

Alberta federal/provincial Indian  
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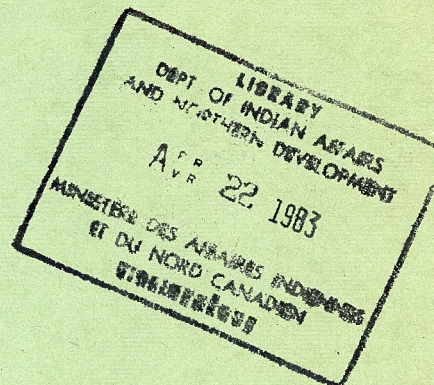
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April 2, 1981



ALBERTA FEDERAL/PROVINCIAL INDIAN ISSUES

Prepared by the Intergovernmental Affairs Branch,  
(Corporate Policy), in Conjunction with other  
Departmental Program Areas.

ALBERTA FEDERAL/PROVINCIAL INDIAN ISSUES  
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I. The Purpose

(Draft for Discussion)

The purposes of this exercise are:

- a) to examine the utility of reviewing issues on a provincial basis; and
- b) to set out the general Federal/Provincial environmental considerations, positions of the parties, and other relevant factors in a manner that would allow a comprehensive assessment of policy developments in Alberta.



## II. General Environmental Dimensions

### 1. DEMOGRAPHIC CHARACTERISTICS

1. The total Indian population of Alberta as of 1976 was estimated at 34,966, representing approximately 1.9% of the total provincial population.
2. In absolute numbers, the Indian population is expected to increase to 38,948 in 1981, and to 43,575 by 1986.
3. Currently the growth rate for the Indian population is slightly higher than that of the total provincial population.
4. The growth rate for the Indian population is projected to decline in the 1980 decade due to an expected continued decline in their birth rate.
5. The Indian population constituted approximately 1.9 per cent of the provincial population in 1976, and this is expected to decrease slightly to about 1.7 per cent in 1986.
6. Indian fertility declined substantially between 1966 and 1976, although their birth rate is currently almost twice that of the provincial population; the decline in the Indian birth rate is expected to continue to 1986.
7. Although Indian infant mortality rates have been decreasing, i.e., from 57 deaths per 1,000 live births in 1963 to 26 by 1976, the infant mortality rate is still more than twice that of the provincial population.
8. The death rate for the adult age group 15-49 is at least four times higher than that for the provincial population in the same age group.
9. As early as 1981, the young adult Indian population (aged 15-29) will increase its share of the total Indian population to 32 per cent having risen from 24 per cent in 1966.
10. In recent years the trend in the growth of the population off-reserve has been slowing down; if this trend continues, the proportion off-reserve is expected to increase more slowly than in the past

ten years, increasing from 21 per cent in 1976 to 28 per cent by 1986.

11. Since 1974 the proportions of the mobile age groups 20-29 on reserves and Crown land has been decreasing more slowly than in the 1966-1973 period. Between 1975 and 1976, in the mobile age groups and in most of the others, the on-reserve percentages have remained quite stable.
12. Most bands were located in rural and semi-urban areas (46 per cent and 29 per cent respectively). Approximately 43 per cent and 35 per cent of Indians residing off-reserve originate from rural and semi-urban bands respectively.

#### Health

13. The standardized death rate for the Indian population is more than double that of the provincial population.
14. Over 36 per cent of Indian deaths are due to accidents, poisonings and violence (includes suicides, homicides, drug overdoses, motor vehicle accidents) versus under 13 per cent in the provincial population.
15. The incidence of tuberculosis in 1976 was 16 times higher in the Indian population than in the provincial population (1.6 and 0.1 per 1,000 population respectively).

#### Education

16. Even though the retention rate for Indian students from Grade 2 through to Grade 12 increased between 1966 and 1976, only 22 per cent of all Indian students were retained to Grade 12 as compared to 75 per cent for all students in Canada.

#### Employment

17. The current estimate of unemployment among Indians is 54 per cent in 1979.
18. The Indian labour force age group is expected to increase by about 37 per cent from 17,300 in 1976 to 25,200 by 1986.
19. During the next decade, the ratio of the dependent Indian population to the working aged Indian



population will decline from 102 per 100 persons to 73 per 100; this could improve their per capita standard of living if sufficient employment opportunities are also created.

#### Housing

20. In 1977, 39 per cent of the housing units on Indian reserves were overcrowded.
21. Future demand for housing on reserves will be heavy as the on-reserve population in the principal family formation age group 20-29 years has been forecast to increase by nearly 58 per cent by 1986, or by approximately 2,300 persons.

#### Justice

22. Native people are overrepresented in federal prisons; these natives tend to be young adults. The percentage of native inmates incarcerated for violent crimes is higher than that among non-native inmates; native inmates have higher percentages with 3 or more previous commitments in comparison with non-native inmates.

2. PROVINCIAL/INDIAN ORGANIZATIONAL STRUCTURES

INDIAN ORGANIZATIONS:

INDIAN ASSOCIATION OF ALBERTA:

The Indian Association of Alberta (IAA) is the Provincial Indian political organization in Alberta representing 42 Indian Bands with a total population of approximately 37,375 Indian people. The objectives of the IAA are:

1. to preserve the hereditary and legal rights and treaty rights of the Treaty Indians of Alberta;
2. to advance the social and economic welfare of the Treaty Indians of Alberta;
3. to provide an active interest on the part of members in the civic, commercial, social and moral welfare of the community;
4. to secure better educational facilities and opportunities for Treaty Indians in Alberta and greater Indian control of education for Indians wherever considered by the Indian Band(s) concerned;
5. to promote among the members the varied programs designed to serve as outlets for cultural and creative expression;
6. to assist and promote for its members opportunities and training for self-development, leadership and self-determination; and
7. to work in conjunction with Indian Bands and or Chiefs and Councils to work federal, provincial and local government for the benefit of Treaty Indians of Alberta.

OFFICIALS

PRESIDENT: Eugene Steinhauer  
TREASURER: Eric Shirt  
SECRETARY: Helen Gladue

VICE-PRESIDENTS: Treaty # 6 - Raymond Cardinal  
Treaty # 7 - Keith Chiefmoon  
Treaty # 8 - Clifford Freeman



IAA BOARD OF DIRECTORS:

TREATY #6: Thomas Potts  
Samuel Bull  
James Brule

TREATY #7: John Willier  
Frank Halcrow  
Donald Calliou

TREATY #8: Gregg Smith  
Gilbert Eagle Bear  
John Chiefmoon

TRIBAL COUNCILS:

NORTHEAST TRIBAL CHIEFS ASSOCIATION:

The North-east Tribal Chiefs Association (TCA) is a group of five Bands in the St. Paul area whose mandate includes:

- a) assisting Bands in the participation in the economic opportunities associated with the Esso Project Heavy Oil Plant;
- b) negotiating the transfer of 22 DIAND staff positions from the St. Paul District.

Recently, Bands have mandated the TCA to negotiate for the provision of community facilities, housing and other infrastructures to enable Bands to effectively participate in regional and local economic opportunities; i.e. the anticipated Esso Tar Sands project.

OFFICIALS:

CHAIRMAN: Chief Sam Bull - Goodfish Lake Band  
BOARD: Chief Charlie Wood - Saddle Lake Band  
Chief Gordon Gadwa - Kehewin Band  
Chief Sam Waskahat - Frog Lake Band  
Chief Al Lameman - Beaver Lake Band

EXECUTIVE DIRECTOR: Mike Steinhauer  
OUTREACH CO-ORDINATOR: Bernie Makokis



ATHABASCA TRIBAL COUNCIL:

The Athabasca Tribal Council (ATC) is a group of five Bands in the Fort McMurray area whose objectives include:

- a) to encourage and enabling Indians obtain training, employment and business opportunities in Northeastern Alberta;
- b) to represent the interest & community needs of Indians to oil companies & government agencies; and
- c) to provide economic development recruitment, placement, training & counselling services for Indian communities in the Alsands Project and regional economy.

OFFICIALS:

CHARIMAN: Chief Lawrence Courtoreille - Cree Band  
BOARD: Chief Fred Marcel - Chipewyan Band  
Chief Dorothy McDonald - Fort McKay Band  
Chief Billy Cree - Fort McMurray Band  
Chief Archibald Valentine- Janiver Band

EXECUTIVE DIRECTOR: Patrick Mercredi  
OUTREACH CO-ORDINATOR: Jimmy Derange

LESSER SLAVE LAKE INDIAN REGIONAL COUNCIL:

The Lesser Slave Lake Indian Regional Council represents nine Bands in the Slave Lake area. The Mandate of the Council includes:

- a) the administrative responsibility for providing services to Indian Bands previously provided by the District Office of DIAND;
- b) to encourage and support comprehensive economic development;
- c) to improve opportunities to develop primary industries; and d) to enhance opportunities for member Bands to develop services, industries and commercial enterprise.

OFFICIALS

PRESIDENT: Chief Walter Twin  
VICE-PRESIDENT: Chief Frank Halcrow  
SECOND VICE-PRESIDENT: Chief Jimmy Giroux  
THIRD VICE-PRESIDENT: Chief Charles Chalifoux  
SECRETARY: Evelyn Thunder  
TREASURER: Peter Joyce  
BOARD: Swan River  
Sturgeon Lake  
Sucker Creek  
Driftpile  
Sawridge  
Grouard  
Horse Lakes  
Duncan's  
Whitefish Lake  
EXECUTIVE DIRECTOR: Ray Duprés



YELLOWHEAD AREA COUNCIL:

The Yellowhead Area Council in the Edmonton area represents five Indian Bands whose objectives include:

- a) to enhance member Council's knowledge and abilities through shared experiences, views and opinions;
- b) to examine and study the feasibility of Bands assuming a more active part in the design, implementation and evaluation of programs and policies; and
- c) to strengthen the capacity of individual member Band's government in order to deal more effectively with Governments and businesses.

OFFICIALS:

CHAIRMAN: Richard Arcand

BOARD: Chief Stanley Arcand	- Alexander Band
Chief Miles House	- Paul Band
Chief Howard Mustus	- Alexis Band
Chief James Brule	- Enoch Band
Chief Robert Whitecalf	- Sunchild Band

FORT VERMILION TRIBAL COUNCIL:

The Fort Vermilion Tribal Council represents three Bands in the northeast region of Alberta whose objectives include promoting the general welfare and development of member Bands in the areas of education, culture, health, social and economic development.

OFFICIALS:

CO-ORDINATOR: Willard Bulldog

BOARD: Chief Harvey Bulldog - Boyer River Band  
Chief Daniel Nanooch - Little Red River Band  
Chief Francis Meneen - Tall Cree Band



FOUR BAND COUNCIL (HOBHEMA):

The Four Band Council represents the four (4) Indian Bands at Hobbema whose mandate includes maintaining and coordinating joint community activities, developing and maintaining unity and political strength, and improving education quality and facilities to meet the needs of the Band members at Hobbema.

OFFICIALS:

Chief James Omeasoo	-	Samson Band
Chief Maurice Wolfe	-	Ermineskin Band
Chief Peter Bull	-	Louis Bull Band
Chief Leo Cattleman	-	Montana Band

METIS GROUP:

METIS ASSOCIATION OF ALBERTA:

The Metis Association of Alberta is the provincial political Metis organization representing approximately 40,000-60,000 Metis and non-status Indian people in the Province. The Association's objectives include:

- a) to co-ordinate the efforts of Metis people in a collective fashion;
- b) to promote Metis history, accomplishments and contributions to Canadian Society;
- c) to make representations to both Federal and Provincial Governments regarding legislation and policies that effect the interests of Metis people; and
- d) to generally promote the social and economic conditions of Metis people in the Province of Alberta.

OFFICIALS:

PRESIDENT: S.J. Sinclair  
VICE-PRESIDENT: J.D. Blyan  
TREASURER: E. Hawse  
SECRETARY: H. Thomkins

ZONE ONE

H. Cardinal  
E. Hawse

ZONE TWO

B. Fayant  
D. Martineau

ZONE THREE

T. Bouvette  
P. Pelletier

ZONE FOUR

A. Laboucan  
G. Calliou

ZONE FIVE

H. Thompkins  
R. Willier

ZONE SIX

M. Gladue  
G. Gaudet

GOVERNMENT OF ALBERTA: (PROVINCIAL GOVERNMENT)

The following is a description of the present and proposed future mandates of the Native Secretariat.

a. Existing Role and Mandate: (established in the 1971-72 fiscal year)

The ultimate goal of the Native Secretariat is to ensure that all Native people, both Metis and Indians, of the Province have the opportunity to participate as full residents of Alberta with equal rights, privileges and obligations according to other Albertans.

Native Secretariat believes that:

1. This can be attained by the Native people in consultation and co-operation with the government and other residents of this Province.
2. In a multicultural Alberta, the Native culture must be retained.
3. Social and economic advancement should occur simultaneously.
4. As the Native people of Alberta develop self-reliance and self-sufficiency, the role of the Native Secretariat will diminish.

Native Secretariat will:

1. Act as a catalyst between Native people and the Provincial Government.
2. Monitor programs endorsed; or funded, or sponsored by Government and affecting Native people.
3. Be mobile to meet issues affecting Native people and assist efforts in resolving these issues.
4. Assist in policy formulation and planning of innovative programs that aid Native people."



NATIVE SECRETARIAT:

- b) Role and Mandate: (Quoted from official document - Spring '81)

"The Government of Alberta recognizes and respects the determination of Native people as Albertans to maintain a proud and distinct cultural heritage and to attain social and economic self-reliance. The Government shares this determination and is prepared to commit its purpose and its resources to co-operatively working with the Native people of Alberta towards these goals, recognizing that the individuals and local communities must maintain the primary responsibility for their own development.

Consistent with this commitment and a desire to enhance its relationship with and responsiveness to the Native people, the Alberta Government has charged a member of Executive Council with special responsibilities in the area of Native Affairs. As a primary instrument of Government policy in this area, the Minister of Native Affairs will direct and co-ordinate activities designed:

- 1) To ensure that Native people have equal opportunity to participate in the economy of Alberta as other residents of the Province.
- 2) To ensure that Native people have access to the same level and quality of services as other Albertans.
- 3) To enhance the level of functioning of Native communities, organizations and individuals within Alberta society.
- 4) To ensure that Native land matters are resolved in a fair and equitable manner, recognizing the appropriate role and responsibility of the Alberta Government.

