

Fort McKay Technical Review Pt 2 (SEIA)

Date: May 18, 2010
Location: Fort McKay

<u>Name</u>	<u>Attendance</u>	<u>Organization</u>
Lisa Schaldemose		FMFN IRC Director
Marie Lagimodiere		FMFN Consultant – Lagimodiere & Assoc.
Carol Molstad		FMFN Consultant – Molstad & Anderson
Ann Garibaldi		FMFN Consultant – Integral Ecology Group
David Blower		Shell Consultant - Golder
Mitch Goodjohn		Shell Consultant - Golder
David Schaaf		Shell Consultant - Nicholls
Bill Kovach		Shell Canada
Don Crowe		Shell Canada
Janet Noble		Shell Canada
Jason Plamondon		Shell Canada
Linda Jefferson		Shell Canada

Topic: Resource Use (Questions 140 – 146)

Shell Presenters:

Bill Kovach, EIA Coordinator, Shell Canada
David Blower – Senior Archaeologist, Golder Associates Ltd.

Key FMFN Concerns and Shell's Response:

Key Fort McKay Concerns:

- Regulators should establish Protected Areas within Fort McKay Traditional Lands
- Request that Shell participate in access management plans and regional access corridors
- Request that Shell collaborate on mitigation and offset plans for impacts to traditional resources and TLU opportunities

Shell's Response:

- Shell provided support of the intent of the Terrestrial Ecosystems Management Framework and supports the development of protected areas in the RMWB
- Shell's position is that the government is responsible for providing regional and local infrastructure relative to access management plans, but does participate in planning with industry groups and government departments
- Shell has provided funding and data for the Community Specific Assessment in support of the GoA consulting on suitable offsets and impacts to traditional resources and land use opportunities

Discussion Summary

Shell reviewed FMFN concerns from the summary slides and asked FMFN to confirm if Shell had accurately identified the key concerns.

FMFN agreed Shell had captured the main concerns.

Shell reviewed its responses to the main concerns of FMFN as identified in the summary slides.

West Side of Athabasca River Access Management

FMFN commented about Shell's response regarding infrastructure and pointed out that FMFN was not asking for Shell to fund infrastructure projects that are clearly a government responsibility. Rather FMFN was looking for support from Shell to work together with other industry and government to control access.

Shell advised it was supportive of efforts to appropriately manage access.

FMFN asked for information regarding Shell access to Pierre River Mine (PRM) and the proposed bridge. FMFN expressed concern about potential infringement on the ability of the First Nation (FN) to access areas of use to exercise their rights. FMFN requested that Shell provide clarity regarding their understanding of access per the EIA.

Shell clarified that its plans for PRM restrict access across the proposed bridge in order to minimize impacts associated with otherwise improved general access to the PRM and adjacent areas. Shell confirmed that it understood FMFN's concern related to Fort McKay First Nation access to traditional lands, relating the difficulty in trying to develop an access management plan that accommodates FMFN access but limits access to the general public. Shell suggested that it would maintain its position while working with FMFN to mitigate access-related impacts. FMFN and Shell agreed that future access agreements would provide an avenue to work to issue resolution.

FMFN asked Shell about the feasibility of a west side access option.

Shell confirmed that it considered a west side alternative with major drawbacks including:

- 1) the route length given the need to go around the CNRL Horizon project area;
- 2) the increased public access between Birch Mountains and the west side of the Athabasca River.

FMFN agreed that the east side access alternative is preferred.

Protected Areas for FMFN Use

140. Shell pointed out that a discussion surrounding protected areas occurred previously during earlier Technical Review meetings held in March 2010. Shell reiterated its position that Shell agrees with Sustainable Ecosystems Working Group (SEWG). Shell provided support of the intent of the Terrestrial Ecosystems Management Framework (TEMF). Shell noted its concerns as follows:

- Don't want restrictions for rights of existing lease holders
- Want more agreement on % of lands to be designated as protected
- Speed of reclamation is difficult – Shell is working diligently but cannot commit to faster rates
- Want more detailed plan – submission is conceptual

Shell pointed out that Alberta Environment (AENV) has not adopted the TEMF, but is managing through the Land Use Framework. Shell suggested it supported the development of protected areas in the RMWB consistent with Shell's Biodiversity Standards and Strategy and the Alberta Government's Land Use Framework.

FMFN asked Shell if its positions were stated in the TEMF by SEWG

Shell advised that they were.

FMFN explained the key tenets of the TEMF and advised that while some industry proponents do not agree with the TEMF, FMFN continue to work with government. FMFN expressed that they were glad Shell confirmed its support. FMFN further suggested that the points in the TEMF surrounding protected areas were good and expressed concern regarding the overlap of community identified protected areas with existing leases (78%). FMFN suggested they were most interested in protected areas close to the community to avoid long commutes to accessible Traditional Use areas.

Shell reiterated its support in principle to protected areas through the Land Use Framework. Shell also pointed out that protected areas require the involvement of several stakeholders and that Shell only has so much influence.

