

What is this investigation about?

The Board received a complaint from the Halfway River First Nation about the impact of range practices and government enforcement on public land in the Halfway River watershed, an area subject to Treaty 8 land rights. The subjects of the complaint are the Ministry of Forests and two range agreement holders (RAN 074995 and RAN 076310).

The Board considered the following questions:

1. Did the Minister of Forests comply with FRPA authorization requirements, and did the ranchers comply with FRPA's planning requirements?
2. Did the ranchers comply with FRPA's requirements to maintain range developments and protect riparian areas and mineral licks?
3. Was government enforcement related to concerns about livestock in the Halfway River appropriate?

TREATY 8 RIGHTS

39 First Nations across Alberta, Saskatchewan, Northwest Territories and British Columbia are signatories to the Treaty 8 Agreement.

These Nations have the right to use the entire Treaty 8 area (approximately 840 000 km²) for hunting, fishing and cultural activities.

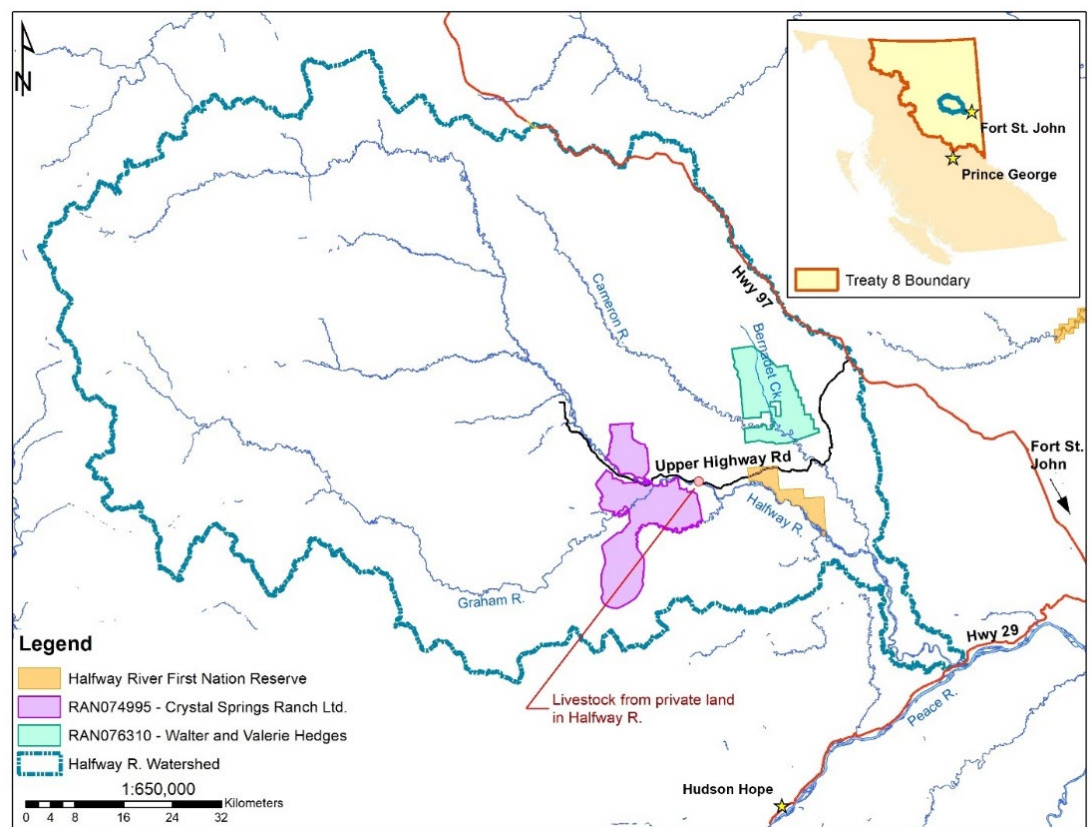


Figure 1. The Halfway River watershed and the two range agreements that are the subject of the complaint.

What did the Board find?

The range use plans (RUPs) approved by the district manager were not authorized in compliance with FRPA requirements. Both RUPs were approved for a term exceeding five years. However, [section 36\(1\)](#) of FRPA does not allow RUP terms to exceed five years. As well:

In April 2023, the district manager granted the agreement holder of RAN 074995 an exemption from the requirement to hold a RUP. This should not have happened, as the agreement holder's RUP expired in December 2022, and the manager did not consider whether continued grazing would endanger the range resource.

In 2015, the district manager approved the RUP for the agreement holder of RAN 076310 despite it not meeting content requirements; its map did not show the location of range developments or pasture boundaries. In 2019, the district manager did not approve an amended RUP submitted by the agreement holder, even though it met content requirements.

The two range agreement holders complied with RPPR requirements to protect riparian areas. At the time of the investigation, there were no enforceable requirements for agreement holders to protect mineral licks.

Government enforcement related to concerns about livestock in the Halfway River was not appropriate because an opportunity to promote compliance was missed. While government officials did investigate the matter, they did not realize that cattle gathering within and on the banks of the Halfway River were on Crown range, which is subject to FRPA [section 50\(1\)](#).

DELEGATED AUTHORITY

The Ministry of Forests' district manager was delegated as the statutory decision maker.

This authorized them to approve a RUP, require mandatory amendments to a RUP, or exempt a party from the requirement to hold a RUP.

Key Takeaways

Two significant improvements to FRPA could lead to better outcomes for protecting values such as drinking water and cultural heritage resources like mineral licks:

1. Ensure the actions to protect resources identified in RUPs are enforceable. The Board made a similar recommendation in a [2009 special investigation](#).
2. Government should require RUPs to identify and protect cultural resources and consider how they include engagement with First Nations. This will help range planning and practices on public land become more consistent with the [Declaration Act Action Plan](#).

Lastly, protecting source drinking water is a critical component of ensuring public safety. The Board encourages the Natural Resource Officer Service to review its investigation into livestock congregating in the Halfway River and identify areas for improvement.