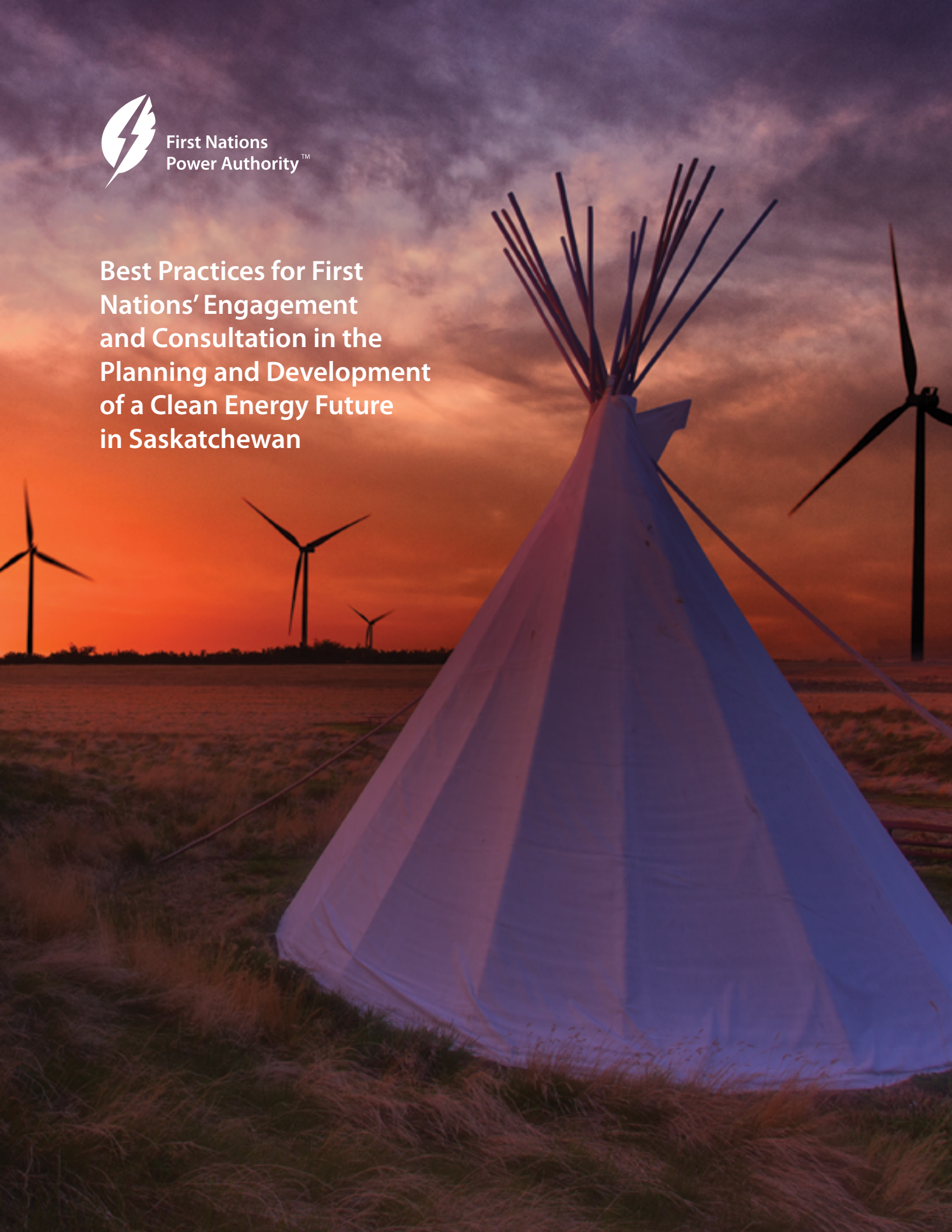




First Nations  
Power Authority™

**Best Practices for First Nations' Engagement and Consultation in the Planning and Development of a Clean Energy Future in Saskatchewan**





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## ACKNOWLEDGMENTS

First Nations Power Authority (FNPA) wishes to thank both SaskPower and Natural Resources Canada for the opportunity to engage with various First Nations and Tribal Councils throughout the Treaty Territories of Saskatchewan to learn more about what engagement means to them as SaskPower moves to build a clean energy future and reduce carbon emissions.

We also wish to thank the First Nations and Tribal Councils who took the time to meet with us and provide the important feedback we received as we conducted these sessions. We greatly appreciate the thoughtful and insightful messages we heard. We know that making our world a cleaner and greener place for future generations will require a spirit of partnership and collaboration as well as understanding a variety of perspectives and needs of all the people who call Saskatchewan home. We believe this report will assist SaskPower as they maneuver through a changing and often challenging legal (including legislative) and political landscape.





## INTRODUCTION

This report has been developed in the spirit of reconciliation arising from the Truth and Reconciliation Commission of Canada (TRC): Calls to Action and against the backdrop of recent legal and political change globally and nationally.

This report has been created through a cooperative funding process between SaskPower and Natural Resources Canada (NRCan) in partnership with the First Nations Power Authority (FNPA). The work undertaken to develop this report has allowed FNPA to identify and recommend best practices for respectful, proper and effective consultation and engagement with First Nations in a conversation about the future of electricity in Saskatchewan; giving primary consideration to the expectations and requirements of First Nations leaders, rights holders, organizations and communities. FNPA believes that this document will also serve to assist reconciliation efforts in Saskatchewan and help to build the relationship between First Nations and SaskPower.

For the purpose of this document the term clean energy is meant to describe an electricity generation source that has zero or near zero emissions. This includes renewable generation options, such as wind, solar, hydro and geothermal and it also includes non-renewable generation options such as nuclear power. In Canada, nuclear power is generated using uranium, which is a non-renewable resource, but when used to create electricity generates zero carbon dioxide emissions. In this document, 'renewable energy' means energy/electricity which is derived from natural processes that are regenerative over short periods of time and cannot be depleted. The most common renewable energy resources are biomass, geothermal, hydropower, solar, and wind.

