



The Beaver Lake Cree Nation's legal challenges

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First Nation Treaty Rights

When the ancestors of the Beaver Lake Cree signed [Treaty 6](#) with representatives of the Queen in 1876, they ceded vast tracts of land in exchange for guaranteed rights to hunt, fish and gather plants and medicines within those territories, as they had always done, forever. In recent years, the large-scale deforestation, wildlife disturbance and pollution resulting from tar sands developments have been eroding these treaty rights and now threaten the Beaver Lake Cree's traditional way of life.

The Beaver Lake Cree say that in order for their treaty rights to have meaning, the habitats of the wildlife upon which they depend must be protected throughout their ancient homeland. They have therefore brought a legal challenge to force Alberta and Canada to keep their promises and to protect the ecological integrity of these lands.

On 14th May 2008, the Beaver Lake Cree filed papers in the Edmonton Registry aimed at halting the wholesale destruction of their ancestral lands. The legal challenge cites [17,000 infringements](#) of the Beaver Lake Cree's constitutionally protected treaty rights. If successful, oil company plans to more than triple production from 0.5 to 1.7 million barrels of oil per day (bpd) could be halted.

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Woodland caribou protection

Woodland caribou, once common in the boreal forest of Alberta, are now threatened with extinction in the region as a direct result of rapidly expanding tar sands developments. The Canadian Government has a duty to protect the habitat of woodland caribou under the Species at Risk Act. It was required to do this by 2007 – it hasn't.

On 8th September 2010, three First Nation communities, including the Beaver Lake Cree, commenced court proceedings to protect the remaining woodland caribou herd ranges in northeast Alberta, including an immediate moratorium on all new industrial developments in those areas. 50% of all tar sands expansion plans are within or near critical habitat. The court case is expected to be heard in January 2011 and if successful would have huge implications for oil industry plans to expand tar sands operations. Download the full report 'Save the caribou – stop the Tar Sands'.

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David vs Goliath battle

By undertaking this legal action the Beaver Lake Cree are not only taking on the governments of Alberta and Canada, but also virtually every major oil company in the world. If successful, the treaty rights case would have significant implications for the following tar sands projects.

- [Tar sands projects/leases map – Appendix 1](#)
- [Tar Sands projects within Beaver Lake Cree traditional territories – Appendix 2](#)

In addition, if the woodland caribou case were to be successful, it could potentially halt the following additional major new tar sands developments and expansion plans:

- Exxon's Kearl project (plans to produce 310,000 bpd);
- Husky's Sunrise project (plans to produce 200,000 bpd);
- Suncor's Firebag project (plans to expand from 95,000 to 272,000 bpd);
- Nexen's Long Lake project (plans to expand from 72,000 to 216,000 bpd), and
- Conoco-Phillip's Surmont project (plans to expand from 27,000 to 83,000 bpd).

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The Beaver Lake Cree Nation's legal counsel

Jack Woodward has been the lead lawyer on some of the most groundbreaking First Nation's rights cases in Canada. This includes, for example, the Meares Island case where the British Columbia court granted an injunction stopping the logging of old growth forest on the basis of an Aboriginal right – an injunction still in place today. More recently, Woodward and Company won the Tsilhqot'in Nation v. British Columbia and Canada suit. This case laid the groundwork for the Beaver Lake Cree Nation case. It says that lands and forests must be developed in a way that gives primacy to the sustainability of First Nation's rights. Visit the [Woodward & Co website](#).

