



Ottawa, June 19, 2024 – Justice Sébastien Grammond of the Federal Court issued a decision today in file T-930-20:

IN THE MATTER OF COLD LAKE FIRST NATIONS

v.

ATTORNEY GENERAL OF CANADA

Translation of Summary into Dene and Cree

The Federal Court is committed to being more accessible to Indigenous people when they wish to bring legal disputes for resolution by the Court. For example, many Court hearings are held directly in the Indigenous community or via webcast from a Courthouse; and where appropriate, Court procedure is adapted to make space for Indigenous protocols and legal traditions. In selected cases, the Court also makes its decisions more accessible by having a summary prepared and recorded in the Indigenous language of the parties. The Court thanks the language keepers who assisted with preparation of these summaries in Dene and Cree.

English

Dene

Cree

Summary

Ga ‘ozhiibiigadek

Kiskinwahikêwin

[1] When Canada created the Cold Lake Air Weapons Range in 1954, it displaced many members of Cold Lake First Nations who used the land for traditional sustenance. Cold Lake’s claim for compensation was settled only in 2002. As part of the settlement, Canada granted Cold Lake access to parts of the

[1] T’ahú Canada Łuwechok Túwe Yadaghë Ts’ichodet’ayı Eteł K’ıdhı K’eyaghe nıta nıı 1954 k’e, dene Łuwechok Túwe hots’ı t’ahı ech’erı?a nade nıh hots’ı yet’a daghena nıı horena haja eyır nıh hots’ı dılyası. Łuwechok Túwe tsąba naghenu senut’a 2002 nene k’e t’ayı. Edırı senut’a begha yaghıta?á, Canada Łuwechok Túwe beba nıta nıh

[1] êkosipê ôma kânata kâkî-osihtâcik tahkamêw sâkahikan nôtinikêw-askiy 1954, mîcêta ayisîyiniwak ohci tahkamêw sâkahikan tipahaskâna kî-wayawêpiskawâwak êkota ohci askiy. tahkamêw sâkahikan owiyasiwêwiniwâw êkosipê 2002 kî-ispayiw. pahki ôma wiyasiwêwin, kânata kî-miyêwak kihtwâm pâpahki ka-âpacihtâcik anima askiy êkwa mîna

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Range and undertook to consult it before granting access to anyone else.

[2] Two other First Nations, Buffalo River Dene Nation and Birch Narrows Dene Nation, are suing Canada in relation to the establishment of the Range. Canada entered into settlement discussions with these two First Nations. As part of the settlement, Canada intends to grant them access to parts of the Range.

[3] For this reason, Canada gave notice to Cold Lake and sought its views. Cold Lake asserted that its access should be exclusive and that Buffalo River and Birch Narrows had not shown that their traditional use of the lands within the Range would entitle them to access. It requested a copy of an expert report regarding Buffalo River and Birch Narrows' traditional use, which was generated in the course of the settlement discussions. Canada refused to disclose this report. After more than three years of discussions with Cold Lake, Canada

t'edorela hası, eyı chı bęgha yatı dene nıh k'e nade ts'en tth'u.

[2] Nake Nıh Ts'udze nene hots'ı, Buffalo Rıver Dene Nıtion chı Bırch Narrows Dene Nıtion, boneft'u Canada gha neyaltı edırı nıh bet'ore?a nısı bası. Canada edırı nake Nıh Ts'udze nene hots'ı ęla deyaltı. Edırı senıt'a beyagha yaghıtı tı'aghe, Canada dene nıh bet'ore?a hı ?Ę henı.

[3] Edırı bet'a, Canada Łuwechok Túwe ts'en yatı nt'a t'adanıdhensı bası. Łuwechok Túwe hanıdhen hú Buffalo Rıver chı Bırch Narrows bech'anıe bası nıh k'e yet'a hıtı'edhe daghına hıle ęı nıh k'eyaghe. Ertı'ıs begha detı'ıs nısı Buffalo Rıver chı Bırch Narrows begha bech'anıe nıh k'e daghena eyı senıt'a bası begha yaghıtı nısı Łuwechok Túwe ertı'ıs horeke. Canada ıla henı ertı'ıs net'ı hı. Taghe nene ası begha yaghıt'ı betı'aghe Łuwechok Túwe beı, Canada begharı Buffalo Rıver chı Bırch Narrows nahıe nıh t'edorela hı t'ahı Saskatchewan k'eyaghe.

wiyawaw ka-nakatokcik awina ka-
apacihitayit.

[2] kotakak ôki nıso tipaskana, mostos-sıpiy ocıpwıyanawak êkwa waskway wapâhk ocıpweyanawak, mêkwa wıyasiwâtêwak ôki kânata osâm ôma kâkî-osihtâcik ôma nôtinikêw askiy. kânata mâci-pîkiskwâtêwak ôhi nıso tipaskana. pahki mîna ôma, kânata wî-pakitinêwak ôhi pâpahki ka-âpacihtâcik âsamîna.

