



Consultation & Land

Jennifer Dallaire
Impact Assessment Agency of Canada
Government of Canada

September 6, 2022

RE: Summit Mine 14 Project.

Summit Coal Inc. (the proponent) is proposing to develop the Mine 14 Project. The Mine 14 is approximately 500km northwest of the Louis Bull Tribe (LBT) reserve, approximately 5 hours away, but well within the traditional territory and current land use area of LBT. In light of this, the Impact Assessment Agency of Canada has contacted LBT to identify and address potential concerns and impacts to rights.

LBT is a signatory of Treaty 6 and is one of the four First Nations with reserve lands in Maskwacis (the other three being: Ermineskin Cree Nation, Samson Cree Nation and Montana Cree Nation). LBT is a Cree community consisting of 1,500 on-reserve residents and 1,800 residents living off-reserve, including the Edmonton and Hinton area including the Smallboy Camp (approximately 50km south of Hinton). LBT members have familial ties to other First Nation communities and currently practice traditional land uses as far as central and northeast British Columbia, western Saskatchewan, Montana, and northern Alberta. The Tribe's reserve lands are located within Alberta's central parkland natural subregion (Natural Regions Committee 2006), approximately 500km Northeast of the proposed project.

Pursuant to Treaty 6, Louis Bull has constitutionally protected Treaty and Aboriginal rights adjacent to the Project area, as it lies within the traditional territory. Louis Bull's rights under Treaty 6, as expanded by the Natural Resource Transfer Agreement, 1930, include, but are not limited to:

- The right to hunt, fish, trap and gather "on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access";
- The right to transmit traditional knowledge to subsequent generations; and
- Practices reasonably incidental to Treaty harvesting rights, including use of traditional trails to access an area, camping and other activities (R v Sundown, [1990] 1 SCR 393; R v Badger, [1996] 1 SCR 771). Louis Bull's Aboriginal and Treaty rights are entrenched and protected pursuant to section 35 of the Constitution.

Impacts to Rights

The Louis Bull Tribe Consultation Office has not conducted a traditional land use assessment (TLUA) for the Project therefore general impacts have been provided. We believe that there is more work to be done to adequately assess the impacts to the rights and traditional uses of the Louis Bull Tribe; we believe this will be achieved through the fulsome Federal Impact Assessment process. We offer the following concerns:

1. Loss of land – Crown lands are being fragmented and taken up resulting in fewer places to peacefully practice rights,
2. Food security – impacts to and loss of wildlife populations. Bighorn Sheep have been shown to accumulate selenium when grazing around these coal mine areas, and that the government has known about this for some time https://www.cbc.ca/news/canada/edmonton/alberta-government-knew-bighorn-sheep-contaminated-with-coal-mine-selenium-scientist-1.6022966?fbclid=IwAR1u_hLUO30uzu_wZYZwwFaX8SuDcC092nnmc4k-V4JtIO1g1SMKzNmsZBc
3. Cumulative effects and cumulative impacts to rights in consideration of Treaty obligations as set out in the Yahey Decision 2021
4. Down-stream impacts such as reduced water quantity, contaminant levels, fish habitat
5. Impacts to and loss of rare and culturally significant plants
6. Impacts to the mental health of Indigenous peoples due to alteration of landscapes (solistagia)
7. Evaluation of original predictions and outcomes from an environmental, economic and social perspective - proponents should be evaluated (in a transparent manner) on their previous performance and commitments prior to approving new projects to ensure best management practices are effective and operators have been compliant
8. The Government of Alberta does not acknowledge LBTs traditional use in this area and will not require the proponent to consult the Tribe nor address impacts to the rights of LBT
9. Species at Risk – the Louis Bull Tribe has concerns regarding government oversight and protection of species at risk such as the woodland caribou. We believe our rights and way of life are threatened as well; how Canada and Alberta manage species at risk is an indication to us on how Governments will work towards protecting our rights and traditional way of life, it is time we all do better.

We have attached our responses to the guiding questions along with this letter. Should you wish to discuss this matter further, I can be contacted at the email address listed below or at (403) 463-1139.

<Original signed by>

Melanie Daniels, Lands & Consultation Manager
<Personal information removed>

E-mail: consultation@louisbulltribe.ca

