



International Souris River Study Board



Summary of the ISRSB Webinar Update for Indigenous Nations (March 12, 2021)

Webinar Summary:

The International Souris River Study Board (ISRSB, a temporary study board), the International Joint Commission (IJC), and Indigenous Nations with interests in the Souris River basin created new relationships during the 2017-2021 study. Indigenous representatives desire an on-going relationship with the IJC and the International Souris River Board (ISRB, the permanent river board). Indigenous participants expressed interest in an on-going two-way dialogue, and genuine collaborations with the IJC and ISRB on shared water and watershed interests in the Souris River Basin.

Webinar Purpose:

To bring Indigenous contacts up to date with study progress and next steps, and to receive feedback on the draft study recommendations with particular attention to the recommendation related to continued Indigenous Engagement with the IJC and the ISRB.

Acknowledgements:

The International Souris River Study Board and the International Joint Commission extend special thanks to **Elder Edward Lone Fight** who provided the Opening and Closing prayers for this webinar (by recorded video presentation). Thank you to Lisa Lone Fight for coordinating the prayer contributions. The ISRSB and the IJC extends thanks to Lisa Lone Fight, Richard Aisaican and Marci Riel for their personal contributions to the webinar. To all Indigenous Nations' participants: the ISRSB and IJC appreciate your interest and thank you for your participation in this important work.

Opening Prayer – Elder Edward Lone Fight (MHA Nation: Mandan, Hidatsa and Arikara Nation – Three Affiliated Tribes; by recorded video)

The Context for the March 12, 2021 Webinar:

The July 5, 2017 Reference letters from the Governments of United States and Canada requested that the ISRSB collaborate with orders of government, resource agencies, the public and Indigenous Nations for their views, basin perspectives and study input. US and Canadian study members developed new relationships with many Indigenous Nations in the Souris River basin. Indigenous Nations do not comprise “one nation.” There have been 14 Tribes in the United States, 8 First Nations and 3 Métis Nation regions in Canada, identified with modern day and/or ancestral interests in the basin since “time immemorial.” Indigenous peoples historically lived a nomadic life, moving across the Canada/United States border before the countries existed. Indigenous peoples’ presence and interests in the basin are extensive and include settlements, sacred sites, burial sites, cultural and spiritual areas of interest, preservation and harvesting of plants (including medicinal plants) and animals (including fish), biodiversity, air, land and water knowledge, among other present day and ancestral interests. When engagement commenced for the ISRSB, the study team introduced the study and the IJC to Indigenous Nations and began to grow relationships with many of the Nations during meetings at their communities.

In addition to introductory meetings with individual Indigenous Nations, other key engagement activities were:

- an in-person Peace Garden workshop, with important discussions summarized in **the Synthesis Report of Indigenous Nations Peace Garden Workshop November 6-7, 2019**
- a virtual workshop, encapsulating recommendations on future IJC-Indigenous Nations collaborative relationships and possible Indigenous Nations membership on the International Souris River Board, as documented in the report entitled **IJC – Indigenous Nations Virtual Workshop September 17-18, 2020**), and
- The March 2021 webinar (this report) entitled **Summary of the ISRSB Webinar Update for Indigenous Nations (March 12, 2021)**.

March 12, 2021 Webinar Introduction and Study Update:

The study managers (**Gregg Wiche**, United States; **Bruce Davison**, Canada) welcomed all participants and provided a brief update of the study (Reference: PowerPoint entitled: International Souris River Study Board, Virtual Presentation for the Indigenous Engagement Workshop, March 12, 2021). Key points are summarized below.

ISRSB relationships with Indigenous Nations did not exist at the start of the study in 2017. It has now been several years of growing relationships.

The study is looking into the operations of four dams on the Souris River: Grant Devine, Rafferty and Boundary dams in Saskatchewan, and Lake Darling dam in North Dakota. The purpose of the study is to investigate options to improve operations to maximize flood protection

and water supply interests throughout the Souris River basin, and ultimately make recommendations to update/improve the 1989 Agreement between Canada and United States.

