



**SWEETGRASS
FIRST NATION**

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July 30, 2021

Ian Martin
Team Lead, Prairie and Northern Regional Office
Impact Assessment Agency of Canada
600-55 York Street
Toronto, Ontario
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Dear Mr. Martin,

I am writing in response to your letter dated July 7, 2021, regarding the designation request for the Lake Diefenbaker Irrigation Expansion Projects (“the Project”). In your letter, you requested information from Sweetgrass First Nation related to:

1. the Project’s potential adverse effects on Sweetgrass First Nation’s
 - a) Physical and cultural heritage
 - b) Current use of lands and resources for traditional purposes
 - c) Structures, sites or things of historical, archeological, paleontological or architectural significance
2. A description of whether and how the Project may result in changes to Sweetgrass First Nation’s health, social or economic conditions, and
3. A description of whether and how the Project may impact Sweetgrass First Nation’s rights as protected under section 35 of the *Constitution Act*, 1982.

To date, the only Project-related information Sweetgrass First Nation has received is in the form of a vague Power Point presentation from the Province of Saskatchewan’s Water Security Agency (WSA) which describes at a high level the construction of the project, relevant locations, and how the project will be of economic benefit to Saskatchewan. This information did not include any analysis conducted by the province or the federal government related to the potential impacts of the Project on the environment.

Due to the limited information we have received from the provincial and federal government and the limited resources we have on hand, it is difficult for Sweetgrass First Nation to understand how the Project may potentially impact our individual and/or collective rights let alone provide comment to the Impact Assessment Agency of Canada (IAAC) outside of an Impact Assessment. That said, there are 3 broad concerns about the Project's impacts to our Treaty and Inherent rights that Sweetgrass is able to share, these include 1) impacts to land, 2) impacts to water, and 3) impacts to our ability to grow economic participation in the broader economy.

As it relates to land, the Project description states that the combined area to be made irrigable. The proposed project is in excess of 186,155 hectares and is deemed the largest infrastructure venture ever undertaken in the history of Saskatchewan. Much of this land is unbroken pasturelands which may contain important physical and sacred and/or cultural heritage attributes as well as structures, sites or things of historical archeological, and paleontological or architectural significance. However much of this land is privately held and as such, due to recent provincial legislation and regulation, not accessible to our First Nations people. Therefore, we are currently not in a position to comment on the extent to which cultural, spiritual and historical sites of importance to Sweetgrass First Nation will be impacted due to current provincial and federal legislative, regulatory and policy regimes. On lands where access is permitted within the regions impacted by the Project, our people continue to carry out cultural and traditional activities such as hunting, fishing, trapping, gathering and spiritual connectivity to the lands passed down to us by our ancestors. These areas will be irreparably transformed by the Project and further limiting the ability for Sweetgrass First Nation's citizens to practice out Inherent and Treaty rights.

As it relates to water, the Saskatchewan watershed is an integral component of Sweetgrass First Nation's identity, and the rivers and lakes therein hold cultural, spiritual and historical significance to our people. Despite assurances from the province that the Project would only minimally impact water levels on the Saskatchewan River and Saskatchewan Delta, Sweetgrass First Nation along with every other Indigenous Nation within the prairie provinces is unable to corroborate this assertion due to our exclusion from water management and governance activities.

As described in Western Economic Development Canada's 2020 Prairie Prosperity Report:

"Inherent water rights for Indigenous peoples are an important part of the governance picture in Canada and on the Prairies. These rights can stem from treaties, as well as a continuation of rights and responsibilities retained by Indigenous groups, rather than ceded to federal or provincial levels of government. An approach for managing water in the Prairies will require significant input, ongoing engagement, and partnerships with Indigenous rights-holders. Although some level of engagement and collaboration is required by legislation such as the Impact Assessment Act, the impact assessment process on its own, is a necessary, but insufficient condition of Indigenous engagement and partnership as the irrigation projects are advanced. Indigenous rights-holders need to be engaged in a meaningful way to have their perspectives and concerns addressed throughout the development of irrigation infrastructure and water management strategies."

The phases of the Impact Assessment process enables a starting point for discussions related to Indigenous participation in water management. This assessment needs to be inclusive of and responsive to Indigenous perspectives in analyzing the short-term and long-term cumulative impacts that this project could have on water management within the Saskatchewan watershed. First Nations have an inherent right to water.

