



Smith's Landing First Nation

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Impact Assessment Agency of Canada
Prairie and Northern Region
Canada Place
Suite 1145, 9700 Jasper Avenue
Edmonton, Alberta T5J 4C3

Dear Sir or Madame:

Re: Smith's Landing First Nation Comments on Initial Project Description for proposed Suncor Case Mine Extension Project, Reference No. 80521

We write in response to the Impact Assessment Agency of Canada's ("Agency") letter dated March 2, 2020 requesting written comments on the initial project description ("IPD") submitted by Suncor Energy Inc ("Suncor") for the proposed Base Mine Extension Project ("Project"). The Project has the potential to impact Smith's Landing First Nation's ("SLFN") Treaty rights and interests and as such, we submit our comments and concerns on the IPD below for the Agency's consideration.

Overview of SLFN

SLFN is a signatory of Treaty No. 8 ("Treaty") and are the descendants of the traditional Tthebatthi (meaning "above the rapids", referring to the first set of rapids on the Slave River) Dënésuǰné (people of the land) of the south Slave region. The Tthebatthi Dënésuǰné Territory encompasses northern Alberta, Wood Buffalo National Park ("WBNP"), the Northwest Territories ("NWT"), northern Saskatchewan, northern Manitoba, and southern Nunavut. SLFN has ten reserves south of the 60th parallel, two of which are located in WBNP, including ?Ejere K'elni Kue 196I (Hay Camp) and Tsu Nedehe Tue 196H (Pine Lake). SLFN also falls within the Regional Municipality of Wood Buffalo.

Since time immemorial we have coexisted in harmony with the environment. Dene Ch'anié, "the path we walk" is the Code of Conduct that the Dënésuǰné live by according to natural laws, which are laws born of the land. SLFN holds an integral stewardship role to protect the land, resources and northern waters that flow out of Alberta, through the NWT and into the Arctic Ocean to ensure the continuation of our Dene Ch'anié and our culture, beliefs, and values. SLFN citizens continue to hold a strong connection to our Territory and actively use the land, waters, and resources to sustain their cultural way of life.

Potential Effects and Impacts

The Project has the potential to adversely, directly, indirectly and cumulatively impact the environment downstream, including WBNP, SLFN reserves, and the Slave River, and consequently SLFN's ability to exercise our Treaty rights and interests. SLFN has experienced the downstream cumulative impacts from existing oil sands development, many of which are located within the same distance from WBNP as the proposed Project. Suncor's current operations have contributed to the cumulative impacts SLFN has experienced over the years, which we were not consulted on prior to its development. Oil sand developments have led to the contamination of fish, wildlife, plants, and water in WBNP and the Slave River making it increasingly difficult for our citizens to practice their inherent rights unencumbered while continuing their Dene Ch'anié.

Water Quality and Quantity

SLFN is particularly concerned about the potential impacts of the Project on the water quality and quantity within WBNP and the Slave River because we rely on these waterbodies to exercise our Treaty rights. The Peace, Athabasca, and Slave Rivers form part of Canada's largest drainage basin, the Mackenzie River Basin, where the Athabasca River drains north into the Slave River (which serves as the eastern border of WBNP), flows north passed Fort Fitzgerald and empties in the Great Slave Lake, NWT. As such, any contamination from mining and tailings operations that enter the Athabasca River eventually reach the Slave River, flowing north into the NWT. In turn, contamination impacts the quality and quantity of fish, wildlife, plants and medicines that SLFN citizens rely on for their way of life. We also rely less and less on these waterbodies as a source of drinking water due to contamination and we are concerned that the proposed Project will further contaminate our water resources. In the past, proponents have failed to meaningfully understand how the Athabasca and Slave River watersheds interact leaving glaring information gaps in their assessment of the potential downstream impacts. SLFN urges Suncor to bridge this information gap by conducting this important assessment to understand the downstream impacts of the Project on the environment and Treaty rights.

We are also concerned that the Project will further impact the low water levels we are experiencing across our Territory due to development upstream. SLFN traditionally relied on the Slave River and its tributaries as a transportation corridor to trade with other Nations and to follow the seasonal migration of various animals such as buffalo, caribou and moose. However, travel by water has now become increasingly difficult due to unpredictable water levels, and in some cases unnavigable due to a drying effect.

