



P.O. Box 1050
Mînhî Thnî, AB T0L 1N0
Signatory of Treaty 7, 1877

December 12, 2024

Sent via E-mail: ts.minister@gov.ab.ca

The Honourable Joseph Schow

Minister of Tourism and Sport
Members of Executive Council
Executive Branch
103 Legislature Building
10800 - 97 Avenue
Edmonton, AB
T5K 2B6

Re: Bill 35 - Alberta's All-Season Resorts Act

I am writing to you as the Chief of the Bears Paw First Nation regarding our concerns with respect to the *Ministry of Tourism and Sport's All-Season Resorts Act (the "Act")*. Alberta's website indicates that the Act "strikes a responsible balance of economic growth, job creation, environmental protection and Indigenous opportunity." Can you tell me what Indigenous opportunity exists in the development of resorts on the traditional lands of the Bears Paw First Nation when there is no consultation protocol or process to involve Indigenous communities for any purpose, let alone "Indigenous opportunity," set out in the Act?

At this point, this Act is simply another unilateral use of provincial law-making power to deny and extinguish constitutionally protected Treaty and Aboriginal rights. It is also another move to reinforce the segregation of Indigenous reserve communities and further marginalize Indigenous communities from participating in the greater economy on traditional lands. The Act is also inconsistent with the policy of Reconciliation, the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the honour of the Crown so often discussed in the context of the law relating to the requirement of consultation with Indigenous communities.

In 1877, the Bears Paw First Nation entered into Treaty 7, agreeing with Canada to secure peace and share the land and its resources with incoming settlers. Resources such as water, vegetation, wildlife, fish, bird species and associated habitats, and surface and sub-surface land resources, including the rich soil and vast deposits of mines and minerals, fossil fuels and oil and gas. The development of these resources has negatively impacted the traditional ways of my people and has made non-Indigenous Canadians billions of dollars, which results in billions of dollars of revenue for Canada and Alberta each year. Instead of being invited to build capacity

and participate in the new world, Indigenous communities have been intentionally prevented from doing so through the passing of the *Indian Act* and other laws, including Alberta provincial laws since 1905 when the Province of Alberta was created - created subject to pre-existing Treaties and Treaty Land Entitlement (TLE) claims and the Aboriginal and inherent rights of First Nations including those of the Bearspaw First Nation.

Since the establishment of Alberta as a province in 1905, a significant number of provincial parks have been created. As of recent data, Alberta has 76 provincial parks covering an area of approximately 2,214 square kilometres (855 square miles). Over the years, the Provincial parks and resort developments have expanded significantly, covering traditional lands without compensation or extending the respect of involving Indigenous communities interested and affected by the creation of such resorts and Provincial parklands. The traditional lands and reserves of the Bearspaw Stoney Nakoda are situated in and adjacent to Kananaskis Country and several resorts and provincial parks, including Bow Valley Provincial Park, Peter Lougheed Provincial Park, Spray Valley Provincial Park and the Ghost Public Land Use Zone. These lands are part of the broader landscape traditionally used by the Bearspaw Stoney Nakoda for fishing, hunting, gathering, ceremonies and cultural events. Further, as unoccupied Crown land becomes scarce or non-existent, Bearspaw First Nation will be further limited in making TLE land selections on lands aggregated to Alberta under the Act, process currently underway.

Through the creation of resorts and the cumulative aggregation of Provincial parkland and other Crown lands and water bodies and rivers and streams, Alberta has marginalized or effectively prevented the exercise of Treaty and Aboriginal rights through the imposition of onerous and complicated hunting and fishing regulations. Regulations ostensibly designed to address safety and conservation but that are interpreted and enforced by provincial law authorities, who have little or no cultural training or knowledge of the history of the Indigenous communities in which they operate, in a way that benefits settlers and prevents many Indigenous people from providing for their families in a traditional way. Indigenous communities, including Bearspaw, are the original stewards of the land and have long-recognized conservation measures to ensure the sustainability of wildlife and fish populations and their habitat for future generations.

The *All-Season Resorts Act* could have significant implications for our Treaty rights, including Treaty Land Entitlement and traditional lands and cultural sites of the Bearspaw First Nation. Implications could include restricting resource access to traditional hunting, fishing and gathering. The development of resorts on the traditional lands of the Bearspaw First Nation might encroach upon or affect sacred sites and areas of cultural significance, preventing access and cultural activities from continuing. Increased development could lead to cumulative environmental changes that affect wildlife habitats and ecosystems, potentially negatively impacting the ability of Bearspaw First Nation to exercise their Treaty and Aboriginal rights meaningfully. Further, the conversion of Crown lands to resorts will create economic corridors to the exclusion of Bearspaw First Nation on lands unavailable to Bearspaw First Nation for Treaty Land Entitlement selection.

Alberta claims that development proposed under the Act will require “rigorous environmental reviews and engagement with Indigenous Peoples.” However, the extent and nature of this engagement are not specified, raising questions about:

- The level of consultation with First Nations in the planning and approval processes.
- How traditional knowledge and cultural concerns will be incorporated into development decisions?
- The ability of First Nations to influence or veto projects that may negatively impact their traditional lands and cultural sites.
- What protocols or consultation processes are in the Act for Bearspaw to consider partnering or participating in the economic opportunities associated with resort developments?

Alberta’s marketing materials regarding the Act promise environmental protection, economic development and Indigenous opportunity through all-season resorts. However, Bearspaw First Nation is prepared to oppose all resort development under that Act as the Act could significantly negatively impact Bearspaw First Nations’ Treaty rights, traditional lands, and cultural sites. Further, Bearspaw is also of the view that the requirements of consultation and the policy of reconciliation require Alberta to put in place clear protocols that allow Bearspaw First Nation to build capacity and participate in the economic opportunities of resort developments on their traditional lands. My Council and I would like to invite you and your team, as soon as you are able, to discuss how Alberta intends to address our concerns regarding the *All-Season Resorts Act’s* consultation process, how the implementation of the Act will take place, and what specific and enforceable measures will be put in place to protect Bearspaw’s Indigenous rights, cultural heritage and Indigenous economic opportunities.

Respectfully,

BEARSPAW FIRST NATION



Chief Darcy Dixon

cc: Chiniki Chief Aaron Young
Goodstoney Chief Clifford Poucette
BFN Councillor Rod Hunter
BFN Councillor Keith Lefthand
BFN Councillor Pierre Lefthand
BFN Councillor Dacster Amos
Rob Shotclose, CEO BFN