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Briefing Note

Canadian Aboriginal Concerns With Oil Sands

A compilation of key issues, resolutions and legal activities

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At a Glance

Aboriginal communities have been raising concerns about the impacts of oil sands development on their communities and their legal rights for a number of years. Increasingly, these concerns are manifesting themselves as formal resolutions and legal challenges. This briefing note outlines their key concerns, shares their commentary and provides an overview of resolutions and legal issues.

For decades, Aboriginal people in northern Alberta have raised concerns about ongoing and escalating impacts of oil sands development on a wide range of issues including potential health effects, water quality, water diversions, impacts to wildlife populations and air quality. More recently the concerns of these people have focused on constitutionally protected rights.¹

In September 2010, these concerns were elevated to the national level by the Assembly of First Nations (AFN), representing over 630 First Nation communities across Canada and more than 700,000 First Nations people. The AFN national Chief Shawn A-in-chut Atleo raised concerns about the impact of oil sands development, high rates of cancer in the community of Fort Chipewyan, and the need for the U.S. government to take into consideration the concerns of First Nations peoples regarding oil sands development.²

“First Nations across the country are concerned about the impacts of oil sands development on First Nations peoples, the environment, our traditional foods, our cultural and spiritual practices and our rights in our traditional territories. It is crucial that First Nations voices are heard as these meetings may influence U.S. energy policies and purchases of Canadian energy.” — Chief Shawn A-in-chut, Assembly of First Nations

Aboriginal communities are both surrounded and affected by oil sands development in northern Alberta. In this region, these communities rely on the land, water and wildlife for hunting, fishing, trapping, gathering, harvesting, navigation and ceremonial, recreational and domestic

uses such as bathing, cooking and drinking. Communities, especially those living downstream, have expressed interest in effective and strong watershed protection. The pace and scale of oil sands development has prompted these communities to question whether negative impacts outweigh positive economic benefits.

Treaty 6, 7 and 8 First Nations representing 44 First Nations communities from Alberta have asked for a moratorium to oil sands approvals until comprehensive land management planning occurs.

More recently, First Nations have also strongly asserted that their constitutionally protected rights (such as rights to waters, lands, hunting, fishing and trapping) be protected from the impacts of oil sands development. First Nations are increasingly asserting that the Governments of Canada and Alberta have violated these rights.³

First Nations have raised significant concerns regarding water pollution to the Athabasca watershed and the possible linkage to health concerns from oil sands development.

In 2009 hearings before a federal Standing Committee on Environment and Sustainable Development, representatives from seven First Nations testified they had significant concerns about deteriorating water quality or river flows in the Athabasca watershed.⁴ For example, the Mikisew Cree First Nation has long argued that water pollution from oil sands development may be linked to an increased incidence of cancers found in the population of Fort Chipewyan located directly downstream from the most intensive oil sands development. In 2006, these concerns were brought into the public eye when Dr. John O'Connor reported a high number of cases of unusual cancers, particularly a rare form of bile duct cancer — cholangiocarcinoma.

In February 2009, the Alberta Cancer Board released a study responding to community calls for further investigation. While the report determined that the number of cases of cholangiocarcinoma was within the expected range, the report did find the overall cancer rate was approximately 30% higher than expected.

Following a government investigation, Alberta Health Services issued a press release indicating there was no problem.⁵ However, the findings revealed:

- A 30% increase in cancers in Fort Chipewyan compared with expected rates over the last 12 years.
- A three-fold increase in leukemias and lymphomas.
- A seven-fold increase in bile duct cancers.
- Other cancers, such as soft tissue sarcomas and lung cancers in women, were also elevated.

According to Natural Resources Defence Council Senior Scientist Dr. Gina Solomon: “Leukemias and lymphomas have been linked in the scientific literature to petroleum products, including VOCs (volatile components of petroleum), dioxin-like chemicals and other hydrocarbons. Biliary

cancers have been linked to petroleum and to polycyclic aromatic hydrocarbons (PAHs) (chemicals in tar and soot). Soft tissue sarcomas are very rare and lethal cancers that have also been linked to dioxin-like chemicals and hydrocarbons. It's an interesting pattern — almost all of the cancer types that were elevated have been linked scientifically to chemicals in oil or tar.”⁶

First Nations, such as the Athabasca Chipewyan and Mikisew Cree have asked for a full public inquiry into the impact of oil sands development, particularly with respect to health impacts.⁷ First Nations have also stated they do not believe the water quality testing for certain chemicals such as heavy metals has been sufficient.⁸

