

# Cree lawsuit would drain energy royalties

## Native band says 15,000 oilsands developments planned on ancestral land

BY ELISE STOLTE, EDMONTON JOURNAL JUNE 12, 2009

The amount Alberta owes First Nations affected by oilsands development could easily outstrip all the royalties the province has earned off the resource if courts rule in favour of native bands, said a lawyer for the Beaver Lake Cree Nation on Thursday.

"We're all expecting an onslaught (of lawsuits) in the next little while," said Drew Mildon of Woodward and Company. "People are reaching their limit of patience."

The Beaver Lake Cree filed a lawsuit in May 2008 contesting more than 15,000 approved or proposed developments on land they say their ancestors used for hunting, trapping and fishing at the time Treaty 6 was signed.

Lawyers for the province filed a pre-trial motion this month, asking the court to strike most of the band's lawsuit as "frivolous" and "an abuse of process," arguing the dispute should have been solved through an appeals process with the Energy Resources Conservation Board and can't be dealt with at court.

Jay O'Neill, spokesman for Alberta Justice, said the province is waiting for a judge's review of the pre-trial motion before it moves forward to file a statement of defence.

Mildon said a date to hear the motion hasn't be set, but will likely come this fall.

"Long-term, the issue for Albertans is that if a court finds that government is failing to act in accordance with its constitutional duty, then Alberta is creating huge liabilities for itself," Mildon said.

"Liability that goes probably far beyond what Alberta is actually making from this industry."

Beaver Lake Cree, one of several recent First Nations to bring lawsuits against the government, argues rights to continue hunting, trapping and fishing for their livelihoods were included in the wording of the 1876 treaty.

They base their case on an earlier Supreme Court ruling on behalf of the Mikisew Cree, that said the Alberta government has a duty to consult First Nations affected by development on their traditional lands.

The Beaver Lake Cree are being supported by a British bank, Cooperative Financial Services, which gave about \$90,000 Cdn last March and promised more. The bank has also invited individual members to donate to the cause through their website.

Mildon estimated fighting one pre-trial motion will cost the band between \$50,000 to \$100,000 in fees for experts and lawyers, and added that fighting 15 to 20 pretrial motions is not uncommon for such cases.

[estolte@thejournal.canwest.com](mailto:estolte@thejournal.canwest.com)

© Copyright (c) The Edmonton Journal

