

INDIGENOUS MEMORANDUM OF UNDERSTANDING - ROSSDALE - UPDATE

RECOMMENDATION

That the June 23, 2023, Financial and Corporate Services report FCS01454, be received for information.

Requested Council Action	Information		
ConnectEdmonton's Guiding Principle	ConnectEdmonton Strategic Goals		
CONNECTED This unifies our work to achieve our strategic goals.	Urban Places		
City Plan Values	LIVE. ACCESS. PRESERVE.		
City Plan Big City Moves	A rebuildable city Inclusive and compassionate	Relationship to Council's Strategic Priorities	Mobility Network Economic Growth
Corporate Business Plan	Transforming for the future		
Council Policy, Program or Project Relationships	<ul style="list-style-type: none"> • Touch the Water • River Crossing Business Plan 		
Related Council Discussions	<ul style="list-style-type: none"> • FCS01252, Prairie Sky Gondola Land Agreements, Executive Committee / City Council, August 15, 2022 • CS00278, City of Edmonton Indigenous Framework, Community and Public Services Committee, February 17, 2021 • CR_6792, River Crossing Business Plan, Urban Planning Committee, September 3, 2019 • CR_4438, River Crossing Heritage Interpretive Plan, Urban Planning Committee, July 5, 2017 		

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Previous Council/Committee Action

At the August 15/17, 2022, City Council meeting the following motion passed:

That Administration provide a report to Committee:

1. Outlining a potential governance structure that empowers Indigenous Memorandum of Understanding partners and communities with historical and cultural connections to Rosedale to provide direct input on the implementation of the River Crossing Business plan, Touch the Water and future developments on the Rosedale flats location.
2. Summarizing the City of Edmonton's current approach to private development and land use on locations of special cultural, spiritual or historical significance.

Executive Summary

- This report provides an update on the process to respond to Council's motion related to Indigenous involvement in River Crossing implementation; the report does not propose a governance model.
- Through discussions to date with Indigenous Memorandum of Understanding partners, Administration believes an approach that enables the involvement of Indigenous peoples through meaningful, flexible and ongoing dialogue, in addition to project-based engagement, is likely to be impactful.
- Administration is currently working to identify an approach to Indigenous involvement in River Crossing. The inclusive, considerate process is striving to balance diverse perspectives and contributions from many people.
- Development and land use in locations of significance, such as the Rosedale Flats (Ross Flats), includes consideration under the provincial Historic Resources Act (HRA).
- Administration will advance further engagement with First Nations and Métis with historic and cultural connections to the Ross Flats on Indigenous involvement in the implementation of River Crossing over the coming months. The next update to City Council is planned for Q1 2024.

REPORT

Historical Context: the Ross Flats

- The Ross Flats were a site of international Indigenous trade for thousands of years, an activity that included ceremony and diplomacy.
- Edmonton is an intersection of many different Indigenous territories; the Ross Flats have been an integral part of that history since time immemorial.
- More recently, this area was an active site during the fur trade. It could be considered the birthplace of Edmonton and Alberta as the Ross Flats were the location of the fourth iteration of Fort Edmonton and possibly also the second. Signing of an adhesion to Treaty 6 occurred at the site of the fifth and final Fort Edmonton (present day Legislature grounds). The Ross Flats are home to the Traditional Burial Grounds and Fort Edmonton Cemetery.

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- The Ross Flats are of significance to diverse Indigenous peoples, including nêhiyawak (Cree), Métis, Dene, Anishnaabe (Saulteaux), Nakota Sioux and Niitsitapi (Blackfoot).

River Crossing Background

Planning for the West Rosedale area that ultimately led to the River Crossing Business Plan began in the mid-1980s. When Council adopted the Rosedale Area Redevelopment Plan in 1986, West Rosedale was identified as a special study area. Community led advocacy beginning in the late 1990s led to the Rosedale Power Plant being designated as a Provincial Historic Resource in 2001 and the designation of the Fort Edmonton Cemetery and Traditional Burial Grounds under the *Alberta Cemeteries Act* in 2005. In 2011, City Council directed work to begin on the West Rosedale Urban Design plan.

