



Standing Buffalo Dakota Nation #78
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July 26, 2024

Delivered by email: shereyn.caderma@gov.sk.ca

Government of Saskatchewan
Ministry of Government Relations
Lands and Consultation Branch
Aboriginal Consultation Unit
4th Floor, 1855 Victoria Avenue
Regina, SK S4P 3T2

Attention: Sherelyn Caderma, Director

Dear Madam:

Re: Standing Buffalo Dakota First Nation and the Duty to Consult

We acknowledge receipt of your letter of July 11, 2024. As you may be aware, on July 15, 2024, the Honourable Gary Anandasangaree, Minister of Crown-Indigenous Relations, apologized on behalf of the Government of Canada to the Dakota/Lakota First Nations of Canada, including but not limited to Standing Buffalo Dakota First Nation (SBDFN).

This formal apology by the Government of Canada repudiated past denials of the rights and status of SBDFN, and instead officially recognized SBDFN's status as Aboriginal peoples of Canada whose constitutional rights are protected by section 35 of the *Constitution Act, 1982*. This recognition is consistent with our inherent rights, title, and jurisdiction over our Dakota territories – all of which remain unceded, with zero evidence of a historic reconciliation or adhesion to treaty. We are acutely aware of the obligations of the Crown that are engaged by our section 35 rights and the Honour of the Crown, particularly regarding the duty to consult and accommodate.

As part of the apology, Minister Anandasangaree acknowledged the historic discrimination the Dakota/Lakota have faced, including discriminatory treatment by federal and provincial governments, as well as industry towards SBDFN with respect to consultation.

We enclose a copy of the *Official Notice to Industry* on the duty to consult which was issued by our Nation on July 18, 2024. In accordance with the Supreme Court's rulings in *Haida* (2004) and *Tsilhqot'in Nation v. British Columbia* (2014)—both of which emphasize the need for meaningful consultation with and accommodation of Indigenous peoples whose rights may be adversely impacted by government decisions—SBDFN expects that all industry actors will consult with us in order to obtain our free, prior, and informed consent before commencing or continuing projects which may adversely impact our rights. This requirement of our free, prior, and informed consent is reflective of our inherent jurisdiction as Dakota and Lakota peoples, and is affirmed within our laws as well as within the *United Nations Declaration of the Rights of Indigenous Peoples*

(UNDRIP), the latter of these having been incorporated into Canadian law through the *United Nations Declaration of the Rights of Indigenous Peoples Act* (UNDA).

We note in your letter that you have referred to engagement regarding the Government of Saskatchewan's *First Nation and Métis Consultation Policy Framework (CPF)* that occurred in 2022, as well as amendments to the CPF that were made as a result of the engagement. As you can appreciate, the Government of Canada's formal apology is a recent development which requires the CPF policy framework to be "reviewed and adapted" given the claims asserted by SBDFN to Aboriginal Title and inherent jurisdiction and Law which are currently under discussion with Canada, in order to obtain a settlement agreement with the Crown, and if necessary, may be litigated to obtain a just reconciliation.

We place the Government of Saskatchewan on notice that SBDFN will rigorously enforce our inherent rights as well as our right to consultation as affirmed by section 35 of the *Constitution Act, 1982*. SBDFN opposes any approval of the *Seven Stars Energy Project* prior to meaningful consultation with SBDFN in order to obtain our free, prior, and informed consent. We note that you have advised us that the Government of Saskatchewan has not made a decision on the proposed project.

We again reiterate that SBDFN is open to tripartite negotiations with the Government of Saskatchewan and the Government of Canada, however this is not possible until Saskatchewan moves forward in the spirit of reconciliation to recognize the allyship relationship that exists between our peoples.

We urge the Province of Saskatchewan to engage with SBDFN to recognize the Dakota/Lakota people of Canada, including but not limited to SBDFN as a sovereign Dakota Nation entitled to consultation under the *Constitution Act, 1982*.

