

Foothills Ojibway First Nation
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The Honourable Steven Guilbeault MP
Minister of Environment and Climate Change
200 Sacré-Coeur Boulevard
Gatineau QC K1A 0H3

Impact Assessment Agency of Canada
22nd Floor, Place Bell
160 Elgin Street
Ottawa ON K1A 0H3
Dear Minister Guilbeault,

October 1, 2024

RE: Foothills Ojibway First Nation (FOFN) Statement for IAAC Designation Request for the Coalspur Vista Mine Phase II Expansion

Overview

FOFN is aware that this expansion for Vista Mine Phase II is only a small representation of a larger area of coal deposits in the region that are being targeted for future development. FOFN is aware that coal seams run all along the Eastern Slopes and from the Nordegg area all the way up to Grande Prairie where the core of FOFN cultural sites are located. There are enough coal mines that have not yet been reclaimed in the immediate Hinton area, that no new expansions or developments can be permitted until the existing sites are reclaimed, that reclamation must be done in partnership with FOFN who know the immediate areas and how to reconnect the spiritual components that the mining has disrupted.

The adverse effects from Phase I have already been significant. When they were proposing Phase 1 FOFN already had expressed concerns that were ignored at that time.

During Phase 1 there were no formal consultations with Foothills Ojibway First Nation. The original approvals for Phase I should not have been given without FOFN consent. There should be records from Peter Hutchins on behalf of FOFN who sent communications to Coalspur's lawyer during the Phase I approval process.

Destruction or disturbance has occurred of physical and cultural heritage including encroachment to cultural sites located within and adjacent to the Phase I lease area including

medicinal transplant and gathering areas, disruption to the flow of McPherson Creek, decrease in fish population in McPherson Creek from historic levels, disturbance of mineral licks, ceremonial sites and camp locations as well as encroachment on a historic cabin site.

Despite some of these sites being identified in 2021, disturbance and destruction still happened. There has been inconsistent communication between FOFN and Coalspur regarding Phase I activities and only in the last 30 days have efforts been made to reopen conversations following an FOFN visit to our cultural sites that required access through the mine lease area. FOFN has had to initiate the communications with Coalspur throughout the project.

Coalspur (via Ian Shaw) has actively expressed that the destruction of sites will be investigated; there is lack of clarity about what operators were responsible for disturbing those sites so Coalspur has indicated that they will conduct an investigation. FOFN has a site visit scheduled for October 16, 2024 and recently conducted a site visit that Coalspur facilitated at our request on August 16, 2024.

Communications have been reestablished between FOFN and Coalspur and the following items are agreed upon:

- Coalspur is committed to reopening communications and undertaking full consultation with FOFN above and beyond provincial consultation guidelines,
- Coalspur will work collaboratively with FOFN to ensure that sites are not disturbed in ongoing and future operations, and that FOFN will be involved in monitoring,
- Coalspur will provide support (financial and otherwise) to build FOFN capacity to engage in monitoring and reclamation (ie. discussion of how Coalspur can support of our developing Land-based Guardians Program), and;
- Negotiation of an Impact Benefit Agreement between Coalspur and FOFN will be conducted.

Phone conversations have been the form of communication between 2021-2023, with most communication happening in 2021 between Chief O'Chiese and Ian Shaw. June 2, 2021 was when the first cabin location was identified when Chief Jim O'Chiese arrived on site and requested access, another site visit was held on the following day of June 3, 2021, both site visits were with Ian Shaw. During approval process for Phase II, a First Nation Consultation number was generated for the Aboriginal Consultation Office in 2019. FOFN did not receive any consultation prior to Ian Shaw coming on for Phase II, when Chief O'Chiese arrived on site on June 2, 2021. There is an assumption by FOFN that this lack of consultation is a direct result of the false claims by the ACO that FOFN does not need to be consulted as a "non-status" community.

We are observing cumulative impacts to wildlife health in the area that are a result of compounding impacts from forestry, oil and gas and the impacts of the Vista Mine. Decline in population and health of moose is of particular concern.

We are very concerned about impacts to water quality, beyond what is detectable from the technical analysis that is available at this time. We know that there are impacts to water that cannot be detected by the testing methods that are available. These impacts are to the spiritual connections between water, animals, fish, plants and humans are present even though they cannot be detected.

We have a responsibility to be a voice and advocate for the animals and other beings that cannot speak up for themselves.

The loss of access to cultural sites also has a significant impact on the ongoing transmission of cultural knowledge. We have to keep practicing our cultural knowledge to keep the land healthy and loss of access and loss of cultural sites and important biocultural areas makes this transmission impossible.

There has also been removal of FOFN ceremonial flags in the area - we are not sure who is removing these because of lack of communication with industry operators, desecrating these sites is the same as desecrating a church or any other religious symbol. Monitoring by our own people is required to ensure that these sites are protected.

