EVOLVING APPROACH TO CONSULTATION IN ALBERTA

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Alberta

BACKGROUND

Alberta currently has two polices that guide consultation on land and resource development:

First Nations Consultation Policy - 2013

Métis Settlements Consultation Policy -2015

Alberta has a mandate to develop a non-Settlement Métis Consultation Policy

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Renewal of *The Government of Alberta's Policy on Consultation with First Nations on Land and Natural Resource Management*, 2013

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The renewal of the First Nations Consultation Policy is a key part of Alberta's broad initiative to align its programs and policies with the principles and objectives of the *United Nations Declaration on the Rights of Indigenous Peoples*

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The goal of the renewal is to address the issues and concerns that First Nations, industry and other stakeholders have raised since the release of the Policy in August 2013.

Alberta will also be exploring options to enhance the consultation capacity of First Nations through an Enhanced Consultation Capacity Initiative.

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The Aboriginal Consultation Levy Act (ACLA) was repealed in May 2016.

Alberta will explore options to enhance the consultation capacity of First Nations through an Enhanced Consultation Capacity Initiative as part of the renewal.

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We are committed to a comprehensive policy renewal that is responsive to the evolving needs of First Nations, as well as industry, municipalities, and other stakeholders.

We are engaging First Nations directly, one-to-one.

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Progress as of February 28, 2017

34 Nations directly engaged

17 First Nations in Treaty 6

2 First Nations in Treaty 7

15 First Nations in Treaty 8

Engagement continues throughout March and April

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What we are hearing

- First Nations are looking for a greater First Nation role in the development of policy
- An alternative dispute resolution mechanism
- First Nations' role in assessing the depth and scope of consultation required on projects (levels of consultation)
- Have sites visits to inform assessment of a project's potential impacts
- A greater First Nation role in the assessment of consultation adequacy
- More flexible and adaptable consultation timelines
- Increased consultation capacity funding

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What we are hearing

- Provincial Crown's Interpretation of Treaty rights is considered by Alberta First Nations to be narrow and overly technical
- Addressing Cumulative Impacts of Resource Development on Treaty rights and traditional uses
- First Nations want to Benefit from Resource Development in their traditional territories

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Engagement with industry, municipalities and other stakeholders in Edmonton and Calgary will begin after we've spoken with all First Nations.

Engagement with all parties is essential to ensuring effective First Nation consultation in Alberta, and ensuring a fair and equitable process.

Advance written submissions are encouraged.

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What we have heard from First Nations, industry, municipalities and other stakeholders will be submitted to Cabinet (Phase 1).

Cabinet will provide direction on next steps.

Phase 2 engagement is to discuss Cabinet approved policy directions. Targeted for December, 2017.

Targeted for 2018 implementation

Improved consultation policy and process

Enhanced consultation capacity funding approach

Stay up to date:

www.indigenous.alberta.ca/fncp

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In Development: Consultation Policy for Non-Settlement Métis Communities

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Alberta does not have a consultation policy for non-Settlement Métis communities

Currently, Alberta consults with non-Settlement Métis on a case-by-case basis

Government has directed engagement with the MNA, Métis locals and other Métis communities as required, to develop a non-Settlement Métis Consultation Policy in Alberta

