



IAJ

IAJ 12-28

Tabled by Chair (Lawrence)

Date June 22, 2020

## OFFICE of the PROVINCIAL PRESIDENT

June 11, 2020

Government of Saskatchewan  
Room 355, Legislative Building  
2405 Legislative Drive, Regina, SK  
S4S 0B3

Attention: Hon. Don Morgan Q.C.  
Minister of Justice and Attorney  
General

Dear Minister Morgan:

**Re: A Call for a New Relationship Between the Métis Nation – Saskatchewan (MN-S) and Saskatchewan to Promote Reconciliation**

I am writing today out of concern for the current relationship between Saskatchewan and the MN-S and to request that we meet urgently to discuss how this relationship can be salvaged.

The MN-S represents the Métis, Section 35 *Constitution Act, 1982* rightsholders in Saskatchewan. Saskatchewan is out-of-step with Canadian society. The Government of Canada and nearly every province and territory, besides Saskatchewan, has integrated the goal of “reconciliation” within and throughout their policies. These steps have gone well beyond simply complying with Section 35 of Canada’s *Constitution Act, 1982*: they have sought to promote respect, trust, and collaboration for the benefit of Indigenous peoples and broader Canadian society. Meanwhile, Saskatchewan continues to ignore Métis Section 35 rights and fall short of the most basic legal requirements around consultation and the honourable conduct of the Crown.

On May 1, 2020, the MN-S received a letter from Minister Duncan responding to our written concerns, sent on March 5, 2020, regarding the exploration activities of Denison Mines Corp. Minister Duncan’s letter confirmed that Saskatchewan avoids consulting with the MN-S and refuses to consider impacts to Métis land rights. It invoked the 2010 Consultation Policy as somehow justifying Saskatchewan’s failure to meet its constitutional obligations to consult and to act honourably when engaging with Indigenous peoples.

The May 1, 2020 letter was a clear and painful reminder of the colonial, institutional and structural obstacles that the MN-S and the Métis of Saskatchewan continue to face when seeking to have their rights recognized, respected and protected by the Government of Saskatchewan. In addition, we note Saskatchewan’s lack of leadership regarding the



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COVID-19 crisis. We are proud of our work with Canada and Saskatchewan First Nations in recent months to tackle this emergency. However, Saskatchewan failed to come to the table and fully engage with the MN-S, putting our citizens at risk.

We have seen, time and again, that Saskatchewan refuses to consult with the MN-S or provide notice to the MN-S except where the MN-S has obtained, from an MN-S Local, a signed “delegation” for consultation. This approach to consultation, based on the 2010 Consultation Policy, does not reflect Canadian law, the *MN-S Constitution*, or the clear request of the Métis Nation - Saskatchewan Legislative Assembly for broad notice made in the Interim Statement on Consultation. Saskatchewan’s policy undermines MN-S self-government by challenging and undermining the authorities put in place under the *MN-S Constitution* and allows Saskatchewan to avoid consultation when MN-S Locals, with very limited resources and experience, fail to respond or are unable to meaningfully advocate for Métis rights.

**Saskatchewan must offer and engage in a meaningful consultation process.** In fulfilling its duty to consult, Saskatchewan must **look to both understand and address** MN-S concerns. Saskatchewan must act in good faith, and not attempt to discourage, shortcut, or truncate engagement and consultation with the MN-S.

The MN-S does not oppose continued development in Saskatchewan. Many Métis communities face significant socio-economic obstacles and would benefit from responsible development. However, as the representative of Saskatchewan Métis and their Métis rights, the MN-S has an obligation to ensure that Métis rights and interests are being considered and reflected in all future development.

Minister Duncan’s letter of May 1, 2020 once more confirmed that Saskatchewan is out-of-step with both Canadian law and society. I call upon Saskatchewan to change course immediately. Saskatchewan must take concrete action. The next steps will require more than just words – they will require real engagement and a desire for change. Before we can begin a dialogue, **we expect to receive an apology for the May 1, 2020 letter by June 30, 2020.**

Saskatchewan Métis have waited for too long for their rights to be considered and respected. Saskatchewan has waited for too long avoided working with us to build a path towards reconciliation.