While the Alberta Cancer Board report recommended further monitoring and analysis to examine factors that could be causing increased occurrences of cancer in the community, there is currently an impasse on how to proceed.⁹ In recent months, the Government of Alberta has proposed a plan for a health study but community leaders believe industry should not sit on the committee overseeing the study because it involves health issues.¹⁰

A September 2010 peer-reviewed study found oil sands development pollutes the Athabasca River, countering government claims water pollution in the river is exclusively from natural substances.¹¹

A recent study by the Proceedings of the National Academy of Sciences found elevated levels of pollution that are strongly linked to oil sands development both through airborne emissions and land use. Elevated pollutants include lead and mercury. The study contends that industry and government-sponsored research suggesting pollution levels are due to natural erosion of oil sands is inaccurate.¹²

*“I really think it's time to cut down the [oil sands] expansion until some of those problems and how to reduce them are solved.” — Dr. David Schindler, University of Alberta water scientist.*¹³

Currently, both government and industry rely on data from the Regional Aquatics Monitoring Program (RAMP) that has maintained water quality in the Athabasca River has not deteriorated as a result of oil sands development.¹⁴ However, the independence and effectiveness of RAMP, largely funded by industry, was challenged in a peer-reviewed report that asserted it used inappropriate statistical analysis and unsupported conclusions. The study stated there “was a serious problem related to scientific leadership.”¹⁵

*“The dots are starting to get all connected now ... Here we had the cancer study saying 30% higher than normal. Now we have these carcinogenic toxins in the river, some very close to the community. Everything is all coming together. It's a really sad story.” — Melody Lepine, Government and Industry Relations Director, Mikisew Cree First Nation*¹⁶

First Nations have also raised concerns that water withdrawals from the Athabasca River system reduces river flows, threatening fish populations during low flow periods, and the health of the Peace-Athabasca Delta.

Currently, oil sands mining operations are licensed to divert 604 million cubic metres of water annually from the Athabasca River Basin, which is equivalent to the needs of a city of three million people. As production increases, oil sands companies have the ability to withdraw the licensed amount.¹⁷ Although water use is often presented as a percentage of average annual flows, the amount of water used during low flow periods is of most concern, especially since the water is not returned to the river system after use as it would be with municipal uses.¹⁸

In July 2010, the Mikisew Cree and Athabasca Chipewyan First Nations said the proposed Government of Alberta framework to manage water withdrawals would not protect the interests of these communities during low flow periods.¹⁹ They also asserted they may have to resort to legal actions should the final water management plan be approved by the federal and provincial governments.²⁰

Many First Nations consider caribou culturally important. Caribou are declining in Alberta as a result of too much development within their ranges. The east side of the Athabasca River herd, for example, has declined 71% since 1996.

Caribou is an important species to many Aboriginal groups, for cultural and spiritual reasons. Many have a constitutionally protected right to hunt woodland caribou, and it is an important part of the traditional diet when herds are considered self-sustaining. In 2008, Canada's Environment Ministry released a report showing that due to cumulative development in caribou ranges, all caribou herds in northeastern Alberta are now considered non-self-sustaining.²¹ The east side of the Athabasca River caribou herd, whose range includes much of the current in situ oil sands development in Alberta has declined 71% since 1996.²² Scientists predict that if management action such as land protection is not taken immediately, woodland caribou could disappear completely from the traditional territory of the Beaver Lake Cree Nation and across northeastern Alberta.²³ Despite being designated as threatened under federal law, critical woodland caribou habitat has still not been protected in Alberta.

“The extinction of caribou would mean the extinction of our people. The caribou is our sacred animal; it is a measure of our way of life. When the caribou are dying, the land is dying.” — Chief Janvier, Chipewyan Prairie Dene First Nation

First Nations communities across Alberta and Canada have issued several resolutions including calls for a moratorium on oil sands approvals.