FMFN suggested that Shell could protect areas within its own leases, which are either not slated for development or where development won't occur for many years in the future. For example, leaving small areas accessible to FMFN for traditional use.

Shell suggested that these ideas have merit and could be included in Benefits Agreement negotiations. Shell cautioned that oil sands leases provide Shell mineral rights, but not surface land rights. Surface rights are not granted to Oil Sands operations until a project is approved and only for those areas within the lease boundaries that require a surface disposition. The Crown maintains surface rights for those areas within the lease boundaries but outside the approved development footprint.

FMFN suggested Shell's support and influence are appreciated. FMFN also suggested that if Shell could guarantee an area won't be developed for X years, this would provide certainty to the community about areas it can access in the near future. This, in addition to setting aside areas within its leases, would provide tangible benefits that could be presented to the community and which the community would appreciate.

Shell agreed to work cooperatively and in good faith; however, Shell suggested that it was important to recognize that Market conditions influence development and that as a result, plans might change. Shell suggested that managing expectations was extremely important.

FMFN agreed. However, FMFN also suggested that the more that could be done to illustrate to the community the better.

Again, Shell was supportive, but advised that it preferred to avoid saying too much and having to go back on what it said.

At this point, Lisa Schaldemose from FMFN arrived. Additional introductions were made, and the team briefed the new attendee. Linda Jefferson also returned with the map.

Shell asked if the access discussion should then take place with the map or if the group should move to question #141.

All agreed to move forward to #141

Environmentally Significant Areas

#141. Shell addressed the first part of the question by explaining the discrepancy between the impact ratings in the text (page 8-97) and the impact classification table ratings for Environmentally Significant Areas (ESAs) (page 8-100). Shell's approach compares reclaimed areas against Base Case to assess impacts.

FMFN disagreed with Shell's approach, highlighting an example surrounding moose habitat. FMFN suggested the habitat would be gone for 3-4 generations and expressed concern that proposed mitigation of reclamation was not sufficient and should have more protected areas. FMFN suggest there is no evidence of protection of ESAs.

Shell asked FMFN for clarification around the value FMFN placed on ESAs. Shell suggested that it was difficult to place a value on ESAs as the Crown has not formally acknowledged their importance by formally protecting them.

FMFN reiterated its view that reclamation is not mitigation because it does not address the generation loss of land use. FMFN expressed the community's concern regarding the entire watershed and suggested that there must be a reason for an ESA

designation; therefore, it was important to the community. FMFN also pointed out that just because an area is not identified as culturally important, does not mean that it is not. FMFN suggested that it was important to address key areas. FMFN suggested the issue was more about moose habitat than a particular site.

Shell's confirmed that its approach was to look at ecological and social impacts across the whole of the study areas regardless of whether parts were inside or outside of an ESA. Shell assured FMFN that these things were considered in the EIA as discussed in previous Technical Review meetings held in March 2010.

FMFN agreed that these things were discussed previously.

Shell asked FMFN if there was something Shell could provide to illustrate that Shell had done the work required in the EIA.

FMFN advised that within its traditional territories, only a small fraction has actual protection from development (e.g. park, wildlife refuge). FMFN expressed that the importance of ESAs need to be better understood as they are prime candidates which FMFN might consider as recommending for future protection. As apparent from this discussion, their value is unclear (i.e. ESAs were designated by someone for a reason but they continue to become disturbed with ongoing oil sands development. Are they areas that should be formally protected?). FMFN reiterated the need for a Protected Area Plan to avoid this issue. FMFN suggested an interest in learning how regional development has impacted ESA's. FMFN advised that the primary concern is the cumulative impact of development and that reclamation is not appropriate mitigation.

Shell advised FMFN that it understood the concern and reiterated its own concern regarding the value of many ESAs. Shell cited its own review of the history of the Eymundson Sinkholes ESA as an example of where the value of the ESA to the Province is not clear.

Traditional Land Use

FMFN advised Shell that it had met with a number of First Nations leaders recently and talked about traditional land use. FMFN advised that the issue raised was ASRD's request for quantification of Traditional Land Use. FMFN suggested that the FMFN was in a good position to do that however the concern expressed was the evolving nature of land use. FMFN explained that as development takes up high use areas, First Nations must move to historically moderate or low use areas, which then become culturally important areas. FMFN reiterated that historically high use areas might not currently be the areas used due to development pressures that force FMFN into new areas.

Shell acknowledged the concern and suggested that it highlighted a need for good information exchange.

FMFN agreed that the issue was out of scope for any one company but suggested that Shell required a good look at what is going on around them to understand the broader landscape and these types of issues.

Moose

#142. All agreed this question was discussed previously in Technical Review meetings held in March 2010.

Access Management (continued)

#143. All agreed that this question was discussed previously in Technical Review meetings held in March 2010.

Shell reiterated its position to provide timely plans to the government of Alberta (GoA) to facilitate infrastructure plans.

