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**ATHABASCA CHIPEWYAN FIRST NATION**  
**INDUSTRY RELATIONS CORPORATION**

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October 16, 2013

Sandi Morrissette  
Team Lead, Heavy Oil  
Consultation and Indigenous Relations  
Shell Canada Limited

<contact information removed>

Dear Sandi,

**RE: Use of ACFN Traditional Knowledge in Appendix 7.0, Appendix 2, and Appendix 3.8 of Shell's Response to JRP SIRs for PRM**

ACFN has reviewed certain aspects of advance draft copies of Shell's planned October 11, 2013 submission to the Joint Review Panel with respect to the appropriateness and accuracy of Shell's interpretation, analysis and use of ACFN's TK information. Specifically, ACFN has reviewed Appendix 7.0, sections 3.5.1, 4.4, and 5.4 of Appendix 2, and Appendix 3.8.

Shell wishes to receive regulatory approval for its proposed Pierre River Mine. Regulatory approval will likely be more easily achieved if the Pierre River Mine is found not to have significant adverse impacts upon ACFN. At the outset we note that it is problematic that Shell – who has a clear interest in finding that the PRM will not have any significant adverse impacts on ACFN's TLU, rights or culture - has purported to conduct its assessment activities “from the perspective of Aboriginal groups” (Appendix 7 at section.1.3). We suggest such assertions go directly to the overall credibility and reliability of Shell's analysis and conclusions, which predictably include a finding that the effects of the PRM to TLU are not considered significant (Appendix 7, section 3.3.1).

This is especially so when Shell's work excludes many of the key cumulative and project specific concerns, as well as impact pathways that have been expressly identified by ACFN (see for example, ACFN's discussion of this issue in relation to Shell's Traditional Land Use Environmental Setting Report Update at sections 2.3.6 and ACFN's discussion of Shell's, section. 3.5.1.1). In addition to excluding concerns, pathways and impacts expressly identified by ACFN in the documents Shell has reviewed in connection with its Environmental Setting Report, Shell failed to review several relevant ACFN publications that should inform any Environmental Setting Report that purports to encompass ACFN's

TLU, rights and culture. Several components of Shell's work, such as the use of the concept 'wilderness experience', which is not a Dene concept or construct, belies the assertion that Shell's assessments have been done from the perspective of Aboriginal groups.

Where Shell does refer to existing ACFN TK, it is misquoted at times, and often misrepresented in a manner that minimizes and undermines ACFN's TK and concerns. (See ACFN discussion of section 3.5.1 of Appendix 2 as well as ACFN point 2 re Appendix 7.0). Overall, it is extremely difficult to distinguish between direct quotes from referenced sources and paraphrasing or summarizing by Shell's consultant, Golder.

In ACFN's view, it is not of assistance to the Panel or anyone else for the TK information ACFN has diligently collected and provided to be obfuscated, twisted or generally minimized as it has been in the material reviewed. All parties would have been better served by an approach that truly represented the aboriginal perspective, including meaningful engagement of the people whose perspective Shell purports to represent.

ACFN was provided with Appendix 7 on the afternoon of September 25 (Email Erin Elford to Lisa King) with the following proviso:

Note that Shell does not intend to incorporate ACFN's feedback directly into the Cultural Effects Review prior to submission to the JRP on October 11<sup>th</sup>, but Shell is willing to discuss any concerns ACFN may have with the submission.

Appendix 2 and Appendix 3.8 were not provided until October 1.

This approach is in breach of the TK Agreement that Shell has signed with ACFN, which lays out a specific process intended to resolve issues such as those identified by ACFN, prior to Shell releasing any documents in which it uses and interprets ACFN's TK. Moreover, Shell's approach demonstrates an unwillingness to respond to the Panel's observation that Shell's cultural assessment for JME contained "no significant input or engagement by the Aboriginal groups to validate the approach or results of the assessment." (Panel Report at para. 1294).

Sincerely,

*{Original signed by}*

Lisa King  
IRC Director

Enclosure: Review of Shell Pierre River Mine Documents Relative to the ACFN-Shell TK Sharing Agreement, October 2013

cc: Pierre River Mine Joint Review Panel - Shell.Reviews@ceaa-acee.gc.ca

# **Review of Shell Pierre River Mine Documents Relative to the ACFN-Shell TK Sharing Agreement, October 2013**

## **Introduction**

Shell is preparing to submit responses to the Joint Review Panel for its Pierre River Mine application. Shell has provided ACFN with advance drafts of three portions of its responses that have been developed, in part, using ACFN Traditional Knowledge (TK). In accordance with the ACFN-Shell Traditional Knowledge Sharing Agreement, Shell has provided certain documents to ACFN so that ACFN may determine if it has any concerns regarding Shell's interpretation and use of TK in the report, prior to its submission to the JRP.

The draft documents provided to ACFN by Shell were prepared by Golder and are entitled:

- Appendix 7.0: SIR 69A Cultural Effects Review
- Section 3.5.1, Section 4.4, Section 5.4 of Appendix 2: JRP SIR 8 – Cumulative Effects
- Appendix 3.8 Traditional Land Use Environmental Setting Report Update

This review is not a technical review. The documents were reviewed by ACFN with respect to the following limited factors:

- Appropriateness of Shell's use of ACFN TK information;
- Accuracy of Shell's use and interpretation of ACFN TK information, including references to reports prepared by experts retained by ACFN;
- Shell's interpretation and analysis of ACFN TK information.

ACFN comments have been presented separately for each of the three documents.

## **ACFN Comments on the Use and Interpretation of ACFN TK in Section 3.5.1., Section 4.4, and Section 5.4 of Appendix 2: JRP SIR 8 – Cumulative Effects. Golder Associates Ltd. October 2013**

The copy of the Golder report provided to ACFN IRC only included excerpted sections relevant to ACFN. As the pagination in this excerpted version will be different than the full version prepared by Golder, ACFN comments refer to section titles, paragraph and sentences, but not page numbers.

### **OVERARCHING COMMENTS**

#### **1. Inference of Golder interpretative statements to ACFN documents. Golder does not explicitly distinguish factual ACFN information (direct quotes or paraphrased statements) from its own interpretative language.**

Example - Second para in section entitled *Effects on Access to Preferred Plant and Berry Harvesting Areas (Athabasca Chipewyan First Nation)*. The first two sentences in this paragraph are interpretative statements by Golder. The last sentence in this paragraph is the only correct reference to Candler et al. (2012a). Candler et al. (2012a) does not say “possible berry and plant harvesting locations....” ACFN members and Candler et al. are not uncertain about where ACFN members harvest – Golder is. The way the paragraph is structured suggests the entire paragraph is from Candler et al. (2012a).

#### **2. Golder uses language that minimizes and undermines Traditional Knowledge and ACFN Concerns and/or implies the responsibility for impacts is that of Aboriginal persons.**

Example - Golder uses terms like “motivation” and “commitment” in this section. For example Golder says that “increased income and rotational work” may result in “less commitment to the application of traditional values and knowledge.” (*Socio-Economic Effects to Traditional Land Use*, 1<sup>st</sup> para., 3<sup>rd</sup> sentence). Golder also says in the last sentence of this same paragraph; “Reduced motivations to participate in harvesting activities may also result from a lessening of confidence in the quality of harvested foods from such factors as contamination” Statements such as this imply that Aboriginal persons are somehow not dedicated to their culture and traditional activities. These terms put the responsibility on Aboriginal persons for the impacts –implying that if only they were more “motivated” or “committed” perhaps they would not be affected as severely. This section of the Golder report is not ACFN specific, however for the record none of the ACFN documents Golder indicates they reviewed use this type of language.

**3. Golder’s presentation of ACFN material is misleading and in some cases incorrect due to compilation and referencing errors such as improper citation, improper quotation, and paraphrasing.**

Example - The second through fourth sentences in the first para. in the section entitled *Athabasca Chipewyan First Nation* appear to be referenced to ACFN 2012. ACFN 2012 does not contain the descriptions stated by Golder in these noted sentences regarding ACFN Homeland Zones, Proximate Zones or Critical Waterway Zones. Also, ACFN 2012 is a document filed with respect to the JMEP and does not situate the RSA relative to ACFN Homeland Zones or Proximate Zones.

Example - A quote presented in para. 3 in the section entitled *Athabasca Chipewyan First Nation* is referenced as Larcombe. Larcombe (2012) clearly indicates the quoted text is from an ACFN document. This quote is not properly cited.

Example - A quote presented in para. 1 in the section entitled *Effects to Preferred Hunting Areas (Athabasca Chipewyan First Nation)* is referenced as Larcombe. Larcombe (2012) clearly indicates the quoted text is from an ACFN document. This quote is not properly cited

Example - Golder has not fully stated ACFN’s definition for Homeland Zones and not properly referenced the sentence (*Athabasca Chipewyan First Nation*, 1<sup>st</sup> para., 2<sup>nd</sup> sentence). Golder neglected to include the word “critical” from ACFN’s definition of Homeland Zone which is quoted by Larcombe (2012) directly from ACFN (2010).<sup>1</sup> The proper and full definition in Larcombe (2012:2-5) partially reads; “*areas of critical importance to past, present, and future practice of ACFN use and rights.*”

Example - Golder has not fully stated ACFN’s definition of Proximate Zones and not properly cited the statement (*Athabasca Chipewyan First Nation*, 1<sup>st</sup> para, 3<sup>rd</sup> sentence). ACFN’s definition of Proximate Zones, quoted by Larcombe (2012:2-7) directly from ACFN (2010) partially reads; as “*areas relied upon for the practice of use and rights by an increasing number of ACFN members living in and around Fort Chipewyan, Fort MacKay, and Fort McMurray.*”

Example - Golder (3<sup>rd</sup> para.) cites Larcombe (2012) as the source for a specific quotation on the Proximate Zones (*Athabasca Chipewyan First Nation*, 3<sup>rd</sup> para). In fact, Larcombe is quoting from ACFN 2010.

