



Final Report

Inquiry into the Ongoing Economic, Orderly and Efficient Development of Electricity Generation in Alberta

First Nations and Métis Engagement

December 6, 2023

This report has been prepared for:



Table of Contents

Inquiry and Engagement Background	4
Engagement Methodology	5
Engaged Voices	6
Engaged Communities	7
Workshop Agenda and Objectives	8
Calgary Workshop Discussion Summary	9
Edmonton Workshop Discussion Summary	13
Virtual Workshop Discussion Summary	19
Written Submissions Overview	24
Key Considerations and Insights	25



Introduction

Deloitte is pleased to submit this report to the Alberta Utilities Commission, presenting the findings from the engagement with First Nations and Métis communities and groups, as part of the AUC inquiry into “the ongoing economic, orderly and efficient development of electricity generation in Alberta.”

Deloitte was commissioned by the AUC to provide facilitation and coordination support for the inquiry, specifically for First Nations and Métis engagement.

The goal of the engagement was to develop an understanding of how First Nations and Métis people would like to be engaged in relation to future projects, and to obtain feedback on land impact issues related to the inquiry’s four topic areas (see [page 4](#)).

This report summarizes the findings from the engagement with First Nations and Métis communities and groups in Alberta. It also presents key considerations and insights from the engagement that we recommend be presented to the Inquiry Panel.

Please note:

This report presents a summary of what Deloitte heard in the engagement sessions and reviewed in the written submissions. The scope of these findings is limited to input received in the engagement process and does not represent the views of all Indigenous Nations and groups in Alberta or the views of Deloitte.

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Engagement Summary:

3 **technical workshops** were held between October 30th and November 14th, 2023.

21 communities, nations, settlements, or organizations represented.

6 **written submissions** received.

Inquiry and Engagement Background

The AUC is holding an inquiry into the ongoing economic, orderly and efficient development of electricity generation in Alberta. The Alberta government issued an order-in-council on August 3, 2023, directing the AUC to inquire and report to the Minister of Affordability and Utilities on key issues identified in the order-in-council.

The inquiry was separated into two modules (Module A and Module B). The AUC issued [a notice](#) on October 3, 2023, outlining the process for Module A, which explores the following issues identified in the Alberta government's order-in-council:

1. Considerations on development of power plants on specific types or classes of agricultural or environmental land.
2. Considerations of the impact of power plant development on Alberta's pristine views.
3. Considerations of implementing mandatory reclamation security requirements for power plants.
4. Considerations for development of power plants on lands held by the Crown in Right of Alberta.

The AUC commissioned Deloitte to provide facilitation and coordination support for the inquiry, specifically for First Nations and Métis engagement. Deloitte's support included the following tasks:

1

Plan and prepare for the technical workshops, supporting the **coordination of logistics**.

2

Lead the engagement and analysis of input, including **facilitating in-person and virtual engagement sessions, documenting meeting minutes, and analyzing submissions**.

3

Write a summary report of the findings from the engagement sessions, with **specific feedback** on the key inquiry questions.

The goal of the engagement was to **develop an understanding** of how First Nations and Métis people would like to be engaged in relation to future projects, and to **obtain feedback** on the land impact issues outlined in Module A.

Engagement Methodology

The First Nations and Métis engagement for Module A had a three-phase approach: planning, collecting feedback, and reviewing and documenting the findings. All actions and steps were developed with the intent to hear and support the voices from Indigenous communities, nations, settlements, or organizations that participated in the inquiry.

Engagement Process



Plan

October 2023

Planning for the engagement sessions began in early October with the aim of launching the engagement by mid-October.



Engage and collect feedback

October-November 2023

Feedback for the inquiry questions was collected through three channels:

1. Participation in in-person or virtual technical workshops;
2. Submission of written statements; and
3. completion of an online comment matrix.

Direct input was provided by Indigenous voices from across Alberta.



Review and document findings

December 2023

The feedback collected through all three modes of engagement was reviewed and summarized in a report for the AUC Inquiry Panel.

Platforms for Engagement



Technical workshop participation

Three technical workshops were held:
October 30, 2023 – Calgary
November 2, 2023 – Edmonton
November 14, 2023 – Virtual Session via Zoom



Written submissions

Indigenous communities, nations, settlements, or organizations had the option to submit written statements with their input on the AUC's eFiling system. The deadline for submissions was November 22, 2023.



Comment matrix

A comment matrix was published on the AUC website with twenty-five questions spread over the four topics in Module A. The deadline for submissions was November 22, 2023.



