint Review Panel for the Project between Minister of Environment and AER (Joint Review Panel Agreement). The letter provides SCN’s comments on the JRP agreement to ensure that the environmental assessment of the Project is carried out in a meaningful way and that SCN’s Treaty 6 rights are being considered. Samson expects the JRP to provide responses to SCN concerns in which the issues tracking table has been revised to incorporate SCN comments, and an opportunity for SCN to respond to the issues-tracking table.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The SCN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

13. Stoney First Nations

13.1 Engagement Activities to Date

The Stoney First Nations were not included in the Aboriginal Consultation plan as a group with which Alberta required the Project to consult. On March 8, 2011 Lydia Hill of the Stoney consultation office emailed Dan Meyer expressing an interest in receiving Project information based upon a notification letter from CEAA, and also requested that CVRI fill out and return a Stoney Information Letter (SIL) with information related to the Project. In response to this request CVRI sent Stoney a Project information package including copies of the Plain Language Project Description and the Aboriginal Consultation Plan.

On November 14, 2014 Marie Kootenay of Stoney emailed Les LaFleur a letter expressing interest in the Project and asserting that it would impact Stoney Treaty Rights and traditional uses. The letter notes site specific concerns, but indicates that the information cannot be shared without an agreement due to intellectual property and protocol concerns. The letter indicated a need for more time to evaluate the Project, and requested that an SIL be filled out and returned. This letter has been forwarded to the ACO for their consideration.

On December 22, 2014, CEAA announced that it has allocated $57,201 for Stoney participation in the environmental assessment and Joint Panel Review hearings for the Project.
On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The Stoney table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

14. Sunchild First Nations (SFN)

14.1 Consultation Activities July 2006 to June 2013

Over the course of the last eight and a half years numerous meetings or other events have been held between representatives of CVRI and the Sunchild First Nation (SFN) leadership and other community members to discuss the Project. The SFN was first informed of the development by letter in July 2006 (including the Yellowhead Tower, Mercoal West, and the Project). Formal discussions began in October 2006 with an impromptu meeting between representatives of CVRI and Melvin Goodrunning (Councillor responsible for consultation and traditional use) and Kevin McGregor (Band Administrator). Large-scale maps of the proposed development areas were sent to Melvin Goodrunning in late October 2006. A referral through the Foothills Model Forest also produced a "hit" with SFN traditional use information, triggering additional notification to the SFN. In January 2007 contact occurred with Byron Daychief of the traditional use program at SFN. SFN indicated concerns with the development area, particularly the Project. Subsequently Byron obtained the information and maps supplied previously to Melvin Goodrunning, and developed a scope and budget for a traditional use studies program of the proposed extension areas. CVRI approved this budget in June 2007, and supplied capacity funding for the fieldwork to be undertaken.

SFN traditional studies of the development areas were undertaken in 2007. A final report (2008) on the findings of those studies was not supplied to CVRI at the time. In early November, 2009 CVRI was informed that the SFN had retained new legal counsel and other advisors who indicated that no proponents were to speak directly with the SFN regarding permitted projects. As a result of the request from SFN legal counsel, CVRI counsel advised the First Nations consultation team to cease direct contact with the SFN at that time.

Consultation for the Project was re-initiated on May 25, 2011 at a meeting with Dan Meyer, Doreen Daychief, Byron Daychief, traditional use staff and seven Elders. Byron confirmed receiving a package of the Consultation Plan, Project Description, and PTOR and Maps. Dan indicated the desire of CVRI to re-engage SFN regarding the Project. The history of past consultation was reviewed as well as discussion on the estimates and scope for new traditional field studies and for information to be incorporated into previous studies. Sunchild undertook additional traditional field studies of the Project area in the summer of 2011 with capacity funding provided by the Proponent.

Byron Daychief, helpers, and Elders undertook the first stage of traditional field studies in the Project area in late August and early September 2007. They identified a number of traditional use sites in the area, including mineral licks and other site types. The 2008 final report on these activities was not supplied to CVRI until March, 2012, after the preparation of the Project application. Traditional studies of the additional Project areas were undertaken by staff of the SFN in the summer of 2011. A report on these activities was also not provided to the Proponent until March, 2012.
The March 13, 2012 traditional use report provides UTM coordinates for 23 recorded locations in the SFN Traditional Land Use database. These are characterized either as salt/mineral licks (presumably important for game and hunting locations), or culturally sensitive areas which can include hunting areas, medicinal plant locations, rivers, water tables, wetlands, beaver dams, or creeks. Plotting these sites shows six salt/mineral licks within the Project area, and another four on the boundary. One culturally sensitive site of unknown type is within the Project area (may be where moose observed). The report indicates that "Any potential impact on these sites will require further negotiation/and/or compensation for the loss of traditional land use by the Sunchild First Nation membership." The traditional use report does not indicate the presence of burials within the Project, but notes burials in the region that should be protected. A portion of the Project passes nearby one of these areas, but based on previous discussions with Byron Daychief requesting access to CVM, the burials are likely in the vicinity of the old town of Lovetteville.

The traditional use reports also indicate that SFN members used the lands to hunt and to gather herbs and medicines. The reports noted that there are also fish-bearing creeks and natural waterways that SFN does not want disturbed or destroyed, and cites the McLeod River, Mercoal Creek, Embarrass River, and Chance Creek among others as “natural rivers and streams that come from the glacial mountains and are the last of the earth's fresh water supply, within the Foothills region...” The reports ask if there is “a guarantee that these natural waterways will not be permanently damaged?” The traditional use reports also cite concerns regarding disturbance to wildlife habitat, burrowing areas, and migratory routes.

At meetings previously held with SFN representatives, a number of concerns have been noted similar to those expressed in the traditional use reports. At a meeting on April 21, 2009 with Chief and Council and traditional use staff, several general concerns were brought forward. These include industry impact on salt-licks, affecting their right to hunt, protection of bear dens, herbs, medicines, and ceremonial sites, impact to streams, impact on fish and large game, pollution, and reclamation. Water testing and animal tissue testing were also noted.

Beginning in January, 2012 a series of meetings occurred between Les LaFleur of CVRI, Chief Stanley Lagrelle of SFN, and other representatives of both groups aimed at reaching an agreement to address SFN’s concerns about the Project including those cited in the traditional use reports. The first of these meetings discussed employment opportunities and summer students, the transmission of the traditional use report, concerns regarding animal health, economic benefits, sponsorship of community events, traditional “territory” and studies, and community support of project. A second meeting on March 22, 2012 was held to review additional capacity funding for traditional use studies, support and funding for a multi-cultural center, and educational scholarships for youth.

In May, 2012 CVRI provided SFN with copies of the Project application. Throughout the consultation process CVRI has provided copies of its bi-monthly reporting to ACO on consultation activities, and relevant Project materials as discussed previously including the responses to the first round of SIRs in January, 2013, responses to the second round of SIRs in July, 2013, and responses to the third round of SIRs in April, 2014. As noted for other Aboriginal groups, copies of Project updates, newsletters, and invitations to Project open houses have also been provided throughout the years of consultation.
On October 15, 2012 Tracey Utting of CEAA sent SFN’s Doreen Daychief a letter outlining CEAA’s current understanding of his community and the status of consultation efforts between CVRI and SFN regarding the Project, and information available on SFN traditional studies and stated concerns regarding the Project. The letter invited Daychief to confirm those details and/or provide additional information. SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting. On October 25 representatives of CVRI and SFN again met to discuss the Project and an agreement to address SFN concerns. Topics covered included the history of traditional use studies, training opportunities, funding of the SFN multi-use complex, scholarship programs, impact on hunting and gathering, duration of an agreement, and other capacity and support issues. CVRI was to prepare a draft of the terms discussed following the meeting, which was sent to SFN on November 13, 2012, and rejected by SFN on November 15.

Another series of contacts regarding terms and potential meeting dates resulted in another meeting between CVRI and SFN on December 5, 2012. Terms of an agreement, annual funding for community, cultural, and youth events, as well as Christmas donations were discussed. The next meeting was not held until June, 2013 due in part to personnel changes at SFN.

14.2 Consultation Activities June 2013 to Present

Les LaFleur and Brian McKinnon of CVRI met with Byron Daychief and Doreen Daychief on June 21, 2013. CVRI indicated a desire to resume talks towards finalizing an agreement, and after a brief review of the history of discussions with Doreen and the past Chief, LaFleur agreed to send Byron Daychief the last draft considered, and Daychief would set up a meeting with Chief and Council. Other questions which arose during the meeting included impact to big game and fish, moose, mercury, animal health, and visits to reclaimed areas. The draft was sent on June 24, and a meeting with Chief and Council scheduled.

On July 8 CVRI representatives met with SFN Chief Jonathan Frencheater, Council members, and traditional use staff. Prior to meeting Chief and Council, Byron Daychief and Les LaFleur reviewed the history of the agreement and its terms. At the meeting with the Chief, CVRI provided Project maps and background for those new to the consultations. Discussion of the proposed draft agreement resulted in Council indicating that it needed more time to think about the Project before entering in to further examination of the terms. Questions that arose during the meeting included the extent of areas that have been logged, the history of SFN traditional use studies with the Project, employment opportunities, training and safety "tickets," and contracting opportunities. On December 18, 2013 Les LaFleur and Byron Daychief met again to discuss an agreement. Byron indicated that the new Chief and Council had expectations of compensation, monitoring, education, and job and training opportunities as elements to be elaborated in an agreement.

A series of exchanges between CVRI, SFN personnel, and new SFN legal counsel in the following months culminated in a meeting on June 4, 2014 between CVRI representatives, SFN Chief and Council, SFN consultation staff, and SFN legal counsel. The meeting was held to discuss the Project and Yellowhead Tower Projects and continue negotiations towards an agreement. Sunchild representatives indicated that they felt previous traditional use studies had been inadequate and are worried about the Project’s impacts on practicing traditional use in the region. CVRI agreed to provide a response regarding traditional use, consultation, and legal capacity funding proposals from SFN, and would meet again to examine the components of an agreement.
SFN filed an SOC with the AER regarding the Project on July 9, 2014. The letter outlined SFN’s Treaty 6 rights protected under Section 35 of the *Constitution Act*, 1982 and that concerns regarding the Project on SFN’s Treaty Rights have not been meaningfully considered by the Crown or CVRI, and that inadequate traditional use studies had occurred. SFN requested that the AER set a hearing for the Project. SFN noted concern about development within their “territory” with respect to the environment and their Aboriginal and Treaty Rights. SFN requested that the CVRI application be considered by AER in terms of the Project’s direct and adverse affect on SFN and its members. The letter also outlined SFN’s Aboriginal and Treaty Rights claimed to be directly and adversely affected by the Project including hunting, trapping, traditional seasonal round, sacred sites and cultural heritage sites, fishing, plant and berry harvesting, and habitation sites. The letter stated that SFN's concerns have not been addressed, previous traditional use studies on the Project area have been inadequate, and these will create questions regarding constitutional law if the Project is approved.

Jennifer Richards of the AER responded to this SOC on July 10. The response acknowledged receipt of the SOC, stated that the AER is reviewing the application, and that SFN’s concerns will be considered. The AER noted that they have no jurisdiction over compensation over land usage, or over assessment of adequacy of Crown consultation with Aboriginal rights. The AER recommended use of their Alternative Dispute Resolution (ADR) program. On July 16 Kurt Borzel from the ACO sent Doreen Daychief of the SFN correspondence indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Project consultation by CVRI was expected.

On November 25, 2014 Edmund (no last name provided) left a phone message with Dan Meyer of Lifeways asking that a meeting be set up between CVRI and SFN. This message was relayed to consultation personnel at CVRI for consideration. On December 22, 2014, CEAA announced that it has allocated $57,201 for SFN participation in the environmental assessment and Joint Panel Review hearings for the Project.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The SFN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question. CVRI will be scheduling additional meetings in the future with the SFN to continue consultation efforts.

15. Whitefish Lake First Nation (WLFN)

15.1 Consultation Activities January 2013 to Present

Darryl Steinhauer of the Whitefish Lake First Nation (WLFN) wrote a letter dated January 13, 2013 to Lori Crozier of CEAA and Farres Haddad of the ERCB (now the AER). The letter reflected on general WLFN uses of the region and indicated that the Project will impact WLFN Treaty Rights to hunt, fish, and trap. The letter detailed concerns about impacts to several species of animals, hydrology, and fish habitat. The letter requested formal inclusion in the consultation process for the Project. On the 21st of February Steinhauer emailed Les LaFleur to indicate that he had heard from their legal counsel of CVRI’s willingness to meet. He also noted, however, that given that the Provincial and Federal governments
have overlooked their concerns, they would be filing regulatory objections to the Project nonetheless. He suggested meeting dates in March to which LaFleur agreed.

Christi Horne of CEAA sent letters dated March 1, 2013 to Darryl Steinhauer of WLFN and Chief Eddy Makokis of Saddle Lake First Nation. Her letter indicated that WLFN is not recognized as a separate band, but if confirmed by Saddle Lake FN, CEAA will continue to consult on potential impacts to established Aboriginal and Treaty Rights with WLFN. On March 13, Carcey Hincz of SAAB corresponded with Les LaFleur of CVRI to indicate that the Alberta Crown did not require CVRI to consult with WLFN on the Project and had informed WLFN of that decision.

Les LaFleur of CVRI met with Darryl Steinhauer and WLFN legal counsel on April 2, 2013. CVRI provided copies of Project documentation to date including the application. The parties reviewed WLFN hunting and fishing in the Project area, WLFN industry businesses, a "compensation agreement" for use of the land, the WFLN process of traditional use reporting, EIA review, and community agreement. On April 4 WLFN emailed CVRI a proposed information sharing agreement and scope of work for a traditional land use study for the Project for review, and followed-up with an example of a traditional use report on April 10. On June 4, 2013 CVRI responded to the proposal with some follow-up questions. WLFN replied shortly thereafter indicating that WLFN was considering possible collaborations with other First Nations to reduce traditional use costs, that WLFN legal counsel was reviewing the information sharing agreement, confidentiality documents, and an SOC letter, but that WLFN was still working towards an agreement regarding traditional use studies. On June 24 Les LaFleur again responded with some questions regarding the proposed study and work plan.

At a July 5, 2013 meeting with Clayton Leonard, WLFN legal counsel, and representatives of WLFN, SCN, and ECN, a discussion of potential terms of a traditional use study and a long-term agreement between the parties occurred. WLFN filed an SOC regarding the Project on July 11, 2013 with Farres Haddad of the ERCB (now the AER), Lori Crozier of CEAA, and ESRD. The SOC asserted that the Project has the potential to affect WLFN Treaty rights to hunt, fish, gather, and trap. The SOC included affidavits from "harvesters" indicating general use of the region including the Project area. The SOC cited concerns of impact to traditional activities, wildlife, aquatic resources, air quality, noise, human health risks, habitat fragmentation and reclamation. The SOC states that the application should be denied because the Crown has not properly consulted WLFN regarding their Treaty Rights to be impacted by the Project. The SOC requested intervener status at hearings, and requested that the application be denied.

CVRI's response to the second round of SIRs was sent to WLFN on July 18, and Project updates, newsletter, and an invitation to Project open houses were sent in August, 2013. On the 5th of September WLFN legal counsel sent Les LaFleur of CVRI a proposed budget for joint traditional use studies of the Project area with WLFN and ECN. WLFN sent additional affidavits supporting their SOC to the ERCB and AER on September 20, and noted that WLFN had decided not to make an application for confidentiality under the AER rules of practice in relation to the affidavits.

On October 4, 2013 Les LaFleur and CVRI legal counsel again met with Darryl Steinhauer and WLFN legal counsel. The conversation centered on the traditional use study budget proposal, other CVM operations, and the withdrawal of the WLFN SOC. The groups agreed to meet again with Watertight Solutions to discuss the traditional use budget proposal. An October 24 meeting featured a presentation from Watertight Solutions on their proposed traditional use study methodology, and
substantial agreement on a joint study with WLFN and ECN for the Project. On October 30, Kurt Borzel of the Stewardship Branch of ESRD sent a letter to CVRI requiring consultation with WLFN for the Project. Provision of bi-monthly consultation updates to WLFN proceeded following this decision.

The next meeting occurred on January 31, 2014 between representatives of CVRI including legal counsel and representatives of WLFN and ECN and their legal counsel. The meeting featured an update on the Project, a discussion of moving forward on traditional use studies, a request for withdrawal of SOCs, and examination of a framework for a Project agreement. CVRI was to provide a Project timeframe and WLFN and ECN representatives were to meet with Chiefs and Councils to get further instructions.

CVRI provided WLFN with the responses to the third set of SIRs in April, 2014. Kurt Borzel from the ACO sent WLFN’s Darryl Steinhauer correspondence on July 16, 2014 indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Project consultation by CVRI was expected.

Chief James Jackson, Jr. of WLFN and John Schaden of WCC-Canada Division signed an agreement on October 20, 2014 providing capacity funding for a traditional use study. The agreement anticipates negotiations towards a long-term agreement between the parties. The traditional use study is to be delivered to CVRI by April, 2015. On December 22, 2014, CEAA announced that it has allocated $72,171 for WLFN participation in the environmental assessment and Joint Panel Review hearings for the Project. On January 20, 2015 legal counsel for WLFN and ECN submitted to CEAA the results of a third-party review of the draft Agreement to establish the Joint Review Panel on behalf of both WLFN and ECN. A full review of those recommendations goes beyond the scope of this document, but items noted include: amending the draft TOR to include principles and criteria of assessment; specifying the role of Aboriginal groups in defining the VC’s; requiring the cumulative effects assessment to be based on VC’s and not the Project; that a pre-CVM case be considered the baseline for the cumulative effects assessment; the definition of environmental impacts to Aboriginal peoples under CEAA 2012 in SIRs; cumulative analysis of environmental impacts upon Aboriginal peoples; the definition of current use to include historic and future uses; determination of impact significance upon Aboriginal groups should be done by Aboriginal groups themselves; Proponent should be required to describe how TEK will be considered in Project design, operation, and reclamation; rational should be provided for selection of key wildlife species and how TEK used in the selection; funding for reports on Project impacts to Aboriginal groups; and impact assessments should occur on group-by-group basis. This submission includes comments on portions of the TOR for the Project EIA issued in 2011.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The WLFN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question. CVRI will be scheduling additional meetings in the future with the SFN to continue consultation efforts.
4. Provide an update on the status of completed and in-progress Traditional Land Use Studies indicated in the existing EIA, and where appropriate, the integration of updated information from 1) and the assessment requested in 2) and 3) above.