Example - The first quote in *Effects to Preferred Hunting Areas (Athabasca Chipewyan First Nation)* is attributed to Larcombe (2012). In fact, Larcombe was quoting ACFN 2010.

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<sup>1</sup> Athabasca Chipewyan First Nation. 2010. Athabasca Chipewyan First Nation Advice to the Government of Alberta Regarding the Lower Athabasca Regional Plan. Provided to the Land Use Secretariat, November 22, 2010.

## **SECTION-SPECIFIC COMMENTS**

### **Section 3.5.1.1 Assessment Methods**

#### **Other Factors Affecting Traditional Harvesting Activities – Odour**

Golder’s predictions conflict with ACFN TK and experience. While Golder (1<sup>st</sup> para., last sentence) predicts that “locations more than 20 km from emission sources are not expected to experience detectable odours”, ACFN members report that the smell of oil sands is detectable in Fort Chipewyan in certain atmospheric conditions (depending on season, temperatures and winds). Golder (1<sup>st</sup> para., 3<sup>rd</sup> sentence) also says that the frequency of detectable peak odours at Fort McKay is 4% of the time in the 2013 PDC, yet ACFN members report noxious oil sands odours present in and around the community of Fort McKay are ubiquitous (much more than 4% of the time).

### **Section 3.5.1.1 Assessment Methods**

#### **Other Factors Affecting Traditional Harvesting Activities – Visual Impacts**

Golder acknowledges that “[w]ater intakes are likely to be visible at sites along the water’s edge for recreational users.” ACFN use of the Athabasca River is not recreational – it is a fundamentally important Treaty Right. The River is used for harvesting and for access and transportation. It is hard to see why Golder would misinterpret ACFN’s deep cultural connection with the River as recreational use.

### **Section 3.5.1.1 Assessment Methods**

#### **Other Factors Affecting Traditional Harvesting Activities – Effects to Human Health**

Both MacDonald (2012) and Larcombe (2012) have summarized credible literature on the subject of traditional harvesting and effects on human health and well-being, including the important linkages between the activity of traditional use, including consumption of traditional foods, and individual, family and community health. McDonald (2012:39) reporting on the outcome of a community focus group session in 2012: “Health status was also closely related to being drug and alcohol-free, having access to traditional foods and medicines, and being able to maintain a traditional lifestyle. Mental, spiritual and emotional health is linked to confidence in the environment and country foods, and to a strong sense of spiritual connection to land and traditional practices.” Golder has limited the human health assessment to inhalation of air and dust and ingestion of water and country foods, which is an extremely limited approach in light of ACFN’s reported health concerns, as well as current professional understandings of health.

### **Section 3.5.1.1 Assessment Methods**

#### **Other Factors Affecting Traditional Harvesting Activities – *Socio-Economic Effects to Traditional Land Use***

This discussion should also recognize that traditional land use is a socioeconomic activity itself – and part of the traditional ACFN livelihood system that continues to operate (albeit in a reduced fashion). Thus, effects to traditional land use also have socioeconomic implications for the community (see Larcombe 2012:6-10, 6-11) including effects on the traditional networks of sharing and distribution of traditional foods; increased cost of purchasing foods that may have been provided for no cost through these sharing networks, especially for low-income and vulnerable ACFN members, for example Elders or single mothers).

Table 3.5-7. Golder has not included ACFN Critical Waterway Zones that are not already accounted for in areal extents covered by Homeland or Proximate Zones. It is not clear in this table if Golder has included hectares of disturbance in ACFN Critical Waterway Zones. At the time of writing, ACFN has not verified the hectare figures in the second column from the left in Table 3.5-7 are accurate.

Golder (2<sup>nd</sup> para., 1<sup>st</sup> sentence) states that ACFN’s k’es hochela nene extends north to Lake Athabasca. Maps available to Golder, authored by ACFN and/or its experts, clearly show that this Homeland Zone does not extend to Lake Athabasca.

Golder (4<sup>th</sup> para.) has defined, for the purposes of their assessment, two preferred traditional land use areas for ACFN within the RSA: the k’es hochela nene zone and the Fort McKay Proximate Zone. There is no rationale provided by Golder for not including ACFN’s Critical Waterway Zones that fall within the RSA.

#### ***Athabasca Chipewyan First Nation - Traditional Hunting Opportunities (Athabasca Chipewyan First Nation)***

Golder specifies the assessment of effects of the 2013 PDC on ACFN hunting is limited to “large game.” In numerous documents available to Golder, ACFN has reported the importance of waterfowl and small animals (e.g. rabbit). Waterfowl are critical to ACFN’s seasonal pattern of harvesting. ACFN TK holders report changes in the abundance of waterfowl and changes in waterfowl migration patterns associated with oil sands development.

#### ***Athabasca Chipewyan First Nation - Effects to Large Game (Athabasca Chipewyan First Nation)***

Golder has not included woodland caribou in this assessment. Numerous ACFN documents available to Golder identify this animal is important to ACFN Traditional Use and culture (see for example Marcel et al. 2012).

***Athabasca Chipewyan First Nation - Effects to Preferred Hunting Areas (Athabasca Chipewyan First Nation)***

Golder (2<sup>nd</sup> para., 3<sup>rd</sup> sentence) states: “Several subsistence value locations are shown in Figure 7 in Candler et al. (2011).” Candler et al. (2012, updated version of reference by Golder) reports there are 1,615 subsistence value sites shown on Figure 7 (which refers to their JMEP RSA); the same figure and RSA are reported for PRM. Golder’s statement that there are “several” locations shown on Figure 7 is disingenuous.

***Athabasca Chipewyan First Nation - Effects on Access to Preferred Hunting Areas (Athabasca Chipewyan First Nation)***

Golder (4<sup>th</sup> para., 2<sup>nd</sup> sentence) states: “Access to this area [northeast portions of the Poplar Point Homeland] continues to be available from northern portions of the Athabasca River and is not considered impacted for those land users travelling from reserves and communities north of the RSA.” Golder (5<sup>th</sup> para., 2<sup>nd</sup> sentence) later states: “Access to the more northern portions of this zone will continue to be accessible via access points from the Athabasca River.” Golder (7<sup>th</sup> para.) summarizes its Hydrology Assessment which found that the 2013 PDC is not expected to have an effect on Athabasca River water flows or water levels in the Peace-Athabasca Delta.

Based on ACFN TK, access is currently impacted at low water levels. Based on ACFN TK, there is a relationship between oil sands development and lower water levels in the Athabasca River and Peace-Athabasca Delta.

***Athabasca Chipewyan First Nation - Effects Classification for Traditional Hunting (Athabasca Chipewyan First Nation)***

Golder (2<sup>nd</sup> para. and 3<sup>rd</sup> para.) incorrectly states that the Proximate Zones are important for ACFN members residing in Fort McMurray or communities further south. ACFN (2010:18) specifically states the Proximate Zones are relied upon for the practice of use and rights by an increasing number of ACFN members living in and around Fort Chipewyan, Fort MacKay, and Fort McMurray. ACFN (2010:16) states the Fort McKay Proximate Zone has “...historically and currently relied upon by ACFN members living in and around the Fort McKay settlement, or in Fort McMurray. Strong family connections with the Fort McKay First Nation have resulted in a number of ACFN members, many of them members of families affiliated with Point Brule, Poplar Point, and k'es hochela nene (Poplar Point Homeland), living and practicing within this zone.”

***Athabasca Chipewyan First Nation - Effects to Furbearer Abundance***

Golder chose to use beaver, fisher and Canada lynx as Key Indicator Resources for trapping (see 1<sup>st</sup> para). ACFN’s trapping also relies heavily upon muskrat, particularly in the Delta traplines.



Muskrat are particularly sensitive to water level change and are prey for other furbearer species – e.g. mink, lynx and fox - that are important to ACFN trapping.

***Athabasca Chipewyan First Nation - Effects on Access to Preferred Trapping Areas  
(Athabasca Chipewyan First Nation)***

Golder (2<sup>nd</sup> para., 2<sup>nd</sup> sentence) says: “None of the 2013 PDC developments overlap RFMA #1714.” How is this possible as earlier Golder (under “Effects to Preferred Trapping Areas” heading, 1<sup>st</sup> para., 3<sup>rd</sup> sentence) says that “approximately 60% of the area of RFMA #1714 would be disturbed”?

***Athabasca Chipewyan First Nation - Effects on Access to Preferred Fishing Areas  
(Athabasca Chipewyan First Nation)***

Golder (1<sup>st</sup> para., 1<sup>st</sup> sentence) has not considered effects to water access. ACFN members rely on water routes to access many fishing areas and low water levels impact water access.

***Athabasca Chipewyan First Nation - Effects to Preferred Plant and Berry Harvesting Areas  
(Athabasca Chipewyan First Nation)***

Golder (1<sup>st</sup> para., 1<sup>st</sup> sentence) relies on ACFN 2003 to state that the majority of ACFN plant and berry harvesting occurs north of the RSA, with only limited gathering in the RSA. ACFN 2003 does not present the full scope of ACFN current use. Furthermore, Golder’s language (“the ACFN indicates that the majority...”) makes it sound as though ACFN says that the “majority of plant and berry harvesting occurs north of the RSA...” when, in fact, it is actually Golder’s interpretation of information presented in ACFN 2003.