To enable the Minister of Native Affairs to discharge effectively his assigned responsibilities, he shall be assisted by a Native Secretariat. This Secretariat will provide support to the Minister in working with the Native people of Alberta to attain progress towards the above goals.

As the Native people of Alberta develop increased self-reliance and self-sufficiency, the role of the Native Affairs portfolio will diminish correspondingly."

COMMENTS

The proposed mandate provides a much clearer sense of direction for the Native Secretariat, than does their current mandate. In this connection, goals two and four should be noted as they appear to broaden the mandate of the Native Secretariat significantly. Another interesting proposed change in approach is the emphasis that "local communities must maintain the primary responsibility for their own development".

Minister: The Honourable Don McCrimmon  
Executive Director: Mr. Bill Donahue  
Senior Policy Advisor: Mr. Ken Boutillier

FEDERAL AND INTERGOVERNMENTAL AFFAIRS:

Role and Mandate:

The Minister:

- a) is responsible for the co-ordination of all policies, programs and activities of the Government of Alberta and its agencies in relation to the Government of Canada, the governments of the provinces and territories of Canada, and the governments of foreign countries or states, and all agencies of those governments;
- b) shall conduct a continuing review of:
  - i) all policies, programs and activities of the Government of Alberta and its agencies in relation to the Government of Canada, the governments of the provinces and territories of Canada and the governments of foreign countries or states,
  - ii) all intergovernmental agreements, and
  - iii) all relevant legislation pertaining to those policies, programs, activities and agreements;
- c) shall be a party to the negotiation of all proposed intergovernmental agreements;
- d) shall from time to time take such action as he considers necessary to initiate or maintain intergovernmental co-operations between the Government of Alberta and the Government of Canada, the government of a province or territory of Canada or any government of a foreign country or state;
- e) shall establish and maintain all offices outside Alberta that are necessary for the performance of the functions or representatives of the Government of Alberta.

Minister: The Honourable Dick Johnston

Deputy Minister: Dr. Peter Meekison

Director of Social

and Cultural Affairs: Mr. Richard Dolon



3. HISTORICAL OVERVIEW OF FEDERAL/PROVINCIAL/NATIVE  
RELATIONS

(To be completed later).

4. PROVINCIAL/NATIVE POSITIONS ON THE CONSTITUTION

BACKGROUND:

The Indian Association of Alberta made their presentation to the Special Joint Committee on the Constitution on December 18, 1980. Due to the Christmas break the Association had to return to Ottawa on January 5, 1981 to respond to questions from the committee members.

In both the presentation and the question and answer sessions the IAA put six major positions forward:

- (a) Aboriginal and Treaty rights must be entrenched and recognized in a renewed constitution.
- (b) Indian self-determination and self-government with specific jurisdictions within Canadian Confederation must be recognized.
- (c) Full, equal and ongoing participation in the constitutional renewal process must be guaranteed.
- (d) The special trust relationship between the Crown and Indian nations must be continued.
- (e) Direct Indian participation and representation in government institutions must be guaranteed.
- (f) The responsibility to carry out the Terms of the Treaties must be upheld in the constitution.

A caveat was registered by the Alberta delegation that they will not support patriation of the Constitution until Treaty and Aboriginal rights are recognized and entrenched.

PRESENT STATUS - FEDERAL GOVERNMENT:

Major amendments were made to the Native Specific sections of the Canada Act by the Special Joint Committee, summarized as follows:

- Section 25 . Aboriginal Rights and Freedoms  
Not Affected by Charter of  
Rights.

Section 33 . Rights of the Aboriginal  
Peoples of Canada Recognized.

Section 35(2) . Participation of Aboriginal  
Peoples in Constitutional  
Conferences.

PRESENT STATUS - IAA

- . The Indian Association of Alberta held an All Chiefs' Conference on February 3-6, 1981. At that Conference, a resolution was passed unanimously indicating:
  - (1) Rejection of the native specific elements of the Constitution package.
  - (2) A demand that the NIB president "publicly retract and repudiate his acceptance of the patriation of the Constitution and its amendments".
- . Treaty #8, consisting of 21 bands, unanimously approved a resolution on February 19, 1981 indicating continuing opposition to the patriation of the Constitution until their Treaty rights are adequately protected.
- . The IAA has supported an NIB executive council resolution declaring non-support for patriation until Indians are given a 'consent' clause for future constitutional amendments dealing with aboriginal and treaty rights.
- . On March 17, 1981 the Indian Association of Alberta Board decided to withdraw from the National Indian Brotherhood, on the following grounds:
  - (1) The National leaders approved patriation despite an amendment that would permit provincial premiers and the federal cabinet to define treaty and aboriginal rights without Indians participation.
  - (2) The NIB leaders ignored the chiefs' instructions and aligned themselves with Métis and Inuit lobby groups.
  - (3) The NIB failed to address other important issues while lobbying for favourable constitutional amendments.



- (4) Mr. Riley was unable to cope with the constitutional issue.

PRESENT STATUS PROVINCIAL GOVERNMENT

The Province has not indicated any position to date with respect to the Native specific clauses.

PRESENT STATUS MÉTIS ASSOCIATION OF ALBERTA

The Métis Association of Alberta made a written submission to the Special Joint Committee outlining their basic concerns on aboriginal rights and Métis Claims.

The Métis Association has criticized the Indian Association and the Chiefs for making public statements that an alliance with the Métis and Inuit would weaken the Indian constitutional position and rights, however the IAA and the MAA have a 'gentle men's agreement' that both parties would work separately towards their own objectives.

### III. THE ISSUES

#### A. SERVICES

#### 5. STATUS OF PROVINCIAL EXTENSION OF SERVICES PROPOSAL

##### BACKGROUND

In April, 1978 the Alberta Government announced a policy for providing Provincial services to Treaty Indians. The main feature was the willingness of Alberta to assume the full cost of delivering services to Treaty Indians resident off-reserve (Alberta estimated cost at \$10 million per year) on condition that the Federal Government upgrade on-reserve services to Provincial standards and reimburse Alberta 100% for any services it delivered to Indians living on-reserve.

The IAA viewed the policy negatively as a threat to Treaty Rights which could lead to the Province taking over responsibilities which the Indians considered to belong to the Federal Government. The Chiefs of Alberta announced that they would prepare a counter-proposal to the Extension policy. The Minister of Indian Affairs advised Alberta in July, 1978 that there would be no discussions on the policy until the I.A.A. was prepared to participate.

On June 6, 1979 the Chiefs of Alberta met with Mr. Lougheed and his colleagues to present the Indian "counterproposal" entitled - "Provincial-Indian Relations" which took the position that the Federal Government should maintain responsibility for remedial and social programs and that the Alberta Government should assume responsibility for developmental program areas. (i.e. primarily economic development).

After reviewing the I.A.A. proposal, the Alberta Government indicated (1) that it was prepared to enter into tripartite discussions and expressed willingness, to review the manner and extent to which provincial programs could be made available to Indian People and (2) that it was prepared to withdraw the Extension Policy and consider proposals for economic development if more specifics could be provided.

In December 1979 the IAA submitted a proposal to the Federal Government for funding to support the development of a detailed plan to rationalize

Alberta's role and responsibilities (including services) to Alberta Indians. The Minister of Indian Affairs responded in January 1980 indicating the willingness of the Federal Government to discuss this proposal in a tripartite forum. At the request of DIAND, a follow-up bilateral meeting was held in February 1980, between officials of the Department and representatives from the I.A.A. The Department reiterated its interest to enter into Tripartite discussions on this issue.

In June 1980 a Joint Indian/Alberta Caucus Committee was set up to consider the detailed economic development strategy prepared by the I.A.A. A number of meetings were held between the two parties over the summer months. A final report with recommendations is expected shortly.

The I.A.A. has recently (December, 1980) submitted a revised proposal to the Federal Government requesting financial assistance to allow the IAA to review the question of Alberta's role and responsibilities to Indian people in the services area. A draft letter has been prepared for the Deputy Minister's signature which acknowledges "the progressive nature of this proposal" and indicates "the willingness of the Federal Government to participate in further discussions concerning the proposal, in whatever form that the IAA deems appropriate, as long as there is a clear understanding among the parties as to the purpose and objectives of these discussions".

#### CURRENT STATUS:

Although the Government of Alberta has made no formal statement with regard to off-reserve services recently, there have been several concrete policy changes in the last year that indicate some modification from its position that there must be 100% charge-back to the federal government for on-reserve services. For example, in 1980, the Alberta government agreed to extend its "Emergency Housing" (Rural Mobile Homes) Program to Alberta Indian reserves, and to front-end 100% of the financing of mobile homes at no interest to those Indian Bands, which had a federal guarantee of pay-back. Again within the last few months, a new provincial program "Family and Community Support Services" (formerly Preventative Social Services) was extended to all Albertans, including Indian reserves, with a continuation of earlier



cost-sharing funding formula 80% provincial, 20% municipal. The Alberta government is also no longer billing back the department for costs associated with AISH. (For details see notes 6, 7 and 8).

The former provincial policy of 100% charge-back to the federal government for on-reserve provincial services appears to be less and less a part of Alberta policy. Alberta's policy development now seems, at least for new types of services, to be more dependent on Indian requests for programs and the response of line departments to those requests, rather than rigid adherence to a broader policy position with respect to Indians.

6. RURAL MOBILE HOME PROGRAM

BACKGROUND AND ISSUES:

In 1979, Alberta expanded its Rural Mobile Home Program to include Indian reserves within the province, provided that the loan was covered by a Federal "Ministerial Guarantee" ensuring repayment.

The Program is sponsored by the Alberta Housing Corporation to provide emergency housing in remote areas to needy families on a temporary basis. The provincial crown corporation supplies and installs mobile units, with the necessary utilities for prepared and serviced sites on Band-owned land located on reserve. The mobile homes are 14 x 68 ft. units, and are provided with a refrigerator, stove, furnace, steps, porch, water pump and CSA-approved mobile home wood-burning stove to be utilized in the event of fuel or power failure.

The Alberta Housing Corporation provides the units at cost (averaging \$26,500 per unit on-site) on an interest-free loan basis, with a minimum repayment rate of \$100 per month for 100% of the costs over a maximum of 30 years. The applicant must have a combined family income not in excess of \$13,000 annually. It should be noted that loans are made to the Band, as opposed to individuals, and, as security, a BCR requesting Ministerial Guarantees is required to ensure against default of repayment to the Alberta Housing Corporation by the Band.

CURRENT STATUS:

To date, a total of 42 mobile homes have been delivered to Reserves by the Alberta Housing Corporation. Of these, only 22 have been properly installed and have families living in them. The delay in setting up the remaining 20 units has resulted from failure to have the sites prepared in time to meet the delivery date of the units. Repayment on the units by the Bands are presently up to date. However, some departmental officials have expressed concern as the maximum (useage) expected life of a mobile home is approximately 15 years, that there may be repayment problems when the units get older.

Despite the implementation concerns, the real importance of this program is that it is one of the recent examples of the Provincial Government extending provincial services to Indian people living on-reserve.

7. ASSURED INCOME FOR THE SEVERELY HANDICAPPED (AISH)

BACKGROUND AND ISSUES:

Alberta's Assured Income for the Severely Handicapped (AISH) program came into effect on December 1, 1979. At the time the program was introduced, the province excluded all handicapped Treaty Indians and all handicapped persons living on reserve from eligibility for AISH on the grounds that they are the responsibility of the federal government.

Early in 1980, however, Alberta modified its policy and stated that Treaty Indians and persons living on reserve could apply for and receive AISH benefits if they met the program's eligibility requirements as they related to family income and degree of disability. Alberta indicated that it was not abandoning the principle that Treaty Indians are the responsibility of the federal government, and requested that the federal government reimburse the province for the amount of benefits paid to Treaty Indians. The Provincial Government estimated that (an average of 350 cases per month, at \$385 per month in benefits) the cost of extending AISH to Treaty Indians on reserve would amount to \$1,617,000 in the 1980-81 fiscal year. Alberta indicated that it would absorb the administrative expenses.

The provincial request for reimbursement was initially directed to Health and Welfare Canada, and was subsequently referred to DIAND. In responding to the province, the Department indicated that the AISH program raised in more specific terms many of the same questions which arose in the context of Alberta's overall policy regarding the extension of provincial services to Treaty Indians. The Department further advised that it could not accede to the Alberta request, and urged the province to support the initiation of tripartite discussions to address the issue, as well as other matters of mutual concern.

CURRENT STATUS:

Although no formal announcement has been provided, the Alberta Government is no longer billing back the Department for costs associated with AISH.



8. FAMILY AND COMMUNITY SUPPORT SERVICES

BACKGROUND AND ISSUES:

On February 9th, 1981, the Honourable Bob Bogle, Minister of Social Services and Community Health, announced a new program called "Family and Community Support Services". Basic elements of the program include:

- a) extensions of the program to all Albertans, including Indian Reserves;
- b) delegation of decision-making to local authorities;
- c) continuation of the 80% Provincial, and 20% municipal cost-sharing arrangement;
- d) special attention to problem areas; eg. inequities, high growth areas, isolated populations.

This type of program was formerly known as "preventive social services". It includes such things as: family services, services for senior citizens and youths, and home support services.

One day after the Minister of Social Services announcement, the Honourable Don McCrimmon, Minister of Native Affairs, stated that:

"I've been working with my Cabinet colleagues toward extending the P.S.S. program to Native Communities, and I'm pleased that Bob Bogle ... is taking the necessary steps to ensure that all Native Communities will have an opportunity to apply under the extended program."

It should be noted that the extension of this program to Indian reserves, without the provision of 100% chargeback of costs to the Federal Government, represents another important exemption from or change in Alberta's extension of services policy of 1978.

CURRENT STATUS:

Minister McCrimmon has stated that he will be consulting with Indian leaders and working out the details of how the program will apply on reserves.

9. INDIAN POLICING PROGRAM

The province of Alberta is an excellent case study of the Indian policing issues confronting this department on a national scale. Indian Associations and Bands in Alberta, in response to an emerging awareness of the options for native policing programs, have been imaginative and forceful in presenting their native specific policing proposals to Provincial authorities, the Solicitor General and this department.

