



## Chipewyan Prairie First Nation

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September 8, 2004

Attention: Gary Perkins  
Board Counsel  
Alberta Energy and Utilities Board  
640 5th Avenue SW  
Calgary, Alberta T2P 3G4

Dear Mr. Perkins:

It is the concern of the Chipewyan Prairie Dene First Nation (CPDFN) Chief, Council, and Elders that the natural gas production companies operating within our traditional lands are in non-compliance regarding reclamation and consultation following the gas well shut-ins. The gas industry has never consulted the First Nations and prior to application approvals; the EUB stipulates the need to consult with the communities regularly in relation to operations within our traditional lands by industries, partnerships, and stakeholders.

Our community members are concerned that the natural gas companies will not be due diligent and will not reclaim the land following gas well shut-ins. Also, we believe that all of the combined operations on our traditional lands are stressing the environment enough, and that the natural gas companies will not properly adhere to EUB regulations and adequately shut-in the wells that the natural gas companies have profited from for several decades.

As part of the natural gas versus bitumen hearings in July 2003, CPDFN Industry Relations Corporation Director Betty Kennedy addressed the communities concerns regarding the lack of consultation, socio-economic impacts, employment and environmental concerns. We would like to know how the EUB has addressed the community concerns and ensure the Board encourages process for consultation with the natural gas companies as soon as possible. We have attached our standards of consultation as adopted by 19 of our local industries. These oil producers, forestry companies and pipelines realize the importance of consulting with the First Nations. We would expect these same standards of consultation be adhered to by the gas producers.

The proper procedure in which to shut-in gas wells or discontinue pipelines is through abandonment or reclamation. If a well is shut-in for the next 40 years, are the pipelines going to stay in the ground or are there expectations for reclamation? The land will lose its' ability to regenerate if these materials are left in the ground to rot. We don't think the high cost of pipeline suspension and shut-ins should compromise the environment. We have already lost most of our traditional lands and we are not in a position to accept these pipelines being left in the ground untreated to further contaminate the soil and further destroy our way of life. As well, many of the roads to these now shut-in wells need to be addressed because of the access that is no longer necessary by the gas companies are being used by non-traditional users to access our lands.

Thank you,

Chief Walter Janvier

## Schedule B: Standards of Consultation

### Intent of these Standards

These Standards of Consultation define the consultation expectations that will be utilized by the First Nations and industry Parties who are the signatories to the ATC / All Parties Agreement.

### Principles of Consultation:

Consultation will reflect the culture of the communities and will be based upon:

- on-going, timely and long-term consultation; and
- a consultation process designed to establish an understanding of on-going issues and resolution of these issues; and
- proactive identification of opportunities to work together and to establish and maintain relationships; and
- working relationships at senior, managerial, technical and administrative levels.

### Mandate:

A Mandate will be negotiated between the parties to arrive at common understanding of the overarching purpose of the relationship and of the consultation process. The mandate will ensure that:

1. Due diligence is carried out by the First Nation in reviewing and examining applications, environmental impact assessments, conservation and reclamation plans, and environmental licenses and approvals.
2. Consultation with the First Nation community about industrial development includes building awareness between the Parties and a process to seek input, advice and feedback. "Community" is defined as individuals, formal leaders, Elders, informal leaders, community groups and service providers.
3. The facilitation of relationships with industrial developers as desired by the Parties.
4. Enhancement of the industry relations' capacity within the community. This may be formal (education, on-the-job development) or informal (on-going information sharing, meetings, etc.)

5. Identification and understanding of the Key Concern Areas (KCAs) that will be under discussion and negotiation. KCAs may include, but are not limited to:
- Business Development
  - Culture Retention
  - Training and Education
  - Environmental Affairs
  - Career Development
  - Infrastructure
  - Trappers Compensation

### **The IRC Agreement:**

The IRC Agreement should include such elements as the Principles, Mandate, identification of positions in the corporation and the First Nation accountable for the success of the Agreement, rights and responsibilities of the parties, resourcing, monitoring and evaluation processes and timelines, opting out clause, signatory page.

### **Consultation Process:**

In support of the principles and mandate of the Standards of Consultation, the consultation process must be meaningful and effective for both the First Nation and the Corporation. The Consultation Process must take into account how each party consults, time lines required for consultation and stages in the decision making processes for the First Nation and the corporation.

### **Negotiated Environmental and Socio-Economic Agreements:**

The consultation process must include the development of environmental and socio-economic agreements that deal specifically with the Key Concern Areas described in the IRC Agreement. These agreements can take the form of action plans that describe the activity, mutual responsibilities, obligations and time lines.

### **Relationship Building Initiatives:**

Relationships are the key element of the consultation process. Working relationships must be proactively established and maintained at all levels, i.e., Chief to executive, staff to staff, and Party to First Nation.

In order to build these necessary relationships, trust must be established. For the purposes of these Standards, the requirements for trust include individual representatives who demonstrate ethical behaviour and follow through on commitments.

**Monitoring and Evaluating:**

Relationships break down because neither party's needs are met. To ensure that the consultation process is working for both parties, and to identify issues before they become problems, monitoring and evaluation criteria must be established and used on a regular basis, especially in relationships where there has been past problems or where the relationships are being formed.

The criteria should include what is to be evaluated, by whom, when and how.

The evaluation must be two-way and be approached frankly and openly with diplomacy.

**Adequate and Effective Resources:**

Adequate resources and proper management of resources are critical. In negotiating resources, agreement on the following will be established.

- The required human resource skills and behaviors needed of those taking part in the consultation process.
- Appropriate capital and operating investment. Note: The financial arrangement should not be considered a corporate contribution or "funding" as it is an arrangement between equal Parties who are both investing in the consultation process for joint benefits.