### About SaskPower

SaskPower is a Saskatchewan Crown Corporation and the principle electricity utility for the province. Like many electricity utilities in Canada and around the world, SaskPower is experiencing a period of significant change driven primarily by the need to reduce emissions and comply with a federally legislated phase-out of conventional coal-fired electricity generation.

SaskPower has set a goal to reduce emissions by 40% from 2005 levels by 2030. To meet this goal, the corporation needs to consider the full range of clean generation options and

upgrade and modernize its aging infrastructure to meet the province's increased demand for electricity and respond to changing customer needs and expectations.

It's important to SaskPower that the province's future power system benefits from the input and feedback of First Nations customers and partners. Learnings from this report will help SaskPower understand First Nations perspectives, interests and concerns and identify ways to co-navigate a pathway to a sustainable electricity future for Saskatchewan.

### First Nations Power Authority

First Nations Power Authority (FNPA) is a non-profit, membership-based corporation which was established to create a landscape favourable to Indigenous inclusion in the power sector. Created in 2011, FNPA was mandated to facilitate the development of First-Nations-led power projects and promote Indigenous participation in procurement opportunities within Saskatchewan.

In order to facilitate this mandate, FNPA successfully negotiated a mutually beneficial, long-term Master Agreement with the Crown utility, SaskPower. This one-of-a-kind contract with a North American power utility is a 10-year agreement and provides guidance on how the FNPA and SaskPower will work together to share information and identify opportunities.

Through unique partnerships, FNPA creates business and investment opportunities for its membership in the power sector. By reducing development risk, FNPA creates a facilitated pathway with customizable options for their long-term economic benefit. FNPA's role is to provide knowledge and expertise as well as build relationships between Indigenous business interests and industry. From an initial idea to a commissioned power project, FNPA is here to help. By engaging world-class power generation developers, FNPA is a central point of expertise for Indigenous business to add a balanced supply of power generation types with environmental sustainability to Canada's electricity infrastructure.

Many power project developments occur in the traditional territories of First Nations. By proactively partnering in power developments, First Nations can create long-term sustainable value for their members through investment, employment, infrastructure and new business opportunities.

<sup>1</sup> Truth and Reconciliation Commission of Canada. (2012). Truth and Reconciliation Commission of Canada interim report. Winnipeg: Truth and Reconciliation Commission of Canada.



## PURPOSE AND OBJECTIVES

SaskPower and NRCan aim to understand how the First Nations of Saskatchewan wish to be engaged with respect to the planning and development of the Province's future electricity system and the transition to a clean energy future by 2030 and beyond. SaskPower and NRCan are aware that there is a great amount of diversity across the many First Nations of Saskatchewan and that a one-size-fits-all approach to engagement will not necessarily suffice. An Engagement Plan was developed to outline the approach for engagement with First Nations. To further develop the initial report, this report outlines the questions asked and the information gathered to hear the diverse perspectives of First Nations in Saskatchewan on what meaningful consultation and engagement means as SaskPower plans to roll out the development of a clean energy future and replace conventional coal-fired power generation by 2030 and beyond.

The engagement sessions and development of the report were undertaken against the backdrop of a changing legal, regulatory and political landscape. Of note is the recent Federal Court of Appeal decision regarding the construction of the Trans Mountain Pipeline expansion, which underlined the requirement for proper and effective Indigenous consultation and engagement at an early stage as part of any plans for future energy development in Canada. Furthermore, this work was undertaken in light of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)<sup>2</sup>, which was adopted by the United Nations General Assembly on Thursday, September 13, 2007, and which Canada officially adopted in May of 2016 after abstaining for almost 10 years. UNDRIP enshrines (according to Article 43) the rights that, "constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world." Unlike other human rights charters that emphasize individual rights, UNDRIP protects collective rights and safeguards the individual rights of Indigenous people. UNDRIP is the product of almost 25 years of deliberation by U.N. member states and Indigenous groups<sup>3</sup>. Additionally, the TRC, which was established in June 2008 as part of the Indian Residential Schools Settlement Agreement, identified 94 Calls to Action regarding reconciliation between Canadians and Indigenous peoples.

Currently, there is no process or legislative guide for how the principals of UNDRIP and the TRC might be expressed within an environmental assessment process in Canada. Since most provinces and federal government use the environmental assessment process to inform their consultation and engagement processes with First Nations, this report hopes to inform future engagement with SaskPower. In May 2016, Canada affirmed its support of UNDRIP, which aligns with the principles set out in the Calls to Action as expressed in the TRC, and set out to identify the need for change, including legislative as it pertains to a number of policy areas, including Indigenous engagement.

Call to Action number 43 of the TRC states, "We call upon federal, provincial, territorial and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous People as the report for reconciliation." Since UNDRIP has been given full support of Canada, the portions of the TRC will now be implemented pursuant to Bill 69, *Impact Assessment Act*, should it become legislation. Call to Action number 92 of the TRC aims to ensure that Canada's Indigenous peoples are fully engaged in corporate sector activities involving Indigenous peoples as well as their lands and resources. Interestingly, this recommendation lines up with what we heard from First Nations in the engagement sessions.

<sup>2</sup> UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295, available at: <https://www.refworld.org/docid/471355a82.html> [accessed 3 April 2019]

<sup>3</sup> [https://indigenousfoundations.web.arts.ubc.ca/un\\_declaration\\_on\\_the\\_rights\\_of\\_indigenous\\_peoples/](https://indigenousfoundations.web.arts.ubc.ca/un_declaration_on_the_rights_of_indigenous_peoples/)



Call to Action number 92 states:

We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation report and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

- i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
- ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
- iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

The challenge for governments and Crown corporations now is how to adequately honour and protect Aboriginal and Treaty rights upheld under section 35.1 of the *Constitution Act, 1982*<sup>4</sup> through existing consultation and engagement processes in light of UNDRIP and the TRC. It is clear that greater understanding is needed directly from the First Nations rights holders. As the original people existing for millennia in what is now Canada, Indigenous people have a great deal of knowledge about the land, water and relationships that connect all living things to the earth and can best direct how engagement should proceed.