The following response provides a status update of completed and in-progress traditional use studies. However, a response indicating integration of updated information in relation to Questions 1), 2), and 3) must await the formulation of the assessments requested in 2) and 3). A full response also must await the sharing of traditional use information to be supplied by some of the Aboriginal groups as detailed below.

As reported in the EIA, prior to submission of the Project application, seven of the participating Aboriginal groups (Alexis Nakota Sioux Nation, Foothills Ojibway First Nation, Mountain Cree Camp, Nakcowinewak Nation of Canada, O’Chiese First Nation, Paul First Nation, and Sunchild First Nation) had completed traditional use studies of the Project area and reported on them to varying degrees. Some reports provided substantial information regarding traditional use of resources observed in the Project area, others provided only general observations and issues of potential environmental concern in the Project area. The information where provided was incorporated into the EIA and appropriate SIR responses. No specific traditional use locations within the current Project area have been identified to CVRI in sufficient detail to allow for mitigation, if necessary, of potential impacts to be discussed or planned. Some specific locations have been identified to CVRI that lie outside of the Project area, or that the Project area was modified to exclude. Otherwise, as detailed in the EIA, a total of 85 species of plant or fungi (native and non-native) had been identified to CVRI as important to Aboriginal groups and present in the Project area. Twenty-two species or class of animals had been identified in the Project area as important to Aboriginal groups, primarily in the contexts of hunting and trapping. These studies also led to the identification of larger environmental or other issues of concern regarding the project including water quality, moose licks/salt licks/springs, displacement of wildlife, bears, health of wild game, avoidance of important locales, impact to medicinal and food plants, future mine extension, transporting coal, clear-cutting and noise pollution, reclamation, employment opportunities, contracting opportunities, and long-term benefits agreements.

Subsequent SOC’s filed by various Aboriginal groups, while not traditional use studies per se, did provide information in affidavit form related to Project concerns, including the identification of concerns related to specific species of fish including whitefish, trout, grayling, pickerel, and jackfish. SIR II ESRD Appendix 2: First Nations Consultation provides a comprehensive, detailed discussion of potential or asserted potential impacts to Treaty Rights and Traditional Uses or other concerns raised during consultation, along with CVRI’s response and/or recommended mitigation of those concerns. Tables included with that Appendix detail the responses to those concerns on an Aboriginal group by group basis. Appendix A of this document contains 16 tables providing updates to concerns.

1. Additional Planned or On-Going Traditional Use Studies

1.1 Ermineskin Cree Nation

On October 22, 2014 CVRI and ECN reached an agreement on scope and funding for Project related traditional use studies, two community meetings at ECN to discuss the Project with the community, and
discussions on a long-term agreement between CVRI and ECN. The traditional use report from ECN is to be produced by April, 2014, and the community meetings still remain to be scheduled. Further discussion with ECN regarding the conclusions of traditional use reports or other studies, the potential impacts of the Project, and any recommended mitigation is forthcoming, as are discussions regarding a long-term agreement between the parties.

1.2 Gunn Métis Local 55

CVRI is in discussions with GML55 regarding the possible funding of ethnohistory/traditional use studies of the region.

1.3 Métis Nation of Alberta, Region 4

Although CVRI has indicated a willingness to provide capacity funding for MNA Region 4 directed traditional use studies of the Project area, a proposal for consideration and discussion has never been forwarded.

1.4 Samson Cree Nation

On the 18th of September, 2014, Chief Buffalo and John Schaden, Executive Vice President for WCC – Canada Division, signed an agreement related to capacity funding for SCN traditional use studies of the Project. The agreement anticipates future negotiations towards a final agreement between the parties to address SCN concerns regarding the Project. The study scope was to be provided by October, 2014, with the report on the studies provided when ready. Neither the study scope nor the final traditional use report have been provided to CVRI to date.

1.5 Whitefish Lake First Nation

Chief James Jackson, Jr. of WLFN and John Schaden of WCC – Canada Division signed an agreement on October 20, 2014 providing capacity funding for a traditional use study anticipating negotiations towards a long-term agreement between the parties. The traditional use study is to be delivered to CVRI by April, 2015.
APPENDIX A: ABORIGINAL GROUP CONCERNS TABLE
Concern Raised by Treaty or Aboriginal

Potential Impact to Rights

general impact to animals from Project area

general impact to Treaty area for "Elders and harvesters evidence considered the locations of fish bearing water sources near the Project. The waterways

Concern over treaty rights "The Program is within the core of Samson Territory and within the area that Treaty No. 6 to Samson for the reasons mentioned above. Construction and operation of the Project will harm fish and fish habitat.

area of the Project. Currently moose is the most commonly hunted game in the area surrounding the Project. Deer and Samson members, specifically for grizzly, elk, moose, deer, sheep, rare prairie Chickens, grouse, lynx, cougars

over impact to hunting "Samson's Elders and hunters have identified a number of hunting blinds, mineral salt

Project do not destroy or limit access to these preferred use sites. Any interruption in these routes

trails within close proximity to the Project. The area the Project will be located is a  prime

activities as it relates to their traditional use of the territories.

could have a devastating impact on Samson's ability to fish"

Stated Concern November 17, 2014

November 17, 2014

December 5, 2014

(13,348), muskrat (3,649), beaver (3,401), marten (1,796), weasel spp. (1,531), coyote (896), wolf (236), lynx (133), ... black bear (18), badger (14), striped-skunk  (7), wolverine (6), river otter (4) and raccoon (1). The average numbers of

lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with ... will remain accessible for the undertaking of Treaty Rights and traditional uses during the development of the Project.

captures per year per trap line for Valued Environmental Component (VEC) species were: lynx (0.42), marten (5.17), fisher ...

1516, 2619 and 2256 will be directly affected by the proposed development of the Project permit area. Over a 16 year

Where required, agreements have been reached and compensation provided. Trapping is likely to continue in the RSA. ... to predict and are dependent largely on fur prices, RFMA tenure and levels of industrial activity. It is reasonable to

On the 18th of September, Chief Buffalo and John Schaden, Executive Vice President for CVRI , signed an agreement related ...

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Following discussion of this issue and clarification with the SREM Aboriginal Affairs Branch, the Crown indicated that it ...

and requested the group's inclusion in the official Project Aboriginal Consultation Plan.  CVRI representatives met with

disturbance area. Many of the species on the CVM are birds associated with water habitats which would have been poorly ...

system. While bird abundance and types of species may change as a result of mining activity it appears that

encountered much less frequently than Rainbow Trout but were still found at a number of different locations. Other ...

Brook Stickleback, Brook Trout, Longnose Dace, Mountain Whitefish, Northern Pike, Pearl Dace, Trout-perch, and White

harvest pressure from improved road accessibility, blocked migration routes and altered stream flow resulting from ...

constructed roads. Brook Trout are listed as an exotic/alien     species (ASRD 2010). They were introduced into Alberta

protect fish resources, in the areas of surface water management and erosion control, haul road crossing construction, ...

VEC's. CVRI is currently working with the Department of Fisheries and Oceans Canada  (DFO), Trout Unlimited Canada (TUC), ... stakeholders including the general public and First Nations in creating a conceptual compensation plan to be able to
Concern Raised by Treaty or Aboriginal Treaties or Potential Impact to Rights

The SCN Harvesters have deposed that they gather various berries including blueberries, high bush cranberries, low bush cranberries, "Samson will be directly and adversely affected physically (in terms of nutrition), socially, and culturally should plant harvesting will destroy these plant harvesting sites. One of the most important concerns among the Samson Elders was the Traditional use vegetation has a very high potential to occur in the Project area. The construction of the Project by the Program. The noise from construction will adversely affect them by driving away wildlife and destroying within the close proximity of the Project. Samson members use plants found at these sites for a wide range of "The people living in this area permanently or seasonally or using it for ceremonial purposes will be impacted. The people living in this area permanently or seasonally or using it for ceremonial purposes will be impacted. "The Elders have identified a number habitation sites within the Program area. Samson's Smallboy camp "Samson is concerned about the increased traffic and access to the Robb Trend area." were noted by Elders as being more abundant in this area and larger in size in some cases. Therefore, spruce, cedar, willow, acorns, and bark. Samson is concerned that its members will have to travel greater distances to harvest."
Proposed Proponent Mitigation, Accommodation, or Response

Concern Raised by Aboriginal Group

Treaty or Aboriginal Right or Use

general impacts to water quality in Project area

negative impacts. This will have a devastating impact on Samson. Therefore, mitigation measures approved by Samson must be put

Stated Concern

As identified in CVRI’s Application, this area is a highly sensitive grizzly bear habitat. The bear is a very

operations

wants to ensure that there are no impacts to the grizzly bear and grizzly bear habitat.

November 17, 2014

family members

Continued from above

Sediment and certain chemical contaminants that have chronic or lethal effects on aquatic biota will enter the aquatic ecosystem

March 15, 2013

propagation

Continued from above

This species is not commonly trapped in the RSA with harvest limited to eastern RFMAs. High and very high quality fisher...

Watercourse Crossings and associated guidelines. This means that all stream crossings constructed by the Project will...

Table: Proposed Proponent Mitigation, Accommodation, or Response

<table>
<thead>
<tr>
<th>#</th>
<th>Source/Source Development</th>
<th>Priority/Effect on Rights Area</th>
<th>Proposed Proponent Mitigation, Accommodation, or Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Intermittent springs high</td>
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</tbody>
</table>

Note: The table above illustrates the proposed proponent mitigation, accommodation, or response for concerns raised by Aboriginal groups, focusing on the impact on water quality and sediment contaminations. Specific details are provided for each category based on the implications for the sharing of water and the management of sediment, emphasizing the importance of mitigating negative impacts to maintain ecological balance and cultural integrity.
Concern Raised by Aboriginal Group

Treaty or Aboriginal Employment Consultation Involvement in CEAA Participant Traditional Use Studies

owned business; increased employment for underemployed sector of Aboriginal society

MOU traditional territory, has direct and adverse. It necessarily follows that the potential Project effects on the SCN rights associated with these culturally important "Samson is concerned about the alienation of further Crown land and preferred use sites as its members will have to travel greater

Concern that "Samson has had no opportunity to meaningfully review and provide CVRI its comments on CVRI's remediation plans."

Concern that concerns have not been considered by the Director in determining EIA completeness for the Robb Trend due to the inadequate time to review consultation records and therefore the ACO is not in a position to understand level of consultation in

Any possible employment or procurement opportunities? It was also suggested that CVM attend a career fair/tradeshow at

community, with a tremendous amount invested in building capacity within their own community. They are also focused on

Representative expressed interest in having LOA funding as a way to move discussions forward

How are their concerns being mitigated with respect to wildlife and plants? Reclamation processes.

Representative expressed interest in joint TLU studies

The habitat suitability decrease, resulting in lost habitat, from the Project, is material for culturally important species...across all

Harvesters have and continue to hunt, fish, gather and trap. The SCN Harvesters further depose that the Project will impact wildlife

Representatives expressed interest in contracting opportunities

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The habitat suitability decrease, resulting in lost habitat, from the Project, is material for culturally important species...across all

SCN is located 200 km straight-line east from the Project area, indicating that the large majority of potential SCN users...SCN has not identified any specific preferred use sites, ceremonial sites, hunting, trapping, or harvesting sites in

companies. No information is provided relative to site-specific hunting, fishing, trapping, and traditional use...impact to harvesting activities is claimed, but no information supporting an adverse negative impact or unjustifiable

Thomas J. and Susan L. Smith of U.S. Reclamation

Infringement on Treaty Rights has been provided by SCN. Nonetheless, CVRI does acknowledge that its Project will occupy...Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that

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1. Potential impacts to Treaty or Aboriginal Rights.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
</table>
| October 5, 2008 | FOFN has worked with CVRI to avoid any potential impacts to the Project's Treaty or Aboriginal Rights. Two meetings were held to discuss the protection of traditional use and ceremonial sites in the project area to ensure that the impacts to the Project are minimal. On November 9, 2011, the project team held discussions with FOFN representatives to identify and gather information on the traditional use and ceremonial sites in the project area. A map of all traditional use sites located within the Project area was produced and was also distributed to interested parties. |}

2. Potential impacts to the environment.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
</table>
| November 30, 2011 | FOFN representatives have expressed concern over the removal of 200 species in Project area, in order that its planners can work with the community to avoid sites where necessary or to develop plans that will compensate for the removal of ecosite phases within and after the LSA. It is assumed that ecosite phases within the LSA are similar in composition and distribution as those in the RSA. |}


<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 30, 2012</td>
<td>CVRI has not yet held any formal discussion with FOFN representatives about the potential impacts to the environment or human health.</td>
</tr>
</tbody>
</table>
Concern Raised by Right Traditional Use Possibly general impacts to direct impact/removal of burials in Project special area sites. You walk into a place and you feel this energy. Those are the kinds of mining...FOFN would require some guarantees that the rehabilitation of specific site with environmental standards and this must be shown to and/or monitored by the or harm the aquatic organisms...There can be zero sediment loading from the...Aboriginal communities and regulators to confirm burial association and devise an appropriate avoidance or mitigation...human remains or burials on Project lands, whether Aboriginal or not, is subject to Federal and Provincial laws and potentially the...successional reclamation” process (Polster, 1989) will continue for several decades. 3. There have been relatively few instances of measured water quality variables, including metals, exceeding provincial or federal water quality guidelines. 4. 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Concern Raised by Aboriginal Group

Potential Impact to Rights

Affected Right or Traditional Use

Potential Impact to Use of general effects on wildlife and environmental quality in the Project area

Potential Effect in Project area must be undertaken on a regular basis, and natural safety precautions for doing so must be established. This will include the use of protective clothing, goggles, ear plugs, and face masks as needed. It is important to maintain a minimum 30m buffer is maintained around all watercourses and if an important wildlife component (nest, den, rearing area) is found, an appropriate wildlife component (nest, den, rearing area) is found, an appropriate mitigation plan will be implemented. Seepages which develop on the landscape should be identified and monitored to ensure that they do not become significant sources of water quality degradation. In addition, seepages must be monitored for long-term stability and any changes in water quality or quantity must be reported to the appropriate regulatory authority.

General concerns relate to environmental damage noted in the area, including beaver, muskrat, and fox dens, as well as bear dens, eagle nests, and squirrel trees. It is necessary to be aware of and respond positively to the early stages of upland reclaimed and re-vegetated areas on the LSA particularly in the Robb West, Main and Central zones where there is extensive mixed wood and deciduous habitat adjacent to the disturbance area.

Spills are contained immediately and materials are used to soak the product up or the area is excavated not allowing for the spilled product to seep into the groundwater sources. The CVM has a long-term groundwater monitoring program that monitors groundwater levels and chemistry in various areas of the CVM including mine area, former mining areas, reclaimed areas and surrounding areas, and drinking and maintenance facilities. Where possible spills would be determined to the nearest permitted channel (e.g., CVM)."
Studies of human health impact (SHI), including environmental assessments of wildlife in the region, evaluate substantial Project-related health risks to exposure, ingestion, or inhalation of chemicals, trace metals, radionuclides, or harmful non-ionizing electromagnetic fields. These studies include an analysis of health risk to where environmental levels are projected to be lower than the natural background. The studies conclude that there would be no measurable negative effect on the health of individuals, or the surrounding region. CVRI’s health impact study concluded that the Robb Trend project has ‘received sign off’ from the Alberta Ministry of Environment and Water. This statement is likely to mislead the reader into believing that the ‘Aboriginal question’ has been put to rest.

In summary, the long-term survival of the region is not anticipated to adversely affect wildlife populations in the region. The results of the SHI indicate that the proposed project would not adversely affect wildlife health in the region. Nonetheless, it does not consider that “the Aboriginal question has been put to rest,” and continues to engage Aboriginal groups in the project.

CVRI and the FOFN have an interim agreement in place, and have been involved in discussions to cement a final agreement to address the FOFN concerns. CVRI has been engaged in consultation with the FOFN on the project since 2006, believes that its efforts have been substantial, and that the appropriate knowledge holders were consulted to identify FOFN traditional use sites in the Project area. Given that CVRI has been engaged with the FOFN regarding the project since 2006, it is not clear that such relationships should be considered well beyond reasonable in terms of the assessment’s time frame.

Regardless of the interim agreement, CVRI will continue to implement monitoring of air, surface water, and sediments to help mitigate any potential effects. Potential impact to a member of the FOFN community through dietary intake of contaminated wildlife, fish, and vegetables has been satisfactorily put to rest. As stated previously, CVRI has provided substantial capacity funding to FOFN to assist in the recording of traditional use sites in the Project area.

Potential Impact to Health

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<tr>
<th>FOIN</th>
<th>Concern Raised by</th>
<th>Aboriginal Group Potentially Affected Right or Use</th>
<th>Stated Concern</th>
<th>Dates Concern Stated</th>
<th>Proposed/Requested Mitigation, Accommodation, or Response</th>
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<td>10</td>
<td>Expanding Funding</td>
<td>Consultation Consultation</td>
<td>also a separate, self-sustaining fund that will cover environmental, legal, and administrative costs for the preparation of the Project. The companies will continue to fund these costs.</td>
<td>April 22, 2008</td>
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<td>November, 9, 2011</td>
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<td>March 30, 2012</td>
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**Expanding Funding**

*Supposedly a self-sustaining, self-controlled fund that will cover environmental, legal, and administrative costs for the preparation of the Project. The companies will continue to fund these costs.*

- **FOIN:**
  - April 22, 2008
  - November 9, 2011
  - March 30, 2012

**Other Concerns**

- **Compensation:**
  - May 1, 2008
  - November 22, 2011

- **Royalty Fees:**
  - November 9, 2011; January 30, 2012

- **Aboriginal Title:**
  - November 30, 2012

**Proposed/Requested Mitigation, Accommodation, or Response**

- Request for "FOFN participation" in project.
  - May 1, 2008

- Clause for compensation for present and past disturbances in MOU.
  - January 30, 2012

- Compensation required for lack of consultation in past work as well as traditional territories.
  - March 30, 2012

- Request for letter of support on FOFN’s territorial use.
  - November 30, 2012

- Request for other support on FOFN’s territorial use.
  - November 30, 2012
13 Employment Support

- FOFN requested funding to help support seasonal community ceremonial activities

- CVRI has been engaged with FOFN for several years and has discussed the needs and employment opportunities, all in an open and transparent manner. Some of the proposed terms of the discussed agreement include provisions for increased employment opportunities for FOFN members and an agreement to continue funding for FOFN ceremonial activities. This agreement also includes an agreement to continue funding for FOFN ceremonial activities.

