

Peter Fortna opening statement

Biography.

I have completed my B.A. in History with a Minor in Museum and Heritage Studies from the University of Calgary. A M.A. in History from Memorial University of Newfoundland and I have a PhD (ABD or all but dissertation) in History and Classics from the University of Alberta. Based on my studies I have an Academic expertise in Canadian History, Aboriginal History and Public History.

Since 2008, I have worked with Aboriginal groups in the region on various traditional land-use and historical research projects. Some highlights include:

1. Coordinating the Mark of the Metis Project for Metis Local 1935 for nearly two years.
2. Completing Traditional Land-use work for Conklin Metis Local 193
3. Completing Traditional Land-use work and Historical research for the Off-Reserve Fort McMurray First Nation
4. Completing Historical research for the MCFN in preparation for the Total Hearing.
5. Completing historical research for the Fort McKay Metis Local 63.
6. Traditional Land-Use studies with the Metis Nation of Alberta, Region 1 in partnership with industrial companies in the region including Altalink, CNRL and MEG Energy in addition to initiating a Territory Wide Study.
7. Traditional Land-Use studies with Metis Local 1909 in Lakeland district.

I have also been involved with a number socioeconomic, evaluation, and strategic planning initiatives with groups including: Athabasca University, Metis Nation of Alberta, Region 1, Fort McKay Metis Community, Fort McKay First Nation and Metis Local 1909.

In addition to the work I have completed for communities, I attempt where possible to engage with academic community completing peer reviewed books articles and museum exhibits concerning Canadian and Aboriginal History. I have also made presentations at Academic conferences regarding Metis Environmental Knowledge; Metis History with regards to Traplines, and community based research. In coming months I hope to submit for peer reviewed publication additional articles regarding Metis Environmental Knowledge in Northeastern Alberta and an evaluation of the Athabasca University Learning Communities Program.

Presentation of Material

Unfortunately, because the MNA R1 was not provided the funds to complete an expert report like other Aboriginal Groups, I will provide, as best as possible, a presentation that will respond to some of the claims made in the Shell Cultural Assessment I will also provide evidence of continued Metis use of the region in both

the RSA and LSA for the proposed project. The presentation will draw primarily material provided to the panel as part of the MNA R1 submission as well as material presented by other Aboriginal groups, the proponent, and from my experience working in the region.

The presentation will be divided into three main sections concerning the following topics:

1. I will complete a brief review of the Shell Cultural Environmental Setting Report, SIR Cultural Assessment and other related material submitted by Shell, pulling key information from those studies that I will argue help to demonstrate Métis use of the land in the LSA.
2. I will speak about some of the Metis Environmental Knowledge and Land Use in the Regional project area that should have been investigated by Shell to determine potential impacts from the proposed project. I will do this by:
 - a. Examining historical sources that I believe provide detailed information on historic Metis land use that was not consulted by Shell for this project.
 - b. I will provide background information regarding to the Historic Trapline data speaking to both their usefulness as well as their limitations for demonstrating Métis historic land use of the RSA and LSA.
 - c. I will speak about Metis Environmental Knowledge that we were able to collect in the project area and consider potential differences in Metis use of the land in comparison to First Nations.
3. Finally I will suggest some potential remedies that Panel could consider to complete the work we feel is necessary to fully understand how this project may impact Métis use of the land in both the LSA and RSA.

Section 1 – Review of the Shell Reports and how they demonstrate Métis Traditional Use of the LSA

1. In their 2007 Cultural Environmental Setting Report Exhibit 001-001J produced by Golder for the Shell EIA the objectives of the TLU study for the LSA as listed in section 3.2.2.1 (PDF Page 90) were listed as following:
 - a. Document historical and current land use, as well as the traditional knowledge of the Project development areas and surrounding areas by local trappers;
 - b. Document the traditional land use and traditional knowledge of the FMFN, ACFN, MCFN and FMMFN in relation to the Project Development Areas; and
 - c. Provide information to help minimize the impacts of the Project on traditional land uses.

2. In addition, the document at Section 3.1.1.2 it argues that traplines are used for more than simply trapping. And that **QUOTING** “from the perspective of evaluation of effects to traditional land use for this Environmental Setting Report (ESF), RFMAs provide the most appropriate basis for defining a LSA, since most traditional activities are carried out on traplines.”
3. Finally in their 2012 Response to SIR 30 in a report titled “Appendix 5 - SIR 30 - Cultural Assessment” Exhibit 001-051R on page 18 of the report, 23 of the PDF they state that “Members of Fort McMurray Métis Local 1935 have trapped, hunted, and fished in the larger area which includes the JME” and that “While information regarding the Fort Chipewyan Métis Local #125 was not available, this assessment assumes that the patterns of use for Fort Chipewyan Métis are similar to those of ACFN and MCFN.”