Golder (1<sup>st</sup> para., 2<sup>nd</sup> sentence) relies on Candler et al. (2012a). This source also identifies the Muskeg River as an important area for ACFN traditional use.

***Athabasca Chipewyan First Nation - Effects on Access to Preferred Plant and Berry Harvesting Areas  
(Athabasca Chipewyan First Nation)***

Golder (2<sup>nd</sup> para., 2<sup>nd</sup> sentence) relies on Candler et al. (2012a). This source also identifies the Muskeg River as an important area for ACFN traditional use.

***Athabasca Chipewyan First Nation - Effects Classification for Traditional Plant and Berry Harvesting  
(Athabasca Chipewyan First Nation)***

See previous comments regarding plants above.

# ACFN Comments on the Use and Interpretation of ACFN TK in Appendix 3.8: Traditional Land Use Environmental Setting Report Update. Draft. Golder Associates Ltd. October 2013

## OVERARCHING COMMENTS

- 1. Golder uses language that minimizes and undermines Traditional Knowledge and ACFN Concerns and/or implies the responsibility for impacts is that of Aboriginal persons.**

### Example – Section 2.3.1 (page 18)

Golder (Para. 1, last sentence) states; “Figure 7 (Candler et al. 2011) shows several subsistence value areas, many of which fall within the PRM RSA, although it is unclear if these values represent large game and bird hunting or other subsistence activities such as plant gathering.” Figure 7 in Candler et al. 2011 shows considerably more than “several” subsistence value sites in the PRM RSA – so many, in fact, that they are overlapping, concentrated and difficult to distinguish from each other. While Candler et al. (2011) reference one ACFN member who states that his spring bird hunt begins at Fort McKay and follows the Athabasca River north, there is no indication by Candler et al. that this was meant to be applied globally to ACFN. Different ACFN members may have different patterns to their use and the spring bird hunt occurs on more than just the Athabasca River. Golder’s statement that the ACFN spring bird hunt “occurs along the Athabasca River from Fort McKay north” may not be *incorrect*, but it is misleading as it limits the scope of ACFN use.

- 2. Golder’s presentation of ACFN material is misleading and in some cases incorrect due to compilation and referencing errors such as improper citation, improper quotation, and inference of paraphrased interpretations to the original author.**

### Example – Section 2.3 (page 18)

Golder (Para. 1, last sentence) references Larcombe 2012 as follows; “The PRM RSA overlaps the Fort McKay and Fort McMurray proximate zones, the *k’es hochela nene* (Poplar Point Homeland) zone, and several critical waterway zones (ACFN 2010 in Larcombe 2012).” The only reference in Larcombe 2012 to the Pierre River Mine is; “Notably, Shell Canada’s Pierre River Mine and Redclay fish compensation ‘lake’ and Teck Resources Frontier Mine project, currently under regulatory review, are all situated within ACFN’s *k’es hochela nene* Homeland.” (Larcombe 2012:5-11). It is Golder’s interpretation that “the PRM RSA overlaps” the ACFN zones. But as a result of the way their sentence is constructed, Golder has incorrectly referenced Larcombe as the source for the *interpretation* that the PRM RSA overlaps the Fort McKay and Fort McMurray proximate zones and several critical waterway zones.

## **SECTION-SPECIFIC COMMENTS**

### **Section 2.3.2 (page 18) - Trapping**

Golder (Para. 1, 1<sup>st</sup> sentence) states: “While the majority of ACFN-recorded trapping locations are found north of the RSA, traditional ACFN trapping locations have been identified along the Athabasca River, in the Namur and Gardiner lakes region, and along the Muskeg River (ACFN 2003).” Golder has failed to document Candler et al. (2011:53) which reports: “The RCL Project footprint is not located within a current ACFN trapline. The LSA includes a portion of RFMA #2863 located across the Athabasca River from the proposed footprint, and held by an ACFN family.” Additionally, Candler et al. (2011:21) reports: “Several of ACFN’s traplines are held in the area of the Athabasca Delta, but others extend up the Athabasca River past the ACFN’s Poplar Point reserve toward Fort MacKay. The RCL Project is located within what was once a trapline belonging to the Trip de Roche family of the ACFN.” Additionally, Figure 1 in Candler et al. (2011:22) indicates ACFN held trapline (RFMA #1714) is situated within Shell’s RSA.

### **Section 2.3.5 (page 19) – Historical, Cultural and Spiritual Sites**

Golder (Para 1, 1<sup>st</sup> sentence) states; “The Athabasca River has been identified as a main transportation corridor which allows access to harvesting areas, cabins, campsites and culturally important sites (Larcombe 2012).” This is a very simplified abbreviation of what Larcombe (2012:4-680) reported:

- The Athabasca River is the preferred and economical means of access between Reserves and Fort Chipewyan and to Fort McKay and Fort McMurray for purposes of obtaining goods and services and for maintaining social connections with ACFN Members and others living in these locations, during the open water and ice cover seasons;
- The Athabasca River and shoreline areas have been a primary corridor for engaging in harvesting activities;
- The Athabasca River is the main ‘highway’ for accessing smaller tributaries and inland places, including harvesting, cabin and campsites, and other culturally important sites or places;

Golder (Para 2) states: “Cultural and/or spiritual sites within the RSA have been recorded near Fort McMurray, along the Athabasca River, and east of the Athabasca River (Candler et al. 2012a).” The study area defined by Candler et al. 2012a actually does not extend as far south as Fort McMurray. Candler et al. 2012a indicate cultural and/or spiritual sites in the vicinity of Fort McKay, not Fort McMurray.

### Section 2.3.6 (page 19-21) – Industry Related and Project-Specific Concerns and Issues

Golder (pg.19) lists four documents they say they relied upon for this section of their report. Why was the review limited to these four documents? Golder has relied on other documents that contain relevant ACFN concerns and issues (e.g., ACFN 2012<sup>2</sup>; MacDonald 2012) in other reports/appendices that do not appear to have been considered for this section of Golder’s report.

- References to “the ACFN Members” concerns (i.e. pg 19, 20) rather than precise references to the documents where Golder obtained the information makes it difficult to distinguish Golder’s interpretation of ACFN information from what ACFN, and experts and community witnesses who provided evidence on behalf of ACFN, have said.
- Overall, the concerns listed by Golder do not do justice to the full breadth and depth of the concerns that ACFN has expressed regarding industrial effects on ACFN traditional lands, culture and well-being.
- Disturbance concerns regarding changes in wildlife movement or population (pg. 19, second bullet under “disturbance concerns”) should not be limited to “linear disturbance and development” but also include concerns to wildlife movement and populations as a result of development footprint generally.
- Regarding “Water quantity concerns” (pg. 20), low water levels also result in decreased access to preferred harvesting and other cultural use areas, including reserve lands.
- Regarding “Air, soil and water quality concerns” (pg. 20):
  - “reduced water quality downstream of oil sands development” should also include “downwind” (i.e., reduced water quality downstream *and downwind*...);
  - there have been abnormalities observed in other resources besides fish. For example, MacDonald (2012:55) documents “observed changes in country food species’ individual and population health, including:
    1. *Contaminated waterfowl;*
    2. *Tumours and cysts in moose;*
    3. *Reduced size of berries;*
    4. *Cysts and other deformities in fish in the Athabasca River, its tributaries, and Lake Athabasca; and*
    5. *Reduced potency of traditional medicinal plants.*”
- “Reclamation concerns” (pg. 20), should also include the concern that by the time that reclamation is completed (if ever), place-based knowledge has irreversibly lost.

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<sup>2</sup> ACFN 2012. Submission of the Athabasca Chipewyan First Nation to the Joint Review Panel Secretariat. October 23, 2012.

- “Loss of perceived wilderness/remoteness” (pg. 20, under “Other concerns include”) is not adequately understood by Golder. It is not so much about “wilderness” (which is a western construct; there is no “wilderness” for the Dene, only the land, which is home). It is about having the solitude and peace necessary for quiet reflection and prayer, reconnecting with the land, and feeling safe from the scrutiny and disturbance of outsiders.
- ACFN has also expressed concerns about social, economic, human health and cultural impacts (eg., ACFN 2009:17)<sup>3</sup>. MacDonald (2012) documents many of these concerns. While Golder references MacDonald (2012) in other sections of their October 2013 submission (eg., Appendix 7: Cultural Review), Golder fails to acknowledge these concerns in their summary of “Industry Related and Project-Specific Concerns and Issues” for ACFN. Some examples of concerns related to social, economic, human health and cultural impacts documented by MacDonald (2012) are:
  - “Concerns about impacts from oil sands development upon individual and community health” and “health impacts that are already being felt as a result of the existing developments in the region.” (Pg.51).
  - Psycho-social anxiety and stress-related health problems (Pgs. 57-59) and psycho-social impacts of cultural loss (Pgs. 71-72)
  - “Effects on the land have contributed to a reduced sense of community cohesion” (Pg. 60).
  - Increased costs for procuring food (Pgs. 61-2)
  - Sense of alienation from traditional land (Pg. 66)
  - Loss of cultural skills and knowledge and decline in cultural practices (Pg. 68)
 See MacDonald (2012) for the full suite of concerns.
- Golder’s (pg. 20) list of ACFN Project-specific concerns does not adequately capture the scope of the concerns identified in technical reports and submissions of ACFN.
  - Missing entirely from this list is ACFN’s concern about being displaced and alienated from oil sand project areas designated as no access areas. Golder (pg. 20) says “many” of the ACFN Project-specific concerns “relate to the creation of the South Redclay Lake”. This is inaccurate – while ACFN is concerned about the compensation lake, documented ACFN concerns go beyond that.
  - There are 31 ACFN land and resource use values documented inside, or within 250 m, of the proposed project footprint and there are 83 use values documented within 5 km of the PRM project footprint (Candler, 2012a:82). Golder fails to note that PRM will overlap and potentially destroy ACFN subsistence and cultural sites.
    - The PRM footprint will destroy and/or render un-useable preferred and site-specific ACFN hunting, trapping, and food gathering values within the PRM