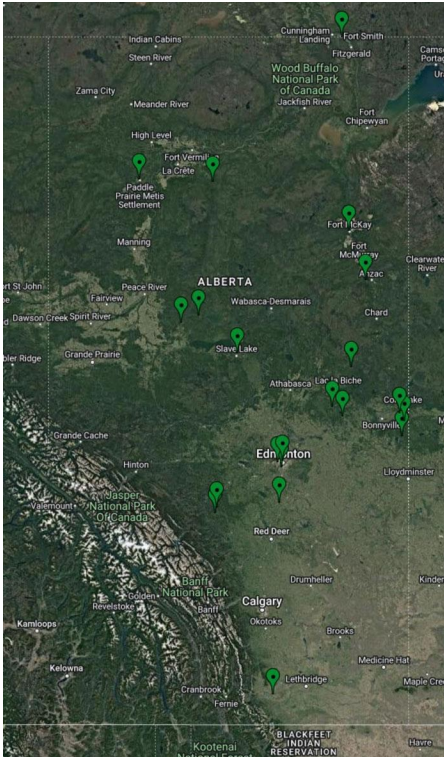
Engaged Voices

Over the three technical workshops, two in-person and one virtual, 20 community voices were heard.

In addition, 6 written submissions from First Nations and Métis communities were received.

This section **details the scope** of Indigenous engagement and provides an **objective overview of the technical workshop discussions**, reflecting the voices that contributed to this report.

Engaged Communities



The above map illustrates all participating communities, nations, settlements, or organizations.

Participating Groups

The following communities, nations, settlements, and organizations have provided input into Module A of this inquiry:

Calgary Session Details on Page 9	Edmonton Session Details on Page 13	Virtual Session Details on Page 19	Written Submissions Details on Page 24
<ol style="list-style-type: none"> 1. Cold Lake First Nations* Ermineskin Industrial Relations Dept. Fishing Lake Métis Settlement Fort McKay First Nation Louis Bull Tribe 6. Métis Nation of Alberta* Métis Settlement General Council 	<ol style="list-style-type: none"> Elizabeth Métis Settlement Fort McMurray 468 First Nation Gift Lake Métis Settlement Heart Lake First Nation 5. Kikino Métis Settlement* 6. Métis Nation of Alberta* Paddle Prairie Métis Settlement Peavine Métis Settlement Piikani Nation Tallcree First Nation Whitefish Lake First Nation 128 	<ol style="list-style-type: none"> 1. O'Chiese First Nation* Sawridge First Nation Sunchild First Nation 	<ol style="list-style-type: none"> Smith's Landing First Nation

* A **bolded** community, nation, settlement, or organization with an asterisk completed a written submission **in addition to** attending an in-person or virtual technical workshop.

Input was gathered from a wide variety of Indigenous groups from across Alberta. The statistics to the right demonstrate the scope of engagement, and the range of participating Nations and communities who provided insights that will be presented to the Inquiry Panel.

21 Indigenous communities, nations, settlements, and groups were engaged.

3 Technical Workshops were held in-person and virtually.

>34 Individuals participating and providing input.

Workshop Agenda and Objectives

The technical workshops followed the agenda outlined below. The purpose of the workshops was to discuss the inquiry issues, as outlined on [page 4](#), and obtain advice from participants on electricity generation in Alberta.

At the end of the technical workshop, participants were asked to choose a spokesperson to present a summary of the workshop discussion to the Inquiry Panel in the afternoon. The Inquiry Panel presentations were recorded by Amicus Reporting Group, and the transcripts of the presentations now form part of the public record of the inquiry.

	Technical Workshop
	<ul style="list-style-type: none">• Opening Prayer
	<ul style="list-style-type: none">• Welcoming Remarks and Land Acknowledgement
10:00 AM – 12:00 PM	<ul style="list-style-type: none">• Technical Workshop Background and Objectives
	<ul style="list-style-type: none">• Discussion<ul style="list-style-type: none">• <i>Participants were invited to provide input on the 4 inquiry topic areas</i>
	<ul style="list-style-type: none">• Next Steps / Q&A
12:00 – 1:00 PM	Break
	Inquiry Panel Presentation
1:00 – 2:00 PM	<ul style="list-style-type: none">• All participants were invited to stay and observe the panel presentation

Calgary Workshop – Summary of Discussion

Date: October 30, 2023

Location: Westin Calgary Airport Hotel

Meeting Introduction

Byron Jackson, the facilitator, opened the meeting with a prayer in his Blackfoot language. He then handed the meeting over to Renée Marx, the Chair of the Inquiry Panel, to provide opening remarks. The Chair indicated the Inquiry Panel members would step out of the workshop before the participant discussion portion of the meeting. However, several participants asked to address the Inquiry Panel before they left the room to express concerns about the inquiry process. These concerns include:

- » Viewing this inquiry process as a checkbox exercise.
- » Power plant development impacts Nations' access to their land; need to consider plants, animals, land, air, species at risk, and ensure the future of their people.
- » Do not believe the inquiry process meets the needs of Indigenous communities;
 - Consultation coordinators are acting on behalf of their Nations – they only have 3 weeks to go back to members and discuss how these issues will impact them; these issues have a huge impact, so they need more time to respond.
 - There's too much pressure to represent our Nations' concerns in too little time. The final engagement session isn't until November 14 and then the written submission is due November 22—is that timeline realistic? This puts a lot of pressure on participants to represent their Nations' concerns (in a short period of time).
 - We need more context for what this inquiry is about.
- » Oral hearings are very important and information about the hearings wasn't provided to workshop participants.
 - The oral session is very problematic, as Indigenous people can be very intimidated by the process. It's not helpful to Indigenous people. In an age of reconciliation, we need new ways of gathering information in a way that benefits the people being engaged.
- » First Nations and Métis should not be lumped together--consultation should be Nation to Nation.