While I do agree with ACFN’s experts, specifically Dr. McCormack, that the approach taken by Golder in these assessments was problematic, I will not engage in a discussion of those deficiencies. Instead I will focus my analysis on facts grounded in the historical record that I believe show Métis people used the land in the LSA and RSA. Additionally, I will draw upon evidence provided in our limited TLU research which shows Métis people do use land in both the RSA and LSA and that they have specific concerns with development in the region that should have been examined in detail by the company.

1. First examining the first goal, which purports to document “historical and current land use,” Golder reduces and compresses the history of the landscape by removing the traplines from their historical context.
2. I’d like to first say on the record that I found it somewhat ironic that Shell’s Counsel would ask ACFN’s experts about the history of ownership of Trapline 1714 without including such history in either the 2007 or 2012 cultural assessments. Furthermore, I found it strange that they would think that such an analysis is valuable in this one case, but not in the case of Trapline 2331 which was identified in the 2007 report, Section 3.4.6 Page 126 to be owned by Victor Amiot, a non-Aboriginal Trapper. On the same page in section 3.4.6.1 it is explained that the line was purchased in 1987. Interestingly, the report does not note whether the previous owner was Métis even though Shell’s Counsel, through their questions of ACFN experts, seems to assert that such a lineage is important when understanding traditional land-use and history, facts one would think should have been included in either the 2007 or 2012 documents.
3. Adding to the confusion is the fact that the Golder report in section 3.4.6.1 explains that the previous owner of the line was “Edmond Ducharm” who had left a cabin “full of old artifacts” that the current owner was not interested in “fixing up.”

4. Had they completed additional research, for example by visiting the Provincial Archives of Alberta, they would have found historic Trapline Maps, proof that Mr. Ducharm owned the line in question and that Métis people in fact have interests within the LSA.

5. Unfortunately it seems Golder did not follow up on this fact. Had they, they would have found out that Edmond or Edmo Ducharm was a Métis Elder who had been using the line for most of his life. Additionally, had they attempted to contact members of Mr. Ducharm's family they would have come across Barb Hermansen who yesterday spoke about how she was raised on that trapline and continues to have interest in how the land. (Quoting from Barb Hermansen: Her Story Entered into the record on November 13, 2012). Specifically they might have learned that, NOW QUOTING FROM MS HERMANSEN'S BOOK:
 - a. Edmo Ducharm was born at the Lac La Biche mission in Alberta. The Ducharme family made their living from trapping, hunting and fishing. Growing up in our small family, when our work was done, we would enjoy my father's fiddling. Edmond was a true Metis. His grandfather, Antoine Ducharme, was a Michif, a French-Cree Metis who came from Winnipeg, Manitoba. He homesteaded on the south shore of Lac La Biche at a place that later became known as Plamondon. Antoine Ducharme remembered covered wagons arriving from Michigan, some of which contained members of the Plamondon family.

6. Furthermore, had they chosen to interview Barb Hermansen and others from the Métis communities of Fort Chipewyan, Fort McMurray, and throughout the region they would have come to understand that the LSA, particularly the area in and around McClelland Lake, Fire Bag River, Grave Sites and areas are very important to Métis people. Sadly, because Golder did not complete this work, and because Shell chose not to meaningfully engage Métis communities, the Panel does not have this information before them as they try and make this very important decision regarding whether to approve this proposed project.

6. In addition to the information that was not explored by Golder in their Cultural Assessment regarding Trapline 2331. There is additional historical information in their report that, had they completed their historical research would have led to the conclusion that Métis people have specific concerns in the LSA.

7. On Page 88 of the Golder 2007 report the company identify "Castor's Old Cabin" as a point of significance on the South shore of McClelland Lake. Unfortunately the Golder Report does not provide any further explanation about this Cabin or who the Castor family was or their potential connection to the area within the LSA.