Outstanding Universal Value of WBNP World Heritage Site

WBNP straddles the boundary between Alberta and NWT, and encompasses 4.5 million hectares of forest, wetland and prairie, including the Peace-Athabasca Delta. WBNP is one of Canada's eight UNESCO World Heritage Sites, given its unique and outstanding ecosystems. As mentioned above, SLFN relies on WBNP to exercise its Treaty rights, including but not limited to hunting, fishing, trapping, gathering and other necessary incidental rights. As such, we are concerned about the potential for the Project to impact the ecological integrity of WBNP, including but not limited to its Outstanding Universal Values (OUV):

Criterion (vii) “the great concentrations of migratory wildlife are of world importance and the rare and superlative natural phenomena include a large inland delta, salt plains and gypsum karst that are equally internationally significant.”

Criterion (ix) “the most ecologically complete and largest example of the entire Great Plains–Boreal grassland ecosystem of North America, the only place where the predator-prey relationship between wolves and Wood Bison has continued, unbroken, over time.”

Criterion (x) “the only breeding habitat in the world for the Whooping Crane, an endangered species brought back from the brink of extinction through careful management of the small number of breeding pairs in the park. The park’s size (4.5 million ha), complete ecosystems and protection are essential for in-situ conservation of the Whooping Crane.”

Canada’s Action Plan recognizes that WBNP is particularly vulnerable to impacts of external development outside its boundaries stating that upstream and adjacent developments such as oil sands development have the potential to impact the OUV of WBNP¹. We agree with Canada’s statement as we are experiencing ongoing impacts from upstream development in our Territory. In the event a federal impact assessment is considered necessary, SLFN requests that the assessment considers the potential impacts of the Project on WBNP, including its OUVs and any other values identified by Indigenous groups.

Air Pollution

Suncor states that the Project is not expected to result in changes outside of Alberta and that the air quality assessment will evaluate transboundary impact on ambient air quality, based on proximity of the Project to the Alberta/Saskatchewan border.² SLFN is concerned that the air quality on the Alberta/NWT border may also be impacted by the Project as we have experienced airborne pollution as far north as Fort Fitzgerald and Fort Smith, NWT from oil sands development. For example, in November 2019 our citizens complained of an unusual smell in Fort Smith which was later confirmed by the Alberta Energy Regulator to be from the Syncrude oil sands mine located near Fort McMurray.

Health, Social and Economic Conditions

SLFN citizens use our Territory as their “grocery store” to feed our families. However, this has become increasingly difficult with the degradation of our Territory. Citizens of SLFN do not want to consume resources from the land due to contamination to resources. As a result, citizens have become increasingly reliant on store bought foods and filtered water which has placed a financial burden on our citizens to support their families. Citizens are forced to spend money on food that we would otherwise would have received from the land and creator.

In addition, SLFN citizen health has declined since the introduction of oil sands development and we are concerned that the proposed Project may contribute to increased cancer rates in the community. We are a

¹ Wood Buffalo National Park World Heritage Site, *Action Plan*, February 1, 2019 [Action Plan], at p. 1.

² Initial Project Description Summary, IAAC Doc No. 4 [IPD], at s. 20, p. 20.

remote community located on the border of Alberta/NWT making it difficult and costly for our citizens to seek cancer treatment placing further financial burdens and stress on SLFN. We are concerned that the Project will contribute to this financial burden on our citizens.

Intergenerational Knowledge and Cultural Continuity

SLFN is concerned that the Project will further erode our citizens ability to pass on important cultural and traditional knowledge to future generations. This transmission of knowledge is dependant on our ability to access preferred harvesting areas and an abundance of useable, healthy resources. However, the cumulative impacts from upstream development, such as low water levels and resource contamination has seriously impacted our cultural continuity. With the development of each new oil sands project, SLFN is faced with the serious reality of losing our cultural way of life, identity, and Dene Ch'anié

Transboundary Impacts

Suncor states that the “Project is not expected to result in changes outside of Alberta” but will conduct a hydrology assessment to evaluate the transboundary impacts on water quality and quantity to the Alberta/NWT border.³ It has been SLFN’s experience that projects carried out wholly in Alberta have significantly impacted the environment of the Alberta/NWT border and beyond. SLFN believes that the Project has the potential to cause changes to the environment “in a province other than the one where the physical activity or designated project is carried out” in accordance with section 2 of the IAA. As such, SLFN believes that it would be in the national interest to conduct a joint review with the Mackenzie Valley Resource Management Board to assess the effects of the Project on the NWT pursuant to section 142 of the *Mackenzie Valley Resource Management Act*.⁴ This would be consistent with the federal governments commitment to manage and maintain the ecological integrity of water resources under the:

- Mackenzie River Basin under the Mackenzie River Basin Transboundary Waters Mater Agreement, effective July 24, 1997;
- Mackenzie River Basin Bilateral Water Management Agreement between the Government of Alberta and Government of Northwest Territories, effective March 18, 2015; and
- Action Plan.⁵

Approach to Consultation and Engagement

Funding Request

If a federal impact assessment is required for the proposed Project, SLFN requests sufficient funding from IAAC to meaningfully participate in all aspects of the assessment process, including any comment periods, oral hearings, written submissions and to hire technical experts to assist SLFN review, understand, and assess project information. In addition, we would request funding to conduct an independent assessment to be considered by the responsible authority. We wish to develop our own methodology for assessing impact

³ IPD, at s. 20, p. 20.

⁴ *Mackenzie Valley Resource Management Act*, SC 1998, c. 25.

⁵ Action Plan, at p. 2.

of the Project on our Treaty rights following the principles of Dene Ch'anié. The methodology used by the former Canadian Environmental Assessment Agency for past projects did not capture and incorporate SLFN perspective resulting in the former Agency's failure to meaningfully assess impacts and propose appropriate measures to mitigate our concerns.

Proponent Engagement

SLFN seeks deep engagement with Suncor to ensure that both parties fully understand the potential impacts of the Project on the environment and SLFN constitutionally protected Treaty rights and interests. As such, SLFN requests an initial meeting with Suncor to develop a plan for engagement to ensure that all necessary information is gathered, shared and assessed on the potential impacts of the Project. Engagement would include one on one meetings between Suncor and Chief and Council, technical meetings, and community meetings to ensure that our citizens are informed about and able to provide feedback on the proposed Project. We would also like to work with Suncor to develop a community water monitoring program to monitor impacts of the Project on the Slave River.

We are disappointed that Suncor did not engage with SLFN prior to submitting the IPD, especially since it has engaged with our neighbours, including Mikisew Cree First Nation and Athabasca Chipewyan First Nation. However, we are hopeful that Suncor will forge a new path forward by building a relationship with SLFN based on information sharing, transparency, and respect.

Crown Consultation

If it is determined that a federal impact assessment is required, SLFN requests deep consultation with the Agency to substantially address our concerns through a meaningful process of reconciliation and fair dealing. This will require one on one meetings (in person and/or via teleconference) between representatives of the Agency and SLFN to allow for meaningful two-way information sharing. We would also invite Agency representatives to visit our community to understand what we are trying to protect for future generations. SLFN expects the Agency to seriously engage and grapple with our concerns. At the outset of consultation, we wish to establish a mutually agreeable engagement plan which outlines the Agency's mandate so that both parties are clear about the Agency's powers and authority in the assessment process.

SLFN Protocols

SLFN abides by principles of reciprocity and equal exchange of energy which are intrinsic to our Dene Ch'anié. An offering will always be given as a sign of respect and the type of offering will depend on nature of the exchange. For example, tobacco or an offering of choice is given back to Mother Earth when plants are harvested, song and prayer may be provided in exchange for passage through sacred spaces, and offerings of food or a feast might be used to solidify an agreement. Gifting is dependent on the people involved and situation and involves personal choice.

At the outset of every SLFN meeting, we open with a prayer and/or ceremony led by an Elder or member of Chief and Council. Many meetings happen during the evening so that all members of Chief and Council may attend, as well as invited guests and community members, at which time a meal is often shared. While we often provide food, visitors wishing to discuss activities which may impact our Territory are encouraged

to show their respect for our Dene Ch'anié by bringing a small gift of their choice from their homeland to offer to the community via Chief & Council.

Closing

Thank you for taking the time to review our concerns and we hope that the Agency will incorporate these concerns into the Summary of Issues. We look forward to building a relationship both with the Agency and Suncor based on reconciliation and trust. Should you have any questions or comments, please contact Becky Kostka at lands@slfn196.com or (867) 621-1960.

Sincerely,

<original signed by>

Chief Gerry Cheezie
Smith's Landing First Nation

CC: Maurice Evans, CEO, SLFN
Becky Kostka, Lands & Resources Manager, SLFN
Megan McConnell, Rana Law
Suncor Base Mine Account

We, the Tthebatthi Dënésuhné, have been sovereign since time immemorial. Together, we will continue our journey in harmony with the environment to sustain a healthy and self-sufficient lifestyle for future generations. To honour our Creator and ancestors, we will protect and nurture the integrity of our Déné Ch'ame.