

Docket: T-1437-10

FEDERAL COURT

BETWEEN:

ALLAN ADAM ON HIS OWN BEHALF AND ON BEHALF OF ALL OTHER MEMBERS OF ATHABASCA CHIPEWYAN FIRST NATION; ATHABASCA CHIPEWYAN FIRST NATION

ALPHONSE LAMEMAN ON HIS OWN BEHALF AND ON BEHALF OF ALL OTHER MEMBERS OF BEAVER LAKE CREE NATION; BEAVER LAKE CREE NATION

HARRY SHARPHEAD ON HIS OWN BEHALF AND ON BEHALF OF ALL OTHER MEMBERS OF ENOCH CREE NATION; AND ENOCH CREE NATION

APPLICANTS

- and -

MINISTER OF THE ENVIRONMENT AND THE ATTORNEY GENERAL OF CANADA

RESPONDENTS

Docket: T-1439-10

BETWEEN:

ALBERTA WILDERNESS ASSOCIATION AND PEMBINA INSTITUTE FOR APPROPRIATE DEVELOPMENT

APPLICANTS

and

MINISTER OF THE ENVIRONMENT AND THE ATTORNEY GENERAL OF CANADA

RESPONDENTS

### AFFIDAVIT OF SALLIE BOUTIN


I, Sallie Boutin, of the City of Saskatoon, in the Province of Saskatchewan, Public Servant,

MAKE OATH AND SAY THAT:

1. I am a Legal Assistant with the Department of Justice. I have reviewed the contents of the file in this matter and as such I have personal knowledge of the facts and matters hereinafter deposed to, except where stated to be on information and belief, and where so stated, I verily believe the same to be true.
  
2. I have been provided by Kathleen Roussel, Executive Director of Legal Services for Environment Canada, with a copy of the record of the decision made on March 7, 2011 by the Minister of the Environment, the Honourable Peter Kent as it relates to the boreal caribou in Canada and subsection 80(2) of the Species at Risk Act.
  
3. A true copy of the record of the Minister's decision bearing his signature is attached hereto as Exhibit "A" to this my Affidavit.
  
4. I make this Affidavit in support of the Respondent's motion and for no other or improper purpose.

SWORN BEFORE ME at the City )  
of Saskatoon, in the Province )  
of Saskatchewan, this 10<sup>th</sup> day of )  
March, 2011. )

  
\_\_\_\_\_  
SALLIE BOUTIN

  
\_\_\_\_\_  
A Commissioner for Oaths  
in and for the Province of Saskatchewan.

Being a solicitor -~~or~~  
~~My commission expires:~~ CB

007

Environment  
CanadaEnvironnement  
Canada

FEB 02 2011

This is exhibit "A" referred to in the affidavit of

SALLIE BOUTIN  
sworn before me this 10<sup>th</sup> day  
of MARCH A.D. 20 11A Commissioner for Oaths in and for the  
Province of \_\_\_\_\_

My Commission Expires \_\_\_\_\_

or Being a Solicitor

SECRET

MIN-139713

**MEMORANDUM TO MINISTER****DECISION ON THE USE OF  
AN EMERGENCY ORDER UNDER THE SPECIES AT RISK ACT TO PROTECT  
WOODLAND CARIBOU, BOREAL POPULATION**

(For Decision)

**PURPOSE**

To provide you with information with respect to the Woodland Caribou, Boreal Population in order that you may form an opinion on whether or not their survival or recovery is imminently threatened in accordance with Section 80 of the *Species at Risk Act* (SARA).

**SUMMARY**

- Four petitions have been received requesting that you recommend to the Governor in Council (GiC) that an emergency order be issued pursuant to Section 80 of SARA to protect Woodland Caribou, Boreal Population (boreal caribou) in northeastern Alberta. A fifth petition relates to all caribou in Alberta.
- Subsequently, two applications for judicial review were filed in Federal Court on September 8, 2010 by three Alberta First Nations and two ENGOs respectively. The Applicants seek, among other things, an order in the nature of mandamus compelling you to decide whether or not to make a recommendation to the GiC for an emergency order under ss. 80(2) of SARA.
- Pursuant to ss. 80(2) of SARA, you are required to make a recommendation to the GiC for an emergency order if you are of the opinion that boreal caribou faces imminent threats to its survival or recovery in Canada.
- The department's position is that there is no imminent threat to the survival or recovery to boreal caribou from a national perspective.