Currently there are two federally funded native specific policing programs in Alberta these are:

- (1) The Band Constable program - the first established form of local policing for Indian communities. The Band Council employs, sets terms and conditions of work and supervises performance. Constables are warrented by the province for a narrow range of policing duties, and
- (2) The Special Constable Program - RCMP (3b) functions where the RCMP acts as provincial police, operating under the Master Federal-Provincial Policing Agreement. The RCMP employ constables as members of the force selecting and posting in consultation with the Band Councils. The force also trains, sets terms and conditions of work and supervises performance. Constables are warrented by the RCMP for a wide range of policing duties.

The Indian Band Constable Program has been found wanting by a number of Band Councils due primarily to its inherently limited scope of policing authority. The RCMP (3b) program, while addressing the limited nature of policing responsibilities of the Band Constable program, has similarly been found wanting, by a large number of Bands, due to the lack of Band control of what is essentially an RCMP directed program. Also there is a perception because the RCMP 3b constables are not stationed on Reserves that they are providing a policing service for the surrounding communities.

The policing issue is further exacerbated by a cited deterioration of relationships between the RCMP and various Bands based on one or two highly publicized "incidents", between individuals and the force.

INDIAN POSITION:

Recognizing the paramouncy of the Provincial authorities in policing matters, Bands and Associations have recently conducted a series of bilateral discussions with provincial authorities seeking Alberta's support for their policing programs and proposals.

There is an indication, where a Band has constables trained in policing at a recognized Police Academy or an infrastructure to ensure responsible supervision (e.g. Police Commission) that the Province is prepared, by special warrant, to increase the constable's enforcement authority.

An example of this initiative is the Blood Tribe Police Force which came into being following a survey of Band members to determine the most preferred form of reserve policing. Band members indicated that the most preferable form was one that was controlled by Band members themselves and in difference to that concern and the need to ensure a federal and provincial presence, a Blood Tribe Police Commission was created through a tripartite agreement between the Blood Council, Indian Affairs and Northern Development and the Solicitor General of Alberta.

The Police Commission assumed full administrative responsibility for policing matters and is comprised of five voting members and three advisory positions with no voting power; the Department of Indian Affairs and Northern Development, the RCMP, and the Office of the Provincial Solicitor General. In addition the Chairman of the Police Commission, the legal representative of the Band and the three non-voting members shall contribute a Blood Police Appeals Committee.

Members of the Blood Police Force are warrented for a wide range of policing duties by the Province on the completion of a four month training program conducted by the RCMP. However, serious crimes such as homicide are turned over to the RCMP for investigation.

The Blood Police Force is primarily funded by the Band itself; (305,000 of a total 355,000 budget in 1980/81) with a 55,000 contribution from this departments circular 55 funds. However overtures have recently been made to this department to obtain

additional funding with specific recommendations that funds be transferred from the RCMP 3b program. Departmental officials have responded by requesting a detailed costing proposal.

The Tribal Chiefs association of Northern Alberta have recently presented a policing proposal to the Solicitor General of Canada which is similar to the Blood Tribe Police.

ALBERTA POSITION:

While the Provincial response to date has been guarded, the department is vulnerable from the standpoint of our past participation in Indian specific policing programs. In the past DIAND has entered into a bewildering variety of policing agreements throughout Canada with different authorities, frequently having divergent terms and conditions, particularly in respect of federal financial support. As a consequence of this array of agreements, it will be extremely difficult to assess, in a rational manner, the relative worth of a joint Band/Provincial policing proposal without being compromised by the latter citing a most favourable precedent.

STATUS:

An assessment of the general climate in Alberta is that the Indian Bands and Associations are extremely interested in native specific policing proposals, which go far beyond the current programs operating within Alberta and other parts of Canada.

Alberta has indicated reluctance in the past to establish formalized tripartite processes of a general nature, preferring instead to conduct bilateral discussions or tripartite talks on an issue specific bases. As a consequence of this provincial position it is highly likely that the initiatives for a tripartite discussion on policing issues generally must come from this department.



10. BLACKFOOT SOCIAL SERVICES

BACKGROUND AND ISSUES:

The federal and provincial governments are currently considering a Social Services proposal which was submitted early last year by the Blackfoot Band in Gleichen, Alberta. Essentially the proposal is a re-working of the suggested package of programs which was presented to both levels of government in 1977, and represents a renewed effort on the part of the Band to improve the range and quality of Social Services available to the Blackfoot people.

Both Alberta and Canada responded to the 1977 proposal with agreements in principle that the services which were being requested by the Band were both desirable and necessary if positive and progressive Social Service delivery was to be achieved. During the course of subsequent tripartite negotiations, however, the parties were unable to agree on the financing of the proposal. The Band ultimately withdrew, temporarily, from the discussions in order to re-examine, in detail, the Blackfoot position on Social Service delivery.

Following their re-drafting of the proposal, the Band initiated separate bilateral discussions with federal and provincial officials on the understanding that they (the Band) would determine at what point a return to tripartite negotiations would be most appropriate.

Compared to the original proposal submitted in 1977, the revised proposal places a greater emphasis on the developmental aspects of Social Service programs, and calls for a larger financial contribution on the part of Alberta.

CURRENT STATUS:

A number of meetings to discuss the revised proposal, involving regional and headquarters staff, have been held with the Band since the proposal was submitted last June. The federal government advised the Band that it endorsed the proposal in principle.

To date, the Band has not received a substantive response to the proposal from the Alberta government, however the province did indicate last December that "the provincial response will provide

a positive basis from which both the federal and provincial governments can address the Social Service concerns of the Blackfoot Band". The province further indicated that it looked forward to a renewed effort on the matter within 2 months or so.

Federal meetings with the Band are continuing, with a regional session scheduled for the end of February, and a regional/headquarters session tentatively scheduled for the end of March. The Band anticipates a return to tripartite negotiations early in the 1981-82 fiscal year..

11. NATIVE COURTWORKERS PROGRAM

(To be completed later).

B. RESOURCE DEVELOPMENT/ECONOMIC

12. STATUS OF PROVINCIAL POSITION

General

Over the past two years, Indian groups impacted by resource developments projects in Alberta have submitted briefs to the Provincial Government requesting financial resources in the areas of infrastructure, economic and employment development and equity participation. In addition, requests have been made relating to amendments to the Individual Rights Protection Act to allow affirmative action programs, and for terms and conditions conducive to Indians as part of the development permits for the Esso and Alsands Projects.

In recent months, Provincial officials have indicated a number of positions in this area:

- . Provincial approval for the Esso and Alsands projects is conditional on an overall oil pricing agreement between the Federal and Provincial Governments, thus provincial terms and conditions are not yet known.
- . The Indian/Caucus Committee (see note re: Status of Provincial Extension of Services Proposal) will probably propose recommendations to Cabinet in April to make the Alberta Opportunity and Agriculture Development Corporation more accessible to Indians.
- . Alberta is prepared to fund totally (\$400,000). The Business Assistance for Native Albertans Corporations (BANAC) (See note re: Native Business Development Proposal).

The following sets out in more detail the Alberta position with respect to:

(A) Infrastructure Support

The Alberta Government has stated that it will provide infrastructure support to Alberta municipalities that fact non-renewable resource "mega projects" of a capital value of \$500,000,000 or more. For both the Alsands and Esso Projects, it is estimated that the Province will contribute in excess of \$500



million for infrastructure support. However, the Provincial Government has taken the position that Indian communities are a Federal responsibility, regardless of the magnitude of these large projects in terms of negative impact on Indian communities.

Nevertheless, recent discussions with Native Secretariat officials, indicated that an initial round of meetings are scheduled for the near future, between the Athabasca Tribal Council (ATC), N.E. Tribal Chiefs Association (TCA) and a number of Provincial Cabinet Ministers to begin discussions on the various briefs submitted by these groups over the past two years. Provincial officials indicate that the initial meetings will probably deal with the establishment of a process to deal with the various requests.

(B) Indian Equity Participations

Throughout 1980, the N.E. Tribal Chiefs Association, with the support of the Indian Association of Alberta, requested that the Alberta Government assist financially in supporting the acquisition of a 10% equity position in the Esso Project. In a letter dated November 12, 1980, the Provincial Treasurer indicated that the Alberta Government is not able to support the proposal. The following reasons were put forward:

- . no security - federal guarantee required;
- . bands could not pay interest costs (could exceed \$100 M. annually;
- . Heritage Savings Trust Fund cannot be used for investments of this type;
- . proposal does not involve the bands putting up any significant sum of money; and
- . the historical and legal issues referred to by the TCA should be dealt with separately.

(C) Affirmative Act

The Alberta Individual Rights Protection Act  
does not allow affirmative action measures

designed specifically for Indian people. Nevertheless, the province contends (as of June 1980) that the existing legislation permits, on an exceptional basis, preferential measures for special groups on grounds of their residency but not on the basis of race, religion belief, colour, sex, age, ancestry or place of origin. In other words, "developers of major projects which significantly influence economic and social conditions in their area of province have a special responsibility" to assure that initiatives are undertaken to provide Albertans, especially local residents, with "access to newly created employment opportunities", "training programs", and "in some cases, by providing aid and guidance to easy social adjustments."

During 1980 there were a number of suggestions that amendments to the legislation were contemplated. However, recent statements by various Provincial Cabinet Ministers indicate that the Provincial Government is opposed to special programs established specifically for one group.

Although the residency provision allows Indian people preferential treatment if they live within the range of major projects which qualify, they have no guarantee that an exception will be given and more fundamentally they still have to compete with skilled non-Indians living in the area.

Indian groups content that the resource developers and the Province are simply using the legislation to respond negatively to their demands for Indian participation in the macro-projects such as Cold Lake and Alsands.

In January 1980 the Athabasca Tribal Council (ATC) took the question of whether the present legislation allows Affirmative Action to the Alberta Appeal Court. The Alsands group and the Energy Resource Conservation Board in Alberta agreed that affirmative action was not possible under the legislation. The Alberta Court decided against ATC in a 2 to 1 decision. The ATC appealed to the Supreme Court of Canada. A decision is expected shortly.

(D) NATIVE BUSINESS DEVELOPMENT PAPER  
RE: BUSINESS ASSISTANCE FOR NATIVE  
ALBERTANS CORPORATION (BANAC) AND VENTURE  
VENTURE CAPITAL CORPORATION VCC

BACKGROUND AND ISSUES:

In 1978, an "Economic Development Discussion Group" (EDDG), comprised of private sector companies, the Federal Government (represented by the Department of Regional Economic Expansion) and the Provincial Government (represented by the Native Secretariat) began meeting in Alberta on a bi-monthly basis to exchange information on the socio-economic development of native people in Western Canada. This coordinated approach was established largely as a result of many of the companies being approached individually by Native groups to assist in the area of socio-economic development.

In 1980, the Group determined that "facilitating action" was required and, with the involvement of the Métis Association of Alberta, produced a Native Business Development Paper which proposed that:

1. a conference on Native Economic Development be held April 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup>, in Edmonton;
2. a Venture Capital Corporation, funded primarily by the private sector, be established; and
3. a Business Development Assistance Corporation for Métis and other Native people be established, with Federal/Provincial financing at \$275,000 per year over five years.

After reviewing the paper, which was provided to the Department by MSSD in August, 1980, Alberta Region noted its concerns regarding the lack of Indian involvement in the proposal to that point, and the possible duplication of efforts by the Indian Equity Fund and the Indian Oil Sands Economic Development Corporation.

In September, 1980, the Deputy Minister advised MSSD that Departmental participation in the

proposals would be determined by Indian reaction to the proposals. Alberta Region provided copies of the Development Paper to the IAA, TCA, ATC, IOSEDC and IEF, however only the IAA has responded to the proposals to date.

On September 25, 1980, a meeting of Federal Departments in Alberta was convened by DREE to respond to the Development Paper, it was determined at that time that the proposal required further examination and refinement, particularly in the areas of equity financing and training. In anticipation of working papers being produced for the April Conference in Edmonton, Sub-Committees were established to deal with these issues. A Steering Committee of the EDDG, including advisors from both governments and the Native Associations, was also established to plan the proposed conference.

It is anticipated that approximately 125 Native business persons from across Alberta, along with 50 representatives from the private sector and a small number from the Native Associations and both governments will participate in the conference.

#### CURRENT STATUS:

The Provincial Government is apparently prepared to contribute up to 10% of the projected \$8.9 million required for the Venture Capital Corporation. A committee representing the private sector is currently reviewing potential sources of funding for the remaining 90% of the total estimated cost.

In addition, the Province has committed \$125,000 in start-up funding, and is now considering funding the BANAC proposal totally, at a level of approximately \$400,000 for 1981-82. This would represent a significant development in that the original proposal called for joint Federal/Provincial funding of \$275,000 per year for five years.

The Department of Regional Economic Expansion was initially approached by the Province to fund a portion of BANAC, however DREE officials indicated that a comprehensive Native economic development agreement would be required before



they could respond. Although discussions concerning the issue are continuing between DREE and Alberta officials, the Provincial Government appears reluctant to enter into a comprehensive agreement at this time.

A meeting between Senior DIAND/DREE officials and the President of the Indian Association of Alberta is scheduled for early April. Discussions will focus on a comprehensive native economic development agreement in Alberta, and on Indian concerns regarding BANAC and Venture Capital. It is difficult to anticipate the outcome of this meeting although it is known that the IAA Board recently voted to reject the BANAC initiative of the Alberta Government.

### 13. STATUS OF INDIAN PROPOSALS

The following are the three major resource/economic related issues that concern most Indian groups in Alberta that have some access to resource development projects. The Cold Lake, Alsands, Blackfoot Coal, and the Fort McKay situations are treated separately below (see Issues 16, 17 and 18).

#### A. EQUITY PARTICIPATION

##### Background and Issues:

Alberta bands have expressed considerable interest in obtaining funding, and/or funding guarantees from the Federal Government to invest in equity participation in major energy projects. In this regard, the Indian Association of Alberta has over the past year, been actively pursuing exploratory discussions with industry officials, Federal authorities and lending institutions.