Calgary Workshop - Summary of Discussion (cont.)

- » With power plant development, the economic benefits go to companies; the community is told they need it, but the cost of power is very high.
- » Where is the First Nations representation on the Inquiry Panel?
- » We were given technical information about the inquiry process, but this process is about relationships. Until relationship issues are addressed, these types of consultations will remain problematic.
- » This process doesn't feel honest.

Workshop Discussion

The workshop participants did not want to proceed with the workshop discussion questions, so Byron Jackson asked the group how they wanted to proceed. Participants expressed the following concerns:

- » The province leases land and lets industry in, and then it becomes dangerous for us to use the land (gave an example of industrial traffic on rural roads).
- » At what point do we get to be a partner?
- » The Genesee plant was mentioned: it's good because it provides electricity, and bad, because it impacts water quality and other land impacts. It diminishes how land can be used. Plants we use now may not be here in the future.
 - We are focusing on cumulative effects so that we can go to Ottawa with our facts of what the compounded effects are.
- » We have all lost enough land. We know historically we are all crisscrossing everyone else's territory. We had our own agreements in place. We are losing land (to power plant development) all across Canada. Are we going to lose more land here too?
- » The real issue here today is about relationships with First Nations and how that is progressing.
- » Why did AUC have to hire Deloitte to do this inquiry process?
- » Why isn't the AUC talking about cumulative effects?

Calgary Workshop - Summary of Discussion (cont.)

- » Until we have Aboriginal people sitting in the House of Commons, in these places, we are not going to have true reconciliation.
- » This is not consultation, it's a conversation. If the AUC wants to have a conversation with us, they should come to our community.
- » There is a question (*referring to the workshop discussion questions*) whether First Nations consultation should be enhanced... of course it should! But how will that happen? Through the Alberta government's Aboriginal Consultation Office?

Byron asked the group how they would like to appoint a spokesperson for the Inquiry Panel presentation in the afternoon.

- » Participants expressed concerns about how the input will be handled. Will there be an opportunity to make sure the input is presented in a good-faith way? Will input be cherry-picked?
 - One participant was concerned their community would not be represented if they left before the panel presentation.
- » A participant requested this statement be added to the Inquiry Panel presentation: "Fishing Lake Métis Settlement invites the AUC to come to their community and have a real discussion, real dialogue between our members and the AUC."
- » A participant requested that this be stated at the Inquiry Panel presentation: "I don't want any reference at all about our community being a part of this. This workshop should have been recorded."
- » Another participant noted: "I can't speak for anyone else."

The group all agreed that they didn't want to appoint a spokesperson and continued to express concerns about the inquiry process.

- » A Métis participant noted: "we are the largest private land holder in Alberta, so our land is protected. We have different issues than First Nations."
 - Indigenous culture is profoundly place based. You need to talk to each community about every location.
- » Regarding the question asking if Indigenous consultation should be enhanced: yes, because it's not being done properly anywhere.

Calgary Workshop - Summary of Discussion (cont.)

- » Regarding the question asking about reclamation security—yes, it has to be a part of it, otherwise they are offloading it on everyone else (like has happened in the oil and gas industry).
- » How do you answer these questions (referencing the inquiry discussion questions)—no matter how you answer them, you're trapped into saying something that only validates what they're doing.
- » Unless you give authority for land back to First Nations, this process is a waste of time.
 - Another participant disagreed, saying their Nation went to court, and a different decision was made. They were able to bring the evidence to the table.
- » Municipalities have more rights than First Nations to decide how their land will be used.
- » A participant stated: "I almost walked out this morning. I'm glad I fought that urge."
- » On the technical side—because this is supposed to be a technical workshop—we don't have the technical capacity to answer these questions. It's insulting for me and my small community to see that and try to come here and answer technical questions.
 - \$5K in funding is good, but if they really wanted us to participate, they should have sent me \$40K so I could hire someone to answer these questions.
- » A participant told the group that Rural Electrification Associations (REAs) have a lot of information;
 - they have a mandate to protect the land, how to reclaim land;
 - They also have helpful technical knowledge.

At this point, Byron Jackson suggested the group break for lunch, as the meeting had run over time.

Workshop Outcome

The group chose not to make a presentation to the Inquiry Panel following the workshop.