**CURRENT STATUS**

Four petitions have been received for Section 80 emergency orders under SARA to protect habitat for boreal caribou herds in Alberta (attached):

- July 2010 – Counsel for four Alberta First Nations (Beaver Lake Cree Nation, Enoch Cree Nation, Chipewyan Prairie Dene First Nation and Athabasca Chipewyan First Nation) (MIN-137795)
- August 2010 – Ecojustice (MIN-138722)
- August 2010 – Keepers of the Athabasca (MIN-138845)
- August 2010 – Environmental Law Centre (MIN-139245)

Ecojustice / Justice / Public Ecology



Canada

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The fifth petition relates to all caribou in Alberta. This includes the boreal population and the southern mountain population of woodland caribou (attached):

- February 2010 – Nature Alberta, Athabasca Bioregional Society, Alberta Wilderness Association (MIN-133233)

The petitioners assert that the boreal caribou is continuing to decline in northeastern Alberta, that resource development is continuing to occur at a scale and pace that constitutes imminent threats to the survival and recovery of the species, and that the province of Alberta has not implemented sufficient recovery measures necessary to protect these local populations.

On September 8, 2010 two applications for judicial review were filed in Federal Court by three First Nations (Beaver Lake Cree Nation, Enoch Cree Nation, and Athabasca Chipewyan First Nation) and two ENGOs (Alberta Wilderness Association and The Pembina Institute) respectively (attached). The judicial review relates only to boreal caribou in North Eastern Alberta and thus does not require consideration of southern mountain caribou.

Both applications allege that the Minister failed to exercise his duty pursuant to Section 80 of SARA to recommend that the GiC make an emergency order to provide for the protection of the seven herds of boreal caribou in northeastern Alberta (the seven herds include: Cold Lake Air Weapons Range, East Side Athabasca River, West Side Athabasca River, Red Earth, Richardson, Slave Lake, and Nipisi (see Annex 1)). They also allege that the Minister failed to prepare a recovery strategy for boreal caribou within the time period mandated by SARA.

The First Nations applicants also allege that in failing or refusing to make such a recommendation, the Minister erred in law or acted unreasonably, or both, by failing to consider certain factors adequately or at all, including the Applicants' Treaty Rights and the honour of the Crown. Factors such as the potential impact of the decline of the boreal caribou on the applicants' Treaty Rights and the Crown's obligation to act honourably in all of its dealings with Aboriginal peoples are not relevant in considering whether or not the species' survival or recovery is imminently threatened under Section 80. These allegations will be addressed in a separate memorandum.

## CONSIDERATIONS

### STATUS OF CARIBOU

Woodland Caribou, Boreal Population – boreal caribou – is one of six different populations that make up Woodland Caribou (see Annex 2). Boreal caribou occur only in Canada, and are found in the boreal forest region of seven provinces and two territories. There are approximately 39,000 boreal caribou in Canada distributed across 57 herds or units of analysis referred to as "local populations" (see Annex 3).

In order to thrive, boreal caribou need large areas of suitable habitat, low levels of human disturbance and low numbers of predators, such as wolves and bears. In 2002, COSEWIC assessed the population of boreal caribou in Canada to be Threatened because populations have decreased throughout most of the range, the distribution of boreal caribou has contracted and boreal caribou are threatened by habitat loss and increased predation, the latter possibly facilitated by human activities.

The Environment Canada 2008 Scientific Review, which evaluated the impact of disturbance on the ability of ranges to support self-sustaining local populations, concluded that 30 of 57 local populations across Canada are not currently self-sustaining. The term "self-sustaining" means that the local populations are stable or growing, are large enough to withstand random events (e.g. severe weather) and human-caused pressures and no longer require recovery actions (e.g. predator control). For 21 of these boreal caribou local populations, the non self-sustaining assessment is associated with high levels of disturbance indicating that habitat conditions within these ranges would need to be improved to restore the populations to self-sustaining levels and reduce the risk of extirpation for these local populations. The habitat disturbance is due to human activities such as oil and gas development, forestry and mining, but is also the result of wildfires. While there are 21 populations throughout Canada that are non-sustaining and at similar risk in the event there were additional disturbance, you were asked by petitioners to look at 7 of them in particular and offered evidence in respect of events affecting them particularly. As a result, the science assessment and this note provide you with information about the caribou in general, but focus particularly on those 7 populations.