In June, 1980, DIAND provided \$45,000 to the IAA to cover the cost of the first phase of an investigation into the matter of Indian equity participation. An additional \$180,000 was provided to facilitate research and specific negotiations designed to achieve an equity position on the part of the TCA bands in the \$11 billion Cold Lake Heavy Oil Plant. The Department requested that the second phase of the study include consideration of the following: spread of benefits, the costs associated with carrying charges, and the risks involved in a single investment.

##### Current Situation:

The Department is presently awaiting the results of the TCA bands' examination of Indian equity participation. The Alberta bands which have expressed interest in obtaining funds to invest in equity participation in the Esso Cold Lake Project have been advised that the Federal Government is not yet in a position to commit itself either way to such a massive contribution.

A meeting has been scheduled for early April in Edmonton, at which time the TCA will brief

officials of EMR, Finance and DIAND on the equity proposal.

B. (PROPOSED) ALBERTA TRIBAL NATURAL RESOURCES ORGANIZATION

Background and Issues:

During the past two years, Alberta bands have had extensive discussions concerning the possible formation of an organization to promote their interests in resource development. The type of organization envisaged would be similar to the Council of Energy Resource Tribes (CERT) in the United States.

In January 22nd, 1980, a resource development seminar was held in Edmonton. At that time, the Honourable Marc Lalonde, Minister of Energy, Mines and Resources, stated that he and the Minister of IAND favoured the provision of a grant of \$100,000 to establish such an organization, and indicated that the departments would be moving on this as soon as possible.

The Deputy Minister of IAND further stated that such funding would have to be negotiated in terms of taking into account the mandate and responsibilities of the organization and how those would relate to the objectives of other Indian groups.

Current Status

DIAND officials are prepared to meet with Alberta bands once a specific proposal has been formulated and presented to the Department.

C. AFFIRMATIVE ACTION

Background and Issues:

For the past several years, Indian groups in Alberta have voiced their strong concern that large resource development projects have provided limited benefits to Indian people while imposing adverse socio-economic and environmental impacts.

During the course of regulatory hearings related to Cold Lake and the Alsands Project, and in subsequent briefs to the Federal and Provincial

Governments, Indian Tribal groups and Bands have argued that they require preferential access to training, employment and business opportunities because of their disadvantaged situation.

Indian groups have also requested that approval of the Alsands and Cold Lake projects be conditional upon the developers signing a written affirmative action agreement (i.e. similar to the Syncrude Agreement) with the local Indian communities.

Following the Energy Resource Conservation Board hearings on the Alsands project, the Athabasca Tribal Council (ATC) launched legal action to determine whether Provincial legislation allowed affirmative action programs on the basis of race. In a 2 to 1 decision, the Alberta Court of Appeal ruled that the present legislation does not allow affirmative action programs. The ATC appealed the decision to the Supreme Court of Canada; a ruling is expected in the near future.

#### Current Status

The Province has recently (June 1980) adopted a "Local Employment Priority Policy" which is intended to ensure that all residents living in an area which is economically disrupted are afforded special consideration to assist with adjustments conducive to participation in new opportunities. However, Indian groups in Alberta are of the view that the Provincial policy does not go far enough to ensure that Indian people will benefit significantly from the resource development projects.

Officials from both Alsands and Esso have indicated their reluctance to enter into written agreements with Indian people, although Esso representatives have stated that they were "prepared to spell-out a letter of intent to clarify what they would see in the agreement, once the Province has provided terms and conditions for the project. Indian groups have charged that both companies are hiding behind Provincial legislation and the Employment Priority Policy in order to avoid fully committing themselves to an affirmative action plan.

14. INDUSTRY'S VIEWS ON INDIAN PARTICIPATION

The oil and gas industry in Alberta has recently undertaken a number of positive steps to enhance Indian involvement in resource development. By way of example, Esso Resources Limited has demonstrated a willingness to negotiate with the Tribal Chiefs Association of N.E. Alberta and the Cold Lake Band regarding Indian involvement with respect to employment and business opportunities which will result from the Cold Lake Project. In addition, the initiatives by Syncrude have resulted in increased employment and business opportunities for Indian and Native people at their Fort McMurray facility. The Nova Corporation and Petro-Canada have also undertaken significant measures to increase opportunities within their respective organizations for Indian and Native people.

GENERAL

Recently, as a result of a letter (May 1980) from the Minister to Mr. Bill Hopper, Chairman of Petroleum, officials of the Petroleum Industry Group\* initiated a series of meetings during the summer to address the matter of Indian participation in resource development projects, and in October, forwarded a number of their views and recommendations on the subject to the Minister for his consideration.

Although the Petroleum Industry Group focussed its remarks on the North, the principles which it put forward are equally applicable to industry's position in Alberta.

\* Petroleum Industry Group:

Aquitane Company of Canada Limited  
Dome Petroleum Limited & Canadian Marine Drilling Ltd.  
Esso Resources Canada Limited  
Gulf Canada Limited  
Nova, An Alberta Corporation & Foothills Pipeline  
(Yukon) Ltd.  
Panarctic Oils Limited  
Petro-Canada  
Shell Canada Resources  
Suncor Inc. Resources Group  
Syndcrude Canada Limited



(i) Community Mechanisms/Training

With the approval of individual projects, the Group anticipates the establishment of a flexible system, based on principles of on-going dialogue, consultation and joint cooperation between local residents, government and the developer, to manage and minimize the biophysical impacts and provide net socio-economic benefits. In addition, the Group recognized the importance of assisting in the development of managerial skills, which would in turn enhance the growth of stable and viable local businesses.

(ii) Equity Participation

The Group also stressed that participation by Native people in project ownership should be encouraged. As to the source of this funding, the Group suggested that "the Federal Government could decide to advance or repay portions of funds accruing to the various groups negotiating land claims". Other industry representatives in Alberta have put forward similar positions, although they tend to speak of Federal grants or guarantees rather than funds from land claims.

AFFIRMATIVE ACTION/WRITTEN AGREEMENTS

From the industry side the prevailing reaction to this demand of the Indian groups is to express concern that under the present individual Human Rights Protection Provisions and the Alberta Human Rights Legislation, companies are not permitted to enter into specific special agreements that would discriminate on the basis of race. The Athabasca Tribal Council has recently contested this point through the Alberta Court of Appeal to the Supreme Court of Canada. A decision on this matter will likely be handed down within the near future.

15. STATUS OF FEDERAL INITIATIVES/POSITIONS

BACKGROUND

The advent of increasingly larger resource development projects in Alberta has tended to produce more negative than positive effects on nearby Indian communities. There is, in fact, growing evidence that major resource development projects present increasingly serious social disruptions and environmental hazards for nearby Indian communities. An evaluation undertaken by the Cold Lake Band jointly with DIAND in 1979 detailed the range of impacts that Indian people in the Fort McMurray area incurred during the construction of the Syncrude and Suncor Tar Sands plants. The Alaska Highway Gas Pipeline, the Cold Lake Heavy Oil Project and the Alsands Tar Sands Project, provide striking examples of both threats and opportunities for nearby Indian communities.

(A) Resource Development Paper

DIAND's discussion paper "Indian Involvement in Resource Development" sets out a history of Indian Involvement in resource development and the factors and issues that must now be taken into account. The Discussion Paper also sets out the elements of a coordinated approach and the financial considerations that must be addressed if Indian groups are to develop the capacity to deal with the social, environmental and economic impacts and effects of resource development projects currently proposed or underway.

Eight major elements have been identified as those types of support required for the Indian Bands affected by resource developments:

- (a) Intervention Support
- (b) Organizational Support
- (c) Social Support Systems
- (d) Physical Infrastructure Support
- (e) Employment Support Systems
- (f) Special Indian Measures Support

(g) Business Development Support

(h) Development Capital for Resource Projects

To enable Indian Bands to offset the negative aspects of resource developments and take advantage of any benefits, it can be readily seen that a well co-ordinated interdepartmental effort is required for at least the next five to ten years.

Formal and informal interaction between the Alberta and Federal Government will be essential as will the consultation and negotiation by Indians with all levels of government and private industry.

(B) Emergency Funding for Resource Development

In February Treasury Board approved short term emergency funding for Indian groups to deal with six of the most urgent of these projects. These included the Alaska Highway Gas Pipeline, ATC, TCA, Peigan Band, Fort McMurray Band and the Alberta Tribal Natural Resources Organization.

(C) Western Initiatives

(to be completed later)

(D) AFFIRMATIVE ACTION

Over the past few years, the Federal Government has supported preferential measures for Indian people on a number of major resource development projects:

(i) Syncrude

The first major precedent of a developer signing a written agreement with Indian groups in Alberta took place in July 1976 when Syncrude Canada Ltd. formally committed itself, through an agreement, to recruit and hire Indians along with providing business opportunities. The

Syncrude Indian Opportunities Agreement was signed by the Indian Association of Alberta, Syncrude Canada Ltd. and the Minister of Indian Affairs. It is understood that the Government of Alberta, although requested to be a signator to the Agreement, refused on the grounds that the Agreement contravened the Alberta Individual Rights Protection Act as it applied only to Treaty Indians in Alberta. The Syncrude Native Development Program, in practice however, has always provides services to all native people, both Metis and Indian.

Currently, Syncrude is one of the largest private sector employers of natives in Canada, over 200 native people are presently employed, approximately 45% of this figure being Treaty Indian.

The senior management of Syncrude and the Native Development Program have recently established a five (5) year plan for native employment with a goal of 345 positions or 18% of the work force to be native people by 1984, (see attached brochure). In addition, 24 contracts worth over \$3 million have been awarded to native firms in Alberta. Syncrude officials indicated that they are prepared to defend their Affirmative Action programs if they are challenged by existing legislation, even if it means going before the courts.

(ii) Alaska Highway

The socio-economic terms and conditions for Alberta approved by Order-in-Council in the summer of 1980 contained preferential employment and training measures for women and natives.

(iii) The Alsands and Cold Lake Projects

The National Energy Plan annonced in October 1980 stated that an oil sands reference reference price will be conditional on a satisfactory level of

participation and employment of native peoples. This assurance was repeated by the Honourable M. Lalonde to the Indian Oil and Gas Producers Conference on January 22, 1981.

PRESENT STATUS:

1. The Federal Government continues to require preferential measures for native people located near major resource development projects.
2. The Department of Indian Affairs monitors the assessment process of major resource projects to ensure that special training, employment and business opportunities will be provided to Indian People.
3. Section 15(2) of the proposed Charter of Rights will permit programs and activities that have their object "the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. However, a province will be under no obligation to introduce such programs. Thus, the Federal Government's capacity to support affirmative action measures for Indian people will remain limited to larger resource projects where there is some degree of Federal jurisdiction and/or contractual leverage.



16. ALSANDS AND COLD LAKE

A) COMMUNITY INFRASTRUCTURE SUPPORT (ALSANDS AND COLD LAKE)

Background and Issues:

The five Bands located in the vicinity of the \$7 billion Alsands project, and the seven Bands located in the vicinity of the \$11 billion Cold Lake Heavy Oil project are extremely concerned that special funding support be provided to ensure that they are able to develop an adequate level of infrastructure to enable their Band members to participate effectively in the opportunities that will flow from the projects as well as to mitigate the anticipated adverse impacts of the development.

At the present time, the twelve Bands relative to the surrounding non-Indian communities are in a deficit position with respect to such basic services as water supply, sewage treatment, storm drainage, roads, police protection, fire protection and other municipal-type facilities and services.

During 1980, the Athabasca Tribal Council (ATC) and the Tribal Chiefs Association of North-eastern Alberta (TCA) retained, with assistance from DIAND, consulting engineering firms to undertake detailed analysis of the infrastructure deficiencies in their member communities. These studies included estimates of costs required to upgrade the levels of community infrastructure to those comparable with the surrounding non-Indian communities. The costs for the five ATC Bands were estimated at \$31.5 million over the next five years, and the costs for six of the TCA Bands in the Cold Lake area were estimated at \$97 million. The scope and magnitude of the identified requirement in all areas far exceeds the capacities of the Region, and potentially involves the responsibilities of other Federal Departments.

To a degree, Canada Employment and Immigration has responded already to requests put forward by ATC and TCA. Funds have been provided to set up an Indian recruitment and placement agency in both the Fort McMurray and St. Paul areas, and a North-East Training Committee has been

established in the St. Paul area to attempt to respond to the training needs of Native people in anticipation of the Esso project's approval to proceed.

#### Current Status

The Alberta Provincial Government has indicated that it will be assisting the non-Indian communities in the vicinity of these two mega-projects with the additional municipal costs that will accrue from accelerated development. They have also indicated that they are prepared to assume the costs of developing a new town, which will have an estimated population of 14,000 people, to house the workers from the Shell Alsands plant. The Province has also indicated, however, that, with respect to the infrastructure requirements of the twelve Indian communities, they view this as a Federal responsibility. It is anticipated that the issue of community infra-structure requirements for Indian communities in the vicinity of major resource development projects will have to be addressed within the context of the proposed Western Initiatives package.

#### B. Equity Participation (Cold Lake)

##### Background:

With the support of the Indian Association of Alberta, the North-East Tribal Chiefs Association has been pursuing discussions with Esso Resources and the Provincial and Federal Governments in an attempt to obtain a 10%-15% equity position in the Cold Lake Project. In a preliminary report dated June 6<sup>th</sup>, 1980, the IAA (Foster Research) indicated that approximately \$1.3-\$1.9 billion would be required by Indians in order to secure the desired 10%-15% equity portion of the project.

The Alberta Government advised that it was unable to support the TCA equity interest in the Cold Lake project. The Provincial Treasurer indicated that Alberta's decision was based on a number of factors, including the following:

- . there was no federal guarantee of any loan which may have been made;

- . the bands involved did not appear to be able to meet construction costs, operating losses and/or ongoing capital expenses;
- . the bands did not appear to be able to pay interest costs on the (required) loans, which could well exceed \$100 million annually;
- . with no security, other than the bands' equity in the project, the Province and its citizens were being called upon to provide large, open-ended subsidies, and to accept an equity risk without sharing in the positive potential of the project; and
- . the proposal did not involve a significant financial contribution to indicate the bands' willingness to bear some of the risks associated with an equity investment.

