

**First Nations Governance Meeting
October 16, 2012 @ 10:00 a.m.
Prince Albert Inn, Prince Albert**

**Recorders: Robin Tod, Heather Davies
Facilitator: Dan McGill**

Stakeholders:

Name	First Nation
Shannon Thomson	Intergovernmental Liaison, File Hills Qu'Appelle Tribal Council
Jaime Lavallee	Policy Specialist, File Hills Qu'Appelle Tribal Council
Edmund Bellegarde	Tribal Chairperson, File Hills Qu'Appelle Tribal Council
Roland Crowe	Senator, Federation of Saskatchewan Indian Nations
Diane Ballantyne	Project Coordinator, Opaskwayak Cree Nation
Gertie Budd	Councillor, Peter Ballantyne Cree Nation
Brian Scribe	Researcher, Federation of Saskatchewan Indian Nations
Valerie Rider	Carry the Kettle First Nation
Corina Rider	Land Manager, Carry the Kettle First Nation
Cliff Buettner	Forestry Program Manager, Prince Albert Grand Council
Terry Prosper	Land Manager, One Arrow First Nation

Meeting Notes

Dan started the meeting at 10:00 a.m. Participants were asked to introduce themselves.

After introductions Dan asked if any of the participants would like to give a prayer at the beginning of the meeting. Gertie Budd volunteered to give a prayer, blessing the meeting.

Dan indicated that this process is a pre-consultation assessment as well as an engagement meeting and that we are wanting their input into determining the potential impacts of renewing Lake Diefenbaker's Reservoir Operating Plan and from this, the duty to consult. Dan asked if any participants had any concerns/challenges that they would like to share prior to the presentation about the engagement process.

Concerns/Challenges

1) There was concern over our organizations' new name "Water Security Agency" and the implication of what "Security" means.

2) A representative indicated that the File Hills Qu'Appelle Tribal Council (representing Treaty Four First Nations) have not adopted or accepted Saskatchewan Government's Duty to Consult process, as there is no recognition of inherent treaty rights. Therefore, the government's current Duty to Consult process is not meaningful to them. There are a number of issues with the process, including:

- The Government of Saskatchewan chooses not to have full disclosure of information at a strategic level. Treaty Four First Nations feel that the consultation process dictated by the

Supreme Court, of Canada that ensures all parties are provided with appropriate resources to understand and evaluate and to participate in a consultation process, is not being met.

Some of File Hills Qu'Appelle Tribal Council's issues associated with the Water Security Agency include:

- the Agency does not respect the First Nations Treaties and Traditional Rights or Teachings. Traditional ways have not been respected or integrated into the consultation process;
- there are activities happening without consultation or participation with Treaty Four members;
- they are concerned with the quality of water and how the data is collected. Promises of improvement to water quality have been repeatedly offered, but have not happened and the quality continues to degrade;
- there is concern over water quantity and future sourcing of water;
- Qu'Appelle lakes (Long Lake and Kanookima beach, Katepwa and Round Lake) have riparian treaty and inherent rights. There is concern that the 25 year Water Security Plan has been written without acknowledgement of First Nations Rights;
- there are cumulative impacts that have occurred along the system to date without First Nations' consent and are considered to be an abuse of authority. Cumulative impacts have not been appropriately addressed and Treaty Four First Nations will continue to raise these impacts until they are addressed appropriately and in a meaningful way;
- there is concern that the Agency is operated and acts in a short sighted manner; and
- the construction of the South Saskatchewan River Project has disturbed and desecrated sacred sites with no proper reconciliation or acknowledgement of these negative impacts to First Nations.

File Hills Qu'Appelle Tribal Council perceive economic growth to be the provincial government's primary agenda. First Nations feel left out and they would like to have their concerns addressed. They don't feel that this one day consultation is enough to address all of the questions and concerns they have.

They are concerned that the provincial government does not acknowledge First Nations' issues or Rights.

