

**MUNICIPAL DISTRICT OF MACKENZIE NO. 23  
SPECIAL COUNCIL MEETING**

**Council Chambers, Mustus Lake Centre  
La Crete, Alberta**

**Monday, April 2, 2001**

**PRESENT:**

Bill Neufeld	Reeve
Frank Rosenberger	Deputy Reeve
Betty Bateman	Councillor
John Driedger	Councillor
Pat Kulscar	Councillor
Greg Newman	Councillor
Joe Peters	Councillor
Walter Sarapuk	Councillor
Wayne Thiessen	Councillor
Willie Wieler	Councillor

**ABSENT:**

<b><u>ALSO PRESENT:</u></b> Harvey Prockiw	Chief Administrative Officer
Eva Schmidt	Executive Assistant
Chris Kelland	Agricultural Fieldman

Minutes of the special council meeting for the Municipal District of Mackenzie No. 23 held on Monday, April 2, 2001, in the Council Chambers of the Mustus Lake Centre, La Crete, Alberta.

**CALL TO ORDER: 1. a) Call to Order**

Reeve Neufeld called the Special Council meeting to order at 2:02 p.m.

**AGENDA:**                    2.     b)     **Adoption of the Agenda**

**MOTION 01-166**     **MOVED** by Councillor Newman

That the agenda be adopted as presented.

**CARRIED**

**BUSINESS:**                    3.     **Memorandum of Understanding**

Reeve Neufeld welcomed the delegation to the meeting at 2:03 p.m. and asked everyone present to introduce themselves.

Jamie Honda-McNeil distributed handouts on the Memorandum of Understanding between the Little Red River Cree Nation, the Tallcree Nation, and the Government of Alberta. Mr. Honda-McNeil discussed the key events and historical background regarding aboriginal rights; treaties 6, 7, and 8; the 1930 Natural Resource Transfer Agreements, and the 1982 Constitution Act. Mr. Honda-McNeil went on to discuss case law that establishes Aboriginal rights both on and off the reserve, the federal governments' duty to protect the interest of First Nations, the requirement that aboriginal rights to be interfered with as little as possible, fair compensation must be given to aboriginals, and aboriginal groups must be consulted.

The Alberta provincial government deals with Memorandums of Understandings subject to the Royal Proclamation, the First Nations numbered treaties list in Alberta, the Natural Resource Transfer Agreements, as well as the 1982 Constitution Act. Alberta aboriginals have rights to traditional lands and traditional uses. The 1982 Constitution is the supreme law, which gives aboriginals hunting rights. Aboriginal rights issues must be taken into consideration. A lot of case law provides emerging issues such as consulting First Nations as well as treaty rights and impacts. Consultations must be with aboriginals and must not be predetermined. Variations of consultation range from information sharing to compensation and mitigation.

Council asked what form of compensation is given and for what. Jamie Honda-McNeil stated that compensation is given when it is determined that there is an aboriginal treaty right to the lands in

question such as an oil sands development in a significant hunting area. Compensation could mean providing an alternative area for the First Nations and may be very specific.

Council asked how consultation turns into compensation. The example given was that the compensation given is similar than the compensation given when land is expropriated for highway expansion where the government pays the landowner compensation for land. When something is taken away from First Nations it is compensated for in some way. Trappers are given compensation when they suffer a loss due to oil and gas development.

A member of the public stated that very few roads that go through trap lines result in compensation given to trappers and asked if compensation is only paid to aboriginals. The delegation was not sure, they knew that oil companies do compensate but were unsure if compensation was always given.

Jamie Honda-McNeil stated that the province is working on strengthening relationships to improve individual and community well being and self-reliance. The aboriginal policy framework was approved in 2000 and can be located on the government of Alberta website along with the constitutions and treaty rights. In 1996 the provincial government put together a Cooperative Management Framework document which is a non-legislative policy establishing principles to create a formal consultation process that will improve relations. The Cooperative Management document ensures that existing rights, jurisdictions, and authorities of First Nations, Alberta government, and third parties are recognized and respected.

A member of the public asked who is considered a third party. Mr. Honda-McNeil answered third parties are industries, municipal districts and other interest groups, the emphasis is on local benefits.

Mr. Honda-McNeil stated that a model forest is a federal program to establish and study ecosystems. There are currently 10 model forests in Canada, their main purpose is to study the effect oil exploration, etc. has on the landscape over a long period of time. In 1991 Little Red River Cree Nation and Tallcree Nation submitted a bid for a federal model forest to establish an ecosystem. The bid was successful. The first Memorandum of Understanding was signed in 1995 and focuses on partnerships, sustainable development and economic development. The Memorandum of

Understanding expired March 30, 2001 and has neither been extended or a new one signed to date. The intent is that the 1999 agreement will be extended including the same hectares. The letters have not been drafted but no changes are anticipated. The Memorandum of Understanding focuses on partnerships, sustainable and economic development of lands owned by First Nations.

The mandate of the Cooperative Management Board is to present advice and recommendations to the Minister on ecosystem management, undertake and report on the cooperative landscape assessment related to management and use of renewable natural resources. Land allocations and determining legal and constitutional rights are not within the mandate of the Board.

Council questioned the clause in the Memorandum of Understanding regarding the majority vote of First Nations members. Mr. Honda-McNeil stated that First Nations needed to be secure and the process is only advisory.