There are approximately 2,300 boreal caribou found in Alberta, distributed across 13 local populations. Maps of the current boreal caribou distribution show a developing gap centred on northeastern Alberta / northwestern Saskatchewan (see Annex 2). All 13 local populations of boreal caribou in Alberta are at an elevated risk of extirpation, and the current population and habitat conditions of the seven local populations are insufficient for these populations to be self-sustaining. Of the 13 boreal caribou local populations in Alberta, 9 are in decline. The population trend of two local populations is unknown while for two others, the population is stable. A map depicting the probability of self-sustaining local populations given current range and conditions is provided in Annex 4. An updated (2010) woodland caribou status report for Alberta released in October, 2010 by the Alberta Government outlines the continued decline of woodland caribou in the province.

#### SECTION 80 EMERGENCY ORDER

The Minister must recommend to the GIC a Section 80 emergency order if he forms the opinion that the survival or recovery of boreal caribou is imminently threatened. The draft SARA policies describe factors that the Minister will consider in forming his opinion. These include:

- A serious, sudden decline in the species' population and/or habitat that jeopardizes the survival or recovery of the species is in progress and is anticipated to continue unless immediate protective actions are taken; or
- There is a strong indication of impending danger or harm to the species or its habitat, with inadequate or no mitigation measures in place to address the threat, such that the survival or recovery of the species is at risk; or
- One or more gaps have been identified in the existing suite of protection measures for the species that will jeopardize its survival or recovery, and it is not possible to achieve protection by other means in a timely fashion.

Given that the current range and conditions are sufficient for 27 populations of boreal caribou in Canada, the Department is of the view that there are no imminent threats to the survival of boreal caribou. As such, a Section 80 order based on survival is not warranted at this time.

However, a Section 80 order can also be based on whether there are imminent threats to recovery. This requires consideration of whether there are imminent threats to achieving the

population and distribution objectives for recovery of a species. Such objectives will be stated in the final national recovery strategy posted on the SARA registry. However, given that the draft recovery strategy will only be posted summer 2011, assessing the requirement for a Section 80 order based on imminent threats to recovery is less straightforward than it is for survival. The department has publicly acknowledged that the recovery strategy for boreal caribou was due in 2007 but on the basis of consultation with the department's external Species at Risk Advisory Committee, the department agreed that the recovery strategy should identify at least some critical habitat. We have identified the science needed to do this and communicated publicly that the recovery strategy will only be posted in summer 2011.

### RECOVERY OF CARIBOU

Given that provinces and territories are responsible for managing terrestrial species on provincial and territorial land, jurisdictions, including Alberta, have developed their own recovery plans for their caribou that include population and distribution objectives. Only Quebec has established a population target. All jurisdictions except the Northwest Territories and British Columbia refer to self-sustaining populations although Quebec has framed this as achieving a population where the species could be removed from the at risk list. With respect to distribution, all jurisdictions refer to maintaining current distribution. In British Columbia this is framed as preventing the extirpation of all six local populations. In addition, Quebec refers to maintaining isolated populations while Ontario goes further to include maintaining genetically-connected local populations and ensuring (reproductive) connections among currently isolated mainland populations.

Alberta's 2005 Woodland Caribou Recovery Plan establishes a recovery goal of achieving self-sustaining local populations and maintaining their distribution in Alberta, and ensuring the long-term habitat requirements for boreal caribou are met in their ranges throughout the province. Alberta has not changed this recovery goal even though caribou populations in Alberta have continued to decline and are not self-sustaining. All 13 location populations of boreal caribou in Alberta are at an elevated risk of extirpation given current levels of habitat disturbance and population conditions. Extirpation of the Alberta herds or even just those subject to the judicial review would not be consistent with Alberta's plans. However, achieving recovery of many of these caribou populations will be extremely challenging given the current status and trend.

If the 7 herds subject of the judicial review are extirpated (i.e. no longer existing in Alberta), the existing gap in national boreal caribou distribution will widen. This would have potential negative consequences due to disruption of genetic and demographic processes that would further increase the risk to recovery of boreal caribou in Canada. This would also represent a further range retraction for caribou in Canada. Clearly, if all Alberta herds were extirpated, the challenge to recovery would be exacerbated. Given that there is some migration between local populations, Alberta's actions (or lack thereof) have implications beyond their jurisdiction. Specifically, boreal caribou populations in Saskatchewan, Northwest Territories and British Columbia that border Alberta are affected by declines/extirpation of the Alberta populations and in the case of Saskatchewan would be directly impacted by the extirpation of the 7 local populations that are the subject of the judicial review. Saskatchewan's, NWT's and BC's ability to recover their portion of shared populations will be constrained by Alberta's approach to recovery.

