



## Dene National / Assembly of First Nations Office (NWT)

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### Joint Statement Federal Tailings Issues in Athabasca Tar Sands Region by Dene Nation and Treaty 8 First Nations of Alberta

#### FOR IMMEDIATE RELEASE

**[Denendeh Territories – MARCH 10, 2023]** –Dene National Chief Gerald Antoine, alongside Hereditary Chief Sydney Halcrow and Grand Chief Arthur Noskey of the First Nations of Treaty 8 Alberta, stand in solidarity in demanding accountability for the frequent and unprecedented failures of tailings dams, toxic tailing leaks and spills at the Kearl mine site - an oil sands mine in the Athabasca Oil Sands region north of Fort McMurray. The Dene is a nation of Peoples with whom the British Crown entered into Treaty 8 and 11, which Canada must respect before all others.

Employees at Imperial Oil's Kearl Lake oilsands facility first reported seepage from a tailings pond in May of 2022 to the Alberta Energy Regulator (AER). A report of a second release of at least 5.3 million litres of wastewater in February 2023 from a storage pond makes it one of the largest spills in Alberta's history.

The tailings leaked onto muskeg and forest, a small lake, and tributaries of the Firebag and Muskeg rivers. The unestimated seepage amount continues. The wastewater exceeds federal and provincial guidelines for iron, arsenic, sulphates and hydrocarbons that could include kerosene, creosote and diesel.

*"First and foremost, my thoughts and prayers go out for the health and well-being of families in Athabasca Chipewyan First Nation and other affected communities. Water management and protection are ongoing concerns for Indigenous people. The release of 1.3 trillion litres of oil sand tailings ponds water into the Athabasca River and the massive Site C Dam expansion on the Peace River - with major downstream impacts on the traditional ways of life of the Dene people. The immediate and long-term environmental impacts of this event are severe and far-reaching. The government needs immediate and urgent action to protect people and the environment. Identify the causes of Imperial's tailings breaches and find a resolution immediately. Imperial and the governments' must contain Tar Sands' toxic leaks. Our home, our land, must be protected at all costs. Our family and our people must be respected. The working relationship must be with our family and people, and our way of life must be acknowledged."* – Dene National Chief.

The Dene Nation will host the *Nagwichoonjik* Water Summit on March 14<sup>th</sup>-16<sup>th</sup> in Inuvik, which may be a historic gathering of Inuvialuit, Metis, Dene Leadership and citizens. This event will discuss water, fish and fish habitats from direct observations of past and present conditions. Environmental disasters such as this are an immediate and present reminder that we must constantly be vigilant in protecting Mother Earth, as this is our home.

#### Attachments:

- First Nations of Treaty 8 Statement

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## **Joint Statement Federal Tailings Issues in Athabasca Oilsands Region by Dene Nation and Treaty 8 First Nations of Alberta**

### **Deputy Grand Chief / Grand Chief of Lands, Territory and Natural, Ramona Horseman:**

First and foremost, I thank our Creator for sharing the loving ways and kindness to all humanity. Treaty No.8 home of First Nation's People created by Creator and given this Land called Turtle Island to live, love and grow.

To the ones who do not understand that this problem seems insignificant. Especially to those who reside a world away with the ones you cherish most, children, women, parents, grandparents, and friends.

It is quite apparent your company does all it can to make a dollar at the cost of life. One of the foundations of creation is water, which is a life giver, and in all eternity cannot be replaced regardless of your false reality of reclamation.

As far away, such as, state Canada's Nation capital, Ottawa, where the protectors of the land are supposed to be, they make a profit from the destruction of Treaty No. 8 lands. Alberta the state, you reap the rewards and benefits as well. Fort McMurray this is not news!

But in your delusional minds, this is a minor set back and a minor blow to industry - making billions and billions of dollars a year for companies with operations out of Calgary and shareholders outside of Canada, I remind reside rent free in Treaty No. 8 Territory.

Treaty No. 8 is home to many Great Nations, 41 to be exact, and we no longer stand for this gross negligence of individuals, companies, corporations, governments and Monarchies.

We signed a Peace Treaty - Not a surrender of our land and our Treaty. We do not accept your self-appointed 'Stewards of the land' Canada and Alberta!

We are valid and not based on the lies or deceitful tactics of organizations such as the Catholic Church and the Satanic Law of Discovery as it is, but as guided by our Great Creator.

### **Grand Chief Arthur Noskey:**

"These are First Nations Lands. Under section 35 and 25 of the *Canadian Constitution, 1982*, is to protect the First Nations rights. Yet we are in court cases with the doctrine of discovery mindset. I remind the Government of Alberta that King George III stated 'those Indians own the lands, make treaties with them'. These Treaties are very much alive today and have continue to be affirmed by the courts.



Caselaw has proved again and again that lesser Crown has violated continuously this Treaty relationship.

In *Fort McKay v. Prosper Petroleum, Alberta Energy Regulators [2020]* the Alberta was told in its highest courts that 'It cannot make decisions and continue to act without its Treaty Partners'. And further, Alberta was told 'it must implement the intended purposes of Treaty No. 8 and that all regulatory agencies such as AER, are obligated to protect our Inherent and Treaty rights'.

In *Yahey v. British Columbia [2021]*, Blueberry First Nation successfully challenged the province that breached Treaty No. 8 and was ordered to address the cumulative impacts of industrial development which constitutes and infringement of our Treaty Rights. Further, BC was told that the promises under Treaty No. 8 were intended to protect our way of life as a whole and the province is to know what was promised under our Treaties. In this case, BC significantly diminished our Treaty Rights as a result of the impacts of industrial development, that the province and the province failed to take steps to address those impacts and protect our Treaty Rights.

Alberta and its decisions to exploit our natural resources and waters are causing detrimental cumulative impacts to all of Treaty No. 8. The tailings ponds leakage and seepage is another continuous onslaught of negative industrial development that keeps impeding on our way of life - our livelihood. There are no boundaries when it comes to air, water, land, environment, animals and our peoples.

"Was this a breach of the tailing ponds, or is it deliberate?" I remind people of the press release in December 6, 2021, where it stated that the federal government has begun developing regulations to allow oilsands operators in northern Alberta (our Treaty No. 8 Territory) to begin releasing treated tailings water back into the environment which was prohibited for decades, and should remain prohibited.

Statements from the Alberta Premier such as "*poor communication*" and "*industry should be more proactive*" and "*there was no law broken*" is just plain ignorance. The AER is Alberta's regulator and continues to fail to notify and protect the lands and environments, that not only does it impact the First Nations but every Albertan and citizen in what is now known as North West Territories. These are three significant case laws examples; Let's not forget *Mikisew First Nation v. Canada [2005]*, the Duty to Consult.

"*There is no impact to wildlife or human life*", another statement by Alberta Premier and AER. The leaks and seepage onto our lands and territory have been systemic since at least 1930, when Canada illegally transferred our natural resources to Alberta through the *Natural Resources Transfer Act, 1930*.



Perhaps its time to measure 93 years of cumulative impacts throughout Treaty No. 8 Territory. I am certain the implications will show otherwise with all of the logging and spaying on top of the irresponsible regulatory inactions. It will definitely show that Alberta Government is in contempt of its own courts. We support our brothers and sisters in Northern Treaty No. 8 Territory, the Dene Nation Land of the People”.