Treaties 6, 7 and 8: First Nations of Alberta

In February of 2008, the Treaty Chiefs representing representing Treaty 6, 7 and 8, which cover the vast majority of Alberta and all of the areas in Alberta affected by oil sands development, met and unanimously passed the resolution to support calls for a moratorium on oil sands approvals. The resolution asked for the completion of a comprehensive watershed management plan as well as a resource development plan for the region. In the press release announcing the resolution, Aboriginal rights lawyer Vivienne Beisel stated that the continued issuance of approvals for oil sands development is a direct violation of the Treaty 8 rights and a violation of the Canadian Constitution.²⁴

Assembly of First Nations Resolution

In December 2008, the Assembly of First Nations representing over 630 First Nation communities across Canada passed a resolution in support of Treaty 6, 7 and 8 regarding saying they are not being properly consulted by government or industry with respect to oil and gas development in Alberta. The resolution referred to oil and gas companies that have failed to uphold the consultation and accommodation of treaty rights.²⁵

Northwest Territories Association of Communities Resolution and Dene Nation

The Northwest Territories Association of Communities (NTAC) representing all 33 communities in the territory, including many Aboriginal groups, called for a moratorium on oil sands development at its annual general meeting in May 2009.

In the resolution, the NTAC declared the rapid expansion of oil sands development poses risks — such as leaking from or possible failure of tailings ponds — to downstream communities. The resolution asked the Northwest Territories to demand that Alberta halt oil sands development until the negotiation of a transboundary water agreement to ensure clean-flowing water.²⁶ A parallel resolution by the Dene Nation in support of the Northwest Territories resolution stated more firmly that rapid expansion of the oil sands development was occurring “without implementing adequate regulations or environmental protections to reduce negative impacts of individual projects or the cumulative impacts of all projects considered together.”²⁷

Keepers of the Water

Keepers of the Water is a non-governmental organization representing First Nations, Métis, Inuit, environmental groups and watershed citizens in Northern Alberta. The organization is focused on protection of the Athabasca watershed and has consistently raised the issue of oil sands development on surrounding communities.

The Keepers of the Water have passed several resolutions and made public statements directed at oil sands development stating it has resulted in “unsustainable development with cumulative

impacts”²⁸ and stating the Government of Canada has failed to uphold constitutional obligations to protect the environment and human health.²⁹

Increasingly, First Nations are resorting to legal actions to assert their constitutionally protected rights be protected from the negative impacts of oil sands development.

First Nations are afforded rights to consultation and treaty rights under the Canadian constitution such as those to waters, land, and the ability to hunt, fish and trap.³⁰

In addition to asserting violations of treaty rights, many legal actions are premised on the government’s constitutional duty to consult. More broadly, a duty to consult imposes an obligation that governments provide First Nations with information so they may express interests and concerns and have those concerns accommodated.³¹

“The federal government is neglecting its environmental responsibilities and ignoring our concerns. When the government fails to engage with First Nations about our concerns, and fails to respect our rights, these things have nowhere to go but the courts.” — Chief Allan Adam, Athabasca Chipewyan First Nation

Some of the legal actions that have been brought by First Nations with respect to asserting constitutional or treaty rights are listed below.

Duncan's and Horse Lake First Nations intervention to a Supreme Court of Canada case may have ramifications to future oil sands development.

A recent decision by the Supreme Court of Canada granting two First Nations intervener status in a court case could have broader ramifications on oil sands development. Duncan's and Horse Lake First Nations both successfully intervened in the case, *Rio Tinto Alcan Inc., et al v. Carrier Sekani Tribal Council*. The case addresses the issue of whether administrative tribunals have the power and duty to determine if the government has met its obligation to consult and accommodate First Nations concerns earlier in the process and before the administration tribunal deems the project to be in the “public interest.” Tribunals include regulatory boards and tribunals overseeing oil sands development decisions including the National Energy Board and Alberta’s Energy Resources Conservation Board. While the case does not address oil sands directly, it could have a significant impact to ongoing decisions by both Canadian regulatory tribunals that grant approvals to oil sands development.³² Intervener status was sought by both bands based on concerns they have with major oil sands projects. The case was heard in May of 2010 and the court reserved judgment but a decision is expected within a year.³³

“We are intervening before the Supreme Court because it is abundantly clear that neither the environment nor First Nations can expect to receive a fair hearing within Alberta, where oil sands revenues are at stake. We need help now and help fast.” — Chief Don Testawich, Duncan’s First Nation

Beaver Lake Cree Nation seeks reversal of government authorization for more than 15,000 approved or proposed oil and gas developments including oil sands.