Edmonton Workshop - Summary of Discussion

Date: November 2, 2023

Location: Coast Nisku Inn and Convention Centre, Nisku, AB

Meeting Introduction

Byron Jackson, the Facilitator, welcomed the group to the workshop. Elder Mary Needham began the meeting with a prayer. The Inquiry Panel members briefly introduced themselves, and then stepped out of the room. Amanda Spyce from the AUC offered a land acknowledgement and welcoming remarks.

» One participant wanted to be assured this process isn't just "going into the wind."

Amanda clarified that the Inquiry Panel presentation in the afternoon is meant to capture participants' input into the public record.

Byron gave a summary of the outcome of the workshop on Monday. Byron asked the group if they wanted to break out into smaller groups for the workshop discussion, but the group chose to stay together.

Workshop Discussion

Question 1: What are the issues you would you like the AUC to consider with respect to developing power plants on lands held by the Crown in Right of Alberta (Crown land)?

- » Expectation is for full and transparent consultation – that has to be the priority.
- » Need to consider impacts to land and wildlife.
- » Also need to consider access to land—projects reduce our access to our traditional territories;
 - "We lose land, but we don't gain anything. The cost of power is high for our community."

Edmonton Workshop - Summary of Discussion (cont.)

- » If they are going to build a project near our community, we want to participate—we are remote, and there is no industry in the area.
- » Our citizens want to see climate action. Renewable energy projects provide jobs. But we need to ensure the projects don't impact wildlife or rights. Need to set up a framework for this. The current conservation process is insufficient. We want to see development, but not at the cost of environmental impacts or rights.
- » We want to be able to monitor projects, see how they (proponents) treated the land around the project;
- » Project decisions shouldn't be economically driven, they should consider environmental impacts, and impacts to our rights;
- » One participant suggested having Alberta Environment involved in these workshops so they can answer questions about land management.
- » A participant noted he has gone through the process to develop a power plant. The AUC must consider Alberta Environment's assessment of how land is used. Renewable energy projects are not allowed but oil and gas projects are—why this discrepancy? Renewable energy projects are a better fit for our community's values.
- » We need the land to survive, but we also need affordable and reliable power;
 - We lose out on land, but we don't gain anything. We don't get cheaper power. The cost of power is high for us. We don't gain anything by saying yes to these projects, we just lose land.
- » Alberta transmission costs are spread out over the whole province, so there has to be consistent policy on how these projects are developed.

Question 2: What are the issues you would you like the AUC to consider with respect to development of power plants on specific types or classes of agricultural or environmental land?

- » All projects should require an IBA.

Edmonton Workshop - Summary of Discussion (cont.)

Byron Jackson asked: would it not be better to have an equity partnership?

- » We want both.
- » We need clarity around land management / uses and assessments, maybe a rating system for land development. The AUC process is not transparent. What criteria is used for assessing land impacts of new projects? What are the policies?

Amanda Spyce asked what type of information would be useful?

- » Land use maps, information that tells us where projects can be located, so that we're not trying to develop projects where we're not allowed.
- » We need project investments – we don't want policies that will push investment away.
- » We are concerned about power reliability – natural gas makes sense.
 - Carbon capture technology is an option, and could be a solution for emissions, but clean energy mandates are coming too fast.
- » Why can't we use pre-existing infrastructure, like orphan wells, so that we're not using new land?
- » Crown land should have the same considerations for assessment as agricultural land.
- » The overarching requirement is consultation. It has to be meaningful. There is no one size fits all approach. Each Nation is unique and deserves to have the proponent at the table providing transparent information.
 - The definition of consultation is loose. It should be about impacts, according to existing case law. The Alberta government fails at this. It should be about how the community members who use the land will be impacted.
- » We need to monitor work while the project is being developed, and also monitor operations to ensure the land is protected.

Edmonton Workshop - Summary of Discussion (cont.)

- » There is nothing in the meeting information about the moratorium, or about consultation. Our citizenship wants to participate in these projects. But the projects need to follow our consultation processes and consider impacts to our land use / and our rights. With renewable energy projects there is an opportunity to do this better.
 - It requires consultation with Indigenous groups. They know what the impacts will be if power plant development happens on their land.
 - I don't think consultation (that happens on projects now) is meaningful.

Question 3: What are the issues you would you like the AUC to consider with respect to power plant development on Alberta's pristine viewscales (landscapes and views)?

- » One word: don't.
- » A participant noted they saw windmills as showing we're doing something about climate change—the moratorium is confusing. Need to ensure the local community is engaged from the start—make sure they understand the benefits of it.
- » Projects could be developed where poplar stands are located. They don't tend to be sensitive areas, medicinal plants can be moved, poplars grow quickly.
- » It's a mental health issue. If you disturb medicinal plants, or ruin the landscape, you're impacting peoples' mental health.
- » They should look at existing infrastructure so they aren't disturbing the environment as much as they would for new projects.
 - Another participant responded that the oil and gas industry is federally regulated, so it doesn't make sense to use existing oil and gas infrastructure. We need our own power projects that are under the authority of the province.
- » A number of participants wanted clarification on what is meant by pristine viewscales.
 - Everyone's view is personal. One person noted: "It may be my own yard, it may be the mountains."
 - The question is not clear, and when you develop policy, you want to be clear.
 - We need a definition of what a pristine viewscale means, so I know what's protected and what's not protected.
 - The AUC requires a consultation process. It would ensure the local community is asked this question and they can define what their own idea is of a pristine viewscale.