While we did not hear specific feedback on cumulative effects on Aboriginal and Treaty rights as a result of past decisions of the Crown in this survey, we have heard comments outside of the survey that some First Nations believe their lands have been greatly impacted as a result of decades of Crown decisions. We heard there must be reconciliatory actions put into place to address these impacts and early discussions with the Indigenous rights holders on potential new impacts. The existing consultation and accommodation practices are insufficient to address cumulative impacts.

Furthermore, it is noted that the recently released Canadian Roadmap for Small Modular Reactors (SMRs) also calls for early and ongoing Indigenous engagement and consultation as a requirement in the potential future development of this emerging near-zero emissions electricity generation technology. SaskPower has identified the need for authentic and robust engagement with Indigenous leaders, communities, groups and organizations as well as all Saskatchewan stakeholders as the utility evaluates the full range of generation options available to meet the province's, and SaskPower's, emissions reduction goals in 2030 and beyond.

The report sets out a roadmap for respectful, effective, ongoing engagement and consultation with First Nations in Saskatchewan with respect to the Province's future electricity system as SaskPower transitions to a clean energy future.

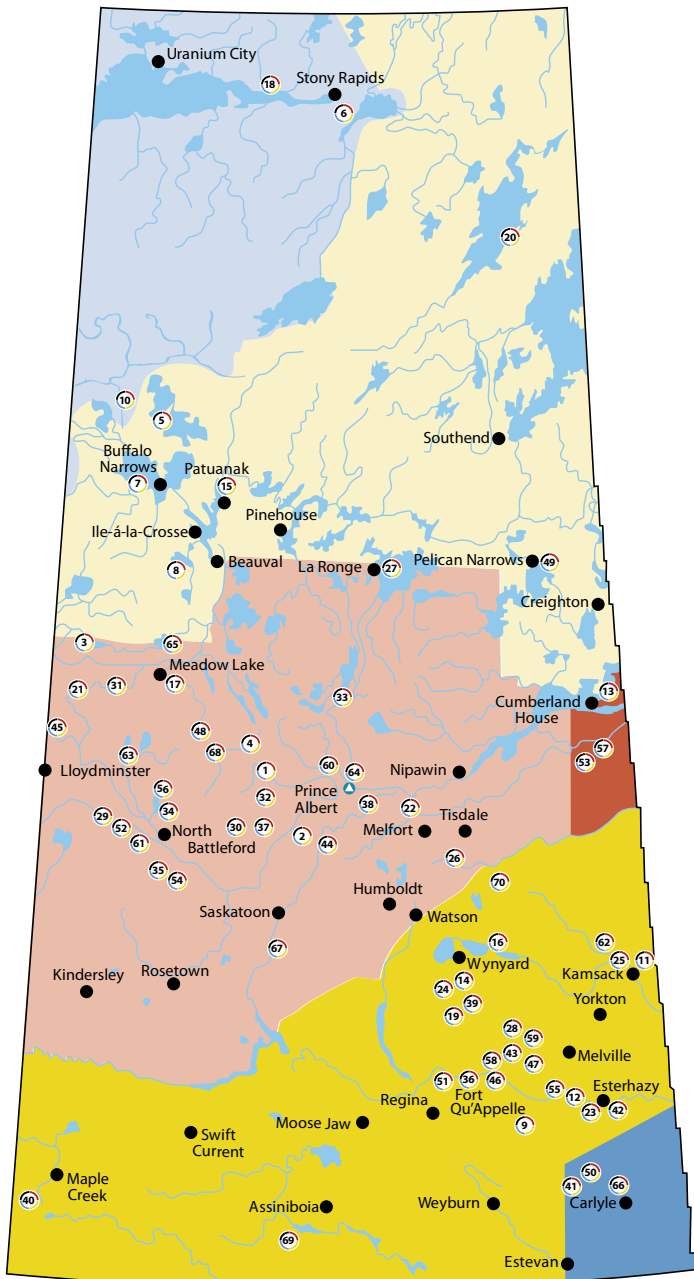
<sup>4</sup> The Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11.



# TREATY AREAS & FIRST NATIONS OF SASKATCHEWAN

According to Indigenous and Northern Affairs Canada (INAC) there are 70 recognized First Nations in Saskatchewan. The Federation of Sovereign Indigenous Nations recognizes 74 First Nations in Saskatchewan with traditional territory in each treaty area of Treaty 2, 4, 5, 6, 8 and 10. The Saskatchewan Indigenous Cultural Centre in Saskatchewan notes there are eight language groups of what is now known as Saskatchewan: Plains Cree, Swampy Cree, Woodland Cree, Dene, Saukteaux, Dakota, Nakota and Lakota. With respect

to communications, the Office of Treaty Commissioner has a great deal of information on its website, including a document called, "ayisnowak A Communications Guide kâ-isi-pîkiskwâtoyahk" which serves as a communications guide, created in partnership between the City of Saskatoon and the Office of the Treaty Commissioner to advance reconciliation in Treaty 6 territory. While the guide is meant to be used in Treaty 6 territory, it provides very good information pertaining to how to communicate and engage in all treaty territories.



