

Enclosure 1: ACFN Responses to IAA Guiding Questions for Designation Requests

Designation Request for the Proposed Patterson Lake South Mine Project (the “Project”) under the *Impact Assessment Act*

Potential Effects and Impacts

1. Please describe whether and how the potential adverse effects of the Project could result in changes to your community's:

(a) *physical and cultural heritage (e.g., ceremonial sites, burial sites, cultural landscapes)*

ACFN holds unextinguished Aboriginal rights. They also hold Treaty rights under Treaty 8, which ACFN's ancestors adhered to in 1899. Members of ACFN continue to exercise their Aboriginal and Treaty rights, which are enshrined in section 35 of the Constitution. Those rights include hunting, trapping, gathering, and fishing rights, and our members continue to exercise those rights today, as their ancestors have for generations on ACFN's lands, including within the vicinity of the proposed Project. Before settlers intervened with trade and treaty, and prior to provincial boundaries being imposed on ACFN, the ancestors of what is now ACFN lived in the vicinity of the Project and used the lands in those areas to sustain their ways of life.

We have attached Nih Boghodi, which sets out ACFN's strategy for protecting woodland caribou, barren ground caribou, and wood bison, but more broadly is our vision and tool for sustaining the way of life for our members. We encourage you to review this strategy, as it provides relevant information for the purposes of designating the Project. Specifically, within Nih Boghodi, you will note that the Project is on the eastern side of our ACFN *thunzea* and *dechen yághe ejere* stewardship zone. This stewardship zone is an area of heightened environmental management and monitoring, and all projects with industrial waste, linear disturbance and potential impacts on caribou and bison ranges must involve ACFN in their assessment.

(b) *current use of lands and resources for traditional purposes (e.g., hunting, fishing, trapping)*

As noted above, the Project impacts the ACFN *thunzea* and *dechen yághe ejere* stewardship zone, and therefore we anticipate that the harvesting rights of ACFN members will be adversely affected by the proposed Project's direct, indirect, and cumulative impacts.

Nih Boghodi is partly a strategy to restore caribou and bison habitat, including within the Project footprint, which strategy in turn supports the enhancement of our members' ongoing harvesting rights. While we do not have the benefit of a recent traditional use study for this Project site, as neither the Project proponent nor Saskatchewan government have provided capacity support to ACFN, concerns of ACFN regarding this Project include, but are not limited to, the following: harvesting sites that form part of our stewardship zone, including intersecting traplines and traditional use sites within 1km, 2km, 5km, and 10km. In particular, given our work under Nih Boghodi, the Project will certainly impact core habitat for keystone species that our members rely upon.

Further, this Project is located within ACFN critical waterways, and is part of the watershed that drains into Lake Athabasca, which is central to our way of life. Therefore, we expect that this Project will, directly and indirectly, impact groundwater and surface water bodies and infringe on our harvesting rights, particularly those relating to fish, waterfowl and plants.

(c) *structures, sites, or things of historical, archaeological, paleontological, or architectural significance (e.g., artifacts, important historic buildings, or symbols)*

As above, we do not have the benefit of a traditional use study for this Project area, but would be prepared to undertake one if this Project is designated under the *Impact Assessment Act*, subject to suitable capacity funding. We expect a TUS would reveal information that answers this component of the federal government's inquiry.

2. *Please describe how the Project may result in changes (both positive and negative) to your community's:*

(a) *health, social or economic conditions (e.g., employment opportunities, easier access to goods and services, economic development, accessibility to health-care services).*

ACFN has historically used all parts of its Treaty 8 area for various cultural practices integral to its members well-being and existence. The use of those lands for these purposes is essential to ACFN. The land sustains ACFN and is at the heart of our culture, traditions, identity, spirituality, and rights.