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<sup>3</sup> ACFN 2009. Letter dated August 17, 2009 from ACFN IRC (Nicole Nicholls) to Alberta Environment (Director, Northern Region), Re: Statement of Concern Shell Canada Ltd. Application no. 005-00153125 & 006-00153125 (EPEA) / File No. 00186157 (WA), Jackpine Mine Expansion Project (“JME Project”) and, Shell Canada Ltd. Application No. 001-002455358 (EPEA) / File No. 002245489 (WA), Pierre River Mine Project (“PRM Project”)

- footprint, including past, current, and planned future use areas.” (Candler 2012a:99).
- “Up to 38 documented ACFN site-specific subsistence values...will be adversely impacted by direct disturbance, reduced ACFN access, increased industry and recreational access, and fear associated with increased contamination of traditional resources or foods...leading to increased scope and intensity of avoidance or reduced use... Of those 38, 12 documented ACFN site-specific subsistence values are inside or within 250 m of the project footprint and will be destroyed and/or rendered essentially unusable by the project.” (Candler 2012a:99). The PRM footprint will destroy and/or render un-useable preferred and site-specific ACFN hunting, trapping, and food gathering values within the PRM footprint, including past, current, and planned future use areas.” (Candler 2012a:99).
  - “Based on reported ACFN knowledge...project effects will impact, destroy and/or render unusable preferred ACFN habitation values...Up to 23 documented ACFN site-specific habitation values will be impacted... Seven documented ACFN site-specific habitation values are inside or within 250 m of the project footprint and will be likely be [sic] destroyed or rendered un-useable by the project.” (Candler, 2012a:99-100)
  - There is one site-specific ACFN cultural/spiritual value “within 250 m of the project footprint and [that] would likely be rendered un-useable or destroyed by the project.” (Candler, 2012a:100).
  - “Within the PRM LSA, 9 documented ACFN site-specific transportation values, including trails and the water route along the Athabasca River, will likely be impacted, destroyed or rendered unusable by the PRM project... Of these 9 sites, 5 are located within 250 m of the project footprint.” (Candler, 2012a:101).
  - “Based on reported ACFN knowledge...project effects will destroy and/or disturb site-specific ACFN environmental features including...habitat areas for wood bison and woodland caribou...Within the LSA, up to 12 documented ACFN site-specific environmental features will be impacted.” (Candler, 2012a:102).
- ACFN project-specific concerns not adequately captured by Golder in their list also include, but are not necessarily limited to:
    - PRM will negatively impact wood bison habitat and increased access will allow for increased sports hunting of bison and impact the availability of sufficient quantity and quality of wood bison for ACFN use (Candler, 2012a:104).
    - PRM will disturb or destroy woodland caribou habitat and the current or potential availability of woodland caribou available for ACFN use (Candler 2012a:105).
    - PRM may disturb migratory bird migration routes and the availability of sufficient quantity and quality of waterfowl for ACFN use (Candler 2012a:106).

- PRM will disturb culturally important berries and medicine plants and will result in increased loss of use of these resources for ACFN (Candler 2012a:106).
  - PRM will impact use of ACFN trapline #2863 (Candler 2012a:106-7; ACFN 2009:16).
  - PRM will impact use and enjoyment of ACFN Reserve Lands (Candler 2012a:107; ACFN 2009:14).
  - PRM will contribute to psychosocial impacts (Candler 2012a) and to the erosion and loss of cultural values and knowledge (Candler 2012a:107; ACFN 2009:18) and ACFN to impacts on ACFN members' health and rights (ACFN 2009:17).
- Golder says: “The ACFN members also provided the following recommendations to address their concerns” then lists a number of suggestions that have been paraphrased, it appears, from several different reports, while there are relevant recommendations also missing.
  - The recommendation from Candler (2012a:117) is missing:
    - “the proponent and the Federal and Provincial Crown undertake a process, agreeable to and involving the ACFN, to ensure that adequate quantity and quality of resources exist for the continuation of ACFN knowledge and use into the future. This process should prioritize avoiding and reducing impacts over mitigating them. Where impacts to ACFN knowledge and use cannot be avoided then they should be mitigated to below a significant level... using effective strategies agreeable to ACFN.  
If impacts to ACFN knowledge and use cannot be avoided, reduced, or mitigated to below a significant level...then permissions for the projects to proceed should require consent from the Federal and Provincial Crown, and authorized representatives of the ACFN.”
  - Considering that Golder has included recommendations from ACFN policy documents (e.g., Marcel et al. 2012), which were not specific to the PRM project, why has Golder not included relevant recommendations from other ACFN documents (e.g., ACFN's (2012) submission to the panel for the Jackpine Mine Expansion)?
  - ACFN and Shell have yet to discuss recommendations specific to addressing ACFN concerns regarding the impacts of PRM on ACFN traditional land use, culture, community well-being and treaty rights.

### **Section 3.3 (Page 26) Athabasca Chipewyan First Nation (Under Section 3.0 TRADITIONAL ECOLOGICAL KNOWLEDGE AND LAND USE WITHIN THE LOCAL STUDY AREA)**

Golder (Para 1, 1<sup>st</sup> sentence) states; “The Pierre River Mine LSA partially overlaps the k’es hochela nene (Poplar Point Homeland) zone, the Fort McKay proximate zone, and the Athabasca critical waterway zone (Candler et al. 2011, 2012a).” Candler et al. (2011:24 and 2012a:32) also specifically indicate the “...majority of the PRM footprint, and the Redclay Compensation Lake [falls] within k’es hochela nene.”

#### **Section 3.3.1 (Page 27) – Hunting**

Golder (Para 1, 3<sup>rd</sup> sentence) states; “The ACFN has also identified multiple hunting and kill sites, particularly for moose, that may fall within the LSA (Candler et al. 2011, 2012a).” Candler et al. (2012a:83) clearly shows subsistence values sites within the LSA and reports “...12 documented ACFN site-specific subsistence values are inside or within 250 m of the project footprint...” (Candler et al 2012a:99).

#### **Section 3.3.5 (Page 27) – Historical, Cultural and Spiritual Sites**

Golder (Para 1, 1<sup>st</sup> sentence) states: “The ACFN members noted that historic cabins, water- and land-based transportation corridors are all located within the LSA (Candler et al. 2012a).” Candler et al (2012a:100) states: “Seven documented ACFN site-specific habitation values are inside or within 250 m of the project footprint...”

Golder (Para 1, 3<sup>rd</sup> sentence) statement that Candler et al. (2012a) identifies the Athabasca River is an important transportation corridor is accurate. However Candler et al. (2012a) also reports the river is important for other traditional use activities as well.

Golder (Para 2, 2<sup>nd</sup> sentence) states: “An area of cultural/spiritual importance was recorded within the northern portion of the LSA (Candler et al. 2012a). Golder’s description fails to note that this site actually Candler et al (2012:100) describe this site as falling “within 250 m of the project footprint (Candler et al 2012:100). This omission obfuscates critical information about proximity to the PRM project.

### **Section 4.0 (Page 28) Summary of Results**

Golder (Para 1, 3<sup>rd</sup> sentence) states; “The literature reviewed indicates that while occurring within the RSA and LSA, ACFN TLU activities are concentrated north of the RSA, in the region of Lake Claire and Lake Athabasca.” ACFN documents do not support this conclusion. The regional study area employed by Candler et al. (2012a) does not extend throughout either Lake Claire or Lake Athabasca and therefore offers no perspective on whether TLU activity is more



concentrated in this geographic area than the RSA. Earlier ACFN (2003a and 2003b) reports concerning TLU were focussed on documenting ACFN Elder TK and TLU and include substantial information about use of the area north of Shell's RSA prior to the impacts of the W.A.C. Bennett Dam on the Peace-Athabasca Delta beginning in the 1960's. TLU information in Candler et al. (2012a) clearly demonstrates extensive TLU within Shell's RSA, including all along the Athabasca River corridor, the Birch Mountains, Richardson Backcountry area, Firebag River, and the Muskeg River area. Please note, as well, an absence of documented sites does not mean that an area is lacking in significance for ACFN land and resource use or the integrity of the ACFN cultural landscape.

# **ACFN Comments on the Use and Interpretation of ACFN TK in Appendix 7.0: SIR 69A Cultural Effects Review. Draft. Golder Associates Ltd. October 2013**

## **OVERARCHING GENERAL COMMENTS**

### **1. Golder uses language that minimizes and undermines Traditional Knowledge and ACFN Concerns and/or implies the responsibility for impacts is that of Aboriginal persons.**

Golder's Attachment A, Table A-1, employs language that minimizes and obfuscates TK as "perceptions" and "beliefs". Doing so misses the point of some of the issues, which leads to mitigation suggestions that simply do not address the actual issues. Examples are demonstrated in the table at the end of this review report.