File Hills Qu'Appelle Tribal Council are concerned with the cumulative impacts that continue to go unaddressed, including permits that have been given out for the permission of about one million litres untreated sewage to be released into the Qu'Appelle River. They are concerned with the toxicity and quality of the water. They feel that the water quality is so degraded that during certain times of the year you shouldn't even touch the water. Development has affected Treaty Rights and the ability to hunt/fish and gather but it has also affected the surface water. They are concerned with the increased industrial development and the use of water that will be polluted such that it cannot be reused. They are also concerned about the proposed industrial development, e.g., solution potash mines, which will use water for extraction and will ultimately pollute the water such that it cannot be reused. Naturally water can always be reused and it always brings new life. The province needs to consult with First Nations to discuss the importance of water.

File Hills Qu'Appelle Tribal Council were insulted by being called stakeholders. They felt that the Agency was being disrespectful when referring to First Nations as stakeholders. They feel that these are their rights that are being discussed and that the current engagement process is not a respectful way to address these issues. They do not feel that they are respected at a mutually acceptable level. They believe that they should have been at the decision making table prior to the consultation/engagement with the stakeholders. The government needs to be involved in development decisions that are respectful/meaningful way for First Nations. Treaty Four First Nations do not think that the provincial government is the owner of water rights. They reject the provincial Duty to Consult process and the policy that results from this process. They believe that meaningful consultation should be triggered by any change in water quality and quantity. True consultation has to be at community level, with all 11 member communities of Treaty Four at an individual level. There needs to be a meeting with Ministers and Treaty Four bands on Treaty Four Community First Nations Reserve lands. They feel that consultation with First Nations is always an afterthought. The representative wanted to know if this was intentional or deliberate.

Dan's Response

- Dan recognized that the Water Security Agency has a better working relationship with non-First Nation Communities. However, he indicated that it is the Agency's hope that this engagement process will improve our relationships with First Nations. Dan also commented that the use of the term stakeholder for this meeting reflected the Agency's wish to hold an engagement meeting and that this meeting will help us to determine the duty to consult.

The representative for the File Hills Qu'Appelle Tribal Council suggested that the Agency needs to improve its relationship with First Nations. A suggestion was made that one way to do this was to start the engagement process with all First Nations Communities along the Qu'Appelle and South/Saskatchewan River Systems. It was felt that the Qu'Appelle System cannot be separated out from the South Saskatchewan River System.

Heather ran through the prepared PowerPoint slide presentation. The purpose of the presentation was to ensure the meeting participants understood the engagement process and the timelines associated with the renewal of the reservoir operating plan.

3) Another concern raised was the desecration of the Mistusinne rock near Elbow. Many people were trying to preserve that important spiritual resource. This is one of many issues that need to be addressed relative to First Nations history.

4) Another issue associated with the development and operation of the reservoir is the on-going and continuous erosion around the reservoir.

The representative explained to us that First Nations people are placed on this earth as caregivers of this land. Water is critical to life. Reference was made to a poem regarding the waters going to flow.

A question was asked if the Water Security Agency was consulting with the Province of Manitoba on this engagement process? Water Security Agency staff indicated that the Manitoba Government is currently not involved in this engagement process.

5) Concerns were raised about the decline of the sturgeon population that has occurred since first contact with European settlers. Sturgeon are sacred to Cree people as they are part of the creation story. Sturgeon used to be eight or nine feet long and now are closer to three feet.

We informed the participants that the Water Security Agency (Mike Pollock) is working with local people to research the sturgeon populations along the Saskatchewan River System.

Questions were raised about the methodology of the sturgeon study. Traditional knowledge was shared about the sturgeon congregating at the base of the dams along the Saskatchewan River system. In fact, there was an instance that there were so many sturgeon at the bottom of the E.B. Campbell dam that the young children used to hold on to the large fish and be pulled around in the water. Concern was raised that this is evidence that the Sturgeon were stressed as they typically avoid contact with humans.

6) The channels are stagnant due to the flows dictated by the dams along the South Saskatchewan/Saskatchewan Rivers. Cumberland House First Nations have recommended that the flows need to be increased to invigorate the channels and improve the Cumberland Delta.

Concerns were raised about the management of water and the impact this management has had to wildlife and fish, which has ultimately altered the traditional hunting and fishing of First Nations. Hunting is not as extensive as it was previously.

Questions were raised about DFO's methodology on determining fish population numbers when monitoring lakes.

There was a short discussion about the new Water Security Agency and the new roles and staff that were being brought over from Ministry of Environment and Ministry of Health.

Heather discussed the issues matrix and the various categories under this method.

The second part of the meeting focused on filling in the Issues Matrix.

