



ALBERTA
INDIGENOUS RELATIONS

Office of the Minister

45646

May 8, 2020

Grand Chief Arthur Noskey
Treaty 8 First Nations of Alberta
c/o Santa Fe Plaza
18178 - 102 Avenue
Edmonton, AB T5S 1S7

Delivered via email to: Darlenep@treaty8.org

Dear Grand Chief Noskey:

Thank you for the recent opportunity to discuss your perspectives on the April 24, 2020 Alberta Court of Appeal (ABCA) decision, *Fort McKay First Nation v. Prosper Petroleum Ltd.*, 2020 ABCA 163.

The issue before the Court was the Alberta Energy Regulator's (AER) June 2018 decision to approve the Prosper Petroleum Ltd.'s Rigel Project (the Project), specifically whether the AER should have considered the honour of the Crown in its decision and delay its approval decision until Fort McKay's negotiations with Alberta about the Moose Lake Access Management Plan (MLAMP) were completed. The Court held the AER should have considered the MLAMP process as part of its assessment of whether the Project is in the public interest.

As a result of the ABCA decision, the AER's approval of the Project is no longer valid. The Court directed the AER to reconsider its Project decision, this time considering the honour of the Crown and the MLAMP process.

This case did not address the Aboriginal Consultation Office's consultation adequacy decisions on the Project, nor did it make any commentary on current consultation processes. Consultation will continue on all projects with comprehensive oversight to ensure the requirements for consultation are fully met, in accordance with Alberta's consultation policies and guidelines.

Thank you for considering these points. I look forward to continuing to work together to support Alberta's recovery.

Sincerely,

Rick Wilson
Minister of Indigenous Relations