FMFN asked Shell who the SEWG representative was and suggested that this might be the best avenue for Shell to be involved in and to support access management planning.

Shell advised that the interim SEWG representative was Fred Kuzmic since Buddy Dupuis has recently announced his decision to leave Shell.

Shell suggested this might be a good time to review the map. Shell referred to the map in ongoing discussion about access management.

There was general discussion regarding unknown UTS access alternatives. FMFN enquired about any integration possibilities with UTS to avoid impacts associated with multiple access bridges expressing concern that UTS may decide to build their own bridge or additional access on the west side of the river..

Shell conveyed that it would work with UTS to look for meaningful areas of integration, including site access. However, Shell maintained that its proposed plans would not change as part of the PRM regulatory application. Shell would anticipate that UTS/Teck would propose an integrated plan as part of its regulatory application (in consultation with Shell) and in doing so, look at potential incremental environmental/social impacts and opportunities. Shell also acknowledged that there might be stakeholders that would like to keep the bridge following Shell's use.

FMFN asked Shell what might happen if someone wanted the bridge.

Shell suggested that its current plans require it apply for the removal of the bridge. However, Shell acknowledged that if some wanted to keep the bridge going, that could be approved in the future. Shell suggested that it could not presume to know the future so its plans remain as proposed.

FMFN asked Shell if there was some disagreement with UTS about water intake.

Shell conveyed, like for the bridge, that it would anticipate that UTS/Teck propose an integrated plan as part of its regulatory application (in consultation with Shell) and in doing so, look at potential incremental environmental/social impacts and opportunities.

FMFN asked Shell when the bridge was planned to be in place.

Shell advised the bridge is proposed to be in place by 2015

FMFN thanked Shell for the clarification.

#144. FMFN advised Shell that ASRD is talking about a loop road and that this is where the question came from. FMFN reiterated the need to talk with a Shell SEWG representative since FMFN cannot rely on ASRD, as they are not seen as moving on the issue. FMFN suggested companies are touchy on the subject and therefore FMFN would like to see a facilitated process so a common understanding can be achieved on Access Management.

Shell asked FMFN if they had an idea of what an idea Access Management plan would look like to the community.

FMFN agreed to provide a LARP process briefing summary to Shell, which highlights the communities required access management.

Local Traditional Land Use

#145. Shell asked for more information from FMFN on berry picking locations within Shell's proposed project areas to inform what might be achievable in terms of temporary access or an offset plan.

FMFN suggested they had identified 50% of high use berry picking areas as being impacted by development. FMFN advised that berry picking areas were closer to the community as opposed to moose habitat, which is wide ranging. FMFN suggested that Shell initiatives to protect small areas of berry picking patches would be a good way to illustrate to the community appropriate mitigation. FMFN suggested this might also come in the form of reclamation, whereby utilization of reclamation areas for planting of berry patches.

Shell agreed this could be something for discussion in the Shell/FMFN Reclamation Focus Group.

FMFN suggested that an FMFN map of berry picking areas could be overlaid with a Shell map of development to identify possible areas of protection.

Shell agreed that if FMFN provided a map, Shell could overlap.

FMFN suggested this would provide for and facilitate a good conversation at an upcoming IRC meeting.

#146. All agreed that this question was discussed previously

Shell suggested that the overarching message from FMFN was that protected areas are most important.

FMFN agreed that primarily, this was right, as long as they were meaningful and close to the community.

Shell asked if FMFN had identified these areas.

FMFN suggested that a lot of work had been done to identify the preferred protected areas. FMFN advised that they had overlaid FMFN supported developments with these areas and compared them also to the development case.

Shell asked if GoA Land Use folks were supportive of the FMFN recommendation?

FMFN suggested they might come up with a floating 20% protected area.

Shell suggested that the premise in that case would be that reclamation has to work as proposed.

FMFN advised that this premise supports its desire to pace development and pushes progressive reclamation planning. FMFN advised that they expect draft conservation areas from ASRD in June.

Key Issues Identified

1. Protected Areas
2. Access Management

Actions / Follow up

1. FMFN to provide Shell with LARP process briefing summary surrounding access management.
2. FMFN to provide Shell with electronic map illustrating high use berry-picking areas. Shell to overlap with development map and provide to IRC meeting coordinator to facilitate conversation about potential offset or mitigation.

Topic: Historical Resources (Questions 147 – 150)

Shell Presenters:

Bill Kovach, EIA Coordinator, Shell Canada

David Blower – Senior Archaeologist, Golder Associates Ltd.