The conception of a signature district in the heart of the city at the River Crossing emerged over time as several initiatives came together under a united vision, including: the new Walterdale Bridge, the decommissioning of the Rosedale Power Plant, Touch the Water Promenade, RE/MAX Field, and the West Rosedale Urban Design Plan.

The City's current work in the area is guided by the River Crossing Heritage Interpretive Plan¹ and the River Crossing Business Plan², which Council approved in 2017 and 2019, and enabled the Rosedale Area Redevelopment Plan amendments which were approved in 2021. The Rosedale Power Plant and surrounding lands were transferred to the City's ownership in late 2022 following Council's approval of the Rosedale Land Transfer Agreement in 2020. A map of the development concept defined in the River Crossing Plan and a high-level timeline of events are included in Attachment 1. Attachment 2 provides an overview of previous engagement that informed the development of the Heritage Interpretive Plan and River Crossing Business Plan.

River Crossing Implementation - Current Status

Implementation of the River Crossing plan was initiated following Council approval of the Business Plan in 2019. It is funded through capital profile 19-17-0601 - River Crossing/West Rosedale Redevelopment (\$9.7 million) and a series of project-specific capital profiles. However, in response to direction from City Council, Administration paused the majority of project tasks in River Crossing as work to ensure appropriate Indigenous involvement in River Crossing implementation is ongoing; this includes the Interpretive Park co-design process. Indigenous involvement in implementation of River Crossing is foundational to the area's future, however, there is a risk that delays in implementation will have a reputational impact on the City. Uncertainty around when projects within this priority growth area will move ahead may also impact investor confidence.

To date, the following project work has been completed within River Crossing:

- Transportation Network Concept Plan

¹
[edmonton.ca/sites/default/files/public-files/assets/PDF/Approved River Crossing Heritage Interpretive Plan.pdf?cb=1662049019](https://edmonton.ca/sites/default/files/public-files/assets/PDF/Approved_River_Crossing_Heritage_Interpretive_Plan.pdf?cb=1662049019)

²
[edmonton.ca/sites/default/files/public-files/assets/PDF/River Crossing Business Plan Report.pdf?cb=1685563961](https://edmonton.ca/sites/default/files/public-files/assets/PDF/River_Crossing_Business_Plan_Report.pdf?cb=1685563961)

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- River Crossing Servicing Plan
- Touch the Water Preliminary Design
- Rossdale Power Plant Schematic Design and Heritage Assessments
- District Energy Feasibility Study
- Shared Parking and Demand Management Assessment

The following work is underway:

- Rossdale Power Plant Priority Investments - Design Development
- Temporary Programming Plan, Rossdale Power Plant

After Administration has completed its work based on Council's directed, the next steps considered for implementation include:

- Interpretive Park Co-Design (identification of a co-design model had been initiated in 2021; planning funded)
- Rossdale Power Plant Phase 1 Detailed Design & Construction (currently unfunded)
- Touch the Water Detailed Design & Construction (currently unfunded)
- River Crossing Community Redevelopment Phase 1 (initiation of planning anticipated in Q1 2024; planning funded)
- Municipal Heritage Designations (building specific and district-wide; will require Council approval)

Indigenous Involvement in River Crossing Implementation

After the August 15, 2022, City Council meeting, Administration established an integrated internal project team. Following this, Administration contracted a local Indigenous public relations firm, pipikwan pêhtâkwan, to support the creation of an outreach and engagement strategy that could lead to a potential governance structure in River Crossing. To understand First Nations' and Métis' interests and concerns related to the implementation of River Crossing, and potential involvement in implementation, the City of Edmonton reached out to its Memoranda partners.

- The City of Edmonton currently has a Memorandum of Cooperation and Dialogue (MOCD) with the Confederacy of Treaty Six First Nations (first signed in 2012, and re-negotiated and signed in 2021), a Memorandum of Shared Recognition and Cooperation with the Métis Nation of Alberta (2013), and a Memorandum of Understanding with Enoch Cree Nation (2017) that speak to shared values and a commitment to work together and engage on projects of mutual interest.

This approach reflected the City's respect for nation-to-nation (or government-to-government) consultation and engagement. Engagement has begun with those representatives from Nations with historical and cultural connections to this territory, including the North Saskatchewan River Valley. As future developments have the potential to impact Indigenous Rights and Treaty Rights, and occur within the traditional territory of these Nations, it is important to begin with these representatives.