Issue	Affect	Aboriginal rights	Area	Severity	Comments	Mitigation - ways to improve situation
Ownership of water		FHQ and FSIN do not agree with Duty to Consult process	Province wide			
Creation of the Lake Diefenbaker reservoir resulted in degradation of First Nation Archaeological/Cultural Sites Destruction of sacred area, e.g. blowing up of the Mistusinne rock.	Near Elbow the Mistusinne rock, was a rock with rock paintings that was a sacred site used as a congregating area – the whole valley was used as a congregating area. Many archaeological sites along Diefenbaker and along South SK River/SK River. Rock was blown up - as it was perceived to be a navigational issue. Plains Cree and all the way to North Battleford used the rock and shores around Lake Diefenbaker as a congregating area.	Sacred sites have been desecrated/destroyed and artifacts have been removed and collected by collectors.	All along Lake Diefenbaker and South SK and SK River	There is a need for reconciliation between WSA and First Nations regarding the damages the creation and operation of the Reservoir have caused. Damages stand in the way of meaningful relationship and communication. There is a need to reset relationship between Government and First Nations.	Provincial government should be providing resources and playing a role in gathering archaeological data/ mapping of sites (archaeological/grave sites) along Lake Diefenbaker and South SK/SK River shorelines. Repatriation of ancestor rights/artifacts are being denied. There is a need for the spiritual and ceremonial rights of First Nations to also be recognized.	There was a suggestion that the Heritage Branch could record these sacred sites and look at the types of artifact collections that are out there. Artifacts are pages in the history book. The land (environment) can tell you a story. Need for the artifacts to be inventoried. FSIN does not have resources to collect or inventory these areas and artifacts.
Drought - water quantity	Concern with increased industrial development and use of water that will be polluted such that it cannot be reused. Concern that this water cannot be reused and naturally water can always be reused and it always brings new life. This type of industrial activity can never be mitigated for. During these drought years will industrial production be shut down? Where will water come from during this time?	How is this being addressed in Reservoir Operating Plan	Province wide		First Nations perceive that there is no sustainable Lake Diefenbaker Plan. They are concerned about the water quality and quantity, especially in dry years. More industrial permits are being issued and this will increase/escalate the issue. Industrial development cannot be sustained during a drought. What is the cumulative impact to the environment within the South Saskatchewan River Basin from all of the industrial development?	Concerns were raised about drought preparedness and their impression that industrial allocations would come before any other allocations. They were quite concerned on the impact this would have on the environment. They expressed concerns that instream (environmental) flows are unknown and not respected for both the Qu'Appelle and SK River Systems.
Impacts of water quality			Province wide			

Issue	Affect	Aboriginal rights	Area	Severity	Comments	Mitigation - ways to improve situation
Mercury levels are increasing in aquatic species	Concern over increased mercury levels in fish species and the health impacts to individuals who consume these fish and wildlife species, such as waterfowl.	Aboriginal rights for sustenance and their right to fish and eat their fish are being impacted.	Province wide			
The destruction of fishing stations and medicine gathering sites, caused by flooding.		Saskatchewan Government does not recognize these traditional archeological and cultural sites.				
Decline in sturgeon population (and other fish species, including Big Mouth Buffalo). Unsure of quality of other fish species in system.	Impacts and decline of fish populations, especially from EB Campbell to Lake Winnipeg. - Impact contributed by other dams as well. First Nations fishers depended on spring runoff and spawning - Fishing Stations were areas that were allocated (set aside) for inland fishing by Federal Government. Fish runs were very important to supplement First Nations diet in spring when Bison were too lean.					
The focus of the Saskatchewan Government is on economic development. First Nations don't see an environmental stewardship policy to protect the environment.	Concern with goal of 25 year strategy - sustained use for economic growth.	It is not all about the economy				