After we have received this apology, we will set up a meeting with you as soon as possible to discuss how we can move forward with a nation-to-nation relationship. Our goal is for reconciliation and the protection of Métis rights and interests. We share your goal of building a strong economy that benefits all in Saskatchewan, but it must be achieved



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through openness, engagement, and the protection and advancement of Métis rights and interests.

I look forward to hearing from you.

Yours truly,

A handwritten signature in black ink that reads "Glen McCallum," with a comma at the end.

Glen McCallum  
President, Métis Nation – Saskatchewan

cc: Premier Scott Moe – Government of Saskatchewan  
Hon. Dustin Duncan – Minister of Environment, Saskatchewan  
Thomas Isaac – MN-S Counsel, Cassels Brock & Blackwell LLP  
Emilie Lahaie – MN-S Counsel, Cassels Brock & Blackwell LLP

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MAY 01 2020  
Glen McCallum  
President  
Métis Nation – Saskatchewan  
Suite 201, 208-19<sup>th</sup> Street West  
SASKATOON SK S7M 5X8

Dear Glen  McCallum:

Thank you for your letter regarding concerns of mineral exploration on unoccupied provincial Crown lands where the duty to consult process is triggered.

The ministry appreciates the concerns raised regarding Métis Nation – Saskatchewan (MN-S) capacity and the efforts to provide response to the ministry for the Denison Wheeler River exploration program. It is my understanding that ministry staff followed the duty to consult process by providing two extensions so that the response could be provided and funding to support MN-S consultation activities was granted through the First Nations and Métis Consultation Participation Fund. The ministry carefully considered the information provided by MN-S and addressed concerns such as tree clearing during migratory bird season, caribou sighting reporting and water crossing installation in the issued permit. This was outlined in the formal response sent to MN-S on March 6, 2020. It should be noted that the concerns outlined by MN-S were not specific to the potential for the proposed program to adversely impact Aboriginal rights, such as hunting, trapping, and fishing for food and the carrying out of traditional uses (rights and traditional uses) by the Métis locals in proximity to the proposed program.

The duty to consult process for the Denison Wheeler River project and other exploration projects are specific to the potential adverse impacts created by the proposed program on rights and traditional uses, and was consistent with the Government of Saskatchewan's *First Nation and Métis Consultation Policy Framework, June 2010* (CPF). As set out at page six of the CPF, "The Government does not accept assertions by First Nations or Métis that Aboriginal title continues to exist with respect to either lands or resources in Saskatchewan. Accordingly, decisions claimed to adversely affect Aboriginal title are not subject to this policy." MN-S was informed of this in the meeting held February 3, 2020 and reminded in correspondence sent to MN-S on March 6, 2020.

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Glen McCallum  
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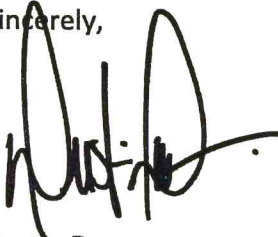
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The Government of Saskatchewan adhered to the delegation MN-S has received from some Métis locals specifically for the Denison Wheeler River program. The CPF states that “regional or provincial First Nations and Métis entities may be consulted only if the elected leadership of the First Nation or Métis Local has delegated this authority through its constitutional decision making process.” The delegation process is outlined in the Criteria for First Nation and Métis Local Delegation of Duty to Consult Responsibilities. The province does not recognize delegation until documentation has been provided to and accepted by the Ministry of Government Relations Aboriginal Consultation Unit. For assistance in the delegation process, I would encourage MN-S to contact Karen Bolton at (306) 798-5166 or [Karen.Bolton@gov.sk.ca](mailto:Karen.Bolton@gov.sk.ca).

The ministry is open to engaging with MN-S on implementation concerns in relation to the Denison Wheeler River exploration program approved on February 25, 2020, and will consult with MN-S if upcoming programs and projects trigger the duty to consult if they have delegation of such with proximate Métis locals. If you have further questions regarding the permitting and review process, I encourage you to contact Tracey Charabin, Manager – Sustainable Development Unit, at (306) 480-6722 or [Tracey.Charabin@gov.sk.ca](mailto:Tracey.Charabin@gov.sk.ca).

Thank you for writing.

Sincerely,



Dustin Duncan  
Minister of Environment

cc: Tracey Charabin, Fish, Wildlife and Lands, Ministry of Environment  
Karen Bolton, Aboriginal Consultation Unit, Ministry of Government Relations