Edmonton Workshop - Summary of Discussion (cont.)

- » It would be nice if there was a specific location we could talk about (*in reference to this question*) and understand what kind of facility would be built. Otherwise, we're guessing.
 - This question should be about a specific project, because it depends on what each community feels the impact will be.
 - This question should be a part of the assessment process for individual projects.
- » Never put anything on spiritual land.
- » I assume this input will be used to support policymaking for the AUC. Why only 4 questions? Can't we look at the full policy?

Question 4: What are the issues you would you like the AUC to consider, with respect to implementing mandatory reclamation security requirements for power plants?

- » This shouldn't even be a question that needs to be asked. This should already be in place. There needs to be security the land will be reclaimed. This should have been in place 30-40 years ago. Something that binds the proponent to guarantee reclamation.
- » There should be representatives from every impacted community, Knowledge Holders involved in projects from beginning to end to advise on how to address impacts to land and animals.
- » People should not have to wonder whether or not reclamation will happen. There should be a clear requirement for reclamation funds to be kept aside. This needs to be transparent so people know it will be cleaned up.
- » What's the current process? Is there not a requirement in place now? Where does the responsibility fall thereafter? If Alberta issues the license, they should take responsibility for cleaning it up.
- » I equate this to the orphan wells problem. It's been stuck in draft for decades. Need to make sure there's an endgame to it (the project lifecycle).
- » Also need to be specific about reclamation means. Leases can be too long. For some people, reclamation is about bringing back the landscape to what it was before the project was built. For others, it's about bringing land back to what it should be.

Edmonton Workshop - Summary of Discussion (cont.)

- » Projects shouldn't be built near communities.
- » One participant asked the group: should we turn this question back to the Inquiry Panel?
- » Most companies have good reclamation plans, but they don't follow through.
- » It would help us to get clarity on what reclamation means. When we developed a project, we needed to submit a reclamation plan, but there were no specific guidelines for it.

Amanda Spyce responded that they would need to work with the Alberta Ministry of Environment and Protected Areas.

- » The community needs to be at the table to help develop reclamation plans.
- » We need to monitor projects from start to end, because no one cares more about the land than us.
- » Reclamation needs to involve a 3rd party to manage the reclamation funds. With oil and gas companies, they set money aside, but they can go bankrupt, and the money is gone. The money needs to be managed independently; make sure there are no loopholes.
- » Stumpage fees is a good model.

Meeting Wrap Up

Byron Jackson discussed next steps for preparing for the Inquiry Panel presentation in the afternoon. He asked if the group wanted to appoint a spokesperson to present a summary of the workshop discussion to the Inquiry Panel. The consensus of the group was to have Byron present the summary of the group's discussion on their behalf.

Workshop Outcome

A summary of the group's discussion was prepared, and Byron presented it to the Inquiry Panel, to enter the summary into the public record.

Virtual Workshop - Summary of Discussion

Date: November 14, 2023

Location: Virtual Meeting via Zoom

Meeting Introduction

Byron Jackson, the Facilitator, welcomed the group to the workshop and opened the meeting with a prayer in his Blackfoot language. The Inquiry Panel members briefly introduced themselves, and then stepped out of the call. Amanda Spyce from the AUC offered a land acknowledgement and welcoming remarks.

- » One participant expressed that the AUC hasn't shown concerns about the impacts of renewable projects previously, so they don't know why they're concerned now (another participant agreed).
- » Another participant said they want to learn more about impacts, because they do impact the community.

Byron gave a brief summary of the previous two workshops and explained the process for choosing a panel presenter. He let participants know that because there were only 3 communities in attendance, each community could present remarks to the Inquiry Panel following the workshop, if they chose.

Workshop Discussion

Question 1: What are the issues you would you like the AUC to consider with respect to developing power plants on lands held by the Crown in Right of Alberta (Crown land)?

- » One participant noted there's a lot of development in their territory, including power, other industry, other agricultural land, and this takes away from land they have to exercise their rights. There haven't been any thresholds for crown land development. Any additional development that takes away crown land is a concern.

Virtual Workshop - Summary of Discussion (cont.)

- » Consultation has structures in place to address traditional land use and those will have to be updated.
- » Also need to provide information about what type of facility is being proposed, information about revenue sharing and meaningful IBAs, storage leak effects, power plant cumulative effects...
- » There's often a misunderstanding that First Nations don't have a say, but our say is aligned with stewardship of land, and we need to have research on that.
- » One participant noted their community "doesn't have much of a land base. We're a small community, and it seems our voices don't matter. Whatever little land we do have, we're fighting for. We don't even have enough space for new members. IBAs will be crucial, and concerns about cumulative effects are getting sloughed aside. More research is definitely needed."
- » Need a land use planning process in Alberta. We hear that cumulative effects get addressed in land use plans, but only 2 have been completed in last 2 years. This is a major issue, and development has happened unchecked. The land use planning process needs to come back into play.

