



FSIN OFFICES

June 16, 2021

Head Office

Asimakaniseekan Askiy Reserve
Suite 100 – 103A Packham Ave
Saskatoon, SK S7N 4K4
Business (306) 665-1215
Fax (306) 244-4413

Jonathan Wilkinson
Minister of Environment and Climate Change Canada
House of Commons
Ottawa, ON
K1A 0A6

**RE: Federal Environmental Impact Assessment on Lake Diefenbaker
Irrigation Expansion Project - Saskatchewan**

Dear Minister Wilkinson,

Please find attached Federation of Sovereign Indigenous Nations (FSIN) Chiefs-in-Assembly Resolution #2220, which calls on the FSIN to request that the Lake Diefenbaker Irrigation Expansion Project be designated as a project pursuant to the *Impact Assessment Act*, among other things.

FSIN is deeply concerned that the proposed Lake Diefenbaker Irrigation Expansion Project in southern Saskatchewan is moving forward with no dialogue with First Nations, very little transparency, and without a plan for an impact assessment to date. FSIN contends that this is a major project as defined under the federal *Impact Assessment Act*. As such, FSIN requests that Canada designate the Lake Diefenbaker Irrigation Expansion Project as a 'project' and immediately begin consultations with potentially impacted First Nations before further planning for this project moves forward.

It is critical for First Nations to be engaged, consulted and accommodated in a meaningful way in relation to impacts on Inherent and Treaty Rights. Capacity and support are critical to understand the project proposal, design, short and long term impacts, as well as associated economic opportunities over the lifecycle of any project. In Saskatchewan, FSIN established the Saskatchewan First Nations Natural Resource Centre of Excellence (SFNNRCE) to support our First Nations as a trusted resource, and the SFNNRCE will be available to assist and facilitate technical and expert efforts associated with this project should a federal environmental impact assessment be undertaken.

To date, there has been very little transparency about this project, particularly as it relates to demonstrating the need for the project and the potential impacts it may have on the environment. As a result, many First Nations in Saskatchewan have serious concerns about future water security (particularly given climate change scenarios of drought for this region); food security; loss of lands with native

*Protecting and
enhancing
Treaty Rights for
First Nations of
Saskatchewan*

habitats and associated wildlife; impacts to soils, waters, and fish habitat; loss of habitat for migratory birds; localized climactic changes due to increased irrigation; impacts to sacred sites and other cultural and heritage-sensitive areas; and finally, long-term cumulative impacts of water withdrawals and agrochemical inputs.

There are concerns that water management decisions prioritize industrial and agricultural allocations over ecosystems and the impact it will have on First Nations and their ability to exercise their Inherent and Treaty Rights and traditional activities. Furthermore, there remain considerable concerns that lands taken up by an expansion of irrigation activities enabled by the Diefenbaker Canal will cause irreparable harm to sacred areas, further limit the availability of sites used for harvesting traditional medicines and game, prejudice decision-making related to negotiations with the Saskatchewan government for Treaty Land Entitlement (TLE) lands, and limit the ability of First Nations to determine the management of environmentally and culturally significant grasslands as well as other geographical and spiritual areas of importance.

The Lake Diefenbaker Irrigation Expansion Project is connected to the Saskatchewan Rivers systems and has the potential to impact a large area of the province and into Manitoba. The Saskatchewan Rivers systems have already been highly impacted and degraded due to agriculture, conversion of native lands, oil spills and other industrial activity along the river. In particular, the Saskatchewan River Delta, a globally unique and significant ecosystem that is currently being considered for a Ramsar Convention on Wetlands of International Importance designation, has already been significantly degraded due to upstream water management decisions made by the Government of Saskatchewan, with great opposition from the local First Nations, including the Cumberland House Cree Nation. Recently, the Cumberland House Cree Nation made a declaration of sovereignty over the management of the Delta, which is home to hundreds of migratory birds, many culturally and biologically important aquatic species of fish, mammals and plants, and is a foundational part of the traditional way of life, health, culture, and economy for local First Nations.

