

Government of Alberta ■
Aboriginal Relations

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October 15, 2010

Mr. Ken Gummo
President
Canadian Association of Petroleum Landmen
350, 500 - 5th Avenue SW
Calgary, AB T2P 3L5

Dear Mr. Gummo:

Re: Consultation with Lubicon Lake Nation (Lubicon)

An ongoing governance issue is occurring within the Lubicon Lake Nation (Lubicon) community. This situation has created difficulties for industry when consulting with Lubicon on resource development and land management activities. To assist industry, which may be required to consult with Lubicon in accordance with the *Government of Alberta's First Nations Consultation Policy on Resource Development and Land Management* and associated guidelines, the Government of Alberta has approved an interim directive for all affected stakeholders (attached). Specific details, including Alberta's jurisdiction to resolve Lubicon's governance issue, are addressed in the interim directive.

I would encourage your organization to familiarize itself with this interim directive and adjust any consultation activities with Lubicon accordingly. Aboriginal Relations will update you should the requirements to consult with Lubicon change. Thank you for your time and attention to this matter and please do not hesitate to contact the Government of Alberta as outlined in the interim directive should you have any questions.

Sincerely,



Cole Pederson
Executive Director

Enclosures

21-10-2010

Alberta ■

Freedom To Create. Spirit To Achieve.

LUBICON LAKE NATION NOTIFICATION STRATEGY GOVERNMENT OF ALBERTA INTERIM DIRECTIVE

BACKGROUND

The ongoing Lubicon Lake Nation leadership dispute between Mr. Steve Noskey (June 5, 2009 election) and Mr. Bernard Ominayak (June 25, 2009 election) has led to uncertainty regarding whether either candidate (potential Chief and his related Council) represent the membership of Lubicon Lake Nation.

CURRENT LUBICON LAKE NATION GOVERNANCE SITUATION

Lubicon Lake Nation's current governance situation has created difficulties for the Government of Alberta (GoA), along with a number of industry proponents active in the area, as to whom and where notifications should be sent in order to carry out adequate and meaningful consultation with Lubicon Lake Nation. As it stands, the GoA does not have jurisdiction over the First Nation's governance matters and it is currently unknown if or when the governance situation will be resolved.

The GoA has communicated to INAC officials its concerns regarding the impact the leadership dispute has on the GoA's consultation efforts with the Lubicon. INAC officials have informed the GoA that they are carefully monitoring the situation and have offered the services of a mediator to help resolve the situation. To date, the First Nation has declined this offer. Since December 1, 2009, INAC has appointed a third party manager to conduct general business and administrative duties on behalf of Lubicon Lake Nation. INAC further advises that Lubicon Lake Nation conducts its elections in accordance with a "Custom Code" practice, which sets out the rules for a First Nations electoral process. According to INAC, Lubicon Lake Nation does not fall under the provision of s. 74 of the *Indian Act* and as a result, the Federal Government has no involvement in Lubicon Lake Nation's electoral process.

Until Lubicon Lake Nation's governance situation is resolved, the GoA, led by the Aboriginal Consultation Coordination Group (ACCG), has developed this interim directive on how to engage with the First Nation regarding notification for consultation on land management and resource development activities.

CONSULTATION NOTIFICATIONS

To help ensure meaningful consultation is carried out with Lubicon Lake Nation when necessary, the following steps should be followed.

1. On August 13, 2010 Aboriginal Relations posted the attached notice in the Community of Little Buffalo where the Lubicon Lake Nation office is located.
2. When considering proposed projects, Industry proponents are to request advice and direction from the appropriate GoA Ministry (dependent on the nature of the proposed project) regarding their consultation obligations with Lubicon Lake Nation.
3. GoA staff from the appropriate Ministry determines if Lubicon Lake Nation requires project notification.
4. GoA staff from the appropriate Ministry direct proponents to notify the Lubicon Lake Nation Band office in accordance with the August 13, 2010 Notice.
5. Responses to notifications originating from the Lubicon Lake Nation Band office will be considered. GoA staff will verify the responses as per their Ministry's guidelines.
6. The proponent completes their consultation work and provides a consultation summary to both the Lubicon Lake Nation Band office and the appropriate GoA Ministry.
7. All consultation involving the Lubicon Lake Nation Band office is to be well-documented.
8. This interim directive ends upon the declaration of a Lubicon Lake Nation Chief and Council or by Court Order.

CONTACT INFORMATION

For more information regarding this matter please contact:

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Consultation and Land Claims
Aboriginal Relations
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August 13, 2010

COMMUNICATION TO LUBICON LAKE NATION

RE: Government of Alberta First Nation Consultation Notifications

The Government of Alberta (GoA) is committed to consult with First Nations where land management and resource development have the potential to adversely impact First Nations rights and traditional uses of Crown lands within the province of Alberta. The GoA (or industry proponents) begins the consultation process by sending notifications to the potentially impacted First Nation's Chief and Council (or to a representative designated by Chief and Council).

The Lubicon Lake Nation's current governance situation has created difficulties for the GoA (and industry proponents) to send notifications to the Lubicon Lake Nation and carry out a meaningful consultation process. The GoA does not have jurisdiction over the Nation's governance matters and it is currently unknown if or when the governance situation will be resolved by parties who do have jurisdiction.

Please be advised that until the Lubicon Lake Nation's governance situation is resolved, the GoA (and industry proponents) will be sending all future consultation notifications to the Lubicon Lake Nation's band office mailing address, which is as follows:

Lubicon Lake Nation
P.O. Box 6731
Peace River AB T8S 1S5

Telephone: 780-629-3945
Fax: 780-629-3939

This decision is an interim approach that the GoA will reconsider should the GoA receive alternative direction from the Lubicon Lake Nation's duly authorized Chief and Council as recognized by the Government of Canada (INAC).

A handwritten signature in black ink, appearing to read 'D. Bell', with a long horizontal line extending to the right.

Dennis Bell, A/Executive Director
Aboriginal Relations

cc. Indian and Northern Affairs Canada