Nationally, however, as boreal caribou local populations in Manitoba and eastern Canada appear to be healthy, widespread and with ample gene flow among them, Canada could still maintain a self-sustaining population of boreal caribou in these areas.

Additional information on boreal caribou is contained in the attached science assessment.

Overall, Alberta has not, to date, effectively managed the cumulative effects within caribou range and has not applied appropriate mitigation (eg habitat restoration, minimizing footprint) in a coordinated landscape – level approach to conserve caribou. The level of habitat disturbance is above 45% for 12 of the 13 local populations. This level of disturbance is beyond the biologically acceptable threshold for self-sustaining local populations as evidenced by the continued decline of most boreal caribou local populations in the province. However, the implementation of an intensive predator management program has stabilized the population of the Little Smokey local population whose range has 82% habitat disturbance. The map in Annex 5 illustrates the overlap of linear disturbances in the seven northeastern Alberta boreal caribou herds. Further, development in this part of Alberta is continuing, as shown in Annex 6.

Although Alberta, in its plan, has contemplated supporting recovery through predator control and habitat restoration, there are limitations on the effectiveness of these tools in offsetting the effects of increasing habitat disturbance. Habitat restoration will take time to become effective since caribou habitat consists of 80+ year-old forests, and predator control requires regular culling of significant numbers of wolves (initially could involve up to 70% of the animals in a locality) that involves social values tradeoffs.

While a number of proposed projects have been identified through the provincial and federal environmental impact assessment processes, other planned activities such as geophysical exploration (e.g. seismic line testing, bore hole drilling and associated road development) are not publically disclosed. Companies planning disturbances in boreal caribou ranges had to submit a Caribou Protection Plan to Alberta Sustainable Resource Development Lands Division (ASRD – Lands) by November 15, 2010 for review; however, all data submitted to ASRD - Lands is considered confidential while in the department's possession for proprietary reasons. Thus, this information is not provided to external agencies (e.g., EC) or the public. As a result, the full extent of activities in caribou ranges in Alberta over the next 12-18 months is not known.

## OPTIONS

The Minister is required, pursuant to s. 80 of SARA, to consider the information provided on the status of the boreal caribou in Canada and determine whether its survival or recovery is imminently threatened. There are three possible options:

- 1) If the Minister forms the opinion that the boreal caribou faces imminent threats to its survival or recovery, he is required under the Act to make a recommendation to the GiC for an emergency order. The GiC decides whether or not to make the order.
- 2) If the Minister forms the opinion that the survival or recovery of the species is not imminently threatened then the matter ends here and there is no recommendation to the GiC.

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- 3) If the Minister reasonably believes that there is not enough information to form an opinion on whether or not the boreal caribou faces imminent threats to its survival or recovery, he can decide to take some time to acquire it, keeping in mind that time is of the essence given the nature of an emergency order and the test which speaks to the imminence of the threats.

### DEPARTMENTAL POSITION

The Alberta local populations comprise approximately 6% of the number of boreal caribou in Canada with the 7 local populations in question representing 3%. Taking into account the current status of local boreal caribou populations in other parts of Canada, the Departmental position is that there are no imminent threats to the survival of boreal caribou. As such, a Section 80 order based on survival is not warranted at this time.

Although the extirpation of even these 7 local populations would result in further range retraction in the middle of the range of boreal caribou, it is possible to maintain a self-sustaining population of boreal caribou in eastern Canada. As such, even though national recovery objectives and approaches would be constrained by the extirpation of even the 7 Alberta herds in question, the eastern local populations could provide the basis for achieving a national recovery objective.

The proposed national recovery strategy to be posted in the summer of 2011 will set out boreal caribou population and distribution objectives. Once these recovery objectives are formulated, it may be necessary to reexamine whether a section 80 order is warranted for the species, or any population.

### RECOMMENDATION

It is recommended that you decide that there are no imminent threats to the national survival or recovery of boreal caribou in Canada.



**NEXT STEPS**

Once you have formed your opinion regarding the section 80 order, responses to petitioners will be drafted for your signature.