Key FMFN Concerns and Shell's Response:

Key Fort McKay Concerns:

- Conduct historical resources studies as recommended in advance of development and provide findings to Fort McKay IRC
- Provide appropriate training to Shell personnel to help with identification and avoidance of historical resources during development until the appropriate stakeholders, regulators and Shell personnel are notified and a resolution identified
- Identify and discuss appropriate measures for gravesite protection, avoidance, and site integrity with Alberta Culture and Community Spirit (ACCS), Fort McKay and Shell

Shell's Response

- Shell will continue to conduct the required mitigation programs as defined by Alberta Culture and Community Spirit (ACCS) for historical resources sites identified in Shell development areas and will discuss with ACCS a process for providing information to Fort McKay IRC
- New Shell personnel receive a mine orientation that includes a component on Environmental awareness including historical resources. Shell is reviewing this component and will provide more detail to new employees if it can be improved
- Shell agrees with the protection of gravesites and has previously arranged for family members to visit known gravesites, and will work to provide information on gravesites through discussion with ACCS and Fort McKay

Discussion Summary

Summary slides were reviewed and parties agreed to go directly to the specific questions.

#147. Shell suggested that it is standard practice to provide development schedules to archaeological consultants within an adequate time frame to carry out studies prior to disturbance. Shell advised that following the assessment, where avoidance is deemed not possible then Shell would identify new and existing sites with a recommendation to handle issues. Shell assured FMFN that impacts are addressed in keeping with the Historical Resources Act.

FMFN asked if community representatives would be involved.

Shell explained that this was preferred. Shell went on to explain its process, including adaptive management techniques and work with government.

FMFN inquired as to whether the information collected would be shared.

Shell advised that it routinely shares the information with Alberta Culture and Community Spirit (ACCS) and that the reports would be made available through the government. Shell suggested that confidentiality issues would be managed through the ACCS process. Shell suggested that the site representative would contact FMFN where required.

FMFN agreed that it should be the site representative that would contact FMFN when needed.

#148. Shell advised FMFN that it includes a brief introduction to historical resources in its Muskeg River Mine orientation. Shell assured FMFN that it has an archaeological liaison (Ainslie Campbell) who works with ACCS, First Nations and archaeological consultants to coordinate the timing and requirements of historical resources study prior to development. Shell advised FMFN that all mine employees are trained to identify situations that appear out of the ordinary and to stop work when coming across something that looks like an archaeological resource. Crews are trained to notify their supervisor who in turn will notify the Shell archaeological liaison.

FMFN asked Shell if the briefing conducted with field staff adequately prepares them.

Shell suggested that the introductory training is very adequate and while it does not make them archaeologists, a good balance is struck. Shell reiterated that the training in place works. Operators take pride in their ability to identify items of significance and stop work. Shell suggested that operators understand that they have an obligation to stop work. Shell advised that there is a lot of cooperation at site.

#149. Shell suggested that it is a Government of Alberta (GoA) responsibility to list gravesites under the *Historical Resources Act*. Shell advised FMFN that GoA is happy to get involved to assist and provided an example of how Golder had facilitated the process before.

There was a government discussion.

FMFN asked if the government would add a protective notation.

Shell suggested that they might. Shell suggested that FMFN could follow up with GoA.

FMFN expressed their concern that the GoA did not relay back information about protective designations to companies. FMFN suggested that FMFN perhaps should be more proactive about sharing these designations with companies.

Shell suggested that this might be the best way.

FMFN told Shell that they understood that these types of protective designations did little to protect these areas and that they rely on good faith to protect them. FMFN suggested that only real protection occurs when it's within a gravesite or if the site is really old. FMFN suggested that the best way to protect sites is to work directly with companies.

Shell agreed. Shell suggested that protection was confusing.

FMFN suggested there might be some work required to ground truth.

Shell advised that they did this type of ground truth activity on sites noted by an FMFN Elder during traditional land use discussions. Shell advised that it went out to ground truth potential sites and found one out of potential three. Shell postulated that the other two might have been lost to erosion due to close proximity to the river.

FMFN asked if this information was written up and provided to FMFN.

Shell advised that it was unsure but agreed that it could share the information.

#150. Shell illustrated on a map where the sites requiring mitigation due to the Projects were located. Shell advised FMFN of standard process being that when the time was right Shell would go in and do excavations prior to development.

FMFN asked Shell to be sure that this information gets back to FMFN.

Shell suggested that FMFN might want to establish a relationship with GoA to get information directly. GoA would assure agreement and confidentiality was in place.

FMFN agreed that it would be a good idea.

Key Issues Identified

1. Government protection of historical resources
2. Confidentiality of historical resources information
3. Capturing and recording historical resources information in community database

Actions / Follow up

- Shell to add Historical Resources operator training to IRC agenda for awareness and discussion purposes.
 - Shell to provide report of identified gravesite to FMFN.
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Topic: Traditional Knowledge and Land Use (Questions 151 – 165)

Shell Presenters:

Bill Kovach – EIA Coordinator, Shell Canada Energy
Mitch Goodjohn – Aboriginal Affairs and Traditional Studies, Golder Associates Ltd.

Key FMFN Concerns and Shell's Response:

Key Fort McKay Concerns:

- Fort McKay wants to know how Shell will reclaim lands for traditional purposes and wants to ensure that their cultural keystone species will be included in reclamation planning.
- Fort McKay would like Shell to contribute to their Cultural Heritage Strategy and other programs (including access to trap lines and traditional use areas) to strengthen individual and community health.
- Fort McKay wants Shell to discuss its environmental monitoring efforts, both as an individual operator, and as a multi-stakeholder organisation member.