The Province did indicate, however, that it was prepared to consider any new proposals for Native equity involvement, but that it would have to involve "a significant equity investment by the native people of Alberta and a clear and unequivocal federal guarantee of any monies deriving from the Government of Alberta".

Current Status:

The Department is currently awaiting the results of the second phase of the TCA study, which will include consideration of the spread of benefits, the cost over-runs and the overall risk associated with such an investment. There has been some recent indication that TCA is now considering only a 5% level of equity participation.

C. Affirmative Action (Alsands and Cold Lake)

Background:

- (i) The five member bands of the Athabasca Tribal Council (ATC), located in the Fort McMurray area, requested that the reference price agreement negotiated by the Federal Government with the Shell Alsands Consortium include a clause which

would obligate the consortium to provide training, employment, business development support and other special measures to Indian and Native people living in the vicinity of the proposed Alsands Tarsands mining project.

N.E. Tribal Chiefs Association Bands have also requested that Indian benefits be tied to the reference price for Esso (Cold Lake) Project.

- (ii) The ATC bands made strong representations with respect to affirmative action measures to the Alberta Energy Resources Conservation Board (AERCB) Public Hearings on the Alsands Project in June, 1979. The Board later recommended to the Alberta Provincial Cabinet that the Alsands Project proceed, however the specific concerns raised by the ATC during the Public Hearings were not addressed in that recommendation on grounds that the Alberta Individual Rights Protection Act does not allow affirmative action measures. (Note: there were changes subsequent to this hearing but the legislation still does not allow affirmative action based on race) ATC asked the Alberta Court of Appeal for a reference on whether the Alberta legislation allowed affirmative action.

Current Status:

- (i) Re-Federal Position. In a speech to a number of Indian leaders in January, 1981, the Honourable Marc Lalonde (EMR) reaffirmed the continuing federal policy of granting an oil sands reference price conditional on a satisfactory level of participation by, and employment of Native people.
- (ii) Re-Provincial Legislation. The Alberta Court of Appeal rule 2 to 1 against ATC. The case was appealed to the Supreme Court of Canada. A decision is expected to be handed down shortly.

17. BLACKFOOT COAL

BACKGROUND AND ISSUES:

After three to four years of negotiations between the band and Crows Nest Resources Ltd., (a subsidiary of Shell Resources), an agreement has been concluded for the development of thermal grade coal underlying the eastern one-third of the Reserve. These negotiations have been carried out in parallel with other negotiations with Calgary Power to build an electrical generating station on the Reserve to utilize the mined coal. Due to recent business complications concerning takeover bids for Calgary Power, this segment of the project is now in abeyance. Nevertheless, it is not considered to be integral to the coal development, which is still an active project.

This Coal Agreement only comes into force when signed by the company and by the Minister. However, the issue from the point of view of the Department is the exercise of the Minister's trust responsibility with respect to acceptance of the Agreement. In so doing he is bound to exercise the duty of care of a prudent business man entering into the Agreement on his own behalf. Accordingly, it has been necessary for the Department to enquire into the provisions of the Agreement to determine whether or not it is a good deal for the Indians.

This process, of the exercise of the duty of care, has involved a familiarization procedure, whereby band members are fully informed of both the benefits and disbenefits of the Agreement.

A further issue with respect to the project has been the invoking of Alberta laws to apply to the Reserve for the purposes of this Agreement. Thus, for practical purposes, in order to be able to regulate the construction and operation of the mine, Alberta laws of general application have been invoked.

CURRENT STATUS:

To determine the acceptance or rejection by the band of the Agreement, a referendum was held, under the provisions of the Indian Act and Referendum Regulations, last December. The result was that



although a majority of the eligible voters did vote, there was not a majority of those eligible to vote actually in favour. Under the provisions of Section 39 of the Indian Act this means that the matter cannot be voted on a second time.

According to Justice officials, some material change to the terms of the Agreement must be made, in order to comply with the band's request, and not for contravene Section 39 of the Indian Act.

It is apparent that the term of the Agreement requiring some change is that relating to employment preferences for band members. Under the Alberta law it is not permitted to discriminate on the basis of race; thus for employment preferences for band members to be an enforceable covenant of the Agreement, some reconciliation with Alberta law must be made.

#### ASSESSMENT OF FUTURE PROGRESS:

The first item to be addressed is the examination of the terms of the Agreement by a third independent party. Accordingly, a consulting engineer will be chosen for this purpose, working within terms of reference to be assented to by the Department of Justice.

Concurrently, the Ministry of Labour of Alberta will be solicited for an accommodation with respect to permitting employment preferences on the Blackfoot Reserve relative to the Coal Project.

Lastly, the Coal Committee of the band will take it upon themselves to canvass support for the final Agreement prior to another Referendum. The latter is scheduled for some time in the second half of 1981, depending on the nature of changes to be made to the existing Agreement, which remain to be determined at this time.

18. FORT MCKAY SITUATION

BACKGROUND:

The Fort McKay Indian Band (population 206) is located within 10 kms. of the Syncrude and Suncor oil sands mining operations. It is forecast that two additional plants, the Alsands and Canstar plants, are likely to be constructed in close proximity to Fort McKay within the next decade. Fort McKay, because of the potential accumulative environmental impacts from these massive facilities, may be faced with a relocation. Thus, the community faces uncertainty as to its future location.

The Band has requested title to 20 acres of additional land from Alberta. The Alberta Government is considering various land title options, and will report back to the Band early in the new fiscal year. In addition, Alberta will table the terms of reference for an environmental study of the possible problems of air inversion in the Fort McKay community.

PRESENT STATUS:

Recently the Chief of the Fort McKay band, Dorothy McDonald, requested the Minister to change the status of Federal Crown lands in Fort McKay to reserve status. However, the Alberta Government has objected to this request because Fort McKay has already received the full land entitlement. The Band presently has an unoccupied reserve which is located on the opposite side of the Athabasca River from their present settlement and two other reserves near various lakes many miles west of Fort McKay.

The Alberta Region will provide \$40,000 to the Fort McKay band in the new fiscal year for community planning purposes which will allow the community to examine the possible future courses of action.

C. LAND ISSUES

19. ALBERTA TREATY LAND ENTITLEMENTS (OVERVIEW STATEMENT)

The Federal and Alberta Governments have yet to reach agreement on an approach for settling outstanding treaty entitlements. At issue is the extent of the federal obligation to provide land under the treaties and the nature of the Alberta Government's responsibility to make the necessary lands available for this purpose. Pursuant to the provisions of the Natural Resources Transfer Agreement outstanding questions include the date at which an entitlement should be calculated and whether mineral rights should be transferred along with entitlement lands. Alberta's position on these issues is more restrictive than the Department of Justice's assessment of the Crown's minimum legal obligation and is, therefore, unacceptable to the Federal Government. The Indian Association of Alberta supports the "Saskatchewan Formula" as an equitable means of settling entitlements.

Alberta has suggested joint court references to resolve the outstanding issues. The Federal Government would prefer a negotiated solution of the outstanding issues in order to overcome possible disparities on the treaty land entitlements within the provinces, although a court reference has not been ruled out.

Recently, there have been some indications of a possible moderation of the province's position. In an effort to obtain settlement of the long outstanding Cree-Chippewyan Claim the Alberta Government has indicated a willingness to negotiate on the issues of reversionary rights, land quantum, and subsurface rights to land selected by the Cree-Chippewyan Band within Wood Buffalo National Park. They have stressed, however, that these negotiations will not be tripartite and should not be considered a precedent for other entitlement claims. ONC has selected a negotiator who will assume his duties on April 1, 1981.

20. CREE-CHIPEWYAN BAND, ALBERTA

Background and Issues:

The Cree Band of Fort Chipewyan (Cree-Chip Band) signed Treaty 8 in 1899, but to date has not received any land as per the provisions of this Treaty.

In April, 1973, the federal government and the band agreed that the band had an outstanding treaty land entitlement of some 97,000 acres, based on the then-current population. The band selected 42,000 acres in the Wood Buffalo National Park at Peace Point and Embarras Portage, which had been established on lands which originally formed part of the Cree-Chip's traditional hunting ground. The Indians indicated that they wished to choose the rest of their entitlement from elsewhere in the province. After lengthy discussions, Alberta agreed in 1975 to co-operate in transferring these lands to the band pursuant to the provisions of the Natural Resources Transfer Act (NTRA).

Some time later, Alberta revised its position and adopted a much more restrictive policy. While the Department of Indian Affairs supported the band's request to be allotted a reserve of 97,000 acres as agreed to by all parties in 1975, none of the federal Crown lands selected by the band could be set aside as a reserve for them. This was due to the fact that under the Natural Resources Transfer Act, land no longer required for National Park's purposes reverts to the province. Therefore, Alberta's consent was necessary to set apart the selected parcels within Wood Buffalo National Park and until recently this was not forthcoming.

In July 1978, some members of the Cree Band of Fort Chipewyan moved onto the lands selected at Peace Point (19,000 acres). This occurred as a result of an interim understanding reached with Parks Canada officials to allow this occupation in order to curb the band's growing frustration with the lack of progress in securing reserve land from Alberta.

During the summer of 1980, the band advanced several proposals for resolving its claim, including taking its full entitlement with mineral rights from within Wood Buffalo National Park. This is being explored with the province.

Status:

In mid-February 1981, the Minister of IAND met with provincial Intergovernmental Affairs Minister Dick Johnston who indicated he was prepared to recommend a more flexible approach to his government in the area of reversionary rights, land quantum and subsurface rights to land selected by the Cree-Chip Band within Wood Buffalo National Park boundaries. It was confirmed to ONC at a meeting of officials at the end of February that Alberta was committed to obtaining a settlement of this claim and that they would be prepared to negotiate on the items identified by Mr. Johnston. It was made clear, however, that the negotiations would not be tripartite (the province will negotiate with the federal government once a firm agreement is reached between the federal government and the band on the claim to be advanced). It was also emphasized that the province does not consider this a precedent for other entitlement claims.

A negotiator has been chosen by ONC. He is expected to begin work on April 1, 1981.



21. BLOOD BAND (SPECIFIC CLAIM - ALBERTA)

Background and Issues:

In 1976, the Blood Band submitted a claim alleging that it was entitled to an additional 1,973 square miles pursuant to the terms of Treaty 7, plus \$60 million compensation for loss of the use of the land for 92 years.

The Office of Native Claims and the Department of Justice conducted an extensive review of the historical facts and legal issues raised by the claim. Findings were that the band's entitlement has been met and that it has no claim to additional land pursuant to Treaty 7. This decision was conveyed to the band by the Minister in June 1978.

In January 1980, the band filed a Statement of Claim in the federal court on this subject (Shot Both Sides v. The Queen). A Statement of Defence was filed shortly thereafter.

Status:

Band members who blockaded the town of Cardston in August 1980 obtained approval from the Minister of Indian Affairs to have this claim reviewed outside of the court context. Document lists have been exchanged and all governments documentation is available to the bands for their review. The report of the task force on this particular matter is expected in the near future. This may be followed by a meeting between the lawyers for both sides in order to determine if there is a basis for negotiations in an out-of-court settlement. Alberta is concerned that further action or violence could erupt if the matter is not dealt with.

22. ALBERTA SPECIFIC CLAIMS (OVERVIEW STATEMENT)

The federal specific claims policy in this area is seen by Alberta as contributing to general unrest and public concern. There is concern, therefore, with application of current policy and the anticipated modifications in that policy.

The underlying basis for the specific claims policy is to provide a mechanism for Canada to deal with long outstanding grievances of Indian bands and in so doing fulfill its lawful obligations in this area.

Specific Claims are essentially claims by bands against Canada. In certain areas, however, the province may be indirectly or directly implicated. Of particular concern to the province are the land related issues (i.e. land surrender claims; unauthorized alienation of reserve lands) for some of the following reasons:

- a) The settlement of land surrender claims, where the extensive tracts of improperly alienated reserve land may be replaced as part of a settlement, causes provincial concern. Indian accumulation of large tracts of reserve lands is seen as reducing the local land tax base, and removing from provincial and municipal zoning and planning controls significant quantities of land.
- b) Should those bands pressing their land surrender claims in the courts be successful in establishing a legal claim to surrendered lands alienated to third parties, Alberta who guarantees title under the Torrens system may be directly implicated.
- c) Alberta could be directly implicated where bands claim an interest in lands transferred to the province under provisions of the Natural Resources Transfer Agreement.

23. ENOCH BAND (1908 SURRENDER - LITIGATION), ALBERTA

Background and Issues:

The action stems from a 1908 surrender for sale of 6,300 acres of the Enoch reserve. In 1972 a claim was submitted by the band alleging that the surrender had been improperly obtained. A \$200,000 settlement offer and a later suggestion by Department of Justice officials of a \$1 million settlement was turned down by the band in favour of court action. The band claims \$50 million in damages.

The Examination for Discovery was held and indefinitely adjourned to allow several motions to be brought before the courts (which are currently in the appeal process). In the meantime, parties agreed to go before the Federal Court on several preliminary points of law:

1. The interpretation of section 49(1) of the 1906 Indian Act. The plaintiff alleges this section requires the consent of the majority of all eligible voters in the band for a valid surrender. The Crown argues a majority present at the meeting was sufficient.
2. The interpretation of Section 49(3) of the 1906 Indian Act. The plaintiff alleges the sworn affidavit must be executed by more than one band member to be valid and binding. The Crown argues that one signature was sufficient.

Status:

The motion was heard on February 5, 1979 before Mr. Justice Patrick Mahoney. His judgement rendered on February 14, 1979 was in favour of the Crown on both points.

The band appealed to the Court of Appeal on the first point. The case was heard before Justices Urie, Mackay, and Heald in January 1980. The majority decision rendered on February 22, 1980 was in favour of the Crown with Heald dissenting. The plaintiffs filed for leave to appeal to the Supreme Court and this was granted. The Four Nation Confederacy of Manitoba has been given leave to be joined to the action. The appeal may be heard this spring.

24. ENOCH BAND (1902 SURRENDER - LITIGATION), ALBERTA

Background and Issues:

In 1972, the band submitted a claim stating that a land surrender taken by the Federal Government in 1902 was improperly obtained. It decided not to pursue the matter any further, however, until the outcome of its 1908 surrender claim was known.

