

Exhibit # 009- 011

**IN THE MATTER OF THE *ENERGY RESOURCES CONSERVATION ACT*
R.S.A. 2000, C. E-10;**

AND THE *OIL SANDS CONSERVATION ACT*, R.S.A. 2000, C. 0-7;

**AND IN THE MATTER OF THE *CANADIAN ENVIRONMENTAL ASSESSMENT ACT*, S.C.
2012, c 19;**

**AND IN THE MATTER OF A JOINT PANEL REVIEW BY THE ALBERTA ENERGY RESOURCES
CONSERVATION BOARD AND THE GOVERNMENT OF CANADA;**

AND IN THE MATTER OF:

**JACKPINE MINE EXPANSION PROJECT by SHELL CANADA LIMITED;
CEAR Reference number: 59540
ERCB Application No. 1554388**

Fort McKay Amendments to its Pre-hearing Submission: Exhibit 009-008

Fort McKay makes the following amendments to section III of its submission:

III. REQUESTED DISPOSITION

21. Deleted

22. In order to improve management of cumulative effects to avoid or minimize adverse effects, Fort McKay requests that the Panel recommend to Alberta and Canada:

a) For traditional land use:

- the establishment of protected areas specifically to traditional land use opportunities that are: in reasonable proximity to the community of Fort McKay; within its culturally significant ecosystems including those surrounding its reserves at Moose Lake (I.R. 174a and 174); and that contain sufficient undisturbed resources to mitigate the declines in wildlife and other terrestrial resources;
- implementation of access management plan that includes 1) measures to reduce new linear disturbance, decrease public access to linear disturbances,

and accelerates reclamation of them; and 2) protection for Fort McKay's traditional trails and access to its reserves, traplines and hunting areas;and

- a commitment and process by Alberta and Canada to consult and accommodate Fort McKay with respect to the impacts of regional development on its aboriginal and treaty rights.

b) For Air Quality and Odours

- enforceable limits for odours and a regional monitoring system that will include monitoring odours in Fort McKay;
- reduction of existing emissions through standards and requirements for use of Best Available Technically and Economically achievable emission control technology; and

c) For Wildlife:

- annual wildlife population surveys;
- immediate reduction of moose harvest levels allowed for non-Aboriginal hunters throughout the entire oil sands region until current moose populations are determined;
- establishment of conservation areas within Fort McKay's traditional territory, including protected areas, that are sufficient to preserve wildlife habitat and populations;
- acceleration of reclamation of disturbed areas in the oil sands area. Additional development approval based upon reclamation performance and
- wildlife monitoring that contributes to validation of habitat models and tests EIA predictions.

d) For Surface Water:

- the Phase 2 Water Management Plan for the Athabasca River be implemented with a minimum flow level required for the River.

23. Fort McKay also requests that the Panel recommend to Canada and Alberta that they appoint negotiators with the necessary mandate to negotiate accommodation measures with Fort McKay that include:

- Management of designated areas for the objective of maintaining traditional land use in reasonably close proximity to Fort McKay;
- Establishment of a protective buffer zone around Fort McKay's community and reserves (including 174a and 174b) on the west side of the Athabasca River;

- consultation and coordination of land planning and development near the borders of Fort McKay's reserves and the community aimed at maintaining Fort McKay's land use on its reserves;
 - collaborative arrangements for the management of Fort McKay's traditional territory and its resources, including partnering in environmental monitoring and development of management strategies;
 - development of reclamation planning and criteria, in consultation with Fort McKay, that is aimed at restoring the land for traditional and other uses by the community, and that incorporates the knowledge held by Fort McKay members regarding the land prior to disturbance;
 - Long-term economic arrangements to provide social and physical infrastructure and assist the community to prepare for and transition to a post oil sands economy; and
 - Measures to promote, sustain and protect the health, security, well-being and economic development of the Community.
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