The Beaver Lake Cree Nation filed a lawsuit in 2008 against the Governments of Canada and Alberta seeking to revoke government authorization for and to limit the cumulative effects of more than 15,000 of approved or proposed petroleum projects in the band's core territory.³⁴ The nation filed this claim in response to the cumulative effects of larger scale oil sands and other petroleum development in their territory, which has in turn infringed their treaty rights to hunt, trap and fish in their traditional territory.³⁵ The case has legal implications for the oil sands development industry because the Beaver Lake Cree Nation's territory covers a larger area in the Alberta oil sands region. If the Beaver Lake Cree Nation prevails, it will create precedent for other First Nations whose claimed territories are also in areas where oil sands development is proposed or underway.³⁶

"All of the animals are starting to deplete, eh. Soon there will be nothing. We will fight as long as it takes to get justice." — Chief Al Lameman, Beaver Lake Cree Nation

The Athabasca Chipewyan First Nation called for a judicial review of certain oil sands tenures.

In 2008, the Athabasca Chipewyan First Nation (ACFN) called for a judicial review of four oil sands tenures. The tenures encompass an identified "survival area" — land that must be protected from development in order to ensure cultural survival. This legal action is in response to the granting of those tenures without consultation with the First Nation. The nation sought a declaration that the Government of Alberta has a duty to consult with it before granting tenures in the nation's traditional territory as well as the duty to consult on the ongoing impacts of those particular tenures. The ACFN also asked the Court to nullify the tenures. The case was dismissed on procedural grounds with respect to time limits in the case, and was not decided based on its merits.³⁷ The appeal will be heard by the Alberta Court of Appeal on November 5, 2010. The ACFN's appeal alleges that the lower Court made substantial errors of both fact and law, including the failure to grant as much protection to the ACFN's constitutional right to notice of the tenure grants as the court has granted to non-constitutional rights of notice, such as taxpayers' right to notice of municipal tax rate assessments. If the appeal is allowed, and were the ACFN to be successful on the merits, Alberta would have to consult with First Nations prior to granting, renewing or otherwise dealing with oil sands tenures.³⁸

Three First Nations filed a lawsuit asserting the Government of Canada failed to protect caribou, a threatened species, from oil sands development.

In July 2010, the Beaver Lake Cree Nation, Enoch Cree Nation, Chipewyan Prairie Dene First Nation and Athabasca Chipewyan First Nation filed a petition for an emergency order and subsequently a lawsuit under the Species at Risk Act to protect the woodland caribou in northeastern Alberta.³⁹ The petition requests the Government of Canada take immediate action to protect the remaining habitat of the threatened woodland caribou and prevent further industrial activity in those areas. In September 2010, First Nations and environmental organizations filed parallel federal lawsuits to force Canada's Environment Minister to protect critical caribou habitat prior to authorizing any future oil sands development. If this case succeeds,

it would effectively stop any further oil sands development and limit existing development throughout woodland caribou ranges in northeastern Alberta. These ranges cover a larger portion of the Alberta oil sands area. It would also create a precedent that could be extended to other areas in Alberta underlain by oil sands deposits.⁴⁰



Sustainable Energy Solutions

The Pembina Institute is a national non-profit think tank that advances sustainable energy solutions through research, education, consulting and advocacy. It has offices in Ottawa, Toronto, Calgary, Edmonton, Drayton Valley, Vancouver and Washington, D.C. The Pembina Institute provides policy research leadership and education on climate change, energy issues, green economics, energy efficiency and conservation, renewable energy, and environmental governance. For more information about this briefing note, please contact Danielle Droitsch, U.S. Policy Director at danielled@pembina.org or the Pembina Institute's oil sands team at its Calgary office 403-269-3344. Visit www.oilsandswatch.org/.

¹ Aboriginal communities in Canada include First Nations, Inuit and Métis communities. There are over 630 recognized First Nations governments or bands across Canada. The Inuit are Indigenous peoples living in the Arctic region of Canada including the Northwest Territories. The Métis are an Indigenous group in Canada descending from mixed European and First Nations parentage and is a distinct Aboriginal group with formal recognition. This briefing note largely contains concerns raised by First Nations and refers to that term when raised by that particular community. We use Aboriginal when concerns have been raised more broadly.

² Assembly of First Nations. Media Release. *Assembly of First Nations Supports the Positions of First Nations Meeting with U.S. Speaker of the House of Representatives Nancy Pelosi*. September 9, 2010.

³ See for example Testimony, Chief Bill Erasmus (Regional Chief, Northwest Territories, Assembly of First Nations) to Standing Committee on Environment and Sustainable Development, Tuesday, May 12, 2009.

⁴ The Fort McKay, Mikisew Cree, Athabasca Chipewyan, Northwest Territories of the Assembly of First Nations, Fond du Lac First Nations, Smith's Landing First Nation and Dehcho First Nation all testified to the Canadian Standing Committee on Environment and Sustainable Development in May 2009 raising concerns about oil sands development and impacts to water.