8. Had Shell and Golder chosen to complete a full review of the material publically available and had they chosen to include Métis people beyond Fort McKay in their TLU studies they would have found out that the Castor family is an historic Métis family who used to use the area in question with members still alive to speak about that use. I think it is important for the record to speak a little about this history so the Panel understands how Métis people used the area and so Panel members can understand that Métis folks do in fact have interests in the area that Shell and Golder should have taken seriously and included in their EIA and later SIR. Furthermore I will demonstrate that both Golder and Shell were (or at least should have been aware) of Métis use of the area and that they chose to not include it in their studies.
9. Lets go back a little bit, to 1996 and the Northern River Basin Study. This is a document cited in the Golder 2007 report in section 3.3.2.3 or page 97 and 98 in the PDF. The Golder report summarizes the NRBS as “less specific and detailed than [information] generated by other studies. With fewer respondents actually living from the land and lower proportion of the respondents reported participation in the traditional practices, such as hunting and trapping, or use of the land as a source of income. “ Interestingly, as far as I can tell, Golder failed to include original transcripts from the study in either review.
10. Had the company completed a more thorough undertaking, reviewing the original transcripts which are in the public record they would have found a great deal of information, particularly about William Castor and his families use of the area in and around the project area.
11. Specifically they would have found out that Mr. Castor was born 75KM North of Fort McMurray on “Sled Island” almost directly across from the proposed project area (Page 2 of the interview transcript). They would have also learned that Mr. Castor’s family used the area through the 1930s to 1950s when he was growing up (Page 15). Furthermore, had they followed up on this information and interviewed Mr. Castor themselves, they would have learned that the original McMurray man’s family used the area before selling the line to the Faichney family and that he had continued contact with families in the area visiting the area and listening to stories about it. It should also be noted that these later facts were verified by Mr. Castor in preparation for this hearing who would have spoken about them himself but is unfortunately too ill to attend the hearing.
12. Additionally, had Shell or Golder carefully reviewed the ML 1935 the letter submitted as a Statement of Concern for the project they would have been provided this Traditional Land Use information. In that letter the concerns of the Castor Family were written down and were available for further consideration. Instead, because this SoC was not accepted by the

Government of Alberta, I guess Shell did not feel it needed to follow up with ML 1935 to better understand how the Castor concerns would be impacted by the project. In a map produced for the SoC letter, as well as statements in that letter, it is clear that Mr. Castor and his family are members of the Métis Local in Fort McMurray, and have legitimate concerns located in the LSA that, in the least, deserved further research to understand what those concerns were and how they could have been mitigated or accommodated. Upon discussion with Mr. Castor in preparation for this hearing he confirmed that Shell did not speak to him about his use of the project area and that he is concerned about what is going to happen to his family's former home. He also stated that he would very much like to purchase back the trapline for his children, but stated that he could not because people want too much money for traplines now a days.

13. As mentioned earlier, it is unfortunate that Mr. Castor is too ill to testify for himself, but over the weekend he asked me to confirm these facts to the Panel and he specifically asked me to ask Shell to come speak to him before they initiate this project so he can express his concerns to them directly.
14. Finally, in preparation for the Hearing myself and our team completed a number of interviews with Métis people from throughout the region so they may have a chance to express their concerns about the impact of the proposed project. The majority of these people attended the hearing and presented evidence yesterday as part of our Panel and represent Métis communities throughout the region including Lac La Biche, Anzac, Fort McMurray, and Fort Chipewyan. Through those interviews it became clear that Métis people had a number of concerns about the proposed project including: worries about water issues (both quantity and quality); concerns about how the project will impact harvesting of animals, fish, plants, berries, and medicines; concerns about access to the area (needing keys to travel into the region); concerns about historic resources, specifically the potential destruction of historic cabins and gravesites; and a general mistrust do to a lack of contact between Shell and area harvesters. It was also clear that they did not know about projects such as the plan to divert the Muskeg River and the planned tailings ponds. Such projects caused them additional concerns.
15. It is telling that when asked Ms. Jefferson what the concerns of the Métis were, she did not list any of the above, and it speaks to the lack of meaningful engagement that they have had with the Métis community in the region.. Further to this point it is unfortunate that funds were not provided to Métis groups other than Fort McKay to complete a project specific review of the Jackpine Mine Expansion, it is therefore difficult to specifically describe the concerns with certainty beyond that which was provided over two weekends worth of interviews. At best, all we can do is point to the historical facts that demonstrate that Métis people do have specific interests in the LSA, and that

they should have been meaningfully included in the Cultural Assessments completed by Golder.