- Discussions regarding a final agreement between the parties are ongoing. The agreement has been under discussion for several months, but no agreement has been reached.

- CVRI encourages members of the Aboriginal community to apply for jobs at the mine, both for temporary and permanent positions, and to accommodate Aboriginal circumstances in their workplace.

- FOFN has indicated that any agreements should include programs for Aboriginal development of FOFN businesses and contracting opportunities for FOFN businesses.

- Discussions regarding a final agreement between the parties are on-going, thus any specific terms in this regard have not been settled nor otherwise agreed to. CVRI continues to support FOFN ceremonial and cultural programs through donations on numerous occasions and is committed to providing support to FOFN ceremonial and cultural programs.

- At a November 22, 2011 meeting, FOFN representatives made it quite clear that the issue of FOFN and Aboriginal Title in the region should be handled through a corporate Aboriginal consultation plan.

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"I must emphasize that the CVRI will not be in a position to comment on the EIA before the long term agreement is finalized, and may well be obliged to inform the appropriate regulator of the situation."

March 15, 2012

CVRI and FOFN currently have an interim agreement in place and are in discussions regarding a final agreement to replace the interim agreement. CVRI has offered to enter into an MOU with FOFN that provides some capacity for continued consultation, environmental monitoring, participation in reclamation activities, and employment and contracting assistance or opportunities. Contrary to some of the assertions made by Aboriginal Group B representatives, the purposes of any such agreements are not economic compensation for the use of the land and past and future disturbances. To date FOFN representatives have countered with demands that go far beyond CVRI's legal or moral responsibilities. As the scope of that agreement as requested by FOFN goes well beyond the Project and its potential impacts on rights and traditional use, it may not be possible to conclude such an agreement in time for Project approval or development.

March 7, 2012

March 13, 2012

"The fact that such integration has not occurred in most provinces does not lessen the requirement for consultation and accommodation under the constitution, and the case law demonstrates that appropriate accommodation, as evidenced by a signed mutual benefits agreement executed by industry and the affiliated first nations, has not been offered in earlier discussions."

May 25, 2012
### Potential Impact to Aboriginal Rights

#### 1. Potential Impact to Treaty or Aboriginal Rights
- **Type of Concern:** Harvesting
- **Stated Concern:** Loss of access to specific harvesting locations in Project area.
- **Potential Effect:** In the same area as the given site, a sacred hunting area, with the presence of an integral part of moose habitat that can also be mitigated by the buffer zone used to protect given site.
- **Date Concern Raised:** October 2, 2008

#### 2. Potential Impact to Treaty or Aboriginal Rights
- **Type of Concern:** Harvesting
- **Proposed Proponent Mitigation, Accommodation, or Response:**
  - **Stated Concern:** Request to consider using OFN members to replant during reclamation activities.
  - **Proposed Mitigation:**
    - **Location:** Moose habitat and graves sites are incorporated into the revised Project area map.
    - **Description:** The October, 2007 traditional use report states that “To mitigate the impacts to the grave sites and moose habitat, it was suggested and agreed that an adjustment to the project of an agreed upon set back from the prescribed area is needed. This area was selected on the basis of knowledge that the grave sites and moose were frequented by all three groups.”
    - **Supporting Information:**
      - CVRI has been consulting with OFN since 2006 regarding its proposed projects including the Project, and believes that its ongoing consultation processes are adequate to address all OFN concerns. The OFN elders and monitors determined that all parties’ concerns had been addressed. (See above) In letters dated June 6, 2007 and December 7, 2007, the OFN has been informed that in consultation with OFN, CVRI has developed and implemented a progressive project impacts assessment that will ensure impacts to the grave sites and moose habitat are addressed and mitigated.

#### 3. Potential Impact to Treaty or Aboriginal Rights
- **Type of Concern:** Hunting
- **Potential Effect:** The October, 2007 traditional use report states that “To mitigate the impacts to the grave sites and moose habitat, it was suggested and agreed that an adjustment to the project of an agreed upon set back from the prescribed area is needed. This area was selected on the basis of knowledge that the grave sites and moose were frequented by all three groups.”
- **Date Concern Raised:** October 2, 2007

#### 4. Potential Impact to Treaty or Aboriginal Rights
- **Type of Concern:** Hunting
- **Stated Concern:** Request to consider using OFN members to replant during reclamation activities.
- **Proposed Proponent Mitigation, Accommodation, or Response:**
  - **Stated Concern:** Request to consider using OFN members to replant during reclamation activities.
  - **Proposed Mitigation:**
    - **Location:** The October, 2007 traditional use report states that “To mitigate the impacts to the grave sites and moose habitat, it was suggested and agreed that an adjustment to the project of an agreed upon set back from the prescribed area is needed. This area was selected on the basis of knowledge that the grave sites and moose were frequented by all three groups.”

#### 5. Potential Impact to Treaty or Aboriginal Rights
- **Type of Concern:** Hunting
- **Potential Effect:** The October, 2007 traditional use report states that “To mitigate the impacts to the grave sites and moose habitat, it was suggested and agreed that an adjustment to the project of an agreed upon set back from the prescribed area is needed. This area was selected on the basis of knowledge that the grave sites and moose were frequented by all three groups.”
- **Date Concern Raised:** October 2, 2007

### Proposed Preproject Mitigation, Accommodation, or Response

#### 1. Proposed Preproject Mitigation, Accommodation, or Response
- **Stated Concern:** Proposed proponent mitigation, accommodation, or response.
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  - **Stated Concern:** Proposed proponent mitigation, accommodation, or response.
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<th>Concerns Raised by Aboriginal Group</th>
<th>Potentially Affected Right or Use</th>
<th>Proposed Preparatory Mitigation, Accommodation, or Response</th>
<th>Date Concern Raised</th>
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<tr>
<td>7</td>
<td>Potential Impact to Treaty on Aboriginal Rights</td>
<td>traditional use</td>
<td></td>
<td>October 2007</td>
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<tr>
<td>6</td>
<td>Potential Impact to Treaty on Aboriginal Rights</td>
<td>direct impact/removal of ceremonial locations in Project area</td>
<td></td>
<td>August 2007</td>
</tr>
<tr>
<td>5</td>
<td>Potential Impact to Treaty on Aboriginal Rights</td>
<td>traditional use</td>
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<td>October 2007</td>
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<td>4</td>
<td>Potential Impact to Treaty on Aboriginal Rights</td>
<td>traditional use</td>
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<td>June 2011</td>
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</table>

There are some gravesites located in Range 10, Township 46. About 300 meters from the Pembina River there is a Sundance site that we use annually, located just south of the former mine areas. This site is important to a number of First Nations who use this area, as is recorded in our annual reports submitted to the CVRI. It is highly significant to our First Nations cultural heritage. In addition, there are several burials that have been identified in the Pembina River area, as was mentioned earlier.

**Potential Effect:**

- Direct impact/removal of ceremonial locations in Project area.
- Potential Effect:
  - CVRI is aware of the gravesites mentioned during initial consultation near the Pembina River and will not be mining near that area as it is outside of the Project area. There are a total of 10 gravesites identified in the Pembina River area that are protected.
- Potential Effect:
  - CVRI is aware of the gravesites mentioned during initial consultation near the Pembina River and will not be mining near that area as it is outside of the Project area. There are a total of 10 gravesites identified in the Pembina River area that are protected.

**Stated Concern:**

- Stated Concern:
  - Concern of buffer zones for important sites discussed.
  - Request to avoid grave sites near Robb Trend
  - Have lead to agreeable mitigative measure.

**Date Concern Raised:**

- October 2, 2006
- June 6, 2011
- August 9, 2007
- October 17, 2007
- October 2007

**Proposed Preparatory Mitigation, Accommodation, or Response:**

- CVRI will work with Indigenous groups to design and implement cultural programs that target and support TEK vegetation.
- CVRI will continue to work with Aboriginal communities and regulators to confirm burial association and devise an appropriate avoidance or mitigation strategy. The presence of human remains or burials on Project lands, whether Aboriginal or not, is subject to Federal and Provincial laws and regulations including Section 182 of the Criminal Code, the Alberta Cemeteries Act, and potentially the Alberta Historical Resources Act. Knowingly disturbing human remains (interference) without legal authorization constitutes a criminal act, and knowingly disturbing burials, recorded or unrecorded, without legal authorization contravenes the Alberta Cemeteries Act and potentially the Alberta Historical Resources Act. In addition to moral duties, sanctions of both a criminal and financial nature for any actions provide significant impetus for CVRI to act swiftly and accordingly avoid potential burials be identified during development activities. After management will ensure that all supervisors and workers are aware of the legal and moral issues regarding possible burials.

---

**Stated Concern:**

- CVRI is aware of the location of the Sundance site in question. It is located well outside of the Project area and will not be disturbed by CVRI operations.

**Potential Impact to Treaty on Aboriginal Rights:**

- There are some gravesites located in Range 10, Township 46. About 300 meters from the Pembina River there is a Sundance site that we use annually, located just south of the former mine areas. This site is important to a number of First Nations who use this area, as is recorded in our annual reports submitted to the CVRI. It is highly significant to our First Nations cultural heritage. In addition, there are several burials that have been identified in the Pembina River area, as was mentioned earlier.

**Proposed Preparatory Mitigation, Accommodation, or Response:**

- CVRI is aware of the location of the Sundance site in question. It is located well outside of the Project area and will not be disturbed by CVRI operations.

**Potential Impact to Treaty on Aboriginal Rights:**

- CVRI is aware of the location of the Sundance site in question. It is located well outside of the Project area and will not be disturbed by CVRI operations.

**Proposed Preparatory Mitigation, Accommodation, or Response:**

- CVRI will continue the consultation with the Aboriginal groups to identify periods of time to complete construction/remediation work in a manner that is least impacting to traditional use.

---

**Proposed Preparatory Mitigation, Accommodation, or Response:**

- CVRI is committed to working with Indigenous groups to design and implement cultural programs that target and support TEK vegetation.

---

**Proposed Preparatory Mitigation, Accommodation, or Response:**

- CVRI will work with Indigenous groups to design and implement cultural programs that target and support TEK vegetation.

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**Proposed Preparatory Mitigation, Accommodation, or Response:**

- CVRI is committed to working with Indigenous groups to design and implement cultural programs that target and support TEK vegetation.
8 Potential Impact to Aboriginal Rights

<table>
<thead>
<tr>
<th>Date Concern Raised</th>
<th>Proposed Proponent Mitigation, Accommodation, or Response</th>
</tr>
</thead>
</table>
| May 31, 2011        | CVRI has proposed a number of mitigation measures in its Project Application to ensure potential environmental impacts are minimized. CVRI has developed an action plan to ensure that impacts are identified and managed in a proactive manner. The plan includes, but is not limited to, the following:

- **Reclamation:** The CVM uses mine equipment for the reclamation program. The availability of large machinery and experienced operators that are familiar to the site allows for an efficient and economic reclamation process. If the opportunity arises that a need for additional machinery and operators the CVM will advertise for such a workforce and hiring will be based on experience, cost, safety, and insurance.

- **Training Programs:** The CVM encourages members of the Aboriginal community to apply for jobs at the mine, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. That being said, CVRI is an active participant in many environmental and regulatory initiatives and will continue to do so as an integral member of these programs during the operating life of the Project. CVRI has shared some general information regarding its Historical Resources Impact Assessment studies with both Aboriginal groups and the public, regulations under the Environmental Protection Program at the CVM are to be followed and ensured to remain in place.

- **Consultation:** CVRI is an active participant in many environmental and regulatory initiatives and will continue to be an active member of these programs during the operating life of the Project. Programs range from participation in regional programs such as the Wet Central Airshed Society (WCAS) and West Fraser's Forest Resources Advisory Group (FRAG), incorporated and national initiatives. The purpose of the Environmental Protection Program at the CVM is to be in place and ensure to be the best of the best. CVRI will continue to be an active participant in these programs during the operating life of the Project.

- **Spill Response:** CVRI is an active participant in many environmental and regulatory initiatives and will continue to do so as an active member of these programs during the operating life of the Project. CVRI is an active participant in many environmental and regulatory initiatives and will continue to be an active member of these programs during the operating life of the Project.

- **Water Management Program:** CVRI is an active participant in many environmental and regulatory initiatives and will continue to do so as an active member of these programs during the operating life of the Project. CVRI is an active participant in many environmental and regulatory initiatives and will continue to be an active member of these programs during the operating life of the Project.

- **Waste Management Program:** CVRI is an active participant in many environmental and regulatory initiatives and will continue to do so as an active member of these programs during the operating life of the Project. CVRI is an active participant in many environmental and regulatory initiatives and will continue to be an active member of these programs during the operating life of the Project.

- **Mitigation Measures:** CVRI is an active participant in many environmental and regulatory initiatives and will continue to do so as an active member of these programs during the operating life of the Project. CVRI is an active participant in many environmental and regulatory initiatives and will continue to be an active member of these programs during the operating life of the Project.

9 Potential Impact to Aboriginal Heritage

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10 Employment Opportunities

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11 Training Opportunities

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Potential Impacts to Wildlife or Fisheries

Trapping

Reclamation of abandoned mines and smelters is a common practice in Canada, due to the large number of historical mining operations that have left behind significant amounts of waste and contamination. In the area of concern, trapping is used primarily to control the population of grizzly bears, which are known to frequent abandoned mine sites, potentially resulting in high mortality rates due to vehicle collisions and other human-related factors.

- **Trapping Area:** The trapping area is defined as the area where trapping activities occur and is characterized by the presence of abandoned mines and smelters.
- **Trapping Methods:** Trapping is conducted using standard techniques such as live traps and leg hold traps. The trapping effort is designed to reduce the population of grizzly bears, particularly those that are likely to come into contact with human activities.
- **Trapped Species:** Grizzly bears are the primary species targeted for trapping, with other species such as black bears, wolves, and coyotes also being trapped in some areas.
- **Trapping Impact:** Trapping has been shown to significantly reduce the grizzly bear population in the area of concern, with a reduction of up to 60% observed in some years. However, it has also been reported to impact other species, including ungulates and small mammals.

Conclusion

- **Impacts:** The impact of trapping on wildlife is complex and cannot be fully quantified. While it can reduce the population of grizzly bears, it also may have unintended consequences on other species.
- **Recommendations:** Future studies should focus on developing more sustainable and effective methods of population control for grizzly bears in the area of concern.

Impact on the Mine’s Life or Value

- **Permit Area:** The permit area is defined as the area covered by the mining permit, which is typically much larger than the mining area itself.
- **Impact:** The mining permit has historically had a significant impact on the wildlife in the area, with changes in land use and vegetation patterns resulting in altered habitats for many species.
- **Monitoring:** Efforts are ongoing to monitor the impact of mining on wildlife, including the development of buffer zones and the implementation of Best Management Practices (BMPs) to minimize environmental impacts.

Conclusion

- **Impacts:** Mining has historically had significant impacts on wildlife, particularly in areas where significant changes in land use and vegetation patterns have occurred. However, efforts are ongoing to mitigate these impacts through the implementation of BMPs and other measures.
- **Recommendations:** Further study is needed to determine the long-term effects of mining on wildlife and to develop more effective strategies for mitigating these impacts.

Potential Impacts to Human Health Risk

- **Risk Assessment:** Human health risk assessments are conducted to evaluate the potential for exposure to contaminants through the ingestion of contaminated food or water.
- **Results:** The results of the risk assessment indicate that there is a low risk of human health impacts from the activities in the area of concern.
- **Mitigation Measures:** Mitigation measures are in place to reduce exposure to contaminants, including the implementation of Best Management Practices (BMPs) and the monitoring of environmental indicators.

Conclusion

- **Impacts:** The risk of human health impacts from the activities in the area of concern is low, and mitigation measures are in place to further reduce exposure.
- **Recommendations:** Continued monitoring and evaluation of the effectiveness of mitigation measures are recommended to ensure the continued safety of the public.

Potential Impacts to Community or Economic Activities

- **Economic Impacts:** Economic impacts are evaluated to assess the potential for disruption or loss of economic activities due to the activities in the area of concern.
- **Results:** The results of the economic assessment indicate that there is a low risk of economic impacts from the activities in the area of concern.
- **Mitigation Measures:** Mitigation measures are in place to minimize economic impacts, including the implementation of Best Management Practices (BMPs) and the promotion of sustainable practices.

Conclusion

- **Impacts:** The risk of economic impacts from the activities in the area of concern is low, and mitigation measures are in place to further reduce these impacts.
- **Recommendations:** Continued monitoring and evaluation of the effectiveness of mitigation measures are recommended to ensure the continued stability of the affected communities.
Concern

Effect of Propulsion/Mitigation, Accommodation or Response

Propulsion/Mitigation, Accommodation or Response

Potential Impact in Treaty or Aboriginal Rights

Potential

Potential Impact in Treaty or Aboriginal Rights

Potential

Potential Impact in Treaty or Aboriginal Rights

Potential

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Potential
"8 It was indicated that there are a lot of different medicinal plants for healing purposes in the area or of high value to the native peoples of the area."

2007

"Flora in some areas, as the results indicated, there are a lot of different types of medicinal plants growing in the area, which do not exist near or around the ANSN community."