Issue	Affect	Aboriginal rights	Area	Severity	Comments	Mitigation - ways to improve situation
Hydroelectricity development	Concerned about the flooding of land that has occurred and may in the future occur to increase hydroelectricity to support economic industrial activity. The flooding disrupts natural balance of water flow/environment.				What studies have been done to look at the effects of holding back water from EB Campbell /Nipawin /Gardiner Dam on the downstream environment?	
Reduced and altered flows have affected aquatic and terrestrial species downstream of the dams.			Downstream of Gardiner Dam, including the Cumberland Delta			
Concerned about arsenic levels in soils increasing (due to the use of arsenic based pesticides) and polluting water sources.					Arsenic is naturally occurring in SK soils. However there was concern over the use of pesticides containing arsenic. I have followed up on this concern with both MOA and MOE. I found that arsenic was used in herbicides pre 1900. The opinion of a weed specialist from Ministry of Agriculture is that the overall use of arsenic based herbicides was limited in both scope (area and number of applications) and period of time (number of times the product was applied). Beginning in 1900, arsenic was primarily used in pesticides, not herbicides. For the most part, arsenic based pesticides have not been used since the early 1900s. I found that Monosodium Methanearsonate (MSMA), an arsenic-containing pesticide, was used in BC forests from 1995-2004 in an attempt to slow the pine beetle infestation. MSMA was never used in SK. Arsenic was also used for treating lumber until 2005.	

Issue	Affect	Aboriginal rights	Area	Severity	Comments	Mitigation - ways to improve situation
Distrust	Concerned that First Nations are not at the table in the beginning. Need for improved communication. Frustration/anger between both parties - need to work together to get along - Need for unity. Problem, is that everybody wants to be right.	Government only wants to rely on western science for decision making. The government also needs to include Traditional Knowledge of First Nations in decision making.				
Fewer First Nations people are fishing and trapping	Decline in fishing and trapping has to relate to low water levels and declining wildlife/fish populations	First Nations livelihood is gone.			Every year the water level fluctuates - when water goes down there is a lot of debris that was never there before. High water level is also an impact. A lot of debris floating along the river - from AB/SK to MB. There are safety issues associated with floating debris and movement/shifting of sandbars. This has been talked about for many years (~20 years) and there has been no action to mitigate these impacts/changes.	
Need to be able to work together (First Nations, multi-governments, and industry)						
Where are the Sturgeon? There are no sturgeon at Sturgeon Landing.	No fishing has occurred within the lake since 1950's and trapping has also declined during this timeframe.				Why did sturgeon populations decline? and what can be done to increase the sturgeon population?	
Concerns of the impact of mine (North side of Sturgeon Landing) on the health of the fish						
Impacts of hydroelectricity and flooding impacts	Flooding of land to increase hydro electricity to support economic industrial activity.					

Issue	Affect	Aboriginal rights	Area	Severity	Comments	Mitigation - ways to improve situation
Hydroelectric dams along the Saskatchewan River system have changed the flow of river and water temperature and this has had a big impact on fish and aquatic plants/environment all the way downstream.						
How will climate change impact downstream users in future						
Concerned about how other First Nations within the South SK River Basin, not just those along the SK river system, are affected by the operation of Lake Diefenbaker.						
First Nations have a sacred relationship with land and waters - they are all connected. This relationship is forgotten. Essence of First Nation culture is unity. The government needs to meet with First Nations leaders and elders and understand the importance of these relationships.						
Concerned as to why First Nations are not part of process to assist in development of plans/policy for Saskatchewan.						

Issue	Affect	Aboriginal rights	Area	Severity	Comments	Mitigation - ways to improve situation
Question related to hydropower - How much does Gardiner Dam power generate as a portion of electrical production in SK	~15% of electricity generated from sandy bay system, Lake Athabasca dam and the three dams along the South SK river System (Gardiner	Concerned over increasing industrial demand and how much of the base load in the future will be generated by hydropower within next 10, 15, 25 yrs?			We called Shaun Gray, at SaskPower to see what he had to say. He indicated that currently SaskPower is developing a four-year outlook for power generation- this document will be released in next few months. He indicated that there are five scenarios that are being assessed to look at the supply and generation of electricity in Saskatchewan for the next four years. Scenarios included: 1) refurbishment of coal fleet; 2) hydropower; 3) nuclear power; 4) natural gas intensive.	

Comments during the Issues Matrix

Elbow in the South Saskatchewan River was a gathering place for First Nations. There was a rock near Elbow, called the Mistusinne Rock which had pictographs (rock paintings) on it. The Mistusinne Rock had important cultural values and it was blown up because it was considered to be a hazard to navigation. The lake drowned archaeological sites and heritage sites and now these artifacts are being exposed due to the erosion of shorelines. People are collecting and keeping these artifacts from the area. Brian Scribe's uncle indicated that the elders called the people that lived along the valley as "monkey people". The Elbow was a sacred place and a gathering place for ceremonies. First Nations people are not consulted when these sites are disturbed along the banks of the South Saskatchewan River, North Saskatchewan River and Saskatchewan River.