⁵ Alberta Health Services. *Fort Chipewyan cancer studies finding released*. Press release, February 6, 2009. <http://www.albertahealthservices.ca/500.asp>. The press release stated: "A study of the cancer incidence in Fort Chipewyan finds levels of the rare cancer cholangiocarcinoma are not higher than expected."

⁶ Gina Solomon. "The Other Oil Disaster: Cancer and Canada's Tar Sands." Opinion-editorial, Natural Resources Defense Council, May 3, 2010. http://switchboard.nrdc.org/blogs/gsolomon/the_other_oil_disaster_cancer.html. For more about cancer rates in Ft. Chipewyan see the February 2009 report *Cancer Incidence in Fort Chipewyan, Alberta 1995-2006* by the Alberta Cancer Board – Division of Population Health and Information Surveillance: <http://www.albertahealthservices.ca/files/rls-2009-02-06-fort-chipewyan-study.pdf>. Summary of Alberta Cancer Board report by NRDC can be found at

http://switchboard.nrdc.org/blogs/gsolomon/the_other_oil_disaster_cancer.html
(<http://www.albertahealthservices.ca/500.asp>).

⁷ Chief Roxanne Marcel, Mikisew Cree First Nation, Oral presentation to the *Standing Committee on Environment and Sustainable Development*, Tuesday, May 12, 2009 (Ottawa, Ontario).
<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3895450&Language=E&Mode=1&Parl=40&Ses=2#Int-2760725>.

⁸ See for example Chief Allan Adam, Athabasca Chipewyan First Nation, Oral presentation to the *Standing Committee on Environment and Sustainable Development*, Tuesday, May 12, 2009 (Ottawa, Ontario).

⁹ *Ibid* page 10.

¹⁰ Hanneke Brooymans, “Fort Chipewyan wants answers about cancer rates: Industry has not place in study of health in community, residents believe,” *Edmonton Journal*, September 5, 2010.
<http://www.edmontonjournal.com/health/Fort+Chipewyan+wants+answers+about+cancer+rates/3484397/story.html>.

¹¹ Erin N. Kelly, David W. Schindler, Peter V. Hodson, Jeffrey W. Short, Roseanna Radmanovich, and Charlene C. Nielsen. *Oil sands development contributes elements toxic at low concentrations to the Athabasca River and its tributaries*. Proceedings of the National Academy of Sciences of the United States of America, July 2, 2010.

¹² *Ibid*.

¹³ Jeffery Jones. “Oilsands polluting Canadian river system: study,” *Reuters*, August 30, 2010.

¹⁴ Alberta Environment. *Frequently Asked Questions: Oil Sands*. Online fact sheet.
http://environment.gov.ab.ca/info/faqs/faq5-oil_sands.asp. According to the website, the Government of Alberta maintains the water quality indicates no increase in concentrations of contaminants as oil sands development has progressed and that polycyclic aromatic hydrocarbons (PAH) levels are due to natural conditions. According to GOA, they rely on the Regional Aquatics Monitoring Program for this information.

¹⁵ G. Burton Ayles et al. *Oil Sands Regional Aquatic Monitoring Program (RAMP), Scientific Peer Review of the Five Year Report (1997-2001)*. Submitted to RAMP Steering Committee, February 13, 2004.

¹⁶ Hanneke Brooymans, “Athabasca: A River changes.” *Edmonton Journal*. September 4, 2010.

¹⁷ Oil sands mining water allocations are from Alberta Environment, “Water Diversion by Oilsands Mining Projects in 2008” (data received March 2010).

¹⁸ The Pembina Institute. “Oil Sands 101: Water Use.”

¹⁹ Press Release. *Proposed oil sands water withdrawal framework breaches First Nations rights and interests*. Mikisew Cree First Nation and Athabasca Chipewyan First Nation. July 22, 2010.

²⁰ *Ibid*. According to the press release, “The draft plan guarantees the oil sands industry the water they want, even when river flows are low and fish are being impacted. If this plan goes forward we will have to consider what legal options we have to secure the protection of the river,” said Melody Lepine.

²¹ Environment Canada. *Scientific Review for the Identification of Critical Habitat for Woodland Caribou (Rangifer tarandus caribou), Boreal Population, in Canada*. (Ottawa: August 2008).

²² Of note, the primary threats to caribou decline are the energy sector and well, seismic lines and pipeline are associated with in situ oil sands development.