2007

<table>
<thead>
<tr>
<th>ANSN</th>
<th>Concern Related to Aboriginal Group</th>
<th>Potentially Effective Right to Use</th>
<th>Proposed/Mitigation, Accommodation or Response</th>
</tr>
</thead>
</table>

Environmental condition; the "ANSN" request for additional harvesting and the asking "area is important to the community for harvesting and gathering". "Large number of medicinal, foods, and others. Indicated to be removed". The community is the area and not necessarily requested, the harvesting is considered as necessary for their health and well-being. The process of picking and collecting medicinal plants is a traditional activity for the indigenous community. "Free from contamination by harvesting and gathering". "Area useful for harvesting, berry picking and gathering of medicinal plants." October 2011

Environmental condition is a "ANSN" request to avoid this area so that the berry and medicinal cannot be affected. October 2011

"Lower in a real concern in the community has the medicinal value of plants is more inclusive, and under what circumstances the ANSN has the potential of accessing to medicinal plants and needs to be accommodated". January 2017

Chief stated, "Indigenous beliefs get you here. The beliefs have a greater interest in traditional beliefs. Do you want to be told about them?" January 2017

"Comment 1: The Application should also note the potential for the ANSN to consult with the LSA on emergency services, including the collection of plants for emergency". April 2011

"Comment 2: The Application should also discuss the potential for the ANSN to consult with the LSA on the use of medicinal plants as well as to consult on the potential for the ANSN to take action to protect."

July 2017

Overall, the project has had Aboriginal based on a central basis in the existing and replacing campuses. Future intentions will provide further opportunities for the Aboriginal community to be engaged in community and the LSA in relation to reconciliation.
<table>
<thead>
<tr>
<th>AMN</th>
<th>Concern Related to Aboriginal Rights</th>
<th>Potentially Offended Right to Use</th>
<th>Potentially Offended Right to Possession</th>
<th>Data/Comment</th>
<th>Proposed/Modified, Supplementary or Response</th>
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<tbody>
<tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Potential impact to Treaty or Aboriginal Rights</td>
<td>Traditional/Aboriginal</td>
<td>Compensation for damage to traditional or Aboriginal lands</td>
<td></td>
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</tr>
</tbody>
</table>

**Potential Impact to Treaty or Aboriginal Rights**

**Traditional/Cultural**

**Aboriginal**

**Compensation for damage to traditional or Aboriginal lands**

**October 31, 2011**

The integration program proposed by the Project area will see successions gained over the past years. The CVRI recommends that they will be managed to assess if any sections require additional or cumulative habitat and wildlife values. The proposed integration program will result in a set of parameters to be used in the integration process. This will provide a framework for assessing the effectiveness of the proposed integration program.

**April 8, 2011**

The CVRI recommends potential impacts to traditional lands and traditional knowledge/learning. The CVRI recommends that any proposed project must ensure that the proposed project will be used to meet the requirements of the proposed integration program. The CVRI recommends that the proposed project will be used to meet the requirements of the proposed integration program. The CVRI recommends that the proposed project will be used to meet the requirements of the proposed integration program.
Concern Related to Aboriginal Group | Potential Offender Right to be Informed/Proper Notice | Potential Effect | Date Concern Raised | Proposed/Prepared Mitigation, Accommodation or Response
---|---|---|---|---
8 | Potential Impact to Aboriginal Rights | Traditional use | direct impact/impediment of economic, cultural, health or social form of property | July 18, 2008 | CBC is fully supported to work with Aboriginal communities to avoid specific environmental locations deemed to be underlain with Aboriginal remains where such are identified. CBC has provided its information that would indicate the presence of any environmental hazards which may be present. The CBC continues to work with the Algonquin First Nation in the area of concern to avoid specific locations in the watershed as part of the Mitigation Plan. CBC will continue to work with the Algonquin First Nation to ensure that the project remains within the area of concern to avoid specific locations in the watershed as part of the Mitigation Plan.

26 | Potential Impact to Aboriginal Rights | Traditional use | direct impact/impediment of economic, cultural, health or social form of property | August 2, 2008 | CBCD has requested information regarding known grave sites within the CVRI permit area and proposed reclamation area.

23 | Potential Impact to Aboriginal Rights | Traditional use | direct impact/impediment of economic, cultural, health or social form of property | August 29, 2008 | CBCD has requested information regarding known grave sites within the CVRI permit area and proposed reclamation area.

33 | Potential Impact to Aboriginal Rights | Traditional use | direct impact/impediment of economic, cultural, health or social form of property | July 17, 2008 | CBCD has requested information regarding known grave sites within the CVRI permit area and proposed reclamation area.

12 | Potential Impact to Aboriginal Rights | Traditional use | direct impact/impediment of economic, cultural, health or social form of property | July 18, 2008 | CBCD has requested information regarding known grave sites within the CVRI permit area and proposed reclamation area.

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15. Potential impact on Freshwater Biological Communities

**ASR**: Mitigation, Project active

**ANR**: Monitoring, Project active

**Mitigation**

- The project will not require multiple diverts around active mine areas. Many of the diversion systems are temporary and may only operate for a few months each year and will be reconfigured as needed. Where permanent raceways are developed and will continue to operate in the long term. Monitoring and channel stability will be included in the mitigation efforts.

- The impact of channel modifications will be evaluated through periodic water quality monitoring along the length of the new channels.

**“What about water diversions, do you still return to natural flow?”**

**Mark Leavitt, 2018**

- Regarding water diversions, the project cannot confidently state that fish, plants, or other aquatic resources will be impacted. However, the consideration of water diversions will be evaluated through periodic monitoring and channel stability will be included in the mitigation efforts.

- The project will not have any significant impacts on aquatic resources.

**“Surface Water” The CRW application indicates that water from storm impact areas will be periodically released at the local stream system, that is, through an artificial channel or ditch. The project claims that no significant impacts to aquatic life will occur, but this is an artificial channel, and therefore, may also be impacted through periodic monitoring and channel stability will be included in the mitigation efforts.

**July 2018**

- The project will not have any significant impacts on aquatic resources.

**Environmental stewardship (planned in TSC report)** Projects contribute to water sources outside of contamination, and plans to do these work for “stewardship.”

**October 2011**

- CRW has identified a Stewardship Program to sustain the fish affected areas. This program will work to increase the survival of fish and other aquatic life in the area. The program will include a variety of measures to improve water quality and reduce impacts to aquatic life.

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**“Surface Water” The CRW application indicates that water from storm impact areas will be periodically released at the local stream system, that is, through an artificial channel or ditch. The project claims that no significant impacts to aquatic life will occur, but this is an artificial channel, and therefore, may also be impacted through periodic monitoring and channel stability will be included in the mitigation efforts.

**July 2018**

- The project will not have any significant impacts on aquatic resources.

**Environmental stewardship (planned in TSC report)** Projects contribute to water sources outside of contamination, and plans to do these work for “stewardship.”

**October 2011**

- CRW has identified a Stewardship Program to sustain the fish affected areas. This program will work to increase the survival of fish and other aquatic life in the area. The program will include a variety of measures to improve water quality and reduce impacts to aquatic life.

**“What about water diversions, do you still return to natural flow?”**

**Mark Leavitt, 2018**

- Regarding water diversions, the project cannot confidently state that fish, plants, or other aquatic resources will be impacted. However, the consideration of water diversions will be evaluated through periodic monitoring and channel stability will be included in the mitigation efforts.

- The project will not have any significant impacts on aquatic resources.
Concern Related to Aboriginal Group

Potentially Affected Right in Use

Potential Effect

Data Concern

Concern Related to Aboriginal Group

Potentially Affected Right in Use

Potential Effect

Data Concern

Concern Related to Aboriginal Group

Potentially Affected Right in Use

Potential Effect

Data Concern

Concern Related to Aboriginal Group

Potentially Affected Right in Use

Potential Effect

Data Concern

The Toll report stated: “There were some concerns regarding the development of wildlife during the proposed project. The area is home to a variety of wildlife, including birds, fish, mammal populations, amphibians, and reptiles. There are also some concerns regarding the potential for negative impacts on wildlife from the proposed project.”

In 2007, the report concluded: “The project will affect a variety of wildlife, including birds, mammals, reptiles, amphibians, and fish. The majority of the wildlife impacts are expected to be short-term, with some long-term effects. The project will affect the distribution and abundance of some species, but these impacts are expected to be minimal.”

The report identified the following issues:

- The project may affect the distribution and abundance of some species, particularly those that are sensitive to habitat loss or fragmentation.
- The project may affect the quality and quantity of habitat available for species that rely on the project area.
- The project may affect the behavior and migration patterns of some species, especially those that rely on the project area as a breeding or feeding ground.
- The project may affect the reproductive success of some species, especially those that rely on the project area as a breeding ground.

Overall, the report concluded that the project is unlikely to have a significant impact on wildlife, and that the project is likely to have minimal long-term effects on the project area.

March 12, 2020

The Toll report stated: “The project will affect a variety of wildlife, including birds, mammals, reptiles, amphibians, and fish. The majority of the wildlife impacts are expected to be short-term, with some long-term effects. The project will affect the distribution and abundance of some species, but these impacts are expected to be minimal.”

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April 4, 2008

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- The project may affect the quality and quantity of habitat available for species that rely on the project area.
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- The project may affect the reproductive success of some species, especially those that rely on the project area as a breeding ground.

Overall, the report concluded that the project is unlikely to have a significant impact on wildlife, and that the project is likely to have minimal long-term effects on the project area.
Concern Related to Aboriginal Group

Concern that Aboriginal groups are concerned about the effects of industrial development on wildlife health. This means a decrease in animal health that has been documented with and without upstream contamination, and a decrease in the health of these animals.

Proposed/Proposed Mitigation, Accommodation or Response

Ill-defined health issues and changes in animal health that are caused by environmental changes.

Aboriginal groups are concerned about the effects of industrial development on wildlife health. This means a decrease in animal health that has been documented with and without upstream contamination, and a decrease in the health of these animals.

Proposed/Proposed Mitigation, Accommodation or Response

Ill-defined health issues and changes in animal health that are caused by environmental changes.

Aboriginal groups are concerned about the effects of industrial development on wildlife health. This means a decrease in animal health that has been documented with and without upstream contamination, and a decrease in the health of these animals.

Proposed/Proposed Mitigation, Accommodation or Response

Ill-defined health issues and changes in animal health that are caused by environmental changes.

Potential Impact to Traditional Rights

It is possible that the Project may cause or contributes to the degradation of wildlife health, by affecting the natural habitat and the activities of the Aboriginal groups.

Proposed/Proposed Mitigation, Accommodation or Response

Mitigation measures to protect wildlife health and the activities of the Aboriginal groups, such as the establishment of a wildlife management plan and the implementation of monitoring programs.

Potential Impact to Traditional Rights

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Proposed/Proposed Mitigation, Accommodation or Response

Mitigation measures to protect wildlife health and the activities of the Aboriginal groups, such as the establishment of a wildlife management plan and the implementation of monitoring programs.

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Proposed/Proposed Mitigation, Accommodation or Response

Mitigation measures to protect wildlife health and the activities of the Aboriginal groups, such as the establishment of a wildlife management plan and the implementation of monitoring programs.

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It is possible that the Project may cause or contributes to the degradation of wildlife health, by affecting the natural habitat and the activities of the Aboriginal groups.

Proposed/Proposed Mitigation, Accommodation or Response

Mitigation measures to protect wildlife health and the activities of the Aboriginal groups, such as the establishment of a wildlife management plan and the implementation of monitoring programs.
<table>
<thead>
<tr>
<th>ANRA</th>
<th>Concern Related to Aboriginal Rights</th>
<th>Potential Health Impact</th>
<th>Potential Effect</th>
<th>Data Source/Reference</th>
<th>Proposed/Proposed Mitigation, Accommodation or Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Potential Impact to Aboriginal Rights</td>
<td>Health</td>
<td>&quot;Human health: The people of the ANRA generally have a high reliance on local sources of food (e.g., game, berries, plants and game), and so generally have concerns about human health impacts of impacts. Treaties, to the extent that have been previously signed, suggest that restored health should always be given the highest priority. In the absence of clear evidence to the contrary, however, any activities known to impair the areas within the ANRA should be minimized to prevent adverse health impacts.&quot;</td>
<td>July 18, 2016</td>
<td>Statement 255,141: &quot;There is a requirement to provide a discussion of potential impacts from resource extraction and supply as well as resource consumption and disposal. This discussion should include a statement about the potential impacts from mining and any relevant disclosure referred to in the environmental assessment report and/or any other disclosure referred to in the environmental assessment report.&quot;</td>
</tr>
<tr>
<td>16</td>
<td>Potential Impact to Aboriginal Rights</td>
<td>Health</td>
<td>&quot;We believe this is a fundamental health issue. This ANRA is concerned generally with the social, economic and cultural well-being of the ANRA. The ANRA is concerned particularly with the health of the ANRA, and proposes that it should be involved in any of the ANRA's activities which will impair the right to be free from discrimination, subjection to arbitrary and unlawful interference with his or her freedom and security of person.&quot;</td>
<td>July 18, 2018</td>
<td>The O&amp;M should provide NWS and particular recommendations, but all the Aboriginal stakeholders are involved in all the activities. The NWS are also involved in all the activities, and the public is also informed about the activities. The O&amp;M should be involved in all the activities.</td>
</tr>
<tr>
<td>17</td>
<td>Potential Impact to Aboriginal Rights</td>
<td>Interests in environmental resource</td>
<td>Chief reported that there would be no local beneficial effects on ANRA, he stated that &quot;we will address everything to the best of our ability.&quot;</td>
<td>January 17, 2007</td>
<td>The O&amp;M and the public are asked to respond on a topic to provide a discussion of potential impacts from resource extraction and supply as well as resource consumption and disposal. This discussion should include a statement about the potential impacts from mining and any relevant disclosure referred to in the environmental assessment report and/or any other disclosure referred to in the environmental assessment report.</td>
</tr>
<tr>
<td>18</td>
<td>Protocol for socio-economic value</td>
<td>Other</td>
<td>&quot;The ANRA submitted a recommendation that it would be helpful to study the socio-economic impacts on the people, and that any activities known to impair the areas within the ANRA should be minimized to prevent adverse health impacts.&quot;</td>
<td>January 17, 2007</td>
<td>The O&amp;M and the public are asked to respond on a topic to provide a discussion of potential impacts from resource extraction and supply as well as resource consumption and disposal. This discussion should include a statement about the potential impacts from mining and any relevant disclosure referred to in the environmental assessment report and/or any other disclosure referred to in the environmental assessment report.</td>
</tr>
</tbody>
</table>

Note: The table above highlights some of the key concerns and proposed mitigations related to the Aboriginal Rights and Health Impacts. Further information can be found in the referenced data sources.
Concern Raised
ANSN
Proposed to
clean coal has been considered for something to go for 20 years

Coal

I don’t think it is reasonable to expect a 20-year plan to be eligible for a 20-year time in ANSN. What is need is the fact that you have not taken anything into a concept

I don’t think it is reasonable to expect a 20-year plan to be eligible for a 20-year time in ANSN. What is need is the fact that you have not taken anything into a concept

We need to do something about it. We own we signed with another company and turned them back

We need to do something about it. We own we signed with another company and turned them back

Addressed that the Real Trend there is no need to send another T2I studies

Addressed that the Real Trend there is no need to send another T2I studies

Ensured that the Real Trend portion of the T2I studies had not been furnished to the T2I studies

Ensured that the Real Trend portion of the T2I studies had not been furnished to the T2I studies

Ensured that the T2I studies should not be used at one time and should be given

Ensured that the T2I studies should not be used at one time and should be given

Exposed inter in funding for 100% capacity for additional T2I studies

Exposed inter in funding for 100% capacity for additional T2I studies

Exposed time no 100 funding at the T2I and was needed for additional T2I work

Exposed time no 100 funding at the T2I and was needed for additional T2I work

Noted that ANSN needs inter in funding for mapping capacity including in new time and equipment for an upgrade

Noted that ANSN needs inter in funding for mapping capacity including in new time and equipment for an upgrade

Exposed that ANSN’s concern that the Real Trend Application was being submitted before ANSN concern had been validated

Exposed that ANSN’s concern that the Real Trend Application was being submitted before ANSN concern had been validated

In letter from [Organization], dated: “I have been advised by [Name] to contact you in respect that you provide us a copy of your own application to the T2I.” The reason for our request is to prepare a report to be presented before T2I and allow ANSN access to prepare a report. It is in [letter’s name] interest to receive the report so that the project will not rely on our T2I rights.

In letter from [Organization], dated: “I have been advised by [Name] to contact you in respect that you provide us a copy of your own application to the T2I.” The reason for our request is to prepare a report to be presented before T2I and allow ANSN access to prepare a report. It is in [letter’s name] interest to receive the report so that the project will not rely on our T2I rights.

Proposed/Prepared Mitigation, Accommodation, or Response

Drafted proposed response including contact to ANSN and what concern is needed to be included in response to ANSN’s written comments of the T2I proposal regarding the recommendations contained herein.

Drafted proposed response including contact to ANSN and what concern is needed to be included in response to ANSN’s written comments of the T2I proposal regarding the recommendations contained herein.
<table>
<thead>
<tr>
<th>ANM</th>
<th>Concern Related to Aboriginal Group</th>
<th>Potentially Affected Right(s) in Use</th>
<th>Potentially Affected Interest(s)</th>
<th>Date CommentSubmitted</th>
<th>Proposed/Proposed Mitigation, Accommodation or Response</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Concern (1 \text{a) Application should acknowledge the reasons for selecting potential relocations for }) parts of the work project, and any other reasons that are necessary to vary the environmental assessment: (\text{Project offspring}), in a manner that is not consistent with the environmental assessment</td>
<td>February 15, 2013</td>
<td></td>
<td></td>
<td>Propose and implement a program to improve the environmental assessment process.</td>
</tr>
<tr>
<td></td>
<td>Concern (2 \text{b) Application should indicate if the Public Consultation Program included the public, in any other part of the Project. For the purposes of this program, the public included in the program.} 2</td>
<td>April 11, 2017</td>
<td></td>
<td></td>
<td>The Project must ensure that the public is included in the program.</td>
</tr>
<tr>
<td></td>
<td>Concern (3 \text{c) Application should ensure that the public, in any other part of the Project. For the purposes of this program, the public included in the program.} 3</td>
<td>April 11, 2017</td>
<td></td>
<td></td>
<td>The Project must ensure that the public is included in the program.</td>
</tr>
<tr>
<td></td>
<td>Concern (4 \text{d) Application should ensure that the public, in any other part of the Project. For the purposes of this program, the public included in the program.} 4</td>
<td>April 11, 2017</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Concern (5 \text{e) Application should ensure that the public, in any other part of the Project. For the purposes of this program, the public included in the program.} 5</td>
<td>April 11, 2017</td>
<td></td>
<td></td>
<td>The Project must ensure that the public is included in the program.</td>
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<tr>
<td></td>
<td>Concern (6 \text{f) Application should ensure that the public, in any other part of the Project. For the purposes of this program, the public included in the program.} 6</td>
<td>April 11, 2017</td>
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<td></td>
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<tr>
<td></td>
<td>Concern (7 \text{g) Application should ensure that the public, in any other part of the Project. For the purposes of this program, the public included in the program.} 7</td>
<td>April 11, 2017</td>
<td></td>
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<td></td>
<td>Concern (8 \text{h) Application should ensure that the public, in any other part of the Project. For the purposes of this program, the public included in the program.} 8</td>
<td>April 11, 2017</td>
<td></td>
<td></td>
<td>The Project must ensure that the public is included in the program.</td>
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<tr>
<td></td>
<td>Concern (9 \text{i) Application should ensure that the public, in any other part of the Project. For the purposes of this program, the public included in the program.} 9</td>
<td>April 11, 2017</td>
<td></td>
<td></td>
<td>The Project must ensure that the public is included in the program.</td>
</tr>
<tr>
<td></td>
<td>Concern (10 \text{j) Application should ensure that the public, in any other part of the Project. For the purposes of this program, the public included in the program.} 10</td>
<td>April 11, 2017</td>
<td></td>
<td></td>
<td>The Project must ensure that the public is included in the program.</td>
</tr>
</tbody>
</table>

**32. Regulatory Provisions**

**Comments**

- The Project must ensure that the public is included in the program. The Project must ensure that the public is included in the program.

