Court File No: 40195

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF ALBERTA)

IN THE MATTER OF *AN ACT TO ENACT THE IMPACT ASSESSMENT ACT AND THE CANADIAN ENERGY REGULATOR ACT, TO AMEND THE NAVIGATION PROTECTION ACT AND TO MAKE CONSEQUENTIAL AMENDMENTS TO OTHER ACTS,* SC 2019, C 28 AND *THE PHYSICAL ACTIVITIES REGULATIONS*, SOR/2019-285

AND IN THE MATTER OF A REFERENCE BY THE LIEUTENANT GOVERNOR IN COUNCIL TO THE COURT OF APPEAL OF ALBERTA UNDER THE *JUDICATURE ACT*, RSA 2000, C J-2, S 26

BETWEEN:

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Appellant

- and -

ATTORNEY GENERAL OF ALBERTA

Respondent

- and -

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(Rule 27 of the *Rules of the Supreme Court of Canada*)

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PART I. OVERVIEW AND FACTS

1. The File Hills Qu'Appelle Tribal Council ("FHQTC") is a Tribal Council comprised of eleven (11) First Nations in the province of Saskatchewan. Nine (9) of the FHQTC Member Nations are signatories to Treaty 4, which covers what is now much of southern Saskatchewan as well as portions of western Manitoba and southeastern Alberta. Along with Pasqua First Nation ("Pasqua"), these First Nations are: Carry the Kettle Nakoda Nation, Little Black Bear's Band of Cree & Assiniboine Nations, Muscowpetung Saulteaux Nation, Nekaneet First Nation, Okanese First Nation, Peepeekisis Cree Nation, Piapot First Nation, Standing Buffalo Dakota Nation, Star Blanket Cree Nation, and Wood Mountain Lakota First Nation (together, "the FHQTC Member Nations"). In total, the FHQTC Member Nations represent approximately 17,000 individual members.

2. The rights and interests of the FHQTC Member Nations will be directly impacted by the determination of whether Canada has jurisdiction to enact laws regulating the environmental assessment process for development projects – including "intra-provincial" projects – that affect traditional lands and those lands reserved for the exclusive use of First Nations. The Joint Interveners exercise their Treaty and Aboriginal rights across the Treaty 4 territory and have significant interests in provincial and federal lands throughout, including outstanding constitutional Crown obligations to set apart additional lands in satisfaction of long outstanding Treaty Land Entitlements. Pasqua and the FHQTC Member Nations have raised concerns regarding several such projects, including the Lake Diefenbaker Irrigation Project ("LDIP") proposed by the Government of Saskatchewan. LDIP is an "intra-provincial" development project within the traditional and Treaty territory of the FHQTC Member Nations and within close proximity to several reserves of the FHQTC Member Nation communities, including Pasqua. LIDP would severely impact these existing "federal" lands, create risks to First Nation food and water security, and remove lands available for selection under the trilateral *Treaty Land Entitlement Framework Agreement* ("*TLEFA*").[1]

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[1] *Saskatchewan Treaty Land Entitlement Framework Agreement between Canada, the Entitlement Bands and Saskatchewan*, September 22 1992, being Schedule II of the *Saskatchewan Treaty Land Entitlement Act*, SC 1993, c. 11 [hereinafter "Saskatchewan *TLEFA*"]. See also Affidavit of Chief Peigan, sworn September 19, 2022, Motion Record for Leave to Intervene of the FHQTC and Pasqua (Jointly) [hereinafter "Affidavit of Chief Peigan"], **Tab 2, Para 14.**

3. Understood from the perspective of Canadian constitutional law, this case is about who has the constitutional authority to regulate the environmental assessment process for development projects with the potential to impact the environment, as well as those rights that are recognized and affirmed by section 35 of the *Constitution Act, 1982.* From the perspective of the FHQTC Member Nations, this case raises more additional fundamental questions about who has the *responsibility* to protect our planet and to preserve the rights protected by section 35.