In addition, Administration and pipikwan pêhtâkwan are examining opportunities to gather urban Indigenous perspectives, including those with historical and ancestral connections to the Ross

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Flats, for how River Crossing is advanced. These engagement opportunities will likely focus on how the area will be used, programmed, and experienced as it is built out.

Principles and Considerations

Administration has entered into dialogue with Indigenous Memoranda partners with the following guiding principles:

- First, any structure or approach developed in response to this Council motion would not be intended to replace existing and future opportunities for engagement. Robust and broad-based public and Indigenous engagement would still take place for each project and initiative advancing in River Crossing.
- Second is the assumption that River Crossing implementation will advance, but that Indigenous involvement will inform how, from a district level and project level.
- Third, an approach to Indigenous involvement in River Crossing needs to respect existing relationships and the decision-making context, including the City's Memoranda relationships, the role of Indigenous governments and leaders, and the role of federal and provincial governments in Indigenous consultation and oversight of historical places.
 - As this work progresses, it will also be important to clearly define the interaction between a governance structure for River Crossing and other exercises like public and Indigenous engagement, community involvement, Public Hearings, the role of Council, and provincial historical approval requirements to create the required clarity.
- Finally, it is expected that different First Nations and Métis communities' interest in this work and their capacity to be involved will differ. Administration will take guidance from communities on how they wish to be involved, and what types of support may be required to enable participation.

Based on the input received to date, an approach to Indigenous involvement in River Crossing that enables and empowers involvement of Indigenous peoples through meaningful, flexible and ongoing dialogue, in addition to project-based engagement, is likely an appropriate path forward. Approaches will be explored through continued engagement, which can establish stronger relationships, build mutual respect and identify opportunities for Indigenous peoples to be involved in River Crossing.

While the context in River Crossing is unique given the location and historical significance of the land, other City projects and initiatives will inform River Crossing's engagement work, including:

- the exploration of Indigenous-led housing,
- City of Edmonton Indigenous Framework³,
- City of Edmonton Indigenous Procurement Framework⁴,
- Urban Reserve Strategy⁵,
- the River Valley Planning Modernization⁶ project, and

³ edmonton.ca/sites/default/files/public-files/documents/PDF/CoE-IndigenousFramework-Report.pdf

⁴ edmonton.ca/sites/default/files/public-files/IndigenousProcurementFramework.pdf?cb=1669920020

⁵ edmonton.ca/sites/default/files/public-files/assets/PDF/UrbanReservesStrategy.pdf

⁶ edmonton.ca/city_government/initiatives_innovation/ribbon-of-green

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- the National Urban Park Initiative⁷.

The Community Insights section below outlines the themes heard during engagement to date.

Development & Land Uses: Locations of Special Significance

Regarding the City of Edmonton's current approach to private development and land use on locations of special cultural, spiritual or historical significance, jurisdictional responsibility for development and land uses on locations of special significance is divided between the City and Alberta Culture.

For land held privately:

- In areas of potential significance (mainly North Saskatchewan River Valley) a Statement of Justification (SoJ) under the *Historic Resources Act* (HRA) is completed for the area subject to the land development application and is submitted to Alberta Culture for review. With this review, the applicant engages directly with the affected Indigenous Nation or group, and the City through the Indigenous Relations Office. The Urban Planning and Economy department advises as necessary. Once clearance is provided, the land development application would proceed through the City's review process. Through the Area and Neighbourhood Structure planning process, a Historical Resources Overview is submitted to the City, which presents a summary of the lands that have known areas of significance and have received clearance from Alberta Culture, and outlines properties of non-participating landowners for which a Historic Resources Overview will be required prior to development.
- Pursuant to Section 31 of the HRA, development proponents and/or their representative(s) are required to report the discovery of any archaeological, historic period or paleontological resources that may be encountered during construction. Preservation, conservation and integration of cultural, historical, and/or archaeological resources is important to retaining local history and character that may also be of regional or provincial significance.