**Proposed/Proposed Mitigation, Accommodation or Response**

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**Additional Comments**

- **Proposed/Proposed Mitigation, Accommodation or Response**

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**Regulatory Provisions**

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### Potential Impacts: Aboriginal Heritage

#### Overall Comments
- Stated concern: "We ask you some serious, this is something not to be involved with, we want to open an interpretative centre"
  - October 31, 2011
- Chief stated that employment opportunities needed to be addressed
  - January 31, 2011
- Expound that Chief and Council would like to use job opportunities for Aboriginal employment
  - March 31, 2013
- Expound that the Councillor would like to use job opportunities for Aboriginal employment
  - October 31, 2011

#### Detailed Comments
- Lack of Aboriginal employment possibilities
- First Nations would use specifically to provide a detailed list of items that it considers to be impacts.

### Response
- CVRI stated that Aboriginal employment possibilities would be discussed in their proposals.

### Potential Impacts: Aboriginal Employment

#### Overall Comments
- Stated concern: "We ask you some serious, this is something not to be involved with, we want to open an interpretative centre"
  - October 31, 2011
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- Expound that Chief and Council would like to use job opportunities for Aboriginal employment
  - March 31, 2013
- Expound that the Councillor would like to use job opportunities for Aboriginal employment
  - October 31, 2011

#### Detailed Comments
- Lack of Aboriginal employment possibilities
- First Nations would use specifically to provide a detailed list of items that it considers to be impacts.

### Response
- CVRI stated that Aboriginal employment possibilities would be discussed in their proposals.

### Potential Impacts: Environment

#### Overall Comments
- Stated concern: "We ask you some serious, this is something not to be involved with, we want to open an interpretative centre"
  - October 31, 2011
- Chief stated that employment opportunities needed to be addressed
  - January 31, 2011
- Expound that Chief and Council would like to use job opportunities for Aboriginal employment
  - March 31, 2013
- Expound that the Councillor would like to use job opportunities for Aboriginal employment
  - October 31, 2011

#### Detailed Comments
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- First Nations would use specifically to provide a detailed list of items that it considers to be impacts.

### Response
- CVRI stated that Aboriginal employment possibilities would be discussed in their proposals.

### Potential Impacts: Socio-Economic Development

#### Overall Comments
- Stated concern: "We ask you some serious, this is something not to be involved with, we want to open an interpretative centre"
  - October 31, 2011
- Chief stated that employment opportunities needed to be addressed
  - January 31, 2011
- Expound that Chief and Council would like to use job opportunities for Aboriginal employment
  - March 31, 2013
- Expound that the Councillor would like to use job opportunities for Aboriginal employment
  - October 31, 2011

#### Detailed Comments
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- First Nations would use specifically to provide a detailed list of items that it considers to be impacts.

### Response
- CVRI stated that Aboriginal employment possibilities would be discussed in their proposals.

### Potential Impacts: Training

#### Overall Comments
- Stated concern: "We ask you some serious, this is something not to be involved with, we want to open an interpretative centre"
  - October 31, 2011
- Chief stated that employment opportunities needed to be addressed
  - January 31, 2011
- Expound that Chief and Council would like to use job opportunities for Aboriginal employment
  - March 31, 2013
- Expound that the Councillor would like to use job opportunities for Aboriginal employment
  - October 31, 2011

#### Detailed Comments
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- First Nations would use specifically to provide a detailed list of items that it considers to be impacts.

### Response
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<thead>
<tr>
<th>ANM</th>
<th>Concern Related to Aboriginal Group</th>
<th>Potentially Affected Right to Use</th>
<th>Potential Effect</th>
<th>Date Concern Raised</th>
<th>Proposed/Proposed Mitigation, Accommodation or Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>Employment Opportunities</td>
<td>Liaison</td>
<td>Increased number of employment opportunities</td>
<td>January 15, 2011</td>
<td>Expresed that ANSN would be interested in training opportunities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CVRI is responsible for training opportunities.</td>
</tr>
<tr>
<td>25</td>
<td>Training Opportunities</td>
<td>Senior economic development</td>
<td>Increased number of employment opportunities</td>
<td>January 15, 2011</td>
<td>Expresed that ANSN would be interested in training opportunities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CVRI is responsible for training opportunities.</td>
</tr>
<tr>
<td>26</td>
<td>Education Support For Scholarships</td>
<td>Senior economic development</td>
<td>Expresed interest in scholarships for employment opportunities</td>
<td>January 15, 2011</td>
<td>Expresed that ANSN would be interested in training opportunities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CVRI is responsible for training opportunities.</td>
</tr>
<tr>
<td>27</td>
<td>Education Support</td>
<td>Senior economic development</td>
<td>Expresed interest in scholarships for employment opportunities</td>
<td>January 15, 2011</td>
<td>Expresed that ANSN would be interested in training opportunities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CVRI is responsible for training opportunities.</td>
</tr>
<tr>
<td>28</td>
<td>Contracting Opportunities</td>
<td>Developmental</td>
<td>Expresed interest in contracting opportunities</td>
<td>January 15, 2011</td>
<td>Expresed that ANSN would be interested in training opportunities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CVRI is responsible for training opportunities.</td>
</tr>
</tbody>
</table>
Concern

Raised

Potentially

ANSN

Proponent

Group

liaison

so

participate

Aboriginal

Nations

Fund

range

but

no

has

funding

opportunities.

Expressed for ANSN to pursue opportunities for the Nation.

October 18, 2011

Chief expressed interest in seeking opportunities for ANSN to engage in environmental training, upwards to a ceremonial relationship. The Nation wants ANSN to consider its request for a long-term business training, but has used such methodologies has not been established. ANSN states that funding is available through direct relationships with governments, and other non-governmental organizations.

October 11, 2011

Discussion seeking opportunities for ANSN

February 12

Discussion concerning opportunities for ANSN

March 10, 2013

Discussion deferred with Chief and Council

May 4, 2012


2.1 Emotional Support

Cultural awareness and health

Aboriginal participation and social services

Request from Chief of Economic Welfare Funding

May 6, 2012

LIF and ANSN have entered into a long-term agreement that is part established funding for the community to use for the enhancement of educational and social initiatives. As always, LIF continues requests for support funding as an area focus is required to be pursued. As part of the development of sustainable and community-based services, the formalization of such a funding program is in place for the terms under consideration.

where such


2.2 General Community Infrastructure Support

Community development

Enhance Aboriginal governance services

Experienced that ANSN would like to establish an MOU with CVRI

January 15, 2013

Mentioned that ANSN is seeking to establish a MOU with CVRI to address issues concerning the ANSN Nations, and that ANSN is willing to work with the CVRI to establish such an MOU.

December 5, 2011

Chief stated that ANSN is seeking to establish a MOU with CVRI to address issues concerning the ANSN Nations, and that ANSN is willing to work with the CVRI to establish such an MOU.

March 10, 2013

MOU with CVRI to address issues concerning the ANSN Nations, and that ANSN is willing to work with the CVRI to establish such an MOU.

May 4, 2012

MOU for the application with Social Economic issues related to the Project and surrounding areas as well as the pressure in general. This agreement was in accordance to EPS requirements.

March 10, 2013

MOU with CVRI to establish a MOU for the application with Social Economic issues related to the Project and surrounding areas as well as the pressure in general. This agreement was in accordance to EPS requirements.

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MOU for the application with Social Economic issues related to the Project and surrounding areas as well as the pressure in general. This agreement was in accordance to EPS requirements.

January 15, 2013

Chief stated that ANSN is seeking to establish a MOU with CVRI to address issues concerning the ANSN Nations, and that ANSN is willing to work with the CVRI to establish such an MOU.

December 5, 2011

Chief stated that ANSN is seeking to establish a MOU with CVRI to address issues concerning the ANSN Nations, and that ANSN is willing to work with the CVRI to establish such an MOU.

March 10, 2013

MOU with CVRI to address issues concerning the ANSN Nations, and that ANSN is willing to work with the CVRI to establish such an MOU.

May 4, 2012

MOU for the application with Social Economic issues related to the Project and surrounding areas as well as the pressure in general. This agreement was in accordance to EPS requirements.

February 12

3.2 Long Term Agreement

MOU

MOU

Experienced Chief and Council were interested in an agreement focused on job, training, scholarships, community economic support.

October 1, 2011

ANSN has been consulting with EPS on the Project since 2010, and believes that both its efforts on the Aboriginal aspects of the consultation process can be considered and improved in the assessment of Aboriginals. ANSN has met with the MOU to discuss the MOU and the MOU is willing to work with the MOU to establish such a MOU.

MOU for the application with Social Economic issues related to the Project and surrounding areas as well as the pressure in general. This agreement was in accordance to EPS requirements.

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MOU for the application with Social Economic issues related to the Project and surrounding areas as well as the pressure in general. This agreement was in accordance to EPS requirements.

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<th>Concern Raised by Aboriginal Group</th>
<th>Potentially Affected Right or Use</th>
<th>Potential Effect</th>
<th>Dates Concern Raised</th>
<th>Proposed Mitigation, Accommodation or Response</th>
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- "Standard under issue." TBLA is agreeing to the development that is anticipated on the development actions and the likelihood to be potentially in the event of an environmental event that is anticipated to ensure the sustainability of socio-economics through a comprehensive environmental monitoring strategy that will take into account additional yields in an effort to operate the loss of access to the traditional livelihood that is recognized and affirmed in the Canadian Constitution under sec35. The ANSN can pressure the Ministry of Natural Resources and Environment to the development of a mining corporation that is able to procure a diversification of contracting opportunities can potentially grow the ANSN. TBLA is acting like an IBMA but they intend to negotiate an actual IBA." April 14, 2013

- "The current agreement between TBLA and OPMA is described above an MOU. It is not acting like an IBMA but they intend to negotiate an actual IBA." April 14, 2013

- "Concern raised by Aboriginal Group: Potentially Affected Right or Use: Proposed Mitigation, Accommodation or Response: In order to plan for future developments in residents in the sustainability of socio-economics for the community and the region." February 13, 2013
The March 13, 2012 report and our expert panel of SFN (Traditional) Land Use database. These are characterized either as salt-licks, areas with high mineral content important for game and hunting, or naturally occurring features which can be used by wildlife and their habitat. As a result, access to these areas is restricted from the boundary. 1 culturally sensitive site of unknown type is within the High Lake Trend Project area (does not affect land use). The report indicates that “gynaecologic process is important to the traditional way of life of the First Nations, including in the carrying out of burial rites and non-commercial gathering/processing.”

March 13, 2012

Community softener associated with land-use designation: October 26, 2012

<table>
<thead>
<tr>
<th>SFN</th>
<th>Concern Raised for Aboriginal Group</th>
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<th>Potential Effect on the Concern Raised</th>
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<td>Aboriginal Rights - Aboriginal Rights</td>
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<td>Impact on traditional land use by the Sunchild First Nation membership.</td>
<td>“Annual impact on traditional hunting, especially for hunting big game, fish, and other kinds of animals”</td>
<td>March 8, 2012; March 13, 2012</td>
<td>No degradation or consultation by the proponent has been documented in respect to traditional hunting, especially in the area of the proposed project. Throughout the project area, there was no evidence of traditional hunting activities. The area is a prime hunting area for Sunchilds and others. The report indicates that “Any potential impact on these sites will require further evaluation and consideration.”</td>
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Treaty or Aboriginal Potential Impact to Rights

Traditional Use

Potentially direct impact/removal of plant gathering locations in Project area. We want to have a meaningful consultation before the disturbance, we don’t want burials run over, removed etc., as area and is considered a preferred area to carry out this practice as it is the “cleanest area” remaining in Sunchild. It will destroy these plant harvesting sites. One of the most important concerns among the Sunchild Elders was the “Construction and operation of the Project will harm fish and fish habitat. Sunchild is especially concerned about...”, the construction of the Project.

We are concerned that the reservoirs will not be constructed in a manner that will ensure sufficient dissolved oxygen levels in the reservoirs to support fish and other aquatic life. The reservoirs will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids; and All mine-affected water will be treated prior to its release into the receiving waters to meet ambient water quality standards.

The disadvantage of this approach is that the Project may be subject to conditions in the EPEA approval; Installation of surface runoff collection and treatment systems to control groundwater seepage from road cuts and surface runoff from disturbed areas. Surface runoff will be directed to a temporary retention pond, where dissolved solids and settleable solids will be removed. monitoring and operations plans will be developed and implemented to control surface water quality impacts. In addition, the Project operator will develop and implement plans to monitor the operation and effectiveness of these systems.

The reservoirs will be constructed to provide for seasonal water diversions that will be sized and operated to meet fish habitat needs. The reservoirs will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids; and All mine-affected water will be treated prior to its release into the receiving waters to meet ambient water quality standards.

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We do not want to see meaningful consultation in the future. We are not sure if there is a consultation, or if the consultation has been meaningful.

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"The Elders and the SFN TLU Papers have identified heritage property sites in and around the Project area, including burial sites, and SFN has indicated to CVRI a total of 15 historic and cultural sites in or adjacent to the Project area. SFN has also identified that these heritage sites are important to their cultural continuity, and are located in areas through which mining activities will pass. SFN has also identified that the destruction or disturbance of these heritage sites would have a significant impact on SFN's cultural heritage and could be considered a significant historic event. A failure to adequately protect these heritage sites and cultural sites in the project area, as well as the potential for the destruction of cultural items, could be considered a significant historic event.

Members of the SFN have expressed that more and more animals are being displaced and that the community is needing more access to the mountains to pick medicines. There are also fish-bearing creeks and natural waterways that SFN does not want disturbed or destroyed. The McLeod River, Mercoal Creek, Embarrass River, and Chance Creek (only to name a few) are natural rivers and streams that come from the glacial mountains and are the last of the earth’s fresh water supply, within the Foothills region. Is there a way to guarantee that these natural waterways will not be permanently damaged? Is it possible not to disturb the water?

There has been discussion that proposed activities for the Project do not destroy or limit access to these seasonal round routes. Any interruption to access to these routes will severely hinder Sunchild’s members from engaging in traditional uses and traveling between different camp locations. "The Project area is an area that includes many of Sunchild’s traditional use, ceremony and burial sites." Sunchild is concerned about water contamination arising from CVRI’s activities.

The Project is within the core of Sunchild Territory and within the area that Treaty No. 6 expressly provides hunting, trapping and any impact to the locations identified in their reporting. Although CVRI will offer neither SFN nor any other Aboriginal group monetary compensation for the loss of land available to exercise Treaty hunting rights, it has been and is currently in the process of establishing a community benefit agreement that will in part mitigate SFN concerns through other opportunities, education and consultation. Any economic compensation or remediation activities will be identified during development activities. CVM management will ensure that all environmental requirements are met at the legal and moral levels regarding physical alterations.

CVM has been engaged in consultation with SFN on its proposed projects, including the Project, since 2006, and believes that SFN’s comprehensive and well-documented views, including its concerns regarding potential impacts on traditional and cultural values, have been well-established. CVM has taken the views of SFN into account in the development of the Project and is committed to the consultation process. CVM has had numerous discussions with SFN on the matters presented by SFN in its TLU report. As such, CVM is in the process of establishing SFN's consultation process with SFN's TLU report and other traditional knowledge, and is committed to the consultation process with SFN and other traditional knowledge.

The Project has the potential to cause, with and without proposed mitigation measures, both a criminal and financial nature for any actions that contravene the Cemeteries Act and the Historical Resources Act as well as the Criminal Code. CVM management will ensure that all environmental requirements are met at the legal and moral levels regarding physical alterations.

The 2008 TLU report and the SFN TLU papers have identified a number of traditional use and cultural sites that are important to Sunchild. This establishes Sunchild's extensive connection to the area where the Project is to be constructed and anticipated 111 million tonnes of ore will be mined. The Project will be constructed, developed, and operated.

The 2008 TLU report and the TLU papers have identified a number of traditional use and cultural sites in the Project Area. The people living in this area or using it for ceremonial purposes will be impacted by the Project. The noise from construction will adversely affect them for ceremonial purposes will be impacted by the Project. The noise from construction will adversely affect them. Picking medicines will be impacted by the Project. The noise from construction will adversely affect them.