PART II. ISSUES

4. The within submissions are related to the central question before this Honourable Court, being: "Is Part 1 of *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*, SC 2019, c 28, *intra vires* the legislative authority of the Parliament of Canada under the *Constitution Act, 1867*?".[2]

5. The Joint Interveners take the position that Canada has jurisdiction to enact laws regulating the environmental assessment process for development projects that impact First Nations based on multiple heads of power of the *Constitution Act, 1867*, including section 91(24) and as a matter of national concern under the peace, order, and good government ("POGG") clause of section 91.[3]

PART III. ARGUMENT

6. There are two steps to determine whether legislation is supported by a federal or provincial head of power (sections 91 and 92 of the *Constitution Act, 1867*).[4] The first step is to characterize the law's pith and substance with reference to both purpose and effects, including practical consequences. The second step is to classify the pith and substance with reference to the classes of subjects, or heads of power.[5]

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[2] Factum of the Appellant, the Attorney General of Canada, **Para 45(a), (c), (d)**.
[3] *Constitution Act, 1867 (UK)*, 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5, ss 91, 92.
[4] *Constitution Act, 1867 (UK)*, 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5, ss 91, 92.
[5] *Reference re Pan-Canadian Securities Regulation*, 2018 SCC 48 at para 86, and stated most recently by this Court in *References re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11 at paras 47, 51.

7. The Joint Interveners submit that when properly applying the relevant principles of constitutional interpretation set out below, the impugned legislation is *intra vires* Parliament's legislative authority.

A. Relevant Principles of Constitutional Interpretation

8. It is well established that all parts of the Constitution must be read together. The clearest and most concise statement of this principle can be found in *Gosselin v Quebec*:

> As the Court has stated on numerous occasions, there is no hierarchy amongst constitutional provisions. … ***All parts of the Constitution must be read together***.[6]

9. As such, the federal Parliament's powers set out in section 91 of the *Constitution Act, 1867* must "now be read together with s. 35(1)" of the *Constitution Act, 1982,* which recognizes and protects Aboriginal and Treaty rights, as "federal power must be reconciled with federal duty."[7]

10. Unwritten constitutional principles, including the principle of cooperative federalism, inform the interpretation of the written constitutional provisions related to the division of powers. In *Rogers Communication Inc. v. Chateauguay (City)*, this Court expressly recognized that:

> … when courts apply the various constitutional doctrines, they must take into account the principles of co-operative federalism, ***which favours, where possible, the concurrent operation of statutes enacted by governments at both levels***.[8]

11. The principle of cooperative federalism acknowledges that it would often be impossible for one order of government to fulfil its constitutional mandates without affecting matters that fall within the other order's legislative authority.[9] As recently stated by this Court in *References re Greenhouse Gas Pollution Pricing Act*:

> Although early Canadian constitutional decisions by the Judicial Committee of the Privy Council applied a rigid division of federal-provincial powers as watertight compartments, ***this Court has favoured a flexible view of federalism – what is best described as a modern form of cooperative federalism – that accommodates and encourages intergovernmental cooperation.***[10]

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[6] *Gosselin (Tutor of) v Quebec (Attorney General)*, 2005 SCC 15 at para 2.
[7] *R v Sparrow*, [1990] 1 SCR 1075 at 1109.
[8] *Rogers Communication Inc v Chateauguay (City)*, 2016 SCC 23 at para 38.
[9] *Desgagnés Transport Inc v Wärtsilä*, 2019 SCC 58.
[10] *References re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11 at para 50.

12. To maintain coherence within Canadian law, the courts have interpreted and developed the law consistent with international law and norms.[11] As stated by this Court in *Baker*, "interpretations that reflect [international law] values and principles are preferred".[12] As such, the division of powers analysis must reflect international obligations towards Indigenous peoples and their inherent rights, including the rights enshrined in the *United Nations Declaration on the Rights of Indigenous Peoples* ("*UNDRIP*") and now partially incorporated into domestic law through the *UNDRIP Act*.[13]

13. Finally, the Joint Interveners submit that the interpretation must also reflect the Honour of the Crown. The confluence of legal reconciliation in the realm of Indigenous-Crown relationships has strengthened the interdependence of legislative obligations and the Honour of the Crown which allow for a heightened level of cooperation.[14]

B. Application

Step 1 – "Pith and Substance"