### **2. Golder's presentation of ACFN material is misleading and in some cases incorrect due to compilation and referencing errors such as improper citation, improper quotation, and paraphrasing. Overall, it is extremely difficult to distinguish between direct quotes from referenced sources and paraphrasing or summarizing by Golder.**

#### Example – Section 1.6.1 (page 9) *Traditional Knowledge*

Golder lists what they refer to as "definitions" of traditional knowledge provided in evidence submissions by ACFN and other First Nations. Two of Golder's definitions refer to technical expert reports prepared for ACFN and are quoted by Golder as:

*"The knowledge is community held, inter-generationally transmitted, evolves over time and applies to a geographic area that the First Nation or Aboriginal group has been historically, connected, although not necessarily continuously (Larcombe 2012)."*

*"Collective knowledge about land and its resources; it is both cumulative and dynamic, building on experience and adapting to changes (McCormack 2012a)."*

There are several related issues regarding Golder's use and interpretation of the expert reports with respect to definitions of traditional knowledge. The approach to referencing is strange and the reader may easily assume that these are direct quotes from the documents referred to (indented italicized statements are often direct quotes). In fact, they are not. In the case of Golder's reference to McCormack 2012a;

- The quote attributed to McCormack (2012a) is not properly presented. The first part of the quote "collective knowledge about land its resources" does not exist in McCormack (2012a). In the second part of the alleged quote by McCormack (2012:117) she was quoting Berkes, 1988.

- Part of the statement attributed to McCormack is actually an interpretation of a limited part of her discussion of Chipewyan knowledge about the land (“Collective knowledge about land and its resources”) married with a direct quote (“it is both cumulative and dynamic, building on experience and adapting to changes”) taken from that discussion (see McCormack 2012:117). It is not an accurate summation of McCormack’s discussion, yet it is presented as her definition.
- Golder (2012a, pg. 9) says that McCormack’s (2012) definition “emphasizes” the dynamic, accumulative and adaptive nature of TK. While McCormack’s (2012) discussion of traditional knowledge does acknowledge that it is “cumulative and dynamic”, her emphasis is, in actual fact, on the nature of such knowledge as pragmatic yet fundamentally spiritual (see McCormack 2012:114-117). McCormack’s point is that traditional knowledge is not simply a function of the social and economic forces that motivate people to use particular resources and places; it is also, and perhaps fundamentally, informed by and contributing to Chipewyan “awareness, spirituality, and religion” (McCormack, 2012:115). This emphasis on the relationship between spirituality and TK is missing from Golder’s discussion of traditional knowledge.

The quote attributed to Larcombe (2012) has been incorrectly identified as a definition of Traditional Knowledge by that author. The author was speaking to common elements in definitions found in a literature review. The definition Golder attributes to Larcombe is incorrect; in actual fact, she says;

“A **commonality of definitions** is that the knowledge is community held, inter-generationally transmitted, evolves over time and applies to a geographic area that the First Nation or Aboriginal group has been historically connected, although not necessarily continuously.” (Larcombe 2012:2-10, emphasis added).

Also, the first sentence in the last paragraph in Section 1.6.1 incorrectly states that Larcombe (2012) provided a definition. Similarly, the second sentence incorrectly states that McCormack (2012a) provided a definition. Neither actually provides a definition of TK – rather they provide a discussion of definitions and understandings of TK (and related knowledge).

Example – Section 1.6.2 (pg. 10) – *Traditional Land Use*

The quote attributed to Larcombe (2012) is not a direct quote. It has been paraphrased and wording has been changed. Golder’s definition that is attributed to Larcombe 2012 reads:

*“Traditional land use may be described as consisting of a suite of activities including harvesting, occupation (camps, overnight places, villages, cabins) and assembly locations (seasonal fishing sites, feast places, ceremonial sites), travel routes, teaching places, sacred and spiritual sites or places, and sometimes also place names and archaeological places (Larcombe 2012).”*

The actual text in Larcombe (2012:2-10) reads:

*“Many terms are used to describe the collective of rights, activities, values and knowledge of First Nation peoples. The nomenclature used to describe a suite of activities including harvesting, occupation (camps, overnight places, villages, cabins) and assembly locations (seasonal fishing sites, feast places, ceremonial sites), travel routes, teaching places, sacred and spiritual sites or places, and sometimes also toponyms<sup>4</sup> and archaeological places is most often referred to as traditional use, traditional land use, traditional use and occupation.”*

**Example - Section 1.6.3 (pg. 10) – Traditional Territories**

The quotes attributed to Larcombe (2012) are not accurate. Sections of Larcombe (2012:2-3) have been paraphrased. The quote below which Golder attributes to McCormack (2012a) is not accurate.

*“The Chipewyan traditional territory comprised the lands that Chipewyan used actively, lands they had used in the past and were known to have been used by their ancestors, and lands they might wish or need to use in the future (McCormack 2012a).”*

McCormack (2012a:79) actually wrote:

*“Their traditional lands comprised the lands they were using actively, lands they had used in the past and that were known to have been used by their ancestors, and the lands they might wish or need to use in the future.”*

While the meaning between the two may not be substantively different, these kinds of mistakes in representation of references call into question the credibility of Golder’s use and analysis of referenced material.

**Example - Section 3.2.6 (page 28) - Effects on Traditional Land Use – Preferred Species Quality, Abundance and Behaviour**

Reference to ACFN 2012 is incorrect in the second sentence of the second paragraph. ACFN 2012 does not speak to the PRM or mention a movement corridor.

**Example - Section 4.0 (page 40) - Culture, Lifestyle and Quality of Life Effects**

Golder (Last sentence) prefaces a direct ACFN quote with: “ACFN members have reported how changes in employment and cultural norms have caused...” This is inaccurate. ACFN (2012:11) actually states:

*“44. ACFN is subject to an increasing level of adverse socio-economic effects and effects on culture associated with rapid oil sands development. For example and without limitation, members report difficulties passing down their culture, accessing spiritual sites, and a loss of tranquility and relationship with the land. Members have also reported*

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<sup>4</sup> Toponyms means names of places. First Nations have (or had) indigenous language names for natural features such as lakes, rivers, mountains, geographic markers such river confluences, trail heads, portage routes, camp locations, historical locations such as sites of important battles or treaties, and spiritual places such as mountains, rapids, non-human sitings, etc.

*disruptions in family and community dynamics because of long shift rotations, increased income inequity, and isolation from social support networks.” (emphasis added)*

Example - Section 4.0 (page 41) - Culture, Lifestyle and Quality of Life Effects

Golder (3<sup>rd</sup> para, last sentence) suggests that ACFN 2012 contains language saying ACFN has expressed being overwhelmed and feeling powerless. There is no such language in ACFN 2012.

Example - Section 4.0 (page 42) – Culture, Lifestyle and Quality of Life Effects

Golder (1<sup>st</sup> sentence, last paragraph) has all but directly quoted Larcombe (2012). Larcombe was speaking specifically about ACFN and Golder changed her sentence so it would apply to all Aboriginal peoples (i.e. replaced “First Nations” - meaning ACFN to “Aboriginal way of life”). The structure of this paragraph suggests the balance of sentences were stated by Larcombe, which is not true.

Example – Section 1.6.4 (page. 12) – Aboriginal Culture

Golder (2<sup>nd</sup> and 3<sup>rd</sup> paragraphs) attributes statements to Larcombe (2012) which were referenced by Larcombe as direct quotes from the Mackenzie Valley Environmental Impact Review Board.<sup>5</sup>

Example - Section 3.2.6 (page 28) – Effects on Traditional Land Use – Preferred Species Quality, Abundance and Behaviour

First sentence of fourth paragraph. Candler et al. 2010 makes no reference to ACFN members possibly agreeing that animals may disperse to less disturbed area of the region.

Example -Section 1.8.3 (page. 22) – Aboriginal Groups-Athabasca Chipewyan First Nation

Golder (2<sup>nd</sup> para, 4<sup>th</sup> sentence) states: “Wood Buffalo Park was created in 1922, and the hunting of bison within the park’s boundary became *regulated* (Larcombe 2012)” (emphasis added). Larcombe (2012:3-6) actually states that hunting of bison was *restricted* not regulated.

Example - Section 2.0 (page 23) – Connecting Traditional Land Use, Culture, Lifestyle and Quality of Life

Golder (2<sup>nd</sup> sentence, 1<sup>st</sup> para) states: “Traditional use of the land for hunting, trapping, fishing, and plant gathering is arguably the cornerstone or foundation of Aboriginal culture (Fort McKay IRC 2010b; Larcombe 2012; Oostdam et. al. 2005 cited in Larcombe 2012).” The Oostdam et al. 2005 citation by Larcombe is only in reference to the importance of traditional food consumption. Neither Larcombe (2012) or any reference by Larcombe to Oostdam et al. 2005 utilizes language as suggested in the above quotation in the Golder report. The last paragraph in Section 2 attributes a list of cultural erosion or change impacts on quality of life to Larcombe (2012) which are not described in her report. For example, Larcombe did not discuss a connection between culture impacts and loss of pride in cultural identity. The words ‘disempowerment’ and ‘marginalization’ do not exist in Larcombe (2012). Larcombe made no comment on in and out migration for employment and education.