Paul Boothe  
Deputy Minister  
c.c. Bob Hamilton

Bob Hamilton  
Associate Deputy Minister  
c.c. Paul Boothe

I concur

I do not concur

Please discuss



Peter Kent

**Attachments (15):**

- **Annex 1: Distribution of Caribou Local Populations in Alberta**
- **Annex 2: Distribution of Caribou in Canada**
- **Annex 3: Boreal Caribou Local Populations and Units of Analysis**
- **Annex 4: Probability of Self-Sustaining Local Population or Unit of Analysis Given Current Range Conditions and Extent**
- **Annex 5: Map illustrating overlap of linear disturbances in seven northeastern Alberta boreal caribou herds**
- **Annex 6: Map illustrating overlap of seven northeastern Alberta boreal caribou herds and existing, approved and planned in-situ, pilot and commercial projects, and oilsands mines**
- **Annex 7: Linear Disturbance Threshold for Boreal Caribou**
- **Annex 8: Map illustrating overlap of Alberta Athabasca Oil Sands and seven northeastern Alberta boreal caribou herds**
- **Annex 9: Map illustrating close-up of disturbance of the Nipisi local population in northeastern Alberta**
- **Annex 10: Satellite image of linear disturbance in Nipisi local population**
- **Annex 11: Management Actions by Alberta**
- **Five Petitions:**
  - **February 2010 – Nature Alberta, Athabasca Bioregional Society, Alberta Wilderness Association (MIN-133233)**
  - **July 2010 – Counsel for four Alberta First Nations (Beaver Lake Cree Nation, Enoch Cree Nation, Chipewyan Prairie Dene First Nation and Athabasca Chipewyan First Nation) (MIN-137795)**
  - **August 2010 – Ecojustice (MIN-138722)**
  - **August 2010 – Keepers of the Athabasca (MIN-138845)**
  - **August 2010 – Environmental Law Centre (MIN-139245)**
- **Notices of Application**
- **EC Science Review, 2008**
- **EC Science Assessment, 2010**

## BACKGROUND

Woodland Caribou, Boreal Population – boreal caribou – is one of six different populations that make up Woodland Caribou (see Annex 2). In 2003, boreal caribou was listed as Threatened under SARA. This listing was based on a 2002 assessment made by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). Boreal caribou was assessed as Threatened because populations have decreased throughout most of the range and are threatened by habitat loss and increased predation, the latter possibly facilitated by human activities. Boreal caribou are distributed across 57 herds or units of analysis referred to as ‘local populations’ (see Annex 3), thirteen of which occur in Alberta (see Annex 1).

An updated (2010) Woodland Caribou status report for Alberta released in October, 2010 by the Alberta Government outlines the continued decline of Woodland Caribou in the province. The scientific subcommittee of Alberta’s Endangered Species Conservation Committee is recommending that Woodland Caribou be uplisted from Threatened to Endangered in Alberta (the Boreal and Southern Mountain Populations of Woodland Caribou are grouped for the provincial listing).

## STATUS OF NATIONAL RECOVERY STRATEGY

A national recovery strategy for boreal caribou was due for posting on the Species at Risk Public Registry in June 2007. After consultation with two advisory committees (National Aboriginal Council on Species at Risk and Species at Risk Advisory Committee), its posting was delayed to allow EC to undertake further scientific studies and to work with affected Aboriginal organizations and stakeholders.

EC’s *Scientific Review for the Identification of Critical Habitat for Woodland Caribou, Boreal Population, in Canada* was published in 2008 (2008 Scientific Review). The 2008 Scientific Review identified the geographic range of local populations of boreal caribou as the appropriate scale for critical habitat identification. However, EC determined that additional information was needed to provide enough guidance as to the amounts or spatial distribution of habitat disturbance that can be tolerated by boreal caribou. The advisory committees and other stakeholders have been kept informed and engaged.

EC is currently undertaking additional scientific studies on boreal caribou habitat requirements, conducting consultations with Aboriginal peoples and stakeholders, and leading a process to ensure that Aboriginal Traditional Knowledge is considered in the development of the national recovery strategy. It is anticipated that the proposed national recovery strategy will be posted on the Species at Risk Public Registry in the summer of 2011. This target date is public knowledge.

## PETITIONS

In February 2010 and in July 2010, the Alberta Wilderness Association (AWA), and the Beaver Lake Cree Nation, Enoch Cree Nation, Chipewyan Prairie Dene First Nation and Athabasca Chipewyan First Nation sent in petitions. The First Nations’ petition requested that you recommend to the GiC that an emergency order be made to protect boreal caribou habitat in northeastern Alberta. The AWA petition was broader in scope, requesting that you recommend to the GiC that an emergency order be made to protect all woodland caribou in Alberta. The AWA petition will be addressed in a separate MTM, which will follow in due course.