14. When characterizing the law's pith and substance, the Court will reference both purpose and effects. As recently re-stated by this Court in *References re GGPPA*:

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[11] See e.g. *Reference re Public Service Employee Relations Act (Alberta)*, [1987] 1 SCR 313 at 348-350 (per Dickson CJ, dissenting on other grounds) (drawing upon international human rights law and norms to interpret freedom of association under *Charter*); *First Nations Child and Family Caring Society of Canada v Canada*, 2012 FC 445 at para 353, aff'd 2013 FCA 75 (accepting that *UNDRIP* is a relevant and persuasive interpretive source that must inform domestic considerations of legal matters impacting the rights of Indigenous peoples).

[12] *Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 at paras 70, 74 (international law has domestic import and "interpretations that reflect [international law] values and principles are preferred" at para 70; legal decisions must be made with respect to an approach that respects "humanitarian and compassionate" values at para 74).

[13] *United Nations Declaration on the Rights of Indigenous Peoples* [*UNDRIP*], 13 September 2007, GA Res. 61/295, UNGAOR, 61st Sess., Supp. No. 49 Vol. III, UN Doc. A/61/49 (endorsed by Canada 12 Nov 2010); *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14.

[14] *Yahey v British Columbia*, 2021 BCSC 1287 (while provincial Crown had power to "take up" lands under numbered Treaty, power was "not infinite"; Crown cannot take up so much land that First Nation "can no longer meaningfully exercise its rights to hunt, trap and fish in a manner consistent with its way of life" at para 3; while Crown can "take up" lands under numbered Treaties, must do so in a way that cumulative effects of development resulted in Treaty infringement); *Restoule v Canada*, 2021 ONCA 779, SCC leave to appeal granted June 23, 2022 (Docket 40024) (failure to diligently implement Treaty is a breach of Crown's honourable obligations).

> … In considering the effects of the challenged legislation, the court can consider ***both the legal effects, those that flow directly from the provisions of the statute itself, and the practical effects, the "side" effects that flow from the application of the statute***: …[15]

15. The Joint Interveners submit that the *IAA* has the effect of creating a stopgap measure to ensure a minimum national standard to engage with Indigenous rights, interests, and traditional knowledge as part of the environmental assessment process for major projects which may impact their lands and interests. Section 7 "triggers" the application of the *IAA* where a *designated activity* (as defined by the *Regulations*) may impact reserve lands (section 7(1)(b)); Indigenous physical and cultural heritage, use of lands for traditional purposes, or structures of significance (section 7(1)(c)(ii)); or Indigenous health, social or economic conditions (section 7(1)(d)).[16]

16. The federal assessment process builds in mechanisms that promote respect for the rights of Indigenous peoples. For example, section 28(3.1) requires that the impact assessment report "set out how the Agency, in determining the effects that are likely to be caused by the carrying out of the designated project, took into account and used any Indigenous knowledge provided with respect to the designated project".[17]

17. Notably, even when projects are pulled into the *IAA* regime, this does not necessarily mean they remain under federal oversight permanently or to the exclusion of the province. The *IAA* provides that the any part of the impact assessment process may be delegated to another jurisdiction and that the federal process may be substituted for a different process, subject to certain conditions. For example, the process to be substituted must "include consultations with any Indigenous group that may be affected by the carrying out of the designated project",[18] and the report must take into account and "use any Indigenous knowledge provided with respect to the designated project".[19]

18. These stopgaps are especially important for First Nations in jurisdictions like Saskatchewan, where there is a demonstrated history of failure to adequately consult with First Nations as part of

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[15] *References re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11 at para 51, citing *Kitkatla Band v BC*, 2002 SCC 31 at para 54; *R v Morgentaler*, [1993] 3 SCR 463 at 480.
[16] *Impact Assessment Act*, SC 2019, c. 28, s 7. See also section 82 (provides that the *IAA* process applies to projects impacting federal lands, i.e. reserve lands).
[17] *Impact Assessment Act*, SC 2019, c. 28, s 28.
[18] *Impact Assessment Act*, SC 2019, c. 28, ss 29 (delegation), 31(1) (substitution), 33 (conditions for substitution).
[19] *Impact Assessment Act*, SC 2019, c. 28, s 33(2.1).