For land that the City owns:

- When the City owns the land where known sensitivities or historical significance exists, there is additional control over the use of this land. The Ross Flats are an example of land with known sensitivities or historical significance (identified archaeological sites, the formally designated Fort Edmonton Cemetery and Traditional Burial Grounds, and the existence of provincially and municipally designated historic sites in the district) where the City owns the majority of the land. For the Ross Flats, Council direction, informed by Indigenous perspectives and community input, has been integral to deciding on next steps.
- Because of the existence of identified and formally designated historic sites, projects advancing in nearly all parts of the River Crossing project area will trigger the requirement for completion of a Statement of Justification and a review under the HRA. This means that each project will require an archaeological assessment and submission to the provincial government for review and approval; under the HRA the province has the authority to approve

⁷ edmonton.ca/city_government/initiatives_innovation/national-urban-park

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development for advancement, refuse to grant an approval, or make the approval subject to any conditions the Minister considers appropriate.

In response to an HRA review, the province may also trigger a formal Duty to Consult requirement and, where appropriate, may require accommodations where it is determined that decisions/developments may adversely impact Nations' continued exercise of constitutionally protected Treaty rights. When a Duty to Consult is triggered, the City (or other project proponent) would be required to consult directly with specific First Nations or Métis communities as identified by Alberta Culture.

Next Steps

Administration will continue dialogue with the City's Memoranda partners, and expand the scope of the engagement to include First Nations and Métis communities, as well as Indigenous peoples with historic and ancestral ties to the Ross Flats regarding Indigenous involvement in River Crossing Implementation. This next step in engagement is expected to include a series of workshops in 2023. The next to Council is planned for Q1 2024.

Budget/Financial Implications

The current work is funded within current approved operating budgets. As the City moves forward with implementation, costs related to public engagement, archeological assessments, etc. will be included in the funding requests brought forward for the various components of the project.

COMMUNITY INSIGHT

Administration, with the support of pipikwan pêhtâkwan - an Edmonton-based Indigenous-owned, led and majority-staffed public relations agency focused on elevating Indigenous voices, projects and issues - initiated dialogue related to Indigenous involvement in River Crossing implementation in response to Council's motion with the City's Memorandum of Understanding (MOU) partners. These conversations utilized an Indigenous research methodology: keeoukaywin ("The Visiting Way").

- Coined by Dr. Cindy Gaudet (2019), keeoukaywin centers Métis and Cree ways of being, and presents a practical and meaningful way to conduct research. Built from a concept developed by Shawn Wilson in his book *Research is Ceremony* (2009), keeoukaywin emphasizes the importance of both relationality and interconnectedness between researchers and those they research.

The themes and perspectives that have been shared during engagement with MOU partners to date include:

- There must be respect for decision-making authority of Chiefs and Councils, and the role of Chiefs as heads of government in any process or model that is developed.
- Youth and Elders must be involved. Cross-generational input is important to First Nations to provide a diversity of perspectives.
- Relationship and capacity building, and nation-to-nation dialogue, are necessary in any model, especially in relation to the River Valley.

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- Some trial and error may be required to create a meaningful and effective model, but the City must continue to demonstrate learnings regarding treaty rights and the Nations with connections to this land.
- The City of Edmonton should engage with Nations in the way Nations want to be engaged rather than through a defined structure.

GBA+

The goal of this work, to describe Indigenous involvement in the implementation of River Crossing, aligns with the City's Indigenous Framework. It seeks to achieve the City's GBA+ principles by creating opportunities for an Indigenous worldview to contribute to River Crossing implementation. The engagement will shape River Crossing in a way that addresses systemic barriers to a more inclusive city with direct involvement from Indigenous peoples with historic connections to the area.

The steps outlined in this report will support relationship-building with Indigenous community members, and create opportunities for engagement and dialogue that will directly inform the City's work in River Crossing through engagement with Nations and Indigenous communities with historic connections to the land. Future dialogue will include Indigenous Elders and Knowledge Keepers, youth, and technical experts. The intent is to learn from the diverse experiences and perspectives provided in order to move forward with River Crossing in an equitable manner that suits the needs of both Indigenous communities and the City.

ATTACHMENTS

1. River Crossing Business Plan - Map and Timeline
2. River Crossing Indigenous Engagement: Heritage Interpretive Plan & River Crossing Business Plan