

Fort McKay First Nation Chief and Council: "An historic victory for Treaty rights and Indigenous communities"

Future generations of Fort McKay First Nation and Indigenous communities across Canada will look back on this historic day affirming the power of Treaty rights.

FORT MCKAY, AB, April 24, 2020 /CNW/ - The Fort McKay First Nation is deeply moved by the decision today from the Court of Appeal to rescind the Alberta Energy Regulator's approval of Prosper's Rigel Project. In its unanimous decision, the Alberta Court of Appeal overturned AER's approval of the Prosper Rigel Project and directed that any future proceeding must reconsider the project, and AER must consider the 'honour of the Crown.' The court also strongly implied that Alberta should complete the Moose Lake Plan expeditiously, and that the plan must be figured into any future resource decisions.

Today's decision takes an unequivocal stand on Indigenous treaty rights. Judge Greckol said in a concurring opinion that augments the unanimous decision that:

"The honour of the Crown may not mandate that the parties agree to any one particular settlement, but it does require that the Crown keep promises made during negotiations designed to protect treaty rights. It certainly demands more than allowing the Crown to placate [Fort McKay First Nation] while its treaty rights careen into obliteration. That is not honourable. And it is not reconciliation."

From the start, Fort McKay wanted only fair consideration of our 20-year struggle to protect Moose Lake as the last intact piece of wilderness in our traditional territory, even as it was encroached upon by oil sands development. This decision provides everyone with clear direction and increases the certainty industry requires to make sound business decisions.

As we celebrate this momentous decision that acknowledges Moose Lake is a sacred landscape, Fort McKay—like all Albertans—continues to focus our efforts to manage the impact of the global collapse of oil prices on our businesses and ensure the health and safety of our community members through the COVID-19 pandemic response.

This decision states clearly that true reconciliation requires genuine respect and consideration of Treaty rights. Reconciliation must be co-created through partnerships with Indigenous communities moving forward. This clarity will support our efforts to help economic recovery by setting new ground rules for engagement.

We anticipate Alberta will approve the Moose Lake Plan in the late spring and that Fort McKay will have finally obtained the government's commitment to jointly protect Moose Lake. We look forward to crossing the finish line with Minister Nixon, Premier Kenney and the entire Cabinet to complete the Moose Lake Plan.

For further information:

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