the provincial assessment process under *The Environmental Assessment Act* of Saskatchewan.[20] The FHQTC Member Nations are currently advocating for the application of the federal environmental assessment process under the *IAA* to the abovementioned LDIP project because they are not satisfied that the provincial process will sufficiently protect their rights and interests.[21]

19. Further, section 7(4) facilitates impact benefit agreements by making section 7(1)(d) inapplicable where Indigenous groups have consented to a project involving non-adverse changes.[22] This means that proponents may be exempted from the *IAA* process by obtaining the requisite consents (where none of the other triggers apply). The *IAA* thus provides an additional level of safety (i.e. a stopgap) for situations where Indigenous groups have not provided their free, prior, and informed consent to developments impacting their rights and interests, which may otherwise remain unsatisfactorily protected under the provincial environmental assessment process available.

20. As such, the Joint Interveners principally agree with the following characterization of the pith and substance of the *IAA* put forward by Canada: "to establish a federal environmental assessment process to ***safeguard*** against adverse environmental effects in relation to matters within federal jurisdiction."[23]

Step 2 – Classification

21. The Joint Interveners submit that the pith and substance of the *IAA* and *Regulations* are properly classified as being in relation to multiple federal heads of power under the *Constitution Act, 1867*, including the power to legislate regarding "Indians and Lands Reserved for the Indians" under section 91(24) and the general power to legislate for the "peace, order and good government" ("POGG") of Canada under the residual authority of section 91.[24] The Joint Interveners further submit that sections 91 and 92 must be read together with the Crown's constitutional and quasi-constitutional obligations to First Nations in Saskatchewan, including obligations to diligently implement the promises of Treaty 4, such as the obligation to provide shortfall reserve lands further

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[20] *The Environmental Assessment Act*, SS 1979-80, c E-10.1.
[21] Affidavit of Chief Peigan, **Tab 2, Para 7** ***et seq*****.**
[22] *Impact Assessment Act*, SC 2019, c. 28, s 7(4).
[23] Factum of the Appellant, the Attorney General of Canada, **Para 47**. Emphasis added.
[24] *Constitution Act, 1867 (UK)*, 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5, s 91.

to the tripartite *TLEFA*[25] and the guarantee of harvesting rights further to the Saskatchewan *Natural Resources Transfer Agreement* ("*NRTA*").[26]

22. Section 91(24) of the *Constitution Act, 1867* provides that "Indians and Lands Reserved for the Indians" is a federal head of power. The Joint Interveners submit that ***Canada has both the authority, and the responsibility***, to ensure that First Nation rights and interests in their lands are protected. This responsibility mandates in favour of the safeguards provided by the *IAA*. Canada's responsibility to First Nations is a fundamental principal that can be traced back earlier than the 1867 division of powers to the 1763 *Royal Proclamation*[27] and has been re-affirmed throughout the Crown-Indigenous relationship, including through the *TLEFA*.

23. The *Royal Proclamation* recognized that Indigenous interests in lands are particularly vulnerable to the exercise of discretion of the Crown and are inalienable but for surrender to the Crown. When the Crown asserted sovereignty over lands that Indigenous peoples had already been using and occupying, it interposed itself between Indigenous peoples and prospective non-Indigenous users and occupiers of those lands, giving rise to a *sui generis* fiduciary relationship and an "obligation of honourable dealing".[28] This obligation, referred to as the Honour of the Crown, "derives from the Crown's assertion of sovereignty in the face of prior Aboriginal occupation".[29] It is well established that the Honour of the Crown is always at stake in the Crown's dealings with Indigenous peoples.[30] This principle is reflected in the Crown's policy, practice, and Canadian law .