1. Ahtahkakoop Cree Nation
2. Beardy's and Okemasis First Nation
3. Big Island Lake Cree Nation
4. Big River First Nation
5. Birch Narrows First Nation
6. Black Lake First Nation
7. Buffalo River Dene Nation
8. Canoe Lake Cree First Nation
9. Carry The Kettle First Nation
10. Clearwater River Dene First Nation
11. Cote First Nation
12. Cowessess First Nation
13. Cumberland House Cree Nation
14. Day Star First Nation
15. English River First Nation
16. Fishing Lake First Nation
17. Flying Dust First Nation
18. Fond du Lac Denesuline First Nation
19. George Gordon First Nation
20. Hatchet Lake First Nation
21. Ministikwan Lake Cree Nation
22. James Smith Cree Nation
23. Kahkewistahaw First Nation
24. Kawacatoose First Nation
25. Keeseekoosewane First Nation
26. Kinistin Saukteaux Nation
27. Lac La Ronge First Nation
28. Little Black Bear First Nation
29. Little Pine First Nation
30. Lucky Man Cree Nation
31. Makwa Sahgaiehan First Nation
32. Mistawasis First Nation
33. Montreal Lake Cree Nation
34. Moosomin First Nation
35. Mosquito, Grizzly Bear's Head, Lean Man First Nation
36. Muscowpetung First Nation
37. Muskeg Lake Cree Nation
38. Muskoday First Nation
39. Muskowekwan First Nation
40. Nekaneet First Nation
41. Ocean Man First Nation
42. Ochapowace First Nation
43. Okanesee First Nation
44. One Arrow First Nation
45. Onion Lake Cree Nation
46. Pasqua First Nation
47. Peepeeekisis Cree Nation
48. Pelican Lake First Nation
49. Peter Ballantyne Cree Nation
50. Pheasant Rump Nakota First Nation
51. Piapot Cree Nation
52. Poundmaker Cree Nation
53. Red Earth First Nation
54. Red Pheasant First Nation
55. Sakimay First Nations
56. Saukteaux First Nation
57. Shoal Lake Cree Nation
58. Standing Buffalo First Nation
59. Star Blanket Cree Nation
60. Sturgeon Lake First Nation
61. Sweetgrass First Nation
62. The Key First Nation
63. Thunderchild First Nation
64. Wahpeton Dakota Nation
65. Waterhen Lake First Nation
66. White Bear First Nation
67. Whitecap Dakota First Nation
68. Witchehan Lake First Nation
69. Wood Mountain First Nation
70. Yellow Quill First Nation

For more details on First Nations in Saskatchewan, please visit [aadnc-aandc.gc.ca/eng/1100100020616/1100100020653](http://aadnc-aandc.gc.ca/eng/1100100020616/1100100020653).





## THE ENGAGEMENT PLAN AND PROCESS

In developing this report, FNPA created an Engagement Plan (the Plan) which set out how FNPA planned to meet with various First Nations to inquire as to how they wish to be engaged in future discussions on a clean energy future with SaskPower. We developed a draft survey, and FNPA set out to execute the Plan. FNPA contacted several First Nations and Tribal Councils and arranged to meet with them to obtain key feedback on how they view engagement and what such an engagement process might look like from their perspective. Attempts were made to engage as many First Nations from all the treaty territories of Saskatchewan, including Treaty 10, 8, 6, 5 and 4.

In the engagement process, we met with several First Nations and two Tribal Councils representing a total 32 First Nations. We received information back representing a total of 21 First Nations in Saskatchewan, and one Tribal Council who will be developing a consolidated report as approved by their Nation members whom we met with in February in Treaty 4 territory. After the presentation, the survey was emailed to that Tribal Council, as they did not have time at the engagement session to provide full answers on the survey. This Tribal Council represents 11 First Nation members. It was optional for each Nation or Tribal Council to provide their names for the purposes of this report.

In this engagement process, FNPA provided general information about SaskPower and FNPA through a Power Point presentation and provided "Defined Terms" so there was a common understanding of certain words used in the survey as agreed upon by SaskPower and FNPA. We explained why we were going through this process and what would be done with the results. We reviewed the survey at the sessions and obtained information that has been delivered in this report.

### Special Considerations

Throughout the process, FNPA has been mindful of the importance of relationship building with the First Nations in the engagement process to ensure we obtained the quality of information we were seeking. In undertaking this engagement process, we were aware that FNPA has carefully developed relationships with many First Nations in Saskatchewan, and we believe we are uniquely positioned to undertake this work and are grateful for the opportunity. FNPA continues to nurture relationships with First Nations as we build more capacity in the renewable and clean energy space.

It was important to FNPA that we engaged in face-to-face discussions at the pace the Nations wished to proceed. On one hand, we did not want the participants to feel rushed, but we also were cognizant of their often tight timelines and agendas. We ensured the participants felt valued, were heard and that we were not there simply to mine them for information. We believe that we left them with the assurance that this information will be used to ensure their wishes for adequate future engagements with SaskPower regarding planning, and that developing a clean energy future will be a top consideration for SaskPower.

### What We Asked

The survey was presented at each session with First Nations in hard copy and was reviewed in the PowerPoint presentation as well. Due to the time constraints of gathering the information for this process, we asked the participants to answer the survey and return them at the end of each session.

We asked some general questions to understand who they were, which Nation they represented, what their role was, what treaty territory they were from, if they consented to providing their Nations' name and if they had a Consultation or Engagement Guideline in place.



The specific questions asked were:

1. Has your Nation ever engaged SaskPower regarding a Clean Energy project on your reserve or traditional territory? (YES/NO) If NO skip to number 4.
2. If yes, what type of Clean Energy project did you engage on?
3. If Yes, did you feel you were able to adequately communicate with SaskPower? (YES/NO) Explain:
4. If your Nation was to be engaged by SaskPower regarding a Clean Energy project or Saskatchewan's plan for a Clean Energy future generally, who would you view as the appropriate person(s) to be engaged?
  - a. The elected Chief and Council
  - b. The hereditary Chief (if appropriate)
  - c. Both elected and hereditary Chief
  - d. The Nation (Community level) only
  - e. The Nation (Community level) with referendum
  - f. The Chief and Council with presentations at the Community level
5. If your Nation was to engage with SaskPower as SaskPower plans the future electricity system, what would you like to discuss? What would you tell SaskPower they should be thinking about?
6. How early in the process of planning, developing and approving a Clean Energy project would your Nation wish to be consulted/engaged?
7. How important is it that your Nation is provided free, prior and informed consent as defined in UNDRIP in relation to any Clean Energy projects within the area of your traditional territory?
  - a. Low importance
  - b. Somewhat important
  - c. Important
  - d. Very important
  - e. Of utmost importance
8. If your Nation were to engage in a future Clean Energy discussion with SaskPower about a Clean Energy future, who should be considered to be present at the actual engagement sessions with SaskPower?
  - i. The Nation at community level
  - ii. Chief and Council
  - iii. Hereditary Chief/Councillors
  - iv. Traditional knowledge keepers
  - v. Women's Commission or similar
  - vi. Youth Commission or similar
  - vii. Elders
  - viii. A combination of the above (which combination)
9. In any engagement process regarding Clean Energy planning and development, what values, setting and protocols would you consider to be important?
10. What outcomes in a future engagement process on Clean Energy do you feel are important for your Nation?
11. Other comments that might assist SaskPower in understanding the requirements of your Nation in a future engagement process with SaskPower.