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<td>Aboriginal or Treaty or Aboriginal Rights</td>
<td>Traditional Use</td>
<td>general effects on habitat in project area</td>
<td>6/20/2013</td>
<td>October 2013</td>
<td>• Evaluate potential impacts of the Project to wildlife on the CVM, as per Table 3.2 and Table 3.4 of the Baseline Report.  • Review baseline wildlife data on the CVM (UNBC 2007; UNBC 2010; COSEWIC 2010) to identify trends that may affect wildlife habitat.  • Utilize a stochastic population model to assess the Project’s effects on wildlife.  • Evaluate potential impacts of the Project to wildlife on the CVM, as per Table 3.2 and Table 3.4 of the Baseline Report.  • Review baseline wildlife data on the CVM (UNBC 2007; UNBC 2010; COSEWIC 2010) to identify trends that may affect wildlife habitat.  • Utilize a stochastic population model to assess the Project’s effects on wildlife.</td>
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<td>External Impacts to Treaty or Aboriginal Rights</td>
<td>general impacts to surrounding area, potential loss of access to Treaty 6 area</td>
<td>How about big game, there is a big/Elk herd up there, some must have lived for years, have any of those been tested?</td>
<td>April 21, 2009</td>
<td>Representative expressed concern over animal health in project area as a lot of community members still hunt in that area. CVRI is losing hunting and gathering rights to this particular Traditional Territory.</td>
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<td>External Impacts to Treaty or Aboriginal Rights</td>
<td>Health</td>
<td>How about big game, there is a big/Elk herd up there, some must have lived for years, have any of those been tested?</td>
<td>June 21, 2013</td>
<td>CVRI is of the opinion that the Project will not represent an onerous loss of land base in the region available for the undertaking of Treaty Rights activities.</td>
<td></td>
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<td>10</td>
<td>Potential Impacts to Cultural Resource Impact Assessments</td>
<td>Hunting</td>
<td>How about big game, there is a big/Elk herd up there, some must have lived for years, have any of those been tested?</td>
<td>June 21, 2013</td>
<td>CVRI's goal is to foster the safe, orderly and efficient development of its coal resources. This is done in a manner to protect the environment and enhance the well-being of the communities in which it operates. As part of conducting its mining operations, CVRI has in place a number of programs and processes to ensure that the activities of the Company minimize and mitigate any negative impacts on the environment and on community relations.</td>
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CVRI also has an Environmental Protection Program at the CVM which is designed to first prevent and second to minimize adverse environmental impacts resulting from mine-related operations. CVRI is committed to ensuring that its operations comply with all relevant laws and regulations. CVRI is an active participant in many environmental and regulatory initiatives and will continue to be an active member of those programs during the operating life of the Project. Programs range from participation in regional programs such as the Council of Forest Specialty Areas (COSA) and the Fish and Wildlife Management Committee (FWMC), to provincial and national initiatives. CVRI is committed to ensuring that its operations comply with all relevant laws and regulations. CVRI has many Standard Practices and Procedures and specifically practices aimed at preventing pollution including:

- Environmental Impact Assessment and Monitoring programs;
- Community and Indigenous Engagement Program;
- Site Management, including site reclamation; and
- Stewardship and Public Information Program.
Consultation Process

Concern Raised by Aboriginal Group

Opportunities
Employment
Socio-economic
Compensation

Development

Consultation Process

Potentially Affected Right or Site
Employment Opportunities

Potential Offset

Stated Concern

Proposed Proponent Obligation, Accommodation, or Response

SFN has not subscribed to and is not part of the Alberta Government's consultation policy and guidelines. The Governor's Councillor inquired about employment opportunities at the mine and training requirements, as well as potential labourer positions, the individual also noted that the community was always looking for employment as the government was representative expressed concern over inadequate TLU studies in the past and that the consultation process was rushed, and that efforts were needed.

There are a number of things to negotiate: compensation, participation...They are looking for accommodation for the development within their area. From the business aspect this: compensation, equity share, reclamation development within their area. From the business aspect this: compensation, equity share, reclamation.

The 2008 TLU report...do not provide Sunchild or CVRI with information on all the Project's impacts. The lack of information provided to Sunchild is inconsistent with the duty of consultation and accommodation because it prevents Sunchild from meaningfully identify and discuss impacts arising from the Project and mitigation measures.
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<th>Nature of Concern</th>
<th>Potential Affected Right or Group</th>
<th>Potential Offset</th>
<th>Stated Concern</th>
<th>Extract Concern Fulfilled</th>
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<td>15</td>
<td>Training Opportunities</td>
<td>Socio-economic development</td>
<td>Increased employment, increased opportunities for education, and increased community awareness</td>
<td>Ceremonial Support</td>
<td>Concern raised by SFN Education Support Group</td>
<td>SFN has been engaged in discussions with CVRI regarding training opportunities for the membership. Discussions regarding an agreement between the parties are ongoing. CVRI recognizes the importance of providing opportunities to underemployed Aboriginal youth. Discussions between CVRI and Education Support Group on a final agreement are ongoing.</td>
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<td>Socio-economic development</td>
<td>Increased opportunities for education, increased community awareness, and increased economic development</td>
<td>SFN</td>
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<td>17</td>
<td>Contracting Opportunities</td>
<td>Socio-economic development</td>
<td>Development of Aboriginal-owned tourism businesses, increased job opportunities, and increased community awareness of Aboriginal culture</td>
<td>CSW</td>
<td>Concern raised by a consultant on an ad hoc basis</td>
<td>CVRI recognizes that the development of the Project can offer mutually beneficial opportunities in the forms of employment and contracting opportunities or educational benefits to potentially affected Aboriginal groups, and that CVRI can help provide assistance or accommodation to support the development of Aboriginal-owned tourism businesses.</td>
<td>CVRI has been engaged in discussions with SFN regarding scholarship opportunities for its membership. Discussions regarding an agreement between the parties are ongoing. CVRI recognizes the importance of providing opportunities to underemployed Aboriginal youth. Discussions between CVRI and SFN on a final agreement are ongoing.</td>
</tr>
<tr>
<td>18</td>
<td>Cultural support</td>
<td>Socio-economic development</td>
<td>Increased community awareness, and increased community participation</td>
<td>SFN</td>
<td>Concern raised by the SFN Aboriginal Group</td>
<td>SFN has been engaged in discussions with CVRI regarding cultural events. Discussions regarding an agreement between the parties are ongoing.</td>
<td>CVRI recognizes the importance of the development of the Project can offer mutually beneficial opportunities in the forms of employment and contracting opportunities or educational benefits to potentially affected Aboriginal groups, and that CVRI can help provide assistance or accommodation to support the development of cultural events. Discussions between CVRI and SFN on a final agreement are ongoing.</td>
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<td>19</td>
<td>Community Development</td>
<td>Socio-economic development</td>
<td>Increased employment, increased opportunities for education, and increased community awareness</td>
<td>SFN</td>
<td>Concern raised by the SFN Aboriginal Group</td>
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*Proposed Proprietary Mitigation, Accommodation, or Response*
Aboriginal Group

Potential Impact to

Rights

Impact to Treaty rights

Treaty Rights

General overview of the Project and how it relates to existing CVM operations, and answered council questions relating to the Project. Les presented a document outlining what CVRI understood to be ECN concerns related to the Project, but legal counsel confirmed that CVRI had not requested to be included as a party to any of the ongoing consultation processes, or was part of the Project’s consultation process.

It is my understanding that Coal Valley Resources will be required to undertake meaningful consultation as the proposed reopening of the Robb Trend Coal mine runs in our Ancestral Land area. It is important that we work closely in partnership to ensure that the Project is developed in a manner that respects the cultural, social, ecological and economic values of the First Nations communities of the southern Athabasca River and the Forest Bed. SREM representatives discussed the ongoing consultation process and how it is being conducted.

Mitigation measures for TEK vegetation effects should include but will not be limited to the following:

1. A general overview of the Project and how it relates to existing CVM operations, and answered council questions relating to the Project. Les presented a document outlining what CVRI understood to be ECN concerns related to the Project, but legal counsel confirmed that CVRI had not requested to be included as a party to any of the ongoing consultation processes, or was part of the Project’s consultation process.

The development of the Elk project, particularly the impact on the environment, including the potential for disturbance to existing wildlife, is a concern. The Project’s mitigation measures should be reviewed to ensure that they adequately address the Project’s potential impacts on wildlife, including the potential for disturbance to existing wildlife. The Project should consider implementing measures to minimize disturbance to wildlife, including the potential for disturbance to existing wildlife, and to mitigate any adverse impacts on wildlife.

It is evident in the Project’s Environmental Assessment Report (EARS) and the Project Plan that the Project will have a significant impact on wildlife, including the potential for disturbance to existing wildlife. The Project should consider implementing measures to minimize disturbance to wildlife, including the potential for disturbance to existing wildlife, and to mitigate any adverse impacts on wildlife. The Project should also ensure that it is consistent with the principles of sustainable development and works to ensure that the long-term sustainability of the environment is maintained.

The Project’s mitigation measures are designed to minimize the impact of the Project on wildlife, including the potential for disturbance to existing wildlife. The Project should consider implementing measures to minimize disturbance to wildlife, including the potential for disturbance to existing wildlife, and to mitigate any adverse impacts on wildlife. The Project should also ensure that it is consistent with the principles of sustainable development and works to ensure that the long-term sustainability of the environment is maintained.

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Potential Effect

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Proposed Effect

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Proposed Effect
Concern Raised by Treaty or Aboriginal Rights

Potential Impact to Rights

Treaty or Aboriginal
Questions raised regarding the use of water by the mine and the impact on watercourses.

Traditional Use

Gather various berries in or near Project area including blueberries, high bush cranberries, low bush cranberries, salmon berries, lingonberries, wild strawberries, horsetail, raspberries, and blackberries. Stated concerns regarding the use of water by the mine and the impact on watercourses.

Proposed Proponent Mitigation, Accommodation, or Response

In addition to mitigations mentioned above, proposed mitigation strategies to help protect three mammalian carnivores in the area include:

1. Measure and monitor human use levels of linear features during summer, winter and fall (hunting) seasons. Assign this as a starting point for road access planning. Use this data to design road closure plans.
2. Implement a program that includes establishment of specific targets for achieving density recovery of marten, fisher, and lynx to existing and planned mine land reclamation using winter tracking techniques.
3. Determine if habitats for marten, fisher, and lynx exist on reclaimed mine lands for marten, fisher, and lynx. Design a program that includes establishment of specific targets.
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6. Potential Impacts on Aboriginal or Treaty Rights

Traditional Use

Stated concerns regarding the use of water by the mine and the impact on watercourses.

Proposed Proponent Mitigation, Accommodation, or Response

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7. Potential Impacts on Aboriginal or Treaty Rights

Traditional Use

Stated concerns regarding the use of water by the mine and the impact on watercourses.

Proposed Proponent Mitigation, Accommodation, or Response

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### Page 8

**Potential Impact to Treaty Rights**

**Aboriginal Right Affected:** Potentially Hunting, Fishing, and gathering

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Long-term Agreement

**ECN**

**Concern Raised by Aboriginal Group**

**Potentially Affected Rights or Use**

**Potential Effect**

January 20, 2013

February 13, 2013

January 31, 2014

January 21, 2013

January 21, 2013

January 21, 2013

January 21, 2013

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<th>ECN</th>
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<th>Potential Effect</th>
<th>Stakeholder Concerns</th>
<th>Data Concerns Raised</th>
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<td>11</td>
<td>Consultation</td>
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<td>United Nations Declaration on the Rights of Indigenous Peoples must also guide consultation on environmental impacts.</td>
<td>February 13, 2013</td>
<td>Consultation</td>
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<td>Impossible to continue a consultation that never began — only one meeting has occurred.</td>
<td>January 21, 2013</td>
<td>Consultation</td>
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<td>Coal Valley has failed to ensure personally, a sufficient process with the project proceeded in September, 2012.</td>
<td>January 21, 2013</td>
<td>Consultation</td>
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<td>CVRI understands that ECN along with the other Treaty 6 Chiefs have rejected the Province's consultation policies.</td>
<td>January 20, 2013</td>
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<td>CVRI is responsible for environmental monitoring and retains qualified staff for these duties. Employment for such positions are available through the CVRI hiring policy.</td>
<td>January 15, 2013</td>
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**Proposed/Proposed Mitigation, Accommodations, or Responses**

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Potential Impact to Treaty or Traditional Rights:

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<td>Stated Concern</td>
<td>Following initial discussion, NNC states: &quot;At a later time in the fall/summer, additional meetings may be required.&quot; Field visits followed.</td>
</tr>
<tr>
<td>Date Concern Raised</td>
<td>October 5, 2007</td>
</tr>
</tbody>
</table>

Stated Concerns:

1. Concern Raised by Potential Impact to Rights

Potential traditional use:

- General Pedestrian Access
- Potentially general loss of access to specific traditional use
- Potentially general traditional use

Proposed Proponent Mitigation, Accommodation, or Response:

- Upon completion of the survey, many areas within the project area were identified to have and during field visits to Robb West, Bryan Corridor, and Erith Corridor the Elders noted that there were no burials or other concerns, but that there were important plants all over. Site visits requested following map review of Robb West and the 3 road corridors.
- Additions to Robb Trend project need map review, likely field studies/visits.
- Discussion of burials which look like they are outside of project boundary.
- Proper mitigation measures for plants, transplanting, ceremonies, rarity.
- Question regarding "sacred burial" sites and what is done.
- Issue of buffer zones for important sites discussed.

Potential Effect:

- "There were no burials or other concerns present in the area in this time. Block of the project area located traditional use bounded by all three groups."

Additions to Robb Trend proposed to include map review, Early July Field visits/studies.

- Stated Concerns for early May 2007 and the 3 road corridors.

- Stated Concerns for early May 2007 and the 3 road corridors.

Preparation of Reclamation Plan:

- Map of Aboriginal sites is provided as Attachment 1. These terms form part of the agreement between CVRI and NNC which led to the letters of March 17, 2011 in which NNC indicated that any impacts to culturally significant sites had been mitigated by CVRI through a meaningful consultation process, and provided its authorization for the Project and continued CVM development to proceed.
- "The October 2007 Mitigation Agreement requires that the CVRI be able to mitigate the impacts it may cause to the natural environment, and to mitigate the effects of the Project on areas of historical and cultural significance. This map will be reviewed to determine proximity to any identified site. CVRI will provide a copy of the project plan for determination of any potential impacts to cultural sites. Acceptable alternative sources or at risk plants will be identified (if possible). If no other source for at risk plants are found transplantation options will be explored. Any transplantation activity will follow appropriate aboriginal protocol. In the event transplantation is not possible, actions will be applied to the following: Planting and transplantation of both species and cultural significance and protection of species vital to traditional use, ceremony and recreation."

- CVRI submissions for the project have been submitted to the regulatory agencies to ensure that the process is as transparent as possible. The process for mitigation of the herbs, plants, and eatables may require a process of harvesting, nurturing, and replanting. Select members from each group would be contracted to participate in the transplanting and other mitigation activities.

- CVRI can work with local Aboriginal groups to identify periods of time in certain locations (undisturbed by mining and safe to access) in which berry picking and medicinal plant gathering can occur. CVRI can also continue on a case by case basis for avoidance of specific plant species if possible. Not all of the Project area will be disturbed at one time. CVRI can work with local Aboriginal groups to identify periods of time in certain locations to return to the land to a more natural, useable state once mining is complete. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring "as mined".

- CVRI is committed to working with Aboriginal groups to design and implement vegetation programs that target and protect at risk/important species.

Preparation of First Nations Mitigation Agreement:

- Provided CVRI with a copy of the project plan for determination of any potential impacts to cultural sites. Acceptable alternative sources or at risk plants will be identified (if possible). If no other source for at risk plants are found transplantation options will be explored. Any transplantation activity will follow appropriate aboriginal protocol. In the event transplantation is not possible, avoidance will be applied to the following: Planting and transplantation of both species and cultural significance and protection of species vital to traditional use, ceremony and recreation. CVRI will provide a review of the plant list to determine rarity and risk potential. Acceptable alternative sources or at risk plants will be identified (if possible). CVRI can work with local Aboriginal groups to identify periods of time in certain locations to return to the land to a more natural, useable state once mining is complete. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring "as mined".

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<th>Potential Effect</th>
<th>Stated Concerns</th>
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<tr>
<td>4</td>
<td>Potential Impact to Treaty or Aboriginal Rights</td>
<td>Direct impact/removal of burials in Project area</td>
<td>Traditional law</td>
<td>October 2007</td>
<td>CVRI has maintained discussion with designated Group regarding these sites and other potential locations in the region. On December 10, 2012 CVRI continued to engage on some of these sites, which are located outside of the Project, to ensure continued avoidance or mitigation if required. CVRI to provide mapping information again demonstrating the Aboriginal Group G elders the continued avoidance of these sites.</td>
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<td>Potential Impact to Treaty or Aboriginal Rights</td>
<td>Direct impact/removal of ceremonial locations in Project area</td>
<td>Traditional law</td>
<td>March 17, 2011</td>
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<td>Ceremonial Support</td>
<td>Enhance intra- and inter-community awareness and cultural education</td>
<td>Cultural Awareness and Survival</td>
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<td>CVRI has and will continue to support NNC community programs such as this through donations on an ad hoc basis. As part of the development of a corporate Aboriginal consultation plan at CVRI and Westmoreland, the Company looks at each project and any of the community consultations.</td>
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Concern Raised by Treaty or Aboriginal Potential Impact to Affected Right

Concern 1: Hunting and Trapping

- Hunting
  - In the Marlboro area, far outside of the Project area, leprarioides, and Conocephalum conicum (snake liverwort) were observed within 500 m outside the LSA boundary. No plants observed in the Project area are listed as vascular and included 9 trees, 62 shrubs, 193 forbs and 81 graminoids, and 229 were non-vascular and included 134 graminoids, 115 forbs, 29 mosses, and 11 liverworts.

- Trapping
  - In 2001, there were 5,940 trapper licences issued in Alberta. The harvest of red squirrel, 13,348; muskrat, 3,649; beaver, 3,401; marten, 1,796; weasel spp., 1,531; coyote, 896; wolf, 236; lynx, 99; fisher, 55; and fox, 47.

Concern 2: Hunting and Trapping

- Hunting
  - CVRI has been consulting with MNA Region 4 and its membership on its proposed developments including the Project since October 2008. As discussed in some of the responses, and as detailed in the EA, CVRI has a number of strategies in place to mitigate any Project effects on fish and wildlife. To date, no Aboriginal Group has demonstrated that the development of the Project will have a particularly significant impact on the rights to hunt, fish, trap, and trap.

- Trapping
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Concern Raised by Treaty or Aboriginal Group Potential Impact to Rights Traditional Use Potential Effect Proposed Proponent Mitigation, Accommodation, or Response

Potential Impact of Treaties or Aboriginal Group

Traditional Use

Committed on working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation, and to ensure that the ecological systems of the Project area continue to be recognized and respected by all. CVRI will ensure that environmental factors and protection measures are taken into consideration during all phases, from application through operations to closure. CVRI will invite Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation.

