

## Release of Cremated Remains into the River

### ISSUE

A request has been received to allow the scattering of cremated remains into the South Saskatchewan River; this report addresses the request.

### RECOMMENDATION

That the Governance and Priorities Committee recommend to City Council:

- 1) That the scattering of cremated remains into the South Saskatchewan River, as outlined in this report, be permitted;
- 2) That Community Services Division be requested to draft guidelines respecting the scattering of cremated remains into the river; and
- 3) That work continue respecting the possibility of identifying and constructing a permanent, dedicated location for the scattering of cremated remains.

### BACKGROUND

At its April 26, 2021 Regular Business Meeting, City Council resolved:

“That the Administration engage the Hindu Society of Saskatchewan and report back on the possibility of approving a location in the Saskatoon area for the release of cremated remains into the river.”

Administration was to also include the Sikh community and any other relevant stakeholders in consultation.

### DISCUSSION/ANALYSIS

#### Background

The scattering of cremated remains within Saskatoon is neither prohibited nor expressly permitted by the City of Saskatoon (City). Currently, there is no federal or provincial legislation specifically respecting the scattering of cremated remains into the South Saskatchewan River, though the following general legislation could apply to the scattering of cremated remains into water:

- Section 7 of Saskatchewan’s Environmental Management and Protection Act prohibits disposal into water of any substance that may cause an “adverse effect” to water quality without a permit.
- Section 36 of the federal Fisheries Act prohibits the depositing of any “deleterious substance” into water frequented by fish. “Deleterious substance” is defined to include any substance that would degrade or alter the quality of water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat.

Meewasin Valley Authority and the Water Security Agency have indicated they are not concerned about the environmental impact of small quantities of cremated remains being scattered into the river.

The province has authorized municipalities to regulate water through Section 37 of *The Cities Act*, which gives the City authority to regulate, by bylaw, the use of or activities on rivers and other waterways.

Pursuant to its general powers, as well as Section 37 of *The Cities Act*, the City has authority to formally permit the scattering of cremated remains in the City, and specifically the authority to permit the scattering of cremated remains into the river. Any permission granted by the City would be subject to applicable federal or provincial legislation, including legislation that may be enacted in the future. Manitoba and Alberta have guidelines that allow the release of cremated remains into waterways; Ontario has designated at least one specific site where cremated remains may be scattered into waterways; and Edmonton, AB, has a similar model to the one proposed below (see Appendix 1 for an overview of the Government of Alberta's guidelines).

### **Consultation**

Engagement sessions were held with both the Hindu Society of Saskatchewan and the Sikh Society of Saskatchewan. All stakeholders agreed that a two-phased approach is appropriate. Phase 1 would involve the creation of guidelines to provide a framework respecting the scattering of cremated remains into the South Saskatchewan River and Phase 2 involving the possible future construction of a dedicated location.

In addition, stakeholders proposed that:

- Any site dedicated for the scattering of cremated remains be open to all, regardless of religious affiliation;
- A site be accessible, in a quiet secluded location, and incorporate design and landscaping reflective of the importance of the situation; and
- A booking/permit process is not necessary.

An engagement session was also held with internal stakeholders from Indigenous Initiatives and Community Development.

### **Proposed Framework**

It is proposed that the Release of Cremated Remains Guidelines include the following:

1. Scattering is permitted only along the South Saskatchewan River from May 1 to October 31.
2. Scattering on closed waterways, such as storm retention ponds, is not permitted.
3. Entering the river is at one's own risk and is not condoned by the City.
4. Only biodegradable vessels and ceremonial items (i.e. real flowers) are to be used.

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5. Remains must be completely pulverized and no bone fragments or remnants recognizable as human remains may be visible.
6. Scattering within 200 metres upstream of a water intake is not permitted.
7. Scattering must not be close to high public activity areas.
8. Permanent forms of memorialization must be completed through a Cemetery.
9. A statement that persons are responsible for complying with all applicable federal or provincial requirements.

### **FINANCIAL IMPLICATIONS**

There are no financial implications at this time. A dedicated site will require additional engagement and capital costs; implications of a dedicated site will be explored further in future reports.

### **OTHER IMPLICATIONS**

Communications support may be required to ensure there is public awareness that only a small portion of the overall cremated remains is released.

### **NEXT STEPS**

If approved, the guidelines will be drafted and posted on the City's website in the next one to two months, with additional consultation beginning to discuss the possibility of a permanent site. The City will continue to look for ways to respect and include the various cultural traditions and values within the community.

### **APPENDIX**

1. Government of Alberta - Scattering of Cremated Remains in Alberta

### **REPORT APPROVAL**

Written by: Konrad Andre, Operations Manager, Parks  
Reviewed by: Darren Crilly, Director of Parks  
Cindy Yelland, City Solicitor  
Approved by: Lynne Lacroix, General Manager, Community Services

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