24. The federal Parliament's residual POGG authority also provides justification for the concurrent application of the *IAA vis a vis* Crown obligations to safeguard Aboriginal rights and interests.[31] The *Crown Zellerbach* test for determining whether impugned legislation falls within

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[25] Saskatchewan *TLEFA*. See also Affidavit of Chief Peigan, **Tab 2, Para 14.**
[26] Saskatchewan *Natural Resources Transfer Agreement, 1930*, being Schedule 4 to the *Constitution Act, 1930*, 20-21 George V, c 26 (UK), reprinted in RSC 1985, App II, No 26; *R v Horseman*, [1990] 1 SCR 901 at 934; *R v Badger*, [1996] 1 SCR 771 at para 72.
[27] *Royal Proclamation, 1763*, reprinted RSC, 1985, App II, No 1.
[28] *Guerin v The Queen*, [1984] 2 SCR 335 at 383; *Beckman v Little Salmon/Carmacks First Nation*, 2010 SCC 53 at para 42
[29] *Taku River Tlingit First Nation n BC*, 2004 SCC 74 at para 24.
[30] *Haida Nation v BC*, 2004 SCC 73 at paras 16-17. See also *R v Sparrow*, [1990] 1 SCR 1075 at 1109; *R v Badger*, [1996] 1 SCR 771 at para 41; *R v Marshall*, [1999] 3 SCR 456 at para 49.
[31] *Constitution Act, 1867 (UK)*, 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5, s 91.

the "national concern" branch of POGG involves analyzing whether the matter has a "singleness", "distinctiveness" and "indivisibility" that clearly distinguishes it from matters of provincial concern.[32] The following is a helpful guide to applying these criteria:

> (1) singleness requires that the matter be characterized as specifically and narrowly as possible, at the lowest level of abstraction consistent with the fundamental purpose and effect of the statute;
>
> (2) distinctiveness requires that the matter be one beyond the practical or legal capacity of the provinces because of the constitutional limitation on their jurisdiction to matters "in the Province"; and
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> (3) indivisibility means that the matter must not be an aggregate of matters within provincial competence, but must have its own integrity – this normally occurs ***where the failure of one province to take action primarily affects extra-provincial interests, including the interests of other provinces, other countries and Indigenous and treaty rights***.[33]

25. In the court below, Justice Greckol of the Alberta Court of Appeal (in dissent) reasoned that the pith and substance of the *IAA* met the requirements for the "national concern" branch of POGG. In so finding, she recognized that "extra-provincial" interests includes Indigenous interests:

> Within this country, Canada geese will fly over tailings ponds north of Fort McMurray without heed of jurisdiction. Fisheries will be disrupted by damming waterways or constructing pipelines that transcends provincial boundaries. Effluent from a potash mine in Saskatchewan may affect the health of Québécois or Indigenous peoples living downstream along a river system that has no regard for provincial borders. …. Environmental concerns engage the interests of a complex matrix of jurisdictions and all Canadians, affecting the air we breathe, the water we drink, the food we eat, ***and are best addressed as the shared responsibility of all levels of government, with Indigenous peoples the first among equals, given their historical stewardship of and continued reliance upon the land***.[34]

26. First Nations' lands and waters, and the exercise of their inherent rights, do not align with and are not confined within provincial boundaries. The provinces are poorly suited to address concerns regarding the environmental impacts of developments within the province which impact Indigenous interests both within and outside the province. For example, LDIP has the potential to

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[32] *R v Crown Zellerbach Canada Ltd*, [1988] 1 SCR 401 at para 33.
[33] *Reference re Greenhouse Gas Pollution Pricing Act*, 2019 ONCA 544 at para 113. Emphasis added. Applying these criteria, the SCC recently upheld the constitutionality of federal carbon pricing legislation, holding that statute's pith and substance of "establishing minimum national standards to reduce GHG emissions" met these requirements, based, in part, on the rationale that it adversely impacted ***extra-provincial*** interests: *References re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11 at para 4. See also *R v Crown Zellerbach Canada Ltd*, [1988] 1 SCR 401 at 431-432.
[34] *Reference re Impact Assessment Act*, 2022 ABCA 165 at para 448 (Greckol J in dissent).

adversely impact all water users in the geographic water basin, including numerous First Nations with existing nearby reserve lands as well as First Nation Treaty 4 signatories outside of Saskatchewan. LDIP could also remove lands available for selection under *TLEFA* as well as the impact on adjacent lands that may be selected by First Nations in fulfillment of their treaty land entitlement.[35] Only the federal level of government is capable of establishing a national regime to safeguard against adverse environmental effects on the Aboriginal and Treaty rights that lie at the core of the FHQTC Member Nations' interests in land, which are constitutionally protected in section 35, and expressly recognized in *UNDRIP*.