Industry and stakeholders will also be engaged

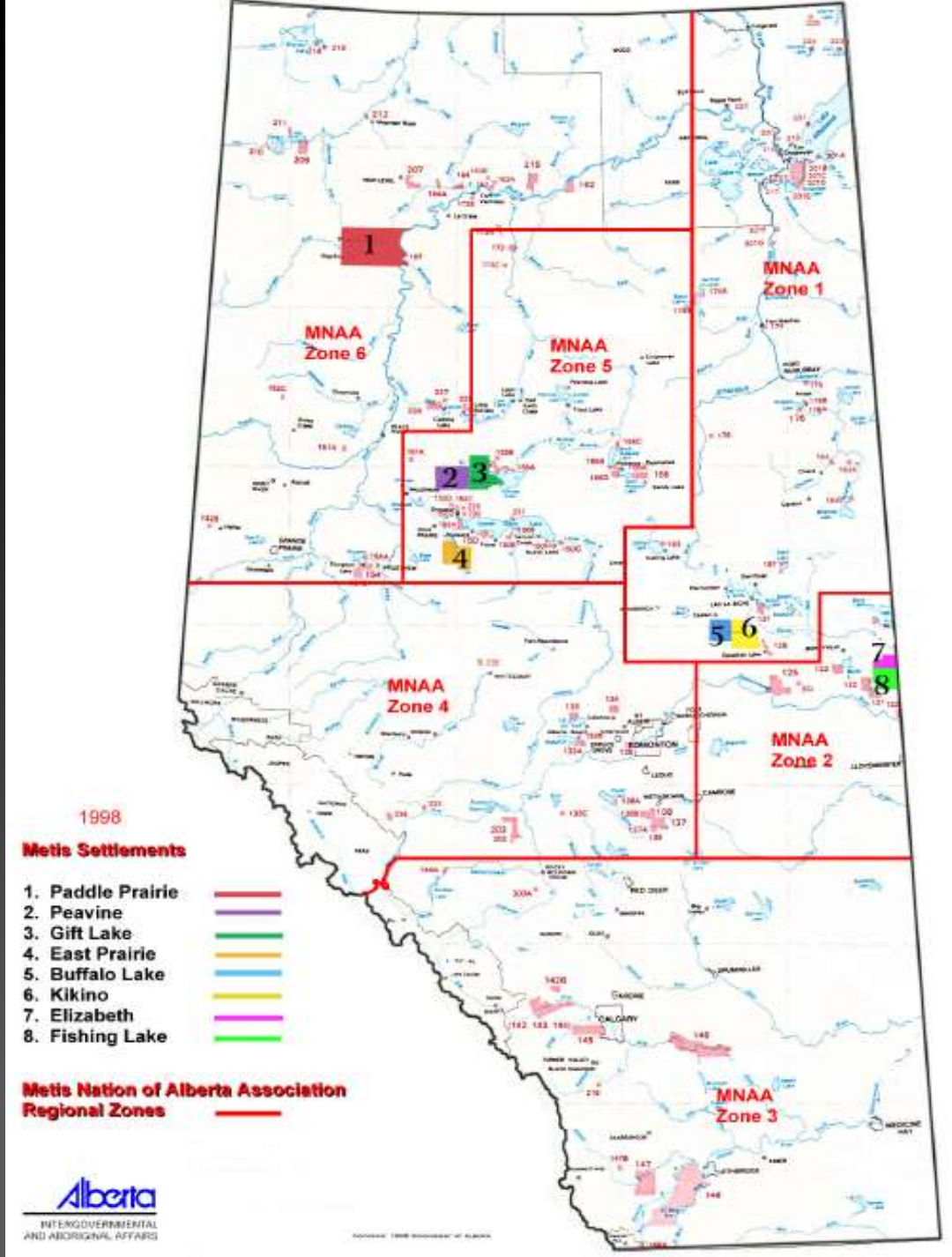
A policy will provide non-Settlement Métis communities with a greater say in land and resource management decisions that may affect them

The Métis Nation of Alberta (MNA)

Mission Statement: the provincial representative voice of approx. 96,000 Métis Albertans

Six Regions of Métis locals (communities)

Some communities may hold Aboriginal rights



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Indigenous Relations and the MNA will work together to identify a process for developing the non-Settlement Métis Consultation Policy

The MNA is a stable partner that understands the issues related to non-Settlement Métis consultation

Preliminary discussions continue between the Government of Alberta and the MNA

Case Study: The Government of Alberta's Policy on Consultation with Métis Settlements on Land and Natural Resource Management, 2015