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<sup>5</sup> Mackenzie Valley Environmental Impact Review Board’s Socio-Economic Impact Assessment Guidelines. 2006. [http://reviewboard.ca/upload/ref\\_library/SEIA\\_Guidelines\\_Contents\\_and\\_Chapter\\_1.pdf](http://reviewboard.ca/upload/ref_library/SEIA_Guidelines_Contents_and_Chapter_1.pdf)

Example- *Section 3.2.3 (page 26) – Effects on Traditional Land Use – Access*

Third sentence in first paragraph, the subjects in this sentence referenced as (ACFN 2012) are not discussed in ACFN 2012. Last sentence in first paragraph not referenced.

Example – *Section 3.2.3 (page 26) – Effects on Traditional Land Use – Access*

Statement made by Golder in this paragraph is actually a direct quote from MacDonald (2012, Extended Summary, no page number provided), but is not attributed as a direct quote by Golder: “The sense that the oil industry is the only employment option in the community has led some ACFN members to feel mental stress; experience social and cultural conflicts in the workplace; feel limitation in their options for meaningful work; feel powerless to control their futures; and experience a dissociation from traditional culture.”

Example - *Section 3.2.4 (page 27) – Effects on Traditional Land Use – Air, Soil and Water Quality*

Second and third sentences in paragraph one. Reference to ACFN 2012 is incorrect, this document does not contain the phrases “Firebag River” or “usable threshold”.

There are also circumstances of inference of Golder interpretative statements to ACFN documents. This occurs where Golder only provides a reference at the end of the last sentence of a paragraph which implies that all information in the paragraph is attributable to that reference. However, review shows that Golder is including their own interpretations without making them explicit. For example;

Golder references MacDonald 2012 as support for the statement that “quality and contamination concerns may result in decreased motivation to harvest country foods” – while that may be true in some instances, a more accurate summation of MacDonald’s discussion would be that quality and contamination concerns, especially in combination with other impact pathways, are changing the patterns of country food harvest and consumption, particularly with respect to certain resources. In some instances, this can adversely affect ACFN members ability to depend upon and enjoy country foods for their subsistence.

## **SECTION SPECIFIC COMMENTS**

### **Section 1.4 (page 6) – Shell’s Approach to Community Engagement**

Golder states “Shell also has an agreement with ACFN that addresses ACFN’s project-specific concerns for existing operations but not for the JME or PRM projects.” ACFN’s experience has been that the existing agreement has not successfully addressed concerns with existing operations. ACFN has had disputes with Shell over the implementation of that agreement, which should be recognized in the discussion. For example, the text could be changed to: “Shell also has an agreement with ACFN that was meant to address ACFN’s project-specific concerns for existing operations (not for JME or PRM), although ACFN is in a dispute with Shell over the success of that agreement.

### Section 1.6.1 (page 9) – Traditional Knowledge

Golder has relied on Inglis (1993) to introduce an initial definition of Traditional Knowledge. More recent and fulsome definitions include that of the Canadian Environmental Assessment Agency:

*“Aboriginal traditional knowledge (ATK) is knowledge that is held by, and unique to Aboriginal peoples. It is a living body of knowledge that is cumulative and dynamic and adapted over time to reflect changes in the social, economic, environmental, spiritual and political spheres of the Aboriginal knowledge holders. It often includes knowledge about the land and its resources, spiritual beliefs, language, mythology, culture, laws, customs and medicines.”*<sup>6</sup>

ACFN has formally provided Shell with the following definition for Traditional Knowledge:

*“knowledge systems, value systems, systems of land and resource use, creations, innovations and stories and other cultural expressions which have generally been transmitted from generation to generation and which are inherent to the ACFN’s culture and way of life; are generally regarded as pertaining to the ACFN or their Traditional Lands; and are constantly evolving in response to a changing environment. Categories of TK include: environmental and ecological knowledge; traditional land and resource use information; medicinal knowledge, included related medicines and remedies; biodiversity related knowledge; knowledge and oral transmission of history, literature, customary law and genealogy; expressions of legends, myths, history and other cultural knowledge an material in the form of music, dance, song, handicrafts, designs, stories and artwork; elements of languages, such as names, geographical indications and symbols; and moveable cultural properties.”*<sup>7</sup>

### Section 1.6.3 (page 10) – Traditional Territories

The report does not present ACFN’s definition of its Traditional Lands which reads:<sup>8</sup>

*“those lands identified by the ACFN as historically and presently used by the ACFN Members, and upon which they lived and currently live, exercise their Rights and sustain their cultural heritage and economy.”*

While Golder relies on the discussions of Larcombe (2012) and McCormack (2012) regarding traditional territory – discussions that note the difficulties with placing a boundary on the lands

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<sup>6</sup> Practitioners Glossary for the Environmental Assessment of Designated Projects Under the Canadian Environmental Assessment Act, 2012. <http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=E7F0FC59-1&offset=2&toc=hide>

<sup>7</sup> Traditional Knowledge Sharing Agreement made effective May 10, 2010 between Shell Canada Energy, Athabasca Chipewyan First Nation and Athabasca Chipewyan First Nations Industry Relations Corporation.

<sup>8</sup> Traditional Knowledge Sharing Agreement made effective May 10, 2010 between Shell Canada Energy, Athabasca Chipewyan First Nation and Athabasca Chipewyan First Nations Industry Relations Corporation.

that a First Nation relies upon past, present and future – Golder chooses to use the depiction of ACFN traditional territory used in an older ACFN publication. The traditional lands boundary in ACFN 2003, reflects a core land use area from the historical era when ACFNs livelihood was chiefly based on trapping. It does not reflect the current use of lands and resources, nor does it reflect the deeper historical (e.g., pre-contact) past.

Golder (pg. 10) notes that “placing a boundary around traditional lands or territories is problematic for Aboriginal groups, because it may be interpreted as limiting traditional rights and interests within the region.” Actually, it is problematic because hard boundaries do not fit with how the First Nations in this region, and ACFN in particular, use the land – past, present or future. It is not simply a political / legal issue as Golder implies. If Golder is interpreting ACFN information as simply a stance made to combat the limitation of rights, they are mistaken.

Golder has based their map of ACFN traditional territory on an out-of-date version of ACFN’s traditional lands map (ACFN 2003) and has changed the boundaries without ACFN knowledge or permission. ACFN (2012) submitted an up-to-date map to the JRP based on a consultation and planning unit approach, rather than a traditional territory approach, and has made clear the inappropriateness, and impossibility, of placing western-style boundaries on ACFN’s traditional territory, yet Golder chose to define a traditional territory for ACFN based on an older map. In any event, ACFN has made clear to Golder and Shell, the spatial extent (boundary and aerial size) of traditional lands important to and relied upon by ACFN is not an appropriate basis for assessment of impacts.

#### **Section 1.6.4 (page 12) – Aboriginal Culture**

Third paragraph statement attributed to Cander et al. (2012b) is not in proper context. Candler et al. (2012:31, footnote 1) indicated “*For the purpose of this report, an “ACFN knowledge and use value” is any reported cultural resource, tangible or intangible, including site-specific (mapped) and non-site-specific (non-mapped) value, that is considered important to ACFN livelihood (see Section 3), or is associated with past, present or planned ACFN use.*” The Golder statement attributed to Candler et al. (2012b) could not be located.

Figure 1.6-2 in this section is referenced as “Adapted from Candler et al. (2012b). However, no version of this diagram appears in that report, nor is there any text that would support creation of this diagram.

#### **Section 1.7.1 (page 13) – Industrial Development**

Golder states: “However, the Athabasca River remained an important transportation route for many northern communities, such as Fort Chipewyan, which did not have rail or road access, until the late 1990s.” The Athabasca River continues to be an important transportation route for Fort Chipewyan, which only has road access during several winter months (usually from mid-December to mid-April at most), has no rail access, and because boat travel remains the preferred means of access for traditional use and other social and cultural activities.



### **Section 1.7.1 (page 14) – Industrial Development**

Golder states; “...the W.A.C. Bennett Dam did affect the hydrology of the Peace-Athabasca Delta in Alberta and continues to affect water levels in the Peace-Athabasca Delta today during periodic flooding produced by ice-jams on the Peace River (AER and CEAA 2013; Realtime 2012). Regulation of flow on the Peace River has and continues to affect levels in the Delta on an on-going basis not just during periodic flooding (see Larcombe 2012:4-12)

### **Section 1.7.4 (page 17) – Treaty 8**

The last paragraph purports to describe the incidental rights ACFN has identified that support Treaty rights. Golder has introduced interpretative language not found in the original ACFN (2012) text. For example, Golder has categorized quantity and quality of water as a ‘tangible element of the ecosystem’ and neglected to indicate that ACFN prefaced that the incidental right includes sufficient quality and quantity of water. Similarly, Golder has failed to include ACFN’s language that incidental rights include sufficient quantity and quality of resources, including berry crops, medicines, timber, among other resources in preferred harvesting areas. Golder has suggested that ACFN’s language simply states “availability” of certain resources. In paraphrasing ACFN (2012), Golder has characterized some of ACFN’s stated incidental rights as “concerns”, whereas the original language in ACFN (2012) clearly describes a list of rights.

In the second paragraph, Golder notes that during Treaty 8 negotiations, the First Nations signatories to the Treaty emphasized the importance of retaining their freedom to use the land. Golder says that “as a result, Aboriginal groups today believe that their Treaty rights to use land must include ‘incidental rights’ related to environmental protection” and cites ACFN’s submission to the joint review panel (ACFN 2012) as a reference for that statement. That ACFN asserts incidental rights is a reflection of the fundamental importance of incidental activities and conditions to the meaningful practice of Treaty rights.