The socio-economic impacts on the Athabasca Chipewyan First Nation cannot be separated from understanding and appreciating ACFN Aboriginal and Treaty rights. Participation in the industrial, commercial, and traditional economies has been part of the history of ACFN in various degrees since their involvement in the fur trade starting in the 18th century. ACFN is always willing to explore economic development participation with proponents with the objective that the proponent address ACFN's wide ranging socio-economic needs. However, while ACFN expects proponents to include them in the economic benefits of industrial development, developments can be at odds with ACFN's rights to maintain and develop its culture, language, and traditional livelihood. ACFN has corresponded with the proponent about the need to engage in this Project but has not received a response; the proponent has not advised whether there will economic opportunities for ACFN.

Because of increasing industrial activity in Alberta, ACFN's Traditional Lands are increasingly taken up by bitumen mines and associated plant facilities, in-situ wells, pipelines and facilities, gas wells, seismic lines, oil exploration wells, and related seasonal access and roadways. ACFN has also been impacted by uranium mining, as well as the legacy of abandoned uranium mines, several of which are on the eastern side of Lake Athabasca north of the Project.

Concerns about health effects from industrial projects in turn limits Aboriginal and Treaty rights practices. For example, ACFN members are reporting that they are avoiding areas of industrial disturbance that have been traditionally used because of concerns about the state of the environment and health of the land, water, and other resources. Avoidance of traditionally used areas and resources directly impacts ACFN activities and impacts the exercise of ACFN's Aboriginal and Treaty rights. The extensive impacts of oil sands development in Alberta has caused our members to put increased reliance on ACFN territory within Saskatchewan. The proposed Project will likely put further pressure on the ability of ACFN members to continue their harvesting rights.

(b) *Indigenous knowledge, Indigenous language, or Indigenous culture.*

This Project will likely undermine traditional land use patterns, erode traditional food systems, and alter the health, quality, and availability of resources used for cultural and traditional uses. Our experience with industrial projects in our territory is that members tend to avoid areas that have been developed, and once that happens we see a loss of indigenous knowledge, place names (including Dene language associated with the site) and culture. This erosion has happened throughout our territory after the commencement of an industrial project, and we are concerned the same impacts will be true of the present Project.

3. Please describe how the Project may result in any change (positive or negative) to:

(a) the intersection of sex and gender with other identity factors (would there be effects to different sub-groups within your community, identified based on factors such as gender, age, race, religion etc. For example, to women, youth, elders).

(b) sustainability, considering, for example, the interconnectedness and interdependence of human-ecological systems and the well-being of present and future generations.

As above, once we lose connection with an area due to industrial development, the impacts can be generational. ACFN has witnessed the loss of traditional skills, knowledge, land use, culture and language as a result of large-scale resource development. If our elders and land users stop using the land, this often stops the flow of culture and knowledge to subsequent generations. If our youth stop using the land, or are prevented from using the land due to development and the loss of harvesting opportunities, we lose our connectedness to the land and those species we have relied upon for millennia.

4. If you expect the Project may impact your community's rights as protected under section 35 of the Constitution Act, 1982, please describe how.

We have attempted to describe the impact on our community's rights throughout this document. In addition to what we have said above, we are concerned that another uranium mine in our territory will have a widespread impact and generational effects on ACFN's Treaty and Aboriginal rights, as prior uranium mines have had. We are concerned that the Project will contaminate the environment with radioactive dust, radon gas, water-borne toxins, and increased background radiation levels. The Project has the potential to impact ground and surface water quantity and quality, air quality, and biodiversity—all of which are, or will lead to, an infringement of ACFN's Treaty and Aboriginal Rights.

ACFN is also concerned that this proposed uranium mine will have severe negative social impacts due to desertification, environmental pollution, and health and safety problems. Therefore, adequate federal assessment of the direct, indirect, and cumulative impacts on ground and surface water quantity and quality, air quality, and biodiversity is required by way of a joint review, in which ACFN intends to participate. Our experience with joint reviews is that the federal Crown's involvement is critical to a fulsome assessment of project impacts on ACFN rights, many of which fall directly within federal jurisdiction (fisheries, transportation, Indians and Lands reserved for Indians, and migratory birds).