Shell's Response:

- Although the reclaimed landscape will be different, Shell's intent is that Fort McKay First Nation will be able to conduct the same types of traditional activities they do today. Shell expects that the following key wildlife and plant species will be part of the reclamation landscape: moose, beaver, rat root, bog cranberry, low bush cranberry, and blueberry.
- Shell is willing to discuss with Fort McKay First Nation about how they envision Shell supporting their Cultural Heritage Strategy. Shell will also discuss access management plans with Fort McKay First Nation regarding access to trap lines or other traditional use areas.
- Shell believes that community involvement in environmental monitoring benefits both the community and Shell. Although Shell is one party to a larger regional monitoring effort, it will be happy to discuss this further in benefits agreement discussions.

Discussion Summary

Trapper Interview Information

#151. With respect to FMFN's request that Shell provide copies of trapper interview materials, Shell noted its concerns with trapper confidentiality and requested written authorization from trappers prior to disclosure of the materials. FMFN suggested that in the past this was handled through chief and council and asked Shell if this would be ok.

Shell advised FMFN that it wanted to protect confidentiality but it was up to FMFN to decide how best to protect the community. Shell asked if FMFN was interested in non-aboriginal information.

FMFN advised Shell that they were only interested in FMFN information. FMFN suggested that a TEK agreement was in place that stated the information was the

property of FMFN. FMFN suggested that it was their intent to get all the information for its database. FMFN felt that it was redundant to ask for signatures.

Shell suggested that they just wanted to protect individuals and suggested that the agreement probably does not cover it the way it is written.

FMFN suggested that they could go back but in future they might ask for consent prior to doing interviews. FMFN asked Shell if it had obtained consents.

Shell advised that they had informed individuals why they were collecting the information but consents were not obtained. Shell suggested that this could be tightened up but that parties had to look at the agreement. Shell informed FMFN that the basic answer was that 'Yes, the information could be shared with the appropriate consents in place from FMFN'.

FMFN suggested that consents would be obtained. FMFN suggested that another issue is the past TEK studies that were performed and any information contained that FMFN may want to include in their database. FMFN agreed that the intent in the agreement was to share this information but that the process needs to be better defined for future projects.

Reclamation

#152. Parties agreed that this was discussed previously and that it was something for the reclamation focus group.

FMFN asked Shell if they had agreed to the Reclamation Focus Group.

Shell confirmed that it had agreed to a process.

#153. Shell advised that the answer to this question was similar to the last.

All parties agreed it was discussed previously and that it was something for the reclamation committee.

FMFN reiterated their concern that reclamation was not entirely the mitigation solution but suggested they were glad it was being done.

Offsets

#154. Parties agreed this was discussed previously.

FMFN agreed that protected areas should be discussed separately as previously agreed and suggested the information that FMFN will share would show the greater FMFN vision. FMFN reiterated that talking to the Shell SEWG representative would help FMFN.

Shell suggested that it was a big complex issue and agreed that understanding FMFN's views would help.

FMFN suggested that some things will be specific for Shell to support while some things will be regional stuff that FMFN will want Shell to support.

Cultural Heritage Strategy

#155. Parties agreed that this item would be discussed in the upcoming Socio-Economic section and likely in a future Benefits Agreement negotiation.

Trapper Consultation

#156. Shell confirmed that appropriate consultation with affected trappers would continue.

FMFN acknowledged that it trusted that this would be done.

Access Management

#157. Parties agreed that this was discussed previously and that processes were in place.

Lower Athabasca Regional Plan

#158. FMFN suggested that this was directed at the regulator and agreed it was discussed previously.

Wildlife Population and Habitat Studies

#159. FMFN advised that this was now integrated into the IRC operating budget.

Shell suggested anything incremental would be discussed in a negotiated benefits agreement. Shell also suggested that this should be led by ASRD.

FMFN agreed.

Identified Gravesite

#160. All parties agreed this was discussed earlier. Parties acknowledged that family had been to the site already.

#161. With regard to protection of identified gravesite, Shell suggested that it was happy to discuss erecting fencing or identification at the gravesite, however Shell advised that it may not be the families wishes to make the site easily identifiable.

FMFN agreed that further discussion was required with the family prior to making a decision.

Shell suggested that this would have to be determined on a site-by-site basis. Shell explained that making a site easily identifiable might be okay in a remote area; however, where sites are more easily accessible, we might not want to draw attention to them. In these cases, it will be up to the family to decide.

#162. With respect to listing of gravesites under the *Historical Resources Act*, both parties agreed that this was previously discussed.

Monitoring

#163. With regard to sharing of monitoring information, Shell suggested that the company valued transparency and that Shell was most interested in assuring FMFN was comfortable.

FMFN suggested work was underway on this initiative and that Shell had a seat at the table.