Examples of several key study recommendations that will be documented include:

- undertake measures to address gaps in data collection and dissemination (hydrology),
- keep up-to-date on artificial drainage science and regulatory requirements (these matters are the responsibility of provincial and state government agencies)
- clarify some of the language of the Agreement
- create advisory group(s) and continue including their input into the future through the permanent International Souris River Board (beyond the termination of the study in 2021); recommended advisory groups would include an Indigenous Advisory Group, a Public Advisory Group, and a Resource and Agency Advisory Group.

Regarding key findings on operations of the Souris River dams, the study has concluded that the 1989 Agreement is a good framework for operating the dams and reservoirs for water supply and flood protection; however, some marginal (incremental) operational improvements are possible. The options for improvements to operations are summarized in the study's suite of "Phase 5 Operational Changes."

Indigenous input was provided during the study, but somewhat limited in scope. The ISRSB has concluded that reaching out to Indigenous Nations should occur early in studies; the study members and the IJC will try to apply this concept into the future. These types of studies and the IJC need new ways to work with Indigenous Nations on transboundary waters. The IJC hopes to build longer-term, and sustainable relationships with Indigenous Nations.

Indigenous Engagement Recommendations

Darrell Corkal summarized the Indigenous engagement activities of the ISRSB to date. Numerous meetings with Indigenous Nations were held in Saskatchewan, Manitoba, and North Dakota, initially starting with meetings at individual Indigenous Nations and then proceeding to workshops with multiple Indigenous Nations. Invitations to participate in the workshops were extended to many Nations, with 16 individuals participating, representing about 10 Nations (Tribes, First Nations, Métis Nation). The ISRSB and IJC recognize that there are potentially at least 24 Indigenous Nations with current and/or ancestral interests in the Souris River basin.

In dialogue with the ISRSB's engagement activities, Indigenous Nations expressed an interest to establish an **Indigenous Advisory Group** to continue future collaborations (*i.e.*, beyond the ISRSB temporary study).¹ The Indigenous Advisory Group would share Indigenous Knowledge, Indigenous Science, and provide input of Indigenous interests/concerns regarding the Souris River basin to the International Joint Commission and the International Souris River Board (ISRB). The Indigenous Advisory Group could include representatives from any, or all, of the Indigenous Nations with current or ancestral interests in the Souris River basin.

¹ This concept of creating an Indigenous Advisory Group and seeking Indigenous Nations participation as Board Members of the permanent International Souris River Board to continue future collaborations with the ISRB and the IJC is fully documented in the report **IJC – Indigenous Nations Virtual Workshop September 17-18, 2020**.

The ISRSB developed a recommendation on Indigenous engagement to the IJC as follows:

“The ISRSB recommends the IJC continue to engage with Indigenous Nations. Indigenous Nations expressed interest in forming an Indigenous Advisory Group and participating as Board Members on the International Souris River Board (ISRB).”

To accommodate International Souris River Board size and management, Indigenous Nations expressed interest in having **4 members sit on the permanent ISRB** (two from Tribes in the United States, and one from a First Nation and one from the Métis Nation in Canada). Ideally, Indigenous Nations representation as board members participating on the ISRB would be chosen by/from the Indigenous Advisory Group. (See: Sept. 2020 Virtual Workshop Report). As an update to the Indigenous input from September 2020, 4 of 11 participants responded to a webinar poll. Each said “yes” via the on-line poll stating their support of the recommendation; no revisions to the recommendation were suggested.

