

July 17, 2026

Reply to: John Harvie
File No. 26-57602 JBH
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Writer's Direct Line: 204 926 1505

Without prejudice

Via email

Impact Assessment Agency of Canada
Prairie and Northern Region
Canada Place
1145-9700 Jasper Avenue
Edmonton AB T5J 4C3

Attention: Param Joshi, A/Senior Consultation Analyst

Dear Sirs/Mesdames:

**RE: Summary of the Initial Project Description of the Brandon
Dispatchable Capacity Project**

Please be advised that our office is counsel for Sandy Bay Ojibway First Nation ("**SBOFN**"). We write in response to your recent request for input on the Summary of the Initial Project Description of the Brandon Dispatchable Capacity Project (the "**Project**").

At the outset, and without prejudice to our position that our First Nation's Free, Prior and Informed Consent is needed for this project to proceed, SBOFN must express its profound disappointment in the timing and compressed timeframe provided for SBOFN to provide input.

An invitation sent immediately before a national holiday, setting out a timeframe allowing less than three full weeks during the summer months, is plainly inadequate for SBOFN to conduct the level of review, consultation and preparation required to respond to a proposal on the Project. The timeline provided is unreasonable, contrary to the principles of meaningful consultation, and disrespectful of SBOFN's time, resources and rights at stake.

Further, given the scope of the Project, we find that the \$5,000 in potential funding provided is entirely insufficient. SBOFN expects to be compensated based on actual expenditure in this matter.

The Project has the potential to affect SBOFN's Treaty, Aboriginal and inherent rights and interests, including harvesting, cultural practices and stewardship of SBOFN's traditional territory. The anticipated effects on vegetation, habitat, culturally and archeologically significant areas have obvious potential to seriously and negatively affect those rights.

SBOFN's free, prior and informed consent is a prerequisite for the Project. The United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP"), which has been endorsed by the Government of Canada, affirms the requirement for Indigenous Peoples to consent to any projects or policies affecting their lives, lands, jurisdictions and futures. Any attempt to advance the Project without obtaining SBOFN's free, prior and informed consent would undermine the rights recognized in UNDRIP and disregard SBOFN's inherent authority over decisions that affect its people and territory.

SBOFN placed the Attorney Generals of Canada and Manitoba on notice on April 11, 2025, that SBOFN is developing a Free, Prior and Informed Consent Law ("**FPIC Law**"). The law is under consideration by SBOFN. The FPIC Law will affirm what is already the law of the land: SBOFN's free, prior and informed consent is required for the Project and any other that affects its rights and interests.

This communication and any further discussion of this matter regarding "consultation" is entirely without prejudice to the position of SBOFN that SBOFN's Free, Prior and Informed Consent is required for the Project to proceed.

Yours truly,

MYERS LLP

Per:

<Original signed by>

John B. Harvie

JBH/alg