

FROM THE OFFICE OF Priscilla Kennedy
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December 15, 2014

BY EMAIL

Jennifer Platman
Senior Consultation Specialist
Shell Canada Energy
400 - 4th Avenue SW
Calgary, AB, T2P 2H5

Dear Ms. Platman:

**Re: Reply to Shell's Letter of December 12, 2014: Canadian Environmental Assessment
Registry No. 59539**

Your letter of December 12, 2014 contains several inaccurate statements. It also plainly shows that you have disregarded my representation of the Non-Status Fort McMurray/Fort McKay Band in 2014.

You state that Shell has corresponded with Bernadette Dumais regarding the Clearwater Indian Reserve No. 175. Bernadette Dumais and Robert Cree are not and have never been from the line who are descendants of Paul Cree. I have been counsel for Mr. Malcolm, in a representative action, in what is now two Federal Court actions that have been on-going since 1997. One of these actions concerns the Clearwater Indian Reserve No. 175. We have shown that Hereditary Chief Mary-Anne Powder and their descendants are the true members of the Clearwater River Band. The allegations of Bernadette Cree are now a matter being investigated by the R.C.M.P.

I have not represented the Non-Status Fort McMurray/Fort McKay Band on this Hearing prior to 2014. I am well aware of the events in 2014 and in particular, the actions of Shell which have exhibited a complete disregard for these people and their claims. including the refusal of Shell to provide for the costs of the pipe ceremony. In addition, Shell cancelled two previously planned meetings in 2014 and when the meeting finally occurred in April, a number of members were unable to make arrangements to attend. These people who make up the Non-Status are not members of the Fort McMurray Metis Local 1935 and I suggest that, should you continue to take this point of view contained in your letter of December 12, 2014, you prove their membership. There is minimal validity to a statement by you of purported self-identification as Metis members, particularly when there is no information regarding who made this statement and when it was made.

Areas of impacts to the Non-Status are set out in my letter of December 5, 2014 to the Joint Review Panel. Your failure to be able to understand these impacts of the PRM project appears to reflect your one-sided view of your project. Your letter of November 29, 2014 is not yet available however, I anticipate that it takes the same form as your previous letters. As stated, Shell does not anticipate providing further information regarding the PRM development and timing until February 11, 2015. In your

letter of November 13, 2014, Shell wrote that it would be holding a meeting on November 20, 2014. As stated in my letter to the Joint Review Panel on December 5, 2014, the Non-Status and Clearwater were not included in this meeting. No efforts have been made by Shell to understand their Aboriginal culture and heritage even though their rights are aboriginal rights under section 35 of the *Constitution Act, 1982*.

Shell should be providing updated information to my office with respect to the PRM project and all arrangements for discussions on this project should be made with me. We would be pleased to have further respectful discussions with Shell.

Sincerely,
DAVIS LLP

Per:

<original signed by>

Priscilla Kennedy
P XK/hd