The participants that we met with were very thoughtful in their comments. We have provided those responses as an Appendix.



## SUMMARY AND RECOMMENDATIONS RE: WHAT WE HEARD

We heard some very valuable feed back in this process. To summarize the major themes we created the word cloud in the executive summary from responses provided in questions 10 and 11. We heard feedback that strongly supports the recommendation noted in Call to Action number 92 of the TRC – that First Nations want meaningful consultation, to build respectful relationships and to obtain their free, prior and informed consent before proceeding with economic development projects.

First Nations want equitable and fair access to jobs, training, education, scholarships, partnerships and long-term sustainable benefits. We heard they want safe, honest and clear discussions early in the process and want to be heard. As the TRC points out, Indigenous people have occupied this land for millennia, and they have key Indigenous knowledge and perspectives that they want to express as Saskatchewan moves to a clean energy future.

As SaskPower moves forward with their clean energy future into 2030 and beyond, we have developed the following practical recommendations to consider when engaging First Nations.

The recommendations, considerations and rationale noted below are based on our interpretation of what we heard. They are not in any order of importance as different Nations may have different views and perceptions based on their historic relationship with the Crown, the amount of industrial activity and development in the traditional territory and previous engagement and/or consultation history. We would suggest that the recommendations be used as a guide and that specific engagement strategies be determined in furtherance of relationship building. It has been our experience in working with many First Nations in Saskatchewan, that they are eager to educate those who wish to learn more about how to engage with them effectively. We would expect successful future sessions where the key recommendations have been adhered to.

Recommendation #1	Rationale
Engage early and often, commencing at pre-planning stages.	First Nations want SaskPower to go to their Nations and spend time in the community to build a relationship based on mutual trust and respect. Most First Nations want free, prior and informed consent. They want to understand what SaskPower’s plans are for the future. If partnership opportunities exist, First Nations want be able to plan early.
Considerations	Rationale
Don’t leave engagement too late, as First Nations need time to plan, review, process and possibly hire outside expertise as they move through the process.	The respondents indicated they did not want surprises and want to be informed early so they can adequately respond and inform the community.
Recommendation #2	Rationale
Involve leadership and community.	It was indicated that the Chief and Council should be the first place to start future engagements, but each Nation should be asked who should attend due to some variation in responses. For instance, some wanted community meetings as well.
Considerations	Rationale
Don’t forget to ask if special consideration should be given to Elders or traditional knowledge keepers, as they have intimate knowledge and express the values of the Nations.	More traditional Nations often defer to Elders and traditional knowledge keepers in decision-making and rely on them to understand culturally sensitive matters in relation to the information presented. They add a level of historic understanding and traditional information/teachings.



Recommendation #3	Rationale
Be attentive to traditional protocols.	Ask who should be consulted regarding what protocols should be provided as well as when and how to provide them.
Considerations	Rationale
Avoid assuming that protocols will be same for all the Nations. For instance, some require tobacco and Elder presence and others may not. Some may require a pipe or smudge ceremony.	Some Nations have very specific requirements in order to discuss land or water matters, and getting engagements off to a good start will begin with asking the right questions and following through. Building good relationships is a process and must be based on trust and mutual respect.
Recommendation #4	Rationale
Involve Elders and traditional knowledge keepers.	If indicated, ensuring Elders and/or traditional knowledge keepers are involved early will avoid delays or misunderstandings later in the process. They can often help maneuver through difficult issues.
Considerations	Rationale
To ensure smooth and respectful engagements, avoid going outside of protocols. Expect a timeline that may be unpredictable or change.	Many First Nations believe if an outsider fails to take the time to respect protocols, they are not showing respect within their territories and trust may not be garnered.
Recommendation #5	Rationale
Provide enough time and capacity funding to engage.	Many of the respondents stated they would need adequate time and require capacity funding as well as community costs covered when they are engaged, as financial capacity of usually quite limited. Furthermore, arrangement of community meetings takes time and incurs administration costs to arrange. Occasionally, Nations will request community funding for powwows, etc.
Considerations	Rationale
Avoid assuming the Chief and Council and their Elders/administration have financial capacity to host engagement sessions without some capacity funding. The less adequate the funding, the more delays and greater likelihood extensions will be required.	The costs to arrange meetings and have administration and Elders involved can be more than some Nations can deal with. As well, holding a community meeting usually involves meals, beverages, prizes and other costs. Having experts can also be costly, and few have internal expertise.



<b>Recommendation #6</b>	<b>Rationale</b>
Ensure early, honest, open and frequent communication.	As part of relationship building, early, open, honest and frequent communication is critical. Often, First Nations have a mistrust of Crown entities and, as such, building such dialogue will take time.
<b>Considerations</b>	<b>Rationale</b>
Most First Nations are not that interested in surveys, so going that route may be part of the process but not the process itself.	First Nations wish to be heard and want a real, involved and informed discussion. Early and frequent face-to-face discussions are best.
<b>Recommendation #7</b>	<b>Rationale</b>
Consider economic partnerships and revenue sharing.	Partnerships were identified as an outcome of any future discussion on clean energy in Saskatchewan, as First Nations believe many such projects will be on their traditional territory and that they should benefit economically.
<b>Considerations</b>	<b>Rationale</b>
Do not refer to the NRTA, 1930 or written treaties as justification for not having this discussion.	Many First Nations do not view the NRTA, 1930 as a valid law and see it and the written treaties as invalid representations of what they believe they discussed at the time of Treaty. While this may be a Crown position, it will not benefit SaskPower or NRCan to raise this during engagement or consultation sessions.
<b>Recommendation #8</b>	<b>Rationale</b>
Consider scholarships, business and employment opportunities.	First Nations want to ensure the members of their Nations benefit from clean energy projects that may arise on their traditional territories in the form of contracts, business partnerships, scholarships and employment opportunities.
<b>Considerations</b>	<b>Rationale</b>
Consider providing capacity funding so First Nations can hire professionals to assist in business/commercial agreements	Most First Nations will require extra financial support to hire expertise in developing commercial agreements.