In 1978, lawyers for the band filed a Statement of Claim in the Federal Court alleging the 1902 surrender was improperly and illegally obtained. The claim in damages is for \$125 million. Lawyers for the band advised the Department of Justice that they do not intend to pursue the action at this time, but have filed the claim solely due to their concerns regarding statutes of limitation. Nevertheless, research on the claim is complete. The Office of Native Claims has prepared a Memorandum of Fact for the use of the Department of Justice for defence of the case.

The case is being left in abeyance pending the outcome of the 1908 claim in the courts.

25. PEIGAN BAND (1909 LAND SURRENDER COURT CASE),  
ALBERTA

Background and Issues:

In 1909, a surrender of 23,500 acres was taken from the Peigan Reserve. In 1975, a claim was submitted to the Office of Native Claims charging that the surrender was illegally obtained. Similarities to the Enoch 1908 case precluded negotiations and, therefore, the band filed a Statement of Claim in the Federal Court.

The defence of the case has been prepared by the Department of Justice. Examination for Discovery was held in September, but was adjourned indefinitely to allow both sides an opportunity to amend their lists of documents. Documents to be added to the defendants list have been forwarded to the plaintiff and further documentation on the sale of the land is being collected.

Status:

The band has filed an amended Statement of Claim which claims damages of \$181 million. O.N.C. has prepared documentation on the subject of damages and this will be reviewed by financial experts after which Examination for Discovery can resume.



26. BLACKFOOT BAND (SPECIFIC CLAIM) - ALBERTA

Background and Issues:

In 1910, the Blackfoot Band surrendered 125,000 acres of their reserve for sale. One condition of the surrender was that the rights to the coal in the surrendered portion of the reserve were to be reserved. Patents subsequently issued reserved the coal. On the basis of a letter written by the Indian Inspector in 1908, and some patents with mineral reserves issued by the Crown, the band asserts that all mineral rights were reserved and have asked the Minister to secure an immediate injunction to prevent the exploitation of oil and gas under these lands until this claim is settled.

The historical facts of this claim have been reviewed with the band council. They will participate with O.N.C. in preparing a request for a legal opinion as to whether there is any legal basis for the Minister to support the claim.

27. LUBICON LAKE BAND ET AL VS. THE QUEEN  
(Isolated Communities Claim), Alberta

Background and Issues:

On April 25, 1980, the Lubicon Lake Band "giving personally and on behalf of all the members of the Lubicon Lake Band and of the Cree community of Little Buffalo Lake", filed a Statement of Claim in the federal court alleging "Indian title" to a large portion of northern Alberta including the Tar Sands. The plaintiffs claim compensation of one billion dollars. The plaintiffs are represented by the Northern Basic Economy Corporation (headed by Harold Cardinal) which in turn has engaged the firm of O'Reilly and Grodinsky to conduct the litigation.

In June, 1980, an almost identical claim was presented to the Minister by Mr. Cardinal and by James O'Reilly (legal counsel to the Band), on behalf of the "Isolated Communities" of Cadotte Lake, Sandy Lake, Deerless Lake, Trout lake, Chipewyan Lake and Loon Lake.

The Department proposed that a Joint Fact Finding Exercise be undertaken with the claimants to establish the historical facts for use of the Minister in determining whether there is a basis to negotiate a settlement of the claim. The province is very concerned about the litigation and the claim, and has sought to have the Crown provincial removed from the litigation. An appeal of this question is underway.

Status:

At the end of February 1981, Mr. O'Reilly met with the Minister, O.N.C. and federal Justice officials. He informed the government that the claimants preferred to proceed by negotiations, and indicated that he was prepared to cooperate on any reasonable approach including the originally proposed research project. In this connection, he indicated that the claimants were prepared to explore settlements on the basis of treaty rights or a mixture of aboriginal and treaty rights. Finally, Mr. O'Reilly noted that the Wabasca Band wished to participate in the claim and that the Whitefish lake and Tall Cree Bands would likely join in the near future as well.

Mr. O'Reilly's proposals are under consideration. Further discussions have been tentatively scheduled for April 1981. In the meantime the litigation is being held in abeyance.

28. DENE CLAIM

The Dene have indicated that they have an interest in certain portions of Northern Alberta to be dealt with as part of their comprehensive claim in the N.W.T. As yet they have not defined the extent or nature of that interest. However, this may become clear when negotiations on their comprehensive claim in the N.W.T. have made some progress.

29. BLACKFOOT BAND (SPECIFIC CLAIM) - ALBERTA

Background and Issues:

The Blackfoot Band have claimed the cattle that they are entitled to pursuant to Treaty 7.

An examination of the historical record reveals no direct evidence that the Blackfoot Band ever requested or received the full allotment of cattle they were entitled to under the terms of Treaty 7. The band recently presented the government with a request that cattle be provided.

Status

A meeting was recently held with band members to review the facts, at which time they were informed that O.N.C.'s tentative conclusions were such that they did not receive all the cattle they were entitled to under treaty. At that time, the band indicated that the I.A. Program had already rejected the claim.

A further review of the facts is therefore being conducted, before a final position is adopted. Legal advice may also be required.



30. ENOCH BAND CONSTITUTIONAL REFERENCE  
RE: JURISDICTION ON SURRENDERED LAND

Background:

The Alberta Government recently passed an Order in Council referring certain constitutional questions to the Alberta Court of Appeal pursuant to the Alberta Constitutional Questions Act. These questions are important because they involve Parliament's powers regarding Indians and Lands reserved for the Indians (91(24)), and the competing powers of the Provincial Legislature over matters concerning property and civil rights in the Province (91(13)).

The questions concern the application of provincial legislation to surrendered lands on the Saree and Enoch Band reserve lands. Both these bands have conditionally surrendered reserve land adjoining the cities of Calgary and Edmonton to develop major non-Indian residential subdivisions. In both projects, long-term leases are held by Band-owned corporations which in turn sublease lots in the subdivision. Title remains in the Crown in right of Canada. It is a condition in both surrenders that the land be returned to reserve status at the expiry of the term of the surrender.

Present Status:

By agreement between the Federal and Provincial Governments and the Enoch Band, the jurisdictional questions have been referred to the Alberta Court of Appeal for hearing and consideration. The Alberta Court of Appeal heard the reference in February 1981. One of the questions dealt specifically with provincial jurisdiction in regard to surrenders for long term leasing. The reference will examine the fairly recently decided Peace Arch decision as well as other related decisions. In addition to representations made to the court by the Federal Attorney-General's Department and the Attorney-General of Alberta, solicitors for the Enoch Band, the Sarcee Band, the Lewis Bull, Samson and Ermenskin Bands, the Peigan, Stony and Blood Bands, the Whitefish Lake Bands and the Indian Association of Alberta were heard. The Enoch Band and the Lewis Bull, Samson and Ermenskin Bands as well as the Indian Association of Alberta put forward arguments that resembled very closely the argument of the Attorney-General of Canada. The

hearing took three full days. It is anticipated that because of the importance of the matter, no matter what the decision, an appeal will be taken to the Supreme Court.

31. RECENT GRIEVANCES OF THE BLOOD BAND

BACKGROUND AND ISSUES:

The Blood Band is a member of the Blackfoot Confederacy, whose territory is divided by the Canada - U.S.A. boundary. The Band is experiencing a number of problems at the border concerning both the admissibility of goods and persons. The Band claims that special rights to the Blood Band should have been included in the benefits paid by the United States under the Lame Bull Treaty, which was negotiated with the Blackfoot Nation in 1855. The Band is also challenging the validity of some 172 land transactions which have taken place on the Blood Reserve, resulting in the alienation of approximately 15,000 acres.

In order to bring these grievances into public focus, a number of dissident members of the Blood Band established a blockade at Cardston, Alberta, last summer. The blockade resulted in confrontations with the RCMP and a breakdown in relations with the local non-Indian population. The personal intervention of the Minister was required to resolve the blockade and, at that time, he agreed that a joint Task Force of Band and Departmental representatives should be set up and funded to research the issues of concern. \$100,000 has been provided to fund the Task Force in 1980/81.

CURRENT STATUS:

The Task Force was established under the chairmanship of Philip Mistaken Chief in August, 1980, and has since been holding monthly meetings. The researchers are currently concentrating on the status of the land transactions, and it has been agreed that the Lands staff of Reserves and Trusts will carry out the majority of this research. Priorities will be established by the Task Force and the research will be audited and monitored by persons employed by the Blood Band. Reserves and Trusts will also be using specialized mapping techniques to summarize the land information.

On February 9, 1981, Philip Mistaken Chief was advised that additional funding will be provided in 1981/82 for research into the lands transactions, however, he was urged to take into consideration the

assistance to be provided by Reserves and Trusts when preparing the budget for this research.

At a meeting with Philip Mistaken Chief and Leroy Little Bear in November 1980, the Minister agreed to bring the border crossing and Lane Bull Treaty issues to the attention of the Standing Committee on Indian Affairs. Leroy Little Bear agreed to provide the Minister with a paper outlining the nature and scope of these problems and this is expected to be completed shortly. Meanwhile, Departmental officials are investigating the possibility of introducing immediate measures to alleviate the problems associated with the opening or seizure of medicine bundles at the border.

32. RELOCATION OF BREAKAWAY GROUP FROM HOBBEA BAND

Chief Smallboy and a breakaway group from the Hobbema Band are presently residing in a Provincial park. Department officials are negotiating with the Band and the province to legalize their stay on the land. Alberta has indicated that they want the group out of the park but would be prepared to consider providing another piece of provincial crown land for the Band. (Further information to be provided.)



33. COURT REFERENCE RE: STATUS OF PRIVATE LAND PURCHASED  
BY INDIANS

A number of Bands in Alberta have purchased private land and claimed reserve status for it. Due to the special status of reserve land with respect to taxing and other issues related to use and management of the land, the Province claims that this puts the Bands in an unfair competition position vis-à-vis other Albertans. This issue is about to be taken to the courts for clarification. Justice and DIAND officials are presently considering the issue. (Further information to be provided.)

IV. RECENT MEETINGS WITH THE PROVINCE AND THE IAA

34. DIAND/IAA BILATERAL MEETING (FEBRUARY 15, 1980)

BACKGROUND

In an exchange of correspondence between Joe Dion of the Indian Association of Alberta and the Minister of Indian Affairs, it was agreed that it would be beneficial to have an informal meeting of officials to discuss mutual concerns and the potential for a tripartite forum in Alberta.

Accordingly, on February 15, 1980, Regional Director General Jack Tully, Richard Prince (Inter-governmental Alberta Region) and Ian Cowie and Ray Hatfield of Intergovernmental Affairs, Ottawa met with Bill Green (IAA Executive Director) and Roy Piepenburg and Wallace Manyfingers of the IAA staff.

ISSUES

The following summarizes the issues discussed:

CONSTITUTIONAL MATTERS: The IAA requested and the Department agreed that constitutional and Indian rights matters be separated from the tripartite forum regarding economic development by Indian governments.

ACCESS OF PROVINCIAL RESOURCES BY INDIAN GOVERNMENTS: The IAA stated a primary goal of obtaining "the injection of new monies from the Alberta Government for Indian economic development". A secondary IAA goal was to decrease the administration dollars of both the federal and provincial governments by re-allocating these resources to Indian governments. The Department agreed to support the IAA initiatives in this regard.

HIGH PROFILE TRIPARTITE PROCESS: It was agreed that a strong commitment to resolve issues was required by the Minister of Indian Affairs, the IAA President and Board, and the Provincial Ministers.

FINANCIAL DATA BASE: There was general recognition that the financial data base pertaining to Alberta Indians was inadequate particularly as it relates to: the financial costs of both levels of government vis-a-vis

Alberta Indians; the level of Indian dollar contributions regarding transfer payments between governments; and, the Indian input into the provincial economy.

ISSUES TO BE PURSUED IN A TRIPARTITE FORUM: The following issues were identified:

- 1) Alberta's Extension of Services Policy and the IAA's Provincial-Indian Relationship Paper, and an examination of Federal/Provincial Agreements affecting Indians (eg. Canada-Alberta Industrial Training Agreement).
- 2) Major Energy Resource Developments - Federal/Provincial/Indian Responsibilities.
- 3) Specific Indian Land Claims.

COMMENTS:

- . A follow-up meeting was scheduled for early September, 1980, but was cancelled due to senior staff changes at the Indian Association of Alberta.

35. DIAND/Alberta Bilateral Meeting (January 27, 1981)

BACKGROUND:

In mid January 1981, officials of the Federal Intergovernmental Affairs (F.I.G.A.) and the Native Secretariat of the Alberta Government contacted ONC and requested a bilateral meeting with the department to discuss a number of provincial identified Alberta/DIAND native issues (see list below), particularly the Fort Chipewyan Cree land entitlement issue.

The meeting was held in Ottawa on January 27, 1981. Mr. Tait (Corporate Policy) and Mr. Demers (ONC) jointly chaired the meeting with the F.I.G.A. and Native Secretariat officials. Senior representation from IIP was not available due to a EPC meeting held that week. However, the A/Director of Resource Development Impacts Branch was in attendance to address queries on resource related issues.

ISSUES:

The following summarizes the issues discussed.

- (a) Fort Chipewyan Cree Land Entitlement.  
The Province stated that they were anxious to resolve this issue. It was suggested that a Ministerial meeting be held to finalize positions.  
Follow-up: ONC agreed to arrange a meeting between Ministers.  
Action: In mid-February 1981, the Minister met with provincial Minister Dick Johnston who indicated he was prepared to recommend a more flexible approach to his government in the area of reversionary rights, land quantum and subsurface rights to land selected by the Cree-Chip Band within Wood Buffalo National otherwise, Park boundaries.
- (b) Blood Blockade. The Province asked to be kept abreast of all developments of this nature in the future.
- (c) Natives and the Constitution. The F.P.R.O. representative present provided an update on the status of this issue. The Province stated that they have not, as yet, taken a position on

this matter, however, they will be contacting F.P.R.O. for future discussions.