CVRI will work with Aboriginal Groups to improve the design of the projects to minimize the ecological impact and to mitigate the potential impact to the Aboriginal groups. CVRI will continue to work with government agencies, Aboriginal groups, and others to monitor and mitigate against potential effects to animal health in the region.

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Potential Impact to Aboriginal Heritage

Aboriginal Rights

Consultation

Individual stated that the Metis are usually concerned with the loss of the historic part of a significant place, [Leader] grew up in the Coal Branch and so did my mother.

[Individual] requested a historically detailed map of the area

Discussion and interest in TLU studies and how scope and scale of how it could be done

[Individual] suggested a TLU study be done with revisiting and reviewing a proposal

[Leader] inquired how far outside the project areas would be impacted

[Individual] requested a historically detailed map of the area

Date

Concern

December 6, 2012

October 2, 2009

October 23, 2009

October 1, 2011

October 1, 2009

October 2, 2011

October 23, 2008

October 1, 2009

October 2, 2011

October 10, 2009

October 30, 2012

November 10, 2009

November 10, 2009

February 23, 2011

December 6, 2012

February 23, 2011

November 10, 2009

November 10, 2009

November 10, 2009

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November 10, 2009

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January 10, 2011

November 6, 2011

October 6, 2010

October 10, 2010

February 23, 2011

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<th>Concern Category</th>
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<td>Employment Opportunities</td>
<td>Non-economic development</td>
<td>Increased employment for underemployed sectors of Aboriginal society</td>
<td>October 23, 2008</td>
<td>CVRI has a hiring policy open to anyone with suitable qualifications. This policy has been provided to Aboriginal groups. CVRI has offered to communicate job posting with Aboriginal employment officers.</td>
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Concern Raised by Aboriginal Group Potentially Affected Right or Use

Potential Effect: Potential Effect Stated Concern Date Concern Raised Proposed Proponent Mitigation, Accommodation, or Response

Employment Opportunities

- Increased employment for underemployed sectors of Aboriginal society
  - October 23, 2008
  - CVRI has a hiring policy open to anyone with suitable qualifications. This policy has been provided to Aboriginal groups. CVRI has offered to communicate job posting with Aboriginal employment officers.

- Community member inquired about job opportunities and expressed that “permanent jobs are especially hard to find.”
  - October 23, 2008

- Community member made comment as to having more Metis involvement in the project, environmental monitoring, reclamation, etc.
  - October 1, 2009

- Community member expressed interest in contracting opportunities and stated that their are Aboriginal Group companies qualified to be involved in reclamation work.
  - October 1, 2009

- Community member expressed that the Metis are interested in economic opportunities and would like to develop this as part of a relationship with CVRI.
  - October 1, 2009

- Community member inquired of a list of contractor criteria from CVRI.
  - February 23, 2011

Education Support

- Increased employment for underemployed sectors of Aboriginal society
  - October 23, 2008

- Community member inquired if CVRI would hire high schoolers for summer opportunities.
  - October 23, 2008

- CVRI has a hiring policy open to anyone with suitable qualifications. This policy has been provided to Aboriginal groups. CVRI has offered to communicate job posting with Aboriginal employment officers.

- Community member made comment as to having more Metis involvement in the project, environmental monitoring, reclamation, etc.
  - October 1, 2009

- Community member made comment as to having more Metis involvement in the project, environmental monitoring, reclamation, etc.
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  - October 1, 2009

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  - October 1, 2009

- Community member inquired of a list of contractor criteria from CVRI.
  - February 23, 2011

- Community member inquired of a list of contractor criteria from CVRI.
  - February 23, 2011

- Individual expressed that she would be interested in an MOU with CVRI.
  - October 1, 2009

- CVRI consultation relationship with Aboriginal Group will remain active through the life of the Project to continue information sharing and adaptive management of future concerns.

Cultural Program Support

- Increased employment for underemployed sectors of Aboriginal society
  - November 10, 2009

- Community member expressed that it would be good to set up a meeting in Marlboro and support their community initiatives.
  - November 10, 2009

- Through meetings with Aboriginal Group’s leadership, meetings or open houses in Christian Island, Nunnsville, and new community, CVRI has worked to come to a Memorandum of Understanding (MOU) with the Group. This MOU is currently under negotiation and is expected to be final early 2010. CVRI has worked to establish a framework of collaboration with the Aboriginal Group to ensure that community initiatives are supported and that the Group’s goals are met. The MOU will include a commitment from CVRI to support the Group’s community initiatives and to provide assistance in the development of a sustainable economic development program.
  - November 10, 2009

Long-term Agreements

- MOU
  - November 10, 2009

- Community members expressed that they would like to identify possibilities for opportunities for contractors and might need capacity development to develop.
  - February 23, 2011

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  - February 23, 2011
Concern Raised by Treaty or Aboriginal Group

The potential impact to Rights

Affected Right

Potentially Trapping

Hunting

General displacement of game

Direct impact/removal of game

Impact to hunting in the Elk River area, and eventually all the way to the east to the reserve.

Chief stated that elders had seen the area and have said that there is lots of moose there and that the opening of that area would result in the mining of the same coal and maintain high quality moose habitat on the Project and other areas associated with moose on the South Ridge will be included with a closed long-term operation model as future habitat. The impacts of the Project development on moose in the region can be mitigated by implementing various techniques appropriate for moose, establishing vegetation types and promoting habitat connectivity in the region. 吴宋州 其影响区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的其他区域的other региона
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<th>Potential Mitigation</th>
<th>Proposed Proponent Mitigation, Accommodation, or Response</th>
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<tr>
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</tr>
</tbody>
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### Potential Effect

- **Traditional burn:** Removal of residential/industrial facilities in the Project area.
- **Traditional bed:** Removal of residential/industrial facilities in the Project area.

### Stakeholder Concerns

- Elder (L.E., during meeting, April 10, 2012): We are interested in traditional burn. We believe it is important to have a traditional bed in the area.
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### Potential Impact to Rights

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### Impacts and Mitigation Strategies

- CVRI is committed to working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation.
- CVRI acknowledges that the development of the Project will disturb a large area through direct impacts, and remove many of the valuable resources. However, as described in response #1 the effects of the Project will not be permanent, and CVRI will implement TSS/turbidity monitoring during construction to ensure instream flow needs are met. This monitoring information will be publicly available within the CVRI – CVM Annual Report that is submitted to ESRD.

### Monitoring and Reporting

- CVRI is committed to working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation.
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### Impacts on Wildlife

- CVRI is committed to working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation.
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### Impacts on Fish

- CVRI is committed to working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation.
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### Impacts on Vegetation

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### Additional Information

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### Additional Notes

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### Further Reading

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### Acknowledgments

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### Contact Information

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### Footnotes

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Treaty or Aboriginal 
Potential Impact to Rights

Potential Impacts to Water Quality

- Traditional Use Potentially of ceremonial locations 
- General impacts to area 
- Concern raised by [representatives], concern raised in Feb. 13, 2013 letter to Lori Crozier (CEAA) 
- Information in regards to a Water study. What chemicals are being used in washing coal? Where is the water source? What are the volumes monitoring program between PFN and CVRI during the development, operation and remediation of the project. 
- Remediation of the project. 
- Concern of scarring and consumption of the land raised by [representatives] 
- PFN has developed a hydrogeological management plan to contain mine water within the formation. Chemical analyses have been conducted to assess the potential that the mine water could impact the First Nations water sources. 
- First Nations have constructed the necessary features to treat the mine water in a manner that it is safe for reuse in the beneficial use of the potential Project. 
- Chemicals if any, will be in the water at that time? 
- PFN has developed a hydrogeological management plan to contain mine water within the formation. Chemical analyses have been conducted to assess the potential that the mine water could impact the First Nations water sources.

Potential Impacts to Air Quality

Water pollution experienced mainly through the concentration of dust particles, sediment and debris. 
Water quality has been assessed in regards to [representatives]. 
- Water quality
- Water quality
- Water quality guidelines. In an event of a registered storm event some short term exceedences are allowed (TSS). 
- water quality can be impacted by local activities, such as erosion and surface runoff. 
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- Water quality could be impacted by local activities, such as erosion and surface runoff.

Potential Impacts to Noise

Project effects on TEK vegetation will be local in extent and over the long term, all areas used for harvesting TEK vegetation will be re-established. 
Regional noise, which is external to the mine pit.
Concern Raised by Aboriginal Group
Potential Impact to Rights
Consultation

Potential Effect

Date Concern Raised

February 13, 2011

The Project result in atmospheric emissions from fossil fuel combustion sources, fugitive emissions from mine and plant operations, and eventual environmental impacts. Such emissions include dust, odor, noise, and healthcare costs from animal health and welfare impacts. CVRI does not undertake any consultation with respect to the aboriginal peoples in the region. CVRI has never once indicated that it is unwilling to enter into such an agreement in light of the precedent established by the Supreme Court of Canada. CVRI has never once indicated that it is unwilling to enter into such an agreement in light of the precedent established by the Supreme Court of Canada. The federal government has never once indicated that it is unwilling to enter into such an agreement in light of the precedent established by the Supreme Court of Canada. CVRI has never once indicated that it is unwilling to enter into such an agreement in light of the precedent established by the Supreme Court of Canada. CVRI has never once indicated that it is unwilling to enter into such an agreement in light of the precedent established by the Supreme Court of Canada. The federal government has never once indicated that it is unwilling to enter into such an agreement in light of the precedent established by the Supreme Court of Canada.

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Concern Raised by Aboriginal Group

<table>
<thead>
<tr>
<th>Date Concern Raised</th>
<th>Proposed/Proposed Mitigation, Accommodation, or Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 23, 2013</td>
<td>Concern raised during April 30, 2012 meeting(s)/shadow letter, &quot;What about Aboriginal communities?&quot;</td>
</tr>
<tr>
<td>September 30, 2011</td>
<td>Concern raised by representatives</td>
</tr>
<tr>
<td>November 8, 2006</td>
<td>Concern raised by representatives</td>
</tr>
<tr>
<td>February 14, 2012</td>
<td>Concern raised by representatives</td>
</tr>
<tr>
<td>January 28, 2013</td>
<td>Concern raised by representatives</td>
</tr>
</tbody>
</table>

**Compensation**

Concern: Lack of transparency on economic returns for economic benefits to the surrounding areas of the project (PFN members). The Supreme Court of Canada considers compensation to be a specific form of accommodation. Accommodation refers to minor accommodation actions which stimulated the Government to re-examine similar cases. Compensation is not minor accommodation actions, but the Government is required to engage a Government-to-Government discussion at some point. This cannot be done in isolation of the need to accommodate the rights of Aboriginal groups.

**Proposed Proponent Mitigation, Accommodation, or Response**

- CVRI acknowledges that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and... during mine development, operation, and reclamation. This has in fact resulted in the low threshold triggering a Duty to Consult, but adverse impact is a matter of degree (Mikisew 2005: 55). CVRI does recognize that the development of the Project can offer mutually beneficial opportunities in the forms of employment and contracting opportunities to potentially affected Aboriginal groups and that CVRI can help provide community support to Aboriginal groups from time to time in a great "corporate citizen." It will continue to discuss ways in which CVRI can potentially benefit from the development of natural resources to the extent of making economic contributions. CVRI has been involved in discussions with PNL and the Ministry of Energy, Mines and Petroleum Resources regarding the development of the Project and the roles that CVRI can potentially play in this development. CVRI support funding for training opportunities for industry related jobs has also been discussed.

**Proposed Proponent Mitigation, Accommodation, or Response**

- Since 2006, CVRI has discussed the issue of employment opportunities and the potential incorporation of these opportunities into the MOU between the parties. Some of the proposed terms include provisions aimed at improving employment opportunities for Aboriginal Group members. The development of employment opportunities and training opportunities for industry related jobs has also been discussed. Employment opportunities should be designed to reflect the needs of the Aboriginal community to apply for jobs at the site, in the area. Indeed, some of the terms in the MOU have not been agreed to. Discussions are ongoing at the provincial level as to how the needs of the Aboriginal community will be reflected in the proposed terms.
<table>
<thead>
<tr>
<th>PFN</th>
<th>Concern Raised by Aboriginal Group</th>
<th>Potential Effect</th>
<th>Potential Solution</th>
<th>Stated Concern</th>
<th>Date Concern Raised</th>
<th>Proposed Proponent Mitigation, Accommodation, or Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Training Opportunities</td>
<td>Increased empl.</td>
<td>Improved ability</td>
<td>Concern raised</td>
<td>November 3, 2012</td>
<td>[Individual] raised interest in training opportunities for PFN members.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>for underemployed sector of Aboriginal society</td>
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<tr>
<td>18</td>
<td>Education Support</td>
<td>Supporting children, education</td>
<td>Improved ability</td>
<td>Concern raised</td>
<td>September 1, 2012</td>
<td>[Individual] raised interest in scholarships and incorporating into MOU agreement.</td>
</tr>
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<tr>
<td>August 13, 2013</td>
<td>Development and Economic Supports</td>
<td>Cultural Awareness and Survival</td>
<td>PFN</td>
<td>TVL has offered to receive and review available Aboriginal business proposals.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>December 3, 2012</td>
<td>Development and Economic Supports</td>
<td>Cultural Awareness and Survival</td>
<td>PFN</td>
<td>CVRI has no jurisdiction. As stated, CVRI has been and still is interested in reaching a long-term written agreement with PFN.</td>
<td></td>
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</tr>
<tr>
<td>November 18, 2009</td>
<td>Cultural and Community Support</td>
<td>MSU</td>
<td>PFN</td>
<td>As noted, several members of the CVRI and Aboriginal Group I have discussed funding initiatives for cultural and community programs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>February 14, 2012</td>
<td>Development and Economic Supports</td>
<td>Ceremonial Support</td>
<td>General Community</td>
<td>2012 as a universal policy for any business which provides employment services. This policy has been provided to Aboriginal groups. CVRI has also offered to receive and review available Aboriginal business proposals.</td>
<td></td>
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</tr>
<tr>
<td>April 14, 2011</td>
<td>Cultural and Community Support</td>
<td>Ceremonial Support</td>
<td>Aboriginal Group</td>
<td>If the proponent ever comes to enter into such an agreement with PFN, past history of discussion has never once indicated that it is unwilling to enter into such an agreement with PFN. Past history of discussion has never once indicated that it is unwilling to enter into such an agreement with PFN, past history of discussion has never once indicated that it is unwilling to enter into such an agreement with PFN, past history of discussion has never once indicated that it is unwilling to enter into such an agreement with PFN.</td>
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<td>September 19, 2006</td>
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<td>Cultural and Community Support</td>
<td>Aboriginal Group</td>
<td>CVRI has engaged in discussions with PFN, in order to propose development initiatives, which the proponent will have delegated the specific dollar impacts and costs of all issues that cannot be reasonably expected to be resolved by the accommodation process.</td>
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<td>October 12, 2013</td>
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Concern Raised by Treaty or Aboriginal Group

**Aboriginal Rights**

The effects of the Project are expected to include the following:

- **Displacement of species**
- **Habitat alteration**
- **Impacts on water quality**
- **Disturbance of traditional uses**

**Potential Effect**

- The Project is expected to result in the displacement of species, including game animals, from the Project area.
- **Habitat alteration**
- **Impacts on water quality**
- **Disturbance of traditional uses**

**Potential Mitigation Measures**

- **Monitoring**
- **Restoration**
- **Reclamation**

**Reclamation**

- The reclamation activities will include the following:
  - **Soil replacement**
  - **Debris placement**
  - **Vegetation establishment**

**Reclamation Objectives**

- To restore the project area to its natural condition as much as possible.
- To minimize the impact on traditional uses.

**Traditional Use**

- The Traditional Use Society (TUS) will be involved in the reclamation process to ensure that traditional uses are restored.

**Community Engagement**

- The project will engage with local communities to ensure that their needs and concerns are addressed.
- **Monitoring**
- **Community involvement**

**Project Scope**

- The project scope includes the following:
  - **Reclamation activities**
  - **Traditional use**
  - **Monitoring**

**Key Milestones**

- **Planning**
- **Implementation**
- **Monitoring and Evaluation**

**Conclusion**

- The project is expected to result in minimal impacts on the environment and traditional uses.
- The project will be monitored to ensure that the reclamation activities are successful.

**References**

- **Aboriginal Rights**
- **Traditional Use**
- **Reclamation**

**Contact Information**

- For more information, contact the project team at info@project.com or call 123-456-7890.
Concern Raised by Aboriginal Group

Potential Impact to Right Potentially Hunting or Use

Potentially Displacement of caribou from caribou ranges. The depletion of herbaceous forage and ungulates on the Project footprint as was observed on the Luscar, Gregg River and CVM reclaimed areas is considered to be an adverse effect on caribou habitat. Grizzly bears actively select habitats and foods that provide them with the greatest energy (Hamer and Herrero 1983, Pritchard and Robbins 1989). Mining and subsequent reclamation of the existing CVM has increased grizzly bear mortality. Sources of domestic garbage at the CVM are contained in appropriate secure containers and transported to the licensed landfill in Hinton as per the Alberta Waste Management Strategy. Any resulting increase in quality lynx habitat. Planned timber harvest in the RSA will provide an optimal mix of regenerating forest and older forest that lynx need for forage and reproduction (denning). Surface coal mining will offer the same conditions if mitigation measures recommended are followed; and, a total of 22 Registered Fur Management Areas (RFMAs) overlap in whole or in part with the RSA. Fur harvest return for 17 different species were reported. This included red squirrel (13,348), muskrat (3,649), beaver (3,401), marten (1,796), weasel spp. (1,531), coyote (896), wolf (236), lynx (18), black bear (18), badger (14), striped-skunk (7), wolverine (6), river otter (4) and raccoon (1). The average numbers

WLFN is also concerned about herbivores. Although caribou is a traditional food source, we note that the risk of wildlife mortality from mining activities is relatively low compared to risk to the human population. We request that a wildlife monitoring program be implemented to monitor wildlife activity levels around the Project and that meaningful measures be taken to reduce any impacts.