Destruction of the Mistusinne rock impacted all of the Cree Nations and other bands in the prairie region.

A representative wanted to know if there is any way to operate the reservoir to deal with the loss of archeological sites? It was noted that the artifacts and archaeological information continues to be lost from the First Nations' ancestors. The Heritage Branch and First Nations do not have the resources to inventory the archeological resources along the South/North Saskatchewan and Saskatchewan River Systems. There was a comment that a turtle effigy and medicine wheels have been lost due to the flooding of the South Saskatchewan River channel.

The provincial government should make inventorying and preservation of First Nation heritage sites along the Saskatchewan River system a priority.

Damages to traditional First Nations areas have been extensive. Reconciliation of the destruction of these sites is necessary in order for "resetting the relationship" between First Nations and the Crown. Comments were made that it is necessary to resourcing and playing a role to gather information from the South Saskatchewan River valley. Repatriation of the grave sites from the ancestors is necessary from the burial areas along the South Saskatchewan River. It is important to recognize the First Nations relationship to the land.

Important to have First Nations do some of the work related to inventorying archaeological sites. It may be difficult for government agencies to include this work in their budgets. This work will assist in improving the relationships with First Nations in the province.

A good starting point to improving relations between First Nations and the provincial government would be the recognition and apology for the destruction of the Mistusinne rock, even though it no longer exists. Dan mentioned the Cypress Hills Park has worked with Neekaneet First Nation providing interpretive services in partnership with Parks, Culture and Sport.

A representative indicated that First Nations consider all archeological sites to be sacred sites.

There was a discussion about sturgeon populations and the impacts the dams have had on this population. In addition to sturgeon, the dams have also impacted fisheries, including pickerel and whitefish. Along the Qu'Appelle River system in the spring, First Nations depended upon the spawning fish for a food source. This was also evident along the North Saskatchewan River for the Poundmaker First Nations.

Fish stations were land set aside by the federal government for bands and several First Nations to allow fishing access. These lands were set aside for fishing and medicine gathering by First Nations. Denial and obliteration of these sights and associated rights has occurred along the Qu'Appelle River system.

Sustainable development for economic benefit is not the same as the preservation of the First Nations rights such as traditional fishing. No environmental stewardship will benefit the First Nations while the multiple economic benefits are occurring upstream.

There was a comment that MLA's want to set aside the important long-term First Nation treaty rights in order to deal with the short-term practical rights. Canada, AU, NZ did not sign on to UN treaty on aboriginal peoples due to the lands and resources.

Archeology is a science but the spiritual aspect has been lost as traditional spirituality was suppressed by legislation, First Nations were persecuted and put into jail for their practices.

First Nations are not subservient to the provincial Crown Corporations. Provincial Crown Corporations should be subservient to the First Nations.

Governments do not have an integrated policy with different priorities and different levels of government (municipal, provincial and federal). Reconciliation of the relationship between the government and First Nations is necessary. Dialogue is an exchange of interest and plans thus it is consultation. How much power does a stakeholder have over the process? Need to involve First Nations as partners rather than as a stakeholder that does not have overarching authority to the process.

A participant commented that many sacred sites to First Nations are now covered by producing oil wells. There has been a lack of respect for sacred sites related to the economic development activities on the landscape. An example is that of Carry the Kettle and their long battle for recognition of the massacre of First Nations people.

The legal process is facilitating the more rapid development and extraction of natural resources. For example, trespass laws have been amended to anticipate the future occupation.

Message to Minister Cheveldayoff is to meet with First Nations leaders to discuss their concerns and interests. First Nations are going to oppose these projects until they are involved in the higher level of consultation.

A comment was made that no Lake Diefenbaker plan is sustainable for future industrial growth of Lake Diefenbaker during periods of drought. First Nations are developing a regional plan for

Qu'Appelle River area but questions are not addressed due to issues and concern of water. Through the risk mitigation plan, the provincial auditor has indicated that the Water Security Agency does not have a plan.