Finally on the issue of economic participation, First Nations like Sweetgrass are being excluded from the planning process for this Project. It is during this phase of a project where contractual agreements are initiated and opportunities for economic development are enabled. Furthermore, the lack of meaningful participation by Indigenous Nations within the planning phase of the project may prejudice future negotiations for Treaty Land Entitlement (TLE) Lands by excluding agricultural lands that would enable our people to fulfill the Treaty legacy of becoming self-sufficient farmers. Without an impact assessment, large-scale landowners, corporations with deep pockets and the government of Saskatchewan will be the only beneficiaries of a process that limits First Nation's ability to acquire lands made arable as a result of the Project. The Project will also jeopardize former designated lands within the Prairie Farm Rehabilitation Areas (PFRA) and the ability for First Nation's participation in the co-management of these spiritually significant grasslands. Dozens of these lands, home to several threatened or endangered species of wildlife and vegetation are within the area made irrigable by the Project and advances in their protection may be undermined in favour of arguments for the production of crops.

Indigenous participation in an Impact Assessment will identify key issues, including potential impacts on Aboriginal and Treaty rights, which will be the focus of problem-solving efforts during the subsequent phases of the impact assessment. The process currently being advanced by the province on such an important and landscape altering project barely meets the standards of public notification. The cumulative impacts from a project of this scale cannot be fully understood without a comprehensive Impact Assessment that extends far beyond the general principles and requirements of public participation currently on offer from the province of Saskatchewan. Furthermore, it is troubling that the Impact Assessment Agency in its request for information from Sweetgrass First Nation has not taken a more holistic view of the potential implications, including upstream and downstream impacts of all 3 phases of the Project and has instead focused solely on the linear disturbance. It seems as though reference to this project has been transforming from one project to more than one project to fly under the legislative or regulatory radar. This undermines the intent of much of the amendments to federal legislation that has occurred over the last handful of years and the good faith approach that many First Nations have undertaken to contribute to the policy development work that has transpired over the last year in relation to the incorporation and development of an Indigenous and Traditional Knowledge Framework for reference for the IAAC.

Free, Prior and Informed Consent (FPIC) is a specific right that pertains to Indigenous peoples and is recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which is currently being adopted into all aspects of Canadian law and legislation. FPIC enables Indigenous Peoples to negotiate the conditions under which a project will be designed, implemented, monitored and evaluated. Canada's commitment to reconciliation is dependent on the implementation of UNDRIP into Canadian law and the process currently being

advanced by the government of Saskatchewan undermines the relationship we seek to build between our communities.

An Impact Assessment with adequate resources provided to every Indigenous Nation potentially impacted by the Project is the appropriate forum for Nations like Sweetgrass First Nation to be able to answer the questions you posed on July 8th, 2021. In closing, Sweetgrass First Nation wholly supports the Federation of Sovereign Indigenous Nations's (FSIN) call for the Project's designation. An appropriate next step is for the Minister of Environment and Climate Change to participate in a meeting with Sweetgrass First Nation leadership in to thoroughly discuss an Indigenous led Impact Assessment Process that will take direction and guidance from our leadership, Elders, women, land users, and youth. Work being currently undertaken by unilaterally chosen contractors such as Clifton and Associates without any inclusion of First Nations does detrimental harm to the potential of developing positive relationships in light of what we are collectively facing across this country related to the findings on the grounds of your Residential Schools. A project of this magnitude should surely be subject to full Indigenous led Impact Assessment which only then we, as Sweetgrass First Nation would be able to provide proper comment on whether we would support or not support this project.

Regards,

<Original signed by>

Chief Lorie Whitecalf
Sweetgrass First Nation

Cc:

FSIN Executive

Dawn Walker, EOO, FSIN

Jayne Benson, ED, FSIN Lands and Resources Secretariat

Sheldon Wuttunee, CEO, SFNNRCE

Minister Jonathan Wilkinson, Environment and Climate Change Canada (ECCC)

Premier Scott Moe, Government of Saskatchewan

Minister Fred Bradshaw, Water Security Agency

Minister Jim Reiter, SaskBuilds and Procurement

Minister Warren Kaeding, Ministry of Environment

Minister David Marit, Ministry of Agriculture

Minister Gordon Wyant, Ministry of Justice and Attorney General

Minister Don McMorris, Ministry of First Nations, Metis and Northern Affairs

Greg Bosse, Prairie and Northern Regional Office, Impact Assessment Agency of Canada (IAAC)