

June 26, 2001

Alberta Energy and Utilities Board
Public Safety and Sour Gas
Implementation Plan Consultations
Aboriginal Communities

SUMMARY

The Aboriginal Implementation Plan consultations presented the team with a repeat of the issues collected in the first set of consultations by the Advisory Committee. This was due to the fact that the faces/players are continually changing at the Chief and Council and representation level. This process will continue because of the two-year election Chief and Council system that the First Nations use. This reinforced the need to maintain a good working relationship with continuous contact and updates of the situation in their areas i.e., new companies in area, company takeovers, updating communication lists, contacts/phone numbers, etc. Introductory meetings with new Chief and Councils every second year would also provide for the necessary ongoing relationship. Representatives expressed that this relationship is important to build and maintain, as First Nations people are very skeptical when it comes to dealings with Government.

Feedback suggested that development of a working relationship at the non-political level will provide better continuity than at the Chief and Council level. However, one must at all times be cognizant of protocol within the First Nations Communities and Metis Settlements. The phrase commonly used by First Nations "Government to Government" must be respected particularly by Industry in their initial dealings with First Nations. In their initial meetings with Chief and Council, respect must be shown by having Chief to Chief representation. The protocol within Metis Settlements must also be understood and respected if a working relationship is to be developed.

The need for participation by the Aboriginal community at the decision making level was continually presented as a recommended action. Many communities felt that Aboriginal representation at the EUB Board level would provide an Aboriginal perspective on issues concerning the Aboriginal peoples. They also felt that the EUB should hire Aboriginal staff in head office and the field.

Aboriginal representatives believe that decision-makers need education on Aboriginal cultures to help them understand issues and make more knowledgeable decisions where those decisions could affect the livelihood of Aboriginal communities. They see the communication/education process as a two way street: staff within the EUB and Industry receive cultural training from the Aboriginal communities and Aboriginal communities receive training on EUB, IOGC, Industry business, roles and responsibilities and health and safety regarding sour gas development.

Aboriginal representatives involved in meetings to date have expressed that they have found the meetings to be very positive and they look forward to continuing with an open communication process. However, skepticism will remain until tangible actions or results are seen. Communities felt that a joint IOGC/EUB "road show" to begin the educational process, as suggested by some,

would begin to show commitment to implementation of the recommendations. Continuous involvement of Aboriginal communities in implementing the action items will also strengthen that commitment.

Along with the review of issues and concerns, there were continued reports of ongoing industry incidents in or adjacent to Aboriginal communities. This strengthens the need for a good complaint system (recommendation #85). In these consultation sessions, when representatives were provided with EUB field contacts to register their complaint, it was very obvious how relieved they were that there was a process in place and that they do not have to accept the present situations related to sour gas development. Comments from representatives were that they felt it was no use complaining about oil and gas development because nothing would be done about it. These people believe that, even though they feel discomfort and/or concern, they have no recourse and just have to live with the conditions as they are. Again, the communities expressed a need to develop solid working relationships between the EUB, industry and Aboriginal communities to assure them that there is someone who cares about their health and safety and will take the time to follow up on their complaints.

The concern from Chief and Council and its administration was that their communities do not have resources or infrastructure to deal with oil and gas issues. The development of working relationships with the local field staff will begin the process of trust and a good relationship. They will then feel comfortable to call when an issue and/or complaint warrants it. However, the issue of access on reserve lands by EUB and industry must be addressed. It was suggested that, as a precaution when field staff are requested to follow up on a complaint or inspect facilities on Aboriginal lands they should initially request written permission from the Chief and Council or Metis General Council. As the understanding and relationship with EUB unfolds, that trust relationship will provide ongoing access to the First Nation lands and Metis settlements.

The feedback on Recommendation # 87, disaster services capability within Aboriginal communities, created a great deal of discussion with the Aboriginal representatives. It was made very clear that the majority of the Aboriginal communities do not have the resources and infrastructure to provide disaster services for their communities. There is inconsistency when it comes to disaster services resources and infrastructure provided by the Federal Government on First Nation lands. Representatives felt that it is critical to initiate discussions with Government bodies responsible to resolve this situation. They suggested that when discussions occur, Industry should be involved to discuss their role in the disaster planning process as it relates to sour gas emergency response planning which should be included in the overall disaster plan. Representatives stated that industry consultants come and go in these communities to do planning but that they rarely see any action and/or follow up with the plans which are developed by industry in isolation. The concept of holding mock exercises to ensure that industry and community disaster plans can effectively provide an orderly response to an emergency was very favourably received by the Aboriginal communities.

Another continued reference by all Aboriginal representatives was 'traditional lands' and their concern for consultation vs notification when development is proposed on those lands. They believe they need to have input into the decision making process when it comes to development on traditional lands. The reason for concern is that they still maintain their livelihood on those

lands for hunting, fishing, berry picking and herbs for medicinal purposes. They are also very concerned about the environment including water, air and land quality. They stated that there is an increase in asthma and respiratory health problems within the communities particularly in the young population. Also, that the sacred sites on these lands are being destroyed and/or items being taken from sites. They want to be part of the process because they have to live with these decisions; they cannot just pack up and move, they have to stay there forever. They want the lands to be kept safe for future generations. Some discussion took place regarding the possibility of mapping traditional lands as a reference for industry and the EUB.

There was skepticism regarding development of an Aboriginal Advisory committee or regional committees. Concerns of effectiveness, representation, and terms of reference were heard. When the representatives were assured that they would have the opportunity to provide input into the structuring of any advisory committee(s), there was enthusiasm to implement. However, the political representatives indicated that they want more than just an advisory committee and have requested that they have a voice at the Board level to provide an Aboriginal perspective. They believe that representation at that level is where they will have true impact on the decisions that their communities have to live with.

Aboriginal communities feel that solid working relationships with these communities both at the EUB head office and field office level are necessary to ensure ongoing dialogue and participation in decision making processes where development affects Aboriginal lands. The initiation of two-way educational programs for EUB/Industry and Aboriginal communities will initiate the process of relationship building. Emphasis must be placed on consistency of the EUB and industry field representatives used in consultation processes in order to maintain continuity and build trust.

Particular attention should be given to developing tools to assist all parties and ensuring that consultation, and not notification at the 11th hour as put by some Aboriginal representatives, takes place.

In summary, it is in the best interest of EUB to initiate actions to implement the recommendations as soon as possible. The Aboriginal communities remain skeptical and need to see tangible actions and results of our words. They have no faith in government.