Golder (2<sup>nd</sup> para, 2<sup>nd</sup> sentence) goes on to say that “Aboriginal groups today believe that their Treaty rights to use land must include ‘incidental rights’ related to environmental protection.” The need to recognize incidental rights are not just a “belief” of Aboriginal groups – there is legal precedent supporting the need to recognize and take into account incidental rights (see for example Supreme Court of Canada decisions of *Simon v. The Queen*, *R.v. Sundown*; *Mikisew Cree First Nation v. Canada*; and *Dene Tha’ First Nations v. Canada*). Furthermore, it is not clear why Golder is referencing ACFN at the end of the second sentence of the second paragraph.

The quote from ACFN (2012) used in Golder’s fifth paragraph that the Crown “secured the right to ‘take up’ lands from time to time under the Treaty” is not the complete statement from ACFN’s submission. In that submission, ACFN 2012 also notes that the Crown’s right to take up lands is subject to the Crown’s duty to consult and accommodate ACFN’s interests. This duty to consult and accommodate extends to ACFN’s concerns about the cumulative impacts of

development on its Traditional Lands and the meaningful exercise of its Treaty Rights.<sup>9</sup> Without Golder including the full quote, it appears that ACFN simply accepts the Crown’s right to take up lands without the limitations imposed by the Crown’s constitutional obligations to consult, accommodate, and to manage impacts in a manner that ensures that ACFN forever retains the ability to meaningfully exercise its rights within its traditional lands.

### **Section 1.8 (page 20) – Aboriginal Groups**

The second last sentence in the second paragraph incorrectly states the Aboriginal population of RMWB, reported as 10%, does not include the on-Reserve population.<sup>10</sup> The last sentence in the second paragraph also incorrectly states that the On-Reserve population is not included in the reported figure. The referenced source (Statistics Canada 2013b) is the National Household Survey 2011, and this does not specifically exclude the entire on-Reserve population.

The first sentence in the third paragraph is unsubstantiated.

It is likely that the statement in the last sentence in the third paragraph incorrectly refers only to population change in the off-Reserve Aboriginal population for the reasons noted above.

### **Section 1.8.3 (page 22) – Aboriginal Groups-Athabasca Chipewyan First Nation**

The MacDonald (2012) report is referenced extensively in this section, yet MacDonald’s report provides only a brief overview of ACFN’s history and explicitly says that “this is by no means meant as a comprehensive introduction to the ACFN. Other historical documents (e.g., McCormack 2010; ACFN 2003) provide a more in-depth introduction to the cultural history and way of life of ACFN and its members.” Given this, it seems strange that Golder would chose to rely on the MacDonald (2012) report for information that is more extensively and comprehensively discussed in McCormack (2012a and 2012b).

Golder (1<sup>st</sup> para, 1<sup>st</sup> sentence) says that ACFN is of the “Dene Suline” cultural group. The proper orthography is *Dene Sułiné*. Golder says that ACFN self-identifies as K’ai Taile Dene (meaning “people of the land of the willow”). The proper orthography is *K’ái tailé Dene*, meaning the “Flat Willow” or “Delta Dene” (ACFN 2003a:27, 45).

Golder has presented a narrow narrative on the early evolution and settlement patterns of ACFN. While Golder limits the impetus for “drawing people” to Fort Chipewyan to government induced trapping regulation, competition for resources, and wage employment. MacDonald (2012)

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<sup>9</sup> See, e.g., *West Moberly First Nations v. British Columbia (Chief Inspector of Mines)*, 2010 BCSC 359, paras. 54-55.

<sup>10</sup> The Aboriginal Peoples Reference Guide, National Household Survey Guide, 2011, identifies one First Nation in Alberta that was incompletely enumerated; this First Nation is not located in the Wood Buffalo SM. <http://www12.statcan.gc.ca/nhs-enm/2011/ref/guides/99-011-x/99-011-x2011006-eng.pdf>

includes other reasons, not to mention the extensive reasons provided in McCormack 2012a and 2012b.

Golder (pg. 22) cites MacDonald (2012) as a source for Golder's statement that "The regulation of trapping and hunting, increased competition for resources and the availability of wage employment began to draw people to places like Fort McKay, Fort Chipewyan and Fort McMurray (MacDonald 2012)." MacDonald (2012) actually says that the establishment of Fort Chipewyan as a fur trade post encouraged Chipewyan people to begin "to reside more permanently near the Fort". This would have taken place in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries and is not linked to the causal factors that Golder (pg. 22) lists: "regulation of trapping and hunting, increased competition for resources and the availability of wage employment". MacDonald (2012:25) later notes that "starting around the 1950s, ACFN members also found themselves increasingly moved off the land and centralized in Fort Chipewyan." MacDonald's words imply that ACFN members were not "drawn" to more permanent settlement in Fort Chipewyan (as Golder's sentence says), but were forced there.

Golder (pg. 22) fails to make note of the fact that the "effects on land accessibility and wildlife populations associated with the construction [and operation] of the W.A.C Bennett Dam" devastated the people of Fort Chipewyan and resulted in a complete economic collapse of the community. The result was not so much that the Dam "promoted the relocation" of Band members from reserve lands to Fort Chipewyan as Golder says, but a complete "economic collapse" with associated "cultural impacts and losses" that have had severe and long-term effects on Band members (MacDonald 2013:27). The experience and effects of the W.A.C. Bennett Dam was a highly important event in ACFN's history and provides critical information crucial to understanding ACFN's resilience and vulnerabilities in the context of the cultural impacts of development. It should be recognized and discussed in Golder's summary of ACFN.

Golder's discussion of the off-reserve migration trend suggests that "some young adults move to nearby towns for education and/or work" and supposes that ACFN members moving off-reserve may be moving into nearby communities. It may be worth mentioning that all of the ACFN reserve lands are "remote" from Fort Chipewyan (and Fort McMurray), accessible only by air or boat during ice-free conditions and the administrative and political centre for ACFN is in the community of Fort Chipewyan, not on ACFN reserve lands. Very few people live permanently on the reserve lands, although many members maintain seasonal homes on-reserve and Reserves remain important bases that support the continued exercise of Treaty rights on Reserve lands as well as ACFN's broader traditional lands. The 22% of ACFN members that live on-reserve may not actually even be living on the ACFN reserve lands – they are likely living on other reserves or Crown lands. Relying on statistics and assumptions, as Golder does here, does not provide an accurate picture of ACFN's population. It may be worth exploring in- and out-migration patterns further as Golder (pg. 24) later notes that in and out migration for employment and education affect community cohesion.

### Section 3.1 (page 24) – Meaningful Practice of Rights

Golder’s summary of conditions and incidental rights does not accurately capture the information ACFN has provided regarding the meaningful practice of ACFN rights.

- Example - “g) lands and resources available *without* cost and time constraints” (emphasis added). ACFN (2012:2) says: “lands and resources *accessible within constraints of cost and time*” [i.e., there are always constraints on time and money – these constraints are factors in land user decision-making about how far and for how long they can go to practice traditional land use activities; to remove the constraints land users would have to have infinite time and infinite money]
- Example - “d) Availability of preferred animals, fish, plants, medicines and water (quality and quantity) in preferred harvest locations – should be: “availability of *sufficient quality and quantity* of preferred animals, fish, *berries*, plants, medicines and water in preferred harvest locations”
- Example - “e) trust in the use or consumption of traditional lands and resource without fear of contamination” is different from, albeit related to, the *quality* of resources – [meaningful practice of rights must reference the quality of resources (resource may be of poor quality but not considered “contaminated”]; also, the issue is not simply one of people “trusting” food – that would imply that people should be taught to trust food that their knowledge and experience would otherwise tell them is not appropriate quality – i.e., teaching to trust may actually impact / undermine traditional knowledge – so, this is not just a risk communications issue (letting the community know that resources are “safe” within acceptable limits)]
- Example - Golder declines to note that ACFN (2012) Treaty Rights include the “right to harvest specific species in specific locations” as well as the incidental rights paraphrased by Golder.

### Section 3.2.2 (page 26) – Effects on Traditional Land Use – Water Quantity

The second paragraph in this section read: “Other factors that continue to contribute to low water levels in the Athabasca River (and noted during the JME Hearing) include the W.A.C. Bennett Dam in northeastern BC, changes in precipitation, and that the dredging of the Lower Athabasca River was halted in the 1990s, which has allowed sand bars to form (AER and CEAA 2013; Realtime 2012).” The AER and CEAA 2013 reference states: “[353] Shell stated that cumulative effects on the PAD were influenced primarily by historic changes in Peace River flows caused by the Bennett Dam.” The discussion of the W.A.C. Bennett Dam in AER and CEAA 2013 pertains to the Peace Athabasca Delta, not the Athabasca River specifically. There are thousands of pages within the source ‘Realtime 2012’; proper citation to Volume and page number, and source (e.g. First Nation, expert, etc.) is required.

Golder (pg. 26) states that the “Athabasca River is integral to the undertaking of TLU”. Golder declines to mention that the associated tributaries of the Athabasca as well as the Peace-Athabasca Delta itself are all integral.

Golder notes: “The River provides both a major transportation corridor to access Reserve Lands and TLU areas, and provides habitat for the traditional resources harvested within the region (ACFN 2012; MCFN 2012b).” The Athabasca River and other tributaries are identified by ACFN as Critical Waterway Zones and are described as being of importance to ACFN for hunting, transportation, access zones and/or drinking water sources (ACFN in Larcombe (2012:2-7).

No reference provided for statement: “The ACFN members have expressed how reductions in sustenance harvesting, caused by access restrictions and other factors, have led community members to find supplementary income within the oil industry.”