There was concern over water allocation during times of drought. Based on climate change modeling, we can expect to experience consecutive drought years in the future. A question was raised as to how economic development will be maintained during these drought years? and where will the water come for these developments? Industrial development cannot be sustained during periods of drought. First Nations leaders may not understand the science but they do have traditional knowledge that should be used for decision making. Water storage is for drought periods but not for flood periods.

There was a discussion of the topic of the First Nations fishery and the impact of flow upon the river.

There was concern that the mercury level in the Saskatchewan River system seems to be rising. People are scared to eat fish due to the concerns about the mercury in the water. Heather discussed the topic of bio-accumulation of mercury in the fish. She indicated that there are Three sources of mercury: 1) mercury from soil (biggest source), 2) mercury from point sources such as waste water releases and 3) mercury from the atmosphere, deposited during rain events.

Opaskwayak Cree Nation, MB, near the Pas, has experienced similar issues to the Saskatchewan First Nations. Opaskwayak Cree Nation does not consider the consultation today as a Duty to Consult. The need to consult with the Opaskwayak Cree Nation, First Nations should be at the decision making table in the beginning rather than after the fact. There is a trust issue is that is important for Opaskwayak Cree Nation when there is unity between parties. It is difficult to get back the trust as the First Nations was not there in the beginning. It is important to build trust before any discussion can proceed.

It was felt that there are lots of frustration and anger between First Nations and provincial governments. People have to get along together in order to resolve some of these issues. Compromise and discussion is necessary and there is too much fighting between the parties. There needs to be unity between one First Nations and the non-aboriginal peoples. Governments want to keep First Nations where they are, they rely on Western science rather than the traditional knowledge of the First Nations people. It is important for First Nations to work together. Opaskwayak Cree Nation have a lot of concerns associated with the water from the Saskatchewan River. Water levels have impacted trapping and the fishery thus no one engages in trapping and fishing any more. The variation in the water levels has impacted the muskrat resource and the fishery. When the water becomes very low it has a deleterious impact with the creation of sand bars when none previously existed, and this also results in a lot of vegetation and debris in the river. This debris has a big impact on the people on the river during periods of high water.

Concern was raised that traditional activities are now limited due to the changes in the river. It was questioned as to understanding the link between the change in the environmental situation and the decline in fish and wildlife populations. Resource users are not able to pursue their

activities. Representative wanted to know what studies have been done to examine the downstream environmental impacts of holding back the water at the E.B. Campbell dam, Francois Findlay dam and the Gardiner dam. Opaskwayak Cree Nation traditional lands include the Cumberland Delta.

A representative indicated that there are no sturgeon in Sturgeon Lake and no one is fishing the lake since the 1950's. Trapping has declined in the same period. Flooding occurred in Sturgeon Lake in 2005 when flooding occurred in Cumberland House. Fishing no longer occurs on the lake due to development of the mine on the north side of Sturgeon Lake.

Impacts of hydroelectricity and the base load power requirement and the necessity for flooding of land to generate power for the province.

Representatives have noted a difference in the fish populations and fishing since the dam was built. The dam changed the whole flow of the river and water temperature. This changed the aquatic system and the plant species.

A researcher with the Cypress Hills land claim discussed the importance of the Cypress Hills area as sensitive with a lot of different animals. Carry the Kettle wanted to prove their connection to the land in the Cypress Hills. The elders indicated that they chose the Cypress Hills due to the height of land. The hills are important due to the fresh air and the water that turns to rain. The Cypress Hills are important due to the buffalo. First Nations have a sacred relationship to the animals, plants and water. Buffalo was not just food, clothes and tools to the Nakota First Nation as the animal helped them to connect to the spiritual world. Connection to the animals and fish are important. Unity is the essence to First Nations culture. Government needs to meet on an equal basis and find out why those places are important. Water is life and life is water to the First Nations people.

A question was raised regarding the amount of power that is generated from hydropower in Saskatchewan. A call was made to Shaun Gray with SaskPower and he indicated that currently about 15% of base power load is generated by hydro. Another question was asked regarding the future power generation and how hydro power will be involved in the mix. Shaun indicated that SaskPower was developing a four year plan and five options for electricity generation were being assessed. Green options, such as hydropower were being included in several of the five options.