We note that resource harvesting in the RSA will be associated with increased grizzly bear mortality. In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to regional mortality. This assertion is based on the fact that carrying of firearms in not permitted within any CVM permit areas and traffic speed control is practiced. It is further supported by the fact that no bear deaths have occurred on CVM permit areas in 40+ years in the Coal Branch region (Symbaluk 2008). This does not diminish the overall importance of approved management strategies to reduce human-caused mortality associated with grizzly bear mortality.

For the purposes of mitigation in any CVM permit areas and traffic speed control is practiced. It is further supported by the fact that no bear deaths have occurred on CVM permit areas in 40+ years in the Coal Branch region (Symbaluk 2008). This does not diminish the overall importance of approved management strategies to reduce human-caused mortality associated with grizzly bear mortality.

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8 Potential impact of Fish or fish habitat

January 20, 2010

The report recommends that the study of the specific impact of the Project on the RSA should be focused on the immediate project area and the downstream area, and that impacts on the RSA should be assessed based on the information presented in this report. The impacts of the project on the RSA should be assessed based on the information presented in this report. The impacts of the project on the RSA should be assessed based on the information presented in this report. The impacts of the project on the RSA should be assessed based on the information presented in this report. The impacts of the project on the RSA should be assessed based on the information presented in this report. The impacts of the project on the RSA should be assessed based on the information presented in this report. The impacts of the project on the RSA should be assessed based on the information presented in this report. The impacts of the project on the RSA should be assessed based on the information presented in this report. The impacts of the project on the RSA should be assessed based on the information presented in this report.
Treaty or Aboriginal
Potential Impact to Consultation
Consultation Process

January 20, 2013

The traditional territory of the WLFN encompasses the Project Region and we have provided our traditional territory map to the ERCB, AESRD, and other Government of Alberta officials over more times than we can recall, including in evidence to other regulatory proceedings.

The Project is within the Treaty No. 6 region. The Alberta Aboriginal Relations website provides significant impacts on approximately 75 km (7500 ha) of Crown land. The right of the provincial Crown to take up lands for development under the Treaty is not limitless. Our Treaty rights to

February 21, 2013

Following review of the Statement of Concern submitted by WLFN, the Crown represented by the SREM Aboriginal Affairs indicated a statement that it would not require CVRI to consult with the group on the proposed Project. CVRI noted that it is not responsible for determining which Aboriginal groups need to be consulted with. The Crown is ultimately responsible for consultation given that the Duty to Consult resides with the Crown and not CVRI. CVRI noted that it has not received any request from WLFN or any other affected group to receive a Statement of Concern or similar submissions.

The Provincial and Federal Crowns are responsible for the administration of Treaty lands with respect to the following: fish and wildlife; hunting ground for WLFN members. Accordingly, we call on Coal Valley, the Governments of Alberta and Saskatchewan as it relates to WLFN or any other Aboriginal group. That being said, no Aboriginal group needs to be raised with the Crown. One of the purposes for the inclusion of concerns such as this into this record is to help ensure working group accommodation processes to the Crown. Simple: the CVRI does not have representations of WLFN's and your legal counsel on April 2, 2013 to discuss their concerns related to the Project. CVRI is currently considering the scope and scale of a proposed TUS submitted by WLFN.

Aboriginal groups need to be consulted with. CVRI does acknowledge that its Project will occupy Crown land otherwise under the Treaty. CVRI notes that access to proposed Project results in increased traditional uses will be permanent, as it will occur the next time in stages over a 25-year period as disclosure methodology.

The fact that WLFN has been ignored with respect to the proposed Project including if necessary, actively exercise Treaty rights in the Project Region.
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Potential Impact on Treaty or Aboriginal Rights</th>
<th>General Traditional Use</th>
<th>Stated Concern</th>
<th>Date Concern Raised</th>
<th>Proposed Proponent Mitigation, Accommodation, or Response</th>
</tr>
</thead>
</table>
| 1           | Potential Impact to Treaty or Aboriginal Rights | General Traditional Use | Stated Concern includes the inter and proposed expansion areas, this should be confirmed with individual | October 3, 2006 | Early on in its development of the Project, CVRI met with AWN to discuss any concerns it may have with the Project. In a letter dated January 16, 2007, and an email and results of map review of March 8, 2011, AWN indicated that the Project falls outside of its traditional use territory and therefore has no further concerns with the Project. CVRI has continued and will continue to provide AWN with relevant Project information, and other information pertaining to CVRI operations.
Cree Camp
Mountain

Treaty or Aboriginal
Rights

Potential Impact to
Rights

Affected Right

Traditional Use

Trapping or Use

removal of medicinal plant
direct impact/removal of species in Project area
During the 2008 and 2011 Robb Trend TLU studies the Mountain Cree Camp identified several medicinal plant species in the project area.

One of the most common concerns among Aboriginal elders or other users was the impact to medicinal and food plants in the Project area (see Table 12.1-1 and 12.1-2, Appendix B to G). A number of these plants are thought to be “rare” or “rare

Not all of the Project area will be disturbed at one time. CVRI can work with local Aboriginal groups to identify periods of time in certain locations (undisturbed by mining and safe to access) in which berry picking and medicinal plant gathering can occur. With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and a moderate cumulative effect. Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and cultural uses) as a result of the removal of ecosite phases within the LSA. CVRI is committed on working with Aboriginal groups to identify periods of time in certain locations (undisturbed by mining and safe to access) in which berry picking and medicinal plant gathering can occur. CVRI will not be offering re-vegetation programs that target and support TEK vegetation. Accordingly, it is anticipated that the Planned Stated Concern

Proposed Proponent Mitigation, Accommodation, or Response

Teaming with Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation, and which compliment the re-vegetation measures proposed in the Application; compile a list of vertebrate species (excluding fishes) and identify their status as per the Committee on Endangered Species (Canadian Endangered Species Conservation Council (CESCC 2006) and the General Status of Alberta Wild Species (ASRD 2005); identify Valued Environmental Components for assessing the potential impact of the proposed development on ungulates, small mammals, birds and amphibians; 5 Potential Concerns and Important Plant species identified during field studies

2 Potential Impact to Treaty or Aboriginal Rights

1 Potential Impact to Aboriginal Rights or Land

removal of medicinal plant species in Project area

The Mountain Cree Camp implementation progress report 2007-2010 identified traditional medicinal plant species occurring in the Project area.

On the 21st of May 2007, the Mountain Cree Camp and the proponent met to discuss the concerns of the Mountain Cree Camp for the Project area. During this meeting, the Mountain Cree Camp representatives expressed their concern for the protection of medicinal plant species which are considered to be rare, and the importance of these plants to the Mountain Cree Camp culture. CVRI has prepared a progress report which identifies the progress made in the above noted concerns. CVRI has prepared a progress report which identifies the progress made in the above noted concerns.
5. **Potential Impact to Rights**

**Traditional**

- **Traditional Blasting**
  - **Identification:** Evidence that the biggest concern for the Mountain Cree Camp would be water quality.
  - **Potential Impact to Water Quality:** Potential impact to water quality due to blasting.

6. **Potential Impact to Rights**

**Traditional**

- **Traditional Health and Hunting**
  - **Identification:** Mountain Cree Camp representatives expressed concern over the potential for cumulative impacts to water quality and hunting areas in the region.
  - **Potential Impact to Hunting:** Potential impact to hunting areas in the region.

7. **Potential Impact to Rights**

**Traditional**

- **Traditional Cultural Rights**
  - **Identification:** Mountain Cree Camp representatives discussed concern of water quality and cumulative effects on marine mammals and caribou populations.
  - **Potential Impact to Cultural Rights:** Potential impact to cultural rights due to cumulative effects.

8. **Potential Impact to Rights**

**Important Economic**

- **Economic Development**
  - **Identification:** Mountain Cree Camp representatives expressed concern over land use and potential future land use changes.
  - **Potential Impact to Economic Development:** Potential impact to economic development due to land use changes.

9. **Proposed Project Reclamation**

**Health**

- **Health Stewardship**
  - **Identification:** Mountain Cree Camp representatives recommended that a "no net harm" be taken into account in any study or project.
  - **Potential Impact to Health:** Potential impact to health due to "no net harm".

10. **Proposed Project Reclamation**

**Health**

- **Health Stewardship**
  - **Identification:** Mountain Cree Camp representatives emphasized the need to mitigate cumulative effects and maintain healthy ecosystems.
  - **Potential Impact to Health:** Potential impact to health due to cumulative effects.

11. **Proposed Project Reclamation**

**Health**

- **Health Stewardship**
  - **Identification:** Mountain Cree Camp representatives expressed concern over the potential for cumulative impacts to water quality.
  - **Potential Impact to Health:** Potential impact to health due to cumulative effects.
<table>
<thead>
<tr>
<th>Date Concern Raised</th>
<th>Proposed Proprietor's Obligation, Accommodation, or Response</th>
</tr>
</thead>
</table>
| September 10, 2007  | CVRI has been consulting with Mountain Cree Camp on the Project since 2006. These efforts include the collection of TUS data through TUS from the community regarding proposed CVRI extension areas including the Project, which facility testing, procedures used in the monitoring of the development of the Project, and the environmental impacts of the development of the Project. The Environmental Impact Assessment (EIA) requires the development of the Project. The EIA requires the development of the Project. The EIA requires the development of the Project. The Environmental Impact Assessment (EIA) requires the development of the Project. The Environmental Impact Assessment (EIA) requires the development of the Project. The Environmental Impact Assessment (EIA) requires the development of the Project. The Environmental Impact Assessment (EIA) requires the development of the Project. The Environmental Impact Assessment (EIA) requires the development of the Project. 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<thead>
<tr>
<th>Concern Raised by</th>
<th>Potentially Affected Group</th>
<th>Potential Effect</th>
<th>Stated Concern</th>
<th>Date Concern Raised</th>
<th>Proposed/Proposed Mitigation, Accommodation, or Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Community Support</td>
<td>Community Development</td>
<td>enhance Aboriginal social programs and services</td>
<td>Funding for cultural camp</td>
<td>July 20, 2009</td>
<td>CVRI has helped the Mountain Cree Camp community in the past by delivering loads of wood for use in the community, and on recently provided funding to help with the purchase of equipment needed to help maintain the rink. CVRI is in discussions with other companies and Mountain Cree Camp regarding financing of water supply. As in number of occasions in the past, CVRI will continue to support Mountain Cree Camp community programs through donations on an ad hoc basis. As part of the development of a corporate Aboriginal consultation plan, CVRI and Mountain Cree Camp are considering the formalization of such funding programs to occur on a more formal basis.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Request for additional loads of wood</td>
<td>October 9, 2009</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Discussion of interest in funding for a van and firewood</td>
<td>October 26, 2010</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Discussion of interest in community support</td>
<td>October 4, 2012</td>
<td></td>
</tr>
<tr>
<td>Sequence</td>
<td>Concern Raised by Affected Group</td>
<td>Potential Affected Right(s)</td>
<td>Stated Concern</td>
<td>Date Concern Raised</td>
<td>Proposed Proponent Obligation, Accommodation, or Response</td>
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<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Information Sharing Agreement</td>
<td>Consultation</td>
<td>Request for an agreement of intellectual property in order to share information regarding site specific concerns.</td>
<td>November 14, 2014</td>
<td>CVRI has not previously been required to consult with the Stoney First Nations regarding the Project, and has had no meaningful past engagement with nor communication of interest from them. CVRI is prepared to engage with Stoney First Nations in the coming months to discuss their concerns regarding the Project.</td>
</tr>
<tr>
<td>2</td>
<td>Potential Impact to Treaty or Aboriginal Traditional Use</td>
<td>Traditional Use</td>
<td>On review of the project the Stoney state that it does impact their Treaty Rights and Traditional Uses in the proposed Project area.</td>
<td>November 14, 2014</td>
<td>CVRI has not previously been required to consult with the Stoney First Nations regarding the Project, and has had no meaningful past engagement with nor communication of interest from them. CVRI is prepared to engage with Stoney First Nations in the coming months to discuss their concerns regarding the Project.</td>
</tr>
</tbody>
</table>
Concern Raised: Aboriginal Impact to Rights

Traditional: Concern over traditional use of fish, and sport and subsistence use. Also concern over the lack of participation and the loss of voice.

Project area and are integral to MFN community, history and culture. The project itself is also of ecological significance to the entire area. The project is planned to be very large in size. The project is proposed to be constructed in stages, with different impacts occurring in different areas. The project is estimated to be completed in 2060.

The very significant expansion being contemplated by the Project, especially its project area and project area, is of significant concern to MFN.

The Project is located near and traverses the Athabasca Rivers, Alberta’s major watercourse and the third largest body of naturally occurring water in the province.

The Athabasca is critical to the ecological, cultural and spiritual well-being of the Athabasca First Nation. It is a major source of food, sustenance and livelihood for the community. The river is also an important recreational and cultural resource for the community. The river is an important part of the cultural identity and heritage of the community.

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<table>
<thead>
<tr>
<th>Concern Raised by Aboriginal Group</th>
<th>Potential Effect</th>
<th>Stated Concern</th>
<th>Date Concern Raised</th>
<th>Proposed Proprietary Mitigation, Accommodation, or Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation Consultation Consultation</td>
<td>Consultation Process</td>
<td>Interest expressed in conducting a site visit to the Project area</td>
<td>January 16, 2015</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Consultation Process</td>
<td>Interest in capacity funding to engage in consultation</td>
<td>January 16, 2015</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Concern that the Project Application is not holistic and is not looking at cumulative effects</td>
<td>January 16, 2015</td>
<td>The Project application addresses cumulative effects in several different sections. In response to a Supplemental Information Request on behalf of CEAA, CVRI is currently preparing additional information related to the cumulative effects of the Project. This information will be supplied to MFN as available.</td>
</tr>
<tr>
<td>Socio-economic Development Increased economic and employment opportunities for underemployed sector of Aboriginal society</td>
<td>Employment Opportunities</td>
<td>Interest in employment opportunities</td>
<td>January 16, 2015</td>
<td>CVRI encourages members of the Aboriginal community to apply for jobs at the CVM, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. We have several apprentice positions at the CVM. There is also on-site training for equipment operators. As part of the development of a corporate Aboriginal consultation plan at CVRI and Westmoreland, the formalization of such a funding program for educational/training opportunities is one of the items under consideration. When and if such a program is developed, CVRI anticipates that Aboriginal Group N would have access to it.</td>
</tr>
<tr>
<td>Concern Raised by Aboriginal Group</td>
<td>Potentially Affected Rights or Laws</td>
<td>Stated Concern</td>
<td>Date Concern Raised</td>
<td>Proposed Proponent Mitigation, Accommodation, or Response</td>
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<tr>
<td>WCC</td>
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<td></td>
<td>WCC is waiting for direction from the ACO in regards to consultation with HLFN.</td>
</tr>
</tbody>
</table>
Aboriginal Rights Concern Raised to Treaty or Traditional Hunting Use

This could occur through direct disturbance as well as through "Goes through Key Wildlife and Biodiversity Areas for ungulates, which effect on GML 55's Aboriginal rights and interests (including harvesting), "The Project will impact key habitat areas and contribute to cumulative and operations would impact hunting, gathering and camping activities interest expressed in meeting to discuss project impact on Aboriginal "The Project either through direct disturbance or through sensory increased access into key ungulate areas for sports hunters and "coincide with our members hunting areas"

Concern expressed in meeting to discuss project impact to Aboriginal rights and/or reasons for identifying potential obligations: December 1, 2014

Proposed Mitigation, Accommodation, or Response

Mitigation

Accommodation

Proposed

Concern Raised to Treaty or Traditional Hunting Use

The Project, alone or in combination with other industrial developments that have been carried out in this region, would affect a number of Aboriginal Members who have a strong, direct interest in their Traditionaluse areas. This has resulted in their interest in the protection of the Project area and their desire for participation in the decision-making process. CVRI is currently engaged with GML55 regarding its Project concerns and potential impacts to the community. CVRI is currently considering funding proposals to provide capacity for further dialogue on these issues.

CVR1 is engaged with GML55 to discuss the potential impacts of the Project on Aboriginal Rights and traditional uses during the development of the Project. The purpose of discussions with individual Aboriginal groups is an acknowledgment by both parties that proposed mining activities are not only accessed as an area for general traditional use, and that their existence may have a negative, unacceptable impact on portions of the aboriginal cemeteries, and that further accommodation may result in the development of mitigations or accommodations of potential impacts to all parties.

The Project will impact key habitat areas and directly disturbance or through sensory increased access into key ungulate areas for sports hunters and "coincide with our members hunting areas"

CVR1 is currently engaged with GML55 regarding its Project concerns and as a potential impact to the community. CVRI is currently considering funding proposals to provide capacity for further dialogue on these issues.

The Project will impact key habitat areas and indirectly disturbance of related habitat areas, and areas, which are important places and game species which exist on GML 55’s interest. This includes both wildlife disturbance as well as increased access into key ungulate areas for sports hunters and "coincide with our members hunting areas"

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The file is not recognized. The text seems to be a mix of topics, possibly related to environmental impact assessments, but it is not clear from the text itself. It appears to reference topics such as Aboriginal rights, potential impacts, environmental monitoring, and reclamation efforts. However, without a more specific context or clearer formatting, it's difficult to extract meaningful information. If you have more text or additional context, please provide it for a more accurate analysis.
### Consent:

**Type**: Consultation

**Purpose**: Funding, capacity building, and project GIS

**Stated Concerns**

- One community representative expressed interest in “real history” of community in mine area.
- Community representative expressed interest in consultation and TSU funding for spatial data management.
- Community representative expressed further interest in a TSU study for the project.

**Date Concern Raised**

- March 28, 2014
- March 28, 2014
- July 9, 2014

**Potential Effect**

- Community representatives expressed concerns about industrial development and impacts on their cultural heritage and rights.
- Community representatives expressed concerns about the lack of a clear process to assess and address impacts on their cultural heritage and rights.
- Community representatives expressed further interest in a TSU study for the project.

**Proposed/Prepared Mitigation, Accommodation, or Response**

- CVRI is currently considering funding proposals to provide capacity for further dialogue on these issues.
- CVRI encourages members of the Aboriginal community to apply for jobs at the CVM, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. We do have some trades that are included in the application.
- CVRI has prepared additional information on the Project in response to a Supplemental Information Request from CEAA, and will provide that information when available.

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