[3] êyakôci, kânata kitotêwak tahkamêw sâkahikan tânisi wıyawaw ê-isi-kitâpahtâkik. tahkamêw sâkahikan ôki pîtos ê-isi-kitâpahtamok wıyawaw êkwa môya ôki mostos sipiy êkwa waskway wapâhk kiskinohtâwak êkotê ê-kî-ayâcik êkwa môya pakitinamok. nanitotamok anima masinahikan kîspin êkotê kî-ayâwak. kânata môy nohtê-kiskinwahamâkêwak ôma masinahikan. nisto askiy ôma pîkiskwâtamok ôki tahkamêw sâkahikan, êkwa kânata pêyês kî-pakitinêwak ôki mostos sipiy êkwa waskway wapâhk ka-âpacihtâcik pahki

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decided to grant Buffalo River and Birch Narrows access to most of the portion of the Range lying within Saskatchewan. Cold Lake is now seeking judicial review of this decision, arguing that Canada failed to discharge its duty to consult.

[4] The Court is dismissing Cold Lake's application. The duty to consult in this case does not give Cold Lake the right to be consulted regarding another Indigenous community's entitlement to access nor to question the grounds on which Canada decides to settle another community's claim. In this case, Cold Lake's submissions to Canada focused almost exclusively on the reasons why Canada would grant access to Buffalo River and Birch Narrows. This was outside the scope of the duty to consult.

[5] In contrast, the scope of the duty to consult encompassed the impacts that granting access to others would have on the exercise of Cold Lake's right of access, for example, through the depletion of scarce resources or the loss of economic

Łuwechok Túwe duhų begų neyatı dorelı edırı Canada t'adısı bası, eyı heł Canada elth'ıle haja dene heł yaghıtı hıle?a.

[4] Neyatı koę Łuwechok Túwe eritł'ıs danılchuth nısı bedı halyá. Dene heł yatı bası Łuwechok Túwe beba ho?ęle Nıhot'ıne dene ełge nats'ede beł yatı dé, eyı heł Canada t'adısı orełkır ho?ęle ełąta ełge nats'ede nene hots'ı begų de. Edırı begų yatısı, Łuwechok Túwe bets'ı Canada ts'en edırı dąt'ı?a Canada Buffalo River chú Birch Narrows dąt'ı?a nıh t'oreł hası begųt'a. Edırı dene heł yatı ho?a dé bech'ası hąt'e.

[5] Edırı ełk'esı hıle, dene heł yatı bası, t'ahı bet'a horena hası, ełąta nıh toreł halyesı, Łuwechok Túwe beba elth'ı há, edırı nıh yet'a daghena tsąba tth'ı degħarı dodı haja dé, eyı yegha yałtı ho?ą. Kolú, Łuwechok Túwe t'ahı beba elth'ılesı

anita kisiskâciwanihk-isi. tahkamêw sâkahikan ôma kihtwâm wiyaſiwâtamok, ôki ohci kânata môya ohci pîkiskwâtikocik êyakohk ohci.

[4] môya ohci pakitinikâtêyiw ôma tahkamêw sâkahikan kâkî-isi-nanitotâhkik. ôma kâ-pîkiskwâtêyêk makîkway wiyaſwâw êkota katâc kakâ-kwêcimêcik wâwêyês kotaka tipâskana kâ-nâtamâsocik ôma ôta, tahkamêw sâkahikan kwêcimêwak kânata tânêhki kâ-pakitinâhkik ôma ohci ôki mostos sipiy êkwa waskway wapâhk ka-pakitinêcik. mâka ôpimihk astêw êyako.

[5] pêtos mîna, ôma kâ-pîkiskwâtitohek mîna êkota astêw ôma ôki tahkamêw sâkahikan ohcitaw ka-nanitohtâhkik ôhi, tâpiskôc, kîspin kîkway âpacihtâwak âpô otinamok êkotê ohci. mâka, tahkamêw sâkahikan môya

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opportunities. However, Cold Lake failed to put such concerns forward with any degree of particularity. Canada was not required to respond to concerns that were not minimally substantiated. Thus, Canada complied with its duty to consult.

yeghā deyaghıltı hıle. Canada t'ahı asıe beghā yatı hoʔası dodıʔa eyı bet'a beghā yaghıtlı hıle. Eyıʔa, Canada dātú elth'ı dene heł yatı hası bası hadáyıla.

ôhi ohci astâwa nânitaw êyakota. êkota ôma, kânata môya kâkatâc kîkway ohci wâyanasinahamok. êkota ispayêw, kânata wiyawâw kwayâs kî-itôtamok.

A copy of the decision can be obtained via the website of the Federal Court: <https://decisions.fct-cf.gc.ca/fc-cf/en/nav.do>.