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EA01-005

**FAX COVER SHEET**

<b>DATE:</b>	April 2, 2002	<b>CLIENT #:</b>	216-00.4
<b>TO:</b>	Paramount Resources Ltd. Attention: Shirley Maaskant	<b>FAX:</b>	1-403-262-7994
		<b>PHONE:</b>	
<b>CC:</b>	MVEIRB Attention: Joe Acorn	<b>FAX:</b>	1-867-920-4761
		<b>PHONE:</b>	
<b>CC:</b>	MVLWB Attention: Board Members	<b>FAX:</b>	1-867-873-6610
		<b>PHONE:</b>	
<b>CC:</b>	Ministry of Aboriginal Affairs Attention: Phil Mercredi	<b>FAX:</b>	1-867-873-0169
		<b>PHONE:</b>	
<b>CC:</b>	Gowlings Attention: Mr. Hollingworth	<b>FAX:</b>	1-403-263-9193
		<b>PHONE:</b>	
<b>CC:</b>	INAC Attention: Lorne Tricoteaux	<b>FAX:</b>	1-867-669-2703
		<b>PHONE:</b>	
<b>CC:</b>	RWEB Attention: Bob Bailey	<b>FAX:</b>	1-867-873-0114
		<b>PHONE:</b>	
<b>CC:</b>	Ka' a' Gee Tu First Nation Attention: Allan Landry	<b>FAX:</b>	1-867-825-2002
		<b>PHONE:</b>	
<b>CC:</b>	Ka' a' Gee Tu First Nation Attention: Chief and Council	<b>FAX:</b>	1-867-825-2002
		<b>PHONE:</b>	

**FROM:** Constance MacIntosh**RE:** Paramount's Draft Wildlife Harvesting Compensation Plan ("Draft Plan")**ORIGINAL BEING SENT BY MAIL: YES:** **NO: X****NUMBER OF PAGES INCLUDING COVER SHEET: 4****MESSAGE**

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Please see attached.

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**IF YOU DO NOT RECEIVE ALL THE PAGES PLEASE CALL Lisa AT (604)681-4146  
AS SOON AS POSSIBLE.**

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April 2, 2002

**Via Fax (403) 262-7994****Paramount Resources Ltd.**  
4700 Bankers Hall West  
888 3rd Street SW  
Calgary AB T2P 5C5**Attention: Ms. Shirley Maaskant**

Dear Ms. Maaskant:

**Re: Paramount's Draft Wildlife Harvesting Compensation Plan ("Draft Plan")**

As you are aware, we are counsel for the Ka'a' Gee Tu First Nation. Our clients have received and reviewed Paramount's Draft Plan, and, pursuant to your request, are providing you with their initial comments in writing.

The Draft Plan has a narrow scope, and only proposes addressing: (1) damages for losses to hunting, trapping and fishing income, (2) damages for loss of equipment, and (3) damages for loss of subsistence harvesting, where these losses are caused directly by Paramount's activities and occur within Paramount's Significant Discovery Licence area.

In our opinion, in order to accommodate the Ka'a' Gee Tu's rights and interests, Paramount is also required to address economic and cultural issues. The most recent judicial support for this position can be found in the decisions of the British Columbia Court of Appeal in *Haida Nation* and *Taku River Tlingit*. The Draft Plan's scope does not encompass these issues. As you know, from our client's perspective, an adequate compensation plan would have to include components such as those described in the Ka'a' Gee Tu's compensation proposal, sent to you on February 6, 2002. We continue to be willing to discuss with you the significance of these other components to the Ka'a' Gee Tu.

As well as being too narrow in scope, the Draft Plan imposes certain criteria to qualify for compensation, and prove loss, which, in our opinion, are unacceptable. These criteria completely misapprehend the way of life and culture of the Ka'a' Gee Tu First Nation. The exercise of their aboriginal and treaty rights cannot be defined (or compensated) by reference to 'gross income,' paper records or government issued hunting licenses. The imposition of an

arbitrary boundary, Paramount's Significant Discovery Area, also fails to reflect the manner in which animals live and move over the land.

In the MVEIRB Report, it was stated that the compensation plan should be negotiated so that it will "work effectively to satisfy all parties". We do not believe that an effective, or satisfactory, compensation plan can be developed so long as Paramount continues to refuse to meet with representatives of the Ka'a' Gee Tu First Nation and learn about how, or whether, their subsistence and cultural practices can be accommodated. We remain available to meet with Paramount to discuss ways of bringing the Draft Plan in line with recent jurisprudence on accommodation and compensation, and the spirit of the MVEIRB's Report.

We look forward to hearing from you.

Yours truly,

MANDELL PINDER



for Constance MacIntosh  
Barrister & Solicitor

SIGNED IN THE WRITER'S ABSENCE

CM/Ib

cc: Clients  
INAC, Attention: Lorne Tricoteaux  
Ministry of Aboriginal Affairs, Attention: Phil Mercredi, executive assistant to the Honourable Mr. Jim Antoine  
RWED, Attention: Bob Bailey  
Gowlings, Attention: Alan Hollingsworth  
MVEIRB, Attention: Joe Acorn  
MVLWB, Attention: Board Members