O'CHIESE FIRST NATION

Comments on the Draft Co-Operation Agreement on Environmental and Impact Assessment Between Canada and Alberta

March 27, 2026

In our Peace Treaties, we agreed to share our territories for settlement of the Queens subjects *for as long as the sun shines, the grass grows and the waters flow*. This was in accordance with the Royal Proclamation of 1763. Our people did not surrender our territories, our natural resources, nor our rights of self determination to the imperial Crown. Canada and their Provinces have wrongly assumed title to our territories, our natural resources and our right to self determination.

Now Canada and Alberta have unilaterally created this new Co operation Agreement without our consent in our territories. We remind Canada and the provinces when King Charles delivered his Speech from the Throne his majesty said the government would be guided by the principle of Free, Prior and informed consent when advancing Nation building projects. Canada continutes to bring dishonour to the Crown and our Treaties.

We remind the Prime Minister and Premier that Canada has been using our wealth to enrich itself while creating deserts in our territories. Canada has depleted, destroyed, polluted and made deserts in our territories. There are vast areas that are not good for our animals, our birds, fish, and plant life and most of all – our Peoples. For what reason? It was not to help us but to help yourselves. This must stop. The time has come for Canada to meet with the Rights Holders of our Treaties to establish a government to government in good faith which brings honour to the Crown. We invite you in the spirit of true reconciliation

1 Introduction

The following comments are submitted on behalf of the Chief and Council of O'Chiese First Nation (OCFN). Chief and Council hold the elected authority and responsibility to protect the collective Inherent and Treaty rights of over 1,500 OCFN members, as affirmed under Treaty No. 6 and protected by Section 35 of the *Constitution Act, 1982*.

OCFN is bound by Kaa-Ke-Chi-Ko-Moo-Nan, OCFN's Great Binding Law ("Natural Laws"). These Natural Laws form our foundational legal order. They have been in place since time immemorial, and continue to govern our responsibilities to the land, water, and all living beings. Our Natural Laws, Inherent rights, and Treaty relationship are inseparable.

The *Draft Co-operation Agreement on Environmental and Impact Assessment between Alberta and Canada* ("Draft Agreement") raises profound concerns for OCFN. It proposes to reduce federal involvement in impact assessment at a time when OCFN's lived experience demonstrates that provincial systems have repeatedly failed to respect and protect our Inherent and Treaty rights, meaningfully consult our Nation, or respond to our growing concerns of cumulative effects within our traditional territory. In this context, federal oversight remains essential in impact assessment. Alberta's record of weak environmental governance, inadequate consultation, and open resistance to Indigenous rights makes it wholly unsuitable to be granted increased authority over assessment processes that directly affect our lands, waters, and our future.

2 Foundational Jurisdictional Misrepresentation

> ***AND WHEREAS*** *Alberta has exclusive legislative jurisdiction over the development, conservation and management of non-renewable natural resources in the province…*

This clause asserts Alberta's authority over natural resources as a foundational premise of the Draft Agreement. However, it ignores the reality that Indigenous rights and Treaty relationships existed long before Alberta became a province. The Natural Resources Transfer Agreement, 1930 ("NRTA") was enacted without consent or consultation with First Nations. We continue to oppose the NRTA, which violates the promises of treaty and undermines our jurisdiction.

An agreement that begins by erasing Indigenous jurisdiction and presents Alberta's authority as "exclusive" cannot credibly claim to be cooperative. Granting Alberta greater control under this false premise worsens an already unjust framework.

3 Alberta's Disregard for Constitutional and Treaty Obligations

> *10. Application of this Agreement*
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> …

(2) The Parties acknowledge that Alberta is challenging the constitutionality of the IAA, which is a matter before the courts. By entering into this Agreement, Alberta does not acknowledge the IAA is constitutional.

OCFN sees Alberta's active litigation as clear evidence that it does not respect the legitimacy of federal impact assessment law or federal constitutional authority, which creates doubt that Alberta will even begin to respect the terms outlined within a cooperative agreement.

This is demonstrated by Alberta's recent conduct, including:

- entertaining separatist rhetoric and referendum legislation,
- using the notwithstanding clause to bypass democratic resistance,
- repealing major environmental protections (such as the 1976 Coal Policy) without meaningful public or Indigenous consultation.

OCFN's experience reveals a pattern of behaviour that Alberta does not respect cooperative governance when it conflicts with its political or economic objectives. This makes any proposal to reduce federal oversight deeply unsafe.

4 Reliance on a Broken Provincial Environmental Assessment System

1. Reliance on Alberta's Processes and Reciprocity

(1) When a proposed project is primarily within provincial jurisdiction, Canada will recognize Alberta as best placed to undertake an assessment and will rely on Alberta's environmental assessment or regulatory process to assess the effects of the project including, as applicable, to address adverse effects within federal jurisdiction, as defined in the IAA, as outlined in this Agreement.

