Chief Bart Tsannie, Hatchet Lake First Nation
Presentation to EA Review Panel

Radisson Hotel Saskatoon
405 20th Street East
Room: Michelangelo A
Saskatoon, Saskatchewan

Greetings Madame Chair Johanne Gélinas, and panel. My name is Chief Bart Tsannie, and I represent the interests of Hatchet Lake First Nation in northern Saskatchewan. Chief Sayazie and Chief Adam could not be here today, because of the short notice and no flight availability. I would like to give thanks to our ED, Diane McDonald for presenting on their behalf.

I have been asked to talk about the question of what is needed for a nation to nation relationship. From our perspective in the Athabasca region, the federal government has made statements about nation-to-nation relationships in the campaign. From our perspective in the Athabasca region, we feel we are forgotten about. We haven't been approached or given any consideration to speak to the federal government about our issues and concerns thus far. Any time new policies are being developed and re-written with the federal agencies, there is always the lack of opportunity for aboriginal people to be involved. The governments simply create their legislation without concern or review about how to design legislation. That is what happened with CEAA 2012, and we are not sure how this new round of legislation review will go. There are no clear guidelines, except for the fact that there will be a review. We were never invited, when the transition occurred between CEAA to CNSC Major Projects. This type and level of

engagement is so disappointing to our nations, especially when it affects our Treaty Rights.

This Expert Panel itself has started out with a misstep. The process is flawed – you may have the right questions – but if you lead off on the wrong way then you will fail. You have to give enough time for us to review the past legislation, engage our members, and you need to give us proper notice. With this short notice, we cannot consult our members and this should not be considered a consultation or accommodation. We seem to always fall into the same footsteps when it comes to the regulatory process, we are always in this position. We as a nation feel that when we are not given time to understand a project and have not been fully involved, we are the ones blamed for not participating. Today should not be considered consultation, we don't want to see this as another checkmark for consultation, as the check-list that you keep at the Crown level is filled up with black marks against us.

You have to give more sufficient time, even where you say we can send in our written comments. We are an oral people, and we prefer to give our comments and our thoughts to you in person, and sometimes we want to do that in our language. There are things we can get across in Dene that we just can't get across in English.

You need to follow up with us, each individual First Nation, and our ED from Yathi Nene Lands and Resource Office, on how these issues that we raise will or won't be

addressed. Panel reviews very rarely get back to you. Then the Panel itself is a failure, and we end up in the court system again.

A real nation-to-nation dialogue is going to be one in which the parties speak together about setting the frame. First, our treaty rights have to be clearly protected and understood. That requires certainty for lands, both surface and subsurface. Then we also need to make broader plans and policies, like a Land Use Plan to help guide developments and governments, including recognizing our regional based consultation protocol that was signed by former chiefs and myself. We developed processes like these ones to help guide clarity on consultations to both governments and industry when proposing projects in the Athabasca Basin.

There is a need to have clear Land Use Plans in place, jointly agreed to, and areas of lands that are going to be protected and cared for in perpetuity so that we can protect our way of life and our rights.

There needs to be a clear process, in which we have faith. Our faith will be placed in EA if we are able to see that our rights are protected. This means we need to have a clear set of contacts and strong initial meetings with staff. There needs to be ongoing meetings with staff, and we need to be provided with sufficient information so that we are able to speak to the matter at hand that is being presented by the government. There has to be an initial meeting, then follow up, and responses on the ideas we have

brought forward. Right now, everything is weighted toward industry – they write the rules, and they write how the assessment will be conducted. We need to see the EA become much more centred on Aboriginal communities.

A failing that we see in environmental assessment is that there is no ability to really consider cumulative effects, or that the consideration is very weak. When there is a uranium mine already operating, we see connector roads, access roads, and more as well as increased exploration in our region. These projects are often too small to get fully assessed, and we find that there is no assessment of potential cumulative environmental effects in this manner, let alone engaging us with these assessments.

There is a need to embrace some of the ideas that are in the legislation. For example, there is in CEAA 2012, Section 5(1)(c), that assessment of effects on Aboriginal groups will be done on a "per Aboriginal group" basis, not on an communal basis. We have always been lumped in with all the First Nations north of Prince Albert. We are very different groups, and we want to see real recognition of our individuality, we are the primary impact communities in the Athabasca Basin, where all uranium mines are located, within our traditional territory.

Connected to this is the need to see that broad principle of "public interest" - it seems like no matter how many concerns we bring to light, we are seen as small, "remote" Aboriginal communities. The rights of the people in the south seem to be always given

greater weight than our rights. The projects are always going ahead in the “public interest”.

It is our view that Aboriginal rights protected under Treaty and the Constitution Act, 1982, are PRIORITY rights and need to start to be weighted higher in decision-making and the identification of accommodation. This is a legal principle as well as an EA principle of "impact equity" - those most likely to be impacted by a Project or other Crown decision should both be the major focus of the assessment and be subject to demonstrably higher benefits to offset the adverse changes they are likely to see. The current CEAA process is not set up to examine and implement these trade offs, or protect these minority rights.

I hope you take the changes I talked about today under consideration. Thank you for your time Madame Chair and panel.