Question 2: What are the issues you would you like the AUC to consider with respect to development of power plants on specific types or classes of agricultural or environmental land?

- » A participant asked: what does environmental land mean?

Amanda Spyce asked the group for input on how to define both. Byron added that there was an opportunity to use traditional knowledge to help define them, noting there isn't protection for lands that are important for rights activities.

- » Often the government discounts concerns because they're not site specific, and doesn't seem open to more general concerns.
- » A participant said their Nation wants new development to happen on land that's already taken up by previous development, so it doesn't take land away from the land their Nation uses for cultural practices.

Virtual Workshop - Summary of Discussion (cont.)

Amanda Spyce asked for more information about the types of land that are important for certain types of activity.

- » A participant responded that their Nation's traditional territory is very large, and they tried to get the provincial government to expand their recognition of their traditional territory; however, the government invalidated all the information the Nation provided and did not consider the Nation's perspective.
- » One participant noted they don't understand the provincial government's position on site specific concerns, because land impacts don't stop at the boundary of the sites; animals are displaced, and "it makes me want to fight harder for that."
- » Another participant said they appreciated the comments being made by other participants but described the process as frustrating for First Nations—it's frustrating when the individuals present at the meeting aren't the decision makers. "We are all the messengers here." Decisions are being made higher up. "IBAs should be a bare minimum and you have to fight tooth and nail for those. Maybe First Nations should be exempt from paying for power until these issues are worked out."
- » Another participant agreed it's very frustrating. More should be done for First Nations, such as reaching out to companies for resource sharing. "We are the stewards of the land, we practice our traditional customs, and to be shortchanged... it takes a lot of money to send out Elders to give input on development, but it still happens. "We want to get involved in the project planning process and discuss how to share resources—nothing is coming back to our Nation."
- » A participant stated they felt they didn't get enough notice about speaking directly to the Inquiry Panel. They would have appreciated the opportunity, but they would prefer to have their legal counsel doing the presentation.

Amanda Spyce clarified that the Inquiry Panel presentation was intended to be a summary of the workshop discussion; however, participants can express concerns directly to panel this afternoon and also provide a written submission.

Virtual Workshop - Summary of Discussion (cont.)

Question 3: What are the issues you would you like the AUC to consider with respect to power plant development on Alberta's pristine viewscales (landscapes and views)?

- » A participant noted their Nation is trying to develop Indigenous tourism, and their beautiful landscape is a large part of that, so power development could impact tourism.
- » We need to figure out a definition for it and determine not only how the province will define it, but also assign value to it.
- » A participant noted their Nation has a term for the concept about what's required for exercising rights: untouched land where cultural practices can happen (no fences, visible signs of development). This is an issue for development on crown land, so we can protect remaining pristine viewscales.

Question 4: What are the issues you would you like the AUC to consider, with respect to implementing mandatory reclamation security requirements for power plants?

- » Likes the idea of having a percentage of a project set aside. This would provide peace of mind for Elders, who feel they haven't been heard. "You are taking all our input, but decisionmakers don't use the input... I'm hopeful that eventually, we will be heard. Reclamation and having the funds available is very important."
- » When habitat is destroyed, impact offsets should be considered. Canada is working towards climate change goals, so before a project is approved, they need to show how they will offset impacts so there isn't a net-loss of land.
 - A participant responded: "good point, but it will be a fight—tell them to add it to the Treaty."

Virtual Workshop - Summary of Discussion (cont.)

Meeting Wrap Up

Fatiha Rezwan from the AUC clarified the process for choosing a spokesperson to present to the Inquiry Panel in the afternoon.

- » A participant asked if an Inquiry Panel presentation could be made on a separate occasion for their Nation alone, because they didn't have time to prepare for a presentation that afternoon. They have issues they want to present, but they need more time.

Amanda Spyce responded that presentations by individual Nations were not planned, but the request can be made to the Inquiry Panel. She recommended submitting a written submission.

- » Another participant also stated they were not prepared to present to the Inquiry Panel that afternoon on behalf of their Nation, but would have liked that opportunity.

Byron Jackson discussed next steps for preparing for the Inquiry Panel presentation in the afternoon and asked if the group wanted to appoint a spokesperson to present a summary of the workshop discussion to the Inquiry Panel. The group asked Byron to present the summary of the group's discussion on their behalf.

Workshop Outcome

A summary of the group's discussion was prepared, and Byron presented it to the Inquiry Panel, to enter the summary into the public record.

Written Submissions

Indigenous communities, Nations, settlements, and groups had the opportunity to submit written submissions and complete the comment matrix available on the AUC website. The submission deadline was November 22, 2023.