This project has a number of direct and incidental effects within federal jurisdiction, including: impacts on fish and fish habitat as defined in the *Fisheries Act*; effects on aquatic and terrestrial Species at Risk; impacts on migratory birds' nesting, staging, and feeding areas; and, impacts to First Nations' cultural and traditional lands. Further, this project will likely have an impact outside of Saskatchewan, as impacts to the Saskatchewan River and the Saskatchewan River Delta will flow into Manitoba and potentially impact First Nations on both sides of the border. Finally, this project also has the potential to further threaten the highly endangered grassland ecosystems and fragile grassland species at risk by creating opportunity for conversion to crops that does not currently exist.

Given the amount of potential impacts to components of the environment under federal jurisdiction as well as the disproportionate harmful effects this may have on First Nations across Saskatchewan and Manitoba, the clear need for interprovincial and regional cumulative impacts must be considered. We therefore ask that an impact assessment be triggered immediately.

The Federation of Sovereign Indigenous Nations (FSIN) represents 74 First Nations in Saskatchewan. The Federation is committed to honouring the spirit and intent of the Treaties,

as well as the promotion, protection and implementation of the Treaty promises that were made more than a century ago.

Sincerely,

<Original signed by>

Vice Chief Heather Bear

FEDERATION OF SOVEREIGN INDIGENOUS NATIONS

cc: Chiefs in Saskatchewan

FSIN Executive

National Chief Perry Bellegarde, Assembly of First Nations

Sheldon Wuttunee, CEO, Saskatchewan First Nations Natural Resources Centre of Excellence

Jayne Benson, ED, FSIN Lands and Resources Secretariat

Premier Scott Moe, Government of Saskatchewan



FSIN

LEGISLATIVE ASSEMBLY RESOLUTION

MAY 26, 2021

REFERENCE NUMBER: 2220

PROPOSAL TO ADDRESS CONCERNS ABOUT LAKE DIEFENBAKER IRRIGATION PROJECT

WHEREAS First Nations possess the Inherent and Treaty Right to manage waters in their traditional and Treaty territories; and

WHEREAS the North and South Saskatchewan Rivers flow through First Nations, as well as through Treaty and traditional territories across Saskatchewan; and

WHEREAS large amounts of water continue to be allocated for industry and agriculture along the Saskatchewan Rivers with no consideration of impacts to Inherent and Treaty Rights, cumulative environmental impacts, or future climate change scenarios; and

WHEREAS despite this, the Province of Saskatchewan continues to move forward with the Lake Diefenbaker Irrigation Project without a full environmental impact assessment, considering the cumulative impacts of the project or their failure to consult and accommodate First Nations.

THEREFORE BE IT RESOLVED that the Federation of Sovereign Indigenous Nations Lands and Resources Secretariat forward correspondence to the Minister of Environment and Climate Change, requesting that the Lake Diefenbaker Irrigation Project be designated as a project under the *Impact Assessment Act*.

BE IT FURTHER RESOLVED that the Federation of Sovereign Indigenous Nations Lands and Resources Secretariat undertake research on legal options in relation to the Lake Diefenbaker Irrigation Project.

**MAY 26, 2021
PROPOSAL TO ADDRESS CONCERNS ABOUT
LAKE DIEFENBAKER IRRIGATION PROJECT
REFERENCE NUMBER: 2220
PAGE TWO**

MOVED BY: Chief Richard Stonechild, Okanese First Nation

SECONDED BY: A/Chief Neil Sasakamoose, Red Pheasant First Nation

It is HEREBY CERTIFIED by the undersigned that the foregoing is a true copy of the resolution unanimously passed by the Chiefs of the Legislative Assembly at a meeting duly called and held on the 26th day of May, 2021, and the said resolution is now in full force and effect.

<Original signed by>

CLERK OF THE LEGISLATIVE ASSEMBLY