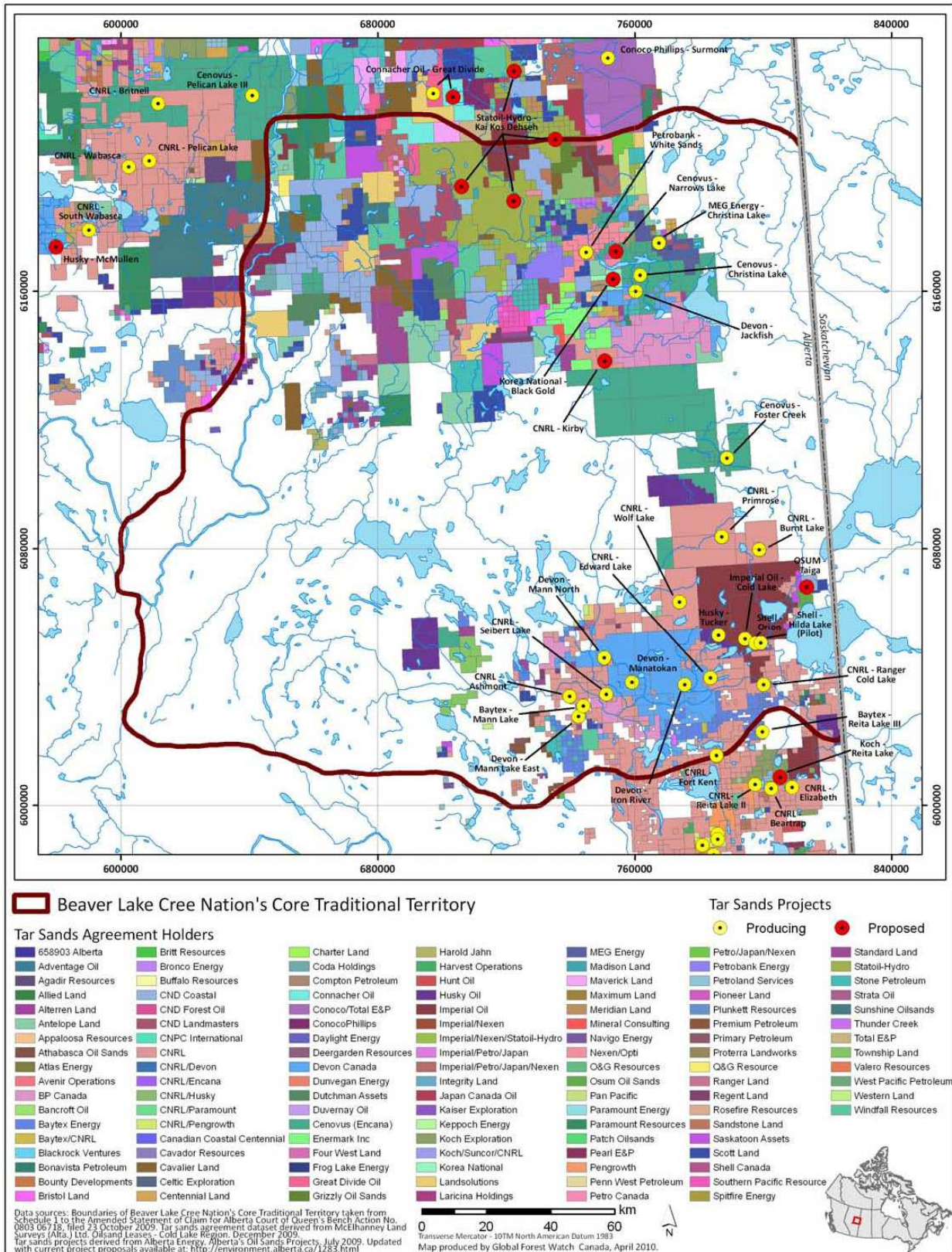
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Support the Beaver Lake Cree:

- [Donate to a charitable trust set up to support the Beaver Lake Cree's legal fight](#)
- [Spread the word to friends, family and colleagues](#)
- [See the destruction for yourself](#)



Appendix 1 – Tar sands projects/leases





Appendix 2 – Tar Sands projects within Beaver Lake Cree traditional territories

Southern Athabasca field			
Company	Project	Operating bpd	Planned bpd
BP / Devon	Kirby*	0	105,000
Cenovus	Christina Lake	10,800	218,800
	Foster Creek	120,000	210,000
	Narrows Lake	0	120,000
CNRL	Kirby	0	45,000
Devon	Jackfish	35,000	105,000
KNOC	Blackgold	0	30,000
MEG	Christina Lake	25,000	210,000
Petrobank	Whitesands	1,800	3,600
Statoil	Kai Kos Dehseh	0	240,000
	Total:	192,600	1,287,400

Cold Lake field			
Company	Project	Operating bpd	Planned bpd
Baylex	Mann Lake**	3,503	3,503
CNRL	Primrose / Wolf Lake / Burnt Lake	120,000	150,500
CNRL	Edward Lake / Ashmont / Seibert Lake / Ranger Cold Lake / Fort Kent**	37,941	37,941
Devon	Mann Lake East / Mann North / Iron River / Manatokan**	11,987	11,987
Husky	Tucker	30,000	30,000
Imperial (Exxon)	Cold Lake	140,000	170,000
Osum	Taiga	0	35,000
Shell	Orion / Hilda Lake	10,000	20,000
	Total:	353,431	458,931

Total bpd production within traditional territories:	546,031	1,746,331
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* Newly announced: 105,000 bpd conservative estimate based on Devon statement that Kirby will support 3 phases of development and has greater recoverable resources than Jackfish (Jackfish has 300 million barrel reserves and plans to produce 105,000 bpd by 2014 after 3 phase development).

All operating and planned bpd figures as at Feb 2010 except ** which use operating bpd figures as at Dec 2006. These are the most recent figures publicly available; no planned expansion bpd figures are available for these projects.