- (d) Local Indian Government Legislation. The Province stated they had obtained a copy of the work outline for the local Indian Government legislation and were concerned about the proposed time frame and the implications of this project, particularly in the policing and law administration areas. Follow-up: Mr. Tait indicated that he would be prepared to discuss specific concerns with F.I.G.A. at a future date.
- (e) Affirmative Action. The Provincial officials expressed concern regarding the Opportunity Measures contained in the terms and conditions of the Foothills agreement with the Northern Pipeline Agency. They noted that these measures were inconsistent with Alberta legislation. They also expressed some concern with other Federal Affirmative Action initiatives, including the implications of Section 15 of the Charter of Rights on Provincial legislation.
- (f) Indian Equity Participation. The Province reported that it had recently turned down a request by T.C.A. for financial support to purchase an Indian equity position in the Cold Lake project. It was indicated that no firm position on this type of proposal has been taken by the Federal Government.
- (g) Infrastructure Support for Indians near Mega Projects. The Province stated that infrastructure support for Indians on-reserve was a federal responsibility. It was indicated that the Province will be providing infrastructure support to non-native communities in the impacted areas. Follow-up: Mr. Tait indicated that he would bring the resource related issues to the attention of Mr. D. Goodwin.
- (h) Provincial Roads Across Reserves. Due to recent difficulties on this matter, the Province indicated that, in future, it will insist on complete title to the land.
- (i) Federal Position on Off-Reserve Social Services. The Province requested clarification



on the Minister's recent (December 1980) statement on this issue. It was reported that the Minister simply reiterated the present federal position.

Tripartite Process. The Province indicated that they do not favour a formalization of the tripartite process at this time, however, would continue dealing bilaterally with the IAA and the Federal Government on a regular basis with the possibility of meeting in tripartite arrangements on specific issues.

COMMENTS:

- . Aside from the Fort Chipewyan Cree land entitlement issue and a few general informational enquiries, the Province's selection of issues for discussion and the nature of the discussions appeared to reflect a special provincial interest in DIAND positions with respect to resource development (i.e. affirmative action, equity participation, and infrastructure support) and the implications of new institutional arrangements (i.e. Natives and the Constitution, and Local Indian Government Legislation).

V. 36. ASSESSMENT OF THE POSITIONS/PRIORITIES/FUTURE DIRECTIONS

The purpose of this final section is to:

- (a) review the general Canada/Alberta context in which Indian issues are considered;
- (b) summarize the major positions of the parties;
- (c) identify other factors that will influence future policy directions; and
- (d) set out in general terms, the areas that should be considered in the development of any future strategy.

A. THE CANADA/ALBERTA CONTEXT

GENERAL:

Almost all Indian issues in Alberta are affected, in some manner, by the differences between the two alternative views of Canada being put forward by the Federal Government and the Alberta Government. The debate focuses on two issues: (i) the National Energy Plan and (ii) the Constitution.

(i) The National Energy Plan

- . The Federal Government wants a "made-in-Canada" price with a increase in the revenues from oil and gas to pursue its national responsibilities.
- . Alberta wants the highest net benefits from its diminishing resources.

(ii) The Constitution

The differences in this area deal with the fundamental issue with respect to a Province's jurisdiction over the natural resources within its boundaries in the context of a national economic union.

The specific features of the differences relate to the Federal position put forward in the summer of 1980 that certain conditions are necessary for the existence

and operation of an economic union. The Federal conditions could be summed up as follows:

- the free movement of persons, goods, services, capital and business undertakings, which requires measures to prevent any obstacle to this arising from fiscal arrangements and government regulations;
- uniformity of the major policies governing economic activity within the territory of the union;
- common policies concerning economic relations between the union and those outside it.

Alberta rejects this position and contends that a number of the provisions in the proposed Constitutional Act are federal intrusions into the provincial domain.

STATUS:

On March 1, 1981, the Alberta Government introduced a 15% cut back on oil production until Ottawa permits higher oil and gas prices and agrees to allow the province to "maximize" its resource revenue. Negotiations between the two governments are slated to commence again in April.

The province has also challenged the Federal Government's authority in two separate legal actions:

- (1) With five other provinces, Alberta has challenged the Federal Government right to amend the Constitution without the participation of the provinces.
- (2) In addition the Alberta Government has challenged the Federal right to tax provincial resources as proposed in the National Energy Program. The Alberta Court of Appeal announced on March 20, 1981, in a unanimous decision, that it was upholding the province's argument that natural resources produced and sold by the Provincial Government are constitutionally

protected from federal taxation policies. It is anticipated that the Federal Government will appeal the ruling to the Supreme Court of Canada.

#### IMPLICATIONS FOR NATIVE ISSUES

The present political climate has created increased tensions between the two levels of government with respect to Indian issues in the resource development area (e.g. affirmative action, infrastructure support, equity participation, environmental regulation, etc.). However, since the Province tends to view all Federal initiatives with suspicion regardless of the area it is anticipated that cooperation with the province will continue to be generally difficult in other areas as well (e.g. service and land issues), for the foreseeable future. In fact, there are recent indications that Alberta may be prepared to act unilaterally, with no federal involvement, with respect of native requests for assistance in some areas (e.g. BANAC and the Community and Family Support Services program). It is too early to determine whether these recent developments reflect a broader policy position or the individual response of line departments to requests from the native community.

In summary, until the larger issues have been reconciled it must be recognized in considering policy alternatives in Alberta that the fundamental dispute on the resource question colours all discussions concerning Indians, but especially the land and labour market related issues. This is particularly frustrating in that the opportunities for Indian self-sufficiency in that province are partially dependent upon obtaining a greater share of the benefits of resources that the Province acknowledges are not only diminishing rapidly, but are "once-only assets".

B1. SUMMARY OF PROVINCIAL POSITIONS

- Services. In April 1978, the Alberta government announced a proposed policy by which the Province would have assumed the full cost of delivering services to Treaty Indians resident off-reserve if the Federal Government agreed to upgrade on-reserve services to Provincial standards. However, the Province later indicated they would reconsider the proposal due to the negative response of the IAA. More recently, the Province has increased their services to Indians on-reserve without billing back the Federal Government.
- Resource Development Assistance. The Province has taken the following stances:
  - . On-reserve infrastructure support is a federal responsibility despite magnitude of impact (exception - secondary roads on-reserve).
  - . Supports, in principle, Indian equity participation but federal government has responsibility to contribute funds.
  - . Affirmative action is not permitted under provincial legislation on the basis of race. However, allows affirmative action for disadvantaged, or an exceptional basis, if limited in terms of residency.
  - . Opposed to Federal affirmative measures on mega-projects.
  - . Does not favour written agreements, quotas, etc.
- MNSI. The Province has taken the position that it has a responsibility for all native people in Alberta not just Treaty Indians. This is a sensitive issue with the Treaty Indians due to a long history of differences between the MNSI and Treaty Indians in Alberta. In March 1980, the All Chiefs Conference passed a resolution requesting the Alberta Government to discontinue the policy of dealing with Indian/Métis under one department. More recently, the Province



indicated that it was prepared to assist (i.e. \$400,000 for 1981-82) the Métis and other Native people establish a Business Development Assistance Corporation.

- Tripartite. There is no established general Tripartite process at the provincial level at the present time. Alberta resists any suggestion for the creation of a formal tripartite process, although leaves open the possibility of such processes being established to deal with specific issues.
- Land Claims.

(a) Land Entitlements

The Alberta position on entitlements, which was communicated in 1977, differs significantly from that of the Federal Government, and its interpretation of the obligations resulting from the National Resources Transfer Agreement (NRTA).

Briefly, the Provincial position is such that Alberta:

- . proposes to use population figures at the time of Treaty to calculate outstanding entitlement;
- . proposed to retain all mineral rights on land which may be transferred to Canada;
- . is not prepared to alter its position without a reference to the courts;
- . has declared that any entitlement settlement must be final and complete and, to this end, would like a release from Canada from any further obligation to provide land for entitlements as part of a settlement;
- . has insisted on dealing only with Canada and has refused to negotiate with Indian bands or Associations. (Although Indian interests are involved, the province insists that the legal obligation is between the

two governments, and that the Indians may not present their own individual cases.)

Recently, there have been some indications of a possible moderation of the province's position. In an effort to obtain settlement of long outstanding Cree-Chippewyan Claim the Alberta Government has indicated a willingness to negotiate on the issues of reversionary rights, land quantum, and subsurface rights to land selected by the Cree-Chippewyan Band within Wood Buffalo National Park. They have stressed, however, that these negotiations will not be tripartite and should not be considered a precedent for other entitlement claims. ONC has selected a negotiator who will assume his duties on April 1, 1981.

(b) Specific Claims

Specific claims are essentially claims by bands against Canada. In certain areas, however, the province may be indirectly or directly implicated. However, there are no active specific claims in Alberta at this time.

B2. SUMMARY OF IAA/INDIAN POSITIONS/PRIORITIES

The IAA has released a number of major policy papers in the last two years. They are as follows:

- (1) Provincial-Indian Relationships Position Paper (May 28, 1979);
- (2) An Economic Development Strategy for the Indians of Alberta (March 1980); and
- (3) A Proposal to Rationalize the Extension of Provincial Services to the Indians of Alberta (October 1980).

The following summarizes the major positions put forward by the IAA in these reports and other documents.

Jurisdiction and Responsibility for Indians

The IAA has indicated that it now perceives a "need and justification for building a mutually beneficial partnership between Indians and the province", however it takes this position without prejudice to its previous position that "the Federal Government has, and must retain, over-riding jurisdiction and responsibility" for Indian affairs. The IAA also maintains that "any future provincial role in Indian programs and funding must take into account (their) Treaty rights and reflect a full accord among the three parties concerned".

Delivery of Services - "The Principle of Complementary Roles"

According to the IAA, neither Federal or Provincial expenditures for Indian people address the real underlying causes of dependency. The emerging IAA position is contained in a concept called "The Principle of Complementary Roles". Basically, they suggest that government expenditure responsibilities be reviewed and re-arranged to address both the remedial needs and the long-term developmental needs of the Indian community. The basic thrust of the IAA position is that the Federal Government should retain "a major

responsibility for sustaining remedial and palliative programs for as long as they are needed" and that Alberta undertake "a greatly expanded set of initiatives for Indian development".

#### The Indian/Alberta Relationship

A final concept contained in the IAA position, and one which supports the other two positions mentioned above, is that "although the Federal Government controls important financial, fiscal and economic levers, these are employed for the most part to ensure a more equitable distribution of Canada's economic surplus" and other national interests while "provincial powers are often more directly relevant to Indian development needs". Working from the perspective that Indian people "share the same economic space" as other citizens of Alberta the IAA contends that "viable reserve economies depend in the final analysis, on economic linkages and relationships with the larger provincial economy".

#### Tripartite/Policy Review Mechanisms

The Indian Association of Alberta has recently shown some willingness to contemplate a tripartite process. In the absence of such a process, the IAA has developed separate bilateral processes with both senior levels of government.

Recently, the IAA along with the Alberta Indian Chiefs have set up a "Chiefs Policy and Negotiating Committee". This committee is headed by President Eugene Steinhauer and involves 4 Chiefs from each of the three treaty areas. The mandate of this committee involves regional negotiation regarding the allocation policy of the Department of Indian Affairs, and negotiations to access other resources for Indian Governments from both other federal departments, Treasury Board and the Provincial Government.

Land Entitlement

In the spring of 1978, the IAA submitted its Position Paper on land Entitlements.

Preliminary discussions between the IAA and departmental officials were held to establish the criteria to be used for validating entitlements. The IAA supports the Saskatchewan formula as an equitable means of settling entitlements.

B3. SUMMARY OF FEDERAL POSITIONS/PRIORITIES

Services

- . The Minister of Indian Affairs advised Alberta in July 1978 that while the Federal Government was willing to consider the Extension Policy proposal there could be no discussions until the IAA was prepared to participate. (IAA rejected proposal see note 5 for details).
- . More recently, the Federal Government has expressed apprehension concerning the appropriateness of discussing the question of services, particularly the responsibility issue, outside the constitutional context.
- . A draft letter has been prepared (March 1981) for the Deputy Minister's signature regarding the revised IAA's request for funding to review the question of Alberta's role and responsibilities to Indian people in the services area. The letter acknowledges "the progressive nature of this proposal" and indicates a willingness "to participate in further discussions concerning the proposal...."

Resource Development/Economic

- . The Federal Government continues to promote Indian involvement in mega-projects. In January 1981, The Honourable Marc Lalonde reaffirmed the federal policy of granting an oil sand reference price conditional upon a satisfactory level of participation by, and employment of Native people.
- . The department continues to support Indian interests, both financially and vocally, in public and private resource development review processes.
- . Considerable energy has been spent endeavouring to develop a co-ordinated strategy for involving Indians in the resource development field. Funding was recently obtained for emergency projects (\$1M).



## Land

### (a) Land Entitlements

The Alberta position on settling entitlements has been unacceptable to both the Federal Government and to the Indian Association of Alberta (IAA). The quantum of land offered by Alberta is much less than what Canada recognizes as the Crown's lawful obligation. Moreover, the land is offered without mineral rights, which is, in Canada's view, a necessary provision. In addition, the Federal Government has stated (June 1977) its preference for a negotiated solution rather than court reference. ONC's immediate priority in Alberta is to negotiate a settlement of the Cree-Chippewyan Band Claim.

### (b) Specific Claims

As specific claims in Alberta are primarily a matter between Canada and the Indian bands, involvement of the province in the specific claims policy review is not considered necessary. However, on individual cases where the province is legally implicated, consultation with the province is the preferred approach.

## MNSI

There has been some concern that Provincial consideration of recent Métis proposals have not properly involved Indian interests.

## Tripartite

While the Federal Government has expressed a preference for Tripartite discussions in Alberta between the parties, there has been some recent reconsideration of the appropriateness of bilateral discussions because of the larger political dimensions.