As of November 30, 2023, there were 6 written submissions by the groups listed below.

Each submission outlines considerations and impacts of power plant development for each individual and unique Nation and community and should therefore be reviewed individually by the Inquiry Panel. The submissions are included with this report as a separate attachment titled Appendix 1.

Key considerations and insights from the written submissions pertaining to this inquiry have been incorporated into the next section of this report.

Appendix 1 – Written Submissions by First Nations and Métis Participants

1. Cold Lake First Nations
2. O'Chiese First Nation
3. Smith's Landing First Nation
4. Kikino Métis Settlement
 - i. Submission 1
 - ii. Submission 2
5. Métis Nation of Alberta



Key Considerations and Insights

Based on the input from the Indigenous communities, Nations, settlements, and groups who participated in the engagement process, we recommend **the following key considerations and insights** to be presented to the Inquiry Panel.

Key Considerations for the Topic Questions

The following pages detail the key considerations that emerged from the input received from participants during the discussions in the three technical workshops:



Topic 1: Development on Agricultural and Environmental Lands

Clarity of Terminology

- There were questions around what was meant by environmental lands, and requests to have more clarity on the types of lands referenced in this topic.

Monitoring Power Project Development

- Some participants suggested power projects should be monitored by local First Nations throughout the project lifecycle, given that local First Nations people have the most significant knowledge about land impacts, and are also the most impacted by the project itself. One participant stated: “no one cares more about the land than us.”

Utilizing Previously Developed Land

- A number of participants suggested using previously developed land for new power projects, in order to avoid using new land (and encroaching upon First Nations and Métis traditional territory).

Better Access to Land Information

- Some participants asked for better information about the lands available for renewable energy development in Alberta.
- One participating community discussed their challenges in developing their own power project on their territory, citing a lack of access to pertinent land information such as land use maps, and where development was allowed. They asked for relevant information to be made more publicly accessible.

Assessment Criteria

- There were concerns about discrepancies in assessment criteria between crown land and agricultural land, as well as discrepancies between criteria used to assess the impact of renewable energy projects versus oil and gas projects (suggesting there was an unfair bias towards approving oil and gas projects).
- A participant noted that human and environmental safety should be a top priority, and that wetlands, old forests, and culturally sensitive areas should be avoided.

Key Considerations for the Topic Questions (cont.)



Topic 2:

Power Plant Development on Alberta's Pristine Viewscapes

Clarity of Terminology

- Again, participants had questions around how to define a “pristine viewscape.” Many participants noted this would vary from location to location, as well as culturally from Nation to Nation.
 - One person noted that when policy is developed, it’s important to have clear definitions of the terms being used.
 - It helps clarify what is being protected and what is not being protected.
 - Not only is a definition needed, but also a protocol for assigning value to a pristine viewscape.

Inclusion in Project Assessment

- It was noted that impacts on viewscapes should be considered in project assessments.

Importance of Pristine Viewscapes

- **Cultural Practices** – having a landscape that is completely natural and free of signs of development is important for carrying out cultural practices. One participant stated that power projects should never be located on spiritual land.
 - One group stated the AUC should consult with them to identify culturally significant and sacred lands that should be exempt from development.
 - Another group noted that their Nation has a “required condition’ for the meaningful exercise of their Inherent and Treaty Rights” where the land is “clean, pure, sacred, and untouched.”
- **Mental Health** – participants also discussed the impacts of development on mental health, when nature is disturbed.
- **Indigenous Tourism** – a participant noted that their Nation is in a remote location and is currently developing an Indigenous tourism industry. They were concerned that new power project development would negatively impact tourism.

Key Considerations for the Topic Questions (cont.)



Topic 3:

Mandatory Reclamation Security Requirements for Power Plants

Clarity of Terminology

- Again, participants had questions around the definition of reclamation.
 - Some participants believed that reclamation work should restore the land to its previous state (to the state it was in when the project began), and others believed the land should be restored to its optimum pristine state.
 - One participant noted that his community had submitted a reclamation plan in relation to a power project they were planning. However, there were no clear guidelines or criteria available for them to follow.

Inclusion in Developing Reclamation Plans

- Participants felt strongly that First Nations and Métis communities should be involved in the development of reclamation plans, utilizing their local traditional knowledge of land impacts.

Strong Security Requirements Should Be In Place

- Participants felt very strongly that this wasn't a question that should need to be asked—this is something that should have already been in place long ago.
- There should be a clear requirement for a percentage of project funds to be set aside and managed independently, with a clear and transparent reclamation plan in place for every project.
 - Parallels were drawn to the orphan well problem in the oil and gas industry.
 - Stumpage fees was cited as a good fee model.
 - The Mine Financial Security Program was cited as a good reclamation program model.
 - Reclamation insurance should be calculated by a 3rd party.
 - Strong reclamation security would give local communities, and Elders in particular, peace of mind.
- Several participants noted the reclamation program should be managed by the AUC or the Alberta government.