Indigenous Perspectives on the Souris River Engagement Process

Lisa Lone Fight (M.Sc. currently Doctoral student; citizen of Mandan, Hidatsa, Arikara Nation) described a strong, long-standing family and Indigenous Nation connection to the Souris River and the basin, with vast data points delving into depth and complexity of Indigenous Knowledge, Indigenous Science, and resiliency in the basin. The collaborations between the study, IJC and Indigenous Nations is innovative, and she noted that other groups are curious about these activities, and desire to replicate similar collaborations. Lisa explained there is unique power when one incorporates Indigenous Knowledge and Science with other data collection. (Lisa utilizes this approach on her own projects as a geospatial scientist; she is the Senior Science Advisor/Environmental Scientist for MHA Nation.) Indigenous Nations also bring a spiritual component to natural sciences. Lisa stated that Indigenous people bring data points to add to western science: Indigenous Science with spirituality and rigor, Indigenous Knowledge that is absent in western science, unique perspectives on science, politics, law, water, soil, air, land and water (holistic approaches). She emphasized this relationship with the IJC is innovative, creative, and special – new opportunities for working together are possible. Combined, Indigenous perspectives add critical data points that are currently lacking in watershed studies. Through this input, the Souris River is being re-conceived in Indigenous terms, and as in other places in the world, the river can be seen to be a living entity and personhood. By choosing to add Indigenous Science/Knowledge data points (from elders/ancestors, family/education, biology, plants, animals, spirituality, etc.), we are applying an innovative model to river and watershed management, yet a model that is old and established in long-standing history of many nations. “It has truly been an honour to be a part of this group. We are becoming smarter and better [together]. I am fascinated by this group, and hope this is just the beginning of what is to become.”

Richard Aisaican (M.Sc., Cree/Saulteaux citizen from Cowessess First Nation) emphasized that inclusion is critical, and especially important as Canada continues its process of reconciliations with Indigenous Nations and peoples. Access to learning is also important – this study has provided access and learning that can be taken back to Chief and Council and affects all Indigenous Nations in Treaty 4. This study process has been very honest and non-political.

Richard stated he has been proud to learn and better understand the Souris River operations and possible changes. For Cowessess First Nation, there are important considerations: overland drainage projects (grandfathered from the 1920s-30s) are draining water from land that has historically been the “kidneys” [i.e., wetlands as natural water purifiers] of Saskatchewan’s Qu’Appelle Valley. We want to learn about this in a positive way. We need to also understand water quality and pollutants to protect our Treaty Rights, our Nation, and our Citizens yet unborn. Canada’s Bill C-15 is about to recognize UNDRIP [implementation of the United Nations Declaration on the Rights of Indigenous Peoples to advance lasting reconciliation with Indigenous peoples in Canada]. What will this mean to assess Treaty Rights and management of natural resources? For the IJC / ISRB Indigenous Engagement, Richard suggested to “build a mandate that will empower participants on the subject matter, avoid token involvement, and establish a mechanism to obtain sound advice.” Developing a clear “Terms of Reference” that empowers representation is needed. Create and manage expectations, and take the time to do it right – Indigenous Nations are here and want to be involved - the water will still be here. He is proud to be a part of this process and looks forward to participating and learning together.

Marci Riel (M.Sc., Senior Director of Energy, Infrastructure and Resource Management, Manitoba Metis Nation) expressed appreciation of what others have stated. She noted that Métis Nation is focused on proponents, and mindful of who uses the land, where, and why. There are challenges in every process. Métis Nation prioritizes Métis land occupancies, but often the “dots on a map” fail to consider historical land occupancies. This [ISRSB] process is one of the first where Manitoba Metis Federation has participated on outside of Manitoba, where the focus was on gaining a better level of understanding. This has been an opportunity to move forward in partnership with other Indigenous Nations on both sides of the border as well as with Federal departments in good faith. The process has not been a “checking the box” exercise. Marci supports moving forward on creating an Indigenous Advisory Group with a Terms of Reference. Federal departments in Canada seem to be moving towards this type of model, and we will be among the first to do so involving both Canada and the United States. This is an opportunity to provide an example of what a partnership with Rights Holders should look like, focused on sustainability and conservation, items of utmost concern to us. We are always concerned about water quality and water quantity. In Manitoba, water is practically owned by the province, leading to a long history of discontent around control and management of water. Marci expressed appreciation of the ISRSB process working together and moving forward. There are economic pressures around natural resources, but there needs to also be a balance between the economy and the environment. The initiatives under the ISRSB have been conducted with good intentions.