Recommendation #9	Rationale
Be prepared to address electricity bills.	Respondents were very concerned about electricity bills. This should be addressed if possible, as most of the Nations we spoke to are convinced they pay more than other residents in the province.
Considerations	Rationale
This issue came up a few times in our sessions and it is recommended that SaskPower be prepared for the discussion so the Nations feel they are being heard and engagement time lines are not affected.	Avoiding the discussion could impede relationship building and future engagement sessions.
Recommendation #10	Rationale
Be aware of diversity amongst First Nations in Saskatchewan.	There is a great deal of diversity in the province and many tribal and language groups. Even at the community level, you will find diverse views on clean energy and how engagement should occur. Asking questions and building relationships will assist in learning about such differences. Some Tribal Councils are very diverse, with several language groups and tribal histories.
Considerations	Rationale
Don't assume all First Nations hold the same views or have the same opinions on clean energy or how to engage with SaskPower.	Depending on their past experience, cultural practices, effects of colonization, language and personal experience, a variety of views and perspectives can be held and/or expressed.
Recommendation #11	Rationale
Acknowledge Indigenous history and settler impacts, territory, Aboriginal and Treaty rights and be sure to thank Elders.	It is good practice to acknowledge the history of Indigenous peoples and their relationship to the land as well as treaty territory during any meetings with First Nations. If with a Tribal Council, there may be several territories, tribal groups and language groups to acknowledge. Understand the relationships between settlers and First Nations and the impact of those relationships. Thank Elders for their prayers.
Considerations	Rationale
Avoid diminishing colonial impacts and First Nations' need to be understood in this regard.	Building mutual trust depends on this understanding and acknowledgment.



## CONCLUSION

Our conclusion is that First Nations in Saskatchewan are very interested in having discussions through future engagement sessions with SaskPower and NRCan about the clean energy future of Saskatchewan and how they can be involved. First Nations see themselves as key partners at all levels and appear to look forward to participating in the clean energy space going forward. The feedback we heard supports the findings of the Calls to Action in the TRC, in particular number 92, as noted above. We heard that it is of utmost importance that First Nations receive, "free, prior and informed consent," as set out in UNDRIP.

We believe the engagement sessions we had with the respondents allowed us to gather information and provide an adequate review of what will be required by First Nations in Saskatchewan as well as what their perspectives are with respect to future engagements and energy security in Saskatchewan.

We trust that the report provides sufficient information to start planning such consultation/engagements with First Nations in Saskatchewan. We sincerely believe we can create a better future for all with meaningful discussion and partnership. In the spirit of partnership, the First Nations Power Authority wishes to thank SaskPower and Natural Resources Canada for the opportunity to conduct this work for the mutual benefit of all residents in the province of Saskatchewan.

Megwetch on behalf of the Members, Staff and Board of Directors of the First Nations Power Authority.

Guy Lonechild, President

APPENDIX A  
**KEY MESSAGES  
WE HEARD**





**1. Has your Nation ever engaged SaskPower regarding a Clean Energy project on your reserve or traditional territory? (YES/NO) If NO skip to number 4.**

A number of First Nations answered "yes" to this question in Treaty 4 and 6.

**2. If yes, what type of Clean Energy project did you engage on?**

Some responses we received to this question included:

- Engagement in Treaty 4 territory on a wind/battery with solar add-on to produce 200MW of power under the RFP process.
- A Tribal Council in Treaty 6 noted that they have not yet been engaged on clean energy projects but had a series of meetings with FNPA on possibilities.
- A First Nation in Treaty 6 noted there has been some discussion with SaskPower about installing solar panels on a 4 plex at the Nation.

We are currently waiting on the response from a Tribal Council in Treaty 4 territory.

**3. If yes, did you feel you were able to adequately communicate with SaskPower? (YES/NO). Explain.**

The answers we obtained to this question were mixed, with approximately 70% stating they were able to adequately communicate with SaskPower. Some responses included:

- A Tribal Council in Treaty 6 territory noted: "SaskPower was responsive, and an MOU has been drafted with FNPA that will lay out a partnership working relationship".
- A First Nation in Treaty 4 territory noted: "No – we were made to fit into the boxes of the programs that we were eligible for. However, we had higher aspirations and more detailed long-term plans, which we haven't had the opportunity to incorporate – limits efficiency, effectiveness and economies of scale. Lack of transparency of the SaskPower programs and process". Another person from the same Nation simply wrote, "No" without further explanation.

We are currently waiting on the responses from a Tribal Council in Treaty 4 territory.

**4. If your Nation was to be engaged by SaskPower regarding a Clean Energy project or Saskatchewan's plan for a Clean Energy future generally, who would you view as the appropriate person(s) to be engaged? (Check)**

- a. The elected Chief and Council
- b. The hereditary Chief (if appropriate)
- c. Both elected and hereditary Chief
- d. The Nation (Community level) only
- e. The Nation (Community level) with referendum
- f. The Chief and Council with presentations at the Community level

Most of the responses (95%) stated they would like to see the engagement occur with the elected Chief and Council with presentations to the Community or with the elected Chief and Council only.

A Tribal Council in Treaty 6 territory noted such engagements should be with the Chief and Council only.

Responses from a large northern First Nation with several communities stated it should be a combination of elected Chief and Council, hereditary Chief, the Nation (Community level only) and all responses from this Nation commented that engagement should be with Chief and Council with presentations to the Community.