Key Considerations for the Topic Questions (cont.)



Topic 4: Developing New Power Plants on Lands Held by Crown Right of Alberta

Access to Land

- Development reduces access to land for exercising Section 35 constitutional rights and traditional practices such as hunting and harvesting;
 - One group noted they were unable to transmit knowledge and culture to future generations without adequate access to suitable lands.
- There was a strong sentiment that impacts to land access should be a primary consideration when assessing new projects.
- Another concern is the recognition of traditional territory. Numerous comments were made throughout the engagement process about the challenge First Nations are facing in having their traditional territories recognized by the Alberta government.

Impacts to Land and Wildlife

- Incorporate Indigenous knowledge and work with Elders and Knowledge Keepers to understand impacts and recognize the role of First Nations and Métis people as stewards of their land. There should be representatives from every impacted community involved in project development from beginning to end to advise on impacts to land and wildlife.
- Many participants expressed that they supported power and renewable energy project development and needed access to power—but not at a significant cost to land, wildlife and constitutional rights.
 - Need to avoid impacting biodiversity and culturally important areas.
 - Existing AER processes could be adapted for renewable power projects.
- One group suggested an impact offsets regime for new project development to ensure there is no net loss of land.

Key Considerations for the Topic Questions (cont.)



Topic 4: Developing New Power Plants on Lands Held by Crown Right of Alberta (cont.)

Cumulative Effects

- Many participants asked for more research in this area.
 - Impact assessments are often too site-specific and don't consider the broader impacts to surrounding land and wildlife.
 - There should be legal requirements for cumulative effects assessments.
 - A participant noted that land use planning plays a key role in assessing cumulative effects, however there are significant gaps in land use planning in Alberta.

Clear and Transparent Communication

- Participants want the assessment process to be fully transparent, including what type of facility is being proposed, and what the impacts will be to land, wildlife, and access to traditional territories.

Other Insights, Considerations and Concerns

Other insights, considerations and concerns that were raised during the workshop sessions included:

Concerns About the Overall Inquiry Process

Nation-to-Nation Consultation

- A common theme in the workshop discussions was the importance of Nation-to-Nation consultation. A number of participants asked the AUC to visit their Nation or community to consult on AUC matters, rather than holding meetings where multiple Nations and communities are brought together to obtain input. There is a strong feeling among participants that each Nation and community is unique and deserves to have their concerns and input recognized as distinct. One participant noted that it was important to have decision-makers present at the consultation meetings so that the right people are hearing participants' input.
 - Further to this point, there was a strong reluctance among participants to have multiple Nations and communities represented in a single summary presentation to the Inquiry Panel. Most participants only wanted to speak for their own Nation or community and felt uncomfortable with the idea of speaking on behalf of another community. In the engagement sessions, the project team was able to accommodate this by asking Byron Jackson of Deloitte to present to the Inquiry Panel.
 - Several communities asked for an opportunity to present to the Inquiry Panel on their own. At the time that had not been planned.
 - A number of participants noted that consultation is about relationships, and so the AUC (and by extension, the Alberta government) need to take steps to build better relationships with First Nations and Métis people in Alberta.
 - With renewable energy projects, there is an opportunity to do this better.

Other Insights, Considerations and Concerns (cont.)

Concerns About the Overall Inquiry Process (cont.)

Short Timeline

- Many participants were concerned about the short timeline for engagement with First Nations and Métis communities. The technical workshops were held from October 30 – November 14, and written submissions were due November 22. Participants noted they did not have time to consult with their own community members, knowledge holders, technical experts or legal teams after the technical workshops to prepare written submissions before the deadline. Participants noted that in the future, the inquiry process should be planned in a way that allows more time in between in-person meetings and the deadline for written submissions.

Capacity Funding

- A number of participants acknowledged the capacity funding provided to Indigenous communities and groups, but stated the amount was insufficient for them to fully address the 4 topic areas that were included in the inquiry scope

Level of Communication

- There were also concerns about the information given to participants about the overall inquiry process and how the Indigenous technical workshops fit into the process. Some participants said they would have liked more context for the workshops and clarity on how their input would be incorporated into the inquiry findings.
- There were also a number of comments about the lack of information on the moratorium on renewable energy projects, and the context for that decision.

Scope of Inquiry

- Several participants expressed concerns that the scope of inquiry excluded Indigenous knowledge, perspectives, values, and matters of critical importance to Indigenous Nations.
- One group asked why no Indigenous experts were invited to submit an expert report on reclamation security requirements.

Other Insights, Considerations and Concerns (cont.)

Inclusion in Project Development

- Many participants discussed how they would like their Nation or community to play a larger role in the development of power projects—at the very least, to have an Impact Benefit Agreement in place, or better yet, an equity position in the project. In the age of economic reconciliation, this is an expectation that continues to grow.
 - One group noted that involvement in renewable energy investment advances reconciliation with First Nations and represents greater opportunities for all Albertans.



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