Three additional petitions were received in August 2010 from the Keepers of the Athabasca, Ecojustice (on behalf of AWA, The Pembina Institute, and Sierra Club Prairie), and the Environmental Law Centre supporting the First Nations' petition, and requesting that an emergency order be issued to protect boreal caribou in northeastern Alberta.

The First Nations Petitioners assert that under the terms of Treaty 6 (Enoch Cree Nation) and Treaty 8 (Beaver Lake First Nation, Chipewyan Prairie Dene First Nation and Athabasca Chipewyan First Nation) they have a constitutionally-protected right to hunt woodland caribou for sustenance on all unoccupied Crown lands, and on all other lands to which they have a right of access, within their respective traditional territories. This position is supported by the ENGO petitioners. Factors such as the potential impact of the decline of the boreal caribou on the applicants' Treaty Rights and the Crown's obligation to act honourably in all of its dealings with Aboriginal peoples are not relevant in considering whether or not the species' survival or recovery is imminently threatened under Section 80. They will be addressed in a separate memorandum.

### THREATS TO SURVIVAL AND RECOVERY

#### Habitat Disturbance Increases Predation of Caribou:

Habitat disturbance through development, settlement or fire is the main cause contributing to range contraction and population declines reported for boreal caribou in Canada. Disturbance results in the loss of old, lichen-rich conifer forests which boreal caribou require for foraging in winter. Disturbance also increases the predation risk for caribou. The conversion of forests to early seral stages increases the abundance of prey, such as moose and deer, resulting in a concomitant increase in predator numbers. The creation of linear corridors on disturbed local population ranges also facilitates predator movement increasing the risk of predation on caribou. Caribou have a low tolerance for unnaturally high predation rates due to their low reproductive rate.

#### Threats in Canada:

Boreal caribou were assessed in 2002 by the Committee for Status of Endangered Wildlife in Canada (COSEWIC) as Threatened because local populations have decreased throughout most of their range due to habitat loss caused by human disturbance and increased predation. The 2008 Scientific Review, which evaluated the impact of disturbance on the ability of ranges to support self-sustaining local populations, concluded that 30 of 57 local populations across Canada are not currently self-sustaining. The term "self-sustaining" means that the local populations are stable or growing, are large enough to withstand random events (e.g. severe weather) and human-cause pressures and no longer require recovery actions (e.g. predator control). For 21 of these boreal caribou local populations, the non self-sustaining assessment is associated with high levels of disturbance indicating that habitat conditions within these ranges would need to be improved to restore the populations to self-sustaining levels and reduce the risk of extirpation for these local populations. The habitat disturbance is due to human activities such as oil and gas development, forestry and mining, but is also the result of wildfires.

#### Threats in Alberta:

The extent of existing disturbances (e.g. seismic lines, pipelines, roads, well sites, cut blocks, etc.) in many local population ranges in Alberta is high and exceeds the threshold that leads to declines in caribou local populations (see Annex 5). As of July 2010, there were approximately 19 pilot and commercial in-situ oil sands projects producing or under construction within boreal

caribou ranges in northern Alberta. Another 15 in-situ oil sands projects are approved for construction, either within or immediately adjacent to existing boreal caribou ranges. An additional 12 in-situ projects located within or near caribou ranges have been proposed, and are undergoing Environmental Impact Assessments. Not included in the above are several proposed expansions to existing projects (see Annexes 5-6 and 8-10 describing and illustrating threats in northeastern local populations; Annex 11 provides details on Management Actions by Alberta).

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**BETWEEN:**

**ALLAN ADAM ON HIS OWN BEHALF AND ON BEHALF OF ALL OTHER MEMBERS OF ATHABASCA CHIPEWYAN FIRST NATION; ATHABASCA CHIPEWYAN FIRST NATION**

**ALPHONSE LAMEMAN ON HIS OWN BEHALF AND ON BEHALF OF ALL OTHER MEMBERS OF BEAVER LAKE CREE NATION; BEAVER LAKE CREE NATION**

**HARRY SHARPHEAD ON HIS OWN BEHALF AND ON BEHALF OF ALL OTHER MEMBERS OF ENOCH CREE NATION; AND ENOCH CREE NATION**

**APPLICANTS**

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**MINISTER OF THE ENVIRONMENT AND THE ATTORNEY GENERAL OF CANADA**

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