**5. If your Nation was to engage with SaskPower as SaskPower plans the future electricity system, what would you like to discuss? What would you tell SaskPower they should be thinking about?**

Some comments we heard from Treaty 6 territory First Nations included:

- "Effectively communicating with the Nation; building relationships with the Nation is foundational.
- "Employment; provide opportunities for the First Nations"
- "Communication and visits to keep each other informed on any changes"
- "Lower power bills; partnerships in solar, water turbine and wind; education for Band members"
- "What benefits would we/or could we receive? High power bills and not enough money coming back to the people who pay for power"



- “Partnerships, scholarships, street lights through the community, engaging own community members in power efficiency, cost-saving method”
- “Opportunities for renewable energy; contract services; workshop with communities regarding energy efficiency”
- “Solar; employment to operate solar and set up; training opportunities for FN on solar power; ensure SaskPower negotiates with FN fairly; must get permission to be on FN territory”
- “Turbine power on the Churchill River”
- “Clean energy; affordable energy in the North – north of Prince Albert”
- “More jobs for the Nations”
- “Aboriginal procurement; partnership; funding to engage; natural resource sharing; community-based partnership”
- “Funding power bills”
- “What would partnerships be like? Project would cost the First Nation. What would be the best saving cost on the Nation?”
- “Resource and partnership revenue sharing”
- “Buy energy off of the FN; power BTC”
- “Aboriginal sharing and projects have our own community-based projects; fairness in First Nations billing”

A Tribal Council in Treaty 6 territory as well as a First Nation in Treaty 4 territory both provided the following response:

- SaskPower plans for the future electricity system should be thinking about the following:
  - a. Increase funding to FNPA so they can work with First Nations in a meaningful way
  - b. First Nations Treaty Rights toward energy sovereignty
  - c. Green energy funds for northern projects
  - d. Solutions to high cost of heating/electricity in northern communities
  - e. FNPA education/awareness of community workshops on green energy
  - f. Assistance with Community Readiness and green energy audits
  - g. Assistance with the development of green energy projects/proposals
  - h. Identification of investors and partners on projects

We are currently waiting on the responses from a Tribal Council in Treaty 4 territory.

### 6. How early in the process of planning, developing and approving a Clean Energy project would your Nation wish to be consulted/engaged?

Several First Nations in Treaty 6 Territory provided the following responses:

- “As soon as possible”
- “At the planning stage”
- “Pre-planning – provide FNPA with info so they can share with 74 Nations”
- “Pre-planning stage via focus groups, tribal council, treaty territory, etc.”
- “At the start of the project”
- “From beginning to end and immediately if my FN opts to into this”

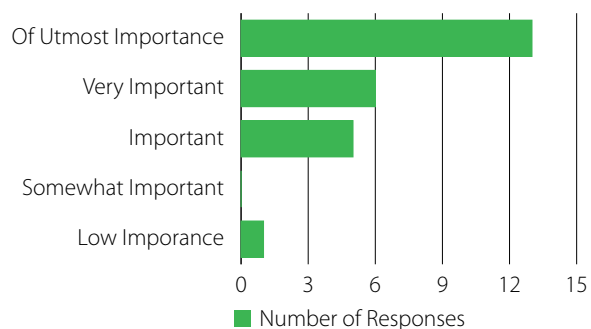
A Tribal Council in Treaty 6 Territory provided the following response:

- “First Nations’ engagement should be done early in the process of planning, developing, implementing, and evaluation.”

We are currently waiting on the responses from a Tribal Council in Treaty 4 territory.

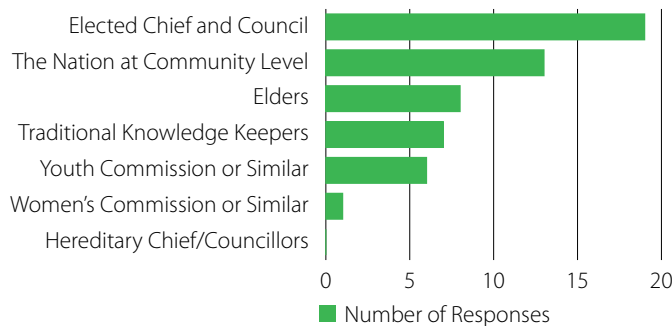
### 7. How important is it to your Nation that your Nation be provided “free, prior and informed consent” as defined in UNDRIP in relation to any Clean Energy projects within the area of your traditional territory?

- a. Low importance
- b. Somewhat important
- c. Important
- d. Very important
- e. Of utmost importance





**8. If your Nation were to engage in a future Clean Energy discussion with SaskPower about a Clean Energy future, who should be considered to be present at the actual engagement sessions with SaskPower?**



**9. In any engagement process regarding Clean Energy planning and development, what values, setting and protocols would you consider to be important?**

Several First Nations in Treaty 6 Territory provided the following responses:

- "Mutual respect; honesty and trust"
- "Sit with the Elders, protect all; earning the Elders' respect"
- "Protocol – tobacco and traditions"
- "Smudging"
- "Initial engagement with elected leadership, followed by a presentation to the community... Elder to give welcome and thank-you prayer; provide food; door prayer; tobacco for Elder; honorarium for the Elder; BCR (Band Council Resolution/Motion) approving the engagement"
- "Community involvement; meals and gifts (door prizes); funding for protocol"
- "Open communication"
- "Nation-to-Nation engagement; request for discussion with leadership; members assembly; facilitation of process; include Elders; provide food and prizes; to be at the process for planning and development; acknowledgement of the Treaty territory; formal procedure to begin with a signed BCR"
- "Face-to-face discussions"
- "Money to help facilitate and educate membership prior to the consultation/engagement"
- "Come to community"
- "Traditional protocols on First Nations land; be involved in traditional protocol"

- "Come to a pipe ceremony, bring tobacco and offer it to our community for dialogue; open discussion on any long-term impacts"
- "Environmental impacts (land and water impacts)"
- "Safe, clean air; renewable resources"
- "Community meetings and online survey"
- "Respect for the land, water and air"
- "Shut downs; reports annual"

A First Nation in Treaty 4 Territory provided the following response:

- "Invest in gaining FN social trust well ahead of projects. If there are good relationships formed ahead of time that people trust, then when there are stumbling blocks there is enough trust to get through it. FN's need separate engagement as rights holders, but FN's should be invited to it at community-level steering committee (landowners, RM's, Town's, etc. surrounding projects)."