Respectfully,



Chief Rodger Redman

cc: Government of Canada
Department of Crown—Indigenous Relations
The Honourable Gary Anandasangaree

cc: Government of Saskatchewan
The Honourable Don McMorris, Minister of Government Relations, Minister Responsible for First Nations, Métis and Northern Affairs and the Minister Responsible for Provincial Capital Commission
The Honourable Jeremy Harrison, Minister of Trade and Export Development
The Honourable Christine Tell, Minister of Environment
The Honourable Jim Reiter, Minister of Energy and Resources



For Immediate Release

OFFICIAL NOTICE TO INDUSTRY ON DUTY TO CONSULT

July 18, 2024 — (*Standing Buffalo Dakota First Nation, Saskatchewan*) The Standing Buffalo Dakota First Nation (SBDFN) hereby notifies all industry stakeholders that SBDFN has been officially recognized by the Government of Canada as holding Section 35 Rights under Canadian law, affirming our status as an Indigenous Nation. This recognition is consistent with our pre-existing rights, title and jurisdiction over our traditional territories – all of which remain unceded, unreleased, and unsurrendered. We are acutely aware of the obligations of the Crown that are engaged by our Section 35 rights and the Honour of the Crown, particularly regarding the Duty to Consult.

In accordance with the Supreme Court’s rulings in *Haida* (2004) and *Tsilhqot’in Nation v. British Columbia* (2014), both of which emphasize the need for meaningful consultation and accommodation with Indigenous peoples whose rights may be impacted, SBDFN expects that all industry actors seeking to commence or continue projects in our territories or which may otherwise impact our rights, must consult with us and honour our rights as Dakota and Lakota peoples. Projects can only proceed with our free, prior and informed consent, in accordance with our inherent rights under our laws, Canadian law and under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

As Indigenous peoples of these lands, in the past two centuries, SBDFN has neither controlled nor benefited equitably from resource extraction, in stark contrast to international conglomerates. It is imperative that we, as Indigenous peoples holding jurisdiction over our own lands and peoples, become key stakeholders in all extractive and other industrial projects, and that these proceed only with our consent. The modern supply chain must evolve to meet social requirements, ensuring that benefits reach our communities rather than being siphoned off by corporate interests. For our communities, such consent-based, equitable treatment in relation to resource projects is required both as a matter of jurisdiction and to begin to remedy centuries of harm faced by our Nations as a result of discrimination against us by the Canadian state.

SBDFN will not tolerate any consultation or accommodation practices that allow corporate rights to override our inherent rights and sovereignty as an Indigenous Nation. We are prepared to bring regulatory and court challenges on industry projects that do not uphold the Honour of the Crown, fail to sufficiently consult with us under the Duty to Consult, infringe our rights guaranteed in UNDRIP, or violate any other applicable legal doctrines under our laws and Canadian law regarding our rights and responsibilities in relation to our people and our land. Indigenous Nations are standing up to raise the bar to a higher standard when it comes to discharging the Duty to Consult, and we intend to be part of this work. Industry actors must also be privy to this higher standard expected of them and work diligently to understand and honour these principles in order to foster a fair and respectful relationship with us as an Indigenous Nation.

This notice applies not only to non-renewable resources and major infrastructure projects but also to those linked to the Defence Production Act and the Renewable Clean Energy strategy.

SBDFN is committed to protecting our rights and ensuring that our communities benefit fully and fairly from the resources of our ancestral lands. We stress that the benefits of resource extraction and development projects must be equitably shared, acknowledge our rights, contributions and stewardship of these lands.

Furthermore, the current practices in the modern supply chain fall short of social requirements as industry fails to ensure that the benefits reach the Indigenous communities. We cannot accept a consultation or accommodation process that results in corporate rights superseding the inherent rights and sovereignty of Indigenous Nations. A higher level of corporate social responsibility is necessary, ensuring greater controls and equitable stakes in major projects that receive approval.

In conclusion, we reiterate that this notice serves to inform all industry stakeholders that the Standing Buffalo Dakota First Nation will rigorously enforce our inherent rights as affirmed by Section 35 and UNDRIP. We expect industries to engage in genuine, respectful consultation and to adhere to the highest standards of corporate social responsibility, seeking our consent for and involvement in projects, recognizing our sovereign rights, and ensuring fair distribution of benefits from all projects on our traditional lands.

Contact Information	
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The Standing Buffalo Dakota First Nation is located 6 miles west of Fort Qu'Appelle, Saskatchewan, with a membership of 1,346. Despite not being signatories to Treaty 4, they are protected under the Indian Act and maintain a sacred allyship with the Crown. On July 15, 2024, the Honourable Gary Anandasangaree, Minister of Crown-Indigenous Relations, delivered a historic Statement of Recognition & Apology, acknowledging Standing Buffalo's Section 35 rights. This statement recognized past mistreatment and affirmed their rights as Aboriginal peoples of Canada. Currently, Standing Buffalo is negotiating with the Federal Department of Justice to develop a framework for their Modern Alliance Accord, further solidifying their sovereignty and self-determination.