Shell advised FMFN that it was open to the idea and asked that FMFN advise Shell of its expectations.

FMFN suggested that FMFN might just be looking for Shell support for RAMP or WBEA initiatives (e.g. Canister Sampling).

Shell suggested its operating site representatives that would be best positioned to assist.

Government support of FMCSA Approach

#164. Parties agreed this was directed at the regulator.

Visual Aesthetics

#165. Shell advised that from an aesthetic perspective, only plumes would be visible according to modeling work completed. Shell suggested that even from the cabins only a plume would be visible.

FMFN inquired regarding the visibility of overburden dumps etc.

Shell advised that they would not be visible from the community however they may be visible from some areas on traplines. Shell suggested that aesthetics would be mitigated through reclamation.

Key Issues Identified

1. None

Actions / Follow up

1. FMFN to obtain consents from FN trappers and provide to Shell to enable Shell to share collected historical resources information from JPME/PRM EIA with FMFN.
 2. Shell to add agenda item to IRC meeting to discuss how best to adapt current agreement to get consents prior to interviews. (Shell suggested that IRC is contracted to get consents as we do in other areas, alternatively, perhaps IRC would be contracted to gather all information as well as consents and provide to Shell in future.)
 3. Shell to add agenda item to IRC meeting to discuss if there is outstanding information from past TEK studies which has not been shared with FMFN and if so how to enable sharing.
 4. FMFN to determine what the family associated with the identified gravesite wants with respect to protection or marking (e.g. fencing) and advise Shell.
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Topic: Socio-Economic (Questions 1 - 14)

Shell Presenters:

Janet Noble, Social Performance Coordinator, Shell Canada Energy
David Schaaf, Manager, Nichols Applied Management

Key FMFN Concerns and Shell's Response:

Key Fort McKay Concerns:

- Cumulative social and economic impacts of the project on FMFN
- Cultural Preservation
- Protected lands, wildlife protection, providing alternate hunting, fishing, trapping lands
- Project expansions, cumulative effects and reclamation
 - Present Shell's plans, reclaim to pre-disturbed state
- Training, employment and advancement of FMFN
- Funding for cultural preservation
 - Elders/Day Care Centre, cultural monitoring and assessment, assessment of social issues (ie. Housing, access management plans, etc.), administration
- Funding for educational and social skills programs
- Increased traffic, flights, people, noise

Shell's Response

- Shell addresses socio-economic impacts through:

- Consultation, use of local businesses, financial and in-kind contributions, participation in regional cooperation initiatives, paying taxes/royalties and negotiated benefits agreements
- Shell supports cultural preservation by:
 - Working with the IRC and others on initiatives that promote cultural retention, and incorporating TEK in project planning.
- Shell communicates expansion plans and activities to allow the community to understand potential impacts
- Shell looks at ways of adaptively managing impacts
- Shell plans for equivalent capability in reclaimed land
- Shell involves stakeholders in reclamation planning to ensure that the reclaimed landscape and biological make-up reflect species and activities that are important
- Shell can share information on Emergency Response Plans
- Shell continues to discuss closure and reclamation with FMFN
- Shell supports the development of protected areas in the RMWB through the Land Use Framework (protected areas are a government responsibility)
- Shell makes efforts to reduce traffic, decrease strains on local social systems, and manage noise impacts (through appropriate scheduling)

Discussion Summary

FMFN began the discussion by providing an overview of how they tackled the assessment. FMFN identified two fundamental areas:

1. Risk Perception – Community does not trust industry.
 - Many things are happening right now exacerbating trust issues
 - All industry gets painted with the same brush
 - One day a proponent might be in a good position with the community and the next day they could be perceived as the bad guy.
2. Stressors – Add to perception of risk
 - Complicated self-perpetuating problem

FMFN advised that it has come up with a health model and that since a particular stressor may not be rooted in reality, some mitigation not particular to that stressor can alleviate that stressor. (ie. Shell funding something such as a new school would help minimize the effects of other stressors).

Shell suggested that this sounded very much like what was in the Fort McKay Specific Assessment.

FMFN agreed it was a social justice theme.

Shell presented the summary slides.

Community Health Effect Stressors

#1. Shell suggested to FMFN that there is information within the EIA and in Shell's SIRs, which specifically address this question. Shell advised that the existence of a Fly-In-Fly-Out program would not negate the opportunity for workers to live in the region and that there were options open to workers. Shell shared additional information including:

The decision to use a fly-in/fly-out approach was based on two key considerations:

- the distance of the PRM project area from Fort McMurray; and
- construction and operations workforce recruitment and retention challenges.

By providing workers with a fly-in/fly-out option, Shell is facilitating the choice workers have in residing in or outside the region. As an ancillary benefit it serves to reduce the demands on regional services and infrastructure, which are currently stressed. Shell is committed to ongoing monitoring of its decision to offer fly-in/fly-out services and is open to reconsidering offering these services should they no longer be required.