Jamie Honda-McNeil apologized for the lack of notification to the M.D. of Mackenzie regarding the Cooperative Management Board meeting on April 3, 2001, saying the importance of the M.D. in the process can't be understated. Council asked for the meeting to be postponed for one day since the M.D. has a council meeting on April 3<sup>rd</sup> and the M.D. representative will be unable to attend the meeting. Jamie Honda-McNeil stated that would not be possible since the Assistant Deputy Minister will be attending, however the Board has only had a few meetings and the government representation is still undecided. Council was advised that tomorrows' meeting would be classified as unofficial because of the lack of notification given to the M.D.

Council stated that the members on the Board representing Footner Forest Products, Tolko, and Canadian Association of Petroleum Producers have to be careful how they vote so they will not lose timber rights.

A member of the public asked if special interests groups are represented on the Board. Mr. Honda-McNeil answered that there is no one on the Board representing special interest groups but they are allowed to make presentations.

Council asked if there is opportunity to review the makeup of the board as it is not set up to solicit public input. There must be a balance of voting members. Mr. Honda-McNeil stated that the examination of the Board will be taken back to the Board for consideration however they will not change the number of members sitting on the Board. The Metis have asked to be represented on the Board and they will make a presentation to the Board tomorrow. Council pointed out that the Board is not likely to allow adversarial members to sit on the Board if they are allowed to make the decision on membership.

A member of the public asked why oil and gas have representation on the Board when there is no oil and gas activity in the area, but has no representation from trappers and guides and outfitters. He was advised that trappers, guides and outfitters can participate in the public consultation process. The delegation was asked if the meetings are open to the public. Mr. Honda-McNeil stated that the meetings have not been publicly advertised. There is no intent to have the media present at the meetings, however the doors are not locked to the public. The Board will have to decide how appropriate it is to have the public present when they make decisions.

Mr. Honda-McNeil then touched on the need for cross-cultural communication and the need to ensure that they get in touch with people as well as create a process where everybody can have input.

When asked, Mr. Honda-McNeil stated that he has no knowledge regarding what is happening with the Caribou Mountains Special Places at this point.

Concerns were raised regarding non-renewable resources statements in the terms of reference. It is not spelled out that it is ground access only. Mr. Honda-McNeil stated that the Technical Planning Committee would double check the wording. The Board deliberates on the Technical Planning Committee decisions.

A member of the public stated that guides and outfitters were not notified of the Memorandum of Understanding and their livelihood depends on the area in question. Jamie Honda-McNeil stated that from the time the Memorandum of Understanding was signed the M.D. has been notified, binders have been sent out, etc. The most important thing on the provincial agenda is to be transparent. The provincial delegation gave assurance that there is no hidden

agenda. Members of the public stated that there are areas in the province that had similar agreements and are now charging for access to provincial crown land. The delegation stated that the province does not condone charging for access to provincial crown land.

When asked why a Memorandum of Understanding is needed, the provincial delegation stated there are places on crown land that have historical significance to the First Nations that the government does not know about, such as burial places.

The delegation was asked where this process is going since it has grown substantially from the time it was originally signed in 1995. This was supposed to be a bison study area; it has gone along way from that. The delegation responded that since 1995, expansion was precipitated in a letter negotiated with Environment. The government wants to ensure natural resource extractions continue in the north, including this area, and to involve First Nations in the timber allocations and social economic benefits. First Nations are subject to poor conditions and the government is hopeful to get them to a position where they are more self-supporting. Hunting and fishing is a right for First Nations but for non-aboriginals hunting and fishing is a benefit, not a right.

A member of the public expressed concern over the southwest quadrant of Wood Buffalo National Park as this area has been annexed by Little Red River Cree Nation and asked if this Memorandum of Understanding is a prerequisite to a land claim. The delegation answered that the province does not negotiate land claims. The federal government negotiates land claims and the province is only involved as an observer. The province is obligated, when treaty rights file a claim under treaty land entitlement, to provide land for that claim. The province is only at the table after the claim is represented.

A member of the public asked that if the Memorandum of Understanding is renewed and granted, is the government prepared to give all other Albertans equal fishing and hunting rights. The delegation replied that normal access to this land is not prohibited.

There was some discussion regarding the make up and responsibilities of the Technical Committee. The delegation gave assurance that the Board is advisory only and makes recommendations to the Minister of Retainable Resource

Development. Change of access and anything done in the green area would go to the Minister and is not likely to change. The government has strong issues on representation, communications and public involvement.

It was pointed out that if the agreement is passed and industry is not allowed into the area, the M.D. loses potential assessment,

Council asked how many more Memorandums of Understanding is the province entering into, starting, or looking at. The delegation admitted that the province has a letter of intent from the Dene Tha.

A member of the public informed Council that Memorandums of Understanding are only the small picture. One chief made a comment that within 10 years First Nations will have control of all crown land north of Highway 16. Council must have more than one member on the Board.

**ADJOURNMENT:** 4. **Adjournment**

**MOTION 01-167** **MOVED** by Councillor Newman

That the meeting be adjourned at 4:13 p.m.

**CARRIED**

These minutes were adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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Bill Neufeld, Reeve

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Eva Schmidt, Executive Assistant