(2) when a proposed project is or includes a federal work or undertaking or is on federal land Canada commits to integrating Alberta's environmental assessment and regulatory process requirements into federal assessment, if applicable and desired by Alberta…

This clause commits Canada to relying on Alberta's environmental assessment or regulatory processes to address impacts, including impacts within federal jurisdiction.

OCFN's lived experience demonstrates that Alberta's assessment systems are structurally incapable of protecting our rights or the environment. Alberta's processes are dismissive of cumulative effects and lack systems to effectively assess impacts to Indigenous and Treaty rights.

The inclusion of phrases such as "if applicable and desired by Alberta" appears throughout the Draft Agreement and effectively grants Alberta a unilateral gatekeeping power over the scope, timing, and substance of federal involvement. This is deeply problematic. Additionally, the Draft Agreement sets out provisions to enable Alberta to determine for itself

whether it is “best placed” to conduct assessments and consultation, and whether federal processes will be integrated or relied upon, including where federal jurisdiction and constitutional obligations are engaged. There are no clear mechanisms or criteria outlined to guide this form of “self assessment”, which leaves too much uncertainty for how this would be conducted.

It allows Alberta to self-assess the adequacy of its own processes and to decide whether federal oversight, participation, or integration is required at all. OCFN has direct experience with Alberta excluding our Nation from consultation and advancing decision-making structures that limit, dilute, or delay meaningful engagement. In this context, permitting Alberta to determine when it is “best placed” and whether federal participation is “desired” shifts the balance of the Draft Agreement away from cooperation and toward provincial discretion.

5 Avoiding Duplication as an Excuse to Weaken Oversight

> *3. Decision-Making About the Conduct of a Federal Impact Assessment*
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> *(1) IAAC commits to avoiding duplicative decision-making processes related to assessments by relying on provincial environmental assessment or regulatory processes in circumstances where Alberta confirms that those processes will address effects within federal jurisdiction…*
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> *6. Co-ordination of Potential Assessment Conditions and Decision-Making: and Permitting*
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> *(1) a. Where duplication of potential assessment conditions has been identified, federal conditions will defer to provincial conditions and authority, when applicable provincial legislation, regulation, and policies and/or processes exist.*

The Draft Agreement treats regulatory speed as synonymous with good governance. However, the solution to slow assessments is not weaker oversight. This clause makes Alberta’s standards the ceiling rather than the floor, even where federal law demands stronger protections. It reverses the purpose of federal oversight and guarantees that the weakest regulatory regime will govern outcomes. Federal impact assessment are needed in the spaces where provincial systems have historically failed to protect matters of national, interjurisdictional, and constitutional importance.

OCFN’s experience, from exclusion in consultation, to deficient provincially run land-use planning task forces, to cumulative effects mismanagement, shows that allowing Alberta to “self-certify” adequacy is going to result in a one-sided process and weaker protections.

6 Delegation of Indigenous Consultation to a Province that Rejects UNDRIP

> ***AND WHEREAS*** *Alberta continues to act in a manner that is consistent with treaties, the Canadian Constitution, and Alberta law and views UNDRIP as non-binding.*
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> *7. Indigenous Peoples*
>
> *(1) When a proposed project is primarily within provincial jurisdiction, Canada will recognize Alberta as best placed to consult with Indigenous Peoples pursuant to Alberta's consultation policies and practices in relation to the effects of relevant provincial decisions on the rights of Indigenous peoples.*

This clause proposes to rely on Alberta's consultation processes for provincially regulated projects. Alberta has explicitly stated that it views the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as non-binding, while Canada has legislated its implementation.

A province that rejects UNDRIP cannot be the primary vehicle for upholding federal constitutional and international obligations. Alberta's consultation policies are outdated, procedural, under-resourced, and inconsistent. While not perfect, federal processes have attempted to incorporate more robust processes for consulting Indigenous Nations, and systems have been developed to ensure impacts to rights are more thoroughly assessed. Meaningful consultation requires capacity funding, and rights-based assessment—none of which Alberta has demonstrated a willingness to provide.

This Draft Agreement risks undoing the advances made since the enactment of the United Nations Declaration on the Rights of Indigenous Peoples Act (2021). When Alberta becomes the sole or dominant decision-maker, these measures will no longer apply. Alberta has never supported Indigenous authority over land and resources and will not voluntarily adopt these frameworks.

7 Conclusion

This Draft Agreement does not strengthen impact assessment. It weakens it.

It proposes to shift authority to a province that:

- does not respect Treaty relationships,
- rejects UNDRIP,
- maintains structurally broken regulatory systems,
- has repeatedly excluded and marginalized OCFN in decision-making,
- has failed to manage cumulative effects.

"One project, one review" must mean one strong, rights-based review, not one that defaults to the weakest available process. This Agreement cannot proceed in its current form.