The Aerodrome has been handling, on average, 5 to 6 flights per day since it began operations in 2007. Peak utilization of the Aerodrome during the recent Jackpine expansion project, saw the Aerodrome handle 8 to 10 flights per day. Peak utilization of the Aerodrome by the JME project is expected to be in a similar range. For the PRM project, peak utilization is expected to be slightly higher at 10 to 12 flights per day.

The Albian Sands Aerodrome meets the regulatory requirements of the International Civil Aviation Organization (ICAO) Annex 14 and Transport Canada Canadian Aviation Regulations Part III for Airports.

Albian has nationally certified Emergency Response Team (ERT) / Aircraft Rescue Fire Fighting (ARFF) personnel on site and is manning two dedicated ARFF vehicles for all aircraft operations. The level of safety coverage is equivalent to the Calgary and Edmonton International Airports for similar aircraft.

Construction and operations workers arriving at the Albian Sands Aerodrome will be bussed to their respective camps. This reduces traffic along Highway 63, limits workers' access to private vehicles and thus their impact on communities in the region, and improves safety by taking drivers off the road.

Re. noise management: Noise impact from the additional flights is predicted to be minimal. The additional peaks of 55 dBA are not expected to result in noise level fluctuations of sufficient magnitude to change existing noises experienced or cause sleep disturbance effects.

Shell will be using the existing airstrip located adjacent to Jackpine Mine – Phase 1 on the Albian Sands Muskeg River Mine site. Timing for these flights will be scheduled around shift changes to minimize any sleep disturbance from the flights. The busiest time for flights will be morning (7:00 a.m. to 9:00 a.m.) and evening (6:00 p.m. to 8:00 p.m.).

In addition, during detailed design and before construction, a noise management plan will be developed for the project. The plan will follow the requirements under Section 5.1 of ERCB Directive 038. The program will incorporate commitments made in the EIA, plans for assessment updates or monitoring, as appropriate, and ERCB requirements for stakeholder involvement in the plan development.

FMFN advised Shell that it appreciated Shell's focus on safety. FMFN inquired as to the flight path.

Shell suggested that the people in the meeting did not have flight path information in hand but that it was available.

FMFN suggested that there were concerns, both in terms of the noise and the fear of a crash.

Shell reiterated the level of response FMFN can expect (i.e. Emergency Response) in the case of an emergency. Shell also offered that the fly-in-fly-out program further restricts personnel from coming to the community or using ATV's in the area. Shell asked whether FMFN had seen the strip.

FMFN advised that they had not.

Shell suggested it might be a good idea for the FMFN to see it. Shell suggested that the company does more than it is required to do in order to address perceived impacts.

FMFN agreed that Shell had taken steps to address perceived impacts and asked whether any commercial flights will utilize the airstrip.

Shell advised that there would not be any commercial flights utilizing the strip.

Cummulative Industry Impacts and Community Benefits

#2. Shell advised FMFN that it was committed to addressing the socio-economic impacts of its projects and strengthening its relationship with the Fort McKay community by:

- 1) directly engaging the local community through various consultation initiatives;
- 2) using and encouraging local business, where they are competitive and can meet Shell's requirements;

- 3) providing financial and in-kind contributions to local community programs and services;
- 4) participating in regional cooperation initiatives, such as the Oil Sands Developers Group (OSDG); and
- 5) paying taxes and royalties that contribute to the ability of the RMWB and the province to respond to socio-economic challenges in the region.

FMFN expressed concern that most companies say they are a member of the OSDG however, FMFN has seen no benefit from the organization. FMFN suggested that the OSDG has no interest in hearing from the FMFN. FMFN advised that in the group people predominantly spoke about economic effects as opposed to social impacts. FMFN suggested they were looking for Shell's support to move awareness forward to address these issues.

Shell agreed that OSDG does pay considerable attention to the urban service area (i.e. Ft. McMurray).

FMFN explained that FMFN was ground zero with regard to oil sands development and impacts but that Ft. McMurray gets all the attention. As an example, FMFN advised that OSDG never talked with FMFN about changes to the regional transportation network that OSDG was pursuing. FMFN suggested that the OSDG worked in a bubble and didn't communicate well. FMFN suggested that it takes a lot of effort to get any information out of the OSDG. FMFN explained the need to be informed.

Shell suggested that it could take those comments back to Shell's OSDG board member to see if he would raise it at the next meeting (M. Elliott.)

FMFN explained that it just wanted to be informed of what the group is doing especially since many operators identify the OSDG as part of their mitigation strategy. FMFN advised that OSDG's original mandate appeared to have changed.

Shell suggested that some of OSDG's functions are similar to CAPP, i.e. lobby government.

FMFN explained that it was fine if that was their role however if something affected FMFN then FMFN wants to know about it. FMFN addressed the second part of the question by suggesting that there is a need for some communication to the community regarding the positive effects of Oil Sands development. FMFN believes that often the community gets caught up in the negative aspects and suggests that a collaborative effort to communicate benefits would be helpful.

