



January 23, 2015

Brett Maracle, Panel Manager  
Canadian Environmental Assessment Agency  
160 Elgin Street 22nd Floor  
Ottawa, ON, K1N 0H3  
Via email: [RobbTrend@ceaa-acee.gc.ca](mailto:RobbTrend@ceaa-acee.gc.ca)

Stoney Consultation Office Box 120 Morley, Alberta T0L 1N0 Office: (403) 881 – 4276 Fax: (403) 881 – 4250
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**Re: Robb Trend Coal Mine Expansion Project, Stoney Nakoda comments on Phase 1, 061-133.**

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Dear Brett,

The Stoney Nakoda Nations (SNN), is comprised of the Bears paw First Nation, Chiniki First Nation, and Wesley First Nation, that are mainly situated on the Eden Valley Indian Reserve #216; the Stoney Indian Reserve 142, 143, 144; the Rabbit Lake Indian Reserve 142B; and the Bighorn Indian Reserve 144 A. The Bears paw First Nation, Chiniki First Nation, and Wesley First Nation were signatories to Treaty 7 at Blackfoot Crossing, in 1877.

The SNN considers that government of Canada and the government of Alberta have a Duty to Consult and Accommodate the SNN on the Robb Trend Coal Mine Expansion project. The government of Canada, in particular, has a Fiduciary Obligation to ensure that Treaty and Aboriginal Rights are preserved and respected, as well as, the Honour of the Crown must also be adhered to. As well, the consultation and accommodation process, must be in alignment with historic and current Supreme Court of Canada, with regards to Aboriginal Consultation.

The SNN will offer a brief commentary on “Joint Review Agreement” as part of Phase 1 of the Robb Trend Coal Mine Expansion project.

With regards to the three-member panel that will comprise the Joint Review Panel, SNN is concerned that there will be no First Nation representation. Given the western science based review and reporting of the environmental assessment process, SNN is not confident that equal understanding will not be given towards First Nation Traditional Environmental Knowledge worldviews and systems.

Traditional Environmental Knowledge takes a lifetime to understand, through a mixture of oral history and ceremony. As such, an in-depth understanding is not widely available to the non-native community. The SNN



raise these concerns as such Traditional Environmental Knowledge discussions will likely arise during later stages of this project. A thorough Traditional Environmental Knowledge understanding should impact the project assessment and mitigation phases.

Another area of concern is the determination of consultation adequacy for the project. The SNN has concerns about the determination of adequacy, and which ministry or group determines this.

As noted at the January 21<sup>st</sup>, 2015 meeting, the SNN has noted concerns on the recent government of Alberta policies, such as, the First Nations Consultation Policy and Guidelines (2014), the South Saskatchewan Regional Plan, and Responsible Energy Development Act, Bill 2, commentary in 2013. These commentaries may overlap with the Robb Trend Coal Mine Expansion project. Aboriginal representation within the Alberta Energy Regulator (formerly the Energy Resources Conservation Board), has been an issue in the past, to the present day.

As noted at the January 21<sup>st</sup>, 2015 meeting, the participant funding program does not cover all consultation aspects. In a similar fashion, the government of Alberta, Aboriginal Relations Contribution Agreement, has areas defined for “ineligible” expenses. The SNFN does not believe that First Nations should be “subsidizing” the Duty to Consult and Accommodate, for industry or government proponents.

The waters flowing through the traditional land of the Bearspaw First Nation, Chiniki First Nation, and Wesley First Nation, have sustained the Bearspaw First Nation, Chiniki First Nation, and Wesley First Nation people since time immemorial. When the Bearspaw First Nation, Chiniki First Nation, and Wesley First Nation signed Treaty 7, they did not surrender their Aboriginal Title to the water in their traditional territory, nor any other interests pursuant to an associated Aboriginal right, the Bearspaw First Nation, Chiniki First Nation, and Wesley First Nation, continue to hold these rights.

Nothing in this letter shall be interpreted in a manner that extinguishes, abrogates or diminishes the SNN’s Aboriginal or Treaty rights, including Aboriginal Title (Wesley Action No. 0301-19586), which are protected under section 35 of the Constitution Act, 1982.

Sincerely,



<original signed by>

William Snow

SNN Consultation Manager

C.C: Ian Getty, Stoney Research Director  
Marie Kootenay, Project Coordinator  
Barry Wesley, Chiniki Bighorn Representative  
Keon Crawler, Wesley Bighorn Representative