²³ Dr. Stan Boutin, “Expert report on woodland caribou [Rangifer tarandus caribou] in the Traditional Territory of the Beaver Lake Cree Nation,” July 5, 2010.

²⁴ Keepers of the Athabasca, *Unanimous passing of No New Oil Sands Approvals resolution at the Assembly of Treaty Chiefs Meeting*. Press release. February 25, 2008. <http://www.aenweb.ca/node/2131>. The Chief Allan Adam of the Athabasca Chipewyan Dene First Nation and member of the Keepers of the Athabasca brought forward the resolution moved by Chief Janvier of the Cold Lake First Nation and seconded by Chief Laboucan of the Driftpile First Nation. After a few minor additions to the resolution it passed unanimously.

²⁵ Assembly of First Nations. “Support for the treaty no. 6, treaty no. 7 & treat no. 8 first nations in their opposition to the lack of consultation by resource development industries, particularly oil and gas.” Resolution 69. Carried by consensus. December 9-11, 2008.

²⁶ Northwest Territories Association of Communities. *Resolution: Protection of NWT Water Sources from Development of Oil Sands in Alberta, 2009.*

²⁷ Dene Nation. *Alberta Tar Sands Motion #09/010-006. Assembly of First Nations Regional Office.* Arctic Athabaskan Council, Yellowknife Office. February 16-19, 2009. The Dene resolution calls for public contingency plans for catastrophic breaches of oil sands tailings ponds, a plan to fix existing leaks in current tailings ponds, plans to reclaim all existing tailings ponds, a commitment to use dry tailings technology for all future oil sands development; holding of hold extensive environmental hearings--with standing for NWT communities--on the cumulative impacts of the oil sands projects, including any plans to allow water from the tailings ponds into the Athabasca River.

²⁸ Keepers of the Water. Resolution, Keepers of the Water conference II, September 29, 2007.
<http://www.keepersofthewater.ca/keepers2/resolution.pdf>.

²⁹ Keepers of the Water. “Resolutions: Review legal and regulatory framework governing north resource development.” Keepers of the Water conference IV: August 19-23, 2010.
<http://www.keepersofthewater.ca/files/keepers4resolutions.pdf>.

³⁰ Canada Constitution Act, 1867, s 91(24).

³¹ *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, [2005] S.C.C. 69.

³² Woodward and Company. Alberta First Nations take legal stand on oil sands. Press Release. April 9, 2010.
<http://aboriginalnewsgroup.blogspot.com/2010/04/alberta-first-nations-take-legal-stand.html>.

³³ *Rio Tinto Alcan In., at al. v. Carrier Sekani Tribal Council*, Supreme Court of Canada Docket No. 33132 (see <http://www.scc-csc.gc.ca/case-dossier/cms-sgd/dock-regi-eng.aspx?cas=33132>).

³⁴ *Beaver Lake Cree Nation v. Alberta and Canada*, ACQB Action No. 0803-06718.

³⁵ Statement of Claim from Alphonse Lameman and Beaver Lake Cree National. Submitted to the Court of the Queen’s Bench of Alberta Judicial District of Edmonton. Action No. 0803 06718. May 14, 2009.

³⁶ *Beaver Lake Cree Nation v. Alberta and Canada*, Alberta Court of Queen’s Bench Action No. 0803-06718; see also “Law Suit a Tar Sands Stopper? Win for Alberta Cree band could clog up oil ambitions,” *The Tyee*, July 28, 2008.
<http://thetyee.ca/News/2008/07/28/LawSuit/>.

³⁷ *Athabasca Chipewyan First Nation v. Alberta (Minister of Energy)*, 2009 ABQB 576.

³⁸ Communication with Woodward and Company, solicitors. September 17, 2010.

³⁹ Petition for emergency order under the Species at Risk Act to protect woodland caribou in northeastern Alberta. July 15, 2010. Filed by Jack Woodward, barrister.

⁴⁰ *Athabasca Chipewyan First Nation, Beaver Lake Cree Nation and Enoch Cree Nation et al. v. Attorney General of Canada and Minister of the Environment*, Federal Court Docket No. T-1437-10; see also Elise Stolte, “Alberta First Nations press Ottawa over caribou depletion: Native groups seek recovery strategy in court,” *Edmonton Journal*, September 9, 2010.
<http://www.edmontonjournal.com/technology/Alberta+First+Nations+groups+threaten+legal+action+over+threatened+caribou/3495609/story.html#ixzz0z46IRIrT>.