Shell agreed.

Cultural Preservation

#3. FMFN expressed appreciation of what Shell did with the cultural centre and suggested that with this large expansion, something large had to be done similar to that.

Shell explained that negotiations on a benefits agreement would capture this.

FMFN advised Shell that it was looking more long-term.

Shell agreed and advised FMFN that all agreements would be pursued with structured sustainability in mind.

Growth, Emergency Response and Environmental Reporting

#4. Parties agreed that this was previously discussed.

Employment, Education and Training

#5. FMFN suggested this was for a benefits agreement discussion

Shell agreed.

Protected Lands, Reclamation and Alternative Resources

#6. Parties agreed this was previously discussed.

Protected Areas

#7. Parties agreed this was previously discussed.

Cultural Preservation

#8. Parties agreed this was previously discussed.

Cultural Assessment and Monitoring

#9. Parties agreed this would be discussed in a benefits agreement negotiation.

Community Housing, Access Management, Community Resilience

#10. Parties agreed this would be discussed in a benefits agreement negotiation.

Culture and Education

#11. Parties agreed this would be discussed in a benefits agreement negotiation.

Access to Emergency Services

#12. Shell advised that it and FMFN are both party to the Regional Municipality of Wood Buffalo (RMWB) Mutual Aid Agreement providing:

- advanced life support and ambulance support to Fort McKay, including transfers to Fort McMurray Hospital.
- response to motor vehicle accidents on Highway 63; and
- response to forest fire threats to Fort McKay.

Shell advised that the Fort McMurray Fire Dept is responsible for responding in keeping with the Mutual Aid agreement and that over the past several years they have successfully responded to several incidents. Shell explained that the Fort McMurray Fire Department has a mobile training facility, which is used to train firefighters in rural communities. Shell suggested that its contribution to the Mutual Aid Agreement supports this cause.

FMFN suggested it was unclear which of Shell's Emergency Services were available to FMFN including access to ambulance support and Albian's on-site health facility, and that another meeting would be helpful.

Shell advised it recognizes the enhanced policing service as beneficial to industry and to the community and supports the programs continuance.

Commitments and Emerging Issues

#13. Parties agreed this would be discussed in a benefits agreement negotiation.

Administrative Capacity

#14. Parties agreed this would be discussed in a benefits agreement negotiation.

Key Issues Identified

1. Fly-in Fly out program (Noise and Emergency Response)
2. OSDG communication with FMFN
3. Perceived Industry Risks and Stressors
4. Unclear available services through Mutual Aid agreement

Actions / Follow up

1. Shell to arrange an elders Advisory Committee trip to see the airstrip and provide a presentation on the Fly-in Fly-out program to address concerns.
 2. Shell to raise FMFN issue at next OSDG meeting regarding lack of communication between OSDG and FMFN.
 3. Shell to review the Mutual Aid Agreement to determine what is included and what is not. Shell also to determine what access FMFN has to Shell's on-site medical services. These items are to be discussed at the scheduled FMFN / Shell May 31st meeting between Linda Jefferson and Phil Peddie.
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Wrap up

Shell thanked everyone for his or her participation. Meeting Adjourned

May 18th - Actions Summary

Topic: Resource Use (Questions 140 – 146)

- FMFN to provide Shell with LARP process briefing summary surrounding access management.
- FMFN to provide Shell with electronic map illustrating high use berry picking areas. Shell to overlap with development map and provide to IRC meeting coordinator to facilitate conversation about potential offset or mitigation.

Topic: Historical Resources (Questions 147 – 150)

- Shell to add Historical Resources operator training to IRC agenda for awareness and discussion purposes.
- Shell to provide report of identified gravesite to FMFN.

Topic: Traditional Knowledge and Land Use Issues (Questions 151 – 165)

- FMFN to obtain consents from FN trappers and provide to Shell to enable Shell to share collected historical resources information from JPME/PRM EIA with FMFN.
- Shell to add agenda item to IRC meeting to discuss how best to adapt current agreement to get consents prior to interviews. (Shell suggested that IRC is contracted to get consents as we do in other areas, alternatively, perhaps IRC would be contracted to gather all information as well as consents and provide to Shell in future.)
- Shell to add agenda item to IRC meeting to discuss if there is outstanding information from past TEK studies which has not been shared with FMFN and if so how to enable sharing.
- FMFN to determine what the family associated with the identified gravesite wants with respect to protection or marking (e.g. fencing) and advise Shell.

Topic: Socio-Economic (Questions 1 - 14)

- Shell to arrange an Elders Advisory Committee trip to see the airstrip and provide a presentation on the Fly-in Fly-out program to address concerns.
- Shell to raise FMFN issue at next OSDG meeting regarding lack of communication between OSDG and FMFN.
- Shell to review the Mutual Aid Agreement to determine what is included and what is not. Shell also to determine what access FMFN has to site medical services. These items are to be discussed at the scheduled FMFN / Shell May 31st meeting between Linda Jefferson and Phil Peddie.