Wayne Jenkinson (IJC Senior Engineering Advisor, Canada) thanked Lisa, Richard, and Marci for their powerful and heartwarming comments. He expressed gratitude to having worked with all Indigenous Nations on this important project – “it has truly been rewarding.”

Morgan Berquist (MHA Nation) thanked the presenters for their valuable insight. This has been a positive experience and hopes it will continue.

Christa Monette (Turtle Mountain Band of Chippewa) commented on the balance of priorities. At this point, sustainability trumps economics – we all need water, and we are just borrowing from our children and their children – our future generations.

Stewart Klyne (Métis Nation) asked how this study may affect Saskatchewan Water Security Agency and provincial water management? **Wayne Jenkinson** noted that the IJC has a role to work in the basin through the International Souris River Board with its oversight of the 1989 Agreement. The IJC does not have management responsibilities of the dams or reservoirs (in Saskatchewan, that rests with the Saskatchewan Water Security Agency). However, the joint participation of the agencies involved in the ISRB allow participants to build relationships together. **Rebecca Seal-Soileau** (US Army Corps of Engineers) added that there is real power in the relationship building and ability to have dialogue with the multiple agencies that participate on the River Board.

Dyan Youpee (Fort Peck Assiniboine and Sioux Tribe) expressed a bit of uncertainty regarding the ISRSB engagement process (from Montana, Dyan had not been involved at the start of the study). Dyan queried if Canadian First Nations might desire some type of support from US tribes (e.g., Fort Peck Tribe had been through similar processes and now sit on multiple water boards, so Fort Peck could provide advice of their experiences, particularly with the Missouri River.) Dyan also queried if Indigenous Nations participation would lead to motions, decisions, recommendations and how does one get to that point?

Richard Aisaican stated that, ultimately, the goal is to just get together, form an opinion/position and have a voice and say in the control of water. For example, Cowessess First Nation has the Crooked Lake Control Structure touching Cowessess land. Cowessess is interested in having a voice and being heard with respect to their concerns.

Wayne Jenkinson noted that the IJC is committed to working with rights holders, stakeholders, and the public to understand their concerns. The approach of an Indigenous Advisory Group would be to better understand each other, to bring water issues to the IJC who desires to hear the input from people in the basin. He encouraged the attendees to keep participating, and for all to work together to develop a Terms of Reference on how an Indigenous Advisory Group would operate.

Next Steps / The IJC Reference process

Bruce Davison noted that the ISRSB Indigenous Nations engagement recommendations will be submitted to the IJC by the end of March 2021; this is a particularly high priority for the IJC who intends to expedite this recommendation. The ISRSB draft final report for the larger study will be submitted to the Indigenous contacts, the Public Advisory Group, the Resource and Agency Advisory Group, and the ISRB for review in May 2021. There will be at least three opportunities for comments before final submission to governments.

Chrissy Chiasson (IJC) explained the IJC Reference Process. A “Reference” is a joint request from the Canadian and United States federal governments to the IJC to undertake a study into issues related to water in transboundary basins. In 2017, the IJC received a reference to study

flooding and water supply issues in the Souris River basin, and to evaluate and recommend possible improvements to the 1989 Agreement Operating Plan (this was the basis for creating the International Souris River Study Board). The deadline for the ISRSB report submission is August 2021. The IJC will have public consultations in fall 2021, and then consider what adjustments may be needed in the report, prior to submission to Canada and United States government in January 2022. The IJC recommendations are advisory – the governments will ultimately choose if/when to implement recommendations.