### **Section 3.2.5 (page 27) – Effects on Traditional Land Use – Noise, Odour and Visual Effects**

Second sentence in second paragraph. Golder (2<sup>nd</sup> sentence, 2<sup>nd</sup> para) states: “ACFN and MCFN members have also reported that moose tend to avoid the banks of the Athabasca River due to increased boat traffic, and associated noise (Candler et al. 2010).” Candler et al. (2010:14) actually reported: “However, moose also tend to avoid banks facing the main channel of the Athabasca because of regular boat traffic and noise along the main channel.” Candler et al. 2010 also note that access to moose on side channels is difficult due to frequent low water level conditions. This combination of factors increases difficulty in harvesting moose along the River and lower reaches of tributaries.

No reference for statement in last sentence of section which reads: “Out migration from reserve communities to Fort McKay, Fort McMurray and Fort Chipewyan has been expressed as a result of the encroachment of the oil sands industry.”

### **Section 3.2.6 (pages 28-29) – Effects on Traditional Land Use – Preferred Species Quality, Abundance and Behaviour**

First sentence of second paragraph. The observations of ACFN, discussed in the previous paragraph of this section, pertain to existing circumstances. Golder has incorrectly characterized these as “cumulative future impacts of development.”

Golder says: “Concerns have been expressed regarding the availability of preferred animals, fish, plants, medicines and water (quality and quantity) in preferred harvest locations.” Quality and quantity should be applied to all of the resources, not just water – i.e., “The availability of sufficient quality and quantity of preferred resources (animals, fish, berries, plants, medicines and water) are of concern.”

No specific reference provided for the direct quote from MacDonald (2012) (pg. 28, first paragraph). This quote appears to be from the Extended Summary section of MacDonald (2012), which did not have page numbers provided in the original document. Golder could still reference the section and subsection so that the reader can easily locate the quote (e.g., MacDonald 2012, Extended Summary, Cultural Effects of Changes on the Land).

### **Section 3.2.7 (page 29) – Effects on Traditional Land Use – Response to Observed Effects**

First sentence of first paragraph. Golder has taken Larcombe (2012) out of context. Larcombe (2012:x) wrote; “How encroachment has directly impacted on Athabasca Chipewyan First Nation over time is organized and discussed in three primary themes or categories: displacement, abandonment or avoidance, and adaptation.” Golder has quoted Larcombe (2012) in the three bulleted items without proper citation. Larcombe described specific direct impacts under these three themes and then discussed secondary impacts in terms economic, socio-cultural and physical and psychological health implications.

### **Section 3.3.1.3 (page 31) Athabasca Chipewyan First Nation**

Golder does not consider the effects of PRM on ACFN traditional land use to be significant based on the percentage of area taken up by PRM within ACFN Homeland and Proximate Zones. This finding of “not significant” is in contrast to an assessment based specifically on ACFN knowledge (Candler 2012b).

### **Section 3.3.2 (page 34) – Direct Disturbance of Traditional Territories**

Golder states in the last paragraph of this section; “...only that effects on resources that support TLU (e.g., factors affecting the wilderness experience and fear of contamination) can and has led to avoidance, displacement or adaptation to observed changes in the environment. To be clear, Larcombe (2012) does not attribute displacement solely to effects on resources and observed changes in the environment. The author specifically identifies access prohibition is a major form of displacement.

### **Section 3.3.2 (page 38) Noise, Odours and Visual Effects**

Golder minimizes impacts of noise, odour and visual effects by qualifying the importance of the experience of remoteness or wilderness as only being deemed necessary for meaningful TLU practice by “some” individuals. Golder then goes on to say that “the practice of meaningful TLU is highly individual, area- specific and may or may not require some or all of the conditions discussed earlier in Section 3.1”. This minimization based on the assertion that these effects matter to only some people is not supported by the ACFN documents Golder has reviewed –

noise, odour and visual effects are important to most, if not all, of the traditional land users interviewed.

### **Section 5.0 (page 43) – Summary of Findings**

Golder says in the last sentence; “The concerns expressed by members of Aboriginal groups regarding traditional culture are not necessarily related to a single oil sands project but, rather, the scale and pace of development in the region overall and their frustration regarding their lack of influence in land use decisions.” This ignores the fact that ACFN members (as documented in Candler et al. 2012b) have expressed specific concerns regarding the PRM project and its impact on traditional land use (which is an element of “traditional culture”).

**Appendix 7:**

**SIR 69A, Attachment A, Table A-1. Oil Sands Development Effects on the Local Aboriginal Population**

Golder Report states:	ACFN Review Comment(s)
<b>Subject: Reduced Access to and Loss of Traditional Lands</b>	
<p>“The loss of lands on which traditional pursuits can be carried out affects several intangible elements of culture including the transmission of culture and oral history (E.g., place names, stories) that are related to these lands. The inability to transmit culture on the land has implications for wider intergenerational relationships (e.g., a potential weakening of bonds between elders and youth.”</p>	<p>The inability to transmit culture on the land goes beyond implications for intergenerational relationships.</p> <p>Also affects the long-term knowledge and relationship with that place. Knowledge of place best transmitted on the land – removing that area removes the learning opportunities.</p>
<p>“Disturbance of the land resulting from development can lead to a perception among some Aboriginal peoples that the land has lost spiritual meaning or value even after reclamation has taken place (e.g., the spirit of the land has gone).</p>	<p>Saying that the loss of spiritual meaning is a “perception” minimizes this affect. It would be more in keeping with ACFN traditional knowledge to simply say that “disturbance of the land resulting from development impacts the spiritual meaning or value of the land even after reclamation takes place (e.g., the spirit of the land is gone)”</p>
<b>Subject: Concerns with Industrial Water Use</b>	
<p>“Aboriginal persons in the area believe changes they’ve observed in water quantity are attributable to Oil Sands development...These perceptions might lead to lower use of these waterways...”</p>	<p>Again, use of the words “believe” and “perceptions” again implies that somehow the knowledge of Aboriginal persons is unfounded.</p> <p>Based on ACFN TK, ACFN Elders and members have observed changes in water quantity that correspond with increased oil sands development. Their “belief” is based on their empirical observations through their knowledge and use of the River over time.</p>



<b>Appendix 7: SIR 69A, Attachment A, Table A-1. Oil Sands Development Effects on the Local Aboriginal Population</b>	
Golder Report states:	ACFN Review Comment(s)
	The “perception” of lower water quantity does not lead to lower use of waterways. The increased safety risks and risks of damage to property as a result of actual lower water levels (not a perception that water levels are lower) are what lead to lower use of waterways.
<b>Subject: Participation in Wage Economy</b>	
Wage economy opportunities can increase exposure of Aboriginal persons to outside cultural values that might run contrary to traditional values.”	Its not so much the <i>exposure</i> to outside values as it is the <i>pressure to act according to those values</i> that is the problem.
“The requirements of wage-economy jobs have increased the importance of non-traditional education.”	The real issue is that the increased importance of western education may lead to a decreased <i>value</i> being placed on traditional education. It also decreases the <i>time available</i> for taking part in activities and community relationships that are part of the traditional education.
“Wage economy opportunities can increase an individual’s sense of self-worth and sense of control.”	That is true, but ACFN members also report that employment in oil sands sector jobs can have negative effects as well: <ul style="list-style-type: none"> <li>• Isolation from social support network</li> <li>• Increased exposure and access to alcohol and drugs</li> <li>• Reduced connection to culture, extended family and core values</li> <li>• Disruptions in family and community dynamics because of long shift rotations</li> <li>• Less time spent on the land</li> </ul>

**Appendix 7:**

**SIR 69A, Attachment A, Table A-1. Oil Sands Development Effects on the Local Aboriginal Population**

Golder Report states:	ACFN Review Comment(s)
	<ul style="list-style-type: none"> <li>• Feelings of depression/lowered self-esteem from taking on menial work and/or work that conflicts with cultural values</li> <li>• Reduced adherence to Dene cultural values due to increased reliance on wage economy and the “Western industrial” value set</li> <li>• A number of effects on housing costs and difficulty in staffing community services</li> </ul> <p>Golder has missed that participation in oil sands jobs can increase absences from the home community for employment purposes which leads to:</p> <ul style="list-style-type: none"> <li>• Higher rates of substance abuse</li> <li>• Impacts to family and community support networks</li> <li>• Increase alienation from traditional way of life and cultural values – decreased sense of connection to culture and cultural identity</li> <li>• High suicide rates</li> <li>• Deepening feelings of lack of control or self-determination</li> <li>• Mental stress and pressure in a context where there are few social support networks</li> <li>• Change of values away from sharing and socialization in large extended family groups</li> <li>• Decreased ability to practice and transmit culture and traditions, loss of cultural continuity</li> </ul>

<b>Appendix 7:</b>	
<b>SIR 69A, Attachment A, Table A-1. Oil Sands Development Effects on the Local Aboriginal Population</b>	
Golder Report states:	ACFN Review Comment(s)
<b>Subject: Increased non-Aboriginal Population</b>	
<p>“Decreased feelings of security among some Aboriginal persons when carrying out traditional activities... as a result of increased numbers of non-Aboriginal persons pursuing recreational activities on the land.”</p>	<p>The decreased feeling of security is not simply the result of increased numbers of non-Aboriginal persons, it is the result of actual experiences with those non-Aboriginal persons on the land. There have been confrontations and challenges, and also issues related to careless use of firearms.</p> <p>Golder declines to note that increased Aboriginal persons on the landscape not only affects feelings of security, but also impacts the experience of remoteness/wilderness.</p>