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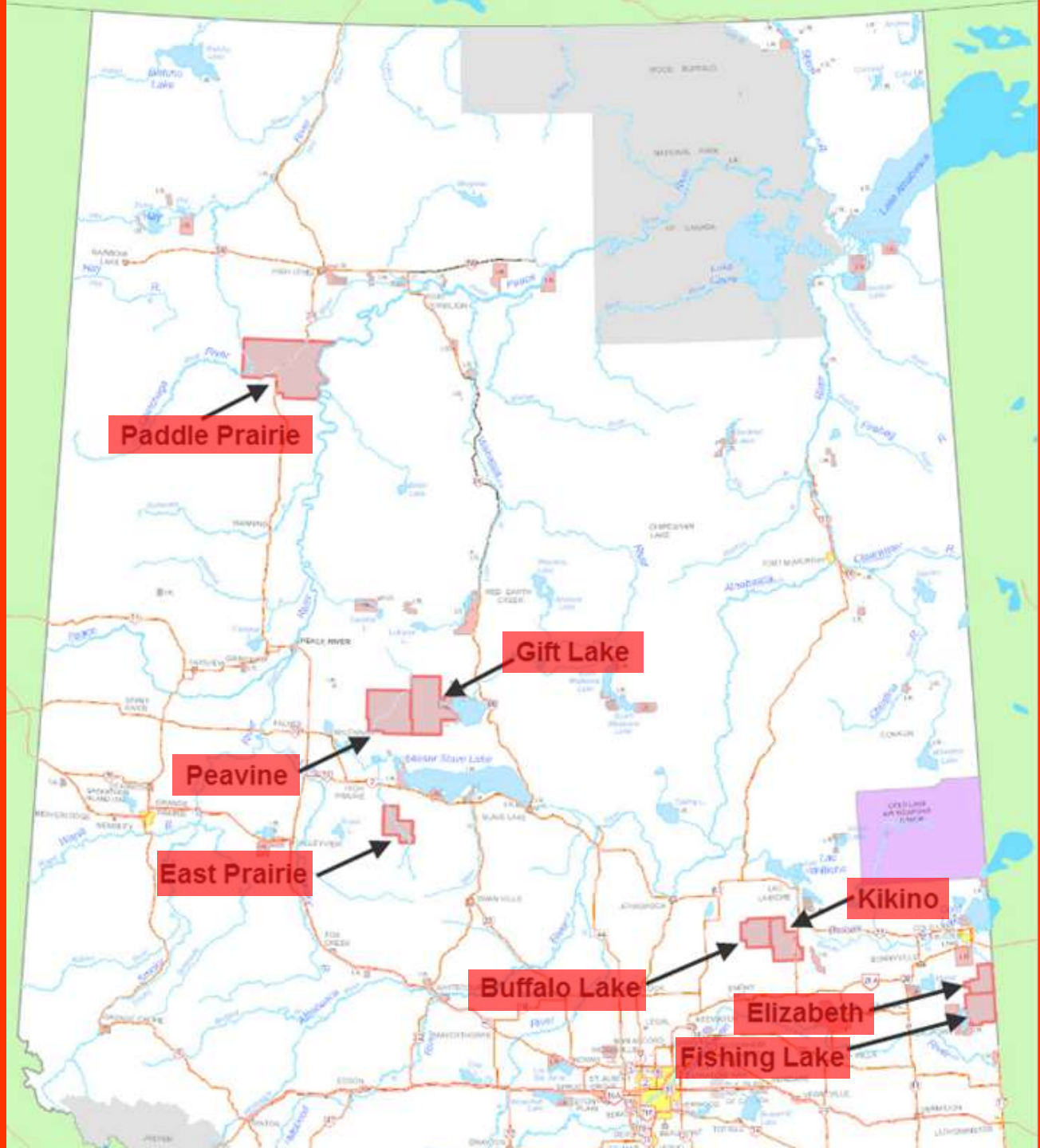
8 METIS SETTLEMENTS



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METIS SETTLEMENTS IN ALBERTA

8 Settlements
8000 Population
1.25M acre land base

The only recognized Métis land base in Canada protected by legislation

While completed prior, the policy is in line with Alberta's commitment to implementation of the principles and objectives of the United Nations Declaration on the Rights of Indigenous Peoples.

Goal toward reconciling the interests of all Albertans and creating greater certainty for project proponents.

No adverse impacts on First Nations' Treaty rights.

The Metis Settlements Consultation Policy took effect April 4, 2016.

First Nations Consultation Policy was the model

There are no notable procedural differences between the consultation processes.

The Policy was developed in consultation with the Métis Settlements General Council (MSGC)

Collaboration ensured their interests and issues were well understood.

External stakeholders were also invited to engage and provide written input.

Resulting in full support of the policy by the MSGC and all eight Métis Settlements.

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Contractors worked one-on-one with Settlement consultation coordinators to build internal capacity

Monthly consultation capacity building sessions continue to be coordinated (since January 2015)

Training was provided throughout the implementation of the policy

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The Cross-Ministry Geodata Committee

Created interim consultation area maps based on internal data.

continues to collaboratively develop consultation areas that more accurately reflect where settlement members are using the land for harvesting and traditional use activities.

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Questions?

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