Closing Prayer – Elder Edward Lone Fight (MHA Nation: Mandan, Hidatsa and Arikara Nation – Three Affiliated Tribes; by recorded video)

The March 12, 2021 (10:00 to 12:00 CDT) webinar was attended by the following individuals:

Attendee	Affiliation
Elder Edward Lone Fight	MHA Nation: Mandan, Hidatsa and Arikara Nation: Three Affiliated Tribes (by recorded video)
Lisa Lone Fight	MHA Nation: Mandan, Hidatsa and Arikara Nation: Three Affiliated Tribes
Richard Aisaican	Cowessess First Nation
Marci Riel	Manitoba Metis Federation
Morgan Berquist	MHA Nation: Mandan, Hidatsa and Arikara Nation: Three Affiliated Tribes
Christa Monette	Turtle Mountain Band of Chippewa
Ben Rhodd	Rosebud Sioux Tribe
Dyan Youpee	Fort Peck Assiniboine and Sioux Tribes
Shannon Landrie-Crossland	Métis Nation
Stewart Klyne	Métis Nation
Sheree Blacksmith	Canupawakpa Dakota Nation
Eric Cameron	Swan Lake First Nation
Gregg Wiche	International Souris River Study Board, retired United States Geological Survey
Bruce Davison	International Souris River Study Board, Environment and Climate Change Canada
Wayne Jenkinson	International Joint Commission
Catherine Lee-Johnston	International Joint Commission
Chrissy Chiasson	International Joint Commission
Laura Ackerman	International Souris River Study Board, North Dakota State Water Commission
Chris Korkowski	International Souris River Study Board, North Dakota State Water Commission
Rebecca Seal-Soileau	International Souris River Study Board, United States Army Corps of Engineers
Vanessa Alberto	International Souris River Study Board, United States Army Corps of Engineers
Darrell Corkal	International Souris River Study Board, Contracted Facilitator

Post-webinar Summary: Insights on Indigenous Nations-IJC-ISRIB Future Collaborations

The ISRIB work was enriched by contributions from Indigenous Nations. Input was limited to contributions that could occur during the study, but there is interest to keep these activities on-going, perhaps with future initiatives, as was documented in the previous workshop reports.

Indigenous Nations are Rights Holders with enshrined rights (*e.g.*, Treaties between Indigenous Nations and the United States and between Indigenous Nations and Canada; in Canada, Indigenous Nations rights are constitutionally enshrined).

Indigenous peoples have unique understanding of water, spanning science/nature, spirituality/natural history, and culture/ecosystems. Indigenous peoples bring special insights to water resource use, protection, and sustainability, for present day and future generational interests. The workshop participants expressed a strong desire to grow a relationship with the IJC and the ISRIB, on matters of relevance to Indigenous Nations.

The ISRIB is already a large board; growing the board by 4 members will increase its size. Governance will need to be addressed to ensure all board members' interests are heard and valued, and to ensure board effectiveness.

Strong Indigenous interest exists to work together and create new collaborations with the IJC. Engagement must focus on relationship-building. Collaborations must be relevant to Indigenous Nations and their interests in the basin. The relationship must be genuine and positive. Participants understand that structure and governance will pose challenges, and that participation risks becoming bogged down by politics, bureaucracy, or processes, but these risks are manageable. As advised by Indigenous participants, these issues can, in part, be addressed by taking time to strengthen existing relationships, to establish clear Terms of Reference, and to empower participants who desire to become members of an Indigenous Advisory Group and International Souris River Board members. The opportunities for Indigenous collaborations with the IJC are innovative and unique. Indigenous Nations will broaden perspectives and may lead to new approaches for international water resources management.

As Lisa Lone Fight previously commented (See: Sept. 2020 Virtual Workshop Report):

"There is a consistent theme of understanding the difference in worldview between Indigenous people and non-Indigenous. One of these areas is in the understanding of group versus individual. For many Indigenous people this is a false division. Our world view does not lend itself to compartmentalizing or parsing our identity and perspectives in that way. We are always representatives of our Nations at a certain level."

And,

"In order to understand the rich history and interactions regarding the River basin it may be necessary to "re-center" our interactions to emphasize equity between the United States and Canada and Indigenous Nations. This may include exploring the relationships between and among Indigenous Nations and their interactions with the River. These are, after all, the most historical relationships. This would be a more constellated approach and less directional and this recentered approach could lead to greater research opportunities and generation of knowledge."