27. The Joint Interveners urge this Court to consider the impact of the failure of ***even one province*** to effectively deal with the control or regulation of extra-provincial Indigenous interests, including on section 35 rights.[36] In particular, it is the perspective and the experience of the Joint Interveners that the Government of Saskatchewan is unable, and at times, seemingly unwilling, to execute an environmental assessment that is responsive to their rights and interests, including their Aboriginal and Treaty rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.[37] Where there is provincial inability, Canada must be authorized to enact legislation which has the practical effect of creating a stopgap.

28. The FHQTC Member Nations urge this Court to acknowledge that the recognition and affirmation of Aboriginal and Treaty rights in section 35 of the *Constitution Act, 1982*, necessarily require that there be some level of government that is accountable to First Nations for the protection and preservation of those rights. It would be a hollow promise indeed for the Constitution to "recognize and affirm" rights without providing any effective recourse if and when those rights are imperiled. Where there are rights, there must be an **effective** remedy.[38]

29. This Court should prefer an approach to the issue raised in this appeal that provides Indigenous groups, including the FHQTC Member Nations, with an effective remedy for the impacts that development projects have had, and will continue to have, on their constitutionally-protected rights, which lie at the heart of their very existence as Treaty peoples.

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[35] Affidavit of Chief Peigan, **Tab 2, Para 14.**
[36] *R v Crown Zellerbach Canada Ltd*, [1988] 1 SCR 401 at 431-32.
[37] *Constitution Act, 1982*, s 35, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.
[38] *Doucet-Boudreau v Nova Scotia (Minister of Education)*, 2003 SCC 62 at para 25.

30. This Court has previously held that Indigenous peoples should not be left without effective redress as a result of federal-provincial jurisdictional wrangling.[39] To deny the federal government's jurisdiction to enact legislation "to establish a federal environmental assessment process to ***safeguard*** against adverse environmental effects in relation to matters within federal jurisdiction"[40] would leave the FHQTC Member Nations "in a jurisdictional wasteland with significant and disadvantaging consequences".[41] Such an outcome has already been rejected by this Court.[42] It undermines cooperative federalism and unrealistically downloads the obligation onto the province, which is demonstratively poorly suited for the task, and is contrary to Crown obligations related to the *NRTA* and the *TLEFA*. Only an outcome which holds some level of government accountable for the protection and preservation of First Nation rights is consistent with section 35.

31. A consideration of First Nation rights and interests in this case, including outstanding Crown obligations to provide lands under Treaty as confirmed by the *TLEFA*, supports a finding that the *IAA* and *Regulations* are *intra vires* the constitution. Such a finding is "the opportunity for governments in this country to work collaboratively on issues of overlapping jurisdiction", without which "we risk more than merely rowing in different directions: we risk running aground".[43]

PART IV. COSTS

32. The Joint Interveners do not seek costs, and ask that no costs be awarded against them.

PART V. ORDER SOUGHT

33. Further to the decision of Justice Brown on the Motion for Leave to leave, the Joint Interveners re-iterate the request for an Order allowing the Joint Interveners to make an oral argument of five (5) minutes at the hearing of the appeal.

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[39] *Daniels v Canada (Indian Affairs and Northern Development)*, 2016 SCC 12.
[40] Factum of the Appellant, the Attorney General of Canada, **Para 47**. Emphasis added.
[41] *Daniels v Canada (Indian Affairs and Northern Development)*, 2016 SCC 12 at para 14.
[42] *Daniels v Canada (Indian Affairs and Northern Development)*, 2016 SCC 12 at para 14.
[43] *Reference re Impact Assessment Act*, 2022 ABCA 165 at para 451 (Greckol J in dissent).

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 21st day of December, 2022.

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Ryan Lake & Geneviève Boulay

Counsel for the Interveners (jointly), File Hills Qu'Appelle Tribal Council ("FHQTC") and Pasqua First Nation ("Pasqua")

PART VI. TABLE OF AUTHORITIES

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