Potential Effects and Impacts (Responses to Specific Questions)

1.
 - a. There will be impacts to physical and cultural heritage including disturbance or destruction of medicinal areas (including sites where medicines have been transplanted and are tied to specific kinship/families including for the animals who also use them), ceremonial areas (many of which have no obvious evidence because our people were hiding to protect the ceremonies prior to the 1970s), there are also burial/death sites and other cultural and sacred sites in the area.
 - b. There will also be impacts to ongoing use especially for hunting and fishing although the ability to fish has already been so severely impacted in the area from cumulative impacts.
 - c. There are multiple cabin sites in the proposed expansion area that are tied to FOFN use and occupancy. Other structures that would have existed in the area were dismantled because FOFN families were hiding and keeping ceremonial locations secret until the 1970s because the ceremonies had been outlawed for so long. In order to protect those ceremonies at the time the lodges and structures had to be dismantled. We still know where those sites are and there is evidence that can be detected.
2. Changes to your community:
 - a. The impacts to health, social or economic conditions are all negative if we take the view that at the most basic level all of these (health, social and economic

wellbeing) come from the land being healthy - if our environment is not healthy and we cannot access our cultural sites and harvesting areas then we lose who we are as a people, we lose pieces of the language that are directly connected and come from that land. Without the land being healthy we have nothing. Our people have never benefited economically from any of the extractive development in this area. All of the profits leave to the owners and shareholders of the companies, royalties to governments, contracts to First Nations who are not local, and leave our people here with the legacy of the environmental destruction. All we have to do is look at the other coal mines in the area that have ceased operations (Teck at Cardinal River and Obed Mine) to see that once there is no money to be made, the jobs leave and the equipment is moved to sites where the companies can make money. Reclamation is not a priority because there is no money to be made. And they move on to the next area to be mined.

- b. The impacts to our knowledge, language and culture are significant. It impacts everything: the land, the ceremonies, the environment, the health of the animals because they are all connected and, it is these interconnected human-ecological systems that are required for us to learn and transmit knowledge, the language is directly connected to the land. Once things are destroyed some of it can never come back, cultural sites can never come back. There are some areas where we can help the medicines to come back. Without our land and our cultural sites we cannot be a people, destroying our land is just a continuation of the genocide that has been taking place since Canada started to claim that they own the land in in the late 1800s with the start of the numbered treaties to “cede and surrender the Indian lands”. These impacts are cultural-environmental impacts, they do not get assessed properly by the environmental impact assessment processes that the government uses [provincial and federal]. FOFN is ignored by the provincial consultation process, the Alberta Aboriginal Consultation Office actively tells companies they do not need to consult with us and gives approvals without our consent which is why our sites have been destroyed, not just by Vista Mine but by the forestry company [West Fraser] and oil and gas developments and other mines.
3. Other changes and impacts to parts of our community:
 - a. Women, youth, elders: Yes the project will have impacts on these groups in our community. There are mental health and spiritual impacts from seeing our lands destroyed and losing access to our traditional knowledge and practices. There are mental health impacts from being ignored. There are direct connections between the destruction of the land and the violations of our women. Our women are more at risk to be victims of violence because the violence towards our lands is so normalized in the community of Hinton and is seen as a right for non-native people to work and get paid lots of money to be part of the destruction of our

land. Our young people struggle to see a future when their land is being destroyed and the only jobs where you can afford to live in Hinton mean you have to participate in that destruction, they often become depressed, turning more and more towards drugs and alcohol to numb those feelings caused by this violence and trauma. There are increases in domestic violence that affect our women and young people. Everything is out of balance.

- b. Sustainability - everything is being destroyed. Yes everything is connected between the ecosystem and the human systems, we cannot survive if we do not care for the land and our cultural sites and continue to practice our ceremonies, continue harvesting and visiting our cultural sites. These practices are all necessary to keep the environment in balance. It is our responsibility to protect and continue to practice these things for the future generations, what will they say if we do nothing and let the land be destroyed?
4. The project infringes on our inherent rights that stem from the original Peace and Friendship treaties when Europeans first came, the first treaty in 1613 between the Dutch and Haudensaunee first establishes the native people as nations. Then our ancestors (Chief Pontaic) signed the Treaty of Niagara 1764, following the Royal Proclamation 1763 by King George III which recognized our people. These treaties are higher than Canadian law. FOFN should be consulted and in partnership with all development happening in the core of our traditional territory which is centered around Hinton, Alberta. But we are ignored and Indian Act nations who do not have specific cultural sites or site specific knowledge of these project areas are giving consent to allow for the approval of these projects, they are often most interested in contracts and jobs and would say there are no impacts because they do not know the area. It is our people who have sites and knowledge of these areas and we need to be the ones who are guiding these projects so things are not destroyed and for the areas that can be healed that we are leading that healing work.

Final Comment

Even though Coalspur has consulted with other First Nations, any input they provide in support of the project should not be given much weight as the impacts from this mine do not affect their daily living or active cultural land use or knowledge.

The government has decided to recognize native people on a certain day such as September 30. But these things that happen to us whether it's the residential schools and taking the children away. Taking away the cultural knowledge and language, the trauma is still there. So many of our people are in prison, being taken to foster care, it's still happening everyday to our people. The destruction of the land is the same trauma and the same removal of our people from our traditional, cultural homelands.