A Tribal Council in Treaty 6 Territory provided the following response:

- Values, setting and protocols should include:
  - a. Respect for the environment based on traditional ecological knowledge
  - b. Sharing and meaningful engagement of northern First Nations
  - c. Clear reciprocal communication processes
  - d. Local community settings for engagement sessions
  - e. Identification of local coordinators for engagement sessions
  - f. Translation services and equipment for on-site engagement sessions
  - g. Adherence to community protocols and OCAP Principles – Ownership, Control, Access and protection of Local Knowledge Sharing
  - h. Adherence to (our Nation)/FSIN consultation policy
  - i. Collaborative planning and co-development of agendas

We are currently waiting on the responses from a Tribal Council in Treaty 4 territory.



**10. What outcomes in a future engagement process on clean energy do you feel are important for your Nation?**

Several First Nations in Treaty 6 Territory provided the following responses:

- "Opportunity for benefit agreements; sponsorship for community events; capacity funding/engagement funding; scholarship opportunities"
- "Future talks with SaskPower"
- "Resource revenue sharing; sponsorship; engagement/capacity funding; youth scholarship; post-secondary scholarship"
- "Education funding; community sponsorship; engagement costs; funding agreements"
- "Employment; impact benefit agreements; sponsorships; community engagement"
- "Everyone in agreement"
- "Work sponsorship; powwows; costs"
- "Helping with schooling"
- "Safe, clear outcome"
- "Follow-up; meaningful engagement; piece of the pie"
- "Transparency; financial support; rent on the use of the land"
- "Meaningful engagement; follow up on the pros and cons; share information"
- "We want to be involved in all aspects of planning, ongoing procurement partnerships"
- "To be heard and not just told that they hear us but to actually see them move ahead with what FN people need"
- "That our Nation was informed properly and consent from our people is unanimous; continued dialogue involvement, employment for our people and great cost-saving benefit"
- "How will this affect future discussions; partnerships going forward?"
- "Safety and health"
- "Moving forward in partnership"
- "Clean and affordable energy"
- "More seats for the Nations on Boards"

A First Nation in Treaty 4 Territory provided the following responses:

- "Clearly articulate opportunities for FN's to get organized for us to participate economically before it's too late"
- "Tangible improvements to benefit the actual community"

- "Think outside the box on projects"
- "There are too many silos at SaskPower"

A Tribal Council in Treaty 6 Territory provided the following response:

- "Wide-spread engagement session information communicated through various communication channels in a timely manner"
- "Appropriate funding mechanisms for First Nations to participate in engagement sessions"
- "Clear and concrete recommendations that can be used for policy development"
- "Reader-friendly reports that are comprehensible to the general public"
- "Education and awareness on the importance of clean energy projects"
- "Information on First-Nations-owned clean energy projects that have demonstrated results"
- "Avoidance of surveys in favour of face-to-face engagement sessions"

We are currently waiting on the responses from a Tribal Council in Treaty 4 territory.

**11. Other comments that might assist SaskPower in understanding the requirements of your Nation in a future engagement process with SaskPower.**

Several First Nations in Treaty 6 Territory provided the following responses:

- "The current process of selecting RFP for renewable energy projects is very limiting, not only to non-Aboriginal projects, but to Aboriginal projects. If SaskPower is serious about renewable energy, I feel they should open the process up to more opportunity"
- "Partnership"
- "Resource revenue sharing"
- "Post-secondary scholarships"
- "Looking at the best for the community and the future of our Nations"
- "Education"
- "Capacity funding"
- "Honest and transparent; meaning involvement and engagement with follow-up to the Nation"

*(continued on the next page)*



- “We want to develop a solid relationship at the planning stage; use proper traditional protocol; reconciliation; free, prior and informed consent”
- “Come in with the need of wanting change not broken promises; reimbursement for use of our land; start giving back to the community”
- “A way of cost saving for power bills; continued engagement; opportunities for the community; some resources to come back to the community; we want reconciliation for the power poles in our community; to be clearly informed and consent”
- “Know the people and their traditional ways and values; be patient; give us all the information; reconciliation; prior consent”
- “Must consider each of our communities as individuals (we have 6)”
- “Engage door to door”
- “Respect our language, culture and lands; more involvement”

A First Nation in Treaty 4 Territory provided the following responses:

- “For example, the Red Lily Project Moosomin near CFN never consulted with the FN in its establishment. We didn't know it was even coming until the turbines went up. This is not how we would like to see projects developed in the future because almost ALL projects”
- “Bitter taste in my mouth from 2012 175MW wind award to Algonquin that still has not been built and has been giving concessions to move sites; when there was credible FN's partnerships who also bid into the competition; (we) bid in a quality site with TransAlta we could have delivered on; still not project today”
- “We host a Construction/Renewable Energy Day for our high school students at (the Nation) high school from grades 6-12. We welcome SaskPower to come out and join our day as a guest speaker for our event in May 2019”
- “Be creative with FN's and don't make us fit into a program box. For example, PGPP vs. concept presented on virtual net metering/consolidated billing; we are trying to be innovative to leverage federal funding and SaskPower stalemates us on innovation and makes us fit into boxes”

A Tribal Council in Treaty 6 Territory provided the following response:

- “(Our) First Nations must be involved in the co-development of future Engagement processes on clean energy rather than a top-down approach with limited collaboration; Northern priorities, challenges and needs must be given serious consideration given the high cost of heating/electricity in the PAGC Region”
- “PAGC First Nations require Capacity Building dollars and Green Energy Office Infrastructure funds; Multi-year plans with appropriate funding to sustain green energy projects”

We are currently waiting on the responses from a Tribal Council in Treaty 4 territory.



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