C. OTHER FACTORS RELEVANT TO DEVELOPING FUTURE  
POLICY DIRECTIONS:

The following is an identification of other intervening factors that could influence policy directions in Alberta over the next decade. These factors are grouped into two categories (i) Factors influencing decisions external to the Federal Government; and (ii) Factors influencing decisions internal to the Federal Government.

i. Factors Influencing Decisions External to  
the Federal Government

- World Energy Pressures. As noted earlier, the resolution of most Indian specific issues in Alberta is linked, more so than in other provinces, to the broader tensions between Canada and the Provincial Government on the constitution and resource related issues. Within this context, one must also consider the intervening influences of world energy pressures and the effect of the resource industry on the provincial position.
- Alberta Economy. The strength of the Alberta economy could significantly influence the mobility rate if the younger and more skilled people leave the reserves to take advantage of the economic/employment opportunities available in the mainstream Alberta economy.
- Growth of Alberta Surplus. The growth of the province's resource revenues could translate into an increased Alberta role on Indian issues, as the extremities between the Indian and non-Indian situation are highlighted. The precise form that this role takes could be determined independently of Federal consideration.
- New Requests From Bands. The increasing viability of the reserve economies of some bands will have a growing influence on the type of Indian policy that is requested of both levels of Government.

- Philosophical Differences. The philosophical basis of the Alberta position on affirmative action is fundamentally different than that underlying the Federal Human Rights Act and most other Provincial affirmative action positions. This would be a continuing irritant in future resource development discussions.
- Discussion Mechanism. The provincial decision to favour bilateral rather than tripartite mechanisms, for discussions among the three parties has tended to slow down the interaction between the parties and places the responsibility for coordination on the IAA which lacks the resources of the other parties. Without clear understanding and communication between all parties, this process could in future frustrate the good intentions of all parties.

ii. Factors Influencing Decisions Internal to the Federal Government

- Constitutional Developments. Constitutional developments could potentially impact on all aspects of Indian policy in Alberta. Moreover, the implications of the proposed constitutional changes with respect to the post-patriation period would involve the Provinces in discussions in a manner that has not been contemplated in the past. The constitutional vehicle should be perceived as a major element in any new strategy.
- National Interests/Indian Interests. While Indian issues in the resource area are related to the federal position that Canada has a "national interest" and social responsibilities to represent in the resource field, it should be recognized that a resolution of the national energy issue may demand, from a political perspective, a softening on Indian issues in preference to other national concerns.

- Federal/Provincial Fiscal Transfers. The up-coming discussions on Federal/Provincial fiscal transfers could significantly influence the future development of Federal Indian policy given the thrust for increased accountability and the anticipated reduction in federal cash flows. There is a reluctance in some central agency circles to push the Indian considerations in this context especially in light of the sensitivity of the issue. However, there must be a realization that the provinces will want to include this matter in the discussions.
- National Policy Framework. The "special" resource related issues in Alberta distinguish the situation significantly from most other provinces. However, the capacity to fully address this issue is limited, by the national framework that is applied to the development of Indian policy.
- Difficulty in Procuring Funding for Alberta Opportunities. Another related factor is the reluctance within the federal system to procure the necessary financial support required by Alberta Indians to take full advantage of their economic opportunities when most Indian populations in other provinces are lacking in basic needs and services and have little access to economic opportunities.
- Western Initiatives. Also related is the Cabinet proposal to place special emphasis on natives under the Western Initiatives package. As the only major source of new funds, departmental initiatives with respect to Indian people in Alberta should be developed in conjunction with these new directions. Moreover, clear direction should be provided as to the linkages between the proposed economic development and the resource development discussion papers vis-à-vis Western Initiatives.
- Treaty Indians/MNIS. There are strong historical differences between the Treaty Indians and other native people in Alberta. The broader definition offered

by the term "aboriginal people" in the proposed Constitution Act will resolve some of the internal concerns re natives vs. Indians that have occupied federal discussions in recent years, however, it will also introduce new implications.

- Rich vs. Poor Bands. Another significant development is the growing discrepancies between the rich and poorer bands in Alberta.
- Issues Viewed Separately. While both the Province and the IAA have their own priorities as to what is important, they appear to have a capacity to take advantage of the linkages between the issues. On the other hand, there has been a marked tendency Federally to view constitutional issues, land issues, and program delivery issues in Alberta as discrete. Related to this is the need to ensure that all program areas are properly represented when multi-issue meetings are held. As an example, the difficulties experienced during the January 27, 1981 meeting with Alberta officials were to some degree the result of the department's own inability to fully address the resource development issues raised by the Province.

D. SUGGESTED AREAS REQUIRING PRIORITY IN A FUTURE STRATEGY

(Draft for Consideration)

The following are the general areas/elements that should be focused on in the consideration of a general Alberta strategy.

- . Services
- . Resource Development/Economic
- . Cree-Chippewyan Land Settlement Claim
- . The Constitution

It is proposed that DMC consider the appropriateness of these areas, the various linkages and the value of assigning priorities. It is further proposed that Corporate Policy prepare a final Alberta Strategy document (4-5 pages) based on this discussion and further consultation with the other program areas.



VI. APPENDIX

37. RESOURCE DEVELOPMENT PROJECTS AFFECTING ALBERTA  
INDIANS

- |  |  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
|--|--|--|------------|-----------|---------------|-----|-------------------|-----|---------------|-------|----------------|-------|-------------|--------------|-------------|-------|--|--------------|
| 1. ESSO Heavy Oil Project                            | DESCRIPTION: 12.3 billion heavy oil in-situ development near Cold Lake, Alberta.   | <table border="0"> <tr> <td>Cold Lake</td> <td>pop 2,333</td> </tr> <tr> <td>Frog Lake</td> <td>794</td> </tr> <tr> <td>Kehewin</td> <td>717</td> </tr> <tr> <td>Heart Lake</td> <td>94</td> </tr> <tr> <td>Whitefish Lake</td> <td>1,009</td> </tr> <tr> <td>Beaver Lake</td> <td>272</td> </tr> <tr> <td>Saddle Lake</td> <td>2,592</td> </tr> <tr> <td></td> <td><u>6,506</u></td> </tr> </table> | Cold Lake  | pop 2,333 | Frog Lake     | 794 | Kehewin           | 717 | Heart Lake    | 94    | Whitefish Lake | 1,009 | Beaver Lake | 272          | Saddle Lake | 2,592 |  | <u>6,506</u> |
| Cold Lake  | pop 2,333  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Frog Lake  | 794  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Kehewin  | 717  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Heart Lake   | 94   |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Whitefish Lake                                       | 1,009  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Beaver Lake  | 272  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Saddle Lake  | 2,592  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
|  | <u>6,506</u>   |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
|  | <p>IMPACTS: Potential adverse environmental effects on hunting, fishing, trapping, water quality, sulphur emissions on the Cold Lake Band. Major social impacts also anticipated from influx of outside workers.</p>   |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| 2. Alsands Tarsands Mining Project (Shell Consortim) | DESCRIPTION: 8 billion oil mining project near Fort McMurray, Alberta. The Athabasca Tribal Council (ATC) are seeking guarantees of employment, training and business opportunities.   | <table border="0"> <tr> <td>Cree Band</td> <td>931</td> </tr> <tr> <td>Chipewyan</td> <td>300</td> </tr> <tr> <td>Fort McKay</td> <td>206</td> </tr> <tr> <td>Fort McMurray</td> <td>132</td> </tr> <tr> <td>Janvier</td> <td>250</td> </tr> <tr> <td></td> <td><u>1,819</u></td> </tr> </table>   | Cree Band  | 931       | Chipewyan     | 300 | Fort McKay        | 206 | Fort McMurray | 132   | Janvier        | 250   |             | <u>1,819</u> |             |       |  |              |
| Cree Band  | 931  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Chipewyan  | 300  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Fort McKay   | 206  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Fort McMurray  | 132  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Janvier  | 250  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
|  | <u>1,819</u>   |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
|  | <p>IMPACTS: Potential adverse environmental effects on hunting, fishing, trapping water quality on antive residents of the area. Province presently conducting environmental study on cumulative effects of plants in the area and possible health hazards for Fort McKay residents.</p> |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| 3. Alaska Highway Gas Pipeline                       | DESCRIPTION: Construction of a \$23 billion gas pipeline from Yukon to Southern Alberta border.  | <table border="0"> <tr> <td>Horse Lake</td> <td>154</td> </tr> <tr> <td>Sturgeon Lake</td> <td>756</td> </tr> <tr> <td>Sunchild-O'Chiese</td> <td>749</td> </tr> <tr> <td>Stoney</td> <td>2,223</td> </tr> <tr> <td>Blackfoot</td> <td>3,024</td> </tr> <tr> <td>Peigan</td> <td>1,780</td> </tr> <tr> <td>Sarcee</td> <td>658</td> </tr> <tr> <td></td> <td><u>9,344</u></td> </tr> </table>        | Horse Lake | 154       | Sturgeon Lake | 756 | Sunchild-O'Chiese | 749 | Stoney        | 2,223 | Blackfoot      | 3,024 | Peigan      | 1,780        | Sarcee      | 658   |  | <u>9,344</u> |
| Horse Lake   | 154  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Sturgeon Lake  | 756  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Sunchild-O'Chiese                                    | 749  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Stoney   | 2,223  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Blackfoot  | 3,024  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Peigan   | 1,780  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
| Sarcee   | 658  |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |
|  | <u>9,344</u>   |  |            |           |               |     |                   |     |               |       |                |       |             |              |             |       |  |              |

4.	Imperial Oil Expansion Norman Wells Refinery Expansion and Proposed Pipeline	DESCRIPTION: Imperial Oil Ltd. expansion of the Norman Wells refinery along with construction of 560 miles (12 inch) pipeline from Norman Wells to Zama Terminal in Northeast Alberta. The proposed refinery expansion will involve an additional 100-150 permanent staff. The pipeline construction will involve a labour force of 400-600 people for a period 1981-83.		Dene Tha'	1,331
				Boyer River	322
				Tall Cree	266
				Little Red River	1,392
					<u>3,311</u>
		IMPACTS: Potential adverse effects on Indian traplines in the area.			
5.	Peigan Water Issue	DESCRIPTION: Dispute between Band and Province over ownership of 4.1 acres of riverbed on Oldman River Dam. Province considering construction dam on/off reserve. Band interested in socio-economic opportunities would like dam built on reserve.	Peigan Band		1,780
6.	Shell Tar Sands Plant (Cadotte Lake)	DESCRIPTION: Shell in partnership with other major oil firms currently operating a \$76 million pilot tar sands plant near Cadotte Lake, Alberta.		Lubicon Lake	147
				Sawridge	46
				Duncan	53
				Swan River	199
				Driftpile	600
				Sucker Creek	596
				Grouard	72
		IMPACTS: Possible adverse environmental effects on hunting and trapping if commercial operation proceeds. Limited training and employment benefits for Indian people to date.		Whitefish Lake	558
				Horse Lake	156
				Sturgeon Lake	749
					<u>3,236</u>

7.	Genesee Thermal Power Plant	DESCRIPTION: \$1.1 billion (coal fired) power plant, coal mines, a cooling pond and a large buffer was approved by the provincial cabinet on November 19, 1980. The two 400 mega watt generators are scheduled to come on stream in 1987 and 1988. Genesee is approximately 50 km. West Southwest of Edmonton and approximately 15 miles from Paul's Reserve # 133A.	Paul Band	805
		IMPACTS: Potential adverse effects on fish and water quality. The Paul Band is seeking employment, training and business opportunities.		
8.	Shell/Black-foot Coal Project	DESCRIPTION: Potential adverse environmental effects on/off reserve. Potential significant royalty and socio-economic opportunities if project proceeds.	Blackfoot	3,024
9.	Slave River Hydro	DESCRIPTION: (No description available at present on dam or related facilities).	Cree Band Chipewyan Band	931 300
		IMPACTS: (Unable at this time to determine impact on Indian communities).		
10.	Sandalta Gulf Canada	DESCRIPTION: Possible oil sands plant in the F. McKay area property, east of the Athabasca River and 45 kms North of Fort McMurray. Evaluation program currently in process this year. \$2 million will be spent on	Fort McKay Fort McMurray Janvier Fort Chipewyan Cree Band	203 125 242 293 919 <u>1,782</u>

this winter's evaluation program employing approximately 50 people and 3 or 4 rigs to drill 100 evaluation wells.

- |  |   |   |      |     |           |     |            |     |         |     |               |     |
|--|---|---|------|-----|-----------|-----|------------|-----|---------|-----|---------------|-----|
| 11. Gulf Tar Sands                                   | Gulf is currently constructing a pilot in-situ plant near Wabasca, Alberta. Possible adverse environmental effects on hunting and trapping if commercial operating proceeds. Limited employment and training benefits to Indian people of area to date.   | Bigstone Cree 1,677   |      |     |           |     |            |     |         |     |               |     |
| 12. NOVA/Petro-Canada Heavy Oil Project (Project 80) | Preliminary announcement by company to develop commercial tar-sands plant in Ft. McMurray area. Potential adverse effects on hunting, fishing and trapping areas of Indian people. Potential socio-economic opportunities for Bands; proponents indicate possibility of Indian equity participation in project.   | <table border="0"> <tbody> <tr> <td>Cree</td> <td>919</td> </tr> <tr> <td>Chipewyan</td> <td>293</td> </tr> <tr> <td>Fort McKay</td> <td>203</td> </tr> <tr> <td>Janvier</td> <td>242</td> </tr> <tr> <td>Fort McMurray</td> <td>125</td> </tr> </tbody> </table> | Cree | 919 | Chipewyan | 293 | Fort McKay | 203 | Janvier | 242 | Fort McMurray | 125 |
| Cree   | 919   |   |      |     |           |     |            |     |         |     |               |     |
| Chipewyan  | 293   |   |      |     |           |     |            |     |         |     |               |     |
| Fort McKay   | 203   |   |      |     |           |     |            |     |         |     |               |     |
| Janvier  | 242   |   |      |     |           |     |            |     |         |     |               |     |
| Fort McMurray  | 125   |   |      |     |           |     |            |     |         |     |               |     |
| 13. AMOCO Pilot Tar-Sands Plant                      | <p>DESCRIPTION: AMOCO in partnership with other oil firms are currently operating a \$45 million pilot tar-sands plant on the Gregoire Lake Indian Reserve near Fort McMurray.</p> <p>IMPACTS: Potential adverse future effects on hunting, fishing and trapping in the area along with social impact if commercial plant proceeds. Extension potential monetary and socio-economic opportunities for Band.</p> | Fort McMurray (